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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

SENATE—Monday, March 28, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Your hand is open wide to satisfy the needs of every living creature. Make us always thankful for Your loving providence, enabling us to remember the account we must one day give to You. Empower the Members of this body to be faithful stewards of Your good gifts. May they use their influence and power to bring glory to Your Name in all the Earth. May their lives provide exemplary models of excellence for others to follow.

And, Lord, we continue to ask You to guard our troops in harm's way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 2011.

To the Senate:

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

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, first, I welcome you and everyone back after the break we had doing work at home. I hope everyone had a productive week.

The past week was a productive one for the most crucial and closely watched discussion in Congress—our negotiations to keep the country running with a responsible budget for the rest of the fiscal year.

Though the Senate and House Chambers have been dark, Senators and Members of Congress worked together every day last week—me, my staff, the White House, and the House of Representatives, members of both parties, members of the congressional leadership, and members of the Appropriations Committees—we have all been in contact. We have worked hard to make progress and pursue an agreement and a budget that best serves the American people. Democrats' priorities and goals have not changed from day one. We are committed to a long-term budget based in reality, not ideology. We are committed to keeping the country running, not using the American people as political pawns or to score political points.

We are more than willing to make smart cuts, but we are unwilling to do so on the backs of hard-working, middle-class families and the jobs on which they depend. We are ready to make tough choices that strengthen our country and strengthen our economy but will not make arbitrary or careless cuts that weaken it.

Let me briefly update the Senate on the progress of these talks and how far we have yet to go.

On our side of the negotiating table, we have made a proposal. That proposal makes significant cuts but will not hurt our fragile economy. We are also honest with ourselves and the country: We readily recognize that in the end, we will not get everything we

want. That is true of any fair and reasonable negotiation. We recognize sacrifices are the cost consensus, and we believe they are worth it.

But on the other side, Republicans refuse to negotiate on a final number. That is because the biggest gap in this negotiation is not between Republicans and Democrats; it is between Republicans and Republicans.

The infighting between the tea party and the rest of the Republican Party—including the Republican leadership in Congress—is keeping our negotiating partner from the negotiating table, and it is pretty hard to negotiate without someone on the other side of the table to talk to.

Republicans have to resolve their own deep disagreements before we can find middle ground between the two parties. We have tried to wait patiently for them to do that, but our patience and the patience of the American people is wearing very thin.

We have only 2 weeks before the current temporary budget expires. Time is not on our side. It is time, I say to my Republican colleagues, to get to work. Work out your differences.

I, once again, remind the Senate that our willingness to compromise is in recognition of reality. We have already voted on a Democratic proposal and a Republican proposal. We have seen in practice—not just theory—that neither plan can pass unless it is adjusted. We all know neither party can pass a bill without the other party and neither Chamber can send that bill to the President without the other Chamber.

Democrats have long ago acknowledged that we need Republicans to pass a bill. But Republicans still have not admitted to themselves they need Democrats to pass a bill. Cooperation and compromise are not just good ideas. They are not political slogans. They are essential to the endgame. With a cooperative spirit and willingness to compromise, we can move the country forward. Without them, we cannot. It is as simple as that.

I can only speak for my Democrats when I say we are ready to negotiate and legislate. We are ready to do our jobs. But we cannot negotiate with

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

ourselves, and we will not negotiate through the media. Once the Republicans settle their own internal disagreements and decide for what they stand, we will get this done. Until that happens, the country waits, watches, and worries.

SCHEDULE

Mr. REID. Mr. President, following any remarks of Senator McCONNELL, if he does wish to speak, there will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. At 3 p.m., the Senate will resume consideration of the small business jobs bill. There are currently 10 amendments pending. We will continue to work through them in order to complete action on this bill this week.

At 4:30 p.m. today, the Senate will proceed to executive session to consider Calendar No. 40, the nomination of Mae D'Agostino, of New York, to be U.S. District Judge for the Northern District of New York. At 5:30 p.m., the Senate will vote on that judgeship that needs to be filed.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that Senator BOOZMAN be recognized at 2:30 p.m. for up to 20 minutes to make his maiden speech to the Senate.

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

Mr. REID. Will the Chair announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

MILITARY ACTION IN LIBYA

Mr. McCONNELL. Mr. President, today, as the American naval aviators in the Mediterranean wait offshore to fly combat missions against the Libyan Army, as marines wait for the call to go ashore to rescue a downed pilot, or as Air Force pilots fly combat air patrol, we are confident that all military orders will be met with the same professionalism and skill we have come to expect of our All-Volunteer Force. The valor and loyalty of the men and women of our Nation's Armed Forces have never been in question. Yet, despite that certainty, many Americans view our military intervention in Libya with anxiety and uncertainty. They are wondering why U.S. forces are once again engaged in combat action against an Arab regime in the Middle East. They are wondering when this operation will end and when their loved ones will return. And they are asking another reasonable question: What is the mission?

If the American people are uncertain as to our military objectives in Libya, it is with good cause. The President has failed to explain up to this point what follows the evident establishment of a no-fly zone over Libya as it was originally described. Further, the President has articulated a wider political objective of regime change in Libya that is not the stated objective of our military intervention, nor is it the mandate of the U.N. resolution the President has used as a justification for our military efforts there.

Now that the objective of establishing a no-fly zone has been reached and our NATO allies are ready to assume the command and execution of this mission, it is fair to ask, what is the role of our military and military alliance in providing support to an opposition we are only now beginning to understand?

These concerns and questions are equally relevant here in the Senate and in the Congress since it is the responsibility of Congress to declare war, if it is war, and, of course, to fund our military operations.

The President stated:

There is no decision I face as your commander in chief that I consider as carefully as the decision to ask our men and women to use military force. Particularly at a time when our military is fighting in Afghanistan and winding down our activities in Iraq, that decision is only made more difficult.

Yet this latest decision was taken without adequate consultation with Congress or sufficient explanation to the American people.

Since returning from South America, the President has begun to talk in greater detail about our involvement in Libya. For the second time, he has discussed our operations in and around Libya with the congressional leadership. Over the weekend, he devoted his entire address to the topic, and he will

speaking to the American people tonight about our operations in Libya. All of this is welcome and, in my view, overdue.

Before addressing what answers I hope to hear from the President this evening, let me address the notifications to Congress that the President made.

Prior to the initiation of combat activities in Libya, the congressional leadership received two forms of notification of the President's decision to order Americans into harm's way. Prior to departing for his overseas trip, the President notified the congressional leadership of his plans to send American forces into combat action in a limited, discrete role to destroy the integrated air defenses of the Libyan Government and to enable our allies to establish a no-fly zone over Libya. The second notification was a written communication as part of his responsibilities under the War Powers Resolution.

Throughout his communications with the congressional leadership, the President has emphasized that the U.S. military would not undertake ground combat against the Libyan Army and that the American combat role would be limited in time, scope, and would be used simply as a means "to set the conditions for our European allies and Arab partners to carry out the measures authorized by the U.N. Security Council Resolution."

The President and his military advisers and commanders have explained that the overwhelming American capabilities to destroy enemy air defenses, target command-and-control structures, jam communications signals, and monitor the battlefield would all be employed to allow NATO and the coalition to assume responsibility for the no-fly zone. It was the limited nature of our combat role that encouraged me that the President was acting within his article II authorities as Commander in Chief. And the actions by NATO over the past few days to take over command and responsibility for the no-fly zone are consistent with the President's commitment that "limited U.S. actions will set the stage for further action by our coalition partners."

Here I am reminded of the important contribution of Secretary of Defense Robert Gates in advising the President since he came to office. The President is fortunate to be able to call upon the wisdom of this seasoned national security expert in considering our operations in Afghanistan, Iraq, and Libya. It was Secretary Gates who reminded the American people of the risks inherent in military intervention. I know his views will be critical as we transfer further responsibilities to the coalition, and I hope the administration pays close attention to what he says.

This week, NATO will consider the last part of the mission that must be transferred. What the United Nations

resolution refers to as protection of civilian personnel has included attacks on Libyan ground forces and strike missions conducted by American warplanes. If U.S. military forces were to have responsibility for close air support or execute additional strike missions in support of opposition forces, then that, of course, would exceed the President's definition of a limited, supporting role. Such a mission could last indefinitely and would trigger congressional consideration of our larger role in the war.

My expectation is that the President will explain this transfer of responsibility in his speech tonight and that NATO will resolve this issue this week, ending our efforts there as the primary force.

As the commander of U.S. African Command, GEN Carter Ham has said:

Our mandate—again, our mission—is to protect civilians from attack by the regime ground forces. Our mission is not to support any opposition forces.

General Ham has also said:

We do not operate in direct support of the opposition forces.

So as President Obama addresses the Nation this evening, like many Americans, I will be listening for answers to the following questions: When will the U.S. combat role in the operation end? Will America's commitment end in days, not weeks, as the President promised? What will be the duration of the noncombat operation, and what will be the cost? What national security interests of the United States justify the risk of American life? What is the role of our country in Libya's ongoing civil war?

The President made clear that our combat forces' role in Libya will be limited in scope and duration. Tonight, I hope he will reiterate that pledge or ask Congress before extending the duration or scope of our mission there. And, as always, our thoughts are with the brave young Americans in places such as Helmand Province and Baghdad, those in Japan helping the Japanese people recover from the natural disaster there, and with those who are once again off the shores of Tripoli.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

BALANCED BUDGET AMENDMENT

Mr. BOOZMAN. Mr. President, I rise to speak on the floor of this Chamber for the first time as a Senator. I am honored to have this opportunity to be a voice for Arkansans who want to change the direction our country is headed so that we still have a great nation to leave behind for future generations, just as the greatest generation did for us.

I am eager to carry out the traditions of this body and I am honored to serve alongside my distinguished col-

leagues. The traditions set forth and established in this Chamber have long been admired and often imitated in governments around the world. The work done here sets an example of how people of different backgrounds and expertise can come together for the betterment of this country. We need to provide results by balancing the budget, cutting the deficit, creating jobs and putting our differences aside to work for the best interests of our country. I am up for the task assigned by the American people.

We are a nation of great thinkers and innovators and I am confident the ideas proposed and debated here will put us on the continued path to success. There is no question that we have faced difficult times in our Nation's history. We have been tried and tested before. We have weathered the storms and have always emerged as a better, stronger country.

The debates and issues we face today are just as challenging as those faced by the men and women who served in this body before us. As the first Republican elected to this Arkansas Senate seat since reconstruction, it is evident that Arkansans and all Americans are anxious for new results with new leaders to move our country into the future.

When I look back at the Senators who have served the great State of Arkansas, I am inspired by their service, dedication and commitment.

Growing up in Fort Smith, in Sebastian County, we were taught at an early age about William Sebastian. At 36, he was the youngest Senator in the 30th U.S. Congress after leading an already distinguished career as a cotton farmer, judge and State legislator.

Hattie Caraway broke the glass ceiling, becoming the first woman to serve in the U.S. Senate. She recognized the important role of agriculture to the State and requested a seat on the Agriculture Committee. There is no doubt agriculture is still critical to the State today. My predecessor, Senator Blanche Lincoln, was the first woman to chair the Agriculture Committee and I am pleased to have a seat on that same committee and be part of the debates and discussions as we formulate future agriculture policies.

Throughout history, our State has been represented in this body by a diverse group of men and women who have put Arkansas and America first and I am honored to follow in their footsteps.

Each of these individuals had their generation's crises to address. We have our own as well.

The American people are worried. And rightfully so. Some of them have to check the morning news to see if they still have a job. Still many other able-bodied, ready-to-work Americans have not received a paycheck for months, some for years now.

Between November and December of last year, unemployment rates increased in 72 of the 75 counties in my home State of Arkansas.

And these are not small hits to our communities. A plywood plant in Fordyce, a town of 5,000 closed its doors, displacing almost 350 workers. That is more than 14 percent of the town's population.

It is not any easier in the State's larger cities either. In Fort Smith, Arkansas's second largest city, a leading appliance manufacturer laid off 850 employees last year.

Even our Nation's largest retailer, and Arkansas's largest employer, is not immune to this crisis. The economic downturn forced Wal-Mart to cut hundreds of jobs in its corporate office in Bentonville.

Like much of the rest of our Nation, Arkansas's job creators are nervous. It is hard for a small business owner to invest in their business and create jobs if they are concerned about the negative impact actions in Washington will have on their bottom line.

Given the right tools and circumstances, small business owners can and will create good paying jobs for the people of Arkansas and all Americans. We need to create policies that empower the private sector. That means fostering an environment that promotes economic certainty and encourages growth and innovation.

We can see results of the combined efforts of city, county, State and Federal leaders with Mitsubishi's decision to build a wind-turbine manufacturing plant in Fort Smith. The region's business leaders spent more than a year competing with more than 60 other U.S. cities to attract Mitsubishi, resulting in as many as 400 new good-paying jobs in the Fort Smith community.

This is how we stimulate the economy.

Unfortunately, instead of taking that approach to creating a business-friendly environment in our communities, Washington's agenda over the past few years has created a climate of uncertainty.

From past experience, I know this hampers the private sector's ability to create jobs.

Before entering public service, I practiced optometry at a clinic my brother-in-law and I started in Rogers, AR. Over the course of 24 years, our little clinic grew from 5 employees to 85 employees and is now a leading provider of eye care in northwest Arkansas. We were able to grow over the years because we could plot our course with some degree of certainty. While no one can see the future, we could, with a fair degree of confidence, understand what our tax burden would be, what our energy costs would be and what our health care costs would be.

What we are hearing today from small business owners and investors is

the exact opposite. They are afraid to invest any capital, because they don't know what their taxes will be; afraid to hire another employee because they are nervous about what that does to their health care costs; and afraid to expand until they know how big their energy bill is going to be.

Compound that uncertainty with the excessive spending, and you have a recipe for a disaster. While Americans tighten their belts, they watch in disbelief as Washington throws taxpayer money around with reckless abandonment.

The extent of this problem is documented in a recent report by the Government Accountability Office. The report highlights wasteful spending by revealing a number of duplicative programs within the Federal Government which come with a price tag estimated to be in the billions.

There is simply no room for wasteful spending, especially when much of that money is not ours. Forty cents of every dollar we spend is borrowed, much of which is owed to countries that are not always friendly to us, countries like Saudi Arabia and China, the latter of which now owns more than \$1 trillion of our debt.

In testimony before Congress, ADM Mike Mullen said the greatest threat to our sovereignty is not Iran; not al-Qaida; not radical Islam, it is our national debt. He is right. We simply cannot continue to operate at this pace.

We cannot continue to add billions to our already staggering national debt. This year alone, the Federal Government will spend \$3.7 trillion while only collecting \$2.2 trillion. It does not take an advanced math degree to understand that 3 is greater than 2.

The average American family doesn't have the luxury to spend beyond its means. Their government should not, and does not, either. We must as a nation quit spending money we do not have.

The only way we will get a handle on this situation is to reform the manner in which we budget and allocate Federal dollars. It is time we put mechanisms in place to stop the government from spending beyond its means.

This is why one of the first bills I signed my name onto after taking the oath of office was Senator RICHARD SHELBY's balanced budget amendment. Senator SHELBY has been a champion on this front for a number of years, introducing this bill every session of Congress since 1987. Imagine what the country would look like if it had passed when he first proposed it. Now, more than ever, it is an idea that's time has come and I look forward to working with the Senator from Alabama to get some sort of spending cap like a balanced budget amendment passed.

This is a catalyst for change. It holds us to spending limits and forces

changes in the manner in which taxpayer money is allocated.

We are at a crossroads in our country. We cannot keep kicking the can down the road. The "tax, borrow, spend" philosophy is not creating jobs; it is only creating more debt for our children and grandchildren.

We owe it to the generations of Americans who have made sacrifices in order for our country to prosper and that means working together to solve our problems.

No matter what political views we hold, at the end of the day we are all Americans who are committed to seeing our country succeed.

As a child, I learned that commitment from my dad who retired as a master sergeant in the Air Force. He followed in the steps of his dad who served in the Armed Forces during World War I and World War II.

We have a great ability through the power of this office that allows us to help Americans with issues they are facing. For our veterans who return home, a Senate office can be a huge resource. That is what helped my mom's dad when he returned home at the end of WWI. After surviving being gassed as the war wound down, his lungs did not function properly and he reached out to Senator Davis to help him with his disability.

Today, as our servicemembers return from tours in Afghanistan and Iraq, we have the same responsibilities to the men and women who fight for our freedoms and interests of our country.

No matter what major legislative crisis we are facing, we have a responsibility to these brave men and women. And the debates that take place in this body are no doubt of great importance, but so is each constituent who is having trouble with a Federal agency. In some cases, we are their last resort to overcome a major obstacle in their lives and each and every case that comes before us must be given our undivided attention.

When I was first elected to Congress as a Member of the House in 2001, former Congressman John Paul Hammerschmidt, who represented the Third District of Arkansas for 26 years, gave me some excellent advice. He said: "John, always remember, now that the election is over, there are no more Republicans, no more Democrats, only the people of Arkansas and you need to take care of them." That is the key to good governing and good public service. Nobody embodied that more than John Paul. He was and is a dedicated public servant and has been a wonderful mentor during my time on Capitol Hill.

I think Arkansas's new congressional delegation is going to make John Paul proud. Certainly our senior Senator MARK PRYOR has embodied John Paul's mantra of taking care of the people of Arkansas. I have enjoyed working with Senator PRYOR while serving the third

district of Arkansas and appreciate his leadership. I believe our delegation, working together, will be able to make a difference for the people of Arkansas and for our Nation.

The Senators who served Arkansas before Senator PRYOR and myself and those who have sat at these very desks understood their desk never belonged to them personally. It has always belonged to the American people. My name, carved in the desk, will always remind me that I am here to serve them. I am humbled and honored that the people of Arkansas have selected me to work from this desk for the next 6 years, and I will never forget why. I am here to be their voice, address their needs, and help tackle the great challenges we face as a nation. I look forward to working with each and every one of my colleagues to accomplish our mutual goals to keep our country on the path of prosperity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I congratulate our colleague from Arkansas on his first speech and remark at how fortunate the people of Arkansas are to have him here representing them. I was particularly interested in the history lesson he taught us about various individuals who served the State of Arkansas both in the seat he now holds and other positions of responsibility. Again, on behalf of all Senators, I congratulate the junior Senator from Arkansas for his initial speech.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CARDIN pertaining to the introduction of S. 657 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

OBAMACARE

Mr. KYL. Mr. President, last Wednesday marked the 1-year anniversary of the deeply flawed health care bill. The

worst aspect of that bill is that it will lead to health care rationing by the Federal Government. That is the delay and denial of care in order to control costs. The words “ration,” “withhold coverage” and “delay access to care” of course are not found anywhere in the bill. But new Federal rules that aim to reduce health care costs will inevitably result in delayed or denied tests, treatments, and procedures deemed too expensive and in less innovation in the development of drugs, devices, and treatments. Many of the decisions will be based on information provided by a new entity called the Patient-Centered Outcomes Research Institute, sometimes referred to as the PCORI. That will conduct comparative effectiveness research.

Comparative effectiveness research weighs the effectiveness of two or more health care services or treatments. The goal is to provide patients and doctors with better information regarding the risks and benefits of, for example, a drug versus a surgery for a particular situation. The problem is not with the merits of the research but whether the research should be used by the government to determine treatments and services covered by one's insurance. The health care law actually empowers the Secretary of Health and Human Services to do just that, to use this comparative effectiveness research when making coverage determinations.

Section 6301 of ObamaCare states:

The Secretary may [. . .] use evidence and findings from research conducted [. . .] by the Patient-Centered Outcomes Research Institute.

That means the government, not patients and doctors, has the power to make health care decisions that affect you. A bureaucrat decides if your health care is an effective use of government resources without regard to the patient's individual needs and medical history. The end result is the government inevitably interferes with access to care. That is rationing, and it is wrong.

While ObamaCare includes limited safeguards for how this research may be used—appreciating the dangers involved—there is nothing that prohibits the government from taking it into account when, for example, making Medicare coverage decisions.

In fact, when asked whether the Federal CER agency should be involved in cost determinations, Donald Berwick, the President's recess-appointed head of the Centers for Medicare and Medicaid, responded:

The social budget is limited.

Ask citizens in Britain how well the system is working in their country. Britain's National Institute for Health and Clinical Excellence—called NICE—routinely uses comparative effectiveness research to make cost-benefit calculations.

Last year, NICE rejected a cutting-edge drug, Avastin, used to treat bowel

cancer because it said the drug's limited effectiveness for extending life—they said 6 weeks; but up to 5 months according to the chief executive of the organization, Beating Bowel Cancer—they said it did not justify the cost. As Mike Hobday, head of policy at the charity, Macmillan Cancer Support, told Britain's Daily Telegraph:

We think this is devastating news for cancer patients with metastatic colorectal cancer, especially as this drug could have a significant impact on peoples' quality of life. Although a few extra weeks or months might not sound much to some people it can mean an awful lot to a family affected by cancer.

Likewise, in August 2008, NICE recommended against coverage of four expensive drugs for advanced kidney cancer. NICE considered the drugs clinically beneficial in specific situations but concluded they “were not cost-effective within their licensed indications.”

Health care in Britain is also routinely delayed. Several years ago, the country's National Health Service launched an “End Waiting, Change Lives” campaign—“End Waiting, Change Lives.” The campaign's goal was to reduce a patient's wait time to 18 weeks from referral to treatment. That is 4½ months, and that is an improvement.

Government-run health care systems that ration care are the reason many Europeans and Canadians come to the United States each year to get treatments denied to them in their own countries.

Access to the highest quality care and the sacred doctor-patient relationship are the cornerstones of U.S. health care—the very things Americans value most and that the health care law jeopardizes.

So I will join Senators COBURN, BARRASSO, ROBERTS, and CRAPO in introducing the Preserving Access to Targeted, Individualized, and Effective New Treatments and Services Act of 2011. That is also known as the PATIENTS Act.

The PATIENTS Act does not prohibit comparative effectiveness research; rather, it is a propatient firewall that protects patients' access to high-quality care by prohibiting the Federal Government from using comparative effectiveness research to delay or deny care.

Additionally, the bill would require comparative effectiveness research to account for differences in the treatment response and preferences of patients, genomics and personalized medicine and the unique needs of health disparity populations and it would clarify that nothing shall be construed as affecting the FDA Commissioner's authority to respond to drug safety concerns.

All Americans deserve personalized treatment and should be able to get the care they and their doctors decide is

best for them. No Washington bureaucrat should interfere with that right by substituting the government's judgment for that of a physician.

The administration has repeatedly promised that the health care law will not result in rationing. Well, if that promise is true, they should have no problem supporting the PATIENTS Act.

I urge my colleagues to join us in co-sponsoring this important legislation.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate the opportunity the leadership has provided for Senator SNOWE and me to present S. 493 and continue to discuss this important bill. It is a very important program that has actually existed at the Federal level for 20 years. It is not a household word, but it is known very well in the small business community. It is supported by groups such as the Small Business Association, the Chamber of Commerce, and many high-tech organizations because they know the same thing we know, which is this is a very important Federal program that actually works and is accomplishing its mission.

It is a government/public-private partnership—a government-business partnership—with the largest Federal agencies that actually set aside a small portion of their research and development dollars. The amount is actually relatively small; 2.5 to 3 percent of all of their development and research dollars is set aside, and they aggressively look for small businesses that are able to provide new services, cutting-edge technology, new methodology, new software, to solve problems the government is having.

In the process of these small businesses solving problems for the government—i.e., the taxpayer—the great news is some new businesses are developed, and they can then be commercialized into the private market, which is how this program works, which is why it is so beneficial not only to taxpayers but to the market generally.

I am excited because we have great evidence from the studies and the surveys of this program that it is meeting and exceeding its expectations. It is creating thousands of jobs. It is providing an opportunity for small businesses to compete on a level playing field with large businesses, and it is providing the taxpayer with some cutting-edge technology and innovation.

Let me give one example which is close to my heart because we ran into this problem specifically and directly trying to deal with the aftermath of Katrina. This is just one example of the kinds of new technologies that are being developed through this program. This bill, which we hope will get passed this week if we can negotiate wisely and smartly on the amendments pending, will reauthorize this program for 8 years. This is a long-term reauthorization, and it is important to send a signal out to the market and to small businesses and to these coalitions: We believe in this partnership. We know it

can work. We want to give a long lead time and an 8-year runway to lift off some of these businesses and launch them and to create the kind of jobs and entrepreneurial opportunity we know is out there.

This is just one example. A Huntsville, AL, company, GATR Technologies, inflatable antenna—an inflatable antenna provides emergency access, cell phone coverage and phone lines over satellite networks. It was first used by responders in Haiti and Hurricane Ike. It provides communication support to our Special Operations Forces, to U.S. Navy, and U.S. Air Force. It so far has created 30 jobs but has tremendous opportunity; last year, \$7 million in sales and this year approximately \$10 million. This technology was launched with a \$148,000 grant.

What happened to us in the aftermath of Katrina—and the Presiding Officer may remember this—is that even the government's best satellite phones failed to work. So even with a great evacuation plan in place, with a great medical plan in place, with a great response plan in place, it is not worth the paper it is written on if you can't communicate it.

So what we found was when people landed with satellite phones, there wasn't enough reception base on the ground to be able to communicate. The technology has advanced significantly since then, but the same thing happens when you are trying to get communications in a war-torn place or a catastrophically destroyed place. This technology allows basically a balloon to be put down onsite, substantially increasing the communications capabilities.

This is just one example. So an agency had a problem. It couldn't communicate. It didn't have the right kind of communication technology. It puts out a small grant. Small business responds. This technology is created. Potentially, this could go on to develop into quite a large company. It might morph several times before it goes commercial, but that is what this program does.

These jobs are being created in Huntsville, AL. We are thrilled for Alabama. Jobs are created through this program in every State in the Union.

Here is another example. This is a small business from Watertown, MA. It is the A123 lithium-ion battery. The advanced lithium-ion battery is used widely for transportation power grid and commercial and industrial products. It opened the largest lithium-ion battery manufacturing plant in North America, in Michigan, a place where we need to be creating jobs. This program is doing exactly that. It has created more than 400 jobs across the State of Michigan.

I think this grant initially came out of the Energy Department. The tech-

nology was initially developed at MIT, but the road to commercial success was paved in 2002 when this company was awarded \$100,000 for a small business innovation research grant. So this successfully leveraged this SBIR grant to take this lab and its product to the market. It employs now more than 2,000 people globally and has facilities around the world.

So this is creating jobs for America, new technology for America, but the world is benefiting from this. In fact, Senator SNOWE has joined me on the Senate floor, and she will remember when we had testimony from our consultant, Dr. Weissman, who testified that actually as the chief reviewer of this program, he has been asked to speak in many different countries about its success.

So while people are trying to eliminate government programs that aren't working, let's make sure this week in the Senate we take the opportunity to reauthorize programs that are working and that are creating jobs at home and serving as a model for entrepreneurship development all over the world.

I see Senator SNOWE is on the floor, so I am going to wrap up my opening remarks soon. I do want to review briefly. As I said, this program was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our Federal agencies. Senator Warren Rudman from New Hampshire had a great part to play as a lead sponsor of this bill.

To date, the Small Business Innovation Research Program and the Small Business Technology Transfer Program have produced more than 85,000 patents and have generated tens of thousands of well-paying jobs across all the 50 States, in addition to creating jobs overseas that are a benefit to America as well. This is a good return on the investment we make for our economy. As I said, it has garnered high praise from well-respected sources and governments around the world. It is an 8-year authorization.

In this bill, we update the award sizes, which have not been changed since 1994. Phase I awards will be increased from \$100,000 to \$150,000; phase II, from \$750,000 to \$1 million. We adopted the House measure that allows the SBA to update these award guidelines annually instead of every 5 years. We also put certain amounts of caps on some of the awards to make sure as many businesses as possible get access to these awards. This is merit-based. This is not a formula distributed based on applications. These are based on the quality of the application, the promise of the technology, and also on the level of need the agency has for this kind of new technology.

As I said, it creates a Federal-State technology partnership program. It improves the SBA's ability to oversee and coordinate these programs. It provides

some administrative funding, which we thought was lacking, to make sure the agencies themselves have the wherewithal and the expertise to really get this program maximized in its job-creation potential. The reason I think this is so important—and Senator SNOWE and I have been almost singly focused on doing everything we can, leading this Small Business Committee, across party lines and together, Democrats and Republicans—is to try to put this recession behind us. This is a fight. This is not something that will happen naturally. It is going to be by this government in Washington and at the State and local levels creating atmosphere for businesses to prosper and jobs to be created.

I have to say I was very pleased to get a copy of the “Kaufman Index on Entrepreneurial Activity,” which I will submit a portion of for the record. I think people will be pleased to hear its opening paragraph, as follows:

In 2010, .34 percent of the adult population, which is 340 out of 100,000 adults, created a new business each month.

That means that in America, 565,000 new businesses were created each month in 2010, approximately. That is pretty extraordinary. Every month, 565,000 new businesses were launched. We know all of them don’t succeed, but some of them do, and some of them grow to be huge, extraordinary companies. QualComm comes to mind, and Microsoft comes to mind. They started as small businesses and grew. The 2010 entrepreneurial activity rate was the same as 2009, but it represents a substantial increase from 2007 and, most significantly, represents the highest level over the past decade and a half.

I wish I could say this particular program was responsible for all of this, but obviously it is not. But it is one of the tools the Federal Government has, along with our contracting and procurement tools, along with our Tax Code, along with our other incentives that we passed in our last small business bill—the new \$30 billion lending program, which is leveraged up to 300 and potentially could leverage up to \$300 billion in lending to small businesses on Main Street, not Wall Street—getting money to small businesses, these 565,000 small businesses that are started every month by great Americans who are trying to provide a livelihood for themselves, opportunities for their families, and strength for their communities. So for innovation and jobs, fighting hard for them, we are trying to pass this reauthorization that can contribute to this substantial growth. Things are looking better. Trendlines are in a positive direction.

Let me show you some other growth lines that are very important. We had a terribly substantial loss of jobs, as you know, in 2008 and 2009. The President largely inherited this situation. He did not even take office until half of

this job loss was completed. But I think we have been working together and the President has been leading a great effort to turn this situation around and start creating jobs as opposed to losing them. You can see this is a pretty dramatic turnaround. After losing 3.6 million in 2008 and 5.5 million in 2009, we have had a net increase of 1.3 million in 2010, with things looking promising in the first quarter of 2011—still moving in a very positive direction. I don’t know what these projections are, but I think it will be greater than 1.3 million, which was last year’s increase, which would be encouraging.

We have a long way to go to make up for the job loss of the great recession. When Wall Street collapsed, the housing market, the real estate market was terribly wounded. That is a story for another day. But the good news is that it looks as if we are recovering.

The unemployment rate is still too high in too many places in this country. That is why Senator SNOWE and I are on the floor again this week. That is why we are asking our colleagues to be as cooperative as possible. We know there are so many issues people want to talk about, and time is limited on the floor. In our minds, we should be almost singularly focused on job creation and reducing the debt and closing this deficit. By creating jobs and building businesses in the private sector—and this is one program that absolutely hits this mark—we can do all three. We can create jobs and expand economic opportunity. We are making a dent in the debt, and we are closing the deficit gap by creating new tax dollars that come in from hard-working Americans in the private sector.

Mr. President, I am excited to present this bill again. We will have a lot more information as the day unfolds. I understand we have a vote on a different matter at around 5 or 5:30 today. Senator SNOWE and I will be on the floor to answer any questions Members might have. We are not encouraging additional amendments. We already have 89 that have been filed on this bill. We are hoping to get some of them withdrawn that are not germane to the bill.

We will be working throughout the week, and hopefully together we can give a very strong vote of confidence to entrepreneurs who are taking extraordinary risks in very challenging times. The least we can do is get the government programs that are there for them to support them up and running and as strong as possible to help them in their quest to be successful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I am very pleased to join the chair of the Small Business Committee to address the pending legislation before the Senate,

which is so essential to helping to revitalize our economy and most especially the small business sector that is central to the job-creation abilities in this country.

The programs that would be reauthorized in the legislation pending before the Senate are extremely important to the ability of small businesses to be engaged in innovation and advancement in our economy and the businesses they are in. It helps to assist in the technology and the entrepreneurial spirit that is so essential for America, which has obviously been an innovative nation throughout our history.

The two pending programs before the Senate are very crucial. I hope, like the chair, that we will be able to get to a point to consider the remaining amendments the Senators may have to offer so that we can move quickly and expeditiously to vote on the bill, so it can move forward and ultimately become law. The SBIR and STTR programs have had a longstanding history, most specifically with the SBIR Program, regarding innovative research, which has been in law since 1982 because it has been extremely worthwhile and beneficial. It has been the subject of numerous reports essentially because it has been able to produce jobs and the innovation that has advanced this Nation.

In fact, there are two assessments—one by the National Academy of Sciences and another report from the Information Technology and Innovation Foundation—both underscoring that it is imperative to reauthorize these programs but also demonstrating their essential value to our Nation’s economy—most especially from the standpoint that, of course, small businesses are the job creators.

Two-thirds of all new jobs in America come from small businesses. Obviously, they represent more than 99.7 percent of the employers in America. It is absolutely critical that we do everything we can to buoy this segment of the economy. The more we procrastinate in moving this legislation forward, the less likely we are going to see jobs created in our economy and get this economy to move forward. Frankly, it is critical, given the fact that we need to create more than 285,000 new jobs per month for 5 years just to return to the unemployment levels we were experiencing in 2007 at prerecession levels. We could be 10 years away from normal unemployment and full recovery if we do not make substantial strides in creating at least 285,000 jobs every month for 5 consecutive years and, most possibly, 8 consecutive years to achieve 5.5 percent unemployment rate. To achieve a 7-percent unemployment rate would require us to create 300,000 jobs per month.

We experienced an uptick in job creation numbers last month of a 192,000,

but that has been the exception, not the norm, over the last 2½ years. In fact, there are only 3 months in 2½ years in which we have achieved those levels.

I am just underscoring how difficult it is going to be to create the jobs we need in order to return to normal pre-recession levels of unemployment. That is why the pending legislation is so critical and vital to this endeavor.

I wish to reiterate some of the anecdotal information that came to the committee that, again, emphasizes the value of these programs.

Roland Tibbetts, the father of the SBIR Program, summed up its purpose most vividly when he said that “SBIR addresses a paradox at the heart of innovation funding: capital is always short until the test result are in. At the idea stage, and even the early development stage, the risks are too great for all but a few investors. But innovations can’t get beyond that stage without funding.”

SBIR provides the funding for promising small firms, by directing critical research and development funding within 11 critical agencies within the Federal Government to perform the necessary testing and assess the validity of an idea and subsequently commercialize the product. As we know, small businesses are looking for the kinds of initiatives that can provide the catalyst for creating that innovation.

It is all about taking risks. Risk means investment. There are few opportunities in America now with respect to having access to early-stage capital. The programs before us represent just that. It is important for creating the middle-class jobs we need, and the fact is that small and medium-size businesses really do the majority of the hiring and firing, as Thomas Friedman noted in his book, *The World is Flat*. When they are hiring people, the economy is robust. When they are not, it is in recession, which is precisely what we are recovering from currently.

We have to move these programs forward, and hopefully that opportunity is going to come sooner rather than later. Hopefully, we can accomplish that at the end of this week because I think it is important to send the right message and a signal to give certainty and stability that small businesses and medium-sized businesses are desperately searching for.

Dr. Jacobs, cofounder of Qualcomm, who testified before our committee in February, revolutionized the wireless communication industry. As we both have noted earlier when we began debating this legislation, they applied for \$1.5 million in SBIR funding almost 25 years ago. Today they have 17,500 employees. They paid approximately \$1.4 billion in taxes in fiscal year 2010, more than half the cost of the SBIR and STTR programs annually.

Dr. Jacobs noted in his testimony that SBIR funding “allowed us to pursue several innovative programs that otherwise would not have been possible.” He went on to note that:

Cutting-edge research leads to breakthrough discoveries, but in order for companies to attract private funding, they need support to prove the feasibility of new and often risky and unproven technologies. For Qualcomm, SBIR provided one source of that critical start-up funding. . . . it was one of the critical “stamps of approval” that allowed us to successfully pursue sources of private capital.

Dr. Matt Silver, the cofounder of Cambrian Innovation, an environmental product development firm from Massachusetts, informed the committee that six SBIR awards—or, in his words, “relatively small grants”—enabled his company to attract angel and direct investment, hire seven employees, file several provisional patents, and develop relationships with the Massachusetts Institute of Technology and Penn State for collaborative R&D, among other opportunities. His company’s story is a remarkable example of the success that can be garnered from a relatively modest investment by Federal agencies in new and promising technologies.

Additionally, 2 weeks ago, the House Small Business Committee also held a hearings on these programs. I would like to briefly share some quotes from the testimony of several witnesses.

Professor David Audretsch noted that the United States “. . . is no doubt more innovative, more competitive in the global economy and has generated more and better jobs as a result of the SBIR” Program. Additionally, he summarized that “The evidence accumulated from a broad spectrum of studies utilizing divergent methodologies all comes to the same result—the SBIR program has unequivocally made an invaluable contribution to the innovative performance of the United States.”

There are a number of specific examples of how the SBIR Program has contributed to the vitality of our economy and how it has advanced the technological developments that have occurred in America.

Furthermore, the Government Accountability Office has reviewed different aspects of the SBIR Program over the course of its history and has come to a number of positive conclusions. Specifically, the 2005 GAO report on the program summarized that, one:

SBIR is achieving its goals to enhance the role of small businesses in federal R&D, stimulate commercialization of research results. . . .

. . . more than three-quarters of the research conducted with SBIR funding was as good as or better than any agency-funded research. Agency officials also rated the research as more likely than other research they oversaw to result in the invention and commercialization of new products—

And—

The SBIR program successfully attracts many qualified companies, has had a high level of competition, and consistently has had a high number of first-time participants.

Combining those assessments that I have just cited with the National Academy of Sciences’s landmark 2008 study, which I have spoken about earlier, SBIR and STTR clearly provide remarkable benefits to the American people. But also there is a larger picture for the Nation’s entrepreneurs and job creators.

Small businesses are facing a veritable confluence of challenges from all sides these days, whether it is exorbitant costs through more taxes or crippling tax burden and regulations. There are a number of amendments pending before the Senate that I think would be vital to enhancing that dimension of helping our small businesses with respect to fighting burdensome regulations.

That is why Senator COBURN and I have introduced a regulatory reform bill we hope we will offer as an amendment to the pending legislation because we think it is important to address the numerous regulations that have imposed significant burdens on a number of businesses across this country.

If we just look at the average cost to small businesses in America, a business with 20 or fewer employees pays \$10,585 per employee in annual regulatory costs. That is 36 percent higher than larger firms. Additionally, our Tax Code is so complex that taxpayers and businesses spent 7.6 billion hours and about \$140 billion trying to comply with tax-filing requirements in 2008.

I do believe it is important we make strides in the regulatory arena because it is clear that small businesses cannot move forward having to comply with not only the additional costs but also the burden because there are so few employees in a small business. They are saddled with incessant and unnecessary paperwork, as we saw demonstrated with the 1099 filing requirement that was included in the overall health care law.

As we all know—and we are almost in unanimous agreement that we should repeal that onerous provision, but we have not reached that point. Hopefully, we will with respect to our legislation. We know Senator JOHANNIS has filed an amendment to the pending bill, but we want to address that issue because it has provided a burdensome impact on small businesses across the country, even though it has yet to be enforced because it is not required until 2012.

The point is, businesses are already calculating the cost of having to comply with that paperwork. Because of the additional costs, because they do not know the extent to which it is going to add to the cost of their bottom lines, they are hesitant about hiring new individuals or making investments in capital equipment.

The sooner we can address this issue, the sooner we can repeal it and resolve the outstanding issues in terms of how we are going to pay for it, the sooner small businesses can understand the certainty with respect to this individual provision.

As I have conducted numerous street tours in my State, I can tell you this is the one issue that comes up repeatedly because, for every small business, they are starting to calculate how many forms they will have to submit to the IRS for every \$600 in business transactions. Not only is that paperwork burdensome but also it is going to add additional costs, not to mention, obviously, the fact that we are going to hire thousands more in Internal Revenue Service agents just to comply with this particular mandate.

I hope we can tackle this major problem and bring it to a final conclusion with respect to resolving this issue and to repeal it once and for all. It is regrettable it has taken so much time to get to this point. I know we worked mightily to address this issue, but clearly it is not sustainable for small businesses. I am hopeful we can move forward with this effort to repeal this provision and this requirement that clearly will represent, I think, a major step forward in understanding the dimensions small businesses are facing in today's environment.

As I stand here with my colleague, the chair of the Small Business Committee, I hope we can proceed to passing this legislation. I urge Members to come to the floor if they have amendments to begin to address those issues so we can advance this legislation at the conclusion of this week because I do think it is in the best interest of the small business community but, more importantly, it is also in the best interest of our Nation's economy, given the fact that we have to create jobs, and that obviously is not happening to the degree people deserve in this country.

There are a number of agencies that will be part of the scope of this legislation that will be setting aside the research and development dollars that play a critical role in innovation. It does not require additional funding. It is based on existing research and development dollars that are already appropriated to these agencies. But it is saying: Let's set it aside for small businesses to make sure they can have one piece of the pie when it comes to research and development because that is where we derive most of the innovation and the entrepreneurship—from the small business sector of our economy. Not only can it add jobs in America but, ultimately, as we saw with the example of Qualcomm, we can add to the dimensions of growth exponentially for decades to come.

This is a generational issue as well because we know we have to take the

small steps to ultimately reach the large developments that can occur with the initial investments that are taken even with a modest sum of money. We know that is true in biotechnology, for example, which takes 10 to 15 years to bring a drug online. It can require millions, if not billions, for pharmaceuticals to do that.

Again, the SBIR Program has been essential and central to that effort. That is why the Biotechnology Industry Organization and the National Venture Capital Association also support this legislation because it can provide the initial boost that is a catalyst for the development of major drug therapies in this country.

Dr. Charles Wessner, who authored the landmark National Academy of Sciences report, underscored in his testimony to our committee about the SBIR Program and highlighted the work the SBIR Program created as a result of these investments. He said:

The program brings in over a third new companies every year. This is really extraordinary. It is not captured by a small group. Twenty percent of the companies are created because of the awards, bringing things out of the research community into the market, its core function. It encourages partnership with the university community. . . . Almost 50 percent of the firms that get awards reach the market.

These numbers, again, demonstrate the incredible role the SBIR Program plays in our Nation's capacity to innovate. That is essentially why it was created at the outset. If we look historically as to when the SBIR Program was created, it was in 1982. I was an original cosponsor of that legislation when I was serving in the U.S. House of Representatives. But it coincided as well during a similarly difficult economy. In fact, at that time, we were in the midst of a recession. Now we are struggling to emerge from a recession and trying to create jobs. The same was true at that point in time. In fact, we were at the height of it.

Dr. Jere Glover, who has served as the chief counsel at the SBA's Office of Advocacy, testified before our committee. He concluded:

Twice before, we have seen the President and Congress look at the situation where we are coming out of severe recessions and decide that the SBIR program was important. President Reagan in the early Congress in 1982 decided that this was an important thing to do to create jobs, to help grow innovation and technology. Again in 1992, Congress doubled the SBIR program, with the support of President Bush. So we have seen recognition in the past, when you are in a severe economic time, it is time to call on small business innovation.

He urged us to do that now. I concur with his call for us to use this opportunity to reauthorize these critical programs that will jump-start our Nation's economy through small business and talents they bring to bear when it comes to innovation. It is something we certainly need in our economy

today and our country. More important, it is just not reauthorizing a program simply for reauthorizing it or because it has been on the books but because it works, and it has demonstrated it has worked repeatedly throughout the history of both these programs. That is why I urge the Senate to move as quickly as possible to adopt these bills so they can become law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will follow up with a few brief comments. The transition is important and worth noting. I am so glad Ranking Member SNOWE made reference to the fact that the two of us are on the floor not just to reauthorize because it is the time for reauthorization but because this program works, because it is cost-effective, and because it actually is a job creator. It creates jobs in the private sector, not necessarily the public sector, although there are some public sector jobs associated with it that are crucial and important—people in the agencies working on identifying this new technology. But the lion's share of these jobs by far is being created in the private sector.

I wish to show what our challenge is.

Here you can see both President Bush and President Obama faced extraordinary challenges. This is the Monthly Changes in Private Payrolls, Seasonally Adjusted from January 2008, when this recession began, until today. You can see it is absolutely a dramatic loss of private payroll, reductions in private payroll. This represents substantial job losses.

But as you can see, it is just now, in April 2010–July 2010, and now to the present, to February of 2011—I know we are into March but this doesn't have the final month or two on here—we are making tremendous progress in turning this around. Again, this is the Monthly Changes in Private Payrolls. This represents the teeth of the great recession that caught so many businesses, large and small, off guard.

There are many reasons why this recession happened, and the collapse of our financial markets, but that is not the subject of this debate. What is the subject of this debate is how we get out of it, how we create jobs in the private sector. Senator SNOWE and I are proud to have brought several bills to the floor, this being the latest, that we believe can contribute to the increase in private payroll.

I want to be clear, because many of our colleagues have been challenging, and I think appropriately, why we can't eliminate some government programs; why do we have to keep them all. Senator SNOWE and I have jointly recommended the elimination of two, though relatively small, programs

within the SBA, and we will be reviewing just this week with the Administrator of the SBA the efficiency of their whole budget. If we can find other places and other programs to eliminate that are not hitting their marks, not meeting their goals, we are committed to working together to do that. But this program we have reshaped, we have modified, we have improved, and we are strongly and passionately recommending its reauthorization for 8 years.

We have together reviewed nine studies of the National Research Council, studies by the Government Accountability Office to help guide our committee in the drafting of this bill. We have included many additional policy goals and some former goals and appropriate interest to balance. We wanted to improve the diversity of the programs geographically and otherwise so more States and individuals could participate. We also wanted to maintain a fair playing field so true small businesses could continue to compete for this very small but important percentage of overall R&D. We wanted to encourage exploration of high-risk, cutting-edge research.

As Dr. Charles Wessner said—the lead assessment adviser on this program—if every program you give money to is working, or every business you are awarding grants to works, you are not running your program correctly, Senators. Because this is high-risk early funding, where it is the most difficult funding for these businesses to receive. Obviously, once they show promise, there are any number of investors and capital out there looking right now for good investments, particularly right here in the United States. So at a certain point, at a certain level, with certain proven technologies, there is enough venture capital out there to take these programs to the next level. But what is not there right now is that first dollar, that early \$150,000 grant that says: We think you have something of promise. Go ahead and try it. They try it for a year or two, they come back, and they can get another \$150,000, up to \$1.5 million.

Eventually, it may collapse because it wasn't what people thought, and that money is lost. But the great news is that collectively, cumulatively, this program makes money for the taxpayer—it does not lose money—although not every grant is successful. We wouldn't want that. This is a fairly high-risk, early form of capital, but it is a smart use of taxpayer dollars, and that is why Senator SNOWE and I enthusiastically recommend it.

This program has been supported by every President. President Reagan was supportive, President Bush was supportive, President Clinton has been supportive, and now President Obama has signaled his support as well. So we are very proud to be able to present this.

Mr. President, I ask unanimous consent to have printed in the RECORD another report regarding the state of small business—not the entire report but some parts of it that are central to this debate, sponsored by Network Solutions, the University of Maryland, Robert H. Smith School of Business.

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

INTRODUCTION

The competitive health of America's small businesses is as low as it has been since the Small Business Success Survey began tracking at the onset of the recession. There continues to be a struggle to provide capital and find new customers, while there is an unprecedented lack of confidence in competing with big business. Yet, small businesses are starting to grow and return to the black. After reaching a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success. Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Ms. LANDRIEU. Mr. President, this portion of the report says, interestingly enough:

After having reached a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success.

They have been taking this survey of small businesses since the recession started, and the report continues:

Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Again, it is the magic of small business. We have 27 million small businesses in America. If every one of them, obviously, created one additional job, that would be 27 million more jobs. And we could use it. That is not going to happen, but if even a portion of them added one job to their bottom line, we know they could have an impact. It is important for programs such as this and getting capital at their local bank, being able to access credit from credit cards, that have reasonable charges and transparent charges—which I am proud to have been a part of helping on—and it is getting access for new technologies to find a friend at the Federal Government who will step up and help them grow their business. We strongly recommend this program.

I am going to yield the floor at this time, but we do have several amendments that are pending, and we will have to organize those votes sometime this week. We have over 89 amendments that have been filed, but we are hoping some of the Members, if they do not feel they have to offer those amendments, will withdraw them. Some of them are not germane to this

bill and we wish to keep this bill very focused on small business.

I do want to join Senator SNOWE in support of the repeal of 1099, which is represented by the Johanns amendment, and Senator MENENDEZ may have a perfecting amendment to that, I understand, and I look forward to working with Senators JOHANNIS and MENENDEZ to get that regulatory burden lifted off the back of small business. It doesn't go into effect until 2012, but small businesses around the country are quietly alarmed, as they should be, in my view, regarding that additional paperwork that would be required. There is a fair amount of across-the-board support on both sides of the aisle for that repeal, and I hope we can get that done sometime this week as well, either specifically attached to this bill or parallel to this effort, because it is a very important effort for small businesses to get that new 1099 requirement repealed, as well as getting this bill passed.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF MAE A. D'AGOSTINO TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I thank the majority leader for scheduling this confirmation vote today. Mae D'Agostino has the distinction of being the first newly considered judicial nominee this year. Every judicial confirmation thus far this year was of a nominee who had been unanimously reported by the Judiciary Committee last year. Each of those nominations could, and in my view should, have been considered and confirmed last year before the Senate adjourned in December. Ms. D'Agostino appeared at

a hearing in February, and her nomination to fill a judicial emergency vacancy on the Northern District of New York was reported unanimously earlier this month. Now she is being considered by the Senate. This is an example of what we can do. It should not take weeks and months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Ms. D'Agostino is a native of Albany, New York, and has spent her career in private practice in the Albany area. In addition to her legal practice, Ms. D'Agostino has taught at Albany Law School and the Junior College of Albany. Once confirmed, Ms. D'Agostino will be the only woman currently serving, and only the second woman ever to serve, on the Northern District of New York Federal bench. I thank Senator SCHUMER and Senator GILLIBRAND for working with the President on this nomination. They have worked hard throughout the process. In addition to Ms. D'Agostino, there remain nine other judicial nominees awaiting final Senate consideration after having been reviewed by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a vacancy on the U.S. Court of Appeals for the Second Circuit and Michael Simon to fill a vacancy on the district court in Oregon. Another has been reported favorably four times Judge Edward Chen of the Northern District of California. So in addition to the D'Agostino nomination to fill a judicial emergency vacancy in New York, there are nominees ready to be confirmed to fill two judicial emergency vacancies in California, another judicial emergency vacancy in New York, a judicial emergency vacancy on the Second Circuit, vacancies on the Federal and DC Circuit, a vacancy in Oregon, and two vacancies in Virginia. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominees ready for final Senate action.

Recently the Judicial Conference of the United States reaffirmed its recommendation that two additional judgeships be added to the U.S. Court of Appeals for the Second Circuit given its workload. That is in addition to the two existing vacancies. Regrettably, the unnecessary delays in considering Susan Carney's nomination to fill one of those vacancies has left that court and the people it serves without much-needed resources. It has also given right-wing pressure groups the chance to launch unfounded attacks on Ms. Carney full of false accusations and innuendo. This is a nominee who had the support of a majority of the Republicans on the committee, and who

should have been considered and confirmed last year. The Senate should take up her nomination, debate it and vote on it rather than allowing her record to be smeared. That would be the fair thing to do and the right thing to do. I hope we will do so soon.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays in filling vacancies is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course in the first 26 months of the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in August 2009 and staying above that level since. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent.

In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years, when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, today judicial vacancies still number 96. By now, judicial vacancies should have been cut in half, but they have not been. We have not even kept up with the rate of attrition, putting at risk the ability of Americans to have a fair hearing in court.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevent people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

We can consider and confirm this President's nominations to the Federal bench in a timely manner as the nomi-

nation before us today demonstrates. President Obama has worked with the New York home State Senators to identify this nominee, just as he has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All the nominations on the Executive Calendar have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months I was chairman during President Bush's first 2 years in office and by this date in President Bush's third year had confirmed 112. So far in President Obama's third year in office, the Senate has only been allowed to consider 74 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he called "our rapid pace." I am encouraged by his commitment to "continue to move consensus nominees through the confirmation process." I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated.

The committee's ranking Republican often points to the vacancies for which there are not nominees. Of course, some of that is attributable to a lack of cooperation with the White House by some home State Senators. Nonetheless, I agree with the Senator from Iowa that we can do little about confirming nominations we do not have before us. What we can do is proceed expeditiously with the qualified nominations the President has sent to the Senate.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered this year and reported earlier this month and hope that we can continue to work to restore regular order in considering judicial nominations. However, I would observe that it is nearly April and every judge confirmed so far this year could and should have been confirmed last year. Every one of them was unanimously reported last year and

would have been confirmed had Republicans not objected and created a new rule of obstruction after midterm elections. We have long had the "Thurmond rule" to describe how Senator Thurmond shut down the confirmation process in advance of the 1980 Presidential election. Last year's shutdown was something new. I cannot remember a time when so many consensus nominees were left without Senate action at the midterm point of a Presidency. That new level of obstruction has contributed to our being so far behind and judicial vacancies having been perpetuated at so high a level for too long. I hope we can join together to make real progress.

I congratulate Mae D'Agostino and her family on her confirmation today.

Mr. GRASSLEY. Mr. President, I rise to speak on another of President Obama's judicial nominees. Tonight's vote to confirm Ms. Mae D'Agostino will be the 14th judicial nominee confirmed this Congress. It is the 10th judicial emergency filled this year.

Even though I gave an update to my colleagues just 11 days ago, when we had our last judicial nomination vote, I will give a short report on the status of judicial nominations. To date, we have taken positive action on 33 of the 60 judicial nominees submitted this Congress, or 55 percent. We continue to have nominations hearings every 2 weeks, and have favorably reported nominees out of committee at every weekly markup session.

Furthermore, nominees in committee continue to be processed much faster than those nominated by President Bush. On average, President Obama's district court nominees have only had to wait 66 days from nomination to their hearing. For President Bush's nominees, the wait time was nearly double, at 120 days. President Bush's circuit court nominees waited, on average, 247 days for a hearing. President Obama's nominees are receiving their hearing, on average, within 72 days.

Even with our rapid pace, the Federal courts still hold a vacancy rate of almost 11 percent. Yet 54 percent of the vacancies do not have nominees. While we are processing consensus nominees in a fair and thorough manner, we cannot lower the vacancy rate if no nominee exists.

The seat to which Ms. D'Agostino has been nominated, vacant since March of 2006, is categorized as a judicial emergency. This vacancy should never have been deemed an emergency. President Bush nominated not one, but two nominees to this vacancy during the 109th and 110th Congresses. First, Mary Donohue, who had served as New York State's Lieutenant Governor, was nominated in June 2006, 3 months after the vacancy occurred. Ms. Donohue's nomination languished in committee without a hearing or a committee vote for 435 days. Her nomination was with-

drawn in September 2007. President Bush then nominated Thomas Marcelle to the seat. He waited 155 days in the Judiciary Committee and never received a hearing. The nomination was returned at the end of the 110th Congress. In sum, the seat had a nominee for 590 days, with no action. This is justice delayed. I would note that both candidates had a rating from the ABA of "Well Qualified."

It took President Obama over 20 months to finally nominate an individual to this vacancy. While I am disappointed this seat has been needlessly vacant for so long, I am pleased to support the nominee before us today.

Mae Avila D'Agostino received her B.A., magna cum laude, from Siena College and her J.D. in 1980 from Syracuse University College of Law. Ms. D'Agostino began her legal career in 1981 as an associate attorney at Maynard, O'Connor & Smith. In 1985, she was made a partner. In 1997, Ms. D'Agostino left Maynard, O'Connor & Smith to start her own firm D'Agostino, Krackeler, Maguire & Cardona, P.C., where she currently practices. Throughout her career, Ms. D'Agostino has primarily practiced in the area of defense litigation with a concentration on medical malpractice.

In addition to her legal practice, Ms. D'Agostino has also taught legal courses at the Junior College of Albany and Albany Law School. The ABA Standing Committee on the Federal Judiciary gave Ms. D'Agostino a unanimous "Well-Qualified" rating. Her nomination was reported by the Judiciary Committee by voice vote just 25 days ago.

I congratulate the nominee and wish her well in her public service as a U.S. district judge.

Mr. LEAHY. Mr. President, I congratulate Senator SCHUMER and Senator GILLIBRAND for their work.

The distinguished senior Senator from New York is on the floor. I am delighted to see him, and I would ask, when he is finished, if he asks for a quorum call, if he might ask to have it charged against both sides equally.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the chairman, and thank you, Mr. President.

First, I express my gratitude and thanks to the chairman of our Judiciary Committee, Senator LEAHY. Senator LEAHY has conducted his chairmanship, as head of the Judiciary Committee, with fairness and strength and honor, and he has tried to bend over backwards to get our colleagues on the other side of the aisle fair hearings and equality in a certain sense.

I regret that too many of our colleagues on the other side of the aisle are blocking judges. It is not fair and it is not right. I hope they would heed Senator LEAHY's call to avoid tit for tat and bring more judges to the bench.

(Mr. LEAHY assumed the chair.)

Mr. SCHUMER. As I said, I have not seen a chairman—now he is the Presiding Officer of the Senate for the moment—I have not seen a chairman try to be fairer and with more patience and more honor as chair of the Judiciary Committee than Senator LEAHY. I hope my colleagues will heed his call because he is trying to be as fair and down the middle as possible at a time when we have a record number of vacancies in too many of our circuits.

I rise today to express my full support for Mae D'Agostino, the nominee for the United States District Court for the Northern District of New York. I am very hopeful we will confirm her with overwhelming support tonight, and I agree wholeheartedly with Chairman LEAHY that we should proceed quickly to confirm the other nominees for the many long vacant seats across the country.

Mae D'Agostino's entire career is a tribute to her skill, her intelligence, and her pioneering spirit. When she is confirmed today, she will be the only woman sitting on the Federal bench in upstate New York, and only the second in the history of the region.

Mae D'Agostino has earned the distinction of being one of the most well respected and revered trial attorneys in the State of New York. When I suggested her name to President Obama, I was amazed—I knew she had a good reputation and, of course, I had interviewed her—I was amazed at the acclaim throughout the entire Northern District that nomination received. Mae D'Agostino's reputation as a fair-minded, honorable, practical lawyer is incredible. I am so glad she is here before us tonight, and I believe, should we confirm her, she will be an outstanding judge. The capital region and the central New York area, as well as the north country, are sort of exultant. That is the word I use to describe Mae's possible ascension to the bench tonight.

She was born in Albany, NY, and graduated summa cum laude from one of the capital region's great institutions, Siena College, and then from Syracuse University School of Law. I would say to the Orange, we did not get into the Sweet Sixteen, but at least Mae D'Agostino is getting on the bench tonight. Right from the get-go, Mae established herself in private practice as a gifted and hard-working trial lawyer, taking cases ranging from medical malpractice to negligence to labor disputes.

She formed her own firm, D'Agostino, Krackeler, Maguire & Cardona in 1997, and has remained at the pinnacle of our State's legal profession ever since.

Along the way, she was inducted into the prestigious American College of Trial Lawyers, and she has won awards that are too numerous to list in full for

her service to her alma maters, the community, and for her position as a role model for other women in the profession.

In 1992, Mae D'Agostino helped to organize an experimental program in which the Albany County court instructed parties in 420 cases to reach a settlement agreement or prepare for trial. The program resulted in 50 negotiators settling over 150 pending cases. This is exactly the kind of dedication and creativity we need from our judges.

I have always said that my three criteria in choosing people to recommend for judgeships are excellence, moderation, and diversity, and Mae fits all three of those to a T.

It is particularly fitting that Mae D'Agostino, a groundbreaking nominee of such impeccable judgment and intelligence, is the first of President Obama's new nominees to receive a confirmation vote this Congress. I hope and expect that as the Judiciary Committee moves through nominees under the leadership of Chairman LEAHY and Ranking Member GRASSLEY, we will be able to approve many more of them quickly.

We have the best and fairest judicial system in the world, but it depends on good judges to populate the bench. Especially when one in nine spots is vacant—let me repeat that: one in nine spots is now vacant—nominees with bipartisan support should not languish on the floor of the Senate.

Mae D'Agostino's confirmation is a big step in the right direction, and we all must work to make sure there are many more to follow.

This is a great day for Mae and her family, for the State of New York, and for our great Nation.

Thank you. Before suggesting the absence of a quorum, I ask unanimous consent that the time be equally divided between both sides of the aisle.

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

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, I yield back all remaining time.

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

The question is, Will the Senate advise and consent to the nomination of Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. KIRK), the Senator from Idaho (Mr. RISCH), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—88

Akaka	Enzi	Mikulski
Alexander	Feinstein	Moran
Ayotte	Franken	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Graham	Nelson (FL)
Begich	Grassley	Paul
Bennet	Hagan	Portman
Bingaman	Harkin	Pryor
Blumenthal	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Burr	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
DeMint	McCaskill	Wyden
Durbin	McConnell	
Ensign	Merkley	

NOT VOTING—12

Blunt	Inouye	Risch
Cochran	Kirk	Rockefeller
Hatch	Menendez	Vitter
Hoeven	Nelson (NE)	Wicker

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LEE RHYANT

Mr. ISAKSON. Mr. President, I rise for a brief moment to pay tribute to a great career in aviation and aviation manufacturing in the State of Georgia and the United States. Tomorrow, Lee Rhyant, of Lockheed Martin in Marietta, GA, will retire at the age of 60, after giving the last 11 years of his life to that plant and overseeing the remarkable C-130J Super Hercules, the best selling transport aircraft in the history of aviation; of overseeing the completion of the first 187 F-22 Raptors, the stealth aircraft of the 21st century, the backbone of our Air Force; and then the development of the FA-35 Joint Strike Fighter, all being built in part or in whole in Marietta, GA.

Lee Rhyant has guided that process through difficult times and he stood up for the Air Force and he stood up for America and he stood up for those airlines, knowing they were the right thing for the American people to have to ensure our defense and our strength nationally.

I am sure, Mr. President, you have been to Iraq. I have been to Iraq, Afghanistan. We have flown in the C-130s. I flew out of Baghdad 2 years ago on one C-130 that was built in 1969 in the Marietta, GA, plant. It is still flying today, a great airplane built by great men and women.

Lee Rhyant has been the leader of that great company at Lockheed Martin in Marietta for the last 11 years. He came there from Rolls Royce and has been a great leader in aviation throughout his 35 years in business—so great that 2 years ago, in 2009, he was selected the National Management Associate of the Year by the National Management Association, a tremendous credit that only 35 people have received in the past.

Lee is my friend; he is my neighbor; he is a great American. He has led a great company and a great community in Georgia. I rise tonight to pay tribute to his dedication, to his commitment, and, most of all, his compassion for the

American people and for the defense of our country.

I wish him the best in his retirement, knowing that he has given to his country everything he could have given and earned every day of retirement he is about to receive.

I yield the floor.

ADDITIONAL STATEMENTS

RECOGNIZING THE 188TH FIGHTER WING

• Mr. BOOZMAN. Mr. President, today I honor the men and women of the 188th Fighter Wing for their dedication, perseverance and commitment to excellence.

The 188th—based in Fort Smith, AR—recently received the Air Force Outstanding Unit Award, AFOUA, for their accomplishments over a 2-year period, beginning in October 2008 and concluding in September 2010.

During that time, the 188th logged over 2,700 combat hours while staged in Kandahar, Afghanistan, in support of Operation Enduring Freedom. During the award period, the 188th also deployed 141 members for Expeditionary Combat Support for Operations Enduring Freedom and Iraqi Freedom as well as other contingency operations worldwide. The unit had an exceptional score on their Air Combat Command Unit Compliance Inspection in 2009, acing 534 of 537 inspected areas.

Perhaps the most amazing and inspiring part of this story was that just a few years ago, the 188th was slated to lose its flying mission. The 2005 Defense Base Closure and Realignment Commission, BRAC, recommended that the 188th be stripped of its flying mission and of their F-16 Falcons. The community rallied, and instead of losing its flying mission, the 188th earned a new one—the Flying Razorbacks emblem now emblazons A-10 Thunderbolt II Warthogs.

The unit quickly transitioned to the A-10s, beginning in 2007, before deploying approximately 300 Airmen and 6 of its Warthogs for an Air Expeditionary Forces rotation to Kandahar in 2010. The 188th never missed a mission tasking while in Kandahar.

The AFOUA recognizes the extent of the challenges the men and women of the 188th overcame in the past few years. The 188th Fighter Wing truly is a Phoenix that rose from the ashes.

Authorized by Department of the Air Force General Order 1, January 6, 1954, the AFOUA is awarded by the Secretary of the Air Force to numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units.

Mr. President, the 188th not only met the criteria for the AFOUA but

eclipsed it. As a Senator, and a Fort Smith-native, words cannot say how proud I am of the members of the 188th for their accomplishments. Nor are words enough to express how grateful I am, as an American, for their service. We thank them, and all our servicemen and women, for their sacrifice and efforts on our behalf. •

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-985. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)” (RIN0581-AD04) (Docket No. AMS-NOP-10-0051; NOP-10-04FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-986. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Olives Grown in California; Decreased Assessment Rate” (Docket No. AMS-FV-10-0115; FV11-932-1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-987. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Walnuts Grown in California; Decreased Assessment Rate” (Docket No. AMS-FV-10-0060; FV10-984-1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-988. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2010-2011 Crop Year for Tart Cherries” (Docket No. AMS-FV-10-0081; FV10-930-4 FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-989. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Section 610 Review” (Docket No. AMS-FV-10-0030; FV10-996-610 Review) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-990. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Avocados Grown in South Florida; Increased Assessment Rate” (Docket No. AMS-FV-10-0067; FV10-915-1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-991. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Blueberry Promotion, Research, and Information Order; Section 610 Review” (Docket No. AMS-FV-10-0006) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-992. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010-2011 Marketing Year” (Docket No. AMS-FV-09-0082; FV10-985-1A IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-993. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Country of Origin Labeling of Packed Honey” (RIN0581-AC89) (Docket No. AMS-FV-08-0075) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-994. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Kiwifruit Grown in California; Order Amending Marketing Order No. 920; Correction” (Docket No. AMS-FV-10-0115; FV11-932-1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-995. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Pears Grown in Oregon and Washington; Amendment to Allow Additional Exemptions” (Docket No. AMS-FV-10-0072; FV10-927-1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-996. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flubendiamide; Pesticide Tolerances” (FRL No. 8863-8) received during adjournment of the Senate in the Office of the President of the Senate on

March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-997. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus flavus AF36: Exemption from the Requirement of a Tolerance" (FRL No. 8868-7) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-998. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, a report relative to U.S. military operations to assist an international effort authorized by the United Nations Security Council relative to Libya; to the Committee on Foreign Relations.

EC-999. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services to support the development and production of the Evolved SeaSparrow Missile in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1000. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 12163, as amended by Executive Order 13346, a report relative to a waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC-1001. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to outstanding expropriation cases by country along with details about each case; to the Committee on Foreign Relations.

EC-1002. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 10-03; to the Committee on Appropriations.

EC-1003. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contract Authority for Electricity from Renewable Energy Sources" ((RIN0750-AG48) (DFARS Case 2008-D006)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC-1004. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Repeal of Restriction on Ballistic Missile Defense Research, Development, Test, and Evaluation" ((RIN0750-AH18) (DFARS Case 2011-D026)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC-1005. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Nonavailability Exception for Procurement of Hand or Measuring Tools"

((RIN0750-AH17) (DFARS Case 2011-D025)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC-1006. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Safety of Facilities, Infrastructure, and Equipment for Military Operations" ((RIN0750-AG73) (DFARS Case 2009-D029)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC-1007. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; Moored Cruise Ships, Port of San Diego, California" ((RIN1625-AA87) (Docket No. USCG-2010-1129)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1008. A communication from the Secretary, Bureau of Trade Affairs, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts and Non-Vessel-Operating Arrangements; Transmission of Approved Log-In ID and Passwords" (RIN3072-AC42) received during adjournment of the Senate in the Office of the President of the Senate on March 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1009. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake Brownwood and Early, Texas)" (MB Docket No. 09-181, RM-11573) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1010. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures" (MB Docket No. 09-52; FCC 11-28) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1011. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to the Zero-Net Energy Commercial Building Initiative and other government initiatives that affect commercial buildings; to the Committee on Energy and Natural Resources.

EC-1012. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System Identification and Listing of Hazardous Waste; Final Exclusion" (FRL No. 9285-7) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC-1013. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions" (FRL No. 9280-8) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC-1014. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9279-2) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC-1015. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Gila River Indian Community's Tribal Implementation Plan" (FRL No. 9259-9) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC-1016. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Technical Amendment" (FRL No. 9284-3) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1017. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Regulation Extending the Reporting Deadline for Year 2010 Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule" (FRL No. 9283-7) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1018. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Nebraska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision" (FRL No. 9281-6) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1019. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of California, Santa Barbara County Air Pollution Control District" (FRL No. 9283-4) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1020. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the 1997 Ozone Standard" (FRL No. 9281-5) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1021. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions and Update of Appendices; Withdrawal of Direct Final Rule" (FRL No. 9281-4) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1022. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing" (FRL No. 9280-9) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC-1023. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals; Federal Fiscal Year 2010 and Federal Fiscal Year 2011" (RIN0938-AQ42) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Finance.

EC-1024. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Civil Money Penalties for Nursing Homes" (RIN0938-AQ02) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Finance.

EC-1025. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-1026. A communication from the Deputy Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Change of Address; Requests for Exemption From the Bar Code Label Requirements" ((21 CFR Part 201)(Docket No. FDA-2011-N-0101)) received in the Office of the President of the Senate on March 17, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1027. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations to Implement the Equal Employment Provisions of the Americans with

Disabilities Act, as amended" (RIN3046-AA85) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1028. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 17, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1029. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC-1030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-160 "Attorney General for the District of Columbia Clarification and Elective Term Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-724 "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1032. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Auditor's Examination of the Office of Risk Management's Oversight of the District's Disability Compensation Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-1033. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1034. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the North Dakota Advisory Committee; to the Committee on the Judiciary.

EC-1035. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Montana Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Special Report entitled "Report on the Activities of the Senate Committee on the Judiciary During the 111th Congress" (Rept. No. 112-5).

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship:

Special Report entitled "Summary of Legislative and Oversight Activities During the 111th Congress" (Rept. No. 112-6).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 49. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. COCHRAN):

S. 653. A bill to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU:

S. 654. A bill for the relief of Djibril Coulibaly; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 655. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. MIKULSKI, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. GRAMHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mr. COONS, and Mr. WHITEHOUSE):

S. 657. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, Ms. MURKOWSKI, and Mrs. MCCASKILL):

S. 658. A bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. BOXER, Mrs. HAGAN, Mrs. HUTCHISON, Ms. CANTWELL, Ms. LANDRIEU, Mrs. SHAHEEN, Ms. COLLINS, Ms. STABENOW, Ms. AYOTTE, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mrs. GILLIBRAND):

S. Res. 109. A resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and

commitment to putting the wellbeing of others before their own have proven that courage can be contagious; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. CHAMBLISS):

S. Res. 110. A resolution to require that all legislative matters be available and fully scored by CBO 48 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 76

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 76, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 227

At the request of Mr. CONRAD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 262

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 262, a bill to repeal the excise tax on medical device manufacturers.

S. 350

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 350, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 387

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan

(Ms. STABENOW) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 437

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories.

S. 464

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 464, a bill to establish a grant program to enhance training and services to prevent abuse in later life.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the names of the Senator from Cali-

ornia (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 533

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 533, a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 542

At the request of Mr. BEGICH, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 550

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 550, a bill to improve the provision of assistance to fire departments, and for other purposes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and

the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 578

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 578, a bill to amend title V of the Social Security Act to eliminate the abstinence-only education program.

S. 597

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to include neurologists as primary care physicians for purposes of incentive payments for primary care services under the Medicare program.

S. 600

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 600, a bill to promote the diligent development of Federal oil and gas leases, and for other purposes.

S. 623

At the request of Mr. KOHL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 623, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 632

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 632, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes.

S. 633

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims

brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 641

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the "International Year of Cooperatives".

S. RES. 99

At the request of Mr. DEMINT, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 161

At the request of Mr. JOHANNES, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 161 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 183

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 183 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself,

Mr. WICKER, and Mr. COCHRAN):
S. 653. A bill to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005; Hurricanes Gustav and Ike of 2008; and the Deepwater Horizon disaster of 2010. Almost 6 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. The region is also still reeling from the oil spill and subsequent Federal deepwater drilling moratorium. As Chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. "Ray" Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that needs this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June 2009. Pre-Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit that June, the Bergerons were down to 2 employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

When I met with them, the Bergerons had a \$225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until

he is 101 years old. And two years ago now, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees in 2009.

The Bergerons' story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the Deepwater Horizon oil spill and Federal deepwater drilling moratorium, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these "pioneer" businesses are the ones rebuilding communities, they are the businesses communities need the most because they serve as anchors. If residents see the Bergerons' gas station or their favorite restaurant open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2011. This legislation would provide targeted assistance to as many as 11,000 businesses in Louisiana, Mississippi, Alabama, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to \$15,000 of interest payments over three years, helping to create or save up to 40,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those "pioneer" businesses that were the first to re-open after the disaster. The bill also includes a priority for applications from businesses suffering substantial economic harm from the Deepwater Horizon oil spill last year. The program would end on March 31, 2012.

The Southeast Hurricanes Small Business Disaster Relief Act also includes provisions to help reduce the program's impact on the Federal def-

icit. First, the bill eliminates a duplicative program at the SBA. This program, the Gulf Coast Disaster Loan Refinancing Program, was created as part of the 2008 Farm Bill. Although it was created almost three years ago, the program has not received any appropriations nor has the SBA utilized the authority to refinance any disaster loans. It is my understanding this is because the program just re-amortizes the same debt of borrowers. Furthermore, any refinancing must not exceed the original loan amount and differ from the original terms of the loan. As a result, this program is not attractive to borrowers, lenders or the SBA. Our bill eliminates this program and creates one that will work better for all stakeholders. Next, the bill allows SBA the authority to get reimbursed by the party responsible for the Deepwater Horizon oil spill for any interest relief provided to businesses impacted by that disaster. This ensures that the taxpayers will be reimbursed for interest relief related to the Deepwater Horizon oil spill. I also note that this is consistent with the claims process provided for in the Oil Pollution Act of 1990.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as \$1,000 per month. For example, for a \$114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as \$400 in monthly interest. In one year, this adds up to \$4,800 and almost \$14,500 in three years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, \$15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extravagant bonuses. I, for one, believe it is time to help these Main Street businesses as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana, and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89-917 that, "The overwhelming

magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes."

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89-339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, "This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas." Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above \$500—due on the loan over a period of three years, but not to exceed \$1,800 in interest. The bill was signed into law in November 1965 and Congress later approved \$35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our state. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in U.S. history, with more than \$81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid-2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana.

With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other "pioneer" businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergeron's story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in 2008, and the Deepwater Horizon disaster. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these four states hardest hit by Katrina, Rita, Gustav, Ike, and the Deepwater Horizon. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the sixth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to relieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 11,000 Main Street business owners and their estimated 40,000 employees in the Gulf Coast.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 656

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Hurricanes Small Business Disaster Relief Act of 2011".

SEC. 2. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) IN GENERAL.—Section 12086 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 1422) is amended to read as follows:

"SEC. 12086. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'covered area' means an area in the State of Louisiana, the State of Mississippi, the State of Alabama, or the State of Texas for which the President declared a major disaster relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

"(2) the term 'covered disaster loan' means a loan—

"(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

"(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

"(C) made to a business located in a covered area;

"(3) the term 'Deepwater Horizon oil spill' means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment; and

"(4) the term 'program' means the Southeast Hurricanes Small Business Disaster Relief Program established under subsection (b).

"(b) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

"(1) for not more than 3 years; and

"(2) in a total amount of not more than \$15,000.

"(c) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of payment of interest under the program by a small business concern—

"(1) with not more than 50 employees;

"(2) that demonstrates substantial economic injury as a result of the Deepwater Horizon oil spill; or

"(3) that resumed business operations—

"(A) during the period beginning on September 1, 2005 and ending on October 1, 2006 in a covered area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005; or

"(B) during the period beginning on September 1, 2008 and ending on January 1, 2009 in a covered area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008.

"(d) REIMBURSEMENT BY RESPONSIBLE PARTY.—The Administrator may present a claim to the responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for costs and expenses described in section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) relating to a waiver of interest under this section for a business suffering a substantial economic injury as a result of the Deepwater Horizon oil spill in accordance with section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the program.

"(f) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after March 31, 2012."

(b) SAVINGS CLAUSE.—A loan refinanced under section 12086 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 1422) before the date of enactment of this Act shall remain in full force and effect under the terms, and for the duration, of the loan (including any option to defer repayment).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b)

of the Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 933) is amended by striking the item relating to section 12086 and inserting the following:

"Sec. 12086. Southeast Hurricanes Small Business Disaster Relief Program."

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. MIKULSKI, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 656

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liberian Refugee Immigration Fairness Act of 2011".

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(i) applies for adjustment not later than 1 year after the date of the enactment of this Act; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien—

(i) has been convicted of any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43));

(ii) has been convicted of 2 or more crimes involving moral turpitude; or

(iii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate

motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—If the Secretary of Homeland Security adjusts the status of an alien pursuant to an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny such adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States between January 1, 2011 and the date on which the alien submits an application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish procedures, by regulation, through which an alien, who is subject to a final order of deportation, removal, or exclusion, may seek a stay of such order based upon the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a) unless the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States while a determination regarding such application is pending; and

(ii) provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon the approval of an alien’s application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien’s admission for permanent record as of the date of the alien’s arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of

status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

By Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mr. COONS, and Mr. WHITEHOUSE):

S. 657. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I take this time to inform my colleagues of legislation I have introduced today to establish a national Blue Alert Act. This would establish a nationwide program for blue alert. It would be similar to what we do for AMBER alert today. With AMBER alert, when children are abducted, we use that communication system nationwide to get information out about the abductor so we can get the public assisting law enforcement in apprehending the individuals responsible for the abduction of a child. My legislation would establish a similar system of disseminating information when a police officer has been murdered or severely injured as a result of a violent attack. This bill would help in keeping law enforcement safer by removing these individuals who have committed these horrible crimes from the streets sooner and holding them accountable for their acts.

Every day 900,000 law enforcement officers go out in our communities to keep us safe. They are the frontline for public safety. They put their lives on the line. Our communities are much safer as a result of their actions, so we want to do everything we can to help our law enforcement officers. In recent years, too many have lost their lives in the line of duty. We need to do something about that.

In Prince George’s County, MD, today I joined with law enforcement officers at the FOP Lodge 89 to talk about this legislation. There is a fallen heroes memorial located at that FOP lodge to honor law enforcement officers in Prince George’s County who gave their lives in the line of duty. Unfortunately, there are 26 individuals honored at that memorial. They have lost their lives since 1937. The Superintendent of State Police was also there, and we recalled State trooper Wesley Brown who died in June of last year in Forestville at the age of 24 serving his community. I mention Trooper Brown specifically because as a result of Trooper Brown’s death, Governor O’Malley took executive action to establish a blue alert system in the State. We now have nine other States that have joined Maryland—10 States altogether—in establishing their own blue alert programs so we can assist in the capture of those who murder or seriously injure law enforcement officers.

We need to use technology the best we can to help those who are serving our communities. My legislation would make that program nationwide. I am proud we have bipartisan cosponsors in Senators GRAHAM, LEAHY, KLOBUCHAR, and COONS. It complements the work being done by Attorney General Holder in his Law Enforcement Officer Safety Initiative. The purpose here is try to keep our law enforcement officers safer and keep the community safer. We think both will be achieved by using a blue alert system nationwide.

I am also pleased to say it has the endorsement of the Fraternal Order of Police and the Concern of Police Survivors, COPS. I urge all colleagues to join me in supporting this legislation. I hope we can get it enacted shortly. This can help in living up to our commitment to those who serve us.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 109—HONORING AND SUPPORTING WOMEN IN NORTH AFRICA AND THE MIDDLE EAST WHOSE BRAVERY, COMPASSION, AND COMMITMENT TO PUTTING THE WELLBEING OF OTHERS BEFORE THEIR OWN HAVE PROVEN THAT COURAGE CAN BE CONTAGIOUS

Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. BOXER, Mrs.

HAGAN, Mrs. HUTCHISON, Ms. CANTWELL, Ms. LANDRIEU, Mrs. SHAHEEN, Ms. COLLINS, Ms. STABENOW, Ms. AYOTTE, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas, in the course of peaceful protests in countries throughout North Africa and the Middle East, women have stood shoulder-to-shoulder with men to advance their rights;

Whereas Secretary of State Hillary Rodham Clinton has said, "The rights of women and girls is the unfinished business of the 21st Century.";

Whereas, in late December 2010 and January 2011, Tunisia underwent a political upheaval, dubbed the "Jasmine Revolution," resulting in the fleeing of President of Tunisia Zine El Abidine Ben Ali from the country on January 14, 2011;

Whereas one of the first voices of the "Jasmine Revolution" was the sister of Mohammad Bouazizi, the young man whose death led to many of the peaceful protests in Tunisia;

Whereas, on January 25, 2011, demonstrations began across Egypt with thousands of protesters peacefully calling for a new government, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption;

Whereas women in Egypt have utilized social media to galvanize support among men and women for peaceful protest;

Whereas huge crowds came out to protest peacefully in Egypt, and women were among those that faced tear gas and who pitched their tents and slept in the cold in Tahrir Square;

Whereas hundreds of women took part in a rally in Cairo on March 8, 2011, the 100th Anniversary of International Women's Day, to remind women in Egypt that they must have a voice in their nation's future;

Whereas, on February 25, 2011, the United Nations Security Council and the international community condemned the violence and use of force against civilians in Libya;

Whereas, according to press reports, women in Libya have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive, listening to worried fathers whose sons are fighting on the frontlines, keeping up with the day-to-day clashes and casualty numbers, and holding meetings about health and education issues, as well as participating in the demonstrations themselves;

Whereas, according to press reports, women are among the leaders of demonstrations calling for reform in Yemen;

Whereas women's groups in countries such as Morocco, Jordan, Lebanon, and Iran have attempted to harness critical support regarding legislation affecting their rights;

Whereas women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence;

Whereas women, young and old, have marched in the streets of countries from Tunisia to Iran demanding freedom from oppression; and

Whereas women across North Africa and the Middle East aspire for freedom, democracy, and rule of law: Now, therefore, be it

Resolved, That the Senate—

(1) honors the women in North Africa and the Middle East who have worked to ensure that women are guaranteed equality and basic human rights;

(2) recognizes that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy;

(3) acknowledges that women in North Africa and the Middle East are demanding to be included in making choices that will affect their own lives and their families;

(4) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet, and supports the calls for representative and responsive democratic governments that respect these rights;

(5) celebrates this year's centennial anniversary of International Women's Day, a global day to celebrate the economic, political, and social achievements of women past, present, and future, and a day to recognize the obstacles that women still face in the struggle for equal rights and opportunities;

(6) condemns any efforts to provoke or instigate violence against women, and calls upon all parties to refrain from all violent and criminal acts; and

(7) underscores the vital importance of women's rights and political participation as leaders in North Africa and the Middle East consider constitutional reforms and shape new governments.

Ms. SNOWE. Mr. President, I rise today to submit a resolution calling for women's rights in North Africa and the Middle East. Following weeks of tumult and protests in this area of the world, I could not be more honored to lead my 16 female colleagues in the United States Senate in emphasizing the importance of women's rights and political participation. As one unified voice, the 17 of us have introduced a resolution calling for a renewed focus on women's rights as leaders in North Africa and the Middle East consider constitutional reforms and shape new governments. The resolution we introduced reaffirms our commitment to representative and responsive democratic governments that respect women's rights and calls on leaders to include women when it comes to making decisions that will affect their lives.

In the course of peaceful protests in countries throughout North Africa and the Middle East, women have stood shoulder to shoulder with men to advance their rights. Indeed, U.S. Secretary of State Hillary Rodham Clinton has said that, "the rights of women and girls is the unfinished business of the 21st century," and I couldn't agree more.

Earlier this year, demonstrations spread from Tunisia to Egypt, with thousands of protesters peacefully calling for new governments, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption. Women played a vital role in these movements, utilizing social media to galvanize support for peaceful protest—facing tear gas and sleeping in

tents in Tahrir Square. In fact, hundreds of women took part in a rally in Cairo on March 8th, the 100th anniversary of International Women's Day, to remind women in Egypt that they must have a voice in their nation's future. And today, as the people of Libya seek to overturn the brutal regime of Moammar Qadhafi, women have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive.

However, while women have sacrificed and peacefully protested side by side with men in nations throughout North Africa and the Middle East, there are signs that women are increasingly being sidelined from the formation of new governments. In Tunisia, according to press reports, only two women have been appointed to the transitional government and in Egypt, not a single woman has been appointed to the council in charge of revamping the constitution.

The simple truth is women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence. Be it Tunisia and Egypt—or Morocco, Yemen, Lebanon, and Iran—women have attempted to harness critical support regarding matters affecting their rights, which is precisely why my colleagues and I introduced this resolution.

We stand together to honor the women in North Africa and the Middle East who have worked to ensure guaranteed equality and basic human rights, recognizing that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy. Part and parcel to the success and stability of any government is the equal voice and participation of women. The spirit and devotion exemplified by women in North Africa and the Middle East—and the ongoing challenges they continue to face—are both an inspiration to us all and a reminder that discrimination and gender-based violence endures around the world. The resolution I am introducing with my colleagues is meant to honor their commitment to ensuring future generations enjoy the guaranteed equality and basic human rights for which they endeavor to this day.

SENATE RESOLUTION 110—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 48 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. BROWN of Massachusetts (for himself, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 110

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee; and

“(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of 3/5 of the Members of the subcommittee or committee. An affirmative vote of 3/5 of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

“(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

“(e) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.”.

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“6. (a) It shall not be in order in the Senate to proceed to any legislative matter, including any matter hotlined, unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Satur-

days, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

“(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.”.

SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 251. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 252. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 254. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 255. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 256. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 257. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize

and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ . POSTAL SERVICE POLICY.

Section 101(b) of title 39, United States Code, is amended—

(1) in the first sentence, by striking “a maximum degree of”; and

(2) in the second sentence, by striking “No small” and all that follows through “being” and inserting “It is”.

SA 251. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ . LIMITATION ON POSTAL SERVICE CONTRIBUTIONS FOR LIFE INSURANCE AND HEALTH INSURANCE BENEFITS.

(a) IN GENERAL.—If the Postmaster General does not submit a certification described under subsection (b) to Congress before fiscal year 2012 and each fiscal year thereafter—

(1) no sums may be appropriated from the United States Treasury to the United States Postal Service with respect to that fiscal year; and

(2) notwithstanding section 2005(a) of title 39, United States Code, the United States Postal Service may not borrow any money under that section with respect to that fiscal year.

(b) CERTIFICATION.—A certification referred to under subsection (a) is a certification that, with respect to the applicable fiscal year, the contributions by the United States Postal Service for employees for—

(1) life insurance benefits shall not exceed the maximum contribution provided for under section 8708 of title 5, United States Code; and

(2) health insurance benefits shall not exceed the maximum contribution provided for under section 8906 of title 5, United States Code.

SA 252. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____ . LIMITATION ON PAY OF OFFICERS OF THE UNITED STATES POSTAL SERVICE.

(a) REPEAL OF EXCEPTION TO COMPENSATION LIMITATION.—Section 3686 of title 39, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) LIMITATION ON PAY.—Notwithstanding any other provision of law, the total annual pay of the Postmaster General or any other officer or employee of the Postal Service may not exceed the total annual pay payable to the Vice President under section 104 of title 3, United States Code, until the Postal Service has paid—

(1) any obligation and any borrowed money under section 2005 of title 39, United States Code; and

(2) any other debt owed to the United States Treasury.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CONTRACTING FRAUD PREVENTION

SECTION 1. SHORT TITLE.

This title may be cited as the “Small Business Contracting Fraud Prevention Act of 2011”.

SEC. 2. DEFINITIONS.

In this title—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(3) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies and penalties under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a pro-

ceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’—

“(1) in order to allow any person to participate in or be admitted to any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage

of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) **DEFINITION.**—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran who possesses a disability rating letter establishing a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces with a service connected disability who, under chapter 61 of title 10, United States Code, is placed on the temporary disability retired list, retired from service due to a physical disability, or separated from service due to a physical disability.”.

(b) **VETERANS CONTRACTING.**—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) **VETERAN STATUS.**—

“(1) **IN GENERAL.**—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) **VERIFICATION OF STATUS.**—

“(A) **VETERANS AFFAIRS.**—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) **FEDERAL AGENCIES GENERALLY.**—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) **DEBARMENT AND SUSPENSION.**—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by

service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—

(1) IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(A) not later than 90 days after the date of enactment of this Act, begin to—

(i) evaluate the feasibility of—

(I) using additional third-party data sources;

(II) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(III) using fraud detection tools, including data-mining techniques; and

(IV) conducting financial and analytical training for the business opportunity specialists of the Administration;

(ii) evaluate the feasibility and advisability of calculating the adjusted net worth or total assets of an individual for purposes of the 8(a) program in a manner that includes assets held by the spouse of the individual; and

(iii) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(B) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (a), issue, in final form, proposed regulations of the Administration that—

(i) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(ii) require a small business concern to provide additional certifications designed to prevent fraud in order to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

(2) DEFINITION.—In this subsection, the term “immediate family member” means a father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

SEC. 6. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General;

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision;

(6) the number of investigations and reviews of potential suspensions and debarments that were initiated by the Administration; and

(7) the number of investigations and reviews of potential suspensions and debarments that were referred by the Administration to other agencies.

SA 254. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____ PROHIBITING NEW MANDATORY SPENDING.

Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(g) PROHIBITING NEW MANDATORY SPENDING.—

“(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

“(A) creates a new mandatory funding program; or

“(B) converts a discretionary funding program into a mandatory funding program.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.”.

SA 255. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FEDERAL SPENDING CONTROL.

(a) SHORT TITLE.—This section may be cited as the “Spending Control Act of 2011”.

(b) ESTABLISHMENT.—There is established an independent commission to be known as the “Grace Commission II”.

(c) DUTIES OF COMMISSION.—The duties of the Commission shall be—

(1) to conduct reviews in accordance with subsection (g); and

(2) to submit reports in accordance with subsection (h).

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of eight members appointed by the President, by and with the advice and consent of the Senate.

(B) NOMINATIONS.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Senate nominations for appointment to the Commission.

(C) CONSULTATION.—In selecting individuals for nominations for appointments to the Commission, the President shall consult with—

(i) the Speaker of the House of Representatives concerning the appointment of three members;

(ii) the majority leader of the Senate concerning the appointment of three members;

(iii) the minority leader of the House of Representatives concerning the appointment of one member; and

(iv) the minority leader of the Senate concerning the appointment of one member.

(2) TERMS.—Each member shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) CHAIRMAN.—The Chairman of the Commission shall be designated by the President at the time of nomination of members of the Commission.

(5) BASIC PAY.—

(A) RATES OF PAY.—

(i) IN GENERAL.—Except as provided in subparagraph (B), each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(ii) CHAIRMAN.—The Chairman shall be paid for each day referred to in clause (i) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(iii) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(6) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(7) MEETINGS.—The Commission shall meet at the call of the Chairman.

(e) DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of the Commission, the Director may appoint and fix the pay of personnel as the Director considers appropriate.

(B) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director may appoint the personnel of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS-18 of the General Schedule.

(C) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure by contract temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(6) CONTRACT AUTHORITY.—The Commission may contract with and compensate Government and private agencies or persons for products and services necessary for the Commission to carry out its responsibilities under this section.

(g) COST CONTROL REVIEWS.—

(1) IN GENERAL.—In preparation for submitting reports as required under subsection (h), the Commission shall conduct, every two years, a review of cost control in the Federal Government with respect to improving management and reducing costs.

(2) AGENCY STUDIES.—In conducting a review under this subsection, the Commission shall conduct in-depth studies of the operations of the Executive agencies as a basis for evaluating potential improvements in agency operations.

(3) RECOMMENDATIONS.—In conducting a review under this subsection, the Commission shall develop recommendations in the following areas:

(A) Opportunities for increased efficiency and reduced costs in the Federal Government that can be realized by Executive action or legislation.

(B) Areas where managerial accountability can be enhanced and administrative control can be improved.

(C) Opportunities for managerial improvements over both the short- and long-term.

(D) Specific areas where further study can be justified by potential savings.

(E) Ways to reduce governmental expenditures and indebtedness and improve personnel management.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than 180 days before the date on which the Commission is required to submit a final report under paragraph (2), the Commission shall submit to Congress and the President an interim report containing the preliminary results of the review being conducted under subsection (g) related to that final report.

(2) FINAL REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, and every two years thereafter until the date on which the Commission submits its third final report under this subparagraph, the Commission shall submit to Congress and the President a final report containing a detailed statement of the findings and conclusions of the Commission based on the most recent review conducted under subsection (g), together with its recommendations for legislative and administrative actions, and other matters the Commission considers appropriate.

(B) PROPOSED LEGISLATION.—The Commission shall include in a final report submitted under subparagraph (A) proposed legislation in the form of an implementation bill to carry out recommendations developed under subsection (g)(3).

(C) LIMITATION.—The Commission may include in a report submitted under this section proposed legislation under subparagraph (B) only if such proposed legislation is agreed to by not fewer than five of the members of the Commission.

(i) CONGRESSIONAL CONSIDERATION OF PROPOSED LEGISLATION.—

(1) INTRODUCTION; REFERRAL; REPORT OR DISCHARGE.—

(A) INTRODUCTION.—On the first calendar day on which both Houses are in session on or immediately following the date on which a final report is submitted to Congress under subsection (h)(2), the implementation bill included in such report shall be introduced (by request)—

(i) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate; and

(ii) in the House of Representatives by the majority leader of the House of Representatives, for himself and the minority leader of the House of Representatives, or by Members of the House of Representatives designated by the majority leader and minority leader of the House of Representatives.

(B) REFERRAL.—An implementation bill introduced under subparagraph (A) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House, but only without amendment.

(C) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(2) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which an implementation bill is referred has reported the bill, or has been discharged from further consideration of the bill under paragraph (1)(C), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(B) AMENDMENTS.—An implementation bill may not be amended in the Senate or the House of Representatives.

(C) DEBATE.—Debate on the implementation bill, and on all debatable motions and

appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(3) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(A) NONREFERRAL.—The implementation bill of the other House shall not be referred to a committee.

(B) VOTE ON BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House.

(4) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) TERMINATION.—The Commission shall terminate on the date that is one day after the date on which it submits its third final report under subsection (h)(2).

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) CALENDAR DAY.—The term “calendar day” means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term “Commission” means the Grace Commission II established by subsection (b).

(3) IMPLEMENTATION BILL.—The term “implementation bill” means only a bill that is introduced as provided under subsection (i)(1), and contains the proposed legislation described in subsection (h)(2)(B), without modification.

(4) MEMBER.—The term “member” means a member of the Commission appointed under subsection (d)(1)(A).

SA 256. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MAXIMUM PURCHASE LIMIT UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(b)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking “\$30,000,000,000” and inserting “\$18,000,000,000”.

SA 257. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).”.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) IMPORTED PROPERTY INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) IMPORTED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term ‘imported

property' does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) DEFINITIONS AND SPECIAL RULES.—

“(A) IMPORT.—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) UNITED STATES.—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) UNRELATED PERSON.—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY INCOME.—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).”

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting “or imported property income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”

(2) The last sentence of paragraph (4) of section 954(b) of such Code is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) of such Code is amended by striking “and the foreign base company oil related income” and in-

serting “the foreign base company oil related income, and the imported property income”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 31, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on three items:

S. 629, to improve hydropower, and for other purposes.

S. 630, to promote marine and hydrokinetic renewable energy research and development, and for other purposes.

Title I, subtitle D of the American Clean Energy Leadership Act of 2009 (S. 1462 from 111th Congress).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Meagan Gins at (202) 224-0883.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 69, 70, 71, and 72, and all nominations placed on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The below named officer for appointment as Deputy Commandant for Operations of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Brian M. Salerno

The following named officer for appointment as Deputy Commandant for Mission Support of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. John P. Carrier

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Robert C. Parker

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Manson K. Brown

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN244 COAST GUARD nomination of Philip F. Brooking, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN245 COAST GUARD nominations (2) beginning IVAN R. MENESES, and ending WILLIAM A. SCHULZ, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN160 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (14) beginning JOSHUA J. SLATER, and ending Patrick M. Sweeney, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN161 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (26) beginning AARON D. MAGGIED, and ending MICHAEL S. SILAGI, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN301 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (14) beginning Brian J. Adornato, and ending Eric G. Younkin, which nominations were received by the Senate and appeared in the Congressional Record of March 2, 2011.

PN338 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nomination of Zachary P. Cress, which was received by the Senate and appeared in the Congressional Record of March 10, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR TUESDAY, MARCH 29, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, March 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, following morning business, the Senate resume consideration of S. 493, the small business jobs bill; and, finally, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. MERKLEY. Mr. President, roll-call votes in relation to amendments to the small business jobs bill are possible

tomorrow. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Tuesday, March 29, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 28, 2011:

THE JUDICIARY

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

IN THE COAST GUARD

THE BELOW NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR OPERATIONS OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. BRIAN M. SALERNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR MISSION SUPPORT OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. ROBERT C. PARKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. MANSON K. BROWN

COAST GUARD NOMINATION OF PHILLIP F. BROOKING, TO BE CAPTAIN.

COAST GUARD NOMINATIONS BEGINNING WITH IVAN R. MENESES AND ENDING WITH WILLIAM A. SCHULZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH JOSHUA J. SLATER AND ENDING WITH PATRICK M. SWEENEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH AARON D. MAGGIED AND ENDING WITH MICHAEL S. SILAGI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH BRIAN J. ADORNATO AND ENDING WITH ERIC G. YOUNKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF ZACHARY P. CRESS, TO BE LIEUTENANT (JUNIOR GRADE).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 29, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED MARCH 30

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine nuclear safety in light of the impact of natural disasters on Japanese nuclear facilities.

SD-138

Environment and Public Works Oversight Subcommittee

To hold joint hearings to examine the General Services Administration (GSA), focusing on opportunities to cut costs, improve energy performance, and eliminate waste.

SD-406

Finance

To hold hearings to examine how complexity, uncertainty and other factors impact responses to tax incentives.

SD-215

Homeland Security and Governmental Affairs

To hold hearings to examine ten years after 9/11, focusing on a report from the 9/11 Commission Chairman.

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Health and Human Services.

SD-124

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine fundamentals and farming, focusing on evaluating high gas prices and how new rules and innovative farming can help.

SR-328A

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Air Force.

SD-192

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from Paralyzed Veterans of America, Air Force Sergeants Association, Military Order of the Purple Heart, National Association of State Directors of Veterans Affairs, Wounded Warrior Project, Vietnam Veterans of America, The Retired Enlisted Association, American Ex-Prisoners of War.

SD-106

1 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SR-222

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine securing the border, focusing on building on the progress made.

SD-342

Judiciary

To hold hearings to examine the nominations of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States, Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General, and Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance, all of the Department of Justice.

SD-226

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the National Park Service.

SD-366

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs of the National Nuclear Security Administration in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.

SR-232A

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Subcommittee

To hold hearings to examine ensuring the safety of our nation's motorcoach passengers.

SR-253

MARCH 31

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-G50

Energy and Natural Resources

To hold hearings to examine S. 629, to improve hydropower, S. 630, to promote marine and hydrokinetic renewable energy research and development, and Title I, subtitle D of the American Clean Energy Leadership Act of 2009.

SD-366

10 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine drug gangs' ever evolving tactics to penetrate the border and the Federal government's ability to stop them.

SD-342

Finance

To hold hearings to examine Asian-Pacific Economic Cooperation (APEC) 2011, focusing on breaking down barriers, creating economic growth.

SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine improving safety at dangerous mines one year after Upper Big Branch.

SD-430

Judiciary

Business meeting to consider S. 222, to limit investor and homeowner losses in foreclosures, S. 216, to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated, S. 410, to provide for media coverage of Federal court proceedings, S. 627, to establish the Commission on Freedom of Information Act Processing Delays, S. 394, to amend the Sherman Act to make oil-producing and exporting cartels illegal, and the nominations of John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, Claire C. Cecchi, and Esther Salas, both to be United States District Judge for the District of New Jersey, J. Paul Oetken,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

<p>and Paul A. Engelmayer, both to be United States District Judge for the Southern District of New York, and Ramona Villagomez Manglona, to be Judge for the District Court for the Northern Mariana Islands.</p>	<p>APRIL 6</p>	<p>APRIL 14</p>
<p>Appropriations Military Construction and Veterans Affairs, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Veterans Affairs.</p>	<p>10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Defense Health Program.</p>	<p>10 a.m. Energy and Natural Resources To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.</p>
<p>Small Business and Entrepreneurship To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the U.S. Small Business Administration and the Office of Advocacy.</p>	<p>Judiciary To hold hearings to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age.</p>	<p>MAY 4</p>
<p>Foreign Relations Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee To hold hearings to examine counter-narcotics and citizen security in the Americas.</p>	<p>Veterans' Affairs To hold hearings to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs.</p>	<p>SR-418</p>
<p>2 p.m. Armed Services To hold hearings to examine Operation Odyssey Dawn and the situation in Libya.</p>	<p>APRIL 7</p>	<p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on Intel.</p>
<p>Foreign Relations To hold hearings to examine the situation in Libya.</p>	<p>9:30 a.m. Armed Services To hold hearings to examine U.S. Transportation Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.</p>	<p>MAY 5</p>
<p>2:30 p.m. Appropriations Legislative Branch Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Library of Congress (LOC) and Open World Leadership Center.</p>	<p>2:15 p.m. Foreign Relations To hold hearings to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State.</p>	<p>10:30 a.m. Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA).</p>
<p>Environment and Public Works Transportation and Infrastructure Subcommittee To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Army Corps of Engineers.</p>	<p>APRIL 12</p>	<p>MAY 11</p>
<p>Intelligence To hold closed hearings to examine certain intelligence matters.</p>	<p>10 a.m. Armed Services To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.</p>	<p>10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.</p>
<p>APRIL 5</p>	<p>APRIL 13</p>	<p>MAY 12</p>
<p>9:30 a.m. Armed Services To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.</p>	<p>10 a.m. Veterans' Affairs To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce.</p>	<p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).</p>
<p>2:30 p.m. Armed Services Airland Subcommittee To hold hearings to examine Army modernization in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.</p>	<p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Pacific Command (PACOM).</p>	<p>MAY 17</p>
<p>SR-232A</p>	<p>SVC-217</p>	<p>MAY 25</p>
		<p>10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.</p>
		<p>SD-192</p>

MAY 26

(CENTCOM) and United States African
Command (AFRICOM).

JUNE 15

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To receive a closed briefing on the
United States Central Command

SVC-217

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine the Sec-
retary of Defense and the Chairman of
the Joint Chiefs of Staff.

SD-192

SENATE—Tuesday, March 29, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who has made and preserved us as a nation, make our lawmakers people of high vision and steadfast fidelity to Your wisdom. Use them to lift the banner of righteousness which exalts a nation. As they work together, deepen their understanding of one another's perspectives so that they will treat their colleagues as they would want their colleagues to treat them. Purge them from all that blemishes, corrupts, and defiles our common life. Heal our land, Lord, and use our Senators as agents of Your healing.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will

be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each, the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of S. 493, the small business jobs bill. The Senate will recess from 12:30 until 2:15 to allow for weekly caucus meetings. Rollcall votes in relation to amendments to the small business jobs bill are possible today. Senators will be notified when votes are scheduled.

We have 10 amendments now pending. I spoke yesterday afternoon to the Republican leader, and I think we are in good shape now to hopefully resolve the 1099 matter this afternoon. We are looking forward to having a consent agreement we can vote on. I think we are at a point where, in the morning, we can vote on the McConnell amendment dealing with EPA and a couple other amendments relating to EPA to get rid of that issue one way or the other.

There are other matters with the bill we would like to set up votes on, and if people are willing to allow us to do that, we could do some of those this afternoon. But we are making progress on this very important bill. With all the amendments being offered, we sometimes lose sight of the fact that this bill, which has been led by Senators LANDRIEU and SNOWE, is an extremely important bill for creating jobs with small businesses. It is an innovation bill, and the programs this bill covers have done some tremendously important things for the country.

With the CR, I spoke with the White House this morning, and there are conversations going on with the White House and the Republican leadership in the House, and I think this matter, with a little bit of good fortune, could move down the road in the next day or two to get us to a point where we could have something done so there doesn't have to be a government shutdown. I certainly hope that is the case.

RECOGNITION OF THE MINORITY LEADER

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

ENERGY TAX

Mr. MCCONNELL. Madam President, as lawmakers return to Washington this week, we did so against the backdrop of many world crises. From recov-

ery efforts in Japan, to battles everywhere from Afghanistan to Libya, to an unfolding economic crisis in Europe, the scope and intensity of world events in recent months has been nothing short of breathtaking.

Yet in the middle of all this, it is important we not lose sight of the struggles and concerns of so many around us here at home. At a time when roughly 1 in 4 American homeowners owes more money on their mortgage than their home is worth, at a time when nearly 1 in 10 working Americans is looking for a job, at a time when the Federal debt has reached heights none of us could have even imagined just a few years ago, now is not the time to lose focus on the paramount issue on the minds of Americans every day, and that is the very real crisis we face when it comes to jobs.

Americans look around them and they see neighbors and friends struggling to find work. Yet all they seem to get from the White House are policies that handcuff small businesses with burdensome new regulations and red tape and that create even more uncertainty about the future, including the administration's inexplicable and inexcusable inaction on trade deals that would level the playing field with our competitors overseas.

They are tired of it. Americans are tired of the White House paying lip-service to their struggles while quietly promoting effort after effort, either through legislation or some backdoor regulation, that makes it harder, not easier, for businesses to create new jobs. But the administration outdid itself last week, when the President told a Brazilian President the United States hopes to be a major customer in the market for oil that Brazilian businesses plan to extract from new oil finds off the Brazilian coast.

We can't make this stuff up. Here we have the administration looking for just about any excuse it can find to lock up our own energy resources here at home, even as it is applauding another country's efforts to grow its own economy and create jobs by tapping into its energy sources.

For 2 years, the administration has canceled dozens—dozens—of oil and gas leases all across America. It has raised permit fees. It has shut down deep-water drilling in the gulf. It would not even allow a conversation about exploring for oil in a remote 2,000-acre piece of land in northern Alaska that experts think represents one of our best opportunities for a major oil find. It continues to press for new regulations through the Environmental Protection Agency that would raise energy

costs for every business in America and lead to untold lost jobs for more American workers.

In other words, in the midst of average gas prices approaching \$4 a gallon and a chronic jobs crisis, the White House plans to make the climate for job growth worse. That is why Republicans, led in the Senate by Senator INHOFE, have proposed legislation to prevent the new energy tax from ever taking effect without congressional approval. The Wall Street Journal has called the amendment we are proposing "one of the best proposals for growth and job creation to make it onto the Senate docket in years."

Our amendment would assure small businesses across the country that they will not be hit with yet another costly new job-stifling burden by Democrats in Washington. It will give voters the assurance that a regulation of this kind, which would have a dramatic impact on so many, could not be approved without their elected representatives standing and actually voting for it. At a time of rising energy prices, it would prevent Democrats in Washington from adding even more pressure to energy prices than they already have out of fealty to special interests that would rather we buy our energy from overseas than find and use the bountiful resources we already have right here at home.

I wish to thank Senator INHOFE, once again, for leading us on this issue. His bill, upon which my amendment is based, has 43 cosponsors. He deserves the credit. He has been a fierce and tireless advocate not only for American energy but also against new EPA regulations that would sidestep the legislative process. I thank him for his work, along with the great work Senators MURKOWSKI and BARRASSO have done, in educating the American people about these issues.

At a time when Americans are looking for answers on the economy, this amendment is as good as it gets from Washington. By voting for it, we would be saying no to more regulations and redtape and we would be saying yes to American job creators and to the jobs they want to create. I urge my colleagues in both parties to support it.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

majority controlling the first half and the Republicans controlling the final half.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I rise to speak on the current state of partisan budget negotiations.

For weeks now, the offices of the Senate majority leader, the House Speaker, and the White House have been engaged in serious talks seeking a long-term budget agreement. It has been a long hard process. There have been a lot of fits and starts in the negotiations. But it is no exaggeration to say that as of last week talks were on a smooth path toward a compromise. The Speaker's office was negotiating in good faith. The parties significantly narrowed the \$51 billion gap on how much spending should be cut. House Republican leaders had agreed to come down from H.R. 1 and meet us halfway. We could begin to see light at the end of the tunnel.

But suddenly, at the end of last week, House Republicans did a strange thing: They pulled back from the talks. They changed their minds about what level of spending cuts they could accept. We were on the verge of a potential breakthrough, and they suddenly moved the goalposts. We felt a little bit like we were left at the altar. Not only did they abandon the talks, they started denying that they were ever close to a deal in the first place. Majority Leader CANTOR issued a statement Friday saying that reports that progress was being made were "far-fetched." It was as if they decided that even the appearance of a looming compromise was a political liability. It was surreal.

It is no surprise what happened. The headline of today's story in the National Journal says it all:

With Revolt Brewing, GOP Backs Off Deal.

Let me repeat that because that is really what is going on here and the news of the day in the last few days:

With Revolt Brewing, GOP Backs Off Deal.

The story reads:

Concerned about a revolt by the conservative, tea party-wing of the party, GOP leaders have pulled back from a tentative deal to cut roughly \$30 billion in cuts from current spending levels. The influence that tea-party conservatives now exercise over the process put the chances of a compromise seriously in doubt.

The story continues:

The GOP pulled back from that agreement last week after House Majority Leader Eric Cantor, R-Va., and Majority Whip Kevin McCarthy, R-Calif., warned House Speaker John Boehner, R-Ohio, that the deal would trigger a revolt from tea-party conservatives.

In other words, as soon as House Republican leaders took one step toward compromise, the tea party rebelled, so they took two steps back.

The National Journal story describes an offer that was put on the table by the White House that would have met House Republicans halfway. The offer falls squarely in the ballpark of Congressman RYAN's original budget proposal with roughly \$70 billion in spending cuts compared to the President's budget request. This is a significant move in the Republicans' direction. These are more cuts than many on our side might support, but it shows how seriously the White House is about wanting a compromise to avert a shutdown. If they are planning to reject such an offer, it is clear they won't take "yes" for an answer and are seeking a shutdown. The Republican leadership in the House, with the tea party breathing down their back, won't take "yes" for an answer and won't support the original proposal made by Budget Chairman RYAN of roughly \$70 billion in spending cuts. We know Congressman RYAN is hardly a liberal or a moderate. It shows how far to the right the Republican leadership is being forced to move by the tea party.

This level of spending cuts was good enough for House Republicans earlier this year when HAL ROGERS released his original proposal. But the tea party hollered, and House Republicans were forced to double their proposed spending cuts to an extreme level of \$61 billion. When that happened, HAL ROGERS said the House was moving beyond what was reasonable and into territory where they could never get a deal. TOM LATHAM of Iowa agreed that in forcing H.R. 1 to go from \$30 billion to \$60 billion in cuts, the tea party was forcing Republicans to go beyond what was "enactable." These are conservative Republicans saying that the present House proposal is not enactable, cannot pass. Just as the tea party forced mainstream Republicans into extreme territory before, they are doing so again. Anyone who looks at this objectively sees that is what is happening.

The Speaker has said all along that he wants to avoid a shutdown at all costs. I believe him. He is a good man. The problem is, a large percentage of those in his party don't feel the same way. They think "compromise" is a dirty word. They think taking any steps to avert a shutdown would mean being the first to blink. So Speaker BOEHNER is caught between a shutdown and a hard place. He has caught a tiger by the tail in the form of the tea party. There is even a tea party rally planned for later this week to pressure the Speaker not to budge off H.R. 1.

To try to mask the divisions on their own side, Republicans have resorted to lashing out in a knee-jerk way at Democrats. Their latest trick is trying to accuse Democrats of not having our own plan. That is a diversion. It rings hollow. The only proposals that have been made that would actually avoid a government shutdown are numerous compromises that Democrats have offered Republicans.

I would like to remind my House friends, as they all know, the Senate needs 60 votes to pass a bill. We can't pass anything without Republican agreement. Yet our Senate Republican colleagues are nowhere to be found. Since the Senate rejected the Republican job-killing budget proposal that would cost Americans 700,000 jobs a month ago, Republicans have not moved an inch off their plan.

Speaker BOEHNER knows, when it comes to averting a government shutdown on April 8, it is the tea party, not the Democrats, that is causing the trouble. At this point, the only hurdle left to a bipartisan deal, the only obstacle in the way is the tea party. But for the tea party, we could have an agreement that reduces spending by a historic amount. We could have a deal that keeps the government open.

A tea party rebellion may hurt House Republican leadership politically, but a shutdown will hurt Americans, all Americans, much more. It is time for House Republican leaders to rip off the bandaid. Mr. Speaker, it is time to forget the tea party and take the deal. There are only 10 days left before the current CR expires. There is no new stopgap being prepared by House Republicans. It seems the only viable proposal is the one the Speaker walked away from. So the Speaker faces a choice: Return to the deal he was prepared to accept before the tea party rebelled last week or risk a shutdown on April 8. I think we know what the right answer is. It is clear. The Speaker has a choice: Appease the tea party and shut down the government or take the right and principled stand and move the government forward by coming to a reasonable compromise between both parties that cuts the budget significantly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

REPEAL OF 1099

Mr. JOHANNIS. Madam President, it feels a bit like *deja vu* standing here today discussing the ongoing saga of the 1099 repeal. Two weeks ago, I offered amendment No. 161 to the small business bill.

If we read all the press releases and the public statements, it appears that absolutely nobody could possibly oppose repeal of the 1099 requirement in section 9006 of the health care bill. Yet

once again the other side is attempting to delay or derail the 1099 repeal by offering a second-degree amendment. I might have been open to a second-degree amendment when we started this process many long months ago. But now we are approaching the 1-year anniversary since we began fighting to repeal this unnecessary mandate. It had no place in the health care bill in the first place.

I can't help but question why on Earth we are still swinging and missing at this one. Is it a lack of support in my caucus? The answer to that is no. Support amongst Republicans is absolutely unanimous. Lack of Republican support certainly has not held this up.

I ask myself if there is a lack of bipartisan support that is holding up the effort. The answer to that is also no. My colleague, the junior Senator from West Virginia, has cosponsored the last several versions of this repeal legislation in the Senate. Together, Senator MANCHIN and I have secured dozens of Democrats who strongly support the repeal, and 76 Democrats voted for identical 1099 repeal in the House of Representatives. Bipartisan support is enormously, if not unusually, strong.

Might our problem be a lack of support from the White House? The answer to that is also no. The President has publicly called for repeal of this 1099 mandate on several occasions in press conferences. He even referenced it in his State of the Union Address.

Is it possible there is still confusion about how our small businesses feel about the mandate? That is not the case. The chorus of job creators opposing this mandate is almost deafening: the chamber of commerce, the National Federation of Independent Business, the American Farm Bureau Federation. I could go on and on listing organizations arguing for its repeal.

Has it been a controversial pay-for that has slowed down progress? Interestingly enough, an almost identical budgetary offset passed this Chamber unanimously only 4 months ago. Requiring someone to repay what was given to them erroneously is, plain and simple, good government.

Even Secretary of Health and Human Services Sebelius noted that repayment of improper subsidies is "fair for recipients and all taxpayers." So arguments about the pay-for simply are hollow excuses to justify inaction.

Our job creators are seeing it for what it really is. It is more nonsense. It astounds me that we can seemingly pass benchmark after benchmark without going over the finish line. How can we make so much important progress only to be stymied again and again by some silent opposition?

My friends across the aisle have often complained about the slow pace of the Senate. They have blamed the other side of the aisle for preventing progress. Well, my side of the aisle has

been ready for a long time to repeal this job-killing mandate. I want you to know we stand ready to vote.

Considering the high unemployment rates plaguing our country, it seems absolutely incomprehensible that we would waste even another day without addressing this mandate in the health care bill. Our job creators have watched dueling amendments and proposals and counterproposals. Well, that has gone on for 1 year.

I first circulated a Dear Colleague letter asking for cosponsors of this 1099 repeal in June of last year. When we introduced it in July, with 25 cosponsors, well, small businesses cheered. It gave them hope common sense would prevail in Congress and that partisanship is sometimes set aside to simply do the right thing.

But now they see there is yet again a delay tactic in the form of a second-degree amendment to the 1099 repeal. They have been frustrated time and time again—when it failed to advance in September and November and appeared stalled well into the new year.

Today, we have a simple choice: We can pass my amendment with strong bipartisan support and demonstrate we have the 60 votes necessary for the House version or we can pass the second-degree amendment and push this repeal off into limbo into Never Never Land yet again. We can actually fix the problem in a bipartisan way or we can continue to kick this can down the road.

If we pass the second-degree amendment, quite simply, what we have voted yes to do is delay the repeal of the 1099 amendment and eventually we are going to flirt with disaster on this and it will not get done.

We need to focus all our energy on helping our job creators grow and create more jobs, not force them into worrying about hiring more accountants. Pardon my boldness but there is no reason to delay. An identical version of my amendment passed the House with large bipartisan support: 314 to 112. I urge my colleagues, with all I have, to oppose the second-degree amendment my friend from New Jersey is proposing.

Let's be clear. This latest distraction from 1099 repeal is just that—it is a distraction. We all know it is not truly about a study to look at health care costs. If we want to do a study, put the amendment on some other piece of legislation. This is about derailing and delaying the 1099 repeal because if the second-degree amendment passes, it says: Instead of sending this to the President to become law, we need to go back to the drawing board.

While the proponents of the second-degree amendment will claim it is innocuous, make no mistake, it is designed to obliterate this amendment because of a budgetary offset. Again, I remind us, a similar offset was passed

unanimously recently by the Senate. Just like a Politico article from yesterday noted: "Senate Democrats are working on an amendment that could kill the [Republicans' pay-for in the future]."

If the second degree passes, then we are essentially adding nearly \$25 billion to our debt over the next 10 years. While some may preach the virtues of pay-as-you-go rules, when it comes right down to it, they will undermine virtually any fiscally responsible pay-for.

So here we are again crossing the same bridge we have crossed so many times before. In fact, the Senate refused this idea when we rejected the Baucus amendment that repealed 1099 but was not paid for. That amendment fell 23 votes short of passage because it fiscally did not make sense.

So why are we still here aimlessly walking around in circles when we ought to be marching straight ahead? Why are we proposing to send this bipartisan legislation back to the House? Because that is what will have to happen, when it ought to go directly to the President's desk for signature.

Our vote today can send a message that we have all the votes necessary to get this done and get it on the President's desk and everybody can celebrate: our job creators, Democrats, Republicans, Independents.

The logic of the second-degree amendment is absolutely baffling. Here we are in the ninth inning and somehow our pay-for has become magically unacceptable, even after a similar pay-for was approved unanimously by the Senate before. Where were all the objections? Where was the demand for further study when we unanimously approved a similar offset for the doc fix legislation?

Let me be very clear: A vote in favor of the second degree is a vote against our business and job creators. My amendment has been waiting for a vote for 14 days now, and the repeal has been pending for nearly 1 year. Isn't enough enough?

The time for delay and further study must be over. Let's pass my amendment today by an overwhelming vote of the Senate. Let's reject the second degree. Let's get this piece of legislation to the President for his signature and we can all celebrate. Small businesses, our job creators, deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

GOVERNMENT SPENDING

Mr. SESSIONS. Madam President, government funding is set to expire next week on April 8. We are in the midst of the 2011 fiscal year that ends September 30, and the Congress has only appropriated money through April

8. If Congress does not act by that time, the government would shut down.

Congress needs to act, but Congress needs to listen to the American people and listen to the financial experts whom we have dealt with and reduce spending and reduce the surging deficit we face this year, last predicted to be \$1.4 trillion. Nothing has ever been seen like it before, and it has to be addressed. There is no way around it.

So we have this deadline hanging over our heads, and the reason is, my colleagues in the Democratic leadership in the Senate will not agree to the kind of substantial but realistic spending reductions the House of Representatives has sent to us. The House has sent us a budget plan that I think will work. But what we hear is, the sky will fall if we trim the \$61 billion from a \$3.7 trillion budget—\$3,700 billion that we spend—if we reduce that spending by \$61 billion, somehow this will cause the country to sink into oblivion.

The American people know better than that. That is not realistic. Of course, we can cut those kinds of numbers out of this huge budget we have, and the American people will be better off for it.

As ranking member on the Budget Committee, I have looked at the numbers, and that \$61 billion reduces the baseline of Federal spending by \$61 billion this year, but over 10 years—because it is a baseline reduction—it would save \$860 billion. This is the kind of small but significant step that does make a difference.

People say: It does not make any difference. Why don't we just increase spending? Why do we cut spending at all? Of course, we have to reduce spending. The American people know the borrowed money and overspending of the past 2 years have failed to produce what it promised. Instead, all that has been achieved through this massive surge in Federal spending, through the stimulus package and other programs, is a crushing debt burden that weakens our economy and is a drag on our economy, as expert witnesses have told us. It threatens our economic future. Alan Simpson, former Republican Senator, and Erskine Bowles, formerly the Chief of Staff to President Clinton, were appointed by President Obama to cochair the debt commission. The fiscal commission reported to us, and jointly they submitted a written statement that said if the United States fails to act, it faces "the most predictable economic crisis in its history." This is a real warning. They said such a crisis could arrive in as soon as 1 or 2 years.

People have been saying: Oh, we are on the wrong track. If we do not get off it, in 3 or 4 or 5 years, we are going to have a crisis. More and more people are warning us that crisis is sooner. Mr. Bowles said: In 1 year, give or take a little bit, we will have a crisis. Mr. Simpson said: I think within 1 year.

The American people rightly expect their elected leaders to confront this threat with seriousness and candor. But the President has never once looked the American people in the eyes and told them the truth about the financial crisis we face. Has he ever discussed those kinds of words with the American people, that we face an actual crisis? We could have a debt problem that hits us very quickly, just like the one in 2008 that put us in a deep recession. We are in a fragile recovery now, and we need to keep that recovery going. The last thing we need to do is have another recession, or some sort of other financial collapse that puts more people out of work and weakens an already struggling economy. It is not necessary this occur.

The President and his Budget Director have, instead of being truthful with us, falsely boasted to the American people that under their budget we will "live within our means" and "not add more to the debt" and that "we're not going to spend any more money than we're taking in." He submitted his 10-year budget to the Congress, and that is what he says his budget will do. But not one of those statements is true—not one.

When the budget was announced, Mr. Bowles, whom the President appointed to head the debt commission, said it is nowhere close to what we need to be doing to get our house in order. In fact, the Congressional Budget Office finds this: that our annual deficits never once fall below \$748 billion. I was saying \$600 billion before based on the President's estimates of his budget. Now the Congressional Budget Office has done an independent analysis of the President's budget, and they say the lowest single annual deficit, in 10 years, would be \$748 billion.

Is it going down, you ask? Is this budget going to put us living within our means and live on what we take in? In the outyears, the deficits out 7, 8, 9, 10 years of the President's budget, they are going up. In the 10th year, the budget deficit is \$1.2 trillion—a \$1,200 billion deficit that year.

You might ask: What do those numbers mean? We spend, this year, about \$3.7 trillion through September 30. We take in \$2.2 trillion. This is why we are on an unsustainable path and we have to get off of it. It is not a partisan matter; it is a matter of facing reality. We still have Members of the Senate in denial. We have the majority leader down here complaining that he might not get money for his cowboy poetry festival in Nevada. Give me a break. This country is headed on the path of great danger and we need to turn around.

Imagine the fate a CEO would face if, in the process of asking for shareholders to buy company stock, he declared, "We are not adding to the debt," while his accountants were telling him the company's debt was on a

path to double, as our debt is. The President even nominated a deputy director for OMB, Heather Higginbottom, who has no budget experience and who attempted to defend these claims before the Budget Committee last week. I don't know, maybe they couldn't find anybody with experience who would take the job. The best I can tell, she has never had a single business course or an economics course, never managed any kind of organization on budget, ever. She majored, I think, in political science and campaigned for President Obama and Senator JOHN KERRY.

We need some seriousness here. We in Congress are not stepping up to the plate, frankly. We are not taking the kind of decisive action needed to curb our rising debt. And the majority leader, my good friend, Senator REID—which is a tough job, I have to tell my colleagues; it is a tough job—but now he is saying the problem is there is a division within the Republican Party. You see, we have these extremists over here, the new Republicans who got elected the last election promising to do something about spending and they are out of touch. They are extremists. There are some good Republicans over here. They have been here a long time, and we know how to get along and cut deals and we are going to take care of this thing. You just have to keep these people under control.

I might remind the leader that every single Republican either voted for the \$61 billion in cuts or called for more cuts. There is no division in the Republican Party about the need to have reasonable and significant reductions in the expenditures. There is essentially unanimous Republican agreement that we ought to cut \$61 billion or more from this year's discretionary budget. By contrast, the majority leader lost nearly one-fifth of his caucus on his proposal, which was basically to do nothing—reduce spending by \$4 billion. Ten Members or more defected. They knew that wasn't enough, even under pressure from the President and from the majority leader. So it is clear where the momentum lies.

I wish to repeat again, though: This is not and cannot be seen as a partisan squabble. The Chairman of the Federal Reserve talked to us a few weeks ago, and he submitted a written statement to the Budget Committee. This is what Mr. Bernanke said. He talked about the Congressional Budget Office debt projections. I have made some reference to those and how dangerous they show our path to be.

This is what Chairman Bernanke said:

The CBO projections, by design, ignore the adverse effects that such high debt and deficits would likely have on our economy. But if government debt and deficits were actually to grow at the pace envisioned in this scenario, the economic and financial effects would be severe. Diminishing confidence on the part of investors that deficits will be

brought under control would likely lead to sharply rising interest rates on government debt and potentially to broader financial turmoil. Moreover, high rates of government borrowing would both drain funds away from private capital formation and increase our foreign indebtedness, with adverse long-run effects on U.S. output, incomes, and standard of living.

He goes on to say:

It is widely understood that the federal Government is on an unsustainable fiscal path. Yet, as a nation, we have done little to address this critical threat to our economy. Doing nothing will not be an option indefinitely; the longer we wait to act, the greater the risks and the more wrenching the inevitable changes to the budget will be. By contrast, the prompt adoption of a credible program to reduce future deficits would not only enhance the economic growth and stability in the long run, but could also yield substantial near-term benefits in terms of lower long-term interest rates and increased consumer and business confidence.

This is the head of the Federal Reserve, the man supposedly most knowledgeable about the economy of the United States of America. We are not making this up.

We have a proposal from our Democratic majority in the Senate to do nothing, basically—to do zero, nada—despite this kind of warning.

We are living in a fantasy world if we don't think we can cut \$61 billion from this budget. My friend John McMillan, just elected the director of Agriculture and Industries in Alabama, is facing a critical crisis in his department. I saw the headline in the paper. He has 200 employees. He is going to have to lay off 60 of them. Cities and counties are doing this kind of thing all over the country. Do we think the State of Alabama will cease to exist if that happens? It is sad that they have that kind of challenge before them. We don't have to do that much right now, but if we took those kinds of steps—something significant—we could make a bigger difference than a lot of people realize in the debt we are facing.

Governor Cuomo in New York and Governor Christie in New Jersey and Governor Brown in California and others all over the country are making real, significant alterations in the level of spending, while we worry about protecting the cowboy poetry festival in Nevada.

Remember this—people have forgotten this. Since President Obama took office, Congress has increased discretionary spending on our non-defense Federal programs by 24 percent. We didn't have the money for that. We never should have increased spending that much. It was a big error. But we know what they said: Don't worry, we are making investments in the future. But you have to have money to make investments. If you don't have money, how can you make investments? All of this increase was borrowed. We are in huge debt and when we increase spending, we have to borrow the money to

increase spending. Every penny is borrowed. We did an \$800 billion stimulus package. Every penny was borrowed. We pay \$30 billion-plus a year interest on that borrowed money for as long as I am alive and longer, no doubt. There is no plan to pay off that debt. I know people are talking and they are working things out and they said they are going to try to reach a compromise so we don't have to shut down the government, and I certainly hope that is true. But I do not believe we need any tax-and-spend compromise. I will not support that. I don't think the American people will support it, either. They know we spend too much. They know we have ramped up spending \$800 billion with the stimulus package, that nondefense discretionary spending has gone up 24 percent in 2 years, and they know we can reduce Federal spending without this country sinking into the ocean. That is what they expect us to do. That is what Governors and mayors are doing, county commissioners are doing, all over my State and all over America.

We have to recognize that Washington is spending too much—not taxing too little. How can we ask Americans to pay more in taxes when Washington is not even willing to cut \$61 billion?

I have a proposition for my colleagues who wish to raise taxes before we consider asking the American people to pay another cent in taxes: Why don't we first drain every cent of waste from the Federal bureaucracy? We will never truly dig ourselves out of this crisis and put this Nation on a real path to prosperity unless we bring our spending under control. America's strength is measured not by the size of our government but by the scope of our freedoms and the vigor and vitality of the American people and their willingness to invest and work hard for the future. That is what makes us strong. Endless spending, taxing, and borrowing is a certain path to decline, and we are on that path today, and we must get out of it.

We know the threat. We know what we need to do. The economy is trying to rebound. So let's take some good steps today. Let's pass this \$61 billion reduction in spending this fiscal year. It will amount to about \$860 billion over 10 years. It will be a very significant first step. That is what is before us today—not the other issues. We have to decide what we are going to do about funding the government between now and September 30. That is the rest of this fiscal year. Let's take a firm step on that. Let's begin to look at what we are going to do for next year's budget and what we are going to do about our surging entitlement programs that are on an unsustainable course. We can do all of those things and leave our country healthy and vigorous and prosperous for the future. I

truly believe that is the kind of thing we need to be doing now.

I am baffled that we don't know why the President is not leading more. He is not talking directly to the American people about why this is important. Is it just a political squabble to be ignored, with the President going to Rio and talking about Libya? Or is it true, as Mr. Bernanke says, we are on an unsustainable path? Or is it true that Mr. Erskine Bowles, the President's own director of the fiscal commission, says that we are facing the most predictable economic crisis in this country's history, and he said it could happen within 2 years? Are we making this up?

The American people get it. They say, What is going on in Washington? You have to get your house in order. That is what this past election was about. People understand we need some action and some leadership, but we are not getting it. I truly believe if we could get together and if we could get a bipartisan effort to look at this \$61 billion—we could disagree on how to reduce that spending; maybe the Republicans have this idea and the Democrats have this idea—let's work all of that out. But let's reach an agreement that actually reduces spending by enough to make a difference. Then the world would say, Wow, now the Congress is beginning to take some steps. That was a nice, good, strong first step. Now if they will stay on that path, maybe the United States is going to get on the road to prosperity again and stay out of this dangerous debt crisis area we are in today and get on the right path to prosperity. This country is ready to grow. It is ready to rebound. It just needs a clear signal from Washington, in my opinion.

America's leaders, those of us in this Congress, have no higher duty, no greater moral responsibility, than to take all appropriate steps to protect the good people we serve from the clear and present danger we face.

It is time to get busy about it, Madam President. I believe if we act strongly and with clarity the American people will not only support it but they will be happy with it, and it will make a positive difference for our country.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

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

REPEAL OF 1099

Mr. MENENDEZ. Mr. President, later, as we move to the bill on small business, I will be offering, I hope, a second-degree amendment to the amendment offered by Senator JOHANNIS, and I speak today on behalf of middle-class families and on behalf of small businesses.

I wish to start by saying that I fully support—as I have already done in a series of votes—repealing the 1099 reporting requirement, but I strongly believe we have to do so in a manner that does not—does not—increase the burden on our small businesses and employees. The amendment of Senator JOHANNIS certainly helps only small businesses through the repeal of the 1099 provision, but—and this is less well-known—I believe it actually hurts small business employees. It is a double-edged sword. The Johannis amendment risks driving up health insurance costs and cutting health insurance coverage for small businesses.

As you know, the affordable care act provides tax credits to families who earn under \$74,000 per year to help them purchase health insurance. Those tax credits are set at the start of the year. At tax time, when families actually report their annual income, the tax credits are reconciled with their annual household income to ensure they receive the correct amount of assistance. But because income and other family circumstances can change during the course of a year, individuals might end up getting excess tax credits even though the amount of the payment was correct at the time.

For example, a family with an unemployed worker who secures a job at a small business midway through the year—and, hopefully, can do so, as we continue to work on this economy to have it grow—has rightfully received a tax credit while unemployed but could face a stiff tax hike to repay the amount of the subsidy because the family's annual income ends up higher for the second half of the year. This family received the correct amount and did nothing wrong. Let me say that again. These individuals did nothing wrong. While unemployed, these individuals needed those tax credits to be able to get health insurance. That is why we passed this reform, to help those very same middle-class working families in need.

Now, under current law, we provide a reasonable repayment requirement if the tax credit an individual receives exceeds the amount they should have received because of unexpected changes in income or family status. We don't give them a pass, but we don't expect all families with an annual income of \$70,000 to have \$10,000 in savings to pay the surprise tax bill they will get in April, either. So we set caps on what they would have to pay back depending on what they earn. The Johannis

amendment makes harmful changes to these repayments for middle-class families. Under the Johannis amendment, some families could have to pay back as much as \$12,000 in some cases, and that is too high a price. We shouldn't ask small business employees to take that much of a hit. They are the ones who are going to the exchanges to purchase coverage. They are the ones working for the mom-and-pop shop that doesn't offer coverage.

My amendment isn't about these families alone, however, as difficult a situation as they may be in. This amendment is about what the Johannis offset could do to health care costs and coverage for small businesses and for those who make their living from small businesses. This risky offset could drive up premiums and force more individuals to refuse coverage. We are not talking about paying back tax credits; we are talking about driving up the costs on families and small businesses, many who have never even taken a tax credit to begin with.

My amendment would simply direct the Secretary of Health and Human Services to decide the offset in the Johannis amendment and determine its effect on small business. What is so wrong about that—determining its effect on small business? We are trying to help small businesses by eliminating the 1099 provision. Let's make sure we continue to help them and not put extra costs on them. Specifically, we want to determine whether there is an increase in health insurance costs or a decrease in health coverage for small businesses. If the study finds either, then current safe harbor provisions would remain in effect—the same safe harbors we supported in the SGR bill, or the doc fix, in December.

Passing 1099 would not be affected. That would move forward. So the claim that somehow, ultimately, 1099 wouldn't be eliminated is false. The 1099 would not be affected. That would move forward. We would eliminate that responsibility from small businesses. So you can be both for my amendment and the Johannis amendment because it would still repeal 1099.

Let me make it clear. We all want 1099 repealed, and I have voted in a series of ways to do exactly that. My amendment does not in any way affect or delay the repeal of 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment and only if this study finds that it actually hurts small businesses.

My colleagues on the other side of the aisle have come to the floor arguing that a study would simply delay repeal of 1099; that further studying this risky offset would prolong the 1099 issue; that if we just passed the amendment without protecting small businesses, this bill can go right to the President. Well, we have actually

passed 1099 repeal already and shown we have the votes necessary to make this become law. It is not going to the President to become law in this bill because this bill hasn't even cleared the House.

At the same time, I have heard no mention of what this offset could do to small businesses and their health care costs—not one word. I did hear that further studying the impacts it may have on small businesses would only delay repeal of 1099. A simple read of my amendment would be enough to know that is incorrect. My amendment directs a study to be done after—after—repeal of 1099 is signed into law. Let me make it clear. Nothing in my amendment slows down repeal of 1099.

My colleagues on the other side of the aisle are also trying to frame this debate as either you are for or against small businesses. But they are helping and harming them at the same time with the Johans amendment. With this second-degree amendment, we can have a conversation about helping small businesses and ensuring that small business employees will not get hurt at the end of the day.

Now, we haven't had the Joint Tax Committee determine a revenue score as yet, but it is important to point out that this amendment does not spend—does not spend—an additional dime. It simply protects small businesses from higher health care costs and coverage cuts.

If there is any revenue score associated with it, that would only be due to the study finding that this offset drives up health care costs or drives down health coverage for small businesses. Would we not want to know that?

We are all here supposedly arguing to try to enhance the opportunity for small businesses to have less burdens, to be able to grow, to be able to prosper, to be able to create jobs. Well, we certainly would want to know—we certainly would want to know whether this offset drives up health care costs associated with small businesses or drives down the health care coverage for small businesses.

Why is anyone afraid of that? Why is anyone fearful of that? So to those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses, there is no harm in voting for it because you believe the study will not show premium increases or coverage cuts. So the offset would remain in place. If you believe my amendment would have a revenue score, then you are assuming the offset hurts small businesses. It is one way or the other, not a gray area.

The idea of protecting small businesses in this manner has precedent. I have a history working across the aisle to support small businesses, including cosponsoring a Republican amendment to the Wall Street reform bill which re-

quires regulators to ensure new rules do not harm small businesses. We thought it was a good idea then to protect small businesses in the event new rules might unfairly impact them. I strongly believe we should come together now to protect small businesses if this risky offset drives up health care costs on small businesses or forces cuts in their coverage.

I would just simply ask, who in the world, especially during these fragile economic times, would want to do anything that could raise costs on small businesses? Let's protect them and the 1099 repeal by supporting my second-degree amendment.

Now, I listened to my colleague from Nebraska with whom I have worked on some bipartisan efforts on housing for the disabled. We get along very well. I respect him, and actually I supported 1099 repeal as one of the 20 Democrats who voted for his amendment in November and other issues such as housing for the disabled. So it is with some regret that we find ourselves in a different view.

There have been questions raised about the sincerity of our opposition to the manner in which the offset is included in the Senator's amendment. The Senator from Nebraska says an almost identical offset was passed unanimously by the Senate just 4 months ago. I think our definitions of "almost identical" are very different.

Yes, it is true we made changes in the payback tax to pay for the doc fix in December, but that provision was very different from the one we are debating today. The one today, unlike before, removes protections we included in December in the doc fix to protect families from unlimited tax liability which could be as high as \$12,000. I mean, you are talking about taxing these families, through no fault of their own. What family of three making \$74,000 annually, gross, can afford an unexpected \$12,000 tax bill in April? I cannot think of many. But that is exactly what could happen under the Senator's amendment.

That was not the case—not the case—in the provision that was enacted at the end of last year in the doc fix. We provided a phaseout that would have avoided this clip and thus tax shock on middle-class families.

The Senator from Nebraska also said my second-degree amendment was just a delay tactic. That simply is not true. I and 80 of my colleagues have already passed 1099 repeal in the Senate this year. So to question our support for 1099 repeal would be misleading.

My understanding is that the Johans proposal is an amendment to the small business bill we are debating, which has not passed the House. So this amendment we are debating today would not go directly to the President for his signature. It still needs to go through the whole process of the

House. We are not delaying anything in that regard.

Finally, the only way there would be any revenue shortfall—I say to those who would make the assertion that our amendment creates a revenue shortfall, well, then, what you have to be saying, if you make that statement, is you believe the savings from the Johans offset comes from increasing premiums and reducing coverage on those who earn it through making our Nation's small businesses run. That is not a proposition I think they want to assert.

So I will come back to the floor later to offer this second-degree amendment. And because it works to both repeal 1099 and ensure there is not a tax on our small businesses and small business employees or a diminution of health care coverage, I am sure we will get the support of our colleagues.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johans) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Chair—I know we are discussing the bill. But do we have a time constraint? I understand that at 12 o'clock there may be some additional commentary.

The PRESIDING OFFICER. There is no formal time constraints at this time.

Ms. LANDRIEU. Let me try to recap for just a moment because it is my understanding there may be some colleagues coming down to the Senate floor around 12 o'clock to pay tribute to an extraordinary woman and extraordinary American, Geraldine Ferraro, whom we lost this week. I most certainly want to be respectful to the Members who are coming to the floor to pay tribute to our former colleague and an extraordinary leader. But let me remind colleagues we are still trying to get to this bill, an important bill for the country, an important bill to help put this recession in our rearview mirror, an important bill that gives us yet one more very carefully crafted tool to help create jobs on Main Street, in rural areas, in suburban areas, and in urban areas all across this country; that is, the 8-year reauthorization of the Small Business Innovation and Research Program and Small Business Technology Transfer Program.

This program is approximately 20 years old, first passed by Senator Warren Rudman, when a report found its way to Congress that said, alarmingly, agencies of the Federal Government, whether it was the Department of Defense or NASA or NIH, were not accessing the power and the technology of the small business community; that when they went out to do research they were just looking at research offered by either just universities and we are very proud of the work that our universities do, but they were looking at large businesses. What did GE have to offer? What did IBM have to offer?

It occurred to many Members of Congress at that time that there was a tremendous amount of brain power and agility and quickness and cutting-edge, innovative technologies resting in the minds and hearts and dreams of entrepreneurs and small businesses in America the taxpayers were not benefiting from.

As you can imagine, people might think of all this technology coming out of New York or California. They might skip over a place such as Montana where the Presiding Officer is from or Louisiana where this Senator is from. So there were some very wise Members

who said: Let's create a program that will direct at least a portion of the research and development funding of these large agencies so small businesses can compete.

Now, these are grants not given out by formula or on a first-come/first-served basis. These grants and contracts are given out based on merit, about what looks promising, about potential, and about what the taxpayers need in terms of dealing with problems.

One thing that comes immediately to mind is the terrible tragedy unfolding in Japan as we speak with the potential meltdown, the process of a nuclear reactor melting down. Some of the technology being deployed to that situation, which is technology developed in the field of robotics, was developed, a portion of it, through this SBIR Program. So that makes very relevant the debate that we are having on the floor today.

When people go home and now are turning on their televisions or listening to their radios or over the Internet following those unfolding dramatic developments in Japan, they know that one of the companies that has been deployed and some of the material from the United States actually was developed through this program. So that is just one of a thousand examples that Senator SNOWE and I have provided in terms of testimony before the Small Business Committee to the CONGRESSIONAL RECORD, and in our numerous speeches on the floor to talk about the importance of this program.

I would like, as the manager of this bill—I am not sure it is going to be possible, but I would most certainly like to have this bill voted on and passed by the end of this week. I am not sure the leadership has decided that is something that is possible. But I would like to send a strong bill over to the House—hopefully, a bill that does not have amendments on it that would warrant a Presidential threat of a veto—and get this bill passed through the House and then passed on to the President so he can sign it and send a very positive signal for his agenda and all of our agendas for innovation—having America be the best educated, the best competitors in the world in terms of the economy, and giving our small businesses yet another tool.

We have worked on reducing the abuses in the credit card industry. We have worked on capital access through a new lending program. We have reduced fees, reduced taxes to the tune of \$12 billion to our small businesses throughout the country in the last Congress. We want to continue to work on lowering taxes where we can, eliminating regulations and supporting programs like this that work.

Let's eliminate or modify those programs that are not working, and let's step up our support and reauthorize the programs that are. The assessments

done and the reviews of this program by the independent researchers have been very positive across the board and outstanding.

Senator SNOWE and I have taken into consideration those many reports in the drafting of this bill and made some changes to the program so that as it moves forward for the 8 years it will even be better.

One of my key goals and objectives is to make sure States such as Louisiana or Mississippi or Montana or Wyoming, States that have not previously been awarded many of these grants, know we have stepped up some technical assistance and help so we can find the best technology in this country to apply to some of our most pressing problems, regardless of whether they are in the big cities and big places such as New York, Los Angeles, CA. But we need our entrepreneurs around the country to benefit by a program that they have access to as well.

So I am pleased that we can get back on the small business innovation and research bill and small business technology transfer bill. Senator SNOWE and I will be coming to the floor periodically during the day to continue to move this bill along.

I see my colleague, the Senator from Maryland, who is scheduled to speak in just a few minutes. So at this time I will yield the floor. Again, I hope, and I thank our colleagues for their cooperative nature that they have been working in in terms of trying to get our bill passed that will be so important to so many people in all of our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

REMEMBERING GERALDINE FERRARO

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for 5 minutes each on the subject of Geraldine Ferraro: Senators BOXER, HUTCHISON, STABENOW, SHAHEEN, SNOWE.

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

Ms. MIKULSKI. We come to the floor with a heavy heart and great sadness. Geraldine Ferraro, a former Member of the House of Representatives, a Congresswoman from New York who was the first woman to be nominated by a major party for Vice President, has lost her gallant and persistent fight against cancer and has passed away.

I thank the leadership for offering the resolution noting the many contributions she made to America and to express condolences to her family.

For we women, before 1960, Gerry was a force of nature, a powerhouse. She changed American politics. She changed the way women thought of themselves and what we believed we could accomplish.

On July 11, 1984, when Walter Mondale called Gerry Ferraro and asked her to be his Vice Presidential running mate, an amazing thing happened. They took down the “men only” sign on the White House. For Gerry and all American women, there was no turning back, only going forward.

America knows Gerry as a political phenomenon. I knew her as a dear friend and colleague. We served in the House together in the late 1970s. She left in 1984 to run for Vice President, and I left in 1986 to run for the Senate. We were among the early-bird women in the House of Representatives. And as early birds, we were not afraid to ruffle some feathers. We had some good times and passed some good legislation. It must be historically noted that when Gerry came to the House in 1979, only 16 women were there. In 1984, when she left, we had moved to 23. But in 2011, on the day of her death, 74 women now serve in the House, 50 Democrats, 24 Republicans, and 26 of those women are women of color.

In the Congress, Gerry was a fighter. She was a fighter for New York. She fought for transit, for tunnels. She loved earmarks, earmarks that would help move her community forward. She also fought for the little guy and gal. She was known for her attention to constituent services—the senior getting a Social Security check, the vet who needed his disability benefits, the kid from a blue-collar neighborhood like herself who wanted to go to college. And she fought for women. She fought for our status and she gave us a new stature.

When the campaign was over, she continued for all of her life to be a source of inspiration and empowerment for women. In those early days of the second wave of the American women’s movement, the movement defined women on what we did not have, what we did not have access to. What was it we didn’t have? Equal pay for equal work. It is hard to believe we were not included in research protocols at NIH. And when it came to having access to credit, we could not get a loan or a mortgage in our own name in many circumstances. We needed a husband, a father, or a brother to sign for it. But when Gerry was chosen for Vice President, she showed us what we could be, what modern women in America had become. Women felt if we could go for the White House, we could go for anything. Gerry inspired.

On the night of July 19, 1984, in San Francisco at the Mosconi Center, Gerry gave her acceptance speech. She became the first woman to be nominated for Vice President for a major party. What a night. I was there—the thrill, the excitement in the room, the turbo energy that was there: 10,000 people jammed the Mosconi Center. Guy delegates gave their tickets away to alternates, to their daughters, to people

who worked and helped out. They wanted to be there. People brought their children. They carried them. They put them on their shoulders to see what was about to occur.

When Gerry Ferraro walked on that stage, she electrified all of us. The convention gave her a 10-minute standing and resounding ovation. We couldn’t sit down because we knew a barrier had been broken. And for the rest, as she history, there would be more on the way.

The campaign was hard fought. She traveled over 55,000 miles, visited 85 cities, campaigned her heart out. But it was not meant to be. The ticket lost to Reagan-Bush. But though she lost the election, she did not lose her way. Gerry never gave up and never gave in. Her storied career continued: a teacher at Harvard, a U.N. Ambassador on human rights, always teaching, always inspiring, always empowering thousands of women here and around the world.

Then in 1998, she was diagnosed with blood cancer. Once again, she was determined not to give up and not to give in. She began the greatest campaign of her life. She began the campaign for her own life. She fought her cancer. She not only fought her cancer, she also fought for cancer victims. She forged a relationship with Senator KAY BAILEY HUTCHISON as well as my friendship. Senator KAY BAILEY HUTCHISON will tell the story herself. Her brother Allan Bailey suffered from the same disease as Gerry. They met through an advocacy group on multiple myeloma. Allan Bailey and Gerry Ferraro joined hands and joined together and KAY BAILEY HUTCHISON and I did, and we introduced the Gerry Ferraro Research Investment and Education Act. I wanted it to be Ferraro-Bailey, but Allan graciously said, Gerry is a marquis name. She will attract a lot of attention, and we can get more money for research and more interest in this dreaded disease.

That legislation passed. It showed sometimes when we come together out of common adversity, we find common cause and we get things done. That bill passed, and it is changing lives.

Gerry did various clinical trials. Often we talked. This is what she said to me during the last few weeks. She said: I am glad I could be in those clinical trials. In many ways they helped me live. But we also knew the research would provide lessons so that others could live. Once again, her mantra was: Never give up, never give in. She had toughness, persistence, tenacity, and unflinching optimism in the face of adversity.

I believe it came from her own compelling and often riveting story. It was that personal story that brought us together. We were both from European ethnic backgrounds: She Italian, my proud Polish heritage. We grew up in

neighborhoods that were urban villages. Her father owned a small neighborhood dime store. My father owned a grocery store, and they were very much involved with their customers and community. We had strong mothers who wanted to make sure we had good educations. When Gerry’s dad died, Gerry’s mother took a job in the garment industry. She sewed little beads on wedding dresses to make sure her brother and Gerry had an education. Gerry did have that education. She went to Marymount. She became a scholarship girl because she was so smart and had so much talent. She felt it was the nuns who played such a big part in her life. They coached her to be smart, and they coached her to be a great debater. They taught her about her faith. For her, her faith was about the beatitudes, especially the one that said: Hunger and thirst after justice.

The other day when Gerry and I were talking, she reminded me that not only did she go to Marymount, but so did Lady Gaga. She said: I am just sorry I can’t live to go to more alumni associations.

Then there was John, her beloved husband, a love story for the ages. I was there at the church over a year ago when they renewed their vows for their 50th anniversary. Their vows were not just for a day or for a year or a decade. They believed their vows were for an eternity. Gerry loved her husband, and she loved her children Donna, John, and Laura. She was so proud of them—one a doctor, one an accomplished businessman, another a TV producer and also worked on Wall Street. And the grandchildren, there were always the pictures and the stories of their many storied accomplishments.

Gerry Ferraro loved her family. She loved her extended family. That went to her friends and her community. She loved America. Because she believed, as she said to me: Only in America, Barbara, could somebody who started out in a regular neighborhood, whose father passed away, leaving a mother who taught her grit and determination, go on to run for the Vice Presidency of the United States, to be an Ambassador for human rights, and to make a difference in the lives of her family and her community.

Gerry, we will miss you, but your legacy will live forever.

Mr. President, I now turn to the Senator from California, BARBARA BOXER, and then to Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so proud to be here with my colleagues Senator MIKULSKI and KAY BAILEY HUTCHISON because of a woman who brought us all together despite any differences we might have, Geraldine Ferraro. I rise to pay tribute to Gerry.

I thank Senator MIKULSKI. Her remarks touched on every single point

that needs to be made about our friend. Gerry was a trailblazer. We all remember the first female Vice Presidential nominee of a major party, the first in U.S. history. She cracked open that glass ceiling for women seeking higher office. It was a long time ago.

I just looked at an Associated Press photo of when Gerry arrived in San Francisco to prepare for her speech at the convention. I was there waiting for her to arrive—a much younger version of myself, I might say. I don't remember what I said or did, but this picture tells a story. We know the old saying: A picture says a thousand words. This one says a million words. I have never seen anyone as excited as I appear to be and was in this picture. Arms open wide, body language, just incredulous that we had reached this milestone, all the while knowing what a tough, tough time it would be for Gerry, as it is for many women, whether they run for the Senate or for Governor or for Vice President. It is a tough road still, especially all these many years ago, more than 20 years.

Gerry was given a very hard time by the press. Gerry was given a very hard time by her opponent. She proved without question that women can stand up to the grilling. Women can stand up to the pressure. Women can go toe to toe with anybody. I often say women are equal. We are not better or worse. We are equal. Gerry proved it. When her campaign took a tough turn and a lot of others would have tried to contain the problem, she stood there in front of the press and said: Here I am. You ask me anything you want, and I will stay here hour after hour. They knew she meant it. She would have stayed there for days because that was Gerry. She was open-hearted. She was straight from the shoulder. She always said what was on her mind, and she did it in a way that was also very appealing because you knew this was a woman who was willing to look you in the eye and not give you any song and dance. It was what it was. And for that she will be missed as a friend, as a colleague.

It is difficult today to imagine what it was like then. Now we see our women figures here in the Senate and in the President's Cabinet and in the Republican and Democratic Parties making a run for President and Vice President. It is hard to imagine today that women were not actively engaged in the highest of offices. Frankly, that is Geraldine Ferraro's abiding legacy because, as Senator MIKULSKI so eloquently stated, she did not win that race—it was a tough race; it was a very tough race—but she proved a woman could do this.

When Gerry spoke about change, she felt in her heart the history-making moment. I remember her in a white suit, as if it were yesterday. In those years, TV people always said: Don't wear white. Gerry wore white.

Ms. MIKULSKI. She was beautiful.

Mrs. BOXER. She was magnificent. And that smile and her togetherness—at that moment in history, when not only was the whole country watching, the whole world was watching—it was an electric moment. I want to read what she said that night. She said:

By choosing a woman to run for our nation's second highest office, you sent a powerful signal to all Americans. There are no doors we cannot unlock. We will place no limits on [our] achievements.

If we can do this, we can do anything.

And those words resonated not just with people who were interested in politics but with women who were in the corporate world; women who were going to law school—just a few in those years, now so many more; women who just dreamed of going into health care, not as a nurse, although some chose that—and some men do as well—but as physicians. This was something I truly believe changed.

Mr. President, I ask unanimous consent for 5 additional minutes, and then turn it over to Senator HUTCHISON.

The PRESIDING OFFICER. Without objection, it is so ordered. It is going to run us way past the recess time.

Mrs. BOXER. Well, Mr. President, there was only one Gerry Ferraro, so I would go 5 minutes and turn it over to Senator HUTCHISON for as long as she would want.

After graduation from college, Gerry got a job as a second grade teacher at a public school in Queens. She applied to Fordham Law School. That is the law school my husband went to. She was accepted into the night program, despite a warning—listen to this—from an admissions officer that she might be taking a man's place. She got into law school. She was one of 2 women in a class of 179. Imagine, they said to her: You will be taking a man's place in law school. She persevered—one of just 2 women out of 179 students graduating in 1960.

Yes, she raised her family. She adored her family. There was not a second that went by without her saying to one of us, anywhere in earshot: I have to tell you about Laura, I have to tell you about John, I have to tell you about what my kids are doing.

Did my colleague want to ask a question?

Mr. DURBIN. I ask if the Senator from California will yield for a brief statement.

Mrs. BOXER. As long as it will not interrupt my statement.

Mr. DURBIN. I will have a longer statement for the RECORD because I know Senator HUTCHISON is waiting, but I want to make one or two comments about Geraldine Ferraro.

Mrs. BOXER. Yes.

Mr. DURBIN. First, my image of Geraldine Ferraro is this young Congresswoman from California, with her arms outstretched, as you raced toward one

another in an iconic photograph of the two of you after she won the Vice Presidential nomination. I will remember you and her in that context forever. Second, it was my honor to serve with her in the House and to count her as a friend. Third, in this long, long battle she had, this medical battle, she never failed to remind all of us that she was indeed one of the fortunate ones who had the resources to be able to fight the battle, where many people did not.

I am going to miss Geraldine Ferraro. She was a great American.

Mrs. BOXER. I am very glad the Senator made that statement, and I appreciate it very much.

When Gerry worked as an assistant district attorney, she formed a Special Victims Bureau. She investigated rape, child and women abuse, and abuse against the elderly at a time when no one was talking about it.

She was elected to Congress. Senator MIKULSKI has gone into that, the work on the Economic Equity Act. I was proud to work with both Senator MIKULSKI and Gerry Ferraro on that and Senator SNOWE and others.

I remember Senator MIKULSKI, OLYMPIA SNOWE, Gerry Ferraro, and myself—we worked to open the House gym to women. It was a battle. We had to resort to singing and everything else. We finally got into the House gym. We said, yes, women need to work out too. That is the way it was then. We only had 24 women in the House and Senate. Now we have 88 of us.

I will skip over her time as a broadcaster and all the things she did that Senator MIKULSKI talked about—her work in women's rights—but I wish to conclude with her brave spirit as she faced multiple myeloma, the bone cancer that ultimately took her life. I wish to do it in this context.

I have a good friend now, whose name is Robin, and her mother is battling the same kind of cancer Gerry was battling. As we know, Gerry was given 4 or 5 years and went on, thank God, for much longer.

This woman lives far away from her daughter Robin. When Gerry passed, she called her daughter and said: I need to see you. Will you come out and stay with me, as I battle this cancer?

Robin said: Well, what is it, mom? You are doing great.

She said: We just lost Gerry, and she was the one who kept my heart and soul together and my spirits up, and I knew she was there battling. Now that I have lost her, I don't know, I feel a hole, I am empty.

That is just the most eloquent thing I could say about Gerry. This woman never met Geraldine Ferraro in person, but Gerry had that way about her that she could reach you as if she was touching you. It is a tremendous loss, first and foremost for the family, whom she adored beyond words, and, secondly, for all the rest of us who just

need someone like that out there standing up and being brave and telling it like it is and never giving up.

Mr. President, I am so honored I could be here with my colleagues, and I am proud to yield to Senator HUTCHISON for as much time as she needs.

Ms. MIKULSKI. Mr. President, I say to Senator HUTCHISON, the time is allocated as 5 minutes, but I know you want to speak and were a very dear friend. Please proceed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank Senator MIKULSKI and Senator BOXER.

Mr. President, I do want to talk about this remarkable woman because I think, as has been mentioned before, her loss is being felt throughout America for many different reasons. She was a trailblazer, and she was one of the great female role models of her generation.

I wrote a book in 2004 called "American Heroines: The Spirited Women Who Shaped Our Country." It was to profile the women who were the earliest trailblazers in different fields—education, sports, politics, journalism. Then I interviewed contemporary women who were still breaking barriers in those fields.

In the public service chapter, I profiled Margaret Chase Smith because she was the longest serving woman elected to the Senate in her own right at the time and she was a true trailblazer. I then interviewed Sandra Day O'Connor, our first woman Supreme Court Justice, and Geraldine Ferraro, our first woman nominee for Vice President of a major party.

I asked Gerry Ferraro in my interview with her: What was your most important trait for success?

And she said:

I think the ability to work hard and, if something doesn't work, to learn from the mistake and move on. That's what's happened with my own life. It goes to the personal side from watching my mother, who moved on after becoming a widow with two kids to support. She was thirty-nine years old. . . . Then I watched her move on and do whatever was necessary to get the job of educating her children done. I'm exactly the same way. I'll do whatever is necessary to get the job done, whatever it is. And then if I do something that doesn't work, then I go to the next goal.

I asked her what was her biggest obstacle. She almost laughed. She said:

I'm sixty-eight. The obstacles in my life have changed with time. An obstacle when I was a kid was being in a boarding school away from my mother because my father had died. I had no choice. It wasn't like the boarding schools or the prep schools of today. I was in a semicloistered convent. It was lonely, and I had to work hard. I wanted to go to college, but we didn't have the money for college, so I knew I had to get top marks in order to get scholarships. That was my obstacle then.

Money was always an obstacle when I was a kid. I taught when I went to law school at

night, because I couldn't afford to go during the day. When I applied [for law school], they would say things like, "Gerry, are you serious, because you're taking a man's place," you know. . . .

And then [after getting out of law school]—

As was mentioned earlier, she was one of only two women in her class—

I was faced with the challenge of trying to find a job. I interviewed at five law firms. I was in the top ten percent of my class.

But she did not get a job offer. Well, I related to that because I graduated from law school, after her, in 1967, and law firms in Texas did not hire women then either. So I know how she felt as she went through obstacles and obstacles and obstacles. But she said: In the end, "each thing was an obstacle that I had to get by" at the time. But she didn't have too many obstacles because she just picked herself up and kept right on going. She truly was an inspiration and a trailblazer for women of our time.

Throughout her life as a public school teacher, as an assistant district attorney, as a Congresswoman, and as a candidate for Vice President, Gerry Ferraro fought for the causes that were important to her. When she learned she had multiple myeloma, a somewhat rare blood disease that is incurable, she drew upon that same fighting spirit. As she waged the battle with her own disease, Gerry stepped into the spotlight because she knew if she talked about it, with her high profile, she could bring help to others.

Her testimony before Congress was instrumental in the passage of a bill that Senator MIKULSKI, who is on the floor leading this effort today, and I co-sponsored together in 2001 and 2002. Our legislation gave the research community the tools they need to discover what triggers these deadly blood diseases, to devise better treatments, and to work toward a cure. In our bill, BARBARA and I decided to name the Geraldine Ferraro Blood Cancer Education Program for Gerry Ferraro to raise awareness and spread the lifesaving information about myeloma, leukemia, and other forms of blood cancer. Gerry Ferraro was on the floor of the House when her bill—our bill—passed the House of Representatives on April 30, 2002. Her daughter was in the gallery with my staffer, and there was so much joy in her eyes and her demeanor.

But then Gerry Ferraro went about the business of fashioning the education program. She consulted with the doctors at Harvard, at Dana-Farber, with Dr. Ken Anderson, her doctor. She consulted with him because she wanted an interactive Web site because she knew that doctors all over the country were searching for information on the treatment of this disease because they were so unaware at the time of what you could do to help patients.

Well, this is personal to me because my brother Allan also has multiple

myeloma, and I got involved in this because I watched him bravely fight like Gerry Ferraro was doing. And my brother is a great patient. He is tough like Gerry. He is fighting like Gerry. And he is doing really well. But we knew how hard it was because we watched Allan fight this disease and take many of the same drugs and have the same doctor consultations as Gerry. So Gerry and Allan knew each other and traded information, and the patients with these diseases do that. They reach out, they help each other because they know it is the person with the experience who knows how you feel when you just don't feel as though you can get up in the morning. People such as Kathy Giusti, who was also a good friend of Gerry Ferraro's, and Ken Anderson, they traded information, and it helped all of them to know they had that kind of support.

So she was an inspiration. Her dignity and grace in fighting multiple myeloma will be one of the trademarks in her life, along with the other great trailblazing she has done.

Just last month, the women of the Senate pulled together to return the encouragement. We knew Gerry was having a hard time, and we took a picture of the women of the Senate, we all signed it around the edges and we sent it to her, saying: Thanks for being our champion. Thanks for all you do for the women of our country.

Gerry was not just a champion for women running for public office, she was a champion for women to succeed in every field, in every sector. She took the first powerful swing at the glass ceiling. She will not be here to see the woman President who is sworn into office, who will finish the breaking of that glass ceiling. But we will all be standing on the shoulders of Gerry Ferraro, and certainly that first woman President will as well, because she took those first steps, such as so many of the early trailblazers in all the different sectors. The first ones don't see their success, but what they do by showing the dignity and the courage and the tenacity and the grace does prepare the way for the next generation or the next woman to move to the next level, and that is what Gerry Ferraro has done for all the women of our country.

I will always remember her friendship. I appreciate her leadership. We will all miss her on a personal level, but we will always remember in the bigger picture what she did for this country.

Thank you, Mr. President. I thank Senator MIKULSKI. I yield the floor.

Ms. MIKULSKI. Mr. President, I yield the floor to Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to join with my good friends and esteemed colleagues, Senator BARBARA

MIKULSKI of Maryland and Senator BARBARA BOXER of California, as we honor a compatriot of ours from the House of Representatives, an electoral trailblazer, and political torchbearer—the incomparable and courageous, Geraldine Ferraro, who passed away last Saturday after a brave and resilient 12-year battle with cancer.

As this august body will hear many times over, Geraldine was a pioneering champion and a dynamic force for women and women's rights, a stalwart legislator and colleague of all three of ours in the U.S. House of Representatives, and always a dear friend through more than three decades. As America's first female Vice-Presidential nominee for a major party, Geraldine has forever secured a legendary position along the timeline of American political history, as Walter Mondale selected her as his running mate in the 1984 Presidential election.

(Ms. MIKULSKI assumed the chair.)

While America was learning about Geraldine on the national stage, BARBARA MIKULSKI, BARBARA BOXER, and I knew her as a legislative, sister-in-arms, if you will, as all of us served together in the U.S. House of Representatives. Geraldine and I were members of the same House freshman class that began service in January 1979 that brought the total number of women in the 96th Congress in the House to 16.

And all four of us fought for myriad causes, most especially those affecting America's women. Looking back, I take enormous pride, as I know both Senators MIKULSKI and BOXER do, that we spoke as women first, not as Republicans or Democrats, that women's issues transcended partisan lines for us. The fact was, we just couldn't afford to draw partisan lines with women underrepresented in Congress. And that idea is what drove our agenda at the bipartisan Congressional Caucus for Women's Issues, which I cochaired for over 10 years in the House of Representatives and where Geraldine Ferraro was also at the vanguard in amplifying issues for literally generations of women.

Our adherence to working together—and to the ideal of principle over politics—became our foundation. We determined if we didn't act, who would? And we started to make a difference for women, and not a moment too soon. Indeed, there was indeed a time in America when our laws specifically worked against women, when economic equality pertained only to economic equality among men—not women, when our laws didn't reflect the changing, dual responsibilities of women who were increasingly working as well as caring for a family.

Well, we weren't going to accept the status quo any longer, and certainly Geraldine was not one to ever countenance the notion of "that's just the way it is." To the contrary. We con-

fronted these disparities for women head on and introduced a package of laws that opened the doors of economic opportunity for the women of America by revising laws and giving women the tools required to succeed. That package was the multifaceted Economic Equity Act. Among a litany of provisions, we called for a study of the government's pay practices, sought to ensure equal credit for women in business ventures, and battled with Geraldine Ferraro who led the effort to end pension award discrimination against women who were discovering upon their husband's death that, unbeknownst to them, they had been left with absolutely no pension benefits.

And in a group of women legislators that was not, shall we say, comprised of shrinking violets, no one gave greater voice to these issues, no one demonstrated more passion in their advocacy, and no one pressed for remedies to right these wrongs with more verve or skill than Geraldine Ferraro. She was a bulwark against injustice and a cherished champion for fairness in an America where women were increasing their roles in American life and their presence in the U.S. workplace and economy.

On a personal note, I can't help but think that part of our mutual bond was that we came from similar backgrounds. Our families immigrated to this great land—hers from Italy and mine from Greece. Our heritages spoke to the very best of our Nation's mosaic and the American dream where anything is possible and the only limits you have are those you place on yourself. Indeed, the New York Times mentions how Geraldine's mother crocheted beads on wedding dresses to send her to the best schools. My Aunt Mary worked the 11 p.m. to 7 a.m. night shift at a textile mill in Lewiston, ME, to earn money to ensure my cousins and I received a good education. Although Geraldine and I didn't agree on everything, we shared an unequivocal determination to make a lasting difference on issues for women and working families—an unerring focus that surmounted politics and party labels.

Not surprisingly, more than 30 years later, Geraldine's legacy lives on through the 74 women serving the other body today, as well as the 17 women currently serving in the Senate. How fitting it is that on the Monday after she passed away, my 16 Senate women colleagues and I submitted a resolution advocating for women's rights in North Africa and the Middle East. We have the moral high ground in that clarion call in no small part because of Geraldine's historic leadership and legacy.

In closing, I can't help but recall the great Lady Astor, who was the first woman to ever serve in the British House of Parliament. In fact, on the

day she took her seat in that distinguished body, a Member of Parliament turned to her and said, "Welcome to the most exclusive men's club in Europe." Demonstrating the kind of moxie and sense of obligation that were hallmarks of America's Geraldine Ferraro, Lady Astor responded "it won't be exclusive for long," she said. "When I came in, I left the door wide open!"

Geraldine Ferraro espoused and exemplified what Lady Astor so memorably articulated—that it is not enough to break old barriers and chart a new course, you have to ensure that others are able to traverse it as well. Geraldine spent a lifetime making certain that the path she helped pave was available and accessible to every woman with the courage and will to travel it. And so, today, it is a privilege for me to extol this remarkable woman whose indelible imprint upon the political and public policy arenas will be felt for generations to come.

At this most difficult of times, our thoughts and prayers remain with her husband of 50 years, John—as well as their children, Donna, John Jr., and Laura and Geraldine's grandchildren. May they be comforted by the knowledge that so many share in their profound sense of loss, as well as the memory of a trailblazing woman who, above all else, was an adoring and beloved mother and grandmother who leaves an indelible mark upon her family, as well as an entire Nation.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I know we are about to recess, but I wish to take a minute or two to add my voice to all the women in the Senate who have been here today and thank the Presiding Officer for her leadership for encouraging us to honor Geraldine Ferraro.

I remember being on the floor of the 1984 Democratic Convention when she gave her acceptance speech for the Vice President of the United States, and it was electric listening to her. It epitomized for me, and I am sure every woman there, the fact that women could do anything.

Geraldine Ferraro worked tirelessly on behalf of human rights and women's rights around the globe. She dedicated her public service to the ideals of respect and equality and she lived a career that called on all women to challenge the glass ceilings of the world. I think it is particularly important because just because one woman breaks the glass ceiling doesn't mean opportunities are open to every woman, and she understood that and continued to encourage all the ceilings across the world to be broken for women.

Gerry's life was a powerful example for all of us who are honoring her

today and for our daughters and granddaughters. We thank her for leading the way. She will be missed.

Thank you. I yield the floor.

Mrs. FEINSTEIN. Madam President, I rise today to reflect on the life and legacy of Geraldine Ferraro who lost her heroic battle with cancer on Saturday.

Geraldine Ferraro was first elected to public office in 1978 to represent Queens in the U.S. House of Representatives.

As a member of the Public Works and Transportation Committee, she pushed to improve mass transit around La Guardia Airport.

Later, she would cosponsor the Economic Equity Act, which was intended to accomplish many of the aims of the never-ratified equal rights amendment.

In 1984, former Vice President and a distinguished Member of this body, Walter Mondale, chose Gerry to join him as his Vice Presidential running mate, the first woman to be placed on a national ticket.

I was privileged to serve as the mayor of San Francisco in 1984 where the Democratic Party held its convention that election year.

Twenty-seven years later, as I look back on that time, I realize what an important and historical moment her selection was to American politics.

I recall the emotion and enthusiasm of people—men and women—at the Moscone Center in San Francisco when Gerry took the podium.

Sixty-four years after women won the right to vote, Geraldine Ferraro represented a new beginning for our politics. It was an amazing feeling.

While the election didn't go the Democrats' way that year, Gerry's selection was a victory for a generation of young women who saw that anything is possible and no position in government has a "men only" sign on the door.

As the first Vice Presidential nominee of a major party, she not only put a crack in the glass ceiling that year, she demonstrated the dedication and the competence of women in the political arena.

I didn't know her well, but I do know her experiences well.

I know how tough it was as a woman running for political office—only to find out everyone else was discussing the style of your outfit.

I know how tough it was to be one of the first elected officials to speak using phrases like, "As a mother," or "If I were pregnant . . ."

I know how tough it was as a woman debating men in political debates and then when it was over, debating a dozen reporters.

I know how tough it was as a woman who fought and won for change to live to see other women make a dozen other cracks in that glass ceiling.

But the same ideals Geraldine Ferraro fought for during her public life are the same ideals we fight for today.

It would be another 24 years after that night in San Francisco before another woman from a major party was nominated for Vice President.

And even though Hillary Rodham Clinton came close to being nominated in 2008 as the Democratic Presidential candidate, a woman has yet to occupy the Oval Office.

There are only 16 other women besides myself serving in the U.S. Senate. In the 435 Member House, just 71 are women. And just six States have women Governors.

Despite these statistics today, Geraldine Ferraro's career and example gave women across the country hope and heart.

At the time when Gerry Ferraro and I were in office, people had reservations about women in office. So the press pushed you further and further—just to see how smart you were or how you would react.

When I was mayor, I had to do more homework than my counterparts; I had to be prepared for every possible question—more questions and detail than my counterparts.

There was a judgment that women were not effective. But that judgment of effectiveness has changed.

It took some time, but women in office have shown we are capable of offering legislation, working to pass it, and being just as effective as our male counterparts.

Geraldine Ferraro gave it her all. She gave women everywhere an example of determination. She continued that drive when she supported other women in national office.

And she will continue to give us all hope and heart for decades to come in her place in history.

Ms. CANTWELL. Madam President, I rise today to honor the life, achievements, and legacy of Geraldine Anne Ferraro, who paved the way for aspiring women leaders and politicians across the Nation and the world to reach the highest positions of power.

Geraldine dedicated her life to defending women's and children's rights and helping the less fortunate, whether in public service, as an attorney, as a Congresswoman, or as Ambassador to the United Nations Commission on Human Rights. Her career was a turning point for women in politics, and an inspiration for women everywhere.

In the early 1950s, when women were not expected to attend college, Geraldine was already breaking through the "glass ceiling." The daughter of Italian immigrants, she worked her way through college and in 1956 became the first woman in her family to receive a college degree. In 1960, she graduated with honors from law school, where she was one of only 2 women in her graduating class of 179 students. She became a strong advocate for abused women and for the poor while serving as assistant district attorney for

Queens County, NY, where she headed a new bureau that prosecuted sex crimes, child abuse, and domestic violence.

Her passion to change America for the better took her all the way to the U.S. Congress, where she fought for equal pay, pensions, and retirement plans for women. She was also a leader on environmental issues. In 1984, she led passage of a Superfund renewal bill and called for improvements in the handling of environmental site clean-ups.

Geraldine will be remembered not only as a pioneer for women's and children's rights but for human rights around the world. As the U.S. Ambassador to the United Nations Commission on Human Rights, Geraldine supported the Commission's decision to condemn anti-Semitism as a human rights violation. And in 1995, she led the U.S. delegation in the historic Fourth World Conference on Women in Beijing.

But what Geraldine will forever be remembered for is that she made possible what was previously unthinkable, that a woman could be a candidate for Vice President of the United States. When former Vice President and Presidential candidate Walter Mondale selected Geraldine Ferraro to be his running mate in 1984, she became the only Italian American to be a major-party national nominee as well as the first woman.

In 1984, Geraldine fought a tough race, venturing into uncharted territory and blazing a trail. Even though Geraldine lost that race, she went where no woman had ever been before, teaching us that "when women run, women win."

A tireless champion for women in the political arena, Geraldine helped women politicians gain a stronger voice and run for public office. It is because of Geraldine that women today, including myself, can go even farther than before. Generations of female politicians will forever stand on her shoulders.

Mr. DURBIN. Madam President, an incredible woman died this week after a long and hard-fought battle with cancer.

Geraldine Ferraro led a trailblazing life, constantly achieving and proving the naysayers wrong.

She was one of two women in her graduating class from Fordham law school, taking night classes after teaching all day.

She was an attorney in a male-dominated New York District Attorney's Office.

She was the first woman elected to the U.S. House of Representatives from New York's 9th District in Queens—a district that most people assumed would not elect her, not because she was a woman but because she was a Democrat.

If she had done nothing more, Gerry Ferraro would have earned her place in history.

But then, on July 11, 1984, just 64 years after American women won the right to vote, Geraldine Ferraro agreed to be Walter Mondale's running mate in his race for the White House—the first time in history that a woman had ever run on the Presidential ticket of a major political party.

"I didn't pause for a minute" she later wrote.

It's hard for many people today, particularly young people, to understand what a revolutionary act it was for Geraldine Ferraro to agree to break that barrier. Less than 20 years earlier, want ads in American newspapers were still segregated into "men's jobs" and "women's jobs"—and believe me, Vice President of the United States was not listed under "women's work."

As a result of Gerry Ferraro's courage, the doors of opportunity swung open for millions of women—not just in politics, but in every profession.

She said often that "[c]ampaigns, even if you lose them, do serve a purpose . . . [the] days of discrimination are numbered." She was right.

For the last 12 years of her life, Gerry Ferraro fought a terrible blood cancer called myeloma. Once again, she was a pioneer, using a new drug which enabled her to live well beyond her physicians' initial estimate.

Each injection cost over \$1,000 and she went to twice weekly treatments. She was always aware that she was fortunate to be able to afford those life-extending treatments. Even when times were the worst, Gerry Ferraro was an eloquent and energetic advocate for more funding for cancer research, and for help for the 50,000 Americans who are living with cancer and can't afford the treatments for their illness.

Gerry's mother taught her the first lessons about being a strong and independent woman.

When Geraldine was just 8 years old, her father died. She saw her widowed, immigrant mother work long hours as a seamstress so that she could afford to send her children to good schools. She was living proof for Gerry that, with hard work, you can make a good life for your children in America. She never forgot what her mother did for her and kept her maiden name after she married as a sign of respect.

Gerry Ferraro was a true egalitarian. When she learned that because she was married she was paid less than male attorneys, she quit and ran for Congress. She fought for the equal rights amendment and cosponsored the Economic Equity Act to end pension inequality.

President Clinton appointed her to the United Nations Commission on Human Rights, and later the U.S. Ambassador to the United Nations Commission on Human Rights.

I had the opportunity to serve with Gerry in the House of Representatives

in a very difficult time, and I am honored to have called her my friend. I offer my deepest condolences to her husband John, her children Donna, Laura and John Jr., and her eight grandchildren. Geraldine's passing is a deep loss for so many people, but her hard work and accomplishments will continue to live.

Mr. REID. Madam President, America's favorite people are pioneers. We are a nation that celebrates those who first touched the moon, discovered the technologies that changed the world, and fought for what is right before everyone else.

We believe in the brave and admire those who believe in their own dreams—those who pursue them fearlessly, who leave a trail for the rest of us to follow and a legacy to emulate.

This week, America honors a woman we will always remember for breaking one of the highest glass ceilings in history. For two centuries, in election after election, Americans went into voting booths and saw lots of Williams and Johns and Jameses on the ballot. Then, in 1984, they saw the name Geraldine.

As the first woman on a major Presidential ticket, Geraldine Ferraro continued America's proud pioneer tradition. It wasn't the first time she led the way. Congresswoman Ferraro worked her way through law school at a time when few women did so. When the people of Queens, NY, elected her to the House of Representatives she was 1 of only 16 women Members. There was only one at the time serving in the Senate. Today there are 76 women serving in the House—one of whom was the first woman Speaker of the House—and 17 in the Senate.

I served in the House of Representatives with Congresswoman Ferraro and am deeply saddened by her death. She was an inspiration to my daughter and nine granddaughters, and to all of us who believe in our Nation's eternal pursuit of equality. On behalf of the people of Nevada—a State settled, built, and strengthened by pioneers—I honor the memory of my friend, Geraldine Ferraro.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:42 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

FINANCIAL TROUBLES

Mr. NELSON of Florida. Mr. President, I wish to talk about our Nation's financial troubles. Over the years, I have supported a balanced budget amendment, spending caps, and spending cuts. Recently, we had a proposal to fund the government for the remainder of the fiscal year, and I voted against it because I felt we needed to do more than the amendment proposed.

The fact is, we need to do much more. I agree Congress should cut expenses. But taking whacks at only 12 percent of the budget—that part of the budget that is the so-called discretionary spending portion outside of Defense, that is not part of the mandatory spending, such as all the entitlement programs, and that is only 12 percent of the budget and includes funding for education and roads and bridges and medical research and NASA and environmental research—even if we whacked all that, it is still not going to solve the problem.

Cutting this domestic discretionary spending alone is barely a bandaid, let alone a real cure.

What we need is a comprehensive long-term package. For example, when American families fall on hard times, they just do not cut back on eating out or going to the movies. The American family is forced to make wholesale lifestyle sacrifices. Or take, for instance, when a company, a corporation, faces the threat of bankruptcy. They do not only cut salaries or stop buying office supplies, they go in and restructure entire delivery schemes and future investments.

In the same way, we just cannot focus on slicing what is the conversation that is going on down in the House of Representatives right now, slicing one small part of the budget, which is discretionary spending, because that is not going to reduce the annual deficit and get at the national debt. We have to do more.

Even if we cut huge swaths of discretionary spending, including the programs that help those who need it the most, our expenses for all the other programs in government, mandatory programs, are still growing exponentially. So everything has to be on the table.

Now, how in the world are we going to do this in the next few days? By the time the clock runs out on April 8, where we are faced with funding the government for the remaining 6 months of this fiscal year, how are we going to do it? What would it look like if our debt keeps growing?

Well, the Federal Government is going to have to start writing huge checks to our creditors. Who is a creditor? China is a creditor, and we are having to write for them huge checks on interest payments alone. We will not have anything left to pay for things that we promised to our people, and no one else will want to lend us any more money.

The money people have spent their lives paying in to Social Security may not come back to them unless we can solve this budgetary crisis. Bonds that have been bought and held for decades will go down in value if we cannot meet our debt obligations. Of course, if we do not get to the point that we can pay our debts, then the stock market could even have a worse crash than we had last time.

So if we do not address this pending debt crisis now, our children and grandchildren could be sorely affected by the financial condition of this country in the future.

Every economist we have listened to lately has said that we need to provide certainty to our creditors and to the markets. In other words, they need to know that we will get our debt under control before interest payments skyrocket and overwhelm our obligations. No one knows how long we have before our creditors get nervous and start to make it harder for the United States to borrow money. But they all agree we have to put into place a long-term plan instead of waiting to act until the crisis is upon us. The crisis is coming. It is coming on April 8. That is the first crisis.

Assuming that we can get through this and get the government funded for the remaining 6 months of the fiscal year—until the end of September—the next crisis that is coming is the debt ceiling—probably in early June—that has to be raised in order for the government to pay its obligations.

And then we are going to have to have a plan for next year's budget, the fiscal year that starts October 1, in order to get the votes to increase the debt ceiling. So between now and June, first in a couple of weeks, and then in a couple of months, we are going to have to devise a comprehensive plan.

I am going to support cuts across the board. I am going to support cuts in discretionary spending. But I also want to see cuts in what we call tax expenditures, which are equivalent to spending, but are nothing more than outrageous tax breaks to big corporations that make billions of dollars in profits each year. For example, some of the royalty payments that are not being paid by oil companies for their privilege of extracting oil from Federal lands, particularly those lands in the bottom of the Gulf of Mexico. There are corporations that ship massive amounts of jobs overseas, and they get tax breaks for it.

There is also money made by U.S. citizens that is being held offshore in foreign accounts, which is not reported to the United States, and tax is not being paid on that income. So there is plenty of opportunity to tighten up.

Another place that we can tighten up is to implement the changes that we made in the health care bill that cut the fraud that plagues programs like Medicare and Medicaid. It is costing us billions and billions of dollars.

So there are tireless efforts that are being made by a lot of Senators right now trying to work together to draft a comprehensive plan. I came to the Senate to fight for my State and for our country, and if we continue to allow a debt crisis to happen when, in fact, we had the opportunity to avoid it, it is going to be far more reckless than casting a vote that is going to be disliked by some. I am ready to stand and have that fight. Yet we should not have to. We should, as the Good Book says, "Come, let us reason together." Then we can find a comprehensive solution to this budgetary crisis.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized as in morning business.

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

LIBYA

Mr. MCCAIN. I would like to take time today to address the ongoing situation in Libya. Last night, the President made a strong defense of our military action in Libya. I welcome his remarks, and I appreciate that he explained why this intervention was both right and necessary, especially in light of the unprecedented democratic awakening that is now sweeping the broader Middle East.

There has been much criticism of the President's handling of the situation in Libya—some legitimate, some not. But the fact is, because we did act, the United States and our coalition partners averted a strategic and humanitarian disaster in Libya.

Even as we seek adjustments to U.S. policy where appropriate to ensure that we accomplish the U.S. goal as stated by the President of forcing Qadhafi to leave power, I believe the President's decision to intervene in Libya deserves strong bipartisan support in Congress and among all Americans.

It is worth remembering, especially for the critics of this intervention, exactly what we would be facing in Libya now had we not taken action. Just over 1 week ago, Qadhafi was bearing down on Benghazi, a city of 700,000 people, and the main seat of the Libyan opposition, as well as the provisional government that has now emerged.

Qadhafi pledged in his words: No mercy for these people. He pledged to go house to house, to crush everyone opposed to him. Had we not taken action in Libya, Benghazi would now be remembered in the same breath as Srebrenica, a scene of mass slaughter and a source of international shame.

Libyan refugees would now be streaming into Egypt and Tunisia destabilizing those critical countries during their already daunting political transitions. If we had allowed Qadhafi to slaughter Arabs and Muslims in Benghazi who were pleading for the U.S. military to rescue them, America's moral standing in the broader Middle East would have been devastated. Al-Qaida and other violent extremists would have exploited the resulting chaos and hopelessness. The forces of counterrevolution in the region would have gotten the message that the world would tolerate the violent oppression of peaceful demonstrations for universal rights. This would have been a dramatic setback for the Arab spring which represents the most consequential geopolitical opportunity in centuries.

That is why Libya matters and why we were right to intervene. Yes, there are many other places in the world where evil resides, where monsters brutalize civilians. The United States cannot and should not intervene in all of these places. But we were right to do so in Libya because of the unique position this country now occupies at a moment of historic change in the Middle East and North Africa. This does not mean we should take the same actions toward other countries in the region as we have toward Libya.

Each of these countries is different. Their challenges and situations are different. When governments, both friend and foe, use force and oppression to crush peaceful demands for universal rights, we need to be clear in our condemnation, and we need to support the aspirations of all people who seek greater freedom, justice, and economic opportunity.

But let's be clear. Qadhafi's brutal and vicious slaughter of fellow Arabs and Muslims has set Libya completely apart from other countries in the region, and it warranted the decisive military response we and our international partners have taken. While some believe the President should have sought a congressional authorization for the use of force, or even a formal declaration of war prior to taking military action in Libya, I think his actions were in keeping both with the

constitutional powers of the President and with past practices, be it President Reagan's action in Grenada or President Clinton's action in the Balkans.

Had Congress taken even a few days to debate the use of force prior to acting in Libya, there would have been nothing left to save in Benghazi. That is why our Founders gave the President the power as Commander in Chief to respond swiftly and energetically to crises. What we need now is not a debate about the past; that can come later. Many of us who wanted a no-fly zone at the time still are convinced that this could have been over by now. But the fact is, it is in the past.

What we need is a forward-looking strategy to accomplish the U.S. goal—as articulated by the President—of forcing Qadhafi to leave power. We have prevented the worst outcome in Libya, but we have not yet secured our goal. As some of us predicted, U.S. and coalition airpower has decisively and quickly reversed the momentum of Qadhafi's forces, but now we need to refine U.S. strategy to achieve success as quickly as possible.

As every military strategist knows, the purpose of employing military force is to achieve policy goals. Our goal in Libya is that Qadhafi must go, and it is the right goal. But let's be honest with ourselves: We are indeed talking about regime change, whether the President wants to call it that or not. While I agree with the President that we should not send U.S. ground troops to Libya to remove Qadhafi from power, that is exactly what Libyan opposition forces are fighting to do. They are now on the outskirts of Qadhafi's hometown of Surt, and they appear to have no intention of stopping there.

Thus far, U.S. and coalition airpower has cleared a path for the opposition to advance. U.N. Security Council Resolution 1973 authorizes the use of "all necessary measures" to protect civilians in Libya. As long as Qadhafi remains in power, he will pose an increasing danger to the world, and civilians in Libya will not be safe.

Ultimately, we need to be straight with the American people and with ourselves. We are not neutral in the conflict in Libya. We want the opposition to succeed, and we want Qadhafi to leave power. These are just causes. And we must therefore provide the necessary and appropriate assistance to aid the opposition in their fight. That certainly means continuing to use air power to degrade Qadhafi's military forces in the field, and I am encouraged by the fact that we are now bringing in AC-130 and A-10 attack aircraft to provide more close-in air support.

This is the Libyan people's fight, but we need to continue to help make it a fairer fight, until Qadhafi is forced to leave power. I was very encouraged today to hear our ambassador to the

United Nations suggest that the United States may provide arms to the opposition. We should also provide them, if requested and as appropriate, with resources, command and control technology, communications equipment, battlefield intelligence, and training. We need to take every responsible measure to help the Libyan opposition change the balance of power on the ground.

Yes, it has been documented that many eastern Libyans went to fight in Iraq. Many met their end there too. But Libyans are not rising up against Qadhafi now under the banner of al-Qaida. To the contrary, they have largely pledged their support to the Transitional National Council, which is based in Benghazi, and representative of tribes and communities across Libya. The leaders of this council are not unknown to us. They have met with senior administration officials, including the Secretary of State, as well as other world leaders. Their supporters are brave lawyers, students, and human rights advocates who just want to choose their own future free from Qadhafi. They have declared their vision for Libya as, quote, "a constitutional democratic civil state based on the rule of law, respect for human rights and the guarantee of equal rights and opportunities for all its citizens." If these moderate, democratic forces do not succeed in Libya, we know exactly who would fill the void: the radicals and the ideologues. We have seen this movie before.

We cannot make the assumption that time is on our side. It is not. Perhaps Qadhafi's regime will crack tomorrow. I hope it will. But hope is not a strategy. If our strategy does not succeed in forcing Qadhafi to leave power sooner rather than later, we run the risk of a prolonged and bloody stalemate. That is not in America's interest or in the interest of the Libyan people. The risks are still too high of repeating a similar outcome from the first gulf war—where we had crushing sanctions and a no-fly zone in place, but still Saddam Hussein managed to hold onto power, threaten the world, and brutalize his own people for another 12 years. And only then, it took an armed invasion to remove him from power. That is not a definition of success in Libya. And it certainly is not a limited mission. It is a recipe for a costly and indefinite stalemate. We must avert that outcome.

Our mission in Libya is going well, but we have not yet accomplished our goal. I am extremely thankful and grateful for our many friends and allies, especially our Arab partners, who are contributing to this mission. However, none of this is a substitute for sustained U.S. leadership. If our goal in Libya is worth fighting for, and I believe it is, then the United States must remain strongly engaged to force Qadhafi to leave power. Nothing less is desirable or sustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

Mr. WEBB. Mr. President, I was originally going to call up a pending amendment, No. 215, the Rockefeller amendment. I am informed that amendment is at present the subject of some negotiation and a consent package. I do wish to speak briefly today in support of the amendment filed by Senator ROCKEFELLER and on his behalf, since he is away from the Senate today attending the funeral of a close friend.

Like Senator MCCONNELL, I have expressed deep reservations about the consequences of unilateral regulation of greenhouse gases by the EPA. In my view, this will result in long and expensive regulatory processes that could lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far-reaching that it could eventually touch nearly every facet of this Nation's economy, putting unnecessary burdens on industry and driving many businesses overseas through policies that have been implemented purely at the discretion of the executive branch and absent a clearly stated intent of the Congress.

Our farms, factories, transportation systems, and power-generating capacity all would be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of the concern expressed by Senator MCCONNELL, and ultimately, whichever way one ends up voting on his amendment, that common concern defines this debate.

It is not a new concern for me. When this administration declared in November of 2009 that the President would sign a politically binding agreement at the United Nations framework on climate change in Copenhagen, I strongly and publicly objected. I sent a letter to the President stating:

Only specific legislation agreed upon in the Congress or a treaty ratified by the Senate could actually create such a commitment on behalf of our country.

I have also expressed on several occasions my belief that this administration appears to be erecting new regulatory barriers to the safe and legal mining of coal resources in Virginia and other States. My consistent message to the EPA is that good intentions do not in and of themselves equal clear and unambiguous guidance from Congress. We can see this in the approach

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the EPA has taken or attempted to take on the regulation of coal ash, on regulating industrial and commercial boilers, on approving new levels of ethanol into gasoline, and, most importantly, its overreach to regulate greenhouse gases from stationary sources. I have repeatedly raised these issues with the administration and my colleagues in the Senate.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in *Massachusetts v. EPA*.

My opposition to the EPA's present regulatory scheme with respect to carbon dioxide or stationary sources stems in part from my reading of this case. I am not convinced the Clean Air Act was ever intended to regulate or to classify as a dangerous pollutant something as basic and ubiquitous as carbon dioxide. I say that as one of the few Members of this body who are engineers.

To quote one of the most influential Supreme Court Justices from the last century, Justice Cardozo:

The legislation which has found expression in this code is not canalized within the banks that keep it from overflowing.

The case Justice Cardozo was commenting on dealt with a different issue but the constitutional precept still applies. Congress should never abdicate or transfer to others the essential legislative functions given to it and it alone by the Constitution.

The sweeping actions the EPA proposes to undertake clearly overflow the appropriate regulatory banks established by Congress, with the potential to affect every aspect of the American economy. Such action represents a significant overreach by the executive branch.

Notwithstanding these serious concerns with what I view as EPA's potentially unchecked regulation in a number of areas important to the economy, I do have concerns about the McConnell amendment for a number of reasons.

First, the McConnell resolution would jeopardize the progress this administration has made in forging a consensus on motor vehicle fuel economy and emission standards. The Obama administration has brokered an agreement to establish one national program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in *Massachusetts v. EPA* which dealt with motor vehicle emissions. In fact, it dealt with new car motor vehicle emissions.

Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources

with respect to greenhouse gas emissions. It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would save 1.8 billion barrels of oil and millions of dollars in consumer savings. That agreement, however, and the regulations that would effectuate it rest upon enforcement of the Clean Air Act, which would essentially be overturned by the McConnell amendment.

We have before us a different but equally effective mechanism to ensure that Congress and not unelected Federal officials can formulate our policies on climate change and on energy legislation. The Rockefeller amendment, which I have cosponsored, would suspend EPA's regulation of greenhouse gases from stationary sources for 2 years. This approach would give Congress the time it needs to address legitimate concerns with climate change and yet would not disrupt or reverse the progress made on motor vehicle fuel and emission standards.

The majority leader had previously assured me and Senator ROCKEFELLER of his commitment to bring the Rockefeller amendment to the floor. I very much appreciate his stated intention to do so. I hope we will have the opportunity to vote on this measure within the next day or so.

Finally, let me say that I share the hope of many Members of this body from both sides of the aisle that we can enact some form of energy legislation this year. I have consistently outlined key elements I would like to see in an energy package. I have introduced legislation, along with Senator ALEXANDER, to encourage different forms of energy legislation that would in and of themselves help produce a cleaner environment and more energy independence. We should all be exploring those types of mechanisms that will, at the same time, incentivize factory owners, manufacturers, and consumers to become more energy efficient and to fund research and development for technologies that will enable the safe and clean use of our country's vast fossil fuels and other resources.

The second thing I would say—just as a comment—since I was shown a letter earlier today from the Chamber of Commerce strongly suggesting the only viable alternative in this debate is the McConnell amendment, I ask unanimous consent to have printed in the RECORD a letter that was sent last September by the Chamber of Commerce and more than a dozen other business entities, associations in support of the Rockefeller amendment.

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

Hon. DANIEL INOUE,
Chairman, Senate Appropriations Committee,
U.S. Capitol, Washington, DC.

Hon. THAD COCHRAN,
Vice Chairman, Senate Appropriations Committee,
U.S. Capitol, Washington, DC.

DEAR CHAIRMAN INOUE AND VICE CHAIRMAN COCHRAN: Unless Congress acts this Fall new Environmental Protection Agency (EPA) rules regulating greenhouse gas (GHG) emissions under the Clean Air Act will go into effect on January 2, 2011. The rules impose a significant burden across the U.S. economy, including the sectors that will create jobs and lead us in our economic recovery. It is Congress' prerogative to enact a national climate policy, not the EPA's. Fortunately, there are opportunities for Congress to exercise its prerogative prior to the end of the legislative session.

We urge your strong support for measures to temporarily restrict EPA's authority to implement the GHG rules affecting stationary sources, and to give Congress the time necessary to consider the appropriate regulatory approach for those sources.

According to EPA, as many as six million of America's industrial facilities, power plants, hospitals, agricultural and commercial establishments eventually will be subject to these rules, at a considerable cost and burden on jobs, state resources and the ability to move forward on a national climate policy. State implementing agencies have no guidance on issuing the required permits, the measures needed to comply are not known, and both state implementing agencies and covered commercial facilities will be left in a bind. There is the very real prospect that investments by businesses across the entire economy—the investments that will drive economic recovery and job creation—will be delayed, curtailed or, even worse, cancelled.

The appropriations process can ensure that the potentially damaging impacts of EPA's rules are postponed for a two or three year period pending Congressional action. Indeed, the approach would allow any restrictions on funding in a manner that still allows EPA's rules on motor vehicles to continue in effect unchanged. More importantly, the appropriations process provides Congress an important oversight and management tool that will inform the further development of a national climate policy. Other approaches, such as a codification of EPA's "tailoring" rule to ease the potential burden on smaller businesses have been suggested. Unfortunately, the vast majority of American businesses affected by the GHG rules will not be protected by a simple codification of EPA's rules.

Representatives Nick Rahall and Rick Boucher and Senator Jay Rockefeller have introduced legislation (the Stationary Source Regulations Delay Act, H.R. 4753 and S. 3072, respectively) to place a two year moratorium on the EPA's actions to regulate GHGs from stationary sources.

Senator Rockefeller has received a commitment from Majority Leader Harry Reid to hold a vote on his bill in September. We support the concept of a two-year postponement and urge your strong support as an appropriate legislative measure is developed and considered. Simply, a two-year moratorium will prevent the negative economic impacts anticipated from the EPA GHG rule.

In short, American businesses, investment, and jobs need your active support. We urge you to support efforts to postpone EPA regulation of GHG emissions from all stationary sources through targeted amendments to relevant appropriations measures or legislation

based on the Rahall/Boucher or Rockefeller bills.

Sincerely,

American Chemistry Council, American Farm Bureau Federation, American Forest & Paper Association, American Frozen Food Institute, American Petroleum Institute, American Iron and Steel Institute, Ball Clay Producers Association, CropLife America, International Diatomite Producers Association, Industrial Minerals Association—North America, Missouri Forest Products Association, National Association of Chemical Distributors, National Association of Manufacturers, National Association of Oilseed Processors, National Association of Wholesaler-Distributors, National Industrial Sand Association, National Lime Association, National Mining Association, National Petrochemical & Refiners Association, Society of Chemical Manufacturers and Affiliates, The Aluminum Association, The Fertilizer Institute, Treated Wood Council, U.S. Chamber of Commerce.

Mr. WEBB. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 183

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Virginia, I agree with everything he said up to the last 3 minutes, because we have something that needs to be talked about. I would only make reference to the letter that has been entered into the RECORD that, yes, did make that statement, that if the choice is to do nothing at all or to have the Rockefeller amendment, it is better to delay something bad for 2 years. But that is not the choice.

The choice is—and he has referred to it as the McConnell amendment; that happens to be the bill I introduced and is now offered as an amendment to the Small Business Act—and it is one that will actually resolve the problem.

I think it is necessary to set the record straight as to what the two alternatives are. I call them covers. This is kind of a term that is used inside these Halls when someone is wanting to vote against something that people at home want and they give them something else to vote for so we can offer cover—something that normally is meaningless—such as these two cover votes.

The cap-and-trade agenda—I think we all understand—is destroying jobs in America and certainly decreasing our domestic energy supply. As a consequence, the consumers are going to pay more for their gas, for their electric bills, in a tax on affordable energy. But it can be stopped. It can be stopped by the passage of the Energy Tax Prevention Act of 2011 or, as we are looking at it now, that same bill being encompassed as an amendment called amendment No. 183 to the Small Business Act.

Let me go back, if I could, kind of in history to make sure people understand where we are today and how we

got here. Many years ago, back in the 1990s, they came forward—and this was during the Clinton-Gore administration—with the Kyoto treaty. They went to Kyoto, Japan, and said: We want to join with all the other countries and we want to reduce emissions from CO₂. This was a treaty you would sign on to and most of the European countries did and many others did.

I might add now, many years later, none of them that signed on to it were able to accomplish any kind of reduction, meaningful reduction in emissions. But nonetheless, we had that.

I can remember standing at this podium and saying back then that we are not going to ratify any agreement that is made at Kyoto that does not affect the developing countries the same as the developed countries. In other words, if it is not going to cover China, Mexico, and different countries in Africa, then we do not want to be the only ones this affects because it is going to be a very punitive situation. Secondly, we were not going to ratify any kind of a treaty that was an economic hardship on our country. We successfully stopped it.

Then, in 2003, they started introducing legislation that would do by legislation what the Kyoto treaty would have done, but it would only affect the United States of America. At that time, Republicans were the majority. I was the chairman of the committee that is called the Environment and Public Works Committee. We had the jurisdiction over this issue. So I almost unilaterally was able to stop this legislation from taking place. We had the same legislation that came up again in 2005, 2007, 2008, and 2009, and it has been before us for votes now in the Senate seven different times. Each time we defeated it. I might add, we defeated it by a larger margin each time we defeated it.

It is kind of interesting because I have had so many people say to me: INHOFE, what if you are wrong? What if CO₂ is damaging to the environment? What if it causes some of these problems people say it does? Well, I have to say, the science has been mixed. The science has been cooked in many cases. The United Nations came up with the IPCC, which was the science that was used to base all these new programs on, and it has been pretty much scandalized in the climatigate situation. But, nonetheless, that is something we do not need to talk about. The point is, we were able to stop any legislation.

Why did we want to stop legislation that puts restrictions on CO₂? Well, one reason is—and it came up very clearly, and I always give my appreciation to Lisa Jackson. Lisa Jackson is the Obama-appointed Administrator of the Environmental Protection Agency. I asked her the question some time ago in a public hearing, live on TV. I asked: If we were to pass any of these pieces of

legislation—at that time I think it was the Waxman-Markey bill—would this have any meaningful reduction in terms of CO₂ emissions in the world? The answer was, no, it would not because this would only apply to the United States of America. If we do it here, we will take all the financial hardship of doing it; however, as we lose our manufacturing base, they will go to other countries where there are less emission requirements. China is a good example. China's doors are open now to try to say: Come, we are cranking out three to four coal-fired generating plants in China every week. So, manufacturers, come here. We have the energy you need. So they were then able to do it.

When the Obama administration came in, with a strong majority in both the House and the Senate, they said: All right, we will tell you what. Since you are not going to pass cap and trade, then we will do it through regulations.

What would cap and trade do to America? Granted, by everyone's admission, it would not reduce emissions at all worldwide. So what would it cost? Well, the cost was put together back during the Kyoto treaty by the Wharton School at that time. Since then, MIT, CRA, many others have come in. The range is always between \$300 and \$400 billion a year.

I am not as smart as a lot of guys around here, so when I hear about billions and trillions, I say: How does that affect people in my State of Oklahoma? So I have the math that I do. I say to the Presiding Officer, I take the total number of people and families in my State of Oklahoma who file a tax return, and then when they come up with something that is going to cost our Nation \$300 to \$400 billion, I do the math. What that would amount to for my average family in Oklahoma who files a tax return is \$3,100 a year, and they do not get anything for it.

Anyway, the President came in with the new majority, and he said: Well, if you are not going to pass this, we are going to go ahead and do it by regulation. We will have the Environmental Protection Agency do it by regulation.

To do that, they had to have what is called an endangerment finding; that is, a finding that CO₂ is an endangerment to health. The courts never said we have to regulate CO₂. They said: If you want to, you can. That was the choice of this administration and of the Environmental Protection Agency.

So I asked the question again at one of the hearings—this is of the same Administrator Jackson; this was a year ago December—I said: I have a feeling you are going to come up with an endangerment finding so you have justification for regulating CO₂ the same as if we were passing legislation to do it. Her response was kind of a smile. I

said: To have an endangerment finding, you have to base that on science. What science are you going to base it on? She said: Well, primarily, the IPCC. That is the Intergovernmental Panel on Climate Change. That is the United Nations. They are the ones that started all this fun stuff.

With that, it was not more than 2 weeks later that the scandal broke with the recovery of some of the e-mails that were sent out by the IPCC that they had, in fact, cooked the science. Nonetheless, there are lawsuits that are pending right now and all that to try to stop the EPA from regulating CO₂.

They are doing other regulatory things right now. They are trying to do regional haze regulation. They are trying to do regulation on ozone, changing the standards, trying to do what they call boiler MACT, utility MACT, other regulations. But, nonetheless, this one we are talking about today is the regulation of greenhouse gases.

This is what is happening right now. To keep them from doing it, I introduced a piece of legislation called the Energy Tax Prevention Act of 2011. My good friend over in the House of Representatives, FRED UPTON, has been a friend of mine for many years. He is the chairman of the appropriate committee over there; the same as I am the ranking member of the appropriate committee here. So we introduced together the Upton-Inhofe legislation or, if you are over on this side, I call it the Inhofe-Upton legislation. That would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. If we take away the jurisdiction, they cannot do it. That is the ultimate solution. That is the moment of truth, as we are going to read in tomorrow morning's Wall Street Journal. So they are taking that up. They will pass it over there. But on a partisan basis over here, they will try to kill it.

So what we have done is, Leader MITCH MCCONNELL and I have offered an amendment that encompasses my bill, the Energy Tax Prevention Act I just referred to, as an amendment on the Small Business Act. That is scheduled for a vote tomorrow morning. I hope it does happen.

The reason I am talking today—I have already covered this several times, and I am sure people are tired of hearing it—but they have cover votes that are coming up, and we know this is going to happen. But why is it this administration wants to do something that is going to drive the energy costs of America upward?

This administration has said over and over again they do not want gas, they do not want oil, they do not want coal. And we cannot run this machine called America without oil, gas, and coal.

There is a motivation here; that is, it has come from this administration

that they want to replace fossil fuels—oil, gas, and coal—with what they call green energy. Someday that might happen. It will be long after I am gone, I am sure. But they might have the technology to run this country on what they call renewable energy. Right now, we are going to use as much as we can. We are for wind power, we are for Sun power, solar power, all the other options. But, nonetheless, we still have to have fossil fuels to run the country.

Steven Chu, Secretary of Energy for the Obama administration, said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

That is \$8 a gallon. This is the administration saying we want to increase the price of gasoline to be equal to what it is in Western Europe. So this is something that has been a policy of this administration for a long time. In fact, President Obama himself said that under the cap-and-trade plan—this is what they are trying to do now—“electricity prices would necessarily skyrocket.”

The President had it right. The point of cap-and-trade regulation is to make us pay more for energy bills, and the Obama administration and EPA are here to make that happen. In a recent editorial, the Wall Street Journal calls the Energy Tax Prevention Act, my bill, “one of the best proposals for growth and job creation to make it onto the Senate docket in years.”

Why is that? It is because the EPA's regulations will raise energy prices and strangle economic growth. As the National Association of Manufacturers stated:

At a time when our economy is attempting to recover from the most severe recession since the 1930s, [EPA] regulations . . . will establish disincentives for the long-term investments necessary to grow jobs and expedite economic recovery.

That is the National Association of Manufacturers. The families, the workers, and the consumers are all going to feel the pain.

In a study that Charles River Associates International did, they estimate that EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent. What we are talking about is—everyone understands—if they are able to do these regulations, the EPA doing what the legislature refused to do; that is, regulate the emissions of fossil fuels, it will increase electricity prices about 40 percent.

What do we get in return? I think we have already mentioned we do not get anything for this because it would drive our jobs elsewhere, and it would only affect the United States of America.

The claims that the Energy Tax Prevention Act—that is the amendment we will be voting on tomorrow—would undermine health protections or fuel

economy standards are disingenuous on their face. The amendment does not touch EPA's authority to regulate criteria or hazardous air pollutants. What is more, both emissions of CO₂ and real pollution have been in steady decline. Yet instances of asthma have been on the increase. So as the emissions decline, the instances have actually increased. Carbon dioxide emissions do not cause asthma, either directly or indirectly, and they do not harm public health.

The Energy Tax Prevention Act is not about asthma and public health, but it is about protecting jobs.

By the way, there is a very well respected scientist by the name of Richard Lindzen from MIT, and he wrote a letter to me which I received a couple of days ago—well, it was actually a little bit longer than that.

As to the impact of increasing CO₂ on general welfare, there is widespread agreement that modest warming should improve welfare for the U.S. Under the circumstances, we are in the bizarre situation of declaring something to be a pollutant when the evidence suggests that it is beneficial.

In other words—I hesitate saying this. I am the first one to admit I am not a scientist, but certainly Professor Lindzen is. He says, Here we are talking about reducing something that is not a problem certainly to health.

Then the other thing having to do with the Highway—this was mentioned by the Senator from Virginia a few moments ago—that somehow this is going to impair our standards of lowering gas consumption. The amendment doesn't prohibit the National Highway Traffic Safety Administration from setting fuel economy standards. It stops the EPA from regulating carbon dioxide from tailpipes after 2016. So the regulation would have no effect on that whatsoever. That is not done by the EPA; that is done by the National Highway Safety Administration, called NHTSA.

The vote comes down to a simple choice: Are you for jobs and affordable energy or President Obama's strategy of energy taxes and bureaucratic regulations? Of course, when you look at the things that are coming along—I mentioned when I started talking that there is something called “cover,” that if there is something out there that the people at home are clamoring for, that they want—in this case they want this amendment that will stop the EPA from regulating greenhouse gases—then if they can vote for something else that does nothing, they can say, Well, I voted for this. It is called cover.

The Rockefeller vote would be nothing, except kicking the can down the road for 2 years, and in the meantime the regulation goes on.

Under the Baucus amendment, this is something that is called the tailoring rule. It is a little more complicated because when you talk about the emissions that we are concerned with that

the EPA would be regulating, they would be on any emissions that would affect all the farmers, the schoolhouses, and everybody else. Well, the Baucus amendment would exempt some of these smaller ones. However, if you listen to the Farm Bureau, which has been very helpful in this all along—I think I have their quotes here. Yes. Listen to this, the American Farm Bureau, a recent quote, just this year:

Farmers and ranchers would still incur the higher costs of compliance passed down from utilities, refiners and fertilizer manufacturers that are directly regulated as of January 2, 2011.

So if the Baucus amendment passes, it is going to still be regulated—the refiners, the manufacturers—and that is going to be passed down and it is going to increase the cost of power and energy and that is why the Farm Bureau is so emphatic. In fact, I just left the Farm Bureau a couple of minutes ago before I came here, talking about this very subject.

The manufacturers feel the same way. The Industrial Energy Consumers of America wrote the Baucus approach:

does not solve the underlying problem that regulating [greenhouse gases] under the Clean Air Act is very costly for manufacturing, will impact global competitiveness and encourage capital investment outside the United States.

Why would that be? Because if China ends up with all the jobs, then they are the ones who would be getting the investment.

The only way to stop the higher costs of compliance, which the Farm Bureau fears, is to pass the Energy Tax Prevention Act which is now Senate amendment No. 183.

The contrast couldn't be starker. I was told that tomorrow morning we may see the moment of truth going on—and I think it is going to be in the Wall Street Journal—that people are going to realize there is only one way to stop this massive tax and regulation increase that will come. It won't be by the Rockefeller amendment and it won't be by the Baucus amendment. It will be by the Inhofe-McConnell amendment that hopefully will be voted on tomorrow and that will take out from the jurisdiction of the EPA the ability to regulate greenhouse gases. That is what we are hoping will happen, and I think when people realize it, they are not going to be fooled by some of these what I refer to as cover votes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I wish to talk a little bit about the McConnell amendment that I think we will vote on on the floor of the Senate this week. This is the amendment that really clarifies whether Congress ever intended to give the Environmental Protection Agency the authority to regulate greenhouse gases. They have a finding that gives them that authority, but the people who were involved in passing that law initially say that wasn't the intention of the law; that if it is the intention of the law, the Congress should step up and clarify that.

I think this amendment clearly expresses the view of the American people that the Congress should do its job, not leave it to the regulators to do the job. Senator MCCONNELL has brought that amendment to the floor. It is an amendment that Senator INHOFE has worked on regarding this topic for a long time. Senator BARRASSO has also worked on this topic.

I am convinced that as the ballots are cast and the votes are made this week on this bill and on this amendment, Senators from both parties are going to say: No, that is not the job of the EPA. It is not what the Congress intended EPA to do.

This is a great example of the Congress trying to step up and make the point that the regulators should not be able to do by regulation what the legislators are unwilling to do by legislation.

This issue was discussed last year—the cap-and-trade law that passed the House in the last Congress. People around America looked at it and said that higher prices were not the way to get more efficient energy policies. The way to get more efficient energy policies is to look for ways to produce more American energy, to have a marketplace that has more choices than the ones we have now. As people looked at this issue, they said: Let's find more American energy of all kinds, and let's be conservationists and encourage that we use that energy as efficiently as possible, and let's also be out there researching and investing in the future so that we know what we want our energy picture to look like a generation from now—not that we blindly rush in and think high prices will solve our energy problems.

We all know that the President of the United States, before the election in 2008, in talking to the editorial board of the San Francisco Chronicle, made the comment that under his energy policies, energy prices would necessarily skyrocket. The President has looked at this economy closely—I hope—over the last 2 years of his Presidency, and clearly every signal from the administration now is that they have concerns about \$4-a-gallon gasoline, even though there are people in

that advisory group who at one time said gas prices should be as high as the gas prices in Europe and that is the way to solve our use of gasoline. We don't live in Europe. We live in a country that is large, expansive, and requires travel and commerce. So high gas prices are not the answer to our transportation problems, and higher utility bills are not the answer to our energy problems.

In fact, as people looked at the potential of cap and trade on utility bills, they looked at how much of our utilities come from coal. Of course, cap and trade—and the EPA regulations that would try to impose cap and trade by regulation—cap and trade is particularly focused on coal-based utilities. From the middle of Pennsylvania to the western edge of Wyoming, 50 percent of the electricity in the country comes from coal. Mr. President, in your State and my State, a significant majority of the electricity comes from coal. In Missouri, it is 82 percent of the electricity that comes from coal.

In our State, the utility providers got together—the rural electric cooperatives, the municipal utilities, the privately owned and publicly owned—and funded a study with which nobody ever found fault. Nobody has challenged the study. In that study, in our State the average utility bill would go up about 80 percent in the first 10 years under cap and trade. It would come close to doubling in the first 12 years. For many utility customers, it would double. If the average bill is going to go up 80 percent, for many customers out there, their bill would double in 10 years, and for the average customer, it would double in about a dozen years. Who benefits from that?

At a hearing the other day with the EPA Administrator, I talked about a visit I had last fall with someone who explained to me that he was an hourly employee at a company—by that point, with the discussion of cap and trade, almost all Missourians knew our utility bills would double in about 10 years—and he said: If my utility bill doubles, that is a bad thing. If my retired mother's bill doubles, that is worse. If the utility bill at work doubles and my job goes away, then the other bills don't matter that much because I can't pay mine and help my mom pay hers.

That individual has a Ph.D. in common sense, if not economics. That is what happens if we allow these bills to go up. Because of that discussion, I stand here today absolutely confident that, in the foreseeable future, Congress will not impose that penalty on our economy. If the Congress won't impose that penalty on our economy, we should not let regulators impose that penalty on our economy.

What the McConnell amendment does—again, with the hard work of Senators INHOFE, BARRASSO, and others—is simply redefine the authority or

maybe reemphasize the definition Congress thought it was giving the Environmental Protection Agency, and it says: You can't regulate these greenhouse gases under the Clean Air Act. It doesn't stop the Clean Air Act's provisions to protect clean air in every way that was anticipated until the recent determination that somehow EPA had the authority to also regulate greenhouse gases, but it does refocus the EPA on the intention of the Clean Air Act, not their expansion of the Clean Air Act.

By the way, the EPA has no ability to expand the Clean Air Act. That is the job of the Congress of the United States. Fine, if we want to have that debate. In fact, we had that debate last year. The House passed a bill that would have done what the EPA's new sense of their own mission would do, and I think the American people spoke pretty loudly about that. Because of that, the last Congress didn't pass that bill. The House of Representatives passed a bill, but the Senate didn't pass that bill. This Congress isn't going to pass that bill either, and I would predict that the next Congress won't pass that bill.

Why won't they pass the bill? Why won't we pass a bill in this Congress? Why won't the next Congress pass a bill? They know it has a devastating impact on our economy; and if the Congress doesn't want there to be a devastating impact on our economy, we also shouldn't want the Environmental Protection Agency to do something that would have a devastating impact on our economy.

In fact, when we look at the economies around the world, the economies that have the greatest problems with air and water are the economies that failed; the economies where, at some point, those countries decide, ultimately, they are going to do whatever it takes to get back to where they can have jobs that allow families to live.

The EPA is bound, and should be bound, by what the Congress initially intended with the Clean Air Act, not what the EPA thinks today is their job—and particularly if it is not a job that everybody in this building knows the legislators will not do. If the legislators won't do it, the legislators shouldn't let the regulators do it, and this simply clarifies that.

I urge my colleagues this week to vote for this amendment, to make it clear to the Environmental Protection Agency that they have plenty of things to do and many things that we will support them as they do, but this isn't one of them. This hurts our economy. It is not their mission. It was not the intention of the Clean Air Act. This amendment allows that to be reinforced once again by the Congress, the group that is supposed to pass the laws. Laws aren't supposed to be passed by regulators. I suppose they are inten-

tionally determined to be implemented by regulators but not created by regulators or created by the administration. That is our job.

This bill reemphasizes our job. Again, it doesn't let the regulatory group do a job that increases the utility bill, that doubles the electric bill in Missouri, and raises the electric bill for the vast preponderance of Americans, for people retired, on a fixed income. Clearly, jobs will go away if those electric bills are raised, and they will not go to other places in the United States in most cases; they will go to other countries that care a whole lot less about what comes out of the smoke stack than we do.

So if the EPA is allowed to do with greenhouse gases what it says it wants to do, we will lose the jobs and the problem will get greater because these jobs will go to countries that care a whole lot less about emissions than we do.

Let's let the legislators do their job. I encourage my colleagues to vote for this amendment this week as they think about how we approach this important issue—about our economy, about our jobs, about our families and our future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, rightfully so, the focus in this Congress is very much about the economy and job creation, and it is appropriate that we have before the Senate a piece of legislation dealing with small business. We know small business and entrepreneurship is a path to job creation.

We are spending a lot of time in this Senate, in the House, and in Washington, DC, discussing the economy, and one of the things that is front and center today is the need for us to be much more responsible in our spending habits. In my view, the Federal Government is financially broke. Rightfully so, we ought to pass a continuing resolution that reduces spending for the remaining 6 months of this fiscal year. We ought to quickly move to a budget and to an appropriations process that allows for the give-and-take, the consideration of those things that we can afford to spend money on, the things that are appropriately the role of the Federal Government, and find those places in which we can again significantly reduce spending. That is an important aspect of whether we are going to get our economy back on track and jobs created.

I think often we write off what happens in Washington, DC. The American

people see us as just Republicans and Democrats having one more battle about spending and deficits. These are things I have heard, topics I have heard discussed my entire life coming out of Washington, DC. The reality is, this is an important issue at an important time in our country's history. In the absence of an appropriate resolution of this spending issue, in my view, the standard of living Americans enjoy today will be reduced, inflation will return, the value of the dollar will be diminished, and the standard of living we have become accustomed to as Americans, as I say, will be diminished. But worse than that, the opportunity for our children and grandchildren to pursue the American dream will be less than what we want it to be, certainly less than what I experienced as an American growing up in this country.

Yes, it is no fun for us, as elected officials, to talk about what needs to be cut, spending that needs to be reduced. I certainly stand willing to work with my colleagues and with the President and others to see we accomplish that goal of reducing spending, and the consequences of that being a better budget picture and a reduced deficit. But there is a positive aspect of what we can do to reduce our budget deficit that goes beyond just cutting spending; that is, to create jobs, to create economic expansion.

The optimism this country needs can be restored by decisions we make in the Congress. Those decisions revolve around a business or an entrepreneur, a small business man or woman's decision that it is time to expand their plant, it is time to invest and put in more equipment, that it is time to hire an additional employee.

In my view, one of the reasons that is not happening is the tax environment that has been created, the uncertainty that we have with what our Tax Code is going to be, the lack of access to credit, the uncertainty our bankers and other financial lenders face in determining whether they can make a loan to a creditworthy customer, and especially the one I want to talk about briefly today, which is the regulatory environment in which the business community finds itself.

This effort by the Environmental Protection Agency to regulate greenhouse gases, in my view, is very negative toward job creation in two ways: One, it increases the cost of being in business, and that occurs at a time in which we don't expect other countries to abide by the same regimen that we may create—that our Environmental Protection Agency may create—around the world, that we would not expect other countries to abide by those same rules and regulations the EPA is putting in place.

That means, once again, American workers, American business is at a competitive disadvantage in comparison to those who make decisions about

where plants are located, and we lose access to world markets because someone else can sell something cheaper than we can because of rising costs of production.

So even if there is an effort that excludes agriculture or small business from this legislation, the cost of production goes up, because in addition to the direct effect of having those regulations apply to your business, there is the indirect increase in cost related to fuel and energy costs—electricity and gas.

Clearly, to me, if you care about job creation, you would make certain that the Environmental Protection Agency does not head down the path that it is going, because of the increased cost of being in business and the consequence that has for American business to be able to compete in a global economy.

The second aspect of that is, and I think it is one of the real drags on today's recovery from the recession, is the uncertainty. No business person feels comfortable today in making a decision to expand or to put more people to work, to hire an additional employee, to invest in plant or equipment, because they do not know what the next set of regulations is going to do to their bottom line.

So with the uncertainty of this issue, we have had the drag upon our economy with the thought that Congress might pass the legislation labeled cap and trade. It became clear when the Senate adjourned at the end of 2010 that that was not going to happen. But then the uncertainty became, but what is the Environmental Protection Agency going to do?

As I visit plants, facilities across Kansas and talk to family owners of small businesses, manufacturers, the most common question I get from a business owner is, what next is government going to do that may put me out of business? It is unfortunate. It seems as though government is no longer even neutral in regard to the success of a business in the United States but has become an adversary.

I urge my colleagues to support the McConnell amendment. I think it is a clear statement that the Environmental Protection Agency cannot do what it intends to do. It eliminates the uncertainty that a business person faces, and it reduces the cost of being in business in a way that says, we are going to grow the economy and put people to work.

We are going to have a lot of conversation on the Senate floor, we are going to have discussions with the administration, with our colleagues in the House of Representatives, about what spending we are going to cut. And those are difficult conversations. But I come back to the point that we as Americans have the opportunity to be optimistic. What we need to do for us to have a bright future, what we can do

to have a positive conversation with the American people about what good things are yet to come, revolves around the fact that we will get rid of onerous regulations that serve no valid purpose in improving our environment and create great uncertainty and ever increasing costs for being in business.

We can have this conversation in a vacuum. But the reality is, our economy does not operate in a vacuum. Our business folks in Kansas and across the country have to compete in a global economy. This legislation that Senator MCCONNELL and Senator INHOFE have offered eliminates that uncertainty, reduces the cost of being in business, and allows us to have optimism about the future of the American economy and, most importantly, optimism for the people who sit around their dining room table wanting to make certain they either can keep a job or find a job.

I see the McConnell amendment as that moment of optimism. The message we send to the American worker, to those who are employed and to those who are unemployed, that this Senate understands that unless we get rid of the impediments toward growing an economy, we have little optimism about the future of job creation.

The McConnell amendment sends that message. It does it in a way that makes a lot of sense for the American economy and for the American worker.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING REID S. JONES

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of the Commonwealth's finest, the late Mr. Reid S. Jones. A native of Pulaski County, KY, Reid was a prime example of a man who was a true American hero and who valued his faith, his family, and his community.

A rich tradition of business success and pride in hard work and achievement always seemed prevalent throughout the history of Reid's family, so it came as no surprise when Reid

began to exhibit early signs of entrepreneurial instincts. As a young boy, members of his hometown witnessed Reid leading a small goat down a road from the country store operated by his parents to a local family farm as he tried to make a sale. It was this ambition and drive that made Reid S. Jones a leader, a war hero, and a guiding force for all who knew him.

Reid, who passed away on April 15, 2005, joined the U.S. Army in 1944 at a crucial point during World War II. Eighteen years old, Reid felt a strong desire to serve and protect his country as well as to defend the rights and freedoms of others. He courageously fought in the Battle of the Bulge, one of the deadliest battles for American forces of the war. Reid's leadership got him promoted to the rank of staff sergeant, and he remained in Germany for a short time after the war to help begin the reconstruction process.

After returning home from the war to his new bride Elva Sears, Reid received a bachelor's degree from Union College in Barbourville, KY. He decided to further his dedication for educational excellence and became a history teacher, principal, and basketball coach for the Pulaski County and Somerset City school systems. His firm yet compassionate character made Reid well-respected by his peers and fondly remembered by his former students. Later in the 1960s he became a district sales manager for the Fram Corporation, an automotive product brand best known for their oil filters. His eye for detail and strong ambition to get things done earned him frequent recognition for exceeding sales quotas and helped him play an instrumental role in placing Fram products in Wal-Marts across the southeastern United States.

Reid's "jack of all trades" ability eventually led him to open his own automotive businesses, as well as become a 32nd-degree Mason, a member of the Oleika Shriners Temple, and the board of directors of the First United Methodist Church.

In addition to serving his community through business and educational work, Reid deeply cherished the relationships he had with his friends and family. He has often been remembered through the strong friendships he formed with members of the Somerset community, as he met daily with friends at his automotive businesses for coffee and southern storytelling. His dedication to public service and education, led his wife, along with his daughter, Dr. Sonya Jones, to establish The Jones Educational Foundation, to provide scholarships and assistance for people of south-central Kentucky and beyond who seek greater education and who show effort and ability.

There is no doubt that because of Reid's character, his dedication to family and friends, and his contributions to higher education and the business

community, that his town, the Commonwealth, and the country have been forever changed for the better.

The Commonwealth Journal recently published an article about Mr. Reid S. Jones and a contribution that his daughter made to the Jones Educational Foundation on behalf of his dear friend, the late James Eastham. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Commonwealth Journal, Jan. 30, 2011]

FOUNDATION LAUNCHES REID S. JONES MEMORIAL FUND WITH CONTRIBUTION HONORING JAMES 'ONION' EASTHAM

The Jones Educational Foundation Inc., a 501(c)3 not-for-profit corporation based in Somerset, has launched the Reid S. Jones Memorial Fund with a \$1,000 contribution made by Dr. Sonya Jones honoring the late James Arthur "Onion" Eastham.

According to Dr. Jones, president and CEO of The Jones Foundation, the donation is intended to pay tribute to the friendship between James "Onion" Eastham, a man who was regarded highly in the Somerset community, and her father.

Further, the fund is meant to honor veterans from all the wars in which the United States has fought. The initial donation honors veterans who served in the European and Pacific theaters of World War II.

"I had been thinking about the Foundation setting up a fund for veterans in Dad's name ever since I made a donation in his memory to help restore the Soldiers and Sailors Memorial building at Union College," Dr. Jones said.

Reid Jones graduated from Union in 1989. He went on to do graduate work in education at Eastern Kentucky University.

"When Mr. Eastham passed away in late December, I knew it was time," Dr. Jones added. "Dad thought so much of his friend that I felt he would want me to do something special to honor Onion's memory."

Reid Sievers Jones (April 24, 1926 to April 15, 2005) entered the U.S. Army at a crucial point in the history of World War II. He was stationed in Germany, and he fought in the Battle of the Bulge. He was a survivor in what has been called "one of the bloodiest battles" of World War II.

Conducted in the dense mountainous region of Belgium, the Battle of the Bulge was Adolf Hitler's last major offensive against the Allies. The battle ran from Dec. 16, 1944, until Jan. 25, 1945.

When he enlisted in the Army as a private, Reid Jones was 18 years of age. He married Elva Sears on Dec. 30, 1944, shortly before shipping out to the European front. He was promoted to the rank of staff sergeant and remained in Germany for a short time after the war to help begin the process of reconstruction.

James "Onion" Eastham (Sept. 22, 1923, to Dec. 28, 2010) served in the Asiatic-Pacific theater where he was awarded two bronze stars for duty at and during the Luzon and Southern Philippine campaigns. He also received the Philippine Liberation Ribbon with a bronze star for duty involving combat with the enemy.

Reid Jones and Onion Eastham were "two of a kind," said Jimmy Eastham, son of the former Somerset City Council member who served as staff sergeant and crew chief

aboard a B-25 bomber in the United States Marine Corp.

Jones and Eastham both were salesmen after the war. Jones worked for many years for Fram Corp. and Eastham for the Morton Salt Co. The two men liked to get together and engage in the high art of Southern storytelling. Both formed strong friendships with other men in the Somerset community.

"Dad and Onion Eastham were part of a group of men who convened initially at Dad's car lot out on East Mt. Vernon Street, then at Dad's automotive parts store on Ogden Street in the building now owned by Dr. Byron Owens," Dr. Jones said.

"After Dad retired from Fram, he devoted most of his time to the automotive business and our family's business and our family's rental properties," Dr. Jones continued.

"When Dad closed one automotive parts store housed in the same building with Mother's antiques and collectibles, he and his buddies met for coffee at the Sugar Shack over on the strip," she said.

Meeting for coffee was part of their "daily routine," said Jimmy Eastham.

From time to time, the group also included Bobby Claunch, Howard Eastham, Ledger Howard, Penny Starnes, Don Stone, Jim Williams and Bob Williams in addition to Reid Jones and Onion Eastham.

Like his father, Jimmy Eastham served as a member of Somerset City Council. He and the Eastham family have given their enthusiastic endorsement to the Reid S. Memorial Fund with Dr. Jones' cornerstone contribution in memory of James "Onion" Eastham.

"It is a good idea to establish the fund even if it weren't done in the name of my father," Eastham said.

Both Reid Jones and James Eastham were "very patriotic," according to Virginia Eastham, mother of Jimmy, Lisa (Bandy) and Wayne Eastham.

When Reid Jones returned from the war, he worked first as a teacher and principal in the Pulaski County and Somerset City school systems. He is remembered, particularly by former students at Shopville High School as a firm teacher who was not afraid to exercise discipline when he thought it was needed.

Later, in the 1960s, he joined Fram Corp., based in Providence, R.I., as a district sales manager. Frequently, he was recognized for exceeding sales quotas. He was instrumental in placing Fram products in Wal-Marts across the southeastern United States.

Reid Jones was a 32nd degree Mason and a member of Oleika Shriners Temple in Lexington. He served on the board of directors of First United Methodist Church.

In addition to being an influential member of Somerset City Council, James "Onion" Eastham was a member of the Somerset Masonic Lodge #111 and a long-standing member of the Kiwanis Club. He was also a member of First Baptist Church where he taught Sunday school and served as chair of a building committee for the church's new sanctuary.

As a member of Somerset City Council from 1964 to 1982, Eastham played an active role in helping to establish Somerset Community College and finding a location for what is now Lake Cumberland Regional Hospital. He considered running for mayor, but his job as a regional salesman for Morton Salt Co. created time constraints that caused him not to seek office.

According to Clarence Love, city clerk during the years Eastham served on council, "he was very conscientious." In Love's opinion, Eastham was an "excellent councilman."

Jimmy Eastham said he thought his father most likely would be remembered most for "standing for what he believed in."

The Reid S. Jones Memorial Fund was established, first and foremost, to help veterans with educational issues.

"A veteran might return from Afghanistan ready to go to law school and need some assistance," Dr. Jones said. "Or, a veteran might return and want to become a law enforcement officer or a mechanic."

As interest on the fund grows, money will be awarded to veterans who demonstrate great potential for success in professional and vocational arenas.

Primarily, the Reid S. Jones Memorial Fund intends to honor "the warrior spirit," Dr. Jones said, "the spirit of courage and bravery" that has helped keep the United States free.

The Reid S. Jones Memorial Fund is now open for tax-deductible contributions. Interested parties may e-mail Dr. Jones at: drjones@jonesfoundation.net or phone her at 606-875-2967.

BELLARMINE UNIVERSITY KNIGHTS

Mr. McCONNELL, Mr. President, I rise today to recognize the impressive accomplishments of a remarkable men's basketball team in the Commonwealth, the Bellarmine University Knights.

On March 26, the Knights made school history by winning the 2011 National Collegiate Athletic Association Division II basketball championship. By defeating the Brigham Young University-Hawaii Seaside 71 to 68, Bellarmine brought home its first national championship title in any sport. Senior guard Justin Benedetti described the atmosphere in the MassMutual Center in Springfield, MA, where the championship game was held to be like a home game for the Knights, as many fans traveled to fill the crowd of nearly 3,000.

The morning following their championship win, hundreds of fans, alumni, and students cheered as the team returned to campus and filed off the bus holding high their national trophy. I applaud not only the team's athletic achievement, but also the teamwork and sportsmanship on display as they represented my hometown, Louisville, and our Commonwealth in front of the country's basketball fans.

A state that honors basketball will honor the 2011 Bellarmine Knights team as among the best for seasons to come. Fans will remember a team of unselfish players whose only goal was to win. And they will remember head coach Scott Davenport, who taught his players to play basketball the way it was meant to be played.

Coach Davenport built this team around talented local players—the entire roster hails from Kentucky, Indiana, and Ohio. A Louisville native, he led his Knights to a 33-2 overall record this year on their way to the Division II championship. He can now add this collegiate championship to the one he

earned coaching the Ballard High School Bruins of Louisville, KY, to the State championship in 1988. It is no wonder he was recently named the 2011 Schelde North America/Division II Bulletin Coach of the Year. I would like to extend my sincere congratulations to Scott Davenport upon receiving this distinguished honor.

Family members, friends, and the Louisville community are justifiably proud of this team's achievement and the recognition they have earned. This season was a special one for Bellarmine University that we will remember for a long time to come.

I ask my colleagues to join me in congratulating the Bellarmine University Knights men's basketball team upon earning their first national title. I wish them continued success both on and off the court.

HEALTH CARE RALLY

Mr. SANDERS. Mr. President, on Saturday, March 26 several hundred medical students from across the country came to our State Capital in Montpelier, VT, to rally in support of Vermont going forward with a Medicare for All Single Payer health care system.

These young people were absolutely clear in understanding that for them to be the great physicians and nurses that they want to be, our health care system must change. They believe, as I do, that health care is a right and not a privilege and that a single payer program is the most cost-effective way of achieving that goal. I am very pleased to submit for the RECORD the statement of principle signed by these medical school students.

I ask unanimous consent it be printed in the RECORD.

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

As medical students from around the country converge this weekend on the steps of the State House to support Vermont's movement toward a single-payer health system, we want to contribute additional perspectives on our state's discussion of Health Care Reform.

As the Vermont legislature considers Health Care Reform, we, a group of UVM medical students who are invested in the future of Vermont, believe that current and future health care legislation should work toward the following goals:

1. Ensure that every Vermonter has health care coverage through a sustainable system that maintains a desirable environment in which to practice medicine.

2. Replace the current fee for service system that both limits access to physicians and compromises the quality of care given to patients.

3. Empower Vermont to retain and attract high quality physicians to ensure adequate health care for future Vermonters.

Our proposals to help meet these goals are:

1. Initiate a program that reduces the tuition of out-of-state students to in-state levels in exchange for commitment to practice in Vermont after training is complete.

2. Improve funding for the existing loan repayment program through Vermont AHEC to encourage primary care providers to practice in under-served areas of the state.

3. Address the current inequity in the "provider tax" such that out of state providers treating Vermont patients contribute fairly to the Vermont Medicaid program.

4. Simplify the administrative burden upon the provider by developing a system that has a single payer with best-practice guidelines as opposed to the current fee-for-service system.

By addressing these issues in upcoming legislation, we are of the opinion that the quality of health care in Vermont will improve. A sustainable system that addresses many of the national problems with medicine will encourage a strong physician population throughout the state, as well as secure Vermont's future as the healthiest state in America.

As medical students who will inherit the reform currently being debated in Montpelier, we are committed to help shape a sustainable universal health care system. It is our great hope that these changes will be enacted to enable us to provide the best care possible to our future patients.

Larry Bodden, Calvin Kagan, Bud Vana, Ben Ware, John Malcolm, JJ Galli, Vanessa Patten, Nick Koch, Uz Robison, Pete Cooch, Rich Tan, Bianca Yoo, Prabu Selvam, Dave Reisman, Adam Ackrman, Nazia Kabani, Stas Lazarev, Sara Staples, Therese Ray, Kelly Cunningham, Hannah Foote, Laura Sturgill, Megan Malgeri, Kati Anderson, Serena Chang, Caitlan Baran, Leah Carr, Mariah Stump, Daniel Edberg, Franki Boulos, Chelsea Harris, Vinnie Kan, Mairin Jerome, Jimmy Corbett-Detig, Dan Liebowitz, Laura Caldwell, Damian Ray, Mei Lee Frankish.

The University of Vermont does not endorse this organization or their position in connection with this or any other political campaign, policy position or election.

Ms. SNOWE. Mr. President, I wish to discuss an amendment entitled "the Greater Accountability in the Treasury Small Business Lending Fund Act of 2011."

As ranking member of the Senate Small Business Committee, it is my responsibility to ensure that small businesses have access to affordable credit. In this regard, I have worked on a bipartisan basis with Senator LANDRIEU, chair of the Small Business Committee, to include provisions in the American Recovery and Reinvestment Act that enhanced the SBA's 7(a) and 504 loan programs. Those measures resulted in a 90-percent national increase in SBA lending at a crucial time in our Nation's lending crisis. I also authored provisions, recently enacted into law, to increase the SBA's maximum loan limits for its microloan, 7(a), and 504 loans, to make the SBA more relevant to the needs of today's borrowers. Additionally, I have been supportive of efforts to increase the arbitrarily imposed cap on member business lending at credit unions—at no cost to taxpayers—so that credit unions can play a greater role in helping to address the problems that small businesses continue to face in accessing credit.

But, unfortunately, I was unable to vote in favor of the Small Business

Jobs Act of 2010, even though it included many of my priorities, due to my significant concerns with the Treasury Small Business Lending Fund—SBLF or lending fund—provisions included into that bill. I opposed the inclusion of the lending fund for several reasons. While I will not reiterate all of those here, I will discuss a few of them briefly.

First, the lending fund is essentially an extension of the Troubled Assets Relief Program, TARP, which was terminated by the Dodd-Frank Wall Street Reform and Consumer Protection Act. This fact was confirmed by the bipartisan Congressional Oversight Panel for TARP in its May Oversight Report.

Second, it is possible that instead of promoting quality loans, the lending fund could encourage unnecessarily risky behavior by banks. Under the current law, the Treasury Department lends funds to banks at a 5-percent interest rate, which can be reduced to as low as 1 percent if the institutions in turn increase their small business lending. If the banks fail to increase their small business lending, the interest rate they pay could rise to a more punitive 7 percent. This could lead to an untenable situation where banks would make risky loans to avoid paying higher interest rates—a behavior known as "moral hazard."

Third, I still believe that the lending fund could put taxpayer resources at risk. The score for the Small Business Lending Fund is convoluted. The Congressional Budget Office, CBO, score for the lending fund listed it as raising \$1.1 billion over 10 years, based on a cash-based estimate. However, the very same CBO score highlighted that if CBO were permitted to base its score on a fair-value estimate, which accounts for market risk, the score would be a \$6.2 billion loss. In fact, the CBO score stated:

Estimates prepared on a "fair-value" basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments than estimates done on a FCRA [Federal Credit Reform Act of 1990 (FCRA)] basis or on a cash basis. CBO estimates that the cost of the SBLF on such a fair-value basis (that is, reflecting market risk) would be \$6.2 billion.

While I favor outright repeal of the Small Business Lending Fund, I know that will be very difficult—and likely impossible, given that the majority party in the Senate and the President strongly supported its enactment. And so I am focusing my efforts on making as many improvements to the fund as possible, a responsibility that all of us in Congress, Republicans and Democrats alike, should be able to coalesce around.

We undoubtedly have a shared responsibility to ensure that taxpayer's dollars, in this case \$30 billion for the Small Business Lending Fund, are used

in a transparent, prudent, and responsible manner. If we foster an environment in which banks are free to make risky loans to avoid higher interest rates, if we permit banks to accept loans without any formal guarantee of repayment, we fail our responsibility to our constituents and do a disservice to our Nation's 30 million small businesses.

The following is a description of some of the amendment's provisions. One section would require that banks that receive Small Business Lending Fund distributions, must—within 10 years—repay the money they receive. While the current law directs that within 10 years of receiving the funds, the banks should repay them to the Treasury Department, it also gives discretion to the Treasury Secretary to extend—even indefinitely—the period of time that banks have, to repay the government. Again, this is a common-sense provision to ensure that taxpayer's dollars do not go to waste.

Another provision would establish a sunset of 15 years for the Small Business Lending Fund. Under the current law, no such end date exists. The Lending Fund must not be authorized to continue in perpetuity.

The amendment would also prohibit, moving forward, banks that have received TARP distributions from also obtaining small business lending funds. Under the current law, banks that have received money through the TARP program remain eligible to receive small business lending funds as well, unless they default on TARP repayment. My provision is not inferring that banks who received TARP funds are bad actors, or that they are being penalized for participating in the program. Rather, it is a simple recognition that the Federal government should be limiting the frequency with which it subsidizes private banks with taxpayer funds at favorable interest rates. This crucial amendment will prohibit banks from "double dipping" into taxpayer funds.

Another provision would provide that the Small Business Lending Fund cease operations if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of any eligible institutions. It is essential that the lending fund is not a bailout and if there are strong indications that this fund has serious systemic difficulties, it must be halted until the problems within the program are corrected.

Another provision would provide that only healthy banks participate in the Small Business Lending Fund. This amendment prevents banks who apply for the SBLF from counting expected SBLF funds as tier 1 capital in order to artificially strengthen their capital position in order to receive government funds. This provision ensures that banks would have to stand on their own two feet, rather than being able to count the anticipated future receipts of

taxpayer funds, when determining if the banks are healthy enough to be provided those funds in the first place.

My amendment would also help ensure that regulators have more meaningful controls over the Small Business Lending Fund. For there to be meaningful controls over the SBLF, it is essential that all bank regulators, whether State or Federal, have a real voice in the lending fund's ability to lend to regulated banks. This amendment gives State bank regulators the ability to determine whether or not a bank which they regulate should receive capital investment through the SBLF program. The current lending fund only gives State bank regulators an advisory role over whether or not a bank they regulate will receive SBLF funds. As this fund is targeted towards community banks, most of the banks applying for this program will be regulated at the State level. If we are really going to include State regulators and make this an inclusive regulator process, it is essential that State regulators have the power to affect a bank's application.

And my amendment would also establish an appropriate benchmark for assessing changes in small business lending by recipients of capital investments under the Small Business Lending Fund. As it is currently written, the SBLF uses 2008 as a benchmark year to determine how much banks will have to increase their lending to small firms. My concern is that 2008 was a true low mark for small business lending. This benchmark shortchanges small businesses. Using 2007, or some other measure, as a benchmark may increase the number of loans, banks participating in the SBLF program would have to make to small firms.

This legislation is not a silver bullet, and I recognize that we should continue to vet these issues further. But it does attempt to deal with many of the significant problems that I have with the lending fund. Regrettably, these are precisely the types of issues that could have been resolved, had the lending fund received hearings and been properly vetted in the Senate—as one would expect of any legislative proposal of this magnitude.

I ask unanimous consent that a copy of the section by section of the bill be printed in the RECORD.

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

THE GREATER ACCOUNTABILITY IN THE TREASURY SMALL BUSINESS LENDING FUND ACT ("ACT")

*This Act revises the Department of Treasury ("Treasury") Small Business Lending Fund ("Lending Fund") program established in H.R. 5297, the Small Business Jobs Act of 2010 ("Jobs Act").

SEC. 1. SHORT TITLE.

This legislation shall be referred to as "the Greater Accountability in the Lending Fund Act of 2011."

SEC. 2. REPAYMENT REQUIREMENT.

This section requires that financial institutions that receive Lending Fund distributions must—within 10 years—repay the money that they receive. Under current law, the Secretary of Treasury ("Secretary") has the authority to postpone, indefinitely, repayment.

SEC. 3. SUNSET ON THE LENDING FUND.

Under existing law, the Lending Fund is authorized to exist forever. This section requires that the Lending Fund sunset within 15 years of the date that the Lending Fund was enacted.

SEC. 4. TRIGGER TO PROTECT AND PRESERVE TAXPAYER DOLLARS.

This section prohibits the Secretary from making any new purchases (i.e. prohibits the Secretary from providing additional money, through the Lending Fund) if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible financial institutions that have obtained a capital investment under the Lending Fund program.

SEC. 5. DISALLOWING FUTURE LENDING FUND PURCHASES OF FINANCIAL INSTITUTIONS THAT PARTICIPATED IN THE TROUBLED ASSET RELIEF PROGRAM ("TARP").

This section prohibits—as of the date of this Act being enacted—the Secretary from making additional purchases, through the Lending Fund, of a financial institution (i.e. providing money to a bank) that participated in the TARP program. This section would end the double-dipping practice of financial institutions that have previously received taxpayer funds, at low (subsidized) interest rates, through TARP, doing so again, through the Lending Fund.

SEC. 6. ALLOWING ONLY "HEALTHY" FINANCIAL INSTITUTIONS TO PARTICIPATE IN THE LENDING FUND.

Under current law, when determining whether a bank is financially sound, for the purpose of receiving Lending Fund dollars, the Secretary can take into consideration what the bank's strength would be after receiving the funds. This section changes the law to require that the Secretary determine whether a bank is financially stable, without being able to include future Lending Fund distributions into the equation. Therefore, a bank must be stable on its own, (without regard to future Lending Fund dollars), in order to be approved to participate in the program.

SEC. 7. ENSURING THAT REGULATORS HAVE MORE MEANINGFUL CONTROLS OVER THE LENDING FUND.

This section requires that the Secretary must obtain prudential regulators' approval—rather than consultation—before an individual applicant financial institution can receive distributions through the Lending Fund program.

SEC. 8. BENCHMARK ADJUSTMENT.

This section changes the benchmark by which a financial institution's small business lending has increased from the current level (the 4 full quarters immediately preceding the date of the Jobs Act being enacted) to a new benchmark of calendar year 2007. This section addresses concerns that the Lending Fund may reward banks that would have increased their lending even in the absence of government support, as the Fund's incentive structure is calculated in reference to lending levels, which were low by historical standards.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF PLUM LAKE, WISCONSIN

• Mr. KOHL, Mr. President, Senator JOHNSON and I congratulate the residents of the town of Plum Lake in Vilas County, WI, as they celebrate the 100th anniversary of their town's founding. Plum Lake comprises the communities of Sayner and Star Lake, both of which have long traditions as vacation destinations because of the friendly people and the magnificence of the lakes and forests, as well as the abundance of fish and game. Folks looking to escape the day to day grind can retire to this beautiful area year round to hunt, fish, water and snow ski, and hike along nature trails. Visitors are often surprised to discover that the town's slogan, "Birthplace of the snowmobile," reflects its invention there by Carl Eliason in 1924.

The town of Plum Lake was officially formed by an ordinance passed by the Vilas County Board on January 5, 1911. The ordinance went into effect April 1, 1911, creating the new town from territory detached from the town of Arbor Vitae. The first town meeting was held in Sayner on April 14, 1911.

In the 19th century, Plum Lake was the center of a vibrant lumber industry, which eventually gave way to tourism. Two years before the founding of the town, in the summer of 1909, Herb Warner and others began construction on one of Wisconsin's oldest golf courses, the Plum Lake Golf Club, which opened in 1912. Plum Lake also boasts one of Wisconsin's oldest summer camps, Camp Highlands, which began when Harry O. Gilette, a University of Chicago Laboratory School headmaster, brought 10 boys to a remote point on Plum Lake for a summer in the wilderness in 1904.

Today, Plum Lake maintains both its majestic views and its place as a prime vacation destination. We are very proud to represent this community and we congratulate the town of Plum Lake on this historic milestone. We join with all Wisconsinites in expressing our pride in the treasures of our State. •

MESSAGE FROM THE HOUSE

At 4:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1079. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Report on the Activities of the Committee on Banking, Housing, and Urban Affairs during the 111th Congress" (Rept. No. 112-7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. COLLINS (for herself and Ms. CANTWELL):

S. 659. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. BARRASSO, Mr. COBURN, Mr. CRAPO, and Mr. ROBERTS):

S. 660. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny or delay coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 661. A bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 662. A bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 663. A bill for the relief of Al-Housseynou Ba; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mr. CRAPO):

S. 664. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 665. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, and Mr. TESTER):

S. 666. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 667. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. ROBERTS, Mr. KYL, Mr. THUNE, Mr. BARRASSO, Mr. ISAKSON, Mr. WICKER, Mr. BURR, Mr. COBURN, and Mr. INHOFE):

S. 668. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. ISAKSON:

S. 669. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 670. A bill to authorize States and their political subdivisions to regulate fuel economy and emissions standards for taxicabs; to the Committee on Commerce, Science, and Transportation.

By Mr. SESSIONS (for himself, Mr. BLUMENTHAL, Mr. HATCH, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. KYL, Mr. GRAHAM, Mr. LEE, Ms. COLLINS, Mr. THUNE, Mr. COBURN, Mr. BURR, and Mr. CHAMBLISS):

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. MORAN, Mr. WYDEN, Mr. ROBERTS, Mrs. GILLIBRAND, Mr. WICKER, Mr. BOOZMAN, Mr. THUNE, and Ms. SNOWE)):

S. 672. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 673. A bill to require the conveyance of the decommissioned Coast Guard Cutter STORIS; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER:

S. Res. 111. A resolution expressing the sense of the Senate that Congress should reject any proposal for the creation of a system of global taxation and regulation; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 112. A resolution congratulating the Pennsylvania State University IFC/Pan-hellenic Dance Marathon ("THON") on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mrs. SHAHEEN):

S. Res. 113. A resolution commemorating the 2011 International Year of Forests; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself, Mrs. HUTCHISON, Ms. MIKULSKI, Ms.

AYOTTE, Mrs. BOXER, Ms. CANTWELL, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. REID, Mr. MCCONNELL, Mr. BARRASSO, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MENENDEZ, Mr. MERKLEY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CHAMBLISS):

S. Res. 114. A resolution honoring Congresswoman Geraldine A. Ferraro, the first woman selected by a major political party as its candidate for Vice President of the United States, and extending the condolences of the Senate on her death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 146

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 216

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 216, a bill to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 282

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 282, a bill to rescind unused earmarks.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 520

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 540

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 540, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 575

At the request of Mr. TESTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Missouri (Mr. BLUNT) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 575, a bill to study the market and appropriate regulatory structure for electronic debit card transactions, and for other purposes.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 593

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 633

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

AMENDMENT NO. 183

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 183 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. CANTWELL):

S. 659. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to join with my colleague from Washington in introducing legislation, the Home Health Care Access Protection Act of 2011, to prevent future unfair administrative cuts in Medicare home health payment rates.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare billions of dollars each year.

That is why I find it so ironic—and troubling—that the Medicare home health benefit continually comes under attack.

The health care reform bill signed into law by the President last year includes \$40 billion in cuts to home care over 10 years. Moreover, these cuts are a “double-whammy” because they come on top of \$25 billion in additional cuts to home health imposed by the Centers for Medicare and Medicaid Services through regulation in the last several years.

These cuts are particularly disproportionate for a program that costs Medicare less than \$20 billion a year. This simply is not right, and it certainly is not in the best interest of our nation's seniors who rely on home care to keep them out of hospitals, nursing homes, and other institutions.

The payment rate cuts implemented and proposed by CMS are based on the assertion that home health agencies have intentionally “gamed the system” by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of “case mix creep” is based on what CMS contends to be an increase in the average clin-

ical assessment “score” of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital diagnosis-related group—or DRG—reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that previously could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

Moreover, this unfair payment rate cut is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The research method, data and findings that CMS has used to justify the administrative cuts also raise serious concerns about the validity of the payment rate cuts. For example, while changes in the need for therapy services significantly affect the case mix “score,” the CMS research methodology disregards those changes in evaluating whether the patient population has changed. Moreover, the method by which CMS evaluates changes in case mix coding is not transparent, does not allow for true public participation, and is not performed in a manner that ensures accountability to Medicare patients and providers in terms of its validity and accuracy of outcomes.

The legislation we are introducing today will establish a reliable and transparent process for determining whether payment rate cuts are needed to account for improper changes in “case mix scoring” that are not related to changes in the nature of the patients served in home health care or the nature of the care they received. This process will still enable the Secretary of Health and Human Services to enact rate adjustments provided there is reliable evidence that higher case mix scores are resulting from factors other than changes in patient conditions. The legislation will also prevent the implementation of future Medicare payment rate cuts in home health until the Secretary is able to justify the payment cuts through the improved process set forth in the bill.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. The Home Health Care Access Protection Act of 2011 will help to ensure that our seniors and disabled Americans continue to have access to

the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. BARRASSO, Mr. COBURN, Mr. CRAPO, and Mr. ROBERTS):

S. 660. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny or delay coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 660

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving Access to Targeted, Individualized, and Effective New Treatments and Services (PATIENTS) Act of 2011” or the “PATIENTS Act of 2011”.

SEC. 2. PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR PERSONALIZED MEDICINE AND DIFFERENCES IN PATIENT TREATMENT RESPONSE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or authorized or appropriated under the Patient Protection and Affordable Care Act (Public Law 111-148), to deny or delay coverage of an item or service under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f))); and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in the treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 665. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes;

to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today in support of the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act, which Senator SHERROD BROWN and I are introducing. This legislation would amend the Workforce Investment Act of 1998 to establish an industry or sector partnership grant program administered by the Department of Labor.

The SECTORS Act provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions—in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers have access to a capable workforce. Unfortunately, manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace.

In fact, in my home State of Maine, the manufacturing sector has shed an alarming 26,200 jobs in the past ten years, or 1/3 of the State's manufacturing employment. And since the beginning of 1990, our state has lost 43,000 jobs. It is therefore critical that we as a Nation provide unemployed manufacturing workers the training needed to excel as our manufacturing sector becomes increasingly technical. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership, we will take a crucial step toward rejuvenating our economy.

Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites

Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Our Nation's capacity to innovate is a key reason why our economy, despite difficult times, remains the envy of the world. Ideas by innovative Americans across the spectrums of professions and industries have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing our nation's economic well-being if America is to compete at the vanguard of innovation. The SECTORS Act will help align America's workforce with the needs of our Nation's employers to promote a robust and growing economy.

By Mr. BAUCUS (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, and Mr. TESTER):

S. 666. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 666

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Traumatic Brain Injury Care Improvement Act of 2011".

SEC. 2. REPORT ON ESTABLISHMENT OF A POLYTRAUMA REHABILITATION CENTER OR POLYTRAUMA NETWORK SITE OF THE DEPARTMENT OF VETERANS AFFAIRS IN THE NORTHERN ROCKIES OR DAKOTAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The States of the northern Rockies and the Dakotas are among those States in the United States with the highest per capita rates of veterans with injuries from military service in Iraq and Afghanistan.

(2) Traumatic brain injury (TBI) has become known as one of the "signature wounds" of military service in Iraq and Afghanistan due to its high occurrence among veterans of such service.

(3) A recent RAND Corporation study estimates that as many as 20 percent of the veterans of military service in Iraq and Afghanistan have a traumatic brain injury as a result of such service, and many of these veterans require ongoing care for mild, moderate, or severe traumatic brain injury.

(4) The Department of Veterans Affairs recommends that all veterans experiencing a polytraumatic injury be referred to a Polytrauma Rehabilitation Center or a Polytrauma Network Site.

(5) The Department of Veterans Affairs Polytrauma System of Care includes 4 Polytrauma Rehabilitation Centers and 22 Polytrauma Network Sites, none of which

are located in North Dakota, South Dakota, Idaho, Montana, eastern Washington, or Wyoming, an area that encompasses approximately 740,000 square miles.

(6) The vastness of this area imposes significant hardships on veterans residing in this area who require care within the Department of Veterans Affairs Polytrauma System of Care and wish to live close to home while receiving care within such system of care.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the feasibility and advisability of establishing a Polytrauma Rehabilitation Center or Polytrauma Network Site for the Department of Veterans Affairs in the northern Rockies or the Dakotas. One of the locations evaluated as a potential location for the Polytrauma Rehabilitation Center or Polytrauma Network Site, as the case may be, shall be the Fort Harrison Department of Veterans Affairs hospital in Lewis and Clark County, Montana.

(2) REQUIREMENTS.—The report required by this subsection shall include the following:

(A) An assessment of the adequacy of existing Department of Veterans Affairs facilities in the northern Rockies and the Dakotas to address matters that are otherwise addressed by Polytrauma Rehabilitation Centers and Polytrauma Network Sites.

(B) A comparative assessment of the effectiveness of rehabilitation programs for individuals with traumatic brain injuries in urban areas with the effectiveness of such programs for individuals with traumatic brain injuries in rural and frontier communities.

(C) An assessment whether the low cost of living in the northern Rockies and the Dakotas could reduce the financial stress faced by veterans receiving care for traumatic brain injury and their families and thereby improve the effectiveness of such care.

(D) An assessment whether therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury can be interrupted by stress caused by living in an urban area.

(3) CONSULTATION.—The Secretary shall consult with appropriate State and local government agencies in the northern Rockies and the Dakotas in preparing the report required by this subsection.

By Mr. SESSIONS (for himself, Mr. BLUMENTHAL, Mr. HATCH, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. KYL, Mr. GRAHAM, Mr. LEE, Ms. COLLINS, Mr. THUNE, Mr. COBURN, Mr. BURR, and Mr. CHAMBLISS):

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I seek recognition today to introduce and speak in favor of the Finding Fugitive Sex Offenders Act of 2011, which would give administrative subpoena authority to the Director of the U.S. Marshals Service for the investigation of sex offenders who have failed to register as

required by the Sex Offender Registration and Notification Act. The language of the bill is the product of bipartisan negotiations during the last Congress, which was included in a broader child crimes bill last year that passed both the Senate Judiciary Committee and the Senate, but did not become law.

To understand the need for this bill, it is important to understand the history of recent child crimes legislation in Congress. When the Adam Walsh Act, which I cosponsored, was enacted in July 2006 to create a more uniform and enforceable sex offender registry system, over 150,000 convicted sex offenders were believed to be unregistered and missing from the various state sex offender registries. A key component of the Walsh Act, one requested by John Walsh himself, was to give the U.S. Marshals Service primary enforcement authority to locate and arrest unregistered sex offenders who had crossed state lines or had earlier been convicted under federal law. The Walsh Act, however, did not provide the Marshals Service with administrative subpoena authority to perform these investigations, which can span jurisdictions and move quickly. The Finding Fugitive Sex Offenders Act will fix this gap in the law and grant the Marshals Service this long-needed authority.

It is very surprising that this authority does not already exist in light of the hundreds of administrative subpoena authorities that are in place for various federal agencies, including the EPA, the DEA, the FBI, the CFTC, and even the Appalachian Regional Commission. In March 2006, the Congressional Research Service reported that “[t]here are now over 300 instances where federal agencies have been granted administrative subpoena power in one form or another.” In reality, that number is even higher. According to the Department of Justice’s 2002 Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, the Office of Legal Policy “identified approximately 335 existing administrative subpoena authorities held by various executive branch entities under current law.” Most of these authorities are for civil enforcement or regulatory compliance—matters far less critical and time-sensitive than locating a fugitive sex offender who has intentionally evaded registering his location or place of employment to avoid detection by law enforcement.

There is no reason why the Marshals Service should not have this type of authority. In these fast-moving investigations across state lines, law enforcement simply cannot afford delays, especially on weekends and holidays when U.S. Attorney’s Offices are closed and grand jury subpoenas are unavailable. Assistant Attorney General Ra-

chel Brand explained the delays and limitations of traditional grand jury subpoenas in fast-moving investigations when she testified before the Senate Judiciary Committee on another administrative subpoena proposal in June 2004:

Although grand jury subpoenas are a sufficient tool in many investigations, there are circumstances in which an administrative subpoena would save precious minutes or hours. . . . For example, the ability to use an administrative subpoena will eliminate delays caused by factors such as the unavailability of an Assistant United States Attorney to immediately issue a grand jury subpoena, especially in rural areas; the time it takes to contact an Assistant United States Attorney in the context of a time-sensitive investigation; the lack of a grand jury sitting at the moment the documents are needed (under federal law, the ‘return date’ for a grand jury subpoena must be on a day the grand jury is sitting); or the absence of an empaneled grand jury in the judicial district where the investigation is taking place, a rare circumstance that would prevent a grand jury subpoena from being issued at all.

The reality is that sex offenders often fail to register precisely so they can evade detection and move to a new place where they won’t face scrutiny. During the hearings and floor debates on the Adam Walsh Act, the Senate heard of the heart-breaking tragedies caused when sex offenders knowingly evaded registration so they could disappear from detection. Senators from Washington and Idaho went to the floor to describe the registry failures and disappearance of Joseph Duncan, who shortly after his release from custody in 2005, absconded from Minnesota and traveled across the country to Idaho, where he kidnapped Dylan and Shasta Groene from their home in the middle of the night. In the course of the kidnapping, he murdered the children’s mother, brother, and the mother’s boyfriend by beating them to death with a framing hammer. He then took the children to remote campgrounds across the state line into Montana, where he brutally abused them and later killed Dylan. As one Senator explained during the debate: “Joseph Duncan was essentially lost by three States. He moved from State to State to avoid capture. No one knew where he was nor even how to look for him.”

A similar tragic story involved the convicted sex offender who killed Florida 9-year-old Jessica Lunsford. John Couey had failed to tell authorities that he was living in a trailer just feet from Jessica’s home. In 2005, he kidnapped Jessica from her bedroom and took her to his home where he raped and killed her. Ernie Allen, the President of the National Center for Missing and Exploited Children, cited Couey in his congressional testimony in support of the Walsh Act, explaining that he “was not where he was supposed to be and [his] presence was unknown to the police or Jessica’s family even though he lived 150 yards down the street from

her and had worked construction at her elementary school.”

As the Lunsford and Groene cases demonstrate, some sex offenders evade the registry requirements because they want to offend again. In these cases, time is law enforcement’s enemy. According to the Department of Justice’s guide for families with missing children, “the actions of parents and of law enforcement in the first 48 hours are critical to the safe recovery of a missing child.” The Lunsford case illustrates how vital it is for law enforcement to quickly locate sex offenders during a missing child investigation. John Couey reportedly told law enforcement that he kept young Jessica alive for three days before he smothered her inside a plastic trash bag. In a case like Jessica’s, this type of authority literally could mean the difference between life and death.

This legislation has broad support. When I drafted this language last Congress, I shared it with the Marshals Service and lawyers who work in the field of protecting children from exploitation. These professionals were not only supportive, but also very clear about the need for this subpoena authority.

I strongly support this legislation and am thankful to the broad bipartisan group, including Senators BLUMENTHAL, HATCH, KLOBUCHAR, GRASSLEY, WHITEHOUSE, CORNYN, KYL, GRAHAM, LEE, COLLINS, THUNE, COBURN, BURR and CHAMBLISS, who have agreed to cosponsor this legislation. I hope the full Senate will take up and pass this legislation soon.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 671

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Finding Fugitive Sex Offenders Act of 2011”.

SEC. 2. SUBPOENA AUTHORITY FOR THE UNITED STATES MARSHALS SERVICE.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) issue administrative subpoenas in accordance with section 3486 of title 18 solely for the purpose of investigating unregistered sex offenders (as that term is defined in section 3486 of title 18).”

SEC. 3. CONFORMING AMENDMENT TO ADMINISTRATIVE SUBPOENA STATUTE.

(a) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking “or” at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or”;

(2) by striking subparagraph (D) and inserting the following:

“(D) As used in this paragraph—

“(i) the term ‘Federal offense involving the sexual exploitation or abuse of children’ means an offense under section 1201, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years; and

“(ii) the term ‘sex offender’ means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking “United State” and inserting “United States”;

(2) in paragraph (9), by striking “or (1)(A)(ii)” and inserting “or (1)(A)(iii)”;

(3) in paragraph (10), by striking “paragraph (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. MORAN, Mr. WYDEN, Mr. ROBERTS, Mrs. GILLIBRAND, Mr. WICKER, Mr. BOOZMAN, Mr. THUNE, and Ms. SNOWE)):

S. 672. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to extend the Section 45G short line freight railroad tax credit.

Section 45G creates an incentive for short lines to invest in track rehabilitation by providing a tax credit of 50 cents for every dollar spent on track improvements. If this credit is allowed to expire at the end of the year, private-sector investments in infrastructure in our communities will fall by hundreds of millions of dollars.

“Short line” railroads are small freight rail companies responsible for bringing goods to communities that are not directly served by large railroads. Supporting small railroads allows the communities surrounding them to attract and maintain businesses and create jobs. The evidence of the success of this credit can be found in communities across America.

This credit has a real impact for the people of my state. West Virginia is the second biggest producer of railroad ties in the country. Since the credit first was enacted, approximately 750,000 railroad ties have been purchased above what would have otherwise been purchased with no incentive. Those railroad ties translate directly into jobs. This credit does not create just West Virginia jobs, it benefits manufacturers of ties, spikes, and rail all across America.

Over 12,000 rail customers across America depend on short lines. This

credit creates a strong incentive for short lines to invest private sector dollars on private-sector freight railroad track rehabilitation and improvements. Shippers rely on the high quality service these railroads provide to get their goods to market. Unfortunately, this credit is scheduled to expire at the end of 2011.

This bill would extend the 45G credit through 2017 and provide the important long-term planning certainty necessary to maximize private-sector transportation infrastructure investment. 54 Members of this body sponsored legislation that extended this credit last Congress and I hope there will be similar support again this year.

I thank the Chair and ask my colleagues to join me in supporting this important legislation that will benefit small businesses throughout the country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 111—EX-PRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT ANY PROPOSAL FOR THE CREATION OF A SYSTEM OF GLOBAL TAXATION AND REGULATION

Mr. VITTER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 111

Whereas many proposals are pending in Congress—

- (1) to increase taxes;
- (2) to regulate businesses; and
- (3) to continue runaway Government spending;

Whereas taxpayer funding has already financed major, on-going bailouts of the financial sector;

Whereas the proposed cap-and-trade system would result in trillions of dollars in new taxes and job-killing regulations;

Whereas a number of nongovernmental organizations are proposing that a cap and trade regulatory system be adopted on a global scale;

Whereas the “outcome document” produced by the September 20-22, 2010, United Nations Summit on the Millennium Development Goals (MDGs) commits the nations of the world, including the United States, to supporting “innovative financing mechanisms” to supplement foreign aid spending;

Whereas the term “innovative financing mechanisms” is a United Nations euphemism for global taxes;

Whereas the “Leading Group on Innovative Financing for Development,” a group of 63 countries, seeks to promote the implementation of “innovative financing mechanisms”;

Whereas a “Task Force on International Financial Transactions for Development” is working within the Leading Group and with the United Nations to propose and implement global tax schemes;

Whereas “innovative financing mechanisms” are going to be on the agenda for the G8 and G20 summits in France in 2011;

Whereas new international taxation and regulatory proposals would be an affront to the sovereignty of the United States;

Whereas the best manner by which to overcome the economic downturn in the United States includes taking measures that would—

- (1) lower tax rates;
- (2) reduce Government spending; and
- (3) impose fewer onerous and unnecessary regulations on job creation; and

Whereas the worst manner by which to overcome the economic downturn in the United States includes taking measures that would—

- (1) increase tax rates; and
- (2) expand government intervention, including intervention on a global scale: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject any proposal for the creation of—

- (1) “innovative financing mechanisms” or global taxes;
- (2) an international system of government bailouts for the financial sector;
- (3) a global cap-and-trade system or other climate regulations that would—
 - (A) punish businesses in the United States; and
 - (B) limit the competitiveness of the United States; and
- (4) a global tax system that would violate the sovereignty of the United States.

SENATE RESOLUTION 112—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON (“THON”) ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSHEY CHILDREN’S HOSPITAL

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 112

Whereas the Pennsylvania State IFC/Pan-hellenic Dance Marathon (referred to in this preamble as “THON”) is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer and awareness about the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children’s Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children’s Hospital, having raised more than \$69,000,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2011, THON set a new fundraising record of \$9,563,016.09, besting the previous record of \$7,838,054.36, which was set in 2010;

Whereas THON has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children’s Hospital, and has helped support pediatric cancer research that has caused some

pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (“THON”) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children’s Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another record-breaking THON.

SENATE RESOLUTION 113—COMMEMORATING THE 2011 INTERNATIONAL YEAR OF FORESTS

Mr. LUGAR (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 113

Whereas United Nations Resolution 61/193, adopted by the General Assembly on December 20, 2006, designates the year 2011 as the International Year of Forests;

Whereas the forests of the United States are essential to the health, environment, social fabric, and economy of the United States, as well as to the individual well-being of the people of the United States;

Whereas the forests of the United States are owned, managed, and conserved by a mosaic of family, business, and public entities, with the largest segment of forests owned by 11,000,000 Americans;

Whereas privately-owned forests supply 92 percent of the trees harvested for the wood products that the people of the United States use every day;

Whereas the forest products industry—

(1) accounts for approximately 5 percent of the total United States manufacturing Gross Domestic Product (GDP);

(2) is among the top 10 manufacturing sector employers in 48 States; and

(3) employs nearly 900,000 Americans;

Whereas wood products are 1 of the most environmentally friendly building materials, resulting in a maximum reduction in energy use of 17 percent and a more than 250 percent reduction in air and water pollution, when compared to alternative materials;

Whereas forests supply more than 50 percent of the current renewable energy consumed in the United States;

Whereas as of 2011, the forests and forest products of the United States sequester and store 12 percent of annual United States carbon emissions and, with the proper incentives, can increase the percentage of annual carbon emissions that are sequestered and stored;

Whereas 53 percent of the fresh water supply of the lower 48 States originates in forests and ¼ of the supply originates in private forests;

Whereas 60 percent of at-risk plants and animals rely on private forests, and more than 90 percent of at-risk species rely on all forests for habitat;

Whereas the 14,000,000 Americans who hunt and the 44,000,000 Americans who fish depend

on private forests for most of the habitat for fish and wildlife;

Whereas the United States leads the world in sustainable forest practices;

Whereas even while forested acreage as a whole is increasing, permanent loss of forests in ecologically and economically important areas is expected to increase, with 57,000,000 acres of private forests facing significant development pressures in the next 2 decades;

Whereas more than 58,000,000 acres of United States forests are at risk due to insects and disease, especially invasive forest pests, which threaten the health and vitality of forests;

Whereas more than 400,000,000 acres of private forests are at risk due to wildfires, especially in areas where forested boundaries and communities meet; and

Whereas more than 170,000,000 acres of privately owned forests will change hands in the next 2 decades, with a potential loss of the public benefits derived from those forests: Now, therefore, be it

Resolved, That the Senate, in commemoration of the 2011 International Year of Forests—

(1) recognizes the multiple contributions that forests of the United States make to the traditions, health, and way-of-life of the United States;

(2) recognizes the growing threats faced by forests of the United States; and

(3) expresses support and appreciation for—
(A) the 11,000,000 people of the United States who own the majority of the private forests of the United States; and

(B) the thousands of forestry professionals who work every day in the forests of the United States who work to conserve the publicly and privately owned forests of the United States.

SENATE RESOLUTION 114—HONORING CONGRESSWOMAN GERALDINE A. FERRARO, THE FIRST WOMAN SELECTED BY A MAJOR POLITICAL PARTY AS ITS CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, AND EXTENDING THE CONDOLENCES OF THE SENATE ON HER DEATH

Mrs. GILLIBRAND (for herself, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. AYOTTE, Mrs. BOXER, Ms. CANTWELL, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. REID of Nevada, Mr. MCCONNELL, Mr. BARRASSO, Ms. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MENENDEZ, Mr. MERKLEY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED of Rhode Island, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CHAMBLISS)

submitted the following resolution; which was considered and agreed to:

S. RES. 114

Whereas Congresswoman Geraldine A. Ferraro served the people of the Ninth Congressional District of New York for 6 years;

Whereas Congresswoman Ferraro worked her way through law school at Fordham University, at a time when very few women did so;

Whereas Congresswoman Ferraro then joined the Queens County District Attorney’s Office, where she supervised the prosecution of a variety of violent crimes, including child and domestic abuse;

Whereas in 1978, New York’s Ninth Congressional District in Queens elected Congresswoman Ferraro to the U.S. House of Representatives, where she was one of only 16 women members of the House;

Whereas when she was nominated as the running mate of Vice President Walter F. Mondale in the 1984 presidential race, Congresswoman Ferraro became the first woman ever chosen to run on the national ticket of either of the 2 major political parties of the United States;

Whereas Congresswoman Ferraro’s candidacy continues the progress begun by women who achieved political firsts before her and helped to tear down barriers to the full and equal participation of women in national politics;

Whereas in January 1993, President Clinton appointed Ms. Ferraro a United States Ambassador to the United Nations Commission on Human Rights, a role from which she championed the rights of women around the world; and

Whereas Geraldine Ferraro’s 1984 bid for Vice President helped our daughters join our sons in believing they could achieve anything they set their minds to: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes that Geraldine A. Ferraro’s vice-presidential candidacy forever enriched the American political landscape and forged a new path for women of the United States;

(2) the Senate pays tribute to Congresswoman Geraldine A. Ferraro’s work to improve the lives of women and families not only in the Ninth Congressional District of New York, whom she represented so well, but also the lives of women and families all across the United States;

(3) the Senate requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Congresswoman Geraldine A. Ferraro; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

AMENDMENTS SUBMITTED AND PROPOSED

SA 258. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 259. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him

to the bill S. 493, supra; which was ordered to lie on the table.

SA 261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 262. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 263. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 161 proposed by Mr. JOHANNIS (for himself and Mr. MANCHIN) to the bill S. 493, supra; which was ordered to lie on the table.

SA 264. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 265. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 267. Mr. TESTER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 258. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:
SEC. 504. EXTENSION OF THE PLACED IN SERVICE DATE FOR LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

SA 259. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. EXEMPTION OF OFF-HIGHWAY VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) EXEMPTION.—Section 101(b) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) EXCEPTION FOR OFF-HIGHWAY VEHICLES.—

“(A) IN GENERAL.—Subsection (a) shall not apply to an off-highway vehicle.

“(B) OFF-HIGHWAY VEHICLE DEFINED.—For purposes of this section, the term ‘off-highway vehicle’—

“(i) means any motorized vehicle—
 “(I) that is manufactured primarily for use off of public streets, roads, and highways;

“(II) designed to travel on 2 or 4 wheels; and

“(III) having either—

“(aa) a seat designed to be straddled by the operator and handlebars for steering control; or

“(bb) a nonstraddle seat, steering wheel, seat belts, and roll-over protective structure; and

“(ii) includes a snowmobile.”.

(b) ADDITIONAL AMENDMENT.—Such section is further amended in paragraph (1)(A) by striking “any”.

SA 260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:
SEC. 504. MANUFACTURING OPPORTUNITIES FOR SBIR AND STTR PROGRAMS.

The Administration shall establish a portal within the centralized SBIR website that—

(1) announces manufacturing opportunities when available; and

(2) publishes any Administration rules and guidance relating to such opportunities.

SA 261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 13, after “agency” insert “, including in the manufacturing sector and, to the extent practicable, the effects of patent rights granted to inventions arising out of SBIR on job creation and savings in the manufacturing sector”.

SA 262. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MARKET RESEARCH TO IDENTIFY QUALIFIED RECIPIENTS OF AWARDS UNDER THE SBIR OR STTR PROGRAM.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) SBIR AND STTR AWARDEES.—

“(1) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘covered contract’ means a contract to perform research, development, or production that has an expected annual value that is more than \$150,000 and not more than \$25,000,000;

“(B) the term ‘recipient of an award under an SBIR program or STTR program’ includes a team of small business concerns that received an award under an SBIR program or STTR program; and

“(C) the terms ‘SBIR program’ and ‘STTR program’ have the meanings given those terms under section 9.

“(2) MARKET RESEARCH.—Before a contracting officer for a Federal agency issues a request for proposals relating to a covered contract, the contracting officer shall per-

form market research to determine whether a recipient of an award under the SBIR program or STTR program is qualified to perform the covered contract using technology developed using the award.

“(3) FULL AND FAIR CONSIDERATION.—If a contracting officer for a Federal agency identifies a recipient described in paragraph (2) after performing market research under paragraph (2), the contracting officer shall ensure that the recipient is given full and fair consideration in the award of the covered contract.”.

SA 263. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 161 proposed by Mr. JOHANNIS (for himself and Mr. MANCHIN) to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, before line 1, insert the following:

(b) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

SA 264. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. EXEMPTION OF OFF-HIGHWAY VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

Section 101(b) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) EXCEPTION FOR OFF-HIGHWAY VEHICLES.—

“(A) IN GENERAL.—Subsection (a) shall not apply to an off-highway vehicle.

“(B) OFF-HIGHWAY VEHICLE DEFINED.—For purposes of this section, the term ‘off-highway vehicle’—

“(i) means any motorized vehicle—

“(I) that is manufactured primarily for use off of public streets, roads, and highways;

“(II) designed to travel on 2 or 4 wheels; and

“(III) having either—

“(aa) a seat designed to be straddled by the operator and handlebars for steering control; or

“(bb) a nonstraddle seat, steering wheel, seat belts, and roll-over protective structure; and

“(ii) includes a snowmobile.”.

SA 265. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term “greenhouse gas” means—

- (1) water vapor;
- (2) carbon dioxide;
- (3) methane;
- (4) nitrous oxide;
- (5) sulfur hexafluoride;
- (6) hydrofluorocarbons;
- (7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that attempts to classify a greenhouse gas as a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a))) shall not be legally effective during such period.

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled “Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” (75 Fed. Reg. 25324 (May 7, 2010) and without further revision); or

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled “Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles” published at 75 Fed. Reg. 74152 (November 30, 2010).

SEC. 505. GREENHOUSE GAS EMISSION STANDARDS.

(a) PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.—Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”.

(b) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- (1) direct or indirect changes in land use;
- (2) the growing of commodities, biomass, fruits, vegetables, or other crops;
- (3) the raising of stock, dairy, poultry, or fur-bearing animals; or

(4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. ENERGY SECURITY.

(a) SHORT TITLE.—This section may be cited as the “Security in Energy and Manufacturing Act of 2011” or the “SEAM Act of 2011”.

(b) EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.—

(1) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) ADDITIONAL 2011 ALLOCATIONS.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

“(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

“(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

“(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

“(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term ‘domestic job creation (both direct and indirect)’ means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

“(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

“(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term ‘2011 allocation amount’ means \$5,000,000,000.

“(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.”.

(2) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting “(increased by so much of the 2011 allocation amount (not in excess of \$1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))” after “\$2,300,000,000”.

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “48C(d)(6)(E),” after “36C.”.

SA 266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—SMALL BUSINESS LENDING FUND

SEC. ____01. SHORT TITLE.

This title may be cited as the “Greater Accountability in the Lending Fund Act of 2011”.

SEC. ____02. REPAYMENT DEADLINE UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

(a) IN GENERAL.—Section 4103(d)(5)(H) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “; or” and inserting a period;

(B) by striking subclause (II); and

(C) by striking “will—” and all that follows through “be repaid” and inserting “will be repaid”;

(2) by striking clause (ii); and

(3) by striking “that—” and all that follows through “includes,” and inserting “that includes,”.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the “Program”) on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. 03. SMALL BUSINESS LENDING FUND SUNSET.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in subsection (b), by inserting “and shall be limited by the termination date in subsection (c)” before the period at the end; and

(2) by adding at the end the following:

“(c) TERMINATION OF PROGRAM.—

“(1) INVESTMENTS.—On and after the date that is 15 years after the date of enactment of this Act, the Federal Government may not own any preferred stock or other financial instrument purchased under this subtitle or otherwise maintain any capital investment in an eligible institution made under this subtitle.

“(2) AUTHORITIES.—Except as provided in subsection (a), all the authorities provided under this subtitle shall terminate 15 years after the date of enactment of this Act.”

SEC. 04. SMALL BUSINESS LENDING FUND TRIGGER.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note), as amended by section 03, is amended by adding at the end the following:

“(d) FDIC RECEIVERSHIP.—The Secretary may not make any purchases, including commitments to purchase, under this subtitle if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible institutions that receive a capital investment under the Program.”

SEC. 05. SMALL BUSINESS LENDING FUND LIMITATION.

(a) IN GENERAL.—Section 4103(d) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking “, less the amount of any CDCI investment and any CPP investment” each place it appears;

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively; and

(4) by adding at the end the following:

“(10) PROHIBITION ON TARP PARTICIPANTS PARTICIPATING IN THE PROGRAM.—An institution in which the Secretary made a investment under the CPP, the CDCI, or any other program established by the Secretary under the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) shall not be eligible to participate in the Program.”

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the “Program”) on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. 06. PRIVATE INVESTMENTS UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(d)(3) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking “MATCHED”; and

(2) in subparagraph (B)(i), by striking “both under the Program and”.

SEC. 07. APPROVAL OF REGULATORS.

(a) IN GENERAL.—Section 4103(d)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking “CONSULTATION WITH” and inserting “APPROVAL OF”;

(2) in the matter preceding subparagraph (A), by striking “the Secretary shall” and inserting “the Secretary may not make a purchase under this subtitle unless”;

(3) in subparagraph (A)—

(A) by striking “consult with”; and

(B) by striking “to determine whether the eligible institution may receive” and inserting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive”;

(4) in subparagraph (B)—

(A) by striking “consider any views received from”; and

(B) by striking “regarding the financial condition of the eligible institution” and inserting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment”; and

(5) in subparagraph (C)—

(A) by striking “consult with”; and

(B) by inserting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment” before the period at the end.

(b) CONFORMING AMENDMENTS.—Section 4103(d)(3)(A) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking “to be consulted under paragraph (2) would not otherwise recommend” and inserting “required to make a determination under paragraph (2) does not approve”;

(2) by striking “to be so consulted”; and

(3) by striking “to be consulted would recommend” and insert “would approve”.

SEC. 08. BENCHMARK FOR SMALL BUSINESS LENDING.

Section 4103(d)(5)(A)(ii) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking “for the 4 full quarters immediately preceding the date of enactment of this Act” and inserting “during calendar year 2007”.

SA 267. Mr. TESTER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—DEBIT INTERCHANGE FEE STUDY

SEC. 601. SHORT TITLE.

This title may be cited as the “Debit Interchange Fee Study Act of 2011”.

SEC. 602. FINDINGS.

Congress finds that—

(1) in response to the proposed debit interchange rule of the Board of Governors of the Federal Reserve System mandated by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Chairman of Board, the Comptroller of the Currency, the Chairperson of the Federal Deposit Insurance Corporation, and the Chairperson of the National Credit Union Adminis-

tration Board have publicly raised concerns about the impact of the proposed rule;

(2) while testifying before the Committee on Banking, Housing, and Urban Affairs of the Senate on February 17, 2011, the Chairman of the Board stated in response to questions about the small bank exemption to the interchange rule, “. . .there is some risk that the exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent we would see for larger banks”;

(3) the Acting Comptroller of the Currency, in comments to the Board, cited safety and soundness concerns and stated, “. . .we believe the proposal takes an unnecessarily narrow approach to recovery of costs that would be allowable under the law and that are recognized and indisputably part of conducting a debit card business. This has long-term safety and soundness consequences – for banks of all sizes. . .”;

(4) the chairperson of the Federal Deposit Insurance Corporation stated in comments to the Board regarding the proposed rule their concern that the small bank exemption would not work, stating, “. . .we are concerned that these institutions may not actually receive the benefit of the interchange fee limit exemption explicitly provided by Congress, resulting in a loss of income for community banks and ultimately higher banking costs for their customers”;

(5) the chairman of the National Credit Union Administration Board, in comments to the Board, cited concern with making sure there are “meaningful exemptions for smaller card issuers”; and

(6) all of the comments and concerns raised by the banking and credit union regulatory agencies cast serious questions about the practical implementation of section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and further study and consideration are needed.

SEC. 603. RULEMAKING AND EFFECTIVE DATES.

(a) EXTENSION FOR RULEMAKING TIMELINES AND REVISED EFFECTIVE DATE.—Section 920 of the Electronic Fund Transfer Act (15 U.S.C. 1693o-2) is amended—

(1) in subsection (a)(3)(A), by striking “9 months after the date of enactment of the Consumer Financial Protection Act of 2010” and inserting “24 months after the date of enactment of the Debit Interchange Fee Study Act of 2011”;

(2) in subsection (a)(5)(B)(i), by striking “9 months after the date of enactment of the Consumer Financial Protection Act of 2010” and inserting “24 months after the date of enactment of the Debit Interchange Fee Study Act of 2011”;

(3) in subsection (a)(8)(C), by striking “9-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011”;

(4) in subsection (a)(9), by striking “12-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “30-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011”;

(5) in subsection (b)(1)(A), by striking “1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011”; and

(6) in subsection (b)(1)(B), by striking “1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011”.

(b) **EARLIER RULEMAKING VOIDED; NEW RULEMAKING REQUIRED.**—Any regulation proposed or prescribed by the Board pursuant to section 920 of the Electronic Fund Transfer Act (as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act) prior to the date that is 6 months after the date of completion of the study required under section 604 shall be withdrawn by the Board and shall have no legal effect.

SEC. 604. STUDY.

(a) **STUDY REQUIRED.**—Not later than 12 months after the date of enactment of this Act, the study agencies shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the impact of regulating debit interchange transaction fees and related issues under section 920 of the Electronic Fund Transfer Act.

(b) **SUBJECTS FOR REVIEW.**—In conducting the study required by this section, the study agencies shall examine the state of the debit interchange payment system, including the impact of section 920 of the Electronic Fund Transfer Act on consumers, entities that accept debit cards as payment, all financial institutions that issue debit cards, including small issuers, and debit card networks, and shall specifically examine—

(1) the costs and benefits of electronic debit card transactions and alternative forms of payment, including cash, check, and automated clearing house (ACH) for consumers, merchants, issuers, and debit card networks, including—

(A) individual consumer protections, ease of acceptance, payment guarantee, and security provided through such forms of payments for consumers;

(B) costs and benefits associated with acceptance, handling, and processing of different forms of payments, including labor, security, verification, and collection where applicable;

(C) the extent to which payment form impacts incremental sales and ticket sizes for merchants;

(D) all direct and indirect costs associated with fraud prevention, detection, and mitigation, including data breach and identity theft, and the overall costs of fraud incurred by debit card issuers and merchants, and how those costs are distributed among those parties; and

(E) financial liability and payment guarantee for debit card transactions and associated risks and costs incurred by debit card issuers and merchants, and how those costs are distributed among those parties;

(2) the structure of the current debit interchange system, including—

(A) the extent to which the current structure offers merchants and issuers, particularly smaller merchants and issuers sufficient competitive opportunities to participate and negotiate in the debit interchange system;

(B) an examination of the benefits of allowing interchange fees to be determined in bilateral negotiations between merchants and issuers, including small issuers directly;

(C) mechanisms for allowing more price discovery and transparency on the part of the consumer; and

(D) the ability of new competitors to enter the payment systems market and an exam-

ination into whether structural barriers to entry exist; and

(3) the impact of the proposed rule reducing debit card interchange fees issued by the Board entitled, “Debit Card Interchange Fees and Routing” (75 Fed. Reg. 81,722 (Dec. 28, 2010)), if such proposed rule were adopted without change, including—

(A) the impact on consumers, including whether consumers would benefit from reduced interchanges fees through reduced retail prices;

(B) the impact on lower and moderate income consumers and on small businesses with respect to the cost and accessibility of payment accounts and services, the availability of credit, and what alternative forms of financing are available and the cost of such financing;

(C) the impact on consumer protection, including anti-fraud, customer identification efforts, and privacy protection;

(D) the impact of reduced debit card interchange fees on merchants, including a comparison of the impact on small merchants versus large merchants;

(E) the potential consequences to merchants if reduced debit interchange fees result in elimination of the payment guarantee or other reductions in debit card services to merchants or shift consumers to other forms of payments;

(F) the impact of significantly reduced debit card interchange fees on debit card issuers and the services and rates they provide, if fees do not adequately recoup costs and investments made by issuers and the potential impact on the safety and soundness of issuers;

(G) whether it is possible to exempt or treat differently a certain class of issuers within the debit interchange system, such as small issuers and the impact of market forces on such treatment;

(H) the extent to which a transition to a fee cap from an interchange fee that is proportional to the overall cost of a transaction could provide a reasonable rate of return for issuers and adequately cover fraud and related costs;

(I) the impact on other entities that utilize debit card transactions, including the debit card programs of Federal and State entities.

(J) the impact of shifting debit transaction routing from card issuers to merchants, including resulting changes to interchange fees and costs for card issuers; and

(K) the impact of mandating a specific number of enabled networks on merchants and debit card issuers, including the specific and unique impact on small issuers.

SEC. 605. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) **BOARD.**—The term “Board” means the Board of Governors of the Federal Reserve System.

(2) **STUDY AGENCIES.**—The term “study agencies” means the Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(3) **SMALL ISSUERS.**—The term “small issuers” means debit card issuers that are depository institutions, including community banks and credit unions, with assets of less than \$10,000,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on March 29, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., to conduct a hearing entitled, “Public Proposals for the Future of the Housing Finance System”.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m. in Dirksen 406.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Protecting the Civil Rights of American Muslims.”

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m., to conduct a hearing entitled, “Tools to Present DOD Cost Overruns.”

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., to conduct a hearing entitled, "Strengthening the Senior Executive Service: a Review of Challenges Facing the Government's Leadership Corps."

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2011

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1079, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1079) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 1079) was read the third time and passed.

HONORING CONGRESSWOMAN GERALDINE A. FERRARO

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

Senate proceed to the immediate consideration of S. Res. 114, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 114) honoring Congresswoman Geraldine A. Ferraro, the first woman selected by a major political party as its candidate for Vice President of the United States, and extending condolences of the Senate on her death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas Congresswoman Geraldine A. Ferraro served the people of the Ninth Congressional District of New York for 6 years;

Whereas Congresswoman Ferraro worked her way through law school at Fordham University, at a time when very few women did so;

Whereas Congresswoman Ferraro then joined the Queens County District Attorney's Office, where she supervised the prosecution of a variety of violent crimes, including child and domestic abuse;

Whereas in 1978, New York's Ninth Congressional District in Queens elected Congresswoman Ferraro to the U.S. House of Representatives, where she was one of only 16 women members of the House;

Whereas when she was nominated as the running mate of Vice President Walter F. Mondale in the 1984 presidential race, Congresswoman Ferraro became the first woman ever chosen to run on the national ticket of either of the 2 major political parties of the United States;

Whereas Congresswoman Ferraro's candidacy continues the progress begun by women who achieved political firsts before her and helped to tear down barriers to the full and equal participation of women in national politics;

Whereas in January 1993, President Clinton appointed Ms. Ferraro a United States Ambassador to the United Nations Commission on Human Rights, a role from which she championed the rights of women around the world; and

Whereas Geraldine Ferraro's 1984 bid for Vice President helped our daughters join our sons in believing they could achieve anything they set their minds to: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes that Geraldine A. Ferraro's vice-presidential candidacy forever

enriched the American political landscape and forged a new path for women of the United States;

(2) the Senate pays tribute to Congresswoman Geraldine A. Ferraro's work to improve the lives of women and families not only in the Ninth Congressional District of New York, whom she represented so well, but also the lives of women and families all across the United States;

(3) the Senate requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Congresswoman Geraldine A. Ferraro; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

ORDERS FOR WEDNESDAY, MARCH 30, 2011

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, March 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of S. 493, the small business jobs bill.

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

PROGRAM

Mr. UDALL of Colorado. Mr. President, rollcall votes in relation to amendments to the small business jobs bill are expected during tomorrow's session. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. UDALL of Colorado. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 114 as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, March 30, 2011, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, March 29, 2011

The House met at 2 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Cherry blossoms draw thousands of visitors to the Capitol city, Lord. Their silent beauty causes busy residents to stop their frenzied motion and simply gaze for a moment. Reflected in pools or clustered together on lawns, wrinkled with age, their new life displays a unified motion of gentle friendship.

Today, in our prayer, Lord, we offer voice to their song of spring and praise You and bless You for this momentary revelation of Your unique mystery and the blessing upon this Nation. Lord, this powerful gift of the Japanese people invites us to pray for our friends in their hour of need and suffering. Spring's fragile beauty will not be manipulated or contained for very long. In and through this passing glimpse of glory, the truth of Your promise is revealed. So, we learn the importance of Your timing and the art of subtle cohesion in natural forces.

Lord, grant us patience that You will have Your way with us now and always.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. POE of Texas) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 17, 2011 at 6:52 p.m.:

That the Senate agreed to H. Con. Res. 30.

With best wishes, I am,

Sincerely,

ROBERT F. REEVES,
Deputy Clerk.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

MARCH 16, 2011.

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

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Members to be available to serve on investigative subcommittees of the Committee on Ethics during the 112th Congress:

Zoe Lofgren of California
Ben Chandler of Kentucky
John P. Sarbanes of Maryland
Terri A. Sewell of Alabama
Paul Tonko of New York
Ben Ray Lujan of New Mexico
David N. Cicilline of Rhode Island
William R. Keating of Massachusetts
Adam B. Schiff of California
Yvette D. Clarke of New York

Best regards,

NANCY PELOSI,
Democratic Leader.

ROTARY INTERNATIONAL ASSISTS JAPAN

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

Mr. WILSON of South Carolina. Mr. Speaker, all Americans have provided sympathy for the people of Japan due to the massive earthquake and tsunami, but I was grateful to learn last week at the Lexington Rotary Club, led by President Nick Pizzuti, that The Rotary Foundation is taking direct action. Special Assistant Bill Walker of the Second District Office is a dedicated Lexington Rotarian. The Rotary Japan and Pacific Islands Disaster Fund has been established for donations online worldwide. Rotary International President Ray Klinginsmith

of Kirksville, Missouri, is promoting the people-to-people assistance in the best tradition of Rotary with his creed: Building Communities, Bridging Continents. Japan is a leading Rotary nation, and it is fitting the incoming RI president-nominee to continue the relief assistance is Sakuji Tanaka of the Rotary Club of Yashio, Saitama, Japan.

As a Rotarian, I appreciate Rotarians worldwide, with hundreds of new clubs in formerly Communist countries from Bulgaria to Slovakia to Russia making a difference with Service Above Self. As with Polio Plus, Rotarians can achieve humanitarian assistance which creates worldwide records for effectiveness.

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

CONGRATULATING BELLARMINE KNIGHTS

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

Mr. YARMUTH. Mr. Speaker, in Louisville, we have a lot to be proud of—the Kentucky Derby, the Louisville Slugger, Muhammad Ali—and now the NCAA Division II Men's Basketball Champion Bellarmine Knights.

Led by Coach Scott Davenport, the Knights finished their regular season with 24 wins, won their second consecutive conference title, and stormed through the NCAA tournament to bring home the university's first national championship. The Knights corralled Mustangs and tamed Mavericks. And on Saturday, led by all-tourney players Jeremy Kendle and Justin Benedetti, Chris Dowe's 16 points, Luke Sprague's double-double, and clutch free throws from Hobbs and Holmes, the Knights grounded a Jet and sent the Seaside's packing. The Knights are true student athletes who overcame injuries and adversity bound together by trust—trust in their abilities and trust in each other. And let's not forget the trust and support of the fans who traveled by the busload nearly 900 miles to cheer on their Knights.

Mr. Speaker, I ask that you join me today in congratulating Coach Davenport, the team, and the entire Bellarmine community on its 2011 NCAA national championship. This was a victory that made history—and on behalf of everyone in Louisville, we're proud to call the Knights our hometown heroes and national champions.

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

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

MR. PRESIDENT, AMERICA NEEDS ANSWERS

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

Mr. BURGESS. Mr. Speaker, last night, the President took to the airwaves and talked to the Nation about the international efforts that America is leading in Libya. This comes almost 2 weeks after the President gave his approval for the United States to be involved in the action in Libya. The President discussed the United States' interest in the conflict, the limited involvement of the United States military, and the role of other countries. What the President failed to deliver was a clear articulation on what is America's role in this conflict. Putting our men and women in harm's way while not knowing the specifics of how and why is not just unacceptable, it is dangerous.

Mr. President, you need to be more forthcoming. The American people need more information. The American people certainly deserve answers. The explanation last night was disappointing, and we find ourselves even more frustrated as specific information was not provided. What is the exit strategy? What is the endgame? What are our goals? How are we going to ensure that the next government of Libya is not even more hostile than the current regime?

The President does need to follow through with his actions. We need to have the resolve to see this through. The President waited too long to address the Nation. Certainly, the Congress needed to be involved. And certainly the American people needed to be involved.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

AIRPORT AND AIRWAY EXTENSION ACT OF 2011

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1079) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1079

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2011".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2011" and inserting "May 31, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2011" and inserting "May 31, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2011" and inserting "May 31, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2011" and inserting "June 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2011" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2011" and inserting "June 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended by striking the 2 paragraphs designated as paragraph (8) and inserting the following:

"(8) \$2,466,666,667 for the 8-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 8-month period beginning on October 1, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2011 were \$3,700,000,000; and

(B) then reduce by 20 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2011," and inserting "May 31, 2011."

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "April 1, 2011." and inserting "June 1, 2011."

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2011," and inserting "May 31, 2011,"; and

(2) by striking "June 30, 2011," and inserting "August 31, 2011,".

(c) Section 44303(b) of such title is amended by striking "June 30, 2011," and inserting "August 31, 2011,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2011," and inserting "June 1, 2011,".

(e) Section 47115(j) of such title is amended by striking "April 1, 2011," and inserting "June 1, 2011,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2011," and inserting "May 31, 2011,".

(g) Section 49108 of such title is amended by striking "March 31, 2011," and inserting "May 31, 2011,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "April 1, 2011," and inserting "June 1, 2011,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "April 1, 2011," and inserting "June 1, 2011,".

(j) The amendments made by this section shall take effect on April 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 1079.

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

There was no objection.

Mr. PETRI. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the exchange of letters concerning H.R. 1079 between the Committee on Ways and Means and the Committee on Transportation and Infrastructure.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 22, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 1079, the "Airport and Airway Extension Act of 2011," which is expected to be scheduled for floor consideration the week of March 28, 2011.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Sections 2 and 3 of this bill amend the Internal Revenue Code of 1986 by extending the current Airport and Airway Trust Fund (AATF) expenditure authority and the associated Federal excise taxes to May 31, 2011. In order to expedite H.R. 1079 for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. In that regard, I would note that

the Committee on Ways and Means recently favorably reported H.R. 1034, the "Airport and Airway Trust Fund Financing Reauthorization Act of 2011," which would provide a similar, but longer-term reauthorization, through September 30, 2014, of the AATF expenditure authority and associated excise taxes.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1079, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, March 23, 2011.

Hon. DAVE CAMP,
*Chairman, Committee on Ways and Means, 1102
Longworth House Office Building, Wash-
ington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1079, the "Airport and Airway Extension Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 1079, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on H.R. 1079 does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

Finally, I appreciate your decision to forgo further consideration on H.R. 1034, the "Airport and Airway Trust Fund Financing Reauthorization Act of 2011," which would provide a longer-term reauthorization of the Airport and Airway Trust Fund expenditure authority and associated excise taxes. This bill was sequentially referred to the Committee on Transportation and Infrastructure.

I will include our letters on H.R. 1079 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Mr. Speaker, I yield such time as he may consume to the principal author of the bill and the chairman of the Transportation Committee, our colleague from the State of Florida, JOHN MICA.

Mr. MICA. Mr. Speaker and my colleagues, this is an extension of what would be known as the "aviation bill." I come before the House asking for one extension under the leadership of the new majority in Congress. I also come to the floor to explain the history of how we got here today with 17 extensions.

In 2001, I had the honor and privilege of being named the chair of the Aviation Subcommittee. Not knowing what the future would hold, of course, all of

our lives changed on September 11, 2001, and mine did, too.

In 2003, we passed a 4-year authorization: The Federal Government must provide authorization and set the policy for the operation of our Nation's aviation system and for the FAA, which is the primary and lead agency. The bill that we passed in 2003 sets forth the policy and the funding for all the projects and everything eligible for Federal participation. It authorizes all the programs. When we did that again in 2003, we did a 4-year bill.

In 2007, the bill that I helped author and that we brought before the Congress—again after the fateful days of 2001, after the tragedy, and again after the difficulty the aviation industry saw from 2001 to 2003—the bill that expired in 2007, the 4-year bill, was extended some 17 times. That is shameful and irresponsible that we find ourselves in a situation where we haven't passed policy.

Now, why is this important?

Most of the emphasis in this Congress should be on getting people back to work. If we have people working, most of our problems are solved. The States would have revenue, and the Federal Government would have revenue. Yet it's absolutely amazing, when you have the aviation industry, which accounts for 9.2 percent of our gross domestic product and activity in the United States—9.2 percent—that the Federal Government and Congress did not have in place a long-term policy and blueprint, which is set forth in that authorization legislation. So 17 times we've come to the floor, and there have been these short-term extensions of the bill that we passed originally in 2003 and that expired in 2007. That's the situation we find ourselves in.

Now, several weeks ago, we did pass in the Transportation and Infrastructure Committee a long-term 4-year bill. The Senate has acted, the other body, and they've passed a bill. If it had been just our committee, we probably could have had the bill up a little bit quicker, but we do rely on several other committees to add input into this process. We have the Science, Space, and Technology Committee, which just before we left last week completed their portion of the bill. We have the Ways and Means Committee, which also has part of the financial responsibility, the Ways and Means' responsibility, in the legislation for the extension, and they finished their work.

We do need a little bit more time to come to conference, and I pledge an open conference. In the past, legislation has been decided behind closed doors. I hope this to be an open process. This extension will run us through May 31, I believe, of this year, the end of May, and it is my hope that the first bill that we can get done will be done

with this one extension for, again, authorizing all of our aviation programs for the Nation.

So that's the situation we find ourselves in. We need to pass this legislation because the current 17th extension expires at the end of this week, and we must have this in place to make certain that we can even function in any manner, even though we don't have all the details of new legislation in place, which I pledge to do in the next 60 days.

With that explanation, I would like to thank the chairman of the Aviation Subcommittee, the gentleman and our leader on aviation issues, Mr. PETRI.

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

Mr. Speaker, I rise in support of H.R. 1079, the Airport and Airway Extension Act of 2011.

As you heard, this is the 18th short-term extension for FAA programs. With the enactment of a long-term FAA reauthorization in sight, as the chairman has just mentioned—and we all look forward to that—I want to echo my colleague's hopes that this will be the last short-term extension. I know, if we have to have one, we'll probably do one, but we all hope that it's the last one we do.

Without the enactment of this bill, the FAA's funding, programs, and expenditure authority would lapse on March 31. This clean and straightforward extension will keep the FAA operating at current funding levels for another 2 months, through May 31. It will give Congress time to work out the long-term reauthorization. Yet I want to be clear: While I support this short-term extension bill, I have serious concerns about H.R. 658, the long-term FAA reauthorization bill, which I expect the House may try to take up this week.

In fiscal year 2010, the FAA's major programs were funded at approximately \$16 billion. H.R. 658, the FAA Reauthorization and Reform Act of 2011, is a 4-year reauthorization that would reduce the FAA's annual funding to approximately 2008 appropriation levels, \$14.9 billion, for the remainder of 2011 and then each year through fiscal year 2014. H.R. 658 would effectively cut, roughly, \$1 billion annually and almost \$4 billion total below current funding levels for FAA's budget over the next 4 years. These proposed cuts will have dire consequences on our Nation's infrastructure, jobs, and the economy.

Mr. Speaker, in February, the House Aviation Subcommittee held a hearing for industry stakeholders to testify about FAA reauthorization. In response to a question that I posed, witnesses representing the aerospace industry, general aviation manufacturers, general aviation pilots, airports, air traffic controllers, and FAA managers all testified that Congress could

not cut \$1 billion annually from the FAA's budget without harming safety-sensitive programs or hampering the industry. At the same hearing, Ms. Marion Blakey, the FAA administrator under President George W. Bush, stated: "The prospect is really devastating to jobs and to our future."

Every \$1 billion of Federal investment in infrastructure creates or sustains approximately 35,000 jobs. Yet H.R. 658 would cut the airport improvement grants for runway construction and safety enhancements by almost \$2 billion. Cuts to airport improvement grants alone would cost the Nation 70,000 jobs.

□ 1420

So let's be clear about one thing: The FAA reauthorization bill that we will consider later this week will not create jobs; it will destroy them. Although much work is ahead of us, I'm optimistic that Congress will be able to enact a long-term bill and we will not be considering a 19th short-term extension this summer. For the present, however, this particular extension, this bill before us today, I support, and I urge my colleagues to support it.

I yield back the balance of my time. Mr. PETRI. I would just like to observe to my colleague, we will have plenty of opportunity to defend and debate the overall reauthorization later this week. The reauthorization bill is broadly supported by the industry affected. We may differ on some portions of it, but one of the major features of the reauthorization is to put in place a strengthened framework and benchmarks for NextGen; and as that new technology is deployed, almost every expert we've had testifying before the committee has said it will markedly increase the efficiency and safety of the aviation industry and reduce fuel use by some 25 percent, helping the environment and our import situation as well.

In any event, I would like to mention that the current reauthorization extension, the short-term extension before us, has bipartisan support. I would urge my colleagues in both parties to support it.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 1079.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 839 and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

THE HAMP TERMINATION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 170 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 839.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 839) to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 839, the Home Affordable Modification Program, or HAMP, Termination Act and commend my colleague from North Carolina (Mr. MCHENRY) for introducing this bill.

H.R. 839, the HAMP Termination Act, would put an end to the poster child for failed Federal foreclosure programs. Announced by the administration in February 2009 and launched in March 2009, the program has languished for 2 years, hurt hundreds of thousands of homeowners, and must come to an end.

According to the Congressional Budget Office, this bill would save \$1.4 billion over 10 years. To date, the HAMP program has already consumed \$840 million of the more than \$30 billion of TARP funds that were set aside for the program. For this extraordinary investment, the administration predicted that 3 to 4 million homeowners would receive help.

Sadly, for many American homeowners, the program has been an abys-

mal failure. In fact, HAMP has hurt more homeowners than it has helped. The program has completed about 540,000 mortgage modifications. Another 740,000 unlucky homeowners had the rug pulled out from under them: their modifications were cancelled. Even the Government Accountability Office, GAO, commented that "more borrowers have had their trial modifications cancelled than have received permanent modifications."

Earlier this month, on March 2, the Financial Services Subcommittee on Insurance, Housing, and Community Opportunity received testimony from the Special Inspector General for the Troubled Asset Relief Program, SIGTARP, Neil Barofsky. He exposed the most hazardous failing of the program, noting that "there have been countless published reports on HAMP participants who end up worse off for having engaged in a futile attempt to obtain the sustainable relief that the program promised. Failed trial modifications often leave borrowers with more principal outstanding on their loans, less home equity, depleted savings, and worse credit scores." He continued by saying that "worst of all, even in circumstances where they never missed a payment, they may face back payments, penalties, and even late fees that suddenly become due on their 'modified' mortgages and that they are unable to pay, thus resulting in the very loss of their homes that HAMP was meant to prevent."

Mr. Chairman, many of my own constituents, like homeowners around the country, were lured into HAMP with the promise of relief. In the end, these misled homeowners ended up with no permanent modification, tens of thousands of dollars deeper in debt. One of my constituents reported that after many, many months under a trial modification, he was rejected from the program and immediately handed a bill for \$42,000 in back payments, penalties, and late fees. How is that an effective foreclosure protection?

HAMP has been plagued by problems from the start and is beyond mere reform. Numerous oversight bodies, including the GAO, have cited time and time again that Treasury has failed to respond to recommendations to "increase the transparency, accountability and consistency of the program." Last year, the Congressional Oversight Panel, or COP, noted that "because Treasury's authority to restructure HAMP ended on October 3, 2010, the program's prospects are unlikely to improve substantially in the future."

□ 1430

COP also stated that "billions of taxpayer dollars will have been spent to delay rather than prevent foreclosures." It is clear that the administration has no intention of fixing the

numerous problems in its flagship foreclosure program, a fact which has not gone unnoticed by the public.

Americans for Tax Reform submitted testimony for our March 2 hearing, stating that “HAMP has been the U.S. Treasury and Department of Housing and Urban Development’s primary spending program for combating foreclosures, and the program has been a costly failure.”

Headlines around the country agree. A recent Washington Times article said that “Obama’s helping hand hoodwinks homeowners; government mortgage assistance can be worse than nothing.” A recent Wall Street Journal article was entitled “Housing Market Masochism; the latest bad idea to raid banks and delay a home-price recovery.”

We need to break down the barriers that have delayed the housing market recovery, including expensive and ineffective programs that have hurt so many homeowners. Unfortunately, programs like HAMP were set up in haste and have done little to restore stability in the market.

We need to stop funding programs that don’t work with money that we don’t have. Out-of-control Federal spending is hurting our economic recovery. Our Nation faces a \$14.2 trillion national debt, and economists agree that reducing government spending will create a more favorable environment for private sector job growth. That’s exactly what unemployed Americans and homeowners need: a job and a paycheck, not a handout or other failed taxpayer-funded government programs.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 3 minutes to a member of the committee, the former mayor of Somerville, Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

Mr. Chairman, this is a program that I’m the first to admit has not lived up to what our hopes were. This program we had hoped would help several million people. Thus far we’ve only helped about 550,000 people. I fully admit that this program, like all the other foreclosure programs, could use a healthy dose of reconsideration and improvement, and I’m happy to work with that.

But to simply repeal all of these programs is to walk away from individual homeowners, walk away from neighborhoods.

In this particular case, last week before the break, we walked away from neighborhoods. We walked away from cities and counties all across the country. In this case, we’re walking away from homeowners.

In this particular bill, as I said, this program, short of what we had hoped, it has still helped 550,000 homeowners to keep their homes, 550,000 with approximately another 150,000 on trial as

we speak. And 550,000 homes, just as a point of information, is more owner-occupied homes than exist in at least 17 different States. Wyoming, Alaska, Utah, Nevada, New Mexico, Nebraska, and on—all individually have fewer homes in the entire State than this program has helped. Yet we’re going to walk away.

Every single State in this Nation has homeowners who have been helped. In Illinois, 29,000 homes have been saved; in North Carolina, 10,000 homes; in my own State, 12,000 homes and counting.

Again, I’m not going to defend the specifics or every single aspect of this program that has been put together, and I am happy to work with anyone to make it better, to help more people to keep their homes, keep their families together. But to simply walk away without offering an alternative means we don’t care; this Congress doesn’t care if you lose your home, period. Well, I understand that that’s what some people want to say. They’re entitled to do that. They’re duly elected and have the power and authority to do that. But I just can’t imagine they could look at the individual constituents in their district and say to their face, We don’t care.

And if you feel that strongly about it, then you should not just repeal the program prospectively; you should repeal it retroactively and tell the 550,000 people whose homes have been saved, We didn’t mean it, it was a mistake, we didn’t support it then, and as far as we’re concerned, you can leave your home tomorrow.

Now, I understand if that makes me a bleeding-heart liberal according to some people, so be it. Call me any name you want. But if you have the courage and the audacity to look at your own constituents and tell them forget it, you don’t care, I would encourage you to do so.

Mrs. BIGGERT. I yield 5 minutes to the gentleman from North Carolina (Mr. MCHENRY), the sponsor of this bill.

Mr. MCHENRY. I thank the gentleman for yielding the time.

The HAMP Termination Act, which is the legislation before us today, ends what I believe to be a failure of a government program. Not just a failure to help those 3 to 4 million homeowners that the Treasury originally set out to assist, and they’ve fallen well short of it—just over 500,000 mortgage modifications have taken place in the 2 years it’s been in existence. Not only has it been a failure in terms of the metrics they set up to achieve the goal; it’s been a failure for the very people who enter into the program and yet are pushed out.

Now, I want my colleagues to understand what this government program does. The HAMP program, the Home Affordable Mortgage Program, brings folks in who are having trouble making their mortgage payments. They bring

folks in, and they will give them a verbal modification for their mortgage. And what has happened—and this is what my constituents tell me and this is what the hard facts and the data indicate as well—is that a majority of those folks that enter into this program are actively harmed by this Federal program. Actively harmed. They are left materially worse off.

And let me quote from the Special Inspector General for TARP, Mr. Neil Barofsky, who is a very independent-minded individual. He said that people who apply for modifications via HAMP sometimes “end up unnecessarily depleting their dwindling savings in an ultimately futile effort to obtain the sustainable relief promised by the program guidelines. Others, who have somehow found ways to continue to make their mortgage payments, have been drawn into failed trial modifications that have left them with more principal outstanding on their loans, less home equity, or a position further underwater, and worse credit scores. Perhaps worst of all, even in circumstances where they never missed a payment, they may face back payments, penalties, and even late fees that suddenly become due on their modified mortgages that they are unable to pay, thus resulting in the very loss of their home that HAMP is meant to prevent.

“Treasury’s claim that every single person who participates in HAMP gets a ‘significant benefit’ is either hopelessly out of touch or a cynical attempt to define failure as success.”

Those are the words of the Special Inspector General designated to oversee this program and to report to Congress and the public on the success or failures of Federal programs and ways to fix them.

Now, sadly, in the 2 years of this program and over 1½ years of criticism of this program, the Treasury has refused to fix it. My colleagues on the other side of the aisle have not offered legislation to fix it when they were in the majority. So we’re left with what is required today, which is to root out this Federal program that spends our taxpayer dollars, yet hurts more people than it helps.

One of my constituents from Hickory said, “We’ve been in the HAMP program since February of 2010 and still have no answer. We’re being charged late fees and we were reported to the credit bureau. We’ve been underwater since April and on trial payments for 6 months, which was only supposed to be 3 months. We have not yet received an answer.”

This is a Federal program. If the private sector were doing this, there would be lawsuits. If the private sector were doing that, my friends on the other side of Congress in particular would be filing legislation to make sure they were unable to do that.

Instead, my colleagues on the other side of the aisle and this administration are defending a failed program. And they refused to reform it. They refused to change. They refused to improve it. They refused to do anything to it except defend it. And I believe, indeed, as the Special Inspector General said, it may be a cynical attempt to define failure as success.

So I ask my colleagues to vote for this legislation and remove this costly, ineffective, and painful government program.

□ 1440

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of the committee.

Mrs. MCCARTHY of New York. Mr. Chairman, let me say something first. In the beginning of this program, we didn't have any service. That means there were no people out there to help those that were trying to apply. But we have seen encouraging signs in the economy; yet we are still on a long path towards economical recovery. Many of my constituents are still facing hardship, including trying to keep their homes.

When the housing crisis hit, the private sector responded by turning their backs on those that needed the help. As a result, Congress stepped in and created housing programs to hold the industry accountable and to help these families weather the worst housing crisis that we have seen in generations.

Now, thanks to the leadership of the President and the Democratic-controlled 111th Congress, we are seeing more and more servicers adopting their own programs, largely based on the eligibility criteria within the programs such as HAMP.

The past few weeks my colleagues on the other side of the aisle have brought bills to the floor to terminate these programs, claiming they have done more harm than good to the homeowner and that struggling homeowners are in better hands with the private companies that contributed to the housing crisis in the first place. Most of the homeowners got in trouble because the private sector is the one that got them in the problems.

I disagree with that and point to constituents who have reached out to my office for help because their servicers were not being responsive.

The bill before us totally terminates the HAMP program; however, it protects assistance to the homeowners in a trial or a permanent modification.

My amendment, which was not made in order, would have expanded that provision to include homeowners who, on or before March 1 of this year, submitted required paperwork for HAMP or had made a verified request to their servicers seeking that modification.

My district office has heard from dozens and dozens of my constituents who

have been waiting for up to 16 months, 16 months for a response from their servicer regarding the eligibility for HAMP. They reach out to my office at the point of total frustration due to the lengthy response time when they have submitted the required paperwork. I shudder to think what the response rate would have been without this program in place.

It's very disheartening that my colleagues on the other side of the aisle would like to shut down these distressed homeowners before they have even a chance to qualify for the assistance.

The HAMP program was by no means perfect. Everybody agrees on that. Nor was it meant to be permanent. We all agree on that. Instead, it was meant to hold the mortgage service industry accountable and responsive to those that needed the assistance.

At a time when our housing market is still very fragile and foreclosures continue to occur in record numbers, instead of terminating these programs, we should be trying to improve them.

During the markup in committee, when we were trying to improve, we asked our colleagues, all right, let's not terminate it; let's try and fix some of the things that are not right.

The CHAIR. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman an additional minute.

Mrs. MCCARTHY of New York. Supporting efforts to terminate these housing assistance programs means turning your back on your own constituents.

Mr. Chairman, we have our disagreements. There's no two ways about it. But with that being said, to judge a program from the beginning when we couldn't get servicers, now we are getting servicers, now we are getting people to be responsive on getting people to stay in their homes.

And think about it: All these homes that are being lost to families, where are they supposed to go? In New York, you can't find an apartment, so what are we doing, making more people homeless?

It was not the fault of the homeowners. I agree, there were many people that shouldn't have probably bought a house for \$700,000 or \$800,000. The majority of us here in Congress couldn't even afford something like that. They should have never been given a mortgage. All of us, when we bought our homes, had to go through the third degree. How much money do you earn? Can you pay the insurance? Can you pay your taxes?

That's why we also put legislation in there to have the servicers help them.

Mrs. BIGGERT. Mr. Chairman, if I might inquire how much time is remaining on both sides.

The CHAIR. The gentlewoman from Illinois has 19½ minutes remaining.

The gentleman from Massachusetts has 23 minutes remaining.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I rise today to oppose this ill-advised effort to repeal the Home Affordable Modification Program. Instead, we ought to be focusing on how we can move together, Democrats and Republicans, to address the foreclosure crisis and keep families in their homes.

Since the housing bubble burst, over 9 million Americans have gone into foreclosure. In my little State of Delaware, annual foreclosure filings nearly tripled over the past few years. And we aren't even one of the worst, hardest hit States.

Now, one thing is clear. We can't help every one of these homeowners. Every situation is different; and, frankly, not every homeowner can or should be helped. And most of the help should come from the banks and mortgage servicers, but they are not doing nearly enough in the State of Delaware.

What is incredible to me is that, with the HAMP Termination Act, our friends on the other side of the aisle have decided not to help at all; and that will mean a more direct path to foreclosure for thousands of families.

The claim is that HAMP has hurt more people than it has helped. That is simply a ridiculous charge. Back in my home State of Delaware, the HAMP program has helped 1,600 homeowners, by far the most effective government program. That's 25 percent of the homeowners who filed for foreclosure last year.

And I know a little bit about this. I served as the chair of the foreclosure task force when I was lieutenant governor for over a year.

And the best course, the best result we know is for the private banks, as I said, and the servicers to make the modifications necessary, for the private sector to shoulder the bulk of the burden. But they're just not doing it. And so public officials need tools to help out, and HAMP is one of the best tools we have.

The real question here is whether you believe there is an appropriate role for government at all to help homeowners facing foreclosure through no fault of their own. It's okay to use taxpayers funds to bail out the banks, but my friends on the other side don't want to use a small amount to help homeowners.

Mrs. BIGGERT. I yield myself 30 seconds.

The gentleman from Delaware talks about his State. Let me just say that in Illinois, if we look back quarter by quarter, HAMP permanent modifications, for example, in the second quarter of 2010 were 167,000; but the proprietary were 331,883. The next quarter, 97

HAMP and 346,910. And it goes on. And I think that's something to keep in mind, that the private sector can do it better.

The CHAIR. The time of the gentlewoman has expired.

Mrs. BIGGERT. I yield myself another 30 seconds.

The private sector, out of 4.1 million modifications, 3.5 million of those were private sector, and the rest of the 550. And that doesn't include the 750,000 modifications that were made by HAMP that were canceled.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself 90 seconds to say that that is an extraordinary bit of illogic we have just heard. The private sector, nothing in the existence of HAMP in any way retards people from going to the private sector.

If you listen to the gentlewoman, you would get this fantasy picture that people were being restrained by the Federal Government not to go to the private sector, go to HAMP.

In fact, HAMP is also the private sector. That's part of the problem. It is also a private sector decision with no coercion by the government. Some people wish there was more.

But, yes, it is true the private sector has done the easy ones on its own. And anybody who wants to go to the private sector and get it does not have to go to HAMP. But there is no requirement that people go to HAMP.

And this set-up that it's a choice, you have to go to one or the other, people are free to go to the bank. If the bank won't do it, then they may go to HAMP. So this is an absolutely illogical notion that one blocks the other.

The other point is that HAMP is the Federal Government bringing people into contact with the private sector. It is still ultimately a private sector decision.

Part of the problem here is that it remains voluntary. I wish we had passed in this House bankruptcy. You know, you can go bankrupt for anything but your primary residence. And my Republican friends overwhelmingly blocked that from happening. And absent that, we don't have the leverage with the private sector we'd like to have. But it is in every case the private sector that decides. And if it is a relatively easy one to do, the private sector does it without any hindrance.

□ 1450

If there is a problem, then you go into the HAMP.

The other point is, and I have been waiting to hear, Members have said more people are harmed than helped. That statistic appears nowhere in the record, and I wait to see it explained.

I reserve the balance of my time.

Mrs. BIGGERT. I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Chairman, I rise today in support of H.R. 839, the HAMP Termination Act.

I was sent to the Nation's capital like so many Members of the 112th Congress, to do something about cutting back on wasteful Washington spending, to do something about the \$14 trillion national debt. And in pursuing this goal, we have made many difficult decisions about funding government programs. At a time when families and businesses across Pennsylvania are being asked to do more with less, we cannot continue ineffective Federal spending. Like so many programs hatched in Washington, HAMP has been one of those programs that, while well intentioned, has grossly missed its mark.

Established in 2009 to assist homeowners seeking to avoid foreclosure, of the \$30 billion allocated to the program, only a fraction has been spent. And of the homeowners expected to be helped through the program, only one-eighth have seen any permanent modification.

Despite the fact that U.S. taxpayers have given lenders an average of \$20,000 for each participating homeowner, there is nothing that prevents a lender from still foreclosing after the modification. That means that the bottom line of the HAMP program is this: False hope for homeowners who see the Federal Government send thousands to big lenders only to lose their homes a few months later.

According to the Special Inspector General of TARP programs, "there have been countless published reports of HAMP participants who end up worse off for having engaged in a futile attempt to obtain the sustainable relief that the program promised. Failed trial modifications often leave borrowers with more principal outstanding on their loans, less home equity, depleted savings, and worse credit scores."

As we work to rein in government spending, to create certainty, confidence and, ultimately, jobs, this program, well intentioned as it is, has not been tax dollars well spent.

I urge my colleagues to support the bill.

Mr. FRANK of Massachusetts. I yield 3 minutes to another member of the committee, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Over the last few years, the United States has faced a devastating economic crisis.

As a result of the economic downturn, many homeowners have lost their homes or are at imminent risk of foreclosure. That is why the Obama administration launched the Federal Home Affordable Modification Program: to stem the escalating tide of home foreclosures and the disastrous impact it has on families and their communities.

HAMP's purpose is to help eligible homeowners avoid foreclosure by pro-

viding them with permanent loan modifications to terms they can afford. Although this program is far from perfect, it has helped more than 600,000 families lower their mortgage payments and stay in their homes. H.R. 839, the HAMP Termination Act of 2011, will end this program and is the latest effort by House Republicans to end foreclosure avoidance and mitigation programs.

With forecasts showing that there will be 3 million foreclosures nationwide this year and the housing turnaround not expected for at least 3 years, Republicans have yet to offer any alternative to help solving our housing crisis.

Republicans have also failed to address the impact this crisis is having on minority communities. An estimated 17 percent of Latino families and 11 percent of African American families have lost their homes or are at imminent risk of losing their homes.

Eliminating support for distressed homeowners at this point in time would be disastrous for neighborhoods trying to recover from the foreclosure crisis. Instead, we should focus our efforts on ways to make HAMP a useful, wide-reaching program with meaningful goals, such as pushing lenders to reduce the principal on loans that are underwater and give struggling homeowners real relief.

I urge opposition to this misguided bill.

Mrs. BIGGERT. I yield such time as he may consume to the chairman of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentlewoman.

As Republicans and Democrats, let's talk about what this bill does. This bill shuts down a Federal program which spends money. Every dime of that money, of the over 1,000 million dollars, has already been spent, and they have authorized \$29 billion more to be spent. Now, that's taxpayer money; and that is money that, in 2008, we promised the American people, when the banks paid it back, that it would go into the Treasury. That was a promise that we made. So this bill keeps that promise, and that's that the money will be returned to the Treasury.

Now, why do we make that promise and why do we defend that promise today on the floor of the House? Because, ladies and gentlemen, we are spending our children and grandchildren into financial oblivion. We are threatening the national security of this country.

Now, where do I get such a fact as that? Why do I say that it is a threat to national security, which I said last week and I was criticized?

Well, let me quote Defense Secretary Robert Gates when he said 2 months ago, "this country's dire fiscal situation and the threat it poses to American influence and credibility around

the world will only get worse unless the U.S. Government gets its finances in order.”

And I was told, well, that didn't say that it was a threat to our national security. But following that statement, Admiral Mike Mullen made this statement, the Chairman of our Joint Chiefs of Staff, “The most significant threat to our national security is our debt.” In case you weren't listening, let me say that again. “The most significant threat to our national security is our debt.” Now, that wasn't a Republican on the floor of the House. That was the Joint Chiefs of Staff's Mike Mullen.

We are spending \$1.42 for every \$1 we get. We are borrowing 42 cents of that. Twelve percent of our debt is owed to the Chinese. Every day we write the Chinese a check for \$120 million. They could buy the most advanced strike jet fighter in the world and still have \$20 million to put in their pocket each day. In 1970, only 19 percent of our national debt was owed to other countries; today, it approaches 50 percent.

Now, let's not talk about whether we can afford this program; let's talk about whether our children and our grandchildren can, because—let's not kid ourselves—we can't pay it back. Now, do we want to spend \$30 billion of our children's and our grandchildren's money?

□ 1500

First of all, should we do that morally? But let's just assume that you say yes, we should do this with our children and grandchildren's money. Well, who should we pay that money to?

You talked about the banks. Where does this money go? It goes to the banks. Every dime of it is paid to a bank. You have a borrower, you have a lender. As many of you have correctly said, and I agree with you, people loaned homeowners money they couldn't afford to pay back. And is that the taxpayers' fault? Should they pick up the bill? No. It is the bank's, or it may be the homeowner's. But the people that ought to pay it back are not the taxpayers, and if it can't be paid back, the banks ought to take the loss.

You talk about the homeowners, but it is the banks that will be paid. And you talk about 500,000 Americans that have been helped. You didn't mention almost 1 million that have been made worse off. Now, again, is that some mean Republican saying they are worse off? No.

Today, March 29, a letter from the largest national Hispanic civil rights and advocacy organization in the United States. Do you know who that is? It is La Raza. What did they say? Let me quote what the largest, and I think we would all agree, a very liberal organization, what did they say?

I urge you to vote “yes” on this legislation, they said. “Structural flaws,

especially the voluntary nature of HAMP, have resulted in an abysmal performance by mortgage servicers and hundreds of thousands of families losing their homes to foreclosure unnecessarily.” They say this program has resulted in hundreds of thousands of American homeowners losing their homes.

Now, are they the only people who have said this? No. Our own Inspector General, our own Neil Barofsky, SIGTARP, who was put in charge of monitoring this program, what did he say? Let me quote what he said. “HAMP benefits only a small portion of distressed homeowners, offers others little more than false hope, and in certain cases causes more harm than good.” When did he say that? He said it this month before our committee. This month.

How about the Congressional oversight panel, a majority of which are Democrats. What did they say? They said billions of taxpayer dollars—billions, billions—will have been spent to delay rather than prevent foreclosures.

Now, that is not Republicans who are getting some crazy idea that this program isn't working. No. It is Democrats.

And who has President Obama appointed to temporarily run the Consumer Financial Protection Bureau? Well, it is Elizabeth Warren, we all know the answer to that. What does Elizabeth Warren say about this program? Let me quote what she said. Just the facts. Not SPENCER BACHUS, not PATRICK MCHENRY, not JUDY BIGGERT. No. Elizabeth Warren, who works out of the White House and who is in charge of consumer protection. Here is what she said, December 14th: “Because Treasury's authority to restructure HAMP ended on October 3, 2010, the program's prospects are unlikely to improve substantially in the future.” In other words, they are not going to improve this program.

So let's end by saying this. We say shut it down. You say mend it. Let's mend this program. Why? Let's not pretend. We are not talking about mending. We are talking about pretending. The Treasury, according to Elizabeth Warren, doesn't even have the ability to do that.

The administration itself, not someone here, but your administration, Laurie Maggiano, a Treasury official, said at the Mortgage Banking Conference February 24, just a month ago, “You won't see any major new programs coming out. We may tweak around the edges, but our primary objective in 2011 is excellence in the program we have.” Well, there has been no excellence in the program. It has failed. The largest Hispanic group in America has said, end this program.

But I tell you what, our grandchildren and children would say this, and you continue to say, and I agree

with you, we have got 13 million American families underwater with their mortgages, and you want to pick and choose 500,000 of those to help. What about the others? Should the Federal Government pay everybody's mortgage that is behind?

Why, one out of four American families are underwater on their home. You have got, it just came out yesterday: 13 million vacant houses in America, and almost immediately you come up with a cash-for-keys program where you are going to buy these abandoned properties from the banks, from the speculators.

I don't think you have listened to the American people. I don't think you heard what they said in November. This program has been criticized ever since its inception. You haven't mended it. You are talking about mending it today.

Where is your bill to mend it? Is there a bill to amend it? Have you introduced it? Is there a bill?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, we are introducing legislation to make sure that the taxpayers are off the hook.

Mr. BACHUS. You will be?

Mr. FRANK of Massachusetts. We have introduced a bill to restore a provision that was knocked out by Republicans.

Mr. BACHUS. Is the gentleman saying you will be?

Mr. FRANK of Massachusetts. It has been filed.

Mr. BACHUS. What, today? Was it filed today, or Monday?

Mr. FRANK of Massachusetts. No, last week. Last week.

Mr. BACHUS. Last week. Two years—

Mr. FRANK of Massachusetts. The gentleman doesn't want an answer, apparently.

Mr. BACHUS. I reclaim my time. One thousand million dollars and \$29 billion of authorization, 2 years of a failed program, and the week before we come to the floor, you file a bill. You file a bill. I'm sorry to say to the ranking member, you can file the bill, we will take a look at it, but we are ending this failure.

Mr. FRANK of Massachusetts. I yield myself 2 minutes.

I regret the chairman's refusal to allow me to answer the question he asked.

Yes, we just filed the bill because we are restoring a provision that was in the financial reform bill. The gentleman, who has shown very little regard for the taxpayer in his own vote sending money to Brazilian cotton farmers—and, by the way, I wish he had listened to Secretary Gates and Admiral Mullen and not voted to force

on them money for weapons systems they didn't want. They said those things when they tried to get the Congress not to give them weapons they didn't want, but many of my Republican friends, the majority, disregarded that.

But in the TARP legislation we said that in 2013, when this program ends, any penny that was spent and not returned to the taxpayers will come from the banks, will come from the hedge funds. And we can anticipate Republican opposition to that, because in the financial reform bill last summer, already passed, not recently introduced, we say that for many of these programs to recover the costs of the foreclosure mitigation and dealing with the results of foreclosure, we would get it from large financial institutions. The Republicans objected to that, and the Republicans insisted in the Senate that it be knocked out. So every time we have tried to get money from the large financial institutions to pay for the costs of the damage their irresponsibility inflicted, the Republicans have opposed it.

Again, when it came to Brazilian cotton farmers or weapons the Pentagon didn't want or infrastructure in Afghanistan or Iraq Security Forces, all of the things the gentleman from Alabama voted for that comes out of the taxpayers' hide, and then he votes against and opposes our legislation already passed and just reintroduced to have the large financial institutions pay for this. So his concern for taxpayers comes into play when we are trying to help people who are in need, but it is not in play when we are talking about heavy defense contractors, Brazilian and American cotton farmers, or the large financial institutions, because he and his fellow partisans have consistently fought every effort we have made to get the large financial institutions to bear this cost. But we do have still, as people will hear later, provisions to do that.

□ 1510

Mrs. BIGGERT. May I request again the time remaining, Mr. Chairman?

The CHAIR. The gentlewoman from Illinois has 5 minutes. The gentleman from Massachusetts has 15½ minutes.

Mrs. BIGGERT. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 5 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, I rise to oppose this bill, but I do so with mixed feelings because I have been one of the critics of the HAMP program.

The members of the majority have pointed out correctly that this program has been widely criticized for more than 2 years. It has been criticized by the congressional oversight panel, by the SIGTARP (Special In-

spector General for the Troubled Asset Relief Program), by La Raza, by Elizabeth Warren, and, yes, by me. But I have not criticized it for the reasons that the gentleman from Alabama gave. If this bill is keeping a promise, it is not a promise made in open to the American people, it is keeping a promise made in secret to the banks, because the costs of this program are not going to come out of the pockets of the American people. This comes out of the TARP program. That legislation said that any money not recovered by 2013 has to be recovered from the financial industry, and whoever's present in 2013 has to propose to Congress exactly how it is we're going to get that money back.

They can afford it. Thirty percent of all corporate profits are in the financial sector. They can more than afford it.

The gentleman from Alabama frequently says that he hates visiting debt on his grandchildren, and I believe him when he says it, but I have good news for him. Unless his grandchildren take a job on Wall Street in the next 2 years, they are not going to have to pay this debt. This debt, if Congress does keep its promise to the American people, will not come from the American people. It will come from Wall Street. It will come from the people who created the mess that we are now trying to clean up.

But I have criticized this program because it is not as effective as it should be. It has gone on for 2 years. It is not what we need. The problem, however, has not been what government has made banks do. This program has been run by the banks. It has not been run by the government. It has been run by the banks. Every horror story about a homeowner's being abused is being abused by a bank, the bank handling the mortgage, not by the Department of the Treasury, not by the Federal Government.

So, of course, when they come to see a Republican Member of Congress, the Republican Member of Congress says, "Oh, isn't it terrible what the Federal Government made that poor bank do to you." No, the Federal Government didn't make the banks do that.

My criticism of this program and my criticism of the Obama administration in how they have run this program is not that they've made banks do what they've done, but they have let banks do what they've done. This program can work if there are some tough rules that are really enforced, tough on the banks.

The gentleman from Massachusetts mentioned earlier the bankruptcy proposal 3 years ago. I introduced that bill. I have been trying to put rules, requirements, on the banks that they let people out, that they try to begin to let people out in a very orderly, logical, fair way, through judges, through

a judicial process, to begin to get control of the collapse of the housing market.

Something has got to happen to stop the continuing fall of housing values. Something has got to happen to end the cycle of foreclosures and diminished home values and more foreclosures. Republicans have offered nothing to do that. We know something can work. We know that we can design a program that will work, because it has been done before.

In the New Deal, one of the most successful programs in the New Deal was the Home Owners' Loan Corporation which bought mortgages, modified them, worked with homeowners, tailored the mortgages to something the homeowner could buy for those homeowners who really could afford a house, the house that they were in but not the mortgage that they had, and most historians say that program saved the housing market in the Great Depression and saved the middle class.

We have got to make something work. There are rules on the horizon. There is now a pending settlement negotiation for the violations of law by the banks in how they've managed mortgages. It is with States attorneys general and it is with the Federal regulatory agencies. Some on the Republican side have publicly pressured the Federal agencies to lay off the banks. I really cannot tell much difference between what they are doing in the pressure they are putting on banks and the regulatory agents in an enforcement matter and what happened a generation ago with the Keating Five. But they're doing it. They're saying, "Lay off our buddies the banks. Don't come down too hard on them." But there is a real possibility the result of that settlement will be some tough rules, and there is now rule-making authority. There is now a cop on the block. The CFPB has the authority to develop rules for banks in how they manage mortgages.

But something has to work. This has not been working. It can be fixed. It has to be fixed. Something has to work.

Mrs. BIGGERT. I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague for yielding, and responding to my colleague from North Carolina, Mr. Chairman, I would say that we agree: The HAMP program is a failure. I think there is bipartisan agreement on that. Even the SIGTARP, Mr. Barofsky, says, "The Treasury Department is so content with the wretched, shameful status quo, they refuse to even acknowledge the program is a failure." We agree. It's a failure. Although it sounds like, at the end of the day, he is going to vote to defend a failed program.

Secondly, I would remind my colleague that this program actually

writes checks to those evil banks that he talks about, with those evil profits that he talks about, to the tune of about a billion dollars. So this program is actually cutting checks to banks.

Third and finally, that TARP money is actually the taxpayer, the American people's money, not the banks' money, and we owe it to the American people to give them back that money.

Mr. FRANK of Massachusetts. How much time do I have remaining, Mr. Chairman?

The CHAIR. The gentleman from Massachusetts has 10½ minutes.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, this bill is just like saying, "You know what, you said you were going to give us a loaf of bread, but you only gave us a slice. So because you didn't give us the whole loaf, we're going to take all of the bread away, even the slice."

Because the program isn't as successful as it could be, we ought to be getting in here and doing something about all the foreclosures across America as opposed to what the majority wants to do, which is get rid of even the meager program that exists.

This is unresponsive government. This is government that is turning its back and folding its arms on the American people. We've got 4 million foreclosures, and may end up with 7 million, and yet instead of trying to make a program work, we just get rid of the whole thing. This is a really sad day and a big mistake.

If you want to get up here and criticize the HAMP program, you can do that. But you know what: The HAMP program has come up with more than 600,000 active modifications. That's not nearly enough of what we need, but it has done something. Rather than get the program right, we abandon all those people who are underwater, all those people who are in foreclosure. That is a shame, and it's wrong.

Now let me say, Mr. Chairman, the fact is that this program, this HAMP program that we're terminating today, this program, doesn't do anything to put Americans back to work. It doesn't do anything at all. The Republican majority has been here for 13 weeks and all they've done is cut programs that could put people to work. They haven't tried to fix anything that's not working. They've just tried to cut back on what America needs.

So that we will be in a position when people aren't working, they won't be paying taxes, we won't be even addressing this deficit because of the Republican no jobs agenda. It's really too bad. We were sent here to do something about jobs. We were sent here to do something about foreclosures. We're not doing anything about either, because the Republican majority refuses to address it.

One of the biggest problems with the HAMP program, now that we're on that subject, is that we did just allow incentives. We didn't really make the banks and the services do what they should do, which is to readjust these mortgages. People bought at bubble prices based on Republican majority decisions to not regulate, to abandon consumer protection, and this bubble market created expansive and big prices. The loans people got, we didn't see consumers get protected from no doc, low doc, NINJA loans. We didn't see any protection for the American taxpayer with any of these financial regulations involving derivatives. And yet when the bubble burst, the people are there to try to pick up the pieces.

But what does the Republican majority do? They just take away the one slice that might help some people instead of trying to do something to help the American people.

I hope the American people are watching this debate today, Mr. Chairman. I just hope they take careful note of who is on the side of the American neighborhood, who is on the side of the American people, and who's trying to take away that American Dream.

□ 1520

The CHAIR. The gentlewoman from Illinois has 4 minutes remaining.

Mrs. BIGGERT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding.

As best I can discern, the argument about the HAMP program is we should terminate it because it's run inefficiently. That seems a fairly strange argument for most of us around here because we know that there are inefficiencies in every department of the government. If you use that as the touchstone for terminating programs, we would close down the entire Defense Department; we would close down the Department of Commerce; we would close down the Department of Health and Human Services. We would go right down the list and close them all because every one of the departments and every program has some inefficiencies in them. You don't solve the problem by closing a program. You solve the problem by trying to correct the problems that exists.

This is a whole new philosophy for this group of people, because when the Securities and Exchange Commission was not equipped to fine the Bernie Madoff episode, their answer to it was let's cut out the SEC or let's reduce this budget, not make it more efficient so that it can stop the kind of fraud and abuse that was taking place, let's just starve it to death. That's the same philosophy that's being applied in this

context, Mr. Chairman. Because the program is inefficient, which all of us agree it has been, their answer is let's close it down. Ours is to make the program more efficient and work for the purposes for which it was intended; and that's what we ought to be devoting our attention to today, not terminating the program.

Mrs. BIGGERT. I yield 15 seconds to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I will respond to my colleague, Mr. Chairman, that, if we can't eliminate this failed program, what program can we eliminate?

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Well, let me begin with my friend from North Carolina. \$150 million a year to Brazilian cotton farmers, which the gentleman voted for. Now, what we could have done was, instead of giving them \$150 million—

Mr. MCHENRY. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I didn't vote for the farm bill.

Mr. FRANK of Massachusetts. No, the question was not the farm bill. It was the amendment from the gentleman from Wisconsin to cut out \$150 million that is being voted subsequent to the farm bill to the cotton farmers of Brazil.

We had an amendment offered by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Wisconsin (Mr. KIND) not to pay \$150 million a year to Brazilian cotton farmers. We were told that we had to do that because otherwise we would be in trouble. But we had an alternative. We could have knocked \$150 million out of the subsidy to American cotton farmers. That's \$300 million a year that we are losing.

We have the second engine on the F-35. My friend on the other side, the gentleman from Alabama, quoted the Secretary of Defense and the Chairman of the Joint Chiefs of Staff saying national security is at risk, but then they vote against him and force on him money he doesn't want. The gentleman from Alabama voted for a second engine. The administration, at the request of Secretary Gates, said he'd veto the bill if that happened. So it does seem to me a little odd to quote the Secretary of Defense and the Admiral, the Chairman of the Joint Chiefs of Staff, about the problems of debt and then vote for money over their objection.

So those are things I would do. Brazilian cotton farmers, I would have limited the amount that we pay others.

There's a couple of other major flaws here. We've heard several times from

people on the majority side that more people are hurt than helped by HAMP. That appears nowhere in anybody's testimony. Neil Barofsky didn't say it. La Raza didn't say it. They said some people are hurt.

I will yield if the gentleman wants to point to any document that says more people were hurt than helped.

Mr. MCHENRY. I thank the gentleman for yielding.

There are 800,000 people that are given temporary modifications, verbal modifications, that are kicked out of the program. Those are the people that have their credit dinged and—

Mr. FRANK of Massachusetts. Reclaiming my time, the gentleman quoted Barofsky, quoted La Raza. Those figures are nowhere in there. And their credit is not worse off because they're in the program. That's the fundamental flaw. What they are saying is—and people have said, the gentlewoman from Illinois—go to the private sector.

The problem, by the way, that La Raza has is this is too much private sector. La Raza's problem here is that the problem is that it leaves too much to the private sector. The private sector does the easy stuff. The notion that more people are hurt than helped is simply nonexistent.

By the way, we've always heard from my Republican friends that we shouldn't be the nanny state, to let people make choices. No one is forced to go into this program. If they can go into another program, they can make it better.

The final point I want to make is this. Yes, there is a question about who pays for it. Under the TARP bill that we passed, it is mandated that in 2013 we get money from the financial institutions for this. In the financial reform bill that passed the House, we had a provision that required that that assessment be made right away. In the conference report on financial reform, we had an assessment on the financial institutions, those above \$50 billion in assets, except hedge funds above \$10 billion. We have had three legislative efforts to assess these costs on the financial institutions. The Republicans have opposed every one, unfortunately, with some success; although, we still have one left.

The final point I would make is this. Yes, the HAMP program has a lot of problems. Solutions cannot be more elegant than the problems they seek to resolve. The absence of any program leaves people worse off. The Republicans successfully defeated efforts to give bankruptcy powers. They have successfully opposed efforts to make the banks pay for this. So they set up a program which, thanks to them, at least for now, looks like it comes from the taxpayers—although we'll be able to recover that money—which has no leverage over the private sector, and then they object to it.

So I would say again, Mr. Chairman, look at the votes on subsidizing Brazilian cotton farmers or a second engine or money for infrastructure in Afghanistan or security in Iraq. Billions of dollars collectively in all those programs, which my Republican friends, including the advocates on the other side of killing this program, voted for. We have a program here that will be paid for by assessments on the large financial institutions if the Republicans aren't successful and once again go to their rescue. It is a program that people go to voluntarily. They have a right to go purely to a private sector program. If that doesn't work, they can go in here.

It has not helped everybody. The fact that some people didn't get a modification here I regret, and I wish we'd give them more power, but it doesn't mean they are worse off. A few are worse off. Nobody quoted and said a majority were worse off. I hope the program is continued.

Mrs. BIGGERT. I yield the remainder of my time to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I appreciate my colleague yielding, and I certainly appreciate the rhetoric used on the floor. I respect my colleagues. I respect their opinion.

I think people of good will created this program; I really do. The intent was to help homeowners. But 2 years after the fact, we're left with the cold, hard facts that this program has hurt more people than it's helped: a Federal Government program that brings people in, destroys their credit, takes their savings, and at the end of the day takes their home. It offers hope, but it isn't able to deliver it. It's false hope that this program delivers.

I would point to the Special Inspector General's report from January 26, 2011. On page 11: A combined total of more than 792,000 trial and permanent modifications have been canceled.

I would also point my colleague to the Treasury Department's monthly report on their housing programs.

□ 1530

Of the trial modifications that are canceled, those are the individuals who are brought in, given verbal modifications, and strung out for a period of months, some for 3, 6 months. I've had constituents tell me they've been in this trial modification period for up to a year. At the end of the day, these people are kicked out after their savings have been taken, and they're left with nothing, not even their homes, not their credit ratings, not their savings.

It's a Federal Government program that's doing this. This is so objectionable at its core, and I have my colleagues on the other side of the aisle saying that they're bleeding heart liberals—right?—and they're making

their arguments. Well, let me see if this actually burns your bleeding hearts.

A constituent of mine from Kings Mountain says, "They keep requesting the same information over and over again. They have supposedly been working with me to get approved under the Make Home Affordable Modification for over 14 months now. The person handling my case returned my call to tell me that they've declined my request for a modification because I was unemployed. I've never been unemployed. I've been with the same employer for over 5 years now, and that has not changed through this whole process. After sending her the proof of my income, she now says that I do not qualify because I am so behind on my payments. I would not be behind on my payments if they would have let me continue to pay them."

Can you believe this is a Federal program? If that doesn't tear at your heart, if you don't see the tears of your constituents who have been put through the wringer of this Federal program—this Federal program—then I would say that every program must be acceptable then no matter how much harm it's doing.

I know that we're better than that. I think the folks on the left and the right who have analyzed this program, who have done a bipartisan, non-partisan analysis of this and research, have shown that it has been a failure. It is this Congress' responsibility to end a failure of a program and to make sure that the Federal taxpayers, the American people, don't continue to write the check for a program that destroys people's lives and that has hurt more people than it has helped.

I encourage my colleagues to vote "yes" on this bill.

Mr. TOWNS. Mr. Chair, I rise today to urge my colleagues to vote no on H.R. 839 "The HAMP Termination Act of 2011". This bill would prohibit new mortgage loan modifications under the Home Affordable Modification Program (HAMP) which has assisted over 600,000 people. The program works with loan servicers and borrowers to allow hard working people to stay in their homes.

Mr. Chair, my home state of New York has over 140,000 households with at least one member of that household out of work. We must invest in programs that give relief to families that have lost income in this great recession through no fault of their own. HAMP entitles qualified homeowners to reduced mortgage payments at a sustainable debt to income ratio of 31 percent. This program also provides incentives to loan investors and servicers for every permanent loan modification. These incentives allow homeowners in distress the ability to stay in their homes and to continue making payments on time.

I realize that this program is not perfect and that there are still some outstanding issues that must be addressed in order to make HAMP more efficient and effective. However

H.R. 839 would simply prevent any future attempt by this congress to address those concerns. Mr. Chair, we were sent to Congress to solve problems. We must deal with the current foreclosure crisis by using every tool in our arsenal to make sure people can afford to stay in their homes.

It is my hope that Members of Congress from both sides of the aisle will work together to make sure the American dream of homeownership is viable in 2011. We must work together to solve the major challenges of our day and we must do so in a bipartisan manner.

H.R. 839 is not the answer to our nation's foreclosure crisis. I urge my colleagues to vote no on this measure.

Ms. HIRONO. Mr. Chair, I rise in strong opposition to H.R. 839, the Home Affordable Modification Program (HAMP) Termination Act.

The House majority supports H.R. 839 and other bills that would end new and existing foreclosure mitigation programs, turning their backs on the middle class families in our country.

Instead of coming up with practical ways to improve these programs, or establishing new initiatives that assist homeowners and stabilize the housing market, my colleagues on the other side of the aisle support immediate termination of these programs without working to address the housing crisis and its effect on the nation's economy.

Most of us would agree that HAMP has not been nearly as successful as initially hoped. Since this program started, about 5 million foreclosures have been completed. HAMP is far from reaching the targeted goal of assisting 3 to 4 million homeowners: nearly 1.5 million homeowners have received a trial HAMP modification, but only about 600,000 have had their mortgages permanently modified under HAMP.

On March 28th, fifty of my colleagues and I sent a letter to Treasury Secretary Geithner to share our concerns about HAMP, including (1) establishing a single point of contact requirement for mortgage servicers; (2) suspending the foreclosure process when the borrower makes a request for a loan modification; (3) providing for an independent review of loan modification denials; and (4) urging the Treasury Department to begin levying fines and penalties against servicers who fail to follow program rules. These reforms are essential to ensure that HAMP becomes a more successful and effective program.

While HAMP has been far from perfect, the program has had its share of successes. About 30,000 additional homeowners are receiving a permanent HAMP modification every month.

Moreover, the Office of the Comptroller of the Currency reports that the re-default rate for the program's permanent modifications at six months was about half that of other modifications, and nearly 85 percent of homeowners who received a permanent HAMP modification remain in their modification a year later. This program has also set important mortgage industry standards to address the magnitude of this housing crisis and ensure that struggling homeowners get the help that they need to stay in their homes.

If it were not for HAMP, there is no question that even more homes in my congressional district would have been subject to foreclosure. A constituent from Hilo on the island of Hawaii contacted me desperate for assistance. At 72 years old, he has a medical condition and lives on a fixed income. This constituent has no substantial debt and put in over \$300,000 of his savings into his home. His bank ignored his pleas for help, and he was on track to getting a foreclosure notice until he received assistance from HAMP.

Another constituent, a disabled veteran living in Volcano on the island of Hawaii, tried for over two years to get help from her lender, to no avail. It was only as a result of the Making Home Affordable foreclosure prevention services that she was able to get a permanent loan modification, which saved her \$500 a month and lowered her interest rate by over two percentage points.

These are only two of the personal and heart-wrenching stories that I've heard from people in my congressional district who are struggling to stay in their homes. The bottom line is that HAMP provides yet another lifeline for these families. Terminating HAMP would effectively end a lifeline to tens of thousands of homeowners.

I urge my colleagues to vote against this misguided bill.

Mr. POSEY. Mr. Chair, I rise today in support of H.R. 839, the HAMP Termination Act.

As you know, this bill would terminate the failed Home Affordable Modification Program (HAMP), while still protecting assistance for homeowners who were already extended an offer to participate in the program. If passed, it would save taxpayers \$1.4 billion.

HAMP was established under the Troubled Assets Relief Program (TARP) and was aimed at helping homeowners modify their loans. The Administration rolled out HAMP with the goal of assisting three to four million homeowners, yet the program has fallen far short of that goal, assisting only 500,000 borrowers and at a cost much higher than anticipated. In fact, this program is hurting more homeowners than it is helping. Many trial modifications ultimately end up being cancelled—putting borrowers in a worse financial position than they were before they applied for HAMP assistance. Too many found HAMP to be less than helpful, and ended up owing back payments, interest, and fees in one lump sum once their modification request is rejected.

Numerous government watchdogs—including the Government Accountability Office, the Special Inspector General for TARP, and the Congressional Oversight Panel—are all on record labeling HAMP as ineffective. Unfortunately, as I've witnessed in Financial Services Committee hearings and on the House floor, the Administration has been unwilling to accept these objective analyses and terminate the program, instead choosing to throw good money after bad.

I believe when we see valuable tax dollars being spent on a flawed program we must terminate those programs. A dollar saved here is one less dollar borrowed and put on the tab of future generations.

Washington is on an unsustainable path. Out-of-control government spending has caused a massive increase in borrowing and

the national debt is now a record \$14 trillion. Facing a \$1.5 trillion deficit for the third year in a row, the time is past due for Washington to make tough decisions so that our nation's financial future will be secure. All across America, families are doing more with less, and it is time for Washington to do likewise. Fiscally responsible Americans know the budgetary challenges we face and are supportive of the steps we are taking to stop the waste.

Mr. Chair and my colleagues, I ask that you join me in support of H.R. 839, the HAMP Termination Act. Together, let's stand with the American people and get Washington's spending spree under control.

Mr. VAN HOLLEN. Mr. Chair, today's bill represents the fourth piece of legislation we have considered in as many weeks to withdraw assistance from struggling homeowners, worsen the foreclosure crisis and further weaken the middle class.

Specifically, H.R. 839 proposes to terminate the Home Affordable Modification Program, or HAMP. HAMP is a voluntary program with strict and sensible guidelines that has already provided permanent loan modifications to 600,000 American households, including over 17,000 in my home state of Maryland—and is expected to help another 30,000 Americans stay in their homes every month through the end of next year. Furthermore, HAMP's standards have now been largely adopted and standardized across the mortgage industry, thereby benefiting millions of additional homeowners outside the program itself.

HAMP is not a silver bullet, and it will not help everyone. For example, it is not available for mortgages over \$729,750, for second homes, for investment properties or for vacant houses. Additionally, HAMP is not for homeowners who can afford to pay their mortgages without government assistance—or for homeowners who could not afford to pay their mortgages even with government assistance. But for the estimated 1.4 million Americans who are eligible for the program, HAMP is a lifeline that can make all the difference.

Mr. Chair, as we struggle to pull ourselves out of the worst economic downturn since the Great Depression, it makes little sense to terminate a targeted and effective foreclosure prevention program like HAMP when so many of our fellow Americans still face completely avoidable foreclosure.

I urge a no vote.

Mr. BACA. Mr. Chair, I rise in opposition to H.R. 839—the HAMP Termination Act.

HAMP is far from perfect—and we all are aware of some of the problems it has experienced since it began.

But it has helped over 500 thousand homeowners gain mortgage modifications.

And—it is expected to help another 500 thousand homeowners gain modifications over the next two years.

These modifications have resulted in real savings for American families.

In fact—the median savings for homeowners who have received a modification is \$537 a month.

I know much has been made by my friends on the other side, about how some advocacy organizations—like NCLR—support the termination of HAMP.

I understand the frustration of these groups. HAMP is a voluntary program. Treasury could have pushed our financial regulators harder to comply with standards. And—we have yet to see a comprehensive plan to punish the bad actors.

But terminating HAMP—without any alternative plans to assist struggling homeowners—is wrong.

Unfortunately, Republicans are eager to turn control of loan modifications over to the same banks who got us in this mess to begin with.

Before HAMP, homeowners who were lucky enough to get a modification would often pay more per month.

Now—we have standardized the modification market, and are expanding HAMP's reach.

Make no mistake—HAMP is not perfect.

But it does give us a framework to build from.

And doing nothing is not a viable alternative.

I urge my colleagues to oppose this effort to deny mortgage assistance to over a half a million Americans.

Vote no on H.R. 839.

Mr. TURNER. Mr. Chair, I rise today in support of H.R. 839, the HAMP Termination Act. The foreclosure crisis facing our nation is far from over. Families across the nation who face the threat of losing their homes need help they can count on and hope for a better future. Unfortunately, the Home Affordable Modification Program, better known as HAMP, has failed to deliver on both counts.

According to The New York Times, in 2010 Fannie Mae and Freddie Mac took over a foreclosed home approximately every 90 seconds. By the end of December, they owned 234,582 homes. They spend 10 million dollars in just one month to have the lawn of each home mowed twice!

To try and help those who are suffering most, both the Bush and Obama Administrations created programs to help families who are at risk of losing their homes. One of these programs was the Home Affordable Modification Program which we will end with the enactment of the bill before us today.

In the face of such a large crisis it is our responsibility to terminate programs that falsely raised the hopes of so many, but were poorly designed and help only a very few. While the administration has allocated \$75 billion for HAMP, it failed to perform under any honest observation.

When the Administration announced the program they estimated it would help between three and four million homeowners. As of December 2010, only 521,630 HAMP modifications have been made permanent. I am concerned that for every one of these success stories there are so many more that have been kicked out of the program, since nearly 800,000 modifications have been canceled since the start of the program. Temporary modifications offer little help to homeowners who do not receive permanent ones, and they end up losing their homes anyway. In addition, the Treasury Department reports that about 20 percent of the borrowers who had their modifications made permanent are now 60 days or more behind on their mortgages.

Why would a program that was designed to help so many homeowners fall so short? Per-

haps it's because the program was not designed to help homeowners facing foreclosure. On June 22, 2010, Secretary Geithner testified before the TARP Oversight Panel regarding HAMP and stated "This program was not designed to prevent foreclosures."

Programs that were not designed to help families keep their homes deserve termination. Programs that kick many more qualifying families out of the program than are assisted by the program deserve termination. Programs that have such a high redefault rate among the families that are helped by the program are fundamentally flawed and deserve termination.

I ask my colleagues to join me in supporting this bill to terminate a program that has fallen so short of its laudable goals.

Ms. BROWN of Florida. Mr. Chair, I rise today to oppose this spurious legislation to eliminate a program that has just begun to help our constituents recover from the horrible housing crisis that has taken hold of our communities.

This program has helped more than 600,000 families stay in their homes while helping neighborhoods avoid the associated blight that comes with vacant and foreclosed homes.

The legislation allowed hard-working American families in danger of losing their homes to refinance into lower-cost government-insured mortgages they can afford to repay.

Florida has had over 82,000 permanent and trial modifications under this program. This is over 82,000 families who do not have to worry about where they are going to sleep tomorrow. 82,000 families who know where their kids are going to go to school tomorrow.

I was able to hold foreclosure workshops in cities and towns throughout my district to help these families at risk of losing their homes. With this program's help, these families were able to stay in their homes, keeping neighborhoods intact.

I believe that more money should be used to keep people in their homes. To the administration's credit, they attempted to create other programs that would do that. The Republican majority has spent the last weeks attempting to eliminate those programs also.

Eliminating this program without a replacement program for the people on the front lines of this recession is heartless and should be criminal.

Defeat this legislation and vote to keep people in their homes and our communities living and vibrant.

Mr. GUTIERREZ. Mr. Chair, I rise today in strong opposition to the HAMP Termination Act, or H.R. 839, a bill to eliminate the Home Affordable Modification Program (HAMP). This is just another attempt by my Republican colleagues to do away with important and necessary programs that help our struggling families and communities cope with the devastation of the housing crisis. Our families are dealing with real emergencies and they want real solutions, yet the Republicans offer no meaningful replacement to help families during this housing and foreclosure epidemic.

The Home Affordable Modification Program was put in place by the Obama Administration to provide critical assistance to American homeowners who are working tirelessly to

save their homes. While it wasn't meant to save every home on the brink of foreclosure, this program has helped over 600,000 homeowners since it was first launched. This means that because of HAMP, over 600,000 families were given an opportunity they otherwise wouldn't have had to save their home. Approximately 30,000 homeowners are assisted through HAMP each month. If we eliminate this program now, we would be doing a great disservice to these homeowners and to the recovery of our fragile housing market.

The ineptitude and noncompliance of banks and mortgage servicers have created a laundry list of mistakes and missteps in handling homeowner mortgages that led us into this devastating housing situation. HAMP has been criticized by all parties because it did not meet its initial projected goals. This is partly because HAMP sets strict requirements for homeowners to qualify for a modification to ensure that American taxpayer dollars are not wasted or misused. Modifications that continue to be made outside of HAMP are done by servicers who avoid meeting the strict requirements and rules under this program which are put in place to protect homeowners. We have a responsibility to our constituents and we can't simply leave the fate of homeowners and struggling families to the banks and mortgage servicers when their bad mortgage lending practices contributed to our nation's housing crisis in the first place.

HAMP is not perfect, but there is no question that HAMP has provided critical assistance to homeowners facing avoidable foreclosures. The HAMP program has set affordability standards and, more importantly, this program has created a framework for the private sector to provide assistance. The political theater put together by my Republican colleagues to eliminate HAMP and other valuable housing programs and replace them with nothing, doesn't do anything to alleviate the dire circumstances hundreds of thousands of American families are facing today.

Mr. Chair, ending HAMP now would undoubtedly hamper our nation's economic recovery efforts. Many of my colleagues have mentioned throughout this debate something we all know to be true: not a single witness—including the Government Accountability Office and the Special Inspector General for the Troubled Asset Relief Program—who was invited by Republicans at the hearing we held earlier this month in the Housing Subcommittee, over which I serve as Ranking Member, supported shutting down any of the housing programs Republicans propose to terminate, including HAMP.

Eliminating HAMP would leave American homeowners with fewer options for coping with the worst housing crisis of our generation and would leave our fragile housing market in worse condition than when we started. I urge my colleagues to support American homeowners and vote no on this bill.

Mr. CANTOR. Mr. Chair, last November, voters sent an unambiguous message in opposition to the surge in government spending.

Today, House Republicans are fighting to provide a surge protector.

In three short months, we have changed the conversation in Washington from increasing spending to cutting spending and by how

much. We have made significant strides toward returning spending to more reasonable 2008 levels, and we are taking the scalpel to excessive regulation that is smothering the economy.

By lifting the ominous fiscal cloud that hangs over our businesses and job creators, we are laying the foundation for lasting growth.

Today, through our YouCut program, the American public has put another wasteful spending initiative on the chopping block.

In February 2009, the administration earmarked \$30 billion in TARP money to implement the Home Affordable Modification Program. This effort was intended to fight foreclosure and strengthen the housing market, but to quote the non-partisan Inspector General, it “continues to fall dramatically short of any meaningful standard of success.”

HAMP was meant to help 4 million homeowners; yet only 521,630 loans have been modified under the program. To add insult to injury, HAMP suffers from high re-default rates and has left many borrowers worse off.

This legislation would save taxpayers up to \$29 billion by preventing the government from providing any new assistance under HAMP. It is a common sense way to put an end to the culture of waste we have been working to eradicate in Washington. I urge my colleagues to vote in favor.

Mr. CARSON of Indiana. Mr. Chair, in the last few years, the United States has faced a devastating economic crisis. As a result of the economic downturn, many homeowners have lost their homes or are at imminent risk of foreclosure. The Obama Administration launched the federal Home Affordable Modification Program (“HAMP”) to stem the escalating tide of home foreclosures with its ruinous effects on families and their communities. HAMP’s purpose is to provide eligible homeowners with permanent loan modifications on terms they can afford in order to avoid foreclosure of their homes.

Although this program is far from perfect, it has helped more than 600,000 families lower their mortgage payments and stay in their homes. H.R. 839, the HAMP Termination Act of 2011, will end this program. I have yet to see any Republican alternative to our housing crisis! There are 3 million foreclosures forecasted this year nationwide and a housing turnaround is not expected for at least three years.

Missing in the Republicans limited discussion on housing is the impact of the housing crisis on communities of color in the United States. An estimated 17 percent of Latino families and 11 percent of African American families have lost their homes or are at an imminent risk of losing their homes. Meanwhile, Republicans continue to eliminate all government involvement in Fannie Mae and Freddie Mac. While these institutions need to be reformed, they do serve important functions such as making the 30-year, fixed-rate mortgage available to the general public and providing mortgage credit and affordable rental housing for communities of color. If we do not focus seriously on our minority communities, which are disproportionately affected by the economic crisis, the home buying environment for these communities will worsen as the

economy recovers. The American dream will cease to exist for many. Fewer mortgages would be available to working-class families in the long run without some government-backed financing.

Eliminating support to distressed homeowners at this point in time would be disastrous for neighborhoods trying to recover from the foreclosure crisis. Instead, we should focus our efforts on ways to make HAMP a useful, wide-reaching program with meaningful goals, such as pushing lenders and loan servicers to reduce the principal on underwater loans and giving struggling homeowners real relief.

The latest foreclosure rates in the 7th congressional district of Indiana are higher than the national average. Terminating HAMP and denying critical assistance to struggling Americans is not the answer. HAMP has allowed thousands of Hoosiers to survive unemployment. The program has lowered monthly mortgage payments, and given families the breathing room they needed to keep their home. There is no easy way to repair the deep damage caused by the housing crisis. It will take time and a sustained, comprehensive effort. I will continue to fight on behalf of Hoosiers to keep them in their homes.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 839

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “The HAMP Termination Act of 2011”.

SEC. 2. TERMINATION OF AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended by adding at the end the following new subsection:

“(c) TERMINATION OF AUTHORITY TO PROVIDE NEW ASSISTANCE UNDER THE HOME AFFORDABLE MODIFICATION PROGRAM.—

“(1) IN GENERAL.—Except as provided under paragraph (2), after the date of the enactment of this subsection the Secretary may not provide any assistance under the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary, authorized under this Act, on behalf of any homeowner.

“(2) PROTECTION OF EXISTING OBLIGATIONS ON BEHALF OF HOMEOWNERS ALREADY EXTENDED AN OFFER TO PARTICIPATE IN THE PROGRAM.—Paragraph (1) shall not apply with respect to assistance provided on behalf of a homeowner who, before the date of the enactment of this subsection, was extended an offer to participate in the Home Affordable Modification Program on a trial or permanent basis.

“(3) STUDY OF USE OF PROGRAM BY MEMBERS OF THE ARMED FORCES, VETERANS, AND GOLD STAR RECIPIENTS.—

“(A) STUDY.—The Secretary shall conduct a study to determine the extent of usage of the Home Affordable Modification Program by, and the impact of such Program on, covered homeowners.

“(B) REPORT.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this subsection, the Secretary shall submit to the Congress a report setting forth the results of the study under paragraph (1) and identifying best practices, derived from studying the Home Affordable Modification Program, that could be applied to existing mortgage assistance programs available to covered homeowners.

“(C) COVERED HOMEOWNER.—For purposes of this subsection, the term ‘covered homeowner’ means a homeowner who is—

“(i) a member of the Armed Forces of the United States on active duty or the spouse or parent of such a member;

“(ii) a veteran, as such term is defined in section 101 of title 38, United States Code; or

“(iii) eligible to receive a Gold Star lapel pin under section 1126 of title 10, United States Code, as a widow, parent, or next of kin of a member of the Armed Forces person who died in a manner described in subsection (a) of such section.

“(4) PUBLICATION OF MEMBER AVAILABILITY FOR ASSISTANCE.—Not later than 5 days after the date of the enactment of this subsection, the Secretary of the Treasury shall publish to its Website on the World Wide Web in a prominent location, large point font, and boldface type the following statement: ‘The Home Affordable Modification Program (HAMP) has been terminated. If you are having trouble paying your mortgage and need help contacting your lender or servicer for purposes of negotiating or acquiring a loan modification, please contact your Member of Congress to assist you in contacting your lender or servicer for the purpose of negotiating or acquiring a loan modification.’.”

The CHAIR. No amendment to the committee amendment is in order except those printed in part A of House Report 112-34. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HANNA

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112-34.

Mr. HANNA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 6, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) According to the Department of the Treasury—

(A) the Home Affordable Modification Program (HAMP) is designed to “help as many as 3 to 4 million financially struggling homeowners avoid foreclosure by modifying loans to a level that is affordable for borrowers now and sustainable over the long term”; and

(B) as of February 2011, only 607,600 active permanent mortgage modifications were made under HAMP.

(2) Many homeowners whose HAMP modifications were canceled suffered because they made futile payments and some of those homeowners were even forced into foreclosure.

(3) The Special Inspector General for TARP reported that HAMP “benefits only a small portion of distressed homeowners, offers others little more than false hope, and in certain cases causes more harm than good”.

(4) Approximately \$30 billion was obligated by the Department of the Treasury to HAMP, however, approximately only \$840 million has been disbursed.

(5) Terminating HAMP would save American taxpayers approximately \$1.4 billion, according to the Congressional Budget Office.

The CHAIR. Pursuant to House Resolution 170, the gentleman from New York (Mr. HANNA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HANNA. Mr. Chairman, this amendment would add a findings section detailing the flaws of the Home Affordable Modification Program, or HAMP. It would also state that terminating HAMP would result in significant savings for the American taxpayers.

I filed this amendment during Sunshine Week, which highlights the importance of open government. In keeping with the spirit of transparency, this amendment would include within the bill the specific reasons why we should end the failed HAMP program.

The HAMP program was designed to assist between 3 and 4 million homeowners. However, as of February, only 607,000 active permanent mortgage modifications were made under HAMP. While \$30 billion was obligated by the Treasury to HAMP, only \$1.04 billion has been disbursed. Furthermore, the Special Inspector General for TARP reported that HAMP offers many homeowners “little more than false hope and in certain cases causes more harm than good.” The program does not fulfill its intended purpose of helping American homeowners. It delays rather than prevents foreclosure.

This program was flawed from the beginning. According to The Wall Street Journal, the number of applications canceled far exceeds those that were approved, and the number of applications continues to slow. I agree with the Journal’s assessment, which also pointed out that keeping people in homes they cannot afford is bad policy. Incentivizing mortgage servicers to do just that only exacerbates our housing crisis. Moreover, the private sector is better equipped to deal with the problem, and they have modified nearly double the number of loans themselves without government involvement.

My amendment concludes that ending this ineffective program would save taxpayers \$1.4 billion, which is according to the Congressional Budget Office. This is one step toward restoring fiscal discipline to our Federal Government.

Too often, our constituents receive biased or incomplete information on the issues we are discussing in Congress, thus making it difficult for them to make informed assessments of our work. Including additional facts on the intended consequences of legislation is beneficial to the public. That is why I urge support for the Hanna amendment and the underlying bill.

I yield back the balance of my time. Mr. ELLISON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. I rise in opposition to the gentleman from New York’s amendment and in opposition to the underlying bill today.

Mr. Chairman, the middle class is shrinking, and deficits are rising because Republicans are giving a pass to special interests who cheated American homeowners and wrecked our economy. This is the 13th week of the Republican-controlled Congress. Republicans continue to ignore the people’s top priority, which is jobs. Instead of working to keep middle class families in their homes, the Republican plan is to foreclose on the American middle class. The American people sent us here to protect the dream, not to destroy it, not to perpetuate a Wall Street nightmare. Democrats are standing with the American people to create good-paying American jobs and to keep Americans in their homes.

This legislation is just the latest attempt by the Republican majority to end foreclosure programs to help middle class Americans. The majority’s housing plan is very simple: foreclose on the middle class. Now that millions of families have already lost their homes, their plan is to hand out foreclosure notices to everybody else.

What’s the Republican answer if you lose your home to foreclosure? So be it. What’s the Republican answer if your neighbors lose their homes? So be it. What’s the Republican answer if you lose your job? So be it.

Mr. Chair, I would like to yield 20 seconds to the gentleman from New York for a question. I am offering the gentleman 20 seconds because I want to ask him a question.

Does the gentleman want to answer the question?

Mrs. BIGGERT. The gentleman is not here.

Mr. ELLISON. How many jobs does this amendment create?

Mrs. BIGGERT. This legislation is to reiterate what the Congressional Budget Office says about—

Mr. ELLISON. Reclaiming my time, the gentlelady hasn’t told me the jobs that this amendment, this bill, is going to create.

Mr. MCHENRY. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from North Carolina.

How many jobs is this amendment going to create or is this bill going to create?

Mr. MCHENRY. Certainly, a multibillion-dollar Federal program doesn’t create any real private sector jobs.

Mr. ELLISON. I reclaim my time.

“No jobs” is the answer from the gentleman from North Carolina. I appreciate his candor.

Mr. MCHENRY. Will the gentleman yield?

Mr. ELLISON. Let me just finish here.

Mr. MCHENRY. If the gentleman would yield, I would be happy to explain.

The CHAIR. The gentleman from Minnesota controls the time.

Mr. ELLISON. We are here for the specific purpose of trying to create some jobs and to help the American people create their own dreams. That’s about jobs. We’ve been here 13 weeks, and the majority caucus, Mr. Chair, hasn’t created one single job.

I asked the gentleman from North Carolina how many jobs this bill is creating, and he just went off on a tangent somewhere. Now, I’m looking for some kind of a number. I’ll even take an estimate.

How many jobs does this bill create?

I yield to the gentleman.

Mr. MCHENRY. When you cut Federal spending, you create private sector jobs. When you tax people more, you get less private sector growth.

Mr. ELLISON. I reclaim my time.

Look, we are supposed to be creating jobs around here, Mr. Chair, and we’re not creating anything.

□ 1540

The fact is we get spin and we get imaginary arguments and we get failed and flawed economic theory but no answer to the fundamental question, which is, when are the jobs going to start arriving around here?

Mr. Chair, it is a pretty simple question: How many jobs does this bill create? How many families will this bill help keep in their homes? In fact, Mr. Chair, I have three major studies here with me today which I would like to enter into the RECORD which state very clearly that the Republican spending bill eliminates nearly 1 million jobs. The Economic Policy Institute study shows that the Republican spending bill, H.R. 1, will cut nearly 1 million American jobs. Mark Zandi of Moody’s Analytics said that the Republican spending bill will cut 1 million jobs. A report from Goldman Sachs says that the Republican spending bill will cut nearly 1 million jobs.

Why is the Republican majority against jobs? Why won’t they take a moment to do something about jobs?

[From the Economic Policy Institute, Feb. 9, 2011]

REPUBLICAN PROPOSAL TO 'RIGHT OUR FISCAL SHIP' THROWS MORE WORKERS OVERBOARD

(By Rebecca Thiess)

Update: Since this piece was posted last week, the magnitude of discretionary funding cuts for the duration of this fiscal year proposed by House Republican leadership has grown substantially, especially considering the short time frame for implementation. After the House Appropriations Committee detailed \$74 billion in cuts last Wednesday, a number of conservative members demanded \$26 billion in additional cuts to make good on the "Pledge to America," bringing the total level of cuts relative to President Obama's FY 2011 budget request to \$100 billion. A full \$100 billion cut to discretionary spending would likely result in job losses on the order of 994,000, using OMB's GDP projections (CBO's projections are based on current law) and assuming a fiscal multiplier of 1.5.

The new GOP budget proposes cutting non-security discretionary spending by \$81 billion relative to the president's \$478 billion request for 2011. Non-security discretionary cuts of this magnitude would likely result in job losses of just over 800,000. (2/15/2011)

Today the Republican-led House Appropriations Committee released a list of 70 proposed funding cuts to government operations for the rest of fiscal year 2011. The cuts included in the committee's proposal are extensive in both their depth and reach. In total, House Republicans propose funding the government at a level \$74 billion below President Obama's FY 2011 budget request. Of that cut, \$58 billion (over three-quarters) would apply to non-security discretionary spending.

Included on the chopping block are a \$224 million cut to Amtrak, a \$256 million cut in assistance to state and local law enforcement, an \$889 million cut for energy efficiency and renewable energy programs, a \$1 billion cut to the National Institute for Health, a \$1.3 billion cut to community health centers, and a \$1.6 billion cut to the Environmental Protection Agency. All cuts can be seen proportionally, below:

Cuts of this magnitude will undermine gross domestic product performance at a time when the economy is seeing anemic post-recession growth. Cuts in the range of \$74 billion will lead to the loss of roughly 700,000 jobs. The domestic discretionary reduction of \$58 billion will result in the loss of around 590,000 jobs, as we demonstrate in this briefing paper.

Like Paul Ryan's budget outline, as we stress in this related piece, the proposal suggests Americans take on unnecessary pain with no long-term gain. While \$58 billion represents a 12% reduction to the nonsecurity discretionary budget, it only represents 4% of the total 2011 deficit, and less than 2% of total spending as projected by the Congressional Budget Office. In other words, changes to the short-term budget picture would be inconsequential at best, and there would be practically no benefit at all regarding the longer-term budget trajectory. Meanwhile, associated job losses would certainly magnify the ongoing labor market crisis, which has now experienced 21 straight months of unemployment over 9%.

Appropriations Committee chairman Hal Rogers has stated that he has a unique opportunity to "right our fiscal ship." In reality, the nonsecurity discretionary budget is not adding to our long-term debt instability. If anything, the GOP efforts to extend

tax cuts for the wealthiest 2% of Americans and water down the estate tax have made our fiscal ship a leakier vessel (according to the Center on Budget and Policy Priorities, these tax policies will have a two-year deficit impact of \$139 billion). The proposed program cuts not only fail to offset that lost tax revenue, but they also target programs that exist to promote innovation, global competitiveness, and community and safety-net services. This is an effort to cut helpful and innovative programs and services traditionally opposed by conservatives, disguised as an effort to promote fiscal responsibility. It would reduce jobs, it would hurt millions of people, and it would barely dent our long-term budget picture.

[From Moody's Analytics, Feb. 28, 2011]

A FEDERAL SHUTDOWN COULD DERAIL THE RECOVERY

(By Mark Zandi)

Odds are uncomfortably high that the federal budget impasse will prompt a government shutdown.

The Obama administration has shown significant spending restraint in its recent budget, but House Republicans want deeper cuts.

While cuts and tax increases are necessary to address the nation's long-term fiscal problems, cutting too deeply before the economy is in full expansion would add unnecessary risk.

The House Republicans' proposal would reduce 2011 real GDP growth by 0.5% and 2012 growth by 0.2 percentage points. This would mean some 400,000 fewer jobs created by the end of 2011 and 700,000 fewer jobs by the end of 2012.

A government shutdown lasting longer than a couple of weeks would do much more damage to the economy.

Lawmakers are likely to split the difference between the administration and House Republican proposals. This isn't ideal fiscal policy, but the economy will be able to manage through it.

A compromise could send an encouraging signal about the more serious budget battles to come.

The political war is intensifying over the federal budget. Lawmakers are at loggerheads over how to cut government spending, raising prospects that government services will halt temporarily while the debate is resolved. Significant government spending restraint is vital, but given the economy's halting recovery, it would be counterproductive for that restraint to begin until the U.S. is creating enough jobs to lower the unemployment rate. Shutting the government for long would put the recovery at risk, not only because of the disruption to public services but also because of the potential damage to consumer, business and investor confidence.

THE NEAR-TERM FIGHT OVER FUNDING

Washington's most immediate battle is over near-term government spending. The catalyst is the chance of a federal shutdown March 4, when current funding will run out. The Obama administration's recently unveiled budget plan calls for significant spending restraint through the remainder of this fiscal year, but House Republicans want even greater cuts. Their proposal would cut spending by about \$100 billion more than in the administration's plan and would put spending \$60 billion below fiscal 2010 levels.

It is laudable that policymakers are focused on reining in government spending. Much greater cuts will be needed, along with

tax increases, to address the nation's daunting long-term fiscal challenges. Even under the most optimistic assumptions, the current fiscal year's deficit will exceed \$1.3 trillion, equal to 9% of GDP. If the economy continues to improve as anticipated, and there are no significant policy changes, the deficit will shrink over the next few years, settling around a level equal to 5% of GDP. This is the so-called structural budget deficit. Left alone, it will cause interest payments on the nation's debt to balloon, producing a fiscal crisis. Policymakers will eventually need to cut annual spending and/or raise taxes to shrink the deficit by \$400 billion, bringing it down to a sustainable level at no more than 2.5% of GDP.

TOO MUCH CUTTING TOO SOON

While long-term government spending restraint is vital, and laying out a credible path toward that restraint very desirable, too much cutting too soon would be counterproductive. The economy is much improved and should continue to gain traction, but the coast is not clear; it won't be until businesses begin hiring aggressively enough to meaningfully lower the still-high unemployment rate. The economy is adding between 100,000 and 150,000 per month—but it must add closer to 200,000 jobs per month before we can say the economy is truly expanding again. Imposing additional government spending cuts before this has happened, as House Republicans want, would be taking an unnecessary chance with the recovery.

This is particularly true given the added threat presented by rising oil prices. Unrest in the Middle East has pushed up the price of crude oil by about \$10 per barrel; West Texas Intermediate is selling for almost \$100 per barrel, and a gallon of regular unleaded gasoline has risen to about \$3.25 nationwide. If sustained, these prices will shave about 0.2% from real GDP growth in 2011, a disappointing but manageable outcome. If oil prices approach \$125 per barrel, and gasoline reaches \$4 per gallon, growth will slow sharply and unemployment will begin rising again. Should fuel prices return to their all-time high near \$150 per barrel for oil and \$4.50 per gallon for gasoline, the economy would sink back into recession. Such a price spike seems unlikely, but handicapping events in the Middle East with any precision is practically impossible.

POLICY AT ODDS WITH ITSELF

Additional spending cuts would also be at cross-purposes with the government's other economic policies. The Federal Reserve is holding short-term interest rates close to zero and purchasing hundreds of billions of dollars in long-term Treasury bonds, in an effort to hold down long-term interest rates. The Fed's credit-easing efforts are scheduled to continue through June, and the central bank is likely keep interest rates near zero through 2011. Monetary authorities clearly remain nervous about the economy's near-term prospects.

The tax cuts and benefit extensions lawmakers agreed to late in 2010 are also providing substantial temporary support to the economy. In addition to extending marginal personal tax rates for two years, the deal provided for a 2% payroll tax holiday in 2011, an extension of emergency unemployment insurance benefits through the end of the year, and—perhaps least appreciated in terms of its economic impact—the expensing of all business investment this year. The deal ensured that fiscal policy, which would have significantly weighed on the economy in 2011, will be largely neutral instead. Fiscal

restraint was appropriately put off until 2012, when the expansion is likely to be in full swing.

While the government spending cuts proposed by House Republicans for this fiscal year mean only modest fiscal restraint, this restraint is meaningful. If fully adopted, the cuts would shave almost half a percentage point from real GDP growth in 2011 and another 0.2 percentage point in 2012. There would be almost 400,000 fewer U.S. jobs by the end of 2011 than without the cuts and some 700,000 fewer jobs by the end of 2012. The fallout will extend into next year because it takes time for budget cuts to filter through the economy. In all likelihood, the proposed House cuts would not undermine the current recovery; still, it is not necessary to take the chance.

NO CROWDING OUT YET

This wouldn't be true if the current budget deficits were crowding out private investment, but they aren't. Business demand for credit has recovered modestly, and households continue to lower their debt obligations. Interest rates also remain extraordinarily low. Some of this is due to the Fed's credit easing, but global investors also remain willing buyers of U.S. debt even at low interest rates. Ten-year Treasury bonds are yielding 3.5%, fixed mortgage rates are near 5%, and borrowing costs for below-investment grade, or "junk", corporate bonds are 8%—about as low as they have ever been. Global investors won't remain avid buyers of U.S. debt for long if policymakers don't tackle the nation's long-term fiscal problems; yet markets today appear unconcerned about the near-term deficits.

This could change if policymakers remain deadlocked and the government suffers a prolonged shutdown. The 1995–1996 experience suggests that a brief shutdown need not be disruptive; in those years, nonessential functions of the government were stopped briefly twice after the Clinton administration and the Newt Gingrich-led House reached an impasse. By that measure, a week-long shutdown in mid-March of 2011 would cost the economy about 0.2% in annualized real growth in the first quarter. Growth would rebound in the second quarter, and there would be no discernible impact by year's end.

A shutdown that lasted into April would be a problem, however. Not only would this disrupt a wide range of government operations and significantly cut the output of government workers, but the hit to confidence could be serious. Consumer, business and investor sentiment is much improved from the depths of the recession, but it remains extraordinarily fragile. A government shutdown lasting more than a week or two could easily undermine confidence as questions grow about policymakers' ability to govern. This would be fodder for a new recession.

HITTING THE DEBT CEILING

Even more disconcerting would be a shutdown emerging from an impasse about the federal debt ceiling. Judging from the Treasury's near-term financing needs, the current debt ceiling will become a binding constraint on government operations no later than June. The longer it takes Congress to raise the ceiling, the greater the fallout on financial markets and the economy. Global investors who own Treasury debt will receive their interest and principal payments, but, the spectacle of legislative gridlock on this issue may convince markets that U.S. policymakers will have even more trouble making hard future policy choices. Interest rates

could spike, stock prices and the value of the U.S. dollar could fall, and the economy would suffer severe harm.

While these dark scenarios highlight the threat of a serious policy misstep in the next several weeks, the very seriousness of the threat improves chances that policymakers will come to terms. The most likely scenario is thus a political compromise that roughly splits the difference between the administration and House Republican proposals, with spending cuts in fiscal 2011 of closer to \$30 billion.

This isn't ideal fiscal policy, but the economy will be able to manage through it. And if the compromise is reached relatively gracefully, it could send an encouraging signal that policymakers can navigate the much more difficult budget battles still to come.

—
GOLDMAN SACHS
(By Alec Phillips)

Proposals to cut federal spending, the possibility of a government shutdown, and the escalated debate over state employee compensation has increased interest in the effect of fiscal policy on growth, after last year's fiscal package briefly neutralized the expected drag from federal fiscal policy.

Federal spending cuts deserve the most attention. They are the most likely of these issues to occur, and could have the largest magnitude. The assumption we incorporated into our recently revised budget estimates—discretionary spending cuts of \$25bn and \$50bn below the CBO baseline for FY2011 and FY2012 respectively—would shave nearly one percentage point off of the annualized rate of real GDP growth in Q2, but would fade quickly with a negligible effect on growth by year-end.

The related risk of a temporary federal government shutdown could also lead to a fiscal drag on growth, but this appears to be a lower probability scenario. We estimate that each week that the federal government is shut down would reduce federal spending by around \$8bn, and could reduce real GDP growth by as much as 0.8 pp at an annualized rate in the quarter it occurred, but would provide a lift to growth in the following quarter as federal activity returned to the previous level.

The policies that several state governments are debating related to state employee compensation and organization appear to have—at least in the short term—little potential macroeconomic effect. We assume that state governments will cut spending or raise taxes no more than necessary to balance their budgets. This amount will be determined by the level of tax receipts available to pay for spending, not political negotiations.

Fiscal drag is quickly reemerging as a focus, only a couple of months after an agreement to extend tax cuts and unemployment benefits appeared to have neutralized most of the drag from federal fiscal policy for most of 2011. We see federal spending cuts as the most important near-term risk. The possibility of a government shutdown is a significant but less likely factor, while the debate over state employee compensation seems unlikely to have a meaningful near-term macroeconomic effect.

Federal spending cuts would result in additional fiscal drag: In our recently updated budget deficit estimates, we have assumed that Congress will reduce discretionary spending by \$25bn below the Congressional Budget Office's (CBO) baseline for FY2011, and another \$25bn (for a total of \$50bn below

the baseline) for FY2012 (for more on these assumptions and our budget estimates, see "The US Budget Outlook: Better, but Not Good Enough," US Economics Analyst 11/05, February 4, 2011). By contrast, the House of Representatives passed legislation over the weekend to cut spending for FY2011 by \$60bn from current levels (the House hasn't yet addressed FY2012). Both scenarios would add to the drag from federal fiscal policy on growth:

1. The modest spending cuts we assume in our own budget forecast would lead to renewed fiscal drag. Since spending cuts could be enacted no earlier than next month, when the current fiscal year will be nearly half over, \$25bn in cuts would require spending in the second half of FY2011 to be reduced by \$50bn at an annual rate. Since the cut would be phased in abruptly, it could result in a drag on growth in Q2 by as much as one percentage point (pp), but would quickly fade over the next two quarters as spending stabilizes at a lower level, with little effect versus current policy on the rate of real GDP growth by year end.

2. The spending cut package that passed the House of Representatives would have a deeper effect. Under the House passed spending bill, the drag on GDP growth from federal fiscal policy would increase by 1.5pp to 2pp in Q2 and Q3 compared with current law. However, we don't see this scenario as likely; while we expect discretionary spending to be cut, the current House proposal doesn't appear viable in the Senate, and the president has already threatened a veto.

A federal shutdown poses less risk, as long as it is brief. A federal shutdown can potentially occur when one or more of the 12 annual appropriations bills have not been enacted for the current fiscal year. Usually, Congress provides temporary funding through a "continuing resolution" (CR) until appropriations have been enacted, but from time to time, particularly when control of government is divided, this does not happen and funding lapses. When this occurs, any agency or cabinet department without funding in place for the current fiscal year must cease non-essential operations. So far, Congress has not enacted any of the annual appropriations bills for the fiscal year that began October 1, so a shutdown would affect virtually all non-essential programs. That said, the potential for a federal shutdown probably does not present a major risk:

1. While the possibility of a shutdown is real, it isn't that likely. We wrote more extensively on the key fiscal developments over the next few months last week (see "The Federal Budget Process Gets Underway," US Daily, February 17, 2011). The bottom line is that while rhetoric has escalated regarding spending cuts and the threat of a shutdown, we expect both sides to try to avoid one if possible, with the most likely solution appearing to be a short-term extension of funding at slightly reduced levels.

2. The effect of a shutdown is narrower than the term implies. Even in the most protracted government shutdown to date, from November 13 to 19, 1995 and again from December 15, 1995 to January 6, 1996, the majority of federal employees kept working. In the first episode in November 1995, about 40% of federal employees excluding the postal service were furloughed; in the December lapse the share of furloughed employees dropped to less than 15%, since Congress had managed to enact some appropriations legislation between the two shutdowns. If a shutdown occurred next month, it would probably affect nearly all agencies and departments, since no appropriations legislation has been enacted so far this year. But even so, this

would imply that only around 40% of federal employees would be affected.

3. A shutdown lasting more than a week could be meaningful. If Congress fails to renew the continuing resolution that is set to expire on March 4, the lapse seems likely to be fairly short. After all, there have been several short government shutdowns over the last few decades, but only two lasting more than three days. But a lapse of more than a few days, particularly toward the end of the quarter, could be more important. If funding lapsed, non-essential services would shut down immediately, representing around \$8bn per week in missed federal spending, assuming that 40% of federal employees (not including the postal service) and their activities are deemed non-essential. This would equate to \$32bn in annualized terms, or around 0.2% of GDP for each week of shutdown. Pulling this spending out of Q2 would reduce the contribution to quarterly GDP growth from federal activity by a little over 0.8pp at an annualized rate for each week the shutdown lasted, though if the shutdown ended long enough before the end of the quarter it is quite possible that some of the missed activity could be made up, reducing the overall hit to growth. Otherwise, the return to previous spending levels following a one-week shutdown would actually increase growth in the following quarter by 0.5pp and by smaller amounts in subsequent quarters until most of the effect is reversed.

State budget negotiations seem likely to have the least effect: Debate over state employee compensation and the related issue of collective bargaining and other organizational issues among state employee unions have begun to make headlines in a number of states—Wisconsin, Ohio, and Indiana are the latest. While these issues are important for the longer-run fiscal health of state and local governments, in the short-term their balanced budget requirements make revenue shortfalls the most important factor driving their fiscal stance over the coming fiscal year (for most states, this begins in July). Political decisions will determine how spending cuts are distributed, and will also determine the mix of tax hikes and spending cuts, but are much less likely to change the overall amount of tightening that will occur. So while we continue to expect around 0.5pp in drag this year from state and local fiscal retrenchment, recent developments don't seem likely to change this in either direction.

PARLIAMENTARY INQUIRY

Mr. ELLISON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. ELLISON. Does the author of the amendment need to be on the floor for his amendment?

The CHAIR. The gentleman from New York had yielded back all of his time.

Mr. ELLISON. So what is the answer to the question? Is that "no"?

The CHAIR. The gentleman had no time remaining.

Mr. ELLISON. I reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has the only time remaining.

Mr. ELLISON. Well, let me close, then.

We've seen 13 weeks of the Republican majority. The American people

made changes and expected jobs. They've gotten zero jobs bills at all. What they've seen is a Republican agenda that cuts 1 million jobs, cuts 1 million jobs, and on this critical issue of Americans keeping their homes, the Republican majority has nothing but to take away the small programs that exist. This is a shame, and I hope the American people are watching this debate today, Mr. Chairman.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HANNA).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ELLISON

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112-34.

Mr. ELLISON. Mr. Chairman, Congressman QUIGLEY has an amendment at the desk, and I rise to offer his amendment on his behalf.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 6, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 2. CONGRESSIONAL FINDINGS.

- The Congress finds that—
- (1) the Home Affordable Modification Program (HAMP) was first announced in February 2009 and became active in March 2009;
 - (2) HAMP provides financial incentives to mortgage servicers, borrowers, and investors to facilitate mortgage modifications that lower borrowers' monthly mortgage payments to no more than 31 percent of their monthly income;
 - (3) as of February 25, 2011, \$1.04 billion of HAMP funding has been disbursed;
 - (4) as of January 31, 2011, there were 539,493 active permanent modifications and 145,260 active trial modifications, for a total of 684,753 currently active modifications; and
 - (5) each currently active modification has cost the Department of Treasury approximately \$1,518.80.

The CHAIR. Pursuant to House Resolution 170, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. I yield myself as much time as I may consume.

Mr. Chairman, it's important that the American people are well aware that the Republican majority has had 13 weeks to introduce some kind of jobs bill, and they have introduced exactly none. Instead, what they've done is, we read the Constitution, and that's good except for we should probably do it on our own time. And then we have pursued an effort to cut American jobs,

and now that we're dealing with housing programs, in the midst of the worst foreclosure crisis since the Great Depression, the Republican majority has nothing to offer except to take away the little program that does work.

The Republican majority's quick to say, oh, those 600,000 people who did get a modification, that's nothing, but to those people that's a lot. To those people, that's home. A responsible majority would say, well, how can we double the numbers, how can we triple them, how can we help Americans stay in their homes? But that's not what we have.

What we have today in America's Congress is a Republican plan to foreclose on the American dream. And so Congressman QUIGLEY offers some very commonsense findings that should be contained within this legislation that point out the fact that as of February 25, \$1.04 billion of HAMP funding has been disbursed; that as of January 31, there have been about 500,000-plus active and permanent modifications, about another 145,000 active trial modifications, for a total of well over 600,000 currently active modifications. The record should reflect that, Mr. Chairman, because the record should tell the truth. The record should tell the truth, yes, about problems that need fixing but also about the success that has happened.

It's a shame if we can't pass this very simple commonsense amendment, and we need to pass it today.

I reserve the balance of my time. Mr. MCHENRY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Well, let's talk about the substance of the amendment. If the sponsor will not, I intend to. The sponsor of the amendment and the amendment here says that it costs about \$1,500 per mortgage modification. That is, in fact, not the case. The substance of this amendment is extremely deceptive and flawed. In fact, the statistics used within it are not even the dissenting views of the Democrats on the Financial Services Committee. They're not even the views of the Treasury Department. The Treasury Department testified in front of the Congressional Oversight Panel and said that the permanent modifications under HAMP would cost about \$20,000. This amendment says \$1,500. On its face it's false. I would encourage my colleagues to vote against it.

I reserve the balance of my time.

Mr. ELLISON. To clearly correct the record, paragraph 5 says each current active modification has cost the Department of the Treasury approximately \$1,518. That's an accurate statement, and I think the gentleman ought to read the documentation much more clearly because, to date, that has been

the cost, and it's an accurate statement.

But my question is even deeper than that. What is the Republican majority going to do about the massive foreclosure crisis in America today? My question is, do you all stand by the proposition that it's just laissez faire economics, and that while we have socialism for the banks, we have hard-core capitalism for the American people? That's the question I'd like to hear the majority answer today. But this is an accurate statement. This has been, up till now, the existing cost of Mr. QUIGLEY's amendment for each modification.

I reserve the balance of my time.

Mr. MCHENRY. I would say that his dissenting views are dissenting from the ranking member of Financial Services, Mr. FRANK and his staff. \$7,500 is what they claim. The Treasury Department claims \$20,000.

My colleague also said that this is a little program. That's absolutely absurd, Mr. Chairman. That's absurd. It's a \$29.5 billion program of our taxpayer dollars. But you know, I think he needs to understand something, and my colleague needs to understand what this program is actually doing to people.

You ask my constituent from Hickory who is in the HAMP program: We've been in the HAMP program since February of 2010 and still have no answer. We're being charged late fees, and we've been reported to the credit bureau. We've been in underwater since April and on trial payments for 6 months, which is only supposed to have been 3 months. We've not received an answer.

Another constituent from Stanley said, We've paid payments every month, but now we're being told we're behind in payments because it was not the original monthly amount on our original loan, but it's the amount we were told to pay in 2010. How can we be behind?

I've heard from constituents that tell the same story. It is reduced monthly trial payments. They've been rejected due to eligibility issues or lost documentation. By payments being reduced in the trial payment period, they've ended up defaulting on their mortgage. This is a Federal program that's actively harmed them.

□ 1550

I would ask my colleague to look at the substance of the facts of this program and admit it's been a failure and vote to repeal and end this program.

I reserve the balance of my time.

Mr. ELLISON. Mr. Chairman, I would like to point out that, in fact, the number \$1,518 is accurate for the cost up until to date. That's how much the program has cost. Projected costs are a different matter. And I think if the gentleman digs into the facts, he'll learn that.

But, again, let's talk about the bigger issue at work here. We're talking about a system in which, under Republican control, we have not regulated markets, have not pursued consumer protection, consumers getting into no-doc, low-doc loans, being taken advantage of by unscrupulous individuals whom the Republican majority refused to regulate. Under Republican majorities in Congress and in the White House, this chicken has come home to roost and has wreaked havoc on the American economy. And instead of trying to do something about it, the Republican majority is not doing anything about it.

It's one thing to get up here and say: You know what? That program isn't working very well, and here's somebody who thinks it doesn't work well. I'm quite sure that that story you read is probably true; but, you know what? There are a lot of people whom it did help. And more than that, why don't we fix it? What is the majority's program to deal with foreclosure? Do they have one, or do they just have criticism for what other people propose?

It's easy to be a critic. I'd rather write a critique to a movie than make one. I think making one is tougher, even a bad one. But being a critic is always easy, and the worst movie is better than the best review.

So let me just say, the Republican majority has a responsibility to respond to the American people. They have a responsibility to do something about foreclosures. And I'm hoping to hear somewhere, sometime, today, that they're ready to do something in favor of the American people.

The Republican no-jobs agenda has been exposed, Mr. Chair. The American people know they haven't done anything to create jobs or to protect homes. All they want to do is criticize programs that could use some improvement. They'd rather just get rid of them altogether.

I yield back the balance of my time.

Mr. MCHENRY. I would say, Mr. Chairman, my colleague is right. It is easy to be a critic of this program because it is an epic failure.

I yield such time as she may consume to my colleague from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

We keep talking about jobs, jobs, jobs. We've talked about that for several years now—jobs, jobs, jobs. What we are trying to do is to create an environment that we will be able to have the private sector create the jobs.

We need to stop funding programs that don't work with money that we don't have. And out-of-control Federal spending is hurting our economic recovery so that we can have those jobs. We've got a \$14.2 trillion national debt. And economists agree that reducing government spending will create a

more favorable environment for private sector growth and the ability to create jobs. We've got so much uncertainty there right now that we have got to stop the spending and stop the taxing and all the things that could happen.

So exactly what unemployed Americans want and what homeowners want and need is a job and a paycheck, not a handout or another failed taxpayer-paid government program.

I would urge my colleagues to oppose this amendment and stop talking about the jobs. Let's focus on the substance of these amendments.

The CHAIR. The gentleman from North Carolina has 15 seconds remaining.

Mr. MCHENRY. In closing, Mr. Chair, I would encourage my colleagues to understand that when government taxes more and spends more, it crowds out private sector job creation and growth. We're about growing jobs in this Congress, and I urge my colleagues to get on board.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. CANSECO

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112-34.

Mr. CANSECO. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, after line 3, insert the following new paragraph:

“(3) DEFICIT REDUCTION.—

“(A) USE OF UNOBLIGATED FUNDS.—Notwithstanding any other provision of this title, the amounts described in subparagraph (B) shall not be available after the date of the enactment of this subsection for obligation or expenditure under the Home Affordable Modification Program of the Secretary, but should be covered into the General Fund of the Treasury and should be used only for reducing the budget deficit of the Federal Government.

“(B) IDENTIFICATION OF UNOBLIGATED FUNDS.—The amounts described in this subparagraph are any amounts made available under title I of the Emergency Economic Stabilization Act of 2008 that—

“(i) have been allocated for use, but not yet obligated as of the date of the enactment of this subsection, under the Home Affordable Modification Program of the Secretary; and

“(ii) are not necessary for providing assistance under such Program on behalf of homeowners who, pursuant to paragraph (2), may be provided assistance after the date of the enactment of this subsection.”

Page 5, line 4, strike “(3)” and insert “(4)”.

Page 6, line 13, strike “(4)” and insert “(5)”.

The CHAIR. Pursuant to House Resolution 170, the gentleman from Texas (Mr. CANSECO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CANSECO. I thank my colleague from North Carolina (Mr. MCHENRY) for offering this bill that eliminates a wasteful and ineffective program.

Mr. Chairman, I am offering an amendment to this bill that will ensure that every dime of savings that comes from terminating the program will go back to the Treasury to reduce the debt of our country.

Our country finds itself in the middle of a spending-driven fiscal crisis. And back in November, the American people sent a message that was loud and clear: Stop the out-of-control spending in Washington.

For 2 years, the motto in Washington was “spend now, worry later.” This is unfair to future generations who will inherit a bankrupt country if we don’t act.

It’s only appropriate that we in this Congress begin our work by cutting programs that simply don’t work. The Home Affordable Modification Program, or HAMP, has hurt the very people it was intended to help by giving them false hope.

In his most recent quarterly report to Congress, the Inspector General of TARP stated that the HAMP program “continues to fall dramatically short of any meaningful standard of success.” That, Mr. Chairman, is Washington-speak for “failure.”

The program has done nothing to halt foreclosures. In fact, home foreclosures in the United States have risen from 2.3 million in 2008 to 2.9 million in 2010. HAMP is not only a bad deal for homeowners, it’s a bad deal for taxpayers as well. Every child born in America today is responsible for over \$45,000 of our national debt. It is simply unacceptable for Washington to continue spending money on a program that doesn’t work.

For 2 years, Washington acted as if it didn’t have a spending problem. And as we look around the world at countries who now find themselves in fiscal nightmares because of out-of-control government, we have to take a look in the mirror.

The most dangerous words in America right now are “it can’t happen here,” but just take a look at the facts:

Moody’s has recently downgraded the debt of Spain, a country that is expected to run a budget deficit equal to 6 percent of GDP in 2011;

Today, Portugal and Greece were downgraded by the S&P because of overspending and budget deficits;

And now the United States is expected to run a much greater deficit of 9.8 percent of GDP in 2011;

Admiral Mullen, the Chairman of the Joint Chiefs of Staff, has stated that the most significant threat to our Nation and our national security is our debt.

So make no mistake about it: It can happen here, and it will happen here unless something is done.

I just returned from a constituent workweek in my district, the 23d District of Texas. I had many town hall meetings and conversations with constituents, and all the while I heard over and over again their concerns of our exploding national debt.

□ 1600

Speaking with one constituent, who is an example of every constituent that I spoke to, Will and Debbie Brenson, are most concerned about their grandchildren, Katlin and Taylor, what kind of a country are they going to inherit, certainly, not with the opportunities that they had to build their small business in Fair Oaks, Texas.

If we don’t change course, we will be guilty of committing an intergenerational theft, the likes of which no country has ever seen. We’ll be the first generation of Americans to ever leave the next generation with a diminished future.

My colleagues on the other side of the aisle often feel that only government can steer our economy on the right course, but we now know just how wrong that argument is. Unemployment is at an unacceptable 8.9 percent, and over 13 million Americans remain unemployed.

We are on track for our third straight \$1 trillion deficit, and we don’t have much to show for it. We have to put an end to wasteful spending, and we must reduce the debt for future generations.

Mr. MCHENRY’s bill, and my amendment, with them we will stop wasting taxpayer dollars on failing programs and ensure that any savings from termination are not recycled into yet another program. The savings will go towards paying down our country’s exploding debt.

I urge passage of my amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I have the right to close, and I am my only speaker.

The CHAIR. Does the gentleman wish to claim time in opposition?

Mr. FRANK of Massachusetts. Yes, I claim the time in opposition, and I’m the only speaker, so I will reserve my time.

The CHAIR. The gentleman from Massachusetts has the only time remaining.

Mr. FRANK of Massachusetts. Has the gentleman used up all the time?

The CHAIR. The time of the gentleman from Texas has expired.

Mr. FRANK of Massachusetts. I apologize. I heard him say reserve, and I misunderstood that.

I will say about this amendment that it is harmless and perfectly okay for people to claim credit for what’s already been done, kind of like going to a taxidermist and shooting the bear.

If this amendment didn’t happen, the same result would be there. But here’s

the result: temporarily this comes out of tax funds. But because it’s TARP money, it’s subject to a—and by the way, we passed an amendment that says it goes back to the Treasury temporarily.

I say “temporarily” because over Republican objections, and I hope they’re going to relent in these, we put into the TARP legislation language that says that in 2013 whatever hasn’t been paid back from the TARP to the general Treasury will be assessed to financial institutions.

What that means is that if this does have a net cost to the Treasury, in 2013 the President in power at that time will be directed to send us legislation to require that this come out of the large financial institutions, that is, nothing from the Treasury.

Now, I say I’m worried about it because we’ve had two further instances of this which the Republicans have opposed. We’ve just had a package of four bills. Two of them came out of the financial reform bill, their financing did: help for the unemployed homeowners and the neighborhood stabilization program.

In the version of the bill that we put first in the conference, that money was to be recovered by an assessment on banks with \$50 billion or more and hedge funds with \$10 billion or more; and Republican opposition to it killed it.

So, yes, it is true that temporarily, now, the unemployed homeowners and the neighborhood stabilization come out of the Treasury. We have filed legislation, and I just refiled it last week, but it goes back to where we were in July that would take it from the large financial institutions.

Similarly, by the way, in the financial reform bill we had a provision that said, over Republican objections, that the FDIC would immediately assess the amount that we thought we would need for the TARP on the large financial institutions.

So let’s be very clear. If we carry out our promises and commitments, this money will not come out of the taxpayer; it will come out of the TARP. It will come out of the large financial institutions.

I can’t say the same for certain other wasteful spending. Members on the other side insisted, for example, in overriding the objection of Secretary Gates to the second engine. Now, the gentleman from Texas voted with Secretary Gates and me, and I appreciate that.

But a majority of Republicans voted to give him the second engine, even though he said he’d tell the President to veto the bill. People disregarded, a majority in the House, on both sides, the request that the Osprey be killed.

In other words, people cite Secretary Gates and cite Admiral Mullen, but we still hear on the Republican side criticism of them for trying to live up to

their own words when they say, well, we're going to limit military spending.

I don't think it is a reasonable policy to cite their worries about the deficit and then override them in specific cases. And we also have, of course—and here the Pentagon wanted it, I think they were wrong—\$1.2 billion my colleagues voted for—I voted against it—to spend money to build up the security forces of Iraq. You talk about money not being well spent. At its worst, I cannot imagine anyone thinking that any foreclosure program here would be spent worse than it is being spent in Iraq.

By the way, the Inspector General did say he was critical of the program. When asked by the gentleman's Texas colleague, Mr. GREEN of Houston, he said, no, he would not abolish it. He specifically said he wouldn't abolish it. He was asked that in the hearing and said no.

And we have consistently heard from the other side a statistic they have never yet validated, that more people were harmed than helped. None of the people they quote say that.

Yes, it's a program that's difficult because we wouldn't do bankruptcy and we have left the voluntary decision in the hands of the private sector. That's why this argument that the private sector can do it better is so nonsensical. It is the refusal of the private sector to fully participate in this program in its full spirit that's been the problem.

Mr. CANSECO. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. CANSECO. Are you in favor of the amendment or opposed to the amendment?

Mr. FRANK of Massachusetts. I am indifferent. Well, I'm against the amendment. I take it back. I am against the amendment because I had to be against the amendment to get the time to speak. So I am against the amendment.

But I'm not against the amendment on substantive grounds. I'm against it on aesthetic grounds. I hate to clutter things up with an amendment that doesn't do anything.

Well, let me go back to the substance. The substance is that we have a false claim that this is because of the taxpayers, when the TARP will make sure that it doesn't come out of the taxpayers, the TARP legislation.

And Members who vote to send money, \$1.2 billion, to build up the security forces of Iraq, please don't have them tell me, Mr. Chairman, that they're for efficient spending. The security forces in Iraq.

How about Afghan infrastructure? The majority voted to send money to Afghanistan for infrastructure. There is a great mark of efficiency.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CANSECO).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MILLER OF NORTH CAROLINA

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112-34.

Mr. MILLER of North Carolina. Mr. Chair, I seek to offer the amendment as the designee of Mr. INSLEE of Washington.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 6, before the period insert “, EFFECTIVENESS OF PROGRAM, AND REPLACEMENT PROGRAM”.

Page 5, line 8, before “determine” insert “(i)”.

Page 5, line 9, after “by” insert “homeowners meeting the criteria under the terms of such Program for eligibility for assistance under such Program, the effectiveness of such Program, and the impact of such Program on such eligible homeowners, including the extent of usage by”.

Page 5, line 11, before the period insert the following: “, (ii) identify improvements to the Program and best practices under the Program, and (iii) determine the need, and appropriate guidelines and standards, for a mortgage modification program of the Secretary to replace the Home Affordable Modification Program that is (I) based on the guidelines and standards for such Program, with appropriate improvements as identified by the study, and (II) available to homeowners who meet the criteria under the terms of such Program for eligibility for assistance under such Program”.

Page 5, lines 16 and 17, strike “paragraph (1)” and insert the following: “subparagraph (A), identifying the improvements to and best practices under the Home Affordable Modification Program identified pursuant to the study, setting forth the Secretary's determination of the need for, the appropriate guidelines and standards for, the mortgage insurance program determined pursuant to the study.”.

Page 5, line 21, before the period insert the following: “and to the mortgage insurance program identified and described pursuant to subparagraph (A)(iii)”.

Page 6, after line 12, insert the following: “(D) IMPLEMENTATION.—Upon the expiration of the 90-day period beginning upon the submission to the Congress of the report required under subparagraph (B), the Secretary shall, only to the extent that amounts for such purpose are provided in advance in appropriations Acts, implement the mortgage insurance program described in such report pursuant to subparagraph (A)(iii) through issuance of appropriate guidelines and standards set forth in the report.”.

The CHAIR. Pursuant to House Resolution 170, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, first I want to assure the gentleman from Texas that if he's worried about the debt burden that children being born today face, with respect to this program, unless one of those children takes a job on Wall Street within the next two years, like

the talking baby in the ETrade ads, they really are not going to have to pay for this program. This program is going to come from the financial sector. That was a promise made in the TARP legislation; and unless they plan to break that promise, and I'm beginning to get the feeling that they are, this is not going to be a cost borne by innocent taxpayers, but by the industry that created the mess.

Now, many people have criticized the TARP program, including me. The Congressional Oversight Panel has; the Special Investigator, Inspector General for the TARP program; yes, a lot of people have criticized the program.

Unlike Republicans, a lot of us have been trying to figure out a way to make it work. I have offered several suggestions.

□ 1610

I have criticized it continuously for 2 years and said what we should be doing instead, and on what we should be doing instead there has been a deafening silence from Republicans.

We know we can do something. We know we have to do something. The foreclosures and the drop in home values are grinding down the middle class. The value they have in their home, the equity they have in their home is the bulk of their life savings. So when their home goes down in value, their life savings go away. We have got to get control of this. We know we can make something work because we have the tool. One of the most successful programs in the New Deal got control of the foreclosure crisis then, and the Federal Government made a profit from the program.

And there is reason to think that there will be real rules, real enforceable rules soon. There are settlement talks pending on enforcement action by States Attorney Generals and by the Federal agencies for the violations of law by the biggest banks that handled most of these mortgages, which Republicans have opposed; and there are rules in the offing from the CFPB, the Consumer Financial Protection Bureau, which they have also proposed, something that really will make this work.

Mr. INSLEE's amendment is much the same. It requires a pullback, a hard look at the program and what will make it work, what are the guidelines that need to make it work, what are the standards that need to make it work, and requires that those suggested changes be implemented in the program.

I urge adoption of the amendment.

Mr. MCHENRY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. I think this is a fundamentally flawed amendment.

What this amendment essentially does is say that the last agency in government that we had asked to conduct a review of this program would be in charge of the review of the program and would be in charge of designing a new program, even though the previous program they designed is flawed and harmful and a failure, and immediately report back to Congress a program that is basically the same.

Look, Ronald Reagan once said: The closest thing to eternal life is a Federal program. That quote is this amendment. I ask my colleagues to oppose it.

I reserve the balance of my time.

Mr. MILLER of North Carolina. I yield back the balance of my time.

Mr. MCHENRY. I would say that you read a quote from the Special Inspector General from TARP, Mr. Barofsky: "The basic idea of a well-run government program is to have clear goals, have a plan to meet these goals, measure progress along the way against these goals, change your program when necessary so you can still achieve those goals.

"But this is how the TARP has been implemented and, in particular, this program within TARP: set goals. Ignore goals entirely. Hope for the best. When the best is different, change your goals and say you never really meant it when you had those goals. Pretend that the program is a success, even though it is not meeting these goals."

That is Mr. Barofsky's analysis of Treasury's implementation. I would ask my colleague, if that is in keeping with his expectations for a new government program, then, I would submit, that is what they will come up with.

This Treasury has defended TARP and defended HAMP, and in particular HAMP, which has been roundly criticized even by La Raza, which has been a tried and true liberal activist for a long time. But Treasury has been defending it. Why? I'm not sure. But instead of reforming the program, instead of fixing the program, they refuse to do it; and so we must end it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MS. WATERS

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112-34.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 2, strike the last closing quotation marks and the last period.

Page 7, after line 2, add the following:

"(5) NOTIFICATION TO HAMP APPLICANTS REQUIRED.—

"(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this sub-

section, the Secretary of the Treasury shall inform each individual who applied for the Home Affordable Modification Program and will not be considered for a modification under such Program due to termination of such Program under this subsection—

"(i) that such Program has been terminated;

"(ii) that loan modifications under such Program are no longer available;

"(iii) of the name and contact information of such individual's Member of Congress; and

"(iv) that the individual should contact his or her Member of Congress to assist the individual in contacting the individual's lender or servicer for the purpose of negotiating or acquiring a loan modification."

The CHAIR. Pursuant to House Resolution 170, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I rise in strong support of my amendment, which is a commonsense provision that provides transparency and clarity for distressed homeowners.

My amendment would require the Secretary of the Treasury to send a letter to HAMP applicants that they will not be considered for a modification due to termination of the program, and that they can contact their Member of Congress for assistance in negotiating with or acquiring a loan modification from their servicer.

I raise this amendment because my friends on the opposite side of the aisle have the majority in the House, and they will probably prevail on this amendment; but I think that we have a responsibility to say to our constituents what we are doing and what we are not doing.

Many of them have just begun to learn about the loan modification program, the HAMP program, and all of a sudden it is going to be pulled out from under them if this amendment prevails and if it passes on the opposite side of the aisle and in the Senate, et cetera; and the constituents need to know exactly what we have done.

Now, I worked with Mr. MCHENRY on this amendment and we worked out some language that he thought was fair, and I believe we do have his support. That is not to say that I support the bill because I don't support this amendment. I don't support this bill that would literally dismantle the HAMP program.

Yes, there are criticisms about this program. I and others would have liked for it to have been broader, for it to have helped more people. But don't forget, over 600,000 people have been helped. I know the target was 3 million to 4 million people, and we certainly haven't come close to that.

But to do away with this program would leave the American taxpayers who have gotten into loans, oftentimes tricked into these loans, misled into these loans by the loan initiators, the banks and the mortgage companies

that told them that they could help them get a mortgage even though these were exotic products, these were teaser loans, these were no doc loans, these were loans that were going to reset and cause the taxpayer to be in a loan that they could not afford.

Many innocent people trying to live the American Dream signed on the dotted line. And also there was a lot of fraud involved where some of these loan initiators signed on the dotted line for the homeowner or the would-be homeowner. And so we have this crisis, this subprime crisis that we have been going through, and there is a lot of misery out there, people who were just trying to own a home who now find themselves in foreclosure.

The banks were not helping with loan modification, so we had to come up with something. The administration came up with the HAMP program. It is a voluntary program. But they signed on to these agreements with the banks to say that they would do loan modifications under certain conditions. And the administration had to do this because the banks were not helping out the homeowners. As a matter of fact, the banks said: Well, we don't have anything to do with this anymore. It is up to the servicers.

What a lot of people don't know is who is the servicer. The servicer is simply in most cases a company that is owned by the bank. They own their own servicing company, which means that once the mortgage is signed on by the homeowner, they now give it to this other company that they own, these servicers; and the servicers have the responsibility for collecting on the mortgage, for collecting on late fees, for collecting on attorney fees, and for doing loan modifications. But the homeowners couldn't get to them. HAMP is supposed to help them get to them.

These servicers have gotten away with being unregulated for all of these years. As a matter of fact, there are no standards for servicers. If you call one bank, they will send you to their loss mitigation department. What they don't tell you, banks such as Bank of America, their loss mitigation is an offshore operation. You may be talking to somebody in India who has got this little cookie-cutter sheet which says: How much money do you make? How many times have you been late on your payment? Let's figure out how not to give you a loan modification, but maybe to give you a few months to catch up. But loss mitigation means a lot of different things in all of these different banks, if you are lucky enough to get to the servicer.

The CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. I would just simply ask for support for transparency and support to keep this program going.

□ 1620

Mrs. BIGGERT. I claim the time in opposition, even though I am not opposed to the amendment.

The CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. I just have a question for the sponsor of this amendment. You have had several amendments in several of these bills, and I wanted to make sure this is the same as what you and Mr. MCHENRY agreed to.

Ms. WATERS. Yes, this is absolutely the same thing we agreed to.

Mrs. BIGGERT. You are just asking for this amendment, not to change the bill or anything?

Ms. WATERS. I beg your pardon?

Mrs. BIGGERT. You are just asking for support of this amendment and not for anything concerning the bill?

Ms. WATERS. This amendment is a transparency amendment that I worked on with Mr. MCHENRY, where our constituents would be notified and have an opportunity.

Mrs. BIGGERT. Reclaiming my time, we accept the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112-34.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:
SEC. 3. STUDY.

(a) IN GENERAL.—Not later than the end of the 60-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall begin a study to identify what aspects of the Home Affordable Modification Program were successful and most effectively carried out the original purpose of the Program.

(b) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) legislative recommendations for a new mortgage modification program that could more successfully and effectively achieve the original purpose of the Home Affordable Modification Program.

The CHAIR. Pursuant to House Resolution 170, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much, and I thank my colleagues very much as well.

As we come to the floor of the House, I know that Members on both sides of the aisle are committed to knowing the facts. We want to know the facts when we go to town hall meetings when our constituents pose very deliberative questions. We want to give them numbers. We want to be able to reason with them. And one of the deliberative aspects of legislation is that you fix it; you don't end it.

So I rise today to ask my colleagues to support my amendment, an amendment that I think makes common sense. It is an amendment that thoughtful Members can support. It is an amendment that, whether you are Republican or Democrat, you want to know what works.

My amendment would call on the Secretary of the Treasury to commission a study that would identify what aspects of the HAMP program were successful and effectively carried out the original intent of the program. It would then require the Secretary to issue a report to Congress containing all findings and determinations of the study and legislative recommendations for a new mortgage modification program that could more successfully and effectively achieve the original purpose of the Home Affordable Modification Program.

We have to thank the administration for recognizing that people were literally on their knees. There is no doubt that we have different philosophies. My friends on the other side of the aisle, they keep talking about the deficit and the depressing aspect of the \$1 trillion debt. We keep talking about invest and grow the economy. When you grow the economy, you have the ability to pay down on your debt; you have the ability to address the question of the debt ceiling. So my question is: Why wouldn't you want to know the best practices?

Let me give you some of the myths that have been presented. One suggestion is that this legislation that we have before us to end the HAMP program will prevent another \$30 billion from going to one of these programs. That is inaccurate. The repeal of this program will, in essence, save only \$1.437 billion. That is all that it will save. But, more importantly, what you will have is you will throw homeowners into the streets when the major asset for Americans, middle class, hard-working Americans, is their home. Let's find out the best practices and make this work.

The monthly rate of new loan approvals would have to triple in order to approximate the amount cited by the chairman of this committee, suggesting \$30 billion. Actually, we expect the rates are, instead, likely to modestly decline. So you are not going to

have that much savings and it is not going to, in essence, blow up with so many people using it that you are going to use this amount of money.

One Republican has suggested that the program goes to private lenders. Well, for every dollar that the HAMP program has paid out, homeowners have received from lenders \$5 in reduced mortgage payments. Most of the program funds do not go to lenders but go directly to homeowners as incentives on the on-time mortgage payments. It is giving individuals a leg up.

It is interesting that we would not want to focus on the best practices when, if you look at this map, you will see that every single State has received a HAMP impact, someone has a mortgage problem that the HAMP program has helped.

Now, can we fix it? Yes, we can make it better. But let me tell you about a person by the name of Laurel. She indicated how this program has helped her. "Well, my income has not fully come back." She was unemployed. "I am making much less than I was making before, so it has been a difficult time. With the modification, my mortgage payment has gone down \$800 and I am able to make my payment on time. I have been able to remain in the home that I love, and that has provided me with great stability. I am extremely grateful that I received the modification."

She has saved an asset that contributes to the economy. What would be the result of ending the modification program? I can tell you what the result would be. The result would be that Laurel would dump another home onto the market that no one could buy, that would bring down the quality of the neighborhood and the house appraisal prices of the neighborhood and, therefore, add another dent to the economy.

Invest and grow. And the question is, all of my friends who are there on the other side of the aisle, here is a document that is 15 pages long that shows that your district, your cities, have been impacted positively by the HAMP program. Job growth is picking up. Invest and grow jobs should be the mindset of the American Congress, for that is what we were sent back to Washington to do.

There is no doubt that we have a collective commitment to bringing down the debt. There is a collective commitment to doing that, and we can look reasonably at what and how to do it. But when you don't even have the best practices or know why you are repealing something, and right now people are in the middle of addressing this question of modifying their mortgage.

I ask my colleagues to support my amendment because it does in fact provide a lifeline, and it invests in the economy, creates jobs and stabilizes the middle class.

With regard to the HAMP program, I would like say, "Mend it, don't end it!"

The HAMP program has not been perfect, but it has helped a considerable number of Americans modify their mortgages in order to prevent foreclosure and keep their homes and livelihoods that they work so hard for day in and day out.

The White House agrees—The White House has indicated that the President will veto the HAMP termination bill if it passes.

As written, this bill would prohibit new mortgage loan modifications under the Home Affordable Modification Program, (HAMP), which is funded under authority generally referred to as TARP, pursuant to the “Emergency Economic Stabilization Act of 2008” (also known as EESA). Despite termination of the program, this bill would grandfather in assistance to homeowners who, prior to the date of enactment, had already been extended an offer to participate in HAMP, either on a permanent or trial basis.

I am here before you today to offer an amendment that I believe will greatly enhance this bill by making it a vehicle that providing us, the Members of Congress, with very useful information. If H.R. 839 were to pass, terminating the HAMP program, my amendment would call on the Secretary of the Treasury to commission a study that would identify what aspects of the HAMP program were successful and effectively carried out the original intent of the program.

It would then require the Secretary to issue a report to Congress containing all findings and determinations of the study, and legislative recommendations for a new mortgage modification program that could more successfully and effectively achieve the original purpose of the Home Affordable Modification Program.

Parliamentarian ruled that the amendment is germane.

Congressional Budget Office, CBO, found that there is no cost associated with my amendment.

If the HAMP program is terminated, we will still be left to deal with the problem of foreclosed homes in a recovering, yet very fragile, housing market. With the unemployment rate still hovering at an uncomfortably high rate, Americans are still dealing with the difficulties of making ends meet. Although our economy is slowly but surely on the path to recovery, Americans struggling to find work will still be faced with the painful reality of losing their home, although now, without an avenue for assistance with refinancing.

To avoid another slump in the housing market, and to avoid dealing yet another blow to our fragile economy, if H.R. 839 becomes law, it will be necessary for us to consider a new mortgage refinance and modification program in the future to prevent stalling the recovery of the housing market, or even worse, allowing it to crumble once again. If that day were to come, it would be most useful to have firm facts and strong statistics about what methods are proven to be most effective in solving the problems associated with high foreclosure rates and ensuring that home loan modifications are both permanent and successful.

The HAMP program was put in place by the Obama Administration in early 2009 with the intent to modify mortgage loans in order that distressed borrowers might have a better

chance at making payments and holding onto their homes. The program has successfully modified over 500,000 million mortgages to prevent foreclosure and keep homeowners in their homes. While well intentioned HAMP program has encountered some difficulties—not yet reaching the goal set by the Obama Administration of helping 3 to 4 million homeowners.

Nonetheless, the program has effectively helped a number of homeowners with successful loan modifications that allowed them to keep their homes. To date, there are 539,493 homeowners with permanent HAMP loan modifications.

New permanent HAMP modifications have averaged around 29,000 per month over the last six months of 2010. Therefore, assuming a modestly declining rate from this, a reasonable estimate is that program participation will double by the end of next year, for a cumulative total of 1.1 million homeowners. Based on this estimate, the bill would deny modifications to more than a half million homeowners at risk of foreclosure.

This is a sign, that despite its problems, there are some positive and effective aspects of the HAMP program that should be considered when we look to replace the HAMP program if H.R. 839 is passed terminating this program. My amendment would call for a detailed study that would highlight these best practices, while also ensuring that those aspects of the program which may have hampered its initial success are not repeated.

There are a number of reasons the program has not met the original Obama Administration goal of helping 3 to 4 million homeowners, some of which are actually sound and appropriate aspects of the program. HAMP appropriately excludes different categories of borrowers—including investors, owners of second homes, homeowners whose mortgages are unsustainable even with HAMP assistance, and homeowners that can pay their mortgage without government assistance. These particular categories of borrowers are either unlikely to refinance successfully, or are not those who the HAMP program originally intended to help—those borrowers who are in dire need of assistance to keep from losing their home.

Another reason the HAMP program has not reached its desired goal is because banks and other mortgage servicers were understaffed and unprepared to carry out loan modifications—resulting in widespread complaints about lost files, non-responsiveness, etc. Furthermore, legally, mortgage holders can not be forced to reduce mortgage payments. Programs have had to be voluntary, incentivizing lenders to reduce mortgage payments in lieu of foreclosing on the loan.

One of the more fundamental flaws in the HAMP Program was that it does not take certain circumstances into consideration. For instance, the program does not account for second mortgages than many homeowners may have on their property. As a result, some homeowners have ended up paying more than they originally owed, an outrageous thought considering the intended goal of the program. The study and report that would result from my amendment would bring these types of issues to light to ensure that a new program

would better achieve the goals set by the Obama Administration

Temporary Modifications—There were many temporary modifications that did not result in permanent modifications but . . . the Obama Administration says 50 percent of those who got temp modifications received permanent modifications in the private market (so this means HAMP temporary modifications did in fact help homeowners)

These types of strengths and weaknesses are invaluable pieces of information. My amendment would simply ensure that Congress would be privy to an official report containing this information and determinations from those experts who have worked most closely with the HAMP program since its inception.

With that, Mr. Chair, I ask that this committee strongly consider accepting my amendment. Thank you again for the opportunity to testify.

Mr. MCHENRY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Mr. Chairman, I am not sure what my colleague from Texas has heard at her town hall meetings, but what I have heard from my constituents, I have one resident of Stanley, North Carolina, who said, “We have paid payments every month.” Now, I say to my colleague, I have read this before, but I wasn’t sure if you were on the floor for this. But one constituent of mine said, “We have paid payments every month. But now we are being told we are behind in our payments because it is not the original monthly payment on our original loan, but it was an amount we were told to pay in 2010. How can we be behind?”

I would ask my colleagues to read the Special Inspector General’s report, “The Details of Failures of HAMP.” I ask my colleagues to listen to their constituents. More people in America, I would remind my colleagues, more people in America, close to 800,000 Americans, have been actively harmed and left worse off under this Federal program than have actually been helped.

My colleague points to a laudable survey of the positives. The survey doesn’t detail the destroyed lives that this HAMP program has pushed on people, has created.

So, this amendment, the reason why I rise in opposition is because this amendment is similar to ones we have had in committee that we rejected in committee. This directs the Treasury to conduct a study of HAMP and would be completely counterproductive. The reason why it would be completely counterproductive is over the last 6 months we have seen the Treasury Department engage in a frantic 6-month media campaign for this program. They won’t admit it is a failure; although, the rest of the world is largely saying it is a failure. They even have offered a veto threat on this legislation.

The Special Inspector General, Mr. Barofsky, said just earlier this week, "This Treasury Department is so content with the wretched, shameful status quo, they refuse to even acknowledge that the program is a failure." And that is why simply to offer the Treasury to study this really is beneath the House.

□ 1630

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. MATSUI

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 112-34.

Ms. MATSUI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:
SEC. 3. CONTINUED REPORTING ON MORTGAGE MODIFICATIONS.

Section 110 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5220) is amended by adding at the end the following new subsection:

"(e) CONTINUED REPORTING ON MORTGAGE MODIFICATIONS.—

"(1) FINDINGS.—The Congress finds that—

"(A) the data on mortgage modifications collected from mortgage servicers and lenders and made available to the public pursuant to the guidelines of the Home Affordable Modification Program has been a valuable tool for increasing transparency; and

"(B) that the public would be served by having such servicers and lenders continue to report information on mortgage modifications.

"(2) IN GENERAL.—Each mortgage servicer and mortgage lender who participated in the Home Affordable Modification Program shall, monthly, disclose on a World Wide Web site owned by such servicer or lender, the following information:

"(A) The number of requests for mortgage modifications that the servicer or lender has received.

"(B) The number of requests for mortgage modifications that the servicer or lender has processed.

"(C) The number of requests for mortgage modifications that the servicer or lender has approved.

"(D) The number of requests for mortgage modifications that the servicer or lender has denied.

"(3) REPORT TO THE CONGRESS.—At the time a mortgage servicer or mortgage lender discloses information pursuant to paragraph (1), such servicer or lender shall also issue a report to the Congress containing such information.

"(4) RULEMAKING.—The Secretary of the Treasury shall issue such regulations as may

be necessary to carry out this subsection, including regulations for the protection of the privacy interest of those individuals seeking mortgage modifications with the servicer or lender, including the deletion or alteration of the applicant's name and identification number."

The CHAIR. Pursuant to House Resolution 170, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 839, the HAMP Termination Act, that calls on mortgage lenders to continue to publicly report basic home loan modification information.

Because of an amendment I offered to the Dodd-Frank Wall Street Reform and Consumer Protection Act which passed the House unanimously last Congress, mortgage lenders and services participating in the Home Affordable Modification Program are required to report basic loan modification information to the Department of the Treasury. Due to the enactment of my amendment, we now know that 2.5 million Americans have applied to participate in the Home Affordable Modification Program, and well over 600,000 of those applicants began permanent modifications.

In the Sacramento region, over 9,000 of the nearly 12,000 homeowners who have applied for permanent modifications have been approved, providing assistance to thousands of homeowners in my district. This information is crucial to accountability and transparency and for this Congress to measure the performance of the mortgage industry.

The amendment I offer today requires the same basic home loan modification reporting to continue, such as the number of applications they receive, the number of applications processed, or the number of modifications they approve or deny.

In its current form, H.R. 839 would eliminate HAMP, and, as a result, financial institutions who received HAMP taxpayer funds would no longer be obligated to continue reporting such basic information to the public.

Mr. Chairman, the foreclosure crisis was the root cause of the dire economic situation. It led to the near collapse of our financial system, increased unemployment, and caused the housing and credit crisis. Sadly, there are still millions of American homeowners facing foreclosure, and my home district of Sacramento, California, has been hit especially hard by this crisis.

During the last few years, I have been to foreclosure workshops in my district where I have met with constituents who are facing losing their home. I was recently contacted by Joan, a constituent of mine who would

have lost her house without assistance from HAMP. Joan paid her bills on time and was current on her mortgage when her son was diagnosed with a psychiatric disorder that rendered him unable to work. When her adult son moved in with her shortly after, Joan was no longer able to provide for him and make her mortgage payments at the same time and sought assistance. With proper assistance, Joan received a low interest rate HAMP loan and now is able once again to make her mortgage payments on time.

Joan shared with me that her home was saved due to the HAMP program and that her son would have been homeless without it. She said, "I have no words to express my feelings of gratitude for my loan modification."

Mr. Chairman, I've heard a significant number of similar stories in Sacramento. It is essential that we require lenders to continue to report their loan modification activities. We need to know how many Joans are out there struggling but seeking assistance. We need to know whether lenders are doing all they can.

Mr. Chairman, this amendment will ensure a level of transparency and accountability continue. I urge my colleagues to support this commonsense transparency amendment.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. I appreciate the gentleman offering this amendment. Unfortunately, I must rise in opposition to it.

The requirements in this amendment are both cumbersome and unnecessary. It requires servicers and lenders to provide information regarding proprietary information on their entire portfolio of loans, not just HAMP. The reporting requirement for, quote, requests for modifications is undefined in the amendment and is, therefore, unworkable based on the research that we have done.

It's unclear why this new role is necessary in the contractual negotiations between private citizens and private companies. Furthermore, servicers already provide results of their modification efforts to the HOPE NOW Alliance as well as in their annual reports without disclosing proprietary information. In fact, the HOPE NOW Alliance reports servicers having completed 961,355 proprietary modifications in 2008; 1,172,490 proprietary modifications in 2009; and 1.2 million in 2010.

Now I might add, this is many multiples in the private sector in terms of mortgage modifications than have been provided under the HAMP government funded program that we're discussing here today and trying to eliminate here today, the program that has hurt

just shy of 800,000 Americans, destroyed their credit, taken their savings and, at the end of the day, taken their homes. I would encourage my colleagues to vote against this amendment.

I reserve the balance of my time.

Ms. MATSUI. I yield myself the balance of my time.

Mr. Chairman, I just want to say that these basic reporting requirements are not new. It's about HAMP. Every financial institution receiving HAMP funds from the TARP program is currently required to report this information today.

The current industry reporting requirements have played a significant role in providing a sense of transparency and accountability, and that's what we're talking about, transparency and accountability in our efforts to help homeowners and stabilize our housing market. Requiring basic information to be reported will provide this Congress with the information to make future decisions on loan modification programs as well as monitor the performance of the mortgage industry.

Mr. Chairman, I ask my colleagues to join me in supporting this important amendment to bring clarity and transparency to the mortgage industry.

I yield back the balance of my time.

Mr. MCHENRY. Mr. Chairman, in closing, I would encourage my colleagues to vote "no" on this amendment. The reporting requirements my colleague references are required by the servicers that are participating in HAMP, and they are required to disclose the information related to the Federal program, HAMP.

This amendment goes much further and requires these servicers to disclose hundreds of thousands of other modifications that are in the private sector. We know the aggregate number. What is being requested here is detailed information that is not correct for personal privacy and is not proper in keeping with the hundreds of thousands of private transactions going on across this country.

I urge my colleagues to vote "no."

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI). The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 112-34.

Mrs. MALONEY. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:
SEC. 3. FINDINGS.

The Congress finds the following:

(1) As of January 2011, active trials and permanent Home Affordable Modification

Program (HAMP) modifications had been initiated in all 50 States and the District of Columbia, including—

(A) 4036 active trials and permanent HAMP modifications in Alabama;

(B) 291 active trials and permanent HAMP modifications in Alaska;

(C) 32159 active trials and permanent HAMP modifications in Arizona;

(D) 1527 active trials and permanent HAMP modifications in Arkansas;

(E) 161181 active trials and permanent HAMP modifications in California;

(F) 9349 active trials and permanent HAMP modifications in Colorado;

(G) 8604 active trials and permanent HAMP modifications in Connecticut;

(H) 1166 active trials and permanent HAMP modifications in the District of Columbia;

(I) 2130 active trials and permanent HAMP modifications in Delaware;

(J) 82230 active trials and permanent HAMP modifications in Florida;

(K) 25120 active trials and permanent HAMP modifications in Georgia;

(L) 2656 active trials and permanent HAMP modifications in Hawaii;

(M) 2640 active trials and permanent HAMP modifications in Idaho;

(N) 36907 active trials and permanent HAMP modifications in Illinois;

(O) 6785 active trials and permanent HAMP modifications in Indiana;

(P) 1761 active trials and permanent HAMP modifications in Iowa;

(Q) 1639 active trials and permanent HAMP modifications in Kansas;

(R) 2622 active trials and permanent HAMP modifications in Kentucky;

(S) 3774 active trials and permanent HAMP modifications in Louisiana;

(T) 1925 active trials and permanent HAMP modifications in Maine;

(U) 22028 active trials and permanent HAMP modifications in Maryland;

(V) 17039 active trials and permanent HAMP modifications in Massachusetts;

(W) 22716 active trials and permanent HAMP modifications in Michigan;

(X) 12108 active trials and permanent HAMP modifications in Minnesota;

(Y) 2641 active trials and permanent HAMP modifications in Mississippi;

(Z) 7284 active trials and permanent HAMP modifications in Missouri;

(AA) 764 active trials and permanent HAMP modifications in Montana;

(BB) 917 active trials and permanent HAMP modifications in Nebraska;

(CC) 17860 active trials and permanent HAMP modifications in Nevada;

(DD) 3175 active trials and permanent HAMP modifications in New Hampshire;

(EE) 22105 active trials and permanent HAMP modifications in New Jersey;

(FF) 2190 active trials and permanent HAMP modifications in New Mexico;

(GG) 30955 active trials and permanent HAMP modifications in New York;

(HH) 12663 active trials and permanent HAMP modifications in North Carolina;

(II) 116 active trials and permanent HAMP modifications in North Dakota;

(JJ) 15379 active trials and permanent HAMP modifications in Ohio;

(KK) 1624 active trials and permanent HAMP modifications in Oklahoma;

(LL) 7452 active trials and permanent HAMP modifications in Oregon;

(MM) 14302 active trials and permanent HAMP modifications in Pennsylvania;

(NN) 3539 active trials and permanent HAMP modifications in Rhode Island;

(OO) 6526 active trials and permanent HAMP modifications in South Carolina;

(PP) 273 active trials and permanent HAMP modifications in South Dakota;

(QQ) 7124 active trials and permanent HAMP modifications in Tennessee;

(RR) 17961 active trials and permanent HAMP modifications in Texas;

(SS) 6405 active trials and permanent HAMP modifications in Utah;

(TT) 565 active trials and permanent HAMP modifications in Vermont;

(UU) 16738 active trials and permanent HAMP modifications in Virginia;

(VV) 13387 active trials and permanent HAMP modifications in Washington;

(WW) 1040 active trials and permanent HAMP modifications in West Virginia;

(XX) 6793 active trials and permanent HAMP modifications in Wisconsin;

(YY) 349 active trials and permanent HAMP modifications in Wyoming.

(2) As of January 2011, 1,493,107 additional trial modifications were started under the HAMP Program.

(3) As of January 2011, 607,607 additional permanent modifications were started under the HAMP Program.

(4) By voting to terminate the Home Affordable Modification Program without a suggested replacement, the Congress is voting to terminate a program that may have helped to modify an additional 2,867,420 delinquent mortgages in the United States.

The CHAIR. Pursuant to House Resolution 170, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

□ 1640

Mrs. MALONEY. Mr. Chair, for everyone that cares about the issues of poverty, housing, economic growth, and community life, the last couple of weeks have brought some troubling news. Wednesday came the news that purchases of new U.S. homes declined last month to the slowest pace on record, and new home prices dropped to the lowest level since December, 2003. And yet over the past 2 weeks, House Republicans have said with their votes again and again that their policy to help homeowners is to just give up; to throw in the towel and to say that there's just nothing that Congress can do or will do to address the problem to help struggling American families. They have already voted to terminate three Federal programs that help Americans who are struggling to stay in their homes. And now we are considering yet another one that has helped more than 32,000 New Yorkers stay in their homes—over 600,000 across our great country.

What bothers me is that they are leading the effort to eliminate these programs, voting against them, and yet they have no plans of their own to address the foreclosure crisis that is hurting neighborhoods and disrupting lives throughout their country, like the jobs bills they said they would have. We have yet to see them. The only initiative to help housing is to eliminate the programs that are already there.

The HAMP program has been successful in helping, as I said, over 600,000. And with over 30,000 mortgages modified each month nationally, HAMP is continuing to provide relief to struggling families across this country. My amendment will add findings to the bill with the number of trial and permanent modifications stated under the HAMP program. The findings will also state the number of seriously delinquent mortgages in the U.S. that may be eligible for HAMP modifications but won't be because the program is being terminated. I believe it is important for the public to understand State by State the number of mortgages—the number of families—who are still in their homes because of the HAMP program. Families are saving an average of over \$500 per month on their mortgage payments. This amounts to nearly \$5 billion in savings since the program started. These are real families and real savings. If our friends who have proposed to terminate this program want to talk about savings, they should think about the number of people in these States who have benefited from HAMP and are now saving money every single month. They should also think about the number of seriously delinquent mortgages out there that are on the verge of foreclosure. Currently, over 2 million families in our country are in this situation. Many of these could be eligible to participate in the HAMP program. But by terminating it now, our friends are saying that these families are on their own. The numbers speak for themselves, and I think it is important that we highlight how we have helped families across this country and how many more are not going to be helped or are not being helped by terminating and closing this program.

So I urge my colleagues to support my amendment and to oppose the underlying bill, and I will place in the RECORD a statement of administration policy from the Executive Office of President Barack Obama in support of the HAMP program, urging a "no" vote on the efforts by the Republican majority.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, March 29, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 839—HAMP TERMINATION ACT

(Rep. McHenry, R-NC, and 8 cosponsor)

The Administration strongly opposes House passage of H.R. 839 which would eliminate the Department of the Treasury's Home Affordable Modification Program (HAMP). This program offers eligible homeowners an opportunity to lower their mortgage payments, helping individuals avoid foreclosure and leading to the protection of home values and the preservation of homeownership. The Administration is committed to helping struggling American homeowners stay in their homes, and has taken many steps over the last two years to stabilize what was a

rapidly-declining housing market. As tens of thousands of responsible American homeowners struggling with their mortgages receive permanent assistance each month from HAMP, the Administration believes that continuation of HAMP is important to the Nation's sustained economic recovery.

If the President is presented with H.R. 839, his senior advisors would recommend that he veto the bill.

MAKING HOME AFFORDABLE PROGRAM
SERVICER PERFORMANCE REPORT THROUGH
JANUARY 2011

HAMP ACTIVITY BY STATE

State	Active Trials	Permanent Modifications	Total	% of Total
AK	63	228	291	0.0
AL	927	3,109	4,036	0.6
AR	337	1,190	1,527	0.2
AZ	5,837	26,322	32,159	4.7
CA	32,617	128,564	161,181	23.5
CO	1,762	7,587	9,349	1.4
CT	1,759	6,845	8,604	1.3
DC	247	919	1,166	0.2
DE	454	1,676	2,130	0.3
FL	18,570	63,660	82,230	12.0
GA	5,553	19,567	25,120	3.7
HI	607	2,049	2,656	0.4
IA	388	1,373	1,761	0.3
ID	602	2,038	2,640	0.4
IL	7,803	29,104	36,907	5.4
IN	1,505	5,280	6,785	1.0
KS	379	1,260	1,639	0.2
KY	556	2,066	2,622	0.4
LA	977	2,797	3,774	0.6
MA	3,542	13,497	17,039	2.5
MD	4,545	17,483	22,028	3.2
ME	452	1,473	1,925	0.3
MI	4,651	18,065	22,716	3.3
MN	2,201	9,907	12,108	1.8
MO	1,536	5,748	7,284	1.1
MS	571	2,070	2,641	0.4
MT	176	588	764	0.1
NC	2,649	10,014	12,663	1.8
ND	26	90	116	0.0
NE	198	719	917	0.1
NH	670	2,505	3,175	0.5
NJ	4,738	17,367	22,105	3.2
NM	476	1,714	2,190	0.3
NV	3,697	14,163	17,860	2.6
NY	7,022	23,933	30,955	4.5
OH	3,325	12,054	15,379	2.2
OK	401	1,223	1,624	0.2
OR	1,547	5,905	7,452	1.1
PA	3,124	11,178	14,302	2.1
RI	719	2,820	3,539	0.5
SC	1,377	5,149	6,526	1.0
SD	66	207	273	0.0
TN	1,601	5,523	7,124	1.0
TX	4,381	13,580	17,961	2.6
UT	1,330	5,075	6,405	0.9
VA	3,364	13,374	16,738	2.4
VT	125	440	565	0.1
WA	2,927	10,460	13,387	2.0
WI	1,474	5,319	6,793	1.0
WV	209	831	1,040	0.2
WY	61	288	349	0.1
Other*	1,136	1,097	2,233	0.3

*Includes Guam, Puerto Rico and the U.S. Virgin Islands.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Thank you, Mr. Chairman.

The amendment fails to highlight that there are more failed modifications than successful permanent modifications. In fact, in the dissenting views from the Financial Services Committee Democrats, of which my colleague from New York (Mrs. MALONEY) signed, along with 14 of her Democrat colleagues, it states that, in their view, 570,000 homeowners would be assisted under HAMP if the program were allowed to continue. This amendment, however, states that that number is 2.8

million. This differs from the facts of her own party. And I think both numbers are much higher than what have been agreed upon by the Congressional Oversight Panel of TARP. Their numbers are much, much lower.

I think if you use my colleague's words and figures, it's fair to say that those are grossly inflated and go well beyond what is reasonable, what is serious, and what is agreed upon in the private sector, or by even most of her Democrat colleagues. So I would urge my colleagues to vote against that.

I reserve the balance of my time.

Mrs. MALONEY. The number of over 2 million delinquent mortgages in the United States is the range of people that could be eligible, who could apply for the program, but not all of them would qualify. You have to reach certain standards to qualify to enter the program. So this is the range of the people who could be helped.

The difficulty with my Republican colleagues is that they have no alternative. They're abolishing a program without coming forward with any idea to help themselves. As Mark Zandi said in his recent report, housing remains fragile in America. And housing is roughly 25 percent of our economy. So to the extent that we can help people stay in their homes, thereby not only helping that family but helping their community and helping their country, helping to stabilize the housing prices around that house so it doesn't become delinquent and abandoned, pulling down the values in the communities, this is an important program. And it should be continued. It's no taxpayer dollars used. It's from the TARP program, funded by the banks. This is an effort to help the overall economy.

The Acting CHAIR (Mr. WOMACK). The time of the gentlewoman from New York has expired.

Mr. MCHENRY. Mr. Chairman, in closing, I would quote from page 17 of the dissenting views of the Financial Services Committee Democrats, of which my colleague, Mrs. MALONEY, signed on. Page 17, "A reasonable estimate is that the program participation will double by the end of next year," which, I might add, is a bit ambitious. I'll just continue with the quote. "A reasonable estimate is that the program participation will double by the end of next year, for a cumulative total of 1.1 million homeowners. Based on this estimate, the bill would deny modification for more than a half million homeowners at risk of foreclosure." I might add, the statistics also bear out that for every half a million that are helped in this program, you're actively hurting about 800,000 Americans.

So what the opposition on the other side of the aisle is doing is saying we should continue failure, we should endorse failure. In fact, we should continue to hurt people by keeping this

program open. And that, under their view, it means that you'll have 800,000 Americans that will be left worse off because this program exists—worse off. Their credit depleted, their home taken, their credit rating destroyed. I think that is highly inappropriate, Mr. Chairman. That's why I oppose this amendment.

I yield the balance of my time to my colleague from Illinois (Mrs. BIGGERT). Mrs. BIGGERT. I thank the gentleman for yielding.

My colleague from New York and many of the colleagues from that side of the aisle have been saying that if we end this program, there will be nothing. That simply isn't true. Of the 4.1 million mortgage modifications that were completed, 3.5 million were done by the private sector with no government program and not a dime from the taxpayers. There's also the Home Affordable Refinance Program, or HARP, for homeowners with government-backed Fannie Mae and Freddie Mac loans. And don't forget about the Hardest Hit Fund. According to the Treasury Web site, the President established this in February, 2010, to provide targeted aid to families in States hard hit by the economic and housing market downturn. That includes \$1.5 billion that went to the hardest hit States—California, Arizona, Florida, Nevada, and Michigan. Another \$600 million went to another set—North Carolina, Ohio, Rhode Island, and South Carolina. And finally, \$2 billion was distributed to 17 States and the District of Columbia.

□ 1650

In 2008, \$300 million in guarantees was committed for HOPE for Homeowners, a voluntary FHA program. Only 200 loans have been modified in this program, but it does exist; \$475 million has been appropriated to Neighborhood Works for foreclosure counseling for homeowners. Finally, there are countless local, State, and private sector initiatives.

We have to stop funding programs with money that we don't have. Let's make that clear. With that, I would urge opposition to this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 112-34.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:
SEC. 3. SENSE OF CONGRESS.

The Congress encourages banks to work with homeowners to provide loan modifications to those that are eligible. The Congress also encourages banks to work and assist homeowners and prospective homeowners with foreclosure prevention programs and information on loan modifications.

The Acting CHAIR. Pursuant to House Resolution 170, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER) for a unanimous consent request.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

Mr. Chairman, it is with great regret but with clear intent that I rise in opposition to continuing the Federal Home Affordable Modification Program, known as HAMP, without significant changes.

HAMP was designed to help millions of homeowners who had fallen victim to the financial crisis of 2008 and to the collapse of the housing market; but regrettably, at this time, it is not working under its current structure.

On behalf of struggling homeowners in my congressional district trying to avoid foreclosure and stay in their homes, I have gone to great lengths to encourage the Obama administration to recognize the serious shortcomings of the HAMP program, shortcomings that have been well documented by numerous independent and authoritative sources.

But the administration has been unable to successfully respond to the legitimate criticisms of HAMP and as a result the administration faces opposition to its program today on the floor of the House not only from those who oppose everything this administration does for purely partisan reasons but also from representatives like me who have genuinely sought to work with the administration to improve this program.

I hope that my vote today is understood clearly by the administration as one more effort on my part, on behalf of my desperate constituents, to get the administration to recognize the urgency of the housing crisis and respond to it accordingly. I appreciate that much hard work has already been done. I know that many people are involved in this effort and many hours have been dedicated to the problem. But in the case of ongoing foreclosures nationwide and the abuses homeowners face from banks and mortgage servicers, all the hard work and effort has not been sufficient and more must be done.

Homeowners in my community and across the country are being lied to, chewed up, and

abused by banks and servicers in an arbitrary and capricious system that has stripped them of their homes and their livelihoods. In my district, people who are in need of substantial help in their fights against the big banks are simply not getting it. Hard as I try with my staff, and hard as my colleagues try with their staff, we cannot do enough on our own.

Make no mistake—Republicans in Washington are not on the side of homeowners in this fight. They're using the problems with HAMP as an excuse to once again oppose the Obama administration, just as they have opposed the Obama administration on every step it has taken to rescue the economy, for purely partisan reasons. Regrettably, the Republican approach to the housing crisis is to cut and run, to starve the economy of the investments it needs to create jobs and get the economy—and the housing market—back on its feet. Their bill today does nothing to help the housing crisis and it would deprive the administration of funds that could be used to help homeowners. But their bill does one thing that I do support—it sends a message that homeowners are not getting the help they need from HAMP and that HAMP must be significantly improved or replaced in order to offer the kind of help distressed homeowners need.

So far, such improvements have not taken place. And I see no sign that they will. And left with no choice but to register one more complaint by voting to end HAMP.

I hope today's vote is understood clearly as a wake-up call to the administration that HAMP is not good enough today to earn my support and that it must be strengthened immediately or replaced by a program that does work. I hope my vote sends the message that banks and servicers are responsible for the abuse that is taking place in today's housing market and that we intend to hold them accountable for their behavior, and that we are committed to helping struggling homeowners survive and recover from this crisis.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, since my colleagues on the other side of the aisle are ending the Home Affordable Modification Program, my amendment simply states that the Congress should encourage the banks to provide our qualifying neighbors with loan modifications. It also encourages the banks to provide our friends and families with information on foreclosure prevention and loan modification.

My Republican colleagues say that the Home Affordable Modification Program is not helping enough people. Well, it didn't help all the people. That's true. I know people who went and tried to get their loans modified, and it didn't work for them; but there have been quite a few who have been helped. I want to give you some examples just in my own area.

For example, there is this couple in Garden Grove, California. The husband became unemployed. He was a construction worker; and as we all know, construction was the first industry to fold. Well, the family fell behind on their mortgage payments despite the fact that they are extremely frugal and

had been saving money for emergencies.

After some time, the husband found a job. Of course it paid less, and they are still unable to pay their full mortgage. They owed \$8,825 in missed payments with late fees; plus, they had a balance of \$482,000 on their mortgage. Thanks to the modification program, the debts were forgiven, and the balance was dropped by \$87,000 so that they have a new balance.

Even with the loss of income, they are very thankful that they can keep their home and that they have a mortgage payment that they can make. The Home Affordable Modification Program allowed this family to keep their home.

A family from Santa Ana was close to losing their home due to financial hardship as the husband's hours and income were reduced. So to make ends meet, he supplemented his primary job with a part-time job. These are not people who are asking for handouts. These are people who are trying to figure out a way to hold onto their homes and to keep stability with their children. The gentleman really wanted to keep his home, so he worked with a counseling agency to formulate a budget that was affordable to him. Thanks to the loan modification program, his payment was reduced, and the family can stay in their home. That's one more family in Santa Ana that is in their home today.

Then there was this couple who worked for a school district. The budget restraints in the State forced them to have furloughs, which took a significant toll on their income. There was a couple from Anaheim who was using their unused sick and vacation days just so they could get that check in order to make the mortgage. Thanks to the loan modification program, the couple was able to permanently modify their loan and keep their home. Their monthly mortgage payment was reduced, and it made it more affordable. Even with an income reduction, this is another couple, another family, who is still in their home.

Those are only three of the success stories we've had. I know I have worked very hard with my housing agencies and with people in putting on forums and talking to people and giving information and calling them in and getting the banks to try to modify these loans. This is a 5-year process at home that we have been working on. I don't know, maybe the rest of my colleagues didn't do this or didn't know how to do it or they weren't as successful, but we have had success. So we have families who are in their homes.

It is my hope that my Republican colleagues will reconsider this bill. Let's work together to find solutions for people because when you keep families in their homes, the stability of the family stays intact; and when you have that in particular, if you have children, they need that stability.

I yield back the balance of my time. Mrs. BIGGERT. Mr. Chairman, I rise in opposition to the amendment, even though I am not opposed.

The Acting CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection. Mrs. BIGGERT. We will accept the amendment.

I have had similar occurrences in my district where actually one gentleman had to pay back \$42,000 worth of late fees as well as the penalties and the difference between the loan modification. That's where I think this program has failed.

Yet I think your amendment is a sense for Congress to encourage the banks to work with our constituents and to provide loan modifications to those who are eligible. It also encourages banks to work with our constituents and to provide them with the best services. It encourages the banks to assist prospective homeowners with foreclosure prevention and counseling.

I think this is a help in the private sector and encourages the private sector to do this, so we would accept this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to. Mrs. BIGGERT. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHENRY) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 839) to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. WOODALL) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 471, SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-45) on the resolution (H. Res. 186) providing for consideration of the bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE HAMP TERMINATION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 170 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 839.

□ 1835

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 839) to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill. The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 9 printed in part A of House Report 112-34, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ), had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112-34 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HANNA of New York.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mrs. MALONEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HANNA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HANNA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 170, not voting 15, as follows:

[Roll No. 194]

AYES—247

Adams Gallegly Mica
Aderholt Gardner Miller (FL)
Akin Garrett Miller (MI)
Alexander Gerlach Miller, Gary
Altmire Gibbs Mulvaney
Austria Gibson Murphy (PA)
Bachmann Gingrey (GA) Myrick
Bachus Goodlatte Neugebauer
Barletta Gosar Noem
Bartlett Gowdy Nugent
Barton (TX) Granger Nunes
Bass (NH) Graves (GA) Nunnelee
Benishek Graves (MO) Olson
Berg Griffin (AR) Palazzo
Berkley Griffith (VA) Paul
Biggart Grimm Paulsen
Bilbray Guinta Pearce
Bilirakis Guthrie Pence
Bishop (UT) Hall Peterson
Black Hanna Petri
Blackburn Harper Pitts
Bonner Harris Platts
Bono Mack Hartzler Poe (TX)
Boren Hastings (WA) Pompeo
Boustany Hayworth Posey
Brady (TX) Heller Price (GA)
Brooks Hensarling Quayle
Broun (GA) Herger Quigley
Buchanan Herrera Beutler Reed
Bucshon Huelskamp Rehberg
Buerkle Huizenga (MI) Reichert
Burgess Hultgren Renacci
Burton (IN) Hunter Ribble
Calvert Hurt Richardson
Camp Issa Rigell
Canseco Jenkins Rivera
Cantor Johnson (IL) Roby
Capito Johnson (OH) Roe (TN)
Cardoza Johnson, Sam Rogers (AL)
Carter Jones Rogers (KY)
Cassidy Jordan Rogers (MI)
Chabot Kelly Rohrabacher
Chaffetz King (IA) Rokita
Chandler King (NY) Rooney
Coble Kingston Ros-Lehtinen
Coffman (CO) Kinzinger (IL) Roskam
Cole Kline Ross (FL)
Conaway Labrador Royce
Costa Lamborn Runyan
Cravaack Lance Ryan (WI)
Crawford Landry Scallise
Crenshaw Lankford Schilling
Cuellar Latham Schmidt
Culberson LaTourette Schock
Davis (IL) Latta Schweikert
Davis (KY) Lewis (CA) Scott (SC)
Denham Lewis (GA) Scott, Austin
Dent LoBiondo Sensenbrenner
DesJarlais Long Sessions
Diaz-Balart Lucas Shimkus
Dold Luetkemeyer Shuster
Dreier Lummis Simpson
Duffy Lungren, Daniel Smith (NE)
Duncan (SC) E. Smith (NJ)
Duncan (TN) Mack Smith (TX)
Ellmers Manzullo Southerland
Emerson Marchant Stearns
Farenthold Marino Stivers
Fincher McCarthy (CA) Stutzman
Fitzpatrick McCaul Sullivan
Flake McClintock Terry
Fleischmann McCotter Thompson (PA)
Fleming McHenry Thornberry
Flores McKeon Tiberi
Forbes McKinley Tipton
Fortenberry McMorris Turner
Foxx Rodgers Upton
Franks (AZ) Meehan Walberg

Walden Walsh (IL)
Webster
West
Westmoreland

NOES—170

Ackerman Green, Al
Amash Green, Gene
Andrews Grijalva
Baca Gutierrez
Baldwin Hanabusa
Barrow Hastings (FL)
Bass (CA) Heck
Becerra Heinrich
Berman Higgins
Bishop (GA) Himes
Bishop (NY) Hinchey
Blumenauer Hinojosa
Boswell Hirono
Brady (PA) Holden
Braley (IA) Holt
Brown (FL) Honda
Butterfield Hoyer
Capps Inslee
Capuano Israel
Carnahan Jackson (IL)
Carney Jackson Lee
Carson (IN) (TX)
Castor (FL) Johnson (GA)
Chu Johnson, E. B.
Cicilline Kaptur
Clarke (MI) Keating
Clarke (NY) Kildee
Clay Kind
Cleaver Kissell
Clyburn Kucinich
Cohen Larsen (WA)
Connolly (VA) Larson (CT)
Cooper Lee (CA)
Costello Levin
Courtney Lipinski
Critz Loeb sack
Crowley Lofgren, Zoe
Cummings Lowey
Davis (CA) Lujan
DeFazio Lynch
DeGette Maloney
DeLauro Markey
Deutch Matheson
Dicks Matsui
Dingell McCarthy (NY)
Doggett McCollum
Donnelly (IN) McDermott
Doyle McGovern
Edwards McNerney
Ellison Meeks
Eshoo Michaud
Farr Miller (NC)
Fattah Miller, George
Filner Moore
Frank (MA) Murphy (CT)
Fudge Nadler
Garamendi Napolitano
Gonzalez Neal

NOT VOTING—15

Campbell Gohmert
Conyers Langevin
Engel McIntyre
Frelinghuysen Moran
Giffords Rangel

□ 1858

Messrs. WALZ of Minnesota, CRITZ, SHERMAN, Ms. BASS of California, and Messrs. NEAL, HINOJOSA, and BACA changed their vote from "aye" to "no."

Messrs. GRAVES of Missouri and SMITH of New Jersey changed their vote from "no" to "aye."

So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 239, not voting 11, as follows:

[Roll No. 195]

AYES—182

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

NOES—239

Adams Barletta Bishop (UT)
Aderholt Bartlett Black
Akin Barton (TX) Blackburn
Alexander Bass (NH) Bonner
Altmire Benishek Bono Mack
Amash Berg Boustany
Austria Biggart Brady (TX)
Bachmann Bilbray Brooks
Bachus Bilirakis Broun (GA)

Buchanan Hensarling Poe (TX)
 Bucshon Herger Pompeo
 Buerkle Huelskamp Posey
 Burgess Huizenga (MI) Price (GA)
 Burton (IN) Hultgren Quayle
 Calvert Hunter Reed
 Camp Hurt Rehberg
 Canseco Issa Reichert
 Cantor Jenkins Renacci
 Capito Johnson (IL) Ribble
 Carter Johnson (OH) Rigell
 Cassidy Johnson, Sam Rivera
 Chabot Jordan Roby
 Chaffetz Kelly Roe (TN)
 Coble King (IA) Rogers (AL)
 Coffman (CO) King (NY) Rogers (KY)
 Cole Kingston Rogers (MI)
 Conaway Kinzinger (IL) Rohrabacher
 Cravaack Kline Rokita
 Crawford Labrador Rooney
 Crenshaw Lamborn Ros-Lehtinen
 Cuellar Lance Roskam
 Culberson Landry Ross (FL)
 Davis (KY) Lankford Royce
 Denham Latham Runyan
 Dent LaTourette Ryan (WI)
 DesJarlais Latta Scalise
 Diaz-Balart Lewis (CA) Schilling
 Dold LoBiondo Schmidt
 Dreier Long Schock
 Duffy Lucas Schweikert
 Duncan (SC) Luetkemeyer Scott (SC)
 Duncan (TN) Lummis Scott, Austin
 Ellmers Lungren, Daniel
 Emerson E. Sensenbrenner
 Farenthold Mack Sessions
 Fincher Manzullo Shimkus
 Fitzpatrick Marchant Shuler
 Flake Marino Shuster
 Fleischmann McCarthy (CA) Simpson
 Fleming McCaul Smith (NE)
 Flores McClintock Smith (NJ)
 Forbes McCotter Smith (TX)
 Fortenberry McHenry Smith (WA)
 Foxx McKeon Southerland
 Franks (AZ) McKinley Stivers
 Gallegly McMorris Stutzman
 Gardner Rodgers Sullivan
 Garrett Meehan Terry
 Gerlach Mica Thompson (PA)
 Gibbs Miller (FL) Thornberry
 Gibson Miller (MI) Tiberi
 Gingrey (GA) Miller, Gary
 Goodlatte Mulvaney Turner
 Gosar Murphy (PA) Upton
 Gowdy Myrick Walberg
 Granger Neugebauer Walden
 Graves (GA) Noem Walsh (IL)
 Graves (MO) Nugent Webster
 Griffin (AR) Nunes West
 Griffith (VA) Nunnelee Westmoreland
 Grimm Olson Whitfield
 Guinta Owens Cummings
 Guthrie Palazzo Wilson (SC)
 Hall Wittman Davis (CA)
 Hanna Paulsen Wolf
 Harper Pearce Womack
 Hartzler Pence Woodall
 Hastings (WA) Peterson Yoder
 Hayworth Petri Young (AK)
 Heck Pitts Young (FL)
 Heller Platts Young (IN)

NOT VOTING—11

Campbell Giffords Reyes
 Cleaver Gohmert Speier
 Conyers Moran Waxman
 Frelinghuysen Rangel

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1903

Mr. MEEHAN changed his vote from “aye” to “no.”

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentle-

woman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 10, as follows:

[Roll No. 196]

AYES—173

Ackerman Gonzalez Neal
 Andrews Green, Al Oliver
 Baca Green, Gene Pallone
 Baldwin Grijalva Pascarell
 Barrow Gutierrez Pastor (AZ)
 Bass (CA) Hanabusa Pelosi
 Becerra Harris Perlmutter
 Bernan Hastings (FL) Pingree (ME)
 Bishop (GA) Heinrich Poliss
 Bishop (NY) Higgins Price (NC)
 Blumenauer Himes Quigley
 Boswell Hinchey Rahall
 Brady (PA) Hinojosa Reyes
 Braley (IA) Hirono Richardson
 Brown (FL) Holden Richmond
 Butterfield Holt Rothman (NJ)
 Capps Honda Roybal-Allard
 Capuano Hoyer Ruppertsberger
 Carnahan Insee Rush
 Carney Israel Ryan (OH)
 Carson (IN) Jackson (IL) Sanchez, Linda
 Castor (FL) Jackson Lee T.
 Chu (TX) Sanchez, Loretta
 Cicilline Johnson (GA) Sarbanes
 Clarke (MI) Johnson, E. B. Schakowsky
 Clarke (NY) Kaptur Schiff
 Clay Keating Schrader
 Cleaver Kildee Schwartz
 Clyburn Kind Scott (VA)
 Cohen Kissell Scott, David
 Connolly (VA) Kucinich Serrano
 Conyers Langevin Sewell
 Costello Larsen (WA) Sherman
 Courtney Larson (CT) Slaughter
 Lee (CA) Lee (CA) Smith (WA)
 Levin Lewis (GA) Stark
 Lipinski Lipinski Sutton
 Loebsack Loebsack Thompson (CA)
 Lowey Lowey Thompson (MS)
 Lujan Lujan Tierney
 Lynch Lynch Tonko
 Maloney Maloney Towns
 Markey Markey Tsongas
 Matsui Matsui Van Hollen
 McCarthy (NY) McCarthy (NY) Velázquez
 McCollum McCollum Vislosky
 McDermott McDermott Walz (MN)
 McGovern McGovern Wasserman
 McIntyre McIntyre Schultz
 McNehey McNehey Waters
 Meeks Meeks Watt
 Michaud Michaud Waxman
 Miller (NC) Miller (NC) Weiner
 Miller, George Moore Welch
 Moore Moore Wilson (FL)
 Murphy (CT) Murphy (CT) Woolsey
 Nadler Nadler Wu
 Napolitano Napolitano Yarmuth

NOES—249

Adams Barletta Bilirakis
 Aderholt Bartlett Bishop (UT)
 Akin Barton (TX) Black
 Alexander Bass (NH) Blackburn
 Altmire Benishek Bonner
 Amash Berg Bono Mack
 Austria Berkley Boren
 Bachmann Biggert Boustany
 Bachus Bilbray Brady (TX)

Heller Petri
 Hensarling Pitts
 Herger Platts
 Herrera Beutler Poe (TX)
 Huelskamp Pompeo
 Huizenga (MI) Posey
 Hultgren Price (GA)
 Hunter Quayle
 Hurt Reed
 Issa Rehberg
 Jenkins Reichert
 Johnson (IL) Johnson (IL) Renacci
 Johnson (OH) Johnson (OH) Ribble
 Johnson, Sam Johnson, Sam Rigell
 Jones Jones Rivera
 Jordan Jordan Roby
 Kelly Kelly Roe (TN)
 King (IA) King (IA) Rogers (AL)
 King (NY) King (NY) Rogers (KY)
 Kingston Kingston Rogers (MI)
 Kinzinger (IL) Kinzinger (IL) Rohrabacher
 Kline Kline Rokita
 Labrador Labrador Rooney
 Lamborn Lamborn Ros-Lehtinen
 Lance Lance Roskam
 Landry Landry Ross (AR)
 Lankford Lankford Ross (FL)
 Latham Latham Royce
 LaTourette LaTourette Runyan
 Latta Latta Ryan (WI)
 Lewis (CA) Lewis (CA) Scalise
 LoBiondo LoBiondo Schilling
 Long Long Schmidt
 Lucas Lucas Schock
 Luetkemeyer Luetkemeyer Schweikert
 Lummis Lummis Scott (SC)
 Lungren, Daniel Lungren, Daniel Scott, Austin
 E. Sensenbrenner
 Mack Mack Sessions
 Manzullo Manzullo Shimkus
 Marchant Marchant Shuler
 Marino Marino Shuster
 Matheson Matheson Simpson
 Sires Sires
 McCarthy (CA) McCarthy (CA) Smith (NE)
 McCaul McCaul Smith (NJ)
 McClintock McClintock Smith (TX)
 McCotter McCotter Smith (TX)
 McHenry McHenry Southerland
 McKeon McKeon Stearns
 McKinley McKinley Stivers
 McMorris McMorris Stutzman
 Rodgers Rodgers Sullivan
 Meehan Meehan Terry
 Mica Mica Thompson (PA)
 Miller (FL) Miller (FL) Thornberry
 Miller (MI) Miller (MI) Tiberi
 Miller, Gary Miller, Gary Tipton
 Mulvaney Mulvaney Turner
 Murphy (PA) Murphy (PA) Upton
 Myrick Myrick Walberg
 Neugebauer Neugebauer Walden
 Noem Noem Walsh (IL)
 Nugent Nugent West
 Nunes Nunes Westmoreland
 Nunnelee Nunnelee Whitfield
 Olson Olson Wilson (SC)
 Owens Owens Wittman
 Palazzo Palazzo Wolf
 Paul Paul Womack
 Paulsen Paulsen Woodall
 Pearce Pearce Yoder
 Pence Pence Young (AK)
 Peterson Peterson Young (FL)
 Petri Petri Young (IN)
 Pitts Pitts
 Platts Platts

NOT VOTING—10

Campbell Graves (MO) Speier
 Frelinghuysen Moran Webster
 Giffords Payne
 Gohmert Rangel

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1909

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES of Missouri. Mr. Chair, on roll-call No. 196, had I been present, I would have voted “no.”

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. POE of Texas, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 839) to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis, and, pursuant to House Resolution 170, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. LARSEN of Washington. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LARSEN of Washington. In its current form, I am opposed to the bill.

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

The Clerk read as follows:

Mr. Larsen of Washington moves to recommit the bill H.R. 839 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

In subsection (c)(1) of the matter proposed to be inserted by the amendment made by section 2 of the bill, strike "paragraph (2)" and insert "paragraphs (2) and (5)".

At the end of section 2 of the bill, strike the closing quotation marks and the last period and add the following new paragraph:

"(5) CONTINUATION OF PROGRAM FOR MEMBERS OF THE ARMED FORCES AND GOLD STAR RECIPIENTS.—

"(A) IN GENERAL.—After the date of the enactment of this Act and only to the extent that amounts are made available pursuant to the authorization of appropriations under subparagraph (C), the Secretary may provide assistance under the Home Affordable Modifi-

cation Program on behalf of any homeowner who otherwise qualifies for assistance under such Program who is—

"(i) a member of the Armed Forces of the United States on active duty, including those members on active duty in Iraq or Afghanistan, or the spouse or parent of such a member; or

"(ii) eligible to receive a Gold Star lapel pin under section 1126 of title 10, United States Code, as a widow, parent, or next of kin of a member of the Armed Forces person who died in a manner described in subsection (a) of such section.

"(B) IDENTIFICATION OF AMOUNTS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this paragraph, the Secretary shall—

"(i) determine, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, the amount necessary to provide assistance under the Home Affordable Modification Program to the persons described under clauses (i) and (ii) of subparagraph (A); and

"(ii) submit notice of such determination to the Congress that specifies such amount.

"(C) AUTHORIZATION OF APPROPRIATIONS.—Effective upon the submission to the Congress by the Secretary of the notice required under subparagraph (B), there is authorized to be appropriated, for assistance under the Home Affordable Modification Program only for persons described under clauses (i) and (ii) of subparagraph (A), the amount identified in such notice."

Mr. LARSEN of Washington (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. LARSEN of Washington. Mr. Speaker, this amendment does one simple thing:

It continues the Home Affordable Modification Program for members of the Armed Forces and Gold Star recipients.

Mr. Speaker, we all know the Home Affordable Modification Program has not performed to the original projections, but this is an effort that has provided 600,000 permanent loan modifications. Six hundred thousand American families are still in their homes because of this effort. I doubt these families would tell you it is not working.

Mr. Speaker, some will say that terminating this program won't affect those who have already received modifications or are working through a modification currently. Yet many more families still need help, especially military and gold star families.

Even though the economy is beginning to recover, the housing market is still struggling. HAMP is currently helping 30,000 additional families every month.

I would prefer that we keep this effort going for everyone. But if we are not about to, at a minimum we need to preserve this program for active military and gold star families.

Regardless of how anyone feels about the underlying legislation and regardless of how anybody feels about the funding for the original legislation, we can all agree that we owe our men and women in uniform a tremendous debt of gratitude for their service and sacrifice. While defending our country, servicemembers should not be afraid that their families will lose the roof over their heads, but that's the very situation in which a Navy sailor found himself last year as part of Operation Enduring Freedom.

Seven thousand miles from home, there was little he could do to help his spouse balance the stress of raising two children, of her work, and of household expenses. To top it off, their mortgage was about to jump to almost \$2,300 a month. But this family was able to find relief in the Home Affordable Modification Program. They applied for a trial modification under HAMP and began making reduced payments. After a few months, their modification became permanent and reduced their monthly payment by almost \$400.

This program helps keep servicemembers and their families in their homes. Some will say that this bill includes a study on the best practices that could be applied to mortgage assistance programs to help members of our military. But, Mr. Speaker, you can't live in a study. A study does not put a roof over your head. A study doesn't provide shelter for your children. And a study won't help you pay your bills when your mortgage rate skyrockets.

Mr. Speaker, our servicemembers and gold star families don't need a stack of paper telling them the ways that we might help. They need actual help. As it currently stands, this bill takes something from our men and women in uniform, a mortgage assistance program, and gives them nothing in return.

My district includes two Navy bases, each home to thousands of servicemembers and their families. Additionally, the district has the Washington State National Guard and Reserve located there. I am proud to represent these men and women and am honored by the work they do each day. These men and women and their families sacrifice for our country. While they're protecting our families, the least we can do is protect their homes.

Let's be clear. The passage of this amendment will not prevent the passage of the underlying bill. If the amendment is adopted, it will be incorporated into the bill, and the bill will be immediately voted upon. We need to do all in our power to ensure the men and women who fight and die in our wars are able to keep their homes. It's very simple.

I urge my colleagues to vote "yes" on this final amendment.

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

Mr. MCHENRY. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, first of all, Veterans' Administration loans are not permissible under the HAMP program. They cannot go through the HAMP program in order to get relief of their mortgage. Furthermore, veterans are already covered under an effective program which is assistance to veterans with VA guaranteed home loans. That program is actually working.

The program that my colleague has offered this cynical motion to recommit for is merely a roadblock for us eliminating a failed government program.

I want to tell you, the Special Inspector General for TARP has said that HAMP recipients sometimes end up unnecessarily depleting their dwindling savings in an ultimately futile effort to obtain the sustainable relief promised by the program guidelines. Others, who may have somehow found ways to continue to make their mortgage payments, have been drawn into failed trial modifications that have left them with more principal outstanding in their loans, less home equity, or a position further underwater and worse credit scores. Perhaps worst of all, even in circumstances where they never missed a payment, they may face back payments, penalties and even late fees that suddenly became due on their modified mortgages that they have been unable to pay. This Federal program that my colleagues on the other side of the aisle are standing up and defending leaves people with late fees, penalties under their modified mortgages, and oftentimes results in the loss of their very home.

Furthermore, I would tell my colleagues that some have been helped in this program. But for every one person that's been helped, there's more than one other person that has actively been harmed. They deplete their savings, they ruin their credit, and their house is taken from them.

□ 1920

And this is a government program. I ask my colleagues, do not subject our veterans, with this motion to recommit, to a failed program. We don't want our veterans to come home to a Federal program that is actively harming them. And that's what this recommit does.

Furthermore, I would say to my colleagues, if we can't vote to eliminate this Federal program, I ask you, what programs can we eliminate?

Vote against this recommit. Vote for final passage. Let's move on.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 238, answered "present" 1, not voting 8, as follows:

[Roll No. 197]

YEAS—185

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

NAYS—238

Adams	Alexander	Bachmann
Aderholt	Amash	Bachus
Akin	Austria	Barletta

Bartlett	Griffin (AR)	Olson
Barton (TX)	Griffith (VA)	Palazzo
Bass (NH)	Grimm	Paul
Benishek	Guinta	Paulsen
Berg	Guthrie	Pearce
Biggert	Hall	Pence
Bilbray	Hanna	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Harris	Platts
Black	Hartzler	Poe (TX)
Blackburn	Hastings (WA)	Pompeo
Bonner	Hayworth	Posey
Bono Mack	Heck	Price (GA)
Boustany	Heller	Quayle
Brady (TX)	Hensarling	Reed
Brooks	Herger	Rehberg
Broun (GA)	Herrera Beutler	Reichert
Buchanan	Huelskamp	Renacci
Bucshon	Huizenga (MI)	Ribble
Buerkle	Hultgren	Rigell
Burgess	Hunter	Rivera
Burton (IN)	Hurt	Roby
Calvert	Issa	Roe (TN)
Camp	Jenkins	Rogers (AL)
Canseco	Johnson (IL)	Rogers (KY)
Cantor	Johnson (OH)	Rogers (MI)
Capito	Johnson, Sam	Rohrabacher
Cardoza	Jordan	Rokita
Carter	Kelly	Rooney
Cassidy	King (IA)	Ros-Lehtinen
Chabot	King (NY)	Roskam
Chaffetz	Kingston	Ross (FL)
Coble	Kinzinger (IL)	Royce
Coffman (CO)	Kline	Runyan
Cole	Labrador	Ryan (WI)
Conaway	Lamborn	Scalise
Costa	Lance	Schilling
Cravaack	Landry	Schmidt
Crawford	Lankford	Schock
Crenshaw	Latham	Schweikert
Culberson	LaTourette	Scott (SC)
Davis (KY)	Latta	Scott, Austin
Denham	Lewis (CA)	Sensenbrenner
Dent	LoBiondo	Sessions
DesJarlais	Long	Shimkus
Diaz-Balart	Lucas	Shuster
Dold	Luetkemeyer	Simpson
Dreier	Lummis	Smith (NE)
Duffy	Lungren, Daniel	Smith (NJ)
Duncan (SC)	E.	Southerland
Duncan (TN)	Mack	Stearns
Ellmers	Manzullo	Stivers
Emerson	Marchant	Stutzman
Farenthold	Marino	Sullivan
Fincher	McCarthy (CA)	Terry
Fitzpatrick	McCarthy (NY)	Thompson (PA)
Flake	McCaul	Thornberry
Fleischmann	McClintock	Tiberi
Fleming	McCotter	Tipton
Flores	McHenry	Turner
Forbes	McKeon	Upton
Fortenberry	McKinley	Walberg
Fox	McMorris	Walden
Franks (AZ)	Rodgers	Walsh (IL)
Gallegly	Meehan	Webster
Gardner	Mica	West
Garrett	Miller (FL)	Westmoreland
Gerlach	Miller (MI)	Whitfield
Gibbs	Miller, Gary	Wilson (SC)
Gibson	Mulvaney	Wittman
Gingrey (GA)	Murphy (PA)	Wolf
Goodlatte	Myrick	Womack
Gosar	Neugebauer	Woodall
Gowdy	Noem	Yoder
Granger	Nugent	Young (AK)
Graves (GA)	Nunes	Young (FL)
Graves (MO)	Nunnelee	Young (IN)

ANSWERED "PRESENT"—1

Lofgren, Zoe

NOT VOTING—8

Campbell	Gohmert	Smith (TX)
Frelinghuysen	Moran	Speier
Giffords	Rangel	

□ 1938

Mr. ROYCE changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mrs. BIGGERT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 170, answered “present” 1, not voting 9, as follows:

[Roll No. 198]

AYES—252

- Adams, Aderholt, Akin, Alexander, Altmire, Amash, Austria, Bachmann, Bachus, Barletta, Bartlett, Barton (TX), Bass (NH), Benishek, Berg, Berkley, Biggert, Bilbray, Bilirakis, Bishop (UT), Black, Blackburn, Bonner, Bono Mack, Boren, Boustany, Brady (TX), Brooks, Broun (GA), Buchanan, Bucshon, Buerkle, Burgess, Burton (IN), Calvert, Camp, Canseco, Cantor, Capito, Cardoza, Carter, Cassidy, Chabot, Chaffetz, Chandler, Coble, Coffman (CO), Cole, Conaway, Cooper, Costa, Cravaack, Crawford, Crenshaw, Culberson, Davis (KY), DeFazio, Denham, Dent, DesJarlais, Diaz-Balart, Dold, Dreier, Duffy, Duncan (SC), Duncan (TN), Ellmers, Emerson, Eshoo, Farenthold, Fincher, Fitzpatrick, Flake, Fleischmann, Fleming, Flores, Forbes, Fortenberry, Fox, Franks (AZ), Gallegly, Gardner, Garrett, Gerlach, Gibbs, Gibson, Gingrey (GA), Goodlatte, Gosar, Gowdy, Granger, Graves (GA), Graves (MO), Griffin (AR), Griffith (VA), Grimm, Guinta, Guthrie, Hall, Hanna, Harper, Harris, Hartzler, Hastings (WA), Hayworth, Heller, Hensarling, Herger, Herrera Beutler, Huelskamp, Huizenga (MI), Hultgren, Hunter, Hurt, Issa, Jenkins, Johnson (IL), Johnson (OH), Johnson, Sam, Jones, Jordan, Kelly, King (IA), King (NY), Kingston, Kinzinger (IL), Kline, Labrador, Lamborn, Lance, Landry, Lankford, Latham, LaTourette, Latta, Lewis (CA), LoBiondo, Lofgren, Zoe, Long, Lucas, Luetkemeyer, Lummis, Lungren, Daniel E., Mack, Manzullo, Marchant, Marino, Matheson, McCarthy (CA), McCaul, McClintock, McCotter, McHenry, McKeon, McKinley, Meehan, Mica, Michaud, Miller (FL), Miller (MI), Miller, Gary, Miller, George, Mulvaney, Murphy (PA), Myrick, Neugebauer, Noem, Nugent, Nunes, Nunnelee, Olson, Owens, Palazzo, Paul, Paulsen, Pearce, Pence, Peterson, Petri, Pitts, Platts, Poe (TX), Pompeo, Posey, Price (GA), Quayle, Reed, Rehberg, Reichert, Renacci, Ribble, Rigles, Rivera, Roby, Roe (TN), Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Rokita, Rooney, Ros-Lehtinen, Roskam, Ross (AR), Ross (FL), Royce, Runyan, Ryan (WI), Scalise, Schilling, Schmidt, Schock, Schweikert, Scott (SC), Scott, Austin, Sensenbrenner, Sessions, Shimkus

- Shuster, Simpson, Smith (NE), Smith (NJ), Smith (TX), Southerland, Stearns, Stivers, Stutzman, Sullivan, Terry, Thompson (CA), Thompson (PA), Thornberry, Tiberi, Tipton, Turner, Upton, Walberg, Walden, Walsh (IL), Webster, Welch, West

- Westmoreland, Wilson (SC), Wittman, Wolf, Womack, Woodall, Yoder, Young (AK), Young (FL), Young (IN)

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 839, THE HAMP TERMINATION ACT OF 2011

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 839, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, to include striking “paragraph (1)” on page 5, line 16, and inserting in lieu thereof “subparagraph (A)”.

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

There was no objection.

RE-REFERRAL OF H.R. 1148, STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that H.R. 1148 be re-referred primarily to the Committee on Financial Services and additionally to the Committees on Agriculture, House Administration, Judiciary, Ethics, and Rules.

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

There was no objection.

HONORING THE ELLIS ISLAND TARTAN

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

Mr. LANCE. Mr. Speaker, I rise today in honor of the 10th annual celebration of Tartan Day on Ellis Island.

The tartan is the definitive symbol of Scotland. No other fabric or pattern is so steeped in tradition, and for the past 10 years, Tartan Day on Ellis Island has promoted Scottish history, heritage, and culture under the leadership and guidance of the Clan Currie Society, one of the largest Scottish heritage organizations in the United States. This year, the Clan Currie Society will be unveiling a new American tartan, the Ellis Island tartan, in honor of National Tartan Day on April 6.

The American tartan’s fabric is steeped in colors that represent the experiences of all of those who have traveled to the United States over the last century in search of the American Dream. The tartan’s blue illustrates the great Atlantic Ocean, the copper-green in honor of the Statue of Liberty, red signifying the bricks of the historic buildings on Ellis Island, and the gold representing America’s golden door, walked through by millions as they looked to this new land as the land of opportunity.

I ask all of my colleagues to join me in honoring and congratulating Mr.

NOES—170

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

ANSWERED “PRESENT”—1

Kaptur

NOT VOTING—9

- Butterfield, Campbell, Frelinghuysen, Giffords, Gohmert, McMorris, Rodgers, Moran, Rangel, Speier

□ 1945

Mr. CLEAVER changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Bob Currie and the entire Clan Currie Society in the unveiling of this American tartan, the Ellis Island tartan, and for their years of hard work honoring and recognizing the contributions that Scots and Scottish Americans have made to our great Nation.

CONGRATULATIONS TO THE
MOUNT VERNON HIGH SCHOOL
BASKETBALL CHAMPIONSHIP

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

Mr. ENGEL. Mr. Speaker, I am proud to represent the entire city of Mount Vernon, New York, and today I rise to congratulate the Mount Vernon Knights high school basketball team for winning the New York State Federation Tournament of Champions, Class AA. They beat Christ the King from New York City, the winner of last year's championship, 84-78 in overtime on Sunday in Albany, New York.

Jabarie Hinds led his team with 14 of his 31 points in the fourth quarter and overtime to earn MVP honors as Mount Vernon won its fifth State Federation title in program history.

Congratulations also to Coach Bob Cimmino on his fourth championship. His team won their last 10 games and snapped the 12-game winning streak of Christ the King.

Mount Vernon showed its grit and determination by coming back after being down 20-11 after one quarter and 33-28 at the half. The Knights took the lead with less than 1 minute in regulation and never trailed after that.

Other high scorers for Mount Vernon were Khalid Samuels with 21 points and Isaiah Cousins with 12.

Mount Vernon, representing the Public High School Athletic Association in Westchester, got to the title game with a 70-63 win over Boys and Girls High School of New York City in Saturday's semifinal round.

Congratulations to these players and their coach. While March Madness has gripped the rest of the Nation, in Mount Vernon we are very proud of our Knights. I am sure these champions have a bright future and will look back proudly at their accomplishment in the years to come.

□ 1950

WAR IN THE NAME OF HUMANITY

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

Mr. POE of Texas. Mr. Speaker, the Middle East is in turmoil. Citizens are in revolt and are ousting their dictators. One of the worst rulers is Muammar Qadhafi in Libya. Qadhafi is so bad, the President has involved the

United States military in support of the rebels there.

However, Secretary of Defense Gates has stated our national security interest is not at risk in Libya. So why are we there?

It seems to me this war is being waged under a new "Doctrine of Humanity." In other words, the United States will now decide when to drop bombs on another country in the name of humanity when a ruler we don't like acts against humanity. This fuzzy emotional doctrine ultimately gives a President the unilateral ability to intervene militarily anywhere the President doesn't like the way a foreign ruler treats his people.

The President needs to clarify this doctrine of "War in the Name of Humanity." What constitutional authority gives the President the right to enter another country's civil war when our national security is not at risk? America needs some answers.

And that's just the way it is.

OBAMA'S LACK OF LEADERSHIP
ON LIBYA

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

Mr. FLEMING. Mr. Speaker, with regard to the "kinetic military action" in Libya, it appears the tail is wagging the dog. The President first says we won't go but Qadhafi must. Then he says we must go but not Qadhafi. He consults the Arab league before his own Congress and then telegraphs to the enemy our mission limitations, yet does not clearly define the mission or goals to the American people. Then he bombs people and calls it a humanitarian act.

I'm sorry, Mr. Speaker. I don't understand this new value system the President is asking us to accept. Let me suggest instead that our President in future conflicts consult the American people and Congress first, then build a coalition, then lead that coalition with a clearly defined mission, taking nothing off the table rather than being pressured into action by other world leaders.

CONGRATULATING PENN STATE
UNIVERSITY ON 20TH ANNIVERSARY
OF UNDERGRADUATE EXHIBITION

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Penn State University on the 20th anniversary of the Undergraduate Exhibition.

Last year the House passed House Resolution 1654, a measure expressing support for designation of the week of

April 11, 2011, as Undergraduate Research Week. This week recognizes the importance of undergraduate research and encourages colleges and universities, businesses, and other organizations to recognize the occasion.

It is fitting that this week coincides with Penn State's 20th annual Undergraduate Exhibition, scheduled April 12 and 13. Penn State's annual Undergraduate Exhibition communicates and celebrates these same priorities: that research and development of critical thinking are fundamental to American competitiveness and our success as a Nation. Penn State continues to thrive as one of the top research universities in the country through programs such as the Undergraduate Exhibition which encourage participation of undergraduate students in research and creative endeavors.

I congratulate the students, teachers, and staff at Penn State for their tireless pursuit of knowledge and creativity.

THE NORFORK AND GREERS
FERRY NATIONAL FISH HATCH-
ERIES

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

Mr. CRAWFORD. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD Arkansas House Resolution 1014 that was recently passed on February 24 of this year by the Arkansas House of Representatives.

Fish hatcheries at the Norfolk and Greers Ferry Dams are vital components of the economy in north central Arkansas. They provide vital fish stock not only to Arkansas' waterways but to Arkansas' neighbors as well, and they help draw sportsmen and outdoor enthusiasts from all over the world.

State of Arkansas
88th General Assembly
Regular Session, 2011

By: Representatives Linck, Hopper, Benedict

House resolution—Requesting that the President of the United States and the Arkansas congressional delegation support and continue the immediate and future funding of the Norfolk and Greers Ferry National Fish Hatcheries.

Subtitle—Requesting that the President of the United States and the Arkansas congressional delegation support and continue the immediate and future funding of the Norfolk and Greers Ferry National Fish Hatcheries.

Whereas, the United States Fish & Wildlife Service plans to cut the budgets for the trout hatcheries below Norfolk and Greers Ferry dams; and

Whereas, these fish hatcheries provide the foundation for Arkansas's world-renowned trout fishery waters that produce a total economic impact of well over one hundred fifty million dollars (\$150,000,000) annually but only cost taxpayers approximately one million five hundred thousand dollars (\$1,500,000) annually to operate. The hatcheries at Norfolk and Greers Ferry dams alone generate five million five hundred

thousand dollars (\$5,500,000) in federal tax revenues, roughly three dollars and sixty-five cents (\$3.65) for every one dollar (\$1.00) invested; and

Whereas, seventy-five (75) years ago, north Arkansas's White River was arguably the best smallmouth bass stream in America. Fisherman came from all over the country to experience once-in-a-lifetime float trips down the beautiful bluff-lined river; and

Whereas, upon a series of dams being built in the White River basin in the 1940s, the federal government assured the state's citizens that mitigation efforts would be included to offset the loss of the river's incredibly productive native fishery. The key component of this commitment was the construction of Norfolk National Fish Hatchery in 1955 near Norfolk Dam and the establishment of world-class trout waters below both Norfolk and Bull Shoals lakes; and

Whereas, a decade later, the trout hatchery at the base of Greers Ferry Dam provided the means for a similarly successful fishery to be established at the Little Red River in Greers Ferry; and

Whereas, these modest projects rank among the all-time success stories of our federal government because of the overall economic impact and return on investment they produce; and

Whereas, fish production at the Norfolk hatchery employs nine hundred ninety-four (994) individuals, and the Greers Ferry hatchery employs an additional seven hundred fifty-two (752) people; and

Whereas, dozens of resorts employing hundreds of individuals have been established in these world-class fishing areas because of the increase in tourism. The town of Cotter, Arkansas, for example, bills itself as "Trout Capital USA"; and

Whereas, trout fishing in the White River basin is worth about three times the annual flood losses prevented by Beaver, Table Rock, Bull Shoals, Norfolk, Greers Ferry, and Clearwater reservoirs, and these structures averted fifty-one million four hundred thousand dollars (\$51,400,000) in damages in the last fiscal year; and

Whereas, the electricity generated from Bull Shoals Lake and Norfolk Lake averages approximately one hundred million dollars (\$100,000,000) of electricity each year, but the trout fishery is worth an additional fifty percent (50%) more than that on an annual basis; and

Whereas, investment in the Norfolk and Greers Ferry fish hatcheries has consistently demonstrated positive returns for more than half a century. The federal government's goal to reduce the federal deficit and increase economic growth would be damaged, not enhanced, if funding for trout programs is reduced or eliminated to the detriment of its promise to Arkansas and to these small towns whose livelihood depends on the fish hatcheries; Now therefore, be it

Resolved by the House of Representatives of the Eighty-Eighth General Assembly of the State of Arkansas, That the President and Congress of the United States work together to continue the immediate and future funding of the national fish hatcheries at Norfolk and Greers Ferry dams and allow the investment in these hatcheries to continue to contribute to the economic vitality of these towns, the State of Arkansas, and the entire country. Be it further

Resolved, That the Chief Clerk of the House of Representatives forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the

Senate of the United States Congress, and to all the members of the Arkansas Congressional Delegation with the request that this resolution be officially entered in the Congressional Record.

THE EPA

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker and ladies and gentlemen, I rise today to speak about H.R. 872.

I was pleased to see this resolution pass the Agriculture Committee with a bipartisan vote. Not one single objection. I want you to think about that. Not one objection from a Democrat or a Republican in the Agriculture Committee.

It somewhat baffles me that we have to waste floor time in the U.S. House of Representatives to help the EPA understand that they're creating regulations that they themselves do not understand.

Mr. Speaker, the EPA already requires pesticide permits from every farmer, rancher, forest manager, State agency, city, county municipality, mosquito control districts, water districts, and golf courses, just to name a few of those that they require permits from. If we do not enact H.R. 872, the EPA would then require an additional Clean Water Act permit for pesticides. I will add again, Mr. Speaker, that many of these permits are already redundant as pesticide applications are already highly regulated under the FIFRA Act.

We all care about the environment, but these EPA regulations fail the common sense test, Mr. Speaker. That agency is on a regulatory path of the destruction of our economy. They are destroying our jobs, and they must be reined in.

Mr. Speaker, perhaps we need a permit for the EPA that says the EPA must understand a rule before they pass one.

FEDERAL REGULATIONS

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, once again we are going to talk about the fact that the regulators are kind of like the fox watching the henhouse. They just overreach everywhere. And we just heard an example of that actually. Mr. AUSTIN SCOTT was just up here talking about what is going on with this pesticide. We will talk a little bit about that today.

I have been trying for the last 6 or 8, I guess, months now to talk about some of the regulations that are being

imposed upon people. You see these regulations and you see how onerous they are on both large and small businesses, and then we sit around and wonder why we're teetering around 9 percent unemployment in this country. It's because not only do folks have to wonder about are we going to raise taxes. Folks have to wonder about are we going to spend ourselves into the poor house. Folks have to wonder about a \$1.65 trillion deficit this year. They worry about all those things. They worry about how their children and grandchildren are going to pay off this massive accumulation of debt in this country that is coming down as a result of the policies of the last Congress, the Democrat-led Congress, and the Obama administration, and then you take that and you take on top of that the executive branch's regulations that they are putting on people, many of which are so onerous and make so little sense that, quite honestly, you wonder what's going on.

We've got a lot of things that have been going on, and we've got some tools that we're using to get rid of those things. And a tool that I have been talking about is using the Congressional Review Act to challenge some of these things, and we will talk a little bit about that. But first let's just go back and talk a little bit about what others are doing right now.

First off, tomorrow morning I am going to drop a bill, and this is kind of a nuclear weapon, if you will, of fighting regulations. Because of the continuous onslaught of regulations that seem to be designed to cause unemployment rather than to help with unemployment, I think it's time we just put a big old hold on the regulatory agencies and tell them that unless this is of major national importance, we don't think there ought to be any regulations for the balance of this Congress. So I am proposing a bill for the outright ban of all new Federal regulations through the remainder of the Obama administration until January 31, 2013.

□ 2000

This would remove, in this period of time when we're trying to bring our job numbers up and bring our unemployment numbers down, this would give the country an opportunity to take, at least in one area, a deep breath and relax, that the regulators are not going to change the playing field on them halfway through a year or through a month.

There are so many regulations that we've talked about in the past few months and for the balance of this year that are surprises to everybody, and they're throwing big, big monkey wrenches in the machinery that drives our economy.

Now, if you read the newspapers or you hear people commenting on why

aren't people creating jobs, why is capital investment on the sidelines, why are people holding on to their money instead of investing their money in their businesses or investing their money in some other people's businesses so we can grow this economy, they're sitting on the sideline and they're not participating.

And you will hear both sides of the aisle in this House talk about the trillions of dollars that are being held back from investment. You'll hear arguments made by the other side, by the Democrats in this House, that it's the greed of the big corporations that's doing this.

But then when you study the problem, it's not just the big giant corporations that are kind of sitting back and waiting. It's the small businessman. It's the guy that's got one shop, and he's thinking about adding on to that shop, and he may be thinking about adding one more machinist or one more salesman. But you know what? There are too many questions about what's over the horizon for them to take the chance of investing their money when they don't know what's going to happen. And as I explained as I started out, part of it is they wonder about the possibility of new taxes.

Secondly, because there's been a lot of talk from this administration about taxes, they're backing off of it now, but many of the things they do seem to change depending on which way the wind's blowing, and so they're worried about the possibility of new taxes.

They're worried about the fact that they can look at numbers, they read balance sheets, even the small businessmen can read balance sheets and profit and loss statements. And they look at this Federal Government and they say, my Lord. Just this year alone, based on President Obama's proposed budget for 2011, they're projecting about a \$1.6 trillion deficit this year.

And most businesspeople know what deficit means. And most of all of us do, but sometimes we think it's some big word coming out of Washington, not realizing what it really is. It means you're spending money you don't have. In fact, arguably, every time you buy something with your credit card, you're deficit spending. You don't have the cash in your pocket to buy the new television set so you put it on your credit card. You borrow the money. You spend money that you don't have.

Now, if we were like the great State of Texas where we have a balanced budget requirement in the constitution in Texas, then the Texas legislature, they can't deficit spend. They can't spend money they don't have. They have a no-deficit spending provision in that constitution that says you get to spend what the projected revenues are, and that's it. And it's sometimes—and you ask the good members of our legis-

lature, sometimes it's real tough to make things work. But you know what? They always somehow figure out a way to get it done. And this year is no exception.

It's tough in Texas. And they're doing the things we're trying to do here in this House. They are reducing their spending, as are States across the country. All you have to do is turn on the television. You see the issues in Wisconsin and Michigan and other places, and Minnesota—well, not Minnesota, Indiana, all these people are addressing it, New York, Virginia, they're addressing the fact that they've just got to cut back on their spending.

Well, we're addressing that fact too in this House right now. But the businessman looks at that and says, well, what's their track record? Well, our track record's not real good. In fact, our track record is such that they say odds are they're not going to do these cuts that are necessary to stop it.

Here's something kind of interesting. Right now, in H.R. 1, the Republican majority has set forth a series of cuts that total up to about \$63 billion. They've agreed now to about \$10 billion. So let's call it \$53 billion just kind of on the table out there waiting for some kind of action from the Senate. This is attached to a continuing resolution.

Now, that business owner back home, he looks at that and he says, let's see, \$63 billion—that's a tiny little bandaid on a gigantic rear end of an elephant, but that's the tax cuts that are being proposed, and they don't seem to be able to get those things. Not tax cuts. That's the spending cuts that are being proposed. They don't even seem to be able to do that. What in the world are they going to do about this \$1.6 trillion?

So he says, I don't think I want to play in that ballpark. That's too dangerous for me. I have a little savings in my back pocket to invest in my business. But now's not a good time. There's way too much debt floating around out there. There's way too much uncertainty about the economy floating around out there. I think I'll wait. So my plan to create one or two new jobs to grow my profits for my business is going to have to wait. Even though I may have the money to invest, it's going to wait because I don't feel the environment's good for it. It's another one of those unknowns that's keeping capital and keeping the growing of the labor force from happening.

Finally, these regulations. When, as our friend from Georgia was just talking about—just take, for instance, the issue that has to do with this, these new regulations concerning pesticides that have come out. It came out and then it was—I think, some court has gotten involved in it.

But what they've done, basically, is told the people who use pesticides, and

I think everybody knows, pesticides are to kill bugs that eat crops. That's kind of the general use for pesticides. So that means that your farmers, your ranchers, and some of your business people are going to be affected by this. And they look at it and say, wow. I used to have to have a permit. I got one. Now all of a sudden I've got to have a new permit. It's going to cost me some more money. They changed the rules in the middle of the game, and now I'm sitting here wondering what in the world am I going to do if they change the rules again.

So what am I going to do with my money? I'm going to keep it in my pocket. I'm not going to invest in my business. I'm not going to expand my farm. I'm not going to buy that new combine. I'm not going to trade for some more cattle. I'm basically going to sit where I am and hold pat. And I'm also not going to hire anybody to help me with those issues.

These are things that are typical of what causes the people who invest in the real world of private business, who employ two-thirds or more of the American public, to sit on the sidelines. So big business or small, if you don't understand the playing field, and there are people out there that can change your life at a whim, you get concerned about it. We've seen so many examples of that.

I'll just throw out the flex permitting Clean Air Act issues that are going on in Texas, which we've talked about before. After 15 years of using a flex permit in Texas, never a word said by the EPA, all of a sudden, out of the clear blue they decide, oh, you know what? I don't think we like that flex permit, so we're just going to do away with it, and we're going to change the rules.

Without going into what a flex permit is, it's very simple. If flex permit worked for your business 1 day and the next day you had to have a completely different permit with a whole new set of rules and a whole new set of obligations, you would be very concerned about the environment within which your business is being operated. And, by the way you'd be really upset when you realized that your clean air issues in your State where you're using a flexible permit, the clean air reductions have met the demands of the EPA and, in fact, probably exceed many, many States who don't go to a flexible permitting system.

□ 2010

For some reason, your State who is doing good has to change permits to do like some of the States that aren't doing as good as your State. And you have to say to yourself, What is the motive for all this? Well, would you put your money into a project when something like that could happen to you?

We ask ourselves, Why have we been having unemployment in this country

somewhere between 10 percent and 8.9 percent over the last 25 months? Well, part of it is the people who create the jobs, the real jobs, the jobs that make our economy grow, are the business people of this country; and for 25 months they have not been hiring because we have created a world of mistrust in what might happen to you that you couldn't even imagine as a result of actions of this Federal Government.

To me, the most important thing we have to do in this Congress right now is create jobs. It will change the very makeup of our Nation if we get our Nation back to work. And it is time for the government to get out of the way of small business, get out of the way of the entrepreneurs in this country, and give them the opportunity to create jobs. With all the playing defense that we are trying to do here in the House with the Congressional Review Act and other proposals that are out there, it seems to me we ought to just say, at least for a 2-year period, just, Time out. Time out. No more regulations. Just stop right where you are.

There are enough regulations in effect right now by the Federal regulatory agencies to fill this entire Chamber to the ceiling with books, so I don't think it would hurt us too much.

If it turns out it is a national emergency and you have such an issue that it is just so overwhelmingly necessary to come up with a regulation, then maybe we will put it out and submit it to Congress and let Congress make a determination about whether or not it is of that dire importance. But right now, just quit messing with us. Just get out of the way and let us have a chance to go do what we do best.

I forget who it was. I want to say it was Calvin Coolidge, but it was one of our past Presidents who said that the business of America is business. And it still is.

Two or three Saturdays ago, I was at South by Southwest, which is a very exciting activity that takes place in Austin, Texas, that not only promotes the live music industry, which is huge in Austin—it is the live music capital of the world—but, in addition, it promotes entrepreneurship among people with new great ideas. And great people, I talked to them and they were so exciting, such great young people, many of them in the high-tech industry, but in all of the industries. And those young people sat there and told me that, The one thing you can do that would hurt us the most is tax stock options and put up regulations that would prevent me doing what I need to do in my project. So, if the government will stay out of my way and if you won't impose taxes on the very source of investment money that I am seeking as a new entrepreneur, if you don't do those two things and you stay out of the way, I have got an idea that can

change this country. And many of them have just those ideas.

Some of the things we have now like Facebook, those things like that they made a movie about and all that stuff, all that was the idea of a young entrepreneur, and he got somebody to invest in it and, boom, it swept the world. So that's why I have got a moratorium on regulations.

But in addition, we have got a couple of folks that are taking off after regulations that are clearly hurting the opportunity to create jobs. The Regulatory Flexibility Act, RFA, is being proposed and requires Federal agencies to assess the economic impact of their regulations on small business. We have something like this now, but it is going to be expanded and made more clear. And, if the impact is significant, consider alternatives that are less burdensome. The agencies must balance the burdens imposed by the regulations against the benefits, and propose alternatives to the regulations which create economic disparities among different size entities.

The Small Business Committee has held hearings on the RFA and they are holding some tomorrow, on Wednesday, to discuss this agency compliance with the act. Bad regs are killing good jobs, and that is what I have been talking about, and here is the Small Business Committee looking at small business with really a focus on small business.

Now, why do you hear people talk about small business in Congress when you have got all these giant international corporations that our friends on the other side of the aisle love to talk about? Well, for one thing, seven out of 10 Americans get a job in small business. Small business creates seven out of 10 private sector jobs in the United States. Some of those private sector jobs are real well-paying jobs.

In fact, some of the people that I was talking to at this little entrepreneur group that I was with, they said, Well, the first ten people we will employ, we expect their salary range to be somewhere between \$100,000 and \$150,000 a year. Now, that's darned good jobs. But they are looking to hire highly skilled technical people to advance a concept they have in the high-tech industry.

What do we get from those concepts? Well, you have probably got a cell phone in your pocket. You may have the new Apple iPad sitting on your desk, or you may actually be communicating with a brand-new one which has a camera in it so you can talk to your spouse around the world or your friend around the world and both of you can see each other. These are all ideas that came from entrepreneurial thinking that began with one person with an idea.

The one thing Americans still have to sell is ideas, and we are the only innovative idea creators on Earth. Everybody else is good at copying, but we are

the guys with the original thoughts. We don't want to kill that. We don't want regulations to kill it. And we don't want bad regs to keep this unemployment number above 8 percent, almost 9 percent.

Another act is H.R. 872. This is a bill about Congress battling a bad ruling by the Federal courts. The bill eliminates a costly and duplicative permitting requirement for the application of pesticides. That is what our friend from Georgia was talking about just a few minutes ago, Mr. SCOTT. This will now require a different type of permitting system and it will, quite honestly, place the burden on farmers, ranchers, and anybody who uses pesticides, I assume exterminators and so forth, and will put a huge burden on them. And the only thing you can do is clearly put a halt to this EPA new regulatory activity. Even though the court recently said, Well, we won't require this until October, it doesn't matter whether it is required today or whether it is required in October; whenever it is required, it is still a burden. So my friends on the Ag Committee are very, very serious about challenging the creation of this new regulation.

We have been using the Congressional Review Act, and we have got several things that we have dealt with on the Congressional Review Act. This is a law today. This law was created in the Clinton administration and has been used once, and that is the only time it has ever been used, which surprises me. But we are trying to use it on multiple bills that are out there that are creating a regulatory burden on individuals or industries of this country.

□ 2020

Last year, the Federal Government issued a total of 3,316 new rules and regulations, an average of 13 rules a day. Seventy-eight of those new rules last year were major rules. A major rule is a rule that may result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers or significant adverse effects on the economy.

If it is a new rule, it is required under the Congressional Review Act that it be submitted to the committees of jurisdiction that cover that rule in the House and Senate and that they have the opportunity within 60 legislative days, that is days that the Congress is in session, not counting the days it is not in session. And if there is a vote, and let's say the House passes it and sends it to the Senate, then it only requires 30 Senators to cosponsor the bill to bring that vote to a full vote in the Senate.

Then we will have the opportunity to send some bad regulations that passed both the House and the Senate to the President, and he told us less than a month ago that one of his goals this

year was to get rid of these onerous regulations that are costing us jobs in America. And I think that if both this House and the Senate, the Senate across the way, if both those entities feel it is a bad rule, I think the President will look at it, and I am very hopeful that he will dispose of that rule. When I say this, we are not talking just about the EPA. There are a lot of rules out there, but EPA just seems to have more than their share right now.

I talked about the Flexible Permitting Act. We have filed a CRA challenge, a Congressional Review Act challenge, to the flexible permitting program. Chairman UPTON of the Energy and Commerce Committee has been or is holding hearings on the Clean Air Act and on this issue. That will be one issue that we are going to be working on trying to get done.

The FCC has a regulation for net neutrality. This rule grants the Federal Government new power to regulate the Internet, restricting access and stalling innovation. One of the things that those young people that I met with the other night, it was about 100 of them now, it is not a small group, they all said, most of them, that the Internet was a tool they were using to come up with good ideas or to promote their good ideas or to use the Internet for their good ideas; and they were very much opposed, as am I, to any regulation of the Internet.

The freedom of the Internet is a freedom of expression, a freedom of expression which creates a freedom of ideas, and the exchange of ideas creates innovation, which is the fuel to drive our economy. So Mr. GREG WALDEN is addressing this issue under the CRA of net neutrality.

HHS has a rule on medical loss ratio. This regulation will require all health care plans to pay a minimum of 80 percent of premiums toward health services, eliminating coverage for 47 percent of Americans in small group and individual health plans. This is an area which we have filed, my office and JOHN CARTER have filed this. However, I am going to have a lot of assistance from the medical professionals in this House in going forward on this medical loss ratio. It is a serious regulation which will seriously harm the advancement of health care in America.

Then we have a NESHAP rule for portland cement manufacturing industries. This has to do with cement kilns that make portland cement. "Portland" is not named after a town. It is a process whereby you make the cement that binds concrete to create concrete for this country. There are 18 cement kilns that are likely to close as a result of this. This kills good-paying jobs. The average paying job in one of these kilns starts at around \$60,000 to \$70,000 a year and goes up. These are good jobs.

Now, where are these jobs going to go? You have to have cement. A great number of the kilns that make portland cement have moved offshore already, and they are over in China and they are over in India and places like that where they have no regulation on particulates that go into the air. Meanwhile, we have actually reduced a lot of the things that go into the air under the present regulations. But these new regulations will move those American jobs out of the country to another country; and rather than help the air, because the same air is in India and China as is over here, it is all part of this great big place we call the world, we will still be polluting the air, but 10 times worse than we do under our current regulations in the United States, and we lose the jobs.

So we are going to seek a vote on portland cement manufacturing regulations. And the argument that this increases mercury pollution is absolutely false because we have evidence to show that mercury pollution, if it is in the United States, it is coming from offshore.

So all these things are things that are proposed right now. We have got charts over here to look at each one of them.

Here is the regulatory moratorium, an outright ban on Federal regulations. It removes the top obstacle to economic recovery. Business won't hire with ObamaCare and EPA regs hanging over their head.

The Regulatory Flexibility Act. The shaded areas indicate U.S. recessions. The 09 research—that is a word I can't read—organization. Look at this. This is what is happening from regulations. It is going up on the unemployment scale.

The RFA requires the Federal agencies to assess the economic impact on small businesses—we talked about that—to come up with alternatives, because unemployment rates are around or above 9 percent for the last 22 months, and it is time that we make these regulations be assessed, and seven out of 10 new jobs are created by these small businesses.

When you hear us talk about the Pesticide Act, very clearly there are the folks that are dealing with it right there, the farmers of America. It is duplicative. That means they already have a permit that allows them to put out these pesticides, and because of this ruling they are having to get another permit at another cost and meet other guidelines for these pesticides.

The Sixth Circuit we think with this Cotton Council versus the EPA made a bad ruling, and these higher costs to producers and consumers and the government are all built into this one bad regulation. This act that we talked about, 872, is to block this bad ruling. This is the kind of fight we have to have to prevent the regulators from

getting so involved that they actually shut down our businesses.

Now, no one here, including me, I am certainly not, and I don't think anybody in this House, is proposing that we are going to do things that are harmful. It is not like they weren't already regulating that pesticide. They just came up with a new permit, new money to spend, new hoops to jump through in order to apply pesticides.

Here is what I have been talking about, the Congressional Review Act. It allows Congress to review every new Federal regulation issued by the government agencies and by passage of a joint resolution overrule that regulation. On these things I have been talking about, the House and the Senate both can go forward under this act, and we can put the brakes on some bad regulations.

Here are the ones I mentioned. The Texas flexible permitting program, the net neutrality rule, the medical loss ratio and the portland cement: those all can be addressed by this act, and many more.

□ 2030

But maybe we could save ourselves a whole lot of time and effort by just passing the newest proposal that I have put forward, and that is a law that says, time-out until 2013 on any regulations from the government, and let's just hold off and let's give this economy a chance to grow. And when it grows, we will prosper, we will get out of this mess we're in, and we will get back to being the America we all treasure and love.

It's not hard to imagine that if there's something really bad, of course, this House will protect it. But many of these things are people in closed rooms, some of which don't even understand the industry they're regulating, coming up with rules because they have a concept of government that is all government—all roads lead to Rome—all government leads to Washington, and that all government decisions and all life decisions should be made here, in Washington. There are people in this city, literally tens of thousands, maybe hundreds of thousands of people in this city, that believe that all life issues should be resolved by the Federal Government.

The perfect example that just really upsets me is the fact that, kind of randomly, when the opposite party, the Democrats, took over in the House, they decided to get rid of all the light bulbs in all the office buildings, and they put in these curly Q light bulbs all over everywhere. These lights, you turn some of them on, it takes you a good 20 count before the light even has enough light to see. That's very uncomfortable, especially in the bathroom. But we've got them. And if you take yours out and put the old incandescent light bulb in there, the next

day you'll come back and the maintenance man will have taken it out and put one of those curly Q light bulbs back in there, because the government knows better what light bulbs you ought to have than you do. In fact, they passed a law that says you're not going to be able to have anything but those light bulbs.

They fail to realize that if you accidentally drop one of those light bulbs onto the floor and it bursts, it's got mercury vapor in it—and some other nasty stuff I don't even know what it is—and all of a sudden you've got to call the hazardous material team to come in in hoods and suits and do a hazmat removal of that broken light bulb.

Now I'm sorry. I like to say that one of the things that we have a real shortage of in America, especially the America that's inside the Beltway in Washington, D.C., is common sense. But to put a hazardous material light bulb in to correct something that you have against a normal light bulb because you think it burns too much power is really not very cost efficient.

I am very pleased to see my friend, Mr. STEVE KING from Iowa, drift in here. If the gentleman has anything he wants to talk about here tonight, I would be glad to yield him some time.

Mr. KING of Iowa. I thank the gentleman from Texas, the good judge, who has taught me a few things about all of this. One of those things is sitting on the Judiciary Committee with the gentleman from Texas is, and I haven't learned it very well, but at least I saw the demonstration on how to listen. One of the common denominators of the judges from Texas that we have serving in this Congress is they are all good listeners. They also have heard a lot of stories, some the truth and some not, and they sort that out pretty well.

When I hear Judge CARTER come to the floor to tell us how it is, I'm pretty confident that he has listened really carefully and drawn a judgment as to what's the truth and what isn't and boiled it down to the essential facts of Constitution and law and common sense and rendered a verdict. So as I hear this verdict emerging here from the presentation this evening, it calls me to the floor to say thank you to the gentleman from Texas for bringing this up, for all the times that you've come to the floor and sometimes fought a lonely battle that turned out to stand on a good cause.

That's the way good things get started. It's usually one person starting this out and then truth seems to attract more people to a truthful and good and a just cause. I am interested in the gentleman's presentation here and not particularly informed but I came to listen. I would be happy to continue my listening.

Mr. CARTER. I will reclaim my time. I am just about through. I just wanted

to point out, I don't have anything against fluorescent light bulbs. I've got a few fluorescent light bulbs in my workshop out in the garage, mainly because they just gave me more light for less money, not because of the electricity. But I made that choice. I think that's fine. If people want to choose to have all fluorescent light bulbs in their house, I think that's great. That's the America we love. But I don't think NANCY PELOSI or anybody else in this House of Representatives ought to be telling us what kind of light bulbs we have to have. It doesn't make sense. It's not fair to you. You are a person of independent will. You are granted liberty and freedom by your Constitution, the Constitution of the United States, and those are just recording God-given rights and privileges. I don't see why we think we are the center of the universe for knowledge in this House to come up and tell you what kind of light bulbs you can have. Or what kind of energy that you can consume. Unless it comes out to be against the national interest. And I would argue right now with all the alternative energy, we haven't got anything to replace what we're using right now yet. But keep working on it and then we'll let us make the choice, let the American citizens make the choice as to what they want to do. I think that's good freedom. That's good liberty. That's what we are all about in this country, and that's why we prosper, because we give the individual the right to make his own choices. If he chooses to do something that harms others, we can put a stop to that. That's why we have laws. But if he doesn't, if he just wants to live his life the way he wants to live it, we don't have any business telling the individual how to live his life. And I would argue this stupid light bulb rule is one of those things. I will argue that until it is imposed completely as a mandate sometime next fall, I think. And then I guess the light bulb police will be coming after me.

But, seriously, this is the kind of things that we do by regulation, or impose our will on others, and in many instances it is done by bureaucrats who sit in Washington, D.C., and they probably have never even seen that plow that we just saw in that farm, except maybe they've seen it on television. But they've certainly not seen anybody out there sweating on an Iowa farm or a Texas farm operating what looks like is a disc harrow that's turning the soil there. And yet they're writing regulations to regulate this man's life. Maybe they're the right thing to do, but you wonder when they have one and they come up with another one that you have to still meet the first one, stack the second one on top of it, and it clearly serves no purpose.

These are all the kind of arguments that frustrate you. They're the kind of things that make the average business-

man, the average farmer, rancher, decide to hold off on investing in America because he wants to know what America he's investing in, he or she is investing in. That is the real issue that is driving the fact that we are still sitting here right around 9 percent unemployment after all these months, over 25 months, we're sitting here with the same 8.9, which is as close to 9 as I want to get percent unemployment because the Americans that create the jobs are concerned about what's next.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

As I listen to this presentation, a number of things occur to me about what happens when you have the Federal agencies and the Federal agencies are passing rules and regulations that even though there is a broad authority that's granted to those agencies by this Congress, some of the things that they do are beyond the imagination of the people that debated or voted for the bill in the first place.

I look at the Clean Water Act and the Endangered Species Act, which are more than 30 years old by now. They've turned into something way beyond the imagination of the people that passed them. The environmentalists that supported them then seemed to be on the edge of what would be considered mainstream. Looking back on that, they would be considered mainstream now. But the problem that we have, and particularly with EPA, would be that the mothers and fathers of the EPA employees that first implemented the rules and regulations of the Clean Water Act and the Endangered Species Act, now their children have picked this up and others from outside, a second generation of people.

□ 2040

They have come into these professions now with—like many young people do—and it's a very good thing to be idealistic and have a sense of a cause—but if you look at a law that was written in 1978, and you apply it with a vision of having a cause that you want to be championed for in 2011, quite often the second generation environmentalist is something entirely different than the first generation environmentalist. And they will interpret the law and write rules beyond the scope of the imagination of those who drafted it and ratified it and the President that signed it.

And so I deal with things back in an environmental perspective, having spent my life's work in the soil conservation business. We have gone out and done some drainage work. Mostly, it's been surface work, permanent practices—terraces, dams, and waterways—and I've envisioned that we would want to send all the raindrops down through the soil profile to purify that water in nature's intended way and keep the

soil from washing down stream and ending up in the Gulf of Mexico.

And yet the regulations that come from some of the EPA initiatives are things such as—I can think of protected streams, an issue that came to many States, but it came to Iowa. It was one of the things that drew me into political life. They wrote a rule that said that these waters for these streams, these 115 streams that were designed to be protected for their natural riparian beauty, to quote the rule, some of them were drainage ditches that I had floated and walked those streams all through western Iowa. And some of those streams were just drainage ditches. There was no natural riparian left-over beauty because they had all been changed. But they wanted to preserve them and protect them and call them endangered streams.

And so I began going to the hearings for the rules. And in the rules they wrote that these streams, and according to the geographical boundaries that are defined here, and—“waters hydrologically connected to them” shall be declared protected streams and shall be under the purview of the Department of Natural Resources, which regulates for the EPA. And I began to ask the question. And here’s how language gets stretched. I asked the question, What does “waters hydrologically connected to” mean? And the regulators would stand before the public meeting and they would say, We don’t know. You’re here presenting a rule and you don’t know what it means, “waters hydrologically connected to them.” No, we don’t know. Then take it out. We can’t. Why can’t you? We can’t. How do you know you can’t if you don’t know what it means? Well, we’re here to defend this rule.

So I followed that road show around the State, and they knew when I walked in actually the second meeting who I was and what I was there for. And I asked one question and I didn’t get an answer. I just opened my mouth for the second question and they said, Only one question per person. And I said, I drove 2½ hours to get here. It’s going to take me 2½ hours to get home. And I’ve got a lot more than one question. I’m going to stand here until I get them all answered.

Anyway, it came to this. They had decided what amounted to every square foot of the State of Iowa under rules that were “slippery” deceptive. And it was the language that said “waters hydrologically connected to.” I know that moist soil will have in it a water content of 25, 28, 30 percent and still be fairly stable. So that would regulate us all the way up to the kitchen sink. Two water molecules touching each other are hydrologically connected. And that’s one of the things that environmental extremists sought to impose upon us in the State that gave them all kinds of latitude.

And another one would be when they decided to declare wetlands by aerial photographs. And the aerial photographers would look down, take a shot, and if there were a certain amount of vegetation growing in the field, they declared it to be a wetland that otherwise would have been farmed.

And so there could be somebody missed with the herbicide on top of the hill and the foxtail would grow. It would show up in an aerial photograph. The Corps of Engineers would declare that to be a wetland on the top of the hill where water drained completely away. This is how government regulation gets out of hand and starts to take over the property rights of the individuals who have a right to use that property in a responsible way as a means of an income to produce crops, even if it happens to be cotton, which we don’t have much of in my district.

So I just think here that this Congress should do this: we should bring every rule before this Congress for an affirmative vote before it can have the force and effect of law. We can do it en bloc. Bring them all in together. We need to give any Member an opportunity to divide a rule out and force a separate vote on it, and we need to give Members the opportunity to amend them.

And the gentleman from Kentucky (Mr. DAVIS) has a bill that addresses this in this fashion. It’s not as broad in scope as I would go, but it is a very, very good start on getting this Congress under control and the regulators under control and giving Congress the authority that’s vested in us in the Constitution rather than subcontracting it off to the agencies and letting them run this government at will.

So I appreciate the gentleman from Texas giving me an opportunity to vent myself on these frustrating issues. I appreciate your leadership.

Mr. CARTER. Reclaiming my time, our friend from Kentucky has been down here with me talking just about that act. I don’t know if you were in when we first started this. I have just proposed, because I see this tidal wave of regulation, this hurry up and regulate everything you can in a hurry going on by the administration, I will tomorrow morning file a bill to declare a moratorium on all regulations. And they would have to come to Congress showing good cause why it’s in the national interest for the good of all mankind that there be an exception to that moratorium so that we would basically just call a king’s X, time out, and let’s wait for the end of this administration and we’ll see what happens in the next one. And by that time we can settle down and create a few jobs in this country because they wouldn’t have to, at least for the next 2 years, worry about regulations. So I’ll get you a copy of that. It’s real simple: no regulations for the next 2 years.

Mr. KING of Iowa. If the gentleman would yield.

Mr. CARTER. Yes, I will.

Mr. KING of Iowa. If the title of that bill is the king’s X bill, I’m going to be very interested in signing on.

Mr. CARTER. I like king’s X.

I thank you, STEVE KING. You’re a good friend for coming down here and joining me. I have gone over what I have to say here tonight. I just want to finish up by saying nobody is against doing the right thing. I’m against people who are creating regulations for the sake of regulations and damaging the people who are the job creators in this country. I’m for protecting the environment, but if you’re belching out pollutants in China because you moved out of the United States because of onerous regulations and you weren’t belching out those pollutants in America because we had a good Clean Air Act in place before you wrote the bad regulations, then you’re not helping the environment at all by sending that to an unregulated place in China or India.

So let’s get real. Let’s try to set up an environment in this Nation that creates jobs so Americans can go back to work. It’s all about going back to work.

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

OBAMACARE

The SPEAKER pro tempore (Mrs. NOEM). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. I thank the gentlelady for recognizing me here on the floor of the House, Madam Speaker, and appreciate the privilege to address you. I came to this floor, one, to hear from Judge CARTER and to listen to the presentation that he made. And the other component of it is I came here to talk about one or perhaps two subject matters. One of them is ObamaCare, as one might imagine.

I would make this point that—first, Madam Speaker, if it’s possible that there’s anybody that doesn’t know why ObamaCare is so bad, if they maybe haven’t heard the argument in some time and they’re forgetting about how bad ObamaCare is, and if they’re starting to hear the language about what is redeemable about ObamaCare, I want to make it real clear: nothing. There is not one single component of ObamaCare that is worthy of us making any effort to do anything except to repeal it all, eradicate it all, pull it all out by the roots.

I listen to some Members of this Congress that will say, Well, don’t you want your children to be on your insurance when they’re 26? No. I raised them to grow up. I want them to take their own responsibility. If they can be elected to the United States Congress when

they're 25, then I think that's a pretty good age to at least say you are free, on your own—well, first, you got your car keys when you were 16—your license, anyway.

□ 2050

Then you get to vote when you're 18 and choose the next leader of the Free World. Then you get to go out and, let me say, go into the tavern legally when you're 21 and get elected to the United States Congress when you're 25. Then they kick you off of Mommy and Daddy's insurance when you're 26? Somehow I think that delays the growing-up process.

I think that we need to have people growing up and taking personal responsibility at an early age rather than delaying it to a later age. If the States want to have it at 26, let them have it at 26. If insurance companies want to provide for that market, let them write the policies to provide for that market; but the Federal Government should not stick a mandate on this that requires all health insurance policies to keep the kids on until they're 26.

Let's just say there's a young person who gets elected to Congress, like—well, yes, I would think that there are some Members of the new class that would fit very close to that category. Would one really think that they would come in here at age 25 and transition from their parents' health insurance on over to the Federal opportunity of health insurance that they can access and pay their share of the premiums that come with this job of working in this Congress and maybe never have a window where they were responsible to go out in the marketplace and buy their own health insurance?

I think that's actually a bad idea, but if people want it, let them drive that through their States.

Some will say that we want to cover preexisting conditions so that children cannot be denied insurance on policies that their parents have. Well, that's a good idea, and it's one that can be sustained by demand in the marketplace. If that doesn't do it, it can certainly be sustained by mandates within the States, but it does not require, Madam Speaker, that the Federal Government get involved in mandating to the States, actually mandating to everybody in America, what shall be done with insurance.

So now I've used up, I think, the two things that had some popularity in ObamaCare. That's it—insurance for 26-year-olds and no denial because of preexisting conditions to children whose parents have policies.

If I want to go out and buy a policy that ensures that my children could stay on it, that policy is available in the marketplace. I will say this, that before ObamaCare wrecked the markets and drove out a number of health

insurance companies, we had 1,300 health insurance companies in this country which were viable in the marketplace, competing, providing all kinds of policy varieties for customers to choose from—in fact, over 100,000 health insurance policy varieties and 1,300 companies. There were 100,000 policy varieties. We had plenty of competition. ObamaCare has driven out competition. It has not added to it. It has driven out competition. It has made it harder. It has driven up the cost of health care.

The indecision and the fear of what's happening has caused the entire health care industry to be frozen in place. Now they come along and say, Well, if you're not going to repeal it, can you accommodate me in some way?—perhaps in some way like granting them a waiver. I'm hearing individuals say, I want my waiver. They know that there have been 1,040 waivers to ObamaCare.

Madam Speaker, I know that there are people out there who are listening who maybe don't understand what that means. It is this: ObamaCare is the law of the land. It is imposed upon everyone in America. A law is to be applied to every individual in an equal fashion. We might sit in different categories. We might have Medicare that applies differently to somebody who's 65 than it does to somebody who's 60 years old; but these are waivers to statutes and to individuals and to entities.

From my standpoint, it's unheard of, and where that authority came from I did not see coming; but this administration has found out that they pushed a law that's so bad—so bad—that they are granting waivers to companies, to entities, and to entire States, like the State of Maine.

Now we find out that one of the people who has taken credit for helping to write ObamaCare, the gentleman from New York, who, I believe, is a candidate for the mayor of New York City, is now calling for a waiver for the City of New York to ObamaCare. So maybe, if he gets his way, it won't be 1,040; it will be 1,041 waivers.

That's appalling to think that you would sit in a strategy meeting/session and try to drive a policy that, I believe, is flat out socialized medicine and argue that it's good for everybody in America because they're too ignorant to take care of their own health care and now find out that the policy is so ignorant you want a waiver from it for the largest city in America. That's appalling to think that that would happen.

1,040—1,040 waivers. Let me see. The IRS will enforce this. It will punish people with an extra penalty if they don't comply. Let me see. The E-Z formula. The E-Z form for the IRS is the 1040EZ. We've had 1040 waivers, 1,040 waivers. It's E-Z for them, Madam Speaker, but it's not going to be easy for anyone who doesn't get a waiver.

We have this thing called the equal protection clause. It's in the Constitution, the 14th Amendment. Everybody is going to be protected with equal protection. ObamaCare, itself, violates the equal protection clause because it gives some American citizens a different standard than others. I'm thinking of Florida and their Medicare Advantage, which they have an exemption from under ObamaCare. Even though the cornhusker kickback was removed because, actually, Nebraskans rejected it—to their great credit—Floridians didn't reject their exemptions so that they kept their Advantage. That was an existing policy that exempted them from the wipe-out of Medicare Advantage, which happened to people like Iowans, for example. The equal protection clause? Not hardly. It's a violation of the equal protection clause. It's an unconstitutional bill, ObamaCare.

But I forgot to tell you, Madam Speaker, all of the reasons why it's bad. It cannot be afforded. It's a \$2.6 trillion total outlay for the first full 10 years once it would be implemented, and it increases taxes almost to that much over that period of time. It cuts Medicare, which is going to have a huge increase from 40 million to 70 million recipients of Medicare over the next few years. That huge increase cuts Medicare by \$532 billion. It purports to reform Medicare. While this cut we know has got to actually happen, it just simply calculates it into the CBO score.

We can't afford ObamaCare. It's unsustainable therefore. It will reduce the research and development. It will increase lines and delays. It will ration care, and it will take that care out of the cost of many people and put it on a mandate that will force more people into Medicaid, and there will be companies that will be forced off the coverage they now provide for their employees and force those people onto a program that's federally subsidized, where there is a fund that will fund their health insurance premiums, which is also unaffordable.

All these things are bad. There are so many bad things about ObamaCare that I don't think there is any one person in the country who could stand up in 30 minutes and list all of the bad things about ObamaCare. It boils down, though, to this: it's unaffordable. It's unsustainable. It reduces research and development. It reduces the quality and lengthens the lines. It delays the service. It rations the care.

It takes away one more thing. The most important thing about ObamaCare is this: I believe it is the unconstitutional takings of American liberty. It is unconstitutional in numbers of ways, three or four ways at least. American liberty is something that is precious; and to think that the Federal Government would step in and commandeer, usurp, the God-given liberty and right that we have to manage

our own health care and turn it into a rationed service, according to formula, in which only government would decide who would get what service and when and who would be on the waiting list for surgery and who would be on the waiting list to die without surgery, is a result of ObamaCare. It cannot be argued or refuted.

They put you on a waiting list for a hip replacement, or they put you on a waiting list to die without. That's one of the things that happens. They don't seem to think that's what they're doing willfully, and I don't accuse them of willfully wanting to do that. It's a consequence of the thick-skulled action of people who believe that there is a Socialist model to produce their version of Utopia rather than the individual dynamics that come from people who have free choices.

But we are a vigorous people, Madam Speaker. We're a unique people. We're the kind of people who recognize from the beginning that our rights come from God. We are endowed by our Creator with certain unalienable rights. Among them are life, liberty, and the pursuit of happiness. That pursuit of happiness wasn't the pursuit of hedonism; it was the pursuit of perfection, just the pursuit of perfection—both intellectual and physical improvements. That's the pursuit of happiness in the Greek form, and that's what our Founding Fathers understood.

□ 2100

They're unique, vigorous people with rights that come from God, and of all the things that flow through with this, these rights, many of them laid out in our Bill of Rights: freedom of speech, religion, and the press; freedom to peaceably assemble and petition the government for redress of grievances; the right to keep and bear arms—the right to keep and bear arms; the property rights that are the Fifth Amendment; the right to protection of trial by jury, to be tried by a jury of your peers, and the right to protection against double jeopardy; the rights that are endowed to the States and then the people, respectively, in the Ninth and mostly the Tenth Amendment.

All of those are unique things to Americans. They don't apply to Western European democratic socialist states or, should I say, social democratic states. They don't apply to people in Canada. They don't have that same level of rights. They don't apply to people in Mexico or anyplace in this hemisphere or anyplace else on this planet. These rights, as understood and envisioned by our Founding Fathers, apply only to Americans. And they are the foundation of why Americans are a unique and vigorous people, and they're the foundation of why we are the unchallenged greatest Nation in the world. And we have a unique vigor,

and that vigor comes from the foundation of these rights.

But, Madam Speaker, I would take the position this, that you could take all of these rights that we have, that we identify as coming from our Creator, from God, and you can bestow them upon any other people on the planet and ask them to go out and build a vigorous society that would match and mirror that of America, and I will submit that that effort would fail. It would fail no matter if they had unlimited natural resources, if they had free enterprise to no end, if they had a reverence for the Constitution the way we do.

You could take this package, this vision of American rights and Constitution, you could put it in the richest land in the world or the poorest and offer it to any people on the planet, and I will submit that they could not succeed in producing another country that has the vigor and the success that this country has. And I'm not standing here, Madam Speaker, taking credit for this. I'm standing here giving reverence to this gift that we have that is America.

And I will continue, that of all of the rights that are foundations of those beautiful marble pillars of American exceptionalism and the free enterprise component that goes along with it—property rights, freedom of speech, religion, and the press, and the list goes on—there's one other component that no other nation can have, and that is the unique vigor of the American people.

And we are a people that have been blessed by the vigor of every contributing, every donor civilization on the planet, no matter the country. The people that came here, the legal immigrants that came to the United States, came here with the vision of the American Dream. They were attracted to the vision of the American Dream. And so we were able to, by good sense of circumstance and forethought and vision, skim the cream of the crop off of every donor civilization on the planet: the people that had a vision, that had a dream, that had a vision, that wanted to test themselves, that wanted to build something that went beyond their generation; people that wanted to leave the world a better place than it was when they found it; people that wanted to prepare the ground for the next generation to farm, so to speak, and in some cases literally, these are the people that we got that came to America from every country, whether it would be England or Scotland or Wales or Poland or Germany or Italy or any of the countries on the planet, all across Asia, all across Central and South America; people that had a vision that they wanted to live free and breathe free and build something and have children and grandchildren that could benefit from their labors.

And their vision and their intuitiveness and their creativity and the entrepreneurial nature, they came to America, and that set up a natural filter, natural filter for people to save up enough money and to get passage to come to the United States. Some of them sold themselves for as long as 7 years of labor just to pay the passage to get here. That's a dream. You don't get any calls that come like that. You get people that are vigorous, and we attracted them, and that's the American spirit.

This vigorous American spirit is totally unsuitable for a social democracy or socialism or hardcore leftist communist Marxism or any of those other utopian philosophies that many of them emerged out of the non-English speaking portion of Western Europe, and their philosophies permeated a lot of the components of the globe because they're built upon class envy, but they're not built upon the truths of human nature nor are they built upon our rights coming from God.

And so here we are in this country, fantastic that we are the recipients of such gifts, and the gifts that we have and the vigor that we have, we need to understand what it's rooted in. And it's rooted in these freedoms and it's rooted in the filter, the filter that filtered out people that wanted to come here but didn't have quite the ambition to make it happen. It was hard to get here, and you had to have a dream to want to come here; and when you came here, we respected hard work and smart work and people that planned and invested and they were rewarded, and we admired them and raised our children to emulate them.

How many people like Donald Trump today, even though—like I said, I don't have anything bad to say about Donald Trump, not here into the RECORD. It's because he's been successful, people admire him. Bill Gates, because he's been successful. Steve Jobs, they admire him because he's been successful. They've been successful because they've been entrepreneurs. They've been creative. They've worked within the free market system. They have made our lives better and improved the quality of our lives and lowered the cost of the services that we need for our quality of life to be upheld and made those contributions and gotten rich in the process. That's the free enterprise system.

So here we are, these vigorous people, and some of the nanny state advocates here in this Congress—actually, it was a majority of them last year—decided they want to impose ObamaCare on us and take away our personal vigor. They wanted to take over the responsibility of managing our health care. What they finally did was, because ObamaCare is right now the law of the land, they nationalized our

skin and everything inside it, a government takeover of my body. The government took my body over and the body of 308 million Americans, and now they're going to tell us when we get health care, under what conditions we get health care, that we must have their health insurance policy that they prescribe for us. They've taken away our individual responsibility. They've nationalized our skin and everything inside it.

And they had the audacity—and the President's fond of that word “audacity.” It was in the title of one of his books, “The Audacity of Hope.” The President of the United States had the audacity to impose a 10 percent tax on the outside of the skin that he nationalized inside of if you go into a tanning salon to turn yourself a little browner. That is a reach of the nanny state to impose a tax. They wanted to tax your non-Diet Coke. They want to manage our lifestyles in such a way that they will tax us if we eat fat foods and then presume we should get a discount if we eat healthy foods.

This is a nanny state personified. ObamaCare is so bad. It's bad because of all the things that I've listed about the cost and the quality and the lines and the rationing and the net result of all of that, Madam Speaker, but the worst part is it is an unconstitutional taking of American liberty. It takes from us the ability, the right to manage our own health care, and it must go.

And when that legislation was passed and signed into law—I believe the anniversary date was March 23 of this year—I laid awake most of the night and slept a little bit and got up in the middle of the night and drafted a piece of legislation to repeal ObamaCare. It was waiting at the door of the service team to be formally put into the form of a bill when they opened up that morning.

Very interestingly, Congresswoman MICHELE BACHMANN of Minnesota had done the same thing, and her legislation came down within 3 minutes of mine, exactly the same 40 words that said we're going to repeal ObamaCare and, “as if it had never been enacted” were the last words in the bill. Forty words, repeal ObamaCare, gives the names of the bill, the numbers of the bill, et cetera, the last line, “as if it had never been enacted.”

□ 2110

Rip it out by the roots, Madam Speaker.

Now, that was not necessarily unheard of, but there aren't many precedents in the history of Congress for repeal legislation to be filed actually the next day after a huge piece of legislation has been passed. But that is what we did, and we started down that path immediately, working to get signatures on the bill and building up the support to repeal ObamaCare.

By mid-summer we had a discharge petition. By the end of the 111th Congress, going into the election as the only part that counted, we had 173 signatures on my discharge petition, people that wanted to see ObamaCare repealed come to the floor, bypass the committee process, bypass the Speaker's ability to kill the bill before it got here, and bring it to the floor for a vote. We had 173; we needed 218.

And the message that went out across America was useful in that some Members of Congress that are here today will say straight up they wouldn't be here if it were not for the discharge petition and they could challenge their opponent to sign it. And almost every Democrat refused to do so. And now there are 87 new freshman Republicans. Every single one has run on the repeal of ObamaCare. As far as I know, everyone has run on the defunding of ObamaCare. And I know that every single Republican in the House of Representatives voted for H.R. 2, which is the repeal of ObamaCare. And I know that every single Republican in the United States Senate voted to repeal ObamaCare. The language that we generated then is the language that emerged into H.R. 2. And today every Republican and some Democrats are on record voting to repeal ObamaCare.

Now, that didn't stop there. The strategy that I put together almost a year ago was this: that we needed to win the majority, which we did; bring the repeal of ObamaCare, which we did. It didn't succeed in the United States Senate, but behind that always was this majority here in the House of Representatives has an obligation to cut off all funding that would be used to implement or enforce ObamaCare.

And I have been consistent with that language all the way through last summer into last fall and past the election and beyond. Repealing ObamaCare, then cut off the funding to ObamaCare. Stop the implementation of ObamaCare and stop the enforcement of it by shutting off the budget dollars and hold this waste of money to this unconstitutional bill of ObamaCare until such a time as we can elect a President who will sign the repeal.

The date for that to happen in my strategy is January 20, 2013, Madam Speaker. And that's the date that the next President of the United States will be inaugurated out here on the west portico of the Capitol Building.

And when that President stands there and takes that oath of office, it's my vision and my dream and my commitment to work towards it, I am going to ask him take your oath of office with pen in hand, Mr. President-elect, and I'm going to ask you to solemnly swear to preserve, protect, and defend the Constitution of the United States to the best of your ability so help you God. And once that statement

is made and it's completed and the oath of office is finished and he's formally the President of the United States, and before that new President on January 20 of 2013 shakes the hand of Chief Justice John Roberts, I want that pen in his hand to come right down to the parchment, and I want him to sign the repeal of the ObamaCare right there on the podium of the west portico of the Capitol, right out there as the first act of the next President of the United States. That's my vision. That's my commitment.

But until then shutting off funding to ObamaCare is a must-do. And most of America knows by now that there is \$105.5 billion automatically appropriated in a deceptive way by the way the bill was drafted up in NANCY PELOSI's office, not going through committee, not having the work of the will of this Congress, but drafted up in her office and dropped on us with hardly any notice and certainly no time to inform the American people of what was in it, automatic, unprecedented in their scope, appropriations to the tune of \$105.5 billion, Madam Speaker.

And already it automatically appropriated in the 2010 budget. So that's \$18.6 billion and \$4.95 billion in the 2011 budget. It totals up to \$23.6 billion, already appropriated, almost all of it set aside for the purposes of implementing ObamaCare.

We must have a showdown. We must face the President down. If the President demands that ObamaCare be funded, what are we going to do? Say, no, Mr. President, that he vetoes legislation that would otherwise fund all of government?

And if President Obama does that or if HARRY REID continues to perform as his proxy and shuts off anything that we send over that way even though we've demonstrated our desire to keep the legitimate functions of government, all of them, functioning, if the President shuts it down or HARRY REID shuts it down and this government comes to a halt, here's the irony.

The irony is this: lights would go out in Federal offices around this land. Not all of them because essential services will keep going. But lights will go out. And as the lights go out in the non-essential service Federal offices, what will be going in the other offices? ObamaCare will continue even in a government shutdown to be implemented because there's \$23.6 billion sitting in their pot to spend out of to implement ObamaCare, and we could have shutdown after shutdown, and ObamaCare is implemented and implemented.

We must hold the line. We must stand on this principle. It is our obligation. It is unconstitutional. We take an oath to uphold the Constitution too. And that includes defending the Constitution and opposing unconstitutional legislation with every tool at our disposal.

The President and the Democrats, I believe, Madam Speaker, plan to shut this government down. That's why they agreed to a continuing resolution in December that funds the government until March 4. It was to bring this to a head. They wanted to box us into a corner and then blame Republicans for shutting the government down.

Well, it's real clear: Republican leadership wants to avoid a shutdown. It's clear to me that Democrats are determined to provide a shutdown and try to blame it on Republicans. And it's clear to me that if we fund all the functions of government except ObamaCare and if the President brings about a shutdown, it won't be the House Republicans; it will be HARRY REID as proxy for the President.

If that happens, what we're going to see happen here is the President of the United States could veto an appropriations bill that funds everything except ObamaCare. It would be a Presidential executive tantrum that he would be throwing. That tantrum that he would be throwing would be saying this: that his signature piece of legislation, ObamaCare, means more to him than all of the other legitimate functions of government combined.

That's the scenario that we are in. The American people will render a verdict when that day comes that there is that kind of a showdown. And it must come. The American people will render a verdict. They will side with us. They are not going to side with the President who has imposed ObamaCare when 62 percent of Americans want it repealed, 51 percent intensely want to do so, and only 24 percent want to keep it in any kind of a vigorous way.

So, Madam Speaker, I will say this: we have an obligation to stand and hold our ground. This showdown will come. It must come. If it doesn't, we will be capitulating to the President in every way that he's willing to fight. I say let's stand our ground now. Let's have our fight now. Let's get it over with, and let's get on with the business of the 112th Congress.

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

CONCERNS ABOUT LIBYA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Madam Speaker, I appreciate the opportunity to address the assembled body tonight.

As one of the few combat veterans in the U.S. Congress, I rise to express deep concerns about what we are doing in Libya at this moment.

Madam Speaker, we have committed the U.S. taxpayers and we've committed U.S. troops to engagements

that have extended almost a decade. Having been involved in one of those long overseas engagements before in Vietnam, I know the strain that these actions place on our families and on our young soldiers, and I don't think that the administration has adequately thought out what we are doing and what we're asking the taxpayers of this country to do and the young people of this country to do, engaging in yet a third front with questionable ideas and questionable values at the heart of why we're engaging in the discussion.

□ 2120

I've been an ardent supporter of the war on terror. I believe that we're going to be committed to the war regardless if it is there in their back yard or in our back yard.

But I rise tonight to say that I'm adamantly opposed to extending our forces any further than what we've already extended them without asking our allies to provide their tax money and to put the lives of their young people on the line.

The entire world is benefiting from the sacrifices that this country is making to establish order and to establish some modicum of peace in regions that are not given naturally to such. And since the world benefits, then the world has a responsibility. So I think the President should be calling on our allies to fund the NATO mission and to provide the people, the personnel, and the weapons.

And, yet, as I look at a breakdown of the missions that have been flown and fought so far, I find a dominance of U.S. cost in lives, in hours, monetary resources and in morale.

As a veteran, I find it disturbing that we're in two wars and now intervening in a third with no end in sight. Our mission is unclear.

Having served in Vietnam at a time when our Nation was beginning to withdraw support for that war, and remembering being there in those countries when funding was made short and gasoline and fuel was taken from state-side missions in order to fly combat missions, I remember with dismay a Nation that was not fully supporting the combat troops.

I find these actions to be questionable on behalf of our Commander in Chief as it regards Libya. Despite his speech last night, President Obama simply raised more questions. He explained that America is different. I'm not certain of exactly how that rationale applies to putting young men and women in harm's way, but I don't think it is a deep enough explanation. What is the time frame? The President has yet to clarify. Are we there to enforce a no-fly zone? Then let our friends and neighbors in the U.N., the United Nations, enforce the no-fly zone.

If we're there to enforce a no-fly zone, why then are we bombing ground

troops? They don't affect the no-fly zone.

If the goal is to protect civilians, why did Secretary Clinton meet with the rebel leader in London? Why is Secretary Clinton calling for Mr. Qadhafi to step down if we're only enforcing the no-fly zone and protecting civilians?

This war is going to go back and forth, and already you see our leaders wondering if we can be out by the end of the year. And I wonder if we can be out by the end of the decade.

Now, make no mistake about it: if Libya had done something to harm us, to put our troops in danger, I would be 100 percent supportive, but I question extending us and our troops to one more war zone.

Why are we fighting a war that Secretary of Defense Robert Gates said bears no strategic interest to the U.S. and does not jeopardize our national security?

Why are we working on the side of the rebels?

Their own commander has stated that al Qaeda members who fought our troops in Iraq are now fighting Mr. Qadhafi. In Libya we're working with the same people we're trying to kill in Afghanistan.

Not only that, but it looks like we're arming those same troops. And I worry that our armaments supplied to troops in Libya will show up in the fight against Americans in Afghanistan and Iraq.

As a combat veteran, I find these concerns to be deeply disappointing in an administration who, for nearly 2 weeks, could not point to whether NATO, the U.S., France or the United Kingdom was in charge. This is poor management, a management I saw during the Vietnam war, with little sense of purpose and always a confusion about exactly why we were there and how long we would stay.

Humanitarian missions are admirable. However, sending troops into combat with no apparent overarching mission is dangerous. Everyone in this room remembers Somalia in 1993.

Why are we singling out Libya? There's a war going on in the Ivory Coast right now. Saudi troops have cracked down on protesters in Bahrain in recent weeks, with civilian deaths reported. Not a whisper of American intervention there.

According to the Genocide Intervention Network, since 2009 almost 1 million people have been displaced in ongoing fighting in the Democratic Republic of the Congo; 5.6 million civilians are estimated killed since 1996. Are we going to intervene there?

Saddam Hussein killed hundreds of thousands of his own people using mustard gas and other weapons. The President was totally opposed, as a Senator, to that war, despite the fact that it had congressional authorization. And, yet, here he is leading us into this new conflict.

The President needs to consider the fact that the mission is unclear, despite his speech last night. He needs to realize that America cannot intervene in wars where we face no threat to our national security and have no strategic interest. He should listen to his Secretary of Defense.

As we engage in this yet third conflict, we're going to continue to put budget pressure on a budget that is straining beyond belief. In this country, the greatest threat that we face right now is a mounting national debt that is almost \$15 trillion, almost the equivalent of our entire gross domestic product.

At the time when we're expending more resources and more dollars in a conflict that has to be yet determined as to its scope, purpose and length, we're straining our budget even further. And while we're conducting these outside forces to greater cost to our U.S. Government, we are conducting a war on the West in this country, in choking the West of jobs right now. So at a time when the cost to our government is increasing, we're choking down the tax resources by simply regulating and taxing jobs out of existence.

In the past 10 days, most of us were at home at work in our districts. I, like everyone else, made a lot of miles in the last 10 days. We drove almost 1,300 miles and did 20 and 30 and 40 events, meeting with people and listening to their concerns. And everywhere we heard the same concern: What are you doing about jobs?

And my sad report had to be that this government, instead of creating jobs, is, in fact, choking off jobs. This government is, in fact, making it impossible for employers to bring on new laborers to expand the workforce and create that sense of prosperity that this Nation has always had available to it.

And people would ask why. And they would also ask how, how's our government choking off jobs? They find it incredulous. They don't want to believe me when I say that in our speeches to begin with. How is our government choking off jobs?

So I use as an example the forest service. This Nation used to have a vibrant logging industry, a timber industry that employed hundreds of thousands. Just in New Mexico, a very small State, over 20,000 people made their living in the timber industry in New Mexico.

Today, no one makes their living in the timber industry in New Mexico. Over 20 mills have been idled. The woodcutters and the choppers no longer have work.

□ 2130

Our mountain communities that used to depend on logging now depend on tourism, which is a very distant second as it provides incomes for our families to live and pay their bills on.

Our government put an entire industry out of work in the 1970s with a regulation based around the spotted owl. The theory was that if we wanted to protect the owl, we had to limit all the activity in the forest; and so we simply killed the timber-cutting jobs in our national forests across the country, and nowhere did it hit harder than in New Mexico. Our government said you can no longer go into the forest and cut trees because we are going to reserve the entire amount of land for the spotted owl, and an industry was killed overnight.

Right now, in New Mexico, the oil and gas industry hires about the same number of people that the timber industry used to hire. About 23,000 people now work for oil and gas. We provide energy for much of the country. And yet those jobs now are at risk because the Fish and Wildlife Service just recently announced that they are going to list a lizard as an endangered species.

Now, keep in mind that this lizard is seen everywhere. But when people ask me what is so significant about this lizard, I tell them, well, you just can't count the lizards out there. You have to stop them, raise their arm, and count the number of scales between the elbow and shoulder underneath their arm. And the endangered lizard has one less scale or one more scale, I'm not sure which, than the other lizards. And people are saying: Wait. Your government would kill our jobs over one scale under a lizard's arm, his front leg? And they are simply aghast that, with 9.5 percent unemployment, that our government would be undertaking such punitive ways of interpreting the Endangered Species Act.

Now, my belief is that we can keep the spotted owl alive in our forests and cut timber, and my belief is it will make healthier forests. And so we have introduced a bill which simply says, yes, we want to keep the spotted owl alive in sanctuaries. We will keep 1,000 acres here, 1,000 acres over here. But in the million acres in between we are going to allow logging for the first time in a couple of decades. For the first time, the mountain communities that used to thrive on timber cutting have the opportunity for jobs.

But even more than that, as we cut trees, New Mexico is a very arid climate, and what used to happen is that fires would burn the trees down to where there were only about 50 per acre. So we were broad savannah lands with our natural forests and scattered trees. You can visualize how many 50 per acre is. That would be widely spaced with grass in between. And when the rains would come, the water would soak in and recharge the aquifers, but also recharge the aquifers around our streams.

Since we have stopped cutting trees in our national forests, they now are

crowded from 50 trees per acre to 2,500 trees per acre. And now the streams are running dry because the trees use up so much more water than the grasslands that were native to the region. Instead of percolating down, the water is now soaked up by the trees and transpired into the atmosphere, causing our communities to be running out of water, our rivers to be running dry, and irrigation that used to provide jobs to be gone, all in the name of the spotted owl.

Now, I believe that a reasonable society can protect the spotted owl and create jobs, and that's the purpose of my bill. But before we go and rescue an industry from the past, we have to fight the fight to keep American oil being produced here, because the listing of that lizard has the potential to shut down all of the oil and gas jobs in a three-county region and maybe even across the entire State. That is still unclear.

We have people beginning to show up in large numbers to demonstrate against a government that is becoming too insensitive, too concerned about the hypothetical and not concerned enough about people who are just struggling to make ends meet. We find citizens who are simply aghast that this government would be killing jobs at a time when our economy is struggling so bad. And at the very time that we are struggling to keep our industry alive from some nameless bureaucrat, we find our President going to South America to see what he can do to invigorate an oil industry there. My friends, this is a time for us to produce American jobs and American energy.

Now, I believe that we can produce energy and protect the species. I believe that we can produce energy and keep our environment clean. And I believe that we can produce American jobs while protecting species, the environment, workers. I believe that we can do it all, and I believe that Americans insist that we do it. They don't want to see the species go extinct, but neither do they want jobs to be shipped overseas in the name of some value they don't quite understand.

Now, the truth is that where we have stopped logging, the trees are too dense for the spotted owl now. The habitat, instead of getting better, has gotten worse. And right across the street in the Mescalero Indian reservation, where they can log at their own will and they have been logging, the spotted owl prefers that habitat because they need to sit on the branches, they jump off the trees, they get flying speed, and they are able to overtake the rodents or whatever it is they live off of.

And so the habitat we are trying to protect actually is simply not suitable now for the spotted owl and they are moving over next-door, and we have done this in the name of some science

that has never been made clear to us and it is very similar to what is going on with the lizard. They are going to list some species that I suspect there is no DNA difference between the five-scaled lizard and the six-scaled lizard. I suspect that is a mutation rather than a DNA difference. I suspect that there is no science on it.

And so we joined with people in our district this week to begin to say publicly to the government: Enough is enough. You are making promises with our money that you can't keep. You are committing us to more wars. You are committing us to more social payments. You are committing the taxpayer to a higher burden. At the same time, you are causing dwindling taxation into the government coffers by killing our jobs, and people are saying it is enough.

We saw in the last election a turnout of incredible magnitude of people saying: The government is not listening, and we don't care about what the government is doing anymore. The frustration is deeper and deeper. And, frankly, I encourage that, because I believe that the only hope in turning back a government that is too strong, a government that does not care, a government that is willing to take jobs from its people, a government that is willing to commit our troops anywhere in the world in the name of whatever vague policy they have is a government that is out of control. This needs to return to be a government of the people, by the people, and for the people.

We have set up on our Web page places where you can go and make comment to the government. You can call our office here and make those comments, and we will relay those comments for you.

So understand that we are in a fight for the future of this Nation, in a fight for our economy, and the greatest enemy is the government itself. The government intervenes in ways that it has no constitutional authority. The government intervenes with increasing tax policies so that even our President said in his State of the Union message that we are too highly taxed in our corporations and we need to get that in control. Let our President get that in control. We will vote gladly for such tax decreases here on the floor of this House in order to ensure that jobs are created.

The greatest reason that our jobs are going overseas are two: taxation policy and regulation policy. Regulations like the spotted owl. Regulations like the listing of the lizard. Regulations like the choking down of our financial system by the regulators now who are going into banks and scaring them by threats of fines. We are choking our economy down in the name of safety and security and achieving neither. The sad thing is that we could cure most of our economic ills if we simply grow the economy.

□ 2140

Actuarial tables tell us that if we had a 3.5 percent rate of growth, that our economic problems in the States and in this government begin to disappear. And you would ask, is 3.5 percent possible? Well, that is exactly the rate we have averaged for the last 75 years. But, today, because of our policies of overtaxation, overregulation, our unfriendliness to business in general, we find ourselves stuck at about a 1 to 1.5 percent rate of growth.

Thus, we are finding the pressure on Social Security, Medicare, and Medicaid. We are finding the pressure of the \$15 trillion debt. We are finding the pressure of \$1.5 trillion deficits. In order to meet those pressures, our Federal Reserve is beginning to print more and more money, so we are seeing prices skyrocket.

So at a time when jobs are scarce and people worry for the future, we are seeing the price of gasoline go up, the price of vegetables going up, the price of gold, silver, iron, everything is going up; not because their value has increased since last year or last month, but because the value of your dollar is decreasing because we are printing so many.

And even then we still are having increased pressure. We find the Japanese are not going to be able to lend us money. They typically were large buyers of our Treasury Bills, meaning they were loaning the government money. Not for a long time. China is beginning to decrease its holdings of Treasury Bills. And we are hearing these vague messages that our bankers, Chinese, Japanese, our own citizens, think our economy is out of control, our debt and our deficits are out of control, so they are saying no more, we are not going to lend you any more. That then drives the Federal Reserve to make up the difference by printing money.

That is an avenue that some of the worst economies in the world have pursued. In Argentina last year, Argentina had a rate of inflation of 1,500 percent. That means if you began the year with \$1.5 million in the bank, at the end of that year you had about \$100,000. At the end of next year it is going to be under \$10,000. So in just 2 years, if you had a nest egg in retirement, it will become of no value.

That is the path that Argentina chose, and it is the path now that we are beginning to choose; endless deficits, endless debt, wars that bankrupt us with no reasonable explanation of why we are in those wars. It is that situation that the American taxpayer faces today. It is that situation that causes me to stand and say America has done enough, American soldiers have done enough, American taxpayers have done enough. Let our friends come to the table. Let our friends begin to shoulder their share of the burdens.

Meanwhile, let us begin to cut the spending here in Washington. We can cut many ways without cutting the actual outcomes to people. We have duplicate agencies. We have waste, we have fraud, we have abuse. Cut those, but, on the other hand, begin to grow our economy and create jobs in industries that used to be here, industries that would start up overnight.

These are not 10- and 20-year plans. These are ideas that can begin immediately. The people would begin to work in the forest immediately if we would let them. They would begin to drill wells again. Offshore we could get our deepwater platforms working once again. Those have been idled by a government that is too powerful and has shut down over 100,000 jobs offshore.

These are the reasons that we are having the economic difficulties that we do. And when we have difficulties, as the world's largest economy, the Germans said it best: When you sneeze, you—the U.S.—sneeze economically, you give the rest of the world the flu.

If we will begin to set about creating American jobs, producing American energy, American timber, American manufactured goods up and down the economic spectrum, then we can cure not only our economy, but we can cure the world's economy. And I believe that we are going to do that. I believe that because the American people are beginning to stand and insist on it. Their insistence is patient, their insistence is respectful, but it is insistent nonetheless, and it has no waver and no quiver to it.

It says fix the problems. Come to this city of Washington and vote not like Republicans, not like Democrats, but like Americans. And when we begin to do that in this body, I believe that the American people will come together and support us in rekindling that greatness that lies within this country, that American exceptionalism that people for generations have come here to find, leaving everything behind, leaving families, a culture behind, leaving their own language behind, and they have come here for generations to find those words "opportunity" and "hope" which have been so deeply ingrained into the fabric of this Nation. And that is what I believe that we should be engaged in at this moment in this body.

Madam Speaker, I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RANGEL (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today and the balance of the week on account of surgery.

BILL AND JOINT RESOLUTION
PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on March 03, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 662. To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

Karen L. Haas, Clerk of the House further reports that on March 17, 2011 she presented to the President of the United States, for his approval, the following joint resolution.

H.J. Res. 48. Making further continuing appropriations for fiscal year 2011, and for other purposes.

ADJOURNMENT

Mr. PEARCE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 30, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

923. A letter from the transmitting the Department's "Major" final rule — Regulation to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended (RIN: 3046-AA85) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

924. A communication from the President of the United States, transmitting a message on the United States' involvement in the international effort authorized by the United Nations Security Council; (H. Doc. No. 112-14); to the Committee on Foreign Affairs and ordered to be printed.

925. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-39, "Reinstated Government Employee Review Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

926. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-34, "Balanced Budget Holiday Furlough Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

927. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-35, "Processing Sales Tax Clarification Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

928. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-36, "One City Service and Response Training Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

929. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-37, "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

930. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-38, "Fiscal Year 2011 Office of Public Education Facilities Modernization Funding Revised Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

931. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-160, "Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

932. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-724, "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010"; to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on January 3, 2011]

Mr. BRADY of Pennsylvania: Committee on House Administration. Report on the Activities of the Committee on House Administration During the 111th Congress (Rept. 111-715). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 29, 2011]

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1079. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes (Rept. 112-41 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 362. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building" (Rept. 112-42). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 872. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; with an amendment (Rept. 112-43 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LUCAS: Committee on Agriculture. H.R. 872. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; with an amendment (Rept. 112-43 Pt. 2). Re-

ferred to the Committee of the Whole House on the State of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 1034. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund (Rept. 112-44 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 186. A resolution providing for consideration of the bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes (Rept. 112-45). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on March 23, 2011]

Pursuant to clause 2 of rule XIII the Committees on Science, Space, and Technology and the Judiciary discharged from further consideration. H.R. 658 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on March 29, 2011]

Pursuant to clause 2 or rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1034 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 or rule XIII the Committee on Ways and Means discharged from further consideration. H.R. 1079 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself, Mrs. MYRICK, Mr. BILBRAY, and Mr. WEST-MORELAND):

H.R. 1211. A bill to require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. AMASH (for himself, Mr. CHAFFETZ, Mr. JOHNSON of Illinois, Mr. KUCINICH, and Mr. PAUL):

H.R. 1212. A bill to require the cessation of the use of force in, or directed at, the country of Libya by the United States Armed Forces unless a subsequent Act specifically authorizes such use of force; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 1213. A bill to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 1214. A bill to repeal mandatory funding for school-based health center construction; to the Committee on Energy and Commerce, and in addition to the Committee on

Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA:

H.R. 1215. A bill to amend title V of the Social Security Act to convert funding for personal responsibility education programs from direct appropriations to an authorization of appropriations; to the Committee on Energy and Commerce.

By Mr. GUTHRIE:

H.R. 1216. A bill to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; to the Committee on Energy and Commerce.

By Mr. PITTS:

H.R. 1217. A bill to repeal the Prevention and Public Health Fund; to the Committee on Energy and Commerce.

By Mr. SHUSTER:

H.R. 1218. A bill to amend title 23, United States Code, to allow a State to use as a credit toward the non-Federal share requirement for funds made available to carry out such title the Appalachian development highway system program; to the Committee on Transportation and Infrastructure.

By Mr. HALL (for himself, Ms. SCHA-KOWSKY, Mr. TERRY, Mr. WHITFIELD, and Mr. BARROW):

H.R. 1219. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of optometrists; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 1220. A bill to require the conveyance of the decommissioned Coast Guard Cutter STORIS; to the Committee on Transportation and Infrastructure.

By Mr. BACHUS (for himself, Mr. GARRETT, Mr. HENSARLING, Mr. PEARCE, and Mrs. BIGBERT):

H.R. 1221. A bill to suspend the current compensation packages for the senior executives of Fannie Mae and Freddie Mac and establish compensation for such positions in accordance with rates of pay for senior employees in the Executive Branch of the Federal Government, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER (for himself, Mr. BACHUS, Mr. GARRETT, Mr. PEARCE, and Mr. HENSARLING):

H.R. 1222. A bill to increase the guarantee fees charged by Fannie Mae and Freddie Mac with respect to mortgage-backed securities guaranteed by such enterprises; to the Committee on Financial Services.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, and Mr. PEARCE):

H.R. 1223. A bill to amend the Securities Exchange Act of 1934 to ensure mortgages held or securitized by Fannie Mae and Freddie Mac and asset-backed securities issued by such enterprises are treated similarly as other mortgages and asset-backed securities for purposes of the credit risk retention requirements under such Act; to the Committee on Financial Services.

By Mr. HENSARLING (for himself, Mr. BACHUS, Mr. GARRETT, and Mr. PEARCE):

H.R. 1224. A bill to increase the rate of the retained annual reductions of the retained portfolios of Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. PEARCE (for himself, Mr. GARRETT, Mr. BACHUS, and Mr. HENSARLING):

H.R. 1225. A bill to prohibit Fannie Mae and Freddie Mac from issuing any new debt without approval in advance by the Secretary of the Treasury; to the Committee on Financial Services.

By Mr. ROYCE (for himself, Mr. BACHUS, Mr. GARRETT, Mr. PEARCE, and Mr. HENSARLING):

H.R. 1226. A bill to repeal the affordable housing goals for Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. SCHWEIKERT (for himself, Mr. BACHUS, Mr. GARRETT, Mr. PEARCE, and Mr. HENSARLING):

H.R. 1227. A bill to prohibit Fannie Mae and Freddie Mac from offering any new products during the term of any conservatorship or receivership of such enterprises; to the Committee on Financial Services.

By Mr. LANDRY:

H.R. 1228. A bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington (for himself, Mr. LAMBORN, Mr. FLEMING, Mr. LANDRY, Mr. FLORES, Mr. JOHNSON of Ohio, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GOHMERT, Mr. DENHAM, Mr. DUNCAN of Tennessee, Mr. NUNES, Mr. BOUSTANY, Mr. GRIMM, Mr. SCALISE, Mr. ROSS of Florida, Mr. GRAVES of Missouri, Mrs. MYRICK, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POMPEO, Mr. OLSON, Mrs. CAPITO, Mr. WESTMORELAND, Mr. LONG, Mr. SIMPSON, Ms. JENKINS, Mr. KELLY, Mr. RIGELL, Mr. HELLER, Mrs. HARTZLER, and Mr. POSEY):

H.R. 1229. A bill to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. LAMBORN, Mr. FLEMING, Mr. LANDRY, Mr. FLORES, Mr. JOHNSON of Ohio, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GOHMERT, Mr. DENHAM, Mr. DUNCAN of Tennessee, Mr. NUNES, Mr. BOUSTANY, Mr. GRIMM, Mr. SCALISE, Mr. ROSS of Florida, Mr. GRAVES of Missouri, Mrs. MYRICK, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POMPEO, Mr. OLSON, Mrs. CAPITO, Mr. WESTMORELAND, Mr. LONG, Mr. SIMPSON, Ms. JENKINS, Mr. KELLY, Mr. RIGELL, Mr. HELLER, and Mrs. HARTZLER):

H.R. 1230. A bill to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Washington (for himself, Mr. LAMBORN, Mr. FLEMING, Mr. LANDRY, Mr. FLORES, Mr. JOHN-

SON of Ohio, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GOHMERT, Mr. DENHAM, Mr. DUNCAN of Tennessee, Mr. FLEISCHMANN, Mr. NUNES, Mr. BOUSTANY, Mr. GRIMM, Mr. SCALISE, Mr. ROSS of Florida, Mr. GRAVES of Missouri, Mrs. MYRICK, Mrs. LUMMIS, Mr. POMPEO, Mr. OLSON, Mrs. CAPITO, Mr. WESTMORELAND, Mr. LONG, Mr. SIMPSON, Ms. JENKINS, Mr. KELLY, Mr. RIGELL, Mr. HELLER, Mrs. HARTZLER, Mr. RIBBLE, Mr. GINGREY of Georgia, and Mr. POSEY):

H.R. 1231. A bill to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes; to the Committee on Natural Resources.

By Mr. CAMP:

H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion; to the Committee on Ways and Means.

By Mr. BOSWELL (for himself, Mr. BUTTERFIELD, Mr. LOEBSACK, Mr. KING of Iowa, Mr. LATHAM, and Mr. BRALEY of Iowa):

H.R. 1233. A bill to amend the Consolidated Farm and Rural Development Act to suspend a limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture.

By Mr. KILDEE:

H.R. 1234. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Natural Resources.

By Mr. CARTER:

H.R. 1235. A bill to provide a Federal regulatory moratorium, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself, Mr. NEAL, Mr. PAULSEN, Mr. BLUMENAUER, Mr. HUNTER, and Mr. DEFAZIO):

H.R. 1236. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1237. A bill to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR (for herself, Mr. LATOURETTE, and Mr. TURNER):

H.R. 1238. A bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure; to the Committee on Financial Services.

By Ms. KAPTUR (for herself, Mr. MANZULLO, and Mr. JONES):

H.R. 1239. A bill to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch,

to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself and Mr. PLATTS):

H.R. 1240. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 1241. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY:

H.R. 1242. A bill to ensure that nuclear power plants can withstand and adequately respond to earthquakes, tsunamis, strong storms, or other events that threaten a major impact; to the Committee on Energy and Commerce.

By Mr. NADLER:

H.R. 1243. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. KIND, Mr. BOUSTANY, Mr. BLUMENAUER, Mr. PAULSEN, and Mr. PASCRELL):

H.R. 1244. A bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY (for himself and Mr. HASTINGS of Florida):

H.R. 1245. A bill to recognize the memorial at the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national memorial of Navy SEALs and their predecessors; to the Committee on Armed Services.

By Mr. WEST:

H.R. 1246. A bill to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction; to the Committee on Armed Services.

By Mr. WEST:

H.R. 1247. A bill to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations; to the Committee on Armed Services.

By Mr. WEST:

H.R. 1248. A bill to amend title 5, United States Code, to provide that civilian employees of the Department of Defense performing unsatisfactory work shall not be eligible for annual nationwide adjustments to pay schedules; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California:

H. Res. 185. A resolution supporting the goals and ideals of National Tsunami Aware-

ness Week; to the Committee on Science, Space, and Technology.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BILIRAKIS:

H.R. 1211.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defense of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make "all Laws which shall be necessary and proper" for carrying out the constitutional powers vested in the Government of the United States.

By Mr. AMASH:

H.R. 1212.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution states that Congress shall have the power "To declare War," "To raise and support Armies," "To provide and maintain a Navy," and "To make Rules for the Government and Regulation of the land and naval Forces." Although the Constitution's Article II, Section 2 designates the President as "Commander in Chief," that title does not empower the President to order congressionally unauthorized force when the United States has not been attacked or is not in imminent danger of attack. This bill reclaims Congress's core constitutional prerogative to control when offensive military force is used.

By Mr. UPTON:

H.R. 1213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BURGESS:

H.R. 1214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LATTA:

H.R. 1215.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GUTHRIE:

H.R. 1216.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. PITTS:

H.R. 1217.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SHUSTER:

H.R. 1218.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. HALL:

H.R. 1219.

Congress has the power to enact this legislation pursuant to the following:

The reference to the Commerce Clause is applicable to this bill: "This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution."

By Mr. YOUNG of Alaska:

H.R. 1220.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mr. BACHUS:

H.R. 1221.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3: ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. NEUGEBAUER:

H.R. 1222.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 18: "The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GARRETT:

H.R. 1223.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. HENSARLING:

H.R. 1224.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clauses 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United

States; but all Duties, Imposts and Excises shall be uniform throughout the United States"), 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. PEARCE:

H.R. 1225.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"), 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. ROYCE:

H.R. 1226.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. SCHWEIKERT:

H.R. 1227.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"), 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. LANDRY:

H.R. 1228.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. HASTINGS of Washington:

H.R. 1229.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the U.S. Constitution.

By Mr. HASTINGS of Washington:

H.R. 1230.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the U.S. Constitution.

By Mr. HASTINGS of Washington:

H.R. 1231.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the U.S. Constitution.

By Mr. CAMP:

H.R. 1232.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. BOSWELL:

H.R. 1233.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution, Section 8, Clause 18.

By Mr. KILDEE:

H.R. 1234.

Congress has the power to enact this legislation pursuant to the following:

The Indian Commerce Clause: Clause 3 of Section 8 of Article I and the Necessary and Proper Clause: Clause 18 of Section 8 of Article I of the Constitution.

By Mr. CARTER:

H.R. 1235.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. GERLACH:

H.R. 1236.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. HERGER:

H.R. 1237.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Ms. KAPTUR:

H.R. 1238.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. KAPTUR:

H.R. 1239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, and Article I, Section 8.

By Mr. LOEBSACK:

H.R. 1240.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. LUJÁN:

H.R. 1241.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. MARKEY:

H.R. 1242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. NADLER:

H.R. 1243.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (Commerce Clause), and Clause 18 (Necessary and Proper Clause).

By Mr. REICHERT:

H.R. 1244.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Arti-

cle I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. ROONEY:

H.R. 1245.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution: Clauses 13 and 14, which grants Congress the power to provide and maintain a Navy and to make rules for the government and regulation of the land and naval forces, Clause 1, which grants Congress the power to provide for the general welfare of the United States, and Clause 18, which grants Congress the power to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEST:

H.R. 1246.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEST:

H.R. 1247.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEST:

H.R. 1248.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. BUERKLE, Mr. ROSKAM, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania,

- Mr. MCCAUL, Mr. KELLY, Mr. CHAFFETZ, Mr. BARTLETT, Mrs. BACHMANN, Ms. GRANGER, Mr. LONG, Mr. MACK, Mr. HANNA, Mr. PETRI, Ms. JENKINS, Mr. HENSARLING, Mrs. HARTZLER, and Mr. SAM JOHNSON of Texas.
- H.R. 11: Mr. HOLT and Mr. CONYERS.
- H.R. 23: Mr. SHERMAN.
- H.R. 25: Mr. RIGELL.
- H.R. 27: Ms. SUTTON.
- H.R. 31: Mr. BACHUS, Mr. GARRETT, Mr. HENSARLING, Mrs. CAPITO, Mr. NEUGEBAUER, Mr. MCHENRY, Mr. DOLD, Mr. HURT, Mr. FITZPATRICK, Mr. SCHOCK, Mr. GOWDY, Mr. GRIMM, Mr. STIVERS, Mr. LUCAS, Mr. MANZULLO, Mr. WALSH of Illinois, Mr. KINZINGER of Illinois, and Mr. ISSA.
- H.R. 58: Mr. ROGERS of Alabama, Mr. BILIRAKIS, and Mr. CARTER.
- H.R. 59: Mrs. HARTZLER, Mr. FARENTHOLD, and Mr. STUTZMAN.
- H.R. 85: Mr. ELLISON.
- H.R. 100: Mr. MCKINLEY and Ms. JENKINS.
- H.R. 104: Mr. DUFFY, Mr. FARENTHOLD, Mr. JACKSON of Illinois, Ms. SPEIER, Ms. SLAUGHTER, Ms. DELAURO, Mr. JONES, Mr. KINZINGER of Illinois, Mr. KEATING, Mr. RIGELL, and Ms. HIRONO.
- H.R. 120: Mrs. BLACK.
- H.R. 140: Mr. WILSON of South Carolina.
- H.R. 178: Mr. COFFMAN of Colorado, Mr. HECK, Mr. RUNYAN, Mr. RYAN of Ohio, and Mr. KING of New York.
- H.R. 181: Mr. SMITH of New Jersey.
- H.R. 186: Mr. PEARCE.
- H.R. 192: Mr. MARKEY.
- H.R. 198: Mr. MCGOVERN and Mr. CARSON of Indiana.
- H.R. 258: Mr. RIGELL.
- H.R. 303: Mr. HUNTER.
- H.R. 308: Mr. RUSH, Mr. DOGGETT, and Mr. KUCINICH.
- H.R. 321: Mrs. MCCARTHY of New York.
- H.R. 361: Mr. BACA, Mr. DUFFY, and Mr. BUCHANAN.
- H.R. 365: Mrs. CAPITO.
- H.R. 371: Mr. BUCHANAN and Mr. SIMPSON.
- H.R. 396: Mr. HALL.
- H.R. 416: Mrs. MCCARTHY of New York.
- H.R. 439: Mr. ELLISON.
- H.R. 440: Mr. GRIMM, Mr. LYNCH, and Mr. KELLY.
- H.R. 450: Mr. SAM JOHNSON of Texas.
- H.R. 452: Mr. ROGERS of Michigan.
- H.R. 458: Mrs. CAPPS, Mr. BERMAN, Ms. SUTTON, and Mr. FRANK of Massachusetts.
- H.R. 459: Mr. YOUNG of Indiana, Mr. POLLS, Mr. MCINTYRE, Mr. HECK, Ms. HERRERA BEUTLER, Ms. FOXX, Mr. STEARNS, Mr. GOWDY, Mrs. LUMMIS, and Mrs. BIGGERT.
- H.R. 466: Mr. HASTINGS of Florida.
- H.R. 478: Mr. FORBES.
- H.R. 482: Mrs. BLACK.
- H.R. 535: Mr. RUSH and Mr. BISHOP of New York.
- H.R. 572: Mr. WAXMAN.
- H.R. 575: Mr. KISSELL.
- H.R. 576: Ms. BERKLEY and Mr. ELLISON.
- H.R. 584: Mr. LIPINSKI.
- H.R. 589: Mr. WEINER, Mr. KUCINICH, Ms. WILSON of Florida, and Mr. WU.
- H.R. 595: Mr. HANNA.
- H.R. 607: Mr. MICHAUD and Mr. LATHAM.
- H.R. 610: Mr. CRENSHAW and Mr. RAHALL.
- H.R. 615: Mr. SCALISE and Mr. ROGERS of Alabama.
- H.R. 616: Mr. KUCINICH.
- H.R. 652: Mr. FILNER.
- H.R. 674: Mr. KING of Iowa, Mrs. LUMMIS, Mr. LONG, and Mr. DAVIS of Kentucky.
- H.R. 679: Mr. LANGEVIN.
- H.R. 681: Mr. RIBBLE and Mr. GOODLATTE.
- H.R. 694: Mrs. LOWEY.
- H.R. 709: Mr. CONYERS, Mr. PASCRELL, and Mr. QUIGLEY.
- H.R. 721: Mr. YODER.
- H.R. 729: Mr. BERMAN.
- H.R. 735: Mr. PAULSEN and Ms. BUERKLE.
- H.R. 743: Mr. TURNER and Mr. RUNYAN.
- H.R. 749: Mr. HELLER.
- H.R. 750: Mr. TIPTON.
- H.R. 795: Mrs. McMORRIS RODGERS.
- H.R. 798: Mr. PLATTS.
- H.R. 800: Mr. KINGSTON, Mr. LANDRY, Mr. BILBRAY, and Mr. MCKINLEY.
- H.R. 808: Mr. ELLISON and Mr. STARK.
- H.R. 812: Mr. COURTNEY.
- H.R. 821: Mrs. ADAMS and Mrs. BLACKBURN.
- H.R. 822: Mr. POE of Texas, Mr. ADERHOLT, Mr. PLATTS, Mr. FORBES, Mr. SCHOCK, Mr. HUNTER, Mr. WALZ of Minnesota, Mr. SULLIVAN, Mr. LUETKEMEYER, Mr. DUNCAN of South Carolina, and Mr. SCALISE.
- H.R. 827: Mr. MEEHAN, Mrs. MYRICK, Mr. MURPHY of Pennsylvania, Mrs. DAVIS of California, and Mr. BILBRAY.
- H.R. 849: Mr. WOLF.
- H.R. 855: Ms. DEGETTE.
- H.R. 870: Mr. FILNER.
- H.R. 872: Mr. SCALISE, Mr. HURT, Mr. BONNER, Mr. BOUSTANY, Mr. CLEAVER, Mr. FORBES, Ms. GRANGER, Mr. CARTER, Mr. MCCLEINTOCK, Mr. ROKITA, Mr. BARROW, Mr. KLINE, Mr. ROGERS of Alabama, Mr. BARLETTA, Mr. BERG, Mr. REED, Mr. CAMP, Mr. WILSON of South Carolina, Mr. POSEY, Mr. CRAVAACK, Mr. HASTINGS of Washington, Mr. COLE, Mr. PENCE, Ms. FOXX, Mr. FORTENBERRY, Mr. MULVANEY, Mr. NUNNELEE, Mr. GOWDY, Mr. PALAZZO, Mr. DOLD, Mr. DENT, and Mr. MCHENRY.
- H.R. 873: Mr. DOGGETT and Ms. SCHA-KOWSKY.
- H.R. 875: Mrs. BACHMANN.
- H.R. 876: Ms. SLAUGHTER.
- H.R. 885: Mr. FORTENBERRY, Ms. BERKLEY, Mr. HINCHEY, and Mr. PRICE of North Carolina.
- H.R. 889: Ms. SCHWARTZ and Ms. MATSUI.
- H.R. 893: Mr. ELLISON and Mr. WITTMAN.
- H.R. 894: Mr. CUMMINGS, Mr. KILDEE, Mr. STARK, and Mrs. CAPPS.
- H.R. 903: Mr. DENHAM.
- H.R. 904: Mr. JONES, Mr. WILSON of South Carolina, Mr. ROSS of Arkansas, Mr. KINGSTON, Mr. CALVERT, and Mr. ROGERS of Michigan.
- H.R. 905: Mr. WALDEN, Mrs. MYRICK, Ms. SEWELL, and Ms. BERKLEY.
- H.R. 910: Mr. POE of Texas, Mr. BRADY of Texas, Mr. TURNER, Ms. JENKINS, Mr. SIMPSON, Mr. KELLY, Mr. FARENTHOLD, Mr. TIPTON, Mr. CALVERT, Mr. FLEISCHMANN, and Mr. GRAVES of Missouri.
- H.R. 912: Mr. CRENSHAW, Mr. WITTMAN, Mr. ELLISON, and Mr. JACKSON of Illinois.
- H.R. 925: Ms. NORTON.
- H.R. 938: Mr. NEAL, Mr. LAMBORN, Mr. KISSELL, and Mr. RUNYAN.
- H.R. 941: Mr. LUJAN, Mr. LOEBSACK, Mr. LATHAM, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MICHAUD.
- H.R. 943: Mr. TOWNS and Mrs. NAPOLITANO.
- H.R. 948: Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. KISSELL, and Mr. MORAN.
- H.R. 969: Mr. BENISHEK.
- H.R. 973: Mr. RIGELL.
- H.R. 984: Mrs. ADAMS, Mr. JONES, Mr. ROKITA, Mr. SESSIONS, Mr. GRIMM, Mr. WEST-MORELAND, and Mr. MACK.
- H.R. 987: Mr. BILBRAY.
- H.R. 1004: Mr. REICHERT.
- H.R. 1006: Mr. FRANKS of Arizona, Mr. HERGER, and Ms. BERKLEY.
- H.R. 1013: Mr. LYNCH.
- H.R. 1033: Mr. MCCOTTER.
- H.R. 1040: Mr. JONES and Mr. FORBES.
- H.R. 1047: Mr. LANKFORD, Mr. POMPEO, and Mr. TIPTON.
- H.R. 1049: Mr. FARENTHOLD and Mrs. LUMMIS.
- H.R. 1055: Mr. JOHNSON of Georgia.
- H.R. 1058: Mr. GUTHRIE, Mrs. MILLER of Michigan, and Mr. MCKINLEY.
- H.R. 1066: Mr. LANGEVIN, Mr. LUJAN, Mr. PALLONE, Mr. VAN HOLLEN, Mr. COURTNEY, Mr. PASCRELL, Mr. MORAN, Mrs. MALONEY, Mr. ROSS of Arkansas, Mr. HEINRICH, Mr. BOREN, Ms. SPEIER, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. HOLDEN, Mr. BARLETTA, Ms. MOORE, Mr. HASTINGS of Florida, Mr. JONES, Mr. CONYERS, Mr. CLEAVER, Ms. SUTTON, Mr. GRIJALVA, Ms. RICHARDSON, Mr. SIREN, Mr. LEVIN, Mr. MCGOVERN, Ms. MATSUI, Mr. CROWLEY, Mr. RAHALL, Ms. BORDALLO, Mr. DAVID SCOTT of Georgia, and Mr. SMITH of Washington.
- H.R. 1070: Ms. ESHOO and Mrs. BACHMANN.
- H.R. 1075: Mr. CHAFFETZ, Mrs. McMORRIS RODGERS, Mr. FLAKE, and Ms. HERRERA BEUTLER.
- H.R. 1081: Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mr. DAVID SCOTT of Georgia, Mr. FILNER, Mr. MCINTYRE, Mr. PAUL, Mr. RUPPERSBERGER, Mr. FLORES, Mr. HOLDEN, and Mr. COFFMAN of Colorado.
- H.R. 1112: Mr. FLORES.
- H.R. 1113: Mr. HONDA, Mr. BACA, Mr. CLEAVER, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. STARK, Ms. MOORE, Mr. PAYNE, Ms. FUDGE, Mr. FATTAH, Mr. CUMMINGS, Mrs. MALONEY, and Ms. WOOLSEY.
- H.R. 1121: Mr. WILSON of South Carolina.
- H.R. 1131: Mr. HASTINGS of Florida.
- H.R. 1132: Ms. MOORE, Mr. JACKSON of Illinois, Mr. STARK, Ms. WOOLSEY, and Ms. NORTON.
- H.R. 1153: Mr. KING of New York.
- H.R. 1161: Mr. HASTINGS of Florida, Mr. GOODLATTE, Mr. BARROW, Ms. SUTTON, Mr. SHERMAN, Mr. QUIGLEY, Mr. FLORES, Mr. POE of Texas, Mr. ROONEY, Mr. WEST, Mr. ANDREWS, and Mr. DAVID SCOTT of Georgia.
- H.R. 1173: Mr. GRIFFIN of Arkansas, Mr. MCCLEINTOCK, and Mr. DUNCAN of South Carolina.
- H.R. 1175: Mr. SMITH of Washington, Mr. BARTLETT, and Mr. MARINO.
- H.R. 1184: Mr. GRAVES of Missouri, Mr. BURTON of Indiana, and Mr. GINGREY of Georgia.
- H.R. 1185: Mr. GINGREY of Georgia.
- H.R. 1186: Mr. SESSIONS and Mr. PAUL.
- H.R. 1187: Mr. CONNOLLY of Virginia.
- H.R. 1206: Mrs. BLACKBURN, Mr. GRIFFIN of Arkansas, Mr. RUPPERSBERGER, Mr. YODER, Mr. SESSIONS, Mr. MCCAUL, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. MULVANEY, Mr. KISSELL, and Mr. PRICE of Georgia.
- H.J. Res. 13: Mrs. MYRICK, Mr. POSEY, Mr. ROGERS of Michigan, Mr. RUNYAN, Mr. AUSTRIA, and Mr. JORDAN.
- H.J. Res. 47: Ms. TSONGAS, Mr. MORAN, and Ms. EDWARDS.
- H.J. Res. 49: Mr. CHAFFETZ and Mr. STARK.
- H. Con. Res. 7: Mr. PETERSON and Mr. HASTINGS of Florida.
- H. Con. Res. 31: Mr. KUCINICH.
- H. Res. 23: Mr. SESSIONS.
- H. Res. 25: Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, Mr. COFFMAN of Colorado, Mr. SCOTT of South Carolina, Mr. HONDA, and Mr. SMITH of New Jersey.
- H. Res. 47: Mr. BERMAN, Mr. VAN HOLLEN, and Mr. SCHIFF.
- H. Res. 60: Mr. WESTMORELAND, Mr. COBLE, and Mr. MCGOVERN.
- H. Res. 81: Mrs. MALONEY.
- H. Res. 82: Mr. BENISHEK, Mr. GUINTA, Mr. ROSS of Florida, Mr. LAMBORN, Mr. NEUGEBAUER, and Mr. JONES.
- H. Res. 85: Mr. VAN HOLLEN.

H. Res. 87: Mr. AL GREEN of Texas.

H. Res. 111: Mr. CAPUANO, Mr. ROGERS of Michigan, Mr. ANDREWS, Mr. SIRES, Mr. PASCRELL, Mr. YARMUTH, Mr. GENE GREEN of Texas, Mr. LOBIONDO, and Mr. WALZ of Minnesota.

H. Res. 134: Mr. JOHNSON of Illinois, Mr. GRIMM, Ms. SPEIER, and Mr. SENSENBRENNER.

H. Res. 137: Mr. BACA, Mrs. EMERSON, Mr. BOSWELL, Mr. KISSELL, Mr. HOLDEN, Mr. BLUMENAUER, Mr. LATHAM, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. JACKSON of Illinois, Mr. COSTA, Mr. STARK, Mr. GARAMENDI, Mr. PETERSON, Mr. TIERNEY, Mr. INSLEE, Mr. MCGOVERN, Mr. WU, Mr. SCHRAMMER, Mr. ISRAEL, Mr. CRITZ, and Mr. MICHAUD.

H. Res. 139: Mr. KIND, Ms. SCHWARTZ, Mr. COHEN, Mr. SCHOCK, Ms. JACKSON LEE of Texas, Mr. WEINER, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. RUSH, Mr. SENSENBRENNER, Ms. WILSON of Florida, Mr. AUSTRIA, and Mr. JOHNSON of Ohio.

H. Res. 140: Mr. CALVERT and Mr. RIGELL.

H. Res. 163: Ms. TSONGAS.

H. Res. 172: Mr. HIGGINS, Mr. CONYERS, Mr. BISHOP of New York, and Mr. STARK.

H. Res. 173: Mr. ROSS of Florida.

H. Res. 177: Mr. HINCHEY, Mr. DAVIS of Illinois, and Mr. HONDA.

H. Res. 179: Mr. CROWLEY and Mrs. MCCARTHY of New York.

H. Res. 182: Mrs. LOWEY, Ms. CLARKE of New York, and Mr. GRIMM.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Delegate ELEANOR HOLMES NORTON, or a designee, to H.R. 471, the Scholarships for Opportunity and Results Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

HONORING THE DISABLED AMERICAN VETERANS CHAPTER 91

HON. HENRY C. "HANK" JOHNSON, JR. OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, March 29, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, DeKalb County serves as home for many Veterans who have served honorably in the United States Military; and

Whereas, the Disabled American Veterans Chapter 91 of Decatur is an organization that continues to serve those who have represented our nation in times of peace and war; and

Whereas, our beloved county, continues to rely on the wisdom, leadership and service from the Disabled American Veterans to assist and build our community; and

Whereas, this unique organization has given of themselves tirelessly and unconditionally to preserve integrity and advocate strongly for our disabled veterans and their families; and

Whereas, the Disabled American Veterans Chapter 91 continues to serve our county by being the sword and shield of those who served our country in the United States military; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Disabled American Veterans Chapter 91 of Decatur, Georgia for their outstanding service to our District;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim March 20, 2011 as Disabled American Veterans Chapter 91 Day in the 4th Congressional District.

Proclaimed, this 20th day of March, 2011.

HONORING MR. ADAM BRATTON

HON. BRIAN HIGGINS OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Tuesday, March 29, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the three and a half years of service given from Mr. Adam Bratton, the outgoing Executive Director of the Robert H. Jackson Center. Under the direction of Mr. Bratton the Jackson Center has seen many innovations and improvements bringing the Jackson Center into the international community.

Through new social media innovations Mr. Bratton has ushered the Jackson Center into a new realm of possibilities. He has created an international constituency with hundreds of thousands of individuals.

Mr. Bratton is responsible for increasing the donor base tremendously. During his service

the Jackson Center raised over \$2 million and the number of donors has increased by 75%. Adding to his successes, the number of annual individual gifts has increased by more than 100% over the past three years.

The board of directors has also grown stronger and more involved in the Jackson Center. Many nationally known and respected individuals have been added to work together and make this establishment thrive.

We are truly blessed to have such strong individuals that work tirelessly to make our world a better place. Mr. Bratton is one of those people and that is why Mr. Speaker I rise in tribute to him today.

DORIS AND MELVIN PORTH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO IN THE HOUSE OF REPRESENTATIVES Tuesday, March 29, 2011

Mr. TIPTON. Mr. Speaker, it brings me great joy to stand and pay tribute to Doris and Melvin Porth of Westcliffe, Colorado. The Porths have shown endless loyalty and devotion to Custer Country, the state of Colorado, and the Republican Party.

Originally from Kansas, Mr. and Mrs. Porth quickly became true Coloradans upon arriving in the Centennial State. Both Mr. and Mrs. Porth have been staples in local and state politics for decades, and their service has not gone unnoticed. Doris Porth was the Custer Country Treasurer for 32 years, and had a long tenure as the Republican Party Treasurer in Custer County as well. For his part, Melvin Porth was the Republican Party Chairman for two decades, he worked tirelessly in the school district for 18 years, and he owned and operated an equipment rental business. Mr. and Mrs. Porth have also been active members of the Custer County Chamber of Commerce. The Porth's civic endeavors continue as leading contributors to their historical railroad district, which is a vibrant and important part of Westcliffe's frontier history. The community outreach of Mr. and Mrs. Porth continues due in part to their active faith life as leaders within their church.

Mr. Speaker, Doris and Melvin Porth represent the finest our state has to offer in terms of civic responsibility and patriotism. The Porths have given decades of their time to the community and their political party for the benefit of others. Mr. and Mrs. Porth are a shining example of selflessness, and it has been an honor to rise and pay tribute to these wonderful people.

"JIM LANGEVIN SPEAKS OUT FOR FAIRNESS"

HON. BARNEY FRANK OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Tuesday, March 29, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, our colleague, the gentleman from Rhode Island, Mr. LANGEVIN, recently wrote a cogent, heartfelt article published in the Providence Journal calling on his former colleagues in the Rhode Island Legislature to allow people of the same sex to marry. That is, Representative LANGEVIN urges that his State join those that allow individuals who love someone of the same sex to have that love treated with the respect—and legal equality—that it deserves.

As our colleague notes, he has for some time felt that civil unions were the appropriate forum in which people of the same sex could express their love for each other in a legally recognized way, but as he "realized that their union would not be treated the same way under the law" as opposite-sex couples, he "began to see that civil unions fell short of the equality I believe that same-sex couples deserved."

JIM LANGEVIN has long been an articulate advocate for equality under the law for all citizens, and his urging "all Rhode Islanders to honor our State's founding principles of tolerance and freedom" is an example of his courageous commitment to that principle for all people.

Mr. Speaker, I ask that JIM LANGEVIN's compelling argument on behalf of the legalization of same-sex marriage be printed here.

[From the Providence Journal, Mar. 5, 2011] JIM LANGEVIN: NOW IS THE TIME TO REDEFINE MARRIAGE IN R.I. (By Jim Langevin)

Throughout my career in public service, I have strongly opposed discrimination based on sexual orientation at both the state and federal level, co-sponsoring the Employment Non-Discrimination Act and hate crimes legislation, and supporting efforts to repeal the military's "don't ask, don't tell" policy.

While those topics have been controversial, they never elicited the intensely passionate and emotional debate that occurred as our nation began struggling with the question of same-sex marriage. For many years, I supported civil unions as a reasonable way to achieve consensus on a divisive issue, providing rights and protections to same-sex couples while respecting the deeply held beliefs of those not comfortable with the idea of marriage rights.

Then, three years ago, I attended the commitment ceremony of a longtime staff member and his partner of nine years. Before their friends and family, they professed their love, commitment and respect for each other. Their sentiments were just as moving, heartfelt and sincere as any of the vows I had heard at other weddings, yet I realized

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

that their union would not be treated the same under the law. That difference struck me as fundamentally unjust, and I began to challenge the wisdom of creating separate categories of rights for certain groups of citizens. I began to see that civil unions fell short of the equality I believed that same-sex couples deserved.

As the debate about same-sex marriage continues in Rhode Island and in Washington, I have taken time to reflect carefully on my own position. Based on my own experiences and my firm belief that all Americans should be treated equally under the law, I am now convinced that affording full marriage equality rights to same-sex couples is the only fair and responsible approach for both Rhode Island and the nation. If our nation expects to provide equal protection to all, then our civic institutions must reflect that noble goal.

As a U.S. representative, I take seriously my constitutional responsibility to protect the rights and liberties of our citizens. Marriage equality is consistent with that view because it safeguards basic civil rights and provides appropriate legal protections so that all loving and committed couples may care for each other. At the same time, our nation's fundamental freedom of religion dictates that religious institutions should be allowed to define marriage as they deem appropriate. The marriage-equality legislation before the General Assembly respects the important separation of church and state by not requiring religious institutions to change any of their practices or standards relating to marriage.

The members of the General Assembly now have a historic opportunity. As a former member of that body, I understand the challenges they face, but this is a time for leadership.

During my time as a state representative, I remember talking with my father about pending legislation to prevent discrimination based on sexual orientation, which was highly controversial at the time. While I greatly valued his thoughtful and balanced perspective, my father was certainly no social activist. He was just an ordinary man who had grown up through the civil-rights movement and always believed it was fundamentally unjust to treat people differently because of their race. When I told him I had decided to support the non-discrimination legislation, he expressed his pride in my decision because it showed that I viewed issues of fairness and justice as he did. And he was convinced that, in the same way racial discrimination became a shameful part of our history, one day our nation would look back in disbelief at a time when we denied our fellow citizens basic civil rights based on their sexual orientation. I now believe that day is within our reach.

As the General Assembly considers this important topic, I ask lawmakers and all Rhode Islanders to honor our state's founding principles of tolerance and freedom and to support marriage equality in our state. It's time to do the right thing.

TED STRICKLAND TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Ted Strickland, one of Colorado's

most prominent statesmen. Mr. Strickland, originally of Austin, Texas, was a Colorado state Representative, Senator and Lieutenant Governor in a political career that lasted for well over two decades. His lengthy tenure in public office is a testament to his adoration for Colorado and desire to make it the wonderful state that it is today.

Though Mr. Strickland did not grow up in Colorado, it did not take long for him to make it his permanent home. After working for an oil well information firm following college in Oklahoma, he decided to run for a position in the state legislature. He was a popular candidate and rose quickly within the Republican Party. He held numerous leadership positions, including his service as Senate President for nine years.

While in office his priority was to strengthen the state economy by advancing conservative economic principles. He fought for lower taxes, a balanced budget, and less government spending.

His popularity as a state senator led to his nomination as Lieutenant Governor under John David Vanderhoof. As the state's 39th Lieutenant Governor, he was instrumental in the success of Governor Vanderhoof's administration.

Mr. Speaker, it is an honor to recognize Ted Strickland today. His impact can still be felt in Colorado and his devotion to the state is truly exemplary.

IN TRIBUTE TO FALLEN POLICE OFFICER ANDREW S. DUNN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to the life of heroic Sandusky, Ohio police officer Andrew Dunn. This past Friday, March 25, Officer Dunn, age 30, Badge #2083, was laid to rest in his hometown. His beloved wife Julie and young children Caleb, 2, and infant Conner, his parents, friends and neighbors were joined by thousands of citizens of all ages, hundreds of police officers from near and far, and the Sandusky police force to honor his last call.

Citizens who gathered formed a vanguard for America as their hearts united in deep gratitude as well as deep mourning. No words would capture the solemnity of the occasion nor the weight of loss all who knew Officer Dunn carry.

Praised as a loving husband, father, son, and friend, officer Dunn represented the very finest of citizens in our nation. He laid down his life for us, said those who spoke at the service, negotiating the thin blue line of freedom.

His comrades offered tributes and prayed in one voice the Policeman's Prayer:

Lord I ask you for courage
 Courage to face and conquer my own fears
 Courage to take me where others will not go
 I ask for strength
 Strength of body to protect others
 And strength of spirit to lead others
 I ask for dedication
 Dedication to my job to do it well

Dedication to my family to love them well
 Dedication to my community to serve it well
 and keep it safe

Give me Lord, concern for others who trust me

And compassion for those who need me
 And Lord through it all, Be beside me

In honored memory of Andrew S. Dunn,
 March 11, 1981—March 19, 2011. Rest in
 Peace, good and faithful public servant.

HONORING SFC TAMMY AMARO FOR THIRTY YEARS OF DEDICATED SERVICE TO THE UNITED STATES ARMY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to extend my most sincere congratulations and thanks to SFC Tammy Amaro, a constituent of mine, who retired on January 1, 2011 after thirty years of service in the United States Army. On behalf of the residents of Illinois' 3rd District, I am grateful to have the opportunity to thank her for devoting her career to the U.S. Army and the defense of our nation.

Recruited at the age of 17 by her future husband, then-PFC Frank Amaro, on December 10, 1980, she immediately demonstrated her potential and quickly advanced. Her two promotions during her first assignment in the Adjutant General's office demonstrated her outstanding leadership abilities. When she reached boot camp in the summer of 1981, she served as Platoon Guide and was nominated and competed for Trainee of the Cycle, a highly competitive title.

During SFC Amaro's career, she has collected many honors for exceptional service. She received her first medal while serving at Fort Benjamin Harrison; this honor was followed by ten other awards. Her decorations, including the National Defense Service Ribbon and the Armed Forces Reserve Medal, show a rare level of dedication to our nation.

Shortly after returning from Advanced Individual Training at Fort Benjamin Harrison, SFC Amaro was promoted to the rank of Sergeant on November 1, 1982. She dedicated 13 years of service, eight active, in the 86th ARCOM before being promoted to Staff Sergeant and transferring to the 85th Training Division in Arlington Heights in 1993.

Not only has SFC Amaro been selfless in her service to this country, she simultaneously managed the competing demands of motherhood. In 1996, she transferred away from active duty to the Individual Ready Reserve so she could be home full time to care for her daughters Christina, Catherine, and Jacqueline. She then returned to the Army Reserves four years later to serve another ten years before retirement.

In that time, she served as the Senior Human Resource NCO for the 1st Brigade, 85th Division at Fort Sheridan, and as the Operations NCO for the Emergency Operations Center for the 416th Theater Engineer Command in Darien, Illinois. On December 10, 2010, exactly thirty years from her recruitment date, SFC Amaro completed her last day of

service, marking twenty years of active duty and ten years in the reserves.

If SFC Amaro's military career were not enough of an achievement on its own, she has been a devoted mother of three, engaged in her community and children's schools, and remained an active parishioner at St. Leonard's church in Berwyn, Illinois.

Please join me in thanking SFC Amaro for a career of service to the United States and wishing her a long and happy retirement. She is truly an inspiration and a great American. I am proud to have SFC Amaro as a constituent and a fellow resident of the 3rd District.

IN HONOR OF JOHN M. GILLIS OF
QUINCY, MA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. LYNCH. Mr. Speaker, I rise today in honor of John M. Gillis, in recognition of his outstanding contributions to his hometown of Quincy, Massachusetts, and to commend him for over fifty years of dedicated service to his community.

John was born on May 16, 1925, in Quincy, Massachusetts. He graduated from Quincy High School in 1942, where he served as captain of his football team. Subsequent to his graduation, John enlisted in the United States Marine Corp. He served with distinction in the South Pacific during World War II from 1943-1946. Upon completion of his service, John enrolled at Northeastern University, graduating in 1951. He served as captain of the 1950 Northeastern Football Team.

Upon graduation, John served as a Quincy firefighter, and then worked in the office of the state auditor. He was appointed Assistant Quincy City Clerk in 1957, and served until 1959. Additionally, John was the Chairman of the Registrar of Voters in 1959. He then served as Quincy City Clerk from 1959-1992. John was elected Norfolk County Commissioner in 1992, a position he holds to this day.

John is also an active member of his community. He served as Clerk of the Quincy City Council from 1959-1992; Chairman of the Licensing Board from 1963-1992, and currently serves as Trustee at the Norfolk Agricultural School, a position he has held since 1992. He is a member of the Quincy High School Athletic Hall of Fame, and is Grand Knight at the Ave Maria Knights of Columbus.

Known for his quick sense of humor and for his loyalty to his friends, John has had the good fortune to be married to his wife, Violet, for fifty-nine years. They are the proud parents of two children and three grandchildren.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with the family, friends, and contemporaries of John M. Gillis to thank him for his remarkable service to his hometown of Quincy, Massachusetts, and to the United States of America.

HONORING POLTV, A NEW CHICAGO-BASED TELEVISION SERVICE FOR POLISH-AMERICANS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of PolTV, a new television service that will broadcast live news, entertainment, and sports programming straight from Poland into the homes of Poles living in America and abroad. The service, provided by Chicago-based Intercom Ventures LLC, will help connect Polish emigrant communities throughout the world with their native Poland.

PolTV will be the first platform to feature programming from both major Polish networks, TVN and TVP. The service will initially broadcast 15 Polish channels, including TVN International, and will offer over 20 channels within the first 60 days of launch. TVN International provides news and entertainment designed for Poles living abroad and features popular Polish films, TV shows, and documentaries. As Intercom Ventures' third ethnic television product, PolTV follows ShiqpTV, which provides programming for Albanians living abroad, and BosnaTV, which provides the same service for Bosnian emigrants. PolTV's innovative platform offers high definition television, video on demand, and various internet applications.

Founders Drilon Qehaja and Tony Hoti are two American immigrants from Kosovo who embody the American entrepreneurial spirit. Following the Kosovo War, Qehaja started a Voice Over Internet Protocol (VOIP) long distance phone company that enabled subscribers to connect with family and friends, providing a much needed sense of normalcy in the war-torn nation. At age 20, Hoti became the youngest financial advisor at the firm AG Edwards in San Diego and, after graduating from Roosevelt College in Chicago, opened a day spa in Chicago's Gold Coast at age 26. The two teamed up to found Intercom Ventures in 2006.

I have faith that the smart, consumer-driven PolTV service will have a unifying effect for the Polish-American community. By providing daily news from news channels operating in Poland, PolTV will increase Polish-Americans' access to personally relevant international news, thereby helping them to cultivate strong cultural, familial and community relationships. As a Polish-American and Co-Chair of the Polish-American Caucus, I am very excited about the possibilities for PolTV in the future.

Please join me in honoring Intercom Ventures for creating PolTV, a responsible community-driven company for the Polish-American population. I am confident that it will successfully provide excellent services for immigrants for many years to come.

HAMMOND SPORTS HALL OF FAME 2011 INDUCTION BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and admiration that I offer congratulations to several of Hammond's most noteworthy athletes, as well as to others who have contributed to the legacy of Hammond's athletic programs. On Tuesday, March 8, 2011, the Hammond Sports Hall of Fame honored eight new inductees at its annual Induction Banquet, which was held at the Hammond Civic Center in Hammond, Indiana. The Hammond Sports Hall of Fame was established in 1987 to recognize and honor individuals for their significant contributions to Hammond's distinguished sports legacy. These eight individuals are an admirable group, composed of former athletes, coaches, and elected officials who have excelled in their athletic pursuits or supported Hammond sports and athletics in an extraordinary manner.

At this year's induction ceremony, the Hammond Sports Hall of Fame recognized and honored the 2011 inductees. The individuals who have so deservedly earned this high honor are: Thomas McDermott, Sr., Marty Jakubowski, Frank Carroll, Tom Burns, Jeff Yelton, Carla Eskridge Rogers, David M. Wilhelm, and Bill Atkins.

Hammond is very fortunate to have produced such a rich tradition of excellence among its athletes, coaches, and supporters. In unique ways, the Class of 2011 inductees have made extraordinary contributions and have added to Hammond's rich sports heritage.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these outstanding individuals. Along with the current members of the Hammond Sports Hall of Fame, these new inductees have made a significant contribution to the continued excellence of Hammond athletics, and I am very proud to represent them in Washington, DC.

IN REMEMBRANCE OF RALPH WARREN GOEHRING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Ralph Warren Goehring, a loving husband, father, grandfather and friend. Mr. Goehring's strong passion for education and dedication to hard-work benefited many in the community.

Mr. Goehring was raised in Pittsburgh, and graduated from Indiana University of Pennsylvania and Penn State University. He served as a Marine during World War II in the Pacific and was subsequently awarded several medals for his brave service.

Mr. Goehring moved to Lorain in 1952 and became a social studies teacher. He taught for 31 years at Lorain High School and Hawthorne Jr. High School in Lorain. He was best

known for teaching a special course called "Problems of Democracy." Throughout his career, he also served as a leader for the Lorain Education Association.

As an educator and a strong proponent of labor rights, Mr. Goehring led the fight for collective bargaining rights before Ohio passed laws protecting those rights. When the school district fired all the strikers, Goehring reassured his colleagues that the district could not replace 900 workers. Sure enough, with Ralph Goering's strong leadership and perseverance for justice, the workers won their jobs back. As one friend recounted, Ralph "felt that collective bargaining made things better in Lorain for the students, teachers and district."

After retiring, Ralph worked with the Internal Revenue Service in Cleveland and he used the skills he learned there to help seniors with their taxes in Lorain. He also served as a retiree executive member of the North Eastern Ohio Education Association, where he worked as an editor for their newsletters.

Mr. Goehring is survived by his wife, three children, two grandsons, two step-granddaughters and five step-great-grandchildren.

Mr. Speaker and colleagues, please join me in remembering Ralph Warren Goehring, whose legacy of professionalism, service to the community and determination for justice will forever stand as an example of what it means to be a community leader.

HONORING MR. F. WARREN
HUGHES FOR HIS SERVICE TO
YANCEY COUNTY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Mr. F. Warren Hughes for his 27 years of service to Yancey County.

After graduating law school, Mr. Hughes began his professional career as an attorney before being appointed to fill the vacant position as Clerk of Superior Court for Yancey County in 1984. Through his 27 years of public service, he has successfully been elected each term and has only been challenged once.

Mr. Hughes's office is highly regarded and is considered one of the top clerk's offices in the State of North Carolina. For his work with the N.C. Courts Commission, the N.C. Judicial Council, and as President of the N.C. Clerks Association, his reputation is known throughout the State. He is also distinguished as one of the few clerks in the State who is also an attorney.

His legacy in the Yancey County Community will not be forgotten. I am grateful to have dedicated and hard working people like Mr. Hughes as public servants in Western North Carolina.

I ask my colleagues to join me today in recognizing the exceptional career of Mr. F. Warren Hughes, Clerk of Superior Court for Yancey County.

IN RECOGNITION OF THE COUNCIL
ON AMERICAN-ISLAMIC RELATIONS
NINTH ANNUAL CIVIL
RIGHTS BANQUET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Council on American-Islamic Relations (CAIR) Ohio Chapter on the occasion of their Ninth Annual Civil Rights Banquet entitled "Carrying the Legacy: Advancing with Confidence."

CAIR is a nationwide, nonprofit organization whose mission is to "enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding." For the past nine years, CAIR Ohio has played an instrumental role in helping to bridge the divides between Greater Cleveland's diverse communities. CAIR Ohio's Ninth Annual Banquet will provide a platform for vibrant discourse led by this year's distinguished speakers: Chip Pitts Esq., of Stanford Law School, Oxford University and the Bill of Rights Defense Committee and Kareem Irfan, Esq. President of the Council of Religious Leaders of Metropolitan Chicago. I commend these speakers for their efforts to promote civil liberties and social justice.

Mr. Speaker and colleagues, please join me in recognizing the Council on American-Islamic Relations Ohio Chapter for their eight years of outstanding achievement. May their efforts to promote dialogue and create a more inclusive world continue to endure.

CONGRATULATIONS TO TRAVIS
CREDIT UNION ON RECEIVING
THE DESJARDINS YOUTH FINANCIAL
EDUCATION AWARD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to congratulate Travis Credit Union on receiving the Desjardins Youth Financial Education Award earlier this month here in Washington, DC.

The Desjardins Youth Financial Education Award is given out by the Credit Union National Association to recognize excellent work done by a credit union to advance youth financial literacy. Especially given the current state of the economy, it is critically important that our young people learn the necessary skills to make wise financial decisions.

I am proud to say that Travis Credit Union, which is based in Vacaville, California, in my congressional district, is a most deserving recipient of this award. Travis Credit Union has worked with a number of other groups in our community to establish the Money Matters Program, which provides financial literacy education, custodial bank accounts, and personal financial mentors for foster youth ages 15 to 17. After completion of the Money Matters

classes, the youths open Travis Credit Union savings accounts with a modest balance. This important program is of great benefit to these young people as they work to become successful, independent adults.

The Money Matters Program is just one of Travis Credit Union's many efforts to provide financial education to our community and its young people. The credit union has done an excellent job of ensuring that members of our community receive the financial knowledge that they need to make smart decisions and to avoid some of the pitfalls that have caused so much hardship through the ongoing financial crisis.

I ask my colleagues to join me in congratulating Travis Credit Union for receiving the Desjardins Youth Financial Education Award, and I urge financial institutions across the country to look to Travis Credit Union as an example.

IN HONOR OF THE HOTZ CAFÉ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Hotz Café, which after 92 years of service is closing their doors. The patrons and loyal customers of this fine establishment will remember the service and memories that the Hotz Café offered.

Hotz Café was founded on the corner of Starkweather Avenue and West 10th Street in 1919 by John Hotz Sr. John, a Russian immigrant, wished to open the café to serve as a place of comfort, relaxation and comradery for fellow immigrants and industrial workers. This establishment quickly became a favorite of all the area's workers and was also seen as a home away from home. When the Prohibition Era commenced, the Hotz Café continued as a speakeasy and became well known for its famous patrons, such as Ty Cobb, Babe Ruth, Elliot Ness and Franklin Delano Roosevelt. When the Great Depression struck, John Hotz saw an opportunity to assist those who were less fortunate and consistently gave out bread to those families who were downtrodden.

The dawn of the 50s ushered in a new era for the Hotz Café. John Sr.'s sons, Andrew and Mike took control of their father's business. Andrew strived to ensure that his father's legacy lived on. During this era, the café remained a favored place of leisure among the working class. In addition to their devotion to the café, the sons' family began to expand. Andrew's wife Betty opened up a beauty salon in 1967 adjacent to the café and in 2003 Andrew's son John opened up a pizza parlor in the location that formerly held his mother's beauty salon.

Mr. Speaker and colleagues, please join me in honoring the legacy of Hotz Café. For over 90 years, this establishment provided the Tremont community with a welcoming and hospitable environment for the community's enjoyment.

HONORING MS. BRIDGETTE DIXON
THURMAN

HON. HENRY C. "HANK" JOHNSON, JR.
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Bridgette Dixon Thurman has answered that call by giving of herself as an educator at Dunaire Elementary, and as a beloved daughter, mother and friend; and

Whereas, Ms. Thurman has been chosen as the 2011 Teacher of the Year, representing Dunaire Elementary school; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Thurman is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children, receive an education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Bridgette Dixon Thurman for her leadership and service for our District and in recognition of this singular honor as 2011 Teacher of the Year at Dunaire Elementary School;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim March 23, 2011 as Ms. Bridgette Dixon Thurman Day in the 4th Congressional District.

Proclaimed, this 23rd day of March, 2011.

IN HONOR OF THE PARMA PARK
REFORMED CHURCH

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Parma Park Reformed Church, also known as the "Church in the Woods," which will be closing its doors following fifty years of ministry.

The congregation of Parma Park Reformed Church began in 1960. They met in a local grade school until the Church in the Woods was constructed in 1962. Since then, the congregation has been deeply involved in the community. The church offered Bible studies, Alcoholics Anonymous groups, and grief support groups. Community outreach projects included a meal program called "Pay it Forward" and a program in which the congregation's children sent gifts and correspondence to military units in Iraq and Afghanistan. The Church in the Woods has also been a popular location for private, intimate wedding ceremonies.

At the end of March, Parma Park Reform Church will host its final service. The congregation intends to continue its services through other nearby churches.

Mr. Speaker and colleagues, please join me in honoring Parma Park Reform Church. Its presence will be sorely missed; however, I have no doubt that its mission will live on. We need only look to the words written on every Sunday worship bulletin: "Our Service has ended; our Worship continues."

WISHING OLIVER (OLLIE) SPERAW
A HAPPY 90TH BIRTHDAY

HON. DANIEL E. LUNGREN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize and honor an old friend, Oliver (Ollie) Speraw, who on March 26, 2011 turned 90 years of age. Ollie has lived a life full of notable accomplishments where he became a captain of industry and a humble public servant.

Ollie grew up in Long Beach after moving there at a young age with his family from Minnesota. As a young man Ollie worked in a number of different trades and contributed to the early war effort, riveting P-38s, before finally coming of age to enlist in the Army Air Corps and serve during WW2. After returning home he entered the Real Estate Business, starting Sparrow Realty, and became one of the original pioneers of Century 21 Real Estate. Throughout his life, Ollie has been actively involved in his home town of Long Beach and the surrounding region, participating in multiple organizations such as the Long Beach Jaycees, Oceanside Chamber of Commerce and the Oceanside Rotary. In 1954, he began his first position in civilian public service as a member of the Long Beach Water Board, and served there until 1969. Ollie was inspired by Ronald Reagan, California's Governor at the time, and his message of an efficient, cost-cutting government. He subsequently volunteered for one of the Governor's citizen committees. Out of this inspiration, Ollie became more active in politics, which led him to become a Board Member on the 31st Senate District Republican Central Committee, of which I was also a member at the time. Ollie moved on to win his first election in 1979, where he joined the California State Senate and served there until 1984. While in the Senate he gained a reputation as a protector of the taxpayer who sought to make government leaner, effective and more efficient. Californians who have a little red organ donor sticker on their Drivers Licenses can be reminded daily of just a small piece of his legislative legacy.

Ollie served his country with honor in World War II, helped pioneer one of the largest employers in the Real Estate industry and has honorably served the people of California as one of their elected officials. It has been my pleasure to know Ollie Speraw and more importantly, to call him my friend. Please join me in wishing him a happy 90th birthday.

IN RECOGNITION OF JAMES J.
GNEW

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of James J. Gnew, a praiseworthy individual who has devoted his life to upholding the law and defending the lives and wellbeing of the citizens of Cleveland.

James' service to others began early in his life. In 1966, James joined the Army to serve his country in Vietnam. After leaving the Army, he joined the Cleveland Police Department, extending his service to the community at large. He was noted for his superb talents as an officer of the law and in 1978 he was chosen to be a part of a high risk tactical division which would eventually become the Cleveland SWAT team.

His tenure as a valued member of the SWAT team is filled with numerous achievements. Throughout his career he conducted over 400 high risk operations. One such incident occurred on January 4th, 1984. James led his team in successfully defusing a hostage scenario at Cleveland's Hopkins International Airport. James handled the situation exceptionally well. In recognition of his acts of heroism, he received numerous awards including a Silver Star, 3 Medals of Heroism, a Medal of Valor and the Ohio Tactical Officers Association Lifetime Achievement award.

James is also a caring husband and father. He loves his wife Cheryl dearly, and his three children are always in James' thoughts.

Mr. Speaker and colleagues, please join me in honoring James J. Gnew, whose life and legacy will always be cherished by the Cleveland community. James has been a diligent and vital asset to the Cleveland community and he will always be honored and remembered by those he serves.

CONGRATULATIONS TO MR. LANCE
O. DIEHL

HON. LOU BARLETTA
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor and acknowledge Mr. Lance O. Diehl of Millville being named the Columbia-Montour Council of the Boy Scouts of America's 2011 Distinguished Citizen.

Mr. Diehl is a longtime resident of Northeastern Pennsylvania. He graduated from Millville High School in 1984, and graduated Magna Cum Laude from Bloomsburg University in 1988. In 1990, he earned his Master's Degree in Business Administration from Lehigh University, and in 1993, he graduated from the Stonier Graduate School of Banking. In the past, Mr. Diehl has served on the boards of the Bloomsburg Chapter of the American Red Cross, the United Way of Columbia County, and the Columbia-Montour Business & Educational Partnership. Currently, Mr. Diehl serves on the boards of the Millville

Mutual Insurance Company, the Millville Community Alliance, and the Pennsylvania Bankers Association. He is vice chairman of the Columbia Alliance for Economic Growth, and the president and CEO of First Columbia Bank & Trust Co. and CCFNB Bancorp.

Mr. Diehl has always been dedicated to his community. In 1995, Mr. Diehl was the co-chair of the Little Fishing Creek Swimming Pool Renovations. In 1999, he was the co-chair of the Columbia County United Way Campaign. Mr. Diehl has always enjoyed coaching the youth of our community. He has held coaching positions with Millville Boys Varsity Basketball, Millville Boys & Girls Junior High Basketball, Millville Boys and Girls Elementary Basketball, Little League, and AYSO Soccer. Mr. Diehl is an active member of Millville United Methodist Church, serving on various committees and acting as a Sunday School teacher.

Mr. Speaker, Mr. Diehl has been an active and dedicated member of our community. He has taken a role as a humanitarian and mentor. His service has helped many of his neighbors and guided many of our youth. Mr. Speaker, I ask that my colleagues join me in congratulating Mr. Lance O. Diehl on being named the Columbia-Montour Council of the Boy Scouts of America's 2011 Distinguished Citizen.

TOBACCO PRODUCTS SCIENTIFIC
ADVISORY COMMITTEE

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. FOXX. Mr. Speaker, I rise again today to call attention to a significant conflict of interest within the Tobacco Products Scientific Advisory Committee (TPSAC)—a conflict that can and should cast doubt on its recent report to the Food and Drug Administration (FDA) regarding the effect of menthol cigarettes on the public health.

Last year, I submitted a statement for the RECORD referencing a Boston Globe article entitled "FDA Lax on Conflicts of Interest," and I'm saddened to see that this problem continues to this day at the FDA. Since the FDA announced the nine voting members of TPSAC, questions have surfaced regarding financial and ethical conflicts of interest among several of the members. Rather than investigate the alleged conflicts and eliminate the shadow of doubt looming over the committee, the FDA has stood idly by as these conflicts have festered and threatened to undermine the very purpose TPSAC was formed to serve.

Several members appointed to TPSAC have substantial financial interests at stake in the decisions rendered by the Committee. One member is an active consultant to drug companies that manufacture smoking cessation products. Another member stands to make money on a patented new smoking cessation drug. Both of these members have also testified against tobacco companies in several legal proceedings. The conflicts could not be clearer.

Now, we find that TPSAC has, as many of the original skeptics predicted, released a rec-

ommendation that, short of an outright ban, nevertheless notes that "removal of menthol cigarettes from the marketplace would benefit the public health." Rather than accept TPSAC's report as an unbiased call to action, we are faced with the same controversy that should have been corrected more than a year ago.

The people deserve a government free from the appearance of impropriety. They have entrusted the members of this Chamber, as well as officials appointed within the Administration, to enforce the law even-handedly and to engage in policy decisions unencumbered by conflicts of interest, personal biases, or unethical predispositions.

The only solution is for FDA to reject the recommendation of TPSAC and appoint new, unbiased members to the committee in order to carry out the purpose of the Family Smoking Prevention and Tobacco Control Act. The FDA owes the people a fair and untarnished recommendation on this important issue and I call on the FDA to take appropriate measures to remedy TPSAC's inane report and conclusions.

CONGRATULATIONS TO GENERAL
JAMES R. JOSEPH

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor and acknowledge Major General James R. Joseph and congratulate him on his recent promotion to Assistant Adjutant General—Army, Pennsylvania, National Guard, Joint Force Headquarters, Pennsylvania.

Mr. Joseph, or "Jimmy Joe," as I know him, enlisted as a soldier in 1971 to begin his military career. He graduated from basic training at Fort Dix, New Jersey, and obtained his advanced individual training as a military policeman at Fort Gordon, Georgia. General Joseph completed a tour of duty in Vietnam, where he was assigned to the 716th Military Police Battalion. He finished his active duty tour at Fort Polk, Louisiana, with the 258th Military Police Company.

But General Joseph did not stop serving our country. He joined the Pennsylvania Army National Guard in 1974 and was assigned to be a combat engineer with Company C, 876th Engineer Battalion. Currently, General Joseph serves as the primary advisor to the Adjutant General for all joint logistics matters, including commodity and material management, property and personnel movement, storage and distribution, and defense movement coordination, including the acquisition and sustainment of unique equipment used by National Guard units in homeland defense, civil support, and counterdrug operations. He has oversight of the Eastern Army Aviation Training Site, 166th Regional Training Institute, and the Medical Battalion Training Site.

Mr. Speaker, General Joseph has dedicated his life to serving our country. His family has made sacrifices as he committed himself to protecting our freedom and keeping our citizens safe. His courage and commitment is

something to be greatly respected and honored. Mr. Speaker, I am proud to congratulate my friend, "Jimmy Joe," and I ask my colleagues to stand with me in honoring Major General James R. Joseph for his greatly deserved promotion to Assistant Adjutant General of the Pennsylvania Army National Guard.

INTRODUCTION OF H.R. 804

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FILNER. Mr. Speaker, in September 2010, Operation Iraqi Freedom was renamed Operation New Dawn.

To this effect, I introduced, H.R. 804, legislation that would ensure that military service in Operation New Dawn continues to be considered service in a theater of operations, for purposes of eligibility for veterans' hospital and nursing home care and medical services through the Department of Veterans Affairs.

Our nation's brave men and women have fought together hand in hand in the war against terror, and many of them are experiencing multiple and extended deployments in support of Iraq and Afghanistan.

When they return home, we must make certain that veterans would not be denied access to certain programs because of the way the law is currently written.

I urge my colleagues to support this important legislation.

OVERREACHING ACTIONS OF
FEDERAL LAW ENFORCEMENT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, while being later to the effort than my good friend Congressman RON PAUL, many of you know that I have long expressed concerns about the sometimes overreaching actions of federal law enforcement, especially as they interact with American citizens.

Most law enforcement officials in this country are highly ethical with a strong desire to serve the effort to keep our country and our communities safe. Unfortunately, as in any profession, there are some people who do not uphold those standards.

Those concerns are a principal reason why the Bill of Rights was passed. Those concerns should also hold a primary place in our thinking as we vote on legislation.

This issue came closer to home for me as two constituents, one a U.S. citizen, were arrested by federal law enforcement officials this month, accused of violating a law that doesn't exist. My office attempted to get information about their arrest. We were denied information about which agency had arrested them, where they were being held, and the charges against them.

All of the charges against them were dropped just eight days later after a federal

judge reviewed the evidence and determined that no crime had been committed. The cost to my constituents was in the tens of thousands of dollars. They are still being threatened with the forfeiture of property.

Now compare the plight of this American citizen with millions of people who have crossed into this country illegally. They proudly attend rallies and speak on television, openly proclaiming that they are in this country in defiance of our laws. Many do not pay taxes while many others are receiving monetary benefits from the government.

It is reprehensible that our federal law enforcement would falsely and recklessly arrest one of our own citizens who owns a small business, pays taxes, and employs other Americans, while allowing lawbreakers from other countries to openly flaunt their violation of our laws. American citizens are not being served when the priorities of the federal government are so twisted.

INTRODUCTION OF H.R. 805

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FILNER. Mr. Speaker, there are not many of us who have not heard of the horrific battleground stories experienced by our young men and women who have served in Operation New Dawn and Operation Enduring Freedom. These stories reveal a gruesome and difficult war in which servicemembers often sustain long lasting emotional and physical injuries. Of these injuries, none is more deafening than the amputations undergone by servicemembers as a direct result of the widespread use of roadside bombs otherwise known as improvised explosive devices (IEDs).

This class of injury, which has spiked significantly since the onset of the Operation New Dawn, requires special consideration within the Department of Veterans Affairs. After returning home, these individuals must embark upon extensive rehabilitation and special treatment to receive a shot at living a normal life, and this is why I have introduced H.R. 805.

H.R. 805 instructs the VA to actively inform veterans and educate employees at each VA prosthetics and orthotics clinic of the Injured and Amputee Veterans' Bill of Rights. In addition, this bill requires the VA to monitor and resolve complaints from injured and amputee veterans alleging mistreatment.

I believe that this bill will do much to protect the rights of our injured and amputee veterans, as well as bolster the consistency of prosthetic and orthotic care throughout the VA health system.

I urge my colleagues to support this important legislation.

PERSONAL EXPLANATION

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. ROKITA. Mr. Speaker, on rollcall 193, I was unavoidably detained. Had I been present, I would have voted "no."

TAIWAN WOULD BE A CONSTRUCTIVE MEMBER OF THE UNFCCC

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, Taiwan is one of the most geologically sensitive regions of the world and they are keenly aware of their vulnerability to the various threats of accelerating global environmental change.

Taiwan recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases. For these reasons, Taiwan would be a constructive member of the global organizations of the United Nations (UN) through its Framework Convention on Climate Change (UNFCCC). As a member of UNFCCC, Taiwan will be able to contribute their skills and experiences to the world community such as gathering and sharing information on greenhouse gas emissions, national policies and best practices, providing financial and technological support to developing countries and preparing for adaptations to the impacts of climate change.

Since 2008, Taiwan's new administration has proactively engaged in many UN activities. In 2009, UN member states for the first time accepted Taiwan as an official observer for the World Health Assembly. The UN should further consider Taiwan's inclusion in the United Nations' environmental conventions and activities.

END VETERAN HOMELESSNESS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FILNER. Mr. Speaker, research tells us that veterans are over represented in the homeless population. VA is the largest single provider of homeless services reaching about 25 percent of that population.

VA operates a wide variety of homeless veterans programs designed to provide outreach, supportive services, health care as well as counseling and treatment for mental health and substance use disorders. They rely heavily on their partnerships with the community and faith based organizations to provide these services.

Many of VA's homeless population: Have had a serious psychiatric problem defined as psychosis, mood disorder or PTSD.

Were dependent on alcohol and/or drugs. Were dually diagnosed with serious psychiatric and substance abuse problems.

Have suffered from a serious medical problem.

The number of homeless women veterans is rising.

Prior to becoming homeless, a large number of veterans at risk have struggled with PTSD or have addictions acquired during, or worsened by, their military service. These conditions can interrupt their ability to keep a job, establish savings, and in some cases, maintain family harmony.

Veterans' family, social, and professional networks may have been broken due to extensive mobility while in service or lengthy periods away from their hometowns and their civilian jobs. These problems are directly traceable to their experience in military service or to their return to civilian society without having had appropriate transitional supports.

VA reports that approximately 1,500 homeless veterans are from Operation Enduring Freedom and Operation New Dawn. This is a growing population. It took roughly a decade for the lives of Vietnam veterans to unravel to the point that they started showing up among the homeless.

Concern has been expressed by many that such an early showing of more recent veterans in the homeless population does not bode well. It is also believed that the intense repeated deployments leave newer veterans particularly vulnerable.

We know the Department of Veterans Affairs has many programs to address currently homeless veterans, and they do a great job. However, the most important piece to ending homelessness among the Nation's veteran population is to prevent it in the first place.

It is unacceptable that even one of our veterans sleep on the streets or in shelters after risking their lives on behalf of this country.

My legislation, H.R. 806, will go a long way in strengthening our efforts to ultimately end homelessness.

This bill increases funding to successful programs for homeless veterans; requires each VA medical center that provides supporting housing services to provide housing counselors; requires housing counselors to conduct landlord research; strengthens permanent housing programs, and pays special interest to the needs of homeless women veterans and homeless veterans with children.

The time to act is now. We cannot afford to let history repeat itself.

I urge your support of this important legislation.

TRIBUTE TO ELIZABETH TAYLOR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. WAXMAN. Mr. Speaker, with the passing of Elizabeth Taylor last week, America, and the world, lost much more than a great movie actress, more than a celebrated legend and cherished celebrity, and more than a woman of enduring beauty and appeal.

We lost a champion fighter for the survival and dignity of those with HIV/AIDS.

Of many causes which Elizabeth Taylor embraced, such as her support for the State of Israel and the Jewish people, it was her great courage and selfless commitment that defined her work to support every effort to find a cure for HIV/AIDS, and to protect the rights of every person living with HIV/AIDS.

We forget how long and hard the struggle has been—precisely because of the heroic progress that has been made, medically and socially, in treating and living with HIV/AIDS. It's hard to remember, but in the early 1980s, people knew very little about AIDS. The nation went on a publicity roller-coaster, going from complacency to panic and back again.

She was among a handful of people in those early days of the epidemic who managed to get us to the right level of urgency. One, obviously, was Surgeon General C. Everett Koop. Another was Tony Fauci at NIH.

But many people got their most memorable information from an unexpected source—Elizabeth Taylor. Beginning with her concern for her friends who were sick, she became an ambassador for people living with AIDS, for their doctors, and for AIDS research. When the Reagan White House was refusing even to acknowledge that tens of thousands of Americans were sick and dying, she went public.

To those who would shun our fellow citizens with HIV/AIDS, Elizabeth Taylor literally embraced them—showing us how to respond to a terrible illness that exacted a relentless toll on millions.

And so it was Elizabeth Taylor who called us to account every day, as individuals and as a society, for the humanity of those with HIV/AIDS.

Working with Dr. Mathilde Krim, Elizabeth Taylor championed the American Foundation for AIDS Research, a group that advocated for AIDS research and found funding for research that no one else was financing—functions it serves to this day.

To her enduring credit, Ms. Taylor leveraged her unique celebrity to speak truth to power, going to the media, the Administration, and Congress to urge ongoing attention and funding to the epidemic.

She testified before the Subcommittee on Health and the Environment of the House Commerce Committee about the need for research, prevention, education and treatment and about the Congress' responsibilities to find funds for them. Her efforts helped seal public support for the 1990 Ryan White Comprehensive AIDS Resources Emergency (CARE) Act.

She was a movie star. But she used her star power to do something that scientists, doctors, and public health officials could not have accomplished on their own. She made the nation stop, look, listen, and understand what was at stake for those with HIV/AIDS and for us as a society.

In this way, Elizabeth Taylor helped motivate us to start doing needed work.

For that we owe her more than movie-star fame. She may be remembered most for her screen roles. But it was her living role as a healer for which we owe Elizabeth Taylor a debt of profound gratitude—for lives improved and lives saved, for advances in treatment

and prevention, and for the hope of one day finding a cure for HIV/AIDS.

SENATOR BARBARA MIKULSKI'S
VISION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. CUMMINGS. Mr. Speaker, I rise to applaud those who are leading America toward equality and equity for all people—and, especially, to commend Maryland's Senior Senator, BARBARA MIKULSKI.

As a father, my greatest hope is for the continued social progress that will allow my daughters to achieve the full measure of their dreams. That is why, during Women's History Month each year, I am thinking more about our future than about our past.

Recently, President Obama, also the father of two daughters, expressed the same perspective.

"While enormous progress has been made," he observed, "there is still work to be done before women achieve true parity."

His observation is backed up by "kitchen table" economics. When women are not treated fairly, their families suffer as a result.

One would think that the concept of equal pay for equal work is so American that it would already be a "done deal" in this country. Yet, we know that equal pay is not yet a reality.

Family hardships result from the harsh reality that women, on average, make just 77 cents for every dollar earned by men in comparable jobs (just 69 cents if you are an African American woman—and 59 cents if you are a Latina woman).

Last week, Senator MIKULSKI was afforded another opportunity to remind everyone of this still-to-be-achieved civil rights goal as we participated in an event honoring Lilly Ledbetter, the woman whose Supreme Court equal opportunity case led to the "Lilly Ledbetter Fair Pay Act of 2009."

As she was applauding Ms. Ledbetter for the courage and determination she had shown fighting for fair pay, I had the opportunity to reflect on BARBARA MIKULSKI's vision for America—and upon all that she has achieved in public life.

Maryland's senior Senator is a remarkable human being—and a person I am honored to call my friend.

When I first entered the Congress after a Special Election in 1996, BARBARA was there for me, helping us to get our office up and running as quickly as possible so no one in Maryland's 7th Congressional District would lack representation.

I have never forgotten that kindness. It was a practical demonstration of the same human compassion that BARBARA MIKULSKI has offered to tens of thousands of Marylanders over the years.

It is why she has become a national leader—and why her colleagues in the Senate have supported her work and leadership on two of its most prestigious committees: Appropriations and the Committee on Health, Education, Labor, and Pensions.

We all have an interest in women and their families receiving fair pay for the work that they perform. Maryland's Senior Senator was one of the essential leaders in our efforts to enact the Affordable Care Act, as well as the Lilly Ledbetter Fair Pay Act.

Yet, despite the national prominence that she has achieved, "Senator BARB" has never lost that candor, honesty and strength that are so typical of the Highlandtown of her youth.

In her family's grocery store, she learned the challenges faced by working families. Then, as a social worker, she perfected the skills that she needed to become an effective leader in our cause.

Today, I doubt whether there is a single person in our home State of Maryland who does not know what Senator MIKULSKI stands for. Her progressive values are solid and clear. We know that she is going to fight for all of us every single day.

Less well known, however, is BARBARA MIKULSKI's lifetime vision of bringing all of America's working families together in support of progressive change. It is a dream that ties together her roots in Highlandtown with my own South and West Baltimore heritage: "Unfortunately, because of old prejudices and new fears," she observed back in 1970, "anger is generated [within European ethnic communities] against other minority groups rather than those who have power. What is needed is an alliance of white and black, white collar, blue collar and no collar based upon mutual need, interdependence and respect—an alliance to develop the strategy for new kinds of community organization and political participation."

All Americans are better off for our progress toward achieving BARBARA MIKULSKI's dream—and the movement toward a better America that her dream sustains.

LIZBETH BLANCO-RAMOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lizbeth Blanco-Ramos for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lizbeth Blanco-Ramos is a 12th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lizbeth Blanco-Ramos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lizbeth Blanco-Ramos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. FUDGE. Mr. Speaker, I was absent from the House Floor during rollcall votes on H. Con. Res. 28 and H.R. 1076. Had I been present, I would have voted against both of these bills.

HONORING MR. JONATHAN SMALLS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, a tenacious man from Frogmore, South Carolina utilizes his gifts, talents and wisdom everyday to insure that veterans and their families are provided resources in the state of Georgia; and

Whereas, Mr. Jonathan Smalls is a renowned leader not only for his hometown of Frogmore, South Carolina, but as a husband, father and community leader in DeKalb County, Georgia; and

Whereas, Mr. Jonathan Smalls served our Country honorably for Twenty-eight (28) years in the U.S. Army as an Army Ranger, retiring as a Command Sergeant Major, he is a man of honor and a strong advocate of justice, education and family; and

Whereas, this model citizen has shared his time and talents for the betterment of his community and his nation through his tireless works, words of encouragement and inspiration that have and continues to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Jonathan Smalls for his outstanding leadership and service to the citizens in the state of Georgia, his community temperament is to be acknowledged and his commitment to the citizens throughout the state continues to touch the lives of citizens in our District;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim March 20, 2011 as Jonathan Smalls Day in the 4th Congressional District.

Proclaimed, this 20th day of March, 2011.

KAYLA KOVAL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayla Koval for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayla Koval is a 7th grader at Drake Middle School and received this award because her determination

and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayla Koval is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayla Koval for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF SUSAN BENDER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today to seek Congressional recognition of the exceptional achievements and outstanding career of Susan Bender. Over the course of her almost 40-year professional career with Jewish Community Centers (JCC) in New York City and Long Island, Susan worked tirelessly to ensure that families and individuals living in New York City and Long Island had access to mental-health and social-service programs. She has not only been an innovative leader and unyielding advocate for individuals with disabilities, but also a dedicated leader in her community.

After graduating from Brooklyn College with a degree in speech pathology, Susan began working at JCCs with distinction. She started her career at the Staten Island Jewish Community Center as the Director of Early Childhood Development. In 1988, she moved to be the Executive Director at the Young Men's-Young Women's Hebrew Association in Westchester, New York. Then, in 1992, Susan became the Executive Director of the Sid Jacobson Jewish Community Center in East Hills, New York, in my congressional district.

Under Susan's enthusiastic direction, Sid Jacobson has flourished. The Center dramatically expanded its facility in East Hills and also added the Bernice Jacobson Day School and Camp in Old Westbury, New York. Susan developed the Center's noted innovative programs for autistic children, single parents, and the bereaved. She helped found a first-of-its-kind program for adults with early-onset Alzheimer's and their families.

Today, the Center has a staff of over 250, an annual budget of \$12 million, and offers an extensive catalog of dynamic programs for people of all ages and abilities. The success of the Center is a direct testament to the strength of Susan's leadership and her dedication to providing community members with the best possible services.

In addition to her work at Sid Jacobson, Susan has applied her energy and vision in a variety of leadership roles in the national JCC movement. She served as a member of the Jewish Community Center Association's board

of directors, was president of the Association of Jewish Center Professionals (AJCP) for the Eastern Region, and, in 2002, was named the national president of the AJCP.

Mr. Speaker, this year Susan Bender will retire having contributed immeasurably to her community. I am proud to recognize Susan and I ask my colleagues to join me in thanking her for her lifetime of tremendous work for others.

KAYLEEN LAWTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayleen Lawton for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayleen Lawton is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayleen Lawton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayleen Lawton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

RECOGNIZING THE RETIREMENT OF RUSSELL R. CHARD FROM THE HOLLYWOOD FIRE DEPARTMENT

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the retirement of Russell R. Chard from the Hollywood Fire Department.

Mr. Chard has more than 30 years of distinguished service working on behalf of Hollywood, Florida's fire fighters, paramedics and local safety community. For the last 20 years, Mr. Chard served as President of Local 1375, overseeing the welfare of its membership, fighting for the professional standards and ensuring the safe working conditions that are befitting of the service of these men and women.

Known as a coalition builder, President Chard served a critical role as liaison to all associated areas for the Local, as well as outside groups such as the AFL-CIO, Florida Professional Firefighters and Paramedics, International Association of Fire Fighters, and Maritime Trade Council. This commitment to the betterment of the community was second only to his dedication to his brothers and sisters in the Union. He was a powerful role

model and mentor for many new recruits over 20 years, always emphasizing the unique bond that all fire fighters share.

In 1980, Mr. Chard was first appointed to the negotiation committee for Hollywood Professional Fire Fighters Local 1375, where he was quickly recognized for his grit and passion. He was quickly elected as a Trustee and has served Local 1375 ever since. His legacy of fierce advocacy, candor and friendship will not soon be forgotten or lost.

I am proud today to honor President Chard's distinguished career and leadership in the South Florida community and wish him and his family well on their future endeavors.

LAWRENCE SALAZAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lawrence Salazar for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lawrence Salazar is a 9th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lawrence Salazar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lawrence Salazar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

A TRIBUTE TO THE LIFE OF
ROBERT "BOB" PRICE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. COSTA. Mr. Speaker, I rise today to honor the life of a man whose passion, devotion, and leadership exemplify the meaning of public service. Robert "Bob" Price passed away on Wednesday, February 9, 2011 after a valiant battle with idiopathic pulmonary fibrosis. He was 79. Bob was a well respected leader, mentor, and community advocate. He lived his life with a tenacious commitment to his family and to his community and is certainly most deserving of this honor.

Bob Price was born in 1932 in Abilene, Kansas. He came to Bakersfield, California in 1937, graduated from Bakersfield High School in 1949 and went on to proudly serve our great country in the United States Army. After his military service, Bob returned home to Bakersfield, California, where he began his 32-year career with the Bakersfield Police Department. Beginning as a motorcycle officer, he tenaciously worked his way through the ranks until he achieved the rank of Bakersfield Chief of Police, a position he would remain in for 15 years. Admired by his fellow officers, Bob Price always remembered what it was like to be an officer on the beat, and he himself often described his own management style as "management by walking around". Though he officially retired from public safety service, his yearning for public service remained and in 1992, Bob Price successfully ran for Mayor of Bakersfield where he completed two terms in that office.

In his spare time, Bob enjoyed the simple things in life such as playing handball, playing golf, or spending time with his family. In 2009, after noticing wall-to-wall crowding in the lobby of the Bakersfield Police Department, Bob used his enthusiastic attitude and started a program that recruited retired police officers, clerks, and technicians to help the system work more efficiently and effectively for the Bakersfield community. That program is still thriving today.

Bob Price was a man of great principle and integrity; serving as interim director of the Bakersfield Association of Retarded Citizens (BARC). He lived his life to encourage and elevate others, but he also held others accountable. His commitment to friends, family, and community will be remembered by all that knew him. It is with great pride that I honor him for all that he did on behalf of the City of Bakersfield and for California.

Mr. Speaker, I ask my colleagues to join me in honoring Bob Price, a man who lived a righteous life. His leadership and spirit leave a lasting imprint on all those who knew him.

LYDIA AGEDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lydia Agede for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lydia Agede is a 12th grader at Standley Lake High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lydia Agede is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lydia Agede for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE NEW YORK COLLEGE OF PODIATRIC MEDICINE (NYCPM)

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. RANGEL. Mr. Speaker, I rise today in celebration of the 100th anniversary of the New York College of Podiatric Medicine, which was founded by Dr. Maurice J. Lewi in 1911 within my Congressional District. Chiropody was a craft that existed up to 1885, when men and women learned through training the skill to alleviate pain and discomfort for those afflicted with minor foot ailments. The New York State legislature awarded chiropodists the right to organize and to determine the fitness of individuals who were interested in practicing chiropody in 1905.

This historic legislation paved the path for the founding of the New York School of Chiropody. Dr. Maurice J. Lewi, who during that time was serving as Secretary to the New York State Board of Examiners, was an effective advocate and educator in the field of Chiropody, and became the school's first President.

Dr. Lewi created and organized the curriculum and drafted the legislation governing the practice of chiropody. He was most effective in advancing the specialized profession of podiatry through evidence-based science, research and strategic partnerships.

Since its founding, the New York College of Podiatric Medicine has been an active source of education, training and research in the field of podiatric medicine, and has emerged as a leader and facilitator in creating and establishing multi-dimensional programs in podiatric medicine. Its impact has been guided and nurtured by its current president, Louis L. Levine, and its board of trustees.

In recent years, NYCPM has expanded into the international educational arena with twice-yearly programs for podologists from Spain; a program at Foot Center of New York for podiatry students from Canada, and an affiliation with their school in Quebec.

NYCM also has an externship at the Sheba Medical Center at Tel Hashomer. The College also features prominent guest speakers from around the world. NYCPM has reached out to its surrounding community, offering foot screenings at numerous neighborhood health fairs, including the American Diabetes Association's annual Diabetes Expo and the Central Harlem Health Revival.

Therefore, Mr. Speaker, please join me in recognizing the New York College of Podiatric Medicine and its affiliate, The Foot Center of New York. I would also like to congratulate Louis L. Levine, President and Chief Executive Officer; Stanley Mandel, Chairman; the Board of Trustees; and the NYCPM staff as leaders in enhancing the level of acceptance, understanding, and knowledge regarding podiatric medical education and training, podiatric technology development and podiatric research throughout the world.

KATHRYNN MERRILLS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathryn Merrills for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kathryn Merrills is a 7th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kathryn Merrills is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kathryn Merrills for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HAWKINS FAMILY REUNION DAY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, over One hundred forty nine years ago, Ms. Hattie Hawkins in the state of South Carolina has blessed us with descendants that have helped to shape our nation; and

Whereas, the Hawkins Family has produced many well respected citizens and three of the matriarchs of the family Ms. Addie Rankin Hawkins, Ms. Virginia Hawkins Clarke and Ms. Florence Amanda Hawkins Wilson are pillars of strength for these families; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have many members of the Hawkins family, including Mr. Norm Fikes one of our most beloved citizens in our District who resides in Stone Mountain, Georgia; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Hawkins family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in Atlanta, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Hawkins family in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim Saturday, July 12, 2008 as Hawkins Family Reunion Day in the 4th Congressional District.

Proclaimed, this 12th day of July, 2008.

KAYLA TREJO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kayla Trejo for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayla Trejo is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayla Trejo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kayla Trejo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING HERB KANE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to mourn the passing, but also honor the distinguished career of Herb Kawainui Kane. For more than 80 years, Mr. Kane exhibited a love for the arts and a passion for Hawaiian culture that has been an inspiration for his people.

After leaving the Navy, Herb attended school in Illinois, where he would go on to earn his Masters degree from the University of Chicago. Herb went on to become a successful graphic artist in Chicago, before moving to Hawaii. There he would continue his career as an artist, and go on to become both a noted historian and an author. He went through life exemplifying hard work and dedication in his craft and culture.

Throughout his career, Herb received praise and admiration for his works as an artist, historian, and author. Herb's paintings have graced such locations as the Hawaii State Foundation on Culture and the Arts and the National Park Service. In 2009, Herb helped design a commemorative stamp for the U.S. Postal Service, celebrating 50 years of Hawaii statehood. He has also been selected as a Living Treasure of Hawaii for his work as a historian and has received an award for excellence from The Hawaii Book Publishers Association for his writing.

Herb's crowning achievement was his recreation of Polynesian canoes that were used by his ancestors. These canoes have been used to travel from Hawaii to various islands including, Tahiti, New Zealand, Easter Island, Tonga, The Marquesas Islands, The Cook Islands, Micronesia and Japan; of which the voyage to Japan totaled over 110,000 miles of navigation without modern equipment.

Mr. Speaker, I ask my colleagues to join me in recognizing Herb Kane and his numerous accomplishments. His life and career has inspired many and will continue to influence generations to come.

LANCE ORTIZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lance Ortiz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lance Ortiz is a 12th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lance Ortiz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lance Ortiz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING MISSOURI STATE UNIVERSITY—WEST PLAINS MEN'S BASKETBALL TEAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mrs. EMERSON. Mr. Speaker, I am honored to congratulate the Missouri State University—West Plains Men's Basketball team for playing their best season in Grizzly athletic history. The Grizzlies won the Region 16 regular season competition with a perfect 10–0 record. The team then proceeded to win the NJCAA Postseason Tournament and the NJCAA District 4 Championship.

The Grizzlies played in the spotlight of the NJCAA as they ranked #1 in the National Poll for five consecutive weeks. Coach Yancey Walker demonstrated outstanding leadership while serving as the head basketball coach for the past three years. This year he was publicly recognized when he was selected as NJCAA Region 16 Coach of the Year and NJCAA District 4 Coach of the Year.

This outstanding season would not have been possible without the support of fans and campus leaders such as Chancellor Drew Bennett who works diligently to show his support of these student-athletes both on the court and in the classroom. The coaches and players of the MSU-WP team exemplify the highest virtues of the community: teamwork, loyalty, sportsmanship, and dedication.

Once again, congratulations Grizzlies, we are very proud of you. We look forward to

cheering you on through another great season next year.

LORENZO TOLENTINO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lorenzo Tolentino for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Lorenzo Tolentino is an 8th grader at Creighton Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lorenzo Tolentino is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lorenzo Tolentino for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING MR. BILL SAMUELS, JR.

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize Mr. Bill Samuels for his extraordinary career with Maker's Mark. Mr. Samuels is retiring from his position as President of Maker's Mark, the world's oldest operating bourbon distillery. As the seventh generation distiller in his family, bourbon was a part of Bill's life from the beginning, and just as his own father made Maker's Mark a unique product, Bill made the world famous brand his own through innovative marketing and large scale production with home-grown Kentucky flavor.

When he took over the helm of Maker's Mark 35 years ago, Bill used unmatched and unprecedented creativity to reinvent the way the world understood and appreciated bourbon. He paired a family recipe with a marketing campaign that brought out a little bit of Kentucky in people across the world. Bill left no event, newsmaker, or story off his list of characteristic jokes, and his knack for simple one-liners lured patrons to Maker's Mark through thousands of unforgettable advertisements. The world responded to Bill's humor in a big way—by buying all the bourbon he could make and elevating Maker's Mark to a worldwide symbol of excellence.

Like the ads that graced pages across the world, Bill's instructions for production of his family's legacy were simple and clear—"don't screw it up." One of the few things Bill made no joke about during his tenure was that no amount of success could compromise the taste of each and every drop of bourbon.

Bill's world renowned success and innovative marketing techniques never lost sight of the home grown taste of Kentucky in each family-made bottle. The distillery in Kentucky remains the only spirits related National Historical Landmark in the world, and a tradition that Kentucky is proud to share. Under Bill's careful watch, no bottle of Maker's Mark traveled across the globe without bringing a piece of Kentucky pride with it.

During his 44 years long career with the family company, Mr. Samuels brought a piece of history and a piece of Kentucky to households, bars, and restaurants around the world. I congratulate my friend, Bill Samuels, on his extraordinary success throughout his time with Maker's Mark. Thank you, Bill, and best wishes for you in your next endeavors.

EIGHT IN TEN APPREHENDED ILLEGAL IMMIGRANTS NOT PROSECUTED

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. SMITH of Texas. Mr. Speaker, according to recent figures calculated by my Texas colleague JOHN CULBERSON, an illegal immigrant apprehended by Border Patrol agents during the last fiscal year had an eight in ten chance of never being prosecuted.

Specifically, in Fiscal Year 2010, nearly 450,000 illegal immigrants were apprehended by the Border Patrol. Of this amount, only about 73,000 were prosecuted, roughly 16 percent. This means that 84 percent of illegal immigrants taken into custody were never prosecuted!

And while the Obama administration claims the border is more secure than ever, a recent Government Accountability Office report found that efforts by Border Patrol to stop illegal crossings were "poor." In fact, it is estimated that there are three successful illegal crossings for every one thwarted. That means more than a million illegal immigrants enter the U.S. each year.

The border is never going to be secure until we enforce all of our immigration laws and turn off the jobs magnet that encourages illegal immigration. Allowing millions to evade our laws is unfair and hurts American workers and taxpayers.

RECOGNIZING MARCH AS NATIONAL KIDNEY MONTH

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize March as National Kidney Month. This is an ideal time to renew the commitment to take action to stop kidney disease.

National Kidney Month observes the significance of kidney health and allows us to educate each other on methods of prevention,

treatments, and potential cures for kidney disease. More than 26 million Americans have chronic kidney disease. Minority patients and communities including Hispanic, African-American, and Native-American populations are at an increased risk at developing the disease. While the rate of those affected by kidney disease is increasing, many individuals with kidney ailments go undiagnosed. Most people forego visiting a doctor until symptoms are severe and damages to the kidneys are irreparable. Kidney disease can be fatal to those who do not identify the symptoms of kidney failure. Every year, thousands die prematurely of cardiovascular problems linked to kidney disease where death could have been prevented in many cases.

In addition to the health effects of kidney disease, kidney failure can also be costly. Currently, less than one percent of all Medicare beneficiaries have some form of renal disease, yet the disease consumes nearly seven percent of the annual Medicare budget.

Prevention is the best approach at dealing with kidney disease. The most common risk factors are high blood pressure and diabetes, which can be controlled by diet, exercise, taking prescribed medication, and regular visits to a health care professional. National Kidney Month serves as an important reminder for individuals, especially minorities as well as those with hypertension and diabetes, to get their kidneys checked regularly.

In my district, the non-profit Northwest Kidney Centers provides testing opportunities at community events and provides important education to the public about kidney health and renal disease prevention.

Kidney disease is common, harmful, but treatable, especially if caught in time. Let's continue to work to stop kidney disease, save Medicare dollars, and save lives while doing it.

MALOREY BOPP

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Malorey Bopp for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Malorey Bopp is an 8th grader at Arvada K-8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Malorey Bopp is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Malorey Bopp for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING FALLEN MIAMI-DADE OFFICERS ROGER CASTILLO AND AMANDA HAWORTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor the sacrifices of Officer Roger Castillo and Officer Amanda Haworth of the Miami-Dade Police Department, who lost their lives in the line of duty.

My prayers and our community's gratitude go to the families and loved ones of these two brave Americans.

I submit this poem in remembrance of Officers Castillo and Haworth, penned by Albert Caswell of the Capitol Guide Service.

BLUE ANGELS

Blue... Blue Angels... New Angels, up in Heaven... All there, for us in the darkest days of night! Who for all of us, so wore that badge of honor... oh so very bright! Blue Angels, on earth... and now up in Heaven all in flight! As all of those wrongs they did so right! Who to all of our lives, so brought their light! Living day to day, night to night! Right on that edge of death, as did they... as they did so fight! All out there on that thin blue line, but at the very height! At the very height of courage and faith, To Serve and Protect! As their most heroic Shield of Blue, for our lives did so bless! All, with families... living so very close! Quiet heroes, who knew... that each moment upon this earth... But together, was but a gift... but which meant the very most! As why they so cherished life, as they would toast! As why with tear in eye, we stand here on this very night! As we look back on them now, we must now so boast! Such a gallant, woman and man! Who for all of us, against the face of evil they so stood... would so stand! And away from danger they never ran, turning evil into good... time and time again! Moments, are all we have... here upon this earth! Do we make a difference, all in our life's worth? What have we left behind, when we are gone? What will live on, as ever live so on? Who have we shielded, who have we saved? All in our most brief lives as so portrayed! And tonight as you lay your head down to sleep... Across Miami, but comes a gentle rain to so keep... Are but our Lord's tears up in Heaven, coming from his heart now so very deep! As it's for your selfless sacrifice Amanda and Roger, and your families he now so weeps! And to those five sons, whose pain now so lies so very deep... They are with you, as you awake and as you sleep!

Watching over you and us to keep! And remember, that it was your happiness that they would seek... So bless them, and bless their memory... by living a great life to be! And they will live on in your hearts, for all the world to see! Until, that fine day up in Heaven... these Blue Angels and you, will all so meet! Blue... Blue Angels, watch over me!

CELEBRATING THE LIFE OF STANLEY J. "BUD" GRANT FOUNDER AND PRESIDENT FRIENDS OF THE CONGRESSIONAL GLAUCOMA CAUCUS FOUNDATION, INC.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. RANGEL. Mr. Speaker, I rise today with great pride, admiration and sadness as we in the United States House of Representatives pay tribute to our dear friend and Buddy, Stanley J. "Bud" Grant. We join with the many family members, friends and colleagues at Saint Mary's Roman Catholic Church in Manhasset, New York to celebrate the life of Stanley J. "Bud" Grant who passed away Saturday morning, March 26, 2011, after a short illness.

My wife Alma and I want to extend our most sincere and heartfelt sympathy to Richard, Suzanne, Robert, Thomas, Joanne, Steven and the entire Grant family as we honor the memory and the legacy of your dear beloved father, grandfather, great-grandfather and uncle and all the wonderful times you shared together as a family.

Stanley J., affectionately known as Bud, was born and raised in Brooklyn, New York and served our nation in the Pacific theater during World War II with valor in the United States Marine Corps. He graduated from St. Francis College and attended Fordham University and the New York University School of Public Administration. Bud lived in Douglaston for over 40 years with his late wife, Suzanne Gobel Stabnick, and raised six children who all attended local schools. Bud was very active in the community, particularly with the Saint Anastasia's Roman Catholic Church parish where he was long-standing member of the Holy Name Society and the Knights of Columbus.

The New York Congressional Delegation worked very closely with Bud in his efforts as a representative of the Medical Society of the State of New York and other important medical associations. Bud established a special interest in Health Care, Health Administration and Health Economics; and also served on the Board of Directors of Wagner College and New York Hospital Division of Queens.

As we entered into a new millennium in the year 2000, Bud Grant inspired me to lead a group of my Congressional colleagues, which included ED TOWNS, MIKE OXLEY, MARK FOLEY, and DONNA CHRISTENSEN to create and co-found the Congressional Glaucoma Caucus. This organization would be dedicated to helping all Americans prevent the scourge of glaucoma and other eye diseases. Through

Bud's advocacy and enthusiasm, we were quickly joined by more than two dozen other Members of Congress.

After the Glaucoma Caucus was established, Bud formed the Friends of the Congressional Glaucoma Caucus Foundation, a federally funded, non-profit foundation which screens disadvantaged populations for glaucoma and other eye diseases across the United States. Under his leadership as President, the Foundation provided the first Mobile Eye Screening Unit.

Since that historic day, the Friends of the Congressional Glaucoma Caucus Foundation has performed over 300,000 total screenings; has made over 40,000 referrals; has identified over 50,000 other eye diseases; and has routinely followed up with over 200,000 patients. Through Bud's efforts, the foundation's Student Sight Saver Program had partnered with many of our elite universities, colleges and Ivy League schools throughout the nation. I am so proud of the foundation's work with our federally funded health clinics and the screenings that take place at our neighborhood health fairs.

Bud Grant was a true New Yorker who tirelessly fought to bring health care to the underserved and stem the tide of all eye diseases in every major way. We are a grateful nation for the life of my Buddy, Stanley J. "Bud" Grant.

CONGRATULATING LIFE-SAVER SHAUN ANDERSON OF DIVERSITY IN AQUATICS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FATTAH. Mr. Speaker, I rise today to recognize and congratulate a young man of remarkable achievement. Shaun Anderson is co-founder and President of Diversity in Aquatics Inc., a visionary network that works to save lives through global efforts to reduce the incidence of drowning.

But that's not all. Shaun is a consultant to USA Swimming, a college faculty member, a former coach as well as a collegiate swimmer and track team member at his alma mater, Pennsylvania State University. He began swimming competitively at age four.

Citing these accomplishments and more, Penn State has named him one of 12 alumni under the age of 35 to receive the 2011 Penn State University Alumni Achievement Award. He will be honored on April 8.

Let me tell my colleagues a little more about this amazing young man. His brainchild, Diversity in Aquatics, boasts members across a worldwide spectrum including Olympians, coaches, elected officials and educators. The organization is literally a life saver. It helps spread the word about water safety through advocacy, educational programs, and action, including regional water safety clinics, and connecting individuals and groups through their website.

I was pleased to provide a welcoming video for the Diversity in Aquatics Network, which has been active in support of swimming and

water safety in Philadelphia's communities of color. The Network has spotlighted the work of Jim Ellis, who developed Philadelphia's first all-African American swimming team and was the subject of the biopic "Pride."

In 2009, USA Swimming named Shaun a diversity consultant, giving him responsibility for developing programs for under-served communities throughout the country. He has become a global spokesperson on the issue of diversity in swimming and aquatic safety. For example, he was interviewed and appeared in a Newsweek article in September 2010 about efforts to lower the rate of drowning among African American children.

Shaun Anderson devotes himself to a vital but often overlooked cause. It is a sad fact that worldwide, 388,000 people a year—an average of more than 1,000 a day—are known to perish by drowning, although this data may dramatically understate the problem. In our nation and overseas, a disproportionate number of drowning victims, and victims of non-fatal injuries from submersion, are children from communities of color and from low-income backgrounds. The reasons are many, but the "cure" is obvious: teach youngsters how to swim, use safety techniques and respect the perils of water.

In pursuit of this goal, Shaun Anderson has assisted with clinics in Brazil, the British Virgin Islands, the Philippines and elsewhere. Most recently he helped the Bahamian Ministry of Education and International Olympic Committee in implementing a nationwide learn to swim program for the Bahamas.

Anderson also serves as a faculty member in the Department of Health, Physical Education and Exercise Science at Norfolk State University. At Penn State he was a varsity athlete in two sports: three years on the track team and a four-year member of the swim team. In addition to his degree in Kinesiology from Penn State, he holds an M.B.A. from California State University—Long Beach.

It is no wonder that Shaun Anderson has been widely recognized and honored for his "diversity" of achievements. He is a multi-tasking role model and advocate who carries a life-saving message and the imperative of diversity into regions and disciplines never before imagined. Across our nation, young people of all races and communities are healthier, better swimmers—and very much afloat in life—thanks to a talented, tireless young man named Shaun Anderson.

HONORING THE SMOKY MOUNTAIN
HIGH SCHOOL MUSTANGS MEN'S
BASKETBALL TEAM ON THEIR
OUTSTANDING SEASON

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor the Smoky Mountain High School Mustangs 2010–2011 Men's Basketball Team.

Through their hard work and dedication, the Mustangs had an undefeated regular season. They held the longest single season winning streak in North Carolina for all 4 classifications

in the 2010–2011 season. They went on to finish as the WNCAC Regular Season and Tournament Champions. The Mustangs finished the year as the NCHSAA sectional runner-up with an impressive 26–1 record. These awards are especially notable considering North Carolina is considered a powerhouse for high school basketball.

Five players were recognized for their individual accomplishments by being named All-Conference. They include Will Carpenter, Micah Carter, Tanner Cogdill, Mark Thompson, and Jackson Simmons. Jackson Simmons also went on to be named the Conference Player of the Year for his extraordinary play during the season. The team's recognition did not stop with just the players. Head coach Jimmy Cleaveland was named Conference Coach of the Year.

As a former student athlete in Western North Carolina, I understand the commitment it takes to compete at such a high level. I ask my colleagues to join me today in recognizing the many accomplishments by the Smoky Mountain High School Mustangs 2010–2011 Men's Basketball Team.

FLOWER MOUND HIGH SCHOOL
CHOIR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Flower Mound High School Choir. In 1999 the high school opened with the hope of becoming "A World Class School Educating Tomorrow's Leaders." Since then, Newsweek Magazine named it one of the "Top 1000 Best Public High Schools" in the U.S., based on AP scores. Of the school's many accomplishments, none resonate quite like the Flower Mound High School Choir.

The Flower Mound High School Choir regularly enjoys success at University Inter-scholastic League competitions as well as private competitions. Over time they have earned a slew of "Sweepstakes" awards as well as "Best of Class" and "Grand Champion" awards from all over the country. Students have also had the honor of performing throughout Europe, both at the Vatican and the Salzburg Cathedral. And just last week they were here in Washington D.C. to perform at the WWII Memorial. In their song choice, they sought to honor our nation's veterans.

It is heartening to know that this burgeoning generation continues to hold our veterans in such high regard. I want to thank the Flower Mound High School Choir for coming to our nation's capitol to honor our veterans.

HONORING ALEXANDER CHRISTIAN
NASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alexander Chris-

tian Nason. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander has earned the rank of Firebuilder in the Tribe of Mic-O-Say and the position of Senior Patrol Leader in his troop. Alexander has also contributed to his community through his Eagle Scout project. Alexander planned and supervised the construction of a storage closet for Liberty United Methodist Church in Liberty, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Alexander Christian Nason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING PENSACOLA STATE
COLLEGE WOMEN'S BASKETBALL
TEAM AS STATE CHAMPIONS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Pensacola State College Women's Basketball Team on their recent victory as Champions of the 40th Florida Community College Activities Association Women's Basketball Tournament.

In 2010, the Pensacola State College Lady Pirates suffered a difficult defeat in the final seconds of the state semifinal game; however, under the leadership of Coach Chanda Rigby, PSC's players were able to use this defeat as motivation for their 2011 season. The Lady Pirates entered into the season with high expectations and ranked 14th nationally in the pre-season National Junior College Athletic Association Women's Basketball Poll.

After an impressive early season run, including a victory over the 5th ranked team in the Nation, the Lady Pirates soared to the ranks of 3rd in the Nation on November 17. The following week the Lady Pirates continued to rise in the rankings, moving all the way to the number 1 slot. The Lady Pirates did not let the pressure of being the top ranked team affect their performance, and they finished the regular season with a perfect record, 29–0, never relinquishing their place atop the polls.

Victories in their first two games of the Florida state championship set up a fourth meeting with nationally ranked Northwest Florida State College. The previous three meetings between these teams were highly competitive, with two of those three outcomes decided in overtime. The championship game was an equally competitive affair. Ultimately, however, the Lady Pirates' season-long goal was fulfilled, as they cut down the nets, improving to 32–0 and moving on to the National Junior College Athletic Association's national tournament, where they finished their season with

a victory in the consolation game and the number 3 national ranking.

On behalf of the United States Congress, I congratulate the Pensacola State College Lady Pirates for their outstanding accomplishments. My wife Vicki joins me in offering our best wishes to the players, coaches, faculty and staff at Pensacola State College for their continued success.

SOUTHWEST GUILFORD GIRLS WIN IT ALL—

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. COBLE. Mr. Speaker, today I wish to recognize the girls' basketball team of Southwest Guilford High School, located in the Sixth District of North Carolina, for winning their first 4-A state championship since 1985. The Southwest Cowgirls defeated their opponent, Raleigh Millbrook, in convincing fashion by a nine point margin with the final score of 44-35.

Southwest Guilford scored the first seven points and never relinquished the lead throughout the contest. "This is a very surreal moment," Southwest senior Shannon Buchanan told the (Greensboro) News & Record, "We've all worked since forever. This is what you dream of when you're a little kid, and now this is finally here."

The Southwest Guilford Cowgirls finished the season with a 30-2 record and an undefeated 12-0 record in their conference. The win marked their second consecutive season as Regular Season Conference Champions and Conference Tournament Champions. With 9 points and 14 rebounds, senior Shannon Buchanan earned 4-A All Conference, News & Record 2nd Team, and All District 2nd Team accolades. Junior Zena Lovette had 14 points and 7 rebounds and was named 4-A Piedmont Triad Player of the Year, State Regional Tournament Most Valuable Player, State Championship Most Outstanding Player, and to the News & Record 1st Team as well as the All-District 1st Team. Another junior, Jessica "JP" Pone had 13 points and 3 rebounds and was named the game's Kay Yow Most Valuable Player and was also named to the 4-A All Conference Team. Head Coach Jessica Bryan was named District Coach of the Year, the News & Record Coach of the Year, and to top it all, she was named as the Associated Press 2010-11 girls high school basketball coach for all of North Carolina.

The Cowgirls were led by seniors Shannon Buchanan and Brittany Connor, along with Jasmine Pinnix, Briana Burgins, Duncan Hackney, Kennedy Porter, Shanel Lawrence, Aja Mott, Zena Lovette, Jessica Pone, Jessica Bridges, Jenea Rogers and Ayana Rivers. Of course, they could not have achieved the state championship without outstanding coaching led by Head Coach Jessica Bryan and Assistant Coaches Samuel D. Warren I, Tashocka Belk and Nick Scarborough.

Also deserving mention are Quierra Lovette (Scorekeeper), Jasmine Rogers (Statistician),

JaNiya Williams (Statistician), Alexis Couch (Water), and Shay Barr-Poole (Film).

Congratulations are also warranted for all of those who supported the girls' basketball program at Southwest Guilford High School including Principal Alan Parker, Assistant Principals Enid Barnum, Joseph Johnson and Michael Hettenbach as well as Athletic Director Brindon Christman.

Again, on behalf of the citizens of the Sixth District of North Carolina, we congratulate the Southwest Guilford High School girls' basketball team, along with the faculty, staff and students for their championship season.

CONGRATULATING THE WINTER PARK HIGH SCHOOL WILDCATS BOYS BASKETBALL TEAM

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. WEBSTER. Mr. Speaker, I congratulate the 2010-2011 Wildcat boys Basketball team of Winter Park High School, the reigning state champions from Central Florida.

Long before the first whistle blew in the regular season, the Wildcats aspired to the highest standard with their mantra, "Make History." As the reigning 6A State Champions, the boys were determined to exceed all expectations and become the first team from Central Florida to win back-to-back state titles. Recognized by USA Today as one of the top four teams in the country, these scholar-athletes persevered through a daunting schedule of nationally ranked opponents, with courageously fought losses and inspiring victories, to gain their fourth birth in five years to the Florida state Final Four. Facing their cross town rival in the final game of the state championship for the second consecutive year, the Wildcats were victorious; ending the season with a 28-5 record.

I am happy to recognize the contribution of coaches and players to the Wildcats' historic season. Assistant coaches Eric Faber, David Jacobin, David Stock, and Tom Beard and their longtime head coach David Bailey, offered wisdom and careful instruction to develop the team's innate talent. The starting lineup, all seniors, all going onto college next year, includes Brett Comer, Alex Swanson, and Austin Keel. The Captains, James Ferrell, recipient of the Coaches Achievement award, and Austin Rivers, future Duke University athlete and ESPN #1 ranked player in the nation, also deserve recognition here today. I wish only the best for these young men, as they apply their dedication and work ethic towards even higher pursuits.

As the seniors graduate and move on from Winter Park High, they will pass the mantle of leadership along to the younger players whose consistent effort proved invaluable all season long. Brian Klusman, Perry Klusman, Michael Merlano, Billydee Williams, Josh Williams, Malcom Laws and Kyle Brown, will provide the direction and experience to guide the Wildcats team next year.

In conclusion, I wish the Wildcats success in the upcoming ESPN Rise National High

School Invitational. I know that whatever the final score, these players have performed with excellence for a truly extraordinary season.

A TRIBUTE TO NEBRASKA'S WOMEN AIRFORCE SERVICE PILOTS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in honor of 19 women who were inducted into the Nebraska Aviation Hall of Fame on January 27, 2011. These women served as Women Airforce Service Pilots, or WASPs, during World War II.

From 1942-1944, more than 1,100 women left behind their homes and jobs for once-in-a-lifetime opportunity—to serve as civilian pilots for the U.S. Army Air Forces. As the first women to fly military aircraft during World War II, WASPs towed aerial gunnery targets, transported personnel and cargo, and ferried airplanes to training fields and embarkation points. At the height of the war, WASPs flew more than 60 million miles which freed male pilots for combat and played a critical role in our victory.

The Nebraskans who served as WASPs were: Dorothy L. Bancroft, Lincoln; Mary B. Beecham, Omaha; Lois V. Boien, Omaha; Lois A. Bristol, Bayard; Grace "Betty" E. Clements, Elmwood; Mary A. Jershin, Omaha; Eileen "Ikey" A. Kealy, Omaha; Marybelle J. Lyall, Hastings; Esther L. Mueller, Thayer; Roberta E. Mundt, Berea; Margaret "Peggy" L. Nispel, Lincoln; Millicent A. Peterson, Chappell; Alice L. Riss, Omaha; Evelyn G. Sharp, Ord; B. Kristin Swan, Minden; Helen A. Turner, Cairo; Isabel E. Tynon, Peru; Jane E. Waite, Scottsbluff; and Mary E. Williamson, Omaha.

I ask my colleagues to join me today in honoring the distinguished service of Nebraska's Women Airforce Service Pilots to our nation.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. JORDAN. Mr. Speaker, I was absent from the House Floor during five rollcall votes taken on Thursday, March 17.

Had I been present, I would have voted "aye" on rollcalls 189, 190, and 192, and "no" on rollcalls 191 and 193.

HONORING THE SERVICE OF HIS EXCELLENCY LE CONG PHUNG, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE SOCIALIST REPUBLIC OF VIETNAM TO THE UNITED STATES OF AMERICA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to honor the distinguished service of my good friend, His Excellency Le Cong Phung, who in October 2007 was appointed by President Nguyen Minh Triet as Ambassador Extraordinary and Plenipotentiary of the Socialist Republic of Vietnam to the United States of America.

Prior to his appointment, the Honorable Le Cong Phung served as the First Deputy Foreign Minister, the second-highest ranking official in the Ministry of Foreign Affairs during which time he assisted the Deputy Prime Minister and Foreign Minister regarding Vietnam's foreign policy.

From 2001–2004, he served as Deputy Foreign Minister and as the Assistant Foreign Minister from 1999–2000. During his 39-year career, Ambassador Le Cong Phung served in foreign posts in England, China, and Indonesia. He was also Vietnam's Ambassador to Thailand.

While in Washington, Ambassador Phung became a key figure in strengthening the U.S.-Vietnam partnership. At the Ambassador's request, it was my privilege to join him, former President Bill Clinton, Senator JOHN KERRY, Senator JOHN MCCAIN and Assistant Secretary of State Kurt Campbell in offering keynote remarks on July 14, 2010 as Vietnam celebrated 15 years of diplomatic relations with the United States.

With the support of Ambassador Phung and in my capacity as the newly elected Chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, I returned to Vietnam in 2007 for the first time in 40 years, having previously served at the height of the Tet Offensive in 1967. The visit changed me.

On May 15, 2008, in close cooperation with Ambassador Phung, I held a Subcommittee hearing entitled, "Our Forgotten Responsibility? What Can We Do to Help Victims of Agent Orange?" This was the first time in the history of the U.S. Congress that a hearing had been held on Agent Orange which included our Vietnamese counterparts as witnesses. Two more hearings followed on June 4, 2009 and July 15, 2010, paving the way for renewed commitment on the part of the U.S. to clean up the mess it left behind.

I am proud of Ambassador Phung and what we have accomplished together. Ambassador Phung has made an indelible mark on furthering U.S.-Vietnam relations and is to be commended for his exemplary service for and on behalf of the government of Vietnam. I am also appreciative of all he has done to promote religious freedom.

On a personal note, I will miss Ambassador Phung, and I extend to him, his wife, Nguyen

Thi Nhan, and their two sons my highest regards and well wishes in all their future endeavors.

RECOGNIZING COACH NATALIE RANDOLPH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Coach Natalie Randolph, the first female boys varsity head football coach at Calvin Coolidge Senior High School in Washington, DC, where she also teaches.

As we commemorate Women's History Month this year, I want to celebrate the coach for becoming the first permanent female boys varsity head football coach in the District of Columbia and the only current female boys varsity head football coach in the nation.

Natalie Randolph, a native Washingtonian, is not only a football coach, she also is a superb athlete. Coach Randolph made her mark with the DC Divas of the Independent Women's Football League. After playing five seasons there, she became an assistant boys varsity football coach at H.D. Woodson Senior High School in the District for two seasons.

In her youth, Natalie nurtured her athletic skills in track and field at Sidwell Friends School and later at the University of Virginia. Her love of football grew after her father first introduced her in high school to women football players.

Natalie began her professional career as an educator, after receiving a Bachelor of Arts degree in Environmental Science and a Master's degree in Education from the University of Virginia. She first taught at H.D. Woodson and currently teaches Environmental Science and Biology at Calvin Coolidge.

Calvin Coolidge's winning record of 6–4 in Coach Randolph's debut season vindicated the decision to make her head coach. At the same time, the new coach required mandatory study halls and SAT prep courses to improve the team's academic performance. Coach Randolph is committed to winning, both inside and outside the classroom.

Mr. Speaker, I ask the House of Representatives to join me in honoring Natalie Randolph for her accomplishments as a teacher who encourages strong academic achievement, as a world-class athlete, and as the first permanent female boys varsity head football coach in the District of Columbia. May we wish Coach Randolph and the Calvin Coolidge Senior High School Colts the best on the upcoming season, both on and off the field.

RECOGNIZING THE FIFTH ANNUAL CESAR CHAVEZ MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. KILDEE. Mr. Speaker, I rise today to recognize the 24th anniversary of the naming

of Chavez Drive and the fifth annual Cesar Chavez March in my hometown of Flint, Michigan. A celebration and fundraiser for the United Farm Workers members was held on March 26th to coincide with what would have been the late Cesar Chavez's 84th birthday.

Born on a family farm, March 31, 1927, Cesar Chavez witnessed firsthand the suffering of migrant workers. When the family lost the farm during the Great Depression, Cesar toiled in the fields following crops across the Southwest. After serving in the U.S. Navy during World War II he returned to farm work and began his lifelong commitment to justice for migrant workers.

During the 1960s Cesar Chavez, in reaction to the conditions he witnessed in the fields, became a union activist. Adopting the techniques of industrial unions like the UAW, Cesar fought against agribusiness and unfair laws that forbade farm workers from organizing. A nationwide boycott of table grapes and a 25-day hunger strike brought the United Farm Workers international attention. His leadership and personal commitment forced agribusiness to sign the first union contract with the United Farm Workers. He labored to improve the health and safety of the workers. He fought successfully to end the use of harmful chemicals like DDT and benefited not only the workers but the consumers as well.

When Cesar Chavez died in 1993, over 40,000 people attended his funeral. In a show of respect for the man who had changed so many lives, our nation posthumously awarded him the Presidential Medal of Freedom.

Mr. Speaker, Flint Michigan was the first community in our nation to honor this great humanitarian by naming a street after Cesar Chavez. I ask the House of Representatives to join me in honoring the memory of Cesar Chavez and his legacy to the American people.

IN HONOR OF DONNA PAINTER

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. BARTON of Texas. Mr. Speaker, I rise today to honor Donna Painter for her dedication and contributions to nephrology nursing and kidney patients in Texas and across the country.

Donna is one of my constituents from Corsicana, Texas and she served as President of the American Nephrology Nurses' Association (ANNA) in 2010 and 2011.

Donna earned her Masters of Science in Health Care Administration from Texas Women's University in Dallas, Texas. She is a Registered Nurse and a Certified Nephrology Nurse.

Donna has worked for Fresenius Medical Care in various positions since 1983. Over the course of her career, she has served as a staff nurse, a charge nurse, Home Training Coordinator, Director of Nursing, and Clinic Manager. She has also been Regional Quality Manager, and Director of Training and Organizational Development for Fresenius' West Business Unit. Currently, in addition to serving as President of ANNA, Donna is the Regional

Vice President for Fresenius' East Texas Region.

Donna has been an active member of ANNA for more than 20 years—serving in a variety of leadership roles. As ANNA President, she has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments. In particular, she has helped to ensure that ANNA will play a significant role in the nation-wide proliferation of quality improvements and policy in kidney care.

ANNA is one of the largest and most prestigious nursing associations in America. The organization is the recognized leader in nephrology nursing practice, education, research, and advocacy. ANNA's members are registered nurses and health care professionals that care for patients of all ages who are experiencing, or are at risk for, kidney disease.

Please join me in commending Donna Painter for her years of service to ANNA and the patients she cares for in Texas. Thank you, Mr. Speaker.

GIRLS OF STEEL ROBOTICS TEAM

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. DOYLE. Mr. Speaker, I rise today to congratulate the Girls of Steel robotics team on winning the Rookie All-Star Award at the 2011 Pittsburgh Regional F.I.R.S.T. Robotics Competition held on March 12th and 13th.

Because of their hard work and impressive performance, the team has been invited to compete at the F.I.R.S.T. Championship in St. Louis in April. The championship is the final and largest competition of the robotics season and features teams from across the world.

F.I.R.S.T., which stands for "For Inspiration and Recognition of Science and Technology," is an organization dedicated to introducing our youth to the world of science and technology. This year alone, approximately 250,000 students are gaining practical, team-based engineering experiences by participating in F.I.R.S.T.

As a co-chair of the Congressional Robotics Caucus, I think competitions such as these are outstanding tools for getting students interested in careers in science, technology, engineering, and math. I believe our nation's future economic growth and prosperity depends upon getting young people interested and engaged in scientific pursuits, and I want to commend organizations like F.I.R.S.T. for the important work they do in that regard.

The Girls of Steel team is made up of 24 young women from high schools in and around the Pittsburgh area. In their first year of competition, and using a robot they designed and built in only six weeks, the girls went up against 39 other teams from across the United States and Canada. In this regional competition, teams were challenged to construct robots that could place tubes on elevated pegs. After finishing this first part of the task, the robots were required to deploy smaller robots capable of climbing to the top of a

10-foot pole. Upon reaching the top, the "minibots" would set off sensors to signal completion of the task. The Girls of Steel performed well in the qualification round, and their success continued throughout the seeding and elimination rounds of the competition.

In recognition of their hard work, intelligence, and teamwork, I want to mention each of these inspiring young ladies by name. They are Grace Handler, Calista Frederick-Jaskiewicz, Hallie Goldstein, Nila Ravi, Elizabeth Kysel, Rachel Lischy, Olivia Parks, Bryce Volk, Jaden Barney, Maya Chandrasekaran, Julia DiPietro, Campbell Konrad, Rachel Round, Jordyn Zechender, Naoka Gunawardena, Dakota Calvert, Jeannette Melanie Young, Tayler Wright, Kathryn Hendrickson, Pragna Mannam, Anna Maria Sicenica, Dahee Kim, Zhimi Ding, and Xinchao Li.

I also want to express my appreciation to the Carnegie Mellon University Field Robotics Center, which has mentored the Girls of Steel. As a result of their efforts, more young women are gaining real-world technological experiences which will certainly aid them in the future.

I wish the Girls of Steel the best of luck as they head to St. Louis to compete this April, and I hope for their continual success.

STATEMENT OF PERSONAL EXPLANATION

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. RENACCI. Mr. Speaker, although present and on the House floor during the legislative day of March 16, 2011, my "no" vote for Rollcall vote No. 186 did not register. Had my vote correctly registered, the RECORD would display a vote of "no."

RECOGNIZING MR. LEE E. RHYANT UPON HIS RETIREMENT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. GINGREY of Georgia. Mr. Speaker, today I rise to commemorate a decade of achievement by an important business leader in our community, Mr. Lee E. Rhyant.

Mr. Rhyant has spent over ten years serving as the Executive Vice President and General Manager of the Lockheed Martin Aeronautics Company facility in Marietta, Georgia. He successfully led a staff of 8,000 with his clear vision and his ability proved to be great as he built a strong association with the U.S. Air Force and industry leaders in Cobb County and throughout the metro Atlanta region.

He's been recognized for his leadership with numerous honors and awards. He was named one of Georgia's 100 Most Influential People, Executive of the Year by the National Management Association, Citizen of the Year by the Cobb Chamber of Commerce and the

Marietta Daily Journal, and Man of Influence by the Atlanta Business League.

Mr. Rhyant has taken his success and used it to give back to his community and the 11th District of Georgia. He has served on numerous local and national boards, chaired many major philanthropic events, and has shared his knowledge and experience with youth leadership forums, local schools, and even universities.

Mr. Speaker, I ask my colleagues to join me in recognizing the accomplishments of this outstanding citizen and community leader, Mr. Lee Rhyant, and wish him the best of luck as he retires and starts a new chapter.

IN RECOGNITION OF THE 10TH PASTORAL APPRECIATION OF BISHOP CLARENCE E. STEWART, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special Alabamian today, Bishop Clarence E. Stewart, Jr.

Bishop Stewart has served as pastor of Ambassadors for Christ Ministries in Montgomery, Alabama, since 2002. Over the past decade, the church has grown tremendously and he's also created a successful television and radio ministry.

Bishop Stewart received his education in Montgomery County, Alabama and continued his studies at Alabama State University. He is the son of Clarence E. Stewart, Sr. and Annie Ruth Gilmore, and is father to three daughters, Jennifer, Shay, and Joia, and one son, Clarence III (Tre).

I am proud to honor the 10th Pastoral Appreciation of Bishop Clarence E. Stewart, Jr., and applaud him for his ministries in Montgomery.

PERSONAL EXPLANATION

HON. BILL JOHNSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. JOHNSON of Ohio. Mr. Speaker, on rollcall No. 186, I recall voting on the entire series in this voting session. I was standing with Rep. RENACCI (OH-16), and we both voted the entire series. We both used the same voting machine, and he was also flagged as a missed vote.

I would have voted "no."

RECOGNIZING TEDDY OSBORN ON HIS ACCOMPLISHMENT OF EARNING 129 BOY SCOUTS OF AMERICA BADGES

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. STIVERS. Mr. Speaker, I rise today to recognize Teddy Osborn of Grove City, Ohio

for making Boy Scouting history in Ohio. Teddy, a highly decorated Eagle Scout, is an active member of Ohio's largest Boy Scout troop, Troop 200, chartered out of Northwest Methodist Church in Columbus.

Today I would like to commend Teddy for earning the maximum number of Boy Scouts of America badges—all 129. While accumulating the mandated number of 21 merit badges can be tough; earning all 129 badges is not only going above and beyond, but is an outstanding accomplishment.

An 18-year-old senior at Columbus Bishop Ready High School, Teddy attained what less than one percent of all Boy Scouts annually achieve when he earned his 100th merit badge. In earning all 129 merit badges, Teddy is the first boy scout in Ohio's 100 years of scouting history to earn all available merit badges.

On behalf of the citizens of Ohio's 15th Congressional District, I congratulate Teddy Osborn on this historic scouting accomplishment.

REMEMBERING ROBERT
CHAUNCEY MYERS

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. McCLINTOCK. Mr. Speaker, I rise today to honor the memory of Robert Myers of Roseville, California.

Robert was born in Ohio in 1937 and as a young child moved with his family to Los Angeles where he was raised. At age 17, Robert enlisted in the United States Air Force and after completing his training as an aircraft mechanic, deployed overseas to Europe. Robert's post was the front lines of the Cold War, where he was charged with guarding and maintaining strategic nuclear assets. Robert left the service in 1962 rising to the position of Crew Chief to USAF General Bernard Schriever, who oversaw the U.S. strategic missile program and over 40% of the Air Force budget. After leaving the armed forces, Robert continued a career of service to his community as a firefighter with the Torrance Fire Department in Torrance, California, a post he held to his retirement in 1993.

Following his long career of public service, Robert and his wife, Gwen, moved to Sun City in Roseville, California. It is doubtless that by the time Robert moved to Roseville he had already provided more service to this country than could reasonably be expected, both through his service in the United States Air Force and the Torrance Fire Department, but he wasn't finished yet. While living in Sun City, Robert became one of the founders of the Tea Party group there: leading book clubs, discussions and activities devoted to educating citizens and advocating for the founding principles of our country. Mr. Speaker, it is the patriotism of men like Robert that will ultimately lead to the salvation of our country from our current trials, and I believe that his contributions to this fight at home are every bit as valuable and important as the years he spent guarding nuclear weapons at the height of the Cold War.

Robert is survived by his wife, Gwen, his four children: Christine, Steven, Richard and Elizabeth; and his three grandchildren: Alice, Oscar and Sophia. The quality of Robert's dedicated life of service is only matched by the remarkable family he supported and raised as a loving husband, father and grandfather.

Mr. Speaker, patriots such as Robert Myers have ensured the safety and success of our union from its earliest days to the present time, and I have no doubt that his life has served to further that cause. It is with a grateful and humbled heart that I rise today to honor his memory and thank him for his many years of service.

RECOGNIZING LINDSAY CZARNIAK

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Lindsay Czarniak for her outstanding work in sports broadcasting as an anchor and reporter for NBC Washington. This month we are celebrating Women's History Month in the District of Columbia by honoring Lindsay Czarniak, whose excellence in a field dominated by men has made her a favorite on television here.

Lindsay, who was born in Pennsylvania and raised in Northern Virginia, is seen by her viewers as a quintessential Washingtonian because of her credibility and effectiveness in connecting with residents while reporting on our teams for NBC4 sports. After serving as co-host of the George Michael Sports Machine, Lindsay struck out on her own on NBC4 with her signature show, Lunch with Lindsay. She has interviewed many great sports figures, including Art Monk, Sugar Ray Leonard, and James Brown. Lindsay also has covered the 2008 Summer Olympics in Beijing, China, as well as NASCAR races as a pit reporter on TNT.

This year, our celebration of Women's History Month will honor not only Lindsay Czarniak, but also another female groundbreaker, Natalie Randolph, the only current female boys high school varsity head football coach in the nation. Lindsay also has generously agreed to participate in an assembly, where she will interview Natalie Randolph, a member of the D.C. Divas, a woman's professional football team, and a member of the Calvin Coolidge Senior High School football team concerning Coach Randolph's football and coaching career.

Lindsay Czarniak is an inspiration to young girls, to women, and to all Americans who support equal opportunity on the basis of ability and hard work. The excellence of her work in the male-dominated sports world makes all who are fortunate to see her on television understand that nothing is beyond a woman's capability, and that no field, sports or otherwise, is off limits to women.

Mr. Speaker, I ask the House of Representatives to join me in honoring Lindsay Czarniak, as a trailblazing example of excellence in her profession.

BAHRAIN, IRAN AND THE GCC

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to speak about the threat posed by the Islamic Republic of Iran to Bahrain, a U.S. ally and a member of a group of U.S. allies, The Gulf Cooperation Council or the GCC.

Bahrain is a small country with a free economy and a government that is friendly to the United States. It plays host to the Fifth Fleet of the United States Navy, which patrols the waters of the Persian Gulf and protects world shipping there. Bahrain has been declared a major non-NATO ally by the United States Government, and has established a Free Trade Agreement with us to facilitate better relations between our countries.

But today, Bahrain is under attack, in a proxy war between Iran on one side, and the entire GCC and their allies in the United States and Europe on the other. As the demonstrations sweep through the Middle East demanding democracy, Iran has seen its opportunity to fish in troubled waters by stirring up long-time resentments among Bahrain's majority Shi'a population.

Not that the Shi'a protests are without merit, or are completely foreign imports: to the contrary, they have real complaints that the Bahraini government will have to address, and has committed to address. But Iran, which has long been probing Bahraini defenses and stress-testing the social system, believes that its chance has finally come to achieve one of its cherished foreign policy goals: the weakening of the GCC by picking off one member state at a time.

Iran has long desired to export its so-called Islamic revolution, and to expand its influence in the rest of the Islamic world. The preamble to the Iranian Constitution states that their armed forces, ". . . will be responsible . . . for fulfilling the ideological mission of jihad in God's way; that is, extending the sovereignty of God's law throughout the world." Iraq and Bahrain, Lebanon, Afghanistan and parts of Pakistan, all have come in for special attention because of their substantial populations of Shi'ite Muslims. In fact, those who committed several terrorist acts during the 1980s in GCC countries proudly claimed allegiance to and sponsorship by Iran, leading Bahrain to break diplomatic relations with Iran in protest.

Iran has long used its military and intelligence assets to destabilize neighboring countries. And it aims to destabilize the entire GCC, and peel its member states away from the United States and the West, starting with Bahrain. A perfect example is what has been happening in Bahrain since last year—long before the current protests started. In the run-up to last year's elections, Bahrain disrupted a terrorist plot to instigate a violent overthrow of the government. Although some of those arrested may have been caught unfairly in a wide net, others were shown to be complicit in subversive and violent plots against the state.

Another example of Iranian pressure before the February outbreak of protests is the constant burning of tires and setting of fires, almost every night, at various points in Bahrain.

The youth involved claimed that they only were trying to make a point, and to protest their political marginalization. But the government recognized that the fires targeted power lines and communications towers more often than not, and suspected that the real aim may have been not only to weaken infrastructure, but also to test response times of security and emergency personnel. This would be roughly equivalent to 'probing' attacks such as sending fake bombs through air cargo, to see whether and how security forces reacted.

These tactics are consistent with a continued pattern that we have seen from the Islamic Republic, in Lebanon for example, of using unwitting young people, inciting them to extremist sentiments and radical action, to inflame popular opinion. They convince youth to rebel, and get themselves arrested; then their families and friends rise up to defend them, and security forces fear them and overreact, and this instigates a pattern of resentment and fear on both sides that seems—and becomes—autonomous to the participants themselves.

This is how a terrorist threat ends up shutting down an entire society: the tactic is to provoke, provoke, and provoke the rulers of society, until they react harshly in fear or anger, and then to provoke the people to rise up when the rulers impose harsh measures. Iran already had been engaged in these activities in Bahrain for some time, when the people of Tunisia and Egypt rose up against corruption and repression. They had their networks already established, and had only to stoke the flames of resentment they had been slowly fanning over the previous years.

With the security forces already strained to the breaking point—in resources and in nerves—it was no great surprise that they snapped. The resulting violence and loss of life was execrable, and it is a mark of honor to the Crown Prince that he stepped in so quickly to take control and instantly to offer reconciliation to the protesters. International observers breathed a sigh of relief, and felt as if Bahrain had dodged a bullet, and was ready to begin cooling off.

In order to make it clear to the protesters that he was serious about negotiations, so that they would not dismiss the offer as window dressing, the Crown Prince specifically named every issue the protesters have named. For example, giving the parliament full authority—one of the first demands of the demonstrators—and ensuring that the government represents the will of the people. His plan addressed setting up new procedures for contracting that will be transparent and include outside audits, to reduce opportunities for corruption by increasing overall transparency.

He even brought up specific matters of law that may seem obscure, but that result in disparate impacts on the two major communities in Bahrain, the Sunni and the Shi'a. For example, the Crown Prince promised to work with the opposition to determine fair ways to draw the lines of voting districts because critics have charged that the current districts dilute Shi'a voting power.

The Crown Prince described all these measures as ways to achieve the overall goal, which is to reduce sectarian tension, and "bring an end to envy and division among

[the] population." When these overtures were first offered, the protesters initially stopped demonstrating. Many of us believed that a crisis had been averted, and that reason and good judgment would prevail. But within a couple of days, the protests were renewed, and the opposition derided the offer as not serious, and refused to participate. The protests increased in their intensity, and swept into the financial district. According to BBC reporting, young Shi'a protesters began to set up illegal and intimidating checkpoints in key places around the country, "paralyzing business and choking off the economy."

The government acted to relieve the overstressed security forces by invoking the mutual self-defense provisions of the GCC charter. This treaty provided for the establishment of a multinational force called "Peninsula Shield," with headquarters in Saudi Arabia, which would be available to help any member state defend critical infrastructure against the threat of attack. 2,000 troops from Saudi Arabia and the U.A.E. arrived on the 14th of March and were immediately deployed to protect threatened infrastructure.

The foreign troops were not brought in to confront protesters, in spite of immediate claims to the contrary from opposition sources. In fact, with the Peninsula Shield troops guarding the infrastructure, the Bahraini troops can devote more time and resources to crowd control, and avoid committing violence sparked by fear or desperation.

In reaction to the arrival of the foreign troops, the Prime Minister of Iran, Mahmoud Ahmedinejad, issued a bizarre threat to his neighbor, warning the Bahrainis not to seek help from their allies. At the same time, the protests took an even uglier turn, with demonstrators no longer calling for democratic reform, but for the complete removal and even death of the entire al Khalifa family.

Mr. Speaker, I have to ask why the demonstrators returned to protesting again, even after all their demands were agreed to. What lies behind this stubborn refusal to accept their long-stated goals? Is there some other goal, some hidden agenda, behind the protests? Is there indeed an influence from abroad, from Iran, which is fueling these protests and fanning the flames? There is no doubt that the Shi'a population of Bahrain has legitimate grievances, and I am pleased that the government of Bahrain has agreed to address them. There is no doubt that many in the crowds of protesters are loyal, patriotic citizens of Bahrain who are sincere in their desire for reform. We should support those desires, and we should be pleased any time we see a nation that is asking for a greater voice for the public in running their political affairs. Democracy entails a great responsibility, and it should be pleasing to every American to see other peoples that are willing to accept that awesome responsibility.

But we cannot be pleased at the prospect of anarchy, or worse, of the violent overthrow of an allied, peaceful government by the worst kind of seditious infiltration from a foreign enemy. We cannot sit idly by while a country—whose founding document calls for spreading its revolution—uses its influence to undermine a peaceful neighbor and an entire alliance.

Iran wants to dominate Bahrain for many reasons. Among them are that Bahrain has a Shi'a majority population, and the Iranian regime has appointed itself the international guardian of Shi'a rights. Another cause for Iran's animus is, of course, the presence of the U.S. Fifth Fleet. Using its base in Bahrain, the U.S. Navy can not only patrol the waters of the Arabian Gulf and protect the international shipping lanes; it also is well-positioned to conduct surveillance missions, and even potentially to send missile strikes into Iranian territory with only seconds' warning, should that ever become necessary.

Furthermore, Iran's aim is not just to dominate Bahrain: it is to destroy the GCC alliance. Since its inception in 1981, the GCC has been a thorn in Iran's side. It has bound together previously fractured (and sometimes competing and even divided) countries into a strong partnership, with a united economic market and foreign policy. It has shown itself an ally of the United States, and an effective bulwark against the encroachment by Iran on the foreign relations and even military policy of its member states. If Iran succeeds in splitting off even one member state from the GCC, the alliance will crumble and disappear as its member states are picked off one at a time.

Bahrain is also a great prize to be taken by a greedy despot. As the Bahrainis have worked very hard to diversify their economic base, they have discovered that creating an inviting legal and regulatory framework can attract an inordinate amount of foreign direct investment—disproportionate to their size, or the original size of their economy. They have succeeded in making their country a banking haven, especially for the increasing number of institutions and high net-worth individuals who want to invest without paying or receiving interest, or otherwise want to comply with Islamic rules of investing and finance. Anyone who controlled that sector would have power greater than the size of the country would seem to predict. Bahrain's Free Trade Agreement with the United States has doubled our bilateral trade volume since it was signed in 2006, again increasing the value of the national GDP.

Finally, Bahrain and its leaders have incurred the wrath of the leadership of the Islamic Republic by doing the unforgivable (and, in many circles, unthinkable). They have reached out to Iran's arch-enemy, the only country Iran hates more than it hates America: the nation of Israel. In an unprecedented opinion editorial article, published in the Washington Post July 16, 2009, Crown Prince Salman bin Hamid Al Khalifa called for direct communication with the people of Israel, and for a new approach that treats peace as a process, not an event.

Mr. Speaker, later that same year, the Bahraini Foreign Minister echoed the sentiments of the Crown Prince, in a formal address to the United Nations General Assembly. This served to emphasize that the proposal was an official government position, not a private initiative from a senior member of the royal family.

Iran, like other nations once characterized as 'rogue states', has a vested interest in extending and exacerbating the friction between Palestinians and Israelis, and in fact has

called for the extermination of Jews worldwide. Ahmedinejad cannot countenance an outreach by his neighbor to a nation he hates so completely.

Why does Ahmedinejad hate Bahrain? It is easy to see. Bahrain is a member of the GCC. It is the host of the hated U.S. 5th fleet. It is rated the 10th most free economy in the world by the Heritage Foundation's Index of Economic Freedom. It is politically free, where women are educated at state expense, can dress as they please and are not bound by law to dependence on male relatives; where there are Christian, Jewish, and female Members of Parliament; and where the royal family has maintained peace and stability for over 300 years. In short, it is, and stands for, everything that Ahmedinejad has sworn to destroy.

Mr. Speaker, it is in the interest of the United States to see that Bahrain continues to be a haven of peace and prosperity in a troubled neighborhood. It is in our interest to support the integrity of the GCC, and to provide diplomatic and political support for GCC and Bahraini initiatives. It is in our interest to support a government that has provided freedom and opportunity for women; freedom for its citizens; tolerance for religious minorities; economic freedom, growth and prosperity; and a peaceful haven for the region. It is in our interest to support a government that has reached out to call for peace with Israel, to put an end to the vicious cycle of anger and despair that has characterized the Arab-Israeli relationship for far too many decades.

For all these reasons, it is important to the United States to help its Bahraini allies in their

time of need, to withstand the threat and the increased pressure from Iran. We support the reform agenda laid out by the Crown Prince, and call on all parties to show calm and to meet together around the negotiating table. We call on the Bahraini government to demand restraint from its security forces, to avoid at all costs any repeat of the bloodshed we have seen. We call on the demonstrators to sit down and negotiate their differences, and find a way to achieve the progress that they deserve.

Mr. Speaker, this is a critical time for one of our most important allies. The U.S. Congress should do all in our power to show our support, to encourage peaceful negotiations that will preserve the stability of the country, the continuation of the ruling polity, and the achievement of the aspirations of all the people of Bahrain.

HONORING THE 45TH ANNIVERSARY OF THE HUMBOLDT ARTS COUNCIL OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 45th anniversary of the Humboldt Arts Council in Humboldt County, California.

Since 1966, the members of the Humboldt Arts Council (HAC) have been dedicated to

promoting Humboldt County's rich artistic heritage. Incorporated as a nonprofit corporation in 1971, HAC is the County's largest multidisciplinary arts organization. The HAC serves as a community leader to provide opportunities for artists of all ages, including the development of art education and partnerships, as well as ensuring accessibility of the arts through innovative and multicultural programs.

Beginning in 1996, the Humboldt Arts Council began a successful capital campaign for renovation of the Carnegie Library Building, a historic symbol of community pride and local culture, into a regional art museum and art center. On January 1, 2000, the community ushered in the new millennium by celebrating the grand opening of the Morris Graves Museum of Art. Embarking on its new "Century of Service" to the community, the Museum was enthusiastically welcomed and has since been the leading contemporary arts exhibition and performance facility in the area.

On the first Saturday of each month, thousands of visitors are welcomed to the Morris Graves Museum of Art and its seven galleries to celebrate local artists during Eureka's Arts Alive. This includes a Courtyard Sculpture Garden, classroom facilities, an Arts Resource Center, a Performance Rotunda, and more.

The Humboldt Arts Council will be celebrating its 45th year of advancing the arts in Humboldt County on April 6, 2011.

Mr. Speaker, it is appropriate at this time that we honor the Humboldt Arts Council on the occasion of its 45th anniversary of continuing the rich legacy of the arts on California's North Coast.

SENATE—Wednesday, March 30, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, as we begin today's session, we ask that Your spirit would guide the deliberations of our lawmakers. Move in their hearts, directing their thoughts and intentions to noble ends. May our Senators hear Your voice and embrace Your wisdom as they seek to keep our Nation strong and lead the world into a new era of freedom.

Lord, help our Nation's leaders stand tall for righteousness. Embue them with stamina for the long days ahead. Bind them together as prayer partners as they deal with the diversity of ideas. And, Lord, bless all who labor for liberty on Capitol Hill, and their families.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of S. 493, the small business jobs bill. Rollcall votes in relation to amendments to the small business jobs bill are possible today. We hope our friends on the Republican side who are blocking will allow us to move forward on this bill. There are a number of nongermane and really nonappropriate amendments on this bill. We have agreed to go ahead and work on those. Two that are the most glaring are the 1099, which we need to resolve, and the EPA controversy we have. We are being blocked on the other side from even getting votes on these amendments.

We were told earlier in the session that what the Republicans wanted was an open amendment process. That is great, except we have an open amendment process and they will not let us vote on the bills. I hope that changes. They will not let us vote on the amendments or the bills. Anyway, if the logjam is broken, we will schedule them as soon as we can.

There will be a Senators-only briefing today regarding Libya with Secretary Clinton, Secretary Gates, and Chairman of the Joint Chiefs of Staff, Admiral Mullen. That will be at 5 p.m. in the new Visitor Center.

BUDGET NEGOTIATIONS

Mr. REID. Madam President, as the country watches, we continue to work toward a bipartisan, bicameral agreement to keep the country running. Let me update the Senate on where we stand.

I want everyone to know how things looked from the beginning, but also let's talk about how they look right now from the negotiating table. Much of the criticism in this process has come from people who are not even sitting at the negotiating table. I am, and so is Speaker BOEHNER. I am glad he has returned to the conversation. It is obvious he has a difficult situation on his hands, and I do not envy him in that regard. He is getting a lot of pressure from the tea party folks to dig in his heels even if it hurts and destroys the recovery we have going now.

What is worse, the country does not care much about the tea party. There

is a new CNN poll out today that says this very directly. Let's put it this way: The people who care about the tea party are a very small number—who care about them positively. Those who think about them negatively is very high, more than 50 percent. And that does not mean 50 percent favor the tea party. It does not. Fifty percent of the American people do not want anything to do with the tea party. Only a small percentage identify with the tea party. The interesting thing and I think the important thing to the country is that the tea party's unpopularity continues to grow because the American people see how unreasonable they are.

Let me reiterate my hope that the Republican leadership recognizes they cannot continue to be pulled to the right by the radical, unrealistic, unreasonable—I repeat, radical—and unpopular faction, the tea party. I have always said that once the economy gets better, they are going to fade out fairly quickly. It is getting better, and they are fading out. If people want to move the country forward, they cannot let the tea party call the shots.

Our proposal still stands. It is a number the Republicans were for before they were against it. We got that number by relying on reality, not ideology. I repeat, we know the answer lies in the middle. Neither party can pass a budget without the other party. We have already proven that. Neither Chamber can send it to the President without the other Chamber.

I look forward to getting this done so we can avoid the many terrible consequences that come with a shutdown. We do not want that to happen, and if it is up to us on this side of the aisle, it will not happen.

RECOGNITION OF THE MINORITY LEADER

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

APPROACH TO ENERGY

Mr. MCCONNELL. Madam President, later this morning, the President is expected to outline his vision for improving our Nation's energy security. But, as we frequently have seen with this administration, what it says and what it does are often two very different things. So this morning I would like to discuss some of the things the administration has actually done when it comes to energy, and then I would like to propose some things Republicans would do differently.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It should go without saying that Americans are ready for action on this issue. With average gas prices approaching \$4 a gallon in most parts of the country, growing uncertainty and unrest in the Middle East, and a jobs crisis here at home, Americans want the President to outline a serious plan today which will make us less dependent, not more, on foreign sources of oil and which stimulates job creation here. Unfortunately, what they have gotten instead are more of the same half-hearted proposals Democrats have trotted out every other time Americans get squeezed at the pump. Instead of facing the problem of higher energy prices head-on, Democrats are once again paying lip service to those concerns with fake solutions that only aim to distract people from what they are really up to.

It is my hope that the President changes that tune today, but I am not holding my breath because we have seen how this plays out many times before. Tell a Democrat in Washington that gas prices are too high, and as if on cue they will throw together a speech or a press conference to suggest that we open an underground oil reserve that was created to deal with calamities, not market pressures; they will take you on a tour of some alternative car plant that promises to have one of its \$100,000 prototypes to market 25 years down the road or they will quietly release some report to the media about how energy companies really are not working hard enough to extract oil, while schizophrenically claiming American reserves are minuscule and that more production is not the solution.

This last item is a perennial favorite of our friends on the other side. The idea here is to somehow blame energy companies for not producing enough energy on their own. What Democrats don't mention, however, is that a drilling lease is nothing more than an agreement with the government that a company has a right to explore for oil and gas in a certain area, not a guarantee that they will find it. They never see fit to mention that most of the area that could be leased is off limits thanks to the redtape factory Democrats operate here in Washington. Honestly, are we supposed to believe that the same administration that declared a blanket moratorium on all offshore drilling off the gulf coast, which chased away rigs and jobs to other countries, and which established new regulations that make getting a new drilling permit virtually impossible, now believes that energy companies aren't drilling enough?

This doesn't even pass the laugh test, but it does suggest that Democrats don't even believe their own arguments about decreased production not affecting price. It is my hope that the President acknowledges as much today—

that when you shut down drilling, higher prices and fewer jobs are sure to follow.

The truth is we could use a lot more honesty on this whole issue from Democrats. Despite what some on the other side might say, Republicans are as eager as Democrats to develop alternative sources of energy. But everybody knows it will take years, if not decades, to get to the point where they will be economically viable and widely used. The President's target is decades from now. But Americans should be able to expect action now, and all they get from Democrats is a pretty picture of some far-off future we have been hearing about for decades, and not a word about the things Democrats are doing to make it harder to find and use energy we already have right here.

Initial news reports about the President's speech today mention that the administration is determined to derive 80 percent of U.S. energy from clean energy sources in the year 2035. I am sure we could generate a great deal of bipartisan support for much of what the President will call for, assuming it doesn't involve Federal mandates. But what does any of this have to do with the crisis at hand—the crisis right now? The guy who is trying to make ends meet wants to know what you are going to do for him today, not 24 years from now. But, of course, the administration doesn't have anything to say to that guy because the administration's energy policy isn't aimed at him. If it were, then the administration would be locking down domestic energy sources. It wouldn't be looking to pass new regulations through the EPA that will impose a national energy tax on every business, large and small. It wouldn't be telling our allies in Brazil that while it is great that they found oil off their coast, those who want to search for oil off our coast and on our mainland can't. In other words, it is great the Brazilians are drilling offshore but not so good that we are. It wouldn't be telling job creators in the energy industry to look elsewhere.

In his remarks today, the President is also expected to call for decreasing imports of foreign oil. Yet last week he told Brazilians that he hopes America becomes a major customer of Brazilian oil. Well, which is it? Which is it, Mr. President? Clearly, on this issue, the President is telling people what he thinks they want to hear.

Over the past 2 years, the administration has undertaken what can only be described as a war on American energy. It has canceled dozens of drilling leases, it has declared a moratorium on drilling off the gulf coast, it has increased permit fees, and it has prolonged public comment periods. In short, it has done about everything it can to keep our energy sector from growing. As a result, thousands of U.S. workers have lost their jobs as compa-

nies have been forced to look elsewhere for a better business climate.

Consider this: Three of the areas we could tap in Alaska are thought to hold enough oil to replace our crude imports from the Persian Gulf for nearly 65 years. So the problem isn't that we need to look elsewhere for our energy. The problem is that Democrats don't want us to use the energy we have. It is enough to make you wonder whether anybody in the White House has driven by a gas station lately.

No, the crisis we face is immediate and it requires immediate action, and that is why Republicans have come up with two concrete proposals that will have a positive practical effect—two things we can do to give Americans relief, job creators a reason to hire, and make all of us less dependent on foreign sources of oil.

First, let's increase American energy production by cutting the redtape and opening areas that the administration has either temporarily blocked, stalled, or closed off to production.

Let's block any new regulations that will drive up production costs for energy, including the administration's proposed new EPA regulations on carbon emissions.

The first proposal is guaranteed—guaranteed—to create jobs by unlocking our energy resources. The second has been described as one of the best proposals for growth and job creation to make it onto the Senate docket in years. Let's be clear: The alternatives being offered by the other side are nothing more than a face-saving exercise aimed at allowing Senators who aren't serious about this issue to mislead their constituents into believing they are.

But the American people have put up with distractions and face-saving exercises long enough. They have put up with near double-digit unemployment long enough. They have heard enough about the costly big government proposals Democrats envision for the future. And frankly, they have had it. It is time to address the problems right in front of us. It is time for the President to put forth a serious plan. When it comes to energy, these problems are obvious. So are the answers. It is time for lawmakers to come together and do what we know is right.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half. The Senator from Alabama.

BUDGET ANALYSIS

Mr. SESSIONS. Madam President, I want to share some thoughts this morning and to report to our colleagues on the analysis done by the Congressional Budget Office of the President's budget he has submitted to us and asked that we adopt.

The budget has been roundly criticized as in no way getting us off this unsustainable path, and allowing the country to continue to head toward a financial abyss. Expert after expert, witness after witness before the Budget Committee—on which I am the ranking Republican Member—has testified to the danger we face and the need for us to take action. The Congressional Budget Office, in sum, concludes that the very insufficient reforms contained in the President's budget are more insufficient than the President has said, when properly analyzed. It is a very firm and severe rebuke to the President and his team of analysts who presented it to us. It is not good.

I believe it is probably the most erroneous budget ever submitted to Congress, in changing the numbers by \$2.3 trillion in debt. In other words, the Congressional Budget Office says the budget submitted by the President, which was supposed to add to the debt some \$13 trillion or so, is actually going to add \$2 trillion more to the debt over 10 years, more than doubling the national debt. This is a very serious matter.

The budget presentation to the Congress continues a policy by this administration to minimize the danger of the debt crisis we face. It has been a sophisticated, long-term, continuous effort to not only say that cuts are too severe, too extreme—as the talking points go—and that, indeed, this President has things under control; that the debt crisis is not real, and we don't have to take firm action. The President does not look people in the eye and explain the true situation we are facing.

Indeed, this is the rhetoric they have used. The President has used this language; Jack Lew, his Director of the Office of Management and Budget, has used this language. They claim the budget they submitted calls on us to "live within our means." His budget causes us to live within our means. They also have used this phrase, more than once: "It only spends money that we have each year." Also they say that their budget "does not add more to the debt." At a press conference about this, the press secretary to the White House was asked: Do you stand by these

statements? What did he say? Absolutely. And when Budget Director Lew came before the Budget Committee, and I asked him about it, he stands by these statements. He didn't acknowledge they are in any way in error.

If we are going to have reform in America, if we are going to do something about the debt crisis this Nation faces, we have to be honest with one another. We have to deal honestly with the grave challenges we face. We can't be in denial. We can't continue to say we are living within our means and that we are not going to add more to our debt.

Why do I say that? Well, the President's own budget said the deficits would surge, would continue to be out there every single year, with the lowest single deficit in 10 years, according to his budget, to be \$600 billion and going up in the outyears to almost \$800 billion.

What does CBO say about all of this? This is what they told us after they analyzed the President's budget. Let me explain what happens. The President submits a budget to the Congress. We have our own Congressional Budget Office, and they analyze what the President proposes. They then give us a report on it and say what it means, if adopted; how it would impact our economy, how it would impact our debt, how it would impact the financing of our government. So what does CBO say? It says the President's debt-doubling budget adds more to the debt than the President claims. The score reveals the President's budget never once produces a deficit of less than \$748 billion, and climbs to a deficit in the tenth year of \$1.2 trillion—one thousand two hundred billion dollars.

I have been saying the lowest budget was \$600 billion because that is what the President's own numbers said in the document he sent to us, but CBO says no. The CBO Director and his team, for the most part, were in place when the Democrats controlled both Houses of Congress. They are a non-partisan group that tries to give honest numbers and do honest work. They are certainly not a Republican organization. They say the actual number was not going to be a \$600 billion low annual deficit but that the lowest deficit would be \$748 billion, increasing to \$1.2 trillion.

You see, this is why the experts say we are on an unsustainable path. We cannot continue. How much is \$1.2 trillion? Well, the highest deficit President Bush ever had was \$450 billion, I believe, give or take. That was way too high, and he was roundly criticized for that. But this is three times that in the tenth year. This year, we are going to have a \$1.6 trillion, \$1.5 trillion deficit. In this fiscal year we will have, for the third consecutive time, a trillion dollar deficit. These are deficits the likes of which the Nation has never seen before

and cannot sustain. It puts us on a path to financial instability and danger. It is a path we must get off. We can do so, but it is going to take some will. We are going to have to do some of the same things our cities and counties are doing.

Also, the CBO said that, using gimmicks, the President's budget concealed a total of \$2.3 trillion in deficit spending and \$1.7 trillion in increases of gross debt for the country. The debt to GDP reaches 116 percent in the 10th year.

Let's talk about that. Why is that important? Professors Rogoff and Reinhart, who testified before our committee, have written a very significant and highly regarded book. Their book, "This Time It's Different," says that from a study of sovereign nations all over the world, when their debt reaches 100 percent of GDP, the economy is pulled down. It has a depressing effect on their economy. The economy will grow on average about 1 percent less than it would have grown otherwise, which is huge.

When you are talking about economic growth of 2, 3, 4 percent, to have a 1-percent reduction is a major drain on our economic growth, and growth is so critical for job creation and actually tax revenue to fund our government and get us out of the debt we are in. You cannot borrow your way out of debt. The deeper you get into debt, the more it pulls down the vitality and growth potential of your economy. We have to get off this path.

CBO says in the 10th year it will be 116. Senator CONRAD, the Democratic chairman of the Budget Committee, is very worried about this number. He had a chart about it at our hearing recently. He showed that this year for the first time we will go over 100 percent of GDP in national debt. It is about 5 percent now, and we will go over 100 percent and will stay over it under the President's budget. Experts tell me this is unsustainable. Something bad will happen to us.

In addition, when Secretary of Treasury Geithner appeared before our committee, he acknowledged the Rogoff and Reinhart analysis. He acknowledged that this high level of debt will weaken the growth in our economy, and he added this: This level of debt creates a greater potential for an economic kickback, an economic catastrophe; another recession could occur as a result of these high debts.

CBO analysis reveals a number of other things that are disturbing because they are so plainly false, so plainly gimmicky, and so plainly designed to mislead the American people about the true nature of this budget that it, again, raises credibility questions about the White House and how they are explaining the situation we are in to the American people. They seem to be denying we are in a crisis.

For example, this budget submitted by the White House assumes there will be \$315 billion for what we refer to as the doc fix in the final 8 years of this 10-year budget. But there is no source of income for that. They do not propose a tax increase. They do not propose any income that would be there. The CBO says: You cannot just assume money is going to appear when there is no source for this money. It is a manipulation of the numbers to try to hide the fact that there are no moneys available to pay the doctors the kind of income they need to continue to treat Medicare patients. If we do not do something, physicians will have their pay cut 20-percent-plus for treating Medicare patients. That is not healthy. It cannot be sustained. Physicians will not work with another 20 percent cut. They get paid less for Medicare than any other source of work they do unless it is the Federal Medicaid Program. CBO called them on it and said: No, you cannot score income when you show no source of that income.

What about transportation? There is a major increase proposed for spending on transportation next year, and their budget just assumes there will be a \$328 billion income surge for transportation. It is called a transportation tax, but we are told it will not be a gas tax. I have referred to it as the "not-gas-tax tax" because all we know about this tax is they say it will not be a gas tax. They are talking about a \$328 billion tax increase of some kind but no proposal where it would be, how it would be imposed, whether Congress would ever vote for it or not. They are not likely to vote for it, I have to tell you. CBO says that is phantom money. You need a better plan than that because otherwise your budget is just smoke and mirrors on that subject.

Remember, when we borrow money, we pay interest. The interest we paid last year was \$200 billion. As the debt goes up and increases, although interest rates are very low now, they are going to increase some. According to CBO's analysis, with the debt more than doubling in the next 10 years under the budget the President has submitted to us, the annual interest is over \$900 billion. That is about one-fourth of what the entire government spends today. We spend about \$3.8 trillion. This is almost \$1 trillion in interest in 1 year. Frankly, I think CBO's estimate of what the interest rates are going to be on our debt are probably low.

It is this kind of debt, where your debt is over 100 percent GDP, that puts you in a position where you could have a debt crisis kicking us back into another recession.

What we have to have—from the President and from our Democratic leadership here in the Senate—is an honest evaluation of where we are. The President needs to look the American

people in the eye and say: We are not on a course that we can sustain. Federal Reserve Chairman Bernanke told us in January that we are on an unsustainable path. We have to get off it. About these numbers that project out here for 10 years, the doubling of the debt, Mr. Bernanke said: We are not going to get there because we will have a debt crisis before we get there, and there will be much, much harder times getting our finances in order than if we act today to get them in order. He said we wouldn't get there with these projections; they are too severe, too damaging to our economy.

Madam President, what time is left on this side?

The ACTING PRESIDENT pro tempore. The Republican side has 15 minutes.

Mr. SESSIONS. If some of my colleagues appear, I will be glad to yield the floor, but I will share a few more thoughts.

The President's budget does some other gimmicky things. He claims he has a 5-year freeze on nondefense discretionary spending. He told the American people that in the State of the Union Address. We have looked at those numbers, and it appears pretty clear that there is a 5-percent increase in the discretionary spending next year. How do they accomplish that? They reclassify all discretionary transportation funding as mandatory spending and say it is not discretionary. They just declare it is mandatory spending, and they say they have reduced discretionary spending by \$7 billion. What kind of hokum is that? This is not worthy of the President of the United States and the Office of Management and Budget, coming here with a gimmick like that—just redefine discretionary spending and say it is there and say: I have a freeze in discretionary spending.

What else did they do? They hide another \$9 billion in the reverse of that, in one-time mandatory savings. Actually, they use it in the discretionary account, but they do not count it as increased spending. That is \$9 billion. And the President's proposed spending levels for next year will be even further out of whack as a freeze because this Congress is going to reduce the spending this year, hopefully by the full \$61 billion the House has asked that we reduce it.

You say: Mr. SESSIONS, this is all partisan bickering. But it is not partisan bickering. We have bipartisan recognition in this Senate from Senator after Senator, Democrats as well as Republicans, who understand we are on an unsustainable course, and they know we need to get off this course. But I have to be critical about the President because he is not telling the American people the severity of the challenge we have and he is not proposing a plan that will actually fix it, but actually

he is proposing a plan that will make it worse. This is a crisis. We have to confront this problem.

The President is going to have to move from denial to reality, to the real world, and help us develop a plan that contains spending in America just like is happening all over this country. Governor Cuomo is talking about substantial reductions in spending in New York, as is Governor Christie in New Jersey and Governor Brown in California.

I just saw my friend John McMillan, the head of agriculture and industry in the State of Alabama. He has 200 employees. He said they are going to have to reduce 60. That is almost one-third of the employees of his department. Do you think the department of agriculture and the industries of Alabama will cease to exist? I don't think so. I bet Mr. McMillan will figure out some way to perform most of the duties in his office. But he doesn't have the money, and when you don't have the money, you have to make tough decisions.

The American people understand this. When they don't have money, they don't spend. If they spend when they don't have money, they know they are taking a risk and they know it can't continue long. But this Congress does not get it. We are in a denial mode. We think we can just continue to spend forever, and we have the majority leader in the Senate whining about losing money for a cowboy poetry festival in Nevada. Give me a break. When you don't have money, you have to make decisions. That is just the plain fact.

What about next year's budget that the President proposes? The education budget next year is proposed to get an 11-percent increase over the past 2 years, which have had surging increases. Indeed, most Americans probably do not know that in this time of record deficits, over \$1 trillion deficits, the last 3 years, the discretionary accounts—nondefense discretionary spending—increased 24 percent. And next year? They want another 11 percent for education, another 9.5 percent for the Energy Department, another huge increase for transportation—the base, I believe, is over 10 percent but, including the phantom revenue, they will see around a 60 percent increase.

Under the President's request, the State Department is demanding and expecting to get over a 10-percent increase in spending. And inflation is 2 percent or less? How can we do this? The American people know this is not realistic. They know it is dangerous, and they want us to do something about it.

Frankly, I think that had something to do with the elections last fall. I think the American people were sending a message to a blind Congress that they expected us to do better on spending. Are we getting the message? We

are proposing huge increases in spending next year, five times the rate of inflation in America, and we claim that is somehow frugal and living within our means. When the lowest single deficit over the next 10 years is projected to be \$740-plus billion, that is unacceptable.

We have to be careful about what we say about our economy. We have to keep our economy moving forward. It is struggling. It is moving. We are having some good growth. We want to see that growth continue and expand.

The job situation is not good. We need to have at least 150,000 to 200,000 new jobs a month to stay level. That is about where we have been, 150,000 or 200,000 jobs. That is basically keeping us level. We need more job growth than that. It is better having some jobs being added than none, I acknowledge that, but it is not as strong as we need it to be.

One reason we are not having growth, as Professors Rogoff and Reinhart have told us, is the debt pulling down our economy. It is putting a cloud over our economy. The whole world is watching the United States. Are we going to go off the cliff or will this Congress rise up and put us on a path to sound fiscal policy that creates confidence in our financial situation; creates investment, growth, and jobs. That is the road we need to be on. It will be a tougher road. We will have to make some hard decisions about spending and which programs are going to get money and which ones aren't. Maybe all of them will have to take some sort of cut, but we can do that. We will get the country on the right track, and America is not going to fall into the ocean if we make some reductions in spending.

I will just point out that it is difficult to do that when we are in a political world, according to the New York Times, where anybody who proposes to reduce spending is called an extremist. Senator SCHUMER started that. He got caught on a phone call saying we should use the word "extremist." Cut \$61 billion out of \$3,800 billion in expenditures; that is what the House has sent over here to us, a proposal that we reduce spending, under the continuing resolution, by September 30, by \$61 billion out of a total of \$3,800 billion the Federal Government spends.

This is extreme, we are told, and the government is going to sink into the ocean, and we cannot survive with these kind of reductions. So they had a meeting. They all were right on message, according to the New York Times. "We are urging Mr. BOEHNER to abandon the extreme right wing," said Mrs. BOXER, urging the House to compromise on the scale of spending cuts and to drop proposed amendments that would deny funding for Planned Parenthood.

Another Senator said, referring to the House Republicans as "right wing

extremist friends"—he is a real nice Senator. He did not want to be too harsh, so he called them "right wing extremist friends." That is better than not calling them friends, I suppose.

Another Senator decried Mr. BOEHNER as "giving in to the extremes of his party." Another closed by speaking of the "relatively small group of ideologues who are an anchor dragging down the budget-negotiating process."

Give me a break. \$61 billion. If we cannot do that, what does the world think about us? Did we really get a message from this election? Did we really understand that we are challenged now; that this is our time in history to face up to the facts that we are on an unsustainable fiscal course that will lead us, as Mr. Bernanke said, to economic disaster long before these projections come to a conclusion?

We cannot continue on this course. We have to get off this course. We owe it to every working American not to put this country back into another recession. The truth is, we can do these reductions in spending. This government is not going to sink into the ocean. We are going to continue to serve the American people. If we do it, we will get on the right path, and this economy can continue to grow knowing that we have gotten our fiscal house in order.

It is not that hard. I urge my colleagues to do so. Let's not give up on the \$61 billion total reduction in spending the House has asked us to meet. Let's do it, and let's be proud of it. Let's know then that we have done something that will amount to a real change in the debt trajectory we are on.

We have calculated it. My budget staff has looked at the numbers. A \$61 billion reduction in baseline spending—which is what they are proposing—over 10 years will save \$860 billion. It will reduce the debt of America by almost \$1 trillion. We need to do more of those kinds of things in the months ahead. If we do so, we can change the trajectory we are on.

So I urge my colleagues, do not leave here talking about splitting the baby and just seeing how little we can reduce spending. Let's go on and accept the House number. Let's embrace it. Let's make a decision to get our finances in order just like cities and counties and families are doing all over the country.

I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 675 and S. 676 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. AKAKA. I ask unanimous consent that the period for morning business be extended until 2 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

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

Mr. AKAKA. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

SHARED SACRIFICE

Mr. SANDERS. Madam President, I wish to say a few words about the debate over the budget that is currently taking place here in Washington.

I wish to express a viewpoint that I think is shared by the vast majority of the people in our country. That is, No. 1, I think we all recognize the deficit of \$1.6 trillion is an enormously serious problem, as is the case with a \$14 trillion national debt. I think most Americans and virtually everybody in Congress understands this is an issue we have to deal with. However, at a time when this country is in the midst of severe recession; when real unemployment—not official unemployment—is close to 16 percent; when poverty in America is increasing and when we have the highest rate of childhood poverty of any major country on Earth; at a time when 50 million Americans have no health insurance at all and we are losing about 45,000 Americans every year because they don't get access to a doctor; at a time when many of our people are working longer hours for lower wages, I think what most Americans are saying is: Yes, we have to deal with the deficit, but we have to deal with it in a way that is fair and in a way that requires shared sacrifice.

It is absolutely wrong to be talking about balancing the budget and deficit reduction simply on the backs of working people, the middle class, low-income people, the sick, the elderly, the most vulnerable people in this country. That is morally wrong and economically unwise. What we must be talking about is shared sacrifice where all segments of our society are participating in the effort to balance the budget and reduce our deficit.

While the middle class in this country is disappearing and while poverty is increasing, there is another reality this Senate must address, and that is that

the people on top are doing phenomenally well. Many of my colleagues have seen articles which talk about corporate profits today being at all-time highs. The middle class is collapsing, poverty is increasing, and corporate profits are at an all-time high. Today, the wealthiest people in our country are doing phenomenally well. Our friends on Wall Street, who helped cause the recession we are in through their greed and their recklessness and illegal behavior, are now earning more money than they have ever earned before. Three out of the four largest banks today, before we bailed them out because they were too big to fail, are even bigger. So the guys on Wall Street are making more money than they did before we bailed them out, corporate profits are at record-breaking levels, and the wealthiest people in this country are doing phenomenally well.

In a recent 25-year period, 80 percent of all income went to the top 1 percent, and we now have a situation where the top 1 percent earn about 23 percent of all income in America more than the bottom 50 percent. So that is where we are: corporate profits soaring, wealthiest people doing phenomenally well. Then we have folks who come here and say, Well, we have to balance the budget. We have to move toward deficit reduction. The way we do it is on the backs of those people in the middle class, working class, lower income people who are already being beaten over the head because of the recession.

I would point out that the deficit reduction package passed by our Republican colleagues in the House would cut Head Start by \$1.1 billion, throwing over 200,000 little children out of Head Start. There is a major childcare crisis in America today. We have to expand Head Start. They want to throw 200,000 kids off of Head Start.

With 50 million Americans having no health insurance—people can't get to a primary health care doctor; they are getting sick when they shouldn't be sick; they are ending up in the emergency room; they are ending up in the hospital—our Republican friends want to cut \$1.3 billion from community health centers, denying 11 million patients access to primary health care. They are balancing the budget on the backs of little kids, low-income kids; balancing the budget on the backs of sick people who have no access to a doctor. College education costs are soaring. Middle-class families can't afford it. Our Republican friends want to reduce the Pell grant program—the major source of Federal funding for moderate and low-income families for sending their kids to college—by 17 percent, which would mean that over 9 million low-income college students would lose some or all of their Pell grants.

The Community Service Block Grant Program would be cut by \$405 million,

and that is the program that helps the poorest of the poor get by day by day. And on and on it goes.

I wish to introduce another aspect into this discussion. Not only have we given huge tax breaks to the richest people in this country, driving up the deficit—and I hear very little discussion about asking them to pay any more to help us toward deficit reduction—we have another scandal out there. Major corporation after major corporation, many of which have powerful lobbyists right here on Capitol Hill, not only pay nothing in taxes but in many cases get a refund from the IRS. I wish to list the 10 worst corporate tax avoiders: ExxonMobil, the largest oil company in the world, made \$19 billion in profits in 2009. Exxon not only paid no Federal income taxes, it actually received a \$156 million rebate from the IRS, according to SEC filings. So instead of throwing children off of Head Start or cutting back on community health centers, maybe—maybe—we want to ask ExxonMobil to actually pay taxes rather than get a refund.

Bank of America, No. 2, received a \$1.9 billion tax refund from the IRS last year. Bank of America received a \$1.9 billion tax refund, although it made \$4.4 billion in profits. Maybe they might want to contribute a little bit more before we cut back, as the Republicans want, on the Social Security Administration.

Over the past 5 years, while General Electric made \$26 billion in profits in the United States, it received a \$4.1 billion refund from the IRS.

Chevron received a \$19 million refund from the IRS last year after it made \$10 billion in profits in 2009.

If you are a working stiff and making \$30,000 to \$40,000 a year, you are paying taxes, but if you are Chevron and you made \$10 billion in profits in 2009, you don't have to pay any taxes; you get a \$19 million refund. Yes, let's go after little kids; let's go after the elderly; let's go after the sick; let's go after the most vulnerable; but apparently in the Senate, we can't ask Chevron to pay taxes.

Boeing, which received a \$30 billion contract from the Pentagon to build 179 airborne tankers, got a \$124 million refund from the IRS last year. Valero Energy, the 25th largest company in America, with \$68 billion in sales last year, received a \$157 million tax refund check from the IRS.

Goldman Sachs, our good friends on Wall Street, in 2008 only paid 1.1 percent of its income in taxes, even though it earned a profit of \$2.3 billion and received almost \$800 million from the Federal Reserve and U.S. Treasury Department.

Citigroup last year made more than \$4 billion in profits but paid no Federal income taxes.

ConocoPhillips, the fifth largest oil company in the United States, made

\$16 billion in profits from 2007 through 2009 and received \$451 million in tax breaks through the oil and gas manufacturing deductions.

Over the past 5 years, Carnival Cruise Lines made more than \$11 billion in profits, but its Federal income tax rates dropped during those years to 1.1 percent.

So the point is if you go out and you work for a living, you pay 10, 15 percent of your income in taxes. But if you are on Wall Street, if you are a major oil company and have lobbyists all over this place, not only can you avoid paying any taxes, in many cases you will actually get a tax refund from the IRS.

What is the point? The point is that at a time when we have a \$1.6 trillion deficit, maybe we have to reduce that deficit not simply on the backs of working families, low-income people, children, the sick, the elderly; maybe—maybe—we might want to call for shared sacrifice. Maybe ExxonMobil and some of the large oil companies might be asked to pay something in taxes. Maybe General Electric might be asked to pay something in taxes. Maybe the wealthiest people in this country might be asked to pay something in taxes.

These are serious times for our country and we need serious answers. We need shared sacrifice.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak for up to 10 minutes in morning business.

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

ENERGY POLICY

Mr. BARRASSO. Madam President, I rise this morning to talk about jobs, the economy, and our Nation's energy.

In a few minutes the President will be speaking at Georgetown University about energy. I rise today to talk about the President's Environmental Protection Agency and his efforts to regulate our global climate by taxing, by using a backdoor method called cap and tax, a proposal that we will be debating here in the Senate and are debating today.

Folks back home recall the debate about cap and tax. It happened over the last few years. Yet the Environmental Protection Agency is trying to do it through a backdoor method. Attempts to pass this massive energy tax on to the hard-working families all across the country have failed. It failed in Congress, and it failed because the American public has said we do not want new energy taxes.

Americans don't want to pay more for gasoline at the pump. Yet they are

experiencing it every day. I saw it this past weekend in Wyoming. Week after week the price at the pump goes up. American families don't want to pay more for electricity to heat their homes and run their small businesses. Yet the President's Environmental Protection Agency is attempting to bypass this Congress and enact their own cap-and-tax policy through regulation.

Cap and tax is unacceptable to the American people. It was unacceptable 3 years ago, it was unacceptable 2 years ago, it was unacceptable last year, and it is still unacceptable today.

The EPA may think they know better than the American people. That is why this EPA must be stopped. There are different ways to stop the EPA's ongoing regulations. We have three proposals before us today, but only one is a solution. Of the other amendments, one is a surrender and another is a distraction. The McConnell-Inhofe amendment, the one I support, is an amendment that will block the EPA's attempt to enact the same cap-and-tax bill that has been defeated time and time again on Capitol Hill. That is the solution I will talk about shortly.

However, I wish to talk about the amendments I have concern with. One is the Baucus amendment. I do not support the Baucus amendment. To me, it is an attempt to surrender in the face of the EPA's dramatic regulatory overreach. It is the so-called "agriculture exemption."

When I talk to people in agriculture—the so-called agricultural exemption doesn't shield agricultural producers from increased fuel, increased energy, and increased fertilizer costs.

The factories, refineries, and powerplants that are the glue that holds the farming industry together and allows it to function will be hit with significant energy taxes under the Baucus amendment.

The aftershock will be felt by American small businesses and farmers across the West and the Midwest.

Farmers and small businesses will face higher electricity costs, higher gasoline costs, higher diesel costs, and higher fertilizer costs.

Everything from driving a tractor to shipping your produce to market will skyrocket.

Farms will close, and the cost of produce at the local grocery store will go up for all Americans.

We are not just seeing pain at the pump; people are paying more for gas, but they are also paying more for groceries these days. This will make that worse.

If you have any doubt about the impact the Baucus amendment will have on farms, talk to the American Farm Bureau because they oppose this amendment.

Another amendment dealing with the EPA is the Rockefeller amendment. It

calls for a partial delay of EPA regulations for 2 years. This is not a delay, it is a distraction. The question is, does it truly delay the regulation of greenhouse gases? Not really. A couple are delayed—two of six—but four greenhouse gases are not. If that sounds like only a partial delay, you are correct, it is only partial.

Does the Rockefeller amendment put in safeguards to ensure the Environmental Protection Agency abides by the 2-year partial delay? No, it doesn't. The Rockefeller amendment does nothing to stop the EPA from stalling construction permits during the 2 years.

The Rockefeller amendment does nothing to prevent EPA from retroactively requiring costly mandates on small businesses, powerplants, and manufacturing facilities. It also does not prevent climate change nuisance suits, which are filed in court by groups opposed to fossil fuel development.

It seems to me the Rockefeller amendment only delays job growth, while giving a green light to EPA to proceed with regulations that will be costly to American families and to our American economy.

For those of us looking to protect jobs across the country and restore Congress's authority to determine our own energy future, this type of amendment can only be described as a partial delay. It is a distraction.

We don't need a surrender or a distraction; what we need is a solution.

The solution is the McConnell-Inhofe amendment. This amendment restores the Clean Air Act to its true meaning and congressional intent. Let me get back to that. This amendment restores the Clean Air Act to its true meaning and congressional intent.

The McConnell-Inhofe amendment blocks EPA's attempt to enact cap and tax. They are trying to do it in a backdoor route with cap and tax. But the McConnell amendment blocks EPA's attempt to enact cap and tax by blocking EPA's authority to regulate greenhouse gases under the Clean Air Act, by repealing the EPA's endangerment finding that says carbon dioxide is a threat to public health, by repealing the tailoring rule that says EPA can arbitrarily pick and choose which businesses they want to target, and also by applying it immediately to all greenhouse gases.

This is the amendment we must pass to rein in EPA and to protect jobs. This is the amendment that has been endorsed by the U.S. Chamber of Commerce, the Business Roundtable, the American Farm Bureau, and Americans for Prosperity. The list of supporters of this amendment is extensive.

We need to get serious about America's energy future. Congress needs the time to get this policy right. We need to make America's energy as clean as we can, as fast as we can, and do it

without raising energy prices or hurting American families and jobs.

The McConnell-Inhofe amendment is the right solution.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

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

LIBYA

Mr. ENSIGN. Mr. President, I rise to speak in reaction to President Obama's speech this week outlining what he believes to be in our Nation's interest in Libya. Last week, while working in Nevada, many of my constituents asked what my thoughts were on the military action we have taken in Libya. My answer to them was simply that I did not believe the President had outlined a vital U.S.-American interest in our engagement in Libya, and that the United States cannot afford to be the police force of the world.

This week, with the President's address to the Nation, I had hoped I would hear something to change my mind or, better yet, something that would instill confidence about the President's decision, but, unfortunately, this address provided the American people with many more questions than answers. President Obama left me wondering why any vital U.S.-American interest in Libya would justify military action.

He said refugees would stream into Tunisia and Egypt, but we often aid refugees without F-15s. He said we needed to preserve the writ of the United Nations Security Council, but he did not explain why the safety of our men and women in uniform should ever be put at the service of that body. He said we needed to show dictators across the region that they cannot use violence to cling to power, but if President Obama's policy fails to get rid of Qadhafi, that is exactly the lesson they will learn.

The President left me wondering about the definition of "military success." He said our military mission is limited, but how do we know when we have hit our limit? Is it when Qadhafi poses no threat to civilians? Is it when all of Qadhafi's thugs are gone, or is it when Qadhafi steps down?

This week's address from President Obama makes it clear that we may be headed for another decade-long military operation in the Middle East. Our service men and women cannot afford to be engaged in another Middle East dispute; they are stretched thin enough as it is.

This weekend, Secretary of Defense Gates said, when asked about whether Libya is in our vital interest:

No, I don't think [Libya] is a vital interest for the United States. . . .

So what are we doing? I understand the President may sincerely want to save lives in Libya, but our country cannot afford to be the police force for the rest of the world. We did not step in when there was genocide in Darfur. As a matter of fact, there is a story today which I ask unanimous consent to have printed in the RECORD.

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

[From www.reuters.com, Mar. 29, 2011]

DARFURIS FEEL BETRAYED BY LIBYA NO-FLY ZONE

(By Opheera McDoom)

KHARTOUM.—People in Darfur watching how quickly a no-fly zone was imposed on Libya by the United States and its allies said they felt betrayed because U.S. President Barack Obama had broken his promise to protect them in the same way from government attacks.

The government in Khartoum is still defying a U.N. Security Council resolution by bombing rebels in Darfur.

While Darfur was a foreign policy priority for Obama during his election campaign, the festering conflict has fallen into oblivion since his election.

Sudan's President Omar Hassan al-Bashir is wanted by the International Criminal Court for genocide and war crimes in Darfur, where the United Nations estimates at least 300,000 people have died in a humanitarian crisis sparked by a brutal counter-insurgency campaign that began in 2003.

A prominent Darfuri leader said a no-fly zone would protect civilians in the isolated region.

"Right now—forget in the past—right now what is happening in Darfur is worse than in Libya," said Barouda Sandal of the opposition Popular Congress Party. "The air force is bombing civilians and thousands are fleeing."

Peacekeepers from the joint U.N.-African Union force this week confirmed aerial bombardments in areas they visited and said more than 70,000 people had fled fighting in the past few months alone, swelling miserable camps already housing more than two million people seeking refuge from the fighting.

NO-FLY ZONE

During his 2008 presidential campaign, Obama backed a no-fly zone in Sudan's west and tougher U.S. sanctions on Khartoum. But once in the White House, his special envoy eased the embargo and promised to remove Sudan from the list of state sponsors of terror.

Washington was the first capital to label Darfur's conflict genocide, infuriating Khartoum, which blames Western media for exaggerating a conflict it describes as tribal. It says 10,000 people have died in the violence.

But quick U.S. intervention in Libya on humanitarian grounds has provoked debate as to what is the standard for intervention in foreign conflicts.

"The swiftness of the international community's response to Colonel Gaddafi's bloody repression of the Libyan uprising has surprised no one more than the diplomats involved," journalist Rebecca Tinsley wrote in the Huffington Post.

"At the same time it has left survivors of state-sponsored massacres in Darfur, Rwanda . . . bewildered by our double standards."

The U.S. embassy in Sudan said Washington remained engaged in Darfur, giving aid and supporting the peacekeeping mission.

"It is not inconsistent for the United States to play different roles in each vital international effort," it said in a written statement.

Many Darfuris believe the quick military intervention in Libya was because of its oil, rather than for humanitarian reasons.

"We are astonished that over a few weeks about 1,000 Libyans have been killed and they went in, but in Darfur they killed hundreds of thousands yet no one comes. And Darfuris are feeling very bad about this," said Ibrahim el-Helu, a commander from the Sudan Liberation Movement, a Darfur rebel group.

"Hundreds of Darfuris are calling me, saying let them come and drill for oil here if it means they will come and protect us too," he said.

Mr. ENSIGN. The headline reads:

Darfurians feel betrayed by Libya no-fly zone.

We didn't step in in Darfur. We also didn't help the people of Rwanda. The last time we did try to police a situation such as this was in Somalia, and we all know how that ended.

That is probably why we haven't intervened in the Ivory Coast, even though there are more than 1 million people who have fled their homes and hundreds of thousands have crossed into neighboring countries.

Other nations such as France wanted to take the lead on addressing the Libyan situation. I believe we should have allowed them to do so. The President's address made it clear that our military action in Libya is less about humanitarianism and more about realizing a multilateralist fantasy.

While Secretary Clinton has continued to refer to S. Res. 85 as the Senate's endorsement of the President's establishment of a no-fly zone, I would like to point out to the American people that this talking point is misleading. This is what she said:

The U.S. Senate called for a no-fly zone in a resolution that it passed, I think, on March the 1st, and that mission is on the brink of having been accomplished. And there was a lot of congressional support to do something.

This Senate resolution received the same amount of consideration that a bill to name a post office has. This legislation was hotlined. There was no debate allowed, no legislative language provided to consider. There was no vote. S. Res. 85 described a no-fly zone as a possible course of action for the U.N. Security Council's consideration. It did not instruct the U.S. Ambassador to the United Nations to take action, let alone authorize a military operation. Using the hotline process for this resolution as a congressional endorsement for the President's policy is simply not an adequate use of Congress's role in authorizing military action. The administration unilaterally

developed, planned, and executed its no-fly zone policy. The President consulted with the United Nations, he consulted with NATO, he consulted with the Arab League, but he did not consult with the body that is mandated under the Constitution: the U.S. Congress. There was no congressional approval or oversight of this military commitment.

The Senate resolution simply does not authorize or endorse the use of force. It urges a multilateral body to consider a no-fly zone as a possible course of action. This is not the legal equivalent of an authorization to use force. This is not the political equivalent of that authorization. So what is it?

I believe it is a disrespectful checking of the box for congressional approval by the administration's unilateral action. As Secretary Gates has stated, there is not a vital interest for our Nation in Libya, which means now that we are engaged there, the United States is at risk of mission creep and the possibility of a "take two" of what happened in Somalia.

Before our military intervention, U.S. interests in Libya were minimal. Our intervention has overinflated our interests in Libya's civil war. If Qadhafi stays in power—and many believe he will—and continues to fire on innocent civilians, demands for U.S. military capabilities will go up. This sounds strikingly similar to what happened in Somalia. Furthermore, this engagement has explicitly announced our support for the rebel cause. Yet we don't even know who or what these rebels are or what their ideology is. President Obama's military strategy risks damaging our already shaky credibility in this unstable region of the world. Even with complete military success, President Obama's policy may appear to fail because he has disconnected military means—a no-fly zone—from his strategic ends—Qadhafi's removal.

The Obama administration has confused our priorities in the Middle East. Operations in Libya divert our focus from unstable situations in Syria, Yemen, and Iran, all of which are more important for U.S. interests. Operations in Libya muddle our interests and undermine our ability to lead across the region. If turmoil in Libya calls for a no-fly zone, are we prepared to make the same commitments in Syria and Iran, where we have far greater strategic interests? If not, what kind of message does this send to reformers in those countries?

Last year, when there was an uprising in Iran, the President basically said: Hands off. It is not in our interest. We can't do anything about it. What kind of a message does that send?

Some have argued that oil is the underlying reason for our engagement in Libya. Whether this is the case or not,

the perception is there. Instead of lessening our dependence on dangerous foreign oil, this administration has steadfastly refused to allow the United States to tap into its own oil reserves.

In Alaska alone there are three places that would supply the United States with 65 years' worth of what we import from the Persian Gulf.

Unfortunately, as strongly as I believe in renewable energy, it is going to take us 30 to 40 years for renewable energy infrastructure to be up and running enough to start contributing significantly to our Nation's energy supply, which is why we need to act to get more oil, natural gas, and other types of American fossil fuels into our energy supply today.

I would argue that there is a vital U.S.-American interest to harvest our own energy or we risk engaging in a military conflict every time those in an unstable Middle East cannot get along.

This is absolutely a critical debate. There are legitimate differences on both sides of the debate, but this is a debate that Congress should be willing to have: whether the President should have consulted and whether this is in our vital U.S.-American interest to go forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to divide equally the remaining amount of morning business time.

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

(The remarks of Mr. ALEXANDER and Mr. SCHUMER pertaining to the introduction of S. 679 and the submission of S. Res. 116 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

HONORING OUR FEDERAL EMPLOYEES

JOSHUA BIENFANG

Mr. WARNER. Mr. President, I come to the floor again today to once more honor another great Federal employee.

I know the Presiding Officer and I, as well as some of our colleagues, recognize that in the State of New Mexico and the Commonwealth of Virginia and here in Washington, there are countless Federal employees who do great things in terms of public service and don't often get the recognition they deserve.

As we debate the balance of this year's budget and think about the incredible issues in front of us in terms of our debt and deficit—issues that have to be confronted—we also sometimes have to remember that our actions or our failure to act has enormous consequences on the people who defend our country, protect our homeland, or make sure the basic operations of government work. It could be making sure our Federal parks are open or making sure the folks here in Washington who are Federal police are on the job. Sometimes our failure to agree or our failure to come together on particularly the predictability of the balance of this fiscal year has an effect on their lives.

That is not the subject of my purpose of rising today, but I do think it is important to bear that in mind as I continue the tradition that was started by Senator Kaufman last year of coming to the floor on a regular basis to honor Federal employees.

Time and again, I have seen how the skills and dedication of Federal workers have yielded groundbreaking benefits for our country. Today, I wish to highlight a Federal worker who is at the forefront of modern technology.

Joshua Bienfang is a physicist at the National Institute of Standards and Technology. He created a new method of transmitting encrypted messages in a 100-percent secure way by using quantum physics. I know the Presiding Officer is an expert in quantum physics. I, unfortunately, am not. But since there are so many business operations in the great State of New Mexico, I know he is very familiar with these subjects, but I still have a great deal to learn. My understanding is that in practical terms, this means that message interceptors will be unable to capture sensitive information—critically important to protecting the homeland.

Prior to Mr. Bienfang's breakthrough, quantum cryptography was thought to be a largely experimental means of transmission. But he was able to both secure messages and speed up their delivery. In fact, this technology has set world speed records in the quantum cryptographic field. I know the Presiding Officer probably knows what those speed records are. I don't know. His background in quantum

physics makes him understand that, but I think it is a very remarkable achievement.

Without a doubt, Mr. Bienfang's discovery will be greatly important to our national security as well as commerce and equally important to the privacy of medical records. His work also demonstrates the diversity of our Federal workforce. While we may have our fair share of bureaucrats, there are literally hundreds, if not thousands, of scientists and researchers doing cutting-edge work within the Federal Government and applying their intellect to benefit the American people.

I hope my colleagues will join me in congratulating Joshua Bienfang as well as those at the National Institute of Standard and Technology on their success, which will no doubt aid Americans in the years to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that the period of the quorum calls between now and 2 p.m. be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Mr. President, I ask unanimous consent that I be allowed to engage in a colloquy with my colleague from Texas.

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

HEALTH CARE

Mr. BARRASSO. I come to the floor as a physician who practiced medicine in Wyoming for a quarter of a century as an orthopaedic surgeon, taking care of families across the State, and to present a physician's second opinion on what has happened with the health care law people are dealing with. As NANCY PELOSI said 1 year ago: "First we have to pass it before you get to find out what's in it."

The American people are finding out what is in it and, frankly, they are not happy with it. They don't like it, they

don't want to live with it, and they don't want to live under it.

One year ago, when we started this discussion, what we heard and what I believed as a physician was that what people are looking for is the care they need, from a doctor they want, at a cost they can afford.

This 2,700-page bill that is costing trillions of dollars doesn't deliver that at all. To me, it is a bill that makes it harder to create jobs. It increases the cost of care, eliminates choice, raises taxes, is locking 16 million Americans into a broken Medicaid system, and is taking \$500 billion from our seniors—not to help take care of Medicare and solve that problem but to start a whole new government entitlement program.

I was visiting with one of my colleagues, Dr. Kris Keggi, an orthopedic surgeon whom I trained under in my residency program. Just the impact on seniors alone who need hip and knee replacements—we know when we take that kind of money away from Medicare, it doesn't make it easier for seniors to get the care they need.

Two courts have ruled—one in Virginia and one in Florida—that this health care law and the mandate that everybody in the country must buy or obtain government-approved health insurance is unconstitutional. The States are at an impasse in knowing what to do. How do they react? What will the Supreme Court decide? What kind of resources must the States commit?

That is why I am delighted to be joined on the floor by Senator HUTCHISON from Texas. I think she has the right answer. She has introduced, as an amendment to the bill we are discussing on the floor, the Save our States Act. It is an amendment to suspend implementing these health care reform measures until the lawsuits have been settled and we actually get a clear understanding.

I believe this law is unconstitutional. I ask my colleague—and I note there are quite a few Senators who have cosponsored this legislation—if she would perhaps share, as part of a second opinion, her thoughts on what the States have to live under now and what rights and opportunities the States should have.

Mrs. HUTCHISON. Mr. President, I certainly appreciate what Dr./Senator BARRASSO, from Wyoming, does for us on a regular basis. As one of the few physicians in our body—he is one of the two—he tells us the things that are happening in this health care reform bill that are hurting our health care system, hurting the quality of health care in our country, at a time when we need to assure senior citizens that Medicare cuts will not take effect. We certainly want our small businesses to hire people rather than stop at 50 because then they are going to start getting fined for not giving the government-prescribed health care that is in

the health care reform act that was passed last year.

What I am doing in my amendment, as one of those pending in the bill before us, is saying: Stop. We have now had two Federal courts—one from Virginia, one from Florida—that have said this law is unconstitutional. Yet the administration is continuing to implement the law, even though it has certainly now been called into question.

I am most affected by the number of States that are having to do the same thing. Most of our State legislatures are in session right now. Every one of them—actually, I think approximately 44 States out of 50—has a budget shortfall. Yet our States are having to spend hundreds of millions of dollars to implement a law that may be declared unconstitutional.

Some States have said we are not going to implement it. But if they say that, then they are going to be in jeopardy when they are not prepared, if the law is constitutional, and they will be paying late fees and fines for not implementing during this kind of time when we are in limbo. Some States are saying we are going to implement, but we have a budget shortfall and we would like not to be required to implement a law that may be void and we are spending millions of dollars when we need that money for education or Medicaid, frankly.

My amendment says we will stop any further implementation of this law until we know the final opinion has been rendered by the Supreme Court of the United States regarding whether the law is valid. That is it. It is simple and clear. We will let every State know they have a level playing field, that they do not have to spend the hundreds of millions of dollars now being spent on implementation, unless we know the Supreme Court has said the law is valid.

I have 36 cosponsors of my amendment, including the Senator from Wyoming, who is one of our two physicians in the Senate. I think we will have a large support because I am getting letters from organizations.

I got a letter from a group that has been formed to say we need to start over on this health care reform bill. These are people who represent the employers of America that want to be able to give their employees the health care coverage they can afford right now. It may not be the government-prescribed health care, but many are trying to do it.

The groups that have signed this letter supporting my amendment to say stop implementation now are: The Associated Builders and Contractors, the Associated General Contractors, the Electrical Contractors, the Foodservice Distributors Association, the International Franchises Association, the National Association of Manufacturers, the National Association of Whole-

salers-Distributors, the National Retail Federation, the Small Business and Entrepreneurship Council, the U.S. Chamber of Commerce, the Independent Women's Voice, and the 60 Plus Association.

Those are the groups that are saying let's stop the upheaval this has caused in our country and wait and see what the Supreme Court says before we have the outlays of millions of dollars.

Most certainly, small businesses are not increasing employment because they are so concerned about the implications of the health care reform bill. Let me give the Senator from Wyoming an example from my home State of Texas, in Corpus Christi. A small business there has 34 employees. The cheapest option they have for their health insurance renewal is 44 percent more than their insurance just last year. They have just days to decide whether they can continue to offer their employees health insurance. This is in anticipation of the health care reform bill going into effect and causing these employers to have to meet these new mandates.

The insurance companies are already ratcheting up their insurance premiums in anticipation of this law. This is one of the key reasons we need to stop the implementation, until we know if this law is valid, so our businesses will have the freedom to provide affordable health care coverage to their employees.

I thank the Senator from Wyoming for coming in with his second opinion because we know he has unique experience in working with our health care system. I wish to make sure we don't do what the physicians' motto is—which is do no harm—when we haven't thought it through and don't have all the ramifications. First, do no harm. That is their motto. It is simple and clear.

I think we need to stop implementing this bill until the Supreme Court has ruled on its constitutionality.

Mr. BARRASSO. Mr. President, to follow up on that, I am so pleased to be an original cosponsor of the Save our States Act.

States are very concerned. As I heard my colleague from Texas say, 44 States are in the red right now. When we hear the complaints from Governors of both parties—they are all having to live under this law—they have great concerns. Some States, as my colleague notes, have actually applied for waivers so they don't have to live under the constraints of the law. The State of Maine has been given a waiver, 2½ million Americans have been given waivers by the Secretary of Health and Human Services. Many of those are union workers who actually supported the law. When they found out what the law was going to cost—as in the example the Senator has given from Corpus Christi—they said: We can't live under this.

To be forced to put out this expense and pay for it at a time of huge financial challenges for our States, it seems that the Save our States Act is a rational, logical, commonsense way to deal with this.

I will be home in Wyoming this weekend, very likely at a health fair, visiting with people from the communities. Health care fairs are ways to get low-cost health screenings. We know early prevention and early detection of problems are ways to keep down the cost of health care. Those are measures that work. We need to repeal and replace this health care law with things that are commonsense solutions that work. Of course, we can make it legal to allow people to buy insurance across State lines, give people individual incentives to stay healthy, allow people who buy individual health insurance to get the same tax breaks as big companies, and deal with the lawsuit abuse doctors will tell us impacts the way they practice and raises the cost of care.

There are so many things we need to do. That is why I come to the floor again with a doctor's second opinion on the health care law, saying it is time to repeal and replace this health care law and replace it with something that works for the American people. This law we have passed and is now on the books is one I believe is unconstitutional and one that the Save our States Act will help our States deal with. This is a way that I think will help the health care of Americans who are struggling at this time to deal with the onerous requirements they see coming at them under the President's new health care law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent for the period of morning business to be extended until 3 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SBIR/STTR

Ms. LANDRIEU. Mr. President, I appreciate everyone's cooperation in trying to help us move the SBIR bill

through the Senate this week. It is a very important bill. Hopefully, we can get back on that bill officially this afternoon as the leaders are negotiating about the amendments that are pending or those amendments filed against the bill. I see, at this time, the Senator from Maryland who is on the floor and wants to speak for just 1 minute about the bill and then Senator BOXER came down to speak about an amendment. Senator VITTER is also here, and I know he would like to be recognized in just a few minutes as well. Then we will alternate back and forth through morning business. There is no consent agreement at this point, but we will try to be fair to the Members, to move back and forth through the afternoon until 3 o'clock.

Mrs. BOXER. Mr. President, I ask the Senator if she will yield for a question.

Ms. LANDRIEU. The Senator would go after Senator CARDIN.

Mrs. BOXER. I wanted to clarify that.

Ms. LANDRIEU. Then Senator VITTER, if that is OK.

Mrs. BOXER. Because I have a pressing event after, I wanted to be sure.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I wish to go back to the SBIR bill itself and compliment Senator LANDRIEU, the chairman, and Senator SNOWE, the ranking Republican member. This bill is an important one. I think it is important we get back to it and that we deal with amendments relevant to this legislation and move it forward. We have been on this bill for a period of time. It is time to move on. I urge my colleagues, let's take up the amendments that are relevant to the legislation and move it forward.

This is bipartisan legislation, passed out of committee by an overwhelming vote of Democrats and Republicans. It is a bill that will help create jobs in our community. We are talking about how America, as the President said, can outeducate, outinnovate and outbuild our competitors. We have to outinnovate. The SBIR bill makes it easier for small companies to innovate for America, to help this Nation grow, to help our economy grow. It is about jobs and innovation.

The SBIR Program provides funds for small-tech firms to innovate and grow and create jobs and for America to continue to lead the world in innovation. That is what this bill is about. It provides predictability so if you are going to go into a business, you know the program is going to be here to give the permanency of reauthorization. It provides a greater share of the pie for our smaller companies. Why? Because that is where we are going to get the job growth in America and that is where innovation is going to come from.

This is commonsense legislation we need to move forward. I know every-

body has their particular amendment they want to get on that is not related at all to this bill. Let's do our small businesses a favor, let's do the American economy a favor, let's do something that can help not only create jobs but move America forward in innovation and let's get this bill moving for the sake of our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I need to tell the American people and my colleagues who have not been following this important debate on a very good bill, I am so grateful to the Senator from Louisiana, Ms. LANDRIEU, for this bill. Unfortunately, there has been an amendment that was attached to this bill on the very first day which would stop the Environmental Protection Agency forever from enforcing the Clean Air Act as it relates to carbon pollution.

This is a first of a kind. It has never been done. It is essentially a repeal of the Clean Air Act as it involves one particular pollutant, carbon, which has been found to be an endangerment to our people. The EPA did not wake up one day and say: We think carbon is dangerous. No; the scientists in both the Bush administration and Obama administration found out carbon is a dangerous pollutant, dangerous to the health of our families. So EPA, in what is I think a very solid way, has started to prepare to regulate carbon. They have done it in a way that has said they are not going after farms, they are not going after small business, they are going after the biggest polluters in the country.

Guess what. The friends of those polluters, right in this Senate Chamber, have decided—and they already did it in the House, the new Republican majority—they are going to stop EPA in its tracks. That is why I will ask unanimous consent to have printed in the RECORD a very good letter from the American Lung Association, the American Public Health Association, the Trust for America's Health, the Physicians for Social Responsibility, and Asthma and Allergy Foundation of America. I ask unanimous consent to have that printed in the RECORD.

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

MARCH 30, 2011.

DEAR SENATOR: Our organizations have written to you recently on legislation impacting the Clean Air Act. Today we write to express our opposition to the amendments that will come before the full U.S. Senate in the very near future.

We oppose:

1. Amendment No. 183 by Senator McConnell;
 2. Amendment No. 215 by Senator Rockefeller;
 3. Amendment No. 236 by Senator Baucus;
- and,

4. Amendment No. 265 by Senator Stabenow

By blocking the Environmental Protection Agency's (EPA's) authority to update clean air standards, each of the above amendments, in its own way, will weaken the Clean Air Act.

If passed by Congress, these amendments would interfere with EPA's ability to implement the Clean Air Act; a law that protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency department visits, hospitalizations and premature deaths.

Additionally, the public strongly opposes Congress blocking EPA's efforts to implement the Clean Air Act. A recent bipartisan survey, which was conducted for the American Lung Association by the Republican firm Ayres, McHenry & Associates and the Democratic polling firm Greenberg Quinlan Rosner Research, indicates the overwhelming view of voters:

69 percent think the EPA should update Clean Air Act standards with stricter limits on air pollution;

64 percent feel that Congress should not stop the EPA from updating carbon dioxide emission standards;

69 percent believe that EPA scientists, rather than Congress, should set pollution standards.

The above amendments would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution. We strongly urge the Senate to support the continued implementation of this vital law.

Sincerely,

CHARLES CONNOR,
*President and Chief
Executive Officer,
American Lung Association.*

GEORGES C. BENJAMIN, MD,
FACP, FACEP (E),
*Executive Director,
American Public
Health Association.*

DEAN E. SCHRAUFNAGEL
MD,
*President, American
Thoracic Society.*

BILL MCLIN,
*President and CEO,
Asthma and Allergy
Foundation of America.*

PETER WILK, MD,
*Executive Director,
Physicians for Social
Responsibility.*

JEFFREY LEVI, PHD,
*Executive Director,
Trust for America's
Health.*

Mrs. BOXER. They say we "strongly oppose Congress blocking EPA's effort to implement the Clean Air Act." That is one of the things they say in the letter.

Then, I ask unanimous consent to have printed in the RECORD—by the way, these are new letters, yesterday one of them—a letter from Business for Innovative Climate + Energy Policy.

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

BUSINESS FOR INNOVATIVE CLIMATE
+ ENERGY POLICY,

March 28, 2011.

Re: Business Support for EPA's authority to regulate GHG emissions

DEAR SENATE MAJORITY LEADER REID AND SENATE MINORITY LEADER MCCONNELL: We are writing as major U.S. businesses to urge you to oppose all amendments or other measures that would block, delay or curtail EPA's ability to take action on the regulation of greenhouse gas emissions.

For nearly two years, our coalition, Business for Innovative Climate and Energy Policy (BICEP), has worked with Members of Congress toward passage of comprehensive climate and energy legislation, because we believe it is critical to the health of our businesses and essential for job creation and innovation in the United States.

It is important to underscore that we have always believed strongly that Congress should lead on setting climate and energy policy for the United States. However, in lieu of Congress's ability to pass a comprehensive bill, EPA's legitimate authority to regulate greenhouse gas emissions should not be constrained at this time.

We urge you and your Senate colleagues to remain focused on the vital task of passing a comprehensive climate and energy bill that will create jobs, reduce harmful emissions, encourage clean energy development and enhance national security.

Sincerely,

ANNE L. KELLY,
Director, BICEP.

Mrs. BOXER. The letter says "Business Support for EPA's authority to regulate greenhouse gas emissions." It is a letter from Anne Kelly, who is director of this organization. She writes:

We are writing as major U.S. businesses to urge you to oppose all amendments or other measures that would block, delay or curtail EPA's ability to take action on the regulation of greenhouse gas emissions.

It is not business friendly. It is friendly, these terrible amendments, to the biggest polluters in America who today took out a full-page ad. I guess they can afford \$20,000—maybe it is 50, I don't know what it costs—for a whole page, saying: "Stopping EPA's job-killing greenhouse gas regulation."

Of course, who are they? The Industrial Minerals Association, the National Mining Association, the National Petrochemical & Refiners Association, Petroleum Marketers Association of America, Society of Chemical Manufacturers, et cetera, et cetera.

I guess the question for us as a body is, Whom do we stand with, the biggest polluters in America or the American people, 69 percent of whom said in a bipartisan poll: "EPA should update Clean Air Act standards with stricter air pollution limits."

This group in this body, for whatever reason—and I respect their reasons, I just strongly disagree with them—are saying: Stop EPA, stop. Mr. President, 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards.

That is what these amendments do. I say show me one other thing besides we all love our mothers that would get 68

percent of the American people in a bipartisan vote.

Mr. President, 69 percent believe "EPA scientists, not Congress, should set pollution standards." But we have Senators playing scientist, putting on their white coats, deciding what EPA should do, when it ought to be based on science. What is the science telling us? That it is dangerous to breathe in air pollution with lots of carbon in it.

I ask unanimous consent to have another letter printed in the RECORD from ISky, Center For Biological Diversity, Clean Air Task Force, Clean Water Action, Conservation Law Foundation, Defenders of Wildlife—I can't even take the time to read them all—Interfaith Power and Light, League of Women Voters, NRDC, Safe Climate Campaign, Sierra Club, Union of Concerned Scientists, Republicans for Environmental Protection—I love that one—Voices for Progress, World Wildlife Fund. I ask unanimous consent that be printed in the RECORD. It is dated March 30 of this year.

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

MARCH 30, 2011.

DEAR SENATOR: On behalf of the millions of members, activists, and supporters our organizations represent, we urge you to oppose all amendments to S. 493, the SBIR/STTR Reauthorization Act of 2011, that would block the Environmental Protection Agency's (EPA) ability to protect public health, including Senator McConnell's amendment (#183), Senator Rockefeller's amendment (#215), Senator Baucus's Amendment (#236), and Senator Stabenow's amendment (#265). Each of these amendments will stop the work underway to clean-up health-threatening carbon dioxide pollution, putting families across the country at risk and stifling investment in a clean energy economy.

For 40 years, the EPA has protected our health and for 40 years the Clean Air Act has been reducing dozens of different air pollutants—all while contributing to America's economic prosperity. These amendments would block the EPA's authority to do this critical job, giving big polluters a free pass to spew carbon dioxide and other pollution without limit. Stopping the EPA from doing its job now means more Americans will suffer ill health, not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created here at home.

Time and again, some in industry have made dire claims in order to avoid taking responsibility for polluting our air. And time and again, the industry predictions have proven false. In fact, between 1970 and 1990 the Clean Air Act returned \$42 in benefits for every dollar spent. And for every dollar spent cleaning up our air from 1990 to 2020, Americans are expected to receive 30 dollars in economic benefits. The Clean Air Act is a clear financial winner.

Medical professionals and public health organizations agree that carbon dioxide pollution is a serious public health issue. Compromising the work of the EPA means more Americans will suffer the impacts of severe asthma attacks, more children will end up in hospitals attached to respirators, and more seniors lives will be put at risk from heat waves and severe weather.

Once again, we urge you to oppose all amendments to S. 493 that would block the Environmental Protection Agency's ability to protect public health. By doing so, you will stand up for our health, our economy, and our environment. The American people deserve the cleaner air, better health, and saved lives that are made possible by the Clean Air Act.

Sincerely,

ISKY, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Conservation Law Foundation, Defenders of Wildlife, Earthjustice, Environmental Defense Fund, Environment America, Friends Committee on National Legislation.

Friends of the Earth, Interfaith Power & Light, League of Women Voters of the United States, Natural Resources Defense Council, Republicans for Environmental Protection, Safe Climate Campaign, Sierra Club, Union of Concerned Scientists, US Climate Action Network, Voces Verdes, Voices for Progress, World Wildlife Fund.

Mrs. BOXER. It says:

For 40 years the EPA has protected our health and for 40 years the Clean Air Act has been reducing dozens of different pollutants—all while contributing to America's economic prosperity.

Every single time we try to rein in pollution, special interests say: No, no, no, a thousand times no. We will stop growth. We will stop jobs. We will kill the economy. It is awful, awful, awful.

Let me give one economic fact: If you can't breathe, you can't work.

Here is a picture of a little girl suffering, struggling. I urge my colleagues who support Senator MCCONNELL to look at this. They are not here, but maybe on TV they will. Look at this picture. Is that what we want for her future?

We have another picture of a little boy. This is what is happening in this country because of the polluters who will not clean up their mess. Here is another beautiful child. We all love children. How many speeches have we had on this floor—we love children, children are our future, we will fight for our children. Do we want their future to look like this, breathing through a device? Come on. This is clear.

You go to any school. I defy my colleagues, try this. Go to any school in your State and say: By the way, how many of you have asthma? You will see the little hands go up. Then you say: How many of you know someone with asthma? You will see half the class raise their hands. Yet what are we doing on this beautiful bill—that Senator LANDRIEU, I know, wants to have cleaned up? She doesn't want these amendments on it. Regardless of how she may feel or I may feel, we both agree we should not have these amendments on it, but so be it. We have to vote these amendments down because we are responsible for these kids. All our side is saying is very simple: The Clean Air Act has worked.

If I went up to you and I said: If you know something worked perfectly well, would you mess with it? Would you change it?

No. Why would you, if it is working well?

So let's take a look at how well the Clean Air Act is working. I know how strong the belief of the Presiding Officer is on this subject. Let's take a look at this.

In 2010, the Clean Air Act prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000 cases of premature death. So if we stay on course and we fool around with the Clean Air Act—as my Republican friends have already done in the House and I pray to God they do not succeed—we are going to see more deaths in 2020.

In 2010, the Clean Air Act prevented 1.7 million fewer asthma attacks. I showed you the picture of those children. Why do we want to mess with that? The Clean Air Act prevented 10,000 acute heart attacks. You read the stories: So-and-so went out on a heavy, bad air day, took a little jog, and collapsed.

I have to tell you, we have a success story to tell about what the Clean Air Act is doing. I will show a chart of what happened in Los Angeles. A lot of you go to my beautiful State. I know the chairman of the committee said she was just there, and it was a terrific visit to my State. We have a magnificent State. But there were times when you went to Los Angeles that you saw the air. That is not a good thing. When you see the air, that is a bad thing. The air was thick. People were told on many mornings: Do not go out unless you must. The air is so dangerous.

The Clean Air Act passed. Guess what. In 2010, we have had no mornings like that—none. We went from 166 days a year of health advisories in southern California to none in 2010. I have to say, if you show me any other law that has had this record of success, I will smile and be happy. We went from 166 days a year of smog advisories to none because of the Clean Air Act. I have already told you, we have saved lives, saved asthma attacks. We have done it all. Yet there are people in this Chamber who want to either postpone enforcing the Clean Air Act as it relates to carbon or want to stop it forever, which is the McConnell amendment and the worst amendment of them all, if I had to rate them.

I have a couple other charts to share with you and then I will close. The McConnell amendment, which is the worst of all amendments—none of them are good—they all interfere with the Environmental Protection Agency, which is supported, the EPA, by 69 percent of the people.

But the McConnell amendment is a disaster. It is the same as the Upton amendment, the Upton bill in the House, and the Inhofe bill in the Senate. The McConnell amendment—what does it do? It says that forever more, the EPA cannot do anything to regu-

late carbon pollution regardless of how dangerous it is, regardless of what the scientists tell us, regardless of what the physicians tell us, regardless of what the people tell us through the polls, regardless of what our communities tell us, what our States tell us, what our mayors tell us. Forever more, they are repealing the Clean Air Act as it relates to carbon pollution. Rather extreme. Outrageous. We have to beat it. We must beat it. It is so bad. It goes against the Supreme Court decision. By the way, there will be lawsuits up the wazoo if it ever becomes law, and it will not, I pray.

The Supreme Court said that if we find—scientists—that carbon pollution is dangerous, we have to regulate it. Guess what. The scientists found that carbon pollution is dangerous. They made an endangerment finding. The EPA is ready to act, I think in a judicious way. They are very mindful. They are not going after farms, they are not going after small businesses. That is not good enough for these special interests who took out this huge ad today standing against—it is a beautiful ad. It looks almost environmental, green. This is not green; it is dirty—dirty air. That is what this ad stands for—dirty air.

A lot of people did not want me to come back here because they knew I would come here and tell the truth about this. But I am here, and I am going to tell the truth every day in every way because I love my grandkids and I love everybody's grandkids. As far as I am concerned, that is why I am here—not to protect the rich polluters who make billions of dollars a year. They can clean up their act. We proved it. We proved it. We have said we do not want kids struggling for air, and we said we can do this right. We proved it. We not only proved we can clean up the air, we not only proved we can save lives, we not only proved we can save asthma attacks, we proved we can grow this economy.

I am going to close now and let my friend from Louisiana have the floor, but I have to close with this. There is a lot of talk about how this is bad for business. But the fact is, every time the polluters get up and say: Do not pass any more Clean Air Act amendments, it is going to be bad for jobs. We found out that cleaning up the environment actually creates jobs. Not only does it create jobs, it creates new technologies. Not only does it create new technologies, but those technologies are exported to the world. And I will have printed in the RECORD the number of jobs that have been created as we moved to clean up the air.

So the reason I am here—and I think it is quite a spirited discussion I am having with all of you—is because we are facing four bad amendments—four, count them, the worst being McConnell—all of which would either slow down the EPA or stop the EPA.

By the way, the McConnell amendment is so terrible that it even says EPA can no longer have anything to do with tailpipe emissions of cars, which is such an important part of the dirty air we are facing.

In closing, according to information from the Institute of Clean Air Companies—those are American companies that oppose these big polluting companies—from 1999 to 2001, the number of boilermakers in the United States increased by 6,700—a 35-percent increase—even though we said: You have to clean up the air.

The Department of Commerce shows that the U.S. environmental technology industry generated \$300 billion in revenues, supported 1.7 million jobs. The air pollution control sector produced \$18 billion in revenue. Small and medium-sized companies make up 99 percent of the private sector firms in this sector of the economy.

So here is what you have. You have these huge, multibillion-dollar polluters who can afford to take one-page ads, full-page ads in the Washington Post. They want to continue polluting the air, and they don't want to clean it up. And you have a whole other group of businesses that have written to us and said: Please let the EPA do its work. It saves lives, it saves our children, and it creates many jobs—new jobs, clean jobs, good jobs.

If we go down the path of the McConnell amendment and these other amendments, we are ceding our leadership in environmental clean tech to China. That is the last thing we want to do. They are already surpassing us in solar production, and we created it.

So the bill before us is a fine bill. I hope, if we have to vote for these amendments, and they do come up as part of this agreement as we move forward, we will not pass any of them and we will allow the people to have their way. Sixty-nine percent of them say: Let the EPA do its job.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Louisiana.

U.S. ENERGY PRODUCTION

Mr. VITTER. Mr. President, since President Obama took office, the price of a gallon of gasoline at the pump has risen 96 percent—96 percent, from \$1.83 to now \$3.60, with absolutely no end in sight. Meanwhile, and not coincidentally, the President has virtually shut down the Gulf of Mexico, he has canceled numerous energy lease sales, he has refused to act on stalled onshore permits, he has dramatically increased environmental regulations, and he has begun regulating CO₂ by administrative fiat. All of that has helped get us to where we are.

Today, President Obama went to Georgetown University, and at least he has begun focusing on and addressing

the energy situation. I guess I give him points for that. He went to Georgetown today and delivered a speech which he called a Blueprint for a Secure Energy Future. But, like a lot of Presidential speeches, this is great-sounding rah-rah, nice title but pretty disappointing, from my point of view, on substance.

First of all, let's talk about the whole premise of the speech, a Blueprint for a Secure Energy Future. I was hopeful, on hearing about the plan for this speech, that we would be seeing an unveiling of a real energy policy, including moving in the right direction in terms of domestic production, utilizing our domestic energy resources. Unfortunately, this is more of the same. In fact, the President admits freely that this is absolutely more of the same. He says:

Today, my administration is releasing a Blueprint for a Secure Energy Future that outlines the comprehensive national energy policy we have pushed since the day I took office.

So this is simply a restatement of the last years of policy, in my opinion, clearly failed, clearly counterproductive policy that has helped get us to \$3.60 at the pump and climbing.

When you look even more at the substance of the speech, it is more disappointing. The whole speech is about 51 paragraphs. Of those 51 paragraphs, I looked to see how many are about tapping our domestic traditional energy resources. Well, 6 paragraphs of 51—just a little over 10 percent. Four paragraphs were about domestic oil production, and two were about domestic natural gas production. And even those two were mostly about possibly increasing regulation on the production of natural gas from shale, making it more difficult, not accessing more of our domestic energy resources.

What is the picture on domestic oil production, those four paragraphs? Well, the President says:

To keep reducing that reliance on imports, my administration is encouraging offshore oil exploration and production.

Really? That is a news headline to my constituents in the gulf coast because every day we live a far different reality. We live the reality of an administration that has moved in the opposite direction, making domestic oil and gas production far more difficult, not easier.

Since the tragedy of the BP disaster, we have only had 7 deepwater exploratory permits issued—7 issued—compared to a comparable period before the disaster of 68, so about 10 percent. That is encouraging offshore oil and gas exploration and production? I don't think so. Since that disaster, the working rotary rigs in the gulf have fallen dramatically, from about 55 to 25. It has been cut by more than half. That is encouraging offshore oil exploration and production? I don't think so.

We need to change the policy that is virtually shutting down the gulf and

stopping domestic energy production. Seven deepwater exploratory permits is not adequate. Seven, as I said, is roughly 10 percent of the rate that existed before. Of course we need to make changes, and we have. Of course we need to learn the lessons of the Deepwater Horizon explosion, and we have. But, again, seven is roughly 10 percent of the previous rate.

We need to do far better, and if we are going to really encourage that domestic production, what about production in Alaska's Beaufort Sea? EPA is sitting on those permits, not issuing those permits. As a result, Shell Oil announced that it is abandoning efforts to produce anything there. Is that what the President is talking about, encouraging oil exploration and production?

What about the lease sales he canceled? President Obama canceled the western lease sale that was scheduled. He canceled that in May of 2010. If you are serious, are you going to reverse that decision? Also, in May of 2010, the President canceled the planned Virginia lease sale. Unfortunately, in this speech, he did not reverse that policy. He is continuing that cancellation.

What about the cancellation of offshore tracts in Alaska's Cook Inlet? The President canceled that in March of this year, this month. Unfortunately, in this speech, he did not reverse that policy.

Withdrawn leases. The President's Department of the Interior has withdrawn 77 lease sales in Utah that were planned. They withdrew those in 2009. No reversal on that policy. Is that encouraging oil exploration and production?

So time and again the President has actually worked in the opposite direction—shutting down domestic production, making it more difficult, not, as he said in his speech today, "encouraging oil exploration and production."

We need a new energy policy, not a restated policy, not the same-old same-old from the last 2 years. We need a policy that does many things, including harnessing and accessing our enormous abundance of energy resources in this country.

You know, we Americans are not used to thinking of ourselves as energy-rich, but we are. And nonpartisan, nonbiased sources such as the Congressional Research Service say we are the most energy-rich country in the world bar none. The only country coming close to us is Russia in terms of our vast array and amount of domestic energy resources. We are out of the habit of thinking of ourselves that way for a simple reason: The Congress and this President in particular have taken 95 percent of those abundant resources and put them off limits under Federal law. No other energy-rich country does anything like that. We continue to do it even with the price at the pump rising so dramatically.

We need to stop that. We need to access our own richness, our own resources to take care of ourselves. And that is a big part of the energy plan we need, which, unfortunately, was not part of the President's Blueprint for a Secure Energy Future unveiled today, restated today, at Georgetown.

Many colleagues will join me tomorrow in introducing a bill that lays out that new energy vision to unlock the enormous potential we have here at home. The bill is called 3-D: The Domestic Jobs, Domestic Energy and Deficit Reduction Act of 2011. I am honored to be joined by between 20 and 30 colleagues—the list is still growing—who will formally introduce that act tomorrow. This is legislation aimed at our domestic energy resources, unshackling that potential, letting us get access to that enormous potential for domestic energy and, with it, great U.S. jobs, jobs right here in this country, and deficit reduction. So many of the primary challenges we face find their nexus in energy. Again, energy independence, self-reliance we need now more than ever, particularly with the unrest in the Middle East.

Secondly, jobs. We say we are trying to do everything we can to come out of this tough recession, but we are not, because the U.S. energy sector has the potential for enormous job growth. Again, we have taken a large percentage of those resources, 95 percent, and put it off limits.

With deficit reduction, along with producing more domestic energy, would come tremendous revenue to the Federal Government. After the personal income tax, this is the top source of Federal revenue—royalties on domestic energy production—second only to the personal income tax. Again, why don't we solve all of these problems—energy independence, U.S. jobs, and deficit reduction—by fully and aggressively developing our U.S. domestic energy sector?

Specifically, the 3-D bill would do six primary things. First, it mandates Outer Continental Shelf lease sales, directing the Interior Department to conduct a lease sale in each Outer Continental Shelf planning area for which there is a commercial interest. It would also consider the 2010-2015 planning area complete.

Secondly, it would open ANWR to energy production. This is a vast source of potential energy production, job creation, and deficit reduction, again, that we have put off limits through congressional and Presidential action.

Third, it would require action on stalled onshore permits, things such as the leases that Interior withdrew in 2009 in Utah, things such as EPA inaction, actually withdrawing a CWA permit for the Spruce No. 1 mine in West Virginia, the State Department sitting on the permit issue in terms of the Keystone XL pipeline project, the EPA

not issuing permits for Shell Oil operations in offshore Alaska. It would direct action in all of those areas.

Fourth, it would properly limit timeframes for environmental and judicial review. It would not change any of those review standards. It would only change the law so that those reviews could not go on ad infinitum. It would streamline the process and properly and reasonably limit those timeframes.

Fifth, it would block regulation of CO₂ by administrative fiat. We will have a vote soon on that issue. I am hopeful it will be a majority vote in favor of this opinion to block that regulation by administrative fiat that I espouse. This is also included in the 3-D bill.

Sixth, we would actually create an alternative energy trust fund from 25 percent of the new revenue produced from ANWR. It would capture 25 percent of that brandnew revenue for alternative energy development, research, and production. That would be positive as well.

This is the sort of domestic energy focus we need. This is the movement toward real energy security as well as job creation and deficit reduction that I would have hoped the President would have at least hinted at at Georgetown today. But he did not. His speech was the same old same old, explicitly restating what he has been doing for the last 2 years.

I urge all colleagues to join in this effort and to join in similar efforts. Americans face tough times. It is not being made any easier by the price at the pump going up. Again, since President Obama took office, that price has risen 96 percent, from \$1.83 per gallon to \$3.60 per gallon, and there is no end in sight. We need to access our own resources. We need to put Americans to work. We need to reduce our deficit with that extra new revenue. We can do it all by accessing U.S. domestic energy resources more fully, not putting 95 percent of those resources off limits, off the table by either Presidential fiat or congressional action.

I urge all of my colleagues to join us in this effort, to join similar efforts to give Americans real relief at the pump, to increase our energy independence, to lower the deficit, and to produce good American jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the period for

morning business be extended until 4 p.m. with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein up to 10 minutes each.

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

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. REID. Mr. President, for the benefit of all Senators, we have been trying in the last 24 hours or more to work our way through the amendments to get to a vote on this most important bill we are dealing with, the small business innovation bill, a bill that has already created thousands of jobs around the country. It is an extremely important bill. We need to reauthorize this bill. It is a very small amount of money. It generates a lot of jobs. But we have been stuck.

I think we have had a breakthrough that we can at least, hopefully, work toward conclusion of this extremely difficult matter. I have spoken with one Senator who had a concern about an issue that has actually been held up—it is a Republican amendment held up by a Republican—not allowing us to have a vote on it. I think we have worked our way through that. Now the floor staff is trying to come up with a consent agreement that would work toward having a vote develop the will of the Senate on the 1099, the tax reporting requirement. Also, there are a number of amendments people wish to have votes on dealing with EPA standards. I think we are at a place where we can perhaps set up some votes.

With the difficulty of all the things we have today, including a briefing by the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs on Libya, I think realistically we will not have any votes this afternoon. Tomorrow morning we have the funeral in New York for Geraldine Ferraro. We will work very hard to set up a series of votes for tomorrow afternoon. It could be a significant number of votes. It could be 10 votes or so tomorrow afternoon, and if it has to spill over into Friday, we will have to do that. At least I think we can get the voting done tomorrow. With a little bit of good fortune, we can work with the few problems we still have outstanding and move forward with Senator LANDRIEU's bill on which she and Senator SNOWE have worked hard.

I hope this let's Senators know what we are doing. Even though it seems like nothing, there has been a lot of work that has gone into this. It is fair to say we will have no more votes today, and we will try to get something set up for tomorrow afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

ENERGY SUBSIDIES

Mr. GRASSLEY. Mr. President, often I come to the Senate floor to talk about alternative energy. Most of the time it is about biofuels. Sometimes it is about wind, because I am the author of the wind energy tax credit. Sometimes it is to speak about it. Hardly ever do I come to the floor to talk about it in regard to the attempt to amend a certain bill on the floor. I come for that purpose now, and I come to express my strong opposition to amendment No. 220 filed at the desk by Senator COBURN.

I don't find any fault with the issue Senator COBURN raises, only when it is raised. I sense from some of his arguments and press releases that it is raised to bring up the issue of energy and what energy should be subsidized or not subsidized, or whether any energy ought to be subsidized, and also maybe to point out some things that are wrong with the Tax Code. I can't find any fault with any of those motives. I only find fault, let's say, in the sense that it is being brought up to show that there are some things wrong with the Tax Code and the Tax Code ought to be reformed.

Yes, if anybody said the Tax Code was a perfect piece of work, you might think: Well, you have been in Washington too long or you don't exercise good judgment or you are not in the real world. So I think it is perfectly legitimate to bring up issues about the Tax Code, but in the sense of reform of the Tax Code, not as an isolated amendment to some other bill, for the simple reason that if you do that, with the complexity of our Tax Code—reforming it in that way—every Senator attempting to do that would be growing a long gray beard for the years it would take to do it piecemeal. Hopefully, we can get it done sometime in the context of tax reform and tax simplification, or flat tax or fair tax, and also with the corporation tax.

As to the motive for bringing up subsidies for energy, it is a perfectly legitimate subject to bring up, but it ought to be brought up in the context of a national energy policy. I believe

Senator COBURN is like me. He feels if you are going to have a growing economy, you have to have a growth in the use of energy, except for possible conservation. If you are going to do more for more people, you are going to have to have an increase in the use of energy. So it is in that vein that I state my opposition to the Coburn amendment.

Senator COBURN's amendment would raise the tax on domestic energy production by repealing an incentive for the use of homegrown renewable ethanol. I am astonished, given our current situation, that there are some who would prefer less domestic energy production. With conflicts in the Middle East and crude oil over \$100 a barrel, we should be on the same side.

I have always considered myself on the same side as Senator COBURN on energy issues. We should all be on the side of more domestically produced energy, and that would be nuclear, it could be alternative energy, and it would be drill here and drill now. The tremendous cost of America's dependence on foreign oil has never been more clear than when you have the conflicts and the revolutions going on in oil-producing regions of the world—now in the Middle East and northern Africa.

So we have this threat, and in light of that threat, we should have an energy policy that says "all of the above." You don't pick and choose. I support drilling here and drilling now. I support renewable energy. I support conservation, both what might be mandated by public policy as well as personal conservation. I think people who know me know I have a reputation for conservation for several reasons—maybe energy conservation, but also it leaves more money in your pocket. I also support nuclear energy. So I believe it is very counterproductive for Senators from big oil country to single out energy that comes from American agriculture—renewable energy, homegrown energy, not imported. I didn't pick this fight. I support energy from all sources. I support traditional oil and gas, and more of it, from here. I held 21 meetings in 20 different counties Monday through Thursday during the last recess, and there wasn't a single person at one of them who didn't say: How come we aren't making more use of our own energy? They didn't say: We import \$730 million a day of oil, but I told them, and it emphasized their point.

Why ship \$730 million every day overseas to parts of the world where they use the money to train terrorists to kill us? And, of course, American taxpayers—American taxpayers—with tax incentives have been supporting oil and gas for over 100 years. So the attack on homegrown energy is remarkable, isn't it? We shouldn't be fighting each other over domestic energy sources. We should be fighting OPEC and foreign

dictators and oil sheiks who hold our economy hostage. You see it right now, because of the anxiety about what is going on in Libya, and raising the price of gasoline 75 or 80 cents.

The author of the amendment has argued that the production of clean homegrown ethanol is fiscally irresponsible. It is important to remember that the incentive exists to help producers of ethanol to compete with the oil industry or, as you so often hear in this town, we have to have a level playing field. Remember that the oil industry has been well supported by the Federal Treasury for more than a century. Oil was discovered in 1859. I don't know how many years later it was that there were tax incentives for the production of oil, but it has been a long time.

President Obama, in his budget request for 2012, has advocated repealing a dozen or so subsidies to big oil. He has argued that a century-old industry no longer needs tax breaks. With oil prices at \$100 a barrel, and record profits being made, some could certainly question why this industry needs any taxpayer subsidy at all. President Obama's proposal would repeal \$44 billion in oil and gas subsidies over a 10-year period of time.

I wish to remind my colleagues of a debate we had last summer on an amendment offered by the distinguished Senator from Vermont, Senator SANDERS. The amendment he offered would have, among other things, repealed about \$35 billion of tax subsidies enjoyed by the oil and gas industry. Opponents of the Sanders amendment argued that repealing the oil and gas subsidies would reduce domestic energy production and drive up our dependence on foreign oil. Well, we don't want to do that, do we? Opponents also argued it would cost U.S. jobs. We also argued it would increase prices at the pump for consumers—something you don't want to do when you are in a recession. I tend to agree with these arguments in regard to the help that the Federal Treasury gives to oil companies. All of my Republican colleagues, and more than one-third of the Democrats, did as well. But a repeal of the ethanol tax incentive is a tax increase as well that will surely be passed on to the American consumer—no different for ethanol in your gas tank than gasoline in your gas tank. If you take subsidies off of oil, it raises the price of gasoline. If you take the incentives off of ethanol, it raises the price of ethanol.

I know that removing incentives for oil and gas will have the same impact as removing incentives for ethanol. We will get less domestically produced ethanol, it will cost U.S. jobs, it will increase our dependence upon foreign oil, and it will increase the price at the pump for the American consumer. We are already dependent upon foreign sources for more than 60 percent of our

oil needs. Why do my colleagues at this time want to increase our foreign energy dependence when we can produce it right here at home—clean burning, environmentally good?

I wish to ask my colleagues who voted against repealing oil and gas subsidies but who support repealing incentives for renewable fuels why they have this inconsistency? Where are the amendments from fiscal conservatives and deficit hawks to repeal the oil and gas subsidies? The fact is it is intellectually inconsistent to say that increasing taxes on ethanol is justified but that it is irresponsible to do the very same thing on oil and gas production. If tax incentives lead to more domestic energy production and good-paying jobs, why are only incentives for oil and gas so important in accomplishing that goal?

It is even more ridiculous to claim that the 30-year-old ethanol industry is mature and, thus, no longer needs the support of the taxpayers, while the century-old oil industry still receives \$35 billion in taxpayer support. Regardless, I don't believe we should be raising taxes on any type of energy production or on any individual, particularly during a weak economy.

The Senator from Oklahoma insists that because renewable fuel is required to be used, then somehow it doesn't need an incentive. But with oil prices at \$100 a barrel, oil companies are doing everything they can to extract more oil from the ground. There isn't a mandate to use oil, but it has a 100-year monopoly on our transportation infrastructure, so essentially it is a mandate.

When there is little competition to oil, and it is enormously profitable—and we will see those reports next week—wouldn't the sponsor argue that the necessary incentives exist to produce it without additional taxpayer support, if we wanted to be consistent? Oil essentially does have a mandate, as I just said. The economics of oil production are clearly in favor of the producer, not the consumer. Why do they need taxpayer support?

It is also important to understand the hidden cost of our dependence upon foreign oil. We had a peer-reviewed paper published in 2010 concluding that—and let me say parenthetically, before I quote, the leeway is somewhere between \$27 billion and \$130 billion:

\$27 to \$138 billion is spent annually by the U.S. military for protection of Middle Eastern maritime oil transit routes and oil infrastructure, with an average of \$84 billion a year.

This is \$84 billion in American Treasury spent on the defense of shipping lanes to quench our thirst for foreign oil. It is not reflected in the price at the pump. It is a hidden cost and the hidden cost is paid by the very same people who support the military, our Navy, the American taxpayers.

Milton Copulos, an adviser to President Ronald Reagan and a veteran of the Heritage Foundation, testified before Congress in 2006 on this very issue. He testified that the hidden cost of imported oil is equivalent to adding \$8.35 to the price of a gallon of gasoline from the Persian Gulf. There is no hidden U.S. military cost attributed to home-grown ethanol.

Do you understand that? You don't have to have the Navy of the United States keeping shipping lanes open for the ethanol that you burn in your car. No subsidy of \$8.35 a gallon for ethanol such as there is for oil, according to the Heritage Foundation.

Let's have a debate on ethanol, but let's debate it in the context of a comprehensive energy plan. This debate should include the subsidies for all energy production. We do not pick out one versus others. What is unique about the subsidy for ethanol? We also have subsidies for grain and for biodiesel. When is that going to come up? We had a subsidy for wind energy—I know it because I got that legislated 18 years ago—and a subsidy for solar, subsidy for biomass, subsidy for geothermal, subsidy for nuclear energy. Why just ethanol at this point?

But I said at the beginning, talking about energy subsidies—oil, alternative energy, nuclear energy, conservation—is legitimate. But don't pick one out. What are we going to do about all the rest of them? Are we going to take a subsidy a day? Take wind tomorrow? Take solar the next day? There is a context in which to do this. We all say we need a national energy policy. These subsidies have to be discussed in the context of a national energy policy. Nearly every type of energy gets some market-distorting subsidy from the Federal Government. We can say that is not right. But do we want alternative energy or don't we want alternative energy? Do we want renewable energy or don't we want renewable energy? Do you think we would have an ethanol industry today if there had not been a tax incentive a long time ago? No.

What about all the people who say we should not be using corn or grain, a food product, for fuel, we ought to be eating it? They say we ought to use corn stover, wood chips, switchgrass, other things that have cellulose in them and get our ethanol from that. I agree 100 percent. But how in the heck do we think we would ever get to producing ethanol out of corn stover and wood chips and switchgrass, et cetera, if we had not had 30 years of engineering to make ethanol out of grain—which we did not do very efficiently 30 years ago but now we do much more efficiently today. We have to have the first generation for the second generation.

I say an honest energy policy and debate should include ethanol. It should

include subsidies for oil, natural gas, nuclear, hydropower, wind, solar, biomass. How do you think we would ever get hydropower in the West if the taxpayers had not paid for the Hoover Dam? It is hypocritical to put our economic and national security at risk by targeting ethanol while disregarding the subsidies for all other energy sources.

Do you know the debate about alternative energy is a debate about our national security because, for this country, the No. 1 responsibility of the Federal Government is our national defense and just think how weak our national defense is when we have to depend upon oil coming from the volatile Middle East, where there is revolution going on right now. Wouldn't it be better for it to be domestic crude? Why do you suppose the Defense Department, and even our whole aviation industry right now, is putting some money into research to develop alternative energies, including the stuff we call renewable and even things we do not know much about yet? Ethanol from algae is an example. Because our military leaders know we should not be dependent on it.

Just think of the retired generals and admirals out here speaking everyday of why we need alternative energy and speaking very highly of ethanol. I say it is hypocritical because it has something to do with our national security and we do take an oath to uphold that Constitution and the national security is our No. 1 responsibility. We know State governments and local governments cannot protect us from foreign intervention, people who want to kill us. Only the Federal Government is qualified and has the power to do it, the constitutional power—but also to bring the resources together to get the job done.

Repealing the ethanol tax incentive will raise taxes on producers, blenders, and ultimately consumers of renewable fuel. This amendment is a gas tax increase of over 5 cents a gallon at the pump. I don't see the logic of arguing for a gas tax increase when we have so many Americans unemployed and underemployed, struggling just to barely make it from day to day. I know we all agree we cannot and should not allow job-killing tax hikes during this time of economic recession and, more important, that recession is going to stay as long as there is some economic uncertainty. Debates such as this—should we be importing more oil—lend themselves to that uncertainty. Unfortunately, those Members who have called for ending the ethanol incentive have directly contradicted this pledge of not having tax hikes because a lapse in the credit will raise taxes, will cost over 100,000 U.S. jobs at a time of near 9 percent unemployment and increase our dependence upon foreign oil.

There is a taxpayer watchdog group called Americans for Tax Reform. They

consider repeal of this incentive to be a great big tax increase. Americans for Tax Reform states: "Repealing the ethanol credit is a corporate income tax increase."

I agree. Now is not the time to impose a gas tax hike on the American people. Now is not the time to send pink slips to ethanol-related jobs. Ethanol currently accounts for 10 percent of our transportation fuel. A study concluded that the ethanol industry contributed \$8.4 billion to the Federal Treasury in 2009, \$3.4 billion more than the ethanol incentive. Today, the industry supports 400,000 jobs. That is why I support a homegrown renewable fuels industry.

I conclude by asking my colleagues: If we allowed the tax incentives to lapse, from where would we import an additional 10 percent of our oil? Because there is a policy in this Congress, don't drill in the United States, import it. The President was in Brazil, last week I believe it was, saying: President of Brazil, you ought to drill off the shore of Brazil because we want to import oil from you. At the very same time we are slow at issuing permits so we can drill our own oil off our own shores, particularly in the Gulf of Mexico.

Where are we going to go? Are we going to go to the Middle Eastern oil sheiks? Send even more billions of dollars over there to give them money to train terrorists to kill us or do we want to get it from Hugo Chavez, who every day is saying something about how he hates America? He is taking the side of Qadhafi right this very day, against the revolutionaries of that country, the very people we are trying to help bring a better life to and stop genocide. I don't think we want to go to the Middle East for 10 percent more of our energy in our cars or to Hugo Chavez. I prefer, instead, that we support our renewable fuel producers based right here at home, rather than send our workers a pink slip. I would prefer to decrease our dependence on Hugo Chavez, not increase that dependence on him, and I certainly do not support raising the tax on gasoline during this weak economy.

Let me say something I said at the beginning and then I am going to yield the floor; that is, there is a context to talk about this. There is nothing illegitimate about anybody bringing up any tax incentive anytime they want to or any law that is on the books because they ought to be reviewed from time to time. But when it comes to energy policy at a time of \$4 gas, at a time of anxiety about what is going on in Libya, at a time when we all know that people in this country want a national energy policy, it ought to be talked about in the context of energy legislation. We should talk about subsidy as a generic subject, not just picking out ethanol or any other one, just

like some people here would like to pick out the subsidy for oil and end it—such as the President has suggested in his budget. We want to do it in the context of a national energy policy and a subsidy that is a subsidy to oil, to all renewable energies—and there are a dozen of them, I bet—to conservation, and to nuclear energy.

Let's emphasize nuclear energy. When we are talking about a subsidy, do we think we would have a single nuclear plant in the United States if 60 years ago the Federal Government, this Congress, hadn't passed the Price-Anderson Act to set up Federal support for it, indirect or direct, whatever it was. It took that to get it going. We had to reinstitute that in 2005 or we still wouldn't be considering any nuclear plants.

We do it in the context of a national energy policy. We do it in the context of subsidies on all sorts of energy, not just one of them. If we are doing it for tax reform purposes, then it has to be done in the context of overall tax reform because, as I said, we start on this little tax incentive today and that little tax incentive tomorrow and that little tax incentive the next day and we will be here until as long as Methuselah lived, in order to get it all done.

I hope there will be some consideration of this in a generic way, not in the specific way of this amendment. That is why I do not support the amendment at this time, but I want people to know I do not abhor the idea of talking about the ethanol tax credit or any other tax credit, except I want to talk about energy tax credits all together.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kentucky.

Mr. PAUL. Has morning business concluded?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. PAUL. I have a motion to present to the desk.

The PRESIDING OFFICER. We are not yet on the bill.

Mr. PAUL. Can we report the bill, please?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

Mr. GRASSLEY. I suggest the absence of a quorum.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amend-ment No. 183), to change the enactment date.

MOTION TO COMMIT WITH AMENDMENT NO. 276

Mr. PAUL. Madam President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] moves to commit the bill, S. 493, to the Committee on Foreign Relations with instructions to report back forthwith with an amendment numbered 276.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 276

At the appropriate place, insert the following:

It is the sense of the Senate, that "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation".

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, we are engaged in a third war at a time when our country is struggling under an enormous debt, at a time when we are engaged in two wars. Historically, our country has fought war by asking for congressional authority. This was true

in Iraq. This was true in Afghanistan. The President came to Congress, and there was a vote on use of force prior to him engaging in force.

Some say: Well, this is no big deal; the President should be able to fight war whenever he wants to fight war. I beg to differ, and our Founding Fathers begged to differ. Madison said that the Constitution supposes what history demonstrates, that the executive is the branch most prone to war and most interested in it. Therefore, the Constitution has, with studied care, invested the power to declare war in the Congress.

I think this is an incredibly important debate. When we talk about sending our young men and women into harm's way, into another war, the fact that we would have a President send us to war without any debate—your people's representatives have had absolutely no debate, and we are now involved in a third war.

The language of my resolution is not unfamiliar to many. The language of this resolution is the President's words.

In 2007, Barack Obama said:

The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.

This was very clear, what the President said. I agree with what Candidate Barack Obama said. We should not go to war without congressional authority. These are the checks and balances that give you a say, that give the people of America a say through their representatives. This allows us to say when we go to war through our Congress, not through one individual but through 535 individuals whom you elect.

I think the decision to go to war is such an important one that we should not leave it up to one person. Our Founding Fathers agreed with this.

In the 1970s, after Vietnam, we voted on something called the War Powers Act. We did give the President the right to go to war in certain circumstances. These circumstances were, one, if Congress had declared war; two, if Congress had authorized the use of military force, or three, if there was imminent danger to our country. I think all of us recognize that. If we were in imminent danger of attack, we would allow the President some latitude, but we would expect very quickly for him to come to Congress and ask for permission.

In this instance, even the Secretary of Defense has said that Libya is not in our national interest. There is no threat to our national security. Yet we are now involved in a third war. We have already spent \$600 million in the first 3 days of this war. There has been no constitutional authority given to the President to be committing troops to this war.

This is such an important constitutional principle that, while I am new here in the Senate, I am appalled that the Senate has abdicated its responsibility, that the Senate has chosen not to act and to allow this power to gravitate to the President. I think that the precedent of allowing a President to continue to act or to initiate war without congressional review, without congressional votes, without the representatives of the people having any say, is a real problem.

There was an article this morning in the Washington Times by GEN Mark Kimmitt. In that, he says that there is a climate of cognitive dissonance surrounding the discussion as the military objectives seem detached from U.S. policy.

The lack of connectivity between the use of force and campaign objectives, the subordination of the military to a nondecisive purpose, turns decades of policy on the use of force on its head.

This is from General Kimmitt this morning:

Vital national interests are not threatened. . . . Nor have sanctions failed or diplomacy been exhausted. . . . We are putting the lives of our troops at risk in a nondecisive role for a mission that does not meet the threshold of a vital or national interest.

General Kimmitt goes on further:

For a military carrying the burden of three wars on its back for the foreseeable future, a policy of more frequent intervention and suboptimal use of force as an instrument of diplomacy is a mistake.

I come from a State—Kentucky—that has two military bases. I see our young men and women going to war, and I worry about their families and themselves engaged in two wars. Some of these young men and women have been going to war for 10 years now. And the President now is going to engage us in a third war without any consultation, without any voting in Congress, and without any congressional authority.

I believe this is a very serious breach of our Constitution. It is something we should not let happen lightly. It is something that we should object strenuously to and that we should force a debate on in this body. Many debates historically have happened here, many important debates. And what is happening now is we are abdicating our duty and allowing this to be made unilaterally by one individual. I think it is a mistake, I think it is a travesty, and I think it should end.

There have been some questions about who these people are whom we will be supporting in this new war. I think there is no question that Qadhafi is a tyrant, an autocrat, and someone whom freedom-loving people would despise. However, do we know who the rebels are?

During the 1980s, we supported the Freedom Fighters in Afghanistan. Do you know who turned out to be the leader of the Freedom Fighters, or one

of the leaders? Osama bin Laden—now our mortal enemy—was receiving money from the United States and support from the United States for over a decade. In fact, the State Department's stated goal in Afghanistan during the 1980s was "radical jihad." We were in favor of radical jihad because we thought the Islamic radicals hated the Russians worse than us. They did until they got rid of the Russians, and now they hate us as much or more.

I think we have to be very careful in going to war. I told my constituents when I ran for office that the most important vote I would ever take would be on sending their men and women, the boys and girls, the young men and women in my State or anywhere else in the United States, to war. To me, it is amazing—amazing—that we would do this so lightly without any consideration by this august body, send our young men and women to war without any congressional approval.

There have been some reports in the media about possible ties of al-Qaida to the rebels. This morning in the Washington Post, a former leader of Libya's al-Qaida affiliate said he thinks freelance jihadists have joined the rebel forces. A NATO commander said that some of al-Qaida and Hezbollah forces are fighting Qadhafi forces. Former jihadist Noman Ben Otman estimates there are 1,000 jihadists in Libya. These are the rebels.

We have to ask ourselves, when Qadhafi is gone, who will take his place? A 2007 West Point study showed that 19 percent of foreign al-Qaida fighters in Afghanistan hailed from Libya. Libya has been supplying the second leading amount of jihadists to the war in Afghanistan. Interestingly, where do these fighters go? Do the fighters come back to Libya to haunt us? When Qadhafi is gone, will we now have an al-Qaida-supported government in Libya?

But I think most important are not the practical aspects of going to war, it is that we didn't follow the Constitution in going to war, and we should have. The Constitution says very clearly that the power to declare war is the power that was given to Congress and not to the President. James Madison in the Federalist Papers was very explicit that this was a power given to Congress and not to the President.

The President's own words are incredibly important here. The hypocrisy is amazing. In 2007, the President said:

The President does not have the power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.

Yet here we have a President cavalierly taking us to war. He seems to have had a lot of time to talk to people. He talked to the Arab League. They had time to get together and vote on it. He talked to the U.N. They had time to get together and vote on it.

But he had utter disregard and contempt for the most important body in the United States that represents the people—the U.S. Congress. Utter contempt. He has gone to NATO. He has gone to our allies. He has gone to the U.N. He has gone to the Arab League. But he has not had one single minute of debate in Congress.

To add insult to injury, he chose to go to war while in Brazil, while Congress was not even in session. This really should not be the way we operate as a constitutional republic.

I am saddened that no one here seems to stand up and say: Why in the world would we let a President take us to war without any debate? Why in the world, when we are involved in two wars, would we get involved with a third war without having a debate in Congress?

This, to me, is a remarkable and really tragic set of events. I hope that the Congress and the Senate in particular will see fit to pass this motion which sends the bill back to committee with specific instructions. The specific instructions are the President's words, and I will be more than interested to see whether his supporters here in the Senate will support the candidate Barack Obama or now the hypocritical version that has become our President.

I think this is an important question beyond any question we will address in this year. Our fiscal problems are really a tragic problem we face now, but this really pales in comparison, to usurp the power of war, to take that power upon himself unilaterally without any debate in Congress.

I urge the passage of this motion to commit to the committee.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, in response to the Senator from Kentucky, I would like to say that he is new to the Senate. I do not question his sincerity when it comes to the enforcement of our Constitution. I share his feelings about the responsibility of Congress under that Constitution to declare war. I have held previous Presidents of both political parties to that standard and believe that this President should be held to that standard as well. I may regret some of his characterizations of our President, but I will not go into that at this moment. I will say the following:

Let's make the record clear about how we got into this situation and why we got into the situation, which the President said the other night. This was not a matter of waiting until Congress came back from its vacation; it was a matter of innocent people being killed in Libya.

It was no mistake what Qadhafi was going to do. He said pointblank: I am going to Benghazi. I am going house to house and room to room and kill people, my own people.

It should not come as any surprise because he has a history of that, not

only killing his own people but killing those innocent passengers on Pan Am 103. He is a ruthless, bloody dictator, so much so that the Arab League of Nations broke precedent and called for Libya to be suspended as long as Qadhafi was in charge. His own Arab League of Nations suspended him. They then turned to the United Nations and said: Please stop him from killing his own people.

Mr. PAUL. Will the Senator yield for a question?

Mr. DURBIN. When I finish my statement, I will be happy to yield.

They then said: Go to the United Nations and create the authority, an international authority to stop him. This was done.

It was in the midst of all this that the President was leaving for South America and Congress was leaving for a 1-week scheduled recess. That is a fact. On the Friday, which is now about 10 days ago, before we left, the President had a conference call and invited all members of the leadership, Democratic and Republican, House and Senate, to listen to a briefing from the Situation Room about the exact military situation we faced and invited questions and comments from all Members of Congress who were part of that conversation. I listened to it carefully. It became clear to me that the President had laid down certain conditions to U.S. involvement.

No. 1, the President said: No American ground troops.

No. 2, the President said: This is a war of short duration as far as the United States is concerned; in his words, "days," not weeks, and he went on to say that the United States would use its unique capabilities to help those allies of the United States who wanted to stop Qadhafi's killing. He used the phrase "unique capabilities" several times in that conversation.

I wasn't sure what he meant. I learned later in press reports. The United States used technology on the initial air invasion for the no-fly zone that stopped the radar of the Libyans so our planes and the planes of our allies could travel across Libya and stop their planes and tanks without danger. So that was the commitment made by the President.

What does the law say? The law passed by Congress over the veto of President Nixon, the War Powers Act, requires the President to notify Congress when he initiates this form of military action. Did he do it? He did. As a matter of fact, the President submitted a notification to Congress within 48 hours of the initiation of these operations consistent with the War Powers Resolution. So to argue that the President is circumventing Congress is not factual. He did exactly what the law requires him to do.

If this President were planning a full-scale invasion such as we had in Ku-

wait under President George Herbert Walker Bush, with a long period of buildup—I insisted, and President Bush complied with, a request to come to Congress for authorization. He did it. Credit should be given to President Bush. But it was a different circumstance.

What the Senator from Kentucky is suggesting is that President Obama should have waited until he could summon Congress back into session—how many days would that be—waited until Congress deliberated and voted before he took emergency action to protect our allies' planes and our planes, to stop Qadhafi from killing people. I am all in favor of constitutional powers, but I believe there are moments when a President has to have the authority to exercise that kind of military decision when he believes it is in the best interest of the United States.

I don't think it is hypocritical. I am sorry that word was used. I think what the President has said is that he is trying to redefine the role of the United States in the world, standing up for our values, fighting for peace, trying to stop the carnage in Libya, without committing tens of thousands of American soldiers for years at a time. I happen to think that is a worthy foreign policy goal. I also believe the ball is now in the court of Congress. It now is up to the Senate Foreign Relations Committee and House Foreign Affairs Committee to decide if they want to have hearings on this Libyan action, whether or not we take action in response to the President's filing this notice under the War Powers Resolution. But to argue that the President has just ignored the Constitution or ignored the law ignores the facts. The President filed the notification required by law under the War Powers Act. Now the ball is in our court. Are we going to move forward? Will we have hearings? Will we take action? It is up to Congress now. I sincerely believe there should be hearings. I hope this matter is over before we even have the requirement or necessity to have such hearings. But at this moment in time, as I see it, the President has complied with the law.

I am happy to yield to the Senator from Kentucky for a question.

Mr. PAUL. On December 7, 1941, we were attacked and the President declared war. We had a session within 24 hours. On 9/11, we were attacked by people coming from Afghanistan. We met within 3 days and had a use of force authorization. I think there is a problem with sort of saying it is OK to declare that the President can go to war after he has already done it.

In Afghanistan and Iraq, with all the complaints from many people on the different wars in which we are involved, President Bush did come to ask for the authorization of force. We have had 2 to 3 weeks of this issue. They had

time to go to the U.N. They had time to go to the Arab League. They had time to go to everyone. I think the Senator from Illinois should be as insulted as I am that they never came to Congress.

The War Powers Act has specific criteria that allows the President to use force: a declared war, when he has use of authorization, or when we are in imminent danger. Which one of those meets the War Powers Act with regard to Libya?

Mr. DURBIN. The Senator is correct in his statement that not only President George Herbert Walker Bush but also President George W. Bush came to Congress and broke precedent. That had not happened in Korea or Vietnam. We went back to what I considered to be the constitutional standard. Congress deliberated on those wars and voted.

I will tell the Senator from Kentucky, since he is my friend and is new here, it is one of the most compelling votes he will ever cast. I hope he never faces it. But if he does, it is one of the votes that will keep him up at night trying to think what is best for America and what is best for the young men and women who may lose their lives in the process.

In fairness to both Presidents Bush, they did come to Congress. The lead-up to the invasion of Iraq went on for weeks if not months. The same thing was true for Afghanistan. Remember, in the situation with Afghanistan, after 9/11, we were here in this building when it happened. We knew what 9/11 was about, and we responded accordingly.

The Senator from Kentucky has the right to express his point of view and debate it on the Senate floor and the right to pursue the War Powers Act which gives Congress the authority for hearings and a decision. What I disagree with the Senator from Kentucky about is the characterization that the President did not follow the law. He did notify Congress. The circumstances moved so quickly with human life hanging in the balance, the President made that decision and now stands with the American people making a judgment as to whether it was the proper decision to make.

At this point I would like to yield the floor to the Senator from Kansas for the purpose of debate only, with the understanding that when he has completed his debate, I will suggest the absence of a quorum.

Mr. PAUL. Will the Senator yield for a further question?

Mr. DURBIN. Fine.

Mr. PAUL. I know the word "hypocritical" is a strong word. I don't use it lightly. But the words we are using in this resolution that we will get a chance to vote on are the words from the President. The President said: The President does not have power under

the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.

How does the Senator from Illinois square that with his actions?

Mr. DURBIN. That was the question raised by the President in his address to the American people the night before last, as to whether it is in the best interest of the United States to step forward with our unique capability—in this case, our air power, as well as our technology—to protect innocent human life. There are some who will argue that he should not have done it, and we should have just waited to see if Qadhafi would keep his word to kill all these innocent people. I think the President made the right, humane decision.

Had we made a fraction of that decision in Rwanda, it might have spared tens of thousands of people from dying. The same thing might have happened in Darfur. I think the Presidents who were in power at that time both personally regret the fact that we didn't do anything as those genocides unfolded. President Obama did not want that to occur on his watch and thought the United States, in a limited military commitment, could help spare innocent people in Libya from this carnage.

We can debate as to whether that is appropriate, and I am sure we will. I know the Senator from Kentucky has his own beliefs on the subject.

I ask unanimous consent that the Senator from Kansas, Mr. MORAN, be recognized to speak in debate only and that following his remarks, I suggest the absence of a quorum and the clerk will call the roll.

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

The Senator from Kansas.

FINANCIAL CHALLENGES

Mr. MORAN. Madam President, I thank the Senator from Illinois for accommodating my ability to speak on the Senate floor this afternoon on what I consider to be a very significant and important topic.

Our country is facing significant financial difficulties. In the coming weeks, the United States will reach its \$14.29 trillion limit for borrowing. Unfortunately, this is the 11th time in the past decade that Congress will vote on whether to allow the country to take on even more debt. These financial challenges we face, if left unchecked, will have a disastrous impact upon our country today and upon citizens in the future.

For way too long members of both political parties have ignored this growing fiscal crisis and have allowed our country to live well beyond its means. Delaying difficult decisions and simply increasing the debt ceiling once again should not be an option. The time to correct our failures is now.

Officials from the Obama administration warn that the failure of Congress to raise the legal debt limit would risk default. But the bigger economic threat that confronts our country is the consequences of allowing our country's pattern of spending and borrowing to continue without a serious plan to reduce that debt. Our out-of-control debt is slowing our economic growth and threatening the prosperity of future generations who will have to pay for our irresponsibility.

In the next three decades our debt very well could grow to more than three times the size of our entire economy. This level of government spending is unsustainable and cannot continue. Our Congress is engaged in a serious and significant debate now about a continuing resolution. That resolution is the result of the failure of the past Congress to pass a budget and appropriations bills to fill in the blanks of that budget. In fact, we are now dealing with the next 6 months of spending, the end of the fiscal year which ends September 30 of this year. We are having an argument about the magnitude of the reductions of spending to include in the final 6 months of this continuing resolution.

I certainly wish to participate in the debate. I admit it is an important issue, but there is more significant issues yet to come. While it is important how we resolve the next 6 months, it is even more important we adopt a budget for the next fiscal year, 2012; that we return to regular order and have an appropriations process in which we can determine levels of spending within that budget, establish our priorities, eliminate programs, decrease spending where appropriate, and move this country to a balanced budget.

In addition to a CR for the next 6 months and to next year's budget and appropriations process, there is looming the more serious consequences of so-called mandatory spending which comprise 56 percent of our entire budget. We have to get beyond the CR debate of today and get to the spending problems of 2012 and beyond and to the issue of so-called mandatory spending that consumes our budget and drives up debt now and in the future.

We need to be responsible and quickly resolve the spending bill for this year and move on to these issues that will determine the future of our country, especially the economic future for citizens today and into the future.

The President ought to consider in his budget—but he didn't—the recommendations of his National Commission on Fiscal Responsibility and Reform. We have seen, once again, the failure of the budget as proposed by this President to include any of those provisions that his own commission recommended in getting us out of our financial difficulty.

It seems to me that often, at least throughout my lifetime, we have heard the discussion here in Washington, DC—I, as an American citizen, as an observer of the politics and the policies of our Nation's capital, have heard year in and year out about the need to reduce spending, to balance the books, to quit spending so much money, to be more fiscally responsible. Our fiscal house has to be put in order. Those are words I have heard throughout my entire adult life, and yet I am fearful they have once again just become words.

We do not have the luxury of those words meaning nothing this time around. I would suggest there are those who may observe the proceedings of this Congress this year and say: Once again, there is a political debate going on. It is rhetoric between Republicans and Democrats. It is a battle between the House and the Senate, between the Congress and the President, without recognizing this debate has serious consequences to the American people today and into the future.

As I said earlier, spending beyond our means is no longer an option, and the failure of us to address these issues in a responsible manner means the standard of living American citizens enjoy today will be diminished. It means a lower standard of living for every American family. It means an increase in interest rates. It means a return of inflation. It means an increase in our imbalance of payments. It means our trade balance is exacerbated. It means we may follow the path of other countries in the world today that have failed to address these issues, and we will see the circumstances that many countries find themselves in, in which their credit ratings have diminished and their interest rates have risen.

If we fail to respond, if we fail to act as we should, if we let one more time this issue to pass for somebody else to solve because it is so difficult, we will reduce the opportunities the next generation of Americans has to pursue the American dream.

This is not an academic or a political party discussion. It is not a philosophical debate. It has true economic consequences to every American. We are not immune from the laws of economics that face every country, and by the failure to get our financial house in order and borrowing under control, interest rates will rise, our creditors may decide we are no longer creditworthy, and we will suffer the same consequence that countries in our world today are suffering that followed this path.

This is the most expected economic crisis in our lifetime, perhaps in the history of our country. We know what is going to happen if we do not act, and we would be acting so immorally and without responsibility should we look the other way because the politics of this issue are too difficult.

Americans deserve, are entitled to leadership in Washington, DC, to confront these problems and not to push them off to the next generation of Americans, and I am sorry to say that, in my view, to date the President has provided little leadership on what I consider to be this most important issue of my generation.

My interest in public service and politics is one that has lots of beginnings, but what has me committed to public service today is a belief that I and people in my generation—in fact, every American citizen—have the responsibility to pass on to the next generation of Americans the ability to pursue the American dream. Our failure to act today, our failure—to simply raise the debt ceiling one more time—means we will have abdicated our responsibilities and the burdens will fall to those who follow us. We will have lacked the morality and the courage necessary to do right.

Earlier this week, I informed the President, in correspondence to President Obama on March 22, with these words:

Americans are looking for leadership in Washington to confront the problems of today, not push them off on future generations. To date, [Mr. President,] you have provided little or no leadership on what I believe to be the most important issue facing our nation—our national debt. With no indication that your willingness to lead will change, I [write] to inform you [Mr. President,] I will vote “no” on your request to raise the debt ceiling.

I do that because I believe in the absence of serious and significant spending reductions, in the absence of serious and significant reform in the budget and spending process, in the absence of a constitutional amendment that restricts our ability to spend money we do not have, in the absence of statutory guidelines that tell us we cannot spend and borrow ad infinitum, that our country's future is in grave danger. I do this with a sense of responsibility to Americans today and a sense of responsibility for Americans to come.

I ask the President to provide that leadership, to address the issues of not only this continuing resolution and next year's spending level and the so-called mandatory spending, but also to help us create an economy in which growth can occur, in which business men and women make decisions to employ new workers, and that the American people have the opportunity, when they sit around the dining room table and discuss their future, to know they have the chance to keep the job they have or to find a job they do not have.

That will require the leadership of President Obama and Republicans and Democrats in the House and Senate. In the absence of any indication that leadership is going to be provided, and that we are going to be serious in addressing our problems of today, and resolving them for the future, I will vote “no” on extending the debt limit.

Mr. WHITEHOUSE. Madam President, as we continue to debate important small business legislation, I rise today to discuss an amendment to further support investment and job creation in U.S. companies.

In particular, my amendment would bolster our domestic manufacturing industry, which has historically been the engine of growth for the American economy. The manufacturing economy has been especially important in the industrial Northeast, including my State of Rhode Island. From the Old Slater Mill in Pawtucket—one of the first water-powered textile mills in the nation—to modern submarine production at Quonset Point, the manufacturing sector has always been central to our economy.

Sadly, as American companies have faced rising production costs and increased—and often unfair—competition from foreign firms, U.S. production has plummeted. According to the Bureau of Labor Statistics, the number of manufacturing jobs declined by almost a third over the past decade from 17.2 million in 2000 to 11.7 million in 2010. This decline has been felt most sharply in old manufacturing centers like Rhode Island. In Rhode Island, the loss of manufacturing jobs over the past decade has topped 44 percent. The decline of the manufacturing sector is a primary reason why Rhode Island has had greater difficulty than most states in recovering from the recent recession.

Over and over, I have travelled around Rhode Island to meet with local manufacturers, listening to their frustrations and discussing ideas to help their businesses grow. During these visits I have heard one theme over and over again: unfair foreign competition is killing domestic industries. One Pawtucket manufacturer told me that they recently lost eight percent of their business to a Chinese competitor. It is clear to me that if we want to keep manufacturing jobs in Rhode Island, we need to level the playing field with foreign competitors.

My amendment would remove one incentive to move jobs offshore and help to make competition fairer for companies struggling to keep their factory doors open here in the United States. Based on the Offshoring Prevention Act, cosponsored by Senators LEAHY, SANDERS, BOXER, DURBIN, BROWN of Ohio, HARKIN, JOHNSON, and LEVIN, my amendment would end a costly tax incentive that rewards companies for shipping jobs overseas. Under current law, an American company that manufactures goods in Rhode Island or in the Presiding Officer's State must pay Federal income taxes on profits in the year that the profits are earned. But if that same company moves its factory to another country, however, it is permitted to defer the payment of income taxes, and declare them in a year that

is more advantageous—for example, one in which the company has offsetting losses.

It makes no sense that our Tax Code allows companies to delay paying income taxes on profits made through overseas subsidiaries, and my bill will put a stop to this practice for profits earned on manufactured goods exported to the United States. To put it simply, we should not reward companies for eliminating American jobs.

In addition to ending an incentive to ship jobs overseas, my amendment would reduce the Federal deficit by \$19.5 billion over the next decade. At a time when Republicans are promoting painful cuts to popular Federal programs to save similar amounts, these are savings we cannot afford to pass up. If we are going to be serious and fair about deficit reduction, we need to look at these corporate loopholes and giveaways, not just at cuts to Head Start, NPR, and Planned Parenthood.

I hope that my colleagues will show their support for American jobs and for deficit reduction by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 6 p.m. tonight for the purpose of the Senators-only briefing on Libya.

There being no objection, the Senate, at 4:57 p.m., recessed until 6 p.m. and reassembled when called to order by the Presiding Officer (Mr. COONS).

The PRESIDING OFFICER. The Senator from New Hampshire.

MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Mrs. SHAHEEN. Mr. President, if I could begin in the spirit of morning business, I am here to talk about the

importance of passing the reauthorization of the Small Business Innovation Research Program. I think it is important because our future economic prosperity depends on whether this country can continue to be a leader in science and innovation. We can't compete with India and China for those low-wage manufacturing jobs. That is not the future of America. Our future is to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

As a former small business owner, I know it is business and not government that creates jobs, but I also know government has a critical role to play in fostering a positive business climate. I believe there are a few things we need to do to unleash the innovative spirit that is so alive and well throughout this country, and particularly in my home State of New Hampshire.

To maintain the creative dominance that has allowed us to lead the world in innovation, we do need to enact a long-term reauthorization of the Small Business Innovation Research Program, or the SBIR Program.

SBIR is not just a typical grant program. Under the SBIR Program a small business is able to compete for research that Federal agencies need to accomplish their missions—agencies such as the Department of Defense. Small businesses employ about one-third of America's scientists and engineers and produce more patents than large businesses and universities. Yet small business receives only about 4 percent of Federal research and development dollars. SBIR ensures that small business gets a tiny fraction of existing Federal research dollars.

In the last few months, as we have been talking about the SBIR Program in the Small Business and Entrepreneurship Committee on which I serve, I have had the chance to visit a number of New Hampshire companies that are doing cutting-edge research and are growing their businesses because of the SBIR Program. This research has allowed them to develop new products and customers and to hire new workers. I wish to talk specifically about one of those companies because they have such a great story. It is a company called Airex, and it is in Somersworth, NH. Their story shows just how the SBIR Program encourages innovation and creates jobs.

When I visited Airex, I had a chance to see some of the impressive technologies the company has developed. Airex specializes in electromagnetic motors and components. As they explained to me, their motors don't go round and round, they go back and forth. Its employees design and produce everything from motors used to make Apple's iPad, to gyroscopic coils that

are used to stabilize the artillery system on Abrams tanks. So they produce a wide divergence of products.

In the past decade Airex has more than doubled its revenues and its workforce largely because of the products it developed with the support of the SBIR Program. Jim Sedgewick, who is the President of Airex, told me SBIR was critically important for the development of the products that enabled the company to add several good-paying jobs in New Hampshire.

For example, Airex was able to compete for and win a grant to do research for the Air Force on materials needed for strategic missile defense. In order to conduct the research Airex had to develop a new electromagnetic motor. Since the motor that Airex developed had tremendous commercial potential, Airex secured a patent. Now that motor is used in the production process for the Apple iPad and, as my colleagues can imagine, sales for that motor have increased dramatically in recent years as the iPad has become so popular.

The same is true for several other products Airex developed with the help of SBIR. Airex products continue to be in high demand not just in America but across the world. Exports now account for 30 percent of Airex's revenues, so they are a great story on the export front too. Airex told me its biggest export products are the ones that were developed with the support of the SBIR Program.

If we are going to out-compete and out-innovate the rest of the world, we need to encourage the kind of innovation that has made Airex so successful. SBIR was integral to making Airex's success a reality. That is why SBIR must continue to be an important part of our strategy for staying competitive in the 21st century.

Airex is just one of many New Hampshire small businesses that have successfully competed for SBIR funding in the 28 years the program has been in existence. All across New Hampshire small businesses that otherwise wouldn't be able to compete for Federal R&D funding have won competitive grants to advance technology and science and create good jobs. In just the last 2 years New Hampshire firms have won 80 SBIR awards. In fact, despite its small size, although it is a little bigger than Delaware, as the Presiding Officer knows, New Hampshire is ranked 22nd in the Nation for total grants awarded through the Department of Defense since SBIR began.

So I know the Presiding Officer knows we need to focus on smart ways to create jobs and stay competitive. We all know small firms are where the jobs are created in the United States, and we know the future of the American economy rests with innovation. The SBIR Program must be one important part of our overall strategy to encourage the innovation that will keep the

American economy strong through the 21st century.

So I am pleased to be here to support SBIR, and I encourage all of our colleagues to join me in supporting this important program.

Thank you very much, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent to speak for 20 minutes as in morning business.

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

OFFERING OF AMENDMENTS

Mr. COBURN. Mr. President, I am coming to the floor because we have not seen much action on the floor on this bill. We are hung up over the right of Senators to offer amendments, but the Senate works best when we have a free and open process of offering amendments. One of the amendments in particular that I was going to offer on the blending requirements for ethanol I now plan, at this time, not to offer. I have made that known to the majority leader but have still not been able to get an agreement to offer other amendments.

Our country is in a pickle. I have \$20 billion worth of cuts that the vast majority of the Members of the Senate would vote for. Yet I can't get those amendments up because people don't want to take the difficult votes. I understand that. Senator REID has been more than gracious in working with me. I understand his problem, but the problems are a lot bigger than the problems of the Senate. The problems facing our country are tremendous. They are not only tremendous, they are also urgent.

Here we have a small business bill, where we are trying to create jobs, and one of the ways we create jobs is making sure we are not sending money out of here that doesn't create jobs. So I come to the floor somewhat worried about our process and not critical of Senator REID in any way. I wouldn't have his job. Being the majority leader is the toughest job in Washington. But it is somewhat worrisome, and yet amusing, that we will not take a vote to eliminate unemployment payments to millionaires. That is amazing to me. We can save \$20 million starting tomorrow by not cutting unemployment checks to people who make \$1 million a year through their investments but who are unemployed. I mean, \$20 million. We could do that.

We could put a garnishee on the \$1 billion owed by Senate employees and

Federal employees in back taxes, where it has already been adjudicated they haven't paid, but we can't get an amendment up to do that. Isn't that strange?

Here we are, running \$1.67 trillion deficit, and yet we can't go about solving our problems \$1 billion at a time to help get rid of that. We can't have the right to offer an amendment to that effect.

How about the fact the GAO, 3 weeks ago, issued a report on duplication, and, according to my calculations, there is at least \$100 billion in savings in that. I have an amendment that would save us \$5 billion over the rest of this year on the easiest part of the elimination to carry out. I can't get that amendment up. We can't vote on it. We can't do the things that will start getting us out of our problems. Even though I have withdrawn the amendment on ethanol that is so controversial, I still can't get my amendments called up.

Covered bridges—\$8.5 million. It is a good thing to do, if we had the money. But we shouldn't be spending \$8.5 million right now on old bridges that are of historical significance, because we are borrowing the money to do it.

I have an amendment to identify and disclose every Federal program, one of the things the GAO report said would be very helpful to them to have—if every department would give, every year, a list of all their programs. There is only one government agency that does that today, and it is the Department of Education. The rest of them don't know all their programs. Isn't that interesting; they do not even know their programs? Yet we can't get an amendment up that will help us solve some of the problems with duplication and inefficiencies.

So I come to the floor tonight to ask: What is the deal? This is the Senate. We are expected to make tough votes. If Senators want to continue to pay millionaires unemployment, then vote against the amendment, but don't keep that amendment from coming to the floor that would save us \$20 million. If you think Federal employees shouldn't pay their back taxes, then vote against it, but we can collect \$1 billion—\$1 billion that we wouldn't have to borrow. Vote against it, but don't block the amendments from coming up.

I have an amendment that I understand is controversial. I don't think there is a role anymore for us in funding the Corporation for Public Broadcasting to the tune of \$½ billion a year. You may not like it, you may not agree with me but vote against it. Don't say you can't have the amendment. Because what goes around comes around, and we don't want to get into the dysfunctional state where because somebody can't have an amendment today, somebody else isn't going to have an amendment later. That is what

we are going to degrade into, and it will not be because we would not want to vote on them. So what happens is the Senate gets paralyzed.

The unfortunate thing is that I have \$20 billion worth of cuts we can make. Yet we are not allowed, under Senate tradition, to offer an amendment, even though, on the most controversial one I have, I have said: OK. I won't offer it at this time. Still, I can't offer an amendment. To me, I think that tells the American people what they already know; that we don't care about what the real problems are, we care about the politics.

We no longer have the pleasure or the time to worry about political outcomes. We need to be worrying about what the outcome is of the future of this country. When a sitting Senator can't offer \$20 billion worth of cuts in a \$3.7 trillion budget on a bill that is related to business—and this \$20 billion will be money we will not be competing with against them for the capital to create jobs in this country—it strikes me that we have lost balance; that we need to reright the ship.

Everybody in this body wants to vote on the 1099. We know it was a mistake. I think there will be very few Senators who will vote against that. There is a controversial amendment—the Inhofe amendment—but this is the Senate. Let's vote on it. Whatever way it turns out, let's let the body do its work, rather than not allowing the body to work. So my hat is off to Senator REID. He has been cooperative. But we can't run the Senate this way, saying people don't have a right to offer amendments.

I will never forget when I first came to the Senate 7 years ago and I had an objection to an amendment that was offered, another Senator from the other party came and said: You can't do that. This is the Senate. We debate amendments. We vote on amendments.

Somebody on the other side of the aisle defended the process of the Senate. The fact is, we are in tough times. We are going to be taking a lot of tough votes—if not now, a year from now. But they are going to get tougher every year we take them because the writing is on the wall for America in terms of its spending and its debt.

If you look at what has happened to interest rates on our T bonds the last 2 days in a row, T bonds are strong, interest rates are going up. What does that mean to us? Our historical average interest rate on our debt is about 6.07 percent. We paid 1.97 percent last year. For every 1 percent that rises, that is \$140 billion additional that does not help the first American. We ought to be about getting rid of things that we can get rid of that will survive OK on their own, that are not duplicating things we should be duplicating. The Senator from Alaska and I put in an amendment on the FAA bill getting rid

of old earmarks, money that is parked. It will save us \$1 billion. The fact is, we can do this if we will stand up and do the job we were hired to do. The job we were hired to do is to make the difficult decisions. My hope is that things will break loose and we will revert to the best of the tradition of the Senate, which is having real debate about real amendments, taking the tough votes, and defending them on principle. Take the political calculus out of it. It is not popular for me, in Oklahoma, to eliminate the blenders' credit on ethanol. We have a lot of corn farmers. But the fact is the very people who get this—British Petroleum, Valero, ExxonMobil, Chevron—do not want it. I have a letter from them saying they don't want the blenders' credit. That is who gets it. Only 16 percent of the ethanol is produced by farmer cooperative ethanol plants; 84 percent is not. It is produced by the big boys and they are saying they don't want it.

Why don't we save \$5 billion between now and the end of the year, because we are going to borrow 47 percent of it? Why would we do that to our children? So I relented on that. We will have a vote on it. I will have to have a 67-vote threshold to do it but we are going to vote on it. Senator REID knows we are eventually going to vote on it. We ought to be about being grown up and going back to the best traditions of the Senate and taking the tough votes. Our country is in tough times. Families are having tough times. Why would we want to duck making tough decisions? The only reason we would want to do that is political. It is so somebody can gain a political advantage rather than do the best, right thing for our country.

I call on my colleagues, whoever it is who is objecting to commonsense amendments, who does not want to fulfill their obligation to their own constituents by casting a vote, to look at what you are doing to the Senate. There is no reason we should get into this conflict—because I can't offer amendments I am eventually not going to let other people offer amendments? Why would we go to the childish resolution of this rather than the adult resolution? The adult resolution is to give people their votes, vote on them and go down the road and if you don't agree with them, defend it; if you do agree with it, vote for it. But don't duck on taking a position. That is belying the oath you have being a Senator.

Those who are objecting to cutting \$20 billion out of this government, out of a \$3.6 trillion budget, wake up. You are going to be cutting this money in the next 2 years, whether you cut it today or tomorrow. It is coming. Let's do it now, because every day we do it earlier saves us money. But it also preserves and enhances the future for our kids.

I will not harp on this other than to say I am disappointed because we had

started this year out pretty well in terms of going to amendments. The leaders, both leaders, have worked hard to make sure that could happen. Now that we have tough votes people want to revert to childish behavior and not honor the reason they were sent here in the first place. Not voting on something is the chicken's way out. It is the coward's way out. Voting on something and defending your vote is honorable. You do not have to agree with me but don't say you cannot have an amendment and you cannot have a vote, because I assure you I know the parliamentary procedures to get a vote on every amendment I will ever offer. We will get votes on these amendments. The question is, if you are trying to duck, not having to vote on an amendment because you don't like the political choices, you are going to get a vote anyway, so why degrade the Senate into childish behavior because you want to duck a vote? We are not going to duck these votes. We are going to have them. I promise you, we are going to have every one of these votes eventually. I am talking over a short period of time. Or we are not going to do anything. We are going to live up to the tradition of the Senate or we are not going to function at all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. I ask unanimous consent to be allowed to engage in a colloquy with the Senator from Oklahoma.

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

The Senator from Arizona.

Mr. MCCAIN. I have a couple of questions for the Senator from Oklahoma. My understanding is that he seeks to have an amendment considered that would eliminate the subsidies which are \$4 billion?

Mr. COBURN. We do not seek to eliminate any subsidies. We seek to eliminate a blenders' credit that the very people who receive the credit do not want, and it is \$4.9 billion between now and the end of the year.

Mr. MCCAIN. It is \$4.9 billion and the recipients themselves want it reversed?

Mr. COBURN. Yes. I have a letter from the refiners. I actually have it here and I will introduce it to the RECORD if we need to, that says they don't want it, they don't need it.

Mr. MCCAIN. So the recipients of this government largesse would want it eliminated. What is the basis, if I may ask, of the opposition to the amendment?

Mr. COBURN. I think I can clarify it. The opposition is we are doing it abruptly rather than over a period of time and not allowing people to plan for the elimination of this. Those are the arguments I hear. The fact is, this is just one of a series of things we do for ethanol.

I am not going after ethanol. I am going after saving money for our country that is being spent. We have a mandate that says the country has to buy a specific amount of ethanol. Before we had that mandate, a blenders' credit was a smart thing to do if you believed that ethanol was a way to solve our problems. But the fact is, we now have a mandate that they have to produce it. It is going to 15 billion gallons a year. I can give you the exact numbers in terms of what we produce. But because we have a blenders' credit, last year we produced 397 million gallons more and we exported it to Europe. So the American people subsidized \$200 million worth of ethanol consumption in Europe through these blenders' credits.

We are not going after all the other loans, the loan programs, all the other energy grants and everything else. We are not doing any of that. All we are saying is here is a simple thing that is no longer needed; 86 percent of the ethanol production is by majors, not small ethanol plants. They do not want this money, they do not need this money to blend ethanol because there is already a mandate there requiring it. I have already withdrawn—I have agreed that we will not vote this amendment until after cloture and I will file a motion to suspend the rules and then we will have a 67-vote threshold which we will not win. But the American people are going to lose. The American people are going to lose \$4.9 billion.

Mr. MCCAIN. If the argument is that maybe we ought to eliminate this but not abruptly, wasn't the message of last November 2 that they wanted a lot of things done abruptly?

Mr. COBURN. I think the message of the American people is they want the spending cut. They want it cut now. They want us to quit spending money we don't have on things we don't need, and this is a ideal program—just like the other portion of it. I have \$20 billion worth of amendments. None of them can come to the floor because there is an objection to having votes on \$20 billion worth of cuts.

Mr. MCCAIN. That was my understanding, that as part of the beginning of the new session of Congress, the 112th Congress, there were going to be amendments allowed; that there would be kind of a different environment where it would not be bringing up a bill, filing cloture and shutting out Members from offering amendments. That is apparently not the case?

Mr. COBURN. I think it is the case, but to be fair, there is bipartisan opposition to this amendment. I understand

it. It is from the corn-producing States. They are worried that this might have an effect on ethanol production and corn processors. Actually, CBO estimates that the maximum impact of this amendment on the price of corn will be less than 35 cents a bushel. Corn is near \$7—record high.

Mr. MCCAIN. Near an all-time high.

Mr. COBURN. Yes, so this might have an effect of 35 cents on the price. But let me carry that out for a minute. Corn is the primary feed source for cattle, hogs, chickens—the whole range of the things we eat. So what we have done, through just this portion of it, is we are raising the cost because 40 percent of our corn production this next year is going to go for ethanol.

It is not just that we have raised the tax because we have given \$5 billion or \$6 billion annually in credit to the blenders; we have also raised the costs for everybody else's food. But do you know what we have also done? We have increased the cost of our Food Stamp Program because we have raised the cost of food. So we are paying for it twice. It is not just the fact—it comes back to the point that is this is not an attack on the ethanol industry. I actually met with the ethanol industry yesterday in my office. I think Americans ought to be able to buy whatever they want, E-85 or 10 percent—I think they ought to be able to buy it. But what they should know is when you go buy a gallon of gasoline today, accounting for all the credits and incentives and everything else in there, there is \$1.78 in your taxes in every gallon that you buy. So when you buy blended ethanol gasoline, you are not paying \$3.50, you are paying \$5.35.

Mr. MCCAIN. I understand this amendment has been objected to by some "conservative organizations" that want us not to increase taxes in any way, shape, or form, something that has characterized the voting record of the Senator from Oklahoma and myself. But now you are being attacked for being a tax increaser?

Mr. COBURN. I would not worry about that so much.

Mr. MCCAIN. What is the argument?

Mr. COBURN. The argument is they do not agree with the blenders' credit, but if in fact you take it away you need to give somebody else a tax break. I think the American people know, for us to get out of the problems we are in we are going to have to do a lot on both sides of the balance sheet. One of the ways—we have \$1.3 trillion worth of tax expenditures in this country. A large portion of them—not a large portion, a significant amount of money is in programs such as this that are directing people to do things that they are going to be doing anyway and we are paying them to do it. So it is a tax expenditure. It is cutting spending is what it is. It is a true credit, so they get it. The more they blend, the more money we pay.

So if they blend beyond what the mandate is, they cannot sell it. Then we ship it to Europe or wherever else will consume it, but yet we are subsidizing. First of all, it hurts our own energy usage because we are taking a lot of oil and a lot of water to do it. But we are helping the Europeans with our own subsidy in terms of shipping this over.

So I do not care about the debate outside of the Senate. What I care about is that the American people ought to have a shot at saving \$4.9 billion through the rest of this year.

Mr. MCCAIN. And it seems to me that this issue has some complexities to it—

Mr. COBURN. It does.

Mr. MCCAIN. That the average citizen would not understand. But I think they understand \$4.9 billion and that those savings would accrue to them, along with the reduction in inflation and the costs of the products of corn.

So it is a very interesting situation. So when I go back home and some of my constituents are skeptical about whether we are really serious about taking on some of the sacred cows—and certainly ethanol has been a sacred cow around here—maybe there is some justification for their skepticism.

Mr. COBURN. Well, since we started the blenders' credit, the American people have spent \$32 billion on it. And it is fine for us to look for alternatives, and I think it is great. I would like for them to convert corn to butanol instead of ethanol because it burns a whole lot better, it is more efficient, it does not pollute as much, it burns like regular gasoline, and it is not water-soluble, so it can be transported like other petroleum products. I would like to see them go there, and I think they are eventually going to go there.

But the fact is, markets work, and we are playing with markets—and the reason we have such an objection to this is because we probably have the votes to win it and they know it. So I have pulled it out.

But, more importantly, there is another \$15 billion of amendments I would like to offer that are common sense, that a good portion of the American would absolutely agree with, and we do not have people who want to have a vote on that. They do not want to stand up and do their jobs.

I will read into the RECORD a letter from Charles Drevna, president of the National Petrochemical and Refiners Association.

Senator Coburn, NPRA, the National Petrochemical and Refiners Association, writes today in support of your efforts to end the Volumetric Ethanol Excise Tax Credit through both amendment number 220 to S. 493, the SBIR reauthorization bill, and the bill you recently introduced with Senator CARDIN, S. 520. The Association has a long history of opposing mandates and subsidies and this opposition extends to the VEETC. The VEETC is an unnecessary subsidy, par-

ticularly given the federal Renewable Fuels Standards requirement to bring 36 billion gallons of biofuel into the fuel supply by 2022.

So here are the people who are receiving the credit saying they do not want it.

Mr. MCCAIN. Well, I think the Senator has made a strong point. I just wanted to have a clarification, and I hope that perhaps we can also start addressing the issue of sugar subsidies, which I think is probably one of the really great ripoffs in America today, again, causing the cost of any confection or anything that contains sugar to rise, and then, of course, the American consumers pay for it, and preventing sugar from other countries from coming into this country at a lower price.

Mr. COBURN. You know, the real issue is that we have spent 3 days this week not doing anything on this bill. We have borrowed \$12 billion. I have amendments, if we could pass, that would save us \$20 billion.

Every day that we don't take hard votes is a day we don't fulfill the responsibility given to us, the privilege given to us as U.S. Senators. No matter what your philosophy, the fact is we ought to be taking hard votes, and people who don't want to do that, their constituency ought to ask the question: Why are you there? Why are you afraid to defend what you believe to be right rather than disallow somebody else to make a point and a position with an amendment?

The Senator didn't hear my speech prior to coming in—

Mr. MCCAIN. I was watching.

Mr. COBURN. These are the worst tendencies of the Senate. I want us to go back to the best tradition. I am not always going to be right, and I certainly hardly ever win, but the fact is, the issues in front of this country are so great that we don't have time for this anymore. And every day we do not work on this small business job-creation bill because people do not want to take tough votes is a day we are not fulfilling the obligations we have as Senators.

Mr. MCCAIN. But if you believe in our great Nation and the democracy and the representative government that it is, over time, you will succeed. It requires tenacity. I do not think the Senator will be elected Mr. Congeniality this year again, either, but I appreciate his efforts on this issue and many others. I look forward to continuing to join him in the fight and following his leadership.

I yield the floor.

PIKEVILLE COLLEGE BEARS

Mr. McCONNELL. Mr. President, I rise to congratulate a national championship team that makes its home in Pikeville, KY. This March 22, the

Pikeville College Bears men's basketball team triumphed over the West Virginia Mountain State University Cougars in overtime, 83 to 76, to win the school's first NAIA men's basketball championship.

It has been a thrilling season for the Bears, who finish the year with a school-best 30-7 record. They tied for third place in the Mid-South Conference and entered the tournament unseeded and with something to prove. They certainly did that, becoming the first unseeded team in tournament history to defeat five seeded teams on the way to the championship.

The Bears beat defending national champ Oklahoma Baptist, defending national runner-up Azusa Pacific, and top-seeded Robert Morris to get to the semifinals. Facing No. 3-seed Martin Methodist College in the semifinals, the Bears clawed their way out of a 15-point deficit to win by 11 points.

Then it all came down to the final game, played in Municipal Auditorium in Kansas City, MO, against the Cougars from West Virginia. The Bears trailed for most of the way, but by the end of the night it was "My Old Kentucky Home" being played as the Bears cut down the nets.

Trevor Setty of Maysville, KY, tied a career high for scoring in the game with 32 points, grabbed 17 rebounds and was named the tournament's Most Valuable Player. And Head Coach Kelly Wells was named NAIA National Coach of the Year.

The students and faculty of Pikeville College and the people of Pikeville, eastern Kentucky, and the whole Commonwealth couldn't be prouder of this winning team. They represent the very best of what the Bluegrass State has to offer, and we are honored for them to represent us to basketball fans from across the Nation. I know my colleagues join me in congratulating the Pikeville College Bears men's basketball team for their exciting victory.

Mr. President, the Lexington Herald-Leader recently published an article about the Pikeville College Bears' championship season and what it meant for the school and for eastern Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

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

[From Kentucky.com, Mar. 24, 2011]

PIKEVILLE FANS HAPPY TO LOSE VOICES
CHEERING TEAM'S NAIA WIN

(By Dori Hjalmarson)

PIKEVILLE.—As the NAIA Division I Tournament championship game inched to a close Tuesday night, the 200 spectators at a viewing party on the floor of Pikeville's Expo Center rose to their feet. They swelled and deflated with each basket, chanting for "defense" and waving their fingers for free-throws as their team fought for the win more than 580 miles away at Municipal Auditorium in Kansas City, Mo.

Ear-splitting screams rang through the hall as the game went into overtime, and students crowded toward the big screen.

After a slow first half on Tuesday, Pikeville's fans based their hopes on Monday night's game, when the unseeded Pikeville College Bears overcame a 15-point deficit to oust its semifinal opponent, No. 3 seed Martin Methodist College.

"We're down, but (Monday) night proves we're not out of it," said Ravin Fields, director of the dorm that houses the basketball and baseball teams.

And the Bears certainly weren't out of it, battling into overtime for an 83-76 win over West Virginia's Mountain State University and Pikeville College's first NAIA men's basketball championship. The victory created a surge of excitement throughout the crowd in Pikeville.

"I lost my voice cheering," communications professor Chandra Messner said. "We're so proud of those boys."

Said Massner's daughter, Amanda Arts: "Amazing. Unbelievable."

The celebration on campus lasted until 4 a.m., Residence Life Director Kayla Bandy said. On Wednesday, a caravan was planned starting at 8 p.m., from the Mountain Arts Center in Prestonsburg to the college gym, where a rally would welcome the team home. A parade in downtown Pikeville was planned for 4 p.m. Thursday.

"I hope a lot of people come out to support them," Bandy said as she painted signs and hung streamers in the men's locker room. She knows what she's talking about: Bandy was on the 2008 national champion bowling team, the school's only other title-winning sport. Now an assistant coach, she wears her championship ring daily.

"It's such a big deal for these guys," Bandy said. "From the kids texting from Kansas City it was not like anything they were expecting."

REMEMBERING CONGRESSWOMAN
GERALDINE A. FERRARO

Ms. LANDRIEU. On March 26, 2011, after 12 years of battling multiple myeloma, our country lost one of history's political trailblazers, the Honorable Geraldine Anne Ferraro. Ferraro served as a Congresswoman for the 9th District of New York from 1979-1985. At a time when less than two dozen women served in Congress, Geraldine Ferraro was a consistent voice for equality and unrelenting advocate for women's rights.

In 1984—64 years after passage of the 19th amendment granted women the right to vote—Ferraro made history as the first female Vice Presidential candidate from a major U.S. political party, running alongside Walter Mondale. I vividly remember her words as I watched her speak during the 1984 Democratic National Convention in San Francisco, "If we can do this, we can do anything." Millions of women and girls watched that speech, inspired by the fact that a woman was one step away from holding the second highest office in America. Although the Mondale-Ferraro ticket did not win the White House, Ferraro's words, leadership and courageous spirit would forever change the way women were

viewed in American politics. Her candidacy had successfully shattered the glass ceiling for the office of the Vice Presidency. Two decades later, a Congresswoman from the same city where Ferraro accepted the Vice Presidential nomination would go on to become the first female Speaker of the United States House of Representatives. Geraldine Ferraro's journey to the precipice of the Vice Presidency helped pave the way for Congresswoman NANCY PELOSI's historic achievement. In addition, her nomination would help pave the way for Hillary Clinton's historic bid for the Democratic Presidential nomination.

Geraldine Ferraro will always be remembered for her passion and dedication to women's issues. The daughter of Italian immigrants, Ferraro began her career as a prosecutor for New York City focusing on sex crimes, child abuse, and domestic violence. Ferraro carried that passion with her to the U.S. House of Representatives, quickly becoming a leader among her congressional colleagues. During her three terms as a Congresswoman, she served on a number of committees including: the Select Committee on Aging, the Public Works and Transportation Committee and eventually the House Budget Committee.

In addition to her work in Congress, Ferraro remained a devoted wife and loving mother to three children. After leaving public office, she remained in the field of public policy serving as a fellow at the John F. Kennedy School of Government at Harvard University's Institute of Politics from 1988-1992 and as a U.S. Ambassador to the United Nations Commission on Human Rights during the Clinton administration from 1993-1996. She also authored three autobiographical books about her political career. She once again entered the world of politics in 2008, serving on Hillary Rodham Clinton's Presidential campaign.

The life and accomplishments of Geraldine Ferraro opened the doors of American politics and the hearts and minds of thousands of women seeking to make a difference. She was an inspiration to me and thousands of women considering the challenge of a future in politics and government. Our country will always be grateful for her leadership. She will surely be remembered for her unique leadership, and her belief that, "America is the land where dreams can come true for all of us."

1-YEAR ANNIVERSARY OF HEALTH
REFORM LAW

Mr. JOHNSON of South Dakota. Mr. President, as we pass the 1-year anniversary since health care reform was signed into law, I rise to recognize how much it has benefitted thousands in my State. South Dakotans now have a fair shake when it comes to buying

health coverage and increased protections from some of the worst abuses of the health insurance industry.

I have heard from far too many who thought they were protected by their health insurance, only to find they faced arbitrary annual or lifetime limits on benefits. Some were even dropped entirely from their coverage when they needed it the most. Health reform has already put an end to these practices, and is giving hard-working Americans the security of reliable coverage.

Commonsense changes that had been supported by Republicans and Democrats in Congress for years are also now in effect. Children are no longer at risk for being denied coverage due to a preexisting condition like asthma or diabetes. Young adults are now able to stay on their parent's health care plan until age 26, extending coverage as many transition from education to the workforce.

Over 129,000 South Dakota seniors are already seeing improvements to Medicare, including eliminated copayments for preventive care like immunizations and annual wellness visits. Last year over 11,945 Medicare beneficiaries in our State reached the gap in prescription drug coverage, known as the donut hole, and received a one-time \$250 rebate to help pay for prescriptions. These beneficiaries will continue to receive deep discounts until the donut hole is completely closed in the years ahead.

Health reform also expands Medicare beneficiaries' access to care by providing a 10-percent Medicare bonus payment for primary care providers and for general surgeons practicing in health professional shortage areas. It also puts in place important changes to our health care delivery system to ensure we are paying for the quality of patient care and health outcomes, rather than quantity of tests and procedures performed.

Not only has this law benefited South Dakotans, but these improvements have taken place without harming our economic recovery. Since the President signed the Affordable Care Act into law a year ago, the economy has grown at an average rate of 2.7 percent, and nearly 1.4 million private sector jobs have been created.

As Congress looks for ways to get our deficit in line, the nonpartisan Congressional Budget Office recently estimated that reform will reduce the deficit by a total of \$210 billion over the next 10 years and by more than \$1 trillion over the next 20 years.

We must be realistic about this law in that it cannot fix all the problems with our health care delivery system overnight. But I supported reform to give our Nation the best chance at improving the system while reigning in costs. There is room for improvements, and if there is a good idea out there, I want to hear it.

What we cannot afford, however, is to turn back the clock on all the improvements the American people have seen in the last year, and will continue to experience as this law is fully implemented in the coming years.

REMEMBERING JOE ANTONIO SILVERSMITH

Mr. UDALL of New Mexico. Mr. President, the Navajo Code Talkers were a small group of marines who contributed to the American victory in the Pacific during World War II. Their language and their bravery made victory possible and helped save Allied soldiers' lives.

These Navajo warriors have one less man among their ranks today. My home State of New Mexico and the Navajo Nation lost a great man on February 28, 2011, when Joe Antonio Silversmith passed away at the age of 86. I would like to take a few moments to honor Mr. Silversmith's memory and his service to our country.

In 1943, as a young man of only 18, Mr. Silversmith heeded the call of duty and enlisted in the 297th Marine Platoon. He served in the South Pacific until 1946.

Mr. Silversmith and the 45,000 other Native Americans who enlisted to serve our country in World War II had only been recognized as citizens of the United States for 17 years when World War II began. Approximately 400 of these men, including Mr. Silversmith, served as Code Talkers—turning their native language into a powerful code, unbreakable by the Japanese.

In 2001, Mr. Silversmith finally received the recognition he deserved for his heroic World War II service when he and his fellow Code Talkers received the Congressional Gold Medal.

For Mr. Silversmith, his service to others did not end with his military career. A man of strong personal faith, he eventually became a full-time minister after returning to New Mexico.

For those who knew him, Mr. Silversmith's devotion to his flocks—demonstrated through his dedication to his congregation and, more literally, his love of herding of sheep—will be remembered fondly.

A man of courage, a hero to his family and the American people, and a role model to young Navajos, Mr. Silversmith stood up for his ideals. He encouraged those he knew to pursue their dreams, but to never forget their roots.

We owe a debt of gratitude to Mr. Silversmith, his fellow Code Talkers, and all those who have sacrificed in service to our country. Let's honor Mr. Silversmith by heeding his advice to keep our roots close to our hearts while striving to achieve our own lofty goals for the widest influence of good.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF WESTMINSTER, COLORADO

● Mr. BENNET. Mr. President, today I wish to recognize the 100th anniversary of the city of Westminster that lies along Colorado's Front Range. The city of Westminster will observe this significant milestone on April 4, 2011.

Westminster is the seventh most populous city in the State of Colorado. It has had a rich history since the first homesteaders arrived in 1870, shortly after the discovery of gold in the South Platte River Valley. The Land Act of 1862 encouraged many settlers to make Colorado their home instead of heading on to California.

The population of the town gradually increased over several decades, and by 1910, public services such as water access were needed to support the community. The village of Harris, named after C.J. Harris, was incorporated as the town of Westminster, CO, on April 4, 1911, by a citizen vote of 29 in favor and 6 opposed. The town was named for Westminster University, which was built in the 1890s on Crown Point.

The town of Westminster continued to grow and soon became the center for some of the largest apple and cherry orchards in the country. Northwest of Denver, Westminster remained a quiet rural town until the 1950s when the Colorado State Highway Department constructed the Denver-Boulder Turnpike, bisecting Westminster and contributing to the town's growth.

A 21-member charter Westminster convention was elected to draft and review a new charter, which was approved by voters in January of 1958.

Providing a safe and adequate water supply has been at the forefront of Westminster's growth since incorporation. The town took a proactive approach to dealing with the community's rapid growth by creating the Growth Management Plan in 1977 that called for allocating service commitments as a method to manage water and other key resources.

Westminster has balanced growth with the establishment of an open space program. In 1986, the town sought to implement this approach and preserve and protect natural areas and beautiful vistas that contribute to the unique character of the city. Today, 32 percent of its land is open space and green space and the town has created more than 83 miles of multi-use trails.

Westminster's first 100 years are rich in history with monumental milestones that have made it the community it is today. I want to congratulate the city of Westminster as it celebrates its centennial anniversary. I look forward to helping Westminster continue to thrive as it sets out to make history in the next 100 years. ●

40TH ANNIVERSARY OF OGLALA
LAKOTA COLLEGE

• Mr. JOHNSON of South Dakota. Mr. President, I wish to speak today to honor the 40th anniversary of the founding of the Oglala Lakota College. In a society where education has been the cornerstone for generations, the Oglala Lakota College has been providing students with a high quality education in Indian Country for decades. Graduates have gone on to be extraordinary community and professional leaders working to improve the lives of all those around them.

The Oglala Lakota College, headquartered in Kyle, SD, first opened its doors in 1971 with the goal of bringing hope to the people on the Pine Ridge Indian Reservation—home of the Oglala Sioux Tribe. This small college was a great risk when it began, as it was one of the first tribally owned and operated colleges in the United States, but the founders believed in the importance of bringing education to Indian country. Although the name of the school has changed, throughout the years the idea that the benefit of higher education is of vital importance to the community has stayed constant. Since its inception, the Oglala Lakota College has expanded course offerings to establish online courses and satellite classes, providing easier accessibility to students.

From the very beginning, the Oglala Lakota College faced challenges: The faculty and students worked and studied in old building basements, worked around kitchen tables, and used old trailers as makeshift classrooms. The college finally moved to a group of government surplus buildings. Despite an environment ill-suited for education, the students and professors triumphed under the challenging circumstances, and today provide hope for the future of the students.

In 1991, after years of educators striving to provide an education in a difficult learning environment, the school began a 10-year capital campaign to construct new buildings for the students.

In 2005 and 2009, the Oglala Lakota College received grants from the Labor, Health Human Services and Education Appropriations Subcommittee to assist funding recruitment, curriculum development, and program infrastructure for the nursing degree offered by the Oglala Lakota College. More than 40 percent of graduates work at Indian Health Services hospitals, making the Oglala Lakota College the primary tribal college producer of health care providers for the Indian Health Service. In addition, in the past decade, Oglala Lakota College has received several grants to improve the learning environment on its campuses.

The Oglala Lakota College has grown considerably since starting as a small

community college. Today it is a thriving campus offering baccalaureate degrees—including a master's degree in Lakota leadership. Under the guidance of my good friend, President Tom Shortbull, the Oglala Lakota College increased its enrollment to 1,400 students, a record number of students focusing on their goal to further their education.

I congratulate the great legacy and triumphs over adversity of the Oglala Lakota College on the occasion of its 40th anniversary and commend the work and commitment, past and present, of the administrators, faculty, alumni and students. I wish them well in the upcoming year of observances and celebrations.●

REMEMBERING JUDGE M. BLANE
MICHAEL

• Mr. ROCKEFELLER. Mr. President, today I wish to pay tribute to a West Virginian who was an exacting and thoughtful judge, a committed father, and a treasured friend. Blane Michael, a Federal judge for the U.S. Court of Appeals for the Fourth Circuit, passed away over the weekend.

There are some people whose lives transcend biographies and are so richly varied and important that trying to capture their essence in a few brief remarks is impossible. Blane Michael was that kind of person. And although I am unlikely to do his life justice with these short remarks, I felt it was important for the Senate to hear about this great individual.

Honest and humble to his core, Blane committed himself to public service. Born February 17, 1943, in Charleston, SC, he grew up on a pastoral farm in Grant County, WV—a quiet spot tucked away in the mountains of the State that he left for the first time when he went to law school.

A 1965 graduate of West Virginia University and a 1968 graduate of New York University School of Law, Blane worked for a time at a New York law firm, and then as an assistant U.S. attorney for the Southern District of New York. But like many young people who have left our State to pursue education, employment or other opportunities, he heard the call to return home and give back to his State, and the people who helped form his foundation for public service.

In 1972, he returned to West Virginia with his glorious wife Mary Anne, who grew up in Shinnston, WV. After working as a special assistant U.S. attorney for the Northern District of West Virginia and later opening a private practice, his path first crossed mine—and my life is forever better because of it.

From 1977 to 1980, Blane served as special counsel during my first term as Governor of West Virginia. He was a young lawyer at the time, in his early thirties, but he was intelligent, ethical,

and extraordinarily hardworking. Most importantly, he understood the importance of using his legal skills in service to, and for the betterment of, his fellow citizens. During those years, I came to know quickly that his sight was transfixed on the common good—and for that reason, his judgment and wisdom were something I valued immensely and sought out often, well beyond my years as Governor.

In 1981, Blane returned to private practice where he continued to solidify his reputation as a skilled lawyer and a person of intellectual and moral depth. I was fortunate during that time that he was willing to serve as manager for two of my campaigns for United States Senate. Always true to his work ethic, he continued to maintain a full-time legal practice while performing campaign duties during his lunch breaks and on the weekends.

He was nominated by President Bill Clinton for a seat on the U.S. Court of Appeals for the Fourth Circuit on August 6, 1993, and was confirmed by the Senate on September 30, 1993. As an appeals court judge, he later said that he was lucky to have the one job he had wanted from the time he was a young attorney.

During his 17 years on the Federal bench, he was a formidable presence whose record of service speaks to who he was as a person—tough when he had to be, and always fair and honest. With a moral and intellectual compass set hard for justice, Blane was a brilliant judge who never took for granted the power and the responsibility of deciding the cases that impacted people's lives. Time and again, he spoke for those without a voice and protected the rights that we as Americans hold so dear.

He artfully interwove the complexity of the law with the practical results of his decisions always taking cases at their face value. And, when the issue required it, Blane acted as a counterweight to some of the most conservative judges in the country—judges who also would come to respect and admire him and, on certain cases that called for righting serious wrongs, join him.

Blane Michael's death is a tremendous loss to our Nation, our State, and anyone whose life he touched. For me, his was the kind of deep, easy companionship that helps sustain you and remains with you always.

His contributions were immense, his dedication to justice and doing what is right was unmatched, and for that, he will be sorely missed. My prayers are with his wife Mary Anne and their daughter Cora; and my lasting thoughts are with my dearest and closely held friend.●

REMEMBERING WILLIE JONES

• Mr. SESSIONS. Mr. President, I would like to bring to the attention of

the Senate today the noble service of a great American from the State of Alabama. It is with sadness that I speak about Willie Jones, the director of the Cleveland Avenue YMCA, who passed away suddenly last week in Montgomery, AL. Willie was 55 years of age.

Willie was a true leader in the Montgomery community. As a teenager, he began working with the Cleveland Avenue YMCA as an aquatic instructor. He worked his way up to senior vice-president of the organization in Montgomery. Make no mistake, the Montgomery YMCA is one of the greatest "Y's" in the country and has been for many years.

He served on the Montgomery Housing Authority Board of Directors and the Montgomery County Recreation Commission. He was a man of deep religious faith, being active with the Mount Zion African Methodist Episcopal Zion Church. This faith, I believe, was the key factor in his positive outlook on life and his love for his fellow man.

Willie Jones loved people and they loved him. His constant motive was to help others and the primary vehicle for his life of service was the "Y." Few people were better known in Montgomery—from the poor young person needing a chance to the city's top executives and political leaders. They all knew him, admired him, and loved him.

For more than 40 years, Willie devoted his life to public service, leaving a positive imprint on the lives of countless Alabama youths.

I know how valuable the programs he worked so hard for have been for the young people of Montgomery. Time and time again, lives have been directed on a course to success as a result of the personal relationships and care demonstrated by Willie and his team.

It was a tremendous joy seeing Willie work with kids. He gave them opportunities at the YMCA, instilling in them a sense of hope and the knowledge that they could make a difference, both in their own lives and in the lives of others.

Willie was often quoted as saying "This isn't about Willie Jones; it's about the kids at the YMCA." Indeed he was an inspiration.

I had the great privilege to know Willie personally. He visited my office here in Washington many times over the years. I witnessed Willie in action—he was a man with a giant heart, and it showed on the expressions of folks who would light up when he entered a room.

Willie touched the lives of so many, and he will be sorely missed. Mary and I extend our deepest sympathies to his wife, the Jones family, and to the Montgomery community. He was too young to leave us. There was more to do. But, his life was full and complete. He fulfilled his mission with purity and purpose, in accord with the will of his

Lord. His life honored his Maker. Would that we all could live so well. May his life be an example for those of us who continue to serve in public office.●

REMEMBERING DON MARKWELL

● Mr. SESSIONS. Mr. President, it is appropriate that we take a moment to honor the man who was heard on the airwaves in Montgomery, AL, for decades. A friend and longtime radio host, Don Markwell, passed away last Friday. Don was born in Island, KY, and began his career in radio as a disc jockey for WNES AM in 1956. He and his family moved to Montgomery in the late 1950s. Don created Alabama's very first talk show on WCOV in 1959.

In 1967, Don Markwell began the program he would later become famous for, "Viewpoint." Talk radio was a new concept in the 1960s, and Don had the foresight to see its potential and popularity.

Some people criticize the talk show format and the hosts. But it is an open forum. People could call Don and disagree, but they better be prepared. Listeners knew the drill. They filter the honest and dishonest, the fair and unfair. Indeed, talk radio is the modern day town hall.

I was delighted to be Don's guest on numerous occasions. He never had a problem asking the tough questions—something I very much admired in him and try to emulate. For some years, I took to calling him "Dean Don," dubbing him the dean of talk show hosts. He was that indeed. No one in Alabama and few, if any elsewhere, had such a record—he liked that, I think.

When I first ran for office, attorney general of Alabama in 1994, Don was aware of many problems associated with my incumbent opponent. He brought those issues out, gave me and my record a chance to become known by his Montgomery audience. Don offered my opponent a chance to appear, but he declined. Radio talk shows provide lesser known and lesser funded candidates a chance to be known by the public. I know my talk show appearances, as a little known challenger, helped voters to know about my position on the issues.

Don spent more than half a century working in the radio industry, 30 of those years hosting "Viewpoint" and never lacking in enthusiasm and controversy. He was fearless and principled.

His persona was libertarian. He was not happy with Republicans or Democrats. His problem with Republicans was that he expected more of them. He could spot a phony a mile—or 1,000 miles—away. Sometimes he spotted phonies that weren't phonies, but that was not often. June of 2006, Don celebrated 50 years in broadcasting. In 2008, he retired from WACV-AM 1170 and

said goodbye to the radio world. When Dan Morris took over Don Markwell's time slot on WACV, Dan kept the name "Viewpoint" and has continued Don's tradition of covering local and national issues during drive time.

As anyone in Montgomery, AL, will tell you, Don is a legend and a pioneer in talk radio. His accomplishments and outstanding service to both the broadcasting industry and the public are surely worthy of commendation. And what a voice—rich and deep—it was instantly recognizable.

My thoughts and prayers go out to Nell and the Markwell family in their time of grief. I, like many others, am grateful to have called Don a friend, and he will be dearly missed.●

REMEMBERING CHARLES F. JAMES

● Mr. UDALL of New Mexico. Mr. President my home State of New Mexico lost a great man on March 13, 2011.

Charlie F. James, a World War II veteran and survivor of the Bataan Death March, passed away at the age of 89. He was the last survivor of the Bataan Death March living in Eddy County and I would like to take a moment to honor his memory.

Mr. James enlisted in the National Guard while still a young man in high school and was called to active duty service in January 1941, less than a year after graduating and just 3 days after getting married.

In September, Mr. James and the rest of 2nd Battalion/F-Battery were shipped off to Manila in the Philippines. The Japanese attack on the Philippines in December of 1941, mere hours after Pearl Harbor, led to 4 months of intense combat with very little in the way of supplies. His unit only had one functioning 37mm anti-aircraft gun left when allied troops at Bataan were ordered to surrender in April 1942.

While those 4 months of fighting were difficult for Mr. James and his fellow soldiers, the next 3½ years were even more horrific. Mr. James survived the Bataan Death March to then face ghastly conditions in Japanese prisons, and forced labor in Japan.

Mr. James was liberated on September 2, 1945, and honorably discharged. He was the recipient of many awards for his service, including a Purple Heart and Bronze Star. Mr. James became a member of numerous veterans groups and he maintained close relationships with many of his comrades, including many who were held as prisoners of war.

After being discharged, Mr. James returned to New Mexico and to the two loves in his life: his wife, Lucille, and ranching. Having grown up in Carlsbad, his passion for his cattle ran deep in his roots. Those who knew Mr. James hold many fond memories of him surrounded by his land and tending to his cattle.

Let us honor this man who was the last of a generation, one of an ever dwindling number of men who gave up years of their youth to protect our Nation, and thank Mr. James for his bravery, patriotism, and service.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 839. An act to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis.

ENROLLED BILL SIGNED

At 5:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1079. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

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

H.R. 839. An act to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1036. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Disease Status of the Brazilian State of Santa Catarina with Regard to Certain Ruminant and Swine Diseases; Technical Amendment" ((RIN0579-AD12) (Docket No. APHIS-2009-0034)) as received during adjournment of the Senate in the Office of the President of the Senate on March 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1037. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions" ((RIN0579-AD21) (Docket No. APHIS-2009-0031)) as received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1038. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Horses From Contagious Equine Metritis-Affected Countries" ((RIN0579-AD31) (Docket No. APHIS-2008 0112)) as received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1039. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting four legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1040. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1041. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, an annual report on the actions taken by the Commission relative to the Fair Debt Collection Practices Act during 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-1042. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-1043. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong, China.; to the Committee on Banking, Housing, and Urban Affairs.

EC-1044. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Clean Fuels Grant Program" (RIN2132-AA91) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1045. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibited Service at Savings and Loan Holding Companies; Reinstitution of Expiration Date of Temporary Exemption" (RIN1550-AC14) received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1046. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8173)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1047. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the decision to authorize a noncompetitive extension of up to five years to the Department's contract with the Board of Trustees for Leland Stanford Junior University (Stanford) for the management and operation of the SLAC National Accelerator Laboratory; to the Committee on Energy and Natural Resources.

EC-1048. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2009; to the Committee on Energy and Natural Resources.

EC-1049. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations of the National Park Service; National Capital Region Correction, Address Change for the National Mall and Memorial Parks, Park Programs Office" (RIN1024-AD96) as received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Energy and Natural Resources.

EC-1050. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Rural Hospice Demonstration"; to the Committee on Finance.

EC-1051. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Correction for Neurological Listing Cross-Reference" (RIN0960-AH33) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Finance.

EC-1052. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2011-23) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC-1053. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "LB&I Alert-Cases Forwarded to Appeals That Involve a Section 965 Issue and a Transfer Pricing Adjustment under Section 482" (LBandI-4-1110-034) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC-1054. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance for Phase II of the Qualifying Advanced Coal Program under Section 48A and the Qualifying Gasification Program under Section 48B" (Notice 2011-24) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC-1055. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2011-8) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC-1056. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendment to Part 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-1057. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services to Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1058. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0029-2011-0040); to the Committee on Foreign Relations.

EC-1059. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Children and Families; to the Committee on Health, Education, Labor, and Pensions.

EC-1060. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Investigational New Drug Applications and Abbreviated New Drug Applications; Technical Amendment" (Docket No. FDA-2011-N-0130) received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1061. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-34 "Balanced Budget Holiday Furlough Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1062. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 19-35 "Processing Sales Tax Clarification Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1063. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-36 "One City and Response Training Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1064. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-37 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1065. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-38 "Fiscal Year 2011 Office of Public Education Facilities Modernization Funding Revised Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1066. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-39 "Reinstated Government Employee Review Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1067. A communication from the Secretary of the Senate, transmitting, pursuant to law, a report relative to the Advisory Committee on the Records of Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-1068. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1069. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to four legislative recommendations; to the Committee on Rules and Administration.

EC-1070. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; Hawaii-Based Shallow-set Longline Fishery; Court Order" (RIN0648-BA19) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1071. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XA276) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1072. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fish-

ery of the South Atlantic; Closure" (RIN0648-XA229) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1073. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure" (RIN0648-XA228) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1074. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XA277) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1075. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA271) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (RIN0648-XA263) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1077. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands" (RIN0648-XA262) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1078. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA260) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1079. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

“Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act; Recordkeeping and Reporting” (RIN0648–AY84) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1080. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications” (RIN0648–XA109) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1081. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17B; Correction” (RIN0648–AY11) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1082. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the regulatory status of each recommendation on the National Transportation Safety Board’s Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC–1083. A communication from the Secretary of Transportation, transmitting, the Department’s Annual Performance Report for Fiscal Year 2010; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–6. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the United States Congress to oppose any action to reduce funding for Community Service Block Grants; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, Community Service Block Grants (CSBG) are a critical source of funding for Community Action Agencies across the country; and

Whereas, Community Action Agencies provide housing, nutrition, health care, education and weatherization programs to low-income families, equipping them with the tools they need to become successful members of society; and

Whereas, West Virginia has sixteen Community Action Agencies that employ 2,180 individuals; and

Whereas, our sixteen Community Action Agencies serve all of West Virginia’s fifty-five counties; and

Whereas, in 2009 close to 112,000 West Virginians, over 55,000 families, received services through Community Action Agencies; and

Whereas, Community Action Agencies are an essential component of economic recovery, as their main objective is the elimination of poverty; and

Whereas, in 2009, West Virginia Community Action Agencies leveraged \$18,194,807 in Community Service Block Grants into more than \$90 million in additional resources for anti-poverty efforts in West Virginia; and

Whereas, President Obama has proposed a fifty percent reduction of Community Service Block Grants funding and made the remaining funds competitive instead of continuing the current allocation formula; Therefore, be it

Resolved by the Legislature of West Virginia: That the Legislature hereby urges the members of the West Virginia Delegation to the United States Congress to oppose any action by Congress or the President to reduce funding for Community Service Block Grants; and, be it further

Resolved, That the Clerk of Senate is hereby directed to forward a certified copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, members of the West Virginia Congressional Delegation and the President of the United States.

POM–7. A joint resolution adopted by the House of Representatives of the State of Colorado recognizing the bravery and sacrifice of the crew of the U.S.S. Pueblo and designating January 23rd each year as “U.S.S. Pueblo Day”; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 11–1005

Whereas, the U.S.S. Pueblo was originally launched as a United States Army cargo ship in 1944 but was transferred to the United States Navy and renamed the U.S.S. Pueblo in 1966; and

Whereas, the U.S.S. Pueblo was named for the city of Pueblo, Colorado, and the county of Pueblo, Colorado, and was the third ship in the naval fleet to bear the name Pueblo; and

Whereas, after leaving Japan in early January 1968 on an intelligence mission, the U.S.S. Pueblo was attacked by the North Korean military on January 23, 1968; and

Whereas, according to United States Naval authorities and the crew of the U.S.S. Pueblo, the ship was in international waters at the time of the attack; and

Whereas, one crew member of the U.S.S. Pueblo was killed during the attack, and eighty crew members and two civilian oceanographers were captured and held for eleven months by the North Korean government; and

Whereas, this year marks the forty-third anniversary of North Korea’s attack on the U.S.S. Pueblo and her crew; and

Whereas, the U.S.S. Pueblo is still in commission in the United States Navy, but continues to be held by the North Korean government and is currently a museum in Pyongyang, North Korea; Now, therefore, be it

Resolved by the House of Representatives of the Sixty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the General Assembly, recognize the bravery and sacrifice of the crew of the U.S.S. Pueblo; and

(2) That we take pride in the fact that the U.S.S. Pueblo bears the name of a city and a county in Colorado, and, therefore, the citizens of Colorado should be aware of the incident that occurred with the U.S.S. Pueblo forty-three years ago; and

(3) That we hereby designate January 23 each year as “U.S.S. Pueblo Day” as a day to remember and honor the brave crew of the U.S.S. Pueblo; be it further

Resolved, That copies of this Joint Resolution be sent to President Barack Obama, Governor John W. Hickenlooper, President Pro Tempore of the United States Senate Daniel K. Inouye, Speaker of the United States House of Representatives John Boehner, and the members of Colorado’s congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COBURN (for himself and Mr. KOHL):

S. 674. A bill to amend chapter 9 of title 44, United States Code, to limit the printing of the Congressional Record, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. INOUE, Mr. BEGICH, and Ms. MURKOWSKI):

S. 675. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. CONRAD, Mr. FRANKEN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

By Mr. HATCH:

S. 677. A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS):

S. 678. A bill to increase the penalties for economic espionage; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNES, Mr. LUGAR, Mr. REED, Mr. WHITEHOUSE, Mr. CARPER, and Mr. KYL):

S. 679. A bill to reduce the number of executive positions subject to Senate confirmation; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. BOXER, Mrs. HUTCHISON, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. AKAKA, Mr. PRYOR, Mr. MERKLEY, Mr. BEGICH, Mrs. FEINSTEIN, and Ms. AYOTTE):

S. 680. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women’s History Museum; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 681. A bill to provide greater accountability in the Small Business Lending Fund; to the Committee on Small Business and Entrepreneurship.

By Mr. CASEY:

S. 682. A bill to provide for reliquidation of certain entries of medium density fiberboard; to the Committee on Finance.

By Mr. LEE:

S. 683. A bill to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 684. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. PAUL):

S. 685. A bill to repeal the Federal sugar program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. BENNET, Mr. CARPER, Mr. COONS, Mr. DURBIN, Mrs. HAGAN, and Mr. LIEBERMAN):

S. 686. A bill to amend the Elementary and Secondary Education Act of 1965 to improve public charter schooling by addressing quality issues; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. CORNYN, Mr. VITTER, Mrs. HUTCHISON, Mr. CRAPO, Mr. WICKER, Mr. INHOFE, and Ms. SNOWE):

S. 687. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. BINGAMAN):

S. 688. A bill to amend title XVIII of the Social Security Act to apply the additional Medicare HITTECH payment provisions to hospitals in Puerto Rico; to the Committee on Finance.

By Mr. MERKLEY (for himself and Ms. SNOWE):

S. 689. A bill to promote the oil independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. ROCKEFELLER, Mr. DURBIN, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. SHAHEEN, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. MERKLEY, and Mrs. MURRAY):

S. 690. A bill to establish the Office of the Homeowner Advocate; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 691. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BURR):

S. Res. 115. A resolution designating July 8, 2011, as "Collector Car Appreciation Day" and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BINGAMAN, Mr. LUGAR, Mr. DURBIN, Mr. JOHANNES, Mr. REED, Mr. BROWN of Massachusetts, Mr. CARPER, Mr. WHITEHOUSE, and Mr. KYL):

S. Res. 116. A resolution to provide for expedited Senate consideration of certain nominations subject to advice and consent; to the Committee on Rules and Administration.

By Ms. STABENOW (for herself, Mr. BEGICH, Mr. BROWN of Ohio, Mr. LEVIN, Mr. COCHRAN, Ms. LANDRIEU, Mr. SANDERS, and Mr. JOHNSON of South Dakota):

S. Res. 117. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. Res. 118. A resolution designating April 2011 as "National 9-1-1 Education Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 13, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 206

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 206, a bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes.

S. 210

At the request of Mr. COBURN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 395

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 395, a bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 431

At the request of Mr. PRYOR, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 504

At the request of Mr. DEMINT, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 520

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 554

At the request of Mr. GRAHAM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of

S. 554, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 560

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 560, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 567

At the request of Mr. CONRAD, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 570

At the request of Mr. TESTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 600

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 600, a bill to promote the diligent development of Federal oil and gas leases, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 646

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 646, a bill to reauthorize Federal natural hazards reduction programs, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. RISCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from South Carolina (Mr. DEMINT), the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CORNYN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Florida (Mr. RUBIO), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Illinois (Mr. KIRK) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 220

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of amendment No. 220 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 267

At the request of Mr. TESTER, the names of the Senator from Delaware (Mr. COONS), the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 267 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. INOUE, Mr. BEGICH, and Ms. MURKOWSKI):

S. 675, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

Mr. AKAKA, Mr. President, today I rise to introduce legislation of great importance to my state, the Native Hawaiian Government Reorganization Act of 2011. This bill would ensure parity in federal policy as it relates to the Native Hawaiian people. It would put them on equal footing with American Indians and Alaska Natives. I have sponsored this common-sense legislation since the 106th Congress.

Last December, I spoke here on the Senate floor to reaffirm my commitment to enact this legislation. I made it clear then to my colleagues and my constituents that I would be reintroducing this legislation in the 112th Congress. I am moving forward with the legislation that was reported out of the Senate Committee on Indian Affairs in the 111th Congress.

Throughout my Senate career, I have been a member of the Committee on Indian Affairs. I have worked diligently with my colleagues on the Committee to champion legislation to improve conditions for our Native communities across the United States. At the beginning of the 112th Congress, I became the Chairman of this Committee. I look forward to working on the many pressing issues for American Indians, Alaska Natives, and Native Hawaiians. Reconciliation between the United States and the Native Hawaiian people will be a top priority.

In 1993, I sponsored a measure commonly known as the Apology Resolution. This resolution was signed into law by President Bill Clinton. It outlined the history—prior to—and following the overthrow of the Kingdom of Hawaii, including the involvement in the overthrow by agents of the United States. In the resolution, the United States apologized for its involvement—and acknowledged the ramifications of the overthrow. It committed to support reconciliation efforts between the United States and the Native Hawaiian people.

However, additional Congressional action is needed.

My legislation allows us to take the necessary next step in the reconciliation process. The bill does three things. First, it authorizes an office in the Department of the Interior to serve as a liaison between Native Hawaiians and the United States. Second, it forms an interagency task force chaired by the Departments of Justice and Interior, and composed of officials from federal agencies that administer programs and services impacting Native Hawaiians. Third, it authorizes a process for the reorganization of the Native Hawaiian government for the purposes of a federally-recognized government-to-government relationship. Once the Native Hawaiian government is recognized, an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians would be established. There are many checks and balances in this process. Any agreements reached would still require the legislative approval of the State and Federal governments.

Opponents have spread misinformation about the bill. Let me be clear on some things that this bill does not do. My bill will not allow for gaming. It does not allow for Hawaii to secede from the United States. It does not allow for private land to be taken. It does not create a reservation in Hawaii.

What this bill does do is allow the people of Hawaii to come together and address issues arising from the overthrow of the Kingdom of Hawaii more than 118 years ago.

It is time to move forward with this legislation. To date, there have been a total of 12 Congressional hearings, including 5 joint hearings in Hawaii held by the Senate Committee on Indian Affairs and the House Natural Resources Committee. Our colleagues in the House have passed versions of this bill three times. We, however, have never had the opportunity to openly debate this bill on its merits in the Senate. We have a strong bill that is supported by Native communities across the United States, by the State of Hawaii, and by the Obama Administration.

Last week, I met with officials and community leaders in the state of Hawaii to share my intention to reintroduce this legislation. I received widespread support. This support was not surprising. A poll conducted by the Honolulu Advertiser in May of last year reported that 66 percent of the people of Hawaii support Federal recognition for Native Hawaiians. And 82 percent of Native Hawaiians polled support Federal recognition.

My efforts have the support of the National Congress of American Indians, the Alaska Federation of Natives, and groups throughout the Native Hawaiian community including the Association of Hawaiian Civic Clubs, the

Native Hawaiian Bar Association, the Council for Native Hawaiian Advancement, and two state agencies which represent the interests of the Native Hawaiian people, the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands. I have also received support from national organizations such as the American Bar Association, and from President Obama, the Department of Justice, and the Department of Interior.

I encourage all of my colleagues to stand with me and support this legislation. I welcome any of my colleagues with concerns to speak with me so I can explain how important this bill is for the people of Hawaii. The people of Hawaii have waited for far too long. America has a history of righting past wrongs. The United States has federally recognized government-to-government relationships with 565 tribes across our country. It is time to extend this policy to the Native Hawaiians.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 675

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2011".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States and the Supreme Court has held that under the Indian Commerce, Treaty, Supremacy, and Property Clauses, and the War Powers, Congress may exercise that power to rationally promote the welfare of the native peoples of the United States so long as the native people are a "distinctly native community";

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are 1 of the indigenous, native peoples of the United States, and the Native Hawaiian people are a distinctly native community;

(3) the United States has a special political and legal relationship with, and has long enacted legislation to promote the welfare of, the native peoples of the United States, including the Native Hawaiian people;

(4) under the authority of the Constitution, the United States concluded a number of treaties with the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii as a nation;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions of peace, friendship and commerce with the Kingdom of Hawaii to govern trade, commerce, and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land in trust to better address

the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii and in enacting the Hawaiian Homes Commission Act, 1920, Congress acknowledged the Native Hawaiian people as a native people of the United States, as evidenced by the Committee Report, which notes that Congress relied on the Indian affairs power and the War Powers, including the power to make peace;

(6) by setting aside 203,500 acres of land in trust for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act, 1920, assists the members of the Native Hawaiian community in maintaining distinctly native communities throughout the State of Hawaii;

(7) approximately 9,800 Native Hawaiian families reside on the Hawaiian Home Lands, and approximately 25,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress delegated the authority and responsibility to administer the Hawaiian Homes Commission Act, 1920, lands in trust for Native Hawaiians and established a new public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians, and Congress thereby reaffirmed its recognition of the Native Hawaiians as a distinctly native community with a direct lineal and historical succession to the aboriginal, indigenous people of Hawaii;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide important native land reserves and resources for the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the continuity, survival, and economic self-sufficiency of the Native Hawaiian people as a distinctly native political community;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii, including native lands that date back to the ali'i and kuleana lands reserved under the Kingdom of Hawaii;

(12) through the Sovereign Council of Hawaiian Homelands Assembly, Native Hawaiian civic associations, charitable trusts established by the Native Hawaiian ali'i, non-profit native service providers and other community associations, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands;

(13) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(14) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii

occurred with the active participation of agents and citizens of the United States, and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(15)(A) the Apology Resolution expresses the commitment of Congress and the President—

(i) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii; and

(ii) to support reconciliation efforts between the United States and Native Hawaiians;

(B) Congress established the Office of Hawaiian Relations within the Department of the Interior with 1 of its purposes being to consult with Native Hawaiians on the reconciliation process; and

(C) the United States has the duty to reconcile and reaffirm its friendship with the Native Hawaiian people because, among other things, the United States Minister and United States naval forces participated in the overthrow of the Kingdom of Hawaii;

(16)(A) despite the overthrow of the Government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinctly native political community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency; and

(B) there is clear continuity between the aboriginal, indigenous, native people of the Kingdom of Hawaii and their successors, the Native Hawaiian people today;

(17) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs; and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(18) Native Hawaiian people are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(19) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(20) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single unified Native Hawaiian governing entity for the purpose of giving expression to their rights as a native people to self-determination and self-governance;

(21) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as an indigenous, distinctly native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(22) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(23) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a direct genealogical, cultural, historic, and land-based connection to their forebears, the aboriginal, indigenous, native people who exercised original sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(24) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States, as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term "aboriginal, indigenous, native people" means a people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) **APOLOGY RESOLUTION.**—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(3) **COMMISSION.**—The term "Commission" means the Commission established under section 8(b).

(4) **COUNCIL.**—The term "Council" means the Native Hawaiian Interim Governing Council established under section 8(c)(2).

(5) **INDIAN PROGRAM OR SERVICE.**—

(A) **IN GENERAL.**—The term "Indian program or service" means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) **INCLUSIONS.**—The term "Indian program or service" includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(6) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) **INDIGENOUS, NATIVE PEOPLE.**—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(8) **INTERAGENCY COORDINATING GROUP.**—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 6.

(9) **NATIVE HAWAIIAN GOVERNING ENTITY.**—The term "Native Hawaiian governing entity" means the governing entity organized pursuant to this Act by the qualified Native Hawaiian constituents.

(10) **NATIVE HAWAIIAN MEMBERSHIP ORGANIZATION.**—The term "Native Hawaiian Membership Organization" means an organization that—

(A) serves and represents the interests of Native Hawaiians, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs;

(B) has leaders who are elected democratically, or selected through traditional Native leadership practices, by members of the Native Hawaiian community;

(C) advances the cause of Native Hawaiians culturally, socially, economically, or politically;

(D) is a membership organization or association; and

(E) has an accurate and reliable list of Native Hawaiian members.

(11) **OFFICE.**—The term "Office" means the United States Office for Native Hawaiian Relations established by section 5(a).

(12) **QUALIFIED NATIVE HAWAIIAN CONSTITUENT.**—For the purposes of establishing the roll authorized under section 8, and prior to the recognition by the United States of the Native Hawaiian governing entity, the term "qualified Native Hawaiian constituent" means an individual who the Commission determines has satisfied the following criteria and who makes a written statement certifying that he or she—

(A) is—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), or a direct lineal descendant of that individual;

(B) wishes to participate in the reorganization of the Native Hawaiian governing entity;

(C) is 18 years of age or older;

(D) is a citizen of the United States; and

(E) maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as evidenced by satisfying 2 or more of the following 10 criteria:

(i) Resides in the State of Hawaii.

(ii) Resides outside the State of Hawaii and—

(I)(aa) currently serves or served as (or has a parent or spouse who currently serves or served as) a member of the Armed Forces or as an employee of the Federal Government; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to serve as a member of the Armed Forces or as an employee of the Federal Government; or

(II)(aa) currently is or was enrolled (or has a parent or spouse who currently is or was enrolled) in an accredited institution of higher education outside the State of Hawaii; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to attend such institution.

(iii)(I) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), and resides or resided on land set aside as “Hawaiian home lands”, as defined in such Act; or

(II) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by such Act and who resides or resided on land set aside as “Hawaiian home lands”, as defined in such Act.

(iv) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(v) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(vi) Resides on or has an ownership interest in, or has a parent or grandparent who resides on or has an ownership interest in, “kuleana land” that is owned in whole or in part by a person who, according to a genealogy verification by the Office of Hawaiian Affairs or by court order, is a lineal descendant of the person or persons who received the original title to such “kuleana land”, defined as lands granted to native tenants pursuant to Haw. L. 1850, p. 202, entitled “An Act Confirming Certain Resolutions of the King and Privy Council Passed on the 21st day of December, A.D. 1849, Granting to the

Own Lands and House Lots, and Certain Other Privileges”, as amended by Haw. L. 1851, p. 98, entitled “An Act to Amend An Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges” and as further amended by any subsequent legislation.

(vii) Is, or is the child or grandchild of, an individual who has been or was a student for at least 1 school year at a school or program taught through the medium of the Hawaiian language under section 302H-6, Hawaii Revised Statutes, or at a school founded and operated primarily or exclusively for the benefit of Native Hawaiians.

(viii) Has been a member since September 30, 2009, of at least 1 Native Hawaiian Membership Organization.

(ix) Has been a member since September 30, 2009, of at least 2 Native Hawaiian Membership Organizations.

(x) Is regarded as a Native Hawaiian and whose mother or father is (or if deceased, was) regarded as Native Hawaiian by the Native Hawaiian community, as evidenced by sworn affidavits from two or more qualified Native Hawaiian constituents certified by the Commission as possessing expertise in the social, cultural, and civic affairs of the Native Hawaiian community.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term “special political and legal relationship” shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people, which includes promoting the welfare of Native Hawaiians;

(3)(A) Congress possesses and hereby exercises the authority under the Constitution, including but not limited to Article I, Section 8, Clause 3, to enact legislation to better the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(i) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(ii) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(iii) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(B) other sources of authority under the Constitution for legislation on behalf of the indigenous, native peoples of the United States, including Native Hawaiians, include but are not limited to the Property, Treaty, and Supremacy Clauses, War Powers, and the Fourteenth Amendment, and Congress hereby relies on those powers in enacting this legislation; and

(C) the Constitution’s original Apportionment Clause and the 14th Amendment Citizenship and amended Apportionment Clauses also acknowledge the propriety of legislation on behalf of the native peoples of the United States, including Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the government-to-government relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) provide timely notice to, and consult with, the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) work with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and may provide recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group, to be known as the “Native Hawaiian Interagency Coordinating Group”.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency whose actions may significantly or uniquely impact Native Hawaiian programs, resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior and the White House Office of Intergovernmental Affairs shall serve as the leaders of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in paragraph (1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 8(c)(8); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing entity as provided for in section 8, in the implementation and protection of the rights of the Native Hawaiian governing entity and its political and legal relationship with the United States.

SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the qualified Native Hawaiian constituents to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of qualified Native Hawaiian constituents; and

(B) certifying that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of qualified Native Hawaiian constituent set forth in section 3.

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian Membership Organization.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy (traditional cultural experience shall be given due consideration); and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of qualified Native Hawaiian constituents as set forth in subsection (c); and

(B) certify that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of that term as set forth in section 3.

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(1) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the qualified Native Hawaiian constituents who are certified by the Commission to be qualified Native Hawaiian constituents, as defined in section 3.

(B) FORMATION OF ROLL.—Each individual claiming to be a qualified Native Hawaiian constituent shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition set forth in section 3; *Provided*, That an individual presenting evidence that he or she satisfies the definition in section 2 of Public Law 103-150 shall be presumed to meet the requirement of section 3(12)(A)(i).

(C) DOCUMENTATION.—The Commission shall—

(i)(I) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of qualified Native Hawaiian constituent set forth in section 3;

(II) recognize an individual's identification of lineal ancestors on the 1890 Census by the Kingdom of Hawaii as a reliable indicia of lineal descent from the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(III) permit elderly Native Hawaiians and other Native Hawaiians lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from 2 or more qualified Native Hawaiian constituents;

(ii) establish a standard format for the submission of documentation and a process to ensure veracity; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each individual proposed for inclusion on the roll of qualified Native Hawaiian constituents meets the definition of qualified Native Hawaiian constituent in section 3, the Commission may consult with Native Hawaiian Membership Organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descent.

(E) NOTIFICATION.—The Commission shall—

(i) inform an individual whether they have been deemed by the Commission a qualified Native Hawaiian constituent; and

(ii) inform an individual of a right to appeal the decision if deemed not to be a qualified Native Hawaiian constituent.

(F) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of those individuals who meet the definition of qualified Native Hawaiian constituent in section 3 to the Secretary within 2 years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the qualified Native Hawaiian constituents proposed for inclusion on the roll meets the definition set forth in section 3.

(G) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of qualified Native Hawaiian constituent set forth in section 3, the Commission shall publish the notice of the certification of the roll in the Federal Register, notwithstanding pending appeals pursuant to subparagraph (H).

(H) APPEAL.—The Secretary, in consultation with the Commission, shall establish a mechanism for an administrative appeal for

any person whose name is excluded from the roll who claims to meet the definition of qualified Native Hawaiian constituent in section 3.

(I) PUBLICATION; UPDATE.—The Commission shall—

(i) publish the notice of the certification of the roll regardless of whether appeals are pending;

(ii) update the roll and provide notice of the updated roll on the final disposition of any appeal;

(iii) update the roll to include any person who has been certified by the Commission as meeting the definition of qualified Native Hawaiian constituent in section 3 after the initial publication of the roll or after any subsequent publications of the roll; and

(iv) provide a copy of the roll and any updated rolls to the Council.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of qualified Native Hawaiian constituents whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF COUNCIL.—

(A) ORGANIZATION.—The Commission, in consultation with the Secretary, shall hold a minimum of 3 meetings and each meeting shall be at least 2 working days of the qualified Native Hawaiian constituents listed on the roll established under this section—

(i) to develop criteria for candidates to be elected to serve on the Council;

(ii) to determine the structure of the Council, including the number of Council members; and

(iii) to elect members from individuals listed on the roll established under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) shall represent those listed on the roll established under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council shall conduct, among the qualified Native Hawaiian constituents listed on the roll established under this subsection, a referendum for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for future membership in the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) the other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council shall develop proposed organic governing documents for the Native Hawaiian governing entity and may seek technical assistance from the Secretary on the draft or-

ganic governing documents to ensure that the draft organic governing documents comply with this Act and other Federal law.

(III) DISTRIBUTION.—The Council shall publish to all qualified Native Hawaiian constituents of the Native Hawaiian governing entity listed on the roll published under this subsection notice of the availability of—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—

(aa) IN GENERAL.—Not sooner than 180 days after the proposed organic governing documents are drafted and distributed, the Council, with the assistance of the Secretary, shall hold elections for the purpose of ratifying the proposed organic governing documents.

(bb) PURPOSE.—The Council, with the assistance of the Secretary, shall hold the election for the purpose of ratifying the proposed organic governing documents 60 days after publishing notice of an election.

(cc) OFFICERS.—On certification of the organic governing documents by the Secretary in accordance with paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 9(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 180 days, which may be extended an additional 90 days if the Secretary deems necessary, after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify or decline to certify that the organic governing documents—

(i) establish the criteria for membership in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of those qualified Native Hawaiian constituents whose names are listed on the roll published by the Secretary and who voted in the election;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of inherent and other appropriate governmental authorities by the Native Hawaiian governing entity;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic gov-

erning documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under this paragraph shall be deemed to have been made if the Secretary has not acted within 180 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity.

(6) PROVISION OF ROLL.—The Council shall provide a copy of the roll of qualified Native Hawaiian constituents to the governing body of the Native Hawaiian governing entity.

(7) TERMINATION.—The Council shall cease to exist and shall have no power or authority under this Act after the officers of the governing body who are elected as provided in paragraph (5) are installed.

(8) REAFFIRMATION.—Notwithstanding any other provision of law, the special political and legal relationship between the United States and the Native Hawaiian people is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative sovereign governing body of the Native Hawaiian people after—

(A) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(B) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement or agreements addressing such matters as—

(A) the transfer of State of Hawaii lands and surplus Federal lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the exercise of other powers and authorities that are recognized by the United States as powers and authorities typically exercised by governments representing indigenous, native people of the United States;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States or the State of Hawaii, and the Native Hawaiian governing entity, the parties may submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the governments.

(3) GOVERNMENTAL AUTHORITY AND POWER.—The Native Hawaiian governing entity shall be vested with the inherent powers and privileges of self-government of a native government under existing law, except as set forth in section 10(a). Said powers and privileges may be modified by agreement between the Native Hawaiian governing entity, the United States, and the State pursuant to paragraph (1), subject to the limit described by section 10(a). Unless so agreed, nothing in this Act shall preempt Federal or State authority over Native Hawaiians or their property under existing law or authorize the State to tax or regulate the Native Hawaiian governing entity.

(4) MEMBERSHIP.—Once the United States extends Federal recognition to the Native Hawaiian governing entity, the United States will recognize and affirm the Native Hawaiian governing entity's inherent power and authority to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a qualified Native Hawaiian constituent under this Act.

(c) CLAIMS.—Nothing in this Act—

(1) alters existing law, including case law, regarding obligations of the United States or the State of Hawaii relating to events or actions that occurred prior to recognition of the Native Hawaiian governing entity;

(2) creates, enlarges, revives, modifies, diminishes, extinguishes, waives, or otherwise alters any claim or cause of action against the United States or its officers or the State of Hawaii or its officers, or any defense (including the defense of statute of limitations) to any such claim or cause of action; or

(3) amends section 2409a of title 28, United States Code (commonly known as the "Quiet Title Act"), chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), section 1491 of title 28, United States Code (commonly known as the "Tucker Act"), section 1505 of title 28, United States Code (commonly known as the "Indian Tucker Act"), the Hawaii Organic Act (31 Stat. 141), or any other Federal statute, except as expressly amended by this Act.

SEC. 10. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—

(1) IN GENERAL.—The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) APPLICABILITY.—The prohibition contained in paragraph (1) regarding the use of Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and inherent authority to game applies regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or territory of the United States.

(b) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25, Code of Federal Regulations, or any other administrative acknowledgment or recognition process.

(c) INDIAN CIVIL RIGHTS ACT OF 1968.—The Council and the subsequent governing entity recognized under this Act shall be an Indian tribe, as defined in section 201 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301) for purposes of sections 201 through 203 of that Act (25 U.S.C. 1301-1303).

(d) INDIAN PROGRAMS, SERVICES, AND LAWS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, nothing in this Act extends eligibility for any Indian program or service to the Native Hawaiian governing entity or its members unless a statute governing such a program or service expressly provides that Native Hawaiians or the Native Hawaiian governing entity is eligible for such program or service. Nothing in this Act affects the eligibility of any person for any program or service under any statute or law in effect before the date of enactment of this Act.

(2) APPLICABILITY OF OTHER TERMS.—In Federal statutes or regulations in force prior to the United States' recognition of the Native Hawaiian governing entity, the terms "Indian" and "Native American", and references to Indian tribes, bands, nations, pueblos, villages, or other organized groups or communities, shall not apply to the Native Hawaiian governing entity or its members, unless the Federal statute or regulation expressly applies to Native Hawaiians or the Native Hawaiian governing entity.

(e) REAL PROPERTY TRANSFERS.—Section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") (25 U.S.C. 177) does not apply to any purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from Native Hawaiians, Native Hawaiian entities, or the Kingdom of Hawaii that occurred prior to the date of the United States' recognition of the Native Hawaiian governing entity.

SEC. 11. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. AKAKA (for himself, Mr. CONRAD, Mr. FRANKEN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a technical amendment to the Act of June 18, 1934, the Indian Reorganization Act.

Trust land is essential to a tribe's ability to exercise their inherent sovereignty. It allows Tribal Nations to protect their historic, cultural and religious ties to the lands where their ancestors lived. Trust lands are also vital to tribal economic development and self-government as tribes provide a wide range of governmental services to their members including, running schools, community centers, health clinics, law enforcement and numerous other social and governmental services.

Federal Indian policy regarding tribal lands has not always been favorable to the Tribal governments and individuals. The General Allotment Act of 1887 led to land losses of more than 100 million acres of tribal homelands. Those land losses had a devastating effect on the tribal communities, institutions and economies that relied on their homelands. Seeking to address the consequences of that ill-advised policy, Congress enacted the Indian Reorganization Act in 1934.

This act was intended to reverse the prior federal policy of allotment. By passing the Indian Reorganization Act, Congress recognized that a land base was essential for the economic advancement and self-support of Indian communities. The IRA allowed tribes to restore their homelands and to rehabilitate their economies and communities. Restoration of land to tribal ownership was central to the overall purposes of the Indian Reorganization Act.

Unfortunately, a recent Supreme Court decision has brought uncertainty to 75 years interpretation regarding trust land acquisition under the Indian Reorganization Act. On February 24, 2009, the Supreme Court issued its decision in the *Carcieri v. Salazar* case. In that decision the Supreme Court held that the Secretary of the Interior exceeded his authority in taking land into trust for a tribe that was not under Federal jurisdiction at the time the Indian Reorganization Act was enacted in 1934. The Supreme Court decided that the act only applied to tribes who were "under federal jurisdiction" when it was passed in 1934.

The legislation I am introducing today is necessary to clarify the continuing authority of the Secretary of

the Interior, under the Indian Reorganization Act of 1934, to take land into trust for all Indian tribes that are federally recognized on the date the land is placed into trust. The legislation also ratifies the prior trust acquisitions of the Secretary, who for the past 75 years has been exercising his authority to take lands into trust, as intended by the Indian Reorganization Act.

Inaction by Congress on the Carcieri decision will create two classes of tribes—those who are considered “under federal jurisdiction” and can have lands taken into trust and those who cannot. Creating two classes of tribes is unacceptable and runs counter to federal Indian policy, the Indian Reorganization Act, and subsequent Congressional Acts intended to ensure that all tribes are treated equally and have the same sovereign rights. The decision will also significantly impact planned development projects on Indian trust lands, such as housing, schools, community, and health centers, and result in a loss of jobs in an already challenging economic environment.

I want to thank Senators CONRAD, FRANKEN, INOUE, JOHNSON, KERRY, TESTER and UDALL for their support on this critical legislation. My cosponsors are well aware of the negative impact this decision has already had, and would continue to have on our Native American communities. Affected tribes deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 676

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

SECTION 1. MODIFICATION OF DEFINITION.

(a) MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), is amended—

(A) by striking “The term” and inserting “Effective beginning on June 18, 1934, the term”; and

(B) by striking “any recognized Indian tribe now under Federal jurisdiction” and inserting “any federally recognized Indian tribe”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), on the date of enactment of that Act.

(b) RATIFICATION AND CONFIRMATION OF PRIOR ACTIONS.—Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934, (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of that action is ratified and confirmed, to the extent that

the action is challenged based on the question of whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act or the amendments made by this Act affects—

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended).

(2) REFERENCES IN OTHER LAWS.—An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a).

By Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS):

S. 678. A bill to increase the penalties for economic espionage; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, the ability of American companies to out innovate and better compete with their global competitors is more important today than ever. Yet, the FBI estimates that U.S. companies lose billions of dollars each year to criminals who steal their trade secrets—their innovative ideas, formulas, designs and other proprietary information. For example, last year, a Chinese national working for an American automobile manufacturer was convicted of stealing trade secrets for a Chinese competitor. His actions were estimated to cost the American company between \$50 and \$100 million.

That is why I rise today with Senators WHITEHOUSE and COONS to introduce the Economic Espionage Penalty Enhancement Act of 2011. This bill is simple and straightforward—it increases the maximum penalties for stealing a trade secret to benefit a foreign company. The measures in this bill were recommended to Congress by the U.S. Intellectual Property Enforcement Coordinator, in conjunction with the Departments of Commerce, Homeland Security, Justice and State, and the U.S. Trade Representative. The Economic Espionage Act Penalty Enhancement Act, while a modest bill, is intended to be a starting point for a larger discussion about the implementation of the Economic Espionage Act, EEA, and whether additional updates and improvements are needed in light of the global economy and advances in technology.

In 1996, Congress enacted the EEA, making it a federal crime to steal a trade secret. Nearly fifteen years later, trade secret theft and economic espionage continue to pose a threat to U.S. companies to the tune of billions of dollars a year. As we reexamine the law, we will be looking at how we can help prosecutors bring more of these criminals to justice and companies bet-

ter protect their trade secrets. Among the issues we will look at are whether additional protections are needed for trade secrets as part of EEA prosecutions, whether whistleblower protections should be added, and whether we need a federal civil private right of action.

Businesses spend every resource at their disposal to develop proprietary economic information including their customer lists, pricing schedules, business agreements, and manufacturing processes, to name a few. This information is literally a business’s lifeblood. Stealing it can be the death knell for a company. The chief executive of GM recently said that industrial espionage is a major threat to the company and that he worries about it “every day.” But these thefts have a much greater impact beyond the American company that falls victim to an economic spy. The economic strength, competitiveness, and security of our country rely upon the ability of industry to compete without unfair interference from foreign governments and from their own domestic competitors. Without freedom from economic sabotage, our companies lose their hard-earned advantages and their competitive edge.

This problem is not new, but it has grown and evolved in the fifteen years since the Economic Espionage Act became law. U.S. corporations face intense competition at home and abroad. As much as 80 percent of the assets of today’s companies are intangible trade secrets. They must be able to protect their trade secrets to remain competitive and keep our economy strong. Advances in technology make the protection of trade secrets more difficult and more critical than ever. Trade secrets can simply be downloaded from a company’s computer, uploaded to the Internet, and transferred anywhere in the world in a matter of minutes. Within a matter of days, a U.S. corporation can lose complete control over its trade secrets. Unfortunately, we have many examples of the risk and harm posed by economic espionage. In 2009, a Chinese-born engineer who had been employed by a leading aerospace company was convicted of economic espionage and sentenced to fifteen years in prison for collecting sensitive information about the U.S. space shuttle that he intended to share with the Chinese government. Prior to his sentencing, the district court judge said that although we do not know how much information he shared with China, we do know that he hurt not only his former employer but also the national security of the United States.

Domestic economic espionage, known as industrial espionage, can be just as threatening to American companies. For example, just this month a former computer programmer for a Wall Street bank was sentenced to eight years in prison for stealing secret code

used in the bank's valuable high-frequency trading system. The trading system earned the bank \$300 million in 2009 alone. He took a job at a startup company that was planning to directly compete with the Wall Street bank, and gave that company the stolen code.

In my home State of Wisconsin a disgruntled employee of a company that manufactures aftermarket airplane parts was prosecuted under the economic espionage statute and sentenced to thirty months in prison for attempting to sell trade secrets to competitors. The trade secret—details and measurements of particular airplane parts—took years and hundreds of thousands of dollars for the manufacturer to create, test and gain Federal Aviation Administration approval. Fortunately, the perpetrator was caught before he sold the trade secrets, but had he been successful the manufacturer would likely have been forced out of business.

The examples above illustrate the seriousness of these crimes. The legislation that we introduce today will increase the maximum sentence for economic espionage from 15 years to 20 years and to direct the Sentencing Commission to consider increasing the penalty range for theft of trade secrets and economic espionage. This is a first step in our efforts to do more to stem the flow of valuable business information out of our country. We must definitively punish anyone who steals information from American companies. Over the coming months, this measure will provide a framework for our discussions about how we can do more to solve this problem. I look forward to working with my colleagues on this critical problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 678

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Penalty Enhancement Act".

SEC. 2. AMENDMENT TO TITLE 18.

Section 1831(a) of title 18, United States Code, is amended by striking "15 years" and inserting "20 years".

SEC. 3. DIRECTIVE TO SENTENCING COMMISSION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review its guidelines and policy relating to a two-level enhancement for economic espionage; and

(2) as a part of such review consider amending such guidelines to—

(A) apply the two-level enhancement to the simple misappropriation of a trade secret;

(B) apply an additional two-level enhancement if the defendant transmits or attempts to transmit the stolen trade secret outside of

the United States and an additional three-level enhancement if the defendant instead commits economic espionage (i.e., he/she knew or intended that the offense would benefit a foreign government, foreign instrumentality, or foreign agent); and

(C) provide when a defendant transmits trade secrets outside of the United States or commits economic espionage, that the defendant should face a minimum offense level.

By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNIS, Mr. LUGAR, Mr. REED, Mr. WHITEHOUSE, Mr. CARPER, and Mr. KYL):

S. 679. A bill to reduce the number of executive positions subject to Senate confirmation; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALEXANDER. Mr. President, the Senator from New York and I are on the Senate floor today to introduce legislation that will help make the Senate a more effective place to deal with the big issues facing our country, such as the debt, our national defense, and other issues.

This is the result of discussions we have had over the last several months with many Members of the Senate on both sides of the aisle. It began with some reforms in Senate rules, which included eliminating the so-called secret hold and doing other steps. It is the culmination of work by a number of Senators on both sides of the aisle—including Senator LIEBERMAN; Senator COLLINS; the leaders, Senator REID and Senator MCCONNELL, when they were whips; Senator SCHUMER and I; and others. We had bipartisan breakfasts on these reforms a couple years ago, and it came down to the questions: How many confirmations should the Senate have? How many confirmations are enough confirmations? Is it in the public interest to allow a new President, whether Democratic or Republican, to staff the government promptly? And is it in the public interest to get rid of this syndrome that is established in Washington, which I call "innocent until nominated," where we invite a distinguished person to come in and run that person through a gauntlet that makes him or her out to be a criminal for making some mistake in the process of being confirmed?

We have worked together, and we have come up with legislation that Senator SCHUMER is introducing on behalf of both of us—on behalf of the leaders, Senator REID and Senator MCCONNELL, and on behalf of Senator LIEBERMAN and Senator COLLINS.

This legislation would answer the question, how many confirmations are enough confirmations, by reducing or streamlining the nomination process for about 450 nominees—out of a total

of about 1,400 nominations. Over 1,000 Senate confirmed nominations will remain unchanged. Just to put that into perspective, that is still more confirmations than existed when President Clinton was President of the United States. It is almost four times as many confirmations as existed when President Kennedy was President of the United States. In other words, like many things in government, the number of confirmations has grown over time.

We have ended up confirming people we have no business confirming—people who are public relations officers, people who are financial information people—and we have made it difficult for the government to be staffed.

Is it in our interest, and the citizens', to staff the government promptly? Yes, I think it is. We have created this phenomenon where Administrations are slow to get staffed up. For example, when President Obama came in, Secretary Geithner, the Treasury Secretary, was sitting over at Treasury almost home alone during the middle of the worst recession since the Great Depression. According to news accounts, he did not have much help. The key vacant positions in Treasury were Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Analysis, Deputy Assistant Secretary for Tax, Trade, and Tariff Policy, and a variety of others. That situation was not helping any of us. Whether we agreed with President Obama or Secretary Geithner or not, after an election a President should be able to promptly staff the government, and we in the Senate should have procedures to give us a chance to review those nominees and offer our advice and consent and confirm or reject those nominees in a reasonable period of time.

If we are spending our time dealing with junior officials or PR officers, we are spending less time dealing with the Assistant Secretary for Tax Policy, on whom we should be focusing a lot of time, and to whom we should be asking a lot of questions.

Then, there is this business of what I call "innocent until nominated"—all of us know this exists. It really exists by sloppiness on our part, both in the legislative branch and the executive branch. If you are asked to serve in the Federal Government—and I know this because I was asked by the first President Bush—you fill out forms. Well, there are many forms. There are many forms in the executive branch. They have different definitions; for example, the definition of "income." If you were to carelessly fill out the same definition of "income" on one form as another form, you might have been incorrect on one of the forms, and then someone might say you were telling a lie and were not fit to serve. That has been called by others, including me, as being "innocent until nominated."

I remember when Ron Kirk, the former mayor of Dallas, was nominated by President Obama to be the Trade Representative. There was some issue about whether he had properly reported a speech fee he gave to charity. What difference did it make in terms of his overall fitness to serve? It held him up. It embarrassed him. It was not relevant to the inquiry.

So the legislation we have will do the following: It proposes eliminating the need for Senate confirmation or streamlining over 450 positions. About 200 of these nominations will be eliminated as Senate confirmations. These are the ones the Senate does not need to spend time on. The other half will come directly to the desk. Then, unless an individual Senator says: Send it on to committee to go through the regular order, it will be expedited. That still leaves us with 1,000 Senate confirmations that we can have—1,000 hostages we can take. That is more hostages than we could take under Bill Clinton. That is almost four times as many hostages than the Senate could take under President Kennedy. That ought to be plenty of hostages for any Senator to make his or her point if that is what we seek to do.

Second, the legislation would set up a process whereby an executive branch working group would review the various forms that nominees are expected to fill out, and try to have a single smart form in the executive branch. The working group will consult with committees of Congress. It might make sense to see if we can do the same thing with our forms, and make it possible that we can get all the information we want without unnecessarily subjecting nominees to harassment or trickery just because they are not wise enough to fill out different forms with different definitions.

I think this is a substantial step forward. It may not sound like much to those watching the Senate, but let me just say that both of our leaders, REID and MCCONNELL, have said they tried this and could not get it done. Senator LIEBERMAN and Senator COLLINS have tried, and they could not get it done. I worked with Senator LIEBERMAN 2 years ago and we could not get it done.

What has happened this time is a result of the discussion we had earlier in the year about making the Senate a more effective place to work—with the full support of the leaders, REID and MCCONNELL; with the full support of Senator LIEBERMAN and Senator COLLINS; and with the good work of Senator SCHUMER. We have come up with a consensus piece of legislation which has broad bipartisan support from both sides of the aisle, including chairmen and ranking members of the committees you would think might be the first ones to object. This legislation would still leave the Senate with the prerogatives it ought to have in terms of re-

viewing Presidential nominees and separates out those who take our time away from the more important things we ought to be doing.

I thank the Senator from New York for the way he has worked on this issue. He has been constructive and direct and helpful. I thank the leaders for their support. I hope the committees will rapidly consider the legislation Senator SCHUMER is introducing on our behalf, and I hope it will show we can take another small step in making the Senate a more effective place to work.

Mr. President, I ask unanimous consent to have printed in the RECORD a document entitled “List of Presidential Appointments No Longer Requiring Senate Confirmation”—there are about 200 of those—and a document entitled “Privileged Nominations.” Those are the ones that will be expedited, unless a single Senator decides he or she wants to have this nominee sent to committee, and that is about another 240.

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

LIST OF PRESIDENTIAL APPOINTMENTS NO LONGER REQUIRING SENATE CONFIRMATION

Agriculture (11): Assistant Secretary for Congressional Relations, Department of Agriculture; Chief Financial Officer, Department of Agriculture; Assistant Secretary for Administration, Department of Agriculture; Rural Utilities Service Administrator; Directors (7), Commodity Credit Corporation.

Armed Services (12): Assistant Secretary of Defense (Networks and Information Integration); Assistant Secretary of Defense (Public Affairs); Assistant Secretary of Defense (Legislative Affairs); Assistant Secretary of the Air Force (Comptroller); Assistant Secretary of the Army (Comptroller); Assistant Secretary of Navy (Comptroller); Members (6), National Security Education Board.

Banking (8): Assistant Secretary for Administration, Human Capital Officer, HUD; Chief Financial Officer, HUD; Assistant Secretary for Congressional and Intergovernmental Relations, HUD; Assistant Secretary for Public Affairs, HUD; Director of the Mint, Department of the Treasury; Members (2), Council of Economic Advisers; Administrator, Community Development Financial Institution Fund.

Budget (0).

Commerce (14 regular positions and 319 NOAA Officer Corps positions): Assistant Secretary for Legislative Affairs, Department of Commerce; Assistant Secretary for Administration and Chief Financial Officer, Department of Commerce; Assistant Secretary for Communication and Information, Department of Commerce; Chief Scientist, NOAA; Assistant Secretary for Budget and Programs—CFO, Department of Transportation; Assistant Secretary for Government Affairs, Department of Transportation; Deputy Administrator, Federal Aviation Administration (FAA); Chief Financial Officer, NASA; Associate Director, Office of Science and Technology Policy; Associate Director, Office of Science and Technology Policy; Associate Director, Science, Office of Science and Technology Policy; Associate Director, Technology, Office of Science and Technology Policy; Administrator, St. Lawrence Seaway Development Corporation; Federal

Coordinator, Alaska Natural Gas Transportation Project; Officer Corps of NOAA (319 additional positions).

Energy (2): Chief Financial Officer, Department of Energy; Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

Environment and Public Works (9): Alternate Federal Co-Chairman, Appalachian Regional Commission; Chief Financial Officer, EPA; Commissioners (7), Mississippi River Corporation.

Finance (4): Deputy Under Secretary/Assistant Secretary for Legislative Affairs, Department of Treasury; Assistant Secretary for Public Affairs and Director of Policy Planning, Department of Treasury; Assistant Secretary for Management and Chief Financial Officer, Department of Treasury; Treasurer of the United States.

Foreign Relations (14): Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State; Assistant Secretary for Public Affairs, Department of State; Assistant Secretary for Administration, Department of State; Chief Financial Officer, Department of State; Assistant Administrator for Legislative and Public Affairs, USAID; Assistant Administrator for Management, USAID; Governor, African Development Bank; Alternate Governor, African Development Bank; Governor, Asian Development Bank; Alternate Governor, Asian Development Bank; Governor, International Monetary Fund and International Bank for Reconstruction and Development; Alternate Governor, International Monetary Fund and International Bank for Reconstruction and Development; Governor, African Development Fund; Alternate Governor, African Development Fund.

HELP (101 regular positions and 2,536 Public Health Service Officer Corps positions): Chief Financial Officer, Department of Education; Assistant Secretary for Management, Department of Education; Assistant Secretary for Legislation and Congressional Affairs, Department of Education; Commissioner—Rehabilitation Services Administration; Commissioner—Education Statistics; Assistant Secretary for Resources and Technology/CFO, Department of HHS; Assistant Secretary for Public Affairs, Department of HHS; Assistant Secretary for Legislation, Department of HHS; Commissioner, Administration for Children, Youth, Families; Commissioner, Administration for Native Americans; Assistant Secretary for Administration and Management, Department of Labor; Chief Financial Officer, Department of Labor; Assistant Secretary for Congressional Affairs, Department of Labor; Assistant Secretary for Public Affairs, Department of Labor; Director of the Women’s Bureau, Department of Labor; Chairperson, National Council on Disability; Vice Chairperson (2), National Council on Disability; Members (12), National Council on Disability; Members (24), National Science Foundation; Managing Directors (2), Corporation on National and Community Service; Members (15), National Board of Education Sciences; Members (20), National Museum and Library Services Board; Members (10), National Institute for Literary Advisory Board; Public Health Services Corps (2,536 additional positions).

HSGAC (6): Chief Financial Officer, Department of Homeland Security; Controller, Office of Federal Financial Management, OMB; Director, Office of Counterterrorism Enforcement, DHS; Assistant Secretary for Health Affairs Chief Medical Officer, DHS; Administrator, U.S. Fire Administration,

Department of Homeland Security; Assistant Administrator, Grants, FEMA.

Indian Affairs (14): Commissioner, Navajo and Hopi Relocation; Members (13), Board of Trustees, Institute of American Indian and Alaska Native Culture.

Intelligence (0).

Judiciary (10): Assistant Attorney General—Legislative Affairs, Department of Justice; Director, Bureau of Justice Statistics; Director, Bureau of Justice Assistance; Director, National Institute of Justice; Administrator, Office of Juvenile Justice and Delinquency Prevention; Director, Office for Victims of Crime; Deputy Director, National Drug Control Policy; Deputy Director, Demand Reduction, National Drug Control Policy; Deputy Director, State and Local Affairs, National Drug Control Policy; Deputy Director, Supply Reduction, National Drug Control Policy.

Rules (0).

Small Business (0).

Veterans Affairs (5): Assistant Secretary for Management, Department of Veterans Affairs; Assistant Secretary for Human Resources and Administration, Department of Veterans Affairs; Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs; Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs; Assistant Secretary for Information and Technology, Department of Veterans Affairs.

*Does not include NOAA Officer Corps and Public Health Services Officer Corps.

PRIVILEGED NOMINATIONS

Agriculture (5): Members (5), Board of Directors, Federal Agricultural Mortgage.

Armed Services (0).

Banking (23): Members (15), Board of Directors, National Institute of Building Sciences; Members (3), Board of Directors, National Consumer Cooperative Bank; Directors (5), Securities Investors Protection Corporations.

Budget (0).

Commerce (8): Members (3), Board of Directors, Metropolitan Washington Airport Authority; Members (5), St. Lawrence Seaway Development Corporation.

Energy (0).

Environment and Public Works (9): Members (9), Board of Trustees, Morris K. Udall Scholarship and Excellence in National; Environmental Policy Foundation.

Finance (16): Member (7), IRS Oversight; Members (2), Board of Trustees, Federal Hospital Insurance Trust Fund; Member (2), Board of Trustees, Federal Old Age and Survivors Fund; Members (2), Board of Trustees, Federal Supplemental Insurance Trust Fund; Members (3), Social Security Advisory Board.

Foreign Relations (59): Chairman, Advisory Board for Cuba Broadcasting; Members (8), Advisory Board for Cuba Broadcasting; Members (4), Millennium Challenge Corporation Board of Directors; Board Members (8), Overseas Private Investment Corporation; Members (15), National Peace Corps Advisory Council; Commissioners (7), Commission on Public Diplomacy; Members (9), Board of Directors, Inter-American Foundation; Members (7), Board of Directors, African Development Foundation.

HELP (104): Members (15), Corporation on National and Community Service; Members (26), National Council on the Humanities; Chairman, Board of Directors, US Institute of Peace; Vice Chairman, Board of Directors, US Institute of Peace; Members (10), Board of Directors, US Institute of Peace; Members

(8), Board of Trustees, Goldwater Scholarship; Members (8), Board of Trustees, Truman Scholarship; Members (6), Board of Trustees, Madison Fellowship; Members (11), Board of Directors, Legal Services Corporation; Members (18), National Council on the Arts.

HSGAC (5): Members (5), Federal Retirement Thrift Investment Board.

Intelligence (0).

Judiciary (13): Members (2), Foreign Claims Settlement Commission; Members (11), Board of Directors, State Justice Institute.

Rules (0).

Small Business (0).

Veterans Affairs (0).

Mr. ALEXANDER. I thank the Presiding Officer, and I notice that the Senator from New York is also on the Senate floor. I thank him for his work on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my colleague from Tennessee. He has been a great partner in this effort. In fact, I would say it was his impetus that brought us here. He had thought about this long and hard and worked on it previously. As usual, it has been a pleasure to work with Senator ALEXANDER on the Rules Committee or anywhere else, and I thank him for spearheading this effort.

I also want to thank the two leaders, Senator REID, of course, my friend—and I am so proud to work under his leadership—and Senator MCCONNELL. I have to say this: Senator MCCONNELL and I have our differences, but on all of these issues of moving the Senate forward he has been operating in good faith, and his support of this legislation has allowed us to get here.

Also, the committee chair, Senator LIEBERMAN, as well as Ranking Member COLLINS, have been equal partners in this legislation, and it will go through their committee.

Finally, I thank all the committee chairs. They have been very understanding of the need to do this. Obviously, committee chairs might say: I want to have before my committee every single person, but ultimately they have realized it slows down the Senate.

While we are introducing the legislation today, a number of committee chairs on our side—probably with the consent of their ranking members—have come to me and said there might be other positions they want to add to the list. That would be a good idea. We have tried to be careful. We do not want to step on any toes or prerogatives. In the past, when this legislation was attempted, people said: Well, just, I don't want this one; I don't want that one. So we were fairly minimal. It will have a real effect on the Senate. It is close to one-third of the appointments. But there may be different committees that say: I don't need to approve this. In my committee, the committee on which I am the chair, the committee

on which I am the ranking member, we do not need to approve these five or six more. Add them to your list.

We would hope our committee chairs would do that before the bill is considered because it will be considered by Senator LIEBERMAN's committee, and there they could make such additions.

So let me say this about the process: One of the most important duties of the Senate is the constitutional advice-and-consent power. We were careful to balance this interest with the importance of making the confirmation process more efficient—not only for the benefit of the Senate but as well for the benefit of the administration, its agencies, and, as Senator ALEXANDER so aptly pointed out, for those individuals who are nominated as well.

The Senate was designed to be a thoughtful and deliberative body, but the confirmation process has often become dangerously close to being gridlocked. The American public is harmed when we are not able to get qualified people confirmed to positions in a timely manner. All of the positions covered in this proposal tend to be non-controversial and more closely resemble appointments that are currently made without Senate approval.

This legislation consists of a stand-alone bill, the Presidential Appointment Efficiency and Streamlining Act, and a resolution. Senator ALEXANDER touched on the stand-alone bill, which will eliminate from Senate confirmation over 200 executive nomination positions and nearly 3,000 additional officer corps positions. The resolution will create a standing order that will streamline approval of almost 250 part-time board members.

We intend to move both of these pieces together in an effort to reform this process. Together, these two pieces will remove or streamline, as I mentioned, nearly one-third of currently confirmable Senate appointments.

The act will remove the need for confirmation for several categories of positions, including legislative and public affairs positions, chief financial officers, information technology administrators, internal management and administrative positions, and deputies or non-policy-related assistant secretaries who report to individuals who are Senate-confirmed. Removing these positions from Senate confirmation will allow a new administration to be set up with more efficiency and speed, thus making government work better for the people.

In addition, we have removed thousands of positions from the Public Health Service officers corps and the National Oceanic and Atmospheric Administration officer corps in the process. They are noncontroversial, and their removal will help prevent the possibility of further gridlock.

This act will also create a working group—because this is a work in

progress, and Senator ALEXANDER has been working on it longer than I have or most of us in this body—that will provide recommendations on the process to further streamline the appointment and confirmation process. The group will make recommendations to the President and the Senate about streamlining the paperwork process for nominees by creating a single, searchable, electronic “smart form” and will also conduct a review of the current background investigation requirements.

Senators LIEBERMAN and COLLINS held a hearing on the confirmations process last month in the Homeland Security and Governmental Affairs Committee, which will have jurisdiction over this piece of the package. The hearing was extremely helpful to our working group efforts and further highlighted the fact that our system of dealing with executive nominations needs reform.

The resolution piece of the package will create a streamlined process for part-time positions on boards or commissions. A majority of these boards require political balance—a certain number of Democrats and a certain number of Republicans. We are doing this rather than eliminating Senate consideration in its entirety in order to ensure that these politically balanced boards remain bipartisan. This was actually a recommendation, I believe, by Senator MCCONNELL, and I think it is an apt one.

The resolution creates a standing order that will provide for an expedited process for this class of “privileged nominations” by creating new pages on the Executive Calendar. When the Senate receives a nomination from the President, it will be placed on a new section on the Executive Calendar called “Privileged Nomination—Information Requested” while the nominee submits paperwork to the committee of jurisdiction. When the chair of that committee certifies that all committee questionnaires have been received from the nominee, the nomination will be placed on the “Privileged Nomination—Information Received” section of the Executive Calendar.

As Senator ALEXANDER mentioned, after 10 session days, the nomination is placed on the full Executive Calendar and will await action by the full Senate, with the presumption that these positions will be passed by unanimous consent. So any single Senator can object, although we doubt in almost every case that any will.

From the beginning of the process until the expiration of 10 session days, any Member can request on his or her own behalf or on behalf of any identified Member that the nomination be referred to committee. We think that incorporating this safeguard is in line with our elimination of secret holds earlier this year.

The presumption for these part-time positions is, as I said, that they will be approved by unanimous consent and not be held up as part of other battles or leverage or whatever else.

This resolution would come before the Rules Committee, which Senator ALEXANDER and I lead, and we hope to take action on it very soon. We are confident this package will eliminate many of the delays in the current confirmation process. These delays are very detrimental to the efficient operation of government and to the efforts to recruit the most qualified people to these Federal jobs.

The package we propose today is the first step in protecting the American people's interests in having a newly elected President move quickly and efficiently to set up a government.

Before I yield the floor, I note that the Senator from New Mexico, Mr. UDALL, in his impetus to reform the Senate, can claim some credit for this move as well.

We are introducing this bipartisan legislation—Senator ALEXANDER and myself, along with Senators REID, MCCONNELL, COLLINS, LIEBERMAN, and I think about eight or nine other cosponsors as well—this afternoon.

Mr. LIEBERMAN. Mr. President, I rise today in support of legislation offered by Senators SCHUMER and ALEXANDER to streamline the nomination process so incoming Presidents can get their teams in place more quickly and put them to work doing the people's business.

On August 5, 1789, the Senate took up and confirmed 102 executive nominations that had been sent up by President Washington just 2 days earlier—rejecting only one nominee.

Our first President, in a letter to the Senate, complained about the one he didn't get. If the Senate ever doubted the fitness of one of his nominees it should—and I quote “communicate that circumstance to me, and thereby avail yourselves of the information which led me to make them and which I would with pleasure lay before you.”

Modern Presidents of both parties would sigh over this bit of history because nowadays the process by which a person is selected, vetted, nominated, and then considered and confirmed by the Senate has become—in the words of one scholar—“nasty and brutish, without being short.”

One hundred days into President Obama's administration, only 14 percent of the Senate-confirmed positions in his administration had been filled. After 18 months, 25 percent of these positions were still vacant. This is not an aberration or anomaly. The timetables for putting in place a leadership team across the government has been pretty much the same each of the last three times there has been a change of occupant in the White House.

We have known about this problem a long time, but failed to act.

In 2001, the then Governmental Affairs Committee under former Chairman Fred Thompson, held hearings titled the State of the Presidential Appointment Process and recommended legislation, which did not pass.

In 2003, a bipartisan commission headed by Paul Volker recommended ways to speed up the nominations process. That got nowhere.

In 2004, the 9/11 Commission said the delays in getting a new government up and running actually pose a threat to our national security and in its report it also recommended ways to speed up the process.

Well after years of talk, it may be that we now finally have bipartisan support for change, although as the saying goes: “It ain't over til it's over.”

In January, Majority Leader REID and Minority Leader MCCONNELL established a working group on executive nominations and appointed Senators SCHUMER and ALEXANDER—chairman and ranking member, respectively, of the Rules Committee—to lead it.

Senator COLLINS and I—as chairman and ranking member of the Homeland Security and Governmental Affairs Committee—have been part of this working group and the bill being introduced today has my full support.

In fact, we held a hearing earlier this month on the need for nomination reform and the numbers showed just how compelling the case for reform is.

A study by the Congressional Research Service says that delay occurs not so much at the Cabinet level positions. Presidents Reagan, George W. Bush, Clinton, and Obama all were able to get the vast majority of their nominees for Cabinet Secretaries in place on or shortly after Inauguration Day.

Where the delay is most pronounced, according to CRS, is in the sub-cabinet level positions. Under President Reagan, nominees averaged 114 days from the President's election to final confirmation. Under Clinton, George W. Bush, and Obama those numbers jumped to 185, 198, and 195 respectively.

Part of the problem is that the number of positions requiring confirmation has grown over time.

When President Reagan took office, he had 295 key policy positions requiring confirmation. By the time President Obama was inaugurated, that number had grown to 422 key positions, plus another nearly 800 lesser positions that also required Senate confirmation.

These numbers do not include foreign service officers, or public health officials who also require Senate confirmation.

The legislation Senators SCHUMER and ALEXANDER are introducing recommends eliminating Senate confirmation for approximately 200 presidential appointments to positions in the Executive Branch, including for legislative

and public affairs positions, chief information officers, and internal management positions at or below the Assistant Secretary level.

This will free the Senate to concentrate on the more important policy-making nominees.

The bill also calls for a working group to simplify, standardize and centralize the forms and documentation required by both the White House and Senate so a nominee isn't burdened with duplicative paperwork and information requests.

Senators SCHUMER and ALEXANDER are also introducing a standing order this morning that would streamline the confirmation process for approximately 200 other Presidential appointments that receive Senate confirmation. Under the standing order, some nominees to part-time boards and commissions could have their nominations expedited by being held at the desk for a certain number of days and then placed directly onto the Executive Calendar rather than being referred to a Senate committee. I would also like to express my support for the standing order.

In the past, nominations reform legislation has stalled because of the perceived fears of some of our colleagues, particularly committee chairs and ranking members, that they would be giving up some of their jurisdiction and authority. But the simple truth is that some of these nominations shouldn't require Senate confirmation and, frankly, take up valuable time that should be used for more important work.

Nothing in the legislation we offer today will weaken in any way the Senate's important Constitutional role of "advice and consent" or our delicate system of checks and balances.

But if we don't fix what is broken in this system, I fear we risk discouraging some of our nation's most talented individuals from accepting nominations, thus leaving important positions unfilled.

If I may end with a little history, as Gouverneur Morris, one of the architects of the Constitution, said when speaking in favor of the "advice and consent" clause: "As the President was to nominate, there would be responsibility. As the Senate was to concur, there would be security."

Those founding principals will be unaffected by the kinds of modest changes this bill calls for, and I believe and hope we can get it done this year.

I call on my fellow chairmen, ranking members, and colleagues on both sides of the aisle to work with us on addressing this challenge so the next new administration, regardless of party, can recruit the best candidates and then put them to work quickly addressing the many challenges our Nation faces.

Ms. COLLINS. Mr. President, I rise today to support the Presidential Ap-

pointment Efficiency and Streamlining Act of 2011, as well as the Senate resolution to create an expedited confirmation process for some part-time boards and commissions.

I want to commend Senators SCHUMER and ALEXANDER for their work on this issue and to express my appreciation for all the members of the nomination reform working group—Senators REID, MCCONNELL, and LIEBERMAN. I was pleased to be a part of what has truly been a bipartisan effort.

The Constitution, in the Appointments Clause, makes the appointment of senior Federal executive officers a joint responsibility of the President and the Senate. The President determines who, in his view, is the best qualified to serve in the most senior and critical positions across the executive branch of our Government. It also requires that we, the Senate, exercise our independent judgment and experience to determine if nominees have the necessary qualifications and character to serve our Nation in these important positions of public trust.

The confirmation process must be thorough enough for the Senate to fulfill its Constitutional duty, but it should not be so onerous as to deter qualified people from public service.

National security reasons also compel attention to this problem. The National Journal has noted that "[p]eriods of political transition are, by their very nature, chaotic" and that "terrorists strike when they believe governments will be caught off guard."

Both the 1993 bombing of the World Trade Center and the attacks on September 11th, 2001, occurred within eight months of a change in presidential administrations. And in March 2004, just three days before Spain's national elections, al Qaeda-linked terrorists bombed Madrid commuter trains.

The 9/11 Commission found that "[a]t the sub-cabinet level, there were significant delays in the confirmation of key officials, particularly at the Department of Defense," in 2001. It was not until six months after President Bush took office that he had his national security team in place.

Countless studies have been written and many experts have opined on how to improve the nomination and confirmation process—from the Brownlow Commission in 1937 to the 9/11 Commission in 2004.

This is also an issue that the Committee on Homeland Security and Governmental Affairs has been working to address for a long time. For example, in 2001, when Senator Fred Thompson chaired the Committee, we held two hearings focusing on the state of the Presidential appointment process. As a result of these hearings, the Committee reported out legislation to address concerns that were raised. A few of the provisions of this bill would

later be included in the Intelligence Reform and Terrorism Prevention Act of 2004.

But more work remains to be done. On March 2nd of this year, the Committee held another hearing to review the nomination process. The witnesses echoed the concerns that have been raised over the years by the many commissions and that still remain unaddressed.

Based upon our review, there are a few areas in particular where improvements should be made. The first is to reduce the sheer number of positions subject to Senate confirmation.

In this regard, the National Commission on the Public Service, commonly known as the Volcker Commission, gathered some very illuminating statistics. When President Kennedy came to office, he had 286 positions to fill with the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. By the end of the Clinton Administration, there were 914 positions with these titles.

Today, according to the Congressional Research Service, CRS, there are more than 1,200 positions appointed by the President that require the advice and consent of the Senate.

The large number of positions requiring confirmation leads to long delays in selecting, vetting, and nominating these appointees. Consequently, administrations can go for months without key officials in many agencies. And when political appointees are finally in place, their median tenure is only about two and a half years.

A second area ripe for reform is to develop a consistent, common form for the nominees to complete in order to streamline the process, save time, and increase accuracy. This also would reduce the cost and burden on nominees.

The White House, Office of Government Ethics, and the Senate need to work together to reconcile the various questions that are asked of nominees. Currently, nominees will often find themselves repeating variations of, or even the exact same, response over and over.

In this regard, I believe Clay Johnson, the former head of Presidential Personnel from 2001 to 2003, made an excellent point. He noted that there is a thick file in the White House "with every possible piece of relevant information on that person and yet none of that is made available to the Senate."

A consistent, common form, which a nominee can respond to online, would help to facilitate the flow of information so the Senate can begin its review of the nomination earlier.

Finally, the executive branch also needs to review its own role and responsibilities in the process.

Specifically, the White House should review its background investigation requirements. The extent of the investigation should be tailored to the position. A person nominated to a non-national security-related position should not have to undergo the same detailed FBI background investigation as a nominee to a national security-related position, such as the Secretary of Homeland Security. In addition, the process should make some allowance for people who already have undergone the FBI full-field investigation for a different Senate-confirmed position. Reform of this process would help speed up the review of nominees and aid in the task of recruiting talented people for public service.

It also is the White House's responsibility to ensure that the Office of Presidential Personnel has the appropriate staffing level to meet the demands of a new administration.

As Mr. Johnson noted at our March 2nd hearing, "[a] new administration has never had the capacity in the first six months to nominate persons for more than 250 cabinet and subcabinet positions, let alone 400 positions, which government reform individuals and groups suggest a new administration should be able to do."

If these areas can be reformed, substantial time will be saved, and key leadership posts at our federal agencies will not be vacant for nearly as long.

Now, during this mid-term period, two years away from a Presidential election, we have the opportunity to streamline the executive branch nominations process. This can help ensure that the next presidential transition will be as smooth as possible, thwarting the terrorists' belief that they will be able to "catch us off guard."

The Schumer-Alexander bill and Senate Resolution go a long way to addressing the concerns that I have highlighted.

The bill will make more than 200 positions direct Presidential Appointments that would no longer require Senate confirmation. Many of these positions have little or no policy role, such as the Assistant Secretary for Legislative Affairs at the Department of Commerce, or are internal management or administrative positions, such as chief financial officers or assistant secretaries for public affairs.

By not requiring Senate confirmation, it will allow these positions be filled at a much faster pace and free up Senate resources to focus on more significant nominees.

The Senate resolution proposes that more than 240 positions on part-time boards or commissions go through a new "expedited" confirmation process. These positions will still require the nominee to respond to all committee questionnaires and still provide for the opportunity for closer scrutiny of the nominee, if warranted.

This retains the authority of the Senate over these positions, but streamlines the process, lessening the burden on the Senate for routine, non-controversial nominations and providing for a faster road to confirmation as well.

While we must deliver on our duty to provide advice and consent, reforms are needed to improve the effective operation of government. We all want the most qualified people to serve the President and the Nation. We should, therefore, ensure that the process is not unnecessarily burdensome and that key leadership posts do not go unfilled for long stretches of time. Most of all, we need to reform the process so that good people, whose talents and energy we need, do not become so discouraged that they give up their goal of serving the public.

I am pleased to join Senators SCHUMER and ALEXANDER as a cosponsor of this legislation and the Senate resolution, both of which will help us attract well-qualified people to public service.

By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. BOXER, Mrs. HUTCHISON, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. AKAKA, Mr. PRYOR, Mr. MERKLEY, Mr. BEGICH, Mrs. FEINSTEIN, and Ms. AYOTTE).

S. 680. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise to introduce the National Women's History Museum Act of 2011, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city. I appreciate the co-sponsorship today from 16 of my colleagues: Senators MIKULSKI, BOXER, HUTCHISON, MURRAY, SNOWE, LANDRIEU, STABENOW, CANTWELL, MURKOWSKI, SHAHEEN, GILLIBRAND, LIEBERMAN, AKAKA, PRYOR, MERKLEY, and BEGICH.

American women have made invaluable contributions to our country in such diverse fields as government, business, medicine, law, literature, sports, entertainment, the arts, and the military. A museum recognizing the contributions of American women is long overdue.

A Presidential commission on commemorating women in American history concluded that, "Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital."

That report was issued in 1999. Over a decade later, although Congress has

made commendable provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's roles in our country's history.

It is important to note that taxpayers will not shoulder the funding of this project. The proposed legislation calls for no new federal program and no new claims on the budget. The bill would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW., and Independence Avenue, SW.

In fact, the Museum would be putting dollars in the federal government's pocket in order to occupy this space because the transaction would be at a fair-market value for the land. This bill would be a win-win for the taxpayers and the Museum.

The National Women's History Museum is a non-profit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a legendary predecessor in the Senate seat I now hold: the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and courage. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Ms. SNOWE:

S. 681. A bill to provide greater accountability in the Small Business Lending Fund; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 681

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Greater Accountability in the Lending Fund Act of 2011”.

SEC. 2. REPAYMENT DEADLINE UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

(a) IN GENERAL.—Section 4103(d)(5)(H) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in clause (i)—
(A) in subclause (I), by striking “; or” and inserting a period;

(B) by striking subclause (II); and
(C) by striking “will—” and all that follows through “be repaid” and inserting “will be repaid”;

(2) by striking clause (ii); and
(3) by striking “that—” and all that follows through “includes,” and inserting “that includes.”

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the “Program”) on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. 3. SMALL BUSINESS LENDING FUND SUNSET.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in subsection (b), by inserting “and shall be limited by the termination date in subsection (c)” before the period at the end; and

(2) by adding at the end the following:
“(c) TERMINATION OF PROGRAM.—

“(1) INVESTMENTS.—On and after the date that is 15 years after the date of enactment of this Act, the Federal Government may not own any preferred stock or other financial instrument purchased under this subtitle or otherwise maintain any capital investment in an eligible institution made under this subtitle.

“(2) AUTHORITIES.—Except as provided in subsection (a), all the authorities provided under this subtitle shall terminate 15 years after the date of enactment of this Act.”.

SEC. 4. SMALL BUSINESS LENDING FUND TRIGGER.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note), as amended by section 3, is amended by adding at the end the following:

“(d) FDIC RECEIVERSHIP.—The Secretary may not make any purchases, including commitments to purchase, under this subtitle if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible institutions that receive a capital investment under the Program.”.

SEC. 5. SMALL BUSINESS LENDING FUND LIMITATION.

(a) IN GENERAL.—Section 4103(d) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking “, less the amount of any CDCI investment and any CPP investment” each place it appears;

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively; and

(4) by adding at the end the following:

“(10) PROHIBITION ON TARP PARTICIPANTS PARTICIPATING IN THE PROGRAM.—An institution in which the Secretary made a investment under the CPP, the CDCI, or any other program established by the Secretary under the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) shall not be eligible to participate in the Program.”.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the “Program”) on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. 6. PRIVATE INVESTMENTS UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(d)(3) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking “MATCHED”; and

(2) in subparagraph (B)(i), by striking “both under the Program and”.

SEC. 7. APPROVAL OF REGULATORS.

(a) IN GENERAL.—Section 4103(d)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking “CONSULTATION WITH” and inserting “APPROVAL OF”;

(2) in the matter preceding subparagraph (A), by striking “the Secretary shall” and inserting “the Secretary may not make a purchase under this subtitle unless”;

(3) in subparagraph (A)—

(A) by striking “consult with”; and

(B) by striking “to determine whether the eligible institution may receive” and inserting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive”;

(4) in subparagraph (B)—

(A) by striking “consider any views received from”; and

(B) by striking “regarding the financial condition of the eligible institution” and in-

serting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment”; and

(5) in subparagraph (C)—

(A) by striking “consult with”; and

(B) by inserting “determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment” before the period at the end.

(b) CONFORMING AMENDMENTS.—Section 4103(d)(3)(A) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking “to be consulted under paragraph (2) would not otherwise recommend” and inserting “required to make a determination under paragraph (2) does not approve”;

(2) by striking “to be so consulted”; and

(3) by striking “to be consulted would recommend” and insert “would approve”.

SEC. 8. BENCHMARK FOR SMALL BUSINESS LENDING.

Section 4103(d)(5)(A)(ii) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking “for the 4 full quarters immediately preceding the date of enactment of this Act” and inserting “during calendar year 2007”.

By Mr. NELSON of Florida:

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation on a subject that is never far from the minds of citizens in my home State of Florida, folks along the Gulf Coast, or on the Atlantic seaboard: the threat of hurricanes, and the devastation that these storms leave in their wake. This threat is ever nearer as we approach the 2011 hurricane season.

Hurricane damage is certainly not new to Florida. On September 1926, the Great Miami Hurricane was a har-binger of things to come. Two years later, a category four hurricane caused Lake Okeechobee to flood its banks killing 2500 out of South Florida’s 50,000 residents. In August 1992, Hurricane Andrew struck South Florida causing an estimated \$26 billion in damage to the United States. And we all when in August of 2005, Hurricane Katrina ripped through New Orleans and the Gulf Coast region, causing more than \$91 billion in economic losses, forcing more than 770,000 people from their homes, and killing an estimated 1833 people.

According to the Insurance Information Institute, insurance companies had estimated losses of \$40.6 billion on 1.7 million claims in 6 States from Hurricane Katrina, the largest loss in the history of insurance. Insured losses are predicted to double every decade as development along the Gulf and Atlantic Coasts increases.

The sheer magnitude of this loss is staggering and underscores the need for increased funding for hurricane research and improved forecasting. But

hurricanes do not just affect those living along the coasts. These extreme events have national consequences with increased fuel prices and severe inland flooding.

U.S. Census data indicates that more than 35 million people live in areas that are most vulnerable to hurricanes. Emergency managers need to know exactly where a hurricane will strike and how hard it will strike before they can issue an evacuation warning.

Improvements in track and intensity forecasts will translate into better preparedness for coastal and inland communities, saving lives and reducing devastating impacts.

The impacts felt in the wake of Hurricane Katrina—despite a good meteorological forecast of the hurricane—emphasize the need for additional research and development in these areas.

I am committed to the protection of life and property. Hurricanes pose a serious threat to the Nation, and losses are growing. So today I am introducing the National Hurricane Research Initiative. This bill calls for prudent investments that will protect lives and prevent economic devastation, reducing our vulnerability to hurricanes.

The National Hurricane Research Initiative will dramatically expand the scope of fundamental research on hurricanes, including enhanced data collection and analysis in critical research areas, and the translation of research results into improved forecasts and planning. Specifically, the National Hurricane Research Initiative will improve our understanding and prediction of hurricanes and other tropical cyclones, including, storm tracking and prediction, storm surge modeling, and inland flood modeling. This research will expand our understanding of the impacts of hurricanes on and response of society and help us to develop infrastructure that is resilient to the forces associated with hurricanes.

We never know when the next big storm will hit. This type of research is urgently needed, and that research needs to be well coordinated. I look forward to working with Chairman ROCKEFELLER and the members of the Senate Committee on Commerce, Science, and Transportation on this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 692

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Hurricane Research Initiative Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ELIGIBLE ENTITIES.**—The term “eligible entities” means Federal, State, regional, and local government agencies and departments, tribal governments, universities, research institutes, for-profit entities, and nongovernmental organizations.

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

(3) **INITIATIVE.**—The term “Initiative” means the National Hurricane Research Initiative established under section 3(a)(1).

(4) **STATE.**—The term “State” means any State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

(5) **TRIBAL GOVERNMENT.**—The term “tribal government” means the governing body of an Indian tribe.

(6) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary for Oceans and Atmosphere.

SEC. 3. NATIONAL HURRICANE RESEARCH INITIATIVE.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Under Secretary shall establish an initiative to be known as the “National Hurricane Research Initiative” for the purposes described in paragraph (2). The Initiative shall consist of—

(A) the activities carried out under this section; and

(B) the research carried out under section 4.

(2) **PURPOSES.**—The purposes described in this paragraph are as follows:

(A) To conduct research, incorporating to the maximum extent practicable the needs of eligible entities, to enable the following:

(i) Improvement of the understanding and prediction of hurricanes and other tropical storms, including—

(I) storm tracking and prediction;

(II) forecasting of storm formation, intensity, and wind and rain patterns, both within the tropics and as the storms move poleward;

(III) storm surge modeling, inland flood modeling, and coastal erosion;

(IV) the interaction with and impacts of storms with the natural and built environment; and

(V) the impacts to and response of society to destructive storms, including the socioeconomic impacts requiring emergency management, response, and recovery.

(ii) Development of infrastructure that is resilient to the forces associated with hurricanes and other tropical storms.

(iii) Mitigation of the impacts of hurricanes on coastal populations, the coastal built environment, and natural resources, including—

(I) coral reefs;

(II) mangroves;

(III) wetlands; and

(IV) other natural systems that can reduce hurricane wind and flood forces.

(iv) Improvement of communication with the public about hurricane forecasts and risks associated with hurricanes to reduce the harmful impacts of hurricanes and improve the response of society to destructive storms.

(B) To provide training for the next generation of hurricane researchers and forecasters.

(b) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall, in coordination with the Director of the National Science Foundation, develop a detailed, 5-year implementation plan for the Initiative that—

(A) incorporates the priorities for Federal science and technology investments set forth in the June 2005 publication, “Grand Challenges for Disaster Reduction”, and in related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council;

(B) to the extent practicable and as appropriate, establishes strategic goals, benchmarks, milestones, and a set of systematic criteria and performance metrics by which the overall effectiveness of the Initiative may be evaluated on a periodic basis, including evaluation of mechanisms for the effective transition of research to operations and the application of research results for reducing hurricane losses and related public benefits; and

(C) identifies opportunities to leverage the results of the research carried out under section 4 with other Federal and non-Federal hurricane research, coordination, and loss-reduction initiatives, such as—

(i) the National Windstorm Impact Reduction Program established by section 204(a) of the National Windstorm Impact Reduction Act of 2004 (15 U.S.C. 15703);

(ii) the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.);

(iii) the initiatives of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(iv) wind hazard mitigation initiatives carried out by a State;

(v) the Science Advisory Board, Social Science Working Group, and Hurricane Forecast Improvement Project of the National Oceanic and Atmospheric Administration; and

(vi) the Working Group for Tropical Cyclone Research of the Office of the Federal Coordinator for Meteorological Services and Supporting Research.

(2) **REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall make the implementation plan required by paragraph (1) available for review by the following:

(A) The Director of the National Science Foundation.

(B) The Secretary of Homeland Security.

(C) The Director of the National Institute for Standards and Technology.

(D) The Commanding General of the U.S. Army Corps of Engineers.

(E) The Commander of the Naval Meteorology and Oceanography Command.

(F) The Associate Administrator for Science Mission Directorate of the National Aeronautics and Space Administration.

(G) The Director of the U.S. Geological Survey.

(H) The Director of the Office of Science and Technology Policy.

(I) The Director of the National Economic Council.

(3) **REVISIONS.**—The Under Secretary shall revise the implementation plan required by paragraph (1) not less frequently than once every 5 years.

(c) **RESEARCH.**—

(1) **ESTABLISHMENT OF RESEARCH OBJECTIVES.**—The Under Secretary shall, in consultation with the Director of the National Science Foundation, establish objectives for research carried out pursuant to section 4 that are—

(A) consistent with the purposes described in subsection (a)(2); and

(B) based on the findings of the expert assessments and strategies published in the following:

(i) The June 2005 publication entitled, "Grand Challenges for Disaster Reduction", and the related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council.

(ii) The January 2007 report by the National Science Board entitled, "Hurricane Warning: The Critical Need for a National Hurricane Initiative".

(iii) The February 2007 report by the Office of the Federal Coordinator for Meteorological Services and Supporting Research entitled, "Interagency Strategic Research Plan for Tropical Cyclones: The Way Ahead".

(iv) Reports from the Hurricane Intensity Working Group of the National Science Advisory Board of the National Oceanic and Atmospheric Administration.

(2) AREAS OF CONCENTRATION.—The objectives required by paragraph (1) shall provide for 3 areas of concentration as follows:

(A) Fundamental hurricane research, which may include research to support continued development and maintenance of community weather research and forecast models, including advanced methods of observing storm structure and assimilating observations into the models, in which the agency or institution hosting the models ensures broad access and use of the model by the civilian research community.

(B) Technology assessment and development.

(C) Research on integration, transition, and application of research results.

(d) NATIONAL WORKSHOPS AND CONFERENCES.—The Under Secretary may, in coordination with the Director of the National Science Foundation, carry out a series of national workshops and conferences that assemble a broad collection of scientific disciplines—

(1) to address hurricane-related research questions; and

(2) to encourage researchers to work collaboratively to carry out the purposes described in subsection (a)(2).

(e) PUBLIC INTERNET WEBSITE.—The Under Secretary shall facilitate the establishment of a public Internet website for the Initiative—

(1) to foster collaboration and interactive dialogues among the Under Secretary, the Director of the National Science Foundation, and the public;

(2) to enhance public access to Initiative documents and products, including—

(A) reports and publications of the Initiative;

(B) the most recent 5-year implementation plan developed under subsection (b); and

(C) each annual cross-cut budget and report submitted to Congress under subsection (f); and

(3) that includes a publicly accessible clearinghouse of Federal research and development centers engaged in research and development efforts that are complementary to the Initiative.

(f) ANNUAL CROSS-CUT BUDGET AND REPORT.—

(1) REQUIREMENT FOR ANNUAL CROSS-CUT BUDGET AND REPORT.—Beginning with the first fiscal year beginning after the date the Under Secretary completes the implementation plan required by subsection (b), the Director of the Office of Science and Technology Policy shall, in conjunction with the

Under Secretary, the Director of the National Science Foundation, and the Director of the Office of Management and Budget, submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code)—

(A) a coordinated annual report for the Initiative for the last fiscal year ending before the date on which the report is submitted; and

(B) a cross-cut budget for the Initiative for the first fiscal year beginning after the date on which the report is submitted.

(2) CONTENTS.—The report required by paragraph (1)(A) shall—

(A) document the grants and contracts awarded to eligible entities under section 4;

(B) for each eligible entity that receives a grant or contract under section 4, identify what major activities were undertaken with such funds, grants, and contracts; and

(C) for each research activity or group of activities in an area of concentration described in subsection (c)(2), as appropriate, identify any accomplishments, which may include full or partial achievement of any strategic goals, benchmarks, milestones, or systematic criteria and performance metrics established for the implementation plan under subsection (b)(1)(B).

SEC. 4. NATIONAL HURRICANE RESEARCH.

(a) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director of the National Science Foundation shall, in coordination with the Under Secretary, establish a program to award grants to eligible entities to carry out research that is consistent with the research objectives established under section 3(c)(1).

(2) SELECTION.—The National Science Foundation shall select grant recipients under this section through its merit review process.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall, in coordination with the Director of the National Science Foundation, carry out a program of research that is consistent with the research objectives established under section 3(c)(1).

(2) RESEARCH ACTIVITIES.—Research carried out under paragraph (1) may be carried out through—

(A) intramural research;

(B) awarding grants to eligible entities to carry out research;

(C) contracting with eligible entities to carry out research; or

(D) entering into cooperative agreements to carry out research.

(3) DEMONSTRATION PROJECTS AUTHORIZED.—Research carried out under this subsection may include demonstration projects.

(c) COLLABORATION.—To the maximum extent practicable, each entity carrying out research under this section shall collaborate with existing Federal and Federally funded research centers operating in related fields, for-profit organizations, and international, regional, State, local, and tribal governments—

(1) to gather and share experiential information; and

(2) to advance scientific and engineering knowledge, technology transfer, and technology commercialization in the course of conduct of hurricane-related research and its application to mitigating the impacts of hurricanes and other tropical storms on society.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 115—DESIGNATING JULY 8, 2011, AS "COLLECTOR CAR APPRECIATION DAY" AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 115

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

Resolved, That the Senate—

(1) designates July 8, 2011, as "Collector Car Appreciation Day";

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States;

(3) encourages the Department of Education, the Department of Transportation, and other Federal agencies to support events and commemorations of "Collector Car Appreciation Day", including exhibitions and educational and cultural activities for young people; and

(4) encourages the people of the United States to engage in events and commemorations of "Collector Car Appreciation Day" that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

SENATE RESOLUTION 116—TO PROVIDE FOR EXPEDITED SENATE CONSIDERATION OF CERTAIN NOMINATIONS SUBJECT TO ADVICE AND CONSENT

Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID of Nevada, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BINGAMAN, Mr. LUGAR, Mr.

DURBIN, Mr. JOHANNIS, Mr. REED of Rhode Island, Mr. BROWN of Massachusetts, Mr. CARPER, Mr. WHITEHOUSE, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 116

Resolved,

SECTION 1. PROCEDURE FOR CONSIDERATION.

(a) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—Upon receipt by the Senate of a nomination described in section 2, the nomination shall—

(1) be placed on the Executive Calendar under the heading “Privileged Nominations—Information Requested”; and

(2) remain on the Executive Calendar under such heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subsection (b).

(b) QUESTIONNAIRES.—The Chairman of the committee of jurisdiction shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position described in section 2.

(c) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—Upon receipt of the certification under subsection (b), the nomination shall—

(1) be placed on the Executive Calendar under the heading “Privileged Nomination—Information Received” and remain on the Executive Calendar under such heading for 10 session days; and

(2) after the expiration of the period referred to in paragraph (1), be placed on the “Nominations” section of the Executive Calendar.

(d) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination described in subsection (a) is listed under the “Privileged Nomination—Information Requested” section of the Executive Calendar described in section (a)(1) or the “Privileged Nomination—Information Received” section of the Executive Calendar described in section (c)(1)—

(1) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(2) if a Senator makes a request described in paragraph (1), the nomination shall be referred to the appropriate committee of jurisdiction.

SEC. 2. NOMINATIONS COVERED.

The following nominations for the positions described (including total number of individuals to be appointed for the position) shall be considered under the provisions of this resolution:

(1) The Chairman and the Members of the Advisory Board for Cuba Broadcasting (9 Members including Chairman).

(2) The Chairman and the Members of the Corporation for National and Community Service (15 Members including Chairman).

(3) The Chairman and the Members of the Federal Retirement Thrift Investment Boards (5 Members including Chairman).

(4) The Members of the Internal Revenue Service Oversight Board (7 Members).

(5) The Members of the Board of the Millennium Challenge Corporation (4 Members).

(6) The Members of the National Council on the Arts (18 Members).

(7) The Members of the National Council for the Humanities (26 Members).

(8) The Members of the Board of Directors of the Overseas Private Investment Corporation (8 Members).

(9) The Members of the Peace Corps. National Advisory Council (15 Members).

(10) The Chairman, Vice Chairman, and the Members of the Board of Directors for the United States Institute of Peace (12 Members including Chairman and Vice Chairman).

(11) The Members of the Board of Directors of the Federal Agricultural Mortgage Corporation (5 Members).

(12) The Members of the Board of Directors of the National Consumer Cooperative Bank (3 Members).

(13) The Members of the Board of Directors of the National Institute of Building Sciences (15 to 21 Members).

(14) The Members of the Board of Directors of the Securities Investor Protection Corporation (5 Members).

(15) The Members of the Board of Directors of the Metropolitan Washington Airport Authority (3 Members).

(16) The Members of the Saint Lawrence Seaway Development Corporation Advisory Board (5 Members).

(17) The Members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (9 Members).

(18) The Members the Board of Trustees of the Federal Hospital Insurance Trust Fund (2 Members).

(19) The Members of the Board of Trustees of the Federal Old Age and Survivors Trust Fund and Disability Insurance Trust Fund (2 Members).

(20) The Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund (2 Members).

(21) The Members of the Social Security Advisory Board (3 Members).

(22) The Members of the Board of Directors of the African Development Foundation (7 Members).

(23) The Members of the Board of Directors of the Inter American Foundation (9 Members).

(24) The Commissioners of the United States Advisory Commission on Public Diplomacy (7 Members).

(25) The Members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation (8 Members).

(26) The Members of the Board of Trustees of the Harry Truman Scholarship Foundation (8 Members).

(27) The Members of the Board of Trustees of the James Madison Memorial Fellowship Foundation (6 Members).

(28) The Members of the Board of Directors of the Legal Services Corporation (11 Members).

(29) The Members of the Foreign Claims Settlement Commission (2 Members).

(30) The Members of the Board of Directors of the State Justice Institute (11 Members).

SEC. 3. EXECUTIVE CALENDAR.

The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this resolution.

SEC. 4. EFFECTIVE DATE.

This resolution shall take effect 60 days after the date of adoption of this resolution.

SENATE RESOLUTION 117—SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. STABENOW (for herself, Mr. BEGICH, Mr. BROWN of Ohio, Mr. LEVIN, Mr. COCHRAN, Ms. LANDRIEU, Mr. SANDERS, and Mr. JOHNSON of South Dakota) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 117

Whereas social work is a profession of hope, grounded in practical problem-solving expertise;

Whereas social workers are positive change agents who dedicate their careers to helping people transform their lives and improving environments to make that transformation possible;

Whereas more than 640,000 trained social work professionals in the United States work tirelessly to provide resources and guidance that support social functioning in agencies, hospitals, hospices, schools, universities, legislatures, private practices, corporations, and the military;

Whereas social workers have education and experience to guide individuals, families, and communities through complex issues and choices;

Whereas social workers stand up for others to make sure that everyone has access to the same basic rights, protections, and opportunities;

Whereas social workers have been an important force behind several significant social movements in the United States;

Whereas social workers are on the frontlines, responding to such human needs as homelessness, poverty, family breakups, mental illness, physical and mental disability, substance abuse, domestic violence, and many other issues;

Whereas Professional Social Work Month and World Social Work Day, which is March 15, 2011, build awareness of the role that professional social workers play in the community and the wide range of contributions social workers make throughout their careers; and

Whereas the 2011 Professional Social Work Month theme, “Social Workers Change Futures”, showcases the expertise and dedication of professional social workers in helping to improve lives: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and observe Professional Social Work Month and World Social Work Day;

(3) encourages the people of the United States to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role which social workers play; and

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work.

SENATE RESOLUTION 118—DESIGNATING APRIL 2011 AS “NATIONAL 9-1-1 EDUCATION MONTH”

Ms. KLOBUCHAR (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 118

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President’s Commission on Law Enforcement and Administration of Justice recommended that “a single number should be established” nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968 the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be “a high national priority” and part of “our Nation’s homeland security and public safety”;

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas the ability to communicate through voice, text, data, and video conferencing provides an opportunity for the Nation’s 9-1-1 system to adopt next generation applications and services, greatly enhancing the capabilities of 9-1-1 services;

Whereas numerous other “N-1-1” and 800 number services exist for non-emergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated

about when to use such services in addition to, or instead of, 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the population of the United States each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to call 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made each year by children who are properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children about 9-1-1 early in life;

Whereas the 9-1-1 system is often misused, such as through the placement of prank and non-emergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources, and such misuse needs to be reduced;

Whereas parents, teachers, and caregivers must be educated about 9-1-1 in order to play an active role in 9-1-1 education for children;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas parents, teachers, and the National Parent Teacher Association contribute significantly to the goal of educating children about the importance of 9-1-1 through targeted outreach efforts to public and private schools;

Whereas the United States should strive to host at least 1 annual educational event regarding the proper use of 9-1-1 in every school in the Nation;

Whereas the people of the United States deserve the best education regarding the use of 9-1-1; and

Whereas programs to promote proper use of 9-1-1 during “National 9-1-1 Education Month” may include—

(1) public awareness events, such as conferences and media outreach;

(2) training activities for businesses, parents, teachers, school administrators, and other caregivers;

(3) educational events in schools and other appropriate venues; and

(4) production and distribution of information about the 9-1-1 system, designed to educate people of all ages on the importance and proper use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as “National 9-1-1 Education Month”; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe “National 9-1-1 Education Month” with appropriate ceremonies, training events, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 268. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 269. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 270. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 271. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 272. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 273. Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 274. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 275. Ms. SNOWE (for herself, Mr. THUNE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 276. Mr. PAUL proposed an amendment to the bill S. 493, supra.

SA 277. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 268. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 7 and 8 and insert the following:

(e) owned and controlled by service-disabled veterans, veterans recently separated, discharged, or released from service in the Armed Forces, or members of a reserve component of the Armed Forces;

SA 269. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. 8(a) PROGRAM.

(a) AMENDMENT TO DEFINITION OF INDIAN TRIBE.—Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(2) by striking “the term ‘Indian tribe’ means” and inserting the following: “the term ‘Indian tribe’—

“(A) means”;

(3) by striking “, including any Alaska Native village or regional or village corporation (within the meaning of the Alaska Native Claims Settlement Act)”;

(4) in subparagraph (A)(i), as so designated, by striking “, or” and inserting “; or”;

(5) by striking the period at the end and inserting “; and”;

(6) by adding at the end the following:

“(B) does not include an Alaska Native Corporation or Alaska Native Village.”.

(b) SOCIAL AND ECONOMIC DISADVANTAGE.—
(1) IN GENERAL.—Section 29(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)) is amended—

(A) in paragraph (1), by striking “For all purposes of” and inserting “Except as provided in paragraph (5), for all purposes of”;

(B) in paragraph (2), by striking “For all purposes of” and inserting “Except as provided in paragraph (5), for all purposes of”; and

(C) by adding at the end the following:
“(5) For purposes of sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)), whether a Native Corporation or Native village or a direct and indirect subsidiary corporation, joint venture, or partnership of a Native Corporation or Native village is socially or economically disadvantaged shall be determined in accordance with paragraph (5) or (6), respectively, of section 8(a) of the Small Business Act.”.

(2) STANDARDS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (1)—

(aa) in subclause (II), by striking “or” at the end; and

(bb) by adding at the end the following:
“(IV) a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village, or”;

(II) in clause (ii)—

(aa) in subclause (II), by striking “or” at the end;

(bb) in subclause (III), by striking the period at the end and inserting “, or”;

(cc) by adding at the end the following:
“(IV) a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village.”;

(i) in subparagraph (B)—

(I) in clause (ii), by striking “or” at the end;

(II) in clause (iii), by striking the period at the end and inserting “, or”;

(III) by adding at the end the following:

“(iv) members of a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village described in subparagraph (A)(i)(IV) or subparagraph (A)(ii)(IV).”; and

(iii) by adding at the end the following:

“(D) The Administrator may not waive the requirement under this paragraph that the management and daily business operations of a business concern participating in the program under this subsection are controlled by one or more socially and economically disadvantaged individuals for a business concern owned by an Alaska Native Corporation or Alaska Native Village.”;

(B) in paragraph (5)—

(i) by inserting “(A)” after “(5)”; and

(ii) by adding at the end the following:

“(B) For purposes of this subsection and section 7(j)(10), the Administrator shall determine whether an Alaska Native Corporation or Alaska Native Village is, as an entity, socially disadvantaged in accordance with the factors described in subparagraph (A).”; and

(C) in paragraph (6), by adding at the end the following:

“(F) For purposes of this subsection and section 7(j)(10), the Administrator shall annually determine whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged in the same manner as for an applicant for or participant in the program under this subsection that is a Native Hawaiian organization.”.

(c) AFFILIATION.—Section 7(j)(10)(J)(ii)(II) of the Small Business Act (15 U.S.C.

636(j)(10)(J)(ii)(II)) is amended by inserting “, as defined in section 8(a)(13)” after “Indian tribe”.

(d) SOLE SOURCE CONTRACTING DOLLAR LIMITS.—

(1) COMPETITIVE THRESHOLDS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section to apply to small business concerns owned by an Alaska Native Corporation or Alaska Native Village the competitive thresholds for awarding sole source contracts under section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) that are applicable to small business concerns that are owned by a socially and economically disadvantaged individual.

(2) MAXIMUM TOTAL DOLLAR AMOUNT.—Section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) is amended by adding at the end the following:

“(iii) For purposes of eligibility for the award of a contract on the basis of restricted competition under this subparagraph, the Administrator may not establish a maximum total dollar amount of such awards during the period of Program Participation for participants that are owned by an Alaska Native Corporation or Alaska Native Village that is different from the amount for Program Participants that are owned by a socially and economically disadvantaged individual.”.

(e) ONE TIME ELIGIBILITY.—Section 7(j)(11)(B)(iii) of the Small Business Act (15 U.S.C. 636(j)(11)(B)(iii)) is amended in the matter preceding subclause (I) by inserting “(as defined in section 8(a)(13))” after “Indian tribe”.

(f) GRADUATION.—

(1) IN GENERAL.—Section 7(j)(15) of the Small Business Act (15 U.S.C. 636(j)(15)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after “(15)”; and

(C) by adding at the end the following:

“(B) The Administrator may not extend or waive the time limitations under this paragraph for a business concern owned by an Alaska Native Corporation or Alaska Native Village.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) in section 7(j) (15 U.S.C. 636(j))—

(i) in paragraph (10)(E)(ii), by striking “paragraph (15)” and inserting “paragraph (15)(A)”; and

(ii) in paragraph (11)(D), by striking “paragraph (15)” and inserting “paragraph (15)(A)”; and

(B) in section 8(a)(1)(C) (15 U.S.C. 637(a)(1)(C)), in the matter preceding clause (i), by striking “section 7(j)(15)” and inserting “section 7(j)(15)(A)”.
(g) REPORTING.—Section 8(a)(6)(B) of the Small Business Act (15 U.S.C. 637(a)(6)(B)) is amended—

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by inserting “(i)” after “(B)”; and

(3) by adding at the end the following:

“(ii) The annual report submitted under clause (i) by a Program Participant that is an Alaska Native Corporation or Alaska Native Village shall include, for the period addressed by the report—

“(I) the total revenue of the Alaska Native Corporation or Alaska Native Village;

“(II) the revenue of the Alaska Native Corporation or Alaska Native Village attributable to the participation of the Alaska Native Corporation or Alaska Native Village in the program under this subsection; and

“(III) the total amount of benefits paid to shareholders of the Alaska Native Corporation or Alaska Native Village.”.

(h) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section, which shall include—

(1) establishing criteria for determining whether an Alaska Native Corporation or Alaska Native Village is, as a group, socially disadvantaged, in accordance with the factors described in section 8(a)(5)(A) of the Small Business Act, as so designated by this section;

(2) establishing criteria for determining whether an Alaska Native Corporation, Alaska Native Village, or Native Hawaiian Organization is economically disadvantaged;

(3) repealing the provision that excludes certain affiliates of an Alaska Native Corporation or Alaska Native Village in determining whether a business is a small business concern;

(4) repealing the waiver for Alaska Native Corporations and Alaska Native Villages of the requirement that the management and daily business operations of a business concern participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) are controlled by one or more socially and economically disadvantaged individuals;

(5) applying to small business concerns owned by an Alaska Native Corporation or Alaska Native Village the limitation on eligibility for a sole source award under section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) based on the maximum total amount of competitive and sole source awards under such section 8(a) that are applicable to small business concerns that are owned by a socially and economically disadvantaged individual;

(6) prohibiting a single Alaska Native Corporation or Alaska Native Village from conferring eligibility to participate in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on more than 1 small business concern at any one time; and

(7) applying to small business concerns owned by an Alaska Native Corporation or Alaska Native Village the limitation on ownership of other firms participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that is applicable to small business concerns that are owned by a socially and economically disadvantaged individual.

(i) DEFINITIONS.—In this section—

(1) the terms “Alaska Native Corporation” and “Alaska Native Village” have the meanings given those terms in section 3(p)(6) of the Small Business Act (15 U.S.C. 632(p)(6)); and

(2) the term “Native Hawaiian Organization” has the meaning given that term in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

SA 270. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . TEAMING ARRANGEMENTS AND AGENCY CONTRACTING GOALS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

“(3) TEAMING ARRANGEMENTS AND AGENCY CONTRACTING GOALS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘covered small business concern’ means—

“(I) a small business concern owned and controlled by service-disabled veterans;

“(II) a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C);

“(III) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D); or

“(IV) a qualified HUBZone small business concern; and

“(ii) the term ‘teaming arrangement entity’ means a prime contractor under a contractor team arrangement, as defined in section 9.601 of the Federal Acquisition Regulation, as in effect on October 1, 2009.

“(B) CONTRACTING GOALS.—If a covered small business concern performs the obligations of a teaming arrangement entity under a contract between the teaming arrangement entity and a Federal agency, the head of the Federal agency may deem the contract to be a contract awarded to the covered small business concern for purposes of determining whether the Federal agency has met the goals established by the head of the Federal agency under paragraph (2).”.

SA 271. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) DETERMINATION BY ADMINISTRATOR.—Not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a), the Administrator shall determine which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) APPLICATIONS FOR CERTIFICATION AS QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

(1) APPLICATION.—During a period beginning on a date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a)

and ending on the date the Administrator determines which areas qualify as HUBZones, a small business concern located in an area identified as a qualified census tract under subsection (a) may submit to the Administrator an application for certification as a qualified HUBZone small business concern.

(2) CERTIFICATION.—The Administrator may not certify a small business concern that submits an application under paragraph (1) as a qualified HUBZone small business concern before the date on which the Administrator determines which areas qualify as HUBZones.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986.

SA 272. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 16, strike “and”.

On page 49, between lines 18 and 19, insert the following:

(C) in subparagraph (C), by striking “and” at the end;

(D) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.”;

On page 78, line 2, strike “or”.

On page 78, line 4, strike “and” and insert “or”.

On page 78, between lines 4 and 5, insert the following:

“(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

“(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

On page 80, line 5, strike “or”.

On page 80, line 15, strike “and” and insert “or”.

On page 80, between lines 15 and 16, insert the following:

“(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

“(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

On page 81, line 24, strike “or”.

On page 82, strike line 5 and insert the following:

(20 U.S.C. 1001); or

“(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

“(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.”.

On page 83, line 15, strike “and”.

On page 83, strike line 22 and insert the following:

program; and

“(ix) whether the small business concern—

“(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

“(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;”;

On page 90, line 10, strike “and”.

On page 90, strike line 13 and insert the following:

STTR program of the agency; and

“(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

“(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

On page 91, line 20, strike “and” at the end.

On page 91, strike line 22 and insert the following:

award; and

“(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.”.

On page 105, line 2, strike “and”.

On page 105, between lines 6 and 7, insert the following:

(C) ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States; and

On page 115, line 8, insert after “programs” the following: “, including the impact on production and manufacturing in the United States”.

At the end, add the following:

SEC. 504. REQUIREMENT TO PERFORM RESEARCH AND RESEARCH AND DEVELOPMENT WORK IN THE UNITED STATES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(nn) REQUIREMENT TO PERFORM RESEARCH AND RESEARCH AND DEVELOPMENT WORK IN THE UNITED STATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a small business concern that receives a Phase I or Phase II award under an SBIR program or STTR program (including an award under a pilot program under subsection (ff)) shall perform or obtain the research or research and development work required under the award in the United States.

“(2) EXCEPTION.—A Federal agency that makes an award under the SBIR program or STTR program may approve a specific portion of research or research and development work under the award to be performed or obtained outside the United States if—

“(A) a rare or unique circumstance, including a supply, material, or other item that is not available in the United States, requires the portion of the work to be performed or obtained outside the United States; and

“(B) the Federal agency makes the approval in writing.”.

SA 273. Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____ CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 274. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____ TERMINATING LEFTOVER CONGRESSIONAL EARMARK ACCOUNTS.

(a) IN GENERAL.—Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated after Fiscal Year 2010.

(b) DEFINITION.—For purposes of this section, the term “earmark” means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV.

(c) REDUCTION REQUIRED.—Any funds appropriated in fiscal year 2011 to any program shall be reduced by the total amount of congressional earmarks or congressionally directed spending items contained within a committee report or joint explanatory statement accompanying such an Act that provided appropriations to the program in fiscal year 2010.

(d) RESCISSION.—The amounts reduced by subsection (c) are rescinded and returned to the Treasury for the purpose of deficit reduction.

(e) PRIOR LAW.—Subsections (c) and (d) shall not apply to any programs or accounts that were reduced in the same manner by Public Law 112-4 or any other bill that takes effect prior to date of enactment of this Act.

SA 275. Ms. SNOWE (for herself, Mr. THUNE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. USE OF STIMULUS FUNDS TO OFFSET.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), \$150,000,000 is rescinded on a pro rata basis, by account, from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116) (other than under title X of division A of such Act) in order to offset the cost under this Act, and the amendments made by this Act, relating to the SBIR program or the STTR program. The Director of the Office of Management and Budget shall report to each congressional committee the amounts rescinded under this subsection within the jurisdiction of such committee.

SA 276. Mr. PAUL proposed an amendment to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate, that “The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation”.

SA 277. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term “greenhouse gas” means—

- (1) water vapor;
- (2) carbon dioxide;
- (3) methane;
- (4) nitrous oxide;
- (5) sulfur hexafluoride;
- (6) hydrofluorocarbons;
- (7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate

change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled “Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled “Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles” published at 75 Fed. Reg. 74152 (November 30, 2010);

(3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(4) any action relating to the provision of technical support at the request of a State.

SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- (1) changes in land use;
- (2) the growing of commodities, biomass, fruits, vegetables, or other crops;
- (3) the raising of stock, dairy, poultry, or fur-bearing animals; or
- (4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) ADDITIONAL 2011 ALLOCATIONS.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

“(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

“(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

“(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

“(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term ‘domestic job creation (both direct and indirect)’ means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

“(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

“(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term ‘2011 allocation amount’ means \$5,000,000,000.

“(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.”

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting “(increased by so much of the 2011 allocation amount (not in excess of \$1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))” after “\$2,300,000,000”.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “48C(d)(6)(E),” after “36C.”

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 7, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled “Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during

the session of the Senate on March 30, 2011, at 10:30 p.m. in SR 328A.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. in Dirksen 406.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. in 215 Dirksen Senate Office Building, to conduct a hearing entitled “How Do Complexity, Uncertainty and Other Factors Impact Responses to Tax Incentives?”

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. to conduct a hearing entitled “Ten Years After 9/11: A Report From the 9/11 Commission Chairmen.”

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m. to conduct a hearing entitled “Securing the Border: Building on the Progress Made.”

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 30, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Federal Bureau of Investigation.”

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 30, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on March 30, 2011. The Committee will meet in room SD-106 in the Dirksen Senate Office Building beginning at 10:30 a.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

BIRTHDAY WISHES

Mr. REID. Mr. President, happy birthday.

The PRESIDING OFFICER. Thank you.

CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHellenic DANCE MARATHON

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 112, and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (“THON”) on its continued success in support of the Four

Diamonds Fund at Penn State Hershey Children's Hospital.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas the Pennsylvania State IFC/Panhellenic Dance Marathon (referred to in this preamble as "THON") is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer and awareness about the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised more than \$69,000,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2011, THON set a new fundraising record of \$9,563,016.09, besting the previous record of \$7,838,054.36, which was set in 2010;

Whereas THON has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon ("THON") on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another recordbreaking THON.

NATIONAL 9-1-1 EDUCATION MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of S. Res. 118.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) designating April 2011 as "National 9-1-1 Education Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "a single number should be established" nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968 the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be "a high national priority" and part of "our Nation's homeland security and public safety";

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant

messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas the ability to communicate through voice, text, data, and video conferencing provides an opportunity for the Nation's 9-1-1 system to adopt next generation applications and services, greatly enhancing the capabilities of 9-1-1 services;

Whereas numerous other "N-1-1" and 800 number services exist for non-emergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated about when to use such services in addition to, or instead of, 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the population of the United States each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to call 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made each year by children who are properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children about 9-1-1 early in life;

Whereas the 9-1-1 system is often misused, such as through the placement of prank and non-emergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources, and such misuse needs to be reduced;

Whereas parents, teachers, and caregivers must be educated about 9-1-1 in order to play an active role in 9-1-1 education for children;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas parents, teachers, and the National Parent Teacher Association contribute significantly to the goal of educating children about the importance of 9-1-1 through targeted outreach efforts to public and private schools;

Whereas the United States should strive to host at least 1 annual educational event regarding the proper use of 9-1-1 in every school in the Nation;

Whereas the people of the United States deserve the best education regarding the use of 9-1-1; and

Whereas programs to promote proper use of 9-1-1 during "National 9-1-1 Education Month" may include—

(1) public awareness events, such as conferences and media outreach;

(2) training activities for businesses, parents, teachers, school administrators, and other caregivers;

(3) educational events in schools and other appropriate venues; and

(4) production and distribution of information about the 9-1-1 system, designed to educate people of all ages on the importance and proper use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—
(1) designates April 2011 as “National 9-1-1 Education Month”; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe “National 9-1-1 Education Month” with appropriate ceremonies, training events, and activities.

ORDERS FOR THURSDAY, MARCH 31, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, March 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

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

PROGRAM

Mr. REID. Mr. President, I apologize to everyone, including the Presiding Officer, for having to wait, but there was an important meeting with a number of Senators going on in the Vice President’s office, and I had to have those Senators there before I could determine that we were not to do anything more tonight. So I apologize to everyone for the downtime.

Mr. President, we are working to reach an agreement regarding amendments to the small business jobs bill. Senators will be notified when votes are scheduled. I spoke to Senator McCONNELL earlier today. We know we have some problems to work through, and we will continue to try to do that tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Thursday, March 31, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUN-

SELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE’S DEMOCRATIC REPUBLIC OF ALGERIA.
KENNETH J. FAIRFAX, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DEEPA GUPTA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TRAVIS R. ADAMS
MATTHEW D. ALBRIGHT
LISA M. BADER
KENNETH J. BARON
CHRISTIE L. BARTON
BRETT L. BISHOP
JULIE A. BLAKEMAN
BRIAN G. BLALOCK
SAMANTHA E. BLANCHARD
JOHN C. BOWERS, JR.
MATT J. COWAN
CHRISTOPHER M. CUTLER
ROBERT M. ENINGER
VINCENT D. FALLS
MICHAEL J. FEA
FRANK M. FISCHER
CELENE A. FYFFE
TIMOTHY A. GAMEROS
NISARA SUTHUN GRANADO
JULIE V. GULL
MICHAEL R. HOBSON
FREEMAN HOLIFIELD, JR.
ANGELA M. HUDSON
BRIDGET M. JACKSONOAKLEY
ANTHONY J. JARECKE
RODNEY M. JORSTAD
GLENN L. LAIRD
JASON J. LENNEN
MICHELLE R. LOPER
DANIEL J. LOVELESS
ALICIA A. MATTESON
SHANNON S. MCDONALD
TROY E. MCGILL
DEANNA S. MEDINA
ROBIN E. MITCHELL
HEATHER A. NELSON
RENA A. NICHOLAS
FAMELA L. NOVY
ROBERT K. POHL, JR.
PATRICK A. POHLE
MARK A. POMERINKE
DAVID L. PUGH
GERARDO RAMOS
STANLEY M. SEARCY
JESSICA R. SPITTLER
BERNADETTE M. STEELE
DAVID A. TORRES
WENDY J. TRAVIS
ROBERT J. VANECEK
DAVID G. WATSON
KEITH R. WILSON
ILAINA M. WINGLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

FREDERICK C. ABAN
MICHAEL B. AKINS
JENNIFER L. BAKER
SARAH B. BAKER
REN E. BEDELL
RICARDO M. BENAVIDES
BRIAN R. BLANCHARD
LETICIA BLAND
BRYAN W. BOVITZ
JENNIFER L. BRADLEY
MAJELLA G. BROWN
RYAN L. BUHITE
MICHAEL P. CALNICEAN
ALICIA M. CAPPES
MICHAEL J. CERANOWSKI
KERRY L. CIOLEK
WILLIAM P. CLARKSON II
MATTHEW A. CLUGSTON
CHERYL L. CONAT
MARY J. CRUMLEY
PATRICK A. CUTTER
JARED H. DAHLE
LUANNE DANES
RYAN C. DANLEY
TIMOTHY J. DAVIS
MONA DIONISIONELSON
ALFRED E. DOBY III
CHRISTINA V. ENCINA
EMILY F. ESCHBACHER
KEVIN R. FISCHER
KENDRA S. FLETCHER
TRINETTE FLOWERSTORRES

JOEL T. FOSTER
JONATHAN D. FRANK
SAUL J. FREDDMAN
MARCUS T. GRANT
ERIC A. GREEN
SARAH K. GREEN
JOSHUA M. HANEY
JAMES E. HAY
GRETCHEN L. HAYWOOD
THOMAS J. HEIER
CHUCK HENDERSON
KIMBERLY M. HIGHLAND
DOREEN M. HINSZ
CRAIG A. HOLDER
MICHAEL W. HORENZIAK
PHILLIP M. HOWELL
LISA M. HOYT
DAVID R. JARNOT
JENNIFER N. JOHNSON
KATHRYN E. KANZLER
VICTORIA M. KEITH
JUDY C. KELLY
TODD J. KUHNWALD
AARON W. LAMBERT
DONNA M. LAULO
WON HEE T. LEE
RHIANNON MARIE LEUTNER
TAK L. LI
TODD A. LIGMAN
GLENN M. LITTLE, JR.
LANCE M. MABRY
KYLIE C. MACLELLAN
ISAIAH D. MANIGAULT
TRACY L. MARKLE
SCOTT C. MARTIN
EMILY M. MAYFIELD
JULIE M. MEEK
JESSICA M. MELCHIOR
DANIEL B. MICHEL
JEREMY M. MINITER
SIDDIG A. MIRGHANI
LISA J. MULL
ANTHONY V. MURPHY
BRIANNE D. NEWMAN
ROBERT V. NIEWOONDER
JOAQUIN C. OROZCO
KRIS A. OSTROWSKI
CHRISTINA PEACE
ALEJANDRO RAMOS
RICHARD V. RAY
JASON RAY ROGERS
JEFFREY RAYMOND M. SABIDO
SHARON SAMAYOA
STEVEN J. SAMSON
MICHAEL T. SAPP
ERNEST L. SCOTT
ISSAM SEBAHI
CHARNELL E. SMITH
EDWARD L. SMITH
SHAUNA G. SPERRY
NICOLE L. STEINERAPPALARDO
CARLA A. STEPHANYCOX
MARC P. SYLVANDER
APRIL J. TAYLOR
SAMUEL B. TOBLER
ETHEL D. TOMASI
ROBERT E. TONER III
THO N. TRAN
JOSEPH M. UZPEN
ANDREW J. WAGNER
JEFFREY D. WALKER
WESLEY W. WALKER
EDWARD B. WALTERS
DAVID A. WELCH
DORIAN R. WILLIAMS
HEATH S. WOODKMAN
CATHERINE L. WYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAY O. AANRUD
JAMES M. ABATTI
DEREK A. ABEYTA
EDWARD T. ACKERMAN
TODD E. ACKERMAN
CLOYCE J. ADAMS
MICHAEL E. ADDERLEY
CRAIG ALLTON
DAVID S. ANDRUS
SCOTT A. ARCURI
JASON R. ARMAGOST
RUSSELL L. ARMSTRONG
CHARLES F. ARNOLD, JR.
JOSEPH ATKINS
ELISABETH S. AULD
DAVID E. BACOT
KENNETH W. BAILEY
PETER K. BAILEY
THOMAS E. BAILEY
JOHN P. BAKER
WARREN P. BARLOW
CHRISTOPHER C. BARNETT
PAUL K. BARNEY
GREG A. BARNHART
FRANK BATTISTELLI
BRIEN J. BAUDE
KRIS A. BAUMAN
EUGENE V. BECKER
KELI A. BEDICS
ROBERT L. BEHNKEN

CHERYL J. BEINEKE
 ALMARAH K. BELK
 JAMES BELL
 LANE M. BENEFIELD
 MIKE BENSON
 PETER M. BILODEAU
 ROBERT K. BLAGG
 DANIEL E. BLAKE, JR.
 FREDERICK H. BOEHM
 BRIAN C. BOHANNON
 DAVID B. BOSKO
 GENTRY W. BOSWELL
 JOEL D. BOSWELL
 MARK E. BOWEN
 KENNETH B. BOWLING
 NANCY M. BOZZER
 NOEL D. BRADFORD
 MARK P. BRASTED
 MIKE M. BRANTLEY
 ANDRE J. BRIERE
 RAYMOND E. BRIGGS, JR.
 ROBERT A. BRISSON
 CHRISTOPHER D. BROOKS
 CHARLES E. BROWN, JR.
 JASON M. BROWN
 MARK A. BROWN
 DAVID W. BRUCE
 ROBERT J. BRUST
 HAROLD D. BUGADO
 DAVID S. BUNZ
 HEATHER L. BUONO
 STEVEN C. BURGH
 LLOYD A. BUZZELL
 DAVID M. CADE
 STEVEN E. CAHANIN
 JOHN T. CAIRNEY
 MICHAEL E. CALTA
 SHAWN D. CAMERON
 BRYAN H. CANNADY
 HOUSTON R. CANTWELL
 WILLIAM J. CARLE
 MICHAEL E. CARTER
 BRENDA P. CARTIER
 BENJAMIN M. CASON
 VINCENT R. CASSARA
 GLENN S. CHADWICK
 DAVID B. CHISENHALL, JR.
 RAYMOND E. CHUVALA, JR.
 ANTON W. CIHAK II
 JOHN D. CLINE
 DEAN A. CLOTHIER
 JAMES R. CLUFF
 TAMMY S. COBB
 PAMELA D. COLEMAN
 JEFFREY G. COMPTON
 JOSEPH E. COOGAN
 BARRY W. COOK
 JOHN J. COOPER
 TODD M. COPELAND
 DOUGLAS S. COPPINGER
 DAVID B. COX
 ADRIANE B. CRAIG
 JEFFREY E. CREHAN
 KEVIN P. CULLEN
 CASE A. CUNNINGHAM
 SCOTT M. CURTIN
 NORMAN W. CZUBAJ, JR.
 MARK T. DALEY
 WALTER C. DANIELS II
 KAREN M. DARNELL
 BENJIMAN W. DAVIS
 HARRY A. DAVIS, JR.
 JOSEPH C. DAVISSON
 MICHAEL A. DAY
 DOUGLAS C. DELAMATER
 DAVID A. DELMONACO
 MARCELINO E. DELROSARIO, JR.
 JAVIER A. DELUCCA
 RICHARD A. DENNERY
 SEAN M. DEWITT
 DAVID W. DIEHL
 THOMAS W. DOBBS
 PATRICK H. DONLEY
 MARK J. DORIA
 TODD A. DOZIER
 ERNEST S. DRAKE
 JAMES D. DRYJANSKI
 BRIAN A. DUDAS
 DOUGLAS S. DUDLEY
 CHRISTOPHER G. DUFFY
 MICHAEL B. DUFFY
 JONATHAN M. DUNCAN
 JOHN J. DUNKS
 TROY E. DUNN
 LIONEL F. EARL, JR.
 MICHELE C. EDMONDSON
 WILLIAM A. EGER III
 ELIZABETH A. EIDAL
 VIKKI L. ELLISON
 GREGORY L. ENDRIS
 ROBERT W. ERICKSON
 STEVEN E. ERICKSON
 TODD C. ERICSON
 PHILIP C. EVERITTE
 SHAWN C. FAIRHURST
 ERIC V. FAISON
 SCOTT R. FARRAR
 SEAN M. FARRELL
 VINCENT R. FISHER
 ALBERT H. FITTS
 MICHAEL T. FITZGERALD
 MICHAEL R. FLORIO

RICHARD W. FOGG
 SAROYA I. FOLLENDER
 JAMES M. FORAND
 PETER S. FORD
 STEVEN E. FOSS
 ROBERT J. FOURNIER
 BRIAN A. FOX
 SCOTT A. FOY
 ANTHONY A. FRANZESE
 JOHN A. FREY
 DANIEL J. FRITZ
 FREDERICK H. FROSTIC
 TIMOTHY L. FULLER
 JENNIFER M. FULLMER
 CRAIG S. GADDIS
 SEAN T. GALLAGHER
 LUIS S. GALLEGOS
 MARK A. GAUBERT
 KEVIN J. GAUDETTE
 JAMES M. GIFFORD, JR.
 DANIEL M. GILLESPIE
 CHRISTOPHER W. GILMORE
 JOHN W. GLOYSTEIN III
 JAMES D. GOLDEN
 KRISTIN E. GOODWIN
 DAVID B. GOSSETT
 WILLIAM L. GOULD
 THOMAS J. GOULTER, JR.
 CARMEN S. GOYETTE
 DAVID E. GRAFF
 WILLIAM J. GRAY, JR.
 ANDREW W. GREEN
 JASON D. GREEN
 BRIAN S. GREENROAD
 STEVEN C. GREGG
 BRENT M. GRIFFIN
 JOSE E. GUILLEN, JR.
 QUINN A. GUMMEL
 GARY B. GUY
 OTTO D. HABEDANK
 MARK W. HABERLICHTER
 GARY D. HAINES
 ROBERT M. HAINES
 CARLOS HALCOMB
 DAVID T. HAMM
 JOHN HAMUKA
 THOMAS E. HANCOCK
 FORREST B. HARE
 BRENDAN M. HARRIS
 BRYAN L. HARRIS
 MATTHEW C. HARRIS
 RUSSELL J. HART, JR.
 LAWRENCE B. HAVIRD
 ANDREW D. HEALY
 CHARLES R. HENDERSON
 RONALD L. HENRY
 GARY F. HERMANN
 DUANE L. HIEBSCH
 CALMA C. HOBSON
 ROBERT A. HOFF
 CHARLES E. HOGAN II
 DONALD WAYNE HOLLOWAY
 JOHN O. HOLM
 THERESA STOCKDALE HOMAN
 CHARLES M. HOWARD
 KEVIN A. HOWARD
 JAMES M. HUMES
 LANE R. HUMPHREYS
 MATTHEW M. HURLEY
 RONALD E. HUZZARD
 PAUL H. ISSLER
 RONALD L. JACKSON, JR.
 BRANDON A. JAEGER
 EDWARD M. JAKES
 STEVEN P. JAMES
 RICHARD F. JANOSO
 RONALD S. JOBO
 DONALD A. JOHNSON
 JAMES L. JOHNSON
 MARCUS JOHNSON
 PAUL L. JOHNSON
 DIANE M. JONES
 ROBERT W. JONES, JR.
 STEPHEN F. JOST
 TODD S. JOYNER
 PAUL J. KASUDA
 LANCE K. KAWANE
 JEFFREY S. KECKLEY
 JENNIFER L. KILBOURN
 LANCE A. KILDON
 JEFFREY R. KING
 MICHAEL J. KING
 MIKLOS C. KISS, JR.
 DAVID A. KIVIOJA
 JOHN M. KLEIN, JR.
 GREGG A. KLINE
 JAMES F. KLINGMEYER
 TIMOTHY S. KLOPFER
 THOMAS G. KLOPOTEK
 ANDRA VAN POPPEL KNIEP
 ANDREW J. KNOEDLER
 JAMES S. KOCKLER
 EDWARD J. KOHARIK III
 STEPHEN O. KORNTITZER
 ALEXANDER L. KOVEN
 STEPHEN M. KRAVITSKY
 GARY B. KUBAT
 JAMES D. KUEHN
 THOMAS E. KUNKEL
 DAVID W. LAIR
 JOHN D. LAMONTAGNE
 DEBORAH A. LANDRY

HARRY J. LANE, JR.
 LARRY H. LANG
 ELIZABETH S. LARSON
 LEAH G. LAUDERBACK
 CHERYL L. LAW
 CARMELLA V. LAWSON
 DOUGLAS J. LEE
 PETER F. LEHEW
 EDWARD J. LENGEL
 THOMAS J. LENNON, JR.
 MARK T. LEONARD
 ROBERT S. LEPPER, JR.
 JOHN R. LEWIS
 DANIEL LIGGINS
 JOE L. LINDSEY
 DANIEL R. LOCKERT
 MICHAEL J. LOGAR
 EDWARD A. LOMBARD
 JEFFREY C. LOUIE
 MICHAEL A. LOVE
 ROBERT R. LOY
 VERNON K. LUCAS
 CLARENCE W. LUKES, JR.
 DAVID A. LUNGER
 GARRY W. LUNSFORD
 TIMOTHY B. MACGREGOR
 SCOTT R. MAETHNER
 DAVID A. MAHER
 ROBERT A. MALLETS
 RUSSELL W. MAMMOSE
 EDWARD MARTIGNETTI
 MICHAEL E. MARTIN
 ANTHONY J. MASTALIR
 JOHN C. MATEER IV
 PAUL T. MATIER
 BRIAN G. MAY
 WILLIAM P. MAZZENO
 HOWARD G. MCARTHUR
 PAUL B. MCARTHUR
 MARK H. MCCLLOUD
 GREGORY L. MCCLURE
 LISA R. MCCOLGAN
 GERALD R. MCCRAY
 CHARLES B. MCDANIEL
 PATRICK D. MCEVOY
 JOSEPH D. MCFALL
 CURTIS D. MCGIFFIN
 SHAUN R. MCGRATH
 WILLIAM A. MCGUFFEY
 THOMAS G. MCGUIRE
 BRIAN P. MCCLAUGHLIN
 FRED A. MCNEIL
 MICHAEL A. MCNERNEY
 MICHAEL A. MENDOZA
 JOHN J. MENOZZI
 LEIGH E. METHOD
 ALEXIS MEZYSKI
 MELANIE J. MILBURN
 MICHAEL D. MILLEN
 ALBERT G. MILLER
 DAVID N. MILLER, JR.
 JASON E. MILLER
 RODNEY L. MILLER
 PETER J. MILOHNIC
 TROY P. MOLENDYKE
 TIMOTHY S. MOLNAR
 ROBERT B. MONROE
 LEANNE C. MOORE
 VICTOR H. MORA
 BRENT P. MORAN
 MICHAEL A. MORREALE
 ANNA MARIE MORRIS
 DOUGLAS B. MORRIS
 SCOTT A. MORRIS
 DAVID F. MORRISSEY
 MARION D. MOXLEY
 MATTHEW P. MURDOUGH
 DAVID W. MURPHY
 JENNIFER J. MURPHY
 DARRYL F. NEAL
 RICHARD D. NEAL, JR.
 MICHAEL R. NEEMAN
 ROBERT J. NELSON
 CHARLES S. NESEMEIER
 ROGER L. NEUMANN
 JOHN P. NEWBERRY
 TODD A. NICHOLSON
 LAWRENCE A. NIXON
 SEAN B. OBRIEN
 EDWIN J. OFFUTT
 LESTER S. OGAWA
 MARK L. OLAUGHLIN
 ANDREW D. ONIEL
 DANIEL S. ORMSBY
 KEVIN P. OROURKE
 ROBERT J. ORRIS
 CARLOS H. ORTIZ
 WILLIAM R. OTTER
 GREGORY R. OTTOMAN
 THOMAS E. PAINTER, JR.
 GERALD J. PARISH
 DAVID PASTORE
 GREGORY M. PATSCHKE
 ROBERT J. PAVELKO
 GREGORY J. PAYNE
 KEVIN M. PAYNE
 BRETT D. PENNINGTON
 DANIEL A. PEPPER
 CHARLES D. PERHAM
 MARC A. PETERSON
 JEFFREY D. PHILPPART
 JOSEPH F. PIASECKI

JEFFREY G. PIERCE
 MASON B. FIGUE
 LANSING R. PILCH
 STEPHEN C. PLATT
 WILLIAM E. POLAKOWSKI
 BRIAN G. POLSER
 PATRICK D. POON
 MICHAEL D. PORT
 CHRISTOPHER J. POSSEHL
 CHRISTOPHER S. POVAK
 ROBERT R. POWELL
 WILLIAM P. POWER
 JOHN F. PRICE, JR.
 JAMES A. QUINN
 ANTHONY R. RAMAGE
 STEVEN E. RAMER
 MURIEL RAMIREZSALAS
 ROBERT L. RAMSDEN
 BILLY M. RASNAKE
 CHRISTOPHER R. RATE
 WILLIAM F. RATLEDGE
 JAMES R. RAY
 KEVIN J. RAYBINE
 BROOKS B. REESE
 THOMAS A. REPPART
 GEORGE M. REYNOLDS
 JONATHAN C. RICE IV
 LARRY G. RICE, JR.
 MICHAEL G. RICKARD
 STEPHEN P. RITTER
 WILLIAM RITTERSHAUS
 JOSEPH M. RIZZUTO
 WILLIAM P. ROBERTS
 REGINALD O. ROBINSON
 KABRENA E. RODDA
 DEBRA K. ROSE
 MICHAEL D. ROSS, SR.
 WILLIAM J. ROWELL
 CHRISTOPHER S. SAGE
 ROBERT D. SAGRAVES
 ASHLEY D. SALTER
 KEVIN L. SAMPELS
 GREGORY P. SAKAKATSANNIS
 DENNIS G. SCARBOROUGH
 JOHN J. SCHAEFER III
 GREGORY SCHECHTMAN
 DOUGLAS A. SCHIESS
 MARTIN K. SCHLACTER
 CHARLES F. SCHLEGEL
 ROBERT J. SCHLEGEL
 THOMAS L. SCHMIDT
 JAIME M. SCHOFIELD
 PAUL L. SCHOLL
 TODD J. SCHOLLARS
 CARL J. SCHULER, JR.
 MARK A. SCHULER
 MARCUS R. SCHULTHESS
 LOUIS P. SELLIQUINI, JR.
 CHRISTOPHER L. SETLIFF
 MICHAEL J. SHEA
 MICHAEL J. SHEPHERD
 JAMES S. SHIGEKANE
 STEVEN L. SHINKEL
 DAVID A. SIKORA
 JILL E. SINGLETON

TIMOTHY M. SIPOWICZ
 ERIN A. SKOWRAN
 JEREMY T. SLOANE
 AARON M. SMITH
 LESLIE T. SMITH, JR.
 RUSSELL J. SMITH
 DAVID W. SNODDY
 JENNIFER P. SOVADA
 JUSTIN J. SPEEGLE
 STEVEN G. STAATS
 MICHAEL B. B. STARR
 DARRELL C. STEELE
 DAVID R. STEELE
 MATTHEW A. STEVENS
 MICHAEL S. STEVENSON
 DAVID R. STEWART
 DAVID A. STONE
 ROBERT H. STONEMARK
 MARIA LIZA R. STRUCK
 MICHAEL S. STRUNK
 SHAUN R. STUGER
 JONATHAN A. SUTHERLAND
 ARAS P. SUZIEDELIS
 MARK F. SWENTKOFESKE
 ANDREW G. SZMEREKOVSKY
 PAUL E. SZOSTAK
 ALBERT Z. TALAMANTEZ, JR.
 DANIEL B. TALATI
 ANTHONY T. TAYLOR
 SHAWN E. TEAGAN
 ERNEST J. TEICHERT III
 KEITH L. THIBODEAUX
 JORDAN K. THOMAS
 MARK E. THOMPSON
 RODNEY F. TODARO
 GEORGE W. TOMBE IV
 MARY D. TOOHEY
 LAWRENCE O. TORRES
 ERIC J. TRYCHON
 TIMOTHY R. UECKER
 JEFFREY R. ULLMANN
 JERRY J. UPDEGRAFF
 EDWARD J. VAN GHEEM
 HARRY W. VANDERBACH
 REX S. VANDERWOOD
 ROBERT H. VANHOOSE
 JONATHAN R. VANNOORD
 DAVID M. VARDAMAN
 DAVID S. VAUGHN
 TODD M. B. VICIAN
 MARK W. VISCONI
 MARK A. VIVIAN
 JAMES R. VOGEL
 BRENT R. VOSELLER
 ANDREW M. WALLACE
 GINGER L. WALLACE
 SCOTT A. WARNER
 JAMES L. WARNEK
 DANIEL L. WATERS
 JEFFREY J. WATERS
 GORDON K. WATTS
 WILLIAM C. WAYNICK II
 ANDREW H. WEAVER
 CHARLES W. WEBB, JR.
 MARK D. WEBER

MICHAEL R. WEHMEYER
 TODD J. WEYERSTRASS
 CHRISTOPHER L. WHEELER
 STEVEN P. WHITNEY
 ROBERT S. WIDMANN
 PHILIP W. WIELHOWER
 DAVID A. WIESNER
 GARY WILEY, JR.
 CURTIS L. WILKEN
 JAMES B. WILKIE
 BERNARD M. WILLI
 GREG A. WILLIAMS
 JOHN H. WILSON
 ROBERT P. WINKLER
 ERIC P. WOHLRAB, JR.
 MARK A. WOOLAN
 CHRISTOPHER A. WORLEY
 ZEV YORK
 WILLIAM E. YOUNG, JR.
 SCOTT C. ZIPPWALD

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHAEL G. POND
 THERESA L. RAYMOND
 WILLIAM M. STEPHENS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CARROLL J. CONNELLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SAMUEL H. CARRASCO

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MEDRINA B. GILLIAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL E. SCHOENBUCHER, JR.

HOUSE OF REPRESENTATIVES—Wednesday, March 30, 2011

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 30, 2011.

I hereby appoint the Honorable ROBERT HURT to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

HONORING DANIEL P. MULHOLLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. PRICE) for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor the distinguished career of a man who has been an institution within an institution: Daniel P. Mulhollan, the director of our Congressional Research Service, who will retire next month after more than 17 years at the helm of CRS and nearly 42 years of service to the Congress overall.

To say that Dan is an institution around here is really an understatement. In many ways, he has personified the growth of CRS from a relatively small division of the Library of Congress into the world-class source of objective and authoritative research and analysis that it is today.

Dan first joined what was then the Legislative Reference Service as an analyst in American national government in September of 1969, fresh out of his doctoral training at Georgetown. At the time, just two of the 435 Members currently serving in this House had been elected to Congress—and a fair

number serving here hadn't even been born yet!

For the next 25 years, Dan steadily acquired seniority and respect within the Government Division of CRS, excelling as both an analyst and a division chief. When the Librarian of Congress, Dr. James Billington, conducted a strategic review of the Library's priorities in the early 1990s, Dan was tapped to help ensure that the Library's services were as relevant as possible to the Members, committees, and staff that it exists to serve. This assignment led him to assume the role of Acting Deputy Librarian of Congress, and when CRS found itself in search of a new director a few years later, Dan was a natural fit.

As director, Dan has continued to exemplify both the analytical depth that is at the core of his organization's mission and the strategic vision needed to bring CRS into the 21st century. He expanded the service's ability to bring interdisciplinary scholarship to bear on complex issues of policy, recruiting scientists and engineers to work alongside policy analysts and attorneys. He developed a personnel succession plan to ensure that CRS will continue to be able to recruit topnotch talent as older analysts retire.

Mr. DREIER. Will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield to my friend from California, who I know has made a special effort, given his leadership duties, to join us on the floor.

Mr. DREIER. I would like to join the gentleman from North Carolina in extending our hearty congratulations to Dan Mulhollan for his extraordinary service to this institution and, in particular, for the work that he has done to ensure that the House Democracy Partnership has been able to succeed.

I want to thank my friend for taking out this very important time, and I thank him for yielding.

Mr. PRICE of North Carolina. I thank my friend and colleague Mr. DREIER, the chairman of the House Democracy Partnership, which I had the privilege to chair for the past four years.

Dan Mulhollan and the Congressional Research Service have indeed been critical partners in our efforts around the world in developing democracies to increase the capacity of their parliaments.

Mr. DREIER. We should say we have four of them here, in fact, this week.

Mr. PRICE of North Carolina. We have delegations from four parliaments

in town this week for workshops on committee operations. They're from Pakistan, Indonesia, some members from Iraq—

Mr. DREIER. Lebanon.

Mr. PRICE of North Carolina. And from Lebanon. That's right.

There are four groups of parliamentarians here this week, and the CRS, as usual, is a full partner in putting on workshops for these members, workshops that will help them strengthen their operations back home. These exchanges are very useful to us as well.

As my colleague has stressed, the main reason for the two of us being here to offer this tribute today is because of the support Dan Mulhollan has offered over the years: first to the Frost-Solomon Task Force, the precursor of our present commission, which in the early 1990s worked in Central and Eastern Europe, offering technical assistance to the parliaments emerging from communist rule; and then for the last 6 years to the House Democracy Partnership.

So we are happy to join today in thanking Dan Mulhollan for all these years of work on behalf of the Congress and particularly for the kind of support that he has offered our international partnerships.

Dan knows a lot about Congress and has a profound respect for the institution. He has brought a particular sense of mission to the work of our commissions. As a political scientist, he recognizes how critical legislative research is to the growth of democracy, first in post-Communist Europe and now to all kinds of emerging democracies around the world.

I had the privilege of traveling last year with Dan to Warsaw to observe the 20th anniversary of that earlier task force's work. I can assure my colleagues he received a hero's welcome. His work has not gone unnoticed, and it is not going to go unnoticed by us either.

We want to salute Dan Mulhollan for his many, many years of distinguished service. We want to thank him for all that he has done, and we want to wish him well in his retirement and offer him our sincere gratitude and praise for a job well done.

HONORING THE EXTRAORDINARY LIFE OF EDGAR HAGOPIAN

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

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

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

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Edgar Hagopian and to mourn his passing at the age of 80.

Born on August 16, 1930, to Haroutun and Cariana Hagopian, Edgar dedicated his life to serving our community and our country. He was an exemplary citizen with an incredible work ethic who held an absolute love for his ancestral Armenia.

After graduating from Detroit's Cass Tech High School in 1948, Edgar studied at the University of Michigan and valiantly served in the United States Army during the Korean war. After being honorably discharged on December 7, 1954, Technical Sergeant Hagopian joined his father's business, where he had frequently worked since childhood.

Thus began a long and storied career, establishing himself not only as a successful entrepreneur but as an ardent advocate and activist for our community and Armenian causes.

Edgar served on the board of directors of the Armenian Assembly of America, the board of governors of the Michigan Design Center, the Detroit chapter of the Armenian General Benevolent Union, and the Michigan chapter of the Seeds of Peace. He was an associate in the Founders Society of the Detroit Institute of Arts, and was involved with the Armenian Library. Edgar also founded the Detroit chapter of the Armenian American Business Council.

Edgar was named "Man of the Year" by the Canadian Armenian Business Council in 1995. In 2002, he was inducted into the International Institute Heritage Hall of Fame, and Edgar was awarded the 2005 Ellis Island Medal of Honor. This prestigious award was created to honor ancestral groups who, through struggle, sacrifice, and success, helped build this great Nation.

Edgar Hagopian deeply loved his community, and his community loved him. Always mindful of his humble roots, Edgar always endeavored to better our world. He was a mentor to many and an avid patron of the arts. A pensive philanthropist, Edgar led Hagopian Companies to donate in excess of \$70 million in goods and services to local charities.

Sadly, on March 27, 2011, Edgar passed from this earthly world to his eternal reward. He is survived by his beloved wife of 54 years, Sarah, and his children Suzanne, Edmond, and Angela. Yet Edgar's legacy will continue in the lives of his grandsons Alexander, Adam, and Nicholas. As he joins his brother Arthur in eternity, Edgar is also survived by sisters Mary and Ilene and his brother Steve.

Mr. Speaker, Edgar Hagopian will be long remembered as a compassionate father, a dedicated husband, a passionate champion of Armenian causes, a philanthropist, a community leader,

and above all, as a friend. Edgar was a man who deeply treasured his family, friends, community, and his country.

Today, as we bid Edgar Hagopian farewell, I ask my colleagues to join me in mourning his passing and in honoring his unwavering patriotism and legendary service to our community and our country.

□ 1010

I would also ask us to reflect on what is perhaps the most poignant part of Edgar's legacy: We are not enriched by what we do for ourselves but by what we do for others within the short span of time God grants. Truly, Edgar Hagopian used the time he was given to leave us all better off; and now, in honor of him, let us return the favor to our fellow human beings.

THE FAIRNESS IN TAXATION ACT

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

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to address a grave threat to both our economy and our democracy, and that is the disappearing middle class.

Over the last 30 years, there has been a dramatic and deliberate transfer of wealth from the middle class to the very, very, very rich. Income inequality is now at the highest level since 1928. Wages have stagnated for middle and working class families despite enormous gains in productivity. Where has the money gone?

This chart shows the change in the average pre-tax household income from 1979 to 2005. The bottom 20 percent—that's that number way down in the corner—of households saw their incomes over those 30 years grow just \$200. Over the same period, the top 0.1 percent saw income growth of nearly \$6 million each year. The top 100th of 1 percent now makes an average of \$27 million per household per year. The average income for the bottom 90 percent of Americans: \$31,244.

Meanwhile, Republicans, who squandered a budget surplus, created a huge deficit with unpaid-for tax cuts that went mainly to the very rich, and whose policies allowed Wall Street recklessness to bring our economy to near collapse, are now demanding that the middle class foot the bill. Their solution to our fiscal mess is to gut vital programs like Social Security, Medicare, and Medicaid, and to make cuts in domestic spending that would cause an additional 700,000 middle class Americans to lose their jobs.

In the next chart, you can see some of the enormous cuts that they are proposing: \$1.3 billion from community health centers, the only source of medical care for many families; \$5.7 billion from Pell grants, reducing the size of

the grant for 9.4 million students who want to go to college; and \$1 billion in funding for high-speed rail, important infrastructure projects that will create good jobs—thousands and thousands of good jobs.

Once again, they are showing their utter disregard for the shrinking middle class and those who aspire to it by cutting important jobs programs and assistance programs for poor families.

Part two of the Republican program for addressing our economic problem, and every other problem, is to cut taxes even more for the rich. Enough is enough. It's time for millionaires and billionaires to pay their fair share. This isn't about punishment and it isn't about revenge. It is about fairness.

Currently, the top tax bracket starts at \$375,000, failing to distinguish between the well-off and billionaires. I have introduced the Fairness in Taxation Act, which would create new tax brackets beginning at 45 percent for income over \$1 million, rising to 49 percent for income of \$1 billion a year or more; and, yes, there are people in our country who made \$1 billion or more just last year. Historically, these rates are relatively modest. During most of the Reagan administration, the top tax rate was 50 percent; and in previous decades, the top tax rate was as high as 94 percent.

My bill would also address a fundamental inequality in our current law by taxing capital gains and dividends at ordinary income rates in those brackets. Rich hedge fund managers should not be paying a lower tax rate than their secretaries because much of the income of the hedge fund manager is capital gains and dividends.

According to Citizens for Tax Justice, the Fairness in Taxation Act will raise more than \$78.9 billion if enacted in 2011, allowing us to avoid the harsh cuts that will hurt the middle class. This is an idea that Americans support. In a recent poll, 81 percent of respondents supported placing a surtax on Federal income for those who make more than \$1 million per year in order to reduce the deficit.

Passing the Fairness in Taxation Act will allow us to stop the war on the middle class, restore fiscal integrity and fairness, and fund initiatives that reflect our American values and goals.

RECOGNIZING GUS MACHADO FORD FOR RECEIVING THE FORD MOTOR COMPANY PRESIDENT'S AWARD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to congratulate a constituent of my south Florida community, Gus Machado of Gus Machado

Ford, for receiving the Ford Motor Company's President's Award. The President's Award is a prestigious honor and is awarded to less than 10 percent of all dealers nationwide. It recognizes Gus Machado Ford for exceeding customer expectations in every department.

Customer satisfaction is more important than ever during these tough economic times. Its loyal and supportive customer base has allowed Machado Ford to prosper where others have seen their markets shrink. Certainly, in the past year and a half, we have sadly witnessed many dealers close up shop, and it has been a very difficult period for car dealers nationwide; but Gus has not only survived but has flourished. I applaud Gus Machado Ford for making the interests of customers its number one priority.

To further recognize his contribution to our south Florida neighborhoods, two outstanding individuals, Remedios and Fausto Diaz-Oliver, will acknowledge the significant aid that Gus has provided to others with a community event this Sunday. Gus may be best known for his outstanding company, but his hand in helping those less fortunate in our south Florida area is admirable.

In 1985, Gus organized the first golf shootout at the Doral Golf Resort. With all proceeds going to the American Cancer Society, the charity event was so successful that his shootout has become an annual event.

Along with his golf event, Gus is also founder of two additional charity events. He is the founder of the first PGA Tour Senior Golf Classic in Miami at Key Biscayne, which donates to the American Cancer Society and to the United Way. He is also the founder of the Gus Machado Classic Charity Golf Tournament, which has raised over half a million dollars for cancer research.

In 2008, to better serve the community through his charitable contributions, he created the Gus Machado Family Foundation. Every year, the foundation celebrates the Gus Machado Community and Back to School Fair on the grounds of his car dealership. The event provides hundreds of children with backpacks full of school supplies. Along with the generous donations of school materials that the foundation supplies to our children, it also offers immunizations and ID cards for kids in conjunction with different State and local government agencies during the back-to-school community fair.

As a contributor to over 30 charitable organizations, few in our community have impacted south Florida as much as Gus has. Again, congratulations to Gus Machado for his recent commendation and for his leadership to our community.

RETIREMENT OF ERVIN HIGGS

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to honor Ervin Higgs on his well-deserved retirement after 46 years of public service in the Florida Keys. Ervin's long and distinguished career was marked by a solid 35 years as property appraiser of Monroe County, otherwise known as the Keys. In his service to the Keys, Ervin has borne witness to the unique and profound changes that have taken place in our Keys community. His commitment to excellence has truly allowed him to shape the lives of countless Conchs.

It is sad to see such a fine and dedicated public servant retiring, but those who follow in his footsteps will truly have much to establish. There are few greater rewards than the satisfaction of serving one's community, and I thank Ervin so very much for having embraced this most noble of endeavors with such high principles.

Congratulations to Ervin on his retirement, and I wish him all the best on this new chapter of his life.

□ 1020

LIBYA: THERE SHOULD HAVE BEEN A VOTE

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

Ms. KAPTUR. Mr. Speaker, a little over a week ago, the executive branch launched U.S. military force against yet another Middle Eastern country. This time it is oil-rich Libya. U.S. naval and air forces attacked Libyan military installations across that country, wiping out air defenses, intelligence systems, tanks, and also apparently is now targeting that nation's ground forces.

Under what policy is the executive branch operating without a vote of Congress in expending millions of defense dollars and State dollars on offensive action taken inside a nation that did nothing provocative toward the United States. In fact, last year, Libya was even a recipient of U.S. foreign aid. The President's justification for this action was that it was not an act of war but, rather, a humanitarian mission to prevent a catastrophe that would have resulted from Libya's military forces under the command of Libyan President Muammar Qadhafi from taking the civilian center of Benghazi.

Our President says he did not act alone, as French, British, Canadian, and other Western NATO members participated in these attacks. The President informed Congress that future operations will be handled by NATO. Well, who exactly decided all of this? Not Congress. If this is not an act of war, as F-16s fly over and bomb and U.S. naval forces shell, what is it?

The President has further said he authorized this military action to enforce

U.N. Security Council Resolution 1973; yet on that resolution, many nations who normally are U.S. allies abstained from the vote, such as India, Brazil, and Germany.

The President said he sought the permission of the Arab League before taking action. But in fact it was 3 days into the bombing when the press reported the Arab League said it had "no objection" to the bombing. So where in these operations have been the Arab League's planes and soldiers? And I might ask, where is the African Union's engagement? Why are they silent?

It appears the administration consulted key allies from oil-dependent Europe, like the French, who dropped the first bombs, and the British. But the President didn't bother to ask Congress. We live in very strange and dangerous times. The administration says it made a couple of phone calls to Members of Congress serving in the leadership. Well, who exactly were they? And then the administration set up an after-the-fact briefing for Members of Congress in the Capitol Visitor Center. None of these gestures meet the spirit or letter of the law under our Constitution relating to military engagement abroad.

Yes, protest movements seem to be springing up across Africa and the Middle East, and we witness some Libyan rebels—though we really don't know exactly who they are or who is funding them—take to the streets to demand reform and an end to the Qadhafi government's grip on power. But we also see troops very loyal to the Qadhafi regime who are fighting to maintain that regime.

So why is America taking a military role in an internal civil conflict without a vote of Congress on behalf of the American people whose sons and daughters are engaged in these operations? Should we not be clear and vote on whom it is we are supporting, for how long, and through what legal means?

I and the entire world watched with horror the news reports of Qadhafi's troops attacking civilians, including shutting off food, water, and fuel, shelling cities and towns, and targeting innocent people for killing. Those responsible for these crimes must face justice for what they have done. But please tell me, where across that region do we not have dictators in charge of nations? Is America to intervene everywhere there is an uprising?

Libya is certainly not the only African country facing a humanitarian crisis. We have all but ignored the situation in Côte d'Ivoire which has already displaced approximately 500,000 people, with triple the population of Libya. The crisis in Côte d'Ivoire would dwarf the violence in Libya. Would the President's logic extend there? Or what about the Congo? Or Sudan? Is it

America's new 21st century Monroe Doctrine to now intervene militarily under the guise of humanitarian aid wherever a President chooses?

The crisis in Libya was several weeks old when the President chose to take action. Surely there was time to seek congressional approval. I am highly concerned that this military intervention took the familiar pattern of launching attacks just when Congress left town to go back to our districts for a week, thus silencing our voices in Congress even more as this floor was shut down. How premeditated and how irresponsible I believe the current course of events to be.

I have sent an official letter to the Obama administration asking under what U.S. legal authority U.S. forces have been engaging in Libya. As a member of the Defense Subcommittee, I fully expect a matter of this nature would have been brought up before us. It never was.

Moreover, what have the operations cost to date? And from which accounts are funds being taken? The Department of Defense claims it cannot create a civil works employment program to employ our returning U.S. Iraqi and Afghani veterans when they come home here, yet it finds money for this excursion.

Mr. Speaker, there should have been a vote on the use of force outside our borders, not a notice after the fact. Anyone who is following the news has seen the reports of protest and unrest in multiple nations. Mr. Speaker, on the operations in Libya, there should have been a vote here.

Does this Administration, like the last one, believe that it has the authority to take military action wherever it chooses in the Middle East? Could the President's same rationale extend to Yemen? Or Lebanon? What about Syria? How would the Administration respond to a similar situation in Iran? Or Pakistan? The list goes on.

The simultaneous commitment of U.S. military force in multiple countries is a serious matter. And the Administration needs to be rebuked for its failure to appropriately engage Congress.

Not only is Congress a co-equal branch. Congress and Congress alone has the Constitutional authority to commit the Republic in such matters. F-16's, Harpoon missiles, Apache helicopters, are all weapons of war not humanitarian assistance. And who exactly are the rebels we are favoring in this Libya incursion, and where is their funding and weapons coming from? Which interests do they represent? Mr. Speaker, on the operations in Libya, there should have been a vote here.

GETTING OUT OF AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, a couple of weeks ago, we had the opportunity to

vote to bring our troops home from Afghanistan. It was Mr. KUCINICH's resolution that many of us hoped that my party would have joined. We only had eight Republicans vote to bring our troops home this year from Afghanistan.

Mr. Speaker, what is so ironic, we sit on this floor and we debate cutting the budget, doing this and that, and yet we are supporting a corrupt leader named Karzai in Afghanistan.

In fact, I want to share with the people that a former Marine general is my confidential adviser. I don't have permission to use his name. I could, I guess, but I don't have his permission. This is what he said in a recent email to me:

"What do we say to the mother and father, the wife, of the last soldier or marine killed to support a corrupt government and corrupt leader in a war that can't be won?"

Let me share with you, Mr. Speaker, a couple of comments from the leader of Afghanistan, President Karzai, on March 12, 2011, in *The New York Times*:

"I request that NATO and America should stop these operations on our soil," he said. "This war is not on our soil. If this war is against terror, then this war is not here" because there is no terrorism here on our soil.

Karzai further stated, on December 8, 2010, in a meeting with Petraeus and Eikenberry, that he now has three main enemies: the Taliban, the United States, and the international community. He said, "If I had to choose sides today, I'd choose the Taliban."

This is the leader of a country where our young men and women are going and getting killed and losing their legs and their arms. It makes no sense, Mr. Speaker.

According to a Washington Post/ABC News poll on March 15 of this year, 73 percent of Americans no longer think the war in Afghanistan is worth fighting. Mr. Speaker, 73 percent of the American people say the war in Afghanistan is not worth fighting.

I was very disappointed when Secretary Gates recently spoke to the Armed Services Committee, which I serve on, and I would like to read his quote because we are going to be there until about 2014 or 2015 unless this Congress demands that we start bringing our troops home. This is his quote:

"That is why we believe that, beginning in fiscal year 2015, the U.S. can, with minimal risk, begin reducing Army active duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan would be significantly reduced by the end of 2014, in accordance with the President's strategy."

Mr. Speaker, we are going to be there until 2014 or maybe even 2015.

I also would like to show this poster. This was in the Greensboro, North

Carolina, paper called the News & Record on February 27, 2011. There's a flag-draped coffin coming off a plane, Mr. Speaker, and the paper in Mr. HOWARD COBLE's district said, "Get out." Get out of Afghanistan before it's too late. And it's a black hole with no end to it.

In closing, Mr. Speaker, I would like to read from a letter from a marine down in my district, Camp Lejeune in Jacksonville, North Carolina. He served 31 years and retired as a colonel in the United States Marine Corps.

"I urge you to make contact with all of the current and newly elected men and women to Congress and ask them to end this war and bring our young men and women home. If any of my comments will assist in this effort, you are welcome to use them and my name," Dennis G. Adams, Lieutenant Colonel, Retired, United States Marine Corps.

Mr. Speaker, before I close, yesterday, with Congresswoman SUE MYRICK, I went to Walter Reed Hospital to visit the young soldiers and marines who have lost their legs, their arms. Two of them that we saw, Mr. Speaker, have no body parts below their waist. No body parts below their waist. And here we are supporting a corrupt leader of a nation that, quite frankly, will never be a nation. It is a country.

□ 1030

It is not a nation. It never will have a national government. Why are we wasting \$7 billion a month in Afghanistan, and our young men and women are coming back with broken bodies?

Mr. Speaker, it is time to get out of Afghanistan. I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in his loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

I ask God to bless the House and Senate that we will do what is right in the eyes of God. And I will ask God to please bless the President, that he will do what is right in the eyes of God.

And I will say three times, God, please, God, please, God, please continue to bless America.

IS TWO WARS IN THE MIDDLE EAST NOT ENOUGH?

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

Ms. WOOLSEY. Mr. Speaker, I rise to express my deep concern about the military campaign in Libya, one that has been underway the last week and a half.

First off, it's distressing to once again see that Congress's power has been so casually disregarded in our role and responsibility regarding war. There

should have been a robust debate in this Chamber about the proper course of action in Libya. The American people deserve it. The Constitution mandates it.

The President gave a fine speech Monday night, as he certainly does, but I found him more eloquent than persuasive. I'm not satisfied that he has made a thorough case for military action against Libya. There are still too many unanswered questions.

What is our responsibility now?

Where does our commitment end?

Does the Pottery Barn rule apply in Libya? If we break it do we own it?

I'm not comforted by the fact that NATO is now in charge of this mission because the fact is, the United States is the dominant force within NATO. Any NATO-led operation is one in which we still bear an enormous responsibility.

And then there's the cost. The Pentagon has acknowledged that it's already spent \$550 million on the Libya operation. That's after 1½ weeks, Mr. Speaker. The bill to the taxpayer could easily climb over \$1 billion. And, Mr. Speaker, at a time when we're already spending close to \$7 billion a month on a failed military occupation in Afghanistan; this, at a time when my friends in the majority want to snap the purse shut on so many important programs the American people need.

There is unquestionably, unquestionably a humanitarian crisis in Libya. I'm appalled, as we all are, about Qadhafi's brutality against his own people. But I fear that that operation will set a dangerous precedent and send us sliding down a slippery slope.

We can't afford to head down a path of perpetual U.S. military engagement around the world. With developing situations in Syria, the Ivory Coast, Congo, Yemen, et cetera, et cetera, et cetera, we can't give up on diplomatic and humanitarian efforts in favor of guns and bombs everywhere there's violence and unrest.

We're already fighting two wars in the Middle East. Is that not enough? Have we learned nothing over the last decade? Have we learned nothing about the danger of open-ended military conflicts where the exit strategy is unclear and victory is ill-defined?

The war in Afghanistan is sapping America of its strength in so many ways. It has cost us in precious taxpayer dollars and has cost us more than 1,500 of our bravest people. And it is costing us credibility and moral authority in ways that can't even be measured yet or quantified every single day.

The time is now, Mr. Speaker, for less war, not more. Let's stop, let's turn, and let's insist that we don't turn Libya into another black hole. Let's bring our troops home from Afghanistan, and let's give our children a future of peace.

AMERICA'S RISING ENERGY PRICES

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

Mr. WALBERG. Mr. Speaker, I rise today to talk about a topic that affects every American, rising energy prices. I've spoken on this floor about it before, and I will continue to do so until we increase our energy production here in America, and our dependence on the political earthquake zones of this world is depleted.

While President Obama was traveling in South America, I returned home to my district last week, and I heard from my constituents loud and clear: Gas prices are too high. We need to do something about it. That's why I found it so outrageous and appalling when I heard our President last week offering assistance and encouraging energy production, not here in America, but in Brazil.

No, that's not the right direction. We need to encourage energy production right here at home, not Brazil. We need to develop our offshore energy resources so that jobs can be created here in America, not Brazil. And we need to encourage energy independence so that we return to more reasonable energy costs, not in Brazil, but right here in America.

Mr. Speaker, the time is now to confront this issue and encourage energy exploration and production right here at home. The time is now to create our independence from foreign energy sources and secure our present and future as good stewards of our God-given resources and the blessings of liberty.

THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2011

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

Ms. HIRONO. Mr. Speaker, today a united Hawaii delegation will be introducing the Native Hawaiian Government Reorganization Act in both Chambers of Congress. Long denied the recognition and rights accorded to America's other indigenous people, this bill will finally enable Native Hawaiians to embark on their long awaited process of achieving self-determination.

On the House side, Congresswoman HANABUSA and I have the great pleasure of being joined in this effort by Congressman Don YOUNG, Congressman ENI FALEOMAVAEGA, Congresswoman MADELEINE BORDALLO and Congressman TOM COLE. All are longstanding friends of Hawaii and Native Hawaiians.

How we treat our native indigenous people reflects our values and who we are as a country. Clearly, there is much in the history of our interactions

with the native people of what is now the United States that makes us less than proud. The American Indians, Alaska Natives, and Native Hawaiians, all indigenous people, have suffered at the hands of our Government. But one of the great attributes of America has always been the ability to look objectively at our history, learn from it, and when possible make amends.

The bill we are introducing today has been more than 10 years in the making. It has been a deliberative and open legislative process. There have been 12 congressional hearings on Native Hawaiian recognition, five of which were held in Hawaii. These bills have been marked up by committees in both Chambers. The House has passed Native Hawaiian recognition bills three times: First in 2000, again in 2007, and most recently just last year.

The goals and purposes of the Native Hawaiian Government Reorganization Act are consistent with the history of the Native Hawaiian people and the record of United States involvement in Hawaii. The bill is also consistent with over 188 existing Federal laws that promote the welfare of Native Hawaiian people.

I know there are Members who question these authorized programs simply because Native Hawaiian is in the title, which is exactly why we need this bill. It will formalize the very special political and legal relationship between the United States and the Native Hawaiians by providing a process through which the Native Hawaiian community can reorganize its governing entity within this relationship. This is how we treat Alaska Natives and American Indians, and this is how we should treat Native Hawaiians.

The Kingdom of Hawaii was overthrown in 1893. Hawaii's last monarch, Queen Liliuokalani, was deposed by an armed group of businessmen and sugar planters who were American by birth or heritage, with the support, abetted by U.S. troops. The Queen agreed to relinquish her throne, under protest, to avoid bloodshed.

□ 1040

She believed the United States, with which Hawaii had diplomatic relations, would restore her to the throne.

There may be new Members to this body who have not had occasion to learn the history of Hawaii, and I extend an open invitation to those Members to share this history with you.

The State of Hawaii motto, which is also the motto of the Kingdom of Hawaii, is, "Ua mau ke ea o ka aina i ka pono," which translates to, "The life of the land is perpetuated in righteousness."

Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous aboriginal people. I ask for your support of the Native Hawaiian Government Reorganization Act.

Mahalo nui loa. (Thank you very much).

CAROL ANNE BEAVER

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

Mr. BARTON of Texas. Mr. Speaker, my dear sweet sister-in-law, Carol Anne Beaver, went to be with her Lord on Saturday, March 26, 2011. She passed away in her home near Lockhart, Texas, following a long and valiant battle with cancer. She is the first of four daughters of James Brasher and Betty Hodges. She was born on December 19, 1955, in Pasadena, Texas.

In addition to her parents, she is survived by her loving husband of 7 years, Jeff Beaver; three sons, Michael, Dustin, and Layton Warmack; Layton's wife, Holly; two granddaughters, Kelsie Anne Warmack and Maddy Ruiz; one grandson, Layton Warmack; three sisters, Vicki Perdue, Barbara Payne, and my wife, Terri Barton. She is also survived by numerous aunts, uncles, nieces, nephews, cousins, her stepfather, Steven Hodges, two brothers-in-law, two stepdaughters, and of course her husband's family.

She began her business career in Houston, Texas, as a bookkeeper for Brinadd Company, a multinational workover and completion fluids company that was owned by her late stepfather, James Jackson. While with Brinadd Company, she gained an early knowledge of computerized accounting systems when she worked closely with the programmer to convert a handwritten system into a computerized one.

She moved to Lockhart, Texas, in Congressman LLOYD DOGGETT's district in Caldwell County, in 1988. She worked several years as a secretary and bookkeeper at a local law office. She subsequently returned to the accounting field, first working for Lifeway, then Columbia Health Care, and finally went to work for Austin's municipal transit system, Capital Metro System. She retired from Cap-Metro, when she came down with cancer, as the payroll manager for the entire system.

Carol was a very loving, caring woman. She had a ready smile, a twinkle in her eye. She treasured her husband, her family and many, many friends.

When I started dating her baby sister, Terri, she was, as she should be, very skeptical of whom she called Congressman JOE. She wasn't sure that her baby sister should be associated with anybody that was a Member of Congress. I would have to say, though, that when I invited Carol, her mother and two sisters and Terri to the local Dairy Queen in Lockhart, Texas, I was able to at least neutralize their opposition with some ice cream sundaes and some Barton-backer T-shirts. Carol and I be-

came fast friends, and she came to respect not only me but this institution.

She is going to be missed. She was the absolute most courageous, dedicated human being in fighting her long battle with cancer. She never complained. She never grumbled or whined about "Why me, Lord?" She took her battle with cancer in stride. She is now with her Lord in a better place. We will miss her very, very much, but we know that one day we will see her again.

Her funeral will be tomorrow in Lockhart, Texas, at 1 o'clock. Visitation is this evening from 5 to 8 p.m. at the McCurdy Funeral Home in Lockhart, Texas.

Sweet, sweet, Carol, we miss you very much.

GERALDINE FERRARO

The SPEAKER pro tempore (Mr. POE of Texas). The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise to remember the late Geraldine Ferraro. There will be services held for her tomorrow in New York, which many of us will be attending.

It was the night of July 19, 1984, in San Francisco that Geraldine Ferraro changed the game, changed the rules, and changed history when she accepted the Democratic Party's nomination as Vice President of the United States of America.

I was there on the floor that night as a young delegate, and when Geraldine Ferraro walked out on that stage it was electrifying and inspiring beyond words. What her nomination meant to me and to millions of women everywhere, what she accomplished in that moment and what she said that night was all so important that her words still ring in my ear as if it were yesterday.

She said, "By choosing a woman to run for our Nation's second highest office, you send a powerful signal to all Americans. There are no doors we cannot unlock. We will place no limits on achievement. If we can do this, we can do anything."

That moment served as a hammer blow to the glass ceiling and a clarion call for a greater gender equality in our country.

I remember reading Time Magazine, and Time Magazine heralded her selection as "A Historic Choice." But even more than that, it was a life-changing event. It changed the course of women's lives for the better. I know beyond question that it changed mine.

Because even in that not too distant era, it had been all too commonplace for those in power to believe that: She simply cannot do that. She is a woman. It didn't matter if you had the talents, the education, the abilities and the drive to be the best one to get the job done if it was a job that many believed

women simply could not do. That was the kind of thinking that was all too often applied to roles in politics, to career choices, and to sports. And Geraldine Ferraro changed all of that.

When she gained admission to Fordham Law School, an admissions officer said to her: You're taking a man's place, you know. You really should not go to law school.

Geraldine Ferraro knew a woman's place was in the House, the Senate, or any job she wanted to take. When she first ran for Congress in 1978, all the political experts said she could not win in her home district in Queens. She not only won; she went on to become a leader here in Congress, and she went on to become a friend, a mentor, and a role model.

That is one of the reasons that, to honor her, I have redoubled my efforts to pass the Equal Rights Amendment and to add to our Constitution the simple words: "Equality of rights under the law shall not be denied or abridged by the United States on or by any State on account of sex." Those words embody the principles that Geraldine Ferraro lived by and the equality of opportunity that she sought.

I saw her several weeks ago. She was full of energy and plans and had some constituent issues she wanted me to take care of. She never gave up. She never gave in.

Towards the end, Geraldine Ferraro fought her own battle against cancer with the same dignity, courage, tenacity, and grace that she brought to all of her fights, whether it was battling for equal rights or for human rights, for women and men alike.

It can truly be said of Geraldine Ferraro, this heroin and role model for the ages, what was once said of the great heroes of old. She was, as Tennyson wrote, "One equal temper of heroic hearts, made weak by time and fate, but strong in will, to strive, to seek, to find, and not to yield."

Geraldine Ferraro. We shall never forget her. And I remember one of her great sayings was, "Every time a woman runs, women win."

□ 1050

THE TRUTH ABOUT THE DEBATE OVER DEFUNDING PLANNED PARENTHOOD

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

Mr. PENCE. Mr. Speaker, abortion on demand is an American tragedy, but public funding for abortion and abortion providers is an American disgrace. Fortunately, we have never been closer to denying public funding to abortion providers in America than we are today.

On February 18, 2011, with bipartisan support, the House of Representatives

passed H.R. 1, which included the Pence amendment ending taxpayer funding for Planned Parenthood, the largest abortion provider in America. Despite efforts to suggest otherwise, the Pence amendment does not reduce funding for cancer screening or eliminate one dime of funding for other important health services to women. If the Pence amendment becomes law, thousands of women's health centers, clinics and hospitals would still provide assistance to low-income families and women. The Pence amendment would simply deny all Federal funding to Planned Parenthood of America.

Over the past several weeks, Planned Parenthood has used its vast resources to launch slick Madison Avenue television ads portraying the Nation's largest abortion provider as an altruistic organization that provides health care services to the poor with only an incidental interest in the abortion industry. The truth is far afield from the image. The truth is that a major source of Planned Parenthood's clinic income comes from the abortion business.

Despite attempts by advocates for the abortion industry and ideologues on the left to portray efforts to defund Planned Parenthood as some kind of a "war on women," the issue here is big business, and that business is abortion. This legislative battle over the Pence amendment is about Big Abortion versus American taxpayers and American women specifically.

As Abby Johnson, a former Planned Parenthood director, recently said, "Planned Parenthood's mission, on paper, is to give quality and affordable health care and to protect women's rights. But in reality," she said, "their mission is to increase their abortion numbers and in turn increase their revenue."

There is no doubt that Planned Parenthood's focus is on making Big Abortion even bigger. In 2009, the group made only 977 adoption referrals and cared for 7,021 prenatal clients, but performed an unprecedented 332,278 abortions. In fact, in 2009, a pregnant woman entering a Planned Parenthood clinic was 42 times more likely to have an abortion than to receive either prenatal care or to be referred to an adoption service.

According to their most recent annual report, the organization raked in \$1.1 billion in total revenue. Of that amount, \$363.2 million came from taxpayers in the form of government grants and contracts. This is about big business, and that business is abortion.

And for all the talk about how poor women would be harmed if taxpayers stopped subsidizing Big Abortion, it is telling to see how they have been spending their money. According to a June 2008 story in *The Wall Street Journal*, Planned Parenthood was flush with cash and using its profits to

rebrand itself to appeal to more affluent American women. Their rebranding effort was designed to build their business by increasingly targeting wealthy consumers to complement their existing targeting of poor and minority women.

While taxpayers underwrite their operations, Planned Parenthood is building large luxury health centers in shopping centers and malls designed by marketing experts with touches like hardwood floors, muted lighting, large waiting rooms and the like.

And Big Abortion routinely puts profits over women's health and safety. When women testify on behalf of improved safety standards at abortion clinics, Planned Parenthood opposes it and fights them every step of the way. And despite the fact that 88 percent of Americans favor informed consent laws that provide information about the risks and alternatives to abortions for women, Planned Parenthood opposes these efforts and works to keep women in the dark in jurisdictions across the country.

The reality is abortion on demand is an American tragedy, but public funding of abortion providers is an American disgrace. The time has come to deny any and all funding to Planned Parenthood of America and this week, as House Republicans reaffirm our commitment to H.R. 1, to reaffirm our commitment to make a down payment on fiscal responsibility and reform. Let us also seize this moment to reaffirm our commitment to defend the broad mainstream values of the American people in the way we spend the people's money.

I urge continued support by my colleagues on both sides of the aisle of the Pence amendment denying public funding to Planned Parenthood of America.

TRIBUTE TO GERALDINE FERRARO

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

Mr. LEWIS of California. Thank you, Mr. Speaker. I very much appreciate my colleague yielding me this time.

I have come to the floor to let the world know that during the time I have been in the Congress, from my view, one of my dearest friends has just passed away.

Geraldine Ferraro and I came to the Congress together as classmates some three decades ago. She was more than just a friend. She managed to have me serve on the same committee with her that first term. From the Public Works Committee, it wasn't very long before she convinced a cross-section of us to travel with her to New York to attempt to have us better understand the difficulty New York has in delivering potable water to the people of the great City of New York.

Geraldine was a really, really tough lady, according to some. I knew her as

a wonderful friend. She was a woman who cared about her constituency and fought very hard to represent their interests; and, indeed, the initial role of any Member of Congress is to represent or try to represent their people well, and Gerry and I learned together what that was all about.

So over these years as I look back on this service, the opportunity to serve with the woman who became the first major-party woman as a Vice Presidential nominee, it was always my privilege to say that Gerry Ferraro most importantly was my friend.

Mr. Speaker, when Gerry Ferraro and I came to Congress in 1979, she was one of just 16 women serving in the House of Representatives. It could be frustrating for my female colleagues at that time—my friend Congresswoman Shirley Pettis, who I had the honor of succeeding in the House, told stories of being asked on several occasions if she was someone's secretary when she got off the member's elevator.

But Gerry Ferraro, who had made a name for herself in the New York district attorney's office, soon caught the eye of Speaker Tip O'Neill. He named her to the Public Works and Transportation Committee and later to the Budget Committee. It was the beginning of a close relationship with Tip O'Neill, who eventually had a strong hand in putting Gerry in line to be named as the first female vice presidential candidate from a major party.

As a fellow member of the Public Works and Transportation Committee, I quickly saw that Gerry would be a very strong advocate for the needs of her Queens district. We both understood the absolutely essential priority of serving our constituents, and ensuring that federal dollars flowed where they could provide solutions to very major challenges.

I also found that although Gerry Ferraro had a pretty liberal reputation, she was ready and willing to work with members on both sides of the aisle to accomplish goals and serve the needs of her constituents and all Americans. She and I worked together often in recognition of the fact that 90 percent of the issues we confront here have nothing to do with partisan politics.

Her willingness to fight for her district and her ability to get things done brought her respect and admiration from people throughout New York and beyond. It also led Tip O'Neill to get her appointed to chair the party's convention platform committee in 1984. And that in turn led Walter Mondale to realize the great qualities of this hardworking, pragmatic representative from Queens. He asked her to be his vice presidential nominee, and history was made.

Mr. Speaker, today we welcome 74 women colleagues in the House and 17 in the Senate. That is without question an improvement to be applauded, although my old friend Gerry Ferraro would say there is still a lot of work to do. I do not doubt that many of those who serve with me drew their inspiration to run for office from Geraldine Ferraro's pioneering spirit, and I will always be proud that I served as her classmate.

So, with that, in memory of Gerry's service here in the Congress, I watched her grow as

a human being and a public servant, and I am very proud of the fact that she is my friend.

RECESS

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

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

With the Psalmist we pray:

Those who put their trust in You, Lord God, are like the mountains that cannot be shaken. They seem to absorb all the turmoil and controversy. They stand tall and strong forever.

Just as the mountains, as well as the depths of the sea coasts, surround this Nation, so, Lord, Your love holds Your people now and forever.

You will not allow the power of lies and half truths to dominate the air breathed in by the just, nor will You allow fear to paralyze their hands when it comes to defending what is right.

Do good, Lord, for those who seek the common good and are openhearted. Drive away those who are so deceived they create only indecision and dissension among the virtuous.

Give us peace, Lord, now and forever. Amen.

THE JOURNAL

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

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

Mrs. MILLER of Michigan. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mrs. MILLER of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. CICILLINE)

come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side.

GOP AGENDA OF MISGUIDED PRIORITIES

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

Mr. GENE GREEN of Texas. Mr. Speaker, Members: Ignoring the facts, the experts, political reality, and the best interests of the American people, the Republican leadership continues to embrace a spending plan already rejected by the Senate that would destroy 700,000 jobs and derail the economic recovery.

The Republican spending plan is a doctrine of misplaced priorities. They want to lay off teachers, cut Pell Grants, slash programs for homeless veterans, and reduce Head Start, among other shortsighted and harmful cuts.

Incomes and consumer spending increased in February, helping to expand the Nation's economy. First time jobless claims decreased by 5,000 a week. The total number of people receiving benefits fell to the lowest level in 3 years, due, in part, to increased hiring.

The February jobs report shows a gain of 192,000 jobs, a significant employment increase that marks the 12th straight month of private sector growth and a drop in the unemployment rate to 8.9 percent, the lowest level in almost 2 years.

Let's don't hurt our fragile recovery by the Republican majority shutting down the government.

FOREIGN POLICY AND CONSTITUTIONAL CRISIS

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

Mr. KUCINICH. Madam Speaker, we are in the midst of a foreign policy and constitutional crisis. The administration has committed our Nation to a war against Libya in violation of the Constitution of the United States.

The administration has said they do not have full information about the rebels they are assisting. But it is clear that for the last 30 years, U.S. intelligence has had a relationship with prominent elements within the Libyan opposition.

Further, The New York Times today reports that elements of the opposition may be linked to al Qaeda, and that we are considering arming them.

When it comes to the war in Libya, the administration has subverted Congress and the United States Constitution. Tomorrow, I will present to Congress a definitive 1-hour response to the administration's Libyan war in the form of facts and questions. Congress must challenge violations of our constitutional principles relating to war and peace.

The critical issue today is not the defense of Libyan democracy but the defense of American democracy.

RECOGNIZING PROVIDENCE VA MEDICAL CENTER

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

Mr. CICILLINE. Madam Speaker, I rise today to recognize and honor the Providence Veterans Affairs Medical Center for their outstanding service to the heroic men and women who serve in our Armed Forces.

The Providence VA Medical Center is an award-winning health care facility in Rhode Island providing personalized outpatient and inpatient health care to our veterans. Recently the Providence VA received the National Center for Patient Safety's 2010 Cornerstone Recognition Program Bronze Award for successfully providing high quality health services to our veterans.

The men and women who serve in the Armed Forces put their lives on the line every day to protect the freedoms that we enjoy here at home. We owe our troops, veterans, and their families our utmost gratitude and respect, in addition to exceptional medical care for their great sacrifices on our behalf.

I commend the Providence VA Medical Center for their excellent service to our veterans. Congratulations on your achievements, and thank you for your commitment to Rhode Island's veterans.

LOAN MODIFICATION CRISIS

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

Ms. TSONGAS. Madam Speaker, last year, I heard from a single father from Haverhill, Massachusetts, who put his life savings into purchasing a home. After a reduction in his salary forced him to modify his mortgage, his servicer stopped returning his phone calls, lost his documents, and refused to provide him with any information to help him modify his loan.

He wrote to me saying, "My bank told me that they had not received the application documents I had sent at the beginning of the modification process. It was ridiculous, as I have the

original documents on file with the fax receipt. Nonetheless, I faxed everything again."

Over the course of an entire year, he called and re-sent his documents, speaking with multiple people, none of whom could give him an answer or even find that he had a modification in place.

This story represents just one of the many that I have heard from constituents. We should be doing far more to ensure that these lenders are playing by the rules.

Instead, my Republican colleagues have sought to terminate every step taken by the Federal Government to help homeowners like my constituent, leaving them at the mercy of unscrupulous lenders such as these.

□ 1210

JAPAN

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

Mrs. DAVIS of California. Madam Speaker, in the past few weeks we have seen the devastating images of the massive earthquake and tsunami in Japan.

As someone who lived in Japan, it is hard to believe entire towns and cities in this beautiful country have been destroyed, and I am heartsick for the more than 9,800 lives that have been lost. I can only imagine the grief and shock felt by the families and friends of the victims, and my heart goes out to them.

I am grateful that San Diego's own USS *Reagan* departed for Japan on March 11 to help with relief efforts. With the more than 17,500 people still missing and more than 245,000 people in evacuation centers, daunting challenges lie ahead.

Madam Speaker, I urge this body to stand in solidarity with the Japanese people and reassure our ally that America is ready and committed to giving our partner the support needed to cope with this horrible disaster.

IMMIGRATION

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

Mr. BACA. Madam Speaker, America's broken immigration system continues to wreak havoc in communities across the country.

Real families with real children live in fear that someone they love may be torn away from them. No child deserves to grow up without the love of their parents. We must bring an end to the separation of families. We must all remember that immigrants are not our enemies. They are our neighbors, our classmates, our fellow churchgoers. They are part of the American fabric.

Over the coming month, I look forward to working with CHC and advocates across the Nation to speak on the human impact of our broken immigration system.

Immigration is not just a Latino issue. It is an American issue that impacts all of us. Let's work together to stop this hateful rhetoric and pass real immigration reform.

EARLY CHILDHOOD PROGRAMS

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

Mr. SIREs. Madam Speaker, I rise today to promote early childhood programs, which are an investment not only in our children, but in our country's future.

In 1990, the Child Care and Development Block Grant was created for low-income parents who are either working or in school. If the proposed cuts to Child Care and Development Block Grants are signed into law, 150,000 families nationwide will lose child care subsidies. In my home State, the annual cost for child care for an infant can be nearly \$12,000 a year and the annual cost for a toddler can be as much as \$9,000.

Head Start is another vital service that has provided education, health, nutritional and social services for 3- and 4-year-olds since 1965. If the cuts proposed in H.R. 1 become reality, 218,220 children nationwide will lose access to Head Start, and approximately 55,000 Head Start employees will lose their jobs; 3,719 children in New Jersey would be left without access to Head Start, and we already have 9,500 children on the waiting list.

I ask Congress to continue debate in support of the bill.

CUTS TO JOBS AND SERVICES

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

Ms. FUDGE. Madam Speaker, I rise today to talk about the loss of jobs and services in America.

So far, this Republican-controlled Congress has had nearly 100 hearings, but not a single one has addressed the real issue in this country, which is jobs. Republican attempts to cut more than 50 percent—50 percent—of funding for Head Start, which will affect more than 200,000 children, and their proposal to cut 62 percent from Community Development Block Grants have hurt our communities. They are depriving hardworking Americans of services they need.

According to the latest Bloomberg national poll, when given five choices of the most important issues facing this Nation, 43 percent of all Americans picked unemployment and jobs as

number one. Reducing the deficit and spending came in a distant second at 29 percent.

Madam Speaker, the American people want leadership that will create jobs and jump-start our Nation's economy.

SOROPTIMIST INTERNATIONAL OF SAN RAMON VALLEY

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

Mr. MCNERNEY. Madam Speaker, I rise today to recognize the members of Soroptimist International of San Ramon Valley for their work to improve the lives of women in our community.

This is the final week of the Women's History Month; and, as such, it is fitting that we recognize an organization that is helping the next generation of women to succeed and make history.

The Soroptimists of San Ramon Valley recently held a conference for the 7th year in a row to help young women gain self-confidence and develop important life skills. The event included presentations from speakers and interactive workshops that promote leadership and help the participants to pursue their life's goals.

The Soroptimists of San Ramon Valley, which is one of many chapters of the Soroptimists International throughout the world, also issue awards to girls who are involved in community service and provides grants to women so they can participate in job training and education programs.

The Soroptimists of San Ramon Valley have made a difference for many in our community. I ask my colleagues to join me in recognizing the members of this organization for their hard work to improve the lives of women.

SUPPORT MORE DIVERSITY IN THE UNITED STATES CAPITOL

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

Mr. COHEN. Madam Speaker, this week I plan to introduce a bill that will allow States to submit three statues for display in the United States Capitol.

This bill seeks to include more diversity among the honored in our Capitol by increasing that number of statues to include more notable women, minorities, and other ethnic groups that have contributed significantly to our history.

Currently, there are 100 statues on display given by the States, and only 16 are women or minority groups. Ten are women with three Native-Americans; three statues are Native-American males, two are Hispanic, and one is a Pacific Islander. Although there have been many noteworthy African Americans and Asian Americans in our history, no State has submitted a statue

honoring one of them. This disparity must be rectified.

If you walked through the Capitol and looked at the statues, you would think all the heroes and leaders were granite white men. This bill is to express that equal representation of all Americans is essential in our historical perspectives and the educational value that the Capitol offers its thousands of visitors.

I urge my colleagues to look at the bill, to support it, and to have more diverse representation among the statutory in the United States Capitol.

GROW THE ECONOMY

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

Ms. JACKSON LEE of Texas. Madam Speaker, I ask the American people to wake up from the malaise of this debate about the deficit and raising the debt ceiling. You have lost your way. Let me just ask you to raise your voices against the issue of a broken government and the potential of a shutdown on the question of, what do you want for your children.

As we go back to our districts and our school districts and our States, parents are standing in lines at school board meetings crying about 60-seat classrooms and teachers being laid off. Don't you understand that it starts right here in Washington? You need to be speaking to our friends on the other side of the aisle. It is time to invest and grow the economy. It is time to recognize that consumer spending has increased, that jobs have been created, and that it is important to invest in this economy.

If you don't get in the way and get in the mix, I can tell you that the rise that we have of 192,000 jobs being created, the unemployment going down, economists saying we should invest now, you are going to lose it, tied up with those who have views that are only self-centered, our friends that are in the tea party. It is time for people to put education first and realize that if you let us fall on the spear here in Washington on the grounds of mislabeled politics and not worry about your children, you are going to lose.

Wake up, America. It is time to get in the fight. Fight for your children. Invest and grow the economy now.

CONTINUE FUNDING FOR COMMUNITY HEALTH CENTERS

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

Ms. HIRONO. Last week, when most of us were in our respective districts, representatives from community health centers around the country came to Capitol Hill to remind us of the essential role they play in our com-

munities. I hope that the staff of Members who voted for H.R. 1, which drastically cuts funding for these very health centers, listen to the stories they heard last week.

I have long supported community health centers because in my district, spread over seven inhabited islands, access to care is a challenge. Although their principal focus has been to provide health care for the underserved, these centers serve people at all income levels.

Hawaii's network of community health centers serve nearly 127,000 patients, and only one-third of them are Medicaid eligible. On the island of Lanai, 40 percent of the residents receive care through their community health center. This population, 25 percent of which are over 65 years of age, can't afford to fly to another island for care.

Funding for community health centers is an investment because prevention is more cost effective than treatment. I urge my colleagues to reject cuts to community health centers.

□ 1220

WAKE-UP CALLS; ARE WE LISTENING?

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

Mr. TONKO. Madam Speaker, wake-up calls; are we listening? Yes, there are wake-up calls. Can we hear them?

This majority in the House has not heeded a wake-up call. They have ignored the investments that we need in the clean energy economy to grow jobs.

What are those wake-up calls? Well, there is, first, the hard-earned American energy consumer dollars, \$400 billion plus, that go to unfriendly nations that will take those dollars and invest in fighting the American troops while they supply us fossil-based fuels. Then there is the oil spill in the gulf that reeked damage on our ecosystem and wrecked the regional economy. Then there was the sticker shock at the pump, at the gas pump, that is driving down the American economy. And no one is listening.

Now maybe we will pay attention to the sad announcement today. Last year, we dropped to number three in clean energy investment after China and Germany. When will we wake up?

I say today, as the President talks to us about energy security in our economy, that we need to reduce oil imports and innovate into a clean energy future. We need to heed that clarion call. It is a wake-up call that's necessary.

The America I know and love is number one. It should never be three on the list of clean energy investment.

WASHINGTON DOESN'T UNDERSTAND CALIFORNIA'S WATER PROBLEMS

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

Mr. COSTA. Madam Speaker, California's Governor will soon declare an end to the drought that devastated the San Joaquin Valley. Our cities are flooding and our rivers are raging and the snowpack in the Sierras is deeper than it has been in any 15-year period. It is clear that the drought is over. Somehow, though, Washington has not gotten the news.

With unemployment still in double digits in seven counties in the valley and unemployment continuing to be very problematic, the folks in Washington think that communities can recover from the Great Recession with just over half the water our farmers need. They don't understand the valley. They don't understand us.

Do you hear me, Commerce Department? Do you hear me, Secretary Locke? Water is the lifeblood of the San Joaquin Valley. It puts food on our table. It sustains our economy, and it creates good jobs. That is why I am introducing legislation that will allow the needed flexibility for California's water policy.

As we work to find short-term and long-term solutions to California's broken water system, passing commonsense legislation will bring over half a million acre-feet of water to valley farmers and farm communities. It is time to put aside our political differences. It is time to reach a compromise, and it is time to end this regulatory drought.

FISCAL AND PUBLIC HEALTH SAFETY AND SANITY PREVAILING

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

Mr. COURTNEY. Madam Speaker, a few hours ago, fiscal and public health safety and sanity prevailed when the Food and Drug Administration clarified an order on February 3 approving the drug Makena, which is an injectable medication for women at risk of preterm birth, one of the biggest health care challenges that our country faces. There are a half million premature births in this country. They cost the health care system \$29 billion. They are the leading cause of infant mortality.

This new medication which the FDA approved on February 3 is promising, but it costs \$1,500 per injection, \$30,000 per pregnancy. At the same time, OB-GYNs in this country have been prescribing a compound alternative that costs only \$20 per treatment per medication. And yet the order on February

3 indicated that there would only be exclusive treatments under the \$1,500 medication.

The order this morning clarifies that there will be no exclusivity, that OB-GYNs will continue to be able to prescribe the cheaper alternative, but FDA retains its power to still require exclusivity.

For the sake of taxpayers and patients, Congress must keep a close eye on the FDA to not take away this option to OB-GYNs all across America.

PROVIDING FOR CONSIDERATION OF H.R. 471, SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 186

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes. All points of order against consideration of the bill are waived. The amendment recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Delegate Norton of the District of Columbia or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS). During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution provides for a structured rule for consideration of H.R. 471, the Scholarships for Opportunity and Results Act, sometimes called the SOAR Act, with 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Oversight and Government Reform Committee.

Further, this proposed rule will make in order all of the amendments filed at the Rules Committee for H.R. 471. Admittedly, it was only one amendment, but it is made in order, and it is offered by the gentlewoman from the District of Columbia (Ms. NORTON). This is an amendment that was presented in the committee and defeated on a 12-21 vote, but which will be reoffered here today as a substitute measure. In short, this rule is about as fair as they potentially get.

Madam Speaker, this is a very open, straightforward rule that we will be considering today, and I am pleased to stand before the House in support of this rule as well as the underlying legislation, H.R. 471. I commend the sponsor of this legislation, the distinguished Speaker of the House, the gentleman from Ohio (Mr. BOEHNER), who has previously served as chairman of the Education and Workforce Committee, and he understands education issues very, very well.

Madam Speaker, when the Cubs in the 1960s hired Leo Durocher to be their manager, he was hired 2 years after they finished the season 49 games out of first place. In his short period of time there, he would take them to the top, in which case, in 1969, a year that still hurts, the Cubs were atop the National League for 155 days. Unfortunately, 7 of those days they were not on top included the last day of the season.

□ 1230

But Durocher always said for his team that "I make a great effort to argue for the issues, but there are two things that are working against me: the umpires and the rules."

There will be a lot of people—some people—who will speak against this motion, perhaps even this rule, and there are two things against them: One is the unique constitutional relationship between Congress and the District of Columbia that is not there, vis-a-vis the States; and, number two, the underprivileged kids who benefit from this underlying bill.

If I were to predict a preview of what will be taking place in the debate, not only on the rule but also on the bill itself, I would predict four themes will be appearing time after time after time.

One will be the concept of the constitutional mandate that is here. When

this Republic was established, the Constitution gave unique jurisdictional responsibility to Congress over the District of Columbia. That is not going to be a violation of their home rule concept, but it is a responsibility of Congress. And there is great precedent for this particular kind of provision.

In 1996, it is Congress that insisted upon a charter school program in the District of Columbia. You will hear from both sides of the aisle recognition of the great value that that program has, and justifiably so. There is a waiting list in the District of Columbia for those charter schools. This underlying bill increases the percentage of funding going to charter schools in the District.

In 2003, an Opportunity Scholarship was instituted, at the insistence of Congress. Again, there was a waiting list of people wanting the opportunity; disadvantaged kids who wanted the opportunity that this scholarship afforded them. In the appropriation bill for 2010, unfortunately, Congress intervened again in a negative way and cut out this Opportunity Scholarship program. There were a lot of upset students and parents who couldn't believe how special interest politics got in the way of their son's or daughter's dreams and was snatched from their very hands. Their opportunity to make what they believe were better educational choices was basically taken away from them.

H.R. 471 remedies this inequity. There were 216 kids at the time scheduled to enter the program who were not allowed because of the action of that particular appropriation bill. Those 216 kids, by this particular legislation, will be given priority in once again being able to apply for this Opportunity Scholarship.

A second discussion point that will be coming up repeatedly deals with the efficacy of these programs. There will be conflicting data that will be thrown from both sides as to the effectiveness. But I think the one piece of information that can be clearly stated is that 91 percent of the kids enrolled in this Opportunity Scholarship complete their coursework. That is 21 percent higher than a control group of kids who were interested but were not allowed the opportunity to complete this particular program. That completion rate is almost 32 percent higher than the regular completion rate of kids in the public education system in Washington, D.C.

To quote Dr. Patrick Wolf, who was the lead investigator of the evaluation mandated by Congress of this program, he concluded by stating: "The research evidence and the testimonials of parents confirm that the District of Columbia is a better place because of the Opportunity Scholarship program."

The third issue that you will be hearing deals with the support of this particular program. There will be dueling

statistics that will be coming at you during the course of the debate. Those in favor of the bill will give lists of groups who are in favor of this particular program. Those against the bill will give lists of groups and unions who are opposed to it. Each side will give a list of political leaders both within Washington, D.C., and outside who are in favor; and those opposed will give lists of political leaders who do not support this program.

There will be poll results that will be given from both sides, the most recent of which will be given by advocates, a Lester & Associates poll, which simply says 74 percent of the D.C. residents polled supported this program and wanted it restored and made available to all D.C. students for all their abilities to participate. You will hear polling data to the contrary. You will hear anecdotal stories to the contrary.

Perhaps the most telling, though, issue of support deals with parents and the kids in Washington, D.C., who lined up for this program; who went on waiting lists for the opportunity to become involved in this program; who cried and pled with Congresses past when this program was eliminated. They clearly do not want this program to totally be destroyed because it takes away from them their chance, their option, their opportunity to individualize and upgrade their educational opportunities.

This program probably has a philosophical basis, a kinship, if you would, with the Pell Grant, the GI Bill of Rights, in which, once again, government tried to empower with choices with few strings attached individual adult students or parents so they could choose their own personal education future. That's what this bill still tries to do.

The final concept that will probably be presented during debate on the rule as well as the bill deals with the concept of liberty. We have a Statue of Liberty in New York Harbor. The Revolutionary War was supposedly fought for the purpose of preserving personal liberty.

I have to admit, though, as I was teaching school that it was difficult for my kids there to really comprehend what liberty meant. It was an abstract noun, to say the least. The Founders clearly understood what that concept meant as they looked upon a government that was far, far away from them. And in the Declaration of Independence we're willing to write that the government far away has erected a multitude of new offices and sent hither swarms of officers to harass our people and eke out their stance. Indeed, they had waged war against them. Those of us who live in the West today have the Department of the Interior to remind us of those same circumstances.

But the kids, mainly in urban and rural settings and suburban settings,

still have a problem understanding what it means really to have liberty until you try and talk about liberty in terms of choices. Options, opportunity, without the heavy hand of a government official defining what those options and opportunities may or may not be.

The entrepreneurial world gets it. They realize if they want a market share, they have to give people choices in their lives. So if I want a mobile phone, there are all sorts of plans from which I may choose. Even in the smallest corner market in Washington there are still a whole row of breakfast cereals from which I may choose. I may want Pringles potato chips, but they still give me 16 varieties. If indeed Omaha Steaks sends me an invitation every week to try and come up with one of their products, I will choose this week to order one that fits for me.

Only in Washington in this government do you still have people that truly believe in a one-size-fits-all approach and that mandates can actually be worked, that believe and go back to the concepts of Henry Ford when the automobile was so unique he could with a straight face look at a consumer and say, You can have a car in any color you want as long as it is black.

Unfortunately, many of the ideas and philosophies still in government today, indeed some of the programs still in government today, were born in that era in which the idea of an elite sitting in some darkened office would decide what I wanted and what was indeed best for me. That's liberty.

The icons who face us in this Chamber, all of them were related in some way of moving the concept of law forward, which led to the concept of liberty. This bill is based on that concept of choice, opportunity, and options for people. It deserves our support because it is an opportunity. Call it an education app for Americans living in the District of Columbia. The most needy and deserving can actually have their choice of how they want their education to take place and it is done under the sphere of responsibility given to Congress by the Constitution.

This bill is worthy of our heritage. It is a symbol of our legacy. One can only assume that the Founders, indeed the icons that are looking down from the perch above us, are smiling now, saying, Congress doesn't always do it correctly, but this time with this bill they got it right.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased today to rise in strong opposition to H.R. 471, the Scholarships for Opportunity and Results Act, also known as the SOAR Act. I also am very pleased that my friend from Utah has, in the tradition of this committee, granted the time to our side. This legislation revives the

District of Columbia's school voucher program, a program that was allowed to expire after 5 years of failing to improve student achievement.

My colleague said that there will be statistics on both sides. Doubtless that is true. I also have great respect that the presenter of the rule today is a school teacher. At least if somebody is going to meddle in somebody else's business, they ought to at least know a little bit about what they're talking about. Too many times in our States, too many times in this place, many of us who are not educators, nor have we been involved, are making decisions about the education of children when we should be being a lot more careful.

□ 1240

For example, I'm sure that my colleague, who knows his State well, as I know mine and as we know ours—all of us in this institution—is mindful that in the last 41 years voters have rejected private school vouchers every time they have been proposed—interestingly enough, two times in Utah, I would urge my good friend. As late as 2007, Utah voted 62 percent to 38 percent not to have vouchers. Before that, it was sort of like the District of Columbia. Incidentally, in 1981, 89 percent of the people in a referendum in the District of Columbia voted against vouchers—but in 1988, in Utah, 67 percent. It didn't change very much from that time to 2007, which isn't very much time from now.

So how dare we come here to tell these people that we are going to thrust upon them something they don't want without a single bit of consultation with a single member of the public officials in this community being consulted. I might ask why we are here debating such a misguided, narrowly focused measure when violence is raging in the Middle East, when earthquakes and tsunamis have ravaged Japan, and when our own Nation's economy is kind of sputtering along. I suppose, when it is one of the leadership of the Republican Party's pet issues, the people's work can always be put on hold. This matter is nothing more than a shallow attempt to, once again, appease the right-wing of the Republican Party.

Well, Madam Speaker, Congress' oversight of the District is not an excuse for political pandering to the Republicans' special interest of the day du jour. My colleague used Leo Durocher. He played with and against Yogi Berra. Yogi Berra reminds me, if I were to use an analogy, that this is *deja vu* all over again.

He and Leo would be proud that we are talking about them, Mr. BISHOP.

Whether it is gun rights, a woman's right to choose or education policy, the District is not and should not be the dumping grounds for Republicans' ideological whims. My colleagues have already stripped the District of its limited vote in Congress. The least they

could do is allow them to control their education system just as every other jurisdiction in this country is able to do.

The people of the District of Columbia did not ask for or want this program, nor were they or their elected officials consulted, as I have pointed out. If they had been, I'm sure the committee would have been told what many of us already know: that this program is simply a waste of money. According to legislatively mandated evaluations, the D.C. voucher program failed to show any statistically significant impact on student achievement. This is in contrast to reading and math scores across the District, which did improve over the same period. Though my colleagues claim that this program serves students who would otherwise be stuck in failing schools without the resources to adequately meet their needs, only about a quarter of the students using vouchers came from schools in need of improvement.

Additionally, the Department of Education found that students participating in the D.C. voucher program were significantly less likely to attend a school with ESL programs, learning support and special needs programs, tutors, and counselors.

Further, private schools are not required to hold the same level of transparency or accountability as public schools. Rather than directing these funds toward improving all of the District's public and charter schools, as Delegate ELEANOR HOLMES NORTON has proposed, this program only serves 1.3 percent of the 70,000 students enrolled in the D.C. public schools.

Though my colleagues may claim to have a newfound commitment to education—my friend from the Rules Committee being an exception—albeit for only a few select students they have found this commitment. Let's not forget that, just a few weeks ago, some in this body and most in the Republican Party were content to cut—and my friend just used the kinship of Pell Grants with this proposal—Federal funding for 9.4 million students, to eliminate over 200,000 Head Start placements, to do away with supplementary education services for 957,000 underprivileged students, and to reduce or get rid of, they said, after-school programs for 139,000 students across this Nation.

I was just with the CEO of the Urban League's Broward and Palm Beach Counties—my constituency—and they were talking about how drastic this is going to affect the constituency in that area of underprivileged students and who they are seeing and what the juvenile justice system is now reaping from this ill harvest that we have thrust upon these people.

On the one hand, the Republicans go on about the need for fiscal discipline. They refuse to negotiate on legislation

to keep the government operating, and they propose billions of dollars in cuts to our Nation's students. Yet they are perfectly willing to throw millions of dollars at a program that has proven year after year to be unpopular, inefficient, and downright ineffective.

If my colleagues truly wanted to improve the District's schools, along with the schools across the Nation, they would be bringing forth a serious measure to reform the No Child Left Behind provision. But no. Instead, we are debating a measure that has no hope of becoming law. It is simply to appease the political whims of a few in the Republican Party. The American people, in my view, are tired of the majority's using this institution to do nothing but spew ideological rhetoric.

Madam Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to provide that immediately after the House adopts this rule it will bring up H.R. 639, the Currency Reform for Fair Trade Act, and I am mindful that there will be speakers regarding the same. The amendment will provide our government the tools to rein in unfair currency policies by the Chinese.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. I am going to at this time reserve any further comments that I have after the following statement:

It has been 13 weeks and still no jobs bill and no substantive plan to improve our Nation's economy. When my friends in the majority are ready to get down to the serious business of improving the lives of all American people, we will be waiting.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Madam Speaker, I appreciate the opportunity of being here, and I also appreciate being here with my good friend from Florida (Mr. HASTINGS), who is one of the true delights with whom I have such an opportunity to work here in Washington.

I guess, if he is saying that we have the group du jour from whom we are presenting bills, today's group du jour would be those who are financially disadvantaged and still want a better opportunity for education.

As I said, there would be four issues that would be discussed. We can check off three of the four already. Only the concept of "liberty" has yet to be addressed here. Some of them may be non sequiturs, but they were still there nonetheless. I guess the last statistic that still can be put out there as to

whether this program works or not deals with the parents who, when the free market of ideas was opened up to them, they chose this program. They wanted this program. They wanted to maintain this program, and they will flock back to it.

Since my good friend Mr. HASTINGS also used a baseball reference to tie me, I have to one-up him one more time. In the words of the great Satchel Paige, who was consulting a struggling pitcher who was failing to get it over on the corners, he just said, Throw the pitch. Just throw strikes. Home plate don't move.

This program is one of those strikes. All we need to do is throw it. Home plate don't move.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Before yielding, I'll one-up the one-upper: Satchel Paige also said, Don't look back.

I am pleased to yield 3 minutes to my distinguished friend and colleague from the Rules Committee, the gentleman from Colorado (Mr. POLIS).

□ 1250

Mr. POLIS. I thank the gentleman.

This bill, the SOAR Act, reestablishes a program to send D.C. students to private elementary and secondary schools. The main issue that I struggle with, that this body needs to struggle with, with regard to this measure is the justification for pushing Federal will onto Washington, D.C., which is counter to local control over education, a concept that has broad bipartisan support.

One of my top priorities in this body is to improve our education system—ensure that every child has an effective teacher in a classroom, improve accountability for all schools, and provide a pathway to college and careers for lifelong success. To be clear, the overall state of the schools in Washington, D.C., is a disgrace. A recent Education Week study showed a 48.8 percent on-time graduation rate. Frankly, we as Americans should be ashamed. We need to do better, the Americans who live here in Washington, D.C.

Yet it's absurd, Madam Speaker, that we as elected officials from 50 States are executing a right to determine how schools are funded in a jurisdiction that doesn't even have a vote in this body. I'm a Representative of part of one State, Colorado, and yet here I am in a position to make school funding decisions on behalf of Washington, D.C., students. We wouldn't do this to Colorado, Ohio, or any other State.

A district near mine in the State of Colorado, Douglas County School District, recently enacted a district-wide voucher program. The residents of D.C. are no less American than the residents of Douglas County, and yet in Douglas County, Colorado, there will

be candidates that run for school board for the program, candidates that run for school board against the program, and the future of whether or not vouchers can continue in Douglas County, Colorado, will be decided where it should be, by the residents of Douglas County, Colorado.

This vote underscores the need for Washington, D.C., to control its own public school system as the State does. In fact, Madam Speaker, I think Washington should be a State. Until that day, Congress should respect the wishes of D.C. elected officials with regard to the administration of their education system.

I would point out that there is a Federal interest with regard to what the States do and what Washington, D.C., does with regard to education. States and the District of Columbia should have the discretion to make the changes they need to improve education but not the discretion to stand back and do nothing. In fact, I worry considerably about a recent announcement by Mayor Gray that they would fund capital for charter schools at only \$2,800 per pupil as opposed to the \$5,800 that the conventional public schools get.

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

Mr. POLIS. I would ask for an additional 45 seconds, Mr. HASTINGS.

Mr. HASTINGS of Washington. I yield the gentleman an additional 45 seconds.

Mr. POLIS. If the elected officials and people of Washington, D.C., wanted a system of school vouchers, they would have created it and not relied on the Federal Government.

The important moral imperative of education reform can occur with or without vouchers, and at this point in time, I think it's critical to give education reformers that are hard at work in the District of Columbia a chance to succeed on a route that they have laid out, which apparently does not include vouchers at this time.

I will continue to push for D.C. statehood and for a Federal role that encourages transparency and accountability, improves and builds upon our successes in public education, and makes sure that we change what doesn't work, with the tools and discretion at the local level to make those tough decisions.

Mr. BISHOP of Utah. Again, Madam Speaker, I'm pleased to be here and also be joined my good friend from Colorado, whom I should probably publicly apologize to for saying disparaging things last night. I screwed up and I apologize for that.

However, he presents to us an unusual conundrum that is here on who gets to decide what will or will not be allowed. Whatever we do in this unique situation, the decision will be made. If we pass the underlying bill, we em-

power parents in Washington, D.C., to make a choice. If we don't pass the underlying bill, we prohibit parents in Washington, D.C., from making that kind of choice. Once again, when they were allowed to make that choice, they had a waiting list for those wishing to participate. It's a conundrum whatever we do, yes or no. It makes a decision on behalf of the people of Washington, D.C.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to inform us as to the remaining time.

The SPEAKER pro tempore. The gentleman from Florida has 16¾ minutes remaining. The gentleman from Utah has 17½ minutes remaining.

Mr. HASTINGS of Florida. I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from the District of Columbia, my good friend, Ms. HOLMES NORTON, who knows more about this issue than all of us combined.

Ms. NORTON. Thank you very much, and I certainly thank my good friend from Florida for his work on not only this bill, H.R. 471, but for his strong respect for the District of Columbia and its residents and his support for our right to self-government as American citizens.

I oppose this rule, I oppose this bill, and at the appropriate time, I will have a substitute to redirect the funds in this bill in accordance with the home-rule wishes of the District of Columbia. May I say, I appreciate the words of my good friend from Utah, but I do resent the use of the word "liberty" at a time when this bill will deprive the residents of the District of Columbia of the liberty every other district has in deciding local educational decisions for itself. They have it in Utah, and we will never be satisfied as long as we do not have each and every right you have in Utah.

Now, the majority ought to approach this rule with caution. Many in the House ran on the promise to reduce the power of the Federal Government and to reduce the budget. Now, we are 3 months into the new Congress, and if they vote for this rule, they will be breaking their promises.

They will be voting for an unprecedented expansion of the Federal Government's power into the quintessentially local decision of elementary and secondary education. They will be voting for this rule against the will of the jurisdiction, the only jurisdiction to which it applies, the District of Columbia. They will be voting for this rule with no consultation with any elected official in the local jurisdiction involved. They will be voting to authorize the Federal Government to mandate that a local government offer a program for students to attend private schools at public expense, Federal expense, that is. They

will be voting to increase the deficit by \$300 million with no offset whatsoever for these funds because this is a new program and their own protocols demand an offset for new programs.

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

Mr. HASTINGS of Florida. To complete her thought, I yield the gentle lady an additional 30 seconds.

Ms. NORTON. So in the first test of their legislative cut-go protocol, they will be voting to violate it. They will be voting to do so with \$300 million added to the deficit at a time when they are cutting \$11.6 billion with a "b" from education throughout the United States of America. We are American citizens.

Mr. BISHOP of Utah. Madam Speaker, again, I appreciate the opportunity of discussing this particular issue.

There is one effect where the Delegate from the District of Columbia does have something in common with the State of Utah. Over 70 percent of my land is owned by the Federal Government in Utah, and it is one of those factors that inhibits our ability to fund our education system in the State of Utah. The District of Columbia has that same initiative problem with so much of the land owned by the Federal Government.

The difference, though, is that this program is giving Federal money to the District of Columbia to fund not just the scholarship opportunity but also increased funds to fund their charter schools, as well as funds to fund the regular public education system. In that respect, I wish we were very similar to what's happening in the District of Columbia, but unfortunately we are not.

□ 1300

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman from Florida for yielding.

Madam Speaker, I urge my colleagues to defeat the previous question so that we can address this important issue of currency manipulation and trade.

Manufacturers in my home State of Rhode Island and those across the Nation are working hard and playing by the rules, and they are suffering disproportionately because their Chinese counterparts refuse to play by the same set of rules in the global economy.

One way Chinese businesses cheat is by keeping their currency artificially low so that their imports are cheaper than U.S. goods. That is simply not fair, and this practice must end. Artificially low Chinese currency contributes greatly to the global trade imbalance, which puts U.S. businesses and workers at a significant disadvantage.

China's unfair currency manipulation has destroyed millions of good-paying American jobs and jeopardizes the future of the American middle class. Employment in manufacturing shrank from 20 million jobs in 1979 to fewer than 12 million jobs today. In Rhode Island, we experienced the loss of more than 30,000 manufacturing jobs in the last decade alone.

Despite these sobering statistics, the American manufacturing sector is in the midst of a resurgence. If this vital economic engine is to be sustained, Congress must continue its investments in programs that help manufacturers compete in the global economy, ending currency manipulation. And by doing that, we can level the playing field for American manufacturers, give them a fighting chance to compete, and speed up our economic recovery and create jobs.

With so many factories shuttered, small businesses barely hanging on, and Rhode Island workers continuing to look for jobs, we can't afford to wait any longer for the Chinese to correct their unfair trade practices. That's why I am proud to cosponsor this legislation to end China's unfair currency manipulation, because in States like Rhode Island, we have to fight back against countries like China that won't stick to their obligations under international agreements and play by the rules.

If our country is going to compete in the global economy, we have to guarantee that manufacturers are not disadvantaged by an uneven playing field in foreign trade. We must demand that China play by the rules.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time so I can find another baseball metaphor.

Mr. HASTINGS of Florida. Sort of like "Joe DiMaggio was against vouchers."

Madam Speaker, at this time I would like to yield myself 10 seconds to explain that we are still on the D.C. voucher matter, but the previous question is with reference to Chinese currency.

With that, I am pleased to yield 2 minutes to the distinguished gentleman, my good friend from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, the Republican follies go on. The Republicans have done nothing in their 13 weeks in charge of this House to help Americans get jobs, nothing to open markets for businesses to expand, nothing to open up markets overseas for American workers and businesses to compete more fairly. While they hold the economy hostage to their cultural war agenda, maybe we could do something to help the American people.

I rise today in support of the effort to defeat the previous question so that we can take a first step toward addressing

the egregious imbalance between China's currency and our own. For too long, the Chinese have been playing unfairly in the international trade arena, and this Congress has to send a clear message that China must become a responsible player in multilateral trade. The Chinese export-driven strategy is smart, but subsidizing it by suppressing their currency is an unfair way to do it.

This effort is a good step, and we should follow up by working together with our trading partners to bring a multilateral WTO case against China on the currency issue. This common-sense legislation helps the Commerce Department do a fairer job for making the multilateral mechanisms more available to U.S. businesses. We must send a clear signal with this legislation that the American people respect international agreements and expect fairness.

After years of an unlevel playing field, it is time to act; and this motion to defeat it and bring it to the floor is the right kind of measured first step we can take now. I hope the Republicans will join us in helping this economy. I am tired of reading the Constitution and all the silly things we have done for the last 13 weeks. When are we going to see anything having to do with job creation?

Mr. BISHOP of Utah. Madam Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, at this time, I am pleased to yield 2 minutes to my very good friend, the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, some of the 15 million unemployed Americans no doubt got together with some of their friends this morning around a kitchen table and talked about another fruitless day of job searching, another sleepless night, another paycheckless Friday that's coming. And I wonder, Madam Speaker, what they would think about what's going on on the floor of this House today. At a time when there are 15 million Americans out of work, the House majority has decided to pretend that it is the District of Columbia Board of Education.

Now, there are profound issues about the quality of schools for children in the District of Columbia. I would be guided by their elected representative, Ms. HOLMES NORTON, who speaks for them but tragically does not have the right to vote on their behalf. She should have that right. But beyond that, what are we doing?

This is a time when Americans are struggling and suffering and losing their homes. What we should be doing is coming together, Republicans and Democrats, on this floor to create an environment where entrepreneurs and

small businesses can create jobs for the American people.

We have a proposal on the floor right now that would say the following: Let's stop China from unfairly manipulating its currency that puts American manufacturers at a disadvantage.

It is estimated that 1 million manufacturing jobs could be added in this country if the Chinese were made to stop their unfair practice of discriminating and manipulating currency. Now, you may think that's a good idea or a bad idea. I think it's a good idea. But why don't we take a vote on that instead of how to run the District of Columbia Public Schools? That's a question that the voters of the District of Columbia should decide for themselves. What we ought to decide is to get our act together and get Americans back to work.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Madam Speaker, I am not objecting at all to the concepts and the comments about Chinese trade. I think that's a legitimate issue. It has its time and place, perhaps not necessarily on this particular bill. But as an approach that the opposition, the minority, wishes to take, I can understand that.

I do, though, have my baseball analogy still here, and I'm not going to count the DiMaggio joke because that was made up. That was not a true one. But it is true that Casey Stengel at one time, talking about I think one of the best second basemen ever, Bobby Richardson, said: I just can't understand it. He doesn't smoke, he doesn't drink, he doesn't stay out at night, and he still can't hit .250.

Now, even though a healthy lifestyle may extend a career, it still has no ability or connection to the ability of hitting a curve ball. But those kind of non sequiturs are part and parcel of the entire debate that we will be having not just on this rule but also extended on to the other debate as well.

I find it personally very difficult to understand why anyone would oppose this bill, which only expands choices for D.C.'s brightest and least financially blessed schoolkids and does not subtract from school funding for D.C. public schools. In fact, it increases funding while keeping within Federal budget disciplines. It increases the percentage of money going to the charter school program as well as to the public schools. This is a win-win-win situation because it sends money to three distinct efforts: the regular public school; the charter schools, which have a waiting list more than ever before; and also this Opportunity Scholarship Program, which had a waiting list and will again as well.

With that, I reserve the balance of my time.

□ 1310

Mr. HASTINGS of Florida. Madam Speaker, my friend is absolutely correct about the Joe DiMaggio comment. But I've been around long enough to remember the Washington Senators. One of my personal friends played baseball with them, Earl Battey, and I won't tell you some of the things that Earl said to me when it wasn't about school vouchers.

But I leave to the seriousness of the moment 5 minutes of my remaining time to the gentlewoman from the District of Columbia (Ms. NORTON), who has, with great persistence, tried to get clarity about taxation without representation.

Ms. NORTON. Madam Speaker, you know, in the later days of European colonialism, countries like France allowed some representation from the colonies because the whole notion of voting on the fate of the colonies with nobody there who could also vote seemed even then to be a dilemma they could not live with. And I don't understand how any Member of the House believes she has a right to vote on local education matters or any other local matter affecting any part of the United States, including the District of Columbia.

I note, Madam Speaker, that Mr. POLIS of the Rules Committee indicated yesterday that there was a county in Colorado that had created its own voucher program. I respect that because they didn't come to the Federal Government to ask that their local voucher program be funded, nor, Madam Speaker, did we.

I think every Member of this House ought to ask, since we've had 5 years of a voucher bill, why is there no national bill on the floor? I think the gentleman from Florida has said one of the good reasons, and that is that the Bush Department of Education found that, when compared with the students in comparable schools in DC, there was no increase in test scores in math or reading. So there's a merit reason why there's no national bill.

But there's another reason why. The majority doesn't have the nerve to put a national voucher bill on the floor because it knows that in each and every state referendum, including in referendums in Utah, from which my good friend comes, not once has such a referendum succeeded.

I don't know why the majority thinks it can go home now and say I voted for vouchers, when you, yourselves, were against the use of public money for private schools in your district. I would not like to be at that town meeting where you have to explain why you voted for a rule for \$300 million for one district that did not want that money for that purpose.

Madam Speaker, I very much resent the use of Article I, Section VIII of the Constitution whenever the majority

wants to move in on the District of Columbia with one of its pet ideas, or because it disagrees with some issue in the District of Columbia. That's quintessentially the absence of democracy.

It's one thing to have no democracy. It's another thing to press your version of policy on another jurisdiction. That's why I have an alternative, a substitute that I will be bringing at an appropriate time.

Madam Speaker, in 1973, after 150 years, this Congress finally said we have been wrong for most of the existence of our country in allowing no democracy whatsoever in the District of Columbia, no mayor, no city council. We give up. We delegate self-government to you. We are out of your affairs.

Self-government means nothing if the District of Columbia can still be a dumping ground for every pet project and pet idea of the majority. We have our own pet ideas, and we will insist on respect for our own ideas, and not yours.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I would advise my friend from Utah that I am going to be the last speaker.

Mr. BISHOP of Utah. Madam Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. BISHOP of Utah. I will yield 10 minutes if the gentleman from California wants it. Otherwise, I will be happy to use what he does not use.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 10 minutes.

Mr. DREIER. Madam Speaker, first, let me thank my friend for his superb management of this rule and to say that I have the utmost respect for my colleague from the District of Columbia. Since I reside here in the District of Columbia, she represents me here in this institution. And when I'm here—of course I'm a Californian, first and foremost—but when I'm here, I get her newsletters in the mail. She and I have served on a commission together, focused on reform of this Congress in the 1990s, and I do have the utmost respect for her.

That is one of the main reasons that we chose, when she offered the one amendment to this measure, to make it in order, because there's been a commitment that Speaker BOEHNER and I and others have made that we want to have a free-flowing debate. And I think that the notion of concluding that somehow this is a cut-and-dried issue was really wrong.

I have to say that I felt, as I sat in the Rules Committee last night and listened to my good friend and I listened to Mr. MCGOVERN, I was really saying,

my gosh, maybe there is no support for this measure at all. Especially when Mr. MCGOVERN, the second ranking Democrat on the Rules Committee, said every city council member in the District of Columbia is opposed to this measure. In fact, he said it not once but two, maybe even three, times.

And then I was handed a list. And I have just been told that Mr. BISHOP raised at the beginning that there are going to be lists on either side.

But the notion, to conclude, Madam Speaker, that we somehow are imposing the will of the majority on the people of the District of Columbia, that there's no support for this whatsoever, which is what I inferred from what was offered in the Rules Committee last night, is just plain wrong.

I don't often cite the editorial work of The Washington Post, but The Washington Post has editorialized strongly in support of this notion. Why? Because they're committed, as I believe we all are, Democrats and Republicans alike, I believe that all of my colleagues are committed to improving educational opportunities for our fellow Americans.

I think that what we need to recognize is that educational choice is an important thing, and that's why The Washington Post has editorialized in support of this.

And then when one looks at the list of D.C. leaders, some currently holding office, some formerly having held elective office here in the District of Columbia, the notion that there's only one voice that's elected by the people of the District of Columbia is an inaccurate one.

The fact is, the chairman of the city council, chairman-at-large, Kwame Brown, is a supporter of this measure. The former mayor, Adrian Fenty. I recognize that he did not win reelection. I don't know that this was the sole determinant in the outcome of that election. But Adrian Fenty, in fact, is a supporter of this measure.

The mayor before that, Anthony Williams, is a supporter of this measure. Marion Barry, the former mayor; Kevin Chavous, former chairman of the D.C. City Council Education Committee; Patrick Mara, the D.C. school board member; and, of course, the often-cited Michelle Rhee, the former D.C. school chancellor, they all happen to be supporters of this measure.

And so that's why, some elected, some not elected, some hold office today, some formerly held office, but I believe, Madam Speaker, that every single one of these people, along with the editorial pages, as I said, of The Post, The Journal, a number of other publications, lots of organizations are very, very committed to ensuring the quality of education is improved in the District of Columbia, and, Madam Speaker, they are very, very committed to ensuring that we see the

quality of education improved across this country.

□ 1320

It is very important for us to do that. And that is why I find it very interesting that the previous question battle that we are dealing with here is one that is designed to focus on the issue of international trade and creating jobs here in the United States.

I can understand there is a great deal of concern about the fact that jobs have fled overseas. That has happened because of the policies of the United States of America. The fact that we have the highest tax rate on job creators of any country in the world, the fact that we have chosen over the last few years to stick our heads in the sand when it has come to market opening opportunities through trade agreements which have been signed by our past administration and the leaders of other countries, is an indication that we have chosen to ignore great job-creating opportunities. And I am speaking about these trade agreements, the ones that President Obama said that he would like to see us pass here in the House. First, the Korea-U.S. Free Trade Agreement which he talked about. And I am grateful that he talked about the importance of Colombia and Panama, two agreements that were actually signed before the completion of the U.S.-Korea Free Trade Agreement.

Now, Madam Speaker, if we were to focus attention on those items, plus reducing that top rate on job creators from 35 percent to 25 percent, that would do more to create job opportunities than almost anything we could do.

And then we get back to the core issue here, and that is education. We need to make sure that the United States of America, as we seek to remain competitive in this global economy, that we have the best educated young people. That is why educational choice, I believe, is critically important.

We are going to have an opportunity for debate. The Rules Committee has chosen to make in order and give 40 minutes of debate to my friend from the District of Columbia so we will be able to continue this exchange.

I urge my colleagues to vote "yes" in favor of the previous question, and in so doing, we will be able to pursue tremendous items like the pending three free trade agreements and reducing the top rate on corporate income, those on job creators, so that we can generate more job opportunities in this country.

Vote "yes" on the previous question. Vote "yes" on the rule. I believe that the underlying legislation will dramatically enhance the opportunity for young people in the District of Columbia to have educational opportunities that they otherwise would not have.

Mr. HASTINGS of Florida. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. HASTINGS of Florida. I yield 1 minute of that time to the gentlewoman from the District of Columbia, Ms. HOLMES NORTON.

Ms. NORTON. No one ever said that everybody in the District of Columbia or even every public official was against vouchers.

Mr. DREIER. Will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. DREIER. I just said that Mr. MCGOVERN in the debate last night in the Rules Committee said that every city council member, and then I was given this list.

I thank my friend for yielding.

Ms. NORTON. On the contrary, a letter is on its way up here from city council members. The present mayor opposes the bill. Yes, the former mayor was for the bill. The largest demonstration of citizens since I have been in the Congress was held when this bill was imposed on the District of Columbia.

If you ask people in the District of Columbia, "Would you support some Federal money for vouchers?" a lot of them will say yes. If you ask them the right question, "Would you want money for private school vouchers or would you want money for public charter schools?" hands down, they will say, relieve those long waiting lists of all of us trying to get in our public charter schools and give the money to our public charter schools.

Nobody on that side of the aisle knows anything about the residents of the District of Columbia or they never would have put this bill in in the first place.

Mr. BISHOP of Utah. Madam Speaker, I will reserve the balance of my time, and I will tell the gentleman from Florida that I am prepared to close when he is.

Mr. HASTINGS of Florida. Thank you very much, and I shall conclude.

I say to the chairman, before he leaves the room, that if any American corporation is paying 35 percent corporate tax, they need to fire their accountants.

Madam Speaker, if the people of the District of Columbia wanted a school voucher program, they would have created one—without the interference of Congress.

This pilot program was allowed to expire for a reason: It didn't work.

Why the self-proclaimed party of fiscal conservatism would support authorizing millions, 300 of those, in new spending for a downright useless program with no offset is beyond me. It is time for Republicans to take their hands out of the internal affairs of the District, and instead focus on what our constituents sent us here to do—rebuild our economy and put Americans back to work.

At a time when our Nation's schools and communities find themselves in dire fiscal straits, we should not be throwing money away to revive a program that has, by all objective measures, failed.

Madam Speaker, I urge my colleagues to vote "no" and defeat the previous question, so we can debate and pass real jobs legislation today. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Once again, I appreciate the discussion, I appreciate my good friend from Florida if for no other reason that all of a sudden people are now sending me baseball stories and analogies here. I have one from Casey Stengel which I will save for the next time we join together here on the floor.

Madam Speaker, it is fairly clear what we are dealing with in this particular bill. This is money that is within our Federal budgetary discipline. We are talking with this bill about money that would go to the traditional public education system in the District of Columbia, an equal amount of money that would go to the charter schools which does have a waiting list here in the District of Columbia, as well as money that would go to this new opportunity scholarship.

Once again, with our dueling statistics, whether one wants to say that it was successful or not, the bottom line is still there were parents who wanted that program, there were parents who complained when the program was taken away from them by Congress, and there are parents who still want this program reestablished. They want those options for their children.

We have a choice here. If we act favorably on this bill, we empower those parents. If we refuse to act favorably on this bill, then we limit those parents and the choices that they seem to want. That is one of those issues that is there.

Madam Speaker, in closing, I want to reiterate the fairness of this structured rule. I urge its adoption, along with the underlying legislation. I urge members to support this rule which will allow the House to consider good legislation that affords bright and competitive D.C. students with an enhanced opportunity to pursue a higher quality of education while not harming the underlying public education system in the District of Columbia.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 186 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 639) to amend title VII

of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Rep-

resentatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 186, if ordered; and approval of the Journal, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 237, nays 182, not voting 13, as follows:

[Roll No. 199]

YEAS—237

- | | | |
|-------------|-------------|--------------|
| Adams | Blackburn | Chabot |
| Aderholt | Bonner | Chaffetz |
| Akin | Bono Mack | Coble |
| Alexander | Boustany | Coffman (CO) |
| Altmire | Brady (TX) | Cole |
| Amash | Brooks | Conaway |
| Austria | Broun (GA) | Cravaack |
| Bachmann | Buchanan | Crawford |
| Bachus | Bucshon | Crenshaw |
| Barletta | Buerkle | Culberson |
| Bartlett | Burgess | Davis (KY) |
| Bass (NH) | Burton (IN) | Denham |
| Benishek | Calvert | Dent |
| Berg | Camp | DesJarlais |
| Biggert | Canseco | Diaz-Balart |
| Blibray | Cantor | Dold |
| Bilirakis | Capito | Dreier |
| Bishop (UT) | Carter | Duffy |
| Black | Cassidy | Duncan (SC) |

- | | | |
|-----------------|-----------------|---------------|
| Duncan (TN) | Kinzinger (IL) | Renacci |
| Ellmers | Kline | Ribble |
| Emerson | Labrador | Rigell |
| Farenthold | Lamborn | Rivera |
| Fincher | Lance | Roby |
| Fitzpatrick | Landry | Roe (TN) |
| Flake | Lankford | Rogers (AL) |
| Fleischmann | Latham | Rogers (KY) |
| Fleming | LaTourette | Rogers (MI) |
| Flores | Latta | Rohrabacher |
| Forbes | Lewis (CA) | Rokita |
| Fortenberry | LoBiondo | Rooney |
| Fox | Long | Ros-Lehtinen |
| Franks (AZ) | Lucas | Roskam |
| Gallegly | Luetkemeyer | Ross (FL) |
| Gardner | Lummis | Royce |
| Garrett | Lungren, Daniel | Runyan |
| Gerlach | E | Ryan (WI) |
| Gibbs | Mack | Scalise |
| Gibson | Manzullo | Schilling |
| Gingrey (GA) | Marchant | Schmidt |
| Gohmert | Marino | Schock |
| Goodlatte | McCarthy (CA) | Schweikert |
| Gosar | McCaul | Scott (SC) |
| Gowdy | McClintock | Scott, Austin |
| Granger | McCotter | Sensenbrenner |
| Graves (GA) | McHenry | Sessions |
| Graves (MO) | McKeon | Shimkus |
| Griffin (AR) | McKinley | Shuster |
| Griffith (VA) | McMorris | Simpson |
| Grimm | Rodgers | Smith (NE) |
| Guinta | Meehan | Smith (NJ) |
| Guthrie | Mica | Smith (TX) |
| Hall | Miller (FL) | Southerland |
| Hanna | Miller (MI) | Stearns |
| Harper | Miller, Gary | Stivers |
| Harris | Mulvaney | Stutzman |
| Hartzler | Murphy (PA) | Sullivan |
| Hastings (WA) | Myrick | Terry |
| Hayworth | Neugebauer | Thompson (PA) |
| Heck | Noem | Thornberry |
| Heller | Nugent | Tiberi |
| Hensarling | Nunes | Tipton |
| Herger | Nunnelee | Turner |
| Herrera Beutler | Olson | Upton |
| Huelskamp | Palazzo | Walberg |
| Huizenga (MI) | Paul | Walden |
| Hultgren | Paulsen | Walsh (IL) |
| Hunter | Pearce | Webster |
| Hurt | Pence | West |
| Issa | Petri | Westmoreland |
| Jenkins | Pitts | Wilson (SC) |
| Johnson (IL) | Platts | Wittman |
| Johnson (OH) | Poe (TX) | Wolf |
| Johnson, Sam | Pompeo | Womack |
| Jones | Posey | Woodall |
| Jordan | Price (GA) | Yoder |
| Kelly | Quayle | Young (AK) |
| King (IA) | Reed | Young (FL) |
| King (NY) | Rehberg | Young (IN) |
| Kingston | Reichert | |

NAYS—182

- | | | |
|---------------|---------------|----------------|
| Ackerman | Costa | Hanabusa |
| Andrews | Courtney | Hastings (FL) |
| Baca | Critz | Heinrich |
| Baldwin | Crowley | Higgins |
| Barrow | Cuellar | Himes |
| Bass (CA) | Cummings | Hinchee |
| Becerra | Davis (CA) | Hinojosa |
| Berkley | Davis (IL) | Hirono |
| Berman | DeFazio | Holden |
| Bishop (GA) | DeGette | Holt |
| Bishop (NY) | DeLauro | Honda |
| Blumenauer | Deutch | Hoyer |
| Boren | Dicks | Inslee |
| Boswell | Dingell | Israel |
| Brady (PA) | Doggett | Jackson (IL) |
| Braley (IA) | Donnelly (IN) | Jackson Lee |
| Brown (FL) | Doyle | (TX) |
| Capps | Edwards | Johnson (GA) |
| Capuano | Ellison | Johnson, E. B. |
| Cardoza | Engel | Kaptur |
| Carnahan | Eshoo | Keating |
| Carney | Farr | Kildee |
| Castor (FL) | Fattah | Kind |
| Chandler | Filner | Kissell |
| Chu | Frank (MA) | Kucinich |
| Ciulline | Fudge | Langevin |
| Clarke (MI) | Garamendi | Larsen (WA) |
| Clay | Gonzalez | Larson (CT) |
| Clyburn | Green, Al | Lee (CA) |
| Cohen | Green, Gene | Levin |
| Connolly (VA) | Grijalva | Lewis (GA) |
| Cooper | Gutierrez | Lipinski |

Garrett Lungren, Daniel
 Gerlach E.
 Gibson Mack
 Gingrey (GA) Manzullo
 Gonzalez Manchant
 Goodlatte Marino
 Gosar Markey
 Gowdy Matheson
 Granger Matsui
 Graves (GA) McCarthy (CA)
 Green, Al McCarthy (NY)
 Green, Gene McCaul
 Griffin (AR) McClintock
 Griffith (VA) McCollum
 Grijalva McHenry
 Grimm McIntyre
 Guinta McKeon
 Guthrie McMorris
 Hanabusa Rodgers
 Harper McNERNEY
 Hartzler Meehan
 Hastings (WA) Mica
 Hayworth Michaud
 Heinrich Miller (FL)
 Hensarling Miller (MI)
 Herger Miller (NC)
 Herrera Beutler Miller, Gary
 Higgins Moran
 Himes Mulvaney
 Hinojosa Murphy (CT)
 Hirono Murphy (PA)
 Holden Myrick
 Holt Nadler
 Huelskamp Neal
 Huizenga (MI) Neugebauer
 Hultgren Noem
 Hurt Nugent
 Insole Nunes
 Issa Thornberry
 Jenkins Olson
 Johnson (GA) Owens
 Johnson (IL) Palazzo
 Johnson (OH) Pascrell
 Johnson, E. B. Paul
 Johnson, Sam Paulsen
 Jones Payne
 Jordan Pence
 Kaptur Petri
 Kelly Pingree (ME)
 Kildee Pitts
 Kind Platts
 King (IA) Polis
 King (NY) Pompeo
 Kingston Price (GA)
 Kissell Price (NC)
 Kline Quayle
 Labrador Quigley
 Lamborn Rehberg
 Lance Reichert
 Landry Ribble
 Lankford Richardson
 Latham Richmond
 LaTourette Rigell
 Latta Rivera
 Levin Roby
 Lewis (CA) Roe (TN)
 Loeback Rogers (AL)
 Long Rogers (KY)
 Lowey Rogers (MI)
 Lucas Rohrabacher
 Luetkemeyer Rokita
 Lummis Rooney

Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Royce
 Runyan
 Ruppberger
 Ryan (WI)
 Scalise
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (SC)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Serrano
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Speier
 Stearns
 Stivers
 Stutzman
 Thompson (PA)
 Tiberi
 Tierney
 Tonko
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Webster
 Welch
 West
 Westmoreland
 Whitfield
 Wilson (FL)
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Woolsey
 Yarmuth
 Yoder
 Young (FL)
 Young (IN)

Peters
 Peterson
 Poe (TX)
 Rahall
 Rangel
 Reed
 Renacci
 Reyes
 Roybal-Allard
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky

Scott (VA)
 Sires
 Stark
 Sullivan
 Sutton
 Terry
 Thompson (CA)
 Thompson (MS)
 Tipton
 Towns
 Visclosky
 Weiner
 Wu
 Young (AK)

ANSWERED "PRESENT"—1

Amash

NOT VOTING—15

Andrews
 Barton (TX)
 Buchanan
 Butterfield
 Campbell
 Carson (IN)
 Clarke (NY)
 Cleaver
 Frelinghuysen
 Giffords
 Gohmert
 Perlmutter
 Posey
 Shuler
 Slaughter

□ 1408

Ms. BASS of California changed her vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on official business and missed rollcall vote Nos. 200 and 201. Had I been present, I would have voted "nay" on rollcall vote Nos. 200 and 201.

SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

Mr. ISSA. Mr. Speaker, pursuant to House Resolution 186, I call up the bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). Pursuant to House Resolution 186, the amendment recommended by the Committee on Oversight and Government Reform now printed in the bill is adopted. The bill, as amended, is considered read.

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

H.R. 471

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scholarships for Opportunity and Results Act" or the "SOAR Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education.

In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) While the per student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2009 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2009 NAEP, 56 percent of fourth grade students scored "below basic" in reading, and 44 percent scored "below basic" in mathematics. Among eighth grade students, 49 percent scored "below basic" in reading and 60 percent scored "below basic" in mathematics. On the 2009 NAEP reading assessment, only 17 percent of the District of Columbia fourth grade students could read proficiently, while only 13 percent of the eighth grade students scored at the proficient or advanced level.

(4) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), to provide opportunity scholarships to parents of students in the District of Columbia to enable them to pursue a high-quality education at a public or private elementary or secondary school of their choice. The DC Opportunity Scholarship Program (DC OSP) under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(5) The DC OSP was established in accordance with the Supreme Court decision, *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(6) Since the inception of the DC OSP, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. Rigorous studies of the program by the Institute of Education Sciences have shown significant improvements in parental satisfaction and in reading scores that are more dramatic when only those students consistently using the scholarships are considered. The program also was found to result in significantly higher graduation rates for DC OSP students.

(7) The DC OSP is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. This program should be reauthorized as 1 of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

NAYS—107

Altmire DeFazio Heck
 Baldwin Dent Heller
 Bass (CA) Deutch Hinchey
 Becerra Dicks Honda
 Bilbray Dold Hoyer
 Bishop (NY) Donnelly (IN) Hunter
 Boswell Ellison Israel
 Brady (PA) Farenthold Jackson (IL)
 Brown (FL) Farr Jackson Lee
 Burgess Filner (TX)
 Capuano Fitzpatrick Keating
 Cardoza Foxx Kinzinger (IL)
 Carnahan Fudge Kucinich
 Chu Gardner Langevin
 Clarke (MI) Gibbs Larsen (WA)
 Costa Graves (MO) Larson (CT)
 Costello Gutierrez Lee (CA)
 Cravaack Hall Lewis (GA)
 Cuellar Hanna Lipinski
 Cummings Harris LoBiondo
 Davis (IL) Hastings (FL) Lofgren, Zoe

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security, and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 4. GENERAL AUTHORITY.**(a) OPPORTUNITY SCHOLARSHIPS.—**

(1) **IN GENERAL.**—From funds appropriated under section 14(a)(1), the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out a program to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(2) **DURATION OF GRANTS.**—The Secretary may make grants under this subsection for a period of not more than 5 years.

(b) **DC PUBLIC SCHOOLS AND CHARTER SCHOOLS.**—From funds appropriated under paragraphs (2) and (3) of section 14(a), the Secretary shall provide funds to the Mayor of the District of Columbia, if the Mayor agrees to the requirements described in section 11(a), for—

(1) the District of Columbia public schools to improve public education in the District of Columbia; and

(2) the District of Columbia public charter schools to improve and expand quality public charter schools in the District of Columbia.

SEC. 5. APPLICATIONS.

(a) **IN GENERAL.**—In order to receive a grant under section 4(a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—The Secretary may not approve the request of an eligible entity for a grant under section 4(a) unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program of the entity than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents under section 7(a)(2) for the payment of tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary schools and secondary schools in the District of Columbia to participate in the program;

(H) how the entity will ensure that each participating school will meet the reporting and other program requirements under this Act;

(I) how the entity will ensure that participating schools submit to site visits by the entity as determined to be necessary by the entity, except that a participating school may not be required to submit to more than 1 site visit per school year;

(J) how the entity will ensure that participating schools are financially responsible and will use the funds received under section 7 effectively;

(K) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(L) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9(a).

SEC. 6. PRIORITIES.

In awarding grants under section 4(a), the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) in awarding scholarships under section 7(a), give priority to—

(A) eligible students who, in the school year preceding the school year for which the eligible students are seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(B) students who have been awarded a scholarship in a preceding year under this Act or the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of the enactment of this Act, but who have not used the scholarship, including eligible students who were provided notification of selection for a scholarship for school year 2009–2010, which was later rescinded in accordance with direction from the Secretary of Education; and

(C) students whose household includes a sibling or other child who is already participating in the program of the eligible entity under this Act, regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 9(a);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(3) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.**(a) OPPORTUNITY SCHOLARSHIPS.—**

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under section 4(a) shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2011–2012. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such entity's program under this Act to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) **PAYMENTS TO PARENTS.**—An eligible entity receiving a grant under section 4(a) shall make scholarship payments under the entity's program under this Act to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be

used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) AMOUNT OF ASSISTANCE.—

(A) **VARYING AMOUNTS PERMITTED.**—Subject to the other requirements of this section, an eligible entity receiving a grant under section 4(a) may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) **LIMIT FOR SCHOOL YEAR 2011–2012.**—The amount of assistance provided to any eligible student by an eligible entity under the entity's program under this Act for school year 2011–2012 may not exceed—

(I) \$8,000 for attendance in kindergarten through grade 8; and

(II) \$12,000 for attendance in grades 9 through 12.

(ii) **CUMULATIVE INFLATION ADJUSTMENT.**—Beginning the school year following the school year of the date of the enactment of this Act, the Secretary shall adjust the maximum amounts of assistance described in clause (i) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) **PARTICIPATING SCHOOL REQUIREMENTS.**—None of the funds provided under this Act for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) agrees to submit to site visits as determined to be necessary by the eligible entity pursuant to section 5(b)(1)(I);

(E) has financial systems, controls, policies, and procedures to ensure that funds are used according to this Act; and

(F) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States.

(b) **ADMINISTRATIVE EXPENSES.**—An eligible entity receiving a grant under section 4(a) may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this Act during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students;

(4) compiling and maintaining financial and programmatic records; and

(5) conducting site visits as described in section 5(b)(1)(I).

(c) **PARENTAL ASSISTANCE.**—An eligible entity receiving a grant under section 4(a) may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the entity's program under this Act, and assisting parents through the application process, under this Act, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise

preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) **STUDENT ACADEMIC ASSISTANCE.**—An eligible entity receiving a grant under section 4(a) may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance. If there are insufficient funds to provide tutoring services to all such students in a year, the eligible entity shall give priority in such year to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

SEC. 8. NONDISCRIMINATION AND OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) **IN GENERAL.**—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) **APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) **SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) **APPLICABILITY.**—For purposes of this Act, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this Act.

(c) **CHILDREN WITH DISABILITIES.**—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) **RELIGIOUSLY AFFILIATED SCHOOLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(2) **MAINTENANCE OF PURPOSE.**—Notwithstanding any other provision of law, funds made available under this Act to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) **RULE OF CONSTRUCTION.**—A scholarship (or any other form of support provided to parents of eligible students) under this Act shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this Act

shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(f) **REQUESTS FOR DATA AND INFORMATION.**—Each school participating in a program funded under this Act shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(g) **RULES OF CONDUCT AND OTHER SCHOOL POLICIES.**—A participating school, including the schools described in subsection (d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(h) **NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.**—

(1) **IN GENERAL.**—Each participating school shall comply with any testing requirements determined to be necessary for evaluation under section 9(a)(2)(A)(i).

(2) **MAKE-UP SESSION.**—If a participating school does not administer a nationally norm-referenced standardized test or the Institute of Education Sciences does not receive data on a student who is receiving an opportunity scholarship, then the Secretary (through the Institute of Education Sciences of the Department of Education) shall administer such test at least one time during a school year for each student receiving an opportunity scholarship.

SEC. 9. EVALUATIONS.

(a) **IN GENERAL.**—

(1) **DUTIES OF THE SECRETARY AND THE MAYOR.**—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under this Act;

(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this Act; and

(C) make the evaluations described in subparagraph (A) and (B) public in accordance with subsection (c).

(2) **DUTIES OF THE SECRETARY.**—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation under paragraph (1)(A)—

(i) is conducted using the strongest possible research design for determining the effectiveness of the opportunity scholarship program under this Act; and

(ii) addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program—

(i) in increasing the academic growth and achievement of participating eligible students; and

(ii) on students and schools in the District of Columbia.

(3) **DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.**—The Institute of Education Sciences of the Department of Education shall—

(A) use a grade appropriate, nationally norm-referenced standardized test each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this Act (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this Act, agree that the student will participate in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship,

respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 6.

(4) **ISSUES TO BE EVALUATED.**—The issues to be evaluated under paragraph (1)(A) shall include the following:

(A) A comparison of the academic growth and achievement of participating eligible students in the measurements described in paragraph (3) to the academic growth and achievement of the eligible students in the same grades who sought to participate in the scholarship program under this Act but were not selected.

(B) The success of the program in expanding choice options for parents of participating eligible students, improving parental and student satisfaction of such parents and students, respectively, and increasing parental involvement of such parents in the education of their children.

(C) The reasons parents of participating eligible students choose for their children to participate in the program, including important characteristics for selecting schools.

(D) A comparison of the retention rates, high school graduation rates, and college admission rates of participating eligible students with the retention rates, high school graduation rates, and college admission rates of students of similar backgrounds who do not participate in such program.

(E) A comparison of the safety of the schools attended by participating eligible students and the schools in the District of Columbia attended by students who do not participate in the program, based on the perceptions of the students and parents.

(F) Such other issues with respect to participating eligible students as the Secretary considers appropriate for inclusion in the evaluation, such as the impact of the program on public elementary schools and secondary schools in the District of Columbia.

(G) An analysis of the issues described in subparagraphs (A) through (F) by applying such subparagraphs by substituting "the subgroup of participating eligible students who have used each opportunity scholarship awarded to such students under this Act to attend a participating school" for "participating eligible students" each place such term appears.

(5) **PROHIBITION.**—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) **REPORTS.**—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than April 1 of the year following the year of the date of enactment of this Act, and each subsequent year through the year in which the final report is submitted under paragraph (2), on the progress and preliminary results of the evaluation of the opportunity scholarship program funded under this Act; and

(2) a final report, not later than 1 year after the final year for which a grant is made under section 4(a), on the results of the evaluation of the program.

(c) **PUBLIC AVAILABILITY.**—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) **LIMIT ON AMOUNT EXPENDED.**—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated under section 14(a)(1) for the fiscal year.

SEC. 10. REPORTING REQUIREMENTS.

(a) **ACTIVITIES REPORTS.**—Each eligible entity receiving funds under section 4(a) during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) **ACHIEVEMENT REPORTS.**—

(1) **IN GENERAL.**—In addition to the reports required under subsection (a), each eligible entity receiving funds under section 4(a) shall, not later than September 1 of the year during which the second school year of the entity's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 school years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the high school graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information.

(c) **REPORTS TO PARENTS.**—

(1) **IN GENERAL.**—Each eligible entity receiving funds under section 4(a) shall ensure that each school participating in the entity's program under this Act during a school year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate;

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions; and

(C) the accreditation status of the school.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) **REPORT TO CONGRESS.**—Not later than 6 months after the first appropriation of funds under section 14, and each succeeding year thereafter, the Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 11. DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) **CONDITION OF RECEIPT OF FUNDS.**—As a condition of receiving funds under this Act on behalf of the District of Columbia public schools and the District of Columbia public charter schools, the Mayor shall agree to carry out the following:

(1) **INFORMATION REQUESTS.**—Ensure that all the District of Columbia public schools and the District of Columbia public charter schools comply with all reasonable requests for information for purposes of the evaluation under section 9(a).

(2) **AGREEMENT WITH THE SECRETARY.**—Enter into the agreement described in section

9(a)(1)(B) to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this Act.

(3) **SUBMISSION OF REPORT.**—Not later than 6 months after the first appropriation of funds under section 14, and each succeeding year thereafter, submit to the Committee on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under this Act for the District of Columbia public schools and the District of Columbia public charter schools were used in the preceding school year; and

(B) how such funds are contributing to student achievement.

(b) **ENFORCEMENT.**—If, after reasonable notice and an opportunity for a hearing for the Mayor, the Secretary determines that the Mayor has not been in compliance with 1 or more of the requirements described in subsection (a), the Secretary may withhold from the Mayor, in whole or in part, further funds under this Act for the District of Columbia public schools and the District of Columbia public charter schools.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to reduce, or otherwise affect, funding provided under this Act for the opportunity scholarship program under this Act.

SEC. 12. TRANSITION PROVISIONS.

(a) **REPEAL.**—The DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) is repealed.

(b) **SPECIAL RULES.**—Notwithstanding any other provision of law—

(1) funding appropriated to provide opportunity scholarships for students in the District of Columbia under the heading “Federal Payment for School Improvement” in title IV of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 653), the heading “Federal Payment for School Improvement” in title IV of division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3181), or any other Act, may be used to provide opportunity scholarships under section 7(a) for the 2011–2012 school year to students who have not previously received such scholarships;

(2) the fourth and fifth provisos under the heading “Federal Payment for School Improvement” of title IV of Division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3181) shall not apply; and

(3) any unobligated amounts reserved to carry out the provisos described in paragraph (2) shall be made available to an eligible entity receiving a grant under section 4(a)—

(A) for administrative expenses described in section 7(b); or

(B) to provide opportunity scholarships under section 7(a), including to provide such scholarships for the 2011–2012 school year to students who have not previously received such scholarships.

(c) **MULTIYEAR AWARDS.**—The recipient of a grant or contract under the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of the enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such grant or contract, except that—

(1) the provisos relating to opportunity scholarships in the Acts described in subsection (b)(1) shall not apply; and

(2) the memorandum of understanding described in subsection (d), including any revision made under such subsection, shall apply.

(d) **MEMORANDUM OF UNDERSTANDING.**—The Secretary and the Mayor of the District of Columbia shall revise the memorandum of understanding entered into under the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of the enactment of this Act, to address—

(1) the implementation of the opportunity scholarship program under this Act; and

(2) how the Mayor will ensure that the District of Columbia public schools and the District of Columbia public charter schools comply with all the reasonable requests for information as necessary to fulfill the requirements for evaluations conducted under section 9(a).

(e) **ORDERLY TRANSITION.**—Subject to subsections (c) and (d), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under the provisions of the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of enactment of this Act.

SEC. 13. DEFINITIONS.

As used in this Act:

(1) **ELEMENTARY SCHOOL.**—The term “elementary school” means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) **ELIGIBLE STUDENT.**—The term “eligible student” means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line; or

(ii) in the case of a student participating in the opportunity scholarship program in the preceding year under this Act or the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code), as such Act was in effect on the day before the date of enactment of this Act, 300 percent of the poverty line.

(4) **MAYOR.**—The term “Mayor” means the Mayor of the District of Columbia.

(5) **PARENT.**—The term “parent” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **PARTICIPATING ELIGIBLE STUDENT.**—The term “participating eligible student” means an eligible student awarded an opportunity scholarship under this Act, without regard to whether the student uses the scholarship to attend a participating school.

(7) **PARTICIPATING SCHOOL.**—The term “participating school” means a private elementary school or secondary school participating in the opportunity scholarship program of an eligible entity under this Act.

(8) **POVERTY LINE.**—The term “poverty line” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) **SECONDARY SCHOOL.**—The term “secondary school” means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(10) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated \$60,000,000 for fiscal year 2012 and for each of the 4 succeeding fiscal years, of which—

(1) one-third shall be made available to carry out the opportunity scholarship program under this Act for each fiscal year;

(2) one-third shall be made available to carry out section 4(b)(1) for each fiscal year; and

(3) one-third shall be made available to carry out section 4(b)(2) for each fiscal year.

(b) APPORTIONMENT.—If the total amount of funds appropriated under subsection (a) for a fiscal year does not equal \$60,000,000, the funds shall be apportioned in the manner described in subsection (a) for such fiscal year.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 112-45, if offered by the gentleman from the District of Columbia (Ms. NORTON) or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 471 and include extraneous materials thereon.

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

There was no objection.

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

Mr. Speaker, it is a great pleasure for me to rise in strong support of H.R. 471, the Scholarships for Opportunity and Results Act.

H.R. 471 is not new but H.R. 471 is essential. It reauthorizes and makes improvements in the D.C. Opportunity Scholarship Program, which was created by Congress in 2003 to provide eligible low-income District parents with an opportunity to send their children to a private school of their choice.

□ 1410

But it does more. It also provides an equal amount of money for chartered public schools, which are greater in the District of Columbia perhaps than anywhere else in the Nation, and an equal amount for improving the public school system in the District of Columbia.

Mr. Speaker, this Act gives twice as much money to the two categories of public schools—conventional schools and chartered public schools—than it does to the scholarship program. However, the scholarship program is a

focus of this bill, and it's a focus because this program has proven to be successful. In fact, 74 percent of all District residents, when polled, favor the continuation of this program as to these D.C. Opportunity Scholarships. Obviously among those who have had opportunities they would not otherwise have had, those who have gone on to college and enjoyed benefits because of their opportunity to seek an education of their choice, it is 100 percent valuable.

Mr. Speaker, we have pursued regular order on this bill. We have gone through both the subcommittee and the committee process. We have had an extensive hearing, and we believe this bill is absolutely essential. I will mention that, pursuant to the goals of the Republican House, we have made some austerity. Originally, this would have been \$75 million. It is \$15 million less because at this time, although we would like to do more, we have to make those kinds of trimmings that are possible.

Still, Mr. Speaker, this is a jewel of the D.C. school system. It is an opportunity for people to have the kind of choice they have in few other areas. And I want to personally thank the Speaker of the House for bringing this piece of legislation and for all of his work through all of the years in which he worked so hard on the Education Committee to understand this program in a way that no other Member does.

I reserve the balance of my time.

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

I rise today in strong opposition to H.R. 471.

Let me be very clear: Public funds should support public education. But this bill, which would authorize \$300 million to support education in the District of Columbia, includes an authorization for the expenditure of \$100 million over 5 years to enable a tiny fraction of D.C. students to attend private schools. We have been told that the purpose of this bill is to help D.C. children get a better education. But House Republicans passed legislation earlier this year that slashes billions of dollars from educational programs across the country. In H.R. 1, which passed the House in February, House Republicans cut \$5.7 billion from the Pell Grant program, \$1 billion from Head Start, \$757 million from Federal Supplemental Educational Opportunity Grants, \$694 million from Title I-A grants, and \$100 million from the 21st Century Community Learning Centers. Under these Republican cuts, nearly 44,000 students from the District of Columbia could see their Pell Grants reduced, 700 would lose their Head Start placements, 500 could face reduced or eliminated after-school placements, and 2,500 would lose supplemental educational services.

Remarkably now, after voting to leave so many behind, the Republican

leadership wants to authorize \$100 million in new spending just for private schools in the District as part of a \$300 million authorization for education in that one district. And the majority does not even pay for any part of this \$300 million bill. Let me be clear on this point: There is no offset for this bill. For that reason, H.R. 471 also appears to violate the legislative protocols issued by the majority with such fanfare at the beginning of this Congress. So all the rhetoric supposedly justifying massive cuts to education funding, all the talks about budget constraints, about tightening our belts, and about making sacrifices, all that goes out the window when the majority wants to give \$100 million in taxpayer funds to private schools.

Also problematic is that the D.C. voucher program has not resulted in better student achievement. The Institute for Education Sciences evaluated this program and found that in 2010, there was no overall statistically significant impact on student achievement in reading or math. By comparison, reading and math test scores did improve among students enrolled in the District's public schools and its public charter schools from 2007 to 2010.

The bill is also a direct assault on D.C. home rule. The Speaker did not consult with the District's representative or its elected officials before introducing the bill. Our committee did not receive testimony from the mayor of the District before we marked up this bill. And the Republicans have not introduced a national voucher bill because using taxpayer dollars to fund private schools is highly unpopular and has failed in every referendum placed on State ballots.

Despite all of these arguments against the bill, to me, the most significant problem is that it diverts funds away from educational programs that help all of the District's 70,000 students. Instead, the bill would use a lottery system to award vouchers to send about 1.3 percent of District students to private schools. I know there are Members on the other side of the aisle who are truly concerned about the education of our Nation's children, and they have a sincere desire to help students of the District of Columbia. But we should help all of the students. We should provide a high-quality education for all of them, and we should support continued improvements that raise all student achievement.

I have said it over and over again: The greatest threat to our national security is the failure to properly educate every single one of our children, every one of them. We should not adopt a measure that spends \$100 million so that about 1,000 students can go to private schools. And as a graduate of public schools and a longtime advocate of quality public education, as one who has sat on a charter school board, I

agree with the President's statement of the administration's policy which opposes creating or expanding a voucher program and asserts that the "Federal Government should focus its attention and available resources on improving the quality of public schools for all students." Because this bill does not do that, I urge my colleagues to reject H.R. 471 in its current form.

Mr. Speaker, later during this debate, my distinguished colleague Congresswoman ELEANOR HOLMES NORTON, who represents the District of Columbia, will offer an amendment to redirect funding for private schools to improve public education for all of the District's students. This amendment is a thoughtful improvement, and I urge all Members to support it.

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

Mr. ISSA. Mr. Speaker, it's now my pleasure to yield 5 minutes to the gentleman from Minnesota (Mr. KLINE), the chairman of the Committee on Education and the Workforce.

Mr. KLINE. I thank the gentleman for yielding time.

Mr. Speaker, I rise today in support of H.R. 471, this legislation that would reauthorize the D.C. Opportunity Scholarship Program. This program was created in 2004 with bipartisan support. This program has provided an educational lifeline and meaningful choices to thousands of District families. I urge my colleagues to support this legislation.

Everyone agrees now that our educational system is broken. As we work to craft targeted reforms, we must support existing education programs that improve student achievement. The D.C. Opportunity Scholarship Program is one such initiative with a proven track record of success. Over the past 7 years, this program has helped more than 3,000 low-income children receive a high-quality education at the private school of their choice. The Department of Education's own research confirms the program's success in increasing graduation rates to more than 90 percent in the low-income population of students previously trapped in underperforming schools.

□ 1420

Additionally, this scholarship program has improved parental involvement in education. Four consecutive studies have shown parents of program participants are more engaged in their children's education and more satisfied with their academic progress than parents of public school students.

The evidence is clear, Mr. Speaker. This innovative program works and serves as a real alternative for parents who want to give their children the educational opportunities they never had. Yet, despite this proof, the administration and some in Congress are determined to destroy this groundbreaking program.

Without the D.C. Opportunity Scholarship Program, thousands of parents will be denied an opportunity to make decisions about their children's education. Equally troubling, thousands of children will be denied the opportunity to achieve their full potential, leaving them unequipped to succeed in a 21st century workforce. We must put children first and stop a vocal minority from taking vital opportunities away from thousands of D.C. families.

The program has received widespread support from Washington residents, including three former Democratic Mayors, several members of the D.C. City Council, and thousands of students and parents. Congress cannot turn its back and deny students a chance, a chance for a better future.

As our Nation fights to get back to the path to prosperity, we cannot afford to eliminate critical educational opportunities that will prepare our Nation's youth for tomorrow's workforce.

All parents should be empowered to decide what school is best for their child. A quality education should not be a luxury available only to those who can afford it.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Maryland for his terrific help on all we have done on this bill.

Let me count the ways I strongly oppose H.R. 471:

Because it reestablished a program that failed to improve academic achievement as measured by standardized reading and math tests;

Because it infringes on the local government's right to make decisions about quintessentially local education matters;

Because it was introduced without so much as consultation with any elected official from the affected jurisdiction, the jurisdiction I represent;

Because it provides Federal funds to send students to religious and other private schools, despite the absence of support for vouchers, as demonstrated by the failure of every State referendum to authorize vouchers, including two in California; and

Because it increases the deficit by \$300 million, violating the majority's own CutGo for discretionary authorization legislative protocols.

Although I am a proud graduate of the D.C. Public Schools and strongly support our public schools, especially given their great improvement, I have always supported public charter alternatives for those parents who are dissatisfied with our traditional public schools. Children can't wait until public schools now in the throes of "a race to the top" meet the top.

I'm proud that the District of Columbia has the largest charter school system in the United States of America, with almost half of our children attending. Parents and organizations in the District of Columbia have made this alternative, not the Congress of the United States.

The existence and the phenomenal growth of our public charter schools has fueled the competition that has actually helped our public schools improve. The reason is because the charter schools and the public schools, unlike the voucher schools, are competing for the same local dollars.

So, today, it is interesting to note that the National Assessment of Educational Progress found that the D.C. Public Schools have awakened to the competition, and now is the only one of 18 large urban school systems that showed improvement in the fourth and eighth-grade achievement tests over the past 2 years.

Now, contrast this with what the Bush Education Department found for the very voucher program we will be voting on in H.R. 471, and I'm quoting:

The Department of education found "no conclusive evidence that the Opportunity Scholarship Program affected student achievement" as measured by standardized reading and math tests. Yet the program was established precisely to measure and improve performance of the lowest achieving students in our schools.

D.C. charter schools, however, outperform the D.C. public schools and greatly outperform the voucher schools. Our public charter schools at the middle and high school level, with a majority of economically disadvantaged students, scored almost twice as high as their D.C. Public School counterparts in math and reading, and the graduation rate of charter school students is 24 percent higher than the graduation rate of our traditional public high schools and 8 percent higher than the national average. Yet these public charter schools have a higher percentage of African American students and of disadvantaged students than our public schools.

They are entirely accountable. They can be closed and, like public schools, they have been closed.

With this remarkable record, why in the world would anyone pick the District of Columbia to impose a voucher program on, or target the only big school system that has set up an alternative public charter school system?

If the majority were truly interested in our education agenda, instead of their own, they would do what former Speaker Newt Gingrich did. When he approached me about private school vouchers, I told him of public opposition to vouchers in the city, but not to charter schools, as demonstrated by a fledgling charter school program in the

District that had attracted few charter schools. And there was a District of Columbia charter school law. He worked with me, not against me, to introduce a bill—

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

Mr. CUMMINGS. I grant the gentlewoman an additional 1 minute.

Ms. NORTON. To introduce P.L. 104-134, which has helped us produce a large-scale robust alternative public school system that is now a model for the Nation.

The pattern of this Congress could not be clearer. They began by stripping the District of Columbia of its vote. They have done nothing but try to take from the District of Columbia with bill after bill. Now they want to help us, against our will.

We reject the insult of your help with the children of the District of Columbia. We are not second-class citizens. We are not children. If you want to help us, give us the courtesy, have the good grace to ask us how we want to be helped.

Mr. ISSA. Mr. Speaker, as it says in the Constitution, to exercise exclusive legislation in all cases whatsoever over the District, and that is what we are doing.

It gives me great pleasure to yield 5 minutes to the gentleman from California (Mr. MCCARTHY), the whip of the House.

Mr. MCCARTHY of California. As I listen to the debate, people want to know if anybody was asked. You realize that there are four times as many children who want a scholarship than there's one for? Those are the people we should ask. Those are the people who have been asked. Those are the people that have asked to be able to have a new life, a new direction and a hope that we all dream about in America.

I will tell you, this morning, like almost every morning when I'm in Washington, D.C., we get that time, we call home. As a husband and a parent, I call my wife, and the first thing we talk about is our children. We talk about our children, about how they're feeling, how they're doing, but more importantly, how's their education—who are the latest and where they are going. It's the same question that every single parent that's a Member of this body asks. Every Member of this body that's a parent doesn't care about what they will become. You care about what your children will become.

□ 1430

The greatest opportunity you have for your children to expand all the dreams and hopes they have as an American is making sure they have the right education. But it is not just for a select few. We want to make sure everybody does.

Last Congress, one of the toughest times I watched on this floor was the

new Obama administration and the Democratic majority, where they worked to terminate this program to prevent new children from participating, and going so far as revoking 216 new children for a scholarship that had already been elected to the 2009-2010 school year. Not only was it unfair; it was unwise.

We have an opportunity on this floor to do something different. We have an opportunity on this floor to actually make a correction. It is not a correction for you and me. It is a correction of a hope and a dream that a child can unleash and unshackle something that holds them back. It is a dream that they can rise to the occasion, they can have the foundation, they can have the ability that the country has always talked about. That is why I support the SOAR Act, because I believe these children can soar higher. I believe these children can reach a new dream, and I do not believe in holding them back.

For all those who sit there and still want more, four to every one, I for one am going to join with them. Support this bill and support a new hope and dream. It is not about what we will become. It will be about what the next generation in America can achieve, and we want them to soar to new heights.

Mr. CUMMINGS. In regards to what was just stated by the gentleman, we care about all these children. And it would be helpful if \$5.7 billion was not slashed from the Pell Grants when these kids get to college.

It is my honor to yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the chair for yielding.

Mr. Speaker, I wanted to come to the floor today to say that I think this debate is a distraction. I have spent a lot of time visiting schools and talking with teachers and parents in my district, and this debate does nothing to address what they tell me they need.

What they want is for us to work together to reauthorize the Elementary and Secondary Education Act and to fix the things that we know are wrong with No Child Left Behind.

If we care about improving their education, we should be working to make our system more flexible and less punitive, which is something that both sides of the aisle agree needs to happen.

I urge my colleagues to come together to work on the pressing education issues: America's decline in international education rankings; unacceptable dropout rates and achievement gaps; and the need to create a smart, innovative workforce prepared for the jobs of tomorrow.

I urge my colleagues to vote against this bill.

Mr. ISSA. Mr. Speaker, no one has worked harder on this than my subcommittee chairman, the gentleman

from South Carolina (Mr. GOWDY), to whom I yield 3 minutes.

Mr. GOWDY. I would like to thank the distinguished chairman of Oversight for his graciousness and leadership.

Mr. Speaker, we have found consensus. Sweet, elusive consensus. We found it. Not in a final committee vote; that would be too much to ask. Not even in the testimony of the witnesses who came before the subcommittee. But we found consensus among the Members themselves, one after the other after the other who testified as to the power and the magic of education to transform not just their lives but generations of lives.

I spoke with a distinguished Member from the other side of the aisle, a gentleman that I happen to like and respect very much and is one of the most powerful speakers in this body. And I will not call his name because the conversation was not public. But he recalled for me the day that he was sworn into office, and how his father came to him with tears streaming down his face. And some of the tears were the tears that only a father can have who is delighting in the success of a child. But some of the tears were also the acknowledgement that it could have been the father and not the son had the father not been born in the wrong town, at the wrong time, and in the wrong State, and, yes, in the eyes of our educational system of yesterday, the wrong race.

It is that shared acknowledgement that education is the pathway to prosperity that makes me struggle with how someone can oppose this bill. The parents want it. They feel more vested. They feel like their children are safer.

Mr. Speaker, you should have seen the parents that came and crossed political and cultural and racial lines to testify on behalf of this bill in the subcommittee. They want it desperately. The students want it. They feel safer. They feel like it's an educational environment that is conducive to their learning. Their test scores are higher. But even if they were not, their graduation rates are higher.

As a former prosecutor who cannot remember the last high school graduate that I prosecuted, the simple fact that they are graduated from high school in and of itself is enough of a reason to support this. Educational achievement is higher. Educational attainment is higher.

The parents want the same choices for their kids that the President of the United States and, indeed, most of us who are Members of Congress have for ours. Even the United States Department of Education once lauded this program as an example of something that works, until someone or something told them to think otherwise. The residents of the District of Columbia, again crossing racial, political

lines overwhelmingly support this program.

And the most insidious argument is also the most demonstrably false, that somehow this program takes dollars away from the three-sectored approach that the District of Columbia uses. The public schools will still be funded. Their charter schools will still be funded. This just provides a third alternative, a third choice for parents who desperately want it and need it.

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

Mr. ISSA. I yield the gentleman an additional 1 minute.

Mr. GOWDY. One of the reasons that public approval for our body is sometimes so historically low is we have a tendency to demagogue those with whom we disagree and we create false dichotomies. This bill is no more about the independence of the District of Columbia than anything else. The District of Columbia does not think twice before accepting Federal dollars for the public school system, the charter school system, or a host of other agendas. Nor does the District of Columbia think twice when it accepts Pell Grant monies that allow an 18-year-old to go to Georgetown, which is a private school, but will not allow a 17-year-old to go to a private high school.

Nor is this bill about whether or not someone believes in the public school system. I went to the public schools in South Carolina. My wife teaches in the public schools in South Carolina. And my son will graduate from the public schools in South Carolina. But I will miss his graduation, like many of you have missed things in your lives, because we will be in session.

What I will not miss is the opportunity to throw a lifeline to kids who were born through the vicissitudes of life into poverty. We will give them the same choices and chances that we have had.

Mr. CUMMINGS. Mr. Speaker, it is not a false dichotomy when, through H.R. 1, \$1.8 billion is being slashed from the Head Start budget, causing 218,220 Head Start students to not get a start.

I now yield 3 minutes to the gentleman from Illinois, Congressman DANNY DAVIS.

Mr. DAVIS of Illinois. I thank the gentleman from Maryland for yielding.

Mr. Speaker, I rise to join my colleagues in opposition to H.R. 471, the D.C. voucher bill. While I share the same commitment to improving the quality of education here in D.C., in Chicago, and throughout the Nation, as a staunch supporter of public schools I strongly disagree with vouchering public dollars to private schools and institutions. I do not believe that the D.C. public schools should become experimental labs for the rest of the Nation. As I have stated previously on a number of occasions, paying for school vouchers translates into fewer tax-

payer dollars for traditional public schools which have the responsibility to educate all, and I emphasize, all of the children.

Improving public education in the District of Columbia, as in the rest of the Nation, has been and continues to be a long and arduous task. It is an absolute priority of mine. However, now is not the time to abandon our obligation to ensure top-notch public education for all students by shifting Federal dollars to private schools.

I understand and commend the Federal Government for playing a critical role in providing the District with badly needed funding for improving education since 2004.

□ 1440

But I have never found any conclusive evidence that vouchers have increased achievement, nor have I seen any evidence in any study that an overall school district has improved as a result of vouchers. If the Federal Government is serious about improving the quality of education for the city's 70,000-plus deservedly young minds, then we should place our resources towards educational opportunities for all.

I must add that in the District we have seen improvement during the last 2 and 3 years. And while we didn't seek any real testimony from the officials of the District of Columbia or school officials and students in public schools, we did hear from Delegate ELEANOR HOLMES NORTON, whose thoughts represent the thinking of a large number of Washingtonians, and she has told us that continued investment in D.C.'s public school reform efforts will yield far greater benefits for the city as a whole rather than spending millions of dollars on less than 2,000 students to attend private schools.

I agree with Delegate ELEANOR HOLMES NORTON. She represents the thinking of the people of the District of Columbia. I urge that we vote down this voucher bill and support the amendment that will be presented by Delegate ELEANOR HOLMES NORTON.

Mr. ISSA. Mr. Speaker, it is a great honor to yield the customary 1 minute to the author of the bill, the gentleman from Ohio (Mr. BOEHNER), Speaker of the House.

Mr. BOEHNER. Let me thank my colleague for yielding and let me start by also thanking him and the members of the Government Reform Committee for their work on this bill. Also I want to thank our 50 cosponsors and all the Members on both sides of the aisle who are standing with us today. I also appreciate the efforts of our colleagues in the Senate, particularly Senator JOE LIEBERMAN, who are working on similar legislation.

Today, the House will have the opportunity to do something special for the future of our country. I think just about every Member would agree that

we have got to do everything we can to help our education system. Americans are concerned that their children won't be able to have the same blessings that they have had, and if we want to protect the American Dream, there is no substitute for a quality education.

My view has always been that education reform starts with giving children a way out of our most under-achieving public schools. Of course, that doesn't mean that we abandon those schools. It means we take some of the pressure off of them while they work to turn themselves around.

So we came together here about 7 years ago and said let's try something different. Instead of just throwing money at the problem, let's empower parents from lower-income families to choose the schools that are best for them. We wouldn't deny any school money that they had already been receiving. We would be injecting freedom and competition into a system that is caught up in the status quo.

We had a strong bipartisan coalition, including Anthony Williams, who was the Mayor here at the time, and Dick Arme, who for years led this fight in the House, paving the way for this program. He and I started working together on school choice in the early nineties when we served on the Education and Labor Committee together. We said let's give kids in our capital city a real chance at success and a real shot at the American Dream that they don't have. We thought to ourselves, what do we have to be afraid of? Well, as it turned out, there was nothing that we needed to be afraid of.

Thousands of families have taken advantage of the D.C. Opportunity Scholarship Program, and there is strong evidence that it is both effective and cost-effective. Unfortunately, the education establishment in our country sees this Opportunity Scholarship Program as a threat. In reality, this is an opportunity to raise the bar, because competition makes everybody better. I think if you look beyond the talking points and focus on the facts, you will find that the D.C. program provides a model that can work in other communities around our Nation.

Now, I think all of you know that this issue is important to me, but I will tell you this: This is not about me. I am proud to say that I have supported the Opportunity Scholarship Program from the get-go, but I am even more proud of the fact that I had nothing to do with its success. For that, we can thank the students and parents who have become more than the program's beneficiaries—they are its greatest ambassadors.

In recent days, I have received letters from many of them asking Congress to do the right thing, and I will be submitting some of those for the RECORD. You see, they know what it was like before. They remember living just

blocks from great schools, but feeling miles away from them, and all they did was ask us to have a chance to have the same kind of education that kids down the street were getting. There is no controversial idea here. It is the American way.

So if we are serious about bipartisan education reform, we should start by saving this successful bipartisan program that has helped so many underprivileged children here in D.C. get a chance at a quality education. I urge the House to support and save this important program.

MARCH 29, 2011.

DEAR SPEAKER BOEHNER, I want to thank you for spending so much time and energy on a cause that does not benefit you but helps me and a lot other DC children.

I was a lucky one. I had the opportunity to be a scholar and it worked! I was accepted into Archbishop Carroll and Bishop McNamara High School. I'm proud of my success. One day I would like to attend Spellman College. When I get to college I know it will be because of the solid foundation I received in my elementary school. The foundation for my future was possible because of my scholarship.

Again, thank you for fighting to save the Opportunity Scholarship. I know you care about us and I wish you a lot of good luck! Sincerely,

SAMAYA MACK,
8th grade,
St. Anthony Catholic School.

MARCH 29, 2011.

DEAR MR. SPEAKER, my name is Katherine Campos and I am a recipient of the Opportunity Scholarship. I am an eighth grader at Sacred Heart School and have received the scholarship for the past six years.

I want to thank you from the bottom of my heart for introducing the SOAR Act to Congress. I know that you really believe in the Opportunity Scholarship and that means the world to me. I believe in the scholarship, too.

The scholarship has offered me an escape from some of the harsher realities of the city. It has offered me a chance to grow in my spirituality and academics because it allowed my mom to choose Sacred Heart for me. My family is happy now that I have a better chance of getting into a good high school. Without the scholarship, I wouldn't be where I am today and I wouldn't have as much hope for tomorrow. I know that I am better prepared for a successful future because I am a recipient of the Opportunity Scholarship.

Thank you, Mr. Speaker, for all that you are doing to help me and all the other scholarship recipients. You really do make a difference in my world.

Sincerely,

KATHERINE CAMPOS,
8th grade,
Sacred Heart School.

MARCH 29, 2011.

DEAR MR. SPEAKER, We met for the first time at the State of the Union. Remember you gave me advice on giving interviews? Since then a lot of people have asked me about OSP and I just wanted to say thank you, Mr. Speaker, for all of the hard work you're putting into bringing back this Program. This program has helped me and a lot of other DC children.

Without this program I would not have attended St. Anthony Catholic School and

probably would not have achieved the success I have. I love my school and am glad my parents had the option to send me here.

Since we met I am proud to share that I earned a full four year academic scholarship to Gonzaga and will be going there in the fall. This high school scholarship was possible because the elementary school that my parents chose for me provided me with a strong academic foundation. I know I will do well in high school. And then, I plan to do well at Ohio State University for college.

I hope the SOAR Act passes so other kids will get the chance I did. Thank you again!

Sincerely,

OBIBMBANEFO,
8th grade,
St. Anthony Catholic School.

MARCH 29, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER, I am writing to thank you for never giving up in your fight to restore the D.C. Opportunity Scholarship Program.

As a mother who has seen the benefits of the program first-hand, I can attest to the value of this program. Nico, my nine year old son attends Naylor Road Private School on an opportunity scholarship and is excelling in his small classes. If Nico were unable to attend Naylor Road, he would have been forced to attend a failing, underperforming school.

I can also attest to the heartbreak of having my daughter's scholarship revoked by President Obama's Secretary of Education. My daughter Nia received an opportunity scholarship in 2009 to attend the same school as her brother and receive the same educational opportunities. But that is no longer the case.

My daughter was one of 216 students who received a letter from Secretary of Education Arne Duncan retracting her scholarship. Suddenly, I did not know where I was going to send my daughter to school. I know that I will not send my daughter to any of the schools in my area. While I have been blessed by emergency, private scholarships to send Nia to Naylor Road with her brother, I do not know if this support will continue.

As a single mother on disability, I am unable to work enough to afford tuition. Education is the first priority in my household, and this program allows my children to attend safe schools and thrive.

I can tell you that your work, and that of so many other Members of Congress, has not gone unnoticed in the parts of our city that many people too often ignore.

For me, it will mean a quality education for my children. It will also mean peace of mind, because I will know that my children will not, one day, be separated—my son to attend a safe and nurturing school, and my daughter, forced elsewhere.

Please keep fighting for this program. Please. And I encourage all Members of Congress to follow your lead in voting YES for the SOAR Act. I know that with the chance to thrive in better schools, my children will truly SOAR!

Sincerely,

LATASHA BENNETT.

Mr. CUMMINGS. Mr. Speaker, most respectfully to our Speaker, I know his intentions are very good and honorable, and I wanted to be clear on this side of the aisle, Mr. Speaker, that we care about every single child being

educated and becoming all that God meant for them to be, too. That is why we oppose the \$1.08 billion cut from Head Start in H.R. 1 and the \$5.7 billion cut from the Federal Pell Grant program.

With that, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I thank him for his discussion of this legislation on the floor.

I rise in opposition to this legislation because I don't believe that we can afford to spend \$100 million on a program that in fact, in spite of what has been said on the other side, has been proven time and again to be ineffective and inefficient.

Supporting our students, especially in poor minority communities, is the right thing to do, and particularly in this economy it is absolutely essential. But that is not what this bill does.

If you really care about school reform, you want to help our students, our future, you do it in a sustainable and systematic way. You can't arbitrarily throw money at a small group of students and just hope against overwhelming evidence that your ideology somehow will work this time. You can't decide that only a handful of students deserve special attention. You can't ask Congress to vote for programs that the citizens of D.C. and the elected officials and the Mayor have not asked for. You certainly can't decide to continue a program that does not help students succeed.

There are a number of concerns about this bill. First and most importantly, the program does not help the students succeed. Just 2 weeks ago, the Republicans made harmful cuts in proven programs based upon purported standards of inefficiency, seeking to get rid of inefficient programs. If this is the standard, the D.C. voucher program fails the test.

The D.C. voucher program does not increase student achievement or graduate students so they are prepared to go on to college or careers. In fact, four Department of Education studies over both administrations found that the voucher program has had no effect on the academic achievement of the voucher students.

These findings are consistent with other private school voucher programs in Milwaukee and Cleveland. Just yesterday, the State test results showed that voucher students in Milwaukee's 20-year voucher program are actually performing similar or worse than other poor Milwaukee students. The study mandated by Congress about the D.C. voucher program says very clearly that the use of vouchers had no statistically significant impact on the overall student achievement in math or reading.

So what is the purpose of the expenditure of this money, other than to prop up an inefficient, an ineffective, ideological point of view about how these students might learn? These students are not going to the schools that will change the outcomes.

□ 1450

These students are not graduating with a set of skills that will allow them to succeed in college or a career. But the fact of the matter is there are many public schools in the District of Columbia that are in fact achieving those goals that are working for those parents and for those students.

The District of Columbia has open choice. Parents can go wherever. But we simply decided to take these Federal dollars and put it into a program on the belief that it works in spite of all of the evidence that it's not working for these students. So why are we paying a premium of another \$100 million in taxpayers' money to pursue this effort when on its face it's not working? Yes, you've done telephone surveys of parents and they said, I think I made a good choice. Okay. You do telephone surveys of the students. Are you any safer? The answer is: No, we don't feel any safer.

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

Mr. CUMMINGS. I yield the gentleman 1½ additional minutes.

Mr. GEORGE MILLER of California. A great deal is made about the choice of these parents. It's to be honored and respected. What about the choice of the parents of Head Start students that make a choice to put their children into Head Start, in an effective program that makes a difference when they leave that program on whether or not they are school ready, whether or not they're prepared to proceed at fourth grade and eighth grade and tenth grade, those critical points when a student decides to drop out of school. Those parents who are making the choice about effective education for their children, they get cut, a quarter of a million of them. But if you make an ineffective choice and it's consistent with the ideology, you get funded.

That's just not the way we should do business here, and that's not the way to do business in terms of school reform. That's not the way to help these children, and that's not the way to incentivize the other schools that are struggling to achieve better results, to achieve better success for their students.

If you're going to say, We'll fund them, whether it's successful or not, we'll put a \$100 million into it because it comports with our view of the constellations, that's just the wrong way to proceed in this effort for these children and for other children who will follow them.

Mr. ISSA. Mr. Speaker, I now yield 2 minutes to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of H.R. 471, the Scholarships for Opportunity and Results Act, because today I stand here not only as a Member of Congress but also as a mother of six children and a grandmother of 11. I know from personal experience the process that parents follow when they're choosing which school is the best choice for their children. Each child has different needs, different strengths. And as a parent reaches out to make that choice, we can realize that school choice is not cookie cutter. It should not and it must not be. And who better to make that decision than the parents of that child? Who knows best the needs of that student? Certainly, not the government bureaucracy.

The SOAR Act is about empowering parents to make the choice that's best for their own child. The Act is about giving them the freedom to pursue educational opportunities not available to them in failing public schools. The parents of the D.C. public school children deserve the same opportunities as Members of Congress, the Secretary of Education, and the President of the United States. Sadly, the parents of the children in the D.C. voucher program do not have the ability to pick up and move elsewhere for better public schools, and they can't afford private schools.

The D.C. system needs substantial and sustained reform, but that reform process does not have to come at the expense of the children who live in the District. I stand here and I encourage my colleagues to support H.R. 471.

Mr. CUMMINGS. I yield 3 minutes to the distinguished gentleman from Virginia, Mr. BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, our public schools need more resources, not less. This bill diverts funds that could be used for public schools into private school vouchers. Instead of helping public schools, the bill helps the privileged few who can both win the lottery and have the resources to pay the difference between the voucher and the cost of an education. That cost of education is usually more than just the tuition charged. So the recipient not only has to cover the whole tuition but also has to get access to a charity or a religious institution that would subsidize the cost of the education. Many who win the voucher lottery find that they can't even use the voucher because they can't afford the remaining cost of education.

And so we've heard a lot about the so-called choice of a private school education. That choice is only avail-

able to those who win the voucher lottery. So it's not a choice. It's a chance. With that same logic we can solve the Social Security problem by just selling Lotto tickets. Those who win the Lotto will be much better off. But, of course, few will win. Likewise, 90 percent of those who seek a voucher will lose the voucher lottery, and so they don't have a choice. Even though they have chosen the lottery, they don't have the choice. They will remain in public schools. And those schools will be worse because the money has been diverted.

The evidence now shows that even those who win the lottery may not be better off. Studies of the D.C. voucher program reveal that there's virtually no improvement in education. Furthermore, those the program was supposed to help are the ones that are benefiting. Those in failing schools represent a small portion of those who use vouchers. Many of those who use vouchers were already in private schools. And many more would have gone to private schools anyway.

The schools that these children attend with vouchers are not covered by the same educational accountability standards as public schools, and the students and employees are not covered by the same civil rights protections. So we should defeat this bill and channel these funds into the public schools in Washington, D.C.

Mr. ISSA. Mr. Speaker, sometimes you just hear something that's hard to believe. We're wasting money here in Washington. The American people are hearing it first here today.

[From the Washington Post]

WHITE HOUSE IGNORES EVIDENCE OF HOW D.C. SCHOOL VOUCHERS WORK

With the House poised to vote Wednesday on legislation to reestablish a voucher program that allows low-income D.C. students to attend private schools, the Obama administration issued a strongly worded statement of opposition. The White House of course has a right to its own opinion, as wrongheaded as we believe it to be. It doesn't have a right to make up facts.

"Rigorous evaluation over several years demonstrates that the D.C. program has not yielded improved student achievement by its scholarship recipients compared to other students in D.C.," President Obama's Office of Management and Budget proclaimed Tuesday, in response to H.R. 471, sponsored by House Speaker John A. Boehner (R-Ohio).

That dismissal might come as a surprise to Patrick J. Wolf, the principal investigator who helped conduct the rigorous studies of the D.C. Opportunity Scholarship Program and who has more than a decade of experience evaluating school choice programs.

Here's what Mr. Wolf had to say about the program in Feb. 16 testimony to the Senate Committee on Homeland Security and Governmental Operations. "In my opinion, by demonstrating statistically significant experimental impacts on boosting high school graduation rates and generating a wealth of evidence suggesting that students also benefited in reading achievement, the DC OSP has accomplished what few educational

interventions can claim: It markedly improved important education outcomes for low-income inner-city students.”

There are, we believe, other benefits to a program that expands educational opportunities for disadvantaged children. The program, which provides vouchers of \$7,500 to low-income, mainly minority students to attend private schools, is highly regarded by parents, who often feel it allows their children to attend safer schools or ones that strongly promote achievement. Our view has never been that this voucher program is a substitute for public school or public school reform. But while that reform proceeds, scholarships allow a few thousand poor children to escape failing schools and exercise a right that middle-class parents take for granted—the right, and dignity, of choice.

We understand the argument against using public funds for private, and especially parochial, schools. But it is parents, not government, choosing where to spend the vouchers. Given that this program takes no money away from public or public charter schools; that the administration does not object to parents directing Pell grants to Notre Dame or Georgetown; and that members of the administration would never accept having to send their own children to failing schools, we don't think the argument is very persuasive. Maybe that's why an administration that promised never to let ideology trump evidence is making an exception in this case.

[From the Washington Post, Mar. 30, 2011]
 SCHOOL CHOICE IS NOT A PARTISAN ISSUE
 (By Kevin P. Chavous)

Seventy-four percent of people rarely agree on anything.

In Pew poll in September, for instance, not even 60 percent of Americans could correctly name Joe Biden as the vice president. But here in Washington, there is overwhelming consensus on something: education reform. More specifically—the D.C. Opportunity Scholarship Program.

Indeed, 74 percent of city residents, multiple members of the D.C. Council—including Chairman Kwame R. Brown—former local Democratic elected officials like me and former mayor Anthony A. Williams, and thousands of parents, students and other activists all support the Scholarships for Opportunity and Results (SOAR) Act, set for a vote in the House today. This legislation would reauthorize the Opportunity Scholarship Program, a federally funded initiative that provides low-income children with money to attend private schools. It would also infuse the District's traditional public and public charter schools with \$40 million in additional funding per year.

It's a smart, well-constructed plan. But if we were to listen only to the national narrative surrounding school choice in the District, it would seem as if all of the program's supporters were Republicans and none of them have any connection to the city besides happening to work here on weekdays.

In reality, local support for returning all options to the District's low-income children comes from all corners of the city. After years of divisive battles over the creation of the program, its destruction in 2009, and its path toward resurrection in the current Congress, there is wide support among local leaders for the view that reauthorizing the program will be beneficial for students and families, as well as all three education sectors serving children in the city. Even Mayor Vincent Gray has in the past expressed support for the three-sector federal initiative, and it was noteworthy that he was not crit-

ical of the voucher program itself—emphasizing instead home-rule issues and the success of the city's public and charter schools—in his lone Capitol Hill appearance to testify on the reauthorization bill.

The only significant local opposition comes from D.C. Del. Eleanor Holmes Norton, who claimed at a House oversight hearing on the SOAR Act that providing educational options for low-income students was somehow a ploy by Republicans to use District children to further a set of “ideological preferences” by dismissing the “independent, self-governing” nature of Washington.

But if the city is to truly be self-governing as its representative suggests she wants, Norton and other scholarship opponents must do what they so often criticize others for not doing. They must listen to the city's residents.

The only common ideology among supporters of the Opportunity Scholarship Program is that it's the right thing to do. Parents of the 91 percent of program participants who graduate from high school know that, as do the parents of students who have seen their children increase their reading scores through the program. These are certainly many of the same people who elected Norton to her 11th term as their representative in Congress with 89 percent of the vote in November.

This is not, as pundits often contend, a partisan issue. The large majority of the city's residents are Democrats—myself included—and we believe in a set of core values that are consistent with both Democratic ideals and a more fundamental set of ideals rooted in the belief that all children deserve a chance to receive a quality education by any means necessary.

And we're tired of seeing opponents of school choice use traditional party breakdowns as cover for opposition to a program that works or use disparaging language about the intentions of the other side. The fact of the matter is that those who continue to fight for this program want what's best for the District's children, and there is a simple reason why a city full of Democrats want to bring the Opportunity Scholarship Program back to the nation's capital: It's the right thing to do.

[From Politico, Mar. 30, 2011]

GIVING STUDENTS A CHANCE AT SUCCESS
 (By Rep. Darrell Issa and Rep. John Kline and Rep. Harold Rogers)

The House is due to vote Wednesday on reinstating the Opportunity Scholarship Program for the District of Columbia.

This is a critical education reform that can offer low-income students and their parents the chance to break out of low-performing public schools and receive a quality education. The reauthorized program would give an annual voucher of \$8,000 for elementary students and \$12,000 for secondary students within 185 percent of the poverty line. It could make it possible for thousands of district school children to prepare for college at the competitive private school of their choice.

But it is not just about helping one city's schoolchildren. This is part of a larger national conversation about school reform. Across the country, an increasing number of states are looking for ways to break the cycle of low graduation rates and substandard public education to give underprivileged students an educational environment where they can succeed.

Opponents of school choice represent some of the most powerful special interests in the

country. Teachers unions, for example, have long opposed school choice and have tried to block voucher programs like the DC Opportunity Scholarship. It was pressure from these groups that influenced President Barack Obama's decision to end the DC scholarship two years ago. This injustice must be corrected.

The success of school choice programs like this one—which was originally passed in 2004—is convincing. Parental satisfaction for scholarship recipients far exceeds that of parents whose children are trapped in failing public schools.

Students in the Washington program who get to attend better-performing private schools in the District are approximately three months ahead in reading ability, compared to non-scholarship students. Graduation rates for scholarship recipients are more than 30 percentage points higher than others in the district's public schools.

These programs enjoy widespread support among those involved. Almost 75 percent of D.C. residents believe the Opportunity Scholarship Program's success deserves reauthorization, according to a recent poll by the American Federation of Children. The D.C. City Council chairman, Kwame Brown, favors continuing the program, as do two former Washington mayors.

Growing bipartisan support in Congress means Democrats and Republicans can work together to help underprivileged students in Washington—which is Congress's responsibility under the Constitution.

School choice programs, like the DC Opportunity Scholarship, strengthen public education systems by offering greater competition. A study by economist David Figlio of Northwestern University demonstrated that similar school choice programs in other parts of the country have improved public education.

In fact, no study to date has suggested school choice hurts student achievement in public schools.

Everyone benefits from the success of these school choice programs. High-performing students are better-equipped for a college education. College graduates are better prepared for well-paying jobs.

In this economy, Congress should be doing everything it can to give the next generation of lawyers, doctors, teachers, engineers and entrepreneurs a chance to succeed. School choice is a critical part of the path to success.

Support for school choice is about providing immediate assistance for parents and their children—many of whom now wait years to get into charter schools. In many cases, these parents know that their kids attend some of the nation's worst public schools, with some of the highest rates of drug use and crime. No parent should be forced to keep their children in unsafe schools that fail to provide a quality education.

We can think of no reason why Washington students should wait for long-term public school reform when immediate relief is now possible.

Reauthorizing the DC Opportunity Scholarship Program can open the doors to success for thousands of students living in the shadow of their nation's Capitol. More than that, it provides an example for states across the country to follow as they seek to reform a broken system of public education.

I now yield 2 minutes to the gentleman from Arizona, Dr. GOSAR.

Mr. GOSAR. Thank you, Mr. Chairman.

Our children are being let down. Our education system is no longer the world's best. In the District of Columbia, they are facing an education crisis like none other in our country. According to some experts, the D.C. public schools spend over \$20,000 per year on each and every student. Despite this, D.C. students perform the worst when compared to all 50 States. One study found that only 13 percent of eighth-graders in the D.C. public schools were proficient in reading. This must change.

You may be wondering, Why is Congress focusing on just the D.C. schools today? That is because the D.C. public schools are unique, in that under the Constitution, Congress has the sole responsibility to govern over the District of Columbia. With that in mind, it is our responsibility to ensure that we no longer allow these students to slip through the cracks. That is why I'm urging my colleagues to support H.R. 471, the SOAR Act. This bill allows low-income D.C. students a scholarship to attend a school of their parents' choice. Seventy-four percent of parents in D.C. support this plan because that has achieved real results.

While I believe education is best decided on the local level, Congress is constitutionally obligated to fund D.C. students and their education. That is why we must give parents the choice as to where their children will attend school. We can't afford to continue to ignore these students. They deserve a chance to attend better schools that achieve greater results.

Today, we have a golden opportunity to make D.C. public schools better. Today, we have an opportunity to help students in the lowest-achieving school district in the country. Today, we can give D.C. students an opportunity to succeed and pursue their dreams. Join me in supporting H.R. 471.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise today in strong opposition to this bill to expand the failed private school voucher program in Washington, D.C. In this time of budget strife and cutbacks for public school districts all across the country, this is the wrong time to take Federal money away from public schools and give it to private schools.

When I evaluate education or any other policy, I want to see the research on what works. Despite claims that the D.C. voucher system would improve academic achievement of D.C. students, multiple congressionally mandated Department of Education studies have concluded that the program has not improved these students' academic achievement in reading or math.

□ 1500

Further, the studies found the voucher program to have had no effect on

student satisfaction, engagement, motivation, or students' feelings of security. The studies found no significant impact on students' career aspirations, participation in extracurricular activities, homework completion, reading for fun, or tardiness. Students with special education needs, English language learners, and gifted students in the voucher program were less likely to have access to key services than their peers in public school.

Despite receiving public money under the D.C. voucher program, these private schools do not take all students. In addition, teachers at these private schools are not subject to the same certification requirements as those in D.C. public schools.

This bill also makes an exception to the majority's own budget rules, which require that all legislation proposing new funding must slash funding from somewhere else. This bill adds \$300 million to the deficit without any such offset. These kinds of exceptions make a mockery of their own rules, particularly when there is little evidence to support the underlying bill, itself.

I understand that many voucher supporters are disappointed with the quality of our public schools. This says to me that there is common ground for Members from both sides of the aisle to improve our public schools. I urge my colleagues to vote "no" on this bill.

Mr. ISSA. At this time, I yield 2 minutes to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

This is a fascinating discussion we are having here. The gentleman who spoke a while ago said, because this is a lottery and because not every one of the children who wants in this program can get in the program, it represents not a choice but a chance. I can tell you a lot of these kids will settle for a chance. I mean, give them a chance. Give them a choice, a chance, whatever. Just give them the opportunity, however slim it might be. The fact that they only have a chance and that not all of them can get in the program speaks about the demand for the program. It speaks about how many people actually need it and value it and want it, and we ought to expand it further and give more individuals a chance.

I live in an area where there are pretty good public schools. My children—I have five of them—have either been in the public schools or are currently in the public schools. Those public schools are better because of the competition around them. We have a robust charter school program in Arizona. There are lots of them around. There are many choices for kids to have. The public schools my kids attend are better for it, and the same will hold true in D.C. as well.

If you want to improve the public schools where most children typically

attend, then offer a choice and a chance. Competition and accountability does that. It does it all across the economy. It does it in every other phase of our lives. Why we say it won't happen in public education is just beyond me.

So I commend those who have put this bill forward. I wholeheartedly support it. I was involved several years ago in crafting the original one, and I am very pleased to support this today. This will be good for all kids.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from Maryland has 4½ minutes remaining, and the gentleman from California has 10½ minutes remaining.

Mr. CUMMINGS. I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise with great excitement. My Republican colleagues have made a vow to offset new spending, but they found a cause worthy enough to bypass this promise.

My Republican colleagues have rallied behind the SOAR Act, a \$300 million bill without an offset. Reportedly, the goal of the bill is to give "all students a shot to win the future" by "restoring hope" and "building stronger public schools." This is truly encouraging as it matches my goals as well as those of many of my Democratic colleagues. However, I strongly disagree with the proposed solution. The \$300 million bill will continue the D.C. Opportunities Scholarship Program, which was ineffective.

Department of Education reports show the voucher program had no statistically significant impact on overall student achievement, aspirations for the future, the frequency of doing homework, or attendance or tardiness rates. Further, although built on the premise of choice, voucher schools can and do reject students based on prior academic achievement, economic background, English language ability, or disciplinary history, which significantly limits choice.

This \$300 million program, which has proven ineffective, is not the solution for the intended goal. To reach this goal, we can begin by repealing the H.R. 1 cuts to programs that remove barriers for low-income students, such as title I programs, Head Start and TRIO.

I urge my colleagues who are truly invested in the goal to reject these cuts to key education programs and to oppose the SOAR Act.

Earlier, I heard one of the persons on the other side talk about persons who support vouchers in D.C. Most of the political persons who support it either were defeated or have left and have no more say.

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

Mr. Speaker, we've heard a lot of talk, and it seems like most of the talk is about how we are being unfair to the District of Columbia by giving them money that, in fact, they don't really need. Let me just be candid. The District of Columbia gets all the other Federal money that the States get and other cities. This is additional money, but here is the amazing fact:

Depending upon whose figures you use, for each student in the District of Columbia, they spend between \$17,000 and \$28,000 per student. Cato says \$28,000. We'll take the District at \$17,000. These Opportunity Scholarships go between \$7,500 and \$12,000. I'll agree that perhaps some of those students would have gone to a parochial or to a private school otherwise; but for those who leave the public school to take advantage of this scholarship, they leave all \$28,000 behind; and they leave with \$7,500 in opportunity and some parent who cares enough to find a way to make up the rest if there is additional cost. Many of the parochial schools mentioned that are high school equivalents of Georgetown—except they're not getting Pell Grants; they're getting this grant—in fact, take this as the entire payment.

So the truth is that this is a gift to the District of Columbia in several ways, and I want it understood here today: when you look at the ranking of all of the States, if the District of Columbia were a State, it would be 51st. If you rank it against the top 50 inner cities, it's still only around 22nd. It is a failed school system with the second highest amount, by their own figures, per capita spent on students. If you take Cato's figures, they're far and away the most expensive public schools anywhere in the country.

Mr. Speaker, we've had a lot of talk about how Republicans are cruel because we're funding less than the Democrats would like, and we're actually funding less on this program than they would have. The difference is they were simply handing \$75 million a year for the next 5 years, or at least for this year, to the public schools, with no strings attached, while, in fact, we are breaking it into three pots of \$20 million in order to allow the public school to get something.

The Speaker, in this bill, believes strongly they should get something so they're net better off. There is another \$20 million so that children can go to charter schools. Let's understand something. If you go to the public school, they say you have choice, but the regular public schools have districts, boundaries. You can't exceed them. Going to a charter school gives you an opportunity to cross town for the school of your choice. The last 20, a mere \$20 million out of hundreds of millions of dollars, in fact, goes to these few lottery winners.

The gentleman on the other side of the aisle—and rightfully so—said it's a

lottery. Yet as a former businessman—and I don't call myself a recovering businessman because I hope to never forget the lessons I learned in business—if you came to the State of California and said, We'll give you, whether it was \$60 million or \$600 million, but you've got to take a small amount of that and put it out for lotteries, and if you asked the voters in California would they take it, you'd get the same 74 to 80 percent absolute approval. If it were absolutely new money, they would.

□ 1510

But if you went to a businessman, if you went to somebody who had to understand how to make a dollar go further, there's no question what you would find is—let's do the math. I spend between \$17,000 and \$28,000 on each student; \$7,500 in expanding these Opportunity Scholarships. If they were to use their own in-district money, for every time they hand out \$7,500, they would leave themselves over \$17,000. It means that every student who remained would have more dollars.

The fact is, it's a self-inflicted wound for the District of Columbia not just to take all of this money but to take additional money because every student who exits is an opportunity to have more for those who stay, but that's not the way public education thinks. It thinks in terms of how much do I get per student, how many union teachers do I make sure I employ, how much union dues do I get.

I'm sorry, but that's not way the rest of America thinks. It's not the way the Speaker thinks when he crafted a bill that was incredibly fair to the District of Columbia and fair to many of the students who, yes, have an opportunity to get these few scholarships; and God help us, I just wish there were more because they wish there were more.

I reserve the balance of my time.

Mr. CUMMINGS. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, the majority has been obsessed with depriving the District of Columbia of its home-rule rights ever since this Congress opened. They have come now with their choice, their preference, for the people I represent. If, in fact, the majority is correct that this program has been so effective, I ask you why you have not brought a national voucher bill to the floor so that your constituents could have the very same thing my constituents have? I know why. It's the height of hypocrisy to put it on us and not bring a bill to the floor to give the same wonderful, wonderful opportunity to your own people.

I have a home-rule agenda in the amendment coming up. I challenge you, I challenge you to bring a national voucher bill to the floor this session.

Mr. ISSA. I would like to inquire of the minority, do you have additional speakers at this time?

Mr. CUMMINGS. No, I do not.

Mr. ISSA. Then are you prepared to close?

Mr. CUMMINGS. I am prepared to close, Mr. Speaker.

Mr. ISSA. Then I will reserve the balance of my time to close.

Mr. CUMMINGS. Might I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from Maryland has 1½ minutes remaining, and the gentleman from California has 5 minutes remaining.

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

Let me say this, Mr. Speaker. The ranking member said that basically this is a gift to the District of Columbia, and you know, the chairman of the committee—and I would appreciate it if he would take into consideration—while handing the District of Columbia \$20 million in vouchers, H.R. 1, which he voted for, would take from the District of Columbia now \$2.39 million from the D.C.'s title I funding, \$500,000 for the funding for the 21st Century Community Learning Centers. This is just from the District of Columbia; \$23.5 million from Pell Grants so that when these kids get through the system like he just said, they would be able to have some money to go to school; but H.R. 1 takes away \$845 per year. That's a lot of money for a college student. \$5.7 million from Federal supplemental educational opportunity grants, \$3.92 million from Head Start programs which would disallow 700 Head Start students from going to Head Start.

So when you talk about giving a gift, I mean, that's one thing; but just in Pell Grants alone you've taken away from the very people that you say you support.

And, you know, let's just be fair about this. Mr. Speaker, this is about every child. I've said it in committee, and I'll say it again. There is nobody on this side of the aisle who wants more for every child to have an education and have a good education than we do; and so hopefully this matter will be resolved, but this is not the way to do it.

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

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

You know, there has been a lot of talk about H.R. 1, and I think that's a bigger picture than what we're looking at here today; but it should be considered.

Republicans offered on this floor, and passed without the support for the most part of the other party, a continuing resolution. We have been responsible in trying to fund the government, and we tried to fund the government at over 90-some percent of what

it would have been funded had the majority not changed and certainly at or above 2008 levels.

But that bill died in the Senate. Everything seems to have died in the Senate. And yet it can be demagogued as though we've cut, but you can't cut what you haven't done and you can't cut what you haven't offered an alternative for. We cut what was already on the book: \$75 million to \$60 million.

We did decide, the Speaker's leadership, that we were going to keep this program which we believe works. At \$20 million, it's just a fairly large pilot program. As one of the speakers on the Democratic side so aptly said, you have to win the lottery, there aren't enough slots. You're right, there aren't enough opportunities for the District of Columbia. But unlike what the gentlelady, the Delegate from the District of Columbia said, we don't have an authority to go out and do this as a national referendum; but more importantly, we don't have the money. This is more a matter of showing the benefit to States which may or may not choose and giving an opportunity to one of the worst school systems, most failed school systems in the Nation.

Students in the District of Columbia in math and science and reading are typically 51st when compared to the 50 States. This is, in fact, a difficult area if you happen to be a student in this District. If you're like the President's family or his predecessor or his predecessor or his predecessor, if they have school-age children, they don't go to public school. They go to private school. That's pretty well-known.

But private school offers opportunities and it offers choice; and, Mr. Speaker, this \$20 million per year of special funding for Opportunity Scholarships is all we're talking about today. One of the speakers, rightfully so, called it \$100 million over 5 years. The Delegate from the District of Columbia called it \$300 million, but she was forgetting the other \$200 million goes right where she wants it to go. The only thing we're debating is over 5 years will \$100 million go to Opportunity Scholarships that don't basically go to union schoolteachers that are failing the students in a system that is failing.

We just lost the head of education here, Ms. Rhee; and, in fact, part of the reason she left was she saw a new administration that didn't seem to live up to the high expectations that the previous one did. That's a local matter. That's local control and local rule. We're not preempting that. They have a right to fail, and they are failing; but Congress has a right to at least intervene.

And in closing, what I want the Speaker to understand and America to understand is in 1996, when chartered public schools were authorized in the District, it was authorized by my pred-

ecessor on the Republican side, Mr. Davis. He got it in and got it funded, and he got it made law over the objection at that time of the people of the District. We've looked through our records and can find no broad support for this mandate. The District did not do chartered public schools on their own. They did it with an act of Congress, with help.

I believe they should take the same suggestion. If they want to choose to disagree with the conservative extreme Washington Post, so be it, but I think they have to begin to look at themselves more deeply, at those that they actually represent, those who voted for them but did not vote to have this money rejected.

I urge strong support for this bill, for this opportunity for the few who win the lottery.

Mr. CONNOLLY of Virginia. Mr. Speaker, today the House will vote on H.R. 471, a bill to make Congress the de-facto School Board for the District of Columbia. This legislation, introduced without a hint of irony by self-proclaimed small-government conservatives, would authorize \$60 million in federal taxpayer subsidies for private schools in the District of Columbia. The same party that just cut \$1.2 billion in Head Start funding for Americans across the country will readily transfer tax money from all Americans to the District of Columbia. Moreover, the concern expressed today for District of Columbia students rings hollow in light of the Republicans' repeal of voting rights of the Delegate from the District of Columbia, which occurred in the first vote this session. Thus, this legislation is hypocritical on three levels, as it represents federal intrusion in local affairs, a federal spending increase in D.C. in contrast to nationwide education funding cuts, and disingenuous concern for the welfare of D.C. residents.

Although H.R. 471 is blatantly inconsistent with Republicans' alleged fealty to fiscal conservatism and federalism, it is quite consistent with Republicans' ideologically driven efforts to unravel public education. This bill is not about providing educational alternatives for students: It is about defunding public schools and gutting teachers' unions. Does this sound familiar? Middle class Americans are attempting to survive a similar assault by Republican governors and state legislatures in Wisconsin and Ohio. Ultimately, this bill isn't even about vouchers, but rather about power. There is not any compelling data that vouchers work, after all, while there are several studies suggesting that, at best, they divert resources and talented students from public schools. But whether vouchers work or not is irrelevant to the party whose goal is elimination of the public education system as we know it, for vouchers are just a means to that end.

Educational policy should put students first rather than sacrifice them for ideological objectives. H.R. 471 would make District of Columbia students lab rats in a Republican experiment to gut public education and replace it with an unproven alternative. H.R. 471 makes a mockery of Republican commitments to federalism and fiscal conservatism, even as it belies their callousness to the welfare of their own constituents.

Finally, my colleagues should be aware that this bill did not pass out of the Oversight and Reform Committee without controversy. Congressman PLATTS of Pennsylvania made what may have been the most articulate speech in opposition to the bill. He reminded us that even if vouchers did work—and there's no evidence they do—they would still abandon the rest of our students. Mr. PLATTS called on all of us to work toward an education system that helps all students succeed, and I would hope that we could identify that as our objective rather than diverting money from public schools through vouchers.

I urge my colleagues to put students first and vote against H.R. 471.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.R. 471, the DC voucher bill. I opposed the creation of the DC Voucher Program when it came before the House in the 108th Congress and I oppose today's bill that would extend this unsuccessful program. As a mother and a former educator, I understand the desire and the value of giving children the best educational opportunities. That is not what this bill would do.

This program has neither the same accountability standards for improving student academic achievement as public schools nor do students in the program have the same civil rights protections as students in public schools. The U.S. Department of Education (ED) evaluated the Washington, DC voucher program in both the Bush and Obama Administrations and issued reports indicating the program was ineffective and has not lived up to its promises. In its 2010 Final Report, the ED concluded that the use of a voucher had no statistically significant impact on overall student achievement in reading and math. There also is concern that students in the voucher program who have special needs, including those with learning disabilities and those in ESL courses, do not have access to programs or resources to address these needs.

Unlike our nation's public schools, the private schools in the DC voucher program are not accountable for the public dollars they receive. In 2007, GAO issued a report on the DC voucher program documenting concerns with the accountability of the program operator, questioning whether the operator has sufficient oversight to govern the use of federal funds. Furthermore, the GAO report found that this program does not proportionally reach the students it is meant to target, those from schools in need of improvement. It also raised concerns that many teachers in the voucher program do not have adequate educational attainment or certification to teach.

This bill extends and expands the only federally funded voucher program in the U.S. At a time when the utmost fiscal responsibility is needed, and especially when our public schools are facing giant cuts, we should not be wasting money on programs that do not work and fail our students. My colleagues who support this bill have neither paid for the \$300 million cost nor have they kept to their own legislative rules by making the cost offset by cuts to other programs. This voucher program is clearly not the best use of federal taxpayer dollars and does not provide the youth of our nation's capital with the best learning opportunities.

I fully support measures that encourage our children and youth to rise to new heights. However, this legislation extends a program that does not do what the title suggests and usurps DC's prerogative of self-governance. Congress should be focusing on providing the best educational resources to youth from every part of our nation. I repeat, that is not what this bill would do. I oppose H.R. 471.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 471, the Scholarships for Opportunity and Results Act (SOAR Act).

This bipartisan bill, which I am proud to co-sponsor, reauthorizes the incredibly successful District of Columbia Opportunity Scholarship Program, which provides low-income D.C. children an opportunity to compete for a scholarship to attend the private school of their choice. Last year, after half a decade of increased graduation rates and opportunities for a better life, the current Administration unilaterally rescinded the Opportunity Scholarships that had been promised to 216 children. This is unacceptable. The SOAR Act renews the Opportunity Scholarship Program to again provide low-income children and their parents the opportunity to choose what educational environment suits them best.

Additionally, in recognition that not every child will be able to earn an Opportunity Scholarship, the SOAR Act also invests equally into the D.C. public and charter school systems. For far too long, the D.C. public school system has under-promised and under-performed, leaving children's educational future dependent on their zip code. Giving students and their parents the opportunity to choose what learning environment is best—whether it is a private, charter, or public school—should be the standard, not the exception.

I urge all of my colleagues to support the SOAR Act because it takes an all of the above approach to improving educational opportunities for low-income children in our Nation's capital.

Mr. MORAN. Mr. Speaker, I rise in opposition to H.R. 471. This bill provides \$300 million in unfunded appropriations at a time when the same leadership that is advancing this bill has told us that cuts to education programs, like Head Start and Pell grants, that affect students around the country, are a fiscal necessity.

The Majority is pushing an ideological agenda designed to satisfy their base framed as an effort to improve the lives of children in the District.

While Congress retains an oversight role over the District of Columbia, D.C. should not be treated as a petri dish for conservative ideas that are opposed by the voters in the District.

There have been two major studies of the D.C. Opportunity Scholarship program.

The first found "no conclusive evidence" that the vouchers program affected student achievement.

The second found that while math scores did not improve, there was a modest improvement in reading. Unfortunately, those gains occurred strictly for those students who came from the least troubled D.C. schools and scored the highest on the baseline test.

Unfortunately, this program has failed to help those who need it the most.

Critically, the gains in student achievement witnessed in the vouchers program do not match those achieved by the District's charter schools. If this body is truly interested in supporting effective school choice and education reform in D.C., we should focus on funding to reduce long waiting lists for the best charter schools.

Congresswoman NORTON, the only Member of this House democratically accountable to the parents and students of the District, has offered a substitute amendment which would divide the funding equally between DCPS and the city's charter schools. I will support the substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 471, a bill that would resurrect the failed District of Columbia school voucher program. This legislation is nothing more than a pet project of the Republican majority that has not proven successful for students or popular with the American people. This is the same majority that just last month voted to cut \$5 billion in education funding, potentially hurting students all across this country. Now they want to spend \$300 million on a program that serves only a handful of students, and doesn't even serve those few students well.

Evaluations of the former D.C. voucher program by the Government Accountability Office (GAO) and the Department of Education found no statistically significant effects on student achievement. GAO also found that the program was poorly managed, concluding that, "accountability and internal control were inadequate." Subsidizing private schools undermines public education in the District of Columbia by shifting resources to private and religious schools, rather than working on ideas for real reform in our public schools.

This bill also violates the District's right to home rule by using its school systems for a federally funded social experiment. As a former chairman of the Committee on the District of Columbia, I am well aware of the long struggle the District has waged for self-determination and a voting member of Congress. Unfortunately, instead of moving legislation to enfranchise the people of the District, we are voting today to impose more ideological mandates on the city.

Public opinion is not in favor of taxpayer-funded school voucher programs. They consistently fail when they are brought up in state referendums. A majority of Americans do not approve of the idea under any circumstances, and as many as 70 percent are against vouchers if they take money away from public schools.

Vouchers don't work, they hurt public schools, and Americans do not support them. I urge all of my colleagues to stand with the District of Columbia and oppose this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 471. Today's vote comes just weeks after House Republicans brought a Continuing Resolution to the floor to slash billions from public education programs—legislation that would cut Head Start slots, reduce critical support to thousands of schools, and decrease afterschool services at high-poverty and low-performing schools. My colleagues across the aisle argued that we simply cannot

afford these investments in our nation's children.

But today, the Majority brings to the floor a bill to provide private school vouchers in the District of Columbia. This bill adds \$300 million to the deficit, a violation of their own new "Cut-Go" rule that requires offsets for all new spending.

Mr. Speaker, I support investments in education. We all want our children to have the opportunity to succeed. But we should be using public funds to improve our public schools first. And it is totally hypocritical to have a vote one month to cut public school funding under the guise of deficit reduction and vote the next month to increase the deficit to support some schools over all others. I urge my colleagues oppose this bill.

Mr. HOLT. Mr. Speaker, I rise in opposition to the so-called "Scholarship for Opportunity and Results Act" H.R. 471. Private school vouchers are not an effective way to improve student achievement.

I do not support private school voucher programs. Not only do these programs sometimes blur the line between church and state, but there is also little evidence that this type of reform actually helps students. In fact, I am very concerned that vouchers do nothing more than drain money out of our public school system, especially from the schools that need the most financial assistance from the federal government.

In 2004, I opposed the creation District of Columbia's private school voucher program and I have repeatedly voted against proposals to use federal funds to support voucher programs. H.R. 471 seeks to bring back to life a failed voucher program that Congress has already voted to end.

The bill before us today would spend another \$100 million on a program that the evidence tells us does not work. Four separate U.S. Department of Education reports found that that the DC voucher program had no statistically significant effect on reading or math achievement. So why are we spending more today when the evidence is clear? We must not put ideology ahead of evidence. We must make decisions after weighing the evidence. If you do that, then you will oppose new funding for private school vouchers.

Further, this bill does nothing to help American students in the other 50 states. Parents, teachers, students, and school officials across New Jersey want to know what we are doing to address their needs. Why are we only talking about students in the District of Columbia?

I will continue to voice my opposition to this and other voucher programs that divert needed resources from our public schools and urge rejection of this measure.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in opposition to H.R. 471, the so-called Scholarships for Opportunity and Results Act.

When Republicans took over the House majority in January, they promised to uphold the Constitution—even going so far as to read it on the House Floor.

They also pledged to reduce the deficit by fully offsetting any new discretionary spending. But the ideological legislation offered today breaks both promises.

It also continues to push the extreme and reckless social agenda of the majority while

failing to offer any bill to create much-needed jobs.

As I have said before on this Floor, it is not enough to simply read the Constitution, but to abide by it, and carry out its charge. This bill violates a fundamental principle enshrined in the First Amendment of the Constitution—the Establishment Clause.

This “wall of separation,” as Thomas Jefferson so famously put it, is ripped asunder by H.R. 471, which unabashedly funnels millions of public tax dollars to private religious schools.

The bill compels the American public to spend its tax dollars to fund religious schools that do not have to adhere to important civil rights laws or federal statutes requiring equality such as Title IX. This is simply unacceptable.

We must defend the “wall of separation” between church and state as envisioned by our nation’s founders and we must fight to uphold it for all Americans.

H.R. 471 also violates the Republican leadership’s “CutGo” promise.

This completely unpaid for legislation would increase the federal deficit by \$300 million to reauthorize and expand a program that has utterly failed to increase student achievement.

What is even more appalling is the fact that Speaker BOEHNER is pushing the use of public dollars for private religious schools while at the same time slashing federal education funding by almost \$5 billion in the majority’s job-killing FY11 spending bill passed in February.

Across the country public schools are still reeling from the great recession that helped create large state budget deficits.

In fact, in my home state of Florida, the Republican Governor, is proposing an additional \$2.3 billion in cuts to public education.

Rather than turn our backs on students, we should be working together to improve public education, make sound investments balanced with smart cuts, and ensure that all students have access to instruction that will give them the tools they need to succeed in the 21st century.

Instead, we stand here today debating a bill that doubles down on a failed Republican program in the District of Columbia which veers far away from these ideals.

The Department of Education found that many of the students in the voucher program were less likely to have access to key services—such as English as a Second Language programs, learning support and special needs programs, counselors, or even teachers with a bachelor’s degree.

Democrats will continue to judge each piece of legislation that comes before the House by whether it creates jobs, strengthens our middle class, or reduces the deficit. H.R. 471 achieves none of these goals while also violating the Constitution.

I urge my colleagues to vote no on this ill-conceived bill.

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to H.R. 471, the private school voucher program for the District of Columbia.

This bill would revive the ineffective and inefficient D.C. voucher program. The bill authorizes \$100 million over the next five years for only 1.3 percent of students to receive vouchers in D.C.—with no offset for the funding.

I do not support any attempt to resume funding the D.C. voucher system using taxpayer dollars intended for public schools. We should be investing public dollars in public schools, not diverting critically needed resources to private institutions. Private schools are not held to the same standards as our public schools—including civil rights laws and accountability measures—and are not required to provide the same services, such as educating individuals with disabilities.

Vouchers take scarce resources away from our children and provide no accountability for our tax dollars. While the D.C. voucher program was in effect, multiple studies found that the students in the program were not performing better academically compared to other students in the District. In fact, the program was so poorly run that some students were allowed to use vouchers to attend unaccredited schools.

The Republican House majority made the largest cut to education in our history in their continuing resolution for Fiscal Year 2011 (H.R. 1) that passed the House. In the same bill, they proposed to fund the D.C. voucher system at \$15.5 million. Again, my Republican colleagues cut public education in all 50 states while reviving millions of dollars for vouchers for one percent of students in the District of Columbia.

For these reasons, I urge my colleagues to oppose H.R. 471 and any funding efforts for this failed program.

Mr. ISSA. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MS. NORTON

Ms. NORTON. Mr. Speaker, I have a substitute amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Funds for Public Education Act”.

SEC. 2. FUNDING FOR DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) GENERAL AUTHORITY.—From the funds appropriated under section 4, the Secretary of Education (in this Act referred to as the “Secretary”) shall provide funds to the Mayor of the District of Columbia (in this Act referred to as the “Mayor”), if the Mayor agrees to the requirements described in subsection (b), for—

(1) the District of Columbia public schools to improve public education in the District of Columbia; and

(2) the District of Columbia public charter schools to improve and expand quality public charter schools in the District of Columbia.

(b) CONDITION OF RECEIPT OF FUNDS.—As a condition of receiving funds under this Act on behalf of the District of Columbia public schools and the District of Columbia public charter schools, the Mayor shall agree to carry out the following:

(1) AGREEMENT WITH THE SECRETARY.—Enter into an agreement with the Secretary to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of

Columbia public charter schools under this Act.

(2) INFORMATION REQUESTS.—Ensure that all District of Columbia public schools and the District of Columbia public charter schools comply with all reasonable requests for information for purposes of the evaluation described in paragraph (1).

(3) SUBMISSION OF REPORT.—Not later than 6 months after the first appropriation of funds under section 4, and each succeeding year thereafter, submit to the Committee on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under this Act for the District of Columbia public schools and the District of Columbia public charter schools were used in the preceding school year; and

(B) how such funds are contributing to student achievement.

(4) PUBLIC AVAILABILITY.—Ensure that all reports and underlying data gathered pursuant to this subsection shall be made available to the public upon request, in a timely manner following submission of the applicable report under paragraph (3), except that personally identifiable information shall not be disclosed or made available to the public.

(c) ENFORCEMENT.—If, after reasonable notice and an opportunity for a hearing for the Mayor, the Secretary determines that the Mayor has not been in compliance with 1 or more of the requirements described in subsection (b), the Secretary may withhold from the Mayor, in whole or in part, further funds under this Act for the District of Columbia public schools and the District of Columbia public charter schools.

SEC. 3. PRIORITY CONSIDERATION FOR CERTAIN STUDENTS.

Each District of Columbia public charter school, in selecting new students for admission to the school, shall give priority to students who were provided notification of selection for an opportunity scholarship under the DC School Choice Incentive Act of 2003 (sec. 38–1851.01 et seq., D.C. Official Code) for the 2009–2010 school year, but whose scholarship was later rescinded in accordance with direction from the Secretary of Education.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$60,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years, of which—

(1) 50 percent shall be made available to carry out paragraph (1) of section 2(a) for each fiscal year; and

(2) 50 percent shall be made available to carry out paragraph (2) of section 2(a) for each fiscal year.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the gentlewoman from the District of Columbia (Ms. NORTON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

□ 1520

Ms. NORTON. Mr. Speaker, first of all, I have to correct the gentleman from California. The District charter school bill was created by Speaker Gingrich in partnership with me. He

came to me and proposed a voucher bill. I asked him, since the District had a local charter school bill, if he would introduce, instead, a charter school law. We consulted with the local public officials, with the school board, with citizens. It was the home rule alternative to vouchers, and you can check with Speaker Gingrich.

Now, my home rule substitute would redirect the \$300 million in H.R. 471, 50 percent to the District public charter schools, 50 percent to the District of Columbia Public Schools. If the majority wants to add \$300 million to the deficit without an offset, then let it at least be on the basis of educational merit; then it should be added to the public schools which have shown major growth, the only public school system of the 18 largest urban school systems that showed significant improvements in math and reading over the last 2 years.

If you want to add to the deficit, then at least add to it by giving money to our public charter schools which outdo the D.C. public schools and way outdo, of course, the voucher schools, which show no improvement. The public charter middle and high schools scored twice as high as the traditional public charter schools in the District in math and reading, and they have a graduation rate 24 percent above the D.C. public schools and 8 percent above the national average. This is where you would give the money if you had any interest in education in the District of Columbia instead of your own parochial interests in making the District a petri dish of the pet project of a few Members of Congress. You would look at our public charter schools as the alternative to the District's public schools.

There are 53 campuses, amounting to almost 100 different charter schools, almost half of the children of the District of Columbia. How did they get there? They voted with their feet. I mean, listen to some of the names of these schools: Washington Latin School; Washington Math, Science, and Technology High School. I have, myself, appointed two students from Washington Math, Science, and Technology to Service Academies. Early Childhood Academy; Hospitality Academy; Howard University Middle School—that's a charter school; the KIPP Schools. We've got eight of them. Those are the top charter schools and some of the best public charter schools in the United States. SEED Residential charter school. You have some money? You want to spend some money? Here is the place to spend it.

To show you just what kind of a home rule alternative this is, with almost 100 different schools, they have got 19 new charter school applications coming for 2012. People keep coming despite the improvements in the District public schools. They are going to

have a preschool charter. They are going to have three new high schools: one an all male college prep, one that focuses on public service, another that focuses on math and science.

You want to talk choices, you want to talk creative choices, look at the District of Columbia. We know how to create choices for ourselves, choices that our parents want, choices that our parents create and pay for because they want their own choices, not the choices of the Republicans of the House of Representatives. In a democracy, the choices of a self-governing local jurisdiction trump all other choices, and especially the choices of Members who are not responsible to the people of the District of Columbia, who do not have to stand for election in the District of Columbia but get a free ride, as I do not.

If you insist on adding to the deficit, then, for goodness sake, reinforce the home rule, hard work of our own parents and our own local organizations. Commend them for the dazzling array of almost 100 public, accountable charter schools they have created. Relieve their long waiting lists, which now contain thousands of students waiting to get into our charter schools.

The District of Columbia did not appreciate being an unwilling object of a Republican experiment once. With your cavalier defiance of our choices, we like it much less the second time around.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 20 minutes.

Mr. ISSA. I yield such time as he may consume to the gentleman from South Carolina (Mr. GOWDY), the subcommittee chairman who has worked so hard on this issue and who truly does understand the gentlelady's passion, if not her accuracy.

Mr. GOWDY. Mr. Speaker, again I would like to thank the chairman of the full committee, the gentleman from California, for his leadership.

It is instructive, it is informative, not to mention ironic, that there were opponents to the D.C. charter school system, just like there is resistance to the Opportunity Scholarship Program. Indeed, Mr. Speaker, some of the very same people who rise today in opposition to the Opportunity Scholarship Program, lauding the virtues of the D.C. charter school system, once opposed that very charter school system.

The charter school system is a success—I will acknowledge that—just like the Opportunity Scholarship Program is a success. They are both successful because the parents in the District of Columbia want choice.

I hate to be redundant. I don't want to beat a dead horse, although it does not hurt the horse to return to the evi-

dence. And the evidence proves beyond a reasonable doubt by any reasonable, statistical measurement: the parents want this program; the students want this program; the community wants this program; even some elected officials want this program. They just happen to not be ones we have heard from on the other side of the aisle today.

Reading scores are up. Educational attainment is up. Graduation rates are up. And it bears repeating again. There is a myriad of maladies that are connected to the dropout rate in this country. And if all we do is to get kids to graduate, it is worth it for this program alone if they just get kids to graduate.

Opposition to this bill, Mr. Speaker—and make no mistake about this. Opposition to this bill is political and not factual. I will say that because 18-year-olds in the District of Columbia can take Federal dollars and they can go to Notre Dame and BYU, and they can go to Stanford and they can go to Baylor and they can go to Rice. So why do we oppose Federal dollars helping 17-year-olds? Let that point sink in. So 18-year-olds can take Federal dollars and go to whatever private school they want to, but 17-year-olds cannot take private dollars to go to whatever high school they want to. And I defy anyone to explain to me that distinction.

My colleague from the District of Columbia is a passionate, zealous advocate for her constituents, and I commend her for that. I genuinely commend her for her passion and her zeal in representing her constituents. But even her passion is no match for the passion of parents who hope for a better future for their children. Even her passion cannot match the passion of the parents who came to testify before our subcommittee that this is a lifeline. This is a once-in-a-generation opportunity. And for us to say "no" to the Opportunity Scholarship Program because of pure, raw, gutter politics is wrong.

□ 1530

I would oppose this amendment, and I would ask my colleagues to support the Opportunity Scholarship Program.

Ms. NORTON. I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the committee.

Mr. CUMMINGS. Mr. Speaker, let me say this: The last speaker said something that I found very offensive when he said it's about raw, gutter politics. I personally resent that, and the reason why I resent it is because it sends the wrong message on this floor.

We can have disagreements, but this is not about raw, gutter politics. This is about standing up for every child. I've said it over and over and over again. And I, as a product of public schools, and my children who have gone to charter schools and public

schools, and I've sat on a charter school board, and living in an area in Baltimore where "The Wire" is filmed, I can tell you that this is not about raw, gutter politics. This is about the politics of lifting children up so that they can be the best that they can be. That's what this is all about.

And I've said it in committee and I'll say it over and over again: There is not one Member on this side who does not care about every single child. And when we talk about this program, this voucher program, one of the things that we need to consider is we're talking about right now about 1,012 kids. We're also talking about a charter school program with over 27,000 and counting. And it affects a lot more people. What we're trying to do is help as many kids as possible.

You talk about the graduation rates. The graduation rates for the charter schools are better than this voucher program graduation rates. And so what do we try to do?

We need to be trying to address things in the most effective and efficient manner. And so it's easy to talk about gutter politics. But what we're talking about is trying to help every child.

Now, you talked also about how we can take this money, children can take this money, when they get to college and go to various places, colleges; and you're right. But the fact is that you just voted in H.R. 1 to slash \$845 per year. And I see students every year, the board I sit on, the college board in Baltimore where kids, for \$845, that \$845 would cause kids not to be able to attend college, period. So it's nice to lift them up.

First of all, we don't give them, we cut off money from the Head Start so they can't get the Head Start. We want children to even get to the point of being able to be in a position to go to high school. But then after they get out of high school—and it is not about gutter politics—after they get out of high school, we want to make sure that they're able to have the necessary funding to go forward. And so I don't consider what the other side is saying one bit.

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

Ms. NORTON. I am pleased to yield the gentleman another minute.

Mr. CUMMINGS. Let me be clear. I do not consider it gutter politics for the other side to argue what it's arguing. I believe there are philosophical differences, and that's okay. And we will differ. And I have never, not once, and I don't think anybody on this side has not once, said that we don't all want to lift our children up. That's what America's all about. That's how we became the great country that we are. For every child.

And again I say it: The worst thing, the greatest threat to our national se-

curity is our failure to properly educate every single one of our children. Leave no child behind.

Mr. ISSA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. Mr. Speaker, what are they afraid of? What are my colleagues on the other side of the aisle, Mr. Speaker, afraid of?

Let me second my colleague from South Carolina, respectfully. It is about raw, gutter politics. Respectfully, my colleague from Maryland talks about standing up for every child, helping every child.

What are they afraid of? Why won't they help every single child?

And it is politics. My colleagues on the other side can dance around any rationale they want to dance around. The evidence on this issue, we're beyond it. We are beyond having to debate empowering parents. We're past that.

So what, respectfully, on the other side of the aisle, is causing my colleagues to be against empowering—and I'll emphasize the word "every"—every parent?

Ms. NORTON. Will the gentleman yield?

Mr. WALSH of Illinois. Respectfully, no.

My colleague from South Carolina respectfully said raw, gutter politics because my colleagues on the other side are scared to death of offending the teachers' unions.

And ladies and gentlemen and Mr. Speaker, the teachers' unions are scared to death of this scholarship program because, look out, if this scholarship program demonstrates success, and it has, it will be modeled all over the country, and that, respectfully, is what scares the teachers' unions, because they don't want kids to be able to escape.

And my colleagues on the other side will answer to what they want. That's the politics that we're talking about.

We're talking about power. The power should go to the parent, plain and simple, every parent. Charter school, public school, home school, private school, you name it. That's where the power should lie.

Ms. NORTON. How much time remains?

The SPEAKER pro tempore. The gentleman from the District of Columbia has 10½ minutes remaining, and the gentleman from California has 14½ minutes remaining.

Ms. NORTON. To the gentleman who didn't have the nerve to yield to me, this bill, of course—

POINT OF ORDER

Mr. ISSA. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman will kindly state his point of order.

Mr. ISSA. Mr. Speaker, isn't it true that the House rules prohibit direct ac-

cusations about the intent or the personal features of somebody or, in fact, whether or not they have nerve?

The SPEAKER pro tempore. The Chair is not going to respond to a hypothetical question.

Mr. ISSA. And I am not going to take down the gentlelady's words because it is too short a period of time.

The SPEAKER pro tempore. The gentlewoman is recognized.

Ms. NORTON. The speaker before the last speaker wanted to know what the offense was. The offense is to the home-rule prerogative to the people of the District of Columbia to decide on educational choices for their own children. That's what the offense is.

Now I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. One of the previous speakers said that he wanted to empower the parents of the District of Columbia. I agree. I think we should empower the parents of the District of Columbia to elect a representative who has a vote in this Chamber. Why don't we start with that?

The irony of the proposition that this bill is allegedly about empowerment of adults in the District of Columbia and their children comes from people who, I assume, would resist the notion that the representative of the District of Columbia should have a vote in this Chamber.

And let me bring up some very recent history. Under our majority, votes in the Committee of the Whole were, in fact, accorded to the gentlewoman from the District of Columbia. On the first day of the new majority, it repealed her right and the rights of others from the territories to vote on matters in the Committee of the Whole.

□ 1540

There is one issue in this bill: Taxation without representation is tyranny. Decisionmaking without representation is wrong. The duly-elected representative of the people of the District of Columbia supports this amendment and opposes this bill. So do I for that reason.

I would suggest, Mr. Speaker, that tomorrow we should consider a bill reorganizing the public schools of Cincinnati, Ohio, because we have just about as much prerogative to do that as we do this.

Support the amendment. Defeat the underlying bill.

Mr. ISSA. Mr. Speaker, we should bear in mind that home rule is not the right of the District of Columbia to rule people's private homes and how they make their choices for their children.

I yield 3 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. I thank the chairman.

Mr. Speaker, I rise today in support of H.R. 471, the Scholarship Opportunity and Results Act, and against the Norton amendment.

Coming from South Carolina, for 8 years in the general assembly, we debated the positive benefits of school choice. I have heard every argument. But what I have seen prior to 2009 is that here, in D.C., school choice was a model for the Nation as a very successful program. We have seen the positive impact of injecting free market principles into the education system here in Washington, D.C. We have seen thousands of students' lives changed. We have seen them line up for a chance at a better life because they could escape a failing school and have the opportunity to reach their full potential.

Because all students learn differently, it is imperative that we empower parents. And that is what it is about, empowering parents to make choices for the education of their children; give them the ability to choose the best educational experience for their child, whether it is public, charter, private, or home school.

Neither the State nor the Federal Government knows what is best for our children. We do as parents. Parents know what is best for their children, and parents and teachers should have the freedom to work together to find and create motivating learning environments that are necessary for every child to succeed.

This bill restores to the parents the ability to make the right choices that this administration and the previous Congress stripped away, and it provides an escape from the failed bureaucratic system of the District of Columbia.

Without question, when students are placed in a learning environment that best fits their individual needs, our educational system will become exceptional. This bill brings more transparency and accountability to the program, raises the scholarship amounts for both elementary school and high school students, as my colleague from South Carolina said, and caps the administrative costs. This bill takes a successful program and makes it even better, and does so without spending new taxpayer dollars or growing the size of government. In fact, school choice saves the government money while providing a better education for the children.

It is my hope, Mr. Speaker, that other States will follow suit. Even as parental school choice is working for American students and families in Washington, D.C., we have also seen its effectiveness in States like Pennsylvania, Arizona, Georgia, Milwaukee, Wisconsin, and Florida, where the achievement gap between white students and minorities is disappearing. My home State of South Carolina is debating school choice right now in their legislative session, creating a bill that

would expand educational choice opportunities for all children across my home State. And I urge my fellow colleagues in South Carolina to get the job done and pass that legislation.

Let me thank the Speaker of the House for introducing this bill. I thank him for his leadership of parental choice on behalf of Washington, D.C.'s families and students who demand effective schools.

I urge my colleagues to vote "no" on the Norton amendment and "yes" on the SOAR Act.

Ms. NORTON. The gentleman cited a number of schools that he said vouchers had helped. There is no data showing that voucher schools—and there have been a few in the United States—have ever scored better than children in public schools. And since Milwaukee was mentioned, let me indicate some news that just came out Tuesday.

Results from the first administration of Statewide exams for students participating in the Milwaukee voucher program showed lower academic achievement than students attending Milwaukee public schools. The results also show that the Milwaukee public schools and voucher schools have significant lower achievement than the Statewide average.

But here, you have a big city public school system that is doing better than the voucher schools. And that is what the data shows all over the United States, including the District of Columbia, where the Bush Department of Education specifically found that the children in voucher schools did not show significant improvement in math and reading scores. While I have shown details here this afternoon of significant improvement of the D.C. public schools, the only urban school system that has in fact shown significant improvement in math and science, and particularly dazzling results in the D.C. charter schools.

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

Mr. ISSA. Mr. Speaker, it is my honor to yield 5 minutes to my distinguished colleague from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished chairman for yielding and for his leadership on this issue, which is near and dear to my heart, as it is to the hearts of thousands upon thousands of families in the District of Columbia.

Mr. Speaker, I also rise in opposition to the Norton funding amendment. The gentlewoman and I have worked together on occasion on issues, and I know her devotion to the District of Columbia. But we will just have to respectfully disagree on this issue, because I simply believe that the Scholarships for Opportunities and Results Act represents the continuation of one of the most important programs that I have had the privilege of being a part of here in Washington, D.C.

Now, there is a suggestion that this legislation takes money away from the public schools. But I think, as we have heard in this debate, because of the three-sector approach created by the original authorizing legislation, District public schools and public charter schools have received over one-quarter of \$1 billion in additional direct Federal payments since 2004. Both DCPS and the charter schools will continue to receive increased Federal dollars under this legislation.

So the old arguments against giving students and parents more choices because it denies funding to public schools don't even attach here on the facts.

But beyond that, let me say the reason why I felt the need to come to the floor today. The reason why I so respect Speaker JOHN BOEHNER's leadership on this issue is because of meetings that I have had in my office with oftentimes the teary-eyed parents of children in the District of Columbia.

I will just never forget last year meeting with moms and dads from the District of Columbia, most of them from the minority community, who came to me with tears in their eyes and said, "I have one child that is in a private school. I was able to take advantage of the D.C. scholarship. But because this administration and the last Congress terminated it, I cannot give that other opportunity to their younger brother or sister." And they literally came to me—at that time I was in a leadership position in the Republican majority—and they said, "Please do something about this." And my heart went out to those families.

We had an election, and now we find ourselves in a renewed Republican majority. And the Speaker of the House of Representatives today is a man who probably has a larger heart for kids as a former chairman of the Education Committee than maybe any other former Speaker in the history of this institution.

□ 1550

So we find ourselves at this moment when I can say with no small amount of emotion, I can say to those families, yes, we are going to put the scholarship back. We are going to say to the rest of your children that they deserve the best choice for their education future as well.

It is a noble moment for this Congress. The Old Book tells us that whatever you do for the least of these, that you do for Him. I think this is one of those moments where we look at families that are struggling under the weight of some of the most beleaguered public schools in America and we are putting our arms around those families and saying, we are going to give you more choices. We are going to let you as parents, regardless of your race or income or status in society, we are

going to give you the opportunity to make the same choice for a private school and a public school and a charter school as Americans that have the means to do so can make.

Let me also say I see this debate over educational choice, whether it is in the District of Columbia or in my own beloved Indiana, as all tied up in the debate over education reform that has been manifest throughout this country over the last half century and more. I mean, there was a day almost in my lifetime, just on the periphery of my lifetime, when some stood in the schoolhouse door and said, You may not come in.

But we fixed that as a nation. And now there are some in the massive education establishment in this country who stand in the schoolhouse door and say, You may not come out. You may not have the same choices that other Americans have, simply because of your means and your condition in life.

The Scholarships for Opportunity and Results Act levels the playing field.

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

Mr. ISSA. I yield the gentleman 30 additional seconds.

Mr. PENCE. The SOAR Act opens the schoolhouse door. It reopens the door for opportunities for these families and for their children in the District of Columbia. And I believe it was before a model for the Nation, and it can be so again.

So I encourage my colleagues to join me in respectfully opposing the Norton funding amendment but vigorously supporting H.R. 471. Let's stand with those families. Let's put joy in their hearts. Let's create a boundless future for their children. Let's pass the Scholarships for Opportunity and Results Act.

Ms. NORTON. I respect my good friend, but I have got to stand for and with the people I represent. And if the gentleman wants to put the joy in the hearts of my parents, I challenge him to put joy in the hearts of the parents of his beloved Indiana, as he says, by bringing a national vouchers bill to the floor so that some of them may have the choice that we have not asked for.

I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of our committee.

Mr. CUMMINGS. Mr. Speaker, as I listened to our last speaker talk about teary-eyed parents, well, guess what: I see teary-eyed parents who want to put their kids in Head Start. I just saw them last week at a town hall meeting. H.R. 1 slashes over \$1 billion from Head Start. They are in tears, too.

In my district, by the way, a total of 20,000 kids will not get Pell Grants or get \$1,000 slashed per year from Pell Grants. They are in tears, too. Do you know why? Because they will drop out of school and many of them will never

return to school because they don't have the money. They are in tears, too.

I believe with all my heart that the Speaker's intentions are good. You won't hear me say anything opposite of that. But, again, I am trying to figure out how do we take the dollars that we have and spend them in the most effective and efficient manner.

When we talk about the least of these, I really want to see kids get that head start that I am talking about; and, for the life of me, maybe I am missing something, I don't see how on the one hand we talk about these children that we love, how we want to embrace them and how we want to embrace their parents and bring joy to their hearts, but then take away the very money that would allow them to be able to get to where they have got to go.

So you are right that there was a time when people could not get in that schoolhouse door all over this country. My parents, they would be walking to school for 4 miles and other kids would come riding the bus spitting on them.

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

Ms. NORTON. I am pleased to yield the gentleman an additional 30 seconds.

Mr. CUMMINGS. And they were unable to get an education.

Mr. Speaker, what I am saying is let's embrace all of our kids. I want for my colleagues' kids, Mr. Speaker, the same thing I would want for mine. This program affects about 1,000 kids. Well, just in charter schools, there are over 27,000 in the District.

So I would just support the gentleman's amendment.

Mr. ISSA. I yield myself 1 minute.

Mr. Speaker, maybe we should lighten up just a little here. Yogi Berra apparently said, "Nobody goes there anymore; it's too crowded," when referring to a restaurant that had long lines to get in. Mr. Speaker, we are finding a way to say a program isn't good because it has long lines waiting to get in. And, oddly enough, when it comes to the charter public schools that have been lauded on a wide basis here, they too have no free rights to automatically go and they have lines. Perhaps what we should be asking is, on a bipartisan basis: What could we do to reduce the lines to both to provide that opportunity to all the children in the District of Columbia?

I will say one thing in maybe a Yogi Berra-type way. If the Democrats will come halfway to the center of the aisle to talk about how we can hit a reasonable number for spending, I will put everything on the table, at least as to my vote, to meet them the other half. But we can't simply say all cuts are bad and have no alternatives, all programs are so needy they can't be cut, and then complain even when we preserve a program.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, the residents of the District of Columbia see a pattern here. The majority begins by taking away my vote in the Committee of the Whole so I can't vote on any part of this bill this afternoon, then they take away or try to take away the needle exchange program that keeps HIV-AIDS from being spread throughout the District of Columbia. Then they are also trying to take away the choice of low-income women in the District in two bills, the reproductive choice of low-income women in two bills: H.R. 1 and H.R. 3.

They have introduced a bill to put their version of gun laws on the District of Columbia, although the courts have found our new gun laws to be constitutional. This morning we hear that they are coming forward yet again with more to do to the District of Columbia by trying to erase our marriage equality law.

Now they say, after taking all of that from you, we have got something for you, something you never asked for, vouchers, instead of funding your own home rule choice, your public charter schools.

Yes, we know you fund the charter schools as well; but you then fund your choice, not ours. My amendment says if you want to fund something, ask us. Fund what we want, not what you want. And if you want vouchers, bring a national voucher bill right to the floor.

□ 1600

I can understand Republicans voting against my substitute. They will argue perhaps that it adds to the deficit. But if you vote against my substitute, then I don't see how you can vote for H.R. 471, because it certainly adds to the deficit, too; and you will be voting for your choice, not ours.

Many of you have come to the House under the banner of liberty, to get the Federal Government out of even Federal matters. Now you're trying to get into a purely local matter involving our children and our local schools. If this were your district, you would ask us to defer to you. I'm asking you to defer to our preferences. The District of Columbia asks to be treated exactly as you would want to be treated—as free and equal citizens of the United States of America and not as second-class citizens, not as children, and certainly not as the colonial subjects of the Congress of the United States.

I yield back the balance of my time.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to direct their comments to the Chair.

Mr. ISSA. Mr. Speaker, in closing, we won't fund failure from this side of the dais. Yes, we're giving additional money to the failed public schools. Yes, we're giving additional money to a

chartered public school system that tries valiantly to help those children trapped in those failed public schools. And, yes, we are going to make a continued small investment in children having an opportunity to find other alternatives, just as we do when children a little older get to go to Georgetown or Catholic University with Pell Grants that in fact go to these parochial colleges.

Elections have consequences. The majority a year ago had planned on simply giving it all to union schools, to government schools, because the party of government was in charge. Mr. Speaker, the election made a difference. We consider ourselves—and we try valiantly on this side of the aisle—to be the party of the people. And we believe that the small amount of money to empower people and parents to do something they choose, and they stand in lines—in lotteries, as the other side has said—to escape those schools and to have an opportunity for these scholarships, we believe they have spoken loud and clear.

And although the Delegate will talk about elections and home rule, she ignores those long lines to get out of failed public schools. She ignores the hearings we had in which people came and said, Please don't take our scholarships. And, Mr. Speaker, she even ignores her own party, and she ignores what is in her own amendment.

Mr. Speaker, her amendment would leave 216 special cases that were denied still in for this year. Her amendment would leave in, the same as the Democrats did when they closed out the previous bill, it would leave those already in school in private schools getting additional funding every year. And there's a reason. President Obama's children were not going to watch their schoolmates be thrown out because a successful program that allowed them to be side by side as peers rather than relegated to a failed school was going to be stopped.

So all we're doing is keeping a program of hope alive for the District of Columbia. And I have never been so insulted to be told that if we give money, we're bad; and if we don't give money every place the other side wants it, we're bad. We're trying to give the best we can to parental choice to failed school districts.

With that, I urge the defeat of this amendment, that does nothing but retain the public school status quo that has failed, and the passage of the underlying bill.

I yield back the balance of my time. The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 237, not voting 10, as follows:

[Roll No. 202]
YEAS—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Biggett
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fliner
Frank (MA)

Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

NAYS—237

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)

Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco

Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Fox
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly

Barton (TX)
Campbell
Frelinghuysen
Giffords

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Ryan (WI)
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg

NOT VOTING—10

Granger
Graves (GA)
Graves (MO)
Pascrell

□ 1629

Messrs. SCHWEIKERT, RENACCI, COFFMAN of Colorado, YOUNG of Florida, and FORBES changed their vote from "yea" to "nay."

Mrs. NAPOLITANO, Messrs. CARSON of Indiana, RANGEL, GRIJALVA, ALTMIRE, DOLD, and CLEAVER changed their vote from "nay" to "yea."

So the amendment was rejected. The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. WEINER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEINER. Mr. Speaker, I make a point of order against consideration of

this bill because the legislation violates clause 10 of rule XXI which states that it is not in order to consider a bill if it has the effect of increasing spending for the current year and a 5-year window. CBO estimates this bill will cost \$500 million over 5 years without an offset in the bill.

□ 1630

As you can see, Mr. Speaker, “We are setting PAYGO aside and instituting Cut-As-You-Go, which means if there is any spending called for in any new way or authorization, that there has to be some cutting somewhere.” ERIC CANTOR.

Further, the Speaker said:

“Very simply under the Cut-Go rule, if it is your intention to create a new government program, you must also terminate or reduce spending on an existing government program of equal or greater size—in the same bill.”

I would point out, Mr. Speaker, as we already know, on January 5, there was a violation of the rules where Members failed to take the oath when they were not in the room.

On February 9: Failed to offer a proper constitutionality statement with legislation that was offered.

On March 3: Failed to require a three-fifths majority for the passage of a bill that raised tax rates.

On March 17, we failed to make legislation available for 72 hours.

And now we are failing to include an offset for a new government program required under these rules under Cut-Go.

In order for these rules to be taken seriously, we can't simply say, Because it's a favorite program of the Speaker, we're going to waive the rules. The rules are there for a reason. We voted on those rules, and they were made an important part of the change of hands in this House. When you have statements like this by the Speaker, they should be taken seriously. There is no argument that the funds in this bill are simply not paid for, and I insist on my point of order.

The SPEAKER pro tempore. The Chair is not aware of any point of order against the pending measure that would be timely or cognizable at this time.

PARLIAMENTARY INQUIRIES

Mr. WEINER. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WEINER. Is it not the rules of the House that, under clause 10(a) of rule XXI, what the Speaker articulated in this sentence is in fact the rule, that if you have money that needs to be offset, it has to be offset in the same bill? And it is further not the case that in this bill, it has been stipulated on both sides that this expense of \$300 million over 5 years is not paid for.

Is that or is that not the rule of the House?

The SPEAKER pro tempore. The House does have a clause 10 of rule XXI. That rule does not support a point of order at this stage of the proceedings.

Mr. WEINER. The rule exists, but we don't need to follow it.

I withdraw my parliamentary inquiry.

The SPEAKER pro tempore. The point is that the gentleman is untimely.

Mr. WEINER. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WEINER. It's a simple question: Doesn't the rule stipulated here exist? And is the only reason we're not following it is that I didn't get to the floor in time?

The SPEAKER pro tempore. The Chair will not respond to political commentary.

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

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

MOTION TO RECOMMIT

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CUMMINGS. Yes, I am, in its current form.

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

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. ISSA. Mr. Speaker, I object to the dispensing of the reading, and I reserve a point of order against the motion.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cummings moves to recommit the bill, H.R. 471, to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith, with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDING FOR DC PUBLIC SCHOOLS AND DC PUBLIC CHARTER SCHOOLS.

(a) GENERAL AUTHORITY.—From the funds appropriated under section 2, the Secretary of Education (in this Act referred to as the “Secretary”) shall provide funds to the Mayor of the District of Columbia (in this Act referred to as the “Mayor”), if the Mayor agrees to the requirements described in subsection (b), for—

(1) the District of Columbia public schools for continued improvements in the academic achievement of all students in the District of Columbia public schools;

(2) the District of Columbia public charter schools for continued improvements in the academic achievement of all students in the District of Columbia public charter schools; and

(3) special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for students eligible for such services in the District of Columbia public schools and the District of Columbia public charter schools.

(b) CONDITION OF RECEIPT OF FUNDS.—As a condition of receiving funds under this Act, the Mayor shall—

(1) enter into an agreement with the Secretary to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this Act; and

(2) ensure that the funds are used by the District of Columbia public schools and the District of Columbia public charter schools for continued improvements in the academic achievement of all students in the District of Columbia public schools and the District of Columbia public charter schools, respectively, by using effective methods and instructional strategies, which are based on scientifically based research, that strengthen the core academic program of schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$30,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years, of which—

(1) \$10,000,000 shall be made available to carry out paragraph (1) of section 1(a) for each fiscal year;

(2) \$10,000,000 shall be made available to carry out paragraph (2) of section 1(a) for each fiscal year; and

(3) \$10,000,000 shall be made available to carry out paragraph (3) of section 1(a) for each fiscal year.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. ISSA. No, I do not.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, the final amendment before us would accomplish two important goals: First, the amendment would cut the funding authorized by H.R. 471 in half, thereby reducing the Federal deficit over the next 5 years by \$150 million below what was authorized for expenditure in the base text of H.R. 471.

We have heard a lot of rhetoric from the other side today, Mr. Speaker. But one thing is clear: Voting for this motion will save \$150 million over 5 years.

So the question for my Republican colleagues is will you be true to your promises to address the deficit, or will you put these promises aside to support a pet project that advances a narrow ideological agenda?

Second, instead of spending money on a miniscule fraction of students who would receive a voucher, this amendment would target scarce Federal resources to areas where they would do

the most good: D.C. public schools, charter schools, and special education/IDEA activities.

As we have discussed, students participating in the existing D.C. voucher program have shown no statistically significant improvement in reading or math skills. By contrast, students in the D.C. public schools and charter schools have shown significant gains over the last few years. This amendment would direct funds to support schools that have been proven to improve student achievement. This amendment would also provide funds to support special education and IDEA-related programs in the District.

□ 1640

IDEA funding goes toward critical services for children with disabilities, such as early intervention, support for special education teachers, and assistance to help students gain access to a suitable curriculum.

Since the enactment of IDEA, achievement among students served by this program has improved dramatically, but more progress must be made.

As Mayor Gray discussed Monday in his State of the District address, D.C. has been unable to serve all of its special needs kids in public facilities and is paying nearly \$250 million to send students to nonpublic schools that can serve disabled students' unique educational needs. This amendment would help D.C. better serve students who need special education services in the public system.

Importantly, let it be clear that if you vote "yes" on this motion, the amendment it proposes will be voted on immediately following this debate. That vote will be followed by a vote on final passage of the bill. Adoption of this amendment will not delay consideration of this legislation; and, therefore, I urge my colleagues to vote for deficit reduction. I urge my colleagues to direct scarce Federal dollars where they will do the most good.

I urge a "yes" vote on this final amendment to the bill.

With that, I yield to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. The point of this amendment is, if you're going to spend this money in violation of the rule and you're going to create additional deficit, you at least ought to spend it on something that's effective and that works for the children and improves their educational opportunity.

Investing in the D.C. voucher program that has now run over a period of years by every study that has been done on it says that these students are doing no better than when they left the school, but we're spending \$100 million to educate them. They statistically are not improved over the performance of the school that they left, but we continue to spend the money on the myth

that somehow this is a model program that you would replicate all over the country.

Why would you replicate a program that is so inefficient and does not provide an educational advantage for the students participating in it?

I understand their parents who chose them to participate in the voucher program feel they made a good decision, but that's not a mark of whether or not they're getting the educational opportunity that they're entitled to.

With Mr. CUMMINGS' amendment, you can invest in what is working. You can invest in the public schools where African American high school students have seen double-digit gains in reading and math, and the percentage of high school students that have achieved advance status in reading and math has more than doubled. The percentage of special education students achieving proficient status has more than doubled. These schools, public and public charter schools, are working for the children of D.C.

But the Republicans would have you insist that what you really ought to do is take \$100 billion in new deficit spending and park it in this voucher program because of their commitment on an ideological basis, but not on programs that work. We ought to choose the programs that work for the children of the District of Columbia.

Mr. ISSA. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I will be brief. We spent an hour and 40 minutes discussing the bill and the amendment, and at least the delegate from the District of Columbia attempted to move these dollars all to the public school system.

This bill, in fact, not only denies the children who are in these programs today, some of them side by side with the President's children; but, in fact, it cuts funding for public education.

Under this motion to recommit, the funding for public education on a yearly basis would go from \$40 million to \$20 million. There would be less money in the public school system, in addition to being no money for Opportunity Scholarships.

I oppose the motion to recommit and urge the support of the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CUMMINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 9, as follows:

[Roll No. 203]

AYES—185

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

NOES—238

Adams	Bishop (UT)	Canseco
Aderholt	Black	Cantor
Akin	Blackburn	Capito
Alexander	Bonner	Carter
Amash	Bono Mack	Cassidy
Austria	Boustany	Chabot
Bachmann	Brady (TX)	Chaffetz
Bachus	Brooks	Chu
Barletta	Broun (GA)	Coble
Bartlett	Buchanan	Coffman (CO)
Bass (NH)	Bucshon	Cole
Benishek	Buerkle	Conaway
Berg	Burgess	Cravaack
Biggert	Burton (IN)	Crawford
Bilbray	Calvert	Crenshaw
Bilirakis	Camp	Culberson

"Scholarships for Opportunity and Results Act."

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 30, 2011 at 9:32 a.m.:

That the Senate passed without amendment H.R. 1079.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

REDUCING REGULATORY BURDENS ACT OF 2011

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 872

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Regulatory Burdens Act of 2011".

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide."

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) DISCHARGES OF PESTICIDES.—

"(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

"(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

"(i) the discharge would not have occurred but for the violation; or

"(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

"(B) Stormwater discharges subject to regulation under subsection (p).

"(C) The following discharges subject to regulation under this section:

"(i) Manufacturing or industrial effluent.

"(ii) Treatment works effluent.

"(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 872.

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

There was no objection.

Mr. GIBBS. Mr. Speaker, I yield 10 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) and ask unanimous consent that she be allowed to control that time.

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

There was no objection.

Mrs. SCHMIDT. I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, it is imperative that we act in a timely manner on H.R. 872 to ensure that our small businesses, farmers, communities, counties, and State and Federal agencies will not be burdened with a costly, duplicative permit requirement that offers no environmental or health benefits. It is important to note that pesticides play an important role in protecting our Nation's food supply, public health, natural resources, infrastructure, and green

spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease-carrying pests, invasive weeds, and animals that can choke our waterways, impede our power generation, and damage our forests and recreational areas.

The Reducing Regulatory Burdens Act of 2011 amends FIFRA and the Clean Water Act to eliminate the requirement of a permit for applications of pesticides approved for use under FIFRA. This Act is being passed in response to National Cotton Council v. EPA, which found NPDES permits are required for point source discharges of biological pesticides and chemical pesticides that leave a residue.

This legislation, Mr. Speaker, is not intended to exempt waste-streams or discharges from regulation simply because they may contain pesticides or pesticide residues. This legislation, Mr. Speaker, makes clear that the NPDES exemption only addresses discharges of pesticide or pesticide residue resulting from applications consistent with FIFRA. The legislation does not exempt applications of pesticides that violate the relevant requirements of FIFRA.

There have been accusations that this bill would cause contamination of our waterways. But, Mr. Speaker, I challenge those accusations. Today, some will argue in defending the Sixth Circuit Court decision that pesticide applications were a violation of FIFRA. The case in question is the Talent Water District in Jackson County, Oregon, where it is claimed that the application of pesticides in violation of the FIFRA label resulted in a fish kill of more than 92,000 juvenile steelhead. I point out that these pesticide applications were in violation of FIFRA and the requirements of FIFRA, and therefore would be addressed under that law. Requiring a duplicative permit under the Clean Water Act would not offer any additional environmental safety standard.

Mr. Speaker, H.R. 872 is a simple fix. The legislation before us passed unanimously through the House Agriculture Committee and with an overwhelming 46-8 vote in the House Transportation and Infrastructure Committee. This proves that this is not a partisan issue but an issue of such importance that Republicans and Democrats and even the EPA have worked together to provide a solution.

H.R. 872 makes clear that it was never the intent of Congress to require this redundant layer of bureaucracy, especially since the EPA already comprehensively regulates the distribution, sale, and use of pesticides. Although the court did extend the effective date of its order to October 31, it did not fix the underlying problem. The impact on all pesticide users required to obtain this extra permit will be the

same in October as it is today. There is no difference in the burdensome cost or real impact on their livelihoods. The only things this extension provides is more months of regulatory uncertainty.

I ask my colleagues to support this necessary piece of legislation and to ensure that FIFRA remains the standard for pesticide regulation. Let us help protect our mutual constituency from duplicative obligations that provide no qualified benefit to human health or environmental concerns.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BACA) be permitted to control 10 minutes of my time.

The SPEAKER pro tempore (Mr. NUGENT). Without objection, the gentleman from California will control the time.

There was no objection.

Mr. BISHOP of New York. I yield to the gentleman from California.

Mr. BACA. Thank you very much.

I want to thank the gentleman from New York, TIM BISHOP, our third baseman—an excellent third baseman—for yielding the time.

Mr. Speaker, I rise today in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011. I want to thank Nutrition and Horticulture Subcommittee Chair JEAN SCHMIDT and I also want to thank Water Resources Subcommittee Chair BOB GIBBS for their leadership on this issue. I appreciate the opportunity to work with my colleagues on the Transportation and Infrastructure Committee to jointly resolve an important issue and to build a relationship across jurisdictions and across the aisle.

H.R. 872 is a straightforward bipartisan bill that creates a necessary fix to the flawed National Cotton Council v. EPA Sixth Circuit Court decision. If the decision is implemented, pesticide applicators will be forced into a duplicative regulatory process that would require permitting under both FIFRA and the Clean Water Act. We don't need to duplicate. We don't need additional costs and burdens on many of the individuals. We need one agency that can handle it, not two agencies.

While the new regulation will provide no environmental benefit, it will add millions in new costs to State regulating agencies, agricultural producers, mosquito control districts, and small businesses. The EPA understands this. That's why they have helped us write this bill. The EPA estimates that the permit process would add \$1.7 million in annual costs to our cash-strapped States. But during a hearing on this issue last month, former Congressman John Salazar testified that the cost of implementation for the State of Colorado would be even greater—upwards of \$20 million.

□ 1720

In addition, the permitting process is estimated to add another \$50 million to the cost of pesticide applicators, and most of them are small businesses.

In my home State of California, we face a 12.2 percent unemployment rate and a \$25 billion to \$31 billion deficit. We simply can't afford this regulatory burden on them or on anyone else throughout the State. Likewise, the negative impact on agricultural, irrigation—and I state on agricultural, irrigation—and pest control professionals is a cause for serious public concern.

My congressional district, located in California's Inland Empire, has long had problems with the West Nile virus. The ability of mosquito and pest control to respond quickly to any situation must not be jeopardized. If we have one agency, it can act quickly. If we have two, it's not only costly, but can you imagine what would happen if we didn't act quickly?

For over 30 years, FIFRA has ensured that when a pesticide is used in accordance with label requirements, it will not bring unnecessary risk to our communities or to the environment. Let's work together to pass this simple fix to protect the public health—and I state to protect the public health—of our communities and to prevent costly duplicative regulatory burdens on us.

With that, Mr. Speaker, I have a letter that I would like to submit. It is from the National Association of Conservation Districts, which is a non-profit organization that represents the Nation's 3,000 conservation districts. For more than 70 years, the NACD has worked with the landowners and managers of private working lands to help them apply effective conservation practices. They understand that the EPA already conducts a rigorous analysis of the health and environmental effects of any proposed usage of a pesticide under FIFRA.

I also have another letter to submit for the RECORD, Mr. Speaker, that has been signed by 138 different agricultural, irrigation, and pest control organizations from across the Nation.

I ask my colleagues on both sides of the aisle to support this legislation. It's good bipartisan legislation. It deals with duplicative efforts, and consolidates some of them. It is also cost-effective. We don't need to put the burden on anyone else.

NATIONAL ASSOCIATION OF
CONSERVATION DISTRICTS,
Washington, DC, March 30, 2011.

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

DEAR SPEAKER BOEHNER: On behalf of the National Association of Conservation Districts (NACD) and America's 3,000 conservation districts, I write to voice our support for H.R. 872 to allow farmers, ranchers, and foresters to continue pesticide use in compliance with the Federal Insecticide, Fungicide

and Rodenticide Act (FIFRA). We appreciate your recognition of this important issue and encourage bipartisan congressional action to address the significant regulatory concerns arising from a 2009 court ruling.

In 2009, the U.S. Sixth Circuit Court of Appeals ruled that Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permits are required for pesticide applications made "in, over, or near" water. Prior to this ruling, the Environmental Protection Agency (EPA) has not required CWA permits for pesticides applied according to the FIFRA label. This ruling creates confusion, uncertainty and increased regulatory burdens.

EPA conducts a rigorous analysis of the health and environmental effects of a proposed use of a pesticide; when used in compliance with the EPA-approved label, FIFRA-registered pesticides have already been proven safe. Rather than spending precious time and resources on duplicative permitting efforts, EPA should instead be focused on working with landowners to support on-the-ground conservation solutions with true environmental value. Forcing producers to go through an additional burdensome permitting process will only increase production costs and add stress on already overburdened state resources, without providing any additional environmental benefits.

H.R. 872 would continue to ensure the protection of water during routine, FIFRA-label pesticide use, while clarifying that applicators abiding by these strict standards do not need to go through the unnecessary and burdensome process of obtaining CWA permits.

Thank you for your leadership on this important issue. We look forward to working with you as we continue to provide the benefits of locally-led natural resource conservation across the country.

Sincerely,

GENE SCHMIDT,
President.

MARCH 29, 2011.

Hon. JOE BACA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BACA: The undersigned organizations urge you to support H.R. 872, the Reducing Regulatory Burdens Act, which will be considered on the House floor on the suspension calendar later this week. Based on a court ruling in the National Cotton Council v. EPA (6th Cir. 2009) case, the Environmental Protection Agency (EPA) and delegated states are required to establish permit programs under the Federal Clean Water Act for aquatic pesticide applications. H.R. 872 is a bipartisan bill aimed at reducing the regulatory burden and duplication posed by this court mandate.

Pesticides play an important role in protecting the nation's food supply, public health, natural resources, infrastructure and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease carrying pests, invasive weeds and animals that can choke our waterways, impede power generation and damage our forests and recreation areas.

Since the inception of the Clean Water Act in 1972, water quality concerns from pesticide applications have been addressed during the registration and labeling process under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Imposing a national pollutant discharge elimination system (NPDES) permit in addition to FIFRA regulation will not provide any identifiable additional environmental benefits.

The proposed permit means further unfunded mandates on already struggling governments, and it creates additional red tape, squeezing existing resources and threatening added legal liabilities. The permit's complex compliance requirements will impose tremendous new burdens on thousands of small businesses, farms, communities, counties and state and federal agencies legally responsible for pest control, and expose them to legal jeopardy through citizen suits over paperwork violations. It could jeopardize jobs, the economy and human health protections across America as regulators and permittees struggle to implement and comply with these permits.

This week's court decision to grant a 6-month extension to comply with permit requirements from April 9 to October 31, 2011 is welcome news. However, it does not change the urgency, to pass H.R. 872 and fix the underlying problem of regulatory redundancy and bureaucratic burden. We urge Congress to pass H.R. 872 into law before the permit becomes final this year.

We respectfully ask that you join Transportation & Infrastructure Chairman John Mica (R-FL) and Subcommittee Chair Bob Gibbs (R-OH), as well as Agriculture Committee Chairman Frank Lucas (R-OK), Ranking Member Collin Peterson (D-MN), Subcommittee Chair Jean Schmidt (R-OH), and Ranking Member Joe Baca (D-CA) in supporting this bipartisan bill.

Sincerely,

Agricultural Alliance of North Carolina, Agribusiness Association of Iowa, Agribusiness Association of Kentucky, Agribusiness Council of Indiana, Agricultural Retailers Association, American Chemistry Council—Biocides Panel, American Farm Bureau Federation, American Mosquito Control Association, American Nursery and Landscape Association, American Soybean Association, Alabama Agribusiness Council, Alabama Vegetation Management Society Inc., Aquatic Ecosystem Restoration Foundation, Aquatic Plant Management Society, Arizona Crop Protection Association, California Dried Plum Board, California Grape & Tree Fruit League, Chemical Producers & Distributors Association, Colorado Corn Growers Association, Commercial Flowers Growers of Wisconsin, Consumer Specialty Products Association, Cranberry Institute, CropLife America, Crop Protection Association of North Carolina, Delta Council (MS), DuPont Crop Protection, DuPont Professional Products, Far West Agribusiness Association, Florida Aquatic Plant Management Society, Florida Fruit & Vegetable Association, Florida Vegetation Management Association, Gardens Beautiful Centers (WI), Georgia Agribusiness Council, Georgia Urban Agriculture Council, Golf Course Superintendents Assoc of America, Gowan Group, Growmark, Hop Growers of America, Hop Growers of Washington, Illinois Fertilizer & Chemical Association, Iowa Corn Growers Association, Kansas Agribusiness Retailers Association, Kentucky Corn Growers Association, Land O'Lakes, Lawns of Wisconsin Network, Maryland Grain Producers Association, Michigan Agribusiness Association, Michigan Aquatic Managers Association, Midwest Aquatic Plant Management Society, Midsouth Aquatic Plant Management Society, Minnesota Agricultural Air-

craft Association, Minnesota Agri-Growth Council, Minnesota Corn Growers Association, Minnesota Crop Production Retailers, Minnesota Pest Information & Education, Mississippi Vegetation Management Association, Missouri Agribusiness Association, Montana Agricultural Business Association, Mosquito & Vector Control Assoc of California, National Agricultural Aviation Association, National Alliance of Forest Owners, National Alliance of Independent Crop Consultants, National Assoc of State Departments of Agriculture, National Association of Wheat Growers, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Grange, National Pest Management Association, National Potato Council, National Roadside Vegetation Management Assoc Inc, New Jersey Green Industry Council, New Jersey Mosquito Control Association, North Carolina Agribusiness Council Inc., North Carolina Growers Association, North Carolina State Grange, North Central Weed Science Society, Northeast Aquatic Plant Management Society, Northeastern Weed Science Society, Ohio Professional Applicators for Responsible Regulations, Oklahoma Agribusiness Retailers Association, Oregon Association of Nurseries, Oregonians for Food & Shelter, Professional Landcare Network, RISE (Responsible Industry for a Sound Environment), Rocky Mountain Agribusiness Association, Schertz Aerial Services, Society of American Florists, South Carolina Aquatic Plant Management Society, South Carolina Fertilizer & Agrichemical Assoc, South Dakota Agri-Business Association, Southern Crop Production Association, Southern Weed Science Society, Syngenta, Texas Agricultural Industries Association, Texas Aquatic Plant Management Society, Texas Mosquito Control Association, Texas Vegetation Management Association, USA Rice Federation, US Apple Association, US Hop Industry Plant Protection Committee, Valent U.S.A., Vegetation Management Association of Kentucky, Virginia Agribusiness Council, Washington Friends of Farms & Forests, Washington Hop Commission, Washington State Potato Commission, Weed Science Society of America, Western Aquatic Plant Management Society, Western Growers Association, Western Plant Health Association, Western Society of Weed Science, Wild Blueberry Commission, Wisconsin Agribusiness Council, Wisconsin Christmas Tree Producers Association, Wisconsin Crop Protection Association, Wisconsin Landscape Contractors Association, Wisconsin Nursery Association, Wisconsin Potato & Vegetable Growers Assoc, Wisconsin Sod Producers Association, Wyoming Ag-Business Association, Wyoming Crop Improvement Association, Wyoming Wheat Marketing Commission, Wyoming Wheat Growers Association.

I yield the balance of my time to the gentleman from New York (Mr. BISHOP).

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

I recently introduced H.R. 872 to clarify congressional intent regarding how the use of pesticides in or near navigable waters should be regulated. The Federal Insecticide, Fungicide, and Rodenticide Act, also known as FIFRA, has long been the Federal regulatory statute that governs the sale and use of pesticides in the United States. However, more recently, as a result of a number of lawsuits, the Clean Water Act has been added as a new and redundant layer of Federal regulation over the use of pesticides. As a result, an additional set of permits will be required for the use of pesticides.

H.R. 872 is aimed at reversing a decision of the Sixth Circuit Court of Appeals in National Cotton Council vs. EPA. In this ruling, the Sixth Circuit substituted judge-made policy choices for reasonable agency interpretations of the law. In the process, the court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes, and it judicially expanded the scope of Clean Water Act regulation further into areas and activities not originally envisioned or intended by Congress.

EPA has estimated that approximately 365,000 pesticide users, including State agencies, cities, counties, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists, and even everyday citizens who perform some 5.6 million pesticide applications annually, will be affected by the court's ruling. This will virtually double the number of entities currently subject to NPDES permitting under the Clean Water Act.

With this ill-advised court decision, the States and a wide range of public and private pesticide users will face increased financial and administrative burdens in order to comply with the new permitting process, and all of this expense comes with no additional environmental protection.

This new permitting process was meant to take effect on April 9 of this year. However, just 2 days ago, the Sixth Circuit granted an extension through October 31, 2011. The court's extension only temporarily postpones the need for an NPDES permit for pesticide use, and does not completely eliminate the need for this legislation.

H.R. 872 fixes the problem. It exempts from the NPDES permitting process a discharge to waters involving the application of a pesticide authorized for sale, distribution, or use under FIFRA, where the pesticide is used for its intended purpose and where the use is in compliance with FIFRA pesticide label requirements.

H.R. 872 was drafted very narrowly to address the Sixth Circuit's holding the National Cotton Council case and return the state of pesticide regulation to the status quo before the court got involved. This bill passed unanimously out of the Agriculture Committee and passed the Transportation and Infrastructure Committee on a strong bipartisan vote of 46-8.

Many organizations, representing a wide variety of public and private entities, support a legislative resolution of this issue. Just to name a few, these organizations include:

The National Association of Counties; the National Association of State Departments of Agriculture; the National Water Resources Association; the American Mosquito Control Association; the American Farm Bureau Federation; the National Farmers Union; CropLife America; and Responsible Industry for a Sound Environment.

Mr. Speaker, I want to thank my colleague Chairman SCHMIDT for her leadership on this bill in both the Agriculture and the Transportation and Infrastructure Committees.

I also want to thank the ranking members of the Subcommittee on Water Resources and Environment and of Transportation and Infrastructure for their support of the bill.

In addition, I want to thank Chairman MICA and Ranking Member RAHALL for their leadership of the Transportation and Infrastructure Committee, as well as Chairman LUCAS and Ranking Member PETERSON of the Agriculture Committee for their leadership.

I urge all Members to support H.R. 872.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, in light of the fact that Mr. BACA yielded the balance of his time to me, may I inquire as to how much time we have left on this side?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. BISHOP of New York. Thank you very much.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

We're here, and we're pretending we're doing something about a real problem. We are amending the wrong statute at the wrong time under the guise that this is a crisis, and we're bringing up a bill that will never see the light of day in the Senate.

So what could we really do?

Well, we could work with the Environmental Protection Agency. I've already written to the Environmental Protection Agency, and I would encourage others to as well who recently got an extension until October 31 from the court. So there is no immediate threat of these new regulations going

into place. Particularly, the biggest problem with what they're proposing is the small size of general permitting. It's 640 acres. My State has 6,400 acres. That's a pretty big piece of property. I don't know many small farms or other folks who operate on more than 6,400 acres. Even at 6,400 acres, it's a three-page form that you fill out in my State.

Oregon is the State where this problem started because 90,000 juvenile salmon were killed by the improper application of a pesticide, so we would be particularly sensitive to that. We're pretty sensitive about our water. I think all of your constituents are sensitive about their water. So, to amend the Clean Water Act here, you're going at the wrong place. People don't want pesticides or herbicides in what they drink or in what their kids drink—plain and simple.

FIFRA is meaningless in terms of really regulating what goes into the water. The EPA doesn't test pesticides for their water quality standards, and FIFRA does not regulate how much of a pesticide is safe to apply to water. So we should be amending FIFRA, but that would have been a little more work, and that would have been real legislation, and that might have been something that the Senate would have taken up, and that might really have gotten something done.

But we don't want to do that. We want to play to the crowd here. Let's rage here and say it's going to cost \$50,000 for every small business. That's a bunch of hooley.

In my State, like I say, we have a three-page application. So the point is that we can do something real. We can influence the EPA, get reasonable regulations, and protect the drinking water of this country—or you can do what you're doing here today, which is meaningless.

Mrs. SCHMIDT. Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the good gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in support of this bill.

Mr. Speaker, the piece of legislation before us today must be passed and placed on the President's desk as soon as possible if we want to prevent a possible blitz of regulatory burdens on our farmers and ranchers.

□ 1730

The 6-month delay that the EPA was granted by the court this past Monday evening may have bought us more time, but the delay does not fix the underlying problem.

The impact on those pesticide users who will be required to obtain a duplicative permit will be the same in October as it is today. There is no difference in the burden, the cost, or the real impact on their livelihoods. The only thing this extension provides

farmers is 6 more months of regulatory uncertainty. We must act now to give our farmers the certainty they need to continue to produce the safest, most affordable, and abundant food supply in the history of the world.

If Congress does not act, more than 40 States will face increased financial and administrative burdens in order to comply with the new permitting requirement process during a time when many States are already being forced to make difficult budget decisions. This would be a crushing blow to an already fragile economy. Giving EPA and the States more time to develop a permit system does nothing to minimize the unnecessary expense this uninformed court decision has imposed.

Governments at all levels are facing a fiscal emergency. This exercise represents a tremendous waste of valuable time and resources. There is no need to send our States down a path of fiscal disaster when we have the opportunity to put a stop to it all today.

It was always the intent of Congress to exempt pesticide use from the Clean Water Act. The decision of the court represents a fundamental ignorance of congressional intent that will not be rectified by a delay. Congress has no choice but to act now.

I would like to serve note that on the Ag Committee as chairman, I'm very pleased with our point person's efforts on this behalf, Subcommittee Chairwoman JEAN SCHMIDT. I'd like to thank our ranking member, Mr. PETERSON, of the full committee, and subcommittee ranking member, Mr. BACA, for working with us in a very bipartisan way to address this issue. We all agree something has to be done, something needs to be done, and we have an opportunity to do it.

With that, I encourage my colleagues to vote in support of this legislation.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in reluctant opposition to H.R. 872.

Mr. Speaker, I find myself in an awkward position here today being asked to urgently vote on a bill where there is no real sense of urgency and where questions of its potential impact on human health and the environment far outweigh the answers.

I am also concerned that, in our effort to address concerns on implementation of two Federal statutes, we are neglecting a rational analysis of the best way to protect human health and the environment from the potential adverse effects of pesticides.

Finally, I stand in opposition to this legislation because it appears that the push to vote today on this bill is so great that it has stretched the bounds of traditional Member-to-Member commitments to resolve legitimate differences on issues of critical importance to all of us.

Mr. Speaker, let me state from the outset that I agree pesticides provide a

valuable tool in controlling unwanted pests, whether they be mosquitoes in my home county of Suffolk County, New York, or corn borers in the Midwest. This bill is not about whether pesticides should or should not be used. However, what this bill does call into question is the best way to balance the use of pesticides with the protection of water quality, human health, and the environment, and the economic benefits associated with them.

On this point, I am not convinced that the current efforts to protect human health and the environment, which this bill seeks to maintain, are sufficient. If they were, pesticides would not continually show up in the urban and rural water bodies throughout the Nation. As States and the U.S. Geological Survey have told us, pesticides are frequently detected in streams and groundwater throughout the Nation, and literally thousands of streams and bays and lakes are currently impaired or threatened by pesticides. In the State of California alone, pesticides are listed as the number one source of water quality impairment in the State.

It is also telling that many States continue to find waters impaired by pesticides that have been banned in the United States for decades. In my view, this shows how the decisions we make today will have long-term impacts on human health, on our environment, and create long-lasting implications and potential increased costs for generations to come.

According to the EPA, the potential human health implications of pesticide exposure depend on the type of pesticide and the pathway, concentration, and duration of exposure, and can range from minor skin irritations to developmental concerns to being linked to cancer. One potentially significant source of exposure comes from consuming pesticide-contaminated drinking water. Both the USGS and the U.S. Department of Agriculture have verified the presence of pesticides and pesticide byproducts in drinking water sources throughout the Nation.

While in the majority of these cases pesticide protection levels were below existing human health benchmarks for those pesticides that have standards, USGS found a number of instances where pesticide detection levels were above acceptable levels. Similarly, even in those instances where detection levels are below acceptable levels, there is still legitimate concern on long-term, low-level exposure to pesticides, especially to the health of children, pregnant women, and the elderly.

In my view, the combination of these factors, plus the uncertainty created by increased detection of pesticide-chemical mixtures and the fact that modern drinking water treatment technologies are not designed to detect or remove pesticides, compels me to move

cautiously on any proposal that would permanently eliminate options for controlling the amount of pesticides being released into the Nation's waters.

In light of these concerns, and in light of the fact that the legislation before us provides for a permanent Clean Water Act exemption for pesticide use, during the markup of this bill in the Committee on Transportation and Infrastructure, I offered a simple, commonsense amendment to require Congress to revisit this issue in 5 years when we have a clearer picture on whether FIFRA is sufficiently protective of human health and water quality from pesticide contamination. If, in 5 years' time, we were to see progress in reducing pesticide contamination in surface and groundwaters, then we would have more information to justify a permanent Clean Water Act exemption for pesticide use. In my view, we simply do not have this critical information before us today.

This simple concept was echoed by a former Bush administration official who was recently quoted as saying that, when it comes to enacting statutory exemptions from environmental regulatory requirements, it is appropriate to periodically review whether the exemption continues to be supported by data and science.

Based on a commitment from the chairman of the full committee to work with me on this issue before this bill was to come to the floor, I withdrew my amendment and voted "yes" in the markup. Unfortunately, to date, my concerns remain unaddressed, and yet here we are today considering this bill under the suspension of the rules, where there is no opportunity to debate the issues I and several of my colleagues raised at the committee markup.

It seems that the push to vote today on this bill is so great that it has stretched the bounds of traditional Member-to-Member commitments to resolve legitimate differences on issues of critical importance to us all, especially related to the protection of human health and the environment.

I am aware that many of my colleagues and several constituencies have pushed for immediate consideration of this bill to respond to the looming court-ordered deadline for Clean Water Act permitting on April 9. I agree that concerns expressed by States and pesticide applicators on how they could be expected to comply with a yet-unreleased pesticide general permit by the April deadline were legitimate. However, that deadline has now been extended by the Sixth Circuit Court of Appeals until October 31, 2011. It appears, therefore, that we have additional time to work on this issue and to resolve some of the concerns expressed by several members of the committee.

Mr. Speaker, I believe a more prudent course would be to take the time

necessary and work together to address the concerns of both sides in a manner that minimizes regulatory duplication, makes sense for pesticide applicators and the States, and addresses the concerns related to public health and water quality.

I reluctantly urge a "no" vote on H.R. 872 under suspension of the rules so that I may continue to work with my colleagues on improving this bill.

I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Speaker, I rise today in support of H.R. 872 because the last thing the agriculture industry needs is another regulation.

Pesticides are an integral part to ensuring that our Nation continues to produce the world's most abundant, safe, and affordable food supply. As it stands today, pesticides must already go through a minimum of 125 safety tests before being registered for use. On top of that, they are subject to strict labeling and usage requirements.

If we do not pass this bill, our farmers will be required to obtain permits that require them to state the amount of pesticides they will use for a 5-year period. That's not only next to impossible, it will be an expensive and time-consuming process that will harm American agriculture, as well as cost jobs.

Thank you very much.

□ 1740

Mr. BISHOP of New York. Mr. Speaker, I yield 4 minutes to the gentlelady from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I rise in strong opposition to H.R. 872, the Reducing Regulatory Burdens Act, in its current form. At issue, the exemption in the bill means that no Clean Water Act permit would be required for pesticide application to water bodies that are already impaired by pesticides.

Now, most pesticide applications in the United States are done in accordance with FIFRA, according to a 2006 USGS report on pesticides, and frequently are present in streams and groundwater, as you have just heard, at levels that exceed the human health benchmark and occur in many streams at levels that may affect aquatic life or fish-eating wildlife.

In the data that the States provide the EPA, more than 16,000 miles of rivers and streams, 1,380 of bays and estuaries, and 370,000 acres of lakes in the United States are currently impaired or threatened by pesticides. EPA suggests that these estimates may be low because many of these States do not test for or monitor all the different pesticides that are currently being used. I am very concerned of the effect these pesticides have on the health of our rivers, on our streams, and especially the drinking water supplies of

all our citizens, especially the most vulnerable, the young, the elderly, and the poor and disenfranchised people who have no other representation.

Mr. Speaker, I would like to place into the RECORD two EPA reports on how pesticides in California are the number one cause of impairments to water quality, which means there are 1,787 causes in 162 water entities in California alone. This means that in all the waters in the States that are found through testing and monitoring to be impaired or polluted under the Clean Water Act, pesticides are the most significant cause of those problems.

We hear that pesticide application is already regulated under FIFRA and that the Clean Water Act review is not needed. I understand the concerns about duplication of effort and the need to minimize the impacts that regulations have on small business or business at large.

However, I am still very concerned that these pesticides are having a very significant impact on water quality and that we are creating this exemption from water quality protection re-

quirements without considering the impacts to the waters that are already impaired with pesticides, as they are in California.

This, in turn, costs our ratepayers, our water users, hundreds of millions of dollars to filter these pollutants out of the water before it is potable. This is something I deal with on an ongoing basis, as the ranking member of the Subcommittee on Water and Power.

We currently have aquifers that are contaminated by the continued use of pesticides and fertilizers. Millions of dollars have been spent on the 15-year-long cleanup effort of a Superfund site in my area that has pesticides as one of its contaminants.

I do oppose this bill. I do need further study on this issue before taking this very drastic step to reregulate pesticides that affect our Nation's water.

Again, I urge my colleagues on both sides to vote "no" on this bill.

CALIFORNIA 2006 CAUSES OF IMPAIRMENT FOR CALIFORNIA WATERS

Cause of impairment group name	Number of causes of impairment reported
Pesticides	312
Pathogens	245
Metals (other than Mercury)	228
Nutrients	140
Polychlorinated Biphenyls (PCBs)	103
Salinity/Total Dissolved Solids/Chlorides/Sulfates	103
Mercury	101
Sediment	87
Total Toxics	77
Organic Enrichment/Oxygen Depletion	47
Toxic Organics	45
Temperature	37
Trash	37
Ammonia	33
Dioxins	27
pH/Acidity/Caustic Conditions	27
Toxic Inorganics	24
Nuisance Exotic Species	24
Other Cause	20
Algal Growth	17
Taste, Color and Odor	15
Cause Unknown—Impaired Biota	12
Turbidity	8
Flow Alteration(s)	6
Habitat Alterations	5
Fish Consumption Advisory	3
Oil and Grease	2
Noxious Aquatic Plants	1
Cause Unknown—Fish Kills	1
Total	1,787

CALIFORNIA IMPAIRED WATERS, CAUSE OF IMPAIRMENT GROUP: PESTICIDES, REPORTING YEAR 2006

State	Waterbody name	State basin name	Location
CA	Abalone Cove Beach	Los Angeles	
CA	Alamo River	Colorado River Basin	
CA	Amarillo Beach	Los Angeles	
CA	Anaheim Bay	Santa Ana	
CA	Balboa Beach	Santa Ana	
CA	Bear River, Lower (Below Camp Far West Reservoir)	Central Valley	
CA	Big Rock Beach	Los Angeles	
CA	Bianco Drain	Central Coast	
CA	Bluff Cove Beach	Los Angeles	
CA	Buena Creek	San Diego	
CA	Butte Slough	Central Valley	
CA	Cabrillo Beach (Outer)	Los Angeles	
CA	Calaveras River, Lower	Central Valley	
CA	Calleguas Creek Reach 1 (Was Mugu Lagoon On 1998 303(D) List)	Los Angeles	
CA	Calleguas Creek Reach 2 (Estuary To Potrero Rd-Was Calleguas Creek Reaches 1 And 2 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 4 (Was Revolon Slough Main Branch: Mugu Lagoon To Central Avenue On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 5 (Was Beardsley Channel On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 9a (Was Lower Part Of Conejo Creek Reach 1 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 9b (Was Part Of Conejo Creek Reaches 1 And 2 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 10 (Conejo Creek (Hill Canyon)-Was Part Of Conejo Crk Reaches 2 & 3, and Lower Conejo Crk/Arroyo Conejo N Fk On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 11 (Arroyo Santa Rosa, Was Part Of Conejo Creek Reach 3 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 13 (Conejo Creek South Fork, Was Conejo Cr Reach 4 And Part Of Reach 3 On 1998 303d List)	Los Angeles	
CA	Carbon Beach	Los Angeles	
CA	Carquinez Strait	San Francisco Bay	
CA	Castlerock Beach	Los Angeles	
CA	Castro Cove, Richmond (San Pablo Basin)	San Francisco Bay	
CA	Central Basin, San Francisco (Part Of Sf Bay, Central)	San Francisco Bay	
CA	Coachella Valley Storm Water Channel	Colorado River Basin	
CA	Colorado Lagoon	Los Angeles	
CA	Colusa Basin Drain	Central Valley	
CA	Cottonwood Creek (San Marcos Creek Watershed)	San Diego	
CA	Coyote Creek	Los Angeles	
CA	Del Puerto Creek	Central Valley	
CA	Delta Waterways (Central Portion)	Central Valley	
CA	Delta Waterways (Eastern Portion)	Central Valley	
CA	Delta Waterways (Export Area)	Central Valley	
CA	Delta Waterways (Northern Portion)	Central Valley	
CA	Delta Waterways (Northwestern Portion)	Central Valley	
CA	Delta Waterways (Southern Portion)	Central Valley	
CA	Delta Waterways (Stockton Ship Channel)	Central Valley	
CA	Delta Waterways (Western Portion)	Central Valley	
CA	Dominquez Channel (Lined Portion Above Vermont Ave)	Los Angeles	
CA	Dominquez Channel Estuary (Unlined Portion Below Vermont Ave)	Los Angeles	
CA	Elkhorn Slough	Central Coast	
CA	English Canyon	San Diego	
CA	Escondido Beach	Los Angeles	
CA	Escondido Creek	San Diego	
CA	Espinosa Slough	Central Coast	
CA	Feather River, Lower (Lake Oroville Dam To Confluence With Sacramento River)	Central Valley	
CA	Five Mile Slough (Alexandria Place To Fourteen Mile Slough)	Central Valley	
CA	Flat Rock Point Beach Area	Los Angeles	
CA	Harding Drain (Turlock Irrigation District Lateral #5)	Central Valley	
CA	Huntington Harbour	Santa Ana	
CA	Imperial Valley Drains	Colorado River Basin	
CA	Ingram Creek (From Confluence With Hospital Creek To Hwy 33 Crossing)	Central Valley	
CA	Ingram Creek (From Confluence With San Joaquin River To Confluence With Hospital Creek)	Central Valley	
CA	Inspiration Point Beach	Los Angeles	
CA	Islais Creek	San Francisco Bay	
CA	Jack Slough	Central Valley	
CA	Kings River, Lower (Island Weir To Stinson And Empire Weirs)	Central Valley	
CA	La Costa Beach	Los Angeles	
CA	Lake Calabasas	Los Angeles	

CALIFORNIA IMPAIRED WATERS, CAUSE OF IMPAIRMENT GROUP: PESTICIDES, REPORTING YEAR 2006—Continued

State	Waterbody name	State basin name	Location
CA	Lake Chabot (Alameda Co)	San Francisco Bay	
CA	Las Flores Beach	Los Angeles	
CA	Las Tunas Beach	Los Angeles	
CA	Long Point Beach	Los Angeles	
CA	Los Angeles Harbor-Cabrillo Marina	Los Angeles	
CA	Los Angeles Harbor-Consolidated Slip	Los Angeles	
CA	Los Angeles Harbor-Fish Harbor	Los Angeles	
CA	Los Angeles Harbor-Inner Cabrillo Beach Area	Los Angeles	
CA	Los Angeles River Estuary (Queensway Bay)	Los Angeles	
CA	Los Angeles River Reach 1 (Estuary To Carson Street)	Los Angeles	
CA	Los Angeles/Long Beach Inner Harbor	Los Angeles	
CA	Los Angeles/Long Beach Outer Harbor (Inside Breakwater)	Los Angeles	
CA	Los Cerritos Channel	Los Angeles	
CA	Machado Lake (Harbor Park Lake)	Los Angeles	
CA	Main Drainage Canal	Central Valley	
CA	Malaga Cove Beach	Los Angeles	
CA	Malibu Beach	Los Angeles	
CA	Malibu Lagoon Beach (Surfrider)	Los Angeles	
CA	Marina Del Rey Harbor-Back Basins	Los Angeles	
CA	Mcgrath Lake	Los Angeles	
CA	Merced River, Lower (Mcswain Reservoir To San Joaquin River)	Central Valley	
CA	Mission Creek	San Francisco Bay	
CA	Moro Cojo Slough	Central Coast	
CA	Mosher Slough (Downstream Of I-5)	Central Valley	
CA	Moss Landing Harbor	Central Coast	
CA	Mud Slough	Central Valley	
CA	Natomas East Main Drainage Canal (Aka Steelhead Creek, Downstream Of Confluence With Arcade Creek)	Central Valley	
CA	New River (Imperial County)	Colorado River Basin	
CA	Newman Wasteway	Central Valley	
CA	Newport Bay, Lower	Santa Ana	
CA	Newport Bay, Upper (Ecological Reserve)	Santa Ana	
CA	Nicholas Canyon Beach	Los Angeles	
CA	Oakland Inner Harbor (Fruitvale Site, Part Of Sf Bay, Central)	San Francisco Bay	
CA	Oakland Inner Harbor (Pacific Dry-Dock Yard 1 Site, Part Of Sf Bay, Central)	San Francisco Bay	
CA	Old Salinas River Estuary	Central Coast	
CA	Orcutt Creek	Central Coast	
CA	Orestimba Creek (Above Kilburn Road)	Central Valley	
CA	Orestimba Creek (Below Kilburn Road)	Central Valley	
CA	Oso Flaco Lake	Central Coast	
CA	Palo Verde Outfall Drain And Lagoon	Colorado River Basin	
CA	Palo Verde Shoreline Park Beach	Los Angeles	
CA	Paradise Cove Beach	Los Angeles	
CA	Peck Road Park Lake	Los Angeles	
CA	Petaluma River	San Francisco Bay	
CA	Petaluma River (Tidal Portion)	San Francisco Bay	
CA	Peters Canyon Channel	Santa Ana	
CA	Pogi Canyon Creek	San Diego	
CA	Point Dume Beach	Los Angeles	
CA	Point Fermin Park Beach	Los Angeles	
CA	Port Hueneme Harbor (Back Basins)	Los Angeles	
CA	Portuguese Bend Beach	Los Angeles	
CA	Puddingstone Reservoir	Los Angeles	
CA	Puerco Beach	Los Angeles	
CA	Redondo Beach	Los Angeles	
CA	Richardson Bay	San Francisco Bay	
CA	Rio De Santa Clara/Oxnard Drain No. 3	Los Angeles	
CA	Robert H. Meyer Memorial Beach	Los Angeles	
CA	Royal Palms Beach	Los Angeles	
CA	Sacramento San Joaquin Delta	San Francisco Bay	
CA	Salinas Reclamation Canal	Central Coast	
CA	Salinas River (Lower, Estuary To Near Gonzales Rd Crossing, Watersheds 30910 And 30920)	Central Coast	
CA	Salinas River (Middle, Near Gonzales Rd Crossing To Confluence With Nacimiento River)	Central Coast	
CA	Salinas River Lagoon (North)	Central Coast	
CA	Salt Slough (Upstream From Confluence With San Joaquin River)	Central Valley	
CA	San Diego Bay Shoreline, Near Switzer Creek	San Diego	
CA	San Diego Creek	Central Coast	
CA	San Diego Creek Reach 1	Santa Ana	
CA	San Francisco Bay, Central	San Francisco Bay	
CA	San Francisco Bay, Lower	San Francisco Bay	
CA	San Francisco Bay, South	San Francisco Bay	
CA	San Joaquin River (Mendota Pool To Bear Creek)	Central Valley	
CA	San Joaquin River (Bear Creek To Mud Slough)	Central Valley	
CA	San Joaquin River (Mud Slough To Merced River)	Central Valley	
CA	San Joaquin River (Merced River To Tuolumne River)	Central Valley	
CA	San Joaquin River (Tuolumne River To Stanislaus River)	Central Valley	
CA	San Joaquin River (Stanislaus River To Delta Boundary)	Central Valley	
CA	San Juan Creek	San Diego	
CA	San Leandro Bay (Part Of Sf Bay, Central)	San Francisco Bay	
CA	San Marcos Creek	San Diego	
CA	San Pablo Bay	San Francisco Bay	
CA	San Pablo Reservoir	San Francisco Bay	
CA	San Pedro Bay Near/Off Shore Zones	Los Angeles	
CA	Santa Clara River Estuary	Los Angeles	
CA	Santa Clara River Reach 6 (W Pier Hwy 99 To Bouquet Cyn Rd) (Was Named Santa Clara River Reach 8 On 2002 303(D) List)	Los Angeles	
CA	Santa Maria River	Central Coast	
CA	Santa Monica Bay Offshore/Nearshore	Los Angeles	
CA	Sea Level Beach	Los Angeles	
CA	Smith Canal	Central Valley	
CA	Stanislaus River, Lower	Central Valley	
CA	Stevens Creek Reservoir	San Francisco Bay	
CA	Suisun Bay	San Francisco Bay	
CA	Tembladero Slough	Central Coast	
CA	Tijuana River	San Diego	
CA	Tijuana River Estuary	San Diego	
CA	Topanga Beach	Los Angeles	
CA	Trancas Beach (Broad Beach)	Los Angeles	
CA	Tuolumne River, Lower (Don Pedro Reservoir To San Joaquin River)	Central Valley	
CA	Ventura Marina Jetties	Los Angeles	
CA	Wadsworth Canal	Central Valley	
CA	Watsonville Slough	Central Coast	
CA	Whites Point Beach	Los Angeles	
CA	Zuma Beach (Westward Beach)	Los Angeles	

Mrs. SCHMIDT. Mr. Speaker, I would like to yield 2 minutes to my good friend from Idaho (Mr. SIMPSON), the chairman of the Interior, Environment, and Related Agencies Subcommittee on Appropriations.

Mr. SIMPSON. I thank the gentleman for yielding.

I rise today in support of H.R. 872, the Reducing Regulatory Burdens Act of 2011. This bill is a much-needed legislative fix that clarifies how pesticide application should be regulated. Congress never intended for pesticide applications that are already regulated under FIFRA to also require permits under the Clean Water Act. Yet because a Federal court did not interpret congressional intent correctly in a 2009 ruling, Congress must act to ensure that farmers, ranchers, forest managers, and other water users, as well as mosquito abatement districts and local governments, won't face unnecessary and duplicative regulations that would make it more difficult to do their jobs.

Everyone here supports protecting our water supplies from polluters acting in violation of our Nation's environmental laws and regulations; but it is also clear that pesticides used around streams to spray for mosquitoes and other pests are already adequately regulated under statute. Adding another layer of regulation by requiring NPDES permits for application of these pesticides doesn't make them safer. It only piles unnecessary paperwork on top of day-to-day operations for small businesses, farmers, and local governments.

My good friend from Oregon mentioned that in Oregon the application is only three pages long. So why should it be a problem? It misses the point. It doesn't matter if it's one page long or 100 pages long. The question is unnecessary dual regulation.

The legislation before us today would clarify Congress' intent that existing FIFRA regulations are adequate for aquatic pesticide use and provide needed certainty for farmers and ranchers who provide our Nation's food supply. I urge our colleagues to support this important legislative fix.

Mr. BISHOP of New York. I reserve the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, may I inquire as to the balance of the time for both myself and Mr. GIBBS.

The SPEAKER pro tempore. The gentleman from Ohio has 1½ minutes, and the gentleman from Ohio has 5¼ minutes.

Mrs. SCHMIDT. I yield the balance of my time to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. I rise today to strongly urge my colleagues to pass this legislation to protect American farmers from overreaching EPA rules and unnecessary regulations. If this ruling were to stand, the EPA would have full discretion over controlling a buffer zone for chemicals on crops near water sources.

Now, I have talked with farmers in North Dakota who rely on herbicides like Roundup to produce a good crop and to prevent weeds from growing. Most of central North Dakota sits in a water-rich region called the Prairie Pot Hole, and many of these farmers plant on land that is well within the EPA's buffer zone. This ruling could prevent these farmers from raising a good crop in this land.

If this ruling goes into effect, it will require over 6 million pesticide applications will have to be issued each year to tens or even hundreds of thousands of farmers. If they don't comply, they will be forced with a fine of up to \$37,000 per day per incident. We know overregulation hurts American business. Overregulation hurts family farms. I strongly urge my colleagues to join me in supporting this legislation.

Mr. BISHOP of New York. I yield myself the balance of my time.

Mr. Speaker, I just want to make a couple of points. There does appear to be strong bipartisan agreement. I know it passed out of the Ag Committee on unanimous vote. There was a very heavy vote in the T&I Committee. My reservations are rooted in the fact that I believe that we are rushing to a judgment in terms of making this statute permanent. I believe we have ample evidence to suggest that we don't know enough about pesticide impairment of water bodies, both surface and groundwater, to determine whether or not it is prudent for us to make a permanent exemption to the Clean Water Act.

So when I offered the amendment, which I then withdrew, for a 5-year sunset so we could assess whether or not this action is the correct one, I believe that I was acting in a very prudent and defensible way. And I am very disappointed, again, that this was an issue that we rushed to the floor in a form that we were unable to amend so that we could get this bill passed.

Now, the urgency of time has become much less pronounced because of the court ruling that was just announced this past Monday with respect to delaying the implementation of the court ruling until the end of October.

□ 1750

Second point. I know it's very popular to talk about the Environmental Protection Agency as if they are in some ways the source of all evil in this world. This is an issue—it's important to clarify—this is not an issue that the EPA saw. We are here today because of a court ruling. And, in fact, for years, decades, FIFRA has been the controlling legislation with respect to pesticide application, and the Clean Water Act has not been invoked.

And, in fact, the EPA, in 2006, took a position that they would not engage in a process that would supersede FIFRA. It was that decision that was overturned by the Sixth Circuit Court.

We all want to come up with a way to handle this. We all recognize that pesticide application is something that is very important. I represent the largest agricultural county in the State of New York, and this is an issue that's very important to my farmers. But my farmers also recognize that they want to see to it that Federal policy is, in fact, consistent with their best interest.

There are no better environmentalists in this country than our farmers. They need clean air. They need clean water in order for them to do their jobs.

So as I say, I am opposed, reluctantly so, and I very much hope that as this goes forward and is considered by the Senate, if it, in fact, is considered by the Senate, that we will take our time, we will craft legislation that we can all support, and that we will particularly have legislation that has a sunset period so that we can evaluate whether or not we are right in taking this action today.

I yield back the balance of my time.

Mr. GIBBS. I yield myself the balance of my time.

Mr. Speaker, I would like to address a few of the concerns raised by my colleague, the ranking member of my committee. Sunset provision, it's not really necessary because this Congress can take it up anytime they want. They don't have to wait 5 years. They can take it up next week, next year. So I think that's just making a kind of a statement.

A couple of things I want to address. There was a reference to the geological survey. That reference was a report done over 10 years ago; and, really, with the detections we're finding in pesticides in our water bodies there are a lot of those pollutants from what we call legacy pollutants from years ago. Some of those detections are pesticides that haven't been used in the United States for many years. And, also, a majority of these detections are very, very low concentrations. We do have the technology to detect parts per trillion where not too many years it was parts per million, which are well below human health benchmarks.

As I said, the data is old. EPA, in the last 10 years or so, does regulate the pesticides. They certify pesticides coming on the market and the amounts that can be used under FIFRA. So that is working. The EPA can pull a product off the market if they deem necessary, if there's a problem.

The pesticides we're using today, and I'm speaking now as a farmer, are more biodegradable. They don't have the residue impact legacy. They don't stay around. They don't stick around in the soil. They break down in the soil. As a matter of fact, so many of our pesticides now break down so fast that farmers have to time the application to make sure they kill the weeds and

there's enough—it's not too soon that the crop, what we call cover crop, shades out the sun for the weeds to come up underneath the canopy. And so that's important.

We're using less pesticides. The numbers will show that American agriculture is using less pesticides in lesser amounts and safer pesticides with the biodegradable aspect that we're seeing.

I think it's also important to keep in mind that this bill, it will help bring certainty. Agriculture producers, municipalities have to spray for mosquitos this summer; they know what the rules are. They have certainty to move forward by passing this legislation.

This legislation does not stop the EPA's having control over the regulation of pesticides and the certification of pesticides. And, again, many States also have pesticide applicator certification, depending on the pesticide, make a lot of applicators go through the same process. So there's some stringent rules and regulations in place.

And I would contend that FIFRA is working. If it's not, if my colleagues on the other side of the aisle feel that's not working, then we need to address FIFRA and have a bill to work on that, debate that issue.

But I think you'll find out that agriculture's moving in a safer manner to protect the environment; and this bill will keep the FIFRA in place and the EPA under their authority and their control to protect the environment and public safety when it comes especially to mosquito control districts.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

This bi-partisan bill, which I am proud to co-sponsor, will prevent farmers all across Eastern Washington and our nation from being subject to a burdensome duplicative permitting requirement for already regulated pesticides. If we do not pass this bill today, on April 9, 2011, farmers and ranchers will be susceptible to fines and may be forced to stop producing.

American ingenuity has enabled farmers to produce healthier higher crop yields—that capability is regulated and monitored by the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) to ensure public and environmental safety. The delicate balance of responsible regulation of pesticides and innovation was subverted by the Sixth Circuit Court's decision in *National Cotton Council v. EPA*. That Court's decision mandates an unprecedented expansion of the Clean Water Act's (CWA) clearly limited regulatory prerogative by ordering pesticides that are already regulated and permitted under FIFRA to apply for additional permits not authorized under the Clean Water Act.

Time after time, we have seen special interests abuse the court system to try to side-step Congress in order to get a "pro-environmental" agenda implemented. If left unchecked, this judicially created rule would impose a substantial regulatory burden on our

farmers and ranchers—starting with requiring an extra permit for pesticide applications, thousands of dollars in fines for non-compliance, and an increased risk of lawsuits down the road. This is not what the authors of the CWA or FIFRA intended. The CWA is intended to protect our navigable waters—not prevent economic development.

I urge my colleagues to vote in favor of this commonsense bill and urge the Senate to immediately take up H.R. 872 and send it to the President for his signature so that farmers and ranchers in Eastern Washington can focus on feeding and powering America—not filing out duplicative permit applications.

Mr. VAN HOLLEN. Mr. Speaker, I don't believe anyone in this House supports truly duplicative or redundant regulation—and we should all be prepared to eliminate the headache and expense of unnecessary red tape wherever we find it. But that's not what's happening here.

In 2009, the U.S. Court of Appeals for the Sixth Circuit found in the *National Cotton Council vs. EPA* case that pesticides are pollutants whose discharge into our waterways is governed by the Clean Water Act. Today's legislation proposes to overturn that ruling and exempt pesticides from the Clean Water Act on the grounds that pesticides are already subject to registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

FIFRA registration is conditioned upon a finding that an approved pesticide "will not generally cause unreasonable adverse effects on the environment". While FIFRA registration weighs the costs and benefits of pesticide use nationally, it does not involve local assessments. For example, it does not consider whether a waterway is used for fishing or for swimming—or whether a waterway is already impaired. Indeed, with over 1000 waterways in the United States currently known to be impaired because of pesticide contamination, it is manifestly clear that FIFRA registration alone has not been sufficient to protect our nation's water.

For that reason, while I support efficient and effective regulation, I do not believe that exempting pesticides from the Clean Water Act is the answer to making sure our citizens have access to clean water. I urge a no vote.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to this legislation. Pesticide pollution in our waterways impairs fish habitats, threatens drinking water, and creates dead zones in our oceans. In its most recent "National Water Quality Inventory; Report to Congress," the Environmental Protection Agency (EPA) determined that pesticides are the sixth leading cause of water quality impairment in estuaries. In Oregon, according to the EPA, 19 of our water bodies are considered pesticide-impaired. If ingested in drinking water at high levels, pesticides can cause a range of health problems from cancer to birth defects to kidney and liver damage to nervous system effects.

This legislation would overturn a recent court decision requiring EPA to issue Clean Water Act permits for certain pesticide discharges. It doesn't make sense to take away these tools from the EPA without replacing them with something better. The EPA has struggled to address agricultural run-off and

other non-point source pollution under the Clean Water Act, and these sources will continue to be exempt from permitting requirements. But point source discharges of pesticides that leave a residue in waterways, which is the subject of this legislation, is something that the EPA can address and has now been compelled to address by a Federal appeals court. While the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires registration of pesticides and evaluation of their impact on human health and the environment, it does not involve a performance standard for specific bodies of water. In areas where pesticides have impaired water quality, I believe it makes sense to provide the EPA with tools to address that impairment.

I have heard a number of concerns from the agricultural community in my district about the specific standards being applied here as well as the increased burden of filling out paperwork. I look forward to working with stakeholders in my district to ensure the new requirements are not unreasonably burdensome. I would also support additional resources from the Federal Government to help counties, municipalities, public utilities, water districts, farmers, ranchers, and forest managers deal with any additional costs association with the permit requirements.

Mr. DENHAM. Mr. Speaker, I rise today to speak in favor of H.R. 872, the Reducing Regulatory Burdens Act of 2011. This legislation amends the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act "FIFRA", to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters.

In 2006, the Environmental Protection Agency, EPA, promulgated a rule that codified EPA's longstanding interpretation that the application of pesticides for their intended purpose and in compliance with Pesticide label restrictions is not a discharge of a "pollutant" under the Clean Water Act, and therefore, a National Pollutant Discharge Elimination System permit would not be required. However, the Sixth Circuit Court of Appeals vacated this rule in *National Cotton Council v. EPA*. In this case the Court required the EPA to develop a new NPDES permitting process under the Clean Water Act for the purposes of pesticide use. The Court-ordered deadline for EPA to promulgate the new permitting process for pesticides is April 9, 2011.

As a result of this court decision, EPA estimates that approximately 365,000 pesticide users, including state agencies, cities, counties, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists, and everyday citizens that perform 5.6 million pesticide applications annually will be affected, doubling the number of entities currently subject to NPDES permitting under the Clean Water Act.

Once the court order goes into effect, pesticide users not covered by an NPDES permit will be subject to a fine of up to \$37,500 per day per violation. In addition to the cost of compliance, pesticide users will be subject to an increased risk of litigation under the citizen suit provision of the Clean Water Act. The court ruling does not change any standards for pesticide regulation and provides no additional environmental or public health protection. It

simply adds a layer of unnecessary and costly bureaucracy.

This bill recognizes that pesticides are already regulated by the EPA under FIFRA and that any additional regulation would be burdensome and duplicative. I was proud to be a cosponsor of this legislation and support its passage through the Committee on Transportation and Infrastructure. Unfortunately, I was unavoidably detained during the floor vote on this bill and was unable to cast my official vote in support of the measure. If I were present at the time of the vote, I would have proudly cast an "Aye" vote because we cannot continue to subject the agricultural community to increasingly burdensome regulations. I am pleased that Congress was able to act on this bill and I look to the Senate for its expedited review and hope that the President will subsequently sign the measure into law. Our countries farmers deserve nothing less.

Ms. MCCOLLUM. Mr. Speaker, I rise today to oppose H.R. 872, the Reducing Regulatory Burdens Act.

Today, Congress could have had a legitimate and necessary debate about the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Does FIFRA do an adequate job of regulating pesticides or should the Clean Water Act supplement these efforts to address water quality issues? But that is not the debate we are having today.

Instead, the Republican majority is forcing a vote to ban the EPA from ever applying the Clean Water Act to pesticides discharges into our Nation's waters. H.R. 872 removes a critical tool the EPA may need to protect public health and it weakens America's most important clean water legislation.

This is a deceptive piece of legislation. Proponents claim H.R. 872 merely eliminates a duplicative bureaucratic process for pesticide application. In fact, if passed, H.R. 872 could permanently stop our ability to control and manage pesticide pollution found in America's rivers, lakes and streams.

H.R. 872 would reverse a 2009 court decision. That decision found that the use of some pesticides and herbicides at times is a form of water pollution requiring a National Pollutant Discharge Elimination System (NPDES) permit. Across the country, over a thousand waterways are known to be "impaired" or polluted because of pesticides. Many more waters may be polluted but have not even been tested. In my home State of Minnesota—land of 10,000 lakes—a past U.S. Geological Survey study concluded that pesticides in rivers and streams in central Minnesota were "ubiquitous." Endocrine disruptors possibly linked to the use of pesticides have led to the rise of mutating fish in the Mississippi River and 11 Minnesota lakes.

Pesticide pollution in American waters is a problem that requires close review. I believe EPA is doing its job, as determined by the courts, to investigate and attempt to reduce harmful pesticide discharges into water bodies. The Minnesota Pollution Control Agency has told my office that they are working diligently to implement the federal court decision and the EPA's permitting efforts. I am concerned that H.R. 872 would stop state pollution control agencies across the country from their important work of regulating pesticide chemicals in our water.

Moreover, H.R. 872 is being rushed to passage with little debate. It is being considered under suspension of the rules, a procedure usually reserved for non-controversial bills. Opposing witnesses were not allowed to testify during committee hearings and the Republican majority broke its promises to work with members who had offered and then withdrawn amendments in committee. This is no way to consider a bill that has serious consequences for human health, wildlife and the environment.

Instead of tying EPA's hands, Congress should be encouraging, even pressing, the EPA to address water pollution that is threatening the health of our families and ecosystems. I oppose H.R. 872 and the overreaching effort to rush this bill through the legislative process.

Mr. GIBBS. I urge passage of 872, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, H.R. 872, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

U.S. HELPING BRAZIL DRILL FOR OIL

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

Mr. POE of Texas. Mr. Speaker, gasoline has reached nearly \$4 a gallon, and 60 percent of the American people want the administration to open up offshore drilling. Yet the administration ignores the will of the people, remaining defiant in their war on domestic energy. They continue to block access to American natural resources, refusing to issue timely drilling permits, despite a Federal court order to do so.

However, the President has announced that the U.S. is going to help somebody drill for oil. We're going to send money, billions of dollars, to Brazil and their state-owned oil company. They will use American money to drill off their coast, and then we will buy the oil back from Brazil. Isn't that lovely?

It's mind-boggling and infuriating that instead of developing our own domestic energy supply and creating jobs in America for Americans, the administration wants to become more dependent on foreign oil. Instead of proping up foreign energy companies, we need to allow American workers to drill in American water. It is wrong for the administration to prevent the de-

velopment of our own natural resources while promoting the drilling off the shores of other countries.

And that's just the way it is.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2011

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

Ms. HANABUSA. Mr. Speaker, today, H.R. 1250 was introduced. Congresswoman HIRONO, along with Mr. YOUNG from Alaska, were among those, with myself, who signed onto this bill. It is the Native Hawaiian Government Reorganization Act of 2011.

This is a very misunderstood act. Well, what does it do? It really establishes us as meeting the fiduciary obligations that we have to the Native Hawaiians. This is a trust obligation that's been created long ago with the creation of the Hawaiian Homes Commission Act of 1920—1920, Mr. Speaker.

In addition to that, when Hawaii became a State in 1959, in it was contained really a public trust obligation for the betterment of Native Hawaiians as defined by the Hawaiian Homes Commission Act.

And then, of course, in Public Law 103-150 we created the concept of the Apology Resolution and, in that, recognized that we owe a special apology to the Native Hawaiians and a process of reconciliation.

This is what this act will do. It will give us the right to make things correct, and that is why I ask that you, along with the rest of the colleagues, support this.

□ 1800

THE AMERICAN DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, there is a lot of discussion here on the floor, around Washington, and across this Nation about the American financial situation.

Some people say America is broke. There couldn't be anything further from the truth than that statement. America is a strong, vibrant economy that far and away is the largest economy in the world. We are nowhere near broke. We do have a problem. We are running at a current deficit, and that deficit is expected to grow. But to understand the deficit and to begin the process of addressing it, we need to understand from whence it came. And so I am going to start this discussion out with, hopefully, an opportunity to get a sense of how it is that the American deficit has risen to the point where it is today.

Really, we need to look back to the Ronald Reagan period. During the Ronald Reagan period, he ended his Presidency with a projected \$1.4 trillion deficit for the 10 years beyond his Presidency. So we look at these things saying, okay, Ronald Reagan had 8 years. And then what was projected as a result of the policies during his Presidency? Well, what was projected was that the American deficit would grow by \$1.4 trillion.

The first George Bush came into office, and at the end of his Presidency, 4 years, the projection for the 10 years after he left office, continuing the policies that were in place at the end of his Presidency, the deficit would grow to \$3.3 trillion.

Similarly, the Clinton administration was in office for 8 years, and the policies that were put in place during those 8 years were projected to literally wipe out the American deficit—literally gone. A \$5.6 trillion surplus as a result of the policies that were put in during the Clinton period. Those policies were tax policies. Those were the expenditure policies, a policy that we call today the PAYGO policy. That is, if you are going to start a new program, how are you going to pay for it? If you are going to cut taxes, what are you going to reduce in the expenditure pattern?

So, Reagan, a \$1.4 trillion deficit projected beyond his Presidency. Bush, add another \$3.3 trillion. Clinton comes along, 8 years, deficits turn into a whopping surplus and literally paying off the American debt.

George W. Bush comes in in 2001, and right off the bat, major tax cuts not associated with spending cuts but just major tax cuts. That was in 2001, followed up with a second round of major tax cuts in 2003, and in between a whole new Medicare entitlement adding a new expenditure at the same time that taxes were being reduced.

And for those of you that remember that period in 2001, we did have 9/11, and immediately we started the Afghanistan war. I think most of us would agree that that was the right thing to do, but it was not paid for. It was actually borrowed money that paid for the early Afghanistan war, followed a couple of years later, 18 months later, with the Iraq war, which once again was not paid for but, rather, borrowed money.

The result of all of that and the total pullback of the American Government from regulating the financial industry, the housing markets, was the Great Recession. At the end of the George W. Bush period, it was projected by the CBO, nonpartisan Budget Office, that the deficit would grow by \$11.5 trillion if the same policies were left in place.

So where is today's deficit coming from? It is coming from the Reagan period, the first Bush period, the Clinton policies terminated, and the George W.

Bush policies put in place, leaving us with a projected \$11.5 trillion deficit for the next 10 years.

Now, the rest of the story is that, as a result of the Great Recession, the Obama administration came into office looking at this situation: An economy that was headed into not a recession but a depression and a huge deficit. That was put on Mr. Obama's plate the day he took office.

To deal with the Great Recession that could have become a great depression, a stimulus program was put in place, and it was expensive. And a bailout of Wall Street was actually put in place during the last 2 months of the Bush administration. A combination of those was somewhere about \$1.5 trillion to \$1.6 trillion, a huge whopping sum of money, but done for a good purpose.

And I don't know many economists, in fact I know of none, who would say it was not necessary. It was necessary that we deal with the Wall Street collapse and successfully stabilized Wall Street, the financial industry. It could have been done differently. Most of that money has now been repaid.

The money that was spent, about \$750 billion, on stimulating the economy was similarly successful in stabilizing the economy and causing it to rebound slowly, but nonetheless rebound.

Here we are today debating the best way to deal with the deficit. We have a proposal from the President that over the next 5 years to 6 years would significantly reduce the annual deficit; not creating a situation such as ended the Clinton administration, but bringing the deficit back into a situation that is sustainable. That is the President's proposal, based upon holding steady, no growth in the Federal budget over the next 5 years, having the economy bounce back; ending one of the tax breaks that was put in place by George W. Bush back in 2003, that is, the high income, that is, the millionaire-billionaire tax break which is still in place but would end under the President's proposal.

□ 1810

It is following along closely the recommendations of the Deficit Reduction Commission that was appointed.

Now, that is the President's proposal. What we are debating on the floor beginning early this year with H.R. 1, H.R. 1, a continuing resolution to fund the government for the remainder of the year, was a \$60 billion reduction in the discretionary expenditures of this government. No one believed that that would have a significant impact on the long-term deficit problem, but it would have a very significant impact on vital, vital programs that are necessary to continue the operations of this government.

So what are we to do? H.R. 1 passed this House and was rejected by the Senate. For me, that was the right

thing to do, because H.R. 1 was estimated by two different economists, not Democratic economists, but independent economists, that it would kill 700,000 jobs across this Nation; immediately increase unemployment in America, reducing tax revenues—unemployed people don't pay taxes—but simultaneously increasing the expenditures for unemployment insurance, welfare and the like.

That is not a very wise thing to do, but that is what our colleagues on the Republican side suggested we should do. And it passed, with unanimous Republican support. I think there were three or four Democrats that voted for it. I think they were wrong. I think the Republicans were wrong.

That doesn't solve the deficit. You cannot take 14 percent of the Federal budget, which happens to be the discretionary expenditures that were targeted by our Republican colleagues in H.R. 1, and expect to do anything meaningful about the deficit. The deficit has to be dealt with over a long period of time, and it has to be dealt with in such a way that we actually put in place the foundations for strong economic growth.

What are those foundations? Well, in my view, there are six of them. If this economy is going to grow soon, mid-term and late, that is, in the years ahead, we have to have the best educated workforce in the world. So in the Republican proposal was an elimination of funding for higher education, funding for the Pell Grants that allow young men and women, and older men and women, to go into the university system. Not a wise thing to do.

The second thing, if we are going to have a foundation of good, solid economic growth into the future, we need to have the best research in the world. Once again, the proposal, H.R. 1, and the two subsequent continuing resolutions that have funded the government cut, cut research, critical research at our national laboratories. Nearly \$800 million of funding for the Department of Energy research programs would be eliminated, laying off some 6,000 researchers, Ph.D.'s, scientists at the national laboratories that are working on research for energy production.

No one in this Nation would argue that we do not have an energy crisis. Check out the price of gasoline. We have a serious energy crisis. Yet the proposal would go right at the heart of the research that we need in order to solve the energy problem. Conservation, nuclear, cleanup of nuclear, research into photovoltaic, geothermal, all of the renewable energy research largely reduced and in some cases totally eliminated.

Health care. The fastest growing segment of our economy is health care. Research at the National Institutes of Health is wiped out, largely reduced. What kind of policy is that? If we are

going to have a strong economy, we need to have a well-educated workforce. We need the research.

Thirdly, we need to take up the issue of manufacturing. We need to make the things that come out of research. Manufacturing really does matter. If we were to take the American manufacturing sector, as weak as it is today, it would still rank as the ninth biggest economy in the world. Manufacturing in the United States took an enormous hit during the Great Recession. About 25 percent of the jobs that were lost were in manufacturing. We hollowed out our manufacturing sector. If we are to grow this economy, if we are to have a serious reduction in the deficit, then we are going to have to make sure that manufacturing returns as a principal part of the American economy.

I am going to move on with the other three elements and then come back to manufacturing.

We need to have a very strong infrastructure. This is everything from water to sanitation to transportation, rail systems and air systems. One of the things that will be brought up on the floor has to do with the air transportation system in the United States. That infrastructure is critical. Yet in the proposal that we have had from our Republican colleagues, we are actually weakening the infrastructure system of this Nation. That is not a wise thing to do. But, nonetheless, our economy depends upon that infrastructure.

International investments are necessary. We need to export. We cannot find our economy growing if we continue to rely on imports. They may be cheap, but in their cheapness, they destroy the American manufacturing sector. So we need to keep that in mind as a principal investment that we need to make. It doesn't come cheaply. It requires us to spend money on the Department of Commerce that is out there helping to open markets for America. It requires us to finance the Export-Import Bank and other Federal Government agencies that actually support the export of goods and services from America.

And, of course, we have got to pay attention to the defense of this Nation. In the Defense Department, we need to always strive for efficiency. Now, I happen to oppose the war in Afghanistan. It is costing us about \$120 billion a year. My view is we ought to end that quickly and spend some money focusing directly on the real threat, and that is the threat from al Qaeda and other terrorist organizations. We will come to that in a different discussion.

But those are the six critical investments: education, research, manufacturing, infrastructure, international trade, and defense. Are we doing well at those? Not if my Republican colleagues get their way with regard to the discretionary budget cuts.

There are some things that we can do that are not expensive. In fact, they ac-

tually will create jobs with no additional Federal expenditure. Let me turn to that at this moment.

□ 1820

My Democratic colleagues and I have developed a program that we call Make It in America. Make It in America. If America is going to make it, then we have to make it in America. What are we making? We need to make all of the things that this economy and this world needs for energy security—photovoltaic, geothermal, the new biofuels, the advanced biofuels—all of those things in the energy sector that allow us to prosper and to address the energy crisis, including—and I know the problem of Japan and the nuclear systems there. But 20 percent of our energy presently comes from nuclear. And that's going to be part of the future. So we need to make sure that we make it well, safely, and that those systems are made in America.

Manufacturing matters, and we need to make sure that our manufacturing sector is up to speed and actually making things in America. We cannot count on the Chinese or the Indians or any other nation to provide us with our manufactured goods. And the reason is that's where the well-paying middle class jobs are. It's been hollowed out over the last decade by, I think, unwise policies; but nonetheless we can restore it.

Let me tell you a couple of ways that we're proposing to do this in the Democratic Caucus. I love these charts. They seem to actually make a lot of sense and help display what we're talking about.

If we're going to make it in America, we need to make sure that we are educating and researching; and so these are crucial investments that I've talked about before—research, the health sector, science, a well-educated workforce with teachers that are capable of doing what we call the STEM—the science, technology, engineering, and manufacturing kinds of education. And we need to make sure that our workers are prepared to take on these jobs. So that's the first step. That's the education and the research step of it. And these are investments, and we need to make those investments.

Let me give you a couple of other examples of where public policy really becomes important. Photovoltaic, invented in America. Wind turbines, they have been around a long, long time, windmills and the like; but many of the modern technologies that are in the wind turbine system are American research. And, of course, transportation. It turns out that we don't really do much of this—or at least a year ago we didn't do much of this. We were importing the solar systems, the photovoltaic systems, importing many of the wind turbines that are out there in the wind farms providing us with en-

ergy and importing from other countries buses and trains and light rail systems.

What we say in the Democratic Caucus is each of these are programs that are subsidized or paid for with your tax money. There are subsidies for solar, photovoltaic systems. Good. We've need to do these kind of things for energy security, and it's a good place to spend tax money to encourage the development of those kinds of systems. All well and good.

But where are those solar panels made? Are they made in America, or are they made overseas? Our view and my own personal legislation is if you want to use American taxpayer moneys to help you buy a solar system either on your business or on your home, then you buy American-made solar systems. If your transit district wants to buy a bus using our tax dollars—this is the excise tax on gasoline—18½ cents for gasoline and 25-plus cents for diesel fuel—if you want to go buy a bus from your local transit district—good. We need public transportation. But if you're going to use the public's tax money to buy that bus, then you buy a bus that's made in America. Make it in America. If you're using our tax dollars as a transit district or as a business or as a homeowner with a solar panel or a bus, then you use that tax money to buy an American-made bus.

Similarly, with wind turbines. This is a personal thing for me. In 1978, I authored the first State legislation for wind solar tax credits to get that industry started. And it did start. Altamont Hills, California, which I currently represent, has the oldest wind farm in America. Good. We're rebuilding those turbines, putting in new modern turbines, and we're expanding the wind industry in this Nation. Good. We need to do that. And we're using our tax money to subsidize it. That's good, too. But where is that wind turbine built? Is it built in Europe—Spain, Germany, Belgium? Or is it built in America?

Too many of these have been built in other countries using our tax money. And I'm saying with my legislation and the support of others that if you're going to use American taxpayer money to invest in wind turbines, then you buy American-made equipment, period. We don't need to buy Chinese wind turbines when we can make those in America.

These are ways in which we can rebuild our manufacturing base. It turns out that in the San Francisco Bay Area there is the Alameda-Contra Costa Transit District that has within that district one of the last remaining bus manufacturers in America. But until very recently that transit district refused to buy buses from a bus manufacturer in that district that was making buses that were every bit as good as buses made anywhere in the world.

They have recently changed that policy.

Similarly, in the San Francisco Bay Area, the Bay Area Rapid Transit District, BART, was buying trains and wanted to continue to buy over \$300 million of trains from foreign manufacturers. Many of us said whoa, whoa, whoa. Stop. Time out. Don't do that. Let's buy trains that are made in America.

So Siemens, a German company, has established a manufacturing plant and is upgrading a long-existing manufacturing plant in Sacramento to prepare itself to successfully bid for the manufacture of high-speed trains in California and around the Nation, as well as light rail systems, which they are now and have been for some time producing in the Sacramento manufacturing plant. Good. That's how we can use our tax dollars to rebuild the American manufacturing base.

As we do that, we rebuild a vital part of America's economy, that part of America's economy that was traditionally the heart and soul of middle America, the great American manufacturing sector. This is possible. Does it take new money? It takes a redirection of money that we have been spending for some time.

Let me add one more thing to it. As we look at the renewable industry, let us think about where we can find additional money to enhance the renewable energy industry. For one century, America has subsidized through various tax breaks the oil industry. We did that for the purpose of creating a very strong, viable oil industry that provided us with energy. It was eminently successful. The oil industry is the most profitable industry in America, and probably around the world. Very, very successful.

Do they need a continuation of tax breaks? Well, if you ask them, of course. Everybody wants a tax break. But do they need it? Not when they're running over the last 10 years just short of a trillion dollars of profit. The American oil industry in the last decade has earned \$950 billion of profit. Do they need a tax break anymore? I think not.

I think we take that tax break, which, depending upon how much and whose estimate, is somewhere north of \$10 billion, maybe as much as \$20 billion a year, and use that money to build our renewable energy sector, subsidizing these kinds of things—photovoltaic, advanced biofuels, algae fuels, wind turbines—and to enhance our transportation sector.

□ 1830

These are strategies that we ought to employ. However, as to what is happening today, instead of taking the long-term view and making critical investments that actually will give us the foundation and the start to rebuild

the American economy, we are going the other direction. I should say, my Republican colleagues are going the other direction. Many of us think it is the wrong direction. We should not shortchange those investments that actually will create short-term and long-term economic growth. It's critical that we continue to invest in those six things: education, research, transportation, manufacturing—obviously, we have to continue to invest in national defense, but we'd better be very, very wise.

As we do these investments—and, in fact, in everything the government does—we must always strive for two goals: that every program be effective, which is that it actually achieves its stated purpose, and that it be done efficiently. I call these the two E's: efficient and effective. If it's not efficient, then change the program so that it would be efficient. If it's ineffective and inefficient, it should be terminated. It's very simple. But if it is effective and efficient, then maybe we ought to continue it.

Now, in this recent week, we've had our Republican colleagues put forth four bills that literally terminate all of the Federal Government programs, save two, to rebuild the housing industry in America and, more importantly, to help those families that are in desperate trouble with their mortgages. Of those programs, some of them were ineffective, necessary but not yet effective and not up to the kind of efficiency that we would want. That doesn't mean they should be terminated; that means they should be modified because the problem continues to exist.

There is a homeowner mortgage problem in America of enormous, enormous importance. Some 10 million American homes are underwater. It's a problem. We've got to find a way of dealing with that, not just ignore it and not just wipe out programs that we would need. We need to have efficiency, so we look for not a bill that would eliminate it but, rather, a bill that would modify, create more efficiency, and continue to address the problem.

To this date, our Republican colleagues have only moved to terminate, not to replace, not to rebuild. Similarly, with health care, there has only been a bill to terminate, not a bill to improve when we know that we've got an ongoing problem.

I'm going to just wrap this up and let it go where we are, but let me go back and review very, very quickly.

There has been a raging debate here in Congress about the deficit. Where did it come from? How did we get to where we are? How do we solve this problem in the future?

The deficit didn't start with the Obama administration. It started way back, actually, a little bit before the Reagan administration, the Reagan

and the George Bush I administrations. It was dramatically altered by Clinton, which actually would have, if those policies had continued, created a surplus, almost wiping out the total debt of America. Then it was run up bigtime during the George W. Bush administration.

These are projections 10 years following, if we'd continued the same policies, as to what would happen. That's where it started. Then there was the great recession and the effort now to deal with that.

The Obama administration has put forth a proposal that follows closely, along with the recommendations of the deficit reduction commission, that says: Don't—don't—do anything that would harm the current recovery, like make an austerity program, like make massive cuts. Yet our Republican colleagues have done and proposed exactly that. Fortunately, the Senate has not gone along with that, but we are nickel and diming our way towards \$30 billion of cuts that may, in fact, cause us to see a decline rather than a continued growth in the economy. We must watch that very carefully. So that's the deficit piece of it.

Manufacturing matters. We need to be sure that we rebuild our manufacturing sector. There are many different pieces of legislation, of tax policy. I didn't mention this earlier, but one of the tax policies put forth by the Democrats last December—it actually went into law—was to encourage investment by private companies in capital equipment, allowing those companies in the first year to write off immediately 100 percent of the cost of capital equipment. A good idea. Unfortunately, very few of our Republican colleagues voted for that. In the manufacturing sector, let's make it in America. Let's use our tax dollars to make it in America. With all of the energy programs, transportation programs, let's use our tax dollars to buy American-made equipment.

Finally, research and education. This is not where the cuts should occur. Yet our Republican colleagues are suggesting that that's exactly where it should happen: major cuts in research, energy, education, health care. You cannot make those cuts and expect this economy to be competitive.

One little fact that I just heard about today is that it is expected in the coming year that the Chinese economy will produce more scientific advancements than will the American economy. This will be the first time in, perhaps, three-quarters of a century that the United States Government will give up its lead in scientific advancements. This is not the time for this Nation to make cuts in our science agenda, whether it's in the medical/health care area, the energy area, or in any of the other kinds of research in which we have always been the leader.

Food for thought. Things for us to consider.

I would like the American people to be aware of the real deficit story. You cannot solve it by making massive cuts in just 14 percent of the budget. Yet that's what our Republican colleagues are doing. We need a long-term plan, one that is 5 years, 10 years, to bring our budget back into balance. We can do it. It was done during the Clinton period.

This little chart here gives you some idea of one half of how the Clinton period brought about a budget surplus. This is the spending side, and these are the expenditures of the American Government as a percentage of the economy.

During the Reagan/Bush period, 22-23 percent of the American economy was for government expenditures. It dropped down to 21, but it basically bounced between 21 and 23 percent. During the Clinton period, as a result of policies that were put in place during his period—PAYGO, reinventing government, and other governmental policies—we saw a steady decline in the percentage of the economy that was going to the Federal Government. At the same time, we had very strong economic growth. Those are two of the three things that operate together. There was also a Clinton tax increase that took place that basically added an additional tax burden at the very, very top of the income categories. So the combination of those reductions in the percentage of the economy that was used, good economic growth, and a tax increase that occurred in the very early period, particularly a tax increase on the very wealthy, led to a surplus. George W. Bush came in in 2001-2002, and things reversed.

□ 1840

First of all, there's an increase in the percentage of the economy that went to government, principally the Medicare drug program and the wars, and then this very, very steep rise that occurred right at the end of the Bush administration as a result of two things: one, a plummeting of the American economy as the Great Recession took hold in 2008 and the effort to deal with the Great Recession with the stimulus; and right here at the end of the Bush 2, the financial bailout. And so that's why we saw this extremely high line.

Now, you notice that in the last period, which is the 2010-11 period, we've begun to see a decline once again in the percentage of the government, of the economy that is government spending; and, if we follow carefully the budget that's been put together by the Obama administration, this line will continue to fall back into the 20 percent, 21 percent range, bringing back into balance the Federal expenditure. It cannot and will not happen overnight. It's going to take us 5 years, maybe even longer, to bring this thing back into balance.

Keep in mind the words that were used by the recommendation of the budget deficit commission: Don't do anything immediately to harm the American economy by making rapid, unnecessary, unwise cuts in the Federal expenditure. That will put people out of work. 700,000 people would lose their jobs immediately with the proposal that was put forth by the Republicans but fortunately stopped by the Senate. If that had become law, 700,000 jobs immediately lost and a spike once again in this ratio of government spending.

So we've got work to do. We can do this, but we need to take the long vision, and we need to be very careful that we make the critical investments.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. WEBSTER (during the Special Order of Mr. GARAMENDI), from the Committee on Rules, submitted a privileged report (Rept. No. 112-46) on the resolution (H. Res. 189) providing for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WHAT'S SO SPECIAL ABOUT LIBYA?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, always an honor to come to this floor in these hallowed Halls and address the issues of the day.

My colleague from across the aisle was discussing jobs. That is so important to most Americans, and there is one way we could do a great deal toward immediately putting Americans back to work, and that would be if we started utilizing more of our own energy resources, which is what this Nation has been so blessed with. When you consider all of the natural resources that are natural energy sources—coal, natural gas, oil, we do have wind, places where solar works—but all of the carbon-based energy resources that are so valuable around the world, the ones for which we keep paying trillions of dollars to other nations that could be utilized here in the United States and could be utilized to

create jobs right here at home, it does not make sense to keep sending hundreds of billions and trillions of dollars to countries that don't like us. We're doing that through the purchase of energy.

I've listened to all the explanations about why we've gone into Libya that have been made in the press. Those press conferences, all kinds of releases by this administration, and you still come back to trying to figure out why Libya was so much more important than Tunisia or so many of the others, Iran.

I mean, the people of Iran have attempted rebellions against madman Ahmadinejad, and this administration didn't seem to lend a helping hand, and that's a nation whose leader has sworn to see that the United States, Ahmadinejad said, will soon no longer be a Nation. As Ahmadinejad had said, we'll soon be able to experience a world without the United States and Zionism. So he says he's going to eliminate the United States; we're going to eliminate Israel. That ought to cause concern.

Have we lifted anything other than trying to prevent people from buying goods from Iran? Not really. Oh, yes, and those sanctions are going to work, and probably in another 15, 20 years they've got a real chance of working. The trouble is, in 15 or 20 years—and, actually, the possibility exists in a whole lot less than 5—if we continue to persist in sanctions and nothing more with Iran, they will get nuclear weapons, and then they will give us a choice: either remove the sanctions or count on a nuclear blast coming in your country. That's why we have to prevent them from getting nuclear weapons. But we use them, and they will certainly threaten to use them so that they can get what they want. In fact, they may get more by threatening the use once they have them than they would to actually use them.

But Ahmadinejad has made clear in a number of settings he expects the 12th Imam, the Mahdi, to be coming, and he believes he can hasten the return of the Mahdi, have a global caliphate where all of us fall on our knees supposedly or die. Well, we could prevent that, could have stopped it long before now, but we haven't.

So what makes Libya so special? It's really interesting, and it's hard to put our finger on it. Libya does produce oil. China, I understand, may be the biggest purchaser of Libyan oil but not the United States. So why should we go rushing to spend hundreds of millions or billions of dollars in Libya? Europe, England are big customers of Libyan oil. So why would we be running to help Europe and England with their Libyan oil? Well, the President's made clear, it's because they asked us to. You know, we've got a number—and Secretary Clinton has also said, she's

made the rounds of the news programs, the Arab States asked us to, the U.N. asked us to, Europe and England's asked us to, so why would we ever need to come to Congress.

It's been made very clear, you know. The public has heard those comments. You don't have to come to Congress when the U.N. has said that's something that needs to be done.

It's interesting, though, I don't recall any of the Cabinet members or the President raising their right hand and taking an oath to defend the United Nations. I was thinking their oath had to do with our Constitution and our country.

And it's also been made clear that Libya was not a threat to our national security, not a threat to our vital interests; yet we're willing to put our treasure and our American lives on the line for something that's not in our vital interests. That does not make sense.

□ 1850

But then again, as you continue to piece together the Obama doctrine—we get it, that apparently intervening, risking American lives, and spending American treasure that this administration didn't earn but they are taking away from taxpayers and then borrowing from others, that's okay if it kind of feels like it ought to be something we do, you know?

If it feels like we ought to go to Libya and risk American lives and spend all that American treasure, then let's go because, after all, people asked us to do that. Why would we not go when people around the world ask us to do that? Could it possibly be that a reason for not doing it is because an oath was taken to this country—not to the U.N., not to the Chinese or the European constitutions or the European Union, but to this country? This is where the oath was taken. These are the people in America for whom and to whom the oath was made.

But then we look at energy again and we look at spending treasure; and as more people are finding out, in the last couple of years this administration has said, You know what, we're shutting down drilling on the gulf coast. We're not just going to stop the one company that had around 800 safety violations while others had one or two during the same period because, see, that's British Petroleum.

And British Petroleum, as we found out, was poised to come public and be the administration and the Democratic Party's one big energy company that rode in on a white horse and said, we support the cap-and-trade bill. We're going to make money like crazy for BP on the side trading in carbon. These stupid Americans. They don't get it. It's a transfer of wealth like nothing anybody has ever seen before. The American people lose. Companies like

BP and General Electric, they'll all win big. But the American people lose.

They wouldn't go after BP. It took so long to go after them. And when you know that BP was going to be their big energy company to embrace and endorse the cap-and-trade bill, then it makes a lot more sense as to why it took the administration so long to respond. Then of course we will recall the President sat down with the BP exec and said, Okay, let's tell the American public that you are going to put up \$20 billion. They did. Well, that saved some feelings, but there was never \$20 billion put up.

So isn't it amazing. We don't know what all was discussed. We don't know what all quid pro quo was promised for BP coming in and offering large sums of money. Obviously, there were a lot of people on the coast that were devastated and continue to be devastated who were not compensated by any money from BP. But nonetheless, it took the heat off of BP for a while.

So perhaps the administration thought that after having the moratorium and putting tens of thousands of families out of work, putting tens of thousands of families onto unemployment insurance, devastating tens of thousands of families, perhaps the administration thought that nobody would notice that the first permit that was extended after this moratorium, to hurt the Southern States—it actually hurt the whole country—but the first permit, I believe, went to Noble Energy Company.

But the major investor was a company called British Petroleum. Now, was that a quid pro quo? Okay, BP, we are not going to be able to take you out into the Rose Garden, have you announce that you support the cap-and-trade bill because, you know, you are just not well thought of right now. It wouldn't work right now. But there will be pie in the sky by and by if you will just play along with us for a while. Who knows what conversation occurred there.

But isn't it interesting that BP was the largest investor in the company that got the first permit after the drilling moratorium.

Now, understand, there haven't just been a glut of permits come rushing forward. There are still tens of thousands of families that were made destitute by this administration because they chose to punish the entire South and even the country, rather than allowing energy jobs to go forward in the gulf coast area.

So imagine the surprise of some of those destitute folks that have just been traumatized by this administration when they find out that our President has just been down in South America, telling the Brazilians that we think so much of their drilling that we're going to loan them \$2 billion to drill off their coast and that, when

they strike this oil off their coast, the President tells them, We're going to be your best customer.

Why couldn't we be our own best customer? Why couldn't we be drilling off our own coast? Why couldn't we be drilling in ANWR? Why couldn't we be drilling in the North Slope area where there's no drilling allowed yet? We would be our own best customer. We would create millions of jobs not just in the oil industry but all kinds of jobs if the President were not wanting to punish this area.

I mean, it's as if we're wanting to punish free enterprise. Actually, we've had a very cold winter where I live. Yet the EPA, under this administration, doesn't care, and they don't care that the new regulations they are coming out with would not have maybe one-billionth of 1 percent effect on the CO₂ level in the atmosphere.

Yet as a result of this administration and their war against jobs—the war on jobs—you've got the EPA out there trying to put people out of business, keeping people from hiring, when the truth is, when those jobs leave here, they go to South America. They go to China, India, different places. Then they pollute a minimum of four times more than the pollution in this country from the same industry because we do a good job of policing industries.

When the economy is going well, that is when you have the best chance of really cleaning the environment because when an economy is struggling—and China knows about a struggling economy, trying to employ people, keep them from getting upset and revolting. When an economy is struggling, people don't care so much about the environment. They are more interested in just feeding themselves, having a roof over their heads, and surviving. So if you want to help the environment, if that is the true purpose, then what you do is allow the economy to thrive.

This President has had a war on jobs, and that continues—oh, I'm sorry. I should qualify that—a war on jobs in America. Because obviously we're helping create jobs in Brazil. We're helping the Democratic largest contributor, Mr. Soros, with his single largest investment for drilling down in South America or Brazil. So the Democrats' largest investor is going to make a tremendous amount of money because we're loaning \$2 billion to pay him for his investment down there to do the drilling that we won't allow in this country.

Why is it that our global President is more interested in creating jobs in Brazil than in the United States? I guess, whenever we find out that reason, it may help us understand why we expend American treasure and risk American lives in a country that is of no vital interest to this country.

It is interesting. When you look at the history of Muammar Qadhafi, this

is not a nice man. This is not a man that should have avoided prison and perhaps even capital punishment, depending on the charges, the evidence, and proving the charges.

□ 1900

Yet you have to look at what will replace Qadhafi when he's gone.

Now, first we hear from the administration, no, there's no al Qaeda there rebelling, and then we find out, yes, there is. They're involved. The Muslim Brotherhood is involved in the rebellion in Egypt.

Now, Mubarak was a dictator. We're not big fans of dictatorship in this country. But when you have to look at the national vital interest here and you have a man who is in charge in Egypt who is not a threat to the United States and was living as best one could with the status quo next to Israel and yet there is an effort to throw Mubarak out of office and any kind of decent intel would indicate you've got the Muslim Brotherhood that in all likelihood will replace Mubarak, then why did we call for Mubarak to leave and allow himself to be replaced by a group that wants us all to bow the knee in one giant global caliphate to religion when some of us believe in our own, my case, Christian beliefs, heart and soul, which I had hoped to get through this life without having to die for?

But there are people who are trying to take over Egypt who've given great encouragement to. There are people in Libya that are wanting to take over that country and its powerful military who would like us to either convert from Christianity or to lose our heads. Why would we be helping them? That's a difficult question. So if it weren't so serious, it would be an amusing game to try to figure out what this administration is attempting to do.

What is the Obama doctrine? When it comes to the budget, the President gave a wonderful speech. He read it impeccably well, about how we have got to cut spending. He gave that speech right before he released his budget. And that budget was projecting around a \$3.75 trillion expenditure when we were only going to take in around \$2.1 trillion. So he gave a speech about cutting spending, and he's been doing that the last 2 years, and it turns out the first year we had a \$1 trillion deficit. The next year we had more than that. And this year the President's proposed a budget and spending that will be a \$1.65 trillion deficit. That makes no sense. Why would you give speeches saying you're going to cut spending, and yet every year it goes up and up dramatically? That doesn't make sense.

Yet we know the results of the election in November indicated very clearly the American people want the spending cut. We can't continue to live in a

country that is running up trillion dollar deficits. People will quit buying our bonds. We're dangerously close to having our bonds downgraded, our rating lowered, and if that happens, interest rates go up. And if the interest rates go up like that, that will give fodder to those who are demanding that something besides the dollar be used to buy oil. I mean, it could put this country in a terrible financial spiral downward from which it might be impossible to pull out.

I was in a plane once when I was told the baffles were taken out. It was aerobically qualified, and I was being allowed to sit in the copilot's seat. It was a crop dusting plane, and it was kind of fun flying the plane with the joystick.

I said through the radio system in the plane to the pilot, This thing is aerobically qualified, isn't it? You know, we could do loops and go in and out of spins. And he said, It would be, but we removed the baffles from inside the wings where the gasoline for the fuel is stored; so if we go into a spin, then the fuel all runs to one end of one wing and we go into a spin we can't get out of, and we'll crash and both of us die.

Well, that's kind of where we're heading with this thing. If we don't get the spending under control, one thing leads to another and we're in big trouble. And it's got to stop.

At the same time, we're supposed to be helping Americans with better health care. If you liked your insurance, you were going to keep it. Yet we found out that absolutely was not true. If you liked your doctor, you can keep him. We found out that absolutely was not true. It's a bad bill.

Then when you find out that the prior Congress not only passed that 2,800-page bill with all kinds of things in it, including a new President's commissioned officer corps and non-commissioned officer corps, do we really need that, I wondered, when I had read that in the bill.

But then when you find out we're being sent to Libya and going to use our treasure and our American lives there, maybe there's intention to so deplete the military that we're going to need that Presidential reserve officers commissioned corps and noncommissioned corps that the President can call up on a moment's notice involuntarily, according to the ObamaCare bill.

But the trouble is there's already been \$105 billion appropriated. It's like writing postdated checks that are due to be cashed each year into the future. Well, you're really not supposed to do that. That's not appropriate.

This isn't like Social Security where it is controlled by formulas and it's in automatic motion. This was just an appropriation. It's not mandatory. It could be repealed; but, to do so, it actually has to be rescinded.

My friend STEVE KING has got a bill that would prohibit any money that's currently been appropriated through the present from being utilized for the purposes; in other words, it ties the hands of the administration from using any of the money already appropriated for the purposes of implementing this ObamaCare program.

DENNY REHBERG has an amendment that was voted in that also has some effect in that regard.

JACK KINGSTON is an appropriator and has come up with an idea that a couple of us have joined forces with him, and I think we've got around 22 cosponsors, and that's growing constantly. But it is an approach that I would hope would attract Democrats in both the Senate and the House because it is an important principle. And I would certainly hope that it would attract Democrats in the House because it, in effect, says we're not going to do postdated checks for something besides Social Security, those type of things that were controlled by formulas. We're going to cancel the postdated checks.

Now, it should be attractive to my friends in the minority now because, someday, they may be back in the majority. If and when that happens, they surely would not want the Republican majority to have passed a decade worth of spending bills, not for Social Security, not for mandatory spending, but a decade worth of spending with postdated checks, say you can't ever stop this.

So the principle that the Kingston bill would stand on is that these type of things must be taken up annually. So we're going to cancel all the postdated checks that were going to be cashed in the future. And if the Democratic Representatives get back in the majority, some will say it's not a good idea, because if they get back in the majority, they can just appropriate that money. Well, of course they can.

□ 1910

They can pass a whole different health care bill if they get back in the majority. That's the way it works. When you are in the majority, you can pass things.

So it would not be unfair to just say we are canceling all those postdated checks, we are canceling \$105 billion worth of spending; and, if you get back in the majority, it is up to you what you appropriate. But as long as we are in the majority, we are not spending that money.

That allows us to keep our promise. It allows people on both sides of the aisle to say we are standing on principle and on procedure that the majority should rule in the legislature, and not a minority that years ago was a majority. That's a better way to do it.

So there have been those questions. Some have said, why make it so complicated? In the new bill that we have

proposed today and filed today, it would effectively end the \$105.5 billion in the funding that was in Obamacare by turning them into an authorization without the appropriation. That means not this or any future administration would be able to spend the money without first coming to Congress and getting a majority here in both the House and the Senate to approve it.

Now, there are those that say, well, you know, there are a few good things in that Obamacare bill. Well, my gosh, when you have a 2,800-page bill, there surely ought to be something in there that is decent. And there were a few good things. But why not make those a 25-page bill instead of a 2,800 page bill? Why create all these hundreds of new agencies, the hundreds of thousands of pages of regulations, all those things that come from this massive government overload? Why not just do away with all of those things?

That is what we should do, and then start, as Senator Obama had said we should do when he said repeatedly we ought to have negotiations on a health care bill. We ought to have hearings, we ought to have negotiations that are public. Have them on C-SPAN if C-SPAN will carry it. Let everyone see who is in it for themselves and who is in it for the American people. I think the American people, even without seeing the negotiations on Obamacare, got the message who was for the American people, and that is why the House changed hands.

So we hope that in the next few days there will be more and more people get on board, because this is an important principle: A minority, even though they once were a majority, should not be able to bind future Congresses on things that are not mandatory through formulas like Social Security.

Now, with regard to Libya, there were some interesting quotes from the President's speech. He had pointed out that Qadhafi had denied his people freedom, exploited their wealth, murdered opponents at home and abroad, and terrorized innocent people. This had been going on for years. It certainly had been going on all the time that President Obama has been in office. It was going on when he was a Senator, and he had never called on these kind of things before.

But he goes on. Just two paragraphs down, he says, "Joining with other Nations at the United Nations Security Council, we broadened our sanctions, imposed an arms embargo, and enabled Qadhafi and those around him to be held accountable for their crimes."

Now, I'm familiar with holding people accountable for their crimes. As a former judge and as a former prosecutor, I have done that, held people accountable for their crimes. I don't see what this administration has done to make Qadhafi accountable for his crimes. In fact, there was discussion in

the news today that this administration is floating the idea of some type of amnesty if Qadhafi will just leave. So that statement in his speech may be like the one, if you like your health insurance, you will be able to keep it. It sounds good, but it has no basis in fact.

The President said, "Military jets and helicopter gunships were unleashed upon people who had no means to defend themselves against assault from the air." My understanding is that has happened in Burma, Pakistan, possibly in Syria. There are a lot of other countries it has happened in where we haven't gone against the administration in that country. So that was a little puzzling.

The President said, "So 9 days ago, after consulting the bipartisan leadership in Congress, I authorized military action to stop the killing and enforce U.N. Security Council Resolution 1973." But the fact is, we have been told repeatedly that this administration had the support of the U.N., to whom the President did not take an oath to defend and did not have the consent of the governed in this country—not the governed and not the governed's legally elected representatives.

Now, the President said in his speech, "We hit Qadhafi's troops." Well, I would think, with the President's broad education, he would understand if an infidel, or an infidel country like we are considered, kills Muslims, then we are worthy of death under what they consider the law. So if the President is right and we haven't just shot rockets and taken out certain type of military hardware, we have actually killed Muslims in Libya, then we have not made ourselves a bunch of friends. In fact, that may be one of the reasons we see the President's image being stomped on and burned and destroyed in effigy in Libya and foreign countries.

The President said, "I said that America's role would be limited. We would not put ground troops into Libya; that we would focus our unique capabilities on the front end of the operation, and we would transfer responsibility to our allies and partners." In other words, we are turning over command, but our U.S. military is doing the lion's share of the fighting. And so we keep hearing that in the news. This administration is turning over the lion's share of the effort when actually they are turning over the leadership.

My office made an official request yesterday of the administration to know what percentage of the military of NATO is U.S. military, and we were given the figure 65 percent. So it doesn't come as a great comfort to many of us that we are turning over this great responsibility that we have led as helpers in Libya to NATO when we are 65 percent of NATO. That is one of those things that sounds good. Kind

of like, if you like your insurance, you can keep it. But it really doesn't have much basis in fact for comfort.

The President said in his speech, "NATO has taken command of the enforcement of the arms embargo and no-fly zone." Yet, it is confusing, because those speaking for the administration here in Washington seem to indicate that we have not yet turned over command.

He says, "Going forward, the lead in enforcing the no-fly zone and protecting civilians on the ground will transition to our allies and our partners." I guess that means NATO, which we are 65 percent of.

I know I look stupid sometimes, but, I mean, I can get that. If we are turning it over to a group that is 65 percent us, we really haven't turned it over. Unless we want to say, "Yeah, but we are not leading anymore. We are putting our military under the command of foreigners who have never taken an oath to support and defend the Constitution of this country."

□ 1920

How do you feel good about that? Well, it is hard for some of us to feel good about it.

The President says Libya will remain dangerous. The question is, dangerous to whom? We saw that after the invasion of Iraq, that Qadhafi threw up his hands and said, Hey, we will give up nukes, we will give up pursuing anything. We don't want you to invade our country, so we want to work with you. We saw a similar attitude after President Reagan dropped a bomb down his chimney.

So we know that, as long as Qadhafi knows we have a strong President who will go after him if he does anything to us, then we have nothing to fear. But we also know from his history that if he is not controlled, if we do not have a strong President who is willing to go after and punish those who are attempting to destroy us, then maybe he is dangerous. Maybe that is what the President was talking about in his speech.

Anyway, the President said we also have the ability to stop Qadhafi's forces in their tracks without putting American troops on the ground. But, here again, it didn't have the support of the American people; it didn't have the support of Congress.

It brings back to mind, when George W. Bush was President, he enjoyed playing golf. He still does apparently. I never played with him, but I understand he is a good athlete. But once troops were committed to harm's way, President George W. Bush said it didn't feel right for him to be out on a golf course while troops he committed to harm's way were in danger, so he gave up playing golf for the rest of his administration.

Yet the current administration has a President at the top who not only

doesn't feel any qualms about playing golf while we have troops committed that he committed to harm's way, he will also play golf and pause long enough to commit more troops to harm's way.

The President said the democratic impulses that are dawning across the region would be eclipsed by the darkest form of dictatorship. That is, unfortunately, what the majority of Americans are concerned about happening here in America if we get away from the legislative process and forcing bills through that are not supported by the American public and forcing American commitments in places that America does not support and spending beyond anything a drunken sailor would have ever spent. We are afraid of what is happening in this country. We are afraid of what is happening to our economy.

The President said it is also what the Libyan opposition asked us to do. Well, then we find out the Libyan opposition is composed of, at least numerous members are part of al Qaeda and the Muslim Brotherhood; and apparently al Qaeda and Muslim Brotherhood representatives had not asked us to intervene militarily in Egypt or Tunisia or Syria. Maybe that is the difference, I don't know. But it is disconcerting.

The fact is, when you look at the oath we took, our allegiance is to this country. It is not to the United Nations; it is not to other countries. It is to this Nation. So a serious look at Libya and the problems there might deserve some intervention. But first we have to ask the question, is whoever will replace Qadhafi more of a danger to this country than Qadhafi? If the answer is possibly yes, then we should not be sending American treasure and American lives to help intervene on behalf of people who would like to see this Nation destroyed. That ought to be pretty commonsense.

One other factor is Israel. We have a true friend in Israel in the Middle East. But, unfortunately, our friends have seen the way we have treated our best friend in the Middle East, Israel. We vote against them at times, like we did last May. We snub them in public ways people hear about. Israel's enemies hear about how we snubbed Israel. And Israel's enemies know when there is a crack and especially, whether it is there or not, a perceived distance between Israel and their greatest ally that used to be us. Then it is time to move. That is when the flotilla came last May, is after we voted against Israel. That is when a lot of these actions began taking place. People who want to see Israel gone seem to be in the middle of revolting in a number of countries around the Middle East and Africa.

We have got to come back to what is best for the United States, and it should be very clear. With the common

interests and beliefs that the people of Israel have in the value of life and the value of equality of people and the equality of women, those ought to be our friends. Those ought to be people who, when under attack, tell us we are next.

In this case, it is not a hard deduction to get to, because the people have said we want to eliminate Israel, the little Satan, and then the United States, the big Satan. So Israel is a great investment as a defense partner, because if they go, if they go down, we are certainly next, and also I happen to believe that, in blessing Israel, we can be blessed.

Before I conclude my time here tonight, it is so important to take a look historically at things that have been said in the past history of this Nation, that have been said in this building in official settings, that have been said by those who have led the way, carried a torch to light our way down the years. One such man was the Chaplain of the Senate, Peter Marshall.

I was given this book in the last couple of weeks, two or three weeks, "Sermons and Prayers of Peter Marshall," while he was Chaplain of the United States Senate. I would just like to read a prayer that Peter Marshall gave in the Senate for the historical value and insight of this brilliant man, a dedicated Christian.

He said: Our father, we are beginning to understand at last that the things that are wrong with our world are the sum total of all the things that are wrong with us as individuals. Thou has made us after Thine image, and our hearts can find no rest until they rest in Thee.

We are too Christian, really, to enjoy sinning and too fond of sinning to really enjoy Christianity. Most of us know perfectly well what we ought to do. Our trouble is that we do not want to do it. Thy help is our only help. Make us want to do what is right, and give us the ability to do it.

In the name of Christ, our Lord. Amen.

A prayer by Peter Marshall.

PROPOSED AMENDMENTS TO THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, I recently have given several Special Order speeches about my view of the Constitution and making my argument for why I think it should be amended to include certain basic rights that the American people currently lack, such as the right to a high-quality education, the right to health care, and equal rights for women.

□ 1930

I believe these rights should be given to the American people as a matter of moral and social justice. However, even more than that, I believe that there's a strong economic case for why these rights should be granted by this Congress. If we guarantee the right to an education of equal high quality to every American, and give the Congress the power to implement that right by appropriate legislation, then, Mr. Speaker, we will set off a true race to the top as States, cities, and the Federal Government are compelled to meet under the standard.

The nature of the problem: in 50 States there are 95,000 schools. There are 15,000 school districts; 3,141 counties; 19,000 municipal governments, and 30,000 incorporated cities. In all of that government there are 60 million children who are being asked to be the very best that they can be.

With my amendment, that means more teachers and teachers' aides and tutors for our kids. It means the construction companies and roofers and architects will be engaged to build new schools and improve old ones. It means technology companies benefit as computers and laptops are purchased; and, yes, iPads, Kindles, and Nooks replace textbooks.

I realize that there will be a cost to all of this, but I believe that if we can find the resources for wars in Iraq and Afghanistan and military action in Libya, then we can find the resources to educate our children and the American people. Most importantly, for 308 million Americans, we can't afford not to.

But, Mr. Speaker, I want to put my proposal tonight in some historical context, if I can. I want to suggest that through the course of human history, law is actually going somewhere. I want to suggest that at points in time from the earliest civilizations, progress has been made incrementally towards freedom, towards justice, and towards human rights.

I want to put our own Constitution and the Bill of Rights into the context at vital points in time. These documents are not the end all and the be all of democracy and freedom. No, Mr. Speaker. The very ability to amend our Constitution suggests that the Founders of our country see things the way I do—that the document they crafted was a landmark in human history, but not a perfect, final draft.

So, tonight, Mr. Speaker, I would like to take a walk through history to talk a little bit about where law and human rights have been, where they are, and where they're going. A couple of themes are going to emerge that as history shows that law is heading in a certain direction, we're going to see an action by a majority in this Congress heading in the opposite direction of human law through human history.

Like all civilizations, the roots of democracy and human rights lie in what is known as the Middle East—the Mesopotamian Empire. Although those early civilizations were decidedly not democratic and not inclusive of human rights, the evolution of law as we know it started there. Around 2350 B.C., Before Christ, Mesopotamia was ruled by Urukagina's Code, the oldest known set of laws. They are referenced in documents from the period as the consolidation of "ordinances" that claimed that kings were appointed by the gods, and affirmed the rights of citizens to know why certain actions were being punished.

Some 300 years later, around 2050 B.C., Ur-Nammu's Code was the earliest known written law. Only a handful of articles can be deciphered, but evidence suggests an advanced legal system with specialized judges, testimony under oath, and the ability for judges to assess damages to be paid to victims by the guilty party.

In 1850 B.C., we saw the first known legal decision involving murder of a temple employee by three other men. Nine witnesses testified against them, and three were sentenced to death. In 1700 B.C., Hammurabi's Code was carved into rock columns in Babylon. The underlying principle was "an eye for an eye." Some 282 clauses regulated an array of obligations, professions, and rights, including commerce, slavery, marriage, theft, and debts. Punishment by modern standards was barbaric, including cutting off hands or fingers as a punishment for theft.

In 1300 B.C., the Jewish Torah and the Christian Old Testament say that the Ten Commandments were received by Moses directly from God. Contained in the book of Exodus, those Commandments became the basis of modern laws against murder, adultery, and stealing. Around 1280 B.C., in India, rules passed down orally through generations were formally written down as the Laws of Manu. They were the basis of India's caste system, and punishment was used sparingly and only as a last resort. Interestingly, members of the higher castes were punished more severely than those in the lower castes.

In 621 B.C., Draco's Law was written for the Athenians. The punishment was so severe—often death—that we derived the word "draconian" from it. However, Draco's Law introduced the concept that the state, not private parties or vigilantes, had the exclusive role in trying and punishing a person for a crime. Shortly after Draco's Law, the Spartan King Lycurgus gave his oral law to the world. Lycurgus' Law held that women had a duty to have children. But if the children were deformed, they would be killed. Those who lived became wards of Sparta at age 7 when they began preparation for military duty.

In 550 B.C., Solon, an Athenian statesman and lawmaker, redefined

and refined Draco's Law by "democratizing" it, making it more accessible to the citizens of Athens. Around the same time, in 536 B.C., China created the Book of Punishments, which limited the ways in which somebody could be punished after being convicted of a very serious crime, but still allowed for tattooing, manipulation, the amputation of feet, and death as legal punishments.

In 450 B.C., the Twelve Tables in Rome were created. These formed the basis of all modern law. Under these laws, a system of public justice was developed whereby injured parties could seek compensation from guilty defendants. The lower classes—the plebes—were given greater protection from abuses by the ruling classes—the patricians—especially with regard to debts. The Twelve Tables also prohibited marriages between classes, severely punished death, and gave fathers the right of life or death over their sons. The Tables survived for nearly a thousand years until they were destroyed by the invading Gauls in 390 A.D.

One hundred years later, in 350 B.C., the first Chinese Imperial Code of Law, the Code of Li k'wei, dealt with the issues of theft, robbery, arrest, and other general subjects. It served as a model for the Chinese T'ang Code, which came about a thousand years later. In 339 B.C., the trial of Socrates played a role in the development of law. Accused of corrupting the minds of youth with his logic and of not believing in the gods, Socrates was a scapegoat for the loss of the Peloponnesian Wars. He was sentenced to death by a vote of 361-140, but his trial advanced the idea of the role of "conscience" in legal proceedings. Socrates was afforded the opportunity to speak to the jury and engage them in a dialogue. And, instead, he chose to give the jury a speech, criticizing them for their lack of sensitivity.

While it may not be contemplated as part of the traditional legal history, the life of Jesus Christ informs my personal understanding of the law. Under Jesus' law, pure motives, a mature love and grace unmerited, as well as nominal justice, good behavior, and honorable ends became important. Jesus was not replacing Moses' Law, but was seen as fulfilling and perfecting it. In the Book of Matthew, Jesus says, "Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them. For truly I say to you, until heaven and Earth pass away, not an iota, not a dot will pass from the law until all is accomplished."

In Galatians, Paul writes, "For the whole law of Moses is fulfilled in one word: You shall love your neighbor as yourself." In Romans he writes, "Love is fulfilling the law." Thus, this Judeo-Christian understanding of the law is both a commitment to justice and the

application of a knowledgeable understanding of love is important to the spiritual framework that underlies and undergirds much of my understanding and this Nation's philosophy towards the law as well as the purpose and the function of the law in society.

All law after the birth and resurrection of Jesus Christ is profoundly impacted. We make a transition from Before Christ to Anno Domini. Jumping ahead to 529 Anno Domini, Justinian's Code organized Roman Law into a series of books called "Corpus Juris Civilis." This legal collection was guided by Greek and English common law, the two main influences on contemporary Western jurisprudence. Many legal principles in use today, including the very spelling of the modern word "justice," emanate from Justinian, the Emperor of the Byzantium.

□ 1940

The 17-article Constitution of Japan, written in 604 A.D., shaped that country's morality and law. Paternalistic in orientation, it espoused such legalisms as "peace and harmony," that they "should be respected because they are very important for intergroup relations" and "equality, speediness, and integrity should be maintained in court procedures."

One distinction that characterizes two different legal traditions is that much of traditional Asian law seeks to prevent disputes; whereas Western law seeks to resolve disputes. It is very important, Mr. Speaker. A distinction between Asian law is that it seeks to prevent disputes; whereas Western law seeks to resolve disputes.

In 653 A.D., the kingdoms that make up modern-day China were consolidated, and the T'ang Code, revising earlier existing Chinese laws and standardized procedures, was created. It listed crimes and their punishments in 501 articles. One of those allowed just two forms of capital punishment for a convicted criminal: beheading or hanging.

Shortly thereafter, in 700 A.D., China invented the use of fingerprinting as a means of identifying people.

In 1100 A.D., the first law school came into existence.

The basis of English common law in 1215 A.D., the Magna Carta, was signed by King John. It forced the King, for the first time, to concede a number of rights to the barons and to the people. Its 61 clauses included freedom of the church; fair taxation; controls over imprisonment, habeas corpus; and the right of all merchants to come and go freely except in time of war. Its most important clause was No. 39, stating that no freeman shall be captured or imprisoned except by the judgment of his peers or by the law of the land. Now even the King was restrained from merely exercising his will against another person.

In 1689, the English Bill of Rights was enacted, the precursor of our American Bill of Rights. It prohibited the arbitrary suspension of Parliament's laws, and more importantly, limited Parliament to the right to raise money through taxation.

In 1692, the Salem witch trials captivated Salem, Massachusetts. The fever resulted in more than 300 accusations of witchcraft, with 23 executions as a result. It thrust the justice system into the popular mind in a way never seen before.

In 1740, the infamous South Carolina Slave Code, which regulated the use of slaves, became the model for slavery in other States. It said: "All Negroes, Indians . . . and their offspring . . . shall be and are hereby declared to be and remain forever hereafter slaves; and shall be deemed . . . to be chattels personal in the hands of their owners."

Then in 1765, law became more accessible to the common man when a British barrister named Blackstone wrote down the entire English law system in an easy-to-read, four-volume "Blackstone's Commentaries on the Laws of England." Blackstone's work was easily exported to the new British colonies and was the basis for the governments there according to many legal scholars.

In 1772, the Somersett case captured the world's attention. James Somersett, a slave in Massachusetts, escaped from his master while on a trip abroad in England. He was recaptured and imprisoned, to be sent to Jamaica, then a British colony; but three English citizens claimed to be his godparents. Three white citizens claimed to be the godparents of an African American slave, and they filed a suit, alleging that slavery was not legal under British law. They won their case. Somersett was freed, and slavery was finished in Great Britain.

The reaction in the colonies was profound. Partly in response to the Somersett case, the colonies in America revolted. In 1776, the Declaration of Independence by the American colonists from Great Britain created a new day for human rights. It asserted "all men are created equal" and have "certain inalienable rights and that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed." But we know that the writers of the Declaration did not intend those words to apply to all men and certainly not to women or to the American slave.

The Constitution of the United States of America was signed in Philadelphia on September 17, 1787, and was ratified by nine States on June 21, 1788. It formed the legal basis for the first republican form of government in the history of the world. It defined the institutions of government and the powers of the executive, the judicial, and

legislative branches. Its shortcomings with respect to slavery, along with the power struggles between the Federal Government and the States, are well documented. Nevertheless, the Constitution and its inherent ability to be amended have been the model for many other nations in attaining their independence, and represent one of the most important steps in the development of law and human rights.

The American Bill of Rights, the first 10 amendments to the Constitution, was approved and ratified in 1791. These 10 amendments, in the tradition of Thomas Jefferson, declared rights in the areas of free speech, free press, free religion, the right to trial by jury, protection against cruel and unusual punishment, and unreasonable searches and seizures. The Bill of Rights has influenced many modern charters and bills of rights around the world, and stands as one of the bedrocks of not just our democracy but of human rights history.

In 1803, in *Marbury v. Madison*, the Supreme Court upheld the supremacy of the Constitution and stated unequivocally that the Court had the power to strike down actions taken by American State and Federal bodies that, in its judgment, were unconstitutional. This principle of "judicial review" represents, in my opinion and in the opinion of many legal scholars, the biggest advance in American law since the Constitution was ratified. It serves as a model for the balance of powers that many other nations have adopted.

One year after *Marbury*, France adopted the Napoleonic Code, which canonized many of the victories of the French Revolution, including individual liberty, equality before the law, and the "consent of the governed" character of the state. It had great influence beyond France, with Quebec, Canada, Germany, Switzerland, California, and Louisiana adopting parts of it.

The Geneva Convention of 1864 set forth basic human rights standards during times of war, including protection of military medical personnel and humane treatment of the wounded. It was later supplemented by a Prisoner of War Convention. Though it has been violated and ignored on numerous occasions, the Geneva Convention remains an important legal document and a milestone on the march of law and human rights.

In 1865, following the Civil War, the U.S. Congress passed, and the States ratified, the 13th Amendment to the Constitution, officially ending legal slavery.

Prior to that, the 10th Amendment was the turning point in the Constitution of the United States. Those rights not written in the Constitution are in the purview of the States.

The addition of the 13th Amendment to the Constitution established a new

paradigm. If slavery, as conservatives and Southerners argued, is a State right, then States' rights can never be human rights.

The Constitution, with the addition of the 13th Amendment, changed the present order and the divided time.

I'm in Congress today, and Barack Obama is President of the United States because of the Constitution and its capacity to change time and space.

In 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, which puts forth a legal code of internationally recognized human rights. It serves as a basic guide to the fundamental rights of all people.

Since the adoption of the Universal Declaration of Human Rights, we've seen many, many more landmarks in human rights that have been reached. We're even watching the Middle East now seek even greater human rights against monarchies and kings and other leaders who are despots and not believing in the basic rights of people.

While we've failed to ensure full equality for all women in this country, we are making progress towards pay equality. I believe we need to amend the Constitution to ensure that women have fully equal standing with men.

We've enacted hate crimes legislation, and many States have moved towards marriage equality for gays and lesbians. We have much more work to do on that front.

And as I began my remarks tonight, I began, Mr. Speaker, by saying that we need to amend our Constitution to include certain rights that the American people should have but don't. As I just said, we need to include equal rights for women; we need to include the right to a public education of equal high quality; we need to include health care as a right for all Americans.

Mr. Speaker, it might surprise some Americans to know, which we learned in *Bush v. Gore*, that we don't even have a fundamental right to vote in the U.S. Constitution, only a right to not be discriminated against in the States while voting.

So, from the earliest civilizations in Mesopotamia, through the development of Europe, Asia, North America, and the rest of the modern world, we have seen greater democracy; we've seen more inclusion; we've seen more freedom; we've gone from vigilante justice, to "an eye for an eye," to the modern criminal justice system. The death penalty was a common response to crime in many of the earliest civilizations, and it persists to this day in many places around the world, including here in the United States. My home State of Illinois, thanks to Governor Pat Quinn, recently banned the death penalty. I personally support that, but I know many of my colleagues would not.

There is an element in this Congress that is heading in the opposite direction of human law and human history,

but the arc of history continues. The development of law and human rights did not stop with the writing of our Constitution, and it did not stop with the writing of our Bill of Rights.

□ 1950

The Constitution is not a static, set in stone, take it as it is and only as it is document. It, like the overall development of human rights and law through time, is organic. It's dynamic. It's living. It's forward-looking. It is adaptable to the challenges of a new day and a new world.

In fact, in their infinite wisdom, the Framers of the Constitution set up the very mechanism by which the march of justice and human rights could continue: an amendment process. It's not an easy one, and it's not one that should be taken lightly, but I believe we should, indeed, revisit our sacred document and amend it to include fundamental freedoms for the American people.

Thus, human law and political rights have evolved through history to ever higher forms and the granting of more rights. This has also meant that responsibilities and obligations have moved away from external sources and appointed governmental power to the voice of the majority of the democratically elected representatives of the people.

The word "democracy" is comprised of two Greek words: *demos* and *kratos*—people, strength or power—people power. It means we the people have the strength and the power in the end to elect people to make our laws and rules. We the people have the right to declare what rights we have and what rights we don't have, what rules we will live and play by, and under which laws we will be governed. A representative democratic government is a political structure and arrangement whereby the supreme governmental authority is accepted, and the rules are made with the consent of a majority of the common people.

Thus, the contrast between organic, evolutionary, and political nature of the law versus the static, strict constructionist, and natural view of the law should be clear in terms of the creation and preservation of political rights in human development.

The approach of conservatives to play down or advocate an antipolitical, antilegislativ, and anti-Federal Government philosophy of social change is, therefore, certainly not a strategy designed to advance the public interests or real economic interests of the majority of the American people. These conservatives and tea party activists who will descend upon Washington tomorrow are acting on behalf of the special interests of the few who do not want mass democratic participation and action. This antigovernment and undemocratic conservative approach is

a strategy to undermine progressive and economic change intended to benefit the public good.

In a living democracy, we must continually criticize and reform our politics, our government and policies to keep them relevant, effective, efficient, accessible, accountable, and responsive to real people's needs. This is very different, however, from criticizing politics and the government, per se, as irrelevant and ineffective as instruments of change or protecting old rights as opposed to advancing new ones.

It is quite clear that the strict constructionist constitutional approach of conservatives like Mr. Quayle and Mr. Buchanan, Mr. Robertson and Mr. Meese, Mr. Bork and George W. Bush seem to be frozen in time, backward-looking and fearful philosophical views of government, history, and the Constitution.

Strict constructionism, Mr. Speaker, runs contrary to the whole legal development of rights in human history. Strict constructionists look back to the Founders' original document only, before the 13th, 14th, and 15th Amendments and other progressive amendments to the Constitution were added, before nonlandowners could vote, before Lincoln's Gettysburg Address. Strict constructionists, as former Supreme Court Justice Thurgood Marshall said at an event celebrating the 200th anniversary of the writing of the Constitution, "believe that the meaning of the Constitution was 'fixed' at the Philadelphia Convention." That would require us to know their original intent and rigidly preserve the Founding Fathers' philosophy, even though they were all men, most were slaveholders, and they allowed slavery in the Constitution. A strict constructionist interpretation of the Constitution also means a reaffirmation of States' rights as the preeminent guiding legal principle.

A broad interpretation, on the other hand, sees the Constitution as forward-looking, as living, as positive, and a hopeful document. We respect the past and the positive contribution that the Founders made. We seek to understand their intent and the full context in which the Constitution was written, and we seek to understand to the fullest its original meaning. But we also know that it has been changed and improved along the way in order to be more inclusive of all the American people. Therefore, we also know that we have an obligation today to improve it even further.

The more people are made aware of their rights to which they are entitled, the rights which have already been written in national and international law, the more politically educated and conscious people become of these rights, the more politically active and organized the common people become in the struggle to achieve these rights,

and the more accessible and responsive our democratic institutions of politics and government become to the democratic will of the people, the faster and more nonviolently we as a society will be able to achieve a new and higher set of human rights.

Mr. Speaker, since this Congress has begun, I've been coming to this floor talking about one issue, and that's high unemployment. And in order to wipe out unemployment, which we've been recording from 1890 to 2011, we need a massive jobs program in this country. I recommend a jobs program that benefits all Americans: the rebuilding of 95,000 schools in this Nation to an equal high-quality standard; putting roofers, brick masons, electricians, teachers, carpenters to work; providing unprecedented technological access to the Internet and modern forms of communication to 60 million children across our country.

Unfortunately, Mr. Speaker, tea party activists and conservatives in both the Democratic Party and the Republican Party, many of them don't see it that way. But I see something different. I see an America that can build runways for airplanes in States all across this country and build an interstate transportation system by one national Federal standard.

We simply can't build schools and provide an equal high-quality education for 60 million children in 50 different States in 15,000 locally controlled school districts in 3,100 counties in 19,000 cities across this country one school at a time. If there's enough money to fight the war in Iraq, if there's enough money which this Congress keeps writing the check for to fight the war in Afghanistan, if there's enough money to spend \$550 million in 1 week bombing Libya, then, Mr. Speaker, we can find the money in this Congress to rebuild these schools, reduce unemployment, put 15 million unemployed Americans to work, and change the course of our country. If we can put 15 million Americans to work, we can wipe out the Nation's debt, its deficit, and provide a long future for the American people.

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

PRESIDENT CARTER'S RECENT VISIT TO CUBA

The SPEAKER pro tempore (Mr. NUNNELEE). Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 30 minutes.

Mr. DIAZ-BALART. I appreciate the recognition.

Mr. Speaker, on March 28, former President Jimmy Carter arrived on a trip to Cuba at the invitation of the Cuban dictatorship. He arrived there, and originally in his agenda that was made public he had no meetings with

any of the internal opposition leaders, no meetings with any of the civil society leaders, no meetings with anybody other than the regime.

I know that he met with the dictator who's been oppressing and torturing and savaging that population without obviously having free elections for over 52 years, for over half a century. He called the dictator, Mr. Castro, his dear friend.

Mr. Speaker, right before former President Carter arrived at that enslaved island, the regime went about arresting and detaining a rather large number of people, people who they wanted to make sure didn't make trouble. Now, remember, that making trouble in that totalitarian regime, Mr. Speaker, is speaking out, asking for freedom, just getting together and organizing and asking for some basic human rights. So they started systematically detaining and arresting and harassing people so that former President Carter wouldn't have to see, wouldn't have to be bothered with the inconvenience of people actually speaking out and asking for freedom and asking for democracy.

□ 2000

A group of people, Mr. Speaker, actually went in front of the old capitol building. A capitol building, by the way, that doesn't look very dissimilar to this Capitol building, where at one time, debates in the democratic society used to take place, where people argued and debated in a peaceful fashion about their future, about their agreements and disagreements.

So a group of people decided to demonstrate in front of that building, which is actually very emblematic as to what they were talking about, and basically just to say, We want freedom. We want democracy. We want the ability to speak out and determine our future. But for that they were again harassed, and for that they were arrested.

Eriberto Liranza was reportedly beaten by state security rather harshly. Several were detained at the protests in Havana, including activist Eriberto Liranza Romero, the president of the Cuban Youth for Democracy movement, and Boris Rodriguez Jimenez, a member of that same organization.

Mr. Speaker, one of the heroes that I greatly admired is a man named Jorge Luis Garcia Perez. Everybody knows him as "Antunez," by one name. He mentions, and he said, This action, this action of just demonstrating is a demand for the freedom of the political prisoners; and in response, a moral slap in the face for the campaign's undertaking by the regime to divide the opposition. He went on to say, Mr. Speaker, "We are true to our motto: The streets belong to the people."

But, you see, unfortunately in Cuba, just standing out, walking together,

like the Ladies in White do, and when they just demonstrate peacefully together, they walk together as a symbol of just speaking out because their relatives, their husbands and fathers and sisters and daughters and brothers and sons, et cetera, are in prison. Just for doing that, they get savagely beaten by that regime.

While President Carter was there, did he insist on free elections for the Cuban people? No. Did he insist on meeting with and speaking about and talking about those who are suffering in the dungeons, the political prisoners? No, Mr. Speaker, he did not. And as I mentioned at the beginning, sir, he really didn't even have it on an agenda to even meet with anybody, other than the regime, until I guess he was a little bit embarrassed by some of the reports and eventually decided to allow some people to try to meet with him.

So did he speak out about the savagery of the regime? Did he speak out about the lack of elections? Did he demand free elections for the enslaved people? Did he demand for an end to the apartheid system? Did he demand that that regime turn over the multiple, the many fugitives from American law who are harbored by that terrorist regime 90 miles away from the United States? No, Mr. Speaker, he did nothing of that sort.

But let me tell you what he did do. He spoke of and he complained about the sanctions that the United States Government has to try to show solidarity with the Cuban people, to have leverage with that regime once Castro is no longer in the picture, which I think is sooner than people expect. He complained about the attitude and the policies of the United States Government but not about the policies of that thug, that dictatorship 90 miles away. He didn't complain about what they do, what that dictatorship does to its own people.

Did he complain about the mass arrests of those heroes who wanted to speak out and who decided to use that opportunity in front of the capitol building to just ask for freedom? No, he didn't do that, Mr. Speaker, but he did complain about U.S. policy.

He went a step further. He went on to demand the release in the United States of five convicted criminals, five people who were convicted in the United States, in a country where we have due process, we have all the rights and all the rights that are provided to a defendant, five people who were convicted of espionage and one who was also convicted of conspiracy to commit murder. So former President Carter did ask that those convicted in a court of law, with all the due process that we have in this country, for espionage and for conspiracy to commit murder, he did ask and demand their release. But he did not ask or demand the release of

the hundreds and hundreds of political prisoners who are rotting in prison while he was there.

So it's a sad day, Mr. Speaker. It's a sad day, I think, for humanity.

I know a lot of people who are listening are probably not surprised. I recall that when the Cuban dictator was gravely ill, it was reported that former President Carter wrote him a nice little letter, a nice note, hoping that he would recover and that he would recover his health. And now, again, former President Carter called him his dear friend, hoping that he would recover.

This is a regime who had asked on multiple occasions for the then-Soviet Union to strike the United States with nuclear weapons, to do a first strike on the United States with nuclear weapons, and yet former President Jimmy Carter was hoping that he would recover. This is a regime that is a state sponsor of terrorism 90 miles away from the United States, and yet former President Jimmy Carter sent him a note that he would hope that he would fully recover. This is a regime who our GIs died in Grenada, the island of Grenada, liberating that island and died at the hands of the troops that the Cuban regime had sent there, and yet former President Jimmy Carter was hoping and writing that that dictatorship would fully recover. This is a dictatorship that harbors U.S. fugitives, that harbors terrorists, that is on a list of states that sponsor terrorism, one of just four on that list, and yes, former President Jimmy Carter was hoping that he would fully recover.

Well, unfortunately, the dictator has somewhat recovered. And what has he been doing? Well, more of the same. He still harbors the terrorists. He still harbors the fugitives, and he still is creating all sorts of havoc around the hemisphere. But he also, in addition to that, continues to enslave his people, to oppress his people, to torture his people. And we've seen example after example of that with, again, the last arrests that I just spoke of.

Mr. Speaker, a couple of weeks ago a group of us here in Congress spoke to another one of my heroes, Dr. Oscar Elias Biscet. Oscar Elias Biscet is a brilliant young Afro-Cuban physician. He founded the Lawton Foundation for Human Rights in 1997, and that was founded just to promote the study and defense of human rights and to denounce human rights violations inside of Cuba and wherever else they may take place. Now, for denouncing the double standards and discrimination against the Cuban people, the discrimination that the Cuban health care system has for the Cuban people, he was forbidden from practicing medicine. Again, he is an M.D.

In November of 1999, Dr. Biscet was imprisoned for 3 years just for organizing a peaceful pro-democracy protest. He was released in 2002. By the

way, again, he was no longer allowed to practice medicine. But he was released in 2002. So what he did was he organized seminars on just the Universal Declaration of Human Rights.

I snicker because, you know, that's something that every day people talk about. I mean, my colleague on the other side of the aisle just spent quite a large part of his time talking about the evolution of the Constitution, et cetera, and human rights. Well, Dr. Biscet, when he was released in 2002, he talked about the Declaration of Human Rights.

□ 2010

So he was arrested once again in December of 2002 for attending seminars and for organizing some of those seminars.

On April 7, 2002, Dr. Biscet was sentenced to 25 years in prison. He has been incarcerated in multiple prisons around the island in multiple gulags and has suffered greatly in his incarceration.

On November 5, 2007, President Bush recognized Dr. Biscet by presenting him, in absentia of course, he was not allowed to visit with him, the Presidential Medal of Freedom, and stating that Dr. Biscet is a champion in the fight against tyranny and oppression. Despite being persecuted and imprisoned for his beliefs, he continues to advocate for a free Cuba in which the rights of all people are respected.

I said, Mr. Speaker, that a group of us, CHRIS SMITH from the State of New Jersey, Congresswoman ILEANA ROS-LEHTINEN, chairperson of the International Relations Committee, and I, spoke to Dr. Biscet by telephone. And, obviously, the first thing was we asked him about his health. And he has suffered greatly in prison.

I can tell you, Mr. Speaker, that he has not, however, given up his efforts. He said, You know, I am recuperating so I can continue the struggle for freedom.

We asked him about, well, what was his opinion about the policy, the United States policy? By the way, the same policy that former President Jimmy Carter now has just criticized. He said, there are some that claim that if we just opened up trade and we just opened up and we got rid of the sanctions that freedom would come to the Cuban people.

He was emphatic. He was so emphatic. He said, no, no, no, no, no. He said, tyrants are always looking at ways to get more money. Tyrants are always looking at ways of getting more revenue. But he further stated, the only thing that would do—and I'm paraphrasing what he said—but he was very emphatic and very clear. The only thing that would do, he said, would be to strengthen the dictatorship. It wouldn't help the Cuban people. It would strengthen the dictatorship.

Did former President Jimmy Carter meet with Dr. Biscet, the recipient of the Medal of Freedom? No, he did not. He did not because he probably would have not liked to have heard what Dr. Biscet would have had to say. He would have not liked to have heard about the oppression and the lack of human rights and the lack of dignity that those who suffer in Castro's gulags have to suffer, while former President Jimmy Carter calls the dictator in Havana his good friend.

There are other such incredible heroes that are on the island, Mr. Speaker. I mentioned Dr. Biscet, but I also want to mention Antunez, as I mentioned before. Antunez served almost two decades in prison. He received incredible tortures, beatings, multiple beatings, while he was there; and, yet, when released, his attitude has been what? His attitude has been one of great dignity, of great courage, of standing up and he continues to demand elections, continues to demand freedom.

And he also would tell you, if he could be speaking here today, that we have to stay firm and we have to hold steadfast and show solidarity with the Cuban people, not with the regime, not with those that former President Carter calls his good friends, not with those that former President Carter says that they should continue to prosper, when they were ill, hoping that they would do well and fully recover. No, we have to hold firm and stand with the Cuban people.

Mr. Speaker, I'm so convinced, so convinced that the Cuban people will be free, despite the apologists, despite those that go out of their way to try to make the regime look good, try to make the regime look like they're this wonderful, charitable regime because every once in a while they may free a political prisoner as a token gesture.

Despite that, the Cuban people continue to stand firm. Their heroes are still there; the Mandelas and the Havels of Cuba are on the island. They're speaking out. Most of them, many of them have been in prison. Many of them have been tortured and beaten, but their spirit remains strong, Mr. Speaker. They continue to speak out.

And despite individuals like, unfortunately, former President Jimmy Carter, who looks for every excuse and every opportunity to criticize the policies of the United States and yet refused to criticize the savagery of that dictatorship, despite that, I'm absolutely convinced that the Cuban people will be free because of the heroes like Dr. Biscet and Antunez and many more.

So I am not discouraged. I am not discouraged when I see these gestures of solidarity with the dictatorship. I am not discouraged when people go down to Havana and, you know, might

have a mojito and relax and go to the beaches and tour the hotels where the Cubans are not allowed to go unless they're accompanied by foreigners. I'm not discouraged because ultimately truth always reigns, because ultimately the rights of individuals always surface. Ultimately, those that sacrifice and that work hard and the heroes who, by the way, are the future leaders of a free Cuba, those heroes who are in the dungeons or who are in and out of the dungeons, they don't give up. And they're not discouraged, and they're not quieted, and they will not be intimidated.

So, Mr. Speaker, despite this, what some would call a slap in the face to the cause of human rights and democracy in Cuba, I will tell you further than that, the cause of human rights and human dignity around the planet, despite that that former President Jimmy Carter has just attempted to do, I'm not discouraged. On the contrary, I am as encouraged as ever.

I think I might end by reading a letter, if I actually have it here. No, I don't think I have it. I do want to mention, though, that one of our colleagues in the Senate, a Democrat, Democrat from New Jersey, Senator MENENDEZ, wrote a letter to former President Jimmy Carter where he expressed, and I will be submitting that for the RECORD, Mr. Speaker, where he expressed what Jimmy Carter, what former President Jimmy Carter should be talking about. And he expressed how it was rather incredible that the former President would not demand the freedom of the Cuban people and would criticize the policies of the United States.

And as Senator MENENDEZ says in that letter, the issue is not what the policy of the United States is with the Cuban regime. The issue is the policies of the regime and the oppression of the regime with its own people. And once again, Senator MENENDEZ, Democrat from New Jersey, is right on.

With that, Mr. Speaker, I just want to again say that we do not forget the heroes in the island. We do not forget those who are struggling and working and speaking out and suffering the consequences for their actions in the island. We do not forget them. We admire them. We support them. We are humbled by their courage. We are humbled by their love for freedom and what they are willing to sacrifice for that freedom, and we know that sooner than I think some may believe and clearly sooner than some would like, they too will be free. They too will be able to discuss the issues in public. They too will be able to make the determination as to the future of their country.

I am encouraged and humbled by their leadership, despite sometimes the sadness of what we have to listen to by those who still continue to call Fidel Castro their good friend.

MARCH 29, 2011.

Hon. JIMMY CARTER,
The Carter Center, One Copenhill,
Freedom Parkway, Atlanta, GA.

DEAR PRESIDENT CARTER: I am writing to express my grave concern about your visit to Cuba this week to discuss improving U.S.-Cuba relations.

Your visit suggests that the improvement of relations between the United States and Cuba is contingent upon some action by the United States, rather than acknowledging that it is Cuba's intolerant and tyrannical actions that continue to define the future of U.S.-Cuba relations. While you are visiting with President Castro and other Cuban officials to learn about new economic policies and the upcoming party Congress, the regime's thugs are in the streets harassing and arresting scores of political dissidents who dared to hope that you would hear their pleas and argue on their behalf for the adoption of political reforms. The fate of American Alan Gross, a USAID contractor who sought to assist the island's Jewish community, also hangs in the balance while you meet with the political elite that are directing the crackdown on Cuba's peaceful civil society activists. On Sunday, the regime detained activists Adriano Castañeda Meneses, Yris Tamara Pérez Aguilera and Jorge Luis García Pérez Antúnez and on Monday,

Liranza Romero, president of the Cuban Youth for Democracy Movement and Boris Rodríguez Jiménez were arrested when they attempted to stand in front of the Capitol with signs reading "Freedom without Forced Exile for Cuba's Political Prisoners" and "The Streets belong to the Cuban People."

I urge you to address with President Castro the aspirations of Cuba's civil society to live in a democratic state whose laws are derived and implemented by their democratically elected representatives and are based on the core principles of respect for human and civil rights, including the freedom of expression and freedom of assembly.

As we witness unprecedented movements for democratic change in the Middle East, I appeal to you to recognize that same heartfelt desire amongst the Cuban people and to urge the regime to fulfill the democratic aspirations of the Cuban people.

Sincerely,

SENATOR ROBERT MENEZDEZ.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARTON of Texas (at the request of Mr. CANTOR) from noon today and

for the balance of the week on account of a death in the family.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1079. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 31, 2011, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 and the first quarter of 2011 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KUWAIT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 20 AND FEB. 26, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Dreier	2/20	2/21	Kuwait		425.00		(3)				425.00
Hon. David Price	2/20	2/21	Kuwait		316.00		(3)				316.00
Hon. Lois Capps	2/20	2/21	Kuwait		425.00		(3)				425.00
Hon. Sam Farr	2/20	2/21	Kuwait		425.00		(3)				425.00
Hon. Jim McDermott	2/20	2/21	Kuwait		425.00		(3)				425.00
Rachael Leman	2/20	2/21	Kuwait		425.00		(3)				425.00
Brad Smith	2/20	2/21	Kuwait		425.00		(3)				425.00
Robert Lawrence	2/20	2/21	Kuwait		425.00		(3)				425.00
John Lis	2/20	2/21	Kuwait		425.00		(3)				425.00
Asher Hildebrand	2/20	2/21	Kuwait		316.00		(3)				316.00
Brian Monahan	2/20	2/21	Kuwait		425.00		(3)				425.00
Hon. David Dreier	2/21	2/25	Indonesia		777.00		(3)				777.00
Hon. David Price	2/21	2/25	Indonesia		681.00		(3)				681.00
Hon. Lois Capps	2/21	2/25	Indonesia		777.00		(3)				777.00
Hon. Sam Farr	2/21	2/25	Indonesia		777.00		(3)				777.00
Hon. Jim McDermott	2/21	2/25	Indonesia		777.00		(3)				777.00
Rachael Leman	2/21	2/25	Indonesia		777.00		(3)				777.00
Brad Smith	2/21	2/25	Indonesia		777.00		(3)				777.00
Robert Lawrence	2/21	2/25	Indonesia		777.00		(3)				777.00
John Lis	2/21	2/25	Indonesia		777.00		(3)				777.00
Asher Hildebrand	2/21	2/25	Indonesia		711.00		(3)				711.00
Brian Monahan	2/21	2/25	Indonesia		777.00		(3)				777.00
Hon. David Dreier	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Hon. David Price	2/25	2/26	Timor-Leste		165.00		(3)				165.00
Hon. Lois Capps	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Hon. Sam Farr	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Hon. Jim McDermott	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Rachael Leman	2/25	2/26	Timor-Leste		176.00		(3)				176.00
Brad Smith	2/25	2/26	Timor-Leste		176.00		(3)				176.00
Robert Lawrence	2/25	2/26	Timor-Leste		190.00		(3)				190.00
John Lis	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Asher Hildebrand	2/25	2/26	Timor-Leste		165.00		(3)				165.00
Brian Monahan	2/25	2/26	Timor-Leste		190.00		(3)				190.00
Committee total					14,854.00						14,854.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

933. A letter from the Acting Chairman, Joint Chiefs of Staff, Department of Defense, transmitting the 2011 report on vulnerability assessments, pursuant to 10 U.S.C. 2859; to the Committee on Armed Services.

934. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009-D029) (RIN: 0750-AG73) received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

935. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Contract Authority for Electricity from Renewable Energy Resources (DFARS Case 2008-D006) (RIN: 0750-AG48) received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

936. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-78, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

937. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-135, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

938. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-135, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

939. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-137, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

940. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-137, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

941. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No.

DDTC 10-144, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

942. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-144, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

943. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-143, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

944. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-133, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

945. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-145, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

946. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of Justification regarding the determination under Title II of the Foreign Appropriations, Export Financing and Related Programs Appropriations Act, 2002; to the Committee on Foreign Affairs.

947. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification relating to Pakistan; to the Committee on Foreign Affairs.

948. A letter from the Inspector General, House of Representatives, transmitting the final report on the Atlas Deployment Support Project; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WEBSTER: Committee on Rules. House Resolution 189. Resolution providing for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable

funding for the national aviation system, and for other purposes (Rept. 112-46). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. GOODLATTE, and Mr. ISSA):

H.R. 1249. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO (for herself, Ms. HANABUSA, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. COLE, Mrs. MALONEY, Mr. HONDA, Mr. KILDEE, Ms. DEGETTE, Mr. MCDERMOTT, Mr. FARR, Mr. STARK, Mr. COURTNEY, Mr. BOSWELL, Ms. MATSUI, Mr. HINCHEY, Mr. CARNAHAN, Mr. WALZ of Minnesota, Mr. PAYNE, Mr. SABLAN, Ms. WOOLSEY, Mr. KUCNICH, Mr. MCINTYRE, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO):

H.R. 1250. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Natural Resources.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 1251. A bill to provide congressional direction for implementation of the Endangered Species Act as it relates to operation of the Central Valley Project and the California State Water Project and for water relief in the State of California; to the Committee on Natural Resources.

By Mr. COOPER (for himself and Mr. RYAN of Wisconsin):

H.R. 1252. A bill to amend title XI of the Social Security Act to provide for the annual mailing of statements of Medicare beneficiary part A contributions and benefits in coordination with the annual mailing of Social Security account statements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. GRIMALVA, and Mr. KILDEE):

H.R. 1253. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for

homeless children and youths, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. MEEHAN, Mr. MARINO, Mr. PLATTS, Mr. BARLETTA, Mr. CUELLAR, Mrs. EMERSON, Mrs. BIGGERT, Mr. LATOURETTE, Mr. GIBSON, Mr. STIVERS, and Mr. REED):

H.R. 1254. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOMACK (for himself and Mr. WOODALL):

H.R. 1255. A bill to prevent a shutdown of the government of the United States, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 1256. A bill to amend title XVIII of the Social Security Act to require the use of analytic contractors in identifying and analyzing misvalued physician services under the Medicare physician fee schedule and an annual review of potentially misvalued codes under that fee schedule; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT (for himself and Mr. HARRIS):

H.R. 1257. A bill to require the President to recommend specific reductions in nonsecurity discretionary appropriations for fiscal year 2011 to offset the costs of Operation Odyssey Dawn; to the Committee on the Budget, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah:

H.R. 1258. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Natural Resources.

By Mr. BRADY of Texas (for himself, Mr. ROSS of Arkansas, Mrs. NOEM, Mr. BOREN, and Mr. NUNES):

H.R. 1259. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. POE of Texas, Ms. PINGREE of Maine, and Ms. SLAUGHTER):

H.R. 1260. A bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes; to the Committee on Armed Serv-

ices, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself, Mr. MORAN, and Mrs. MALONEY):

H.R. 1261. A bill to establish an Office of the Federal Chief Technology Officer in the executive office of the President, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself, Ms. NORTON, Mr. DEUTCH, and Mr. DAVIS of Illinois):

H.R. 1262. A bill to reform the United States Postal Service in order to fulfill its constitutional mandate, to improve its efficiency, to help it meet its universal service obligation, and to facilitate private sector economic growth; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1263. A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures; to the Committee on Veterans' Affairs.

By Mr. FINCHER:

H.R. 1264. A bill to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself and Mr. NEAL):

H.R. 1265. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Ways and Means.

By Mr. GRIMM:

H.R. 1266. A bill to amend the Controlled Substances Act to improve detection of the fraudulent abuse of prescriptions to obtain controlled substances in schedule II or III, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BLUMENAUER, Mr. GERLACH, and Ms. HIRONO):

H.R. 1267. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on certain vessels; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. ENGEL, Mrs. MALONEY, and Mr. HINCHAY):

H.R. 1268. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. MOORE, Mrs. DAVIS of California, Ms.

LEE of California, Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. MATSUI, Mr. GRIJALVA, Ms. BASS of California, Mr. STARK, Ms. HERRERA BEUTLER, Mrs. SCHMIDT, Ms. SPEIER, Mrs. LUMMIS, Mrs. ADAMS, Ms. NORTON, Mrs. BLACKBURN, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mrs. BIGGERT, Mr. HASTINGS of Florida, and Mr. MORAN):

H.R. 1269. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Transportation and Infrastructure.

By Mr. MCCAUL (for himself and Mr. KING of New York):

H.R. 1270. A bill to direct the Secretary of State to designate as foreign terrorist organizations certain Mexican drug cartels, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1271. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. PETERSON (for himself and Mr. CRAVAACK):

H.R. 1272. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; to the Committee on Natural Resources.

By Mr. PIERLUISI (for himself, Mr. ANDREWS, Mr. RANGEL, Mr. SERRANO, Mr. CONYERS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, and Mr. SABLAN):

H.R. 1273. A bill to amend title XVIII of the Social Security Act to apply the additional Medicare HITTECH payment provisions to hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. ROYCE (for himself, Mr. KINGSTON, Mr. WESTMORELAND, Mrs. MYRICK, and Mr. SMITH of Texas):

H.R. 1274. A bill to gain operational control of the border, enforce immigration laws, strengthen visa security, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Homeland Security, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself and Mr. OWENS):

H.R. 1275. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes; to the Committee on Agriculture.

By Mr. AKIN:

H.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States to control Federal spending; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal

budget be balanced; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD:

H. Res. 187. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H. Res. 188. A resolution expressing the sense of the House of Representatives regarding the regime of Mu'ammarr al-Qadhaffi; to the Committee on Foreign Affairs.

By Mr. CROWLEY (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Ms. CLARKE of New York, Ms. VELÁZQUEZ, Mr. GRIMM, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Ms. HAYWORTH, Mr. GIBSON, Mr. TONKO, Mr. HINCHEY, Mr. OWENS, Mr. HANNA, Ms. BUERKLE, Mr. HIGGINS, Ms. SLAUGHTER, and Mr. REED):

H. Res. 190. A resolution honoring the life of Congresswoman Geraldine A. Ferraro, the first woman selected by a major political party as its candidate for Vice President; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONYERS:

H.R. 1276. A bill for the relief of Al-Housseynou Ba; to the Committee on the Judiciary.

By Mr. FILNER:

H. Res. 191. A resolution referring the bill (H.R. 1107), entitled "For the relief of Adrian Rodriguez", to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. FILNER:

H. Res. 192. A resolution referring the bill (H.R. 1108), entitled "For the relief of Francisco Rivera and Alfonso Calderon", to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 1249.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of section 8 of Article I of the Constitution.

By Ms. HIRONO:

H.R. 1250.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. COSTA:

H.R. 1251.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. COOPER:

H.R. 1252.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1.

By Mrs. BIGGERT:

H.R. 1253.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. DENT:

H.R. 1254.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. WOMACK:

H.R. 1255.

Congress has the power to enact this legislation pursuant to the following:

Section 2 is enacted pursuant to the rule-making powers provided in clause 2 of section 5 of article I of the United States Constitution in furtherance of the appropriation power provided in clause 7 of section 9 of article I of the Constitution and spending power provided in clause 1 of section 8 of article I of the Constitution.

Section 3(a) is enacted pursuant to the rulemaking powers provided in clause 2 of section 5 of article I of the United States Constitution. Section 3(a) is consistent with article XXVII in that it does not vary the compensation of Members and Senators but only seeks to regulate its disbursement during certain periods.

Section 3(b) is enacted pursuant to clause 18 of section 8 of article I of the United States Constitution. Section 3(b) is consistent with clause 7 of section 1 of article II of the United States Constitution in that it does not vary the compensation of the President but only seeks to regulate its disbursement during certain periods.

By Mr. MCDERMOTT:

H.R. 1256.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution

By Mr. BARTLETT:

H.R. 1257.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. all legislative Powers are vested in the Congress; and also Article I, Section 7: All bills for raising revenue shall originate in the House; and also Article I., Section 8: The Congress shall have the power to lay and collect funds to pay the Debts and pay for the common defense of the US; and to raise and support Armies; and provide and maintain a Navy; and Section 9 No Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law AND

Article II, Section 1. The executive Power shall be vested in a POTUS; Article II, Section 2. POTUS is Commander-in-Chief; Section 3; POTUS shall recommend to Congress measures judged necessary and expedient

By Mr. BISHOP of Utah:

H.R. 1258.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BRADY of Texas:

H.R. 1259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BRALEY of Iowa:

H.R. 1260.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. CONNOLLY of Virginia:

H.R. 1261.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CONNOLLY of Virginia:

H.R. 1262.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. FILNER:

H.R. 1263.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution

By Mr. FINCHER:

H.R. 1264.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17
Article IV, Section 3, Clause 2.

By Mr. GERLACH:

H.R. 1265.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GRIMM:

H.R. 1266.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Regulations to Effecuate Powers

Article 1, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HERGER:

H.R. 1267.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mrs. LOWEY:

H.R. 1268.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mrs. MALONEY:

H.R. 1269.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. McCAUL:

H.R. 1270.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by the United States Constitution under Article I, Section 8, "Congress shall have the power . . . To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;"

By Mr. PAUL:

H.R. 1271.

Congress has the power to enact this legislation pursuant to the following:

The Sixteenth Amendment, which gives Congress the power to lay and collect taxes, clearly gives Congress the authority to repeal taxes on children who participate in agriculture education programs such as 4-H and Future Farmers of America.

By Mr. PETERSON:

H.R. 1272.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 9; Article 1, Clause 8, Section 18; and Article III, Section 1 of the United States Constitution.

By Mr. PIERLUISI:

H.R. 1273.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. ROYCE:

H.R. 1274.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4—The Congress shall have Power . . . To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. WELCH:

H.R. 1275.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CONYERS:

H.R. 1276.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 and Amendment I, Clause 3 of the Constitution.

By Mr. AKIN:

H.J. Res. 51.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;"

By Mr. BUCHANAN:

H.J. Res. 52.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this joint resolution rests is the power of Congress as enumerated in Article V of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 5: Mr. AUSTIN SCOTT of Georgia.
 H.R. 21: Mr. CALVERT.
 H.R. 27: Ms. HIRONO.
 H.R. 49: Mr. HERGER, Mr. LATTA, Mrs. BLACKBURN, Mr. SESSIONS, Mr. TIPTON, Mr. CASSIDY, Mr. LATOURETTE, Mrs. HARTZLER, Mr. SMITH of Texas, and Mr. SIMPSON.
 H.R. 58: Mr. ROSS of Florida, Mr. TIBERI, Mr. HELLER, Mr. CRITZ, Mr. GINGREY of Georgia, Mr. COFFMAN of Colorado, Mr. KISSELL, and Mr. TERRY.
 H.R. 104: Mr. HARRIS and Mr. SCHOCK.
 H.R. 110: Mr. CARNAHAN.
 H.R. 115: Ms. JACKSON-LEE of Texas and Mr. GRIJALVA.
 H.R. 121: Mr. CUELLAR.
 H.R. 127: Mr. SAM JOHNSON of Texas.
 H.R. 177: Mr. POE of Texas and Mr. PAUL.
 H.R. 178: Mrs. NOEM.
 H.R. 181: Mrs. MILLER of Michigan.
 H.R. 198: Mr. AL GREEN of Texas and Mr. HINCHEY.
 H.R. 237: Mr. COSTELLO and Mr. SARBANES.
 H.R. 261: Mr. HASTINGS of Florida and Mr. MCDERMOTT.
 H.R. 308: Ms. WASSERMAN SCHULTZ.
 H.R. 320: Mr. GALLEGLY, Mr. DUNCAN of Tennessee, Mr. ROHRBACHER, Mr. DREIER, Mr. BARTON of Texas, Mr. WOLF, Mr. LATTA, and Mr. FILNER.
 H.R. 326: Mr. KUCINICH.
 H.R. 327: Mr. HUNTER and Ms. RICHARDSON.
 H.R. 329: Mr. LATHAM.
 H.R. 333: Mr. RUNYAN, Mr. PASCRELL, Mr. LOBIONDO, and Mr. SIMPSON.
 H.R. 340: Mr. ELLISON.
 H.R. 361: Mr. TERRY and Mr. OLSON.
 H.R. 402: Mr. RYAN of Ohio, Mrs. MALONEY, and Ms. PINGREE of Maine.
 H.R. 419: Mr. LOEBSACK.
 H.R. 421: Mr. FORBES.
 H.R. 452: Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. YOUNG of Indiana, and Mr. HARRIS.
 H.R. 453: Mr. LOEBSACK.
 H.R. 459: Ms. JENKINS, Mr. FLAKE, and Mr. FARENTHOLD.
 H.R. 470: Ms. BASS of California, Mr. BERMAN, and Mr. FLAKE.
 H.R. 476: Mr. BURGESS.
 H.R. 513: Mr. HALL.
 H.R. 520: Mr. GEORGE MILLER of California, Mr. MORAN, Mrs. LOWEY, and Mr. MCDERMOTT.
 H.R. 521: Mr. GRIJALVA and Mr. MCDERMOTT.
 H.R. 529: Mr. BLUMENAUER.
 H.R. 539: Ms. CASTOR of Florida, Mr. PAYNE, and Mr. JACKSON of Illinois.
 H.R. 546: Mr. ADERHOLT, Ms. HERRERA BEUTLER, Mr. MCGOVERN, Mr. TIPTON, Mr. QUAYLE, Mr. TERRY, Ms. ROYBAL-ALLARD, Mr. BONNER, Mr. HOLT, Mr. PAYNE, Mr. YOUNG of Indiana, Mr. GERLACH, Ms. WILSON of Florida, Mr. FITZPATRICK, Mr. HINCHEY, Mr. MICHAUD, Mr. DESJARLAIS, Mr. DAVIS of Kentucky, Mr. DONNELLY of Indiana, Mr. HARRIS, Mr. MEEKS, Mr. CRAVAACK, and Mr. CONAWAY.
 H.R. 606: Mr. JOHNSON of Illinois.
 H.R. 607: Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 615: Mr. RAHALL, Mr. KISSELL, Mr. ROSS of Florida, Mr. TERRY, Mr. CRITZ, Mr. GINGREY of Georgia, and Mr. HELLER.
 H.R. 618: Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. CARSON of Indiana, and Mr. MICHAUD.
 H.R. 633: Mr. CHAFFETZ.
 H.R. 634: Mr. WALSH of Illinois.
 H.R. 644: Mr. MORAN.
 H.R. 651: Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HOLT, Mrs. MALONEY, Ms. MATSUI, Ms. RICHARDSON, and Ms. VELÁZQUEZ.
 H.R. 653: Mr. GRIJALVA.
 H.R. 654: Mr. GEORGE MILLER of California, Mr. GARAMENDI, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, and Mr. COHEN.
 H.R. 676: Mr. HOLT and Mr. CLEAVER.
 H.R. 692: Mr. MCKINLEY and Mr. ROSS of Florida.
 H.R. 709: Mr. GENE GREEN of Texas.
 H.R. 713: Ms. WILSON of Florida.
 H.R. 716: Ms. SUTTON and Mr. MARKEY.
 H.R. 718: Mr. WITTMAN, Mrs. DAVIS of California, Mr. MORAN, Mrs. LOWEY, Mr. LATHAM, Ms. NORTON, Mr. CUMMINGS, Mr. GRIJALVA, Mr. NADLER, Mr. LYNCH, and Mr. HUNTER.
 H.R. 719: Mr. BLUMENAUER and Mr. STARK.
 H.R. 721: Mr. WILSON of South Carolina, Mr. SIMPSON, and Mr. CHANDLER.
 H.R. 733: Mr. VAN HOLLEN, Mr. NUGENT, Mr. LOEBSACK, Mr. PASCRELL, and Mr. CARNAHAN.
 H.R. 735: Mr. DUNCAN of South Carolina, Mr. YOUNG of Indiana, and Mrs. LUMMIS.
 H.R. 743: Mr. HANNA and Mr. COURTNEY.
 H.R. 745: Mrs. BLACK, Mr. HUELSKAMP, Mr. DUNCAN of South Carolina, and Mr. LANKFORD.
 H.R. 763: Mr. JONES, Mr. BARTLETT, and Ms. PINGREE of Maine.
 H.R. 764: Mr. SCHOCK.
 H.R. 804: Ms. BORDALLO and Ms. SUTTON.
 H.R. 806: Mr. PAYNE and Mr. BACA.
 H.R. 807: Mr. GRIJALVA.
 H.R. 809: Mr. PAYNE, Ms. BORDALLO, and Mr. MICHAUD.
 H.R. 812: Ms. CLARKE of New York.
 H.R. 814: Ms. BERKLEY, Ms. BORDALLO, and Mr. BACA.
 H.R. 822: Mr. HENSARLING, Mr. YOUNG of Indiana, Mr. WOLF, Mr. TERRY, Mr. FRANKS of Arizona, and Mr. HECK.
 H.R. 835: Mr. CAPUANO, Mr. COSTELLO, Mrs. DAVIS of California, Mr. ISRAEL, Mr. KILDEE, Mr. LANCE, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. OLVER, Mr. POLIS, Mr. SARBANES, Mr. VAN HOLLEN, Mr. WU, Mr. JOHNSON of Ohio, Mr. FITZPATRICK, and Mr. ROTHMAN of New Jersey.
 H.R. 862: Mr. KUCINICH and Mr. FRANK of Massachusetts.
 H.R. 883: Mrs. LOWEY and Mr. ELLISON.
 H.R. 900: Mr. DAVIS of Illinois.
 H.R. 909: Mrs. HARTZLER and Mr. SAM JOHNSON of Texas.
 H.R. 912: Mr. FRANK of Massachusetts.
 H.R. 923: Mr. TOWNS, Ms. WILSON of Florida, Mr. BLUMENAUER, and Mr. RUSH.
 H.R. 930: Mr. TOWNS, Mr. STARK, Ms. MOORE, and Ms. SUTTON.
 H.R. 931: Mr. KLINE and Mr. SMITH of Nebraska.
 H.R. 932: Mr. HUNTER.
 H.R. 937: Mr. BURTON of Indiana.
 H.R. 938: Mr. BOSWELL and Mr. WITTMAN.
 H.R. 942: Ms. RICHARDSON, Mr. HIGGINS, Mr. HERGER, and Mr. SCHOCK.
 H.R. 952: Ms. BERKLEY.
 H.R. 960: Mr. DAVIS of Kentucky and Mr. LUETKEMEYER.
 H.R. 965: Mr. ACKERMAN, Mr. LYNCH, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. HOLT, Ms. SPEIER, Mr.

POLIS, Mr. ISRAEL, Mr. ROTHMAN of New Jersey, and Mr. STARK.

H.R. 972: Mr. ROONEY and Mr. KING of Iowa.

H.R. 984: Mr. OLSON and Mr. REHBERG.

H.R. 985: Mr. BOREN.

H.R. 992: Ms. HIRONO.

H.R. 993: Mr. LATTA.

H.R. 998: Mr. HIGGINS, Ms. PELOSI, Mr. FATTAH, Mr. RYAN of Ohio, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SIRES, Ms. BROWN of Florida, Ms. BASS of California, Mrs. LOWEY, and Mr. CONNOLLY of Virginia.

H.R. 1002: Mr. RAHALL, Mr. DEUTCH, Mr. MANZULLO, Mr. HIGGINS, Mr. WU, Ms. BASS of California, Mr. MCHENRY, Mr. GINGREY of Georgia, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. HERGER, Mr. WEBSTER, Mr. FLEMING, and Mr. DAVIS of Kentucky.

H.R. 1004: Mr. HIMES.

H.R. 1025: Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. BORDALLO, Mr. COURTNEY, Mr. FILNER, Mr. KIND, Mr. LAMBORN, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MICHAUD, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. CONNOLLY of Virginia, Mr. GONZALEZ, Mr. KING of Iowa, Mr. LOEBSACK, Mr. ROE of Tennessee, Ms. BROWN of Florida, Mr. HOLDEN, Mr. ROSS of Arkansas, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. FALDOMAVAEGA, Mr. RAHALL, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Ms. SUTTON, Mrs. DAVIS of California, Mr. KLINE, Ms. HAYWORTH, Mr. BASS of New Hampshire, and Mr. CARNEY.

H.R. 1041: Mrs. BACHMANN, Mr. BARLETTA, Mr. BILIRAKIS, Mr. BOSWELL, Ms. BROWN of Florida, Mr. COBLE, Mr. CRENSHAW, Mr. DENT, Mr. HALL, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KELLY, Mr. KILDEE, Mr. KING of New York, Mr. LANCE, Mr. LATOURETTE, Mr. LUETKEMEYER, Mr. MARINO, Mr. MICHAUD, Mr. PLATTS, Mr. POSEY, Mr. RAHALL, Mr. RENACCI, Mr. ROE of Tennessee, Mr. ROTHMAN of New Jersey, Ms. SEWELL, Mr. STIVERS, Ms. SUTTON, Mr. TURNER, Mr. VISCLOSKEY, Mr. WHITFIELD, Mr. DUNCAN of Tennessee, and Mr. COHEN.

H.R. 1049: Mr. CALVERT, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. MANZULLO, Mr. LAMBORN, Mr. BENISHEK, Mr. KINGSTON, Mr. KING of Iowa, Mr. FLORES, and Mrs. BLACKBURN.

H.R. 1057: Ms. BERKLEY, Mr. LYNCH, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Mr. GRIJALVA, Mr. LOEBSACK, Mr. PRICE of

North Carolina, Mr. BISHOP of New York, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, Ms. SLAUGHTER, and Mr. COURTNEY.

H.R. 1058: Mr. ROONEY, Mr. NEUGEBAUER, Mr. MANZULLO, Mr. DESJARLAIS, Mr. FLORES, Mrs. SCHMIDT, Ms. GRANGER, and Mrs. BACHMANN.

H.R. 1070: Mr. STIVERS.

H.R. 1081: Mr. CRITZ, Mr. BUCSHON, Mr. GOWDY, Mrs. ELLMERS, Mr. RIVERA, Mr. WOLF and Mr. TERRY.

H.R. 1085: Mr. ACKERMAN, and Mr. Gonzalez.

H.R. 1089: Mr. LUJÁN, Mr. MCGOVERN, and Mr. LATOURETTE.

H.R. 1110: Mr. BISHOP of New York.

H.R. 1111: Mr. TERRY, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, and Mr. DUNCAN of Tennessee.

H.R. 1113: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1118: Ms. NORTON.

H.R. 1119: Mr. WU.

H.R. 1140: Mr. MANZULLO.

H.R. 1154: Mr. KING of New York, Mr. JONES, Mr. ROSS of Florida, Ms. SUTTON, Mr. LUETKEMEYER, Mr. GRIFFIN of Arkansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Mr. GIBSON, and Ms. WILSON of Florida.

H.R. 1167: Mrs. BLACKBURN, Mr. MULVANEY, Mr. HUELSKAMP, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. RIBBLE, Mr. WALBERG, and Mr. HUIZENGA of Michigan.

H.R. 1184: Mr. GOSAR.

H.R. 1185: Mr. GOSAR.

H.R. 1186: Mr. CANSECO and Mr. MARCHANT.

H.R. 1187: Mr. FILNER.

H.R. 1193: Mr. SARBANES, Mr. RUPPERSBERGER, and Ms. WASSERMAN SCHULTZ.

H.R. 1206: Mr. PLATTS, Mr. COBLE, Mr. GINGREY of Georgia, Mr. ROGERS of Kentucky, Mr. BOUSTANY, and Mr. HUIZENGA of Michigan.

H.R. 1207: Mr. FALDOMAVAEGA.

H.R. 1211: Mr. MILLER of Florida, Mr. WEST, and Mr. POE of Texas.

H.R. 1212: Mr. STARK and Mr. CAPUANO.

H.R. 1229: Mr. MANZULLO, Mr. STIVERS, Mrs. NOEM, Mr. TERRY, Mrs. MCMORRIS RODGERS, and Mr. LEWIS of California.

H.R. 1230: Mr. MANZULLO, Mr. STIVERS, Mrs. NOEM, Mr. TERRY, Mrs. MCMORRIS RODGERS, and Mr. LEWIS of California.

H.R. 1231: Mr. MANZULLO, Mr. STIVERS, Mrs. NOEM, Mr. TERRY, Mrs. MCMORRIS RODGERS, and Mr. LEWIS of California.

H.R. 1236: Ms. JENKINS, Mr. BOUSTANY, and Mr. PAUL.

H.J. Res. 13: Mr. PEARCE and Mr. FORTENBERRY.

H. Con. Res. 12: Mr. PAULSEN, Mr. LYNCH, and Mr. BRADY of Pennsylvania.

H. Con. Res. 25: Mr. DAVIS of Kentucky, Mr. BUCHANAN, Mr. HENSARLING, and Mr. ROGERS of Kentucky.

H. Con. Res. 29: Mr. BUCHANAN.

H. Res. 34: Mr. CAPUANO and Ms. WILSON of Florida.

H. Res. 71: Mr. FORBES.

H. Res. 81: Mrs. MCCARTHY of New York.

H. Res. 95: Mr. MARINO and Mr. BASS of New Hampshire.

H. Res. 100: Mr. ELLISON, Ms. SCHAKOWSKY, Ms. EDWARDS, Ms. CHU, Mr. AL GREEN of Texas, Mr. QUIGLEY, Mrs. LOWEY, Ms. BASS of California, Mrs. CAPPAS, and Mr. HONDA.

H. Res. 111: Mr. LIPINSKI, Mr. KLINE, and Mr. MCGOVERN.

H. Res. 134: Mr. COSTELLO, Mr. POE of Texas, and Mr. PRICE of North Carolina.

H. Res. 137: Ms. MOORE, Mr. MURPHY of Pennsylvania, Mr. GALLEGLY, Mr. VISCLOSKEY, and Mr. REHBERG.

H. Res. 164: Mr. LIPINSKI, Mr. KELLY, and Mr. SHULER.

H. Res. 172: Mr. CARNEY.

H. Res. 183: Mr. HUNTER and Mr. KISSELL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. MICA

The amendment I will offer to H.R. 658, the Federal Aviation Administration Reauthorization and Reform Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

IN HONOR OF SARA STEINHAUER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Sara Steinhauer of Douglassville, Berks County, Pennsylvania in recognition of her 105th birthday.

Born near Skippack, Montgomery County on March 25th, 1906, Sara grew up on a farm in Skippack Township and attended public school through 10th grade in a one-room schoolhouse. When she turned 19, Sara moved to Perkasio, Pennsylvania to begin her career as a seamstress with Wemen's Apparel, developing skills in ladies' fashion. She was later promoted to the position of floor lady which she maintained until her retirement in 1968.

The eighth of thirteen children, Sara was blessed with twelve brothers and sisters. Her husband, George D. Steinhauer, passed in 1984 after 57 happy years of marriage. Before moving to the distinctive retirement community of Villa at Morlatton, Sara lived in Telford, Pennsylvania for many of her retirement years and then an apartment in Pottstown, Pennsylvania near her nephew Leroy Fitzgerald.

Mr. Speaker, I ask my colleagues to join me today in congratulating Sara Steinhauer on the occasion of her 105th birthday and extending her best wishes for continued health and happiness.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. SPEIER. Mr. Speaker, I was unfortunately unable to cast votes on the evening of March 29, 2011.

On rollcall 194, I would have voted no.

On rollcall 195 I would have voted aye.

On rollcall 196 I would have voted aye.

On rollcall 197, the motion to recommit, I would have voted aye.

On rollcall 198, final passage, I would have voted aye.

The Making Home Affordable Program simply has not protected homeowners from foreclosure, or ensured that mortgage servicers work with homeowners in good faith to achieve loss mitigation that works for homeowners, investors and our communities. Despite clear and repeated calls for reform of the program from the Congressional Oversight Panel, the Special Inspector General for the TARP, and the GAO, changes to the program have been too little and too late. While my constituents and homeowners across the

country continue to struggle through good faith efforts to keep their homes, banks are again making record profits and paying large bonuses to their executives and employees.

Despite well documented abuses of homeowners by mortgage servicers participating in the HAMP, no servicers have been sanctioned or fined for violations of HAMP program requirements, despite clear authority to do so. I do not take this position lightly, particularly in light of the fact that no alternative program to help homeowners is offered. However I simply cannot continue to offer support for a program that has protected banks and servicers at the expense of my constituents.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. PENCE. Mr. Speaker, I was absent from the House floor during rollcall votes 192 and 193. Had I been present, I would have voted "yea" on rollcall 192 and "no" on rollcall 193.

A BILL OF RIGHTS FOR WOMEN VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. FILNER. Mr. Speaker, I recently introduced important legislation to establish a women veterans bill of rights, H.R. 809.

There are now 1.8 million women veterans, and the number of these women turning to the U.S. Department of Veterans Affairs for treatment and services is increasing every day. In fact, current VA estimates project that the percentage of women among the total number of veterans enrolled in the VA health care system will have risen to 10 percent by 2018, up from 7.7 percent now.

Mr. Speaker, men have long been the dominant stakeholder within VA, but it is past time that VA recognizes women veterans as an equally important stakeholder.

During hearings and roundtables over the past Congresses, the Committee on Veterans' Affairs has asked women veterans to come forward with their own stories about their experiences with VA. From their accounts, it is clear that while VA has made some strides in caring for women, significant gaps remain.

The veterans testifying before the Committee have told us of an unwelcoming culture within some VA facilities that makes women veterans feel alienated, disrespected, and reluctant to pursue the benefits and services that they have earned with their sacrifices.

VA must recognize and be equipped to treat the unique medical concerns that women veterans have. They must respect privacy concerns and eliminate cultural insensitivity that may otherwise bar women from accessing VA health care and they must ensure that women and male veterans are always treated equally in their ability to secure quality VA benefits and services.

This legislation would take us closer to achieving that long overdue standard.

H.R. 809 would require VA to display in all of their facilities, 24 fundamental principles governing their treatment of women veterans. Veterans who may have felt isolated and unwelcome in VA facilities before will be able to read these principles and understand VA's responsibility to them.

The principles lay out women veterans' right to state-of-the-art medical technologies and procedures for treating their unique medical concerns, VA's responsibility to provide vigorous outreach to inform women of the VA benefits and services they are entitled to, and other important guidelines for what women veterans can and should expect of VA.

Above all, the principles make clear that VA must always treat women veterans as they should treat any veteran, with sensitivity to their unique concerns and the dignity that their service to this country demands.

CONGRATULATIONS TO KEENAN MONKS

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. BARLETTA. Mr. Speaker, today I wish to acknowledge the accomplishments of Keenan Monks of Hazleton, who recently placed sixth in the 2011 Intel Science Talent Search, a national competition for high school seniors with exceptional promise in math and science.

To earn sixth place, Keenan conducted research on a math equation that can help improve Internet security and cryptography. His work distinguished him from most of the 1,744 high school seniors who entered the talent search. In January, he was named one of 300 semifinalists, then he was chosen to be a finalist and compete here in Washington just a few weeks ago.

Keenan is a 17-year-old student at Hazleton Area High School. He is captain of the cross-country and track and field teams. Keenan has been playing the piano for 12 years. He has won several piano competitions, has performed at Carnegie Hall, and enjoys sequencing music. Keenan has volunteered with the Great Pennsylvania Cleanup, helping remove trash from community roadways. Keenan also coauthored a paper published in Discrete Mathematics.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Mr. Speaker, Keenan Monks is an extraordinary young man. He is a hard worker. He has an innovative mind and an eager spirit. He will no doubt continue to be a bright star in our community. Mr. Speaker, today, I ask my colleagues to join me in congratulating Mr. Keenan Monks of Hazleton for winning sixth place in this year's Intel Science Talent Search.

IN RECOGNITION OF MARC CATALANO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Police Commander Marc Catalano for 31 years of service to the City of San Bruno.

He joined the San Bruno Police Department on June 1, 1979 and spent his first two years as a community service officer. He served as a patrol officer from 1981 to 1984, a detective from 1984 to 1985, a field training officer from 1985 to 1997, an acting sergeant from 1990 to 1991 and again a detective from 1991 to 1994. In 1994 he became involved with D.A.R.E., the Drug Abuse Resistance Education, and was instrumental in expanding that program from elementary schools to middle schools and high schools.

In 1997 Mr. Catalano was promoted to the rank of Sergeant and four years later to the rank of Lieutenant Sergeant. In 2001 he received his final promotion to Commander.

Marc Catalano is a true Bay Area native, born in San Francisco and raised in San Bruno and Burlingame. He graduated from Mills High School and received an Associate Degree from the College of San Mateo. At Notre Dame de Namur University he earned his Baccalaureate Degree in Human Services.

Commander Catalano is anything but complacent; he always thrives to learn more and better himself. He attained advanced supervisory and management certificates from the State of California, the Commission on Peace Officer Standards and Training, and awards from the San Mateo County Trial Lawyers Association and from MADD, Mothers Against Drunk Driving.

In addition to a law enforcement career, Marc Catalano is the loving husband to his wife Laurie, his wife of 26 years. The couple has two daughters Danielle and Lindsay.

Mr. Speaker, it is right to honor Commander Catalano for his 31 years of service to the San Bruno Police Department on December 27, 2010, the day of his retirement.

HONORING FORMER GUAM COMMISSIONER JOSE ESPINOSA SANTOS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of Jose Espinosa

Santos, former Commissioner of the Guam villages of Mongmong-Toto-Maite. Mr. Santos passed away at the age of 77 on March 9, 2011 at Parkview Community Hospital in Riverside, California.

Mr. Santos was born in Guam on June 23, 1933 to Tomas Taitano and Joaquina Mata Espinosa Santos. In 1973, he was elected to serve as Commissioner for the villages of Mongmong-Toto-Maite, in Guam. After serving for four years as Commissioner, Mr. Santos continued to serve Guam in several capacities within the Mayors' Council of Guam, including Special Assistant to the Chief Commissioner, Deputy Chief Executive Officer, Chief Executive Officer, and Executive Director. In addition to his public service, Mr. Espinosa was also active in the Catholic Community as an ordained Deacon for the Archdiocese of Agana at the Dulce Nombre De Maria Cathedral-Basilica.

I join our community in mourning the loss of Jose Espinosa Santos, and I offer my condolences to his wife, Pilar Rosario Cepeda Santos, his 10 children, 27 grandchildren, 2 great grandchildren, and his many families, friends, and loved ones. May God bless the family and friends of Jose Espinosa Santos, God bless Guam, and God bless the United States of America.

RECOGNIZING MS. MELANIE PETERS AS THE 2011 HURLBURT AFA CHAPTER 398 ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Melanie Peters as the 2011 Hurlburt AFA Chapter 398 Elementary School Teacher of the Year. Ms. Peters is an inspiration to her students and colleagues, and I am honored to recognize her achievements.

Successfully getting a class of kindergarteners to construct and fly Styrofoam planes to test Bernoulli's Principle is an accomplishment worthy of recognition in itself. Ms. Peters surpassed this feat and also taught her five- and six-year olds about rocket propulsion using balloons.

Her creative techniques coupled with her passion for flight continues to provide an enjoyable and unique learning experience for her fourth graders. In her classroom, also known as TOP FUN, Ms. Peters incorporates math, science, and technology into her student's curriculum by utilizing her knowledge of aviation. TOP FUN's doors open into a world where students learn that living and learning coexist as a combined adventure.

Through her hard work and dedication, Melanie Peters continues to provide her students a solid foundation, upon which her students are able to grow, as their love for learning continues to soar. Teaching, a love Melanie credits to her mother, comes naturally to her, and is evidenced in the positive impact she has made on the lives of her students.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Ms. Peters

for this great achievement and her commitment to excellence. Ms. Peters has earned the title of Elementary School Teacher of the Year. My wife Vicki joins me in congratulating Melanie Peters, and we wish her continued success.

LEGALITY FOR THE USE OF FORCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONYERS. Mr. Speaker, I would like to submit the following article:

IS BUSH'S WAR ILLEGAL?—LET US COUNT THE WAYS

(By Francis Boyle)

THE "BLOWHARD ZONE"

On September 13, 2001 I got a call from FOX News asking me to go on the O'Reilly Factor program that night, two days after the tragic events of September 11, to debate O'Reilly on War v. Peace. It is pretty clear where I stood and where he stood. I had been on this program before. I knew what I was getting in to. But I felt it would be important for one lawyer to get up there in front of a national audience and argue against a war and for the application of domestic and international law enforcement, international procedures, and constitutional protections, which I did.

Unfortunately, O'Reilly has the highest ranked TV news program in the country. I thought someone should be on there on September 13. I think most people agree that I beat O'Reilly. By the end of the show he was agreeing with me. But the next night he was saying that we should bomb five different Arab countries and kill all their people. But let me review for you briefly some of the international law arguments that I have been making almost full time since September 13. They are set forth in the introduction in my new book, The Criminality of Nuclear Deterrence.

TERRORISM V. WAR

First, right after September 11 President Bush called these attacks an act of terrorism, which they were under the United States domestic law definition at that time. However, there is no generally accepted definition of an act of terrorism under international law, for reasons I explain in my book. Soon thereafter however and apparently after consultations with Secretary of State Powell, he proceeded to call these an act of war, ratcheting up the rhetoric and the legal and constitutional issues at stake here. They were not an act of war as traditionally defined. An act of war is a military attack by one state against another state. There is so far no evidence produced that the state of Afghanistan, at the time, either attacked the United States or authorized or approved such an attack. Indeed, just recently FBI Director Mueller and the deputy director of the CIA publicly admitted that they have found no evidence in Afghanistan linked to the September 11 attacks. If you believe the government's account of what happened, which I think is highly questionable, 15 of these 19 people alleged to have committed these attacks were from Saudi Arabia and yet we went to war against Afghanistan. It does not really add up in my opinion.

But in any event this was not an act of war. Clearly these were acts of terrorism as defined by United States domestic law at the time, but not an act of war. Normally terrorism is dealt with as a matter of international and domestic law enforcement. Indeed there was a treaty directly on point at that time, the Montreal Sabotage Convention to which both the United States and Afghanistan were parties. It has an entire regime to deal with all issues in dispute here, including access to the International Court of Justice to resolve international disputes arising under the Treaty such as the extradition of Bin Laden. The Bush administration completely ignored this treaty, jettisoned it, set it aside, never even mentioned it. They paid no attention to this treaty or any of the other 12 international treaties dealing with acts of terrorism that could have been applied to handle this manner in a peaceful, lawful way.

WAR OF AGGRESSION AGAINST AFGHANISTAN

Bush, Jr. instead went to the United National Security Council to get a resolution authorizing the use of military force against Afghanistan and Al Qaeda. He failed. You have to remember that. This war has never been authorized by the United Nations Security Council. If you read the two resolutions that he got, it is very clear that what Bush, Jr. tried to do was to get the exact same type of language that Bush, Sr. got from the U.N. Security Council in the late fall of 1990 to authorize a war against Iraq to produce its expulsion from Kuwait. It is very clear if you read these resolutions, Bush, Jr. tried to get the exact same language twice and they failed. Indeed the first Security Council resolution refused to call what happened on September 11 an "armed attack"—that is by one state against another state. Rather they called it "terrorist attacks." But the critical point here is that this war has never been approved by the U.N. Security Council so technically it is illegal under international law. It constitutes an act and a war of aggression by the United States against Afghanistan.

NO DECLARATION OF WAR

Now in addition Bush, Jr. then went to Congress to get authorization to go to war. It appears that Bush, Jr. tried to get a formal declaration of war along the lines of December 8, 1941 after the Day of Infamy like FDR got on Pearl Harbor. Bush then began to use the rhetoric of Pearl Harbor. If he had gotten this declaration of war Bush and his lawyers knew full well he would have been a Constitutional Dictator. And I refer you here to the book by my late friend Professor Miller of George Washington University Law School, Presidential Power, that with a formal declaration of war the president becomes a Constitutional Dictator. He failed to get a declaration of war. Despite all the rhetoric we have heard by the Bush, Jr. administration Congress never declared war against Afghanistan or against anyone. There is technically no state of war today against anyone as a matter of constitutional law as formally declared.

BUSH, SR. V. BUSH, JR.

Now what Bush, Jr. did get was a War Powers Resolution authorization. Very similar to what Bush, Sr. got. Again the game plan was the same here. Follow the path already pioneered by Bush, Sr. in his war against Iraq. So he did get from Congress a War Powers Resolution authorization. This is what law professors call an imperfect declaration of war. It does not have the constitutional significance of a formal declaration of war. It authorizes the use of military force in specified, limited circumstances.

That is what Bush, Sr. got in 1991. It was to carry out the Security Council resolution that he had gotten a month and one-half before to expel Iraq from Kuwait. But that is all the authority he had—either from the Security Council or from Congress. And that is what he did. I am not here to approve of what Bush, Sr. did. I do not and I did not at the time. But just to compare Bush, Jr. with Bush, Sr. So Bush, Jr. got a War Powers Resolution, which is not a declaration of war.

Indeed, Senator Byrd, the Dean of the Senate, clearly said this is only a War Powers authorization and we will give authority to the president to use military force subject to the requirements of the War Powers Resolution, which means they must inform us, there is Congressional oversight, in theory, (I do not think they are doing much of it), controlled funding, and ultimately we decide, not the Executive branch of the government—we are the ones who gave the authorization to use force.

Again very similar to what Bush, Sr. got except the Bush, Jr. War Powers Resolution is far more dangerous because it basically gives him a blank check to use military force against any state that he says was somehow involved in the attack on September 11. And as you know that list has now gone up to 60 states. So it is quite dangerous, which led me to say in interviews I gave at the time this is worse than the Tonkin Gulf Resolution. Better from our perspective than a formal Declaration of War, but worse constitutionally and politically than the Tonkin Gulf resolution. But still subject to the control of Congress and the terms of the War Powers Resolution. Indeed you might be able to use that War Powers Resolution and the authorization in litigation that might come up. Keep that in mind.

NO WAR AGAINST IRAQ!

For example, on Iraq. Right now they cannot use that War Powers Resolution to justify a war against Iraq. There is no evidence that Iraq was involved in the events on September 11. So they are fishing around for some other justification to go to war with Iraq. They have come up now with this doctrine of preemptive attack. Quite interesting that argument, doctrine was rejected by the Nuremberg Tribunal when the lawyers for the Nazi defendants made it at Nuremberg. They rejected any doctrine of preemptive attack.

NAZI SELF-DEFENSE

Then what happened after failing to get any formal authorization from the Security Council, the U.S. Ambassador Negroponte—who has the blood of about 35,000 people in Nicaragua on his hands when he was U.S. Ambassador down in Honduras—sent a letter to the Security Council asserting Article 51 of the U.N. Charter to justify the war against Afghanistan. And basically saying that we reserve the right to use force in self-defense against any state we say is somehow involved in the events of September 11. Well, the San Francisco Chronicle interviewed me on that and asked what is the precedent for this? I said that the precedent again goes back to the Nuremberg Judgment of 1946 when the lawyers for the Nazi defendants argued that we, the Nazi government had a right to go to war in self-defense as we saw it, and no one could tell us any differently. Of course that preposterous argument was rejected by Nuremberg. It is very distressing to see some of the highest level of officials of our country making legal arguments that were rejected by the Nuremberg Tribunal.

KANGAROO COURTS

Now let me say a few words about the so-called military commissions. I have a little

handout out there called "Kangaroo Courts." It would take me a whole law review article to go through all the problems with military commissions. I have been interviewed quite extensively. I have some comments on it in my book. Professor Jordan Paust, a friend and colleague of mine at the University of Houston, just published an article in the Michigan Journal of International Law which I would encourage you to read. It goes through the major problems. But basically there are two treaties on point here that are being violated at a minimum.

First, the Third Geneva Convention of 1949. I will not go through all of the arguments here but it is clear that just about everyone down in Guantanamo (not counting the guys who were picked up in Bosnia and basically kidnapped) but all those apprehended over in Afghanistan and Pakistan would qualify as prisoners of war within the meaning of the Third Geneva Convention of 1949, and therefore have all the rights of prisoners of war within the meaning of that convention. Right now however, as you know, all those rights are being denied. This is a serious war crime. And unfortunately President Bush, Jr. himself has incriminated himself under the Third Geneva Convention by signing the order setting up these military commissions. Not only has he incriminated himself under the Third Geneva Convention, but he has incriminated himself under the U.S. War Crimes Act of 1996 or so, signed into law by President Clinton and making it a serious felony for any United States citizen either to violate or order the violation of the Four Geneva Conventions of 1949.

THE FEDERALIST SOCIETY CABAL

I am not personally criticizing President Bush. He is not a lawyer. He was terribly advised, criminally mis-advised, by the cabal of Federalist Society lawyers that the Bush administration has assembled at the White House and the Department of Injustice under Ashcroft. President Bush, Jr., by signing this order, has opened himself up to prosecution anywhere in the world for violating the Third Geneva Convention, and certainly if there is evidence to believe that any of these individuals have been tortured, which is grave breach, let alone at the end of the day executed. So this is a very serious matter.

I did not vote for President Bush, Jr. But I certainly think it is a tragedy that these Federalist Society lawyers got the President of the United States of America, who is not a lawyer, to sign the order that would incriminate him under the Geneva Conventions and United States Domestic Criminal Law. This is what happened.

JEOPARDIZING U.S. ARMED FORCES

Moreover, by us stating we will not apply the Third Geneva Convention to these people we opened up United States armed forces to be denied protection under the Third Geneva Convention. And as you know, we now have U.S. armed forces in operation in Afghanistan, Georgia, the Philippines, in Yemen and perhaps in Iraq. Basically Bush's position will be jeopardizing their ability to claim prisoner of war status. All that has to happen is our adversaries say they are unlawful combatants and we will not give you prisoner of war status. The Third Geneva Convention is one of the few protections U.S. armed forces have when they go into battle. Bush, Jr. and his Federalist Society lawyers just pulled the rug out from under them.

U.S. POLICE STATE

In addition the International Covenant on Civil and Political Rights clearly applies down in Guantanamo. It applies any time individuals are under the jurisdiction of the

United States of America. Guantanamo is a colonial enclave, I will not go through its status any further. But clearly those individuals are subject to our jurisdiction and have the rights set forth therein—which are currently being denied.

If and when many of these Bush, Ashcroft, Gonzalez police state practices make their way to the U.S. Supreme Court, we have to consider that a five to four majority of the Supreme Court gave the presidency to Bush, Jr. What is going to stop that same five to four majority from giving Bush, Jr. a police state? The only thing that is going to stop it is the people in this room.

RECOGNIZING WATERFORD OUR
LADY OF THE LAKES HIGH
SCHOOL

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to acknowledge the Michigan Class D State Champion Girls' Basketball team from Waterford Our Lady of the Lakes High School. On March 19, 2011, the Lakers sealed a 53–35 victory over the Bark-River Harris Broncos, clinching their second consecutive Class D State Championship under Head Coach Steve Robak.

After winning the East Division of the Detroit Catholic High School League and claiming their third consecutive CHSL C–D Division Championship, the Lakers began district play by crushing West Bloomfield Frankel Jewish Academy's Jaguars 72–4. Our Lady of the Lakes rolled over the Clarkston Everest Collegiate Lady Mountaineers in the district final, 64–20.

Moving on to regional match-ups, Our Lady of the Lakes slipped by Marine City Cardinal Mooney by a score of 43–41. The Lakers shut down Southfield Christian, 51–43 in the regional final to move on to state quarterfinals where they defeated the Bay City All Saints Cougars 61–36. The Trojans of Central Lake fell to the Blue and White 52–41 on March 17 to clear the Lakers path to the Class D Final. Facing Bark-Harris in the final game of the season, the Our Lady of the Lakes press held the Broncos in check giving the Lakers the right to raise high the Class D State Championship trophy.

Mr. Speaker, with a season record of 23–5–0, the 2011 Waterford Our Lady of the Lakes Girls' Basketball team deserves to be recognized for their determination, achievement, spirit and effort. I ask my colleagues to join me in congratulating the Lakers for obtaining this spectacular title and in honoring their devotion to our community and country.

HONORING COUNCIL MEMBER HAL
MALKIN

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Hal Malkin

and his 17 years of public service to the people of La Mirada, California. Hal and his wife Barbara have called La Mirada home since 1972. Hal began the first of his five terms on the La Mirada City Council in 1994.

Since taking office in 1994, Hal has worked tirelessly to ensure La Mirada remains safe for its residents and economically vibrant for its business community. Under his tenure, La Mirada has seen the creation of various city resources such as the Frontier Community Building, the La Mirada Resource Center, and the widely popular SPLASH! Complex. While many cities throughout Southern California have felt the impact of a struggling economy, La Mirada has remained fiscally sound without sacrificing important community services, due in large part to Hal's foresight. It's frankly no surprise La Mirada was listed by CNN and others as one of the "Best Place to Live" in 2007.

Over the years, Hal's civic involvement has extended into his community where he proudly served as Chairman of the Board of Directors of the Rio Hondo Chapter of the American Red Cross and as a member of the Executive Committee for 9 years.

As an active leader in his community, Hal has received several awards including Outstanding Faculty Member, Cerritos College 2002–2003; Member of the Year, La Mirada Chamber of Commerce; and the Parent-Teacher Association Honorary Service Award.

Hal has continuously demonstrated his dedication to his profession, community, and family. Today, Hal continues to open the doors of the educational opportunity to local youth as an Associate Professor and Department Chair of the Pharmacy Technology Program at Cerritos College.

Mr. Speaker and distinguished colleagues, please join me in honoring Councilmember Hal Malkin for his many years of service and dedication to the City of La Mirada and the community. Let us wish him and his family the very best in retirement.

PERSONAL EXPLANATION

HON. FEDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. WILSON of Florida. Mr. Speaker, on rollcall No. 194, had I been present, I would have voted "no."

IN RECOGNITION OF THE 2011 BLUE
AND GOLD BANQUET FOR CUB
SCOUT PACK 976

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 2011 Blue and Gold Banquet for Cub Scout Pack 976.

The Boy Scouts were founded in the United States on February 8, 1910 by William D. Boyce when he incorporated the Boy Scouts

of America. The following year, the BSA adopted the Scout Oath and the Scout Law. After over one hundred years of scouting, these founding principles have guided over one hundred million BSA youth members to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Each year, Cub Scout packs commemorate scouting and its enduring principles with a Blue and Gold Banquet. The pack celebrates scouts, pack leaders and other adults who have contributed to the pack's health and vibrancy. I would like to extend my personal congratulations to the following Cub Scouts in Pack 976 who will be recognized at the 2011 Blue and Gold Banquet for advancing to the next level of scouting.

The Order of the Arrow is awarded to scouts that best exemplify the Scout Oath and Law in their daily lives. The following individuals are being awarded the Order of the Arrow this evening.

Chris Arcangeli, John Cheng, Hank Reinhardt, Cyrus Robinson, Holden Snyder, Nicolas Bocock, Nicholas Baltas, Jack Heerink, Charlie McGarry, Noah Strike, Danny Flood, Austin Gillmore, Salim Roustom.

Mr. Speaker, I ask that my colleagues join me in celebrating the Boy Scouts of America, their one hundred year anniversary and the 2011 Blue and Gold Banquet for Cub Scout Pack 976. The BSA sets a high standard for integrity and strength of character. I admire all scouts who seek to uphold the BSA core principles, and extend my sincere best wishes to the Cub Scouts of Pack 976 as they strive to realize their scouting potential.

HONORING MR. RAYMON P. DONES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of one of the nation's first and greatest African-American construction project developers, Mr. Raymon P. Dones. A loving husband, father, grandfather, great-grandfather, great great-grandfather and friend, Mr. Dones was also a talented entrepreneur, businessman, inventor and civil rights trailblazer. With Mr. Dones' passing at the age of 92, we are reminded of his life's journey and the joyful legacy he inspired.

Born in 1918, Mr. Dones learned the electrical and plumbing trades while working as a Pullman car porter in Denver, Colorado. After earning his electrical contracting license, he founded Dones Electric, which later became incorporated as Aladdin Electric in Oakland, California. Mr. Dones' broad interests also included inventing. He received a U.S. patent for the design of a loud speaker enclosure in 1964.

In the mid-1960s, Mr. Dones became a leading force in advocating for minority contractors and their employees. Working with Joe Debro and Frank Poole, he helped found a group to fight for increased opportunities for minority contractors, which later became the

National Association of Minority Contractors (NAMC). In 1969, Mr. Dones was elected NAMC president and Mr. Debro became executive director.

Today the nonprofit trade association boasts chapters in 49 states, as well as England, South Africa and the Virgin Islands. Mr. Dones was also instrumental in establishing Project Upgrade, one of the first construction trades apprenticeship training programs in the United States. In the Bay Area, Mr. Dones participated in building or subcontracting a considerable part of Oakland's landscape, including the MORH and Acorn housing developments in West Oakland, the West Oakland Health Center and the early construction of Oakland City Center.

Even into his late 80s, Mr. Dones continued to volunteer in the community and work with his son, my good friend Alan, who followed his footsteps as a leader in minority contracting and development. A recipient of many accolades throughout his career, Mr. Dones was named one of the most influential people in the construction industry by Engineering News-Record Magazine in 1999.

Ray was a Renaissance Man. As a Capitol Hill staffer for former Congressman and Mayor Ron Dellums during the 70s and 80s, I remember how Ray came to Washington, D.C. to educate staff regarding the importance of minority business participation. He was a tireless advocate and knew how to influence public policy on behalf of minority contractors. We became close friends and Ray and his beloved late wife, Inez, also became some of my longstanding supporters as an elected official. His smile and kind words of support always gave me encouragement and inspiration to continue the fight. I will miss this great warrior tremendously.

In addition to his notable career and influence, Mr. Dones was a proud husband to the late Inez Dones, and father to their extensive family. The couple both came to their union with three children from prior relationships, and had two more children together. Mr. Dones will be deeply missed by his surviving children, and a host of grandchildren, loved ones and friends.

Today, California's 9th Congressional District salutes and honors a great human being, Mr. Raymon P. Dones. The contributions he made to others throughout his life are countless and precious. My thoughts and prayers are with his loved ones. May his soul rest in peace.

IN TRIBUTE TO CSC(SW) OSCAR FLORES ON THE OCCASION OF HIS RETIREMENT

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. WEINER. Mr. Speaker, I rise to recognize Chief Culinary Specialist (Surface Warfare) Oscar Flores in honor of his retirement from the United States Navy. Chief Culinary Specialist Oscar Flores has provided 23 years of faithful and devoted service to the United States Navy and to the citizens of our country.

Since 1988, Chief Culinary Specialist Flores has been dedicated to the U.S. Navy and their mission to protect the United States and her citizens. He started as a Mess Management Specialist, and as Chief Culinary Specialist Flores always went above and beyond the line of duty, he rose through the ranks to Chief Petty Officer. With his talents and exceptional culinary skills, Chief Culinary Specialist Flores has provided outstanding service to the Clinton family. His energy and dedication have been a tribute to the first family and his country.

Additionally, Chief Culinary Specialist Flores earned the dignified title of the Commanding Officer's Chef while aboard the USS *Fort Fisher* (LSD 40) as Galley Watch Captain and aboard the USS *Essex* (LHD 2) as Wardroom Supervisor. On shore, Chief Culinary Specialist Flores has proven his loyal leadership as Petty Officer in charge of BEQ/BOQ Operations at Naval Submarine Base Point Loma, CA. I also recognize Chief Culinary Specialist Flores for his many decorations and awards including the Presidential Service Badge, Navy and Marine Corps Achievement Medal, Joint Meritorious Unit Award, and numerous individual, unit and campaign ribbons.

Chief Culinary Specialist Flores represents the best of what our Nation has to offer and has demonstrated exemplary and laudable service while on the Presidential Food Service Staff at the White House as Chef and Personal Enlisted Aide to the President.

Chief Culinary Specialist Flores' tireless work ethic will be missed by the U.S. Navy, though his strong commitment continues as a Personal Chef, Personal Aide, and Director of Operations at the Clinton Residence.

I am honored to congratulate Chief Culinary Specialist Flores on the occasion of his retirement and further extend my gratitude for his many faithful years of service to the United States Navy.

COMMEMORATING THE 50TH ANNIVERSARY OF THE 23RD AMENDMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. NORTON. Mr. Speaker, today I rise to commemorate the 50th anniversary of the ratification of the 23rd Amendment to the United States Constitution, which granted the citizens of the District of Columbia the right to vote for President and Vice President. This victory fifty years ago was one of the early victories in the long and continuing struggle of District of Columbia residents for equal rights as American citizens. The 23rd Amendment provided the District of Columbia with three electors for President and Vice President, allowing D.C. residents to vote for the nation's highest offices for the first time since the city was created as the nation's capital.

Only two Members of Congress, Representative JOHN DINGELL and Senator DANIEL INOUE, remain in office from the period of introduction and ratification of the 23rd Amendment, when both were members of the House

of Representatives. I was away at college then, but it was clear that an important catalyst for the amendment was the birth of the civil rights movement with the Birmingham bus boycott. The civil rights movement was key in moving Congress to afford the presidential and vice presidential votes to the citizens of the nation's capital, which had become a majority African American city at that time.

The original joint resolution, H.J. Res. 757, was reported favorably by the House Committee on the Judiciary on June 9, 1960. The accompanying report made clear that the amendment "would not make the District of Columbia a state" and did not grant "home-rule" to the District. Home rule, a milestone allowing for democratic self-government, did not come until 1973. Originally paired with a number of unrelated amendments in the Senate, what became the 23rd Amendment passed the House by voice vote on June 14, 1960 and the Senate agreed to the bill two days later. Fifty years ago today, March 29, 1961, Ohio became the 38th state to ratify the amendment, and it was officially declared to have been ratified as the 23rd Amendment five days later.

Unfortunately, the District of Columbia today remains the only capital in a democratic nation where citizens are denied a vote in the nation's representative body of government. Today, we can only hope that the decision of Congress to support the presidential and vice presidential votes for D.C. citizens will lead the way to votes in the Congress of the United States itself.

HONORING THE ST. PAUL BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today to congratulate the Saint Paul Branch of the American Association of University Women (AAUW) on the occasion of its 100th anniversary. For the past century, the St. Paul Branch of the AAUW has fulfilled a noble mission to advance equity for women and girls through advocacy, education, philanthropy and research.

As a non-profit education advocacy organization, one of its major successes has been the creation of a trust providing college scholarships to young women. Each year, the trust awards approximately \$60,000 in scholarships to deserving high school graduates, and one-time scholarship funds to women returning to college to complete a degree. Scholarship recipients reflect the growing ethnic, religious and racial diversity of our community.

Through its Scholarship Trust and nationwide network affiliation with the AAUW, the St. Paul Branch has made a positive impact for many young women and girls by advancing social, economic and education equity. More women and girls are being empowered to seize opportunities that otherwise would have been impossible.

The work of AAUW St. Paul Branch is commendable and it deserves to be celebrated. In honor of its 100th Anniversary and its mission to provide education opportunity for young women and girls, I am pleased to submit this statement for the CONGRESSIONAL RECORD.

A TRIBUTE IN HONOR OF ONEIDA
"MOTHER" BRANCH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the long and loving life of Oneida "Mother" Branch, the heart and soul of the East Palo Alto, California, community, who died in her home on March 22, 2011. For 92 years, Mother Branch put the "active" in activist, devoting her life to her family, her church, and her community.

Born in New Orleans, Mother Branch moved to East Palo Alto half a century ago to start a church with her late husband, the Reverend James Branch. After helping to start St. John Missionary Baptist Church, Mother Branch taught Sunday school and founded a sewing club, attending services until just a month before she died. Widely known and respected for her prodigious knowledge of church history and her willingness to help others, Mother Branch was a deeply religious woman who was revered by the entire community.

But Mother Branch's charity was not confined to church. "Mother was a little lady with a massive heart," Paul Nyberg, Publisher of the Los Altos Town Crier, once said. "She was an unabashed Christian reaching out to help everyone in need." In the 1970's, Mother Branch established the East Palo Alto Community Center to provide food, comfort, and support to those in need. For decades, she dispensed canned food, blankets, and clothing—as well as uproarious stories and sage advice—to the people of East Palo Alto, working especially hard to promote education and the dignity of women.

Even while she performed her good works, Mother Branch experienced a series of difficult setbacks. The first Community Center office burned down just before Thanksgiving of 1977, and a flood later destroyed her second office. Mother Branch kept aiding her community, spending what little money she had on temporary storage units and continuing to distribute supplies from her own home—which burned down as well. Motivated by a heroic desire to help, even as a stroke at the age of 86 kept her in the hospital for only two days, she went back to work. "No one should suffer," she would say.

A constant whirlwind of wisdom and affection, Mother Branch always seemed younger than her years . . . which was in fact the opposite. Over the course of resolving a mortgage issue in 2007, Mother Branch discovered that she was actually three years older than she'd thought. But the aid she gave was ageless, touching generations of East Palo Alto residents. Over the years, she would proudly observe, "I have seen people stand on their own feet." This was perhaps her greatest

quality, her ability to strengthen and sustain the lives of those around her. She lived her faith daily, and recognized the godliness in every human being.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Mother Branch's children: Erwin Babney, Whitney Babney, and Nate Branch, her grandchildren, and great-grandchildren, as well as all the residents of East Palo Alto. Mother Branch was deeply rooted in her community, nourishing everyone she met with her light, love, and laughter. I'm proud to have known such a caring and extraordinary matriarch and distinguished citizen of our community and our country.

RECOGNIZING MR. JAMES BISHIR
AS THE 2011 HURLBURT AFA
CHAPTER 398 MIDDLE SCHOOL
TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mr. James Bishir as the 2011 Hurlburt AFA Chapter 398 Middle School Teacher of the Year.

Mr. Bishir, an Integrated Science teacher at Woodham Middle School, began teaching nine years ago. His dedication and professionalism are exemplified by his efforts leading extracurricular activities aimed at developing the skills to ensure that students are prepared to succeed after graduation. All of Mr. Bishir's students benefit greatly from his assiduous work ethic and his dedication to teaching them before, during and after school.

Three years ago, Mr. Bishir began heading Woodham's robotics program. Through countless hours of hard work, he and his robotics team of 58 members designed and built a robot. This year, their robot qualified, for the second time in three years, to compete at a national robotics championship at Auburn University. At the championship event, his team was the second highest ranking middle school. In just a short three-year period, he has shown students that not only can learning come in any form, but that their hard work and effort yield positive results.

In his capacity as the Project Based Learning Group Facilitator, Mr. Bishir serves as a mentor for eight other instructors at Woodham Middle School. Through his leadership, Mr. Bishir assists the group in using technology to incorporate project based learning in the classroom. Mr. Bishir goes above and beyond the call of duty to engage his students and work with his colleagues to facilitate innovative learning projects. His commitment to excellence leads to success in and out of the classroom and has earned him recognition as the 2011 Hurlburt AFA Chapter 398 Middle School Teacher of the Year.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Mr. Bishir for his accomplishments. My wife Vicki joins me in congratulating Mr. James Bishir, and we wish him all the best.

HONORING REVEREND LUCIUS
WALKER, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Rev. Lucius Walker, Jr. The founding director of the new Interreligious Foundation for Community Organization (IFCO), and a steadfast advocate for civil rights, peace and justice throughout his life, Rev. Walker followed a spiritual call to serve and empower vulnerable communities. With his passing on September 7, 2010, we look to Rev. Walker's personal legacy of faith, the joy he inspired, and the outstanding quality of his life's work.

Born August 3, 1930, in Roselle, New Jersey, Rev. Walker was one of 10 children. As a teenager, he garnered recognition as a skilled preacher at Pentecostal revival meetings. He majored in English at Shaw University, a historically black institution in Raleigh, North Carolina, and later earned a second degree in divinity from Andover Newton Theological School in Massachusetts. He also earned a master's degree in social work from the University of Wisconsin, and was ordained in 1958.

In 1967, a group of progressive religious leaders and community activists called upon Rev. Walker to be the founding executive director of IFCO, an organization that linked mainstream Protestant, Catholic and Jewish denominations and congregations to empower community organizers in troubled areas. For more than four decades, Rev. Walker led the IFCO in assisting the poor and disenfranchised to develop and sustain community organizations that fight for human and civil rights around the world.

As the first and largest foundation in the country led and directed by people of color, IFCO's first major accomplishment was the historic National Black Economic Development Conference in 1969, chaired by Rev. Walker. The conference resulted in the presentation of the Black Manifesto, which asked for \$500 million in reparations to the Black community. In the 1970s, Rev. Walker and IFCO were instrumental in working to organize the National Anti-Klan Network (now known as the Center for Democratic Renewal), which continues to be a watchdog for racist violence and hate crimes. Moreover, Rev. Walker founded Salvation Baptist Church in Brooklyn, New York, and was also one of the strategists and founders of the National Black United Fund.

In 1988, Rev. Walker suffered a gun shot wound at the hands of Nicaraguan contras while leading an international delegation to raise awareness about U.S. policy in Central America. This harrowing experience strengthened his resolve to form a new IFCO program called Pastors for Peace. Through his work, the program has had a key role in the American Indian Movement, the national farm labor movement, the Puerto Rican struggle for independence, and opposition to the U.S. blockade of Cuba. It has organized more than 40 caravans carrying material aid to Mexico, Central America, Haiti, New Orleans, and more

than 3,200 tons of aid to Cuba, flouting the U.S. blockade.

One of Rev. Walker's proudest accomplishments was his decade-long organization of a groundbreaking medical exchange program for low-income American youth from communities of color to earn full scholarships at the Latin American School of Medicine in Cuba and return to the U.S. to provide medical care to the underserved. It was an honor and a magnificent experience to work with him in establishing a process for American students to attend this school. He said, "Yes, we can" in spite of the odds. We owe Rev. Walker a debt of gratitude for his bold efforts.

Lucius was an international leader. I personally witnessed the respect and love people had for him throughout the world. He epitomized the slogan, "think locally, act globally." I miss his advice and counsel, but most importantly, I miss his friendship.

Today, California's 9th Congressional District salutes and honors a great humanitarian, Rev. Lucius Walker, Jr. The contributions he made to others throughout his life are countless and precious. My thoughts and prayers are with his family, as well as his extended group of loved ones and friends. He was a man of bold integrity who is deeply missed. May his soul rest in peace.

IN RECOGNITION OF THE SERVICE
OF COMMAND SERGEANT MAJOR
VICTOR ANGRY AND IN APPRECIATION
OF MILITARY FAMILIES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Command Sergeant Major Victor Angry on the occasion of his retirement following more than 23 years of service in our United States Army National Guard. SGT. MAJ. Angry joined the Army National Guard in 1987, following in the footsteps of his brothers who also served our country in uniform. SGT. MAJ. Angry was just 19 years of age when he enlisted. Raised in an urban and poor environment, SGT. MAJ. Angry found himself with few dreams, little passion, and deflated hopes, and thought that he was just "taking a job" for four years. That "job" became an extraordinarily successful career in which SGT. MAJ. Angry has become a part of history.

Attaining the rank Command Sergeant Major is the epitome of success in the Army National Guard. It is the highest rank possible, with the exception of Sergeant Major of the Army, for enlisted soldiers and there is no greater honor. SGT. MAJ. Victor Angry was the very first African American to achieve this rank and he has become a role model and inspiration for other young men and women, especially those who face personal challenges.

SGT. MAJ. Angry has a role model of his own—his wife Michelle. The life of a servicemember can be very difficult, especially on his family. Frequent moves or deployments, becoming re-established in a new community, guiding your children through the pain of leav-

ing old friends and trying to fit in yet again are just a few of the issues that are faced. Michelle has not only guided her family through these changes, she has aided so many other children along the way. Michelle has been instrumental in the development and success of the Fort Belvoir Family Childcare Program where her nurture, patience, and intelligence have contributed immeasurably to the growth and security of the children of our soldiers. Michelle has become a "Star Provider" and has rightfully earned the praise of so many including Evelyn Flores, Family Child Care Director, Fort Belvoir, Virginia.

I believe that SGT. MAJ. Angry would agree that without the unconditional love and support of his wife Michelle and his children Dominique and Alexxus, his professional success in the U.S. Army Guard would not have been possible.

Mr. Speaker, I ask my colleagues to join me in congratulating Command Sergeant Angry on the occasion of his retirement and in thanking him for his service to our country. I also commend Michelle Angry and all military spouses and families throughout our country. They are truly the unsung heroes. Our armed services would suffer greatly without the eternal support of their families, and I thank Michelle and all military families for their sacrifices.

RECOGNIZING FROZEN FOOD
MONTH

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize Frozen Food Month and to thank the thousands of individuals who work in the frozen food industry who help hard-working families have access to healthy foods.

Few other food choices provide consumers with the benefits and flexibility offered by frozen foods. Today, frozen entrees are healthier—using less sodium, less fat and including more whole grains. Frozen fruits and vegetables can be nutritionally superior to their fresh counterparts, particularly over time.

Frozen foods have also played a key role in helping nourish Americans and feed the world. According to the U.S. Department of Agriculture, U.S. exports of frozen food hit an all-time high in 2010 at \$11 billion, an increase of more than 50 percent since 2006.

The industry is also a key job producer. With almost 700 facilities located nationwide, it employs nearly 100,000 Americans. In the state of Washington alone, more than 7,400 jobs come from the frozen food industry.

This makes sense. One of Washington state's top advantages is its reliable production of high quality crops. There are more than 300 crops commercially produced, which can be turned into a diverse range of quality frozen food products for American consumers and growing markets in Asia. Potatoes, apples, grapes, and berries are just some of the crops that are processed and frozen.

I would be remiss if I didn't take this opportunity to commemorate the accomplishments

of some in the industry who have made a difference. Clarence Birdseye—an all American inventor—who ushered in a food revolution in 1930 when his line of frozen foods first hit grocery stores, introducing America to affordable foods that were easy to make.

William McCaffray Sr. founded the National Frozen Food headquartered in Seattle, Washington. Mr. McCaffray started freezing one-pound cups of strawberries in 1928—some of the earliest frozen retail packaging in the world. The impact that these two gentlemen had on the industry and the impact that the industry has had on this nation are immeasurable. There is no doubt that the innovations and contributions of this vital American industry will continue to shape the future success of our country.

A DAY IN HONOR OF ABIODUN OYEWOLE, "FOUNDING MEMBER OF THE LEGENDARY LAST POETS" AND ARCHITECT OF POETS HAVEN—OPEN HOUSE SUNDAYS @ 110 MORNINGSIDE DRIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize a day in honor of Abiodun Oyewole, founding member of the legendary Last Poets and architect of Poets Haven—Open House Sundays @ 110 Morningside Drive.

On Sunday, March 27, 2011, Harlem's beloved National Black Theater hosted and joined the community of Black Diasporan Artist and Poets to celebrate and honor the legacy of Abiodun Oyewole and his most prized institution, "Open House Sundays @ 110 Morningside Drive," a true rendition of free art, expression, and family love.

Abiodun Oyewole, a founding member of the legendary and original spoken word group, The Last Poets, has for over 30 years opened his apartment every Sunday, feeding his fellow artists food for thought, body and soul. Sunday's participants would gather at Poets Haven to celebrate each other, eat delicious foods, and gravitate to the elders. For many aspiring and renowned artists and poets, this is home, a place where one can help oneself to salmon croquettes, grits and home fries. In his living room you can find griots, storytellers and poets sharing their work with people who have an appreciation for the arts and yearn to be around love and expression of Black Consciousness.

Shortly after the assassination and murder of Reverend Dr. Martin Luther King, Jr., along with the changing domestic landscape came the New York City-hip group called The Last Poets. They used obstreperous verse to chide a Nation whose inclination was to maintain the colonial yoke around the neck of the disenfranchised. Their name, "The Last Poets," is taken from a poem by the South African revolutionary poet Keorapetse Kgotsitsile, who posited the necessity of putting aside poetry in the face of looming revolution. "When the moment hatches in time's womb there will

be no art talk," he wrote. "The only poem you will hear will be the spearpoint pivoted in the punctured marrow of the villain. . . . Therefore we are the last poets of the world."

So Abiodun Oyewole and founding members Umar Bin Hassan, Jalal Mansur Nuriddin, Felipe Luciano, Gylan Kain, David Nelson and percussionist Nilaja Obabi formed The Last Poets on May 19, 1968, Malcolm X's birthday, at Marcus Garvey Park (formerly Mount Morris Park) in the East Harlem/El Barrio neighborhood part of my Congressional District in New York.

These young radical poets and musicians rose to become the rappers of the civil rights era. During the late 60s and early 70s, Abiodun and members of The Last Poets connected with the violent factions of the SNCC (Student Non-Violent Coordinating Committee), the SDS (Students for a Democratic Society), and the Black Panther party. They went through confrontations with the FBI and police, arrests for robbing the Ku Klux Klan and various other ventures with Revolution in mind. Abiodun Oyewole received a 12- to 20-year jail sentence, but served less than four years.

Post the revolutionary Civil Rights era, Abiodun went into teaching. He was a Columbia University Fellow, where he taught biology, and also spent 15 years with the New York City Board of Education teaching children.

The Last Poets have been cited as one of the earliest influences of what would become hip-hop music and for paving the way for all socially committed Black and diverse emcees. So, Mr. Speaker, I ask that today we pay homage to Abiodun Oyewole, Umar Bin Hassan, Felipe Luciano and percussionist Don Babatunde Eaton. Without fame or fortune, they continue to raise the consciousness of America and influence the world through the spoken word of the "Legendary Last Poets."

HONORING VIETNAM VETERAN DOCKIE BRENDLE FOR HIS SERVICE AND SACRIFICE IN THE VIETNAM WAR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Specialist Fourth Class Dockie Brendle for his valiant service and sacrifice during the Vietnam War.

In 1967, Mr. Brendle started his tour of duty as an Armored Track Commander with the 11th Armored Cavalry Regiment in Swan Loc, South Vietnam. In 1968, Mr. Brendle was wounded four times. Due to his service and sacrifice Mr. Brendle received various medals and accolades, including a Silver Star, a Bronze Star with "V" Device for Valor, an Army Commendation Medal with "V" Device for Valor, four Purple Hearts, a Combat Infantry Badge, a President Unit Citation, a Vietnam Service Medal with three Bronze Stars, a Vietnam Gallantry Cross, and a Vietnam Campaign Medal.

Although he is now a 100 percent disabled veteran, Mr. Brendle is an active part of the

Swain County community. He is a member of the Vietnam Veterans of America, Smoky Mountain Chapter 994 as well as a member of Veterans of Foreign Wars in Bryson City. He regularly attends events throughout the community. An avid football fan, he can be seen watching many Swain High School football games as a member of the "Fence Walkers."

I am grateful I have selfless, brave, and dedicated veterans like Mr. Brendle in our community. His service to our country is a great source of pride to me and to Western North Carolina. I ask my colleagues to join me today in recognizing Specialist Fourth Class Dockie Brendle for his service and sacrifice to our great nation.

CONGRATULATIONS TO THE NEWMAN CHAPEL UNITED METHODIST CHURCH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. PAUL. Mr. Speaker, I am pleased to congratulate the parishioners of Newman Chapel United Methodist Church of Kendleton, Texas, on the opening of their new multipurpose worship center. The Center opened this past Sunday, March 27th.

Established in approximately 1872, Newman Chapel was the first Methodist Church organized in the Kendleton. Originally, parishioners meet by the San Bernard River under the old oak trees. Services were held at the river until 1874 when the parishioners constructed a log cabin that served as both a place for worship and a school.

Newman Chapel may have come a long way from its roots in a gathering of believers by the San Bernard River, but what has never changed is the parishioners' and staff's commitment to the mission of building a spirit-filled community church of believers. The new worship center will enhance the Church's ability to carry out this mission by providing a more spacious and comfortable location for worship and other traditional church activities. The new multipurpose center will also be used for new ministries and needed services to all the people of Kendleton. Some of the new programs planned include a Sunday morning breakfast and bible study, a senior daycare center, after school tutorials and programs to provide nutritious food to Kendleton's low-income population.

In conclusion, I once again extend my congratulations to the parishioners and staff of Newman Chapel United Methodist Church on the opening of their new multi-purpose worship center. I am certain all of Newman Chapel's parishioners as well as the community of Kendleton will benefit from the worship center.

IN RECOGNITION OF THE 142ND ANNIVERSARY OF THE SHILOH BAPTIST CHURCH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to recognize the 142nd Anniversary of the Shiloh Baptist Church in Mason Neck, Virginia, and to celebrate the unveiling of its historical marker.

The mission of Shiloh Baptist is to be a "beacon of light" within the community, bringing hope, spiritual guidance, and a loving spirit to those it serves.

On November 18, 1879 Relius Allen and Archie Gilliam, Trustees, purchased one acre of land on Gunston Road, where the first Shiloh Baptist Church was built. This humble log structure became the spiritual home to local families including the original organizers named Gilliam, Berries, Gant, Blackburn and Williams. A small cemetery was also established on the original property. In 1900, another one-acre parcel was purchased directly across the street; this parcel included a building, the Gunston white school, which served as a second meeting house. In 1927, a vestibule and steps were added to the building, which is still in use today.

Since that time, the Church has witnessed many changes. August 11, 1984 marked the groundbreaking of the New Edifice to the Glory of God, which was dedicated the next year. In 1999, a 6-acre addition was dedicated. In 2004, two trailers were installed, providing additional room for classes, administrative offices, prayer rooms, and a library. Also in 2004, two additional acres were purchased, increasing the total Church property to 10 acres. The house on the original Parson's Property has been set aside for use as a "House of Helps and Hope" to serve the needs of our less fortunate neighbors, as well as a nursery.

It is believed that Reverend John Webb was the first pastor of the church and since its founding, 16 pastors and three interim pastors have served the Shiloh Baptist congregation. In 2002, the Reverend Doctor Luther M. Bailey became Pastor of Shiloh Baptist Church, where he continues to serve. Under his leadership, new programs have been implemented and membership has grown to 146.

The significance of Shiloh Baptist Church has been recognized with the placement of a historical marker presented by the Fairfax County History Commission. This Church has witnessed great transformations in our country from its beginnings shortly after the end of the Civil War to the election of our Nation's first African-American President, Barack Obama.

Mr. Speaker, I ask my colleagues to join me in recognizing the 142nd Anniversary of Shiloh Baptist Church, and in recognizing the historical significance and contributions to the community made by this Church and its members.

HONORING WILLIAM "BILL"
RUSSELL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of basketball Hall of Famer and America's 2010 Medal of Freedom Award Recipient, Mr. William "Bill" Russell. A trailblazer in both athletics and civil rights, Mr. Russell is a five-time winner of the NBA MVP Award, a 12-time All Star, and winner of 11 NBA Championships in his 13-year career with the Boston Celtics. Today, we pay tribute to a living legend, on and off the court. Called "The Greatest Winner of the 20th Century," by HBO Sports and "The Greatest Team Player on the Greatest Team of All Time," by Sports Illustrated, Bill Russell's colleagues, friends and family also know him simply as a great human being.

Born February 12, 1934 in West Monroe, Louisiana to Mr. and Mrs. Charles and Katie Russell, Bill moved with his family to Oakland, California at the age of eight. A promising athlete at a young age, he subsequently led the University of San Francisco to NCAA Championships in 1955 and 1956, and was drafted soon after. In 1956, he also led the United States Olympic basketball team to a gold medal as team captain.

Over the years, Mr. Russell captivated fans across the nation with 14,522 career points, 21,620 career rebounds and 4,100 career assists with the Boston Celtics. Noted as the best defensive player in NBA history, Mr. Russell continued his career by becoming the first African-American head coach in American major league sports with the 1967 Boston Celtics. He also coached the Seattle SuperSonics from 1973 to 1977 and the Sacramento Kings from 1987 to 1988.

Following his coaching career, Mr. Russell served his community as an active philanthropist, author and public speaker. Having been the first NBA player to visit Africa in 1959, Mr. Russell later partnered with the NBA and State Department to introduce basketball to Africa as a global ambassador. He has since hosted clinics in over 50 countries on six continents. He has also served as an active member of the National Mentoring Partnership's Board of Directors. Moreover, he has joined with one of his three children, Karen, in raising national awareness and research for Sarcoidosis, a fibrotic lung disorder that affects them both.

Among Mr. Russell's numerous accolades are an honorary doctorate from Suffolk University, an honorary degree from Harvard University and the NBA's first Civil Rights Award. Also, in 2009, the NBA Finals MVP trophy was renamed: the Bill Russell NBA MVP Award.

On behalf of the residents of California's 9th congressional district, Mr. William "Bill" Russell, I salute you. I congratulate you on your many achievements, and I thank you for the invaluable contributions you have made to the sport of basketball, to communities of color, and to residents throughout the Bay Area. I wish you and your loved ones continued success, happiness and well-being in the coming years.

BILL TO HONOR M.D. ANDERSON
OF JACKSON, TENNESSEE

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. FINCHER. Mr. Speaker, I rise today to remember and honor the distinguished life of a successful agri-businessman, a respected philanthropist, and a great Tennessean from Jackson, Tennessee: Monroe Dunaway Anderson. It is my pleasure to introduce a bill to honor M.D. Anderson by designating the property between the United States Federal Courthouse and the Ed Jones Building at 109 South Highland Avenue in Jackson, Tennessee as the "M.D. Anderson Plaza".

Mr. Anderson is a true American legend who used his fortune and influence to provide thousands of people with hope and a second chance at life. Mr. Anderson worked his entire life so that he could endow a hospital which would eventually become the largest medical complex in the world. His philanthropy and generosity were instilled in him as a boy growing up in Jackson, Tennessee. His story deserves to be told and his life commemorated for his bold vision.

Monroe Dunaway Anderson, also known as M.D. Anderson, was born in Jackson, Tennessee in 1873. After attending Jackson public schools, Mr. Anderson left his hometown to attend college in Memphis, Tennessee. Upon completing college, Mr. Anderson returned to his hometown to work at the People's National Bank.

In 1904 Mr. Anderson joined the cotton trading venture Anderson, Clayton, and Company started by his older brother Frank Anderson and Frank's brother-in-law Will Clayton. Their corporation flourished worldwide due to the rising demand of cotton during World War I, and they moved their operation to Houston, Texas to have better access to larger banks and deep water shipping. By the mid-1920's, after the company moved to Houston, they had operational trading firms in Europe, Africa, and Asia.

In 1936, Mr. Anderson established the M.D. Anderson Foundation with \$300,000, which created the largest medical complex in the world, the Texas Medical Center in Houston, TX. The Foundation was set to receive an additional \$19 million dollars upon the death of Mr. Anderson in 1939. The charter of the Foundation did not specify how the money was to be used, but the trustees leaned strongly in the direction of healthcare due to Mr. Anderson's passion to help people and his desire to rid the world of cancer.

By 1945, Anderson, Clayton, and Company owned and operated 233 gins, 33 cottonseed oil plants, and 123 warehouses worldwide, and Fortune Magazine named this small start-up enterprise the largest cotton buyer, seller, storer, and shipper of cotton in the world.

The company remained private until 1945 when it was listed on the New York Stock Exchange. Because of this business strategy, it allowed the M.D. Anderson Foundation to purchase land for the Texas Medical Center through the sale of the company's stock. The Anderson, Clayton, and Company, by this

time, had diversified its capital into a marine insurance company, a barge line, cotton mills, an investment bank, machine works, and even a foods division. After 1950, the multimillion dollar company was known as ACCO, or the "BigStore", and their international market sales reached three and half percent of all the world's production.

The positive impact of the Anderson, Clayton, and Company had on agri-business and the cotton trade as well as the M.D. Anderson Foundation's influence on medicine, research, and education throughout Tennessee's 8th Congressional district and the country is still being felt today.

Mr. Anderson's generosity through his foundation has built libraries, auditoriums, college buildings, and a planetarium on the campus of Lambuth College in Jackson, Tennessee as well as the 49 buildings at the Texas Medical Center.

Because of the positive legacy that M.D. Anderson has left, the city of Jackson, Tennessee along with Madison County passed resolutions in 2009 to honor Mr. Anderson and to rename the plaza between the two Federal Buildings in Jackson, Tennessee as "M.D. Anderson Plaza".

I am not alone in my effort to recognize Mr. Anderson's achievements. I would like to recognize the support of Mayor Jerry Gist of Jackson along with the Jackson City Council members Charles "Pepper" Bray; Ernest Brooks, II; Harvey Buchanan; Johnny Dodd; Danny Ellis; Maurice Hays; Frank Neudecker; Charles Rahm; and Randy Wallace.

In addition to the Jackson City Council, I would also like to recognize Madison County Mayor Jimmy Harris and the County Commission members Jimmy C. Arnold; Fred W. Birmingham; Katie Y. Brantley; Claudell Brown, Jr.; Gary D. Deaton; Aaron D. Ellison; Jim Ed Hart; Arthur D. Johnson, Jr.; Mark G. Johnstone; Terry H. Kuykendall; Larry V. Lowrance; William C. Martin; Luther T. Mercer; Dale Morton; John W. Newman; James W. Pearson; Joe A. Roland; Lacy R Rose; Douglas S. Roth; Billy Spain; Doug Stephenson; Bill Walls; and Arthur Wilson.

Finally, I would also like to acknowledge and thank Mr. Dickie Day of Jackson, Tennessee and Mr. Carter Edwards of Crockett Mills, Tennessee for working on this effort.

Today I join my distinguished colleagues in the city of Jackson and Madison County to rename the plaza between the two Federal buildings in Jackson, Tennessee as the "M.D. Anderson Plaza" by introducing this bill to recognize and honor the life and accomplishments of M.D. Anderson.

Furthermore, I would like to point out that this bill will place no burden to the taxpayers of this great country due to the generosity of the West Tennessee Health Care Foundation in providing the funds necessary to rename the plaza and honor Mr. Anderson.

Mr. Speaker, I urge my colleagues in the House (and Senate) to support me in this tribute to a great American.

RECOGNIZING MR. TIMOTHY HESTER AS THE 2011 HURLBURT AFA CHAPTER 398 HIGH SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mr. Timothy Hester as the 2011 Hurlburt AFA Chapter 398 High School Teacher of the Year. For more than 30 years, Mr. Hester has been an inspiration to his students and colleagues, and I am honored to recognize this achievement.

Out of his passion for teaching and love of aviation, Mr. Hester creates a unique and stimulating learning environment. His introductory middle school course on aeronautics has been adopted by middle schools throughout Okaloosa County as the model for their aeronautics programs. Mr. Hester built on that success and translated it to the high school level, where he currently teaches introductory courses in aviation, aerospace, and space flight in three high schools through the CHOICE Aviation Institute.

Through his tireless work and dedication, Mr. Hester has ensured that the equipment, teachers, and programs necessary to advance aeronautical education are readily available to his students. Last year, he raised \$50,000 in donations and grants to fund these needs, and he has expanded the Aviation Institute, recruiting students and establishing a classroom, among other efforts.

To Mr. Hester, learning is not isolated within the classroom walls. He has afforded his students the opportunity to fly with the Experimental Aircraft Association Young Eagles Program and has hosted field trips to Embry Riddle Aeronautical University. Education in the classroom coupled with practical experience in aviation has amplified the innovative learning experience, providing students a foundation for success and earning him the recognition of High School Teacher of the Year.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Mr. Hester as the Hurlburt AFA Chapter 398 High School Teacher of the Year and for his continuing commitment to excellence. My wife Vicki joins me in congratulating Timothy Hester, and we wish him all the best.

TRIBUTE TO COACH MIKE GOTTFRIED—2010 MOBILIAN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. BONNER. Mr. Speaker, in my home state of Alabama, we know something about winning football, and there is one fact we don't dispute. Behind every winning team is a great coach. The success of the City of Mobile is due in no small measure to the tireless efforts of our own "coach" and my dear friend, Mike Gottfried. I'm especially proud to note that

Coach Mike Gottfried is being honored on April 7, 2011, with a most deserving honor, 2010 Mobilian of the Year.

Many Americans may recognize Mike Gottfried as a long-time ESPN sports analyst who covered both college and NFL football for nearly two decades on prime time television. A fixture on the cable network's Thursday Night Game of the Week and College Football Thursday Night, not to mention ESPN's NFL draft coverage, Mike was particularly compelling as a voice for character as well as athletic achievement.

An Ohio native, Mike was quarterback at Morehead State University from 1962 to 1965. Upon graduation in 1966, he proceeded to coach high school football in Ohio before embarking on a distinguished college coaching career that took him to Murray State, Cincinnati, Kansas and Pittsburgh. During his four years at Pittsburgh, Mike earned a 26-17-2 record, including wins over rivals Notre Dame, Penn State and West Virginia.

Mobile was fortunate when Mike moved to our city in 1990 and became an active member of our community. A member of the Mobile Sports Hall of Fame, Mike is credited with helping to establish the GMAC Bowl—now the GoDaddy.com Bowl—in Alabama's port city.

Mike may be a giant on gridiron, but he stands even taller in the lives of hundreds of young men who grew up without fathers. In 2000, Mike founded Team Focus, an organization which has enabled hundreds of single parent children to advance their education in an environment in which they are "motivated, encouraged, and challenged."

He is the co-author of Coach's Challenge: Faith, Football, and Filling the Father Gap, written with Ron Benson in 2007.

A nationally sought-after motivational speaker and supporter of youth programs, Mike partnered with First Lady Laura Bush in promoting her Helping America's Youth (HAY program), benefitting at-risk students. For over ten years, Mike and his wife, Mickey, have also led fundraising efforts for L'Arche, a Christian community for people with intellectual disabilities, raising more and a half millions dollars. Mike and his wife are also the recipients of the 2010 FBI Director's Community Leadership Award for their community outreach work with Team Focus.

Mike's selfless record of service to disadvantaged youth and his uncommon devotion to our community, have certainly earned him the honor of 2010 Mobilian of the Year.

On behalf of the people of South Alabama, I congratulate Mike on receiving this award and I extend a personal thank you to Mike and his wonder wife and partner, Mickey, for all they continue to do for our community and our country.

HONORING THE LIFE OF GARRETT JOSEPH MALISKA

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the life of Garrett Joseph Maliska of Bryan, Texas.

Garrett entered into rest on February 28 at his home with his family by his side. He was 17 years old. Garrett had battled with Spinal Cord Glioblastoma Cancer since March of 2008.

Garrett was an exceptional young man. He touched everyone that he came in contact with. His friends, teammates, teachers, and classmates all admired the strength with which he carried himself through his hard fought battle with this disease.

Garrett, a member of the baseball team, continued to remain on the team's roster throughout his cancer fight. Many of his teammates and friends all shaved their heads in solidarity with him over this time.

Garrett was a senior at Bryan High School who was well respected in the community for his character and perseverance during his difficult fight. He made a lasting impression on everyone in the community he met, who saw the strength in which he carried himself despite facing this hardship.

Garrett planned on attending Texas A&M upon graduation and becoming an Aggie. His spirit will live on and a scholarship will live on in his name, "The Heart of G Scholarship."

Our thoughts and prayers are with the Maliska family at this difficult time.

RECOGNIZING FIREFIGHTER JIM RITCHIE OF THE HARBOR BEACH AREA FIRE DEPARTMENT FOR 50 YEARS OF SERVICE

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct pleasure to pay tribute to Firefighter Jim Ritchie of the Harbor Beach Area Fire Department located in beautiful Huron County, Michigan. This year marks the 50th year of service for Mr. Ritchie who began his career with the Department in 1960 at 22 years old.

Mr. Ritchie has consistently set high standards during his outstanding career in the fire services. The State of Michigan, the 10th Congressional District and the City of Harbor Beach have benefited greatly from his devotion, sacrifice and strong leadership skills. He was among some of the first individuals in the surrounding Thumb Area to become a state certified fire instructor—demonstrating his commitment to be a great mentor and teacher to younger volunteer firefighters joining the profession.

Mr. Speaker, firefighters are the backbone of our communities. They are often the first to respond to an emergency. Whether it is a fire, car accident, natural disaster, an act of terrorism, medical emergency, or hazardous spill, extraordinary men and women stand ready to serve. They have an unwavering dedication to protect those who are in distress.

But sometimes, first responders are taken for granted. That is until a crisis strikes and the public reaches out for help. Against their better judgment, firefighters rush to the scene of an emergency and into harm's way. When our natural instincts tell us to flee, firefighters

rush in. And without the promise of fame, fortune, or as much as a simple "thank you," firefighters remain constantly vigilant.

Despite this, Firefighter Ritchie continues to show true bravery and courage in times of panic and crisis. He has served a key role with the Harbor Beach Area Fire Department. He is a great American and I salute him.

In closing, Mr. Speaker, I am extremely proud of all the men and women who risk their lives to protect our safety and well-being, so it is my honor to offer my sincere gratitude to Mr. Jim Ritchie for his 50 years of service. His leadership, integrity, and dedication are greatly appreciated. I wish him all the best as he continues to serve the citizens of the City of Harbor Beach.

“AN UNJUSTIFIED ASSAULT ON
STATE AND LOCAL GOVERNMENT”

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, very few financial instruments in American history have had the extremely high degree of reliability as full faith and credit, general obligation bonds issued by states or local governments. The rating agencies themselves have acknowledged that there are virtually no defaults of such bonds, and even for those bonds that are funded by particular dedicated revenue sources, and are somewhat less solid, as Iris Lav notes in the New York Times last week, "The leading rating agencies estimate the default rate on rated municipal bonds of any kind at less than one-third of 1 percent; in contrast, the default rate on corporate bonds reached nearly 14 percent during the recession and hovers around 3 percent in good times." I note here, Mr. Speaker, that while I am skeptical of the predictive abilities of the rating agencies, I do not doubt their ability to count what has happened and that is what we are referring to here.

Despite this extraordinary solid record of repayment, there are some in the investing community who are promoting uncertainty by predicting that there will be, in an unprecedented way and quite contrary to the fiscal facts—an outbreak of defaults. This is not only without any factual basis; it is one more assault on the ability of state and local governments to provide for the needs of the people who live in these jurisdictions. Transportation facilities; sewer and water projects; public safety and health and education facilities—all of these are funded by bonds, and the record, as Ms. Lav makes clear, is that those who invest to help build these are always paid back as promised.

In her op-ed article in the New York Times, Iris Lav, of the Center on Budget and Policy Priorities, decisively refutes this effort to drive up the interest rates that state and local governments have to pay, requiring them either to raise taxes at the state and local level, or to diminish important projects that both support employment and provide necessary public facilities.

Mr. Speaker, I ask that Iris Lav's thoughtful and irrefutable argument be printed here.

UNBREAKABLE BONDS

(By Iris J. Lav)

WASHINGTON.—Late last year a well-known financial analyst, Meredith Whitney, predicted that "50 to 100 sizable defaults" by state and local governments, amounting to hundreds of billions of dollars, were just around the corner. Since then that fear has produced a near-panic, with municipal bond markets down significantly and some even calling for a law to let states declare bankruptcy.

But this fear of an imminent bond crisis reflects a profound misunderstanding of the differences between the short- and long-term challenges facing state and local governments, and what these governments can do to address them. Indeed, such talk hurts those governments in the long run by undermining investor confidence and raising their borrowing costs.

Municipal bond default is actually quite rare: no state has defaulted on a bond since the Depression, and only four cities or counties have defaulted on a guaranteed bond in the last 40 years. A few minor bond defaults do occur each year, usually on debt issued by quasi-governmental entities for projects that didn't pan out, like sewers for housing developments that never were occupied.

Indeed, last year's total defaults amounted to just \$2.8 billion—a drop in the bucket compared to the nearly \$3 trillion in outstanding municipal bonds. The leading rating agencies estimate the default rate on rated municipal bonds of any kind at less than one-third of 1 percent; in contrast, the default rate on corporate bonds reached nearly 14 percent during the recession and hovers around 3 percent in good times.

So why are so many people afraid of a looming wave of bond defaults? The confusion is rooted in a failure to distinguish between cyclical budget problems and the longer-term soundness of state and local borrowing.

State and local budget deficits need to be understood in context. These governments always have trouble balancing their budgets during economic downturns, and this downturn has been worse than most. The 2007–2009 recession and the slow recovery, along with housing foreclosures, caused a big drop in state and local revenues; state revenues remain an estimated 11 percent below what they were before the recession.

Meanwhile, state spending on public services has risen, driven in part by increases in the numbers of unemployed and newly poor residents. The result has been huge and continuing, but understandable, deficits.

Such deficits make for frightening headlines because these days, most governments are legally required to balance their budgets each year, and they have been closing those gaps by cutting programs and raising taxes, neither of which sits well with voters.

But these operating deficits are cyclical: as the economy picks up, demand for social services will decline and tax revenues will increase, just as they have after previous recessions.

To be sure, states also suffer from longer-term "structural deficits" because their revenues are not growing as quickly as their costs of providing services even during good economic times. These structural deficits, which states must address, make it harder for them to meet their responsibilities each year.

However, that doesn't mean their bonds are in trouble. Bonds are a long-term obligation. They finance projects like bridges, highways and school buildings—not, with

very few exceptions, annual operating costs. And by law most state and local governments must pay bond interest before financing any public services.

True, state and local governments do have to make annual interest payments on their bonds, but these payments represent a modest 4 percent to 5 percent on the whole of current spending—no more than in the late 1970s. And while total state and local bond debt has risen slightly over the last decade as a share of the economy, it is no higher today than it was at times in the 1980s and 1990s.

On the rare occasion when a local government faces the risk of default, the state typically steps in and creates a control board or other mechanism to straighten out its finances and assure that bondholders get paid; New York did so when Nassau County's finances deteriorated in 2000 and again this year. Pennsylvania gave the same assistance last year to Harrisburg, which had issued bonds for an overly ambitious trash-to-energy project.

Some doomsayers liken today's municipal bond market to the mortgage bond market before it burst. But that's a false comparison: state and local governments haven't changed the frequency or quality of bonds issued, as occurred with subprime mortgage bonds.

Nevertheless, the fear of imminent defaults has led some politicians to call for a federal law allowing states to declare bankruptcy. That's a solution in search of a problem that doesn't exist—and a dangerous solution at that, since it likely would undermine investor confidence and thereby increase state borrowing costs for necessary capital improvements.

None of this is to say that the country's finances, whether at the federal, state or local level, aren't without serious problems. But it's one thing to talk reasonably about long-term difficulties, and another to spread fear about a bond-default apocalypse. Doing so might win political points, but it makes finding real solutions much harder.

HONORING THE UNIVERSITY OF WISCONSIN-MADISON WOMEN'S HOCKEY TEAM FOR WINNING THE NCAA DIVISION I NATIONAL CHAMPIONSHIP

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. BALDWIN. Mr. Speaker, I rise today to honor the University of Wisconsin-Madison women's hockey team for completing an outstanding season and winning the NCAA Division I National Championship. The victory marks the Badgers' fourth national title in six years.

Under the tutelage of Coach Mark Johnson, UW-Madison achieved tremendous success this season with an overall record of 37 wins, 2 ties, and 2 losses. Their mark of 37 wins is a new NCAA women's hockey record, besting the mark of 36 wins previously set by the Badgers in 2006, and 2007, and their last win capped an unbelievable 27 game win streak. The Badgers secured both the WCHA regular season and tournament titles, and on March 20, 2011, they iced the National Championship with a 4–1 victory over Boston University

in the 2011 NCAA Women's Frozen Four National Championship game at Tullio Arena in Erie, Pennsylvania.

The merit of this team is reflected in the many accolades earned by its members. Coach Johnson, a former gold medal Olympian, was awarded the 2011 American Hockey Coaches Association Division I Coach of the Year, making him a four-time recipient of the award. Additionally, senior forward Meghan Duggan was awarded the Patty Kazmaier Award, which recognizes the Division I female hockey player who displays the highest standards of personal and team excellence during the season. Meghan's three point performance in the semifinal game against Boston College, which included an assist on Brianna Decker's goal with just 48 seconds left, helped the Badgers skate into the finals.

The puck does not stop with athletic achievement. UW-Madison Chancellor Biddy Martin, Athletic Director Barry Alvarez, and Coach Mark Johnson are dedicated to creating an environment of academic excellence. Every year, the Elite 88 award is presented to the student-athlete with the highest cumulative grade point average participating in the finals for each of the NCAA's 88 championships. This year, sophomore goalie Rebecca Rueggesser, who also was named to the All-WCHA Academic team and is a WCHA Scholar Athlete, was the women's hockey recipient for this prestigious award for her 4.0 grade point average.

The loyal support of Badger fans clad in cardinal and white across the state helped raise the women's hockey team to the apex of their sport. I join others in south central Wisconsin in proudly recognizing the achievements of the players, coaches, students, alumni, and staffers who were vital in helping the UW-Madison women's hockey team win yet another NCAA title.

HONORING MICHAEL KELLEY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize a man of utmost integrity and resilience: Michael Kelley. Mike will be honored tomorrow at the Plymouth Public Library in Plymouth, Massachusetts for his steadfast dedication to the security of our Nation and his fellow veterans.

Following over twenty years in the Navy, Mike returned with a new perspective on the challenges that veterans face and the opportunities that our country can create for them. Mike quickly saw that unemployment and a lack of job training plagued his veteran community, and so he set to establish a multidisciplinary team that ultimately founded the VET NET Steering Committee and devoted his life to helping his fellow veterans seek employment opportunities through the Plymouth Career Center. Thousands of veterans from the Army, Navy, Marines, Coast Guard, and the Air Force have found a collaborative way to train each other on necessary job skills, explore emerging employment opportunities, and

secure careers for themselves. Meanwhile, Mike worked effortlessly to garner support for the Steering Committee and retain an active and outspoken membership.

I commend Mike for his drive and initiative, and I urge others to learn from his leadership and guidance. I look forward to working with Mike and our veterans' community to address these challenges and help veterans advance our economy.

IN RECOGNITION OF MS. EDIE FRASER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Edie Fraser, a remarkable woman who has devoted herself to promoting diversity, advancing women's equality, and serving others throughout her career, and who I am proud to call my friend.

A remarkably devoted and effective activist and philanthropist, Edie D. Fraser is a successful entrepreneur, an inspirational and visionary leader, and a selfless and dedicated philanthropist and mentor to countless other women and girls. She has a long and distinguished track record as an advocate for diversity in the corporate sector. The remarkable effectiveness and astonishing energy that she has demonstrated in her advocacy inspired her friend Cynthia de Lorenzi, the founder of the "Success in the City" program, to give her the nickname, "the Magical Bumblebee."

A top official at Diversified Search Odgers Berndtson, Edie Fraser is widely respected throughout corporate America. She has a rich history in diversity advocacy, having been the founder, President, and Chief Executive Officer of the Business Women's Network and the Public Affairs Group, Inc., whose divisions include Diversity Best Practices and Best Practices in Corporate Communications. More than 135 corporations participated in the programs created and developed by her company. She currently serves on the Boards of Directors of several important organizations dedicated to promoting diversity in the workforce and to encouraging women's equal participation in every sector of business and society. She was recently featured on the cover of WOW magazine's "Mentoring Leaders" issue, and is being honored in Washington this month.

Edie Fraser has dedicated her life to serving others in countless ways. She is the co-author of *Do Your Giving While You're Living*, a work that reached the best-seller list of *BusinessWeek* magazine and which offers inspirational portraits of prominent women leaders like Bonnie McElveen-Hunter, the Chair of the Board of Red Cross; Jennie Chin Hansen, the President of the American Association of Retired Persons, and the renowned singer and recording artist Dionne Warwick. Ms. Fraser is also a longtime supporter of Latina Style and of Robert Bard, as well as non-profit institutions like Big Brothers and organizations serving persons with disabilities. In recognition of her service to others, she has won more than 35 major awards for promoting diversity, ad-

vancing women's equality, and far-sighted philanthropy. She has served as Chair of the Public Affairs and Government Relations Sections of the Public Relations Society of America, and has been a keynote speaker for the International Association of Business Communicators. Edie won the highest award possible in the field of communications, the Silver Anvil, for a specialized international campaign on U.S. and Japan communications and trade promotion. Throughout her long career as a corporate leader and community and civic activist, Edie Fraser has been deeply devoted to her family and friends, above all to her beloved husband, Joe Oppenheimer.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the enormous contributions to our civic and political life made by Edie D. Fraser, a leader, activist, and philanthropist in the finest traditions of our great republic.

HONORING DANBURY VISITING NURSE ASSOCIATION (VNA)

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the Danbury Visiting Nurse Association (VNA), which is commemorating its 100th anniversary this year. Founded originally as the Visiting Nurse Association of Danbury in 1911, the Danbury VNA continues to provide a valuable service for thousands of people in Western Connecticut.

As the Greater Danbury's oldest home care agency, the Danbury VNA serves patients from a number of towns in my district outside of Danbury including, Bethel, Brookfield, New Fairfield, Newtown, Redding, Southbury, Woodbury and Ridgefield.

Dr. Sophia Penfield, the first licensed female physician in the State of Connecticut, along with members of the Civic Club of Danbury, established the Agency to provide care for the sick and needy, to instruct families in the care of the sick in their homes, and to teach the principles of simple sanitation and hygiene.

Founding member and first president, Mrs. John Downs served as President for an astonishing 47 years. Following her death in 1957, a recognized Board of Directors adopted the present constitution and by-laws and the agency became the Danbury Visiting Nurse Association, Inc. With the advent of Medicare, Danbury VNA became a Medicare certified home health agency in 1966. In 1993, the Agency joined the Danbury Health Systems as the home care affiliate and is now an affiliate of the recently formed Western Connecticut Healthcare, which includes New Milford Hospital.

The Danbury VNA has been a longtime advocate of preventative care for children. The agency established well child clinics nearly 75 years ago to provide physicals and inoculations. Nearly 15 years ago, the Danbury VNA recognized the challenges that many people have in getting to their physician's office by establishing the Wellness on Wheels program. This unique mobile health program for families

with limited access to medical care brings a doctor, registered nurse, a social worker and others out to the community to provide critical health care services to underserved Connecticut residents free of charge. Services include physicals, screenings and immunizations for school and work.

While much has changed in light of advances in nursing practices and technology, the vision of the Civic Club and Dr. Penfield have not. The core of the Danbury Visiting Nurse Association is reflected in its mission and philosophy to serve the community, treating patients with dignity and respect and providing home care and community health services to all in need.

I want to thank the Danbury Visiting Nurse Association for all that they do and I am pleased to congratulate them on their 100th anniversary.

CONGRATULATIONS TO WEIRTON
MADONNA HIGH SCHOOL BOYS
BASKETBALL TEAM ON BECOM-
ING STATE CHAMPS

HON. DAVID B. MCKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. MCKINLEY. Mr. Speaker, congratulations to West Virginia's Weirton Madonna High School Boys Basketball Team on winning their first state championship on March 19, 2011. The Blue Dons had a close game against Morgantown Trinity Christian High School, pulling off a win with a final score of 44-42. They finished with a record of 24-3. Both teams played with spirit and enthusiasm but the Northern Panhandle's very own Blue Dons were victorious. Much-deserved congratulations should go out to all of the Blue Don coaches: head coach George Vargo, and his assistants Mike Hagg, Chris Blair and Michael Battista. Coach Vargo and the leadership of his assistant coaches throughout the years have made positive impacts in the lives of their players, former and current. The young men of the Blue Dons basketball team should hold their heads high and know they have made all of their community very proud. They played like champions, and they have a fan in Congress.

MEDICARE PHYSICIAN PAYMENT
TRANSPARENCY AND ASSESS-
MENT ACT OF 2011

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. McDERMOTT. Mr. Speaker, the Affordable Care Act includes key provisions to increase availability of primary care doctors. For example, it will pay a 10 percent Medicare bonus, expand loan forgiveness programs and create flexibility within the National Health Service Corps. However, an underlying persistent problem exists in Medicare that must be corrected if we are to make primary care sustainable.

No single factor is driving the workforce crisis in medicine more than the income gap between certain procedure-heavy specialists and primary care/cognitive specialists. Last October the Wall Street Journal published an expose of the American Medical Association's Specialty Society Relative Value Scale Update Committee, also known as the "RUC".

For two decades the RUC, a specialist-dominated panel, has encouraged national health care reimbursement policies that financially undervalue the essential and complex work of primary care providers and cognitive specialists, while favoring sometimes unnecessarily complex, costly and excessive specialty medical services. This imbalance drives results down for patients and drives medical costs even higher.

The RUC's votes are not open to the public, yet Medicare has mostly rubber-stamped the RUC's recommendations over 90 percent of the time. Since the creation of the RUC in 1991, the income disparity between primary care versus procedure-heavy specialists has exploded.

Today, I'm introducing a bill called the, "Medicare Physician Payment Transparency and Assessment Act of 2011" that will put a transparent light on the way CMS identifies and values health care services. My bill would add public and transparent data collected from independent analysts to compare to the RUC's recommendations. It would also use independent analytic contractors to conduct surveys and collect data for physician services paid under Medicare and to annually identify services that may be over or under-valued.

I am proud to note that this bill is endorsed by the American Academy of Family Physicians and the Society of General Internal Medicine.

It's time we let taxpayers, the citizens who pay the bills for Medicare, see for themselves how Medicare decides how much to pay doctors and for what.

IN RECOGNITION OF THE 12TH AN-
NUAL MARCH IS RED CROSS
MONTH GALA AND THE FORMA-
TION OF THE AMERICAN RED
CROSS IN THE NATIONAL CAP-
ITAL REGION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 12th Annual March Is Red Cross Month Gala and the formation of the American Red Cross in the National Capital Region.

The gala is traditionally held in the Prince William community to commemorate the work of the local chapter of the American Red Cross. This year's event also celebrates the establishment of the American Red Cross in the National Capital Region, which now serves the communities of Prince William, Loudoun, Fairfax, Arlington, and Alexandria in Virginia, the District of Columbia and Prince George's and Montgomery in Maryland.

Our community is enriched in many ways by the American Red Cross in the National Cap-

ital Region. The American Red Cross shelters feed and provide emotional support to victims of disasters; supply nearly half of the nation's blood donation stockpile; teach lifesaving skills; provide international humanitarian aid; and support military members and their families. The Red Cross is a charitable organization and depends on volunteers and the generosity of the American public to perform its mission.

Red Cross offices in Northern Virginia, Maryland and the District of Columbia are combining their operations to deliver a seamless system that carries out the mission of the American Red Cross. The strength of the American Red Cross and the commitment of its paid and volunteer staff throughout our region help us prepare for and respond to emergencies down the street, across the country and around the world.

Mr. Speaker, I ask that my colleagues join me in celebrating the 12th Annual March Is Red Cross Month Gala and the formation of the American Red Cross in the National Capital Region. The Red Cross has always depended on the cooperation of communities, neighbors, and volunteers, and this new regional endeavor is in keeping with that tradition.

SUPPORTING THE GOALS AND
IDEALS OF RED CROSS MONTH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. KING of New York. Mr. Speaker, March is Red Cross Month and I rise today to honor the American Red Cross, its chapters throughout the United States, and its affiliates around the world. Founded in 1881, the Red Cross is one of the most effective disaster relief organizations in the world, providing care and comfort to millions of people affected by disasters every year.

We need only look at the recent tragedy in Japan to witness the important work of the Red Cross. The Japanese Red Cross is supporting operations in 1800 shelters and has provided medical care and counseling and distributed blankets and other emergency supplies to those in need. The American Red Cross is also playing a vital role in the disaster relief effort in Japan, sending personnel and monetary support.

Earlier this year here at home, the American Red Cross provided assistance to individuals and families affected by the severe winter storms that impacted the Northeast and Midwest. More recently, the Red Cross provided shelter and meals in response to flooding, tornadoes, and wildfires around the United States.

In addition to its disaster relief efforts, the Red Cross provides training and preparedness information for individuals, families, and organizations. The Red Cross, its dedicated employees, and its many volunteers help to make a difference in American communities every day. Whenever there are people in need, the Red Cross is there.

This March, I honor the Red Cross, its employees, and its volunteers for their continued

compassion and assistance in the United States and abroad.

INTRODUCTION OF THE NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2011

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mrs. MALONEY. Mr. Speaker, today, I proudly join in a bipartisan effort with Representatives JEAN SCHMIDT, GWEN MOORE, SUSAN DAVIS, BARBARA LEE, TAMMY BALDWIN, JANICE SCHAKOWSKY, DORIS MATSUI, RAÚL GRIJALVA, KAREN BASS, PETE STARK, JAIME HERRERA BEUTLER, JACKIE SPEIER, CYNTHIA LUMMIS, SANDY ADAMS, ELEANOR HOLMES NORTON, MARSHA BLACKBURN, MADELEINE BORDALLO, BARNEY FRANK, JUDY BIGGERT, ALCEE HASTINGS, JO ANN EMERSON, MARCY KAPTUR, JAMES MORAN, and YVETTE CLARKE in introducing the National Women's History Museum Act of 2011.

This bill directs the General Services Administration, GSA, to house a National Women's History Museum (NWHM) in one of their properties in Washington, DC. NWHM must pay fair market value for the property and reasonable timeframes are included for the transfer of the property and for construction to begin. NWHM will be built and maintained with private funds. No federal dollars will be spent on this important, new museum.

Women's history is largely missing from textbooks, memorials, museum exhibits and many other venues. In contrast, men have hundreds of years of written and available history to reflect upon and use for inspiration. Of the 210 statues in the United States Capitol, only 9 are of female leaders. Less than 5 percent of the 2,400 national historic landmarks chronicle women's achievement and according to a survey of 18 history textbooks, only 10 percent were dedicated to women.

The museums and memorials in our Nation's Capital demonstrate what we value. We have museums dedicated to flight, postage stamps, law enforcement and many other important people and issues of interest, but not to women. This bill would provide women, comprising 53 percent of our population, a long overdue home on our National Mall to honor their many contributions that are the very fabric of our country.

I urge my colleagues to join me in filling this void and honoring our Nation's foremothers by becoming cosponsors of the National Women's History Museum Act of 2011.

COMMEMORATING THE 50TH ANNIVERSARY CELEBRATION OF THE STERLING HEIGHTS REGIONAL CHAMBER OF COMMERCE & INDUSTRY

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mrs. MILLER of Michigan. Mr. Speaker, I come to the House floor today to honor and

recognize an exceptional organization located in Michigan's 10th Congressional District—the Sterling Heights Regional Chamber of Commerce & Industry. On Friday, April 1, 2011, the Sterling Heights Chamber will mark a special day in its history with a very momentous 50th Anniversary Celebration. This "Golden Occasion" will be an opportunity to reflect upon the excellent work performed since the Chamber's inception in 1961 when it was first known as the Greater Utica Chamber of Commerce.

Over the past 50 years, the Chamber has adapted and transformed in order to maintain its business edge, and is known as one of the premier chambers in the State of Michigan. While over the years their name has changed to accommodate their growing membership in Macomb County and throughout the region, their mission and goals have always remained the same—"to bring features, benefits and value to their members, and each and every day strive to bring a return on that investment."

The Sterling Heights Regional Chamber of Commerce and Industry has been a true ambassador of economic liberty and an admirable advocate for small businesses. It has always taken a proactive approach to highlight the wonderful resources and services available to potential customers and clients. With business workshops, educational seminars and various community outreach events covering a wide range of topics and issues, the entrepreneurial spirit has been the driving force behind their initiatives to improve our economy, create a better business climate, increase the number of jobs, and enhance the quality of life for all who call this area home.

Mr. Speaker, I commend the chamber's leadership, both past and present, for their tireless work, innovative thinking and exemplary vision. The effectiveness and strength of this Chamber is displayed by the fact it has expanded its designated coverage base of the original communities of Sterling Heights, Utica and Shelby Township to also include communities in the adjoining Oakland and Wayne Counties. It captured the essence of this region by focusing on the industrial, manufacturing and engineering businesses that are unique to Southeast Michigan, and provided opportunities for their collaboration.

During these years of severe economic challenges, especially in Macomb County and in the State of Michigan, one thing has become crystal clear: We cannot afford to isolate ourselves from our neighbors based on parochial interests. The 5 million people living and working in the Metro Detroit Region need to work together to find solutions to our economic woes. This includes all stakeholders, private and public, communicating with one another and using all the tools and resources at their disposal. The Sterling Heights Chamber has always fostered this type of cooperation among its members.

I personally can attest to the positive impact the Chamber has had in Macomb County. Beginning with my years working for my family's marina business, and extending throughout my career in public service at the township, county, state and federal level, the efforts of the Chamber have been nothing short of extraordinary. The executive team, support staff

and Board of Directors have always set a robust agenda to improve our economic well-being and I salute each and every one of them for their dedicated efforts and hard work.

In closing, Mr. Speaker, I want to offer my personal congratulations to the Sterling Heights Regional Chamber of Commerce and Industry as they celebrate this milestone event. I wish them nothing but the best and another 50 years of successful service to the businesses in our community.

INTRODUCING THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4-H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program.

Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them: It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4-H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

IN RECOGNITION OF THE GREATER NEW YORK CHAPTER, THE LINKS, INCORPORATED—2011 WOMEN OF DISTINCTION SPIRIT AWARD LUNCHEON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the Greater New York Chapter, The Links, Incorporated—2011 Women of Distinction Spirit Award Luncheon which takes

place on Saturday, April 23, 2011 at the elegant and scenic Pier Sixty at Chelsea Piers in New York City.

Established in 1946, The Links, Incorporated, is one of the Nation's oldest and largest volunteer service organizations of women who, linked in friendship, are committed to enriching, sustaining and ensuring the culture and economic survival of African-Americans and persons of African descent. The Links, Incorporated is a not-for-profit organization, which consists of nearly 12,000 professional women of color in 272 chapters located in 42 states, the District of Columbia and the Bahamas.

On May 21, 1949, the Greater New York Chapter was chartered in response to an invitation extended by Margaret Roselle Hawkins and Sarah Strickland Scott, co-founders of The Links, Incorporated. Co-founder Sarah Strickland Scott attended the installation of the new charter members at Harlem's famous Hotel Theresa, which included Dorothy Reed, Bernia Austin, Myrtle Howard, Estelle Jarrott, Ethel Lowry, Emilie Pickins, Mable Trent, and Marie Vidal. The Links National Emblem was designed by Ethel Lowry, who served as the National Corresponding Secretary.

The Greater New York Chapter was the first chapter in New York and comprises members from all five boroughs in New York City and Long Island. Today, under the leadership of President Gerri Warren Merrick, the Greater New York Chapter is committed to fostering community outreach throughout the New York metropolitan area by developing quality programs with a long-term impact on the well-being and enrichment of African-Americans.

The Greater New York Chapter honors two women of distinction and spirit—Ms. Debra L. Lee, Chairman and Chief Executive Officer of BET Networks and Ms. Rhonda Mims, President of the ING Foundation and Senior Vice President of the Office of Corporate Responsibility and Multicultural Affairs.

Award recipient Debra L. Lee is responsible for helping guide BET's reinvigorated approach in producing programming that supports, embraces and encourages African American families in a very positive light, focusing on the issues that are important to the Black family, while presenting the freshest talent and entertainment to American Television and beyond.

Award recipient Rhonda Mims is responsible for creating an enterprise-wide community relations platform, focusing on financial literacy, children's education and diversity, including advancing the company's workforce diversity and inclusion strategy.

Please join me in recognizing the Greater New York Chapter, The Links, Incorporated and the Women of Distinction Spirit Award honorees.

HONORING THE LIFE OF EDWARD A. BURDICK, FORMER CHIEF CLERK OF THE MINNESOTA HOUSE OF REPRESENTATIVES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. McCOLLUM. Mr. Speaker, it is my honor to rise in tribute to a leader, a parliamentary expert, a mentor and a friend to many, Mr. Edward Burdick, former Chief Clerk of the Minnesota House of Representatives. On March 9, 2011 he died at the age of 89 years old, and he is remembered fondly by his family and many friends and colleagues.

In 1941 at the age of 19, Ed as he was known, began a job in the Minnesota House of Representatives as a Page, earning \$5 a day. He held many jobs in the Legislature and other public service jobs, including U.S. Department of Commerce and the Minnesota Department of Military Affairs. He also proudly served our Nation in the U.S. Army. In 1967, Ed was elected Chief Clerk of the Minnesota House of Representatives, a job he maintained until his retirement 38 years later. In all, Ed provided 62 years of public service to the people of Minnesota and our Nation.

Ed was not only Chief Clerk but also House Parliamentarian, understanding every little twist of parliamentary procedure. His mastery of legislative process made him a nationally renowned expert in the field. Within the House Chamber, his booming and authoritative voice was a familiar presence as he kept decorum in a legislative body not always known for that quality. During the decades that Ed served as Chief Clerk, he mentored a dozen Speakers of the House and many others in leadership, including myself. He took his role teaching the House rules and parliamentary procedure very seriously.

In November of 1992, I was elected to the Minnesota State House of Representatives. Prior to my swearing-in he informed me that he would meet with each new representative and explain the workings of the House and his office, ending with "if there is anything you need or anything I can do for you, do not hesitate to ask me or my office"—and he truly meant it. That was who Ed Burdick was. A gentleman, a kind and thoughtful person, a hard worker, a person willing to serve everyone who needed assistance of any kind.

Ed will be missed by many, many Legislators and State Government officials for his guidance, dignity and hard work.

I know that I am not alone in saying, that I will miss Ed's kindness, his genuine nature, his loyalty to Minnesota and his absolute and total fairness to all. Ed Burdick will always serve a Minnesotan icon to public service. May you rest in peace, my friend.

HONORING MAYOR PETE DAMES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Pete

Dames as he celebrates 17 years of dedication to the people of La Mirada, California. Pete began his service to La Mirada as a member of the La Mirada Parks and Recreation Commission in 1980 and has been involved in numerous civic, service, and educational organizations and programs ever since.

Throughout his time on the City Council, Pete has focused on keeping La Mirada a safe, family-friendly, and thriving community. Pete was instrumental in maintaining a low crime rate and keeping La Mirada business-friendly.

Pete's involvement in public service reaches far beyond the confines of the City Council's Chamber. His broad community service includes serving as President of the La Mirada Athletic Council, as an active, lifetime member of the Veterans of Foreign Wars Post 9148 and Knights of Columbus, and as a Board member of the La Mirada Youth Foundation and the Beatitudes of Our Lord School. He has received many prestigious awards including the Kiwanis Administrator of the Year, and the Kiwanis Governor's Award for Distinguished Service. He also received the Parent Teacher Association Honorary Service and Continuing Service Award, which honors those who have made significant contributions to the welfare of children and youth in the community.

Today, Pete continues his dedication as a Delegate to the Southern California Joint Powers Insurance Authority and to the Southern California Association of Governments. He also serves as the City's liaison to the La Mirada Chamber of Commerce.

From one public servant to another, please join me in honoring Mayor Pete Dames for his service and dedication to the City of La Mirada and the community.

HONORING THE ACCOMPLISHMENTS OF COLONEL D. GRAY HEPPNER, JR., M.D.

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor the extraordinary accomplishments of Colonel D. Gray Heppner, Jr., M.D., upon his retirement as the Deputy Director for the Walter Reed Army Institute of Research, WRAIR.

For over 100 years, scientists at WRAIR have expanded the frontiers of military medicine, taking the road less-travelled, from jungles, deserts, and battlefields to the laboratory and back, intent upon protecting the health of America's soldiers in harm's way. Undaunted by danger, WRAIR scientists developed the first vaccines for hepatitis and Japanese encephalitis, and the means to diagnose and treat deadly malaria. Today, on the battlefields of Asia, WRAIR's work mitigates the stress of combat, the fatigue of sustained operations and the fear of insidious Leishmaniasis, a parasitic disease spread by the bite of a sandfly. WRAIR's success in infectious diseases and military psychiatry is due to the resolve and dedication of an exceptional cadre of men and women, military and civilian.

Today, I salute a distinguished alumnus of WRAIR, Colonel D. Gray Heppner, Jr., a physician-scientist who dedicated his extraordinary 20-year career at WRAIR to developing malaria vaccines and biochemical defense in Asia, Africa, the Middle East, Europe, and the United States.

After earning his B.A. and M.D. from the University of Virginia, and studying Internal Medicine at the University of Minnesota, Col. Heppner worked in the lab of Professor John Eaton, researching antimalarial drugs and treating patients with tropical diseases at Joint Task Force Bravo in Honduras. When he was 34, he volunteered for active duty on the condition that he would be placed in the malaria vaccine research program at WRAIR.

While serving as an Infectious Disease Officer in the Department of Immunology, Col. Heppner, then a Major, suffered from a case of acute malaria, a known side effect from working with the potential vaccine. This experience gave Col. Heppner a unique perspective on the disease and fostered in him a renewed belief in the critical need for a vaccine.

From 1993–97, Col. Heppner and his family lived in Bangkok, where he served as the Chief of the Department of Immunology and Medicine for the Armed Forces Research Institute of Medicine. In this position, Col. Heppner was the principal investigator for Phase 1 and Phase 2 malaria vaccine trials on the Thai-Burmese border. In 1997, Col. Heppner returned to WRAIR to conduct pre-clinical, clinical, and field trials of malaria vaccines in Kisumu, Kenya.

In 1999, Col. Heppner became Chief of WRAIR's Department of Immunology, and in 2006 was promoted to Director of WRAIR's Division of Malaria Vaccine Development. In these positions, he led teams of dedicated scientists and physicians at organizations and institutions around the world—including USAID, the Gates Foundation, the Kenya Medical Research Institute, NIH/NIAID, and the Malaria Vaccine Initiative at PATH, among others to conduct human trials of innovative malaria vaccines in the United States, Europe, and East and West Africa. During this time, he also served as a member of the Special Medical Augmentation Response Team in Doha, Kuwait, working to develop countermeasures to biological weapons.

In 2008, Col. Heppner became Deputy Director of WRAIR. As an executive of the Defense Department's largest biomedical research institute, Col. Heppner was responsible for overseeing some of the most important vaccinal research in the world. In this position, he also supported WRAIR's transformation to the Department of Defense's Center of Excellence in Infectious Diseases and Psychiatry and Neurosciences.

As a member of the Council on Foreign Relations, Col. Heppner has advocated for vaccines to improve health, economic development, and political stability. Through his work with the Order of St. John, Col. Heppner has supported the St. John Eye Hospital in East Jerusalem in its mission to heal the blind of all faiths. Col. Heppner's work has been published in more than 100 peer-reviewed scientific publications and book chapters.

There is a long-standing tradition that WRAIR officers continue to develop vaccines

in their retirement. Col. Heppner will be following in that tradition as he serves as Vice President for Clinical Development at Crucell, a global biotechnology company that specializes in vaccinal development for tuberculosis, Ebola, HIV, influenza, polio, rabies, and malaria—the very diseases that threaten soldier and world health. As journalist Michael Leahy observed in his 2006 Washington Post Magazine article, "Breaking the Cycle," "Gray Heppner . . . does not give up easily on a dream."

Mr. Speaker, it is my honor to recognize the exceptional career of Colonel D. Gray Heppner, Jr., M.D., and his extraordinary efforts in making our world a healthier and safer place.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 31, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 1

9:30 a.m. Joint Economic Committee To hold hearings to examine the employment situation for March 2011. SD-106

APRIL 5

9:30 a.m. Armed Services To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50

10 a.m. Commerce, Science, and Transportation Competitiveness, Innovation, and Export Promotion Subcommittee To hold hearings to examine tourism in America, focusing on removing barriers and promoting growth. SR-253

10:15 a.m. Foreign Relations To hold hearings to examine the nominations of Mara E. Rudman, of Massachu-

setts, to be an Assistant Administrator of the United States Agency for International Development, and Robert Patterson, of New York, to be Ambassador to Turkmenistan, Department of State. SD-419

2:30 p.m. Armed Services Airland Subcommittee To hold hearings to examine Army modernization in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program. SR-232A

Commerce, Science, and Transportation To hold hearings to examine closing the digital divide, focusing on connecting native nations and communities to the 21st century. SR-253

Foreign Relations To hold hearings to examine the nominations of Jonathan Scott Gratton, of New Jersey, to be to the Republic of Kenya, and Michelle D. Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana, both of the Department of State. SD-419

Intelligence To hold closed hearings to examine certain intelligence matters. SH-219

APRIL 6

9:30 a.m. Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee To hold hearings to examine the role of the accounting profession in preventing another financial crisis. SD-538

10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine Department of Defense Health Program. SD-192

Environment and Public Works To hold hearings to examine state and local perspectives on transportation. SD-406
Homeland Security and Governmental Affairs To hold hearings to examine the nomination of Rafael Borrás, of Maryland, to be Under Secretary of Homeland Security for Management. SD-342

Judiciary To hold hearings to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age. SD-226

Veterans' Affairs To hold hearings to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs. SR-418

1:30 p.m. Homeland Security and Governmental Affairs Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee To hold hearings to examine the census, focusing on learning lessons from 2010 and planning for 2020. SD-342	Intelligence To hold closed hearings to examine certain intelligence matters. SH-219 APRIL 12	MAY 5 10:30 a.m. Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA). SD-192
3 p.m. Banking, Housing, and Urban Affairs Financial Institutions and Consumer Protection Subcommittee To hold hearings to examine the state of community banking, focusing on opportunities and challenges. SD-538	10 a.m. Armed Services To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session. SD-106 APRIL 13	MAY 11 10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve. SD-192
APRIL 7	10 a.m. Veterans' Affairs To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce. SR-418	MAY 12 10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM). SVC-217
9:30 a.m. Armed Services To hold hearings to examine U.S. Transportation Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-106	10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Pacific Command (PACOM). SVC-217	MAY 17 10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM). SVC-217
10 a.m. Appropriations Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Education. SD-124	APRIL 14	MAY 25 10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency. SD-192
2:15 p.m. Foreign Relations To hold hearings to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State. SD-419	10 a.m. Energy and Natural Resources To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review. SD-366	MAY 26 10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM). SVC-217
Indian Affairs To hold an oversight hearing to examine the role of SBA 8(a) Program in enhancing economic development in Indian Country. SD-628	MAY 4	JUNE 15
2:30 p.m. Homeland Security and Governmental Affairs To hold hearings to examine securing the border, focusing on progress at the local level. SD-342	10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on Intel. SVC-217	10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. SD-192

SENATE—Thursday, March 31, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray

O God, You have given us the great hope that Your kingdom shall come on Earth. Use the Members of this body to work for that glorious day when Your will is done on Earth even as it is done in heaven. Open the minds of our Senators to the counsels of eternal wisdom, breathing into their souls Your peace which passes understanding. Give them the grace to seek first Your kingdom and help them to grow as You add to them all things needful. Lord, empower them through exemplary living to make this Nation a shining city upon a hill.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, we are continuing to work very hard to avoid the

terrible consequences that would come with a government shutdown. As Vice President BIDEN announced last night after a 1½-hour meeting we had in his office just a few feet from where I speak, the Democrats and Republicans have agreed upon a number on which to base our budget cuts. That number is \$73 billion below the President's budget proposal. Now we have to get to that \$73 billion number.

As I said all along, this is not just about dollars and deficits; it is about principles and priorities. What we cut is much more important than how much we cut. The media is very concerned with which party will win this fight politically. I am much more concerned with making sure the American people do not lose out on this program we are doing. We have to make sure the cuts do not damage the basic fiber of our country.

Let me once again remind the Senate that children, students, teachers, nurses, and seniors would be significantly hurt by the cuts in the Republican-passed H.R. 1. The tea party is here today. They are here demonstrating that H.R. 1 should be followed—\$100 billion—damaging children, students, teachers, nurses, seniors, and many other people in this country. H.R. 1 is not a piece of legislation of which anyone should be proud. Not a single child, not a single student, not a single teacher, not a single nurse, not a single police officer, not a single senior led us into this recession—not one. Punishing innocent bystanders will not lead us to a recovery.

We will continue talking and continue working to find a middle ground. Again, we have agreed on a number. We have not agreed on how to get to that number. I hope an agreement can be reached as to how we get to that number, but it will not come on the backs of middle-class families and the jobs they need, and it will not come if the other side continues to insist on unreasonable and unrealistic tea party cuts.

I appreciate Speaker BOEHNER and the rest of his Republican leadership in the House. What a tremendously difficult job they have. I am sure it is not easy trying to negotiate with the tea party screaming in their ears.

We have a lot more work to do. This country is at a crossroads in a lot of different ways. The economy is recovering—not as much and not as rapidly as we would like, but we cannot have what is going on here with the tea party demonstrating all these very harsh cuts, unrealistic riders, punishing innocent folks just for political ideology.

We have a lot more to do. I hope this latest development is the beginning of the end of this crisis because, remember, this is not the only crisis we as a country are dealing with. We have about a score of ships from our Navy trying to help the good people of Japan. We have a big situation going on in the Middle East, not only in Libya but all over the Middle East. We have a war going on in Afghanistan. As I speak, we have men and women whose lives are on the line in Afghanistan. We are trying to draw down in Iraq. We have a lot of issues we need to deal with.

We know there have to be budget cuts, and we are willing to do that. But let's also understand we cannot balance our budget with what the tea party is wanting us to do. We have a huge problem in this country with deficits. We have been a pretty good example of how we can balance the budget. We did it in the Clinton years. We spent far less money than we were taking in. We were reducing the debt. We were not having annual deficits. We know it can be done, but we have to do it in the right way, as we did.

We want to work with our Republican colleagues. We have proven we can do that with the two short-term CRs we have had. But I hope everyone understands that there is only so much the middle class of this country can take. There is only so much we can do to damage the basic fiber of our children, students, teachers, our nurses, and our seniors.

Head Start is a program that has been around for decades, and it helps a lot. It helps little boys and girls learn to read and do their math that they would not ordinarily have the opportunity to do. These are really poor children. H.R. 1 cuts hundreds of thousands of little boys and girls from that program. That does not help our country.

We know cuts must be made, but they must be smart cuts, and we want to do the best we can to work together to do whatever is reasonable to reduce this debt we have. We know it can be done. It has been done in recent history.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business. During that period of time, Senators are permitted to speak for up to 10 minutes each. The first hour is equally divided and controlled, with the majority controlling the first 30

minutes and the Republicans controlling the next 30 minutes.

We hope to work out an agreement to vote on the 1099 and the EPA amendments to the small business jobs bill today. We have been trying to do that for several days. A number of Members of the Senate are attending the funeral for the late Geraldine Ferraro. Senators will be notified when votes are scheduled. They will be this afternoon at the earliest.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MINORITY LEADER

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

TEA PARTY

Mr. McCONNELL. Mr. President, anyone who follows national politics knows that when it comes to a lot of the issues Americans care about most, Democratic leaders in Washington are pretty far outside the mainstream. That is why we have one Democratic leader coaching his colleagues to describe any Republican idea as extreme, and that is why other Democrats are attempting to marginalize an entire group of people in this country whose concerns about the growth of the Nation's debt, the overreach of the Federal Government, and last year's health care bill are about as mainstream as it gets.

I am referring, of course, to the tea party—a loosely knit movement of everyday Americans from across the country who got so fed up in the direction they saw lawmakers from both parties taking our country a couple years ago that they decided to stand up and make their voices heard. Despite the Democratic leadership's talking points, these folks are not radicals. They are our next-door neighbors and our friends. By and large, they are housewives, professionals, students, parents, and grandparents. After last fall's election, a number of them are now Members of Congress.

Later on today, we will hear from many of them outside the Capitol. These are everyday men and women who love their country and who do not want to see it collapse as a result of irresponsible attitudes and policies that somehow persist around here despite the warning signs we see all around us about the consequences of fiscal recklessness. They are being vilified because, in an effort to preserve what is good about our country, they are politely asking lawmakers in Washington

to change the way things are done around here. So this morning I thought we could step back and take a look at some of the things they are proposing and then let people decide for themselves who they think is extreme.

At a time when the national debt has reached crisis levels, members of the tea party are asking that we stop spending more than we take in. In other words, they are asking that Washington do what any household in America already does. They want us to balance our budget, and they do this because they know their history and that the road to decline is paved with debt. Is that extreme?

They want us to be able to explain how any law we pass is consistent with the Constitution. This means that as we write new laws, they want us to be guided by the document that every single Senator in this Chamber has sworn to uphold. Is that extreme?

They want us to cut down on the amount of money the government spends. This year, the Federal Government in Washington is projected to spend about \$1.6 trillion more than it has. That means we will have to borrow it from somewhere else, driving the national debt even higher than it already is. What is more, the Obama administration plans to continue spending like this for years, so that within 5 years, the debt will exceed \$20 trillion. Given these facts, you tell me: Is it extreme to propose that we cut spending?

What else? Well, a lot of people in the tea party think the health care bill the Democrats passed last year should be repealed and replaced with real reforms that actually lower costs. Is that extreme?

Here is a bill that is expected to lead to about 80,000 fewer jobs, which will cause Federal health care spending to go up, compel millions to change the health care plans they have and like, and which is already driving individual and family insurance premiums up dramatically. Businesses are being hammered by its regulations and its mandates. A majority of States are working to overturn it. Two Federal judges have ruled one of its central provisions violates the U.S. Constitution.

None of this sounds extreme to me. In fact, if you ask me, the goals of the tea party sound pretty reasonable. These folks recognize the gravity of the problems we face as a nation and they are doing something about it for the sake of our future. They are engaged in the debate about spending and debt, which is a lot more than we can say about the President and many Democrats here in Congress. They are making their voices heard and they have succeeded in changing the conversation here in Washington from how to grow government to how to shrink it.

In my view, the tea party has had an overwhelmingly positive impact on the

most important issues of the day. It has helped focus the debate. It has provided a forum for Americans who felt left out of the process to have a voice and make a difference. It is already leading to good results.

It may take some time, but thanks to everyday Americans like these getting involved, speaking their minds, and advocating for commonsense reforms, I am increasingly confident we will get our fiscal house in order. Republicans are determined to do our part to advance the goals I have mentioned. That is why we have been fighting to cut spending in the near term, and that is why we will soon be proposing a balanced budget amendment. American families have to balance their budgets; so should their elected representatives in Washington. It is not too much to expect that lawmakers spend no more than they take in, unless you think it is extreme to balance the books.

That brings us to the heart of the matter. The last time the Senate voted on a balanced budget amendment, in 1997, the Federal deficit was a little over \$100 billion. Today, it is about \$1.6 trillion. Back then, the national debt was about \$5.5 trillion. Today, it is closer to \$14 trillion. Back then, the amendment failed by just one vote—just one. Today, Democrats are already lining up against it.

What is extreme is the thought that government can continue on this reckless path without consequence. What is extreme is thinking we can blithely watch the Nation's debt get bigger and bigger and pretend it doesn't matter. What is extreme is spending more than \$1.5 trillion than we have in a single year. This is the Democrats' approach. That is what is extreme.

The sad truth is, as our fiscal problems have become deeper, Democrats in Washington and many others in statehouses across the country have become increasingly less concerned about the consequences. Look no farther than the ongoing spending debate in which Democrats have fought tooth and nail over a proposal to cut a few billion dollars at a time when we are borrowing about \$4 billion a day and our national debt stands at \$14 trillion; the President has set the debate out entirely; and Democrats have the nerve to call anyone who expresses concern an extremist. If you are wondering where the tea party came from, look no further than that.

Mr. President, I yield the floor.

MORNING BUSINESS

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

leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Washington is recognized.

TESORO TRAGEDY ANNIVERSARY

Mrs. MURRAY. Mr. President, I come to the floor this morning to mark the 1-year anniversary of a terrible tragedy in my home State of Washington, and to once again honor the memories of those who were killed.

On April 2, 2010, a fire broke out at the Tesoro refinery in Anacortes, WA, and claimed the lives of seven workers: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell.

These were men and women who were taken too young, with so much life to live and with so many people to live it with. They were workers who took on tough jobs, worked long hours during difficult economic times to provide for their families. They were people who made tremendous sacrifices and who embodied so much of what is good about the community they lived in.

They have been dearly missed. Even now, 1 year later, there is nothing we can say to make the pain go away for the mothers and fathers, sons and daughters, coworkers, and family members who still bear those deep scars of loss. But the Anacortes community is strong, and while they have endured more than their fair share of pain over the years, their resiliency and compassion have carried them forward. Over the past year, we have seen homes and hearts and pocketbooks open to the families who lost so much because this community understands the pain of a loss such as this can't be overcome or forgotten. They know these families should never have to bear that pain alone.

We owe it to the Anacortes community to honor those they have lost. We owe it to them to do everything we can to make sure that such tragedies never happen again.

State investigators have determined that tragedy could have been and should have been prevented. The problems that led to what happened were known beforehand and they should have been fixed. That is heartbreaking.

Every worker in every industry deserves to be confident that while they are working hard and doing their jobs, their employers are doing everything they can to protect them. I want you to know I will keep working to make sure the oil and gas industry improves their safety practices, because we owe that to our workers and to their families and to communities such as Anacortes all across our country.

One year after that tragedy, my thoughts and prayers and condolences

remain with the families who have endured so much pain, and my profound thanks goes out to the Anacortes community that has been with those families every step of the way.

I am proud to submit a Senate resolution with my colleague, Senator CANTWELL—which we will do later today—to recognize the anniversary of this tragedy on April 2, 2011, and I urge my colleagues to join in remembering those workers in Anacortes who were taken from us far too soon.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PUBLIC EDUCATION

Mr. BENNET. Mr. President, I wanted to come to the floor today to talk a little about the state of public education in this country, especially when it comes to the condition of poor children in the United States, in part because I think it is urgent that we fix No Child Left Behind—a law that is not working well for kids and for teachers, and for moms and dads all across the United States, and certainly in my home State of Colorado.

Sometimes people who aren't engaged in the work of teaching our kids—which I think is the hardest work anybody can do, short of going to war—don't realize how horrific the outcomes are for children in this great country of ours, especially children living in poverty. When I am on this floor, where there are 100 desks—there are 100 Senators—I sometimes think a little about what the condition of the people here would be if they were not Senators, but if these 100 people were poor children living in the United States in the 21st century.

First of all, it is important to recognize that of the 100 Senators—or the 100 kids in this great country—42 of the 100 would be living in poverty. Forty-two out of the 100 would be poor. Of those Senators—now poor children living in this country—as this chart shows, by the age of 4 they would have heard only one-third of the words heard by their more affluent peers. They are living in poverty, and they have heard 13 million words. A child in a professional family has heard 45 million words. There isn't a kindergarten teacher in this country who wouldn't tell you that makes an enormous difference right out of the chute.

Also by age 4, only 39 of the 100 children can recognize the letters of the alphabet—just 39 of 100 by age 4. In con-

trast, 85 percent of the children coming from middle-class families can recognize the letters of the alphabet. Again, there is not a kindergarten teacher or a high school teacher who wouldn't tell you that makes an enormous difference to kids when they come to school in terms of their readiness to learn.

But what happens when they are actually in our schools? By the fourth grade, only 17 out of 100 children in poverty can read at grade level—17. That is fewer kids than there are desks in this section of the Senate floor. The entire rest of the floor would be kids who cannot read at grade level by the fourth grade. These kids are reading at grade level. Everyone else all across this beautiful Chamber would not be able to read at grade level in America in the 21st century. Only this section can read proficiently by the fourth grade.

What happens as they stay in school? It gets worse. By the eighth grade, only 16 of our kids can read at grade level. I could wander around the entire rest of this Chamber looking for somebody who can read proficiently, and I would not be able to find them. I have been in classrooms all across my State, all across the great city of Denver, and all across this country. In my view, there is nothing more at war with who we are as Americans or who we are as Coloradans than a fifth grade child reading at the first grade level. There is a lot of discussion on this floor about your moral right to this and your moral right to that. I cannot think of anything less American than a child in the fifth grade doing first grade math.

Speaking of math, in a world where technology and engineering and invention are going to dominate the 21st century economy, how are we doing in math? Seventeen of our kids in the eighth grade are proficient mathematicians.

When I took the job as superintendent of schools in Denver, a district of 75,000 children, one of the greatest cities in the greatest country in the world, on the 10th grade math test that the State administers, in that district of 75,000 children, there were 33 African-American students proficient on that test and 61 Latino students proficient on the test; fewer than four classrooms of kids proficient on a test which measures—if we are honest with ourselves, which we are not—a junior high school standard of mathematical proficiency in Europe. That is what we are doing to our kids.

By the end of high school, if this Senate were a classroom of poor children in this country, only 57 of us would be around to graduate and only 25 are actually ready for college or ready for a career. That is one-quarter of this room; 75, we can just write them off, 75 of these desks.

It gets even worse after that because, of our 100 children, only 9 will graduate

from college. These two rows of desks represent children coming from ZIP Codes where they are living in poverty and who ultimately make it through to graduate from college. That is it—two rows in one section of the Senate. No one in these rows will graduate from college, and no one in any of these desks from here to the other side of this floor will graduate from college. That has been true for a generation.

If we do not do things differently, it is going to be true for this generation of kindergartners, if we do not change what we do.

Sometimes people think this is someone else's problem, that it is not a question of national interest. I cannot imagine why anybody would think that, but some people do. McKinsey, the consulting group, has done a study which shows the effect of this dropout rate we have created a permanent recession in our economy as great as the one we have been through. In other words, if we were graduating these kids from college, our economic growth would be far greater than it is right now. We can see the effect in this recession we just came out of. For people with less than a high school diploma, the unemployment rate was 15.3 percent. We can see the numbers here. But if you had a bachelor's degree or higher, your unemployment rate was 4 percent; 15 percent versus 4 percent in this recession we just went through.

But the point is also that it creates a chronic recession, a drag on our economy, not to mention the fact that if we go to the prisons of this country and we ask people did you graduate from high school, the answer is that somewhere in the neighborhood of 85 percent of the people in our prisons are high school dropouts. It doesn't take a lot of imagination to see how we might start solving that problem by actually graduating kids from high school and getting them ready for college.

Again, this is not about we are kind of sort of doing OK. Nine kids from poverty, on average, are making it through to a college degree; 91 are not. It is not as though those odds are somehow fairly distributed across the population in the United States of America.

There are huge international implications for all this as well. We can see, these are our students compared to our international peers on the eighth grade math test. We can see our Anglo kids are scoring up here—Korea, Singapore, Japan, Anglo kids in the United States of America. The U.S. average is here, so we have to go Hungary, England, Russian Federation, U.S. average. I don't know why we would not want to be first, but we are not first.

But look at how our Latino kids are doing and our African Americans kids are doing. Armenia, Australia, Sweden, Malta, Scotland, Serbia, Italy—our Latino kids, way down here. Keep

going, Malaysia, Norway, Cyprus, Bulgaria, Israel, Ukraine, Romania, our U.S. African-American students—right above Bosnia, two steps above Lebanon. Think of it through the eyes of one of our African-American students living in a neighborhood in poverty in Chicago or Denver or Los Angeles or Boston. What are the odds that they are actually going to be able to graduate, that they are going to be able to contribute to the democracy, contribute meaningfully to our economy, compete in this global economy? They are long. They are long and they know they are long.

We cannot fix this problem from Washington. But we can call attention to the question. We can create policies and suggestions about how people ought to do the work differently. Having served as a superintendent in an urban school district for almost 4 years and having spent time with our kids, spent time with our teachers, I know we can succeed. The kids have the intellectual capacity to do the work. There is no doubt they do. But they are in a system that was designed deep in the last century. In fact, if we are honest about it, a lot of the way the system was designed was in colonial America.

In my judgment, it is time for the burden to shift from the people who want to change the system to the people who want to keep it the same. There were nights sometimes in the school board meetings when people would come and they would say: MICHAEL, how do you sleep at night doing this and doing that and trying to change this and worrying about that?

I would say to them: The reason I can sleep at night is that I do not think we could do any worse than we are doing. We ought to think about stopping what we are doing and figure out how to change the way we think about recruiting, retaining, and inspiring teachers in the 21 century. We ought to elevate standards so we are not kidding ourselves across the country about whether we are competing with our international rivals and stop cheating our kids by telling them they are succeeding, when they are not, compared to the kids across the globe. We have to get out of the business of measuring things that do not make any sense to anybody right now who is working in the schools. Who cares how this year's fourth graders did compared to last year's fourth graders? What we need to know is how this group of fifth graders did compared to how they did as fourth graders, compared to how they did as third graders. That is common sense, but it is not the way the law works today.

I see my colleague from Georgia, but I wish to say this first. We cannot keep No Child Left Behind the way it is. It is contributing to the problem that is out there. It is making the work harder

to do, not easier to do, for our teachers, for our principals, and for our kids. Our moms and dads are right to point out it is measuring the wrong thing and thinking about data in the wrong way. We ought to take this opportunity in a bipartisan way to fix No Child Left Behind, to lift some of that burden from our kids and from our teachers and our principals.

What we have to do as we are doing that is, we have to point to the places where it is actually working to demonstrate that the fact that you are born into a ZIP Code defined by poverty doesn't mean your life is going to be defined by poverty. We need to point to examples of people who have managed to struggle through, our schools that have managed to struggle through and beat the odds and are sending 95 and 98 percent of their poor children on to get a college degree. We need to be asking ourselves why we are not achieving that at scale.

I am the proud father of three little girls. I can tell you that if anyone in this body faced the same odds for their children or for their grandchildren that poor children in America face, there is no way we would not be talking about this issue night and day. In fact, people might give up. I might give up and rush home and say: I am going to take my kids out of that place they are in and I am going to put them in a place with the finest teachers and I am going to give up this Senate floor to make sure, as a parent, that I am involved in their education.

There is no way we would accept these odds for our own children. What I would argue is, the children I am talking about are our children. Remember, 42 out of 100 are living in poverty in this country. What is our answer for them?

I look forward to working with my colleagues on both sides of this aisle to not make excuses, to not find a reason why we cannot lead, to not find a reason why we cannot fix No Child Left Behind but, instead, to create some hope for children all across our country living in urban and rural areas who are suffering this horrible plight.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that remaining time for the majority be reserved.

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

Mr. ISAKSON. I would like to be recognized as in morning business. I guess we are in morning business?

The ACTING PRESIDENT pro tempore. That is correct.

THE BUDGET

Mr. ISAKSON. First, I wish to commend the Senator from Colorado and

try to ratify what I heard him say. I came in after the first part of his speech, but I know his focus was on the Elementary and Secondary Education Act and No Child Left Behind. He is exactly right. There are reforms that do need to take place. We have gone 3 years without a reauthorization, and reauthorization, hopefully, can happen this year. When it does, we can improve the plight of our children, and we can reform the way we do some of the things we do in SEA to open new opportunities for our kids. But accepting the status quo, he is right, is not good enough. We need to make those reforms, and we need to make them now. I look forward to working with the Senator from Colorado in the Health, Education, Labor, and Pensions Committee when that issue comes up, to reform ESEA, get it reauthorized, to reempower our teachers, our students, our parents, and raise the level of education for all Americans.

I congratulate him for his great contribution to the State of Colorado and, further, to the Senate.

I wish to steal a line he just gave us 1 minute ago. When I walked in, he was saying there are some things Congress cannot do. He is right. Education does take place at the local level. There are some things we can fix in Washington, but it is primarily done at the local level.

But there is one thing Congress can fix; that is, our spending, our debt, and our deficit. For just 1 second, I wish to speak not in the tone of a politician, not as somebody who is a part of the institution, trying to talk about what he thinks, I wish to talk about what I think the people of Georgia think. The people of Georgia do not understand why we cannot do in Washington what they have had to do during the last 3 years. During the economic travails of the last 3 years, every American family has had to sit around their kitchen table, reprioritizing how they spend their money to deal with lower returns on their investments, the consequences of unemployment or underemployment. They have had to adapt to difficult economic times. Yet when they turn on the television and they look at C-SPAN, they do not see us adapting to the economic times we find ourselves in as a country. I was in the real estate business for 33 years and I do not understand a lot of things, but I understand leverage.

Leverage is a marvelous thing in capitalism. If you have proper leverage in real estate or proper leverage in business, it can make a lot of things happen. Leverage is good, but too much leverage is a death sentence and we are at a precipice in this country. We are at a precipice where we are about to fall off. If we all fall off, there is no recovery because continued deficit spending and continued increasing debts results in two things: inflating the dollar

in future years to pay that debt off with cheaper dollars, which devalues every asset of every American family, and increasing the interest rates to unsustainable and unpayable amounts.

I lived through that one in the post-Carter years in 1980, 1981, and 1983 when we dealt with the Misery Index in America—double-digit inflation, double-digit unemployment, and double-digit interest rates. In my home State of Georgia today we have double-digit unemployment, 10.4 percent. Interest rates are low, but it is arbitrary, and they are getting ready to go up. The yield spread curve between 2-year Federal debt and 10-year U.S. debt is triple, which indicates the markets that are buying our debt are already looking out in the future and saying interest rates are going higher, three times what they are now, maybe more.

If you look at inflation, inflation is arbitrarily low right now. But with what is happening to food and prices, contributed by gasoline and petroleum, what we see happening in the world marketplaces, it is an inevitable factor, unless we get our arms around our debt and our deficit.

We owe about \$14 trillion in debt. The deficit this year is over \$1.5 trillion. Those are unsustainable numbers. We do not have to pay the debt off today. We do not have to reduce the deficit to zero. But we have to get ourselves on a glidepath to reducing our deficit and, in turn, reducing our debt over time. It means we have to sit down at our kitchen tables, the floor of the Senate and the floor of the House, prioritize what we are doing, and get to the business the American people expect us to get to.

We are playing some political games right now with short-term CRs, when the big votes, the big debates, and the big decisions loom ahead—first, the debt ceiling, later the fiscal year 2012 appropriations.

There are three things I hope we will do: No. 1 is recognize our system is broken and is not working. I did a little research. Most of my years in Congress, more dollars have been appropriated through omnibus appropriations than through legitimate debate and budget units on the Senate floor. We did not do any last year. The reason we are doing a CR this year on last year is because it was an omnibus appropriation.

We are not spending our money like the American people have to spend theirs. We are not prioritizing. We are not looking at cost-benefit analysis. We have to change our system. I am pleased to have joined with former Governor Shaheen of New Hampshire, a Democratic colleague, to introduce the Biennial Budget and Appropriations Act for the Congress, an act which mimics what 20 of our States, 40 percent of the country, already does: appropriate on a 2-year cycle rather than

on a 1-year cycle; appropriate in odd-numbered years so that in even-numbered years, which also happen to be election years, we do not do appropriating, we do oversight. We spend a year not making political promises of what bacon we are going to bring home, but we spend a year looking for savings and redundancy and duplication and waste in Federal spending.

If we do not spend a minute looking back, we can never spend a minute looking forward. Right now we do not spend any time looking back and seeing where money is being spent and where it might be saved. We do not reprioritize what was introduced and established years ago. The Biennial Budget and Appropriations Act requires the President of the United States to submit a biennial budget, requires Congress to act on the independent budget units in a 2-year fashion, in the odd-numbered years, and requires the oversight in even-numbered years of every function of the Federal Government.

We do not do oversight anymore, and we are paying a terrible price for it. That is the first thing we need to do. Second, we need to understand that we need to appropriate our money the way the American people appropriate their money. They measure the benefit compared to the cost, and if the benefit to their family is not equal to or greater than the cost, they do not spend the money. But in the Congress, we do not measure cost-benefit analysis. We measure how much more we can spend in continuation than what we appropriated in a previous year. That is a broken system, and it is a broken cycle.

I commend Senator CORKER on his introduction of the CAP Act, which is the second part of what we need to do; that is, put ourselves on some type of fiscal constraint through a balanced budget amendment and through a spending cap.

A little known secret is 2 years ago the Nation of Israel confronted problems such as the ones we have today—burgeoning debt, a bigger deficit, and spending problems. Prime Minister Netanyahu and their Finance Minister sat down at their kitchen table in Tel Aviv and established a biennial budget process, 2-year appropriations rather than 1, of even-numbered year election oversight and odd-numbered appropriating.

Then they did a second thing. They put a cap on their debt, and they put a cap on spending. Do you know what happened in 2 years' time? Israel's GDP has grown by 7.9 percent. The International Monetary Fund and the World Bank have told the EU and some of the struggling countries in the EU such as Portugal and Spain that they should adopt a biennial spending process and the oversight process of a biennial budget and an appropriations act.

Well, I would say this: If 20 of our States are doing it, and they are 20 of our most fiscally sound States, beginning with New Hampshire and Nebraska and Oregon and States like that, and if Israel has done it and demonstrated, in difficult world economic times, they can grow their GDP by 7.9 percent and reduce their debt and cap their spending, and if the World Bank and International Monetary Fund are telling the European Union, which is in most difficult straits today, that it is part of the answer as to how they spend their money and getting an arm around their spending, then I think we should take a look at it, and it should be on the floor of the Senate being debated.

We have a window of opportunity. We have the chance to reform our spending process, to set ourselves on a glidepath to reducing our debt and reducing our deficit over time and sending a signal to the world market that the strong America they have known and invested in is going to be even stronger in the future.

But if we continue to dilly-dally around, trying to make political headway out of economic events, and push ourselves out in time on debt and deficit, we are going to have higher inflation, higher interest rates. We are going to devalue the assets of the American people and, worst of all, we are going to lose our place in the world.

I do not want to be a part of that. The President does not want to be a part of that. I do not think any Member of the Senate wants to be a part of that. So my encouragement to the leadership, Democratic and Republican alike, is, let's let the best ideas flow. Let's let them come to the floor of the Senate. Let's debate them. Let's invite the President to come and sit down with us and do the same thing.

Instead of taking entitlements off the table, they ought to be part of the discussion. Instead of saying there are some things we are not going to do and some things we will, we ought to be open and say we will look at everything, and then we will prioritize based on cost versus benefits. If we do that, we will do what the people of Georgia expect me to do, and I think what the people of the United States expect all of us to do.

We have a great country made great by a great people who made difficult decisions in difficult times. This is the difficult decision facing our time. I want to be one of the people who is a part of the solution, not a footnote in history at the beginning of the decline of the United States of America.

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

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

The legislative clerk proceeded to call the roll.

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

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

LIBYA

Mr. SESSIONS. Mr. President, I have a couple of things to say this morning. First, and briefly, I want to, and probably will, support the military action in Libya. I have been inclined to think that careful, surgical use of our forces can make a positive difference to the degree it would be worth the risk of that involvement. But I am not really sure of that.

As a senior member of the Armed Services Committee, these are matters with which I am not totally unfamiliar. I was very confident from the beginning that we could execute a no-fly zone very effectively, and that—there is risk but not great risk because of our military capabilities. However, I do believe that over a number of years the Congress and the American people have expressed grave concerns over the executive branch committing the United States to military actions without full participation of the legislative branch. We have not used the declaration of war mechanism, truthfully, as the defining act for most of our military actions in recent years. We have used authorization of military force resolutions that authorized the President to utilize the military force.

We spent weeks doing that before the Iraq invasion—not weeks, months. In fact, as I recall, the authorization for utilization of military force in Iraq was passed in the fall, I believe October, and the actual invasion did not occur until the next spring, in March.

During that time, we had many hearings. We had full debate. There was resolution after resolution in the U.N, but Congress was fully on top of all of it. They knew what was at stake, and we voted. Some voted no and complained and continued to complain. But for the most part, those who voted no supported the action because we had been involved in a discussion that was real about the risk and so forth.

Then we had other actions, such as Grenada and Panama, that had less debate by Congress. People have not been happy about that. They believed there should have been more. In my opinion, the consultative process for this military engagement was unacceptable. It did not have to occur in this fashion. There was ample opportunity to discuss it.

Senator SUSAN COLLINS, on the Armed Services Committee, a few days ago, we had top Defense Department officials there. Admiral Stavridis, who is the commander of NATO forces, was testifying. She said: Well, we had time, it appears, to consult and get a vote in

the U.N. We had time to consult and get a vote in NATO. The Arab League apparently found time to reach some sort of consensus, but we did not have time to involve the Congress.

Well, that struck me as a very legitimate and serious statement. I think Senator COLLINS was correct. There was ample opportunity to consult Congress. This was a war, to use a phrase in recent years, of choice. It was not a military action that was demanded because we had been attacked on our soil or in our legitimate bases somewhere around the world and we had to defend ourselves immediately.

So I am not happy about it. I think it is a big mess. I think Democrats and Republicans have the same unease about it, and I believe it is time for Congress to assert itself more effectively.

We had a briefing last night, 5 o'clock, 6 o'clock. It went 50 minutes. Frankly, I did not get a lot out of it. I heard little that I had not picked up from the cable news networks. We turned on the television this morning, and we saw news about the CIA involvement there, for good or ill. I did not hear that discussed at our briefing. It would have been nice to have heard it straight from the administration's leaders, rather than seeing it on television the next morning. So this is the kind of situation we are in. It is not acceptable. Congress must assert itself.

Based on what President Obama said back during the campaign about our reluctance to initiate military force, it is sort of surprising that we have not had more consultation.

Maybe it is an institutional tendency. Once you become President, you don't want to fool with Congress. They ask troublesome questions. They slow things down, maybe, although in this instance I think we had a lot quicker response from Congress than we got from the administration. Regardless, I think we are in front of that issue. It is time for Congress in a bipartisan way to ask itself, first, what do we expect, what is a minimum amount of congressional involvement? Then we need to make sure that every President hence forward complies with at least that.

I am also not happy at the way some resolution was passed here that seemed to have authorized force in some way that nobody I know of in the Senate was aware that it was in the resolution when it passed. I am very concerned about that.

OMB NOMINATION

Mr. SESSIONS. Mr. President, we will have this afternoon a vote in the Budget Committee, of which I am ranking Republican, on the nomination of Heather Higginbottom to be President Obama's deputy budget director at the Office of Management and Budget. OMB is a very critical part of the

administration of any American government. OMB is the agency that controls, on behalf of the President, the lust of all agencies and departments to get more money for their budgets. They send up their requests. OMB is the control point for the President. He cannot sit down and negotiate every single dispute over funding. OMB handles that, controls it. If there is a real loggerhead debate between Cabinet officials and OMB, they can go directly to the President, and the President will decide it. But most times overwhelmingly decisions are made in OMB. It is that institution that is critical to contain the growing spending we have. It is a very important position.

I supported the appointment of Jack Lew for Director. He had been OMB Director under President Clinton. He was said to be the one to get credit for balancing the budget. I do remember that the House Republicans under Newt Gingrich fought over spending for months and years. Actually for a short period of time the government shut down. It looks as though it didn't destroy America. We are still operating. But they fought, and they balanced the budget. So Mr. Lew was there during that period of time. Certainly he deserves some credit. I was pleased to support him. But I was stunningly disappointed when Mr. Lew went on television and said the President's 10-year budget calls on America to live within its means, to not spend more than we take in, when over the 10-year budget, there is not a single year by the President's own budget, submitted by Mr. Lew, in which the deficit fell below \$600 billion. And in the outyears the numbers were going up to about \$800 billion.

Since Mr. Lew submitted the President's budget, the Congressional Budget Office, nonpartisan group, analyzed President Obama's budget and said it is far worse than that. The lowest single deficit we will have in 10 years is \$748 billion. The highest deficit President Bush ever had was \$450 billion.

This is unbelievable. This year the budget deficit is going to be over \$1.4 billion. In the tenth year, CBO said Mr. Lew and President Obama's budget would call for a \$1.2 trillion deficit, a clearly unsustainable path of surging debt in the outyears going up. That is why Mr. Bernanke, Federal Reserve Chairman, and Erskine Bowles, President Obama's chairman of the deficit commission, both said this is an unsustainable path.

Interest last year on the budget was about \$200 billion. We paid out \$200 billion to people in China and governments of China, Japan, all over the world and to American citizens who loaned us money so we can spend \$3.6 trillion this year while we are only taking in 2.2. We have to borrow that money. We don't have that money. Forty cents of every dollar that is

spent is borrowed. We get a budget for next year, blithely calling for education funding to be increased 10 percent, 11 percent, calling for the Energy Department to get a 9.5-percent increase, calling for the State Department to get a 10.5-percent increase, calling for huge increases in the Transportation Department, while inflation is 2 percent or less, and deficits are surging out of control. And what do they say? They say these are investments, but sometimes we don't have money to invest. How can I buy stock if I don't have any money? We don't have money. Reality has to break through.

The fact that the President continues to assert his budget calls on us to live within our means when it sets forth the most irresponsible surge of debt the Nation has ever seen is breathtaking. I am disappointed that Mr. Lew has mouthed the same phrases. He has said the same things.

Mr. Erskine Bowles, who cochaired the commission President Obama appointed, he and Alan Simpson a few days ago issued a statement when they testified before the Budget Committee. They said this country is facing the most predictable economic crisis in its history. When asked by Senator CONRAD, our chairman, about that, he said it could be 2 years, Mr. Bowles, maybe a little less, maybe a little more, we will have a crisis. Alan Simpson, co-chairman of the commission, popped in and said he thinks 1 year; by the end of this year we could have a debt crisis. It is time to act and get on the right path and not be in denial as we are at this time.

I asked Ms. Higginbottom about some of these issues when she was before the committee to try to determine whether she understood the gravity of the situation which we are now in. I was not satisfied.

First, Ms. Higginbottom's experience level is stunningly lacking. She was a former campaign adviser to President Obama, has had no formal budget training or experience, not even a college class in economics. She said: I am not an accountant. No, she is not. She has never served on the Budget Committee. She never studied business, never ran a business, never was a mayor of a town, a county commissioner who had to balance a budget or served in a Governor's office in any way, shape, or form. She has campaigned for Senator KERRY. The highest job she has had was legislative director, not the Chief of Staff who manages the staff, but the legislative director for Senator KERRY who testified for her.

She is a fine person. I think she seems in every way to be a decent person and would be a good legislative director in the Senate. But to be the person who looks a Cabinet official in the eye and says: Secretary Smith, you are

asking for X billion dollars and we don't have it. OMB says you don't get it. Who can talk to the American people and tell them we are in a fiscal crisis that could lead to a debt crisis to put us in another recession, a double dip? I don't think she has any comprehension of that. How could she? This is not her experience. She has been a political operative, a legislative operative. When pressed about it, she basically said: The President's budget is a policy document.

At this point in history, OMB needs to be thinking about dollars and cents, needs to be thinking about debt. This idea that we can spend and invest regardless of the financial consequences that will inevitably accrue is false. We need to be listening to someone like Erskine Bowles. We need someone like Erskine Bowles in charge of the OMB. When the President announced his budget, that very day, Mr. Bowles said it came nowhere close to doing what is necessary to get this country on the right track, nowhere close. We need somebody of seriousness who understands the threat this country is facing.

They say you have objected to her because she is young. I have never mentioned the word "young." But she is young. But the most important thing is, she does not have the kind of experience in business or accounting or budgeting or responsibility for management that one would look for in the second in command of the OMB, the most central unit in our entire governmental structure committed to containing wasteful spending. We need somebody who will go after waste, fraud, and abuse.

Being a former Federal prosecutor, a little experience in going after criminals who are trying to steal from us wouldn't hurt. It would be of some value. But she doesn't have that.

Despite the fact that she is a person of character and a good personality and is liked, she is not the right nominee, and, in my view, the nomination should not go forward, and I object to it.

I know in the Homeland Security and Government Affairs Committee, where she also had a hearing, Senator SCOTT BROWN asked her a number of questions.

He asked:

You'll be No. 2. And if Director Lew is not there, you will be No. 1, potentially. In that respect, I would presume you would be dealing with accounting and budgeting, obviously, problems within OMB. Is that a fair statement?

Higginbottom: Sure, uh-huh.

Brown: So I guess my original question is, what type of budgeting and accounting experience do you have?

Higginbottom: I have done a lot of policy-making.

Senator Brown: All right. I understand that. But I guess I'm asking, do you have any accounting or budgetary experience aside from dealing in policy matters?

Higginbottom: I am not an accountant, but the President's budget is an articulation of his policy agenda.

I think that fails to evidence an understanding of the difficult role the OMB has.

My staff director for the minority in the Senate Budget Committee served in OMB for a while—such a wonderful person. One reason he came to my attention was because a member of President Bush's administration, whom I know well, said he had to go to him and try to ask him to approve additional funding for a department or agency, and he said he could say no, and he would do it in a way that he showed he understood what we were talking about but he would not give in, and he made you respect him for it.

Well, that is kind of the nature of the OMB. All these agencies and departments want to ask for more money for their departments—they can do all these good things—and somebody has to say: This is putting us over the limit. This is putting us over our budget. We do not have this kind of money.

I hope we can get the kind of serious leadership in that office that does not seem to be present today by virtue of the language that indicates that our OMB believes we have a good budget that lives within our means. Both Director Lew and President Obama have repeatedly said the President's budget allows us to live within our means, "spend money that we have each year" and "begin paying down our debt."

Five or six fact check organizations that analyze statements to see if they are accurate have found these statements to be false. And they are plainly, utterly false. The lowest deficit we are going to have, under the President's Budget, according to the CBO, is \$748 billion in the next 10 years. The lowest annual deficit. And our interest payment will increase from \$200 billion this year to over \$900 billion in 2012.

Mr. President, I do not know what time is left on this side. There is no time left? I will wrap up and say it is for those concerns I have expressed that I will not support Heather Higginbottom as OMB Deputy Director, even though she has many fine qualities, as Senator JOHN KERRY set forth in his testimony on her behalf, although he was not able and did not contend that she has experience in budget, accounting, or finance.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

CLEAN AIR ACT

Mr. CARDIN. Mr. President, sometime today we are going to get back to the SBIR bill, the bill that deals with helping our small businesses with innovation and growth so we can create more jobs and continue to lead the

world in innovation, so we can win that international competition the President talks about. We need to do that by outeducating and outinnovating and outbuilding our competitors. Part of that is helping our small business community with innovation. The bill that is on the floor—the authorization of the SBIR program—helps small, innovative companies in order to create jobs and help America grow.

I take this time, though, to urge my colleagues to reject all of the amendments that may be offered that would take away from the Environmental Protection Agency their ability to enforce our Clean Air Act. I say that because I truly believe—I think most people believe; and it has been proven over history—we can have a clean environment and we can grow our economy. In fact, I think if we do not have a clean environment, it is going to be more difficult for us to grow our economy.

We need to do what is right for the people of this Nation as it relates to their public health. The Clean Air Act has been one of the most important bills to protect the public health of the people of this Nation.

Carbon emissions are pollution. They are polluting our environment. They are causing respiratory ailments. They are making it more difficult for people who have respiratory illness to be able to breathe. We have children with asthma who are directly affected by the quality of the air they breathe.

It is our responsibility to take care of our children. It is our responsibility to make sure they have clean air. The Clean Air Act has helped us deal with those needs. We want the enforcement of the Clean Air Act to be based upon science, not the political whims here in Washington. We want the scientists to tell us what we can do to protect our public health. That is what the Clean Air Act and its enforcement is about, and it is being done in a way that allows our economy to grow.

There are some here who say: Well, some of these amendments are a temporary holdback from what EPA can do to enforce our laws by putting a moratorium on enforcement. Well, we all know what happens with moratoriums. We do not know whether we will ever get beyond those short-term delays. We do not want to go down that path.

What do you do if you are a business and you are trying to do what is right with the investments of your company to comply with the Clean Air Act and now you are being told, well, maybe those rules will change? How do you make the necessary investments in your company without knowing the ground rules are the ground rules? Let's not go down that path. That would be the wrong way to go.

Let me give an example in my own State of Maryland where we have seen that a clean environment is good for our economy.

In 2007, the Maryland legislature passed the Healthy Air Act. Let me tell you something, Mr. President. Since the creation of that bill, it created thousands of jobs. It created more opportunity for the people of Maryland. Constellation Energy invested \$1 billion in compliance with the 2007 Healthy Air Act, reducing its SO₂, SO_x emissions by 85 percent and mercury by 80 percent. We have seen in our State of Maryland that the Healthy Air Act created jobs and has provided healthier air for the people of Maryland.

Let me tell you something, air knows no boundary. We have helped our surrounding States. The problem is, the people of Maryland are downwind from other States we wish were making the same type of commitments we are making in Maryland.

Let's at least maintain the standards of the Clean Air Act. This is the wrong bill to consider this issue anyway. Remember, I started by saying we will be taking up the small business bill to help our small business communities with innovation—SBIR: innovation and research. That is the bill we are on. Yet my colleagues want to attach to this bill amendments that would restrict the Environmental Protection Agency from doing its responsibility on behalf of the public to protect our clean air.

Let me give you by way of example—we tried this. The EPA is the cop on the beat to make sure the polluters do not pollute our air. We at one time had a cop on the beat for the financial markets, and we sort of eased that up because we said we needed to do that for business. What happened is, we had a financial meltdown.

We do not want to go down the same path on protecting the public health of the people of this Nation by removing the cop on the beat. That would be the wrong thing to do. I urge my colleagues to reject those types of amendments.

Let me tell you something: The public gets this. Seven out of ten Americans want us to enforce our Clean Air Act against the polluters. Seven out of ten Americans do not want us to weaken the laws of this country that protect the public health of the people of America.

We cannot afford to turn the clock back on our clean air policies and we cannot turn the clock back on the health of our citizens. I urge my colleagues to reject each and every one of these amendments that may be offered that would restrict the enforcement of the Clean Air Act against the polluters of America.

Let's speak out for our children, let's speak out for clean air, let's speak out for our future, and let's speak out for our economic growth which very much depends upon a clean environment.

With that, Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

CONTRACTING OVERSIGHT

Mrs. MCCASKILL. Mr. President, I am honored to chair a subcommittee of the Homeland Security and Governmental Affairs Committee that focuses on contracting oversight. I can stand here with certainty and tell my colleagues and America and Missourians that contract problems in the Federal Government are substantial, they are expensive, and they have to be fixed.

While we are all focused right now on trying to make the Federal Government spend less money and be more efficient, there are times that contracting problems have significant consequences beyond that of money being misspent or wasted. Sometimes contracting problems have human consequences. One example would be some of our soldiers who were electrocuted because of substandard contracting work as it relates to showers in Iraq when they were standing up for us in a military conflict.

Last summer, a problem surfaced relating to Arlington National Cemetery, and this was a contracting problem. So last summer, my subcommittee held a hearing on the contracting incompetence at Arlington and what the consequences of that incompetence were. As heartbreaking as it is, we learned that because of mismanagement of contracts at Arlington, graves had been misidentified and remains had been buried someplace other than where families had been told they had been buried. Obviously, this is a breathtaking revelation when we think about what Arlington National Cemetery means to the veterans of this country and to our Nation. It is sacred ground. It is the kind of place that America needs to know is being run well and that the remains of our heroes are being handled with the utmost deference, respect, and dignity, and certainly Americans have the right to know we are burying our heroes exactly where their families are told they are being buried.

In the committee hearing last summer, I estimated, based on what we knew at that time, that as many as 6,600 graves had been misidentified. The Army responded quickly and forcefully. I wish to recognize that Kathryn Condon, the Executive Director of the Army National Cemeteries Program, and Pat Hallinan, the Superintendent of Arlington National Cemetery, have been responsive and I think have been

working hard to clean up this mess. However, we now have recent reports which indicate that maybe I underestimated the significance of this problem and maybe this problem is much larger than I even anticipated. At the time, when I used those numbers, people seemed to think I was exaggerating.

So we introduced a bill to make sure there is accountability as it relates to Arlington, with a number of cosponsors, including Senator BROWN, who was the ranking member of the committee at the time, along with Senator COLLINS and Senator BURR and Senator LIEBERMAN.

We introduced a bill that would aim at accountability at Arlington, requiring some reporting to us in 9 months, requiring that the Secretary of the Army continue to be held accountable on this huge problem at Arlington National Cemetery.

I think now is the time to get some interim information because information has now surfaced that potentially many more graves have been misidentified. There is now a criminal investigation because we had eight urns discovered in one grave site last fall as we were working on this legislation.

While I am glad the legislation has become law, that doesn't change the urgency of the situation. I have today written to the Secretary of the Army, Secretary McHugh, and I have asked for immediate information on an interim basis about what has happened to clean up this mess at Arlington, where they are in the process, and what is the truth about graves that have been identified, have not been identified, and potentially never will be identified.

I have asked the following information of Secretary McHugh:

First, I want to know the number of grave sites that have been physically examined to identify the remains there. I want to know how many grave sites have been determined to be incorrectly identified, labeled, or occupied, and the methodology used to make that determination. I want to know immediately how many families have been contacted regarding problems with the grave sites and the number of families who have requested that those grave sites be physically examined. I want to know what the procedure is for contacting families regarding actual or potential problems with the grave sites and how these procedures have been implemented since our hearing last July. I want to know from the Army how they will be able to correctly identify all grave sites by the end of the year and the estimated costs and time required to complete an examination of that nature.

I have asked the Secretary of the Army to respond to this letter in a week. I have asked what progress they have made. This is not something we can sweep under the rug and say we

have done the best we can. This is not that kind of problem. I have veterans all over Missouri who walk up to me when I am in the grocery store, when I am at the mall, wherever I am, and say: Don't give up on fixing Arlington; it is too important to all of us.

I do not want this cloud hanging over Arlington National Cemetery. I have been honored to attend funerals at Arlington National Cemetery. I compliment the Army for the job they do in terms of the Honor Guard and the dignity those services embrace. But management has a challenge. I want to make sure this does not go off the radar screen in terms of a problem that has to be fixed. It has to be fixed because of the values we embrace in this country.

I look forward to the response from the Secretary of the Army. I look forward to continuing to work with Kathryn Condon and Patrick Hallinan, who I do know are trying, but this is something we have to continually be transparent about in terms of reporting to the public the progress we are making so every family member and every American, when they go to Arlington National Cemetery, doesn't ever have to wonder if they are showing respect to the hero at the grave site that is identified on the marker.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EPA AUTHORITY

Mrs. BOXER. Mr. President, I rise today—and I am staying close to the floor today—because I am very concerned that the Senate is going to vote on some very detrimental proposals for the American people which have to do with, for the first time that I can tell in history, telling the Environmental Protection Agency it no longer can enforce the Clean Air Act as it relates to carbon pollution. We know carbon pollution is dangerous, insidious, and we know that if, in fact, the EPA is stopped from enforcing the Clean Air Act, our families will suffer, they will get asthma, they will have more heart attacks and strokes, they will miss work days, and they will die prematurely. That is the primary reason I rise this morning.

GOVERNMENT SHUTDOWN

Mrs. BOXER. Mr. President, I also wish to take some time to talk about a real crisis looming in front of us, which is the possibility of a Federal Government shutdown.

I have lived through a Federal Government shutdown, and I can tell you, whether you are someone who is trying to get on Social Security or Medicare, whether you are living near a toxic waste dump that suddenly doesn't get cleaned up, whether you are concerned about enforcement at the border—I could go on and on—there will be a lot of suffering.

If you are a Federal employee who works for a living, you will not get paid. Mr. President, for me, the issue is, if Federal employees do not get paid, then why on Earth should Members of Congress get paid? We are Federal employees. We work for the government at the pleasure of the people. Sometimes they are not so happy about it and they don't get much pleasure, but the fact is that we are elected and we work as U.S. Senators, and our paychecks come from the Federal Treasury. Why should we get paid if we fail to reach an agreement to do the basic work of keeping this government open?

Years ago, when we faced this, it was with Speaker Gingrich, who brought it on. I hate to say that, but I am very concerned that we are going to see a repeat from the Republican House. Let me tell you the reason. We had an election—and, boy, I noticed that one in 2010 because I was in it. My Republican friends in the House are fond of saying "we won." They did take back the House. They did. They won the House. Guess what. They did not take back the Senate. The Democrats have a clear majority here. The President is still the President, and he is a Democrat. People will have their say, and we will get to that in 2012.

Here is the point. There are three parts of the government that are involved in the budget showdown, the budget dialog. Those three parts are the House—and we know where they are. They came up with \$60 billion worth of cuts. And then you have a bill that they wrote, H.R. 1, that not only had \$60 billion worth of cuts but all of these extraneous legislative riders that proclaimed the EPA has to stop the cleanup of the Chesapeake Bay; that EPA can no longer enforce the Clean Air Act relating to certain types of pollution; that there will be no more money going to Planned Parenthood—no matter that they serve 5 million people and do all the necessary things to stop women's health problems, such as STDs—no, they are zeroed out. So there is a vendetta against them and against National Public Radio. That is what is in H.R. 1.

H.R. 1 was voted on here, and it did not pass. Now we are sitting down with our colleagues to try to work on the budget, not these extraneous riders. If you want to repeal the Clean Air Act, have the guts to come here, put it on the floor, send it through the committees, and let's see where you get. You

won't get very far. That is why they are trying to do it through the back door. Let's have a budget bill.

I believe that the Democrats, although we control two-thirds of the government—a third is the House, a third is the Senate, and a third is the White House—we are willing to meet them about halfway. Well, that is fair. That is more than fair. But we have rallies by the extreme rightwing. They have every right to do it, and I welcome them with open arms, but they do not speak for the majority of the people.

I want to get back to why I think it is important that these Members of Congress who are talking very openly about a shutdown have some skin in the game. Let them have to suffer no paychecks. Why should others suffer no paychecks, whether you are someone who works the parks or someone who works at Social Security or Medicare or someone who cleans up toxic waste sites or someone who works on the border. There isn't going to be any penalty for them.

I can only say that it has been 30 days—here it is on the chart—since the Senate passed a bill that said: No budget, no pay. No raising the debt ceiling, no pay. That is what it said. We sent it over to the House, and what has Mr. BOEHNER done with that bill? Nothing. Now, that is plenty of time to talk about doing away with Planned Parenthood and about all these things they want to do to harm women's health. They want to repeal the entire health care bill. I guess now they want to refund the money or get back the money the seniors got to help them pay for prescription drugs. I guess they don't think it is good to be able to keep your kid on your policy until they are 26. I guess they think it is fine for the insurance companies to kick you out when you get sick. When it comes to saying we will not get paid if there is a shutdown, he has not taken up this bill. Thirty days.

I intend to be on this floor every day—31, 32, 33, whatever the days are. That is plenty of time.

By the way, there is a bill by Congressman MORAN. ERIC CANTOR said we should not get paid. I don't know if you know what they did, Mr. President. They wrote a bill that said we won't get paid, but in that bill, it says H.R. 1 will be deemed having passed if the Senate doesn't pass it by April 6. So they have taken the most extreme bill in American history, with cuts that experts say—including Mark Zandi, a Republican economist—will lose us 700,000 jobs, a bill that is so extreme that it tells the EPA it can't enforce the law, and then they attach to it the "no budget, no pay." Not good enough. H.R. 1 is not passing. They can say they deem it passed. That is like my saying I deem every bill that I write passed.

I have written a lot of bills, including the Violence Against Children Act.

Bills that I have passed give tax breaks to people who work at home. I have had bill upon bill. I would love to say that if we don't act on it, I deem it passed. What are they talking about over there? It is odd behavior. It is odd. I don't know what else to say.

By the way, we have 15 people on our bill. They are: Senators CASEY, MANCHIN, TESTER, NELSON of Nebraska, BENNET, WARNER, WYDEN, COONS, HARKIN, HAGAN, MENENDEZ, STABENOW, MERKLEY, ROCKEFELLER, and you, Mr. President, SHERROD BROWN of Ohio. We are willing to say, if there is no budget deal, we should not get paid.

I do not know whether the American people understand this, but if they did, I think they would be very upset because we have a special statute that protects our pay. Our staff is not protected. To my knowledge, the people who work here are not protected. Members of Congress and the President are protected in the case of a shutdown. There is a special statute. They get paid.

All we are saying is that is wrong. If this government shuts down, that is wrong or, if we fail to raise the debt ceiling and we start not making our payments and defaulting and America goes into a cycle we have never seen before, we do not deserve a penny of pay.

By the way, our bill says no retroactivity either. The American people have a right to expect us to work. Social Security checks must continue to arrive. Veterans must receive their benefits. Passports have to be issued. Superfund sites have to be cleaned. Oil wells have to be inspected. Export licenses must be granted. Our troops must be paid. If we fail to keep the government open because of politics, because some group is rallying—I do not care what end of the spectrum they are from—if we cave to that kind of pressure, we do not deserve to be paid. It is as simple as that. We should be treated like any other Federal employee—no better, no worse.

This is so *deja vu* because, in 1995, similar legislation passed the Senate. But guess what. It never passed the House.

We have a Member of Congress complaining that he does not make enough money. Let's talk about that, I say to everybody. In a video, tea party-described Republican Congressman SEAN DUFFY of Wisconsin said he could not pay his bills on his \$174,000 salary.

Now listen, he has a lot of compassion for himself, but he does not seem to have that compassion for people who earn \$50,000 or \$60,000 or \$40,000 or \$20,000—a lot less than he makes. But he says it is real tough to live on \$174,000. I know he has a big family. God bless each and every one of them. But let us not be so selfish. If you have compassion for yourself, have it for your fellow human beings. No budget, no pay, Mr. DUFFY. I am sorry.

If our colleagues over there who are very extreme—and I know there was a big article that Democrats are calling the budget proposals over there extreme. They are. If they are going to stand on that far right line and hurt the women of this country and hurt the families of this country and hurt the children of this country and hurt the seniors of this country and they are not willing to meet us halfway when they only control one-third of the government and they do not agree and this government shuts down, yes, Mr. DUFFY, you should not get your pay. We need to have the same pain inflicted on us as is inflicted on others.

The Speaker and ERIC CANTOR can say anything they want over there. They can say whatever they want. Free speech, absolutely. But their actions speak louder than their words. When they say, oh, they don't think they should get paid, but they fail to pass a freestanding bill as we did, they are not serious at all. They put it in a bill that is ridiculous on its face. I never heard of passing a bill that says another bill is deemed law. Yes, it is hard for me to explain that.

Anyone who studies how the Federal Government works knows we pass these bills and then we send them to the President and then they are the law. What he says is, even though we already voted down H.R. 1, if we do not pass something else, H.R. 1 is deemed to have passed and then it goes to the President. This makes no sense. It is a new way of passing bills that is made up by the Republicans in the House.

It is interesting that the Members whose paychecks the Speaker is protecting are the same ones who are saying we should have a government shutdown. Today we know the tea party is holding a rally demanding a government shutdown if H.R. 1, with all its political vendettas against women and children and families—that, in fact, there ought to be a shutdown if H.R. 1 does not pass, even though a leading Republican economist, Mark Zandi, said it would cost us 700,000 jobs.

The Senate voted down H.R. 1. It only got 44 votes. Wake up and smell the roses. It is gone. H.R. 1 will never rear its head again. So if you are rallying for a bill that only got 44 votes, that makes no sense. Why not rally to call on us to come together, to meet in the middle, to compromise? That is what the American people want. Do you think I want to meet the Republicans in the middle and slash the type of programs we have to slash? No; I am very unhappy about it, but I am willing to do it for the good of the country. Then let the American people decide in the next election if these are the priorities they share.

H.R. 1 would kick hundreds of thousands of kids out of Head Start. It would stop tens of thousands from getting grants to go to college. How does that make us stronger? It does not.

Representative TOM ROONEY, a Republican from Florida, said: I don't see how we can avoid a shutdown. I have news for him. We can by working together, by crafting a budget where the numbers are right in the middle, and then any of these political vendettas should come back in the form of other legislation.

Congresswoman MARTHA ROBY said yesterday the tea party "would not settle for a split-the-baby strategy," which I guess means she is not for compromising. It is my way or the highway. I want to ask the American people rhetorically: Is that fair? The people who run one-third of the government want 100 percent of it their way. I do not think so. I do not think it would work that way in a family. That is not right. They control one-third of the government and they want 100 percent of what they want. It is not right on its face.

Seventy-three percent of the American people say a government shutdown would be a bad thing for our country. So when the tea party says: Shut down the government if we don't get 100 percent of what we want, they are out of touch.

We will do our part. I am glad Speaker BOEHNER is back at the negotiating table, but I have to say, we are not going to get anywhere if anyone says at that table: My way or the highway. That is over.

H.R. 1 is gone—because you pass a bill that says if the Senate does not act and pass the bill it is deemed law sounds like an April fool's joke. Today is the 31st. Maybe that is what it is, an April fool's joke. Again, I do not know how they came up with this idea.

Where we are is very clear. We are in a situation where we hope the government will not shut down, but yet there are Members in the House who are threatening a shutdown. We have a situation where 30 days ago we passed no budget, no pay for Members of Congress and the President, and they still have not taken it up.

We sent a letter to Speaker BOEHNER. I ask unanimous consent to have printed in the RECORD the letter to Speaker BOEHNER.

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

U.S. SENATE,

Washington, DC, March 30, 2011.

Hon. JOHN BOEHNER,
Office of the Speaker,
Washington, DC.

DEAR SPEAKER BOEHNER: Nearly one month has passed since Democrats and Republicans in the Senate came together and unanimously passed S. 388, legislation to prohibit Members of Congress and the President from receiving any pay during a government shutdown.

Despite the Senate's bipartisan effort, and requests from members for immediate action, you have taken no steps to hold a vote on this important legislation.

As you know, in the event of a government shutdown, Members of Congress and the

President would be treated differently from millions of other Federal employees. While Federal employees would not get paid, Members of Congress and the President would still receive a paycheck because we are paid through mandatory spending, rather than through annual appropriations.

Recently, a number of House Republicans have publicly stated that a government shutdown is unavoidable, and have gone so far as to significantly downplay the negative impact it would have on our economy.

Since members of your caucus are openly predicting a government shutdown, the time to pass this bill is now. Members who want to shutdown the government should not continue to receive a paycheck while the rest of the nation suffers the consequences. Members of Congress and the President should be treated no differently than every other federal employee; we too should have to face the consequences of our actions.

While appearing on the CNN program "Crossfire" in 1995, you offered your support for a bill that is identical to S. 388, so it is unclear why you have not scheduled a vote. The closer we get to the expiration of the Continuing Resolution without passage of this legislation, the more it becomes apparent that your primary interest is in protecting the paychecks of your colleagues.

It is essential that we work together to avoid a government shutdown, but if we cannot do our jobs and keep the government functioning, we should not get paid.

We again request that the House immediately take up and pass this legislation in the same bipartisan spirit demonstrated by the Senate. We ask for your immediate response.

Sincerely,

Barbara Boxer; Debbie Stabenow; Jon Tester; Ron Wyden; Michael F. Bennet; Sheldon Whitehouse; Robert P. Casey, Jr.; Robert Menendez; Joe Manchin, III; Jeff Merkley; Claire McCaskill; Daniel K. Inouye; Barbara A. Mikulski; Mark Begich; Jeanne Shaheen; Richard Blumenthal.

Mrs. BOXER. Mr. President, we call on him and say: It has been 30 days, let's get our act together. We need to feel the pain ourselves just as all the others will feel the pain.

CLEAN AIR ACT

Mrs. BOXER. Mr. President, the reason I am staying close to the floor today, more than any other reason, is the fact that, for the first time in history, Congress is going to play scientist, Congress is going to play doctor, Congress is going to decide what to do in terms of enforcing the Clean Air Act. This runs counter to the American people.

Leading public health groups are saying: Please do not stop the EPA from enforcing the Clean Air Act. They are the American Lung Association. I ask: When we think of the American Lung Association, what do we think about? We think about doctors who want to help patients, who do not want to see little boys, such as this boy, gasping for air. It is our job to stand for the health of the people.

If I ever had any other reason for being here—and I have been here a

while, thanks to the good people of California—it is to make sure our people are protected to the best of our ability. We look at Japan, at what is happening there, and we know how it felt when we had the BP oilspill and how we all did everything in our power to make things better.

One way we have made things better over these years, since the Clean Air Act passed—and I will show a graph of Los Angeles—one way we have made things better for the people is the Clean Air Act. We all know we do not always do things perfectly around here. We are only human, and we make mistakes. But I have to say, I was not here when the Clean Air Act was signed. It was signed by Richard Nixon. I have a lot of issues with Richard Nixon on a lot of other issues, but Richard Nixon set up the EPA. That was a Republican effort, and now our Republican friends are literally taking a dagger to the Clean Air Act.

The Clean Air Act is supposed to be based on science, not politics. If the scientists tell us and the health experts tell us carbon pollution is a danger to our families and they pass an endangerment finding and the Supreme Court says, once an endangerment finding is passed, you must act to clean up the air, if that is what happens, Congress should keep its nose out of it for two reasons: One, it will lead to little boys, such as this little boy, having to gasp for air if we interfere with the Clean Air Act; two it works. The Clean Air Act works.

On this graph, in 1976, there were 166 days in Los Angeles where people were urged to stay indoors. There was a health advisory. When you can see the air, that is bad, and you could see the air on those days. That is what happened in the 1970s. Through the years, because of the work of the Environmental Protection Agency and local people and State people who worked with them, we wound up with no health advisories in Los Angeles in 2010. What an unbelievable record.

Now Members of Congress want to mess with that. It is ridiculous. If it isn't broke, why are we fixing it? It works. They say they are doing it because of jobs—it is going to cost jobs. Well, we know for a fact that was the same thing that was said in the 1970s and we have had the greatest track record of job creation. If we took the job creation from the 1970s into 2010, and we looked at how many jobs there were created, it is huge. We have had, of course, some of the greatest expansions in our history, notwithstanding the fact that we had a very fine Clean Air Act in place.

And guess what. When you clean up the air, you create jobs. You actually create jobs. There is no doubt about it. Clean energy businesses are created. We became the world leader in many environmental technology categories,

and we are the world's largest producer and consumer of environmental technology, goods, and services. How proud are we of that? We should be proud of it. Instead, we may be facing a series of votes today or Monday—I don't know exactly when—that would, in fact, interfere with EPA's functioning.

Some of the amendments are worse than others. The McConnell amendment is the worst of the worst of the worst. Guess what it does. It says forevermore the EPA cannot ever enforce the Clean Air Act as it pertains to carbon. That is the worst of all. But all of them would stop the EPA in its tracks right now from enforcing the law.

Look at the environmental technology industry. It is pretty impressive. We have 119,000 firms that generate \$300 billion in revenues, \$43 billion in exports, and support 1.7 million jobs. We have small- and medium-sized companies that make up 99 percent of these private-sector firms. That is the issue, because we have small- and medium-sized firms that want to see us keep on cleaning up the air, versus the very large, old energy, big polluters—huge polluters—the chemicals, the oil, the coal, et cetera.

I want to work with all companies, small and large, because we are going to need a mix of energy sources, but it has to be cleaner, and that is what the EPA has done over the years with its work. It has made sure the industries get cleaner and cleaner. And every time they say: Don't do it, we will lose jobs. We will lose business. We will go into recession. But the opposite has proven to be true.

In a letter dated March 29, numerous clean energy and conservation organizations said:

Stopping the EPA from doing its job now means more Americans will suffer ill health; not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created at home.

Health experts oppose amendments that weaken the Clean Air Act. They are against all of these amendments. They say these amendments would interfere with EPA's ability to implement the Clean Air Act—a law that protects public health and reduces health care costs for all.

It is an obvious point: If someone never gets asthma, their health is better and costs are lower. Simple as that. So everyone who is a leader on health care ought to understand when people get sick because you voted to weaken the EPA's enforcement of the Clean Air Act, that has a cost. It has a cost to these kids.

I will show another picture of a little girl, a beautiful little girl, who is suffering and struggling and gasping for air. That, to me, is the picture of what this debate is all about. Whose side are we on, her side or the biggest, most powerful polluting industries in the country? It is a choice we have to make.

The Republicans in the House have taken the worst of these environmental bills and they have put them on H.R. 1, and they want H.R. 1, H.R. 1, H.R. 1—pay back all the big polluters in the country who supported them. But it doesn't make sense on any level. It doesn't make sense on jobs, doesn't make sense in terms of the health of our people, and it is politically unpopular.

Let us take a look at a recent poll that was done. This was done all across the country by a Republican polling firm and a Democratic polling firm, and let me show what came out of it: 69 percent say the EPA Clean Air Act standards should be updated with stricter air pollution limits. People want cleaner air. They see their kids gasping.

I said the other day, if you go into any school in your State and ask the children how many of you have asthma, probably about a quarter of them will raise their hands. And if you say, how many of you know a child with asthma, it is about 50 percent of the crowd.

Asthma is a very difficult condition. I listen to Senator LAUTENBERG all the time talk about how it is with his grandson, who has bad asthma. His mother, every time she takes him to play a baseball game or she is away from home, has to make a search to see where is the nearest emergency room. This isn't a benign situation. It is a serious situation for children and adults. So that is why the American people are saying, well, wait a minute; we want the EPA to clean up the air. We don't want Congress involved. The American people are smart.

Look at what this poll says. Remember, this was taken February 16 of this year. This is the height of politics in this country, fighting this side and that side. The poll says that 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards, and 69 percent believe EPA scientists, not Congress, should set pollution standards.

People are smart. If they have a problem with a tooth, they go to a dentist, they don't go to a Member of Congress—unless they are a dentist. People know scientists and doctors are the ones who should guide us on the Clean Air Act, not politicians. Look, I am proud of my work. I love what I do, and I think I have learned quite a bit about a lot of things, but I don't decide what level of ozone is healthy, what level of small particulate matter in the air is healthy, what amount of radiation in the milk is okay. That would be ridiculous. The experts have to determine that. But this Senate is about to vote on a series of amendments which will stop the EPA in its tracks and say we, Members of Congress, know better.

EPA Administrators under Presidents Nixon, Reagan, and George Bush

opposed attempts to weaken the EPA. Listen to this. This is signed by William Ruckelshaus and Christine Todd Whitman. This is a quote from their op-ed piece—two Republicans. So I say to my Republican friends here, listen to the people whom you respected when they were head of the EPA. What did they say?

It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

That is powerful. And they went on to say:

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege.

They are right. These two former Republican Administrators of the EPA are right, the EPA is under siege and not because it hasn't done its job. It has done its job magnificently. I have shown that.

I will show the stats on how many premature deaths were averted as a result of the EPA's action. I think it will stun you. The Clean Air Act, in 2010 alone, prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000.

I say to my colleagues on both sides of the aisle here, if you saw a child—maybe your child, maybe your grandchild—about to be run down by a car, and you knew you could save them, you would do it. You would save them. My colleagues, we can save 230,000 people from facing premature death. That is a fact. That is what the science shows. Yet we are going to weaken the very agency that can do this.

There were 1.7 million fewer asthma attacks in 2010 because of the Clean Air Act. If we keep going, and we don't interfere with the EPA, by 2020 there will be 2.4 million fewer asthma attacks.

Let us take a look at that child again. I am saying to America and to my colleagues, this is a baby who is struggling for breath. If you knew you could save him, if you knew you could save another child from this, you would do it. By leaving the Clean Air Act alone, by letting the EPA do its work, it is a fact—it is not fiction, it is a fact—that more than a million kids won't have to do this.

I don't know any colleague, I don't know one, who doesn't love children—love their own, love everybody's, love their constituents' kids, love their grandkids. I hardly know anyone who doesn't talk about our kids, whether it is in the context of our debt or their health or any context. I am saying right here and now if you love our kids, don't support weakening the EPA, because our kids are the most vulnerable to dirty air. Why? Because they are lit-

tle, because the breath they take in takes up so much of their body. What they breathe in is more potent because they are so little and they are developing.

So again, whether it is business groups, whether it is former EPA Administrators, whether it is these incredible groups that have come together with nothing on their agenda except the health of the people—groups such as the American Lung Association or the Physicians for Social Responsibility—I have given a lot of facts to back up what I have said. And, believe me, they are irrefutable facts. They are facts.

The reason given for stopping the EPA from enforcing the law is: Oh, it hurts the economy. I have shown that argument has been made by big business forever and it never was accurate. I guess they have stopped saying the EPA doesn't have a successful track record, because I have shown specifically how many early deaths were averted, how many asthma attacks were averted. Let's go back to that again—how many missed days of work were averted. We have the facts, so they can't argue that.

So what do they argue? Oh, it is a recession. Well, let me say, if you want people to work, I have got news for you: If they can't breathe, they can't work. That is a fact. That is irrefutable. The Clean Air Act in 2010 alone prevented 130,000 acute heart attacks. By 2020 it will avert 200,000 acute heart attacks.

Again, put yourself in the position of somebody who sees somebody about to be hurt, and you know you could pull that person back from the cliff, or you could pull that person back and make sure they are safe, and don't vote for these amendments because we know it is our constituents who will suffer.

In 2010, the Clean Air Act prevented 3.2 million lost days at school. Why is that? Because when a kid is gasping for air, they are not going to go to school. That number is projected to rise to 5.4 million lost days at school. Do you know why we have these facts? Those who are skeptical demanded that the EPA do this study. So EPA did the study and we found out.

I would challenge anybody in the Senate to show me an agency that can boast of this kind of result. It explains why almost 70 percent of the American people say to us: Keep your hands off the EPA. Don't mess with success. Let them do their job. Let them protect our health. Let them protect our kids' health. EPA has a great record.

They are up against the biggest, most powerful interests in this country—they are. They took a full-page ad yesterday, those big interests: Stop the EPA.

OK, I ask rhetorically, why stop an agency that is preventing the deaths of the American people? Why stop an

agency that has this kind of track record?

I will close with this: There is a series of these amendments, the worst of which is the McConnell amendment because the McConnell amendment says forevermore the EPA can never, ever do anything to protect our people from carbon pollution. It says never, ever can the EPA set standards for tailpipe emissions from automobiles. That is what it does.

The American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility, the Trust for America's Health—this is what they say about the McConnell amendment:

The McConnell amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution.

With whom do we stand? This is the question we all ask in our campaigns. Whose side are you on? With whom do you stand?

I made a decision, a strong one. I am going to stand with the kids. I am going to stand with their families. I am going to stand with these leaders who are working day and night just to protect our health. I am not going to stand with a rightwing ideological amendment. I am not going to stand with amendments that are "McConnell lite" because if it is not broken, don't fix it.

No agency is perfect, we know that. The EPA is not perfect, but the record is clear. Actions by the EPA along with local and State officials have saved countless lives. If we leave our hands off of it they will continue to have a stellar record.

I will be back on the Senate floor when these amendments come up for a vote. I hope and pray people will think about this very hard before they cast their votes.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KIRK. I ask unanimous consent to speak for up to 20 minutes.

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

LIBYA

Mr. KIRK. Madam President, this morning our former National Security Adviser, Chairman of the Joint Chiefs of Staff, and Secretary of State Colin Powell will visit the White House, and I expect they will discuss the current

mission against the Qadhafi dictatorship in Libya.

When we look at this mission, I think it is important to review the wise words of General Powell in his recommendation in considering any military mission for the United States in her coming years. When we think about his advice—many times, it has been called the Powell doctrine, and it was memorialized in a 1992 article in *Foreign Affairs* magazine called “U.S. Forces: Challenges Ahead.” This article became known very much as the Powell doctrine, with two additions that the public and press often put on his thoughts about military missions for the United States.

In short, the Powell doctrine includes answers to a number of questions that any President, Secretary of State, or Secretary of Defense should answer prior to or at the very least during a military mission involving the United States. Those questions are as follows:

Is the political objective we seek important, clearly defined, and understood?

Next, have all other nonviolent policies means failed?

Third, will military force achieve the objective?

Fourth, at what cost?

Next, have the gains and risks been analyzed?

Finally, how might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

Added to this, the press and public have offered two more additions often called part of the Powell doctrine: Can we hit the enemy with overwhelming force, and can we demonstrate the support of the American people for the mission as shown by a vote of the U.S. Congress?

When we look at the current Libyan mission and apply the Powell doctrine, we see a mixed picture, one that should be fixed by a rigid application of its questions and answers to them reported back to the American people.

I support our mission in Libya, and I think the President's address to the Nation was a good start. But I think we would serve our troops well if we proceeded to answer the Powell doctrine questions rigidly.

First, is the political objective we seek to achieve important, clearly defined, and understood?

I think the end of the Qadhafi regime is important. I think the protection of civilians from an impending massacre is also important. And I think it would be clearly understood by the American people. But in practical terms, we cannot protect, for example, the people of Benghazi unless we stop the killer, and the only way to stop him is to disarm him and remove him from power. I think that objective would be clearly understood, would be welcomed by our European and Arab allies, and would

bring about the long-term protection of the civilian communities by which the administration first justified this action.

Secondly, have all nonviolent policies means failed?

There is a 30-year record of diplomacy with regard to the Libyan dictatorship. Muammar Qadhafi has shown himself to be one of the most violent, corrupt, and at times even crazy leaders from the continent of Africa. While the United States has had difficulties with him for three decades, while Secretary Gates has referred to the imposition of Jersey barriers here in Washington, DC, as early as 1983 when there were reports of potential Qadhafi threats to our President—at the time, President Reagan—it took several decades for the rest of the world to lose patience with Muammar Qadhafi.

The decision by the United Nations and Arab League and surrounding nations not just to support resolutions in internal forums but then for some of those nations, numbering over a dozen, to take military action, shows that finally the international community has broken with Muammar Qadhafi and feels that diplomacy and nonviolent means no longer can work with regard to managing him and the threat he poses.

Will military force achieve the objective?

I think it can. But here is a situation that is somewhat mixed. If air power is only applied to a combat air patrol to enforce a no-fly zone, there is the potential for Libyan armor and artillery to overwhelm what is a very disorganized and rag-tag civilian army that initially made gains against Qadhafi, then lost them and stood at the gates of Benghazi, then retook key communities, such as al-Bayda, Brega, and came to the outskirts of Sirte, then relost nearly all of those gains this week.

When we look at how we should support the end of this dictatorship and the final protection of civilians in Libya, we should understand that the provision of close air support to take out Libyan armor and artillery is essential to this mission and that we should develop the means to command, control, and direct this effort.

I am concerned that today, I am unsure—maybe uninformed but unsure—as to how the close air support mission is handled. Originally when this mission was undertaken, it was falling under the command and control of standard U.S. military doctrine. Since Libya is part of the AFRICOM combatant command area of operations, this operation, as I understood it, fell under the command of the President of the United States, to the Secretary of Defense, to GEN Carter Ham, commander of AFRICOM. As the United States then moved to more internationalize internalize the military effort, it

sought to transfer command to the North Atlantic Treaty Organization, NATO, and its commander, who also happens to be an American, Admiral Stavridis, who stands not only as the commander of U.S. forces in Europe but as Supreme Allied Commander of NATO.

I understand the administration has put forward a task force to be commanded potentially by a senior Canadian general who would command this operation. I understand that diplomacy went well with regard to the command of the anti-air operation in this endeavor, but the negotiations with regard to the provision of close air support were much more difficult.

Today, I am not exactly sure who is in command of those operations. Is it General Ham at AFRICOM? Is it the Canadian general at the joint task force? Is it Admiral Stavridis, as the Supreme Allied Commander of Europe? My hope is that we identify one key allied commander who is not just in charge of combat air patrol enforcing a no-fly zone but also close air support to ensure that the rebels are not defeated, to attrite armor and artillery from Muammar Qadhafi's army, and to eventually achieve a lasting victory, which, in my mind, could only mean the end of the Qadhafi dictatorship.

I am particularly concerned today about key weapons systems that are available to the United States and not to other countries, particularly the A-10 Warthog and the AC-130 gunship. These are unique assets, critical in the ability to take out Libyan tanks and artillery.

If we internationalize this conflict and as I have heard potential talk of removing combat platforms of the United States from executing close air support missions, my question is, Would AC-130 gunships and A-10s be available for these missions? They are uniquely effective and would make this conflict shorter and more likely to end victoriously. And my hope is that they would continue to be provided to the allied commander so that the progress could move forward on eventually ending this conflict.

General Powell also asked that we estimate the cost of this operation. My understanding this morning is that this operation has cost roughly about \$500 million and would likely entail greater cost if it lasts for a long time.

We should estimate this cost, and we should also tell the Congress how we are going to pay for it. My understanding right now is that the administration will not seek a supplemental and will take this out of the core budget of the Department of Defense. What implications does this have for procurement, for military construction, for pay and benefits, and for other critical operations of the United States, led, in order of importance, the Afghan mission, the Iraq mission, and the

dozen-plus ships that are now providing the critical humanitarian relief and nuclear recovery of our allies in Japan?

General Powell also asked us to ask the question, have the gains and risks been thoroughly analyzed?

While they may not have been thoroughly analyzed, I am comfortable with the administration's answers to those questions. Had Qadhafi taken Benghazi, had he defeated the rebel government, I think he would have then moved, over time, to destabilize the new government in Egypt.

An end to the Camp David peace accords would be a strategic reversal for the United States. It would put at jeopardy the operations of the Suez Canal. It would have increased the dangers to our allies in the State of Israel. And I think the administration was wise to see a tremendous additional risk had Qadhafi won this war. Now, at least we know the rebels are likely not to be defeated, but a stalemate is also not in our interest. And I would hope we would recall the advice of General Sherman, who said that we should make this as rough and as difficult as possible to the enemy so that, ironically, in most humanitarian terms, it ends, and it ends on the terms of the United States, our allies, and the new rebel government.

Powell also asked us how we might see the situation, once it is altered by force, further develop and what consequences there are there.

My hope is that we would quickly follow the direction of the French Government and recognize the Jalil government, to see that government as a growing potential partner for the United States and the allies so that the people of Libya would see who their potential transitional leaders are and so that we would have clear political authority for them. My hope is that a U.S. envoy would deal directly with the Jalil government and that we would follow the suit of our allies and we would make sure there are clear lines of authority, not just on the military side for combat air patrol and close air support but also political direction for the potential new leaders of Libya.

Added to the Powell doctrine are the two other points often included. One is, can we hit the enemy with overwhelming force?

I strongly support the administration's limitation on no combat boots on the ground. I think that is a wise decision by the United States, and I think we can still direct terrific, tremendous, overwhelming, and decisive force to end this conflict as quickly as possible. My understanding is that other allied governments may not be so completely constricted on their ability to provide especially the critical role of forward air controllers, who will direct allied air power to the most effective targets to attrite and eventually eliminate the Libyan military. My

hope is, though, that we bring all combat assets to bear of the United States and our allies so that we quickly eliminate especially Qadhafi's armor and artillery force and so that this comes to a quick end on the military battlefield.

Finally, the Powell doctrine often has included a final point, which is, Can the support of the American people be demonstrated?

I think in this case we have fallen short. While the Congress and the Senate have adopted a resolution calling for a no-fly zone in Libya, cosponsored by myself and the Senator from New Jersey, Mr. MENENDEZ, I think this is inadequate in fully demonstrating the American people's support for what our troops are doing over in Libya.

I think it is clear that our mission is sustained, and the critical political will of the United States is enhanced if we can formally express support for what our men and women are doing overseas. This has been done in some pretty tough conflicts in the past, particularly Afghanistan and Iraq.

For this conflict, the administration should call for a resolution of approval, and the elected representatives of the American people should vote. In general, I support the President's policy and would vote for this resolution. But I think it is essential for those who are on the field to understand that the Congress is formally with them in a vote cast up or down for this mission and for all of its unintended consequences, potential upsides or downsides.

As Colin Powell leaves the White House today, I hope he carries this advice. I hope all of us recall the key points he laid out. He has wisely put forward for past Presidents and this President a key checklist that all of us as citizens, or those of us who are Senators, as policymakers, can have in reviewing the Powell doctrine.

In the end, the Powell doctrine is a key checklist to use to make sure we resist the call for military action until absolutely necessary; but once necessary, that we hit the enemy with everything we have; that we make the conflict as short and, therefore, as humanitarian as possible; that we demonstrate the full support of the American people for the men and women of the Army, Navy, and Air Force; and that we give them a clear mission with one allied commander. I hope the President gets this advice directly from the general today. I hope the President and the Senate follow it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

CREDIT UNION LENDING

Mr. UDALL of Colorado. Madam President, I urge the Senate to free up capital for small businesses to allow them to grow, expand, and begin hiring again. Unfortunately, there is a burdensome Federal regulation that currently limits the number of small business loans credit unions can make to family entrepreneurs. Credit unions have money to lend, and they know small businesses in their communities. They know these businesses desperately wanted to jump-start the economy by taking out new loans to grow their companies and hire more workers.

Two weeks ago I came to the floor to ask consideration of a bipartisan amendment, No. 242, which I offered to the underlying bill to raise this cap I have alluded to on small business loans. The amendment would simply get government out of the way and allow credit unions to increase small business lending in their communities without costing American taxpayers a dime.

I wish to repeat that. It would not cost American taxpayers a single dime.

When I spoke previously in support of this amendment and asked for the amendment to be considered, the chairman of the Small Business Committee, Senator LANDRIEU, objected to my request and indicated that Senator JOHNSON, chairman of the Senate Banking Committee, opposed the amendment. I wish to clear up some misinformation the American people may have heard at that time and thank Senator LANDRIEU for removing from the CONGRESSIONAL RECORD her assertion that Chairman JOHNSON opposed my amendment.

I understand that as new chairman of the Banking Committee, Senator JOHNSON has an interest in revisiting this legislation which I negotiated with the Treasury Department, the National Credit Union Administration, and the previous chairman of the Banking Committee, Senator Chris Dodd. But I wish to make it clear in the CONGRESSIONAL RECORD that Chairman JOHNSON does not in fact oppose the amendment.

I also wish to clear up some confusion related to the \$30 billion small business lending fund established as a part of the Small Business Jobs Act which arose when I tried to call up my amendment 2 weeks ago. As I pointed out in my original remarks, banks were given access to the small business lending fund, but credit unions have not been allowed to expand their small business lending because of the very cap on loans my amendment addresses.

In our discussion on the Senate floor, it was pointed out to me that credit unions had been asked if they wanted to participate in the small business lending fund, but the credit union industry had turned down the invitation. I was unaware of such an offer; I appreciate being told of it. But unlike many banks, most credit unions do not need extra capital in order to make loans, which is what the small business lending fund intended to provide. Rather, as I have said, most credit unions currently have capital to lend to small businesses, but, unfortunately, they are being prevented from making those loans due to the arbitrary cap limiting their small business lending to no more than 12.25 percent of their assets.

It is no wonder credit unions didn't have an interest in the \$30 billion bank fund because they don't need the money and couldn't use it anyway because of this burdensome cap that is put on small business loans.

I appreciate the opportunity to discuss the confusion about amendment No. 242. I thank the chairman and ranking member for their great work on the underlying bill which is important to my home State of Colorado.

I wish my amendment would get a vote today, but regardless of what happens I will continue to work with Chairman LANDRIEU, Ranking Member SNOWE, and the rest of my colleagues to find innovative means to free up credit for small businesses in a responsible way.

On a final note, the Presiding Officer hails from a great State that has significant banking and credit union sectors. We know they don't always see eye to eye, which is the root of the objection to my amendment. Yet they still manage to operate side by side to serve the community's credit needs. They both make up the fabric of America and continue to grow our economy. It is simply the way we do business in the United States.

I wish to highlight that spirit, which is in stark contrast to the kind of divisive politics that have been brewing in America; one that furthers disagreements and draws ideological lines in the sand and, frankly, sows disrespect at the expense of shared interests and collective prosperity. The American people are seeing a disappointing example of that today. There is a vocal minority outside this very Capitol demanding acrimony and a combative approach for Members of Congress which I believe—and many of us believe—in the end will further disable our capacity to get the economy back on its feet.

While this is happening outside, many of us are inside doing the people's business. We treat each other with respect, and we are working on a bill to help small businesses invest in R&D. We are also negotiating a compromise to keep our government running.

That is the American way I have always known. I applaud my colleagues who remain committed to working together.

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of swipe fees. Most people do not know what a swipe fee is, but it is almost part of your daily life. The next time you reach into your wallet or purse and pull out a piece of plastic to pay for something—such as my debit card—and present it at a retailer or a restaurant or a hotel or a gas station, understand what is happening in that transaction. There are several things that are not even visible.

What is happening in that transaction is, you are paying that merchant and your bank is going to honor that payment from your account on your debit card, but then the bank and credit card company are going to charge the merchant for the transaction.

In days gone by, if we paid in cash, obviously, there was no fee involved. If we paid with a check—which was done for a long time and is done less and less now—there were pennies charged to process the check. Whether the face amount of the check was \$1 or \$100—pennies to process the piece of paper through the system.

A much more efficient system is being used with debit cards, where we actually are withdrawing money from our own account to the credit of the restaurant or the retailer. Unfortunately, there is a fee involved charged to the merchant or retailer called the swipe fee—accurately called the swipe fee because what has happened is, these major companies—Visa and MasterCard and the banks that issue their cards—have established how much each transaction will pay in this swipe fee or interchange fee.

The Federal Reserve recently did an analysis and found something interesting: They found that the average swipe fee across America is 44 cents for each transaction. Then they said: Well, what does it actually cost to process this debit account movement of money from one place to another? The answer was: 10 cents or less.

So there is a substantial charge involved in the hundreds, thousands, tens of thousands, millions of transactions that go on every single day, and it has a direct impact on the places where we

do business. It means there is an added cost to the retailer or merchant that we are doing business with for the use of the debit card that goes beyond the actual cost to the bank involved.

You say to yourself: Well, that is business, isn't it? If you are going to take these cards, and you want the convenience of using these cards, you have obviously negotiated 44 cents and that is the way it goes. Wrong. There is no negotiation involved. The retailers and merchants literally have no bargaining power in what that fee will be, and over the years, that swipe fee, or interchange fee, has been creeping higher and higher. For many businesses across America, it is the second or third most expensive item in doing business. That is right. Beyond the cost of personnel and workers and beyond the rental and utilities paid or health insurance comes the swipe fee—the fees charged by credit card companies for the use of debit cards and credit cards.

What we said last year, while we were debating financial reform, was, this price fixing by the credit card companies—and there are two giants, Visa and MasterCard, that control 80 percent of the card transactions in America—this swipe fee that is being charged by them should be reasonable and proportional to the actual cost of the transaction. They should not be able to force feed and price fix an excessive swipe fee, or interchange fee, on retailers and merchants across America.

We said to the Federal Reserve: Take a look at this and try to figure out a way to establish a reasonable, proportional fee since the credit card companies and the big banks are not going to negotiate. The Fed is in the process of doing it.

We also said any bank or credit union with less than \$10 billion in assets will not be affected by this. Our object was to make sure the hometown banks, the local banks, the local credit unions, could continue to receive interchange fees without any type of oversight by the Federal Government. Some people said: Why didn't you include them? Well, we tried to give them an opportunity to continue to do business because, frankly, those who are closest in the communities are the ones we ought to be mindful of and protective of.

Perhaps I have a little prejudice involved too. The biggest banks in America—the top 1 percent of banks in America—are the ones that do almost 60 percent of this card business. I am talking about the same Wall Street banks that ended up getting a bailout from the Federal Government, to the tune of hundreds of billions of dollars. I do not have a lot of sympathy for them. They made some stupid mistakes and the taxpayers came to their rescue. From my point of view, we should not be subsidizing them or creating an opportunity for them to fix prices when it

comes to merchants and retailers across America.

This passed last year with a strong bipartisan vote of 64 Senators, and the biggest banks in America and the biggest credit card companies in America have been working nonstop ever since to stop this from going into effect. They have poured more resources into this effort than I have ever seen, and I have been around this place for a while. They want to stop this because they hate swipe fee reform like the devil hates holy water. For them, it is a dramatic loss of money. How much? Each month—each month in America—these debit swipe fees generate \$1.3 billion—\$1.3 billion—for the banks at the expense of merchants and small businesses and large businesses, too, for that matter, across America. But not just at their expense. These swipe fees are being paid every time a person uses a debit card or a credit card to pay the government, to pay a university, to make a charitable contribution. That is a reality, and \$1.3 billion a month—most of it going to the biggest banks in America—they believe is worth fighting for.

So the fight has been joined, and Senators have come to the floor and submitted an amendment to postpone this swipe fee reform for 2 years—2 years—to study it. Let me see, 24 months times \$1.3 billion—over \$30 billion they want in a handout to the biggest banks and credit card companies in America. I do not think that is fair. It is sure not fair to the small businesses that had asked me to introduce this and ask me to continue to fight for it. It is not fair to these businesses or their customers.

You see, our reform efforts are not just supported by the businesses. They are supported by the Consumer Federation of America, the largest consumer advocacy group in the United States. They understand that if you are dealing with a competitive business—let's assume you have gas stations across the street from one another and you make more profitability at one gas station, they can lower prices and be more competitive with the gas station across the street. The same is not true when it comes to big banks and credit cards. When it comes to credit cards, we have not a monopoly but a duopoly—two monopolistic companies, very little competition between them. There is a lot of competition in small town America and Main Street America.

Some people ask me why I tackle some of these issues that involve the big banks and credit card companies and others. They say: Don't you understand these operations you are fighting are pretty large in terms of their resources and their political might? There is truth in that. The banks are a \$13 trillion industry in America, according to the American Bankers Association—\$13 trillion—and last year the banking industry in America made over \$87 billion in profits.

Visa and MasterCard were spun off from big banks a few years ago and now are multibillion-dollar companies that control nearly 80 percent of the payment card market.

People tell me these financial industry giants have unlimited resources, and they are going to fight when there is \$1 billion a month on the table.

Well I do not think the people of Illinois sent me—or sent from their own States other Senators—to hand the keys of this country over to big banks and credit card companies. They sent me to make sure Wall Street banks follow the same rules of the road that Main Street businesses follow every single day.

There is nothing wrong with fees charged for services provided, as long as those fees are transparent and are set in a competitive market environment. Don't tell me you are for a free market and then say but Visa and MasterCard can fix prices. Don't tell me you are for a free market and then say those prices they fix have to be concealed and hidden from the public.

When markets are characterized by transparency, competition, and choice, consumers benefit. But consumers do not benefit when fees are hidden, changed without warning or set by agreement between competitors. Sadly, that describes many of the fees banks and card companies have charged in recent years.

We passed the Credit CARD Act of 2009 and then the Dodd-Frank Wall Street Reform Act last year and the Consumer Financial Protection Act was also included. We targeted many of the hidden fees consumers pay in America. If we do not do it, ladies and gentlemen, if the Senate does not do it, I would say to my colleagues: It will not be done.

These powerful economic business entities in America need to be watched closely. Do not take my word for it. Take the word of those who analyze the recession which we are dealing with. Left to their own devices, these entities will go to extremes when it comes to profit taking, and that is what is happening when it comes to these big banks and credit card companies today. If we do not stand for consumers and small businesses on the floor of the Senate, shame on us. Who else is going to do it?

By making fees transparent and helping to inform consumers, our laws will help the financial services market work better for all Americans.

This swipe fee, or interchange fee, reform amendment I added to the Dodd-Frank bill also addressed an anti-competitive market failure in the debit card system. For years, the banking industry has engaged in a collusive practice. The banks that issue the cards have let Visa and MasterCard fix the interchange fee rates banks receive from merchants every time a debit

card is swiped. The banks get the fees, but they do not set the fees. Their friends at Visa and MasterCard set the fees that will be charged. This is price fixing, purely and simply, by Visa and MasterCard on behalf of thousands of banks, and this price fixing is currently unregulated.

Of course, every bank in the country is going to tell us the interchange system is working just fine, Senator. That is because with centrally fixed interchange rates, banks do not have to worry about competition. Each bank knows the bank down the street is getting the same fee they are. But there are two fundamental problems with Visa's and MasterCard's fixing of these interchange rates and swipe fees.

First, centralized rate fixing gives the card-issuing banks no incentive to manage their operational and fraud costs efficiently. All banks in the Visa network are guaranteed the same Visa price-fixed interchange rate whether they are efficient or not. There is no competition and the fees literally subsidize inefficiency.

Second, because Visa and MasterCard, the credit card giants, control nearly 80 percent of the debit card market and merchants can't realistically refuse to accept them, Visa and MasterCard have the incentive to constantly raise interchange rates to encourage banks to issue more of their cards. So fee rates keep going up and the merchants are helpless to do anything about it.

I have heard so many speeches on the floor of the Senate about how we love our small business, and we should. It is the backbone of the economy of America. This interchange fee goes to the basic survival of small businesses across America. If this Senate is going to decide that it is more important to protect the big banks and credit card companies than small businesses, shame on us. We should accept the reality that it means these small businesses will struggle, will not be as profitable, will not hire as many people. Can that make us a better country? Can that help us out of the recession?

Merchants can't say no to Visa and MasterCard because of the market power of these two credit card giants and because swipe fee rates are fixed by the networks. A merchant doesn't even have the option of negotiating a better deal, so merchants are stuck with whatever the increase is in swipe fees, which is then passed along to consumers in the form of higher prices for gasoline and groceries. Consumers, and particularly low-income and unbanked consumers, pay for the debit interchange system to the tune of \$16 billion a year.

Incidentally, do my colleagues know what the interchange fee is in Canada charged by Visa and MasterCard—the same fee I have been talking about here—through the banks in Canada?

Zero. There is no interchange fee. Do my colleagues know what it is in Europe? A fraction of what it is in the United States. Why is that the case? Why would these credit card giants say they can't survive oversight of their interchange fees in the United States and charge zero in Canada and pennies in Europe? Because the Canadian Government came to them and said, We are not going to let you rip off our small businesses. We will regulate you. They said, Never mind, we won't charge an interchange fee in Canada. In Europe, the same thing happened. If we are silent, exactly the opposite will occur. The credit card companies will continue to increase these fees at the expense of American consumers and small businesses and large businesses alike.

Some people out there apparently trust Visa and MasterCard to price fix in a fair and benevolent way. They don't see the need for reform. If you believe the giant credit card networks can be trusted to fix interchange prices in a way that is fair for banks, merchants, and consumers, then you should be fine with the status quo and have no problem prolonging it for years.

That is exactly what the amendment coming before us will do. It will postpone for 2 years and put in a study of this issue. Well, we should study things before we act on them, that is for sure. But let's look at the record. We have had nine different congressional hearings on this issue and three separate studies already. We have studied this one to death. What the banks and credit card companies want us to do is to keep on studying so they can collect \$1.3 billion every single month. That is their strategy.

I don't place my trust in Visa and MasterCard, and I am not alone. Last year, a strong bipartisan majority in Congress said we better stand up for small business and retailers and consumers, and we passed this law. The banks and credit card companies are pulling out all the stops. I learned yesterday that Chase, which is one of the major issuers of these debit cards across America, sent a letter to their customers in a number of States and said, If you don't repeal the Durbin amendment, we are going to end up in a position where we won't be able to give you all of the rewards which we are offering you on your debit and credit card.

First, this relates to debit cards which don't carry the big reward programs. Secondly, this kind of veiled threat from these credit card companies should not be taken seriously by any consumer across America.

The last time we had credit card reform, we unfortunately waited months before it became law. The credit card companies saw it coming. So what did they do? They dramatically raised

their interest rates on consumers across America during that period of time. Don't expect any favors from this industry. If we do not regulate the credit card industry and the banks that issue these cards, trust me, the consumers will continue to lose time and time again.

As for Chase, I don't think there are going to be any poppy flowers sold on their behalf on street corners. If I recall correctly, their last earnings report showed a 48-percent increase in profits over their previous year. They are doing quite well. Now it is time for them to give small businesses and consumers across America a break when it comes to the fees they are charging.

Congress said that if banks are going to let Visa and MasterCard fix the interchange rates that merchants pay banks, then the rates fixed on behalf of the biggest 1 percent of banks must be reasonable and proportional—reasonable and proportional. This is a narrowly targeted reform through the Federal Reserve. The new law will provide a constraint on ever-rising interchange fees that the current broken market does not provide.

We have given this job to the Federal Reserve. They have put out draft rule-making and they are soliciting comments across the country. Chairman Bernanke called me a couple of days ago and said they needed an additional few weeks to come up with the rule that will still go into effect in July of this year. I understand that. I want him to do his best. I want him to follow what this law says—exempting credit unions and community banks with less than \$10 billion in assets.

The Fed has taken this job seriously, and I am glad they have. The Fed knows that many small banks are concerned the reform might affect them even though the law clearly exempts them. Last week Chairman Bernanke told all those small banks at a meeting that he understands their concerns and will work with them to make sure the final rule addresses them.

I urge my colleagues to stand up for the reasonable reform Congress passed last year. We don't need another study. A study is an excuse for the credit card companies and the biggest banks in America to take \$1.3 billion a month out of the economy and away from small businesses.

I want my colleagues to know there is broad support for debit interchange reform. I have received many letters in recent days from individuals, small businesses, and organizations that support reform. I will readily concede that the big box retailers are also benefitted by this. I am not trying to hide that. That is a fact. But the simple fact of the matter is this has been generated by a lot of local people and a lot of local businesses.

Let me tell my colleagues, this is hardball as far as the big banks and

credit card companies are concerned. I happened to mention that I was brought to this issue 4 or 5 years ago by a good friend of mine, a very conservative gentleman who has been very successful in downstate Illinois, named Rich Niemann from Quincy, IL. He owns a bunch of grocery stores and has expanded all across the Midwest. He is a hard-working guy the like of which is hard to find. He and I disagree on a lot of things, but I always turn to him when I have a business issue because I know he will give me an honest analysis. When Rich told me that he started accepting plastic at his grocery stores, it went from just a small number of transactions to now almost half of the transactions at his grocery stores are with plastic and he says, They are killing me with this interchange fee. The credit card companies and debit card companies are charging him this fee and he has no voice or bargain in the process. They charge whatever they want to charge and he pays it. He is a man who is trying to create jobs in small-town America. I thought he had the right approach to this. They should be able to recover their reasonable, proportional costs for using a debit card, but why should they be able to penalize a business such as Rich Niemann's grocery stores? I said this publicly a couple of days ago and, not surprisingly, some folks on the other side decided to go after and attack Rich Niemann as a businessman. I will stand with him. From my point of view, he is a good man. I don't think he votes for a lot of Democrats. I hope once in a while he might vote for me, but notwithstanding that, I respect him so much and I am sorry he had to take this beating in the press from the other side. He can take it, though. He has been a tough guy who has stood up for his family and his business all his life.

Incidentally, on March 18 I received a letter from the American Council on Education and nine other national associations representing colleges and universities and here is what they said:

Debit card swipe fees have been a hidden expense for students and families paying for college for which they receive no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services.

We don't think about that. We think about gas stations. But the fact is students use plastic for everything, and the universities and colleges end up paying these swipe fees to the big banks and the credit card companies and debit card companies as a result.

On March 15 I got a letter from the Consumer Federation of America. Some of the folks on the other side said this will never help consumers. These businesses are going to take all the

savings that would otherwise go to the big banks and credit card companies and they are going to take those and go home. Well, I disagree, and so does the Consumer Federation of America, the leading consumer advocate in this country. Here is what they said on March 15:

The current interchange system is uncompetitive, nontransparent, and harmful to consumers . . . CFA does not support delaying implementation of the new law.

That is what the amendment on the floor today suggests.

On March 15 I received a letter from the consumer groups Public Citizen and U.S. PIRG, and here is what they said:

The Durbin amendment was designed to curb anticompetitive practices in the payment card market . . . we do not support legislation calling for delay of the Durbin swipe fee amendment.

Yesterday I received a letter from Americans for Financial Reform, a coalition of over 250 national, State, and local groups, including consumer, civil rights, investor, retiree, labor, religious, and business groups. Here is what they said:

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump. . . . We oppose efforts to delay the implementation of the Durbin amendment through Congressional action.

Make no mistake, the big banks and card companies want to stop this rule before it is issued, because they are afraid that once it is issued and once people realize the savings to business and consumers across America, they will never go back. So they are pouring it on to try to move this amendment as quickly as possible to stop the Federal Reserve from issuing the rule which the law requires them to issue.

On March 17, the Hispanic Institute sent me a letter and here is what they said:

Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits consumers in lower fees and lower cost of goods. There is no evidence that swipe fee regulation will lead to an increase in other consumer fees.

The National Small Business Association—as I said, we spend more time on the Senate floor venerating small businesses than almost anything other than our troops. Here is what the National Small Business Association said in a statement on March 23:

The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

I also received a letter from 185 national and State merchant trade associations representing 2.7 million stores and 50 million employees.

Let me say at the outset, the coalition I am representing is not nearly as powerful or as large politically as the big banks and the credit card companies. They can't match them in terms of their political power, the number of lobbyists they hire, the number of letters they send, and all the rest. For the most part, they represent a lot of small businesses that are trying their best to get fair treatment. Here is what they say:

We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers. Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly.

They mean Visa and MasterCard. They urged Congress to oppose any efforts to delay swipe fee reform.

The United Food and Commercial Workers, a union which I used to belong to when I was growing up, said:

Delaying swipe fee reform will also delay the creation of thousands of jobs each year that will result in reduced interchange fees. This reform is long overdue for working Americans everywhere.

The National Community Pharmacists Association and the National Association of Chain Drug Stores sent me a letter and said:

We request any assistance you can provide in ensuring the timely completion of the final regulations and enforcement of the Durbin amendment.

The National Association of College Stores and 20 State associations wrote and said:

Credit and debit purchases account for more than \$100 million annually in interchange fees paid by college bookstores and their student and parent customers.

Let me repeat: \$100 million a year paid by college bookstores and their student and parent customers in interchange fees to the banks and credit card companies.

They go on to say:

Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected toward credit card companies and large banks. . . . Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

I ask unanimous consent that these letters be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, March 18, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I write on behalf of the higher education associations listed below to oppose efforts to delay, amend, or repeal the debit card swipe fee reforms enacted last year in the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd Frank Act") and regulatory implementation of these reforms by the Federal Reserve. We

strongly support these needed reforms, which will provide real relief to students, their families, and colleges and universities across the country.

Debit card swipe fees have been a hidden expense for students and families paying for college for which they received no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services. In addition, implementing this reform will create an opportunity for institutions to offer discounts to students for payments made with checks and debit cards.

During this time of economic insecurity, steps like those undertaken in swipe fee reform will help students and their families manage the costs of college with increasingly strained budgets.

We urge the Senate to stand up for students and the colleges and universities that serve them by ensuring that these debit card swipe fee reforms are fully implemented in a timely manner.

Sincerely,
MOLLY CORBETT BROAD,
President.

CONSUMER FEDERATION OF AMERICA,
March 15, 2011.

DEAR SENATOR: As Congress assesses the impact on consumers of debit interchange legislation it enacted last year, the Consumer Federation of America would like to share with you the conclusions we have reached:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, CFA does not support delaying implementation of the new law.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules implementing new interchange requirements. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low- to moderate-income account holders.

Once the law is implemented, the Federal Reserve should also pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial products to millions of Americans.

Although CFA did not take a position on the interchange provisions of the Dodd-Frank Act, we have carefully examined the law and filed comments with the Federal Reserve on how to implement it fairly and effectively. For example, we urged the Federal Reserve to consider increasing its proposed interchange pricing standards as allowed under the law to include several specific, debit-related expenses incurred by financial institutions. CFA also recommended that the Federal Reserve launch a broad, balanced study upon implementation of the effects of the rule on consumers.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high

debit interchange fees that the poorest Americans are required to subsidize. The new law gives the Federal Reserve authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

Sincerely,

TRAVIS PLUNKETT,
Legislative Director.

MARCH 15, 2010.

CONSUMER GROUPS OPPOSE DURBIN
AMENDMENT DELAY

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: U.S. PIRG and Public Citizen write in support of the timely implementation of the Federal Reserve swipe fee regulation as prescribed under the Durbin Amendment of the Dodd-Frank Wall Street Reform and Consumer Protection Act enacted last summer. The law provides numerous reforms to financial industry practices beneficial to consumers, depositors, investors and taxpayers. Included in the Dodd-Frank Act is the Durbin Amendment, which limits the interchange swipe fees charged to retail merchants on debit card transactions. The Durbin amendment was designed to curb anti-competitive practices in the payment card market.

It is our understanding that there has been proposed legislation introduced to delay the implementation of the Durbin amendment. We do not support legislation calling for delay of the Durbin swipe fee amendment. While we have urged the Federal Reserve Board of Governors to modify its proposed rule implementing parts of the Durbin Amendment (parts have already taken effect), the rulemaking process, not further legislation, is the appropriate venue for any changes. In addition, consideration of a delay in the Durbin amendment could otherwise imperil timely implementation of the Dodd-Frank Act's other provisions designed to remediate the economic crisis caused by risky, unregulated Wall Street practices.

We appreciate your consideration of our views urging that the Durbin amendment be implemented by the Federal Reserve, not delayed in the Congress.

Sincerely,

U.S. PIRG AND PUBLIC CITIZEN.

AMERICANS FOR FINANCIAL REFORM,
Washington, DC, March 30, 2011.

DEAR SENATOR/REPRESENTATIVE: We write to express Americans for Financial Reform's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, AFR does not support Congressional delay of implementation of the new law.

As you know, Americans for Financial Reform is an unprecedented coalition of over 250 national, state and local groups who have come together to reform the financial industry. Members of our coalition include consumer, civil rights, investor, retiree, community, labor, religious and business groups as well as renowned economists.

We oppose efforts to delay implementation of the Durbin amendment through Congress-

sional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. If you or your staff have any questions, please contact Ed Mierzwinski at U.S. PIRG.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

THE HISPANIC INSTITUTE,
Washington, DC, March 17, 2011.

Hon. HARRY REID,

*Majority Leader, U.S. Senate,
U.S. Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,

*Minority Leader, U.S. Senate, Russell Senate
Office Building, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: On behalf of The Hispanic Institute, I urge you to oppose Senate Bill S. 575, House Bill H.R. 1081, and any other effort to delay, amend or repeal the Durbin amendment which passed last year as part of the Dodd-Frank Wall Street Reform Act. Delaying implementation of the Durbin amendment hurts consumers, especially low-income consumers.

The Hispanic Institute's mission is to provide an effective education forum for an informed and empowered Hispanic America. We have already studied the impact of swipe or interchange fees on Hispanic America. In fact, we have been studying the problem of swipe fees for years and have found that the market for these fees is broken and that Hispanic American consumers and businesses are harmed as a result.

In 2009 we published a study, "Trickle-Up Wealth Transfer: Cross-Subsidization in the Payment Card Market," that broke new ground by showing that hidden swipe fees imposed on credit and debit cards result in a reverse transfer of wealth and make low-income Americans subsidize high-income Americans—without them even knowing it. We also found that these fees are part of the prices consumers pay every day and that when fees are lower, prices are lower for consumers. Our ground-breaking work has since been cited by the Boston Federal Reserve.

On February 17th, we submitted testimony to the House Financial Institutions Subcommittee of Financial Services, along with U.S. PIRG and Public Citizen, voicing support for the Federal Reserve rule to deal with the problems we have found. Unfortunately, the banking industry is fighting to stop these needed reforms. If the banking industry is successful in delaying or repealing reform, consumers and the American economy will pay. Studies indicate that consumers will pay an extra \$1 billion to banks every month that reform is delayed, and the more than 95,000 new jobs that reform would create each year will be shelved. This should not happen.

As we noted in our testimony:

The current swipe fee market is broken and all consumers pay more for less because of escalating swipe fees;

Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits con-

sumers in lower fees and lower costs of goods;

There is no evidence that swipe fee regulation will lead to an increase in other consumer fees; and

Reductions in swipe fees should result in substantially lower prices for all consumers.

The Durbin amendment and Federal Reserve rule allow banks to compete on swipe fees and avoid regulation. Reasonable limits are only imposed when the banks centrally fix their fees. If they would compete, all American consumers and businesses would be far better off. We urge you to oppose S. 575 and H.R. 1081, and press for the Federal Reserve's rule to be finalized and take effect in order to address the terrible problems with swipe fees that the Hispanic Institute has identified. Thank you for your consideration.

Sincerely,

GUS K. WEST,
President, Board Chair.

[From National Small Business Association,
Mar. 23, 2011]

BILLS INTRODUCED TO DELAY SWIPE FEE
REFORM

The U.S. Federal Reserve (Fed) in Dec. 2010 proposed new rules limiting the size of the fees banks can charge businesses every time a debit card is used to pay for a good or service. The Fed was required to address debit-card swipe fees thanks to an NSBA-supported amendment, introduced by Sen. Whip Dick Durbin (D-Ill.), to the Restoring American Financial Stability Act (S. 3217). The final rule is expected by April and currently is set to take effect on July 21, 2011.

The Fed proposed a number of options that would result in reduced swipe fees for debit-card transactions. One option would allow issuers to set a flat fee of seven cents per transaction. A second option would allow a sliding scale, based on the purchase price, with a maximum fee of 12 cents per transaction. The proposed rule exempts banks with less than \$10 billion in assets and does not apply to credit cards.

Although NSBA supports no interchange fees being charged on debit-card transactions—since they clear, like checks, at par—the proposal represents significant progress. Currently, merchants pay, on average, debit card processing fees of about 1.3 percent. According to the Fed, the average swipe fee last year was 44 cents. This means that even the highest option would result in swipe fees more than 70 percent lower than the 2009 average.

The proposed rules also still present issuers with a large profit margin. According to one bank, a swipe-fee cap of 7 cents per transaction still would produce a profit margin of about 8 percent, compared to the retail industry's average profit margin of one to three percent.

While the proposed rule was a significant victory for small businesses, retailers, and consumer groups, it was met with immediate howls by the banking industry, which collected \$16.2 billion from debit-card swipe fees in 2009. Arguing that the proposed rule represented governmental interference in the private market (and ignoring the fact that the previous system differed greatly from any notion of a competitive "market"), the banking lobby responded to the proposed rules with a multi-million advocacy campaign aimed at undermining them.

Last week, they achieved their first success in this effort, when Sens. Jon Tester (D-Mont.), Bob Corker (R-Tenn.), Jon Kyl (R-Ariz.), Ben Nelson (D-Neb.), Tom Carper (D-

MARCH 8, 2011.

Del.), Pat Roberts (R-Kan.), Chris Coons (D-Del.), Mike Lee (R-Utah), and Pat Toomey (R-Penn.) introduced legislation, the Debit Interchange Fee Study Act (S. 575), that would suspend the implementation of the Fed rule for two years.

The bill also mandates that a study on debit interchange fees be conducted by the Fed, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. The outcome of this study is virtually guaranteed to be flawed, given the parameters outlined by the bill.

Companion legislation (H.R. 1081) has been introduced in the House, by Rep. Shelley Moore Capito (R-W.Va.) and 27 cosponsors.

NSBA is ardently opposed to these efforts, which clearly are aimed at preventing the rules from going into effect rather than illuminating the issue. The swipe-fee system already has been the subject of three separate U.S. Government Accountability Office reports and nine Congressional hearings.

The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

FEBRUARY 28, 2011.

To: Members of the United States Senate; Members of the United States House of Representatives

From: The 185 undersigned national and state trade associations on behalf of the companies and customers we represent

Re: Debit Card Swipe Fee Reforms—Allow Implementation to Move Forward

The Merchants Payments Coalition, representing 2.7 million stores and their 50 million employees, urges you to oppose any efforts to amend, repeal or delay swipe fee reform. Derailing swipe fee reform would take more than \$10 billion per year out of consumers' pockets and kill more than 95,000 new jobs.

Big credit card companies have created a prim-fixing regime that benefits the largest banks, including "too big to fail" institutions that have received hundreds of billions of dollars in federal bailout money, at the expense of Main Street merchants and consumers.

Small merchants in your community are powerless against the big credit card duopoly. The card companies and big banks have not and will not negotiate with businesses over swipe fees. As a result, these fees:

- Have tripled over the last 10 years;
- Largely benefit the 10 biggest banks;
- Are the second highest expense many small merchants face after labor costs; and
- Are rising faster than health care costs.

This issue is unlike any other we have faced in business. We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers.

Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly. So we reluctantly came to Congress.

After seven hearings in the House, two of which were held since passage of the debit card reforms, a bi-partisan markup in the House, and two hearings in the Senate on the issue, legislation passed the United States Senate last summer by a strong bi-partisan 64 to 33 vote with 17 Republicans supporting the amendment. Changes were negotiated and adopted during the conference process before the bill was signed into law.

The law directs the Federal Reserve to prescribe regulations regarding interchange

swipe fees on debit card transactions and requires that the Federal Reserve establish standards for assessing whether an interchange swipe fee is reasonable and proportional to the cost incurred by the issuer with respect to the transaction. After a lengthy and thorough process conducted by the Federal Reserve of survey design and collection, conference calls, meetings with various groups, and survey analysis, the Board of Governors voted unanimously in favor of publishing a proposed rule on this subject. We see the proposed rule as a compromise of the ideas advanced by the banks and networks and the ideas advanced by the merchants and consumers.

The statute further directs the Fed to publish a final rule by April 21, which would take effect on July 21. The Fed has indicated that it intends to meet these deadlines unless Congress directs otherwise. We strongly urge you not to support delay and to allow the rule to take effect as scheduled.

Swipe fee reform has been a key vote for each of our associations every time it has been considered and will continue to be. We would urge you to learn more about the issue, listen to all sides, and not sign letters or support legislation that seek to delay; repeal or modify the proposed rule.

We urge you to stand with your small Main Street merchants and their customers and allow swipe fee reforms to take effect on time.

Sincerely,

THE UNDERSIGNED NATIONAL AND STATE TRADE ASSOCIATIONS.

UFCW,

Washington, DC, March 28, 2011.

To All Members of the United States Senate
 DEAR SENATOR: On behalf of the United Food and Commercial Workers International Union (UFCW) and our more than 1.3 million members, we encourage you to oppose any effort to delay or repeal the implementation of "swipe" fee reform, also known as interchange fee reform.

More than one million of our members work in the supermarket and retail industry where swipe fees are a growing cost of business and a concern for the continued success of this important industry. Each time that a UFCW cashier swipes a debit card, the supermarket is charged a percentage of the sale. That fee, hidden from customers, is reflected in higher prices, which in turn impacts our members and customers each day.

The banks and card companies want these fees to remain hidden so that they can continue to reap large profits and subsidize the costly benefits and rewards that they give to their wealthiest cardholders. Make no mistake, the banks and card companies want to delay the swipe fee reforms so that they can continue to charge more than \$1 billion in swipe fees for each month of delay.

But most importantly, delaying swipe fee reform will also delay the creation of thousands of jobs each year that would result from reduced interchange fees.

This reform is long overdue for working Americans everywhere. Our members have paid the price for rising interchange fees for far too long.

A bipartisan group of 64 Senators courageously passed this important swipe fee reform in 2010. UFCW respectfully asks that you oppose any efforts to delay these reforms and allow the Federal Reserve rule to take effect on schedule later this year.

Sincerely,

JOSEPH T. HANSEN,
 International President.

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

Hon. HARRY REID,
 Majority Leader, U.S. Senate,
 Washington DC.

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

Hon. MITCH MCCONNELL,
 Minority Leader, U.S. Senate, Washington DC.

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: The National Association of Chain Drug Stores and the National Community Pharmacists Association are writing in support of the implementation of the Durbin Amendment, which was included in the Financial Reform legislation enacted last year. The Durbin Amendment limits the fees charged to retail merchants on debit card transactions (known as "swipe fees") to a level that is "reasonable and proportionate" to the costs incurred by the banks and credit card associations to process these transactions. The amendment also allows retail merchants options on how their debit card transactions are routed for processing, which provides market competition for this part of the process.

The law requires the Federal Reserve to write rules to enforce the "reasonable and proportional to cost" requirement by July 2011, although the precise date for enforcing the routing rule is left to their discretion. At this point, the Federal Reserve has issued draft regulations on what is to be considered reasonable and proportionate, and they have closed the comment period on the rules.

We believe it is imperative that this process of writing and issuing final regulations continue as required by the law. Debit and credit card interchange fees currently total close to \$50 billion annually for retailers. The timely promulgation and enforcement of the regulations will assure the beginnings of reform for both debit and credit cards to assure that fees are "reasonable and proportionate" for retailers and the customers they serve in a highly competitive marketplace.

We request any assistance you can provide in ensuring the timely completion of the final regulations and the enforcement of the Durbin Amendment, and ask you to communicate that position to the Federal Reserve.

Please contact either Paul Kelly or Anne Cassidy if you have any questions.

Sincerely

STEVEN C. ANDERSON, IOM,
 CAE,
 President and Chief
 Executive Officer,
 National Association
 of Chain Drug
 Stores.

KATHLEEN D. JAEGER,
 Executive Vice President
 and Chief Executive
 Officer, National
 Community Pharmacists
 Association.

NATIONAL ASSOCIATION
 OF COLLEGE STORES,
 Oberlin, OH, March 18, 2011.

DEAR SENATOR, On behalf of the National Association of College Stores and the undersigned associations, I am writing to ask you to not co-sponsor and to oppose S. 575, the Debit Interchange Fee Study Act of 2011. This legislation would delay and effectively kill debit card fee reforms scheduled to go into effect this July; reforms that will have

a positive impact on colleges, universities, elementary and secondary schools, and the students and parents they serve.

Headquartered in Oberlin, Ohio, NACS is the professional trade association representing the collegiate and K-12 retailing community. We represent more than 3,100 collegiate and elementary and secondary bookstores including school owned and operated bookstores, non-profit student owned cooperatives, small privately owned bookstores, and contract managed bookstore companies. NACS member stores serve nearly 95% of America's 17.5 million college students while supporting the academic missions of education institutions.

Last year Congress enacted reasonable and measured reform to the swipe fees that colleges and universities, K-12 schools, and other non-profits, and small family owned businesses pay Visa and MasterCard and the big banks every time a student, parent, or alumni pay or donate at these institutions and at collegiate and K-12 retail stores. In fact, according to a recent report by the National Association of College and University Business Officers found nearly 1/3 of all tuition and fee payments made to colleges and universities and nearly half of all tuition and fee payments made at community colleges in 2009 were subjected to excessively high interchange swipe fees.

Credit and debit purchases account for more than \$100 million annually in interchange fees paid by college bookstores and their student and parent customers. Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected towards credit card companies and large banks.

Congress established a lengthy, deliberative, fair, and open process for the Federal Reserve to carry out needed debit swipe fee reforms and that process is still ongoing through July, yet S. 575 is an attempt by the big banks to derail this process indefinitely. Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

We strongly encourage you stand up for education institutions, collegiate and K-12 retailers and our student and parent customers by not co-sponsoring S. 575, the Debit Interchange Fee Study Act of 2011, and also opposing any efforts to move this bill in the Senate.

Sincerely,

BRIAN E. CARTIER, CAE,
Chief Executive Officer.

Mr. DURBIN. In closing, I know what I am up against. Don't take on Chase and all the big banks of America—the ones that have the lion's share of these debit cards—and Visa and MasterCard and not get suited up for battle. This is a darn important battle. It will test beyond the wisdom or justice of this proposal; it is going to test who owns the United States Senate. Is this a Senate that is willing to stand up for small business across America? Is this a Senate that is willing to say we will fight for consumers even at the expense of the profits of the banks and credit card companies?

I think consumers across America know on which side we should be. I hope we will be. We were last year, with 64 Senators, Democrats and Republicans, joining to stand up for small businesses and large businesses alike,

retailers and merchants. I know the big banks and credit card companies have enormous resources, and they have a reach in every direction. I know they are running commercials and sending an army of lobbyists to Capitol Hill. They also have allies in the Senate. They will pull out all the stops to roll back any effort to curb their abusive practices.

I want my colleagues to know I think Main Street is worth standing up for—certainly, when it comes to their fights with Wall Street. Small businesses, consumers, universities, labor unions, and merchants are sick and tired of the banking industry's tricks, traps, and hidden fees. They want fees they can see, and they want them set up in competition, not fixed by credit card companies. They want the Wall Street banks to play by the same rules of the road that the Main Street businesses play by every day, and I want that too. I hope the Senate does as well.

I urge my colleagues not to let the big banks and credit card companies avoid accountability for 2 more years. In the name of a study, do not give a \$30 billion handout to the biggest banks and credit card companies in America. That is exactly what the amendment filed on the Senate floor will do. Do not delay interchange reform. Do not delay swipe fee reform. Don't give those banks another multi-billion-dollar handout with no strings attached.

I urge my colleagues to let the Federal Reserve do the job that was sent their way. Let them move forward with the important process of swipe fee reform.

On behalf of businesses and merchants all across America, they are counting on the Senate to be on their side to help them in reaching profitability and making sure their savings are passed along to consumers and in being the No. 1 engine for the creation of new jobs in America. Our question is, Whose side are you on? I am on the side of small business and Main Street. I hope my colleagues will be as well.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Massachusetts is recognized.

APPROPRIATIONS

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the previous speaker's presentation. I come to the floor to talk about the ongoing negotiations between the White House, Speaker BOEHNER, and my colleagues in the Senate regarding the appropriations for the current fiscal year.

Since the beginning of the 112th Congress, the House and Senate have been trying to find common ground to finish the appropriations for fiscal year 2011. Instead of reaching a long-term compromise, we passed no fewer than six short-term continuing resolutions.

Not only does that disrupt our military men and women who are trying to serve but also every other facet of government and people's lives throughout this country. The funding resolutions that provide little in the way of addressing our staggering deficit have little certainty with our trading partners and absolutely no certainty whatsoever to the world market in terms of our ability to manage our Nation's finances.

Sadly, rather than reaching a workable, bipartisan solution, responsibly addressing our staggering deficit, which is expected to reach \$1.5 trillion this fiscal year, our leaders have repeatedly given us false choices between continuing resolution proposals that don't go far enough to reduce Federal spending and proposals that I believe establish the wrong priorities for me and my State and many other people as well throughout this Chamber.

I believe many of the choices that were made disproportionately affect low-income families and seniors. One of my Senate colleagues, if you remember, characterized this process as a "Hobson's choice." I agree. The world right now is looking for two things—the world markets, financial markets—and the people who invest in this country are looking for two things. They want us to do a lean and mean budget, get our fiscal and financial priorities in line now. They are also looking for us to tackle entitlements, whether it is military, Social Security, Medicare, Medicaid, et cetera. Then they will know that, in fact, they can invest here.

When they invest, the money will be safe and they are actually going to get a good return. When Pimco doesn't even do more bonding with America, that is a sign. When we have other countries throughout the world being downgraded by the bonding services, it is a problem. We are in this financial kind of roll to negativity. We have to get our fiscal and financial house in order right away.

I have been absolutely disappointed, and I know everybody listening in the gallery and those watching today have been absolutely disappointed by the pace of negotiations between the two Chambers. We have had FAA legislation. I want to fly in a safe plane. I get that. We have done the patent bill, and I want safe drugs and everything. I get that. We are on the small business bill now, and the Senator before me spoke—I am on the committee. I am happy to do it, and I get it. But are you kidding me? We are in the biggest financial mess we have ever been in, and we are doing everything but dealing with the financial mess.

Here we are with over a \$14 trillion debt. For people listening, when I came here, we had an \$11.5 trillion national debt. Now it is over \$14.3 trillion and counting. The deficit, unfortunately—

despite passing six different CRs and an understanding that passing it would move our negotiations further along, we are once again faced with the likelihood of a government shutdown.

I never, ever thought I would be a Senator from Massachusetts and come here and say: Oh, my gosh, I was here when they shut down the government. What do I tell the staff and the people back home? I am not going to participate in that. I am going to be a problem solver. If you are liberal or conservative, Republican or Democrat—I don't care what your party is—I am going to find solutions to try to avoid any type of government shutdown. I don't want one. Nobody I am talking to wants one.

We have to get these negotiations in perspective. We have to actually express to our leaders, as I just did, that, hey, we are concerned. I want to make sure we tackle these issues.

While the Federal budget is only a small part, gosh, I can't tell you—and Senator CARPER is here. How many times have we been in committee hearings and they are talking about wasting billions and billions of dollars—\$76 billion just through one program that we are attacking.

I was in the military budget hearing the other day. It is \$104 billion over budget for one weapon system. Are you kidding me? Really? It is phenomenal.

We are debating cutting, I guess, \$61 billion, give or take, but we don't have a problem with going over budget \$100-plus billion in various programs and wasting billions of other dollars. So, on one hand, we are fighting about a small, minute part of what we are doing, and on the other hand, we are giving away the money.

There was just a report that came out that said we are wasting billions of dollars on duplication. Executive order No. 1: Let's fix it so we don't have to worry about that, and that money we save can be used for seniors, kids, Pell grants, and all of the things people are fighting about right now. I will say, however, a government shutdown absolutely serves no purpose and is in nobody's best interest—not our country's, not the workers', and it is not in the global economy's best interest.

I, for one, stand ready to work with any Senator or any Congressman or member of the administration who wants to get together and solve these very real problems. However, I am encouraged about the recent developments in the negotiations, which was the news breaking yesterday that a possible deal is close. That is great. They are talking about \$33 billion. I just cited \$104 billion in one military program. In Medicare, \$76 billion goes out every year just because—I am happy doing it, but the world is looking for that fix, the lean and mean budget, but also for us to get entitlement reform, eliminate the waste and

abuse—commonsense things that every person in this Chamber and everybody listening does in their homes and businesses.

Why can't we treat the Federal Government like a business for once? This makes no sense to me. I am not the new guy anymore. You are the new guy, Mr. President. Congratulations for being the Presiding Officer today. Being the new guy, I hope you agree with me that we have to kind of work together—and we have tried to do that, you and I, Senator CARPER, and others—to try to find that common ground. I think we agree on the number. It is just a question of do we tackle it here or there.

I am from the approach of let's do a little of everything and satisfy every special interest and political interest and just get the problem solved. It will take real choices, tough choices right now. Everybody listening now absolutely understands that everything is on the table. We have to be fair and judicious in our cuts. How do we go from A to Z overnight? There is no transition period or no consideration for jobs, and, actually, the safety of people in some of these cuts.

I stand ready to work with each of you to do what it takes and put politics aside. Listen, is there an election this year? I don't think so, because I am looking at 2011 right now—2011, as the one year, the one chance we have to actually solve problems, folks. In 2012, we can do whatever we do in the political season. I get it. For right now, we have a great opportunity to send a message to all those folks who say Washington is broken. In Washington, it is like, you are great, you are great, everybody is great. Senator CARPER is great. He is one of my best friends here. But, listen, outside Washington, they have no clue what we are doing. They don't trust us or think we are addressing the real problems that affect our great country.

Our collective work begins by having a clear understanding of the seriousness of our budget concerns. I know we have had bipartisan meetings. I am so encouraged, as a relatively new Member, that we have had about 60, 65 people come together to hear the number. Is it fact, fiction, or real? What is it? We agree we are in trouble. So why aren't all the leaders of this great country—and there is plenty of blame to go around—getting together and seriously letting us know what the priorities are? Why doesn't the President call my office, or anybody else, and say: Scott, these are my priorities. I challenge you to work with me to get them done.

What are his priorities for cuts? Does anybody up there know? I don't know. If he called you or me, I know we would give him the respect the office deserves, and we would go out and say: I will work with my colleagues, Mr.

President, or Mr. Leader, or Mr. Minority Leader, and we will find those common things we can do. We can start with the report that just came out and eliminate all that duplication. In some instances, I think it was 26 agencies doing the same thing. Are you kidding me?

I believe the responsibility we have been given is huge. Look at these young people. A lot of them came to the charity basketball game we had last night. It was so exciting to see their faces. They are excited to be here. Every one of them is saying: Oh, my gosh, I have been in the Senate, working for these people. We look up to them, and we expect them to do better and be better. They challenge us on a daily basis just by those bright eyes, the fact they are out back studying when they have a few minutes—some more than others, I might add—and they are looking for us to solve problems. It is really not even them we are worried about; it is their great-grandchildren.

If we do nothing—is that what you want us to do, folks, nothing? I am not going to be part of the do-nothing caucus. I am going to look to find commonsense solutions and work toward commonsense goals, regardless of the outcome. If I lose, whatever, but I will have played a role in history. Right now, at this time, we need to make a difference, a change.

I am so hopeful and I am an optimist. I believe we can do it better. I believe we have an opportunity to do it better right now. With our leadership and that of the other Senators who are going to be here soon, we can get together and solve the problems. We can battle in 2012. The country is looking at us now to make a difference. I hope we will find the ability to do so. If we don't, then we will have missed a great opportunity to solve problems.

Thank you. I appreciate the Chair's patience and his occasional smirks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to say to the Senator from Massachusetts, I saw no smirks on the face of this Presiding Officer.

Mr. BROWN of Massachusetts. It was a good smirk.

Mr. CARPER. He is a breath of fresh air and so is the Senator.

I wish to follow up. I was not planning on doing this. I wish to talk a little bit about clean air and the responsibilities the Environmental Protection Agency has to meet the Clean Air Act. I wish to follow up on a point or two Senator BROWN has mentioned.

He talked about the deficit. I go back a little over 2 years ago, when then-Senator Barack Obama stood right over there and gave his farewell address to the Senate. It was a good time. A bunch of us were here to hear what

the next President of the United States had to say.

When it was over, he went down to where all the pages were sitting. Senator Obama went down and shook hands with the pages. He walked up this aisle to walk out. I walked over to him—as he was speaking, I had written down six points I thought he should focus on to reduce the deficit during the time he is President. He looked at my list and said: I can't read your writing, TOM. I said: I will send you an e-mail.

By the end of the day, I sent him an e-mail amplifying on the six points I mentioned. Among the points I suggested is, we have a lot of improper payments in this government. We are overpaying billions of dollars, mistakes, and we need to do something about it.

I told him we have a lot of fraud in Medicare and Medicaid. We need to, once we identify the fraud, have private sector contractors recover the money, get it back for the Treasury.

I told him we have a problem with surplus property. There is a lot of property. We own thousands of pieces of property and land we do not use. We should sell it and stop paying utilities and security for that property.

I said: We have cost system overruns for major weapons systems, and we need to do something about that. I said that in 2000, a major weapons system cost about \$42 billion. By 2005, a major weapons system cost about \$200 billion. By 2007, it was like \$295 billion. I said: We have to do something about major weapons systems cost overruns. That should be on your to-do list, if I can be so bold.

I mentioned taxes. There is a lot of money owed by companies to the Treasury not being collected. The IRS thinks it is over \$300 billion a year.

That is a pretty good bucket list for a new President-elect. I urged him, when he put together his administration, to focus on those points.

Everything I just mentioned, the Committee on Homeland Security and Governmental Affairs has been working on. Federal financial management—everything I just mentioned we have been working on, not every day but every week. We have been working on this list.

Last month, we had a top official from the Department of Health and Human Services before our committee. Their responsibilities include overseeing Medicare and Medicaid. It turns out that improper payments, honest mistakes made in Medicare, were about \$45 billion last year—\$45 billion. Overall in the government, not counting the Department of Defense, it is \$125 billion. This is not fraud. These are mistakes, accounting errors—\$125 billion. About half of it was Medicare. The administration testified before our committee about 1 month ago and said

with regard to the improper payments for Medicare, which last year were \$50 billion: We promise to cut that in half from \$50 billion to \$25 billion—a huge reduction.

Eric Holder, our Attorney General, reports that in Medicare, he thinks the annual fraud numbers could be as much as \$60 billion. Last year, the Attorney General recovered about \$4 billion in fraud. The good news is that is more than we have ever recovered in any other year since keeping records. The bad news is there is \$56 billion more cash on the table we need to get.

We also put in the affordable health care law a number of tools for the Department of Health and Human Services and the Attorney General to reduce improper payments, reduce fraud, and get the money that has been misallocated and fraudulently taken. Those are a couple things.

It is not as if no one is doing nothing. Some of us are doing a whole lot. One of the things we are trying to do in our subcommittee—and Senator BROWN is the ranking Republican on that subcommittee. We have ROB PORTMAN, CLAIRE MCCASKILL, and TOM COBURN—people who do care about spending and trying to make sure we spend the taxpayers' money more effectively.

What we are trying to do is replace what I call a culture of spendthrift with a culture of thrift, to look at every program, whether it is domestic programs, defense programs, entitlement programs, tax expenditures, tax loopholes, tax credits, to make sure we are getting the best bang for our bucks and, where we are not, to do something to fix it. We are actively involved in that and actually getting some results. We obviously need to do a whole lot more. I was not planning on speaking to this issue, but I wanted to mention that.

Second, I wish to follow up on the comments of our Democratic whip, Senator DURBIN, who authored legislation called the interchange amendment. He talked about it before Senator BROWN did.

There have been times in my life as Governor and a former naval flight officer and in the Senate when I did things that had unintended consequences. I had the best intentions, but there were unintended consequences to what I did. In my view, flowing from the interchange amendment we adopted and adopted in conference are unintended circumstances. The intent was good, which was to try to make sure that more of the money from the fee that is collected from swiping our debit cards went to the consumer, not to the banks and not to the merchants. There is reason to believe consumers may not benefit from this at all. There was an effort to try to protect credit unions and smaller banks in the interchange amendment. As it turns out, the people who have

been lobbying the loudest and pressing the most are the credit unions and small banks, community banks, saying there are unintended consequences.

My hope is we can slow the process down, hit the pause button for 1 year and figure out what the unintended consequences are and see if we cannot let cooler heads prevail and avoid unintended consequences and do something that actually may be good for consumers.

CLEAN AIR ACT

Mr. CARPER. Mr. President, what I came to the floor to talk about—and I would like to do that now—deals with clean air, it deals with jobs, it deals with the responsibilities the EPA has with respect to clean air and to make sure that as they execute their responsibility, they are mindful of jobs.

A lot of people think we cannot have cleaner air without destroying jobs. As it turns out, we can have both. We can have cleaner air. We have had it for years. We adopted the Clean Air Act in 1970, with major amendments to it in 1990. We literally created millions of jobs from that act to reduce the emissions of sulfur dioxide, nitrogen oxide, mercury, and other forms of pollution that, in many cases, have killed people—hundreds of thousands of people—over the years. We not only save lives, we improve health in the country. We put a lot of people to work coming up with new technologies that reduce harmful emissions. We have a lot of people working in this country to reduce emissions from our cars, trucks and vans and doing it in a way that gives us better gas mileage.

When I filled up my car with gas over the weekend, it was about three and a half bucks per gallon. As the Presiding Officer knows, we are going to start building by the end of next year in our old GM plant new cars, Fisker, cars that drive about 80 miles per gallon. They are beautiful. Chevrolet is selling the Volt and will sell more in the years to come. They are making huge improvements in mileage. We are getting this greater improvement in mileage and reducing our dependence on foreign oil, cleaning up the air, and putting a lot of people to work. This is one of the deals where we can have our cake and eat it too.

I just came from a Bible study group. There were very nice comments, Mr. President, about you yesterday at the Prayer Breakfast. Before that I did a telephone townhall. Initially, I learned this from BOB CORKER, a Republican Senator from Tennessee, who shared this idea with me a couple years ago. You get a big conference call with people in your State. We had 5,600 people on the call. We spent about an hour together. They raised all kinds of issues.

One of the ladies on the call asked me: Why are we letting EPA tell companies what they can do with respect

to their emissions? We are going to destroy jobs. As it turns out, the premise is not correct. It is not that the EPA wants to do this; it is their job. The EPA is being told by the U.S. Supreme Court that under the Clean Air Act, if the EPA can show through good science that there is harm to our health or to the welfare of the people by virtue of our pollution, EPA has no other choice but to regulate it if we will not pass laws to do that.

We have not passed laws. Some people say: Why don't we put a tax on carbon, on things we burn and that have carbon in them to make it more expensive and maybe people will use less of it. We are not going to put a tax on carbon around here. I don't know that too many people have the political courage to do that.

We argued about what President George Herbert Walker Bush did to reduce acid rain, reducing dramatically through market systems sulfur dioxide. We met our reduction targets in one-half the time at one-fifth the cost. People do not talk about acid rain anymore. There is an effort to take that approach and apply it to carbon dioxide. There are not the votes here to do that either.

EPA has basically little choice when the Supreme Court interprets the Clean Air Act. They have to do something. We have not done our part, so the job of EPA is to pass commonsense regulations which will be mindful of their impact on jobs. As it turns out, we are going to create a lot more jobs by virtue of cleaning up our air than we are going to lose in terms of employment opportunities.

The last point I wish to say, if I may, is the Presiding Officer and I live in Delaware, the first State to ratify the Constitution. We are enormously proud of our State, as our colleagues are of their States. In Delaware, we do not have mountains. One does not find the Blue Ridge Mountains or the Rockies there. We are a pretty flat, low-lying State, just north of Maryland, just south of Pennsylvania, and just west of New Jersey.

I joke with people. I say the highest point of land in Delaware is a bridge, and that is not much of an exaggeration. We are a low-lying State. Something is happening in our lovely little State. We do not have a lot of land. We are starting to see the sea level rise. It is not just on the Delaware beaches and shores, it is happening up and down the East Coast, in the gulf, and over on the West Coast as well.

We have great beaches—Rehobeth, Bethany, Dewey, and others. We used to replenish our beaches maybe every 5 or 6 years. The waves come in, storms—nor'easters, maybe an occasional hurricane. We have to replenish our beaches. We have to do it more frequently now, not because of storms but because the sea level is actually starting to rise.

As the Presiding Officer knows, just north of Rehobeth Beach—a great little beach town—just north of Rehobeth Beach, about 10 miles, is a beautiful natural wildlife refuge called Prime Hook. It is right on the Delaware Bay. Prime Hook has a number of beautiful freshwater wetlands and marshes. It is a great place for people to hike, watch birds, and do all sorts of activities. It is a real national treasure. We are starting to see saltwater intruding and taking over what had previously been freshwater marshes and wetlands.

If we look at the Delaware River from the Delaware Bay, north up the Delaware Bay, it becomes the Delaware River and we head up to Pennsylvania and into New York. As we go farther and farther up the Delaware River, in recent years, we find that instead of turning from saltwater to brackish to freshwater, that line moves farther north.

Something is going on. Maybe people do not want to recognize or acknowledge that, but something is going on. We are seeing strange kinds of tornadoes, frequency of tornadoes, thunderstorms in the middle of winter. Out of the 10 hottest years on record, 9 of them have occurred in the last decade. Something is going on here. EPA is trying to figure out if there is some way we can gradually reduce the emission of greenhouse gases into our air and do so consistent with a strong economy and creating jobs, not destroying. I think we can do both. We have to be smart to figure that out and have a partnership with the executive branch, businesses and the legislative branch and be consistent with what the Supreme Court has ordered EPA to do.

One last, quick point. We spend more money for health care than Japan, by far. We spend more money on health care than any other nation on Earth, by far. In Japan, they spend half as much as we do for health care and get better results, everything from higher life expectancy to lower infant mortality. They cover everybody. Think about that: They spend half as much, better results, and they cover everybody. How can they be that smart and how can we be that dumb?

One way we can spend less money on health care is to, frankly, have cleaner air. We cannot only save billions of dollars—we have already made great progress—but we can save tens maybe hundreds of billions of dollars in health care costs by continuing to clean our air, to make it cleaner.

With that, I am happy to conclude. It is a joy to be here and see you, Mr. President, presiding in this Chamber and with all these young people to recount one of my favorite stories about Barack Obama and the six points I gave to him 2½ years ago to reduce the deficit. We are actually starting to do that, knowing we need to do a whole lot more.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEBIT CARD INTERCHANGE FEES

Mr. TESTER. Mr. President, I rise today on behalf of rural America. All of Montana is rural America. Despite good intentions, rural America too often gets overlooked when we pass bills here in the Senate.

That is what happened when this body passed an amendment limiting debit card interchange fees last year. It was an attempt to address a problem. But like people on both sides of the aisle, I voted against it. I knew it was a mistake because it had unintended consequences that would hurt rural America.

It is a mistake now. Since we took that vote, the regulators have said that the small issuer exemption for banks and credit unions with assets of less than \$10 billion—which is what that amendment said and the reason why many Members supported the amendment—simply won't work.

In a Banking Committee hearing back in February, Chairman Bernanke said:

We are not certain how effective that exemption will be. There is some risk that that exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent that we would see for larger banks.

At that same hearing, FDIC Chairwoman Sheila Bair, referring to small banks and credit unions, said:

I think it remains to be seen whether they can be protected with this. I think they're going to have to make it up somewhere, probably by raising fees that they have on transaction accounts.

The Acting Comptroller of the Currency has said that the Fed's proposed rules have "long-term safety and soundness consequences—for banks of all sizes—that are not compelled by the statute."

The regulators who have been tasked with implementing these rules have said they simply cannot guarantee that small issuers can be exempted from these rules—small issuers being community banks and credit unions. Market forces will drive rates down for the community banks and credit unions that are supposed to be exempt from these rules.

A lot of my colleagues, Republicans and Democrats, agree. Fortunately, we have the opportunity to fix things. I am asking for your help to apply the brakes so we can stop the unintended consequences that come with allowing

the Federal Government to set the price of swipe fees on debit cards.

This morning, someone asked me: Why is a farmer from Montana leading the charge on an issue such as this? Well, it is simple, really. I am not in this fight for the big banks. I don't think these rules are going to help the consumers one lick. The cost of a hamburger isn't going down by a few cents if this is enacted. And there are no assurances that retailers would pass these savings on to consumers. Let's just say there is a reason Walmart is dumping in a ton of money to fight against this.

I am stepping into the middle of this fight because when the government sets prices on debit card swipe fees, it is the little guys who get hurt. Rural America pays the price. Community banks and credit unions get socked. We can't afford to let that happen, and we can prevent it.

Community banks and credit unions are a critical part of America's economic infrastructure. Without them, small businesses or family farms and ranches in America would go by the wayside. When farmers and ranchers need to invest in a new piece of equipment or buy feed or diesel fuel, who do they turn to? To the community banks and credit unions; organizations such as the Stockman Bank, the Missoula Federal Credit Union, the First Interstate Bank, or Yellowstone Bank. The list goes on and on.

America's community banks and credit unions are the backbone of our small businesses. These financial institutions are the ones that help small businesses grow, help small businesses create jobs, and help keep rural America growing—not the Wall Street banks.

These rules do not allow community banks or credit unions to cover legitimate costs associated with debit card transactions. These are guys who simply don't have the means to eat the cost of debit card fees that are limited by the Federal Government—and they don't have the volume to make up this revenue elsewhere, as the big guys do.

For community banks and credit unions, this rule will only add to banking costs, and it will prevent community banks and credit unions from being able to compete with the big guys. If they can't compete with debit products, they will lose customers.

It will also limit the use of debit, pushing folks toward credit instead. Already community banks are talking about limiting debit cards to \$50 or \$100, or ending free checking, or adding new fees to ATM withdrawals—measures that will, in the end, cost customers.

This rule will further consolidate the financial industry, and that is the last thing we need in this country. But in rural America, what financial consolidation means is that community banks

and credit unions will have to compete with Wall Street, with one hand tied behind their back. Not only will that hurt Montana's farmers and ranchers and small businesses, not only will that hurt the ability for rural communities' businesses to create jobs, it could result—and I think it will result—in community banks going out of business altogether. The same is true with credit unions.

That is not what anyone would call "reasonable and proportional." Yes, there is supposed to be a "carve out" in this rule for community banks and credit unions. But both Chairman Bernanke and Chairwoman Bair tell us this exemption simply will not work.

Only in Washington will you get criticized for trying to make sure that legislation actually does what it is supposed to do. Only in Washington does this mean you are trying to "kill the bill."

Some have said this means billions in interchange fees that multimillion dollar box stores will have to pay. But truly, these rules are going to put community banks and credit unions out of business—the same institutions that are the lifeblood of rural America.

It is a fact that the folks who are going to be hurt—and this is the bottom line with this—will be the small businesses, the community banks, and the credit unions, not the big box retailers.

That is why Senator CORKER and I and a whole bunch of our colleagues on both sides of the aisle voted to stop this rule and take a look at the unintended consequences. Let's slow down, let's study the issue, and let's find a thoughtful and careful solution. If we do not do that, we will see our critical community banking infrastructure disappear. This issue is not about picking sides; it is about making sure we do not trample on the financial infrastructure rural America needs to stay in business.

I ask my colleagues for their bipartisan support on a responsible bipartisan bill. Our economy cannot afford to let this rule go into effect until we study its impacts, both intended and unintended.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EPA AMENDMENTS

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business.

This afternoon, quite possibly, or another time, quite possibly, we will have

very significant amendments that will strip EPA of its mandate to protect the American public from pollution which threatens our public health and welfare by inducing climate change.

Specifically, I strongly oppose the McConnell amendment, which would be a complete stop-work order for the EPA to reduce carbon pollution.

I also oppose Senator STABENOW's amendment number 265, which would strip California of its right to impose tailpipe emission standards beyond Federal standards. California has had the right to go beyond the Federal standards to protect its citizens from dangerous pollution since 1970. That is 40 years.

I oppose Senator ROCKEFELLER's proposal to prevent EPA from studying, developing, improving, or enforcing Clean Air Act greenhouse gas regulations for at least 2 years. I oppose these amendments because they would allow polluters to keep polluting, they would endanger public health and welfare, and they would increase our dependence on oil. This is exactly the opposite of what we should be doing.

As the lead author of the bipartisan Ten-in-Ten Fuel Economy Act, with Senator SNOWE and Senator Ted Stevens, which passed this body by voice vote, I would like to explain why the McConnell amendment would undermine fuel economy and lead to less efficient vehicles in the United States.

The amendment would legislatively prevent EPA from acting to reduce vehicle emissions that threaten our public health after 2016, and it would also strip California of its right to protect its own citizens from dangerous pollution. The prohibition would undermine the bill we sought to pass and did pass, and it was signed by President Bush; that is, 10 miles of increased fuel efficiency in 10 years. It directed the Environmental Protection Agency and the Department of Transportation to work cooperatively to increase fuel economy and decrease pollution. This was a big win.

I began in 1993 with Senators Slade Gorton and Dick Bryan—no longer in the Senate; one from Washington and one from Nevada—and we sat right over there and tried to draft some language for a sense of the Senate—something as benign as a sense of the Senate—to begin to work on automobile fuel efficiency, and we could not get it passed.

Then Senator SNOWE and I got together on an SUV loophole closure bill. That went on for several years, and we could not get that passed.

Then there was the ten-in-ten fuel efficiency bill, and, voila, we were able to get it passed. It is going well. Cars are more fuel efficient, and the corporate average fuel-efficiency standards are being established in a much more constructive way based on science. As a result of the law, the administration has put forward the most

aggressive increases in vehicle efficiency since the 1970s, increasing fleetwide fuel economy to 35 miles per gallon by 2016. The final rules will save about 1.8 billion barrels of oil and reduce greenhouse gas emissions by nearly 1 billion tons over the lives of the vehicles covered. It seems to me that is very good public policy. As a result, American consumers benefit. They will have more efficient vehicles, and they will pay less for gas. And those savings are considerable.

This single program to reduce oil consumption and greenhouse gas emissions under the Ten-in-Ten Fuel Economy Act and the Clean Air Act results in an aggressive policy to advance the goals of both laws. The regulations also demonstrate that strong Federal standards are the best means to ensure that California and other States are not legally obligated to enforce more aggressive standards to protect the health of their citizens—a right Californians have had since 1970.

Bottom line: These harmonized standards demonstrate the success of ten-in-ten fuel economy. Despite the tremendous success of this first round of joint fuel economy and tailpipe regulations, the McConnell amendment would prevent the EPA, the Department of Transportation, and California from pursuing cooperative and coordinated standards again. Similarly, the Stabenow amendment number 265 would prevent California from participating in this process. This would halt an ongoing cooperative process to set a single set of cost-effective standards for cars, trucks, and SUVs from 2017 to 2025 which will increase fuel economy, which will reduce pollution, and which will save Americans billions of dollars.

It is backward public policy. EPA and the Department of Transportation have already conducted the technical assessment which demonstrates the significant increases in fleetwide fuel economy—6 percent annually—which is both technically feasible and cost effective for consumers. They are working to complete a single set of standards in full cooperation with California. But the McConnell amendment and Senator STABENOW's amendment number 265 would stop this effort because the auto industry would prefer to sell gas guzzlers that continue our dependence on oil, and the amendments prevent waivers that have been a part of the Clean Air Act for decades, preventing leading States such as California from doing anything beyond the national standard. So it both handcuffs and cripples corporate average fuel efficiency. It stymies it. It stops it.

California has 38 million people. We are our own pace setter. We want to work with the rest of the States to have a unified standard so that we are not our own economy, so to speak, with fuel efficiency. That is the right thing to do, and it is happening now. This would put an end to it.

The amendments prevent waivers, as I said, that have been part of this act for decades. That means that never again, no matter what the situation is, can there be a waiver for greenhouse gas emissions. It would turn back the clock on historic efforts to improve the efficiency of the Nation's automobiles and slow any future effort to reduce pollution and improve fuel economy.

Bottom line: A vote for this amendment is a vote to increase our susceptibility to oil market price spikes, let there be no doubt, a vote to increase how much Americans will spend at the pump for decades to come—it will be much more—and a vote to increase pollution that threatens our public health.

Unfortunately, these amendments not only stop the vehicle rules, the McConnell amendment strips EPA of its authority to enforce the Clean Air Act with regard to pollutants that EPA scientists have conclusively determined endanger public health, an endangerment finding that the Supreme Court ordered EPA to make in the 2007 Massachusetts vs. EPA decision. The Stabenow and Rockefeller amendments similarly delay this action. Polluters would be able to continue to pollute, and the agency charged with protecting us from this pollution would be powerless to stop it or even limit it.

Blocking the Clean Air Act and its lifesaving protections makes no sense. This act has had a long and successful track record of reducing pollution and protecting the health of our children and our families. Since its passage in 1970, the act has sharply reduced pollution from automobiles, industrial smokestacks, utility plants, and major sources of toxic chemicals and particulate matter. In its first 20 years, the act made real strides in reducing pollution, and that provided enormous benefits for public health. In 1990 alone, the act prevented 205,000 premature deaths, 674,000 cases of chronic bronchitis, 22,000 cases of heart disease, 850,000 asthma attacks, and 18 million child respiratory illnesses.

The Clean Air Act continues to provide benefits for our children and our families. Emissions of six common pollutants have dropped 40 percent. In 2010, 1.7 million asthma attacks were prevented and 130,000 heart attacks and 86,000 emergency room visits. That is in 1 year alone, this past year. And it provides economic benefit to the United States.

Thoroughly peer-reviewed studies have found that for every one dollar spent on clean air protections, we get \$30 of benefits in return. In 2020 alone, the annual benefit of the Clean Air Act's rules is estimated to be nearly \$2 trillion.

Advocates for these amendments argue the United States cannot afford environmental protection. They con-

tinue to say we must poison our air and water in order to develop our country. I don't believe that. Pollution is a burden on our economy. It is not a force for good. Cost-effective reduction makes our Nation stronger, not weaker. We harm our economy when we ignore pollution. Time and time again, the people of California have demonstrated that we are unwilling to choose between a healthy environment and a healthy economy, because we choose both. And so should the United States.

I strongly encourage my colleagues to reject these misguided amendments, whether they come up this afternoon at 4 o'clock or another time, that would let polluters off the hook, that would increase our dependence on oil, that would decrease the mileage efficiency of automobiles and light trucks and would harm the environment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

EPA REGULATIONS

Mr. ROCKEFELLER. Mr. President, all of my colleagues, I think, know by now, after all of these months, almost years, how deeply I feel about the need to stop EPA regulation for a period of time so Congress can have the time we need to develop a smart energy policy, which we have not. It is enormously important to the people of West Virginia.

Having said that—and I will say quite a lot more—I cannot tell you how strongly opposed I am to the McConnell-Inhofe amendment, not only because it goes too far, not only because it eviscerates EPA from some fundamental responsibilities it has—for example, CAFE standards—but it has absolutely no chance whatsoever of becoming law—none. Mine does. Theirs does not.

Do we think we are going to pass, and the President is going to sign, something that eliminates EPA forever? Oh, they will say: Well, we can always change that in a couple years. No, it is not that. It is a theological decision to pick out a campaign issue for 2012, and that is fine because that is the way things go. But to destroy the EPA permanently is an act I have not seen since I came here. There will be people in many States, including my own, who think that is a wonderful idea, but I would ask them to think more deeply.

The McConnell-Inhofe amendment makes a point, but it doesn't solve a problem. I am here to solve problems.

So is the Presiding Officer. The amendment would take away EPA's ability to address greenhouse gas emissions forever. It doesn't make any difference what happens 5 years, 10 years from now—all the nuances that have to be made in policy or in regulation; if the air starts cleaning up, maybe things can lighten up a little bit; if it doesn't clean up, maybe we have to do something. But they want to take away and put out of business forever the EPA, which looks out for the health and the safety of everyone who lives here, and it would be permanently banned from doing its job. Is this an adult amendment? It can't be.

People must only be looking at the next election, or they must be afraid. To be afraid of voters is not a good thing. That is a quick way to lose. Telling the voters the truth—the Presiding Officer is pretty good at this—is what is more important in public policy. So they burn EPA forever. They can't do anything, no matter what we know or what we learn in the future about greenhouse emissions. They want the total elimination of EPA's role, with no other structure in place. Having nothing in place is irresponsible, unrealistic, and immature.

What we need is a timeout to stop the imposition of EPA regulations—regulations that don't allow for the development of clean technologies, and that would hurt the economy at a critical time in our recovery, but to do it in a way that keeps us all focused and working on a long-term energy policy which doesn't say close down. We should have a pause here, the pause that hopefully refreshes our ability to do clean energy policy. My bill would be effective from the date of its passage, were it to pass, so it would be 2 years. That is plenty of time to be able to come up with an energy policy. We have avoided doing that for so long now, and I think a lot of that is politics, and it is very sad.

The Environmental Protection Agency, I have to say, including to my own constituents, is not a frivolous agency. It is the object of much scorn in my State and a lot of States that produce coal and probably in the minds of a lot of Senators. It was created to regulate pollution. We think back to wartime London where people couldn't see 5 feet in front of their faces. I think back to when I was a student in Japan for 3 years at the end of the 1950s, and we couldn't see 3 feet in front of our faces. Now all of a sudden we can see for thousands of miles, so to speak, because the air is clean.

Again, the Environmental Protection Agency is not a frivolous agency. It was created to regulate pollution. That is its job. Does that make it uncomfortable? Yes. Does that make me want to pass my amendment? Yes, to have a stop for a period of 2 years where they cannot go to stationary sources and

others and say that you can't do anything. It is a pause, but at the end of the pause, it doesn't put EPA out of business—that would be crazy.

It is Congress's job to legislate, and that includes energy policy—granted, stipulated. I think the Presiding Officer would say that is lawyer's speak: It is stipulated. It makes it a fact. Congress passed the Clean Air Act in 1970 and has updated it in the decades that followed. Is the Clean Air Act perfect? Certainly not. Certainly not. Very few laws ever are, which is why we are always open to making them better. But eviscerating the EPA's ability to do its job forever is nonsense. It is childlike: I will take my football and I am going home. It feels good.

Some folks will get up and cheer, standing up for coal. We know what this does. This is standing up for natural gas. We have a lot of natural gas in West Virginia. Natural gas has 50 percent of the carbon dioxide that coal does. So people think that by doing this, people are going to go ahead and burn coal in powerplants and other places. They are not. North Carolina already has 12 powerplants which are being switched from coal to natural gas—probably more by now. That was about a year ago. Ohio is doing some of the same. Other States are doing some of the same. Natural gas is abundantly plentiful. I like natural gas. It is a terrific thing. It is 50 percent as dirty as coal, but it is less dirty and it is cheaper. So powerplants are going to that.

I am trying to figure out in my mind, How does that help West Virginians? How does that help West Virginia coal operators or, more importantly to me, coal miners? If people are suddenly making up their mind that they are going—and I have had the president of American Electric Power tell me this directly: Of course we will switch to natural gas. He put it more succinctly. He said: I would use banana peels if they could produce heat. They don't stay with coal out of loyalty. They have to deal with certainty. Here we create permanent punting about what the landscape is going to be for energy use and the making of electric power in our country.

Again, may I please bring up once again that this bill has no chance of becoming law—the McConnell-Inhofe bill has no chance of becoming law. So why do they do it? They have to know that. I don't think it will pass here. It certainly isn't going to pass at the White House. In politics you can say, Oh, I wish there were a Republican President in the White House. There isn't. There is a Democratic one. He is not going to let this happen. He is not going to have an executive agency with an enormous amount to do with CAFE standards and all kinds of regulations obliterated, eviscerated, eliminated. He won't do that. He will veto it if it should ever get that far.

So what is going on in their minds? What do they think they are doing? Are they trying to impress their constituents, holding high a banner saying, Look, I am courageous; I will get rid of this whole EPA thing and we can all celebrate together? Pretty shortsighted, I would say. Pretty shortsighted. Feel good? Yes. Do good? No.

I think it is well known in West Virginia we have very serious disagreements with EPA. I say all kinds of things about the EPA constantly in all kinds of situations, but people do care about clean air. They do care about clean water also. It is not a sin. Sometimes in America you can get the best of both worlds. We want a strong future for clean coal and we want a national energy policy that protects and promotes clean coal.

Let me make a point. When I say the words "clean coal," the only hearing of that is "coal." People don't hear the word "clean." So I have to make a point here. Don't blame coal miners for this. Coal miners go into the mines every day in these unbelievably difficult situations and they mine the coal that is there. It has been there for a billion years that God put there. That is their job. Maybe it is high ash; maybe it is low ash. Maybe it is high sulfur; maybe it is low sulfur. They mine what is there, and then that gets shipped to a powerplant or to other countries for steel-making purposes.

One of the ironies about all of this is some of the loudest anti my amendment—my little 2-year amendment that stops at the end of 2 years—comes from coal operators who actually don't ship much coal to powerplants. They ship most of their coal, because it is low sulfur, overseas to the growing market in South Korea and China and a lot of other places, including Japan. So what difference does it make to them? None. But they want to be in the chorus so they join the chorus about let's get rid of EPA. They are not affected. They are mainlining it right overseas and making tons of money because it is very low sulfur coal and very good for making steel.

We know if coal is frozen in time the way Senators McCONNELL and INHOFE are proposing, it will be rapidly eclipsed by other energy sources. Oh, yes, most especially natural gas. We have so much natural gas in West Virginia that you could swim in it if you could get about 10, 15 feet underground. I like natural gas. It is a great asset to have it in Marcellus Shale. The problems of fracking can be solved, and will be through technology. But that is what is going to happen. Then our coal miners are going to look at some of their representatives on both sides of the aisle here and in the House and they are going to say, Now wait a second. I thought you were protecting me. How come I am not mining coal? How come some of these powerplants have

now switched to natural gas, in the majority, let's say, a few years from now?

So McConnell-Inhofe as an amendment codifies the vicious uncertainty that is threatening coal today. Electric utilities are right now making, as I have indicated, investment decisions based upon that uncertainty. It is a bad place from which to make a decision. And with very few exceptions, logically—that means they are not building or rebuilding coal-fired plants—natural gas will overtake coal. West Virginia wins in either case because we have so much coal, we have so much natural gas. But in this particular amendment, I am trying to protect coal miners and their jobs by having carbon capture and sequestration, by having a policy, and there are others that are out there. We already have two in West Virginia which are taking more than 90 percent of the carbon out of coal. They are at work. American Electric Power Company, Dow Chemical Company, they are both doing that, both making money out of it, and yes, the government helps. But they are taking more than 90 percent of the carbon out of coal. Doesn't that turn coal into clean coal? Isn't clean coal what we want? Isn't that what we have to have?

This is all part of a drive for an energy future for West Virginia coal miners and others, other people around the country, for a clean energy future. In effect, my amendment is a timeout. It is the timeout we need. It is the only option on the table that can pass. It can pass. It is fine to bring an amendment here which makes us feel good—muscular, antigovernment, let's make government smaller; let's get rid of government—and swell your chest and feel good and put out a great press release, but then it ends up not passing the Senate or it ends up getting vetoed. One of the two is going to happen. So it is a nonstarter.

I think a lot of those on the other side of the aisle are going to throw the vote for political purposes, as I indicated. If we can remember back to the Omnibus Act in December of last year, the Chamber of Commerce, the National Association of Manufacturers, the coal association, all Republicans had agreed to vote for my 2-year amendment.

It was a timeout amendment. All of them. The papers calculated who it was, how we would get the 60 votes, and we got there. And then what happened—and this is a little bit in the weeds, and I apologize for that—but all of a sudden, nine Republicans withdrew from that omnibus agreement, so there was no way for it to come up. Why? I don't know. Was that the beginning of a massive plan of thinking that we are going to make this an issue for the next 2 years so we can wipe out more Democratic seats? It certainly doesn't

have anything to do with energy policy.

As I say, my amendment said that for a period of 2 years, the EPA will not have the power to enforce greenhouse gas rules on stationary sources, including powerplants, manufacturers, and refineries. So they cannot do anything for a period of 2 years—regulatory—about powerplants, manufacturing companies, or refineries—for 2 years. The moratorium would last for 2 years, and then it would stop. Why? Because 2 years is, in fact, enough time, if we can get ourselves together around here, for serious people to come up with a serious energy policy that includes clean coal and everything else on the face of the Earth that works to get our country off of foreign oil.

Two years is enough time to develop a plan to build the carbon capture and sequestration technologies and get them accepted by Wall Street, which will fund them endlessly once they are convinced they are working on a sufficient scale. As I say, this is being demonstrated by the American Electric Power Company and the Dow Chemical Company in West Virginia right now. I will repeat that they are taking 90 percent of the carbon out of coal. It sounds like a good deal, to me. Natural gas has 50 percent carbon. Clean coal would have 10 percent carbon. Which is a better deal? I think the second one is. My amendment would lead to that.

I would say 2 years is enough time to get past this pointless debate about whether climate science is real and find common ground and find solutions that create jobs, protect the air we breathe, and make us energy independent.

Two years is enough time to take the big decisions about greenhouse gases out of the hands of the regulators at EPA and put them back in the hands of Congress. Greenhouse gas emissions are an enormously important issue, but they are not the only problem we face, and they cannot be allowed to take precedence over every other matter that affects our people. We really can find ways to solve this problem, protect our core industries, and lessen the costs.

The joint CAFE rule—it is a big deal—between the EPA and the Department of Transportation is a case in point and relevant to the debate today because it is also undermined by the McConnell-Inhofe amendment. The CAFE rule saves Americans billions of gallons of gasoline and reduces our dependence on foreign oil. It does it very explicitly. It keeps going up. The air gets cleaner. I think the figure is that transportation overall is something like 50, 60—maybe a little more—percent of our air pollution problems. CAFE standards become very important.

Most of us believe strongly that we need to make our cars more efficient,

not just for the environment but also because of the high cost of gasoline and its impact on every American family, not to mention our national security. But under the McConnell-Inhofe amendment, EPA could never again work on fuel-efficiency standards. The recent progress we have made, which is so widely supported by industry and the American people, could be undermined. This is not a solution; it is a permanent punt—or maybe a stunt. I will not support that.

Last year, my colleagues on the other side of the aisle overwhelmingly declared their support for my amendment, as I said. The daily newspapers had come out on the Hill and calculated the 60 votes that I had to overcome a filibuster. The U.S. Chamber of Commerce was all for it.

Suddenly, some seem to want to have a fight more than a policy, and they want to have a fight for the next election more than a policy, more than they want to work together to solve the problem. Suddenly, they say: Stopping the EPA for 2 years isn't good enough; we can stop them permanently. Folks back home would love that. They say they would rather stand by and do nothing if they can't stop the EPA forever. In effect, that is correct. They think the American people will not see through that.

My amendment has been around for over a year now. People know what it does. So to call this a cover vote is disingenuous at best.

EPA's regulations that came into effect this year say that if a company wants to retrofit an existing one or build a new powerplant or factory, they now have to find ways to reduce greenhouse gas emissions. Because of these new rules, companies won't build that new factory, that new powerplant, or employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended. That is in my amendment.

Senator INHOFE has repeatedly argued that Congress needs to make these decisions. I agree with that. My bill would give Congress the time it needs to discuss the options, and my approach creates a reasonable timeout. Doing away with EPA authority doesn't give clarity; it indefinitely kicks the can down the road. My amendment, which unfortunately will come whenever it comes, no doubt won't do particularly well because all of the folks on the other side and some, unfortunately, on this side will vote for that because they think it sounds kind of neat. It probably won't do very well, but that doesn't mean it is not right.

Let's have real solutions, such as clean coal that must play a role in meeting our energy needs, and let's be sensible and bipartisan about it. West Virginia is ready to provide that coal, and so are a lot of other States.

I urge my colleagues to support my amendment and quickly turn to a discussion about our Nation's energy future.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. SESSIONS. Madam President, briefly, with regard to the debate over the limitations of CO₂, global warming gases, and the Environmental Protection Agency, Congress has never made a decision on this. The way it came out, in my view, is an example of judicial activism and a dangerous end run around popular sovereignty in America.

Forty years ago, Congress passed the Clean Air Act. That act was designed to deal with particulates and mercury and NO_x and SO_x—things determined to be pollutants. There was no thought at that time that carbon, or CO₂, was a warming gas that would create global warming. It was before the global warming discussion really ever was generated.

Congress had no intention whatsoever to say that carbon dioxide, which is a plant food, which is not harmless to human beings and had never been classified as a pollutant, would be placed under the total control of the Environmental Protection Agency. But later an activist Supreme Court—5-to-4—seemed to say, but not with perfect clarity, that because now we know or we think some say that CO₂ is a global warming gas that could cause global warming, the EPA must regulate what really is a plant food and had never been considered to be a pollutant.

I think Congress needs to act. I think Congress needs to assume responsibility. We need to say: No, we are not prepared to direct that the Environmental Protection Agency control all CO₂ emissions in the country. We never intended that. We are not prepared to do that. If we want to start down that road, we in Congress will figure out how we should start down that road and how much ought to be done. But no group of bureaucrats should be empowered to regulate every farm, every apartment building, every schoolhouse, every automobile, every vehicle, every train, much less every electric-generating plant in the country.

It is a big deal about reality and power in America. It is just one more example of how judges and bureaucrats are utilizing powers really never in-

tended to be given to them. Really, they sort of create that to impose their agenda on the rest of the country. I believe we should back away from that. That is why I support Senator INHOFE in his view.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

EPA AMENDMENTS

Mrs. SHAHEEN. Madam President, I am here to join my colleagues who have been on the floor of the Senate today, with the leadership of Senator BOXER, to oppose amendments that would undermine the Clean Air Act. The Clean Air Act has been one of the greatest public health success stories we have ever had in this country. In 1970, Republicans and Democrats came together to pass this landmark legislation to address air pollution that was leading to countless deaths and lifetimes spent battling chronic illness, illnesses such as asthma and emphysema. That legislation, back in 1970, was signed into law by President Richard Nixon.

It is very clear that the threat of greenhouse gas emissions to public health is real. Two years ago the EPA found that manmade greenhouse gas emissions threaten the health and welfare of the American people. Their decision was not made in a vacuum and, despite what some of the supporters of these harmful amendments may claim, EPA's decision was based on the best peer-reviewed science. They were guided by the best science protecting the public health, not politics. The American Lung Association, the American Public Health Association, the Trust for America's Health and the American Thoracic Society—some of our Nation's leading public health experts—all opposed these misguided efforts to stop EPA from protecting our clean air.

We have heard the same story from polluters over and over. Today they tell us that reducing carbon pollution through the EPA will wreck our economy. Back in 1970, and then again in 1990, they said the Clean Air Act would wreck our economy. Time and again we have heard the same arguments, and they have not been true. It reminds me of Aesop's fable of the boy who cried wolf.

Since we passed the Clean Air Act of 1970, we have dramatically reduced emissions of dozens of pollutants. We have improved air quality, and we have improved the public health. The EPA

estimates that last year alone the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits.

This is particularly important to us in New Hampshire and in New England because we are effectively the tailpipe of this country. In New Hampshire we have one of the highest rates of childhood asthma in the country because we are still phasing out some of the coal-fired plants in the Midwest that are causing these air emissions.

During the same period—since the Clean Air Act saved all of those illnesses and deaths last year—we have been able to grow our economy. Our gross domestic product has more than tripled, and the average household income has grown more than 45 percent. So we know we can protect public health, we can save our environment, and we can grow our economy.

I recognize that as Governor of New Hampshire when, back in 2001, we passed the first legislation in the country to deal with four pollutants because we understood that we needed to clean up our air and that we could do that and protect public health and keep a strong economy all at the same time. I wish that same can-do spirit and bipartisanship that led to the passage of the Clean Air Act in 1970 and then later the Clean Air Act amendments in 1990—I wish that same can-do spirit existed today to address carbon pollution. Instead of debating amendments to undercut the Clean Air Act, we should be working together to enact commonsense legislation to reduce carbon pollution and to continue to grow our economy.

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need from us in Washington is leadership.

I urge my colleagues to reject these amendments and then to work together to craft energy policies that can help move us away from a carbon economy and transition to a clean energy economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

BUDGET TALKS

Mr. SCHUMER. Madam President, I rise to speak about the current status of the ongoing bipartisan budget talks. We are in a much better place than we were 2 weeks ago. The two sides are much closer than we might be able to tell from the public statements. After 3

months of back and forth, two short-term continuing resolutions containing cuts, and one near collapse of the talks last week, we are finally headed for the homestretch.

Last night, we had a very good meeting with the Vice President. Afterwards, he confirmed that the House Republicans and we in the Senate are, for the first time in these negotiations, working off the same number. As the Vice President said last night, there has been agreement to meet in the middle, around \$33 billion in cuts. The Appropriations Committees on both sides are now rolling up their sleeves and getting to work to figure out how to best arrive at that number.

Today, Speaker BOEHNER said: Nothing is agreed to until everything is agreed to. That is a fair and reasonable position to take. He need not publicly confirm the \$33 billion number. But as long as both sides keep their heads down and keep working, a deal is in sight. We are right on the doorstep.

But there are outside forces that do not like this turn of events. Outside the Capitol today, there was a tea party rally staged to pressure Republican leaders not to budge off H.R. 1. They want Speaker BOEHNER to abandon these talks and hold firm, even if that means a government shut down on April 8. This is a reckless, and, yes, extreme position to take.

Earlier today, the Republican leader came to the floor to defend the tea parties rallying outside this building. Let me say this. I agree with some of his points. For instance, I agree that the fact that the tea party is so actively participating in our democracy is a good thing. They have strongly held views and they joined the debate. This is as American as it gets.

But the tea party's priorities for our government are wrong. Their priorities are extreme because they are out of step with what most Americans want. Every poll shows Americans want to cut spending but with a smart, sharp scalpel, not a meat ax. They want to eliminate the fat but not cut down into the bone. They want to focus on waste and abuse. They want to cut oil and gas subsidies. They want to end tax breaks for millionaires.

They do not want to cut border security or port security funding that keeps us safe. They do not want to take a meat ax and cut vital education programs. They do not want to end cancer research that could produce research that saves many lives. Most of all, unlike the tea party, most Americans do not want the government to shut down. They want both sides to compromise.

A deal is at hand if Republicans in Congress will tune out the tea party voices that are shouting down any compromise. These tea party voices will only grow louder as we get closer to a deal, and our resolve must remain

strong. If the Speaker will reject their calls for a shutdown, we can pass a bipartisan agreement. Many conservatives whom I would otherwise disagree with, agree with me on at least this point.

It was very interesting to see on FOX News yesterday three commentators all on the same show, plainly agreeing it is time to accept a compromise with Democrats to avert a shutdown. Charles Krauthammer was adamant that a shutdown would be avoided and that if the government did shut down, the Republicans would be blamed.

Kirsten Powers, a conservative columnist, said: "What really should happen is if Boehner could strike a deal with the Blue Dogs and the moderate Dems and just go with the 30 billion with the Senate and just move on."

Bill Kristol agreed that while Republicans may like to pass a budget solely on their terms with only Republican votes, the reality is, the Speaker would need Democrats to get a deal done.

The tea party may have helped the Republicans win the last election, but they are not helping the Republicans govern. The tea party is a negative force in these talks. But we are close to overcoming this force and cutting a deal.

As the negotiations enter the homestretch, here is how we should define success: First and foremost, a government shutdown should be avoided. We should all agree on that. It bothers me when I hear some on the other side of the aisle or in the tea party say: We should shut down the government to get what we want.

Second, the top-line target for cuts should stay around the level described by the Vice President and that both parties are working off of. This makes complete sense, since \$33 billion is the midpoint between the two sides, and it is what Republicans originally wanted in February before the tea party forced them to go higher.

Third, the makeup of the cuts, as I suggested a few weeks ago, should not come only from domestic discretionary spending. We cannot solve our deficit problem by going after only 12 percent of the budget. Mandatory spending cuts must be part of the package, and the higher the package goes, the more the proportion should be tilted in favor of mandatory rather than discretionary spending.

Fourth, the most extreme of the riders cannot be included. There are some riders we can probably agree on. But the EPA measure is not one of them, neither is Planned Parenthood or the other extreme riders that have been so controversial.

I believe we can settle on a few measures that both sides think are OK. But the most extreme ones do not belong in this budget bill. Those are issues that should probably be debated but not as part of a budget and not holding the

budget hostage to them. If we can adhere to these tenets, we can have a deal both sides can live with. Time is short, and we need to begin moving on to the pressing matter of the 2012 budget.

Speaking of the 2012 budget, let me say a quick word about that. I saw today that House Republicans planned to unveil their blueprint next week. Interestingly, the report said Republicans no longer plan to cut Social Security benefits as part of that blueprint. They are admitting it is not a major driver of our current deficits. That is true, and this is a positive development.

It comes after many of us on the Democratic side, including Leader REID and myself, have insisted that Social Security benefits not be cut as part of any deficit-reduction plan. It is good to see that Republicans, including the House Budget chairman, according to the reports in the paper, now agree with us. His original plan called for privatizing the program. I hope we are not going to bring up that again because it will not pass.

But if the House Republicans instead simply insist on balancing the budget on the backs of Medicare recipients instead of Social Security recipients, we will fight them tooth and nail over that too. There has to be give on all sides—shared sacrifice, not just in any one little area.

A lot is at stake in the current year's budgets. But in another sense, it is simply a prelude to the larger discussions ahead. We urge the Speaker to resist the tea party rallies of today and the ones that are to come, to accept the offer on the table on this year's budget, and let us tackle the larger topics that still await us.

Mr. NELSON of Florida. Would the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield to my friend from Florida.

Mr. NELSON of Florida. In the Senator's opinion, why would the Republicans, particularly from the House of Representatives, want to cut Social Security, since the Social Security system has little, if any, effect upon us getting our arms around the deficit and moving the budget toward balance over the next 10 years?

Mr. SCHUMER. My friend makes a good point. In fact, by law, the Social Security system and its pluses and minuses and the Federal Government's budget and its pluses and minuses must be separate. So by definition, by law, the two are separate. Social Security has its liabilities and assets, a big pile of assets over here, and the Federal Government has its liabilities and assets. The twain don't meet. One would think, particularly those who are saying privatize, that their opposition or desire to include Social Security in large-scale budget deficit talks, which we need and which are good—and I commend the group of six for moving

forward in this direction—one would think that is an ideological agenda because they simply don't like Social Security and want to change it, privatize it, whatever, rather than any motivation about the deficit.

Then when we see that some of them may want to extend tax breaks for millionaires permanently, which would increase the deficit by a huge amount, and yet at the same time they say: Let's deal with Social Security, let's privatize it, which doesn't have anything to do with the deficit, one scratches one's head and says: I don't think deficit reduction is what is going on here.

Mr. NELSON of Florida. I thank the Senator for his erudite analysis.

Mr. SCHUMER. I thank my colleague for his erudite question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 20 minutes.

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

DEBT AND DEFICITS

Mr. WHITEHOUSE. Madam President, Abraham Lincoln began his famous "house divided" speech with simple, homespun advice that we should first "know where we are and whither we are tending," before we "judge what to do and how to do it." We are embarked on a journey of great consequence regarding what to do about our Nation's budget and how to do it. This is a vital conversation. We simply must reduce our annual Federal deficits and our Nation's debt. But it would seem wise at this important time to take President Lincoln's advice and examine where we are and whither we are tending as we go about making these decisions.

I will touch on a few factual landmarks that may help orient us to where we are and help us learn whither we are tending. The first and most obvious is that we just weathered the worst economic crisis since the Great Depression. Few of us who were here then—I know the Presiding Officer was—will ever forget the animal fear and desperate urgency displayed by Treasury Secretary Paulsen and Federal Reserve Chairman Bernanke as they, having looked into that abyss, came to this building, to the LBJ room, and pleaded for our help to save the world economy. We are now past the worst depths of the financial and economic crises.

As this chart shows, the economic recovery measured in jobs is proceeding, though all too tentatively and all too slowly. In Rhode Island, we are still at 12 percent unemployment in the Providence metropolitan area and over 11 percent statewide. To Lincoln's ques-

tion where are we, well, gradually trending in the right direction. But no one can yet rule out a double dip back into deeper recession.

Into this gradual and tepid recovery, the Republicans want to inject H.R. 1. What can we know about that? Mark Zandi, an economic adviser to Senator MCCAIN's 2008 Presidential campaign, says this legislation, the House bill, will cause 700,000 job losses. That wipes out about half of the recovery, if that number is correct. Goldman Sachs, the Wall Street investment bank, says that bill, H.R. 1, could lower GDP growth by two full percentage points in the remaining two quarters of the fiscal year. Goldman Sachs is no fool where economic numbers are concerned. It would be a perilous choice to dismiss their warning. Our present rate of economic growth is only about 3 percent. So reducing that by a full 2 percent over a year could wipe out more than half of our economic recovery. Of course, economic growth correlates to Federal revenues so the cuts' damage to economic growth would in turn create revenue loss, so there would be less deficit reduction. That is one landmark of where we are. We are in a too-slow economic recovery from what was nearly a second great depression, and we face a bill from the House that threatens that too-slow recovery.

Another mark of where we are and whither we are tending relates to the balance between regular Americans and corporate America's respective contributions to our Nation's revenue. In 1935, regular Americans and corporate America evenly split the responsibility to fund our country's obligations. Then in each of these indicated years, it broke through the following ratios: humans twice as much as corporations in 1948; three times as much in 1971; four times as much in 1981; and recently the ratio broke through 6 to 1, individual Americans contributing more than six times the revenue that corporate America contributes. When people say how overtaxed corporate America is, it is worth looking at the facts of where we actually are and whither for decades we have been tending—ever diminished corporate contributions to our Nation's revenues.

Look next at how we collect revenues. Look at the landmarks of our dysfunctional Tax Code. Start with what it takes to comply with our beast of a code. The National Taxpayer Advocate, an independent office within the IRS, has calculated that Americans spend 6.1 billion hours of time engaged in tax compliance each year. Think of what could be invented, what could be built with 6 billion hours of human work. Instead, it is all consumed, every year, in the economic dead weight loss of tax compliance. In terms of where we are, that is an important fact, and it is an abysmal place to be.

Let me take my colleagues to another place. Here is a picture from our

Budget Committee Chairman KENT CONRAD taken in the Cayman Islands. This nondescript building doesn't look like much. It certainly doesn't look like a beehive of economic activity. But over 18,000 corporations claim this building as their place of business. It gives a whole new meaning to the phrase "small business" when we think of 18,000 corporations claiming that building as their place of business. As Chairman CONRAD has pointed out, the only business going on here is funny business, monkey business with the Tax Code, tax gimmickry. This is estimated to cost us as much as \$100 billion every year. For every one of those dollars lost to the tax cheaters, honest tax-paying Americans and honest tax-paying American corporations have to pay an extra dollar or more to make up the difference.

Here is another building with a tax story to tell about where we are as we look at our budget debate. This is the Helmsley building New York City. This building is big enough to be its own zip code so that the IRS reports of tax information by zip code can tell us a lot about this building. Here is what this building tells us from actual tax filings. The well off and very successful occupants of that building paid a lower tax rate than the average New York City janitor paid. It seems extraordinary, but it is not a fluke. The average tax rate of the New York City janitor is 24.9 percent of their income. Of a New York City security guard, is 23.8 percent of their income. And of the occupants of that wonderful building, 14.7 percent of their considerably larger incomes. That seems as though it must be extraordinary, but it is not a fluke.

The IRS reports that the tax rate actually paid by the highest income 400 Americans—the story is the same—the highest earning 400 Americans, in the IRS's most recent calculation, each earned an average of \$34 million-plus a year, over a third of a billion each and every year, 400 of them. I truly applaud their success. It is a magnificent thing. But here is the rub. They actually paid on average only a 16.7 percent total Federal tax rate. I asked my staff to calculate the wage level where a regular single worker starts paying 16.7 percent in total Federal taxes. It is at a salary of \$28,650. A representative job at that income level in my home State, in the Providence labor market, is that of a hospital orderly which the Bureau of Labor Statistics calculates pays \$29,100 a year. At that point, they are paying the same as the 400 biggest taxpayers who each earned over a third of a billion dollars, 16.7 percent. So it is not just the fortunate and successful residents of the Helmsley building who pay a lesser share of their income to support their country than does the janitor, it is also the top 400 income earners, those averaging over a third of a billion in income, who contribute a

lesser share of their income than the hospital orderly pushing his cart down the halls of Rhode Island Hospital at night.

Where are we? Well, it seems to me we are upside down as far as this is concerned. I believe no less an economic titan than Warren Buffett, the fabled "oracle of Omaha," agrees with me that this needs to be corrected.

The corporate Tax Code makes little more sense. Decades of lobbyists have carved it into a Swiss cheese of tax loopholes, of earmarks for the rich and powerful. The result? We have a nominal corporate tax rate of 35 percent. But here is what the New York Times reported last week. General Electric, one of the Nation's largest corporations, made profits of over \$14 billion last year and paid no U.S. taxes. In fact, it actually received a \$3.2 billion refund from the taxpayers. Maybe that was a 1-year anomaly. But a previous analysis by the New York Times of 5 years' worth of corporate tax returns found that Prudential Financial only paid 7.6 percent; Yahoo, 7 percent; Southwest Airlines, 6.3 percent; Boeing, 4.5 percent; and what looks to be our tax avoidance champion, on \$11.3 billion of income, the Carnival Cruise Corporation paid 1.1 percent in Federal taxes. One recent paper actually calculated their cash effective tax rate at 0.7 percent on \$11.3 billion in income. Carnival lines is not just taking us for a cruise, they are taking us for a ride.

But wait, there is more. Don't forget that we make the American taxpayer subsidize big oil to the tune of \$3 billion a year, and big oil has made a trillion dollars in profits this decade. Indeed, on an effective tax rate basis, the petroleum-gas industry pays the lowest rate of any industry.

These are all noteworthy landmarks and each should inform us about where we are and whither we are tending as we face our budget. But the big landmark, the Mt. Everest of landmarks casting its vast shadow over the entire budget discussion, is health care.

I agree with Congressman PAUL RYAN. He said:

If you want to be honest with the fiscal problem and the debt, it really is a health care problem.

He is dead right. And the landmark feature of this landmark problem is this. The health care cost problem is a health care system problem. Our national health care costs are exploding. The health care system is driving the costs of Medicare. The health care system is driving the costs of Medicaid.

The health care system is driving the costs of private insurance. The health care system is driving the costs of the military's TRICARE system. No one is exempt. The health care system is what is driving the cost problem in public and private programs alike. So we have to address the health care system problem if we are going to get our health care costs under control.

How do we solve this? We actually have a pretty good toolbox that has five major tools in it.

One, quality improvement. Quality improvement saves the cost of errors, misdiagnosis, disjointed care, and so forth. For example, hospital-acquired infections alone cost about \$2.5 billion every year, and they are virtually entirely avoidable. They should never be events.

Two, prevention programs. Prevention programs can avoid the cost of getting sick in the first place. More than 90 percent of cervical cancer is curable if the disease is detected early through pap smears.

Three, paying doctors for better outcomes rather than for more and more tests and procedures can save money while improving the outcomes.

Four, a robust health information infrastructure has been estimated to save \$81 billion a year by the RAND Corporation, and that number may very well be low as the system builds itself out.

Finally, five, the administrative costs of our health care system are grotesque. The insurance industry has developed a massive bureaucracy to delay and deny payments to doctors and hospitals. The doctors and hospitals have had to fight back, so they have had to hire their own billing departments and consultants.

In the little Cranston community health center, which I visited a few months ago, half of the staff are dedicated to trying to get paid, and they have to spend another \$200,000 a year on consultants. All of that—the entire war over payment between insurers and hospitals and doctors—adds no health care value—zero. We have heard that on the private insurance side, anywhere from 15 to 30 percent of the health insurance dollar gets burned up in administrative costs. We know we can do better because the costs of administering Medicare are closer to 2 percent of program expenditures. Add this all up, and the numbers here are enormous.

The President's Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the health care we receive. That is about \$700 billion a year. The New England Healthcare Institute says it is \$850 billion a year. The well-regarded Lewin Group has estimated the probable savings at \$1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill.

Not only are the numbers enormous, but the results are a win-win. Consider the five strategies: higher quality care with fewer errors and infections; prevented illnesses, so you do not get sick in the first place; secure, complete health records that are there when you need them, electronically, so your doctors, your lab, your pharmacy, your

hospital, your specialists all know what everybody else is doing; payment to doctors and hospitals based on keeping you well and getting you well rather than on giving more procedures and things to you; and finally, not so much infuriating insurance company bureaucracy, hassling both patients and doctors. Those are not bad outcomes even without the savings.

So what do we draw from this if we keep all these landmarks in mind, landmarks of where we actually are in this budget debate? Well, our colleagues on the other side, particularly our House Republican colleagues, say they are determined to reduce our annual deficit and our national debt, that it is their top priority. But in evaluating that claim, look at H.R. 1, which spends all its cost-cutting fury on only 12 percent of the budget—the nonsecurity discretionary spending—and zero percent on the revenue side.

If they are really serious about deficit and debt reduction, why risk destroying 700,000 jobs when job destruction only adds to the deficit and to our debt through lost economic activity and revenue?

If they are really serious about deficit and debt reduction, why is not one corporate tax loophole on the chopping block—not one? Why is the Tax Code off limits in this discussion, as it burns up 6 billion of our precious hours every year and makes that hospital orderly, pushing that cart down the linoleum hallway at midnight, pay a higher rate than those fortunate and able Americans who made more than \$1/3 billion each in a single year?

If they are really serious about this, if deficits and debt are really the most important thing we face, why is there no discussion of corporate America's ever-diminishing contribution as a share of our national revenue?

If our friends are really serious, why is there no plan for even one of the 18,000 corporations in that phony-balcony headquarters in the Cayman Islands to pay its proper taxes?

Finally, if they are really serious, why is there so much pure political nonsense about ObamaCare and socialized medicine instead of a mature discussion about using and improving the tools in the health care bill to address our grave national health care system problem?

Further, why is it necessary to throw Planned Parenthood and Head Start and every single idealistic young kid in City Year and Teach for America under the bus? Not one kid in an American school doing Teach for America can be spared, and yet we must keep our full deployment of 57,000 troops in Germany? Is it necessary to single out the Environmental Protection Agency for the gutting that polluters long have lusted for? Why go after Social Security, which has never contributed a nickel to America's debt or deficit?

It just seems to me that until one, just one, corporate tax loophole is on the table; until one, just one, subsidy to big oil is on the table, one, just one, subsidy to big agribusiness; until we are even beginning to talk about billionaires contributing Federal revenue in the same share of their income as that hospital orderly; until our friends are not so casual about threatening 700,000 jobs and perhaps \$20 billion in related tax revenue; until the cuts and all those riders in H.R. 1 make it something other than a Republican Trojan horse of political favors and ideology, then count me a skeptic about their real priorities.

I have always found that you get a better read looking at what people actually do rather than just believing whatever they say. If you look at what H.R. 1 actually does, it is the same old Republican agenda—attacking programs that help the poor, attacking women's right to choose, attacking national voluntary service, helping polluters get around public health measures, reducing the share of revenues paid by corporations and very high income individuals. It is the same old song. And most important, if you go that road, it is just not adequate to meet the serious problems at hand. We need to look throughout the budget and across all of our opportunities to bring down our Nation's deficits and to bring down our Nation's debt.

I look forward in the months ahead to a serious, fair, and sensible discussion, a mature discussion of how to reduce our deficits and our debt.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 6:21 p.m., recessed subject to the call of the Chair and reassembled at 6:54 p.m. when called to order by the Acting President pro tempore.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING RICK CURRY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the life and accomplishments of one of the Commonwealth's most outstanding citizens, Mr. Rick Curry, who passed away on November 17, 2010, at the age of 65. Rick made significant contributions to his hometown of Corbin, KY, as an active citizen, an entrepreneur and the coowner of one of Corbin's most popular nightspots and downtown attractions, The Depot on Main restaurant. I am honored to have called him my friend.

Originally from London, KY, Rick graduated from London High School and attended the University of Kentucky before enlisting in the U.S. Air Force. After being stationed in Japan and completing his military service, he attended Cumberland College and later became the president of Curry Oil Company in London, and Petro Haulers Inc., a fuel hauling business. Not only was Rick a successful businessman, he was also involved in property development and owned key commercial properties.

Aside from his successful business endeavors, Rick had always dreamed of owning a restaurant. In 2004, he began to make that dream a reality when he purchased and renovated an old department store building in downtown Corbin. This once blighted and vacant building soon turned into a beautiful and thriving restaurant; The Depot on Main. It was Rick's pride and joy.

This renovation was not only significant to Rick personally, but also to the Corbin community. It came at a time when economic vitality was suffering and few people dared to make investments. But Rick did. His investment encouraged business development in downtown Corbin.

Many people who had the privilege of knowing Rick remember the remarkable recovery he made after suffering a stroke in 2007. He handled that crisis, as he did everything else, with such a positive attitude and indomitable spirit. Those qualities, as well as the bonds he forged with so many in the community through his work, through the restaurant and in his life will be what Rick Curry is remembered for.

My thoughts go out to his wife Holly, the citizens of Corbin, and many other beloved friends and family members for their loss. Rick was an upstanding gentleman and an irreplaceable citizen of the Commonwealth. He will be greatly missed.

Mr. President, the Corbin News Journal recently published an article honoring Rick and the legacy he left behind. I ask unanimous consent that the full article be printed in the RECORD.

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

DEPOT ON MAIN OWNER DIES AT AGE 65

(By Trent Knuckles)

To those who knew him best, local businessman Rick Curry was the kind of guy who lived life to the fullest—destined to enjoy every moment he was given.

Curry, owner of The Depot on Main restaurant in Corbin, died in the early morning hours last Wednesday at the University of Kentucky Medical Center in Lexington after suffering a brain aneurysm. He was 65-years-old.

"I can't say enough about Rick and what a good person he was," said Bruce Carpenter, Director of Economic Development for Corbin and part owner, along with his wife Teresa, of The Depot on Main with Rick and his wife Holly. "He was a good-hearted person. He always wanted to have a good time and have fun. I feel so fortunate to have known him the last six years."

Curry was president of Curry Oil Company, in London, and Petro Haulers Inc., a fuel hauling business. He also was involved in property development and owned key potential commercial properties in London and Corbin.

Carpenter said he first met Rick and Holly in 2004, shortly after voters in the city of Corbin approved a measure that allowed that sale of alcoholic beverages at qualifying restaurants in the city limits.

Curry always had the dream of owning a nice restaurant and saw opportunity in Corbin.

He was one of the first entrepreneurs to take advantage of the new law.

Curry purchased the old Daniel's Department Store building and began renovations on what would eventually become The Depot on Main.

At the time, Carpenter was beginning a push to create a Main Street Program in Corbin dedicated to revitalizing the city's central business district.

"When I found out what he was doing, I got very excited about it. He was taking an older building and totally renovating it and making it something beautiful. I thought it was a great opportunity to jumpstart downtown," Carpenter said. "It was a tremendous amount of work. He made a big investment in our community. That is what always excited me about Rick was his investment and belief in our downtown."

Corbin Mayor Willard McBurney said news of Curry's death was sad and that the city had lost a valuable advocate and ally.

"He sure took a void on Main Street and turned it into one of the nicest restaurants in this area," McBurney said. "It was a blighted building and he made it something to be proud of. He invested a lot of money into our Main Street. He will be missed."

Curry told the News Journal that construction of The Depot on Main cost about \$800,000. Carpenter said his family and the Curry's became close over the years. In 2007, Curry suffered a serious stroke, but made a remarkable recovery.

"He always had such a positive attitude and a good support system around him. Once he was on the road to recover, I think he just fed off that. He will be greatly missed," Carpenter said.

According to his obituary, Curry was a London native who attended grade school at Saint William Catholic Church. He graduated from London High School and was a member of the school's football team.

While a student at the University of Kentucky he joined the U.S. Air Force and was stationed in Japan. After leaving military service had attended Cumberland College.

Funeral arrangements for Curry were handled by House-Rawlings Funeral Home.

A celebration of Curry's life was held Saturday at St. William Catholic Church in London.

TRIBUTE TO DR. RICHARD STOLTZFUSS

Mr. McCONNELL. Mr. President, I rise today to honor the extraordinary career accomplishments of one of the Commonwealth's most talented and devoted medical professionals. Dr. Richard Stoltzfus, who has provided thousands of Kentuckians with his medical expertise as an internal medicine physician at the Daniel Boone Clinic in Harlan, KY, will retire at the end of April after 35 years of dedicated service.

Although born and raised in Pennsylvania, Dr. Stoltzfus always knew life held something different in the cards for him. After completing his medical degree at Hahnemann Medical College in Philadelphia, practicing internal medicine in Darby, PA, completing his residency training at Mercy Catholic Medical Center in Philadelphia, and volunteering at Hospital Grande Riviere du Nord in Haiti for 6 years, Dr. Stoltzfus decided to pursue his goal of providing medical care to residents in rural towns where he believed it was needed most. This belief is what led him to Harlan, KY, where he began work for the Daniel Boone Clinic in August 1976. Along with being a practicing physician, he also served as medical director of the Mountain Heritage Hospice since its beginning in 1980 to 2000, and was chief of medical staff at the Harlan Appalachian Regional Healthcare Hospital during his 35-year tenure.

Dr. Stoltzfus's long career shows his passion for helping others not only by ridding them of illness, but also by promoting overall wellness and health. His definition of health is not just the absence of disease, but the presence of physical, social, emotional and spiritual well being. Dr. Stoltzfus forms lasting bonds with his patients because they can see how much he truly cares.

Dr. Stoltzfus has said that the years he has spent in Harlan County have been the best years of his life. This may be true, but it is also safe to say that the contributions of dedicated and special people such as him are what make communities like it such wonderful and hospitable places to both work and live. I send my best wishes to Dr. Stoltzfus and his wife as they move on to the next phase of life: Dr. Stoltzfus has said they plan to move to Virginia to be closer to their children. I am sure their children will be glad to have more of their father around—just as I am sure the whole family is very

proud of him and his life of accomplishment. I offer my sincerest congratulations to Dr. Stoltzfus on an exceptional career.

Mr. President, the Harlan Daily Enterprise recently published an article honoring the career of Dr. Stoltzfus. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Harlan Daily Enterprise, Feb. 26, 2011]

DANIEL BOONE CLINIC PHYSICIAN TO RETIRE IN APRIL

(By Nola Sizemore)

After 35 years of service as an internal medicine physician at the Daniel Boone Clinic, Dr. Richard Stoltzfus will retire at the end of April.

"I'd like Harlan County people to know how much I appreciate them making the last 35 years living and working here in Harlan County the best years of my life," said Stoltzfus. "I know I've been able to serve people here and, in turn, I have been blessed by people here in many ways by the show of affection and appreciation my wife and I have received."

Stoltzfus said after he finished his residency training in Philadelphia, Pa. he wanted to practice medicine in a place where he felt there was a real medical need—not in an urban area, but a rural area. He said he learned about a job opening in Harlan County from a friend, Dr. J.D. Miller, who was a physician at the Cloverfork Clinic during that time.

"I met Dr. Miller in Haiti where I was a volunteer for six years prior to coming to Harlan," said Stoltzfus. "I applied for the position and began work at the Daniel Boone Clinic in August, 1976."

Along with being a practicing physician at the Daniel Boone Clinic, Stoltzfus has also served as medical director of Hospice since its beginning. He said in the last few years he had worked as assistant medical director.

Stoltzfus also served as chief of medical staff at the Harlan ARH Hospital during his tenure.

"Hospice is a wonderful organization, and I really believe in it," said Stoltzfus. "A lot of people placed in Hospice have a certain life expectancy and most of the time they exceed that. I believe it's because of the care they receive from the wonderful staff."

Stoltzfus said one of his guiding principals, while practicing medicine in Harlan County, had been promoting wellness. He said the definition of health is not just the absence of disease, but it's the presence of physical, social, emotional and spiritual well being.

"I can cure a person of pneumonia, but that person can still be sick," said Stoltzfus. "I may refer them to pastors or counselors or help them work on relationships—to promote a wholesome life. I believe in spending time with patients. I've always seen myself on an equal playing field with my patients. As a physician, of course, I have knowledge to share, but I involved my patients in decision making."

Stoltzfus said there were many points in the last 35 years of living in Harlan County, and two that stood out in memory were his trip to Washington D.C. with the Harlan Boys Choir when they sang at the inauguration of President George Bush. He said he was proud to be a part of those representing Harlan County to the world.

"My family was flooded in 1977," said Stoltzfus. "We lived in Rio Vista and had four feet of water in our house. I remember I had a patient, who had just had a heart attack, that wanted to help me and my wife clean the mud from our home. He wasn't physically able to help, so he sent his wife to help us—that's what Harlan County people do—care about their neighbors. The whole community supported us during that time. Things like that touch your heart. The way the people of Harlan County watch out for each other has always touched me. I love the small town atmosphere evident here in Harlan County."

Stoltzfus said after his retirement, he and his wife would be relocating to Virginia to be near their two children. He said he planned to always keep in touch with his friends here in Harlan County.

"My coworkers are like family to me," said Stoltzfus. "Harlan County is a wonderful place to raise families. It has values of community and caring which I think some communities have lost. Harlan has been put down by a lot of people; but I've always been proud of Harlan because of what they have to offer here. Our children are well educated and very prepared for their future. I'm very proud of our educators here in the county and the job they're doing. Harlan has a lot to offer and I'd recommend it to everyone. I'm going to miss living and working here."

HONORING OUR ARMED FORCES

LIEUTENANT MIROSLAV "STEVE" ZILBERMAN

Mr. BROWN of Ohio. Mr. President, today I pay tribute to the life and military service of Navy LT Miroslav "Steve" Zilberman, who died 1 year ago today, while serving his adopted country with distinction and representing his family with honor as a devoted son, husband, and father.

Lieutenant Zilberman immigrated to the United States from the Ukraine with his parents when he was 11 years old. The family settled in the suburbs of Columbus, OH, where he would graduate from Bexley High School and soon thereafter enlist in the U.S. Navy. The grandson of a Russian World War II pilot, Lieutenant Zilberman lived and breathed naval aviation. While serving in the Navy, Lieutenant Zilberman received a world class education, travelled across continents, and flew with the most elite fleet in the world.

After excelling as a naval electronics technician for 2 years, Lieutenant Zilberman was selected to become an officer through the Navy's Seaman to Admiral Program. His commanding officer and fellow sailors recognized the strength of Lieutenant Zilberman's character, his officer potential, and his unquestionable loyalty to the United States.

As a naval pilot, Lieutenant Zilberman was chosen to fly the E-2C Hawkeye, a crucial component of all U.S. Navy Carrier Air Wings and one of two propeller airplanes that operate from aircraft carriers. Always embracing new challenges with determination, Lieutenant Zilberman understood the requisite hard work and skill needed to become a top-notch E-2C pilot.

He studied his aircraft inside and out, and was particularly proud of the nighttime landings he successfully completed. He once landed his E-2C Hawkeye at night with only one engine functioning—a significant feat of balancing skill over nerves, displaying an implicit trust in his hours of training and studying. Commander Dave Mundy of the Carrier Airborne Early Warning Squadron 121—the VAW-121, also known as the “Bluetails”—attests that Lieutenant Zilberman was one of the best pilots he had ever flown with.

On March 31, 2010, Lieutenant Zilberman had been forward deployed for nearly 3 months. While returning to the U.S.S. *Eisenhower* after a flight mission over Afghanistan, Lieutenant Zilberman's plane crashed into the North Arabian Sea, approximately 5 miles from the aircraft carrier. One of the plane's dual engines lost oil and eventually failed. When it became clear to Lieutenant Zilberman that there was no way to safely land the plane on the flight deck, he ordered his crew to bail out. Lieutenant Zilberman fought valiantly to keep his plane steady long enough for his crew members to escape. He went down with his plane into the North Arabian Sea. Lieutenant Zilberman's crew members were rescued shortly after the crash, and the search and rescue effort salvaged portions of the aircraft. However, after searching more than 5,300 square miles for Lieutenant Zilberman, the search was called off and he was pronounced dead.

Each day our servicemembers, like Lieutenant Zilberman, sacrifice their lives defending our Nation. Their acts of heroism are derived from a sense of duty, an obligation taken from the belief in the greatness of our Nation. But beyond their courage and bravery, our servicemembers are also husbands and wives, sons and daughters, and friends and neighbors. In addition to being a highly capable and daring pilot, Lieutenant Zilberman was known by his family and friends as someone with an infectious personality, as Commander Mundy has said, someone who could walk into a room and reduce any tension or stress.

While on board the *Ike*, Lieutenant Zilberman stayed in touch with his family via video chat, where he read and danced for his children. Lieutenant Zilberman was a dedicated husband to his wife Katrina, who was also his high-school sweetheart. He was a loving father to his son Daniel and daughter Sarah. And he was the loving son—and only child—of devoted parents Anna Sokolov and Boris Zilberman.

Today marks the 1-year anniversary since Lieutenant Miroslav “Steve” Zilberman's life was taken while serving our Nation. On behalf of a grateful State, I thank him for his service—and his family and friends for keeping his memory alive through their thoughts

and actions that remind us of his sacrifice.

JUSTICE AND POLICE REFORM IN GUATEMALA

Mr. LEAHY. Mr. President, I want to speak briefly on a subject that I have discussed before concerning Guatemala's struggling justice system.

In a country facing a growing threat from Mexican drug cartels and other criminal organizations that have infiltrated every facet of society, a police force that is notoriously corrupt and ineffective at investigating crime, a military hierarchy that continues to obstruct justice, and a conviction rate in the courts of 2 percent, the situation could hardly be grimmer.

Violent crime and smuggling have skyrocketed, impunity is the norm, and reports indicate that many people in Guatemala feel less safe today than even during the 30-year internal armed conflict. There are credible reports of police collusion with the drug cartels, and threats and assassinations of indigenous activists who have petitioned for land reform. And a decade and a half after the signing of the Peace Accords, the military hierarchy, current and former, uses threats and intimidation of victims, witnesses, judges and prosecutors to avoid accountability for past crimes against humanity.

I and others were encouraged last year when President Colom appointed respected human rights activist Helen Mack to assess the weaknesses of the police and to recommend reforms. Ms. Mack has widespread credibility and could be relied on to conduct a fair, thorough review.

But any recommendations for reform are only as good as the funding and political will to implement them, which is too often lacking in Guatemala. Presidential elections are scheduled for September. Unless the current government or its successor is prepared to carry the police reform process forward, not only will a critical opportunity have been missed but the security challenges facing Guatemala will worsen further.

Helen Mack accepted her assignment knowing it would be dangerous. Her sister Myrna, an anthropologist who had documented the horrific abuses of Mayan peasants by the Guatemalan army, was assassinated by the army in 1990. Helen also knew that trying to reform the police would ultimately be a wasted exercise if her recommendations end up collecting dust on a shelf. Yet she has persevered, and it is for the good of all Guatemalans.

Other victims of torture, disappearance, and murder during the internal armed conflict are still waiting for justice. When successive governments failed to hold the military accountable, some victims or their families turned to the courts, only to be stymied at

every turn. The courts have issued contradictory rulings, reversed themselves and each other, and cases have dragged on for years. It makes a mockery of justice and of officials who are responsible for upholding the rule of law.

No democracy can survive without a functioning justice system, including a professional, trusted, well financed police force. The effectiveness of the police in preventing and controlling crime depends on the relationship between the police and the public. If the police force is to regain the confidence and trust of Guatemalans, particularly Guatemala's indigenous population which has traditionally been the target of discrimination and abuse, a concerted and unwavering effort must be made to ensure the professionalism, transparency and accountability of the police. It should be a priority.

Ms. Mack's courageous efforts, and the efforts of others who have risked their lives in support of justice and a better life for the millions of Guatemalans living in poverty, deserve the unequivocal support of the Guatemalan Government and the Government of the United States.

TIK ROOT

Mr. LEAHY. Mr. President, I want to take a moment to say a few words about a situation in Syria that is of particular concern to me and people of my State.

Going on 2 weeks ago, a young Middlebury College student, Pathik “Tik” Root, disappeared in Damascus, Syria, where he was studying Arabic.

As anyone who is following recent events in Syria knows, there have been large public demonstrations, some of which have resulted in arrests and casualties.

Thanks to the efforts of U.S. Embassy Damascus and the Syrian Ambassador to the United States, Imad Moustapha, it was determined that Tik had been arrested and is being held in a Syrian jail.

By all accounts, it appears that Tik was arrested simply because he was taking photographs at one of the demonstrations.

As an avid photographer myself, I would hope that the Syrian Government recognizes the innocent conduct of a young, curious American student who is fascinated, as we all are, by the extraordinary events taking place across North Africa and the Middle East.

I and my staff have had multiple conversations with Tik's father, with Ambassador Moustapha, with U.S. Ambassador Robert Ford, and other State Department officials about Tik's situation.

We are optimistic that he will be released, because he was doing nothing wrong and at most he was in the wrong place at the wrong time.

But so far, no one from the American consulate in Damascus has been allowed to see Tik, which is unacceptable. Our representatives in Damascus should be given immediate access to him—today—to ensure that he is in good health and being treated humanely.

I know I speak not only for myself but also for Senator BERNIE SANDERS and Congressman PETER WELCH, in urging the Syrian authorities to release Tik and allow him to return home.

This is not a time to be confusing a young American college student with the popular forces that are calling for political change in Syria.

Tik is an innocent 21-year-old who poses no threat whatsoever to the Syrian Government, but his continued detention will only further complicate our already difficult relations with Syria.

REMEMBERING ELIZABETH TAYLOR

Mrs. FEINSTEIN. Mr. President, I would like to recognize and honor the incredible life of Elizabeth Taylor, a true Hollywood movie star, a dedicated social activist, and a legendary figure in American history.

Elizabeth Taylor was born on February 27, 1932, in Hampstead, London, England, to Americans Francis Lenn Taylor and Sara Viola Warmbrodt. In a career that spanned 70 years, Elizabeth Taylor remarkably appeared in over 50 films. However, it was her philanthropy and dedication to her fellow humankind that have earned my deepest gratitude.

Many will remember Elizabeth Taylor for her film career, with overwhelming hits such as “National Velvet,” which catapulted her to stardom and solidified her as Hollywood’s newest star. I personally recall this film as one of my childhood treasures, and it remains a classic to this day. Ms. Taylor was a pioneer for women, in film and in society. When she signed a \$1 million contract for the film “Cleopatra,” it boldly declared her status to Hollywood and the world. She also expanded her body of work to include Broadway, where she debuted in the revival of Lillian Hellman’s 1939 play “The Little Foxes” and returned in the revival of Noël Coward’s 1930 comedy “Private Lives.”

Though Elizabeth Taylor earned her household name through her accomplishments in the film industry, it was her charitable work to combat AIDS that was truly outstanding. Never one to shy away from opposition or controversy, Ms. Taylor wholeheartedly fundraised, supported, and raised awareness for AIDS. Her ability to mobilize a new audience was remarkable. In addition to fundraising and contributing millions of dollars to addressing AIDS, Ms. Taylor was a principal

founder in the American Foundation for AIDS Research, amfAR, and the Elizabeth Taylor AIDS Foundation.

Elizabeth Taylor received many accolades throughout her career, including her appointment as a Dame Commander of the Order of the British Empire for her illustrious film career and humanitarian work. Ms. Taylor received two Academy Awards for best actress for her performances in “Butterfield 8” and “Who’s Afraid of Virginia Woolf.” Later, she was inducted into the California Hall of Fame at the California Museum for History, Women, and the Arts, by former Governor Arnold Schwarzenegger. While these honors are notable, it was Ms. Taylor’s intangible qualities of perseverance, altruism, and grace that were even more remarkable.

Beyond her film career and role as an activist, Elizabeth Taylor was an individual with an entrepreneurial spirit. She authored a self-help book, designed jewelry for The Elizabeth Collection by Piranesi, and created the popular perfumes “Passion,” “White Diamonds,” and “Black Pearls.” As a reflection of herself, Ms. Taylor’s ventures always evoked a sense of class, eternal elegance, and beauty.

Please join me in expressing the sympathies of this body to Elizabeth Taylor’s family, including her children, Michael Howard and Christopher Edward Wilding, Elizabeth “Liza” Todd, and Maria Burton, 10 grandchildren, and 4 great-grandchildren. I have no doubt she will be so dearly missed by the many friends, family, and countless individuals whose lives she touched. On this day, we celebrate her, her life, her legacy, and her extraordinary contributions to our Nation and the world as a whole.

Elizabeth Taylor will be remembered as a dazzling actress, a friend, a noble philanthropist, and as Hollywood’s ultimate leading lady.

REMEMBERING W.R. “WILLIE” JONES

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. W.R. “Willie” Jones, who passed away on Friday, March 25, 2011. Willie was dedicated to providing hope for a better life for underprivileged children in Montgomery, AL, and he was a personal friend. Along with the children and families whose lives Willie helped to change, I mourn his passing.

Willie Jones was born on April 3, 1955, and was an alumnus of Alabama State University. He began his life of dedication to the YMCA by participating in the organization’s programs as a youth. Starting in 1968, he worked part time as an aquatic instructor at the Cleveland Avenue YMCA in Montgomery, where he would later become the executive director. His involvement didn’t stop there; Willie also

served as a senior vice president of the Montgomery YMCA. He held famous father/son banquets that attracted top sports talent to the Cleveland Avenue YMCA and provided inspiration for young boys and their fathers.

I have always recognized the Cleveland Avenue YMCA as an important place for the advancement of underprivileged youth. The facility opened in 1960 in conjunction with Martin Luther King’s efforts to obtain equal opportunities for all people, including children. Willie and I worked together to fund and open the Cleveland Avenue Cultural Arts and Education Center, CAEC, in 2000. The CAEC is the largest YMCA facility in the country that is entirely dedicated to the arts. It is a true testament to Willie’s commitment to helping America’s youth through creative and educational initiatives.

In addition to his work for the YMCA, Willie served as the chairman of the Montgomery County Community Punishment and Corrections Authority and advocated for prison alternatives for nonviolent offenders, another passion of his. He also served on the Montgomery Housing Authority board of directors and the Montgomery County Recreation Commission.

Willie’s advocacy extended beyond the boardroom and into city and county meetings, which he regularly attended. He was often spotted around the community networking with nearly everyone he met. Willie was a great friend to me and to all people, young and old. His selfless life’s mantra was, “This isn’t about Willie Jones, it’s about the kids at the YMCA.” I am honored to have assisted with obtaining Federal funding for the Cleveland Avenue YMCA and to have known this man who was so committed to his community and to the greater world around him.

Willie is loved and will be missed by his wife Versie and two children, Jeff and Jennifer. My thoughts and prayers are with them as they struggle with Willie’s premature and unexpected death. A tireless advocate for underprivileged children and nonviolent offenders, Willie championed the notion of a “second chance” for kids throughout the community and will be fondly remembered for the legacy of service he left behind him.

TRIBUTE TO ALEX HECHT

Ms. SNOWE. Mr. President, today I wish to honor one of my Small Business Committee staff members and trusted advisers, Alex Hecht, as he prepares to depart Capitol Hill for the private sector. Alex joined my office in March 2005—6 years ago—as regulatory counsel for the committee, after serving as a legislative analyst for the National Multi Housing Council. Since then, Alex has taken on a host of issues vital to our Nation’s small businesses

and has been at the forefront of helping me craft critical legislation to assist these job generators.

As regulatory counsel, Alex helped me develop an agenda to help small businesses fight the onerous regulations they face. And he has continued his work to this day. As has been noted frequently, our current Federal regulatory situation is outrageous. Small firms—our Nation's primary job creators—with fewer than 20 employees bear a disproportionate burden of complying with Federal regulations, paying an annual regulatory cost of \$10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

To reduce the burdensome task of complying with excessive Federal regulations, Alex helped me draft an amendment to the Dodd-Frank Wall Street reform bill that created small business advocacy review panels within the Consumer Financial Protection Bureau, or CFPB, through the Regulatory Flexibility Act so that the CFPB fully considers small business economic effects when it promulgates new regulations. Alex also helped me move the Small Business Compliance Assistance Enhancement Act over the finish line in 2007 to ensure that agencies publish small business compliance guides for regulations in plain English and in a timely manner.

Alex was also instrumental in helping me introduce the Small Business Regulatory Freedom Act of 2011 with Senator COBURN to help ensure that the Federal Government fully considers the small business economic impact of the rules and regulations that agencies promulgate.

Since January 2007, Alex has served as my chief counsel on the committee, overseeing much of its policy work and specializing in a number of issue areas, including health care and small business energy policy, in addition to regulatory reform. Alex was crucial in helping me develop the Small Business Health Options Program Act—or SHOP Act—in both the 110th and 111th Congresses. This bipartisan legislation would have made health insurance more affordable and accessible for small businesses and the self-employed, who represent a majority of our Nation's uninsured.

Alex also helped me craft the Small Business Energy Efficiency Act of 2007, which was signed into law as part of the Energy Independence and Security Act of 2007. This legislation is helping to combat climate change by using Small Business Administration, SBA, resources to assist in the development of energy efficiency projects.

Additionally, Alex has been inextricably linked with our committee's efforts to reauthorize the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs. These critical initia-

tives foster an environment of innovative entrepreneurship by directing more than \$2 billion annually in Federal research and development, R&D, funding to the Nation's small firms most likely to create jobs and commercialize their products. We are presently debating such legislation on the floor—legislation which represents an unprecedented compromise supported by stakeholders from all sides—and we are closer than we have been in 5 years to getting a bill to the President's desk. This is largely in part to Alex's consistent and dedicated efforts.

As Alex prepares to leave the Senate, I offer him my sincerest gratitude for 6 dedicated years of service to my office and to America's small businesses. In particular, I want to thank him for serving as acting staff director of the committee in late 2006. Over his years on the Hill, Alex has developed a thorough knowledge and passion for Senate procedure and has been key in helping me formulate our committee rules each Congress. His absence will be regrettably notable. I wish him, his wife Amy, and his children, Chance and Marin, all the best as they begin this exciting new chapter.

TRIBUTE TO DANIEL P. MULHOLLAN

Mr. LIEBERMAN. Today I wish to note the retirement of Daniel P. Mulhollan as Director of the Congressional Research Service and to thank him for his service to Congress over the past 42 years. CRS, an institution with roots going back to 1914, provides essential support for Congress. Dan Mulhollan has been a part of CRS since September 1969; and he has led CRS since January 24, 1994, when Librarian of Congress James Billington named him CRS Director.

As Director, Mulhollan's accomplishments have been impressive. He worked to ensure that the analytical services of CRS are explicitly and clearly pertinent to the legislative, oversight, and representational responsibilities of Congress and to the current congressional agenda. He expanded the ability of CRS to bring interdisciplinary scholarship to bear on matters important to Congress. His efforts to develop and implement a personnel succession plan ensure that professional talent will continue to be available to Congress in the years to come.

Following graduate work in political science at Georgetown University, Mulhollan came to what was then known as the Legislative Reference Service. His first division chief recognized the restless energy of this new analyst in American national government and put him to work on inquiries about the institutional dimensions of Congress. In 1973 Mulhollan was named section head and subsequently served as head of three sections in the CRS

Government Division. He and the teams he led worked with committees and Members of Congress on such matters as lobbying disclosure, the Watergate investigation, and subsequent impeachment investigation, congressional reorganization, and congressional ethics. In 1981 Mulhollan became assistant chief of the CRS Government Division, and in that position he managed research for Congress on a wide range of issues, among which were the organization and administration of the executive and legislative branches, legislative process, voting and elections, lobbying, and political parties and processes.

In 1991 Mulhollan received the Library's Distinguished Service Award for his career achievements, and in 1992 James Billington, the Librarian of Congress, appointed Mulhollan as Acting Deputy Librarian of Congress for a period of 2 years and commissioned him to head the Library's effort to enhance its service to Congress. Subsequently, Mulhollan was named chief of the CRS Government Division; and then in 1994, Dr. Billington named Mulhollan to be Director of the Congressional Research Service. In making the appointment, Dr. Billington said, "Daniel Mulhollan brings to this position comprehensive knowledge of Congress, an understanding of its research needs, a strong commitment to diversity, and a record of effective and energetic administration." The Librarian chose well: under Mulhollan's energetic leadership over the past 17 years, CRS has consolidated its analytic abilities and has continually demonstrated its worth to the United States Congress.

I am confident that my Senate colleagues join me in wishing Daniel Mulhollan well in his retirement, commending his leadership of CRS, and thanking him for a job well done.

TRIBUTE TO EARL HOLDING

Mr. RISCH. Mr. President, today I want to give recognition to an individual who has done great things for the ski industry and the State of Idaho. On April 2, Earl Holding will be inducted into the U.S. Ski and Snowboard Hall of Fame. His induction is not because of his exploits on the slopes, although he knows how to carve a turn in the snow, but because of his passion and unmatched effort in developing quality skiing facilities in Idaho, the Western United States, and for his work in bringing the 2002 Winter Olympics to Salt Lake City.

Earl Holding purchased Idaho's ski resort of Sun Valley in 1977. His attention to detail and the experience he brought to the property from owning and managing properties in the hospitality industry, truck stops and oil industry was just what the resort needed. He began a beautification project that restored the grandeur of the property

by renovating virtually every square foot of the historic buildings, adding moonlight sleigh rides and world-class ice shows, and planting thousands of new trees.

On the ski runs, he put in the world's largest snowmaking system. Five new high-speed detachable quad lifts were built along with new day lodges and restaurants. With interests in architecture and design, Earl Holding showed his talent for uniting culture and charm as well as inspiring excitement to his resorts and hotels. As such, he personally oversaw the design of the new lodges to maximize their breathtaking mountain views.

Sun Valley was once again a pre-eminent resort that brought skiers and tourists from around the world. In 2009, the Sun Valley Nordic Center hosted the International Special Olympics. It was also the training site for numerous international teams as they prepared for the 2002 Winter Olympic Games in Salt Lake City.

Earl Holding, along with his wife Carol, has restored the charm and grandeur that was Sun Valley shortly after its founding by Averell Harriman in 1936. Skiers, winter sports enthusiasts and the entire ski industry have benefitted from the Holding family's passion for developing a first-class and highly acclaimed ski resort at Sun Valley and elsewhere.

His work has also made the State of Idaho a destination location for skiers, golfers and other outdoor enthusiasts as he developed Sun Valley into a five-star, year-round resort. The enormous draw the name "Sun Valley" has in the highly competitive international tourism trade is beyond anything the state could do to attract more tourists.

It is indeed a great honor for me to congratulate Earl Holding for his vision, passion and perseverance in making Sun Valley a world-class resort, and for his induction into the U.S. Ski and Snowboard Hall of Fame.

ADDITIONAL STATEMENTS

TRIBUTE TO IRVING AND PHYLLIS LEVITT

• Mr. COONS. Mr. President, today I wish to honor Irving and Phyllis Levitt and their lives of service to my home State of Delaware and their community in Dover.

For over 40 years, both Irving and Phyllis have been consummate activists, educators, community leaders, and patrons of the arts. Their contribution to Dover and to the First State can be measured in the thousands of lives they have enriched. Since arriving in Delaware in 1966, Irving and Phyllis have tirelessly demonstrated their concern for others and their commitment to the causes they hold dear.

For decades, Irving Levitt worked passionately in public service, filling a

number of important roles at the Social Security Administration in Dover and Wilmington. Later, he served on the Dover Utility Commission and was elected a city councilman. For 15 years, Irving served as the Governor's appointee to the State's Accident Referral Board, and he was also a member of the State Board of Nursing.

Phyllis brought the joy of English language and literature to hundreds of students during her 25 years as a teacher at Dover High School. In addition to her teaching and her devotion to the Dover High students, Phyllis served on numerous State education commissions and led the Delaware chapter of the National Organization of Teachers of English. She also spent several years teaching English at Wesley College and an English teacher training course at the University of Delaware. Following her retirement in 1992, Phyllis chaired the State Humanities Council, served on the Governor's Committee on the Arts, and transformed the Dover Art League from a small volunteer group into a major nonprofit that enriches lives throughout Kent County. Moreover, Phyllis chaired the Delaware chapter of the American Civil Liberties Union and, during her retirement, continued to advocate for causes of justice on the street corners of our State capital. Irv and Phyllis together regularly participated in marches, protests, and campaigns to improve conditions for the poor, for migrant workers, and for all who suffered injustice. They became fierce advocates for human rights.

As members of Congregation Beth Sholom, both served in leadership roles, with Phyllis presiding over the Sisterhood and Irving leading the Brotherhood and later presiding over the synagogue. Their involvement included roles with Hadassah, Israel Bonds, and the Jewish Community Relations Council in Dover. Jewish life continues to flourish in our State in part because of their devotion to the Delaware Jewish community and their involvement with interfaith and multicultural outreach programs.

Together, Irving and Phyllis Levitt exemplify that ancient commandment found in Deuteronomy: "Justice, justice you shall pursue." I am proud to be their friend, and I join in congratulating them on the occasion of a dinner in their honor on April 3. May they continue to serve as a beacon of justice in our community and an example for young people throughout our State.●

REMEMBERING ALFRED SCHWAN

• Ms. KLOBUCHAR. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built

The Schwan Food Company to what it is today—a successful, frozen-food company with thousands of employees and millions of customers

Alfred was known as an adventurous and outgoing person who had a quick smile, relentless energy and a can-do attitude.

Alfred started in the frozen food business early. Born in 1925 to Paul and Alma Schwan, as a young man he helped his father at the Marshall Ice Cream Company make popsicles and ice cream bars.

But Alfred did not go straight into the family business. He left to fulfill a dream and serve his country as a pilot and joined the U.S. Naval Aviation Corps. Alfred flew torpedo bombers and taught anti-submarine warfare.

He met his wife Doris during a blind date at a USO Club. They married in 1946, the same year Alfred was awarded Navy Wings of Gold. A year later they had their first of five sons.

Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember fondly seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades while also overseeing plants in Kentucky and Texas and in my home State of Minnesota.

He used his flying skills to crisscross the Nation on behalf of Schwan—becoming the company's first aviation department.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and ever optimistic leader received includes being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year and induction into the Frozen Food Hall of Fame as well as receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

It is appropriate to honor Alfred's passing as March is National Frozen Food Month. He gave his energy passionately to this important industry.

With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans in the manufacturing sector alone, generating a payroll of approximately \$3 billion.

My home State of Minnesota is home to Schwan's headquarters and over 7,500 jobs in frozen food. Alfred was such an important leader and citizen of Minnesota when he retired Marshall, Minnesota declared January 29, "Alfred Schwan Day."

During Frozen Food Month, it is important to take a moment to remember all-American entrepreneurs and inventors like Alfred Schwan and Clarence Birdseye—an American inventor—who ushered in a food revolution in 1930 when his line of frozen foods first hit grocery stores. Few other food choices provide consumers with the benefits and flexibility offered by frozen foods.

I imagine Alfred and Clarence had a lot in common.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms and school cafeterias. They provide an important source of healthy, affordable and convenient food choices that will continue to help feed our Nation and the world.

It is appropriate that we take a moment to recognize the passing of a great innovator and pioneer this Frozen Food Month.●

REMEMBERING BRIGADIER GENERAL HENRY A. SMITH, JR.

● Mr. THUNE. Mr. President, today I wish to recognize the recently deceased Brigadier General (Ret.) Henry A. Smith, Jr., a WWII veteran, for all of his service during and after WWII to South Dakota and the United States.

General Smith served both in the European Theater and in the Far East Command. He was promoted to lieutenant colonel and was honored with the Bronze Star with one Oak Leaf Cluster. After the war, General Smith continued to serve his country in the South Dakota National Guard. He served as executive officer of the 196th Regimental Combat Team and was ordered to active duty in 1950, spending time in both Colorado and Alaska. When his unit returned, General Smith became commander of the 196th Regimental Combat Team, SDNG. He was appointed assistant adjutant general, SDNG in 1964. General Smith was transferred to the Retired Reserves in 1970, and continued serving his country in that capacity for the remainder of his life.

I would like to express my sincere appreciation of General Smith's service to both South Dakota and the United States and to extend my condolences to his family.●

150TH ANNIVERSARY OF AUGUSTANA COLLEGE

● Mr. THUNE. Mr. President, today I recognize Augustana College of Sioux Falls, SD. Founded in 1861, Augustana celebrates its 150th anniversary this year.

Augustana College is located in Minnehaha County and upholds Christian values that inspire excellence in students and service in the community. This institution is a profound example

of quality higher education in South Dakota. After moving to several different locations, Augustana found permanent residence in Sioux Falls, SD, in 1918. Augustana College has much to be proud of, and I am confident that Augustana's success will continue well into the future.

Success is fostered from Augustana's core values of Christianity, integrity, community, and service. These values are intertwined into a liberal arts education and prepare students for the challenges and triumphs they will face after graduation.

Augustana will commemorate the sesquicentennial of its founding with celebrations on April 16, featuring historic galleries, speakers, and entertainment. I would like to offer my congratulations to the students, parents, faculty, and alumni of this institution on this milestone anniversary and wish them continued prosperity in the years to come.●

REMEMBERING ALFRED SCHWAN

● Mr. MORAN. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built The Schwan Food Company to what it is today a multibillion-dollar, frozen-food company with thousands of employees and millions of customers.

Alfred was known as an adventurous and outgoing person who had a quick smile, relentless energy, and a can-do attitude.

Alfred started in the frozen food business early. Born in 1925 to Paul and Alma Schwan, as a young man he helped his father at the Marshall Ice Cream Company make popsicles and ice cream bars.

But Alfred did not go straight into the family business. He left to fulfill a dream and serve his country as a pilot and joined the U.S. Naval Aviation Corps. Alfred flew torpedo bombers and taught antisubmarine warfare.

He met his wife Doris during a blind date at a USO Club. They married in 1946, the same year Alfred was awarded Navy Wings of Gold. A year later they had their first of five sons.

Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades. Under his leadership the plant grew

from having little more than a dozen employees to employing 1,500 Kansans with the capacity to produce more than 3 million pizzas a day. Alfred listed the growth of the Salina plant as one of his proudest achievements in business.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and optimistic leader received include being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year, induction into the Frozen Food Hall of Fame, and receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

Alfred was such an important community leader and citizen of Kansas that, when he retired, Salina, KS, declared February 6 as "Alfred Schwan Day."

As March is National Frozen Food Month, it is appropriate to honor Alfred's life and the energy and passion he gave to this important industry. He was an innovator and pioneer in the frozen food industry. With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans and generates a payroll of approximately \$3 billion.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms, and school cafeterias. These foods provide an important source of healthy, affordable, and convenient food choices that help feed our Nation and the world.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1084. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2010; to the Committee on Armed Services.

EC-1085. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Debt Collection" (RIN2590-AA15) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1086. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Demand Response Compensation in Organized Wholesale Energy Markets" ((RIN1902-AE02) (Docket No. RM10-17)) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Energy and Natural Resources.

EC-1087. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to the Zero-Net Energy Commercial Building Initiative and other government initiatives that affect commercial buildings; to the Committee on Energy and Natural Resources.

EC-1088. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "General Regulations Governing U.S. Securities. . . ." (31 CFR Parts 306, 356, 357, and 363) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Finance.

EC-1089. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the "Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy"; to the Committee on Finance.

EC-1090. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled

"Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2010"; to the Committee on Finance.

EC-1091. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Inspector General, received in the Office of the President of the Senate on March 29, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1092. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled "No FEAR Act: Fiscal Year 2010 Annual Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-1093. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements; to the Committee on Indian Affairs.

EC-1094. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the disclosure form used by Presidential campaigns to report campaign finance activity; to the Committee on Rules and Administration.

EC-1095. A communication from the Director of the Regulations Management Office of the General Counsel, Board of Veterans Appeals (01), Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Remand or Referral for Further Action; Notification of Evidence Secured by the Board and Opportunity for Response" (RIN2900-AN34) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Veterans' Affairs.

EC-1096. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Lavatory Oxygen Systems" ((RIN2120-AJ92) (Docket No. FAA-2011-0186)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1097. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal and Amendment of Class E Airspace, Oxford, CT" ((RIN2120-AA66) (Docket No. FAA-2010-0815)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1098. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders" ((RIN2120-AJ81) (Docket No. FAA-2010-0812; Amdt. No. I-66)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1099. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to and Revocation of Reporting Points; Hawaii" ((RIN2120-AA66) (Docket No. FAA-2011-0018)) received in the Office of the President of the Senate

on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1100. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2006-24145)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1101. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. 3414" (RIN2120-AA65) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1102. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways V-82, V-175, V-191, and V-430 in the Vicinity of Bemidji, MN" ((RIN2120-AA66) (Docket No. FAA-2010-0241)) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1103. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Periodic Update, Various Categories" (RIN2135-AA29) received in the Office of the President of the Senate on March 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-1104. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Debt Collection" (RIN0605-AA24) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1105. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indaziflam; Pesticide Tolerances" (FRL No. 8864-3) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1106. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mancozeb; Pesticide Tolerances" (FRL No. 8864-1) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1107. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Ferric Ethylenediaminetetraacetate; Exemption from the Requirement of a Tolerance" (FRL No. 8867-7) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1108. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to

a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 10-01; to the Committee on Appropriations.

EC-1109. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Rome; Determination of Attaining Data for the 1997 Annual Fine Particulate" (FRL No. 9288-8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC-1110. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Nevada; Determination of Attainment for the Clark County 8-Hour Ozone Nonattainment Area" (FRL No. 9286-8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC-1111. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of California; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards from Dry Cleaning Facilities" (FRL No. 9283-6) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC-1112. A communication from the Chief, Branch of Aquatic Invasive Species, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species; Listing the Bighead Carp (*Hypophthalmichthys nobilis*) as Injurious Fish" (RIN1018-AT49) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC-1113. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2011" (Rev. Rul. 2011-10) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1114. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Carbon Dioxide Sequestration; Modification of Notice 2009-83" (Rev. Rul. 2011-25) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1115. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office First Quarter Fiscal Year 2011 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-1116. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies" ((WT Docket No. 10-62) (FCC

11-22)) received during adjournment of the Senate in the Office of the President of the Senate on March 25; to the Committee on Commerce, Science, and Transportation.

EC-1117. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Supplemental Regulatory Flexibility Determination" ((RIN2120-AH14) (Docket No. FAA-2002-11301)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1118. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Prohibited Area P-56; District of Columbia" ((RIN2120-AA66) (Docket No. FAA-2010-0077)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1119. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airway V-358; TX" ((RIN2120-AA66) (Docket No. FAA-2011-0024)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1120. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment Of VOR Federal Airways V-1, V-7, V-11, and V-20; Kona, Hawaii" ((RIN2120-AA66) (Docket No. FAA-2011-0009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1121. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation (RNAV) Routes; Western United States" ((RIN2120-AA66) (Docket No. FAA-2010-1180)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1122. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation (RNAV) Routes; Western United States" ((RIN2120-AA66) (Docket No. FAA-2010-1179)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1123. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Special Use Airspace Restricted Areas R-2203, and R-2205; Alaska" ((RIN2120-AA66) (Docket No. FAA-2011-005)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1124. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Moratorium on New Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft" ((RIN2120-AA66) (14 CFR Parts 91 and 119)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1125. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within The Tripoli (HLLL) Flight Information Region (FIR)" ((RIN2120-AJ93) (Docket No. FAA-2011-0246)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1126. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clarification of Reciprocal Waivers of Claims for Multiple-Customer Commercial Space Launch and Reentry" ((RIN2120-AJ85) (Docket No. FAA-2010-1150)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1127. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. No. 3415" ((RIN2120-AA65) (Docket No. 30771)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1128. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (90); Amdt. No. 3416" ((RIN2120-AA65) (Docket No. 30772)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1129. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (97); Amdt. No. 3417" ((RIN2120-AA65) (Docket No. 30773)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1130. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Colebrook, NH" ((RIN2120-AA66) (Docket No. FAA-2010-1008)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1131. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wolfeboro, NH" ((RIN2120-AA66) (Docket No. FAA-2010-1007)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1132. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lancaster, NH" ((RIN2120-AA66) (Docket No. FAA-2010-1009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1133. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Newport, VT" ((RIN2120-AA66) (Docket No. FAA-2010-0938)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1134. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; La Porte, IN" ((RIN2120-AA66) (Docket No. FAA-2010-1030)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1135. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Charleston, WV" ((RIN2120-AA66) (Docket No. FAA-2010-1010)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1136. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Henderson, KY" ((RIN2120-AA66) (Docket No. FAA-2010-0937)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1137. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bryce Canyon, UT" ((RIN2120-AA66) (Docket No. FAA-2010-0961)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration:

Special Report entitled "Report of the Committee on Rules and Administration, United States Senate, during the 111th Congress" (Rept. No. 112-8).

By Mr. SCHUMER, from the Committee on Rules and Administration:

Report to accompany S. Res. 81, An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013 (Rept. No. 112-9).

By Mr. KERRY, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations, United States Senate, One Hundred Eleventh Congress" (Rept. No. 112-10).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 111th Congress" (Rept. No. 112-11).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 216. A bill to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 222. A bill to limit investor and homeowner losses in foreclosures, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey.

Roy Bale Dalton, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MCCAIN (for himself and Mr. HATCH):

S. 693. A bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of South Dakota (for himself and Mr. UDALL of New Mexico):

S. 694. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER:

S. 696. A bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for bene-

ficiary travel to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY (for himself, Mrs. BOXER, and Ms. LANDRIEU):

S. 697. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Finance.

By Mr. WARNER:

S. 698. A bill to amend title 38, United States Code, to codify the prohibition against the reservation of gravesites at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. MORAN, Ms. STABENOW, and Mr. ROBERTS):

S. 700. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. COCHRAN):

S. 701. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 702. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ENZI, Mr. CARDIN, Ms. LANDRIEU, Mr. LUGAR, Mr. MENENDEZ, and Mr. ROBERTS):

S. 705. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr.

CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. WICKER, Mr. HOEVEN, and Mr. RUBIO):

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; read the first time.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN of Ohio (for himself, Ms. STABENOW, and Mr. CASEY):

S. 708. A bill to renew and extend the provisions relating to identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 709. A bill to enhance the security of chemical facilities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 711. A bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to reduce or eliminate the risk of releases of hazardous chemicals from public water systems and wastewater treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, and Mr. VITTER):

S. 712. A bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 713. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEE, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. TOOMEY, Ms. SNOWE, Mr. RISCH, Mr. RUBIO, Mr. DEMINT, Mr. PAUL, Mr. VITTER, Mr. ENZI, Mr. KIRK, Mr. THUNE, Mr. ALEXANDER, Mr. INHOFE, Mr. CRAPO, Mr. BURR, Mr. BARRASSO, Mr. COBURN, Mr. MORAN, Mr. LUGAR, Mrs. HUTCHISON, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. GRASSLEY, Mr. SHELBY, Mr. SESSIONS, Mr. MCCAIN, Mr. BOOZMAN, Mr. ROBERTS, Ms. COLLINS, Mr.

HOEVEN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. ENSIGN, Mr. JOHANNIS, Ms. MURKOWSKI, Mr. PORTMAN, and Mr. WICKER):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL):

S. Res. 119. A resolution recognizing past, present, and future public health and economic benefits of cleaner air due to the successful implementation of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 120. A resolution recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington; considered and agreed to.

By Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER):

S. Res. 121. A resolution designating April 2011 as "Financial Literacy Month"; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 122. A resolution honoring the life and legacy of Elizabeth Taylor; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 123. A resolution commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as "Celebrating ACHIEVA's 60th Anniversary Week"; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA):

S. Res. 124. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH):

S. Res. 125. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico):

S. Res. 126. A resolution supporting the mission of UNESCO's World Heritage Convention and celebrating the 2011 International Day for Monuments and Sites; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 311

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 393

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 410

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 410, a bill to provide for media coverage of Federal court proceedings.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to

clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 474

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 494

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 494, a bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 527

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 527, a bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 604

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of

1986 to extend and modify the railroad track maintenance credit.

S. 676

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 680

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 211

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of

amendment No. 211 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I come to the floor today to introduce legislation with Senator ALEXANDER of Tennessee that I believe will have a dramatic impact on the safety of our Nation's highways and interstates, called the Commercial Driver Compliance Improvement Act. This bill will require the Department of Transportation's Federal Motor Carrier Safety Administration FMCSA, to implement regulations requiring the use of electronic on-board recording devices, EOBRs, for motor carriers in order to improve compliance with Hours-of-Service, HOS, regulations. Requiring the use of these technologies in motor carriers will not only improve compliance with HOS regulations, but it will also reduce the number of fatigued commercial motor vehicle drivers on the road. This will have a profound impact on highway safety and reduce accidents and fatalities on our highways and interstates.

Hours-of-Service regulations place limits on when and how long commercial motor vehicle drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to drive safely. In developing HOS rules, the FMCSA reviewed existing fatigue research and worked with nongovernmental organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety. HOS regulations are designed to continue the downward trend in truck driving fatalities and maintain motor carrier operational efficiencies.

Unfortunately, compliance with HOS regulations is often spotty due to inaccurate reporting by drivers as they are only required to fill out a paper log, a tracking method that dates back to the 1930s. Inaccurate reporting may result from an honest mistake or an intentional error by a driver seeking to extend his work day. These inaccuracies can lead to too much time on the road, leaving the driver fatigued and placing other drivers at risk. After listening to the many interest groups and experts on this issue in meetings and Commerce, Science and Transportation Committee hearings, I have come to learn that there is an available and affordable twenty-first-century technology that can ensure accurate logs,

enhance compliance, and reduce the number of fatigued drivers on the road. They are being used today, and they are producing results. I believe that widespread utilization of these devices as soon as possible will significantly reduce further loss of life resulting from driver fatigue.

Our legislation will require motor carriers to install in their trucks an electronic device that performs multiple tasks to ensure compliance with HOS regulations. These devices must be engaged to the truck engine control module and capable of identifying the driver operating the truck, recording a driver's duty status, and monitoring the location and movement of the vehicle. Requiring electronic log books that are integrally connected to the vehicle engine as this bill requires will dramatically increase the accuracy of information submitted for hours of service compliance. Our bill will also require these recording devices to be tamper resistant and fully accessible by law enforcement personnel and Federal safety regulators only for purposes of enforcement and compliance reviews.

While I understand that some drivers may be reluctant to transition to electronic logging devices, I strongly believe that the safety benefits of the use of these devices far outweigh the costs. I don't want to see more lives lost due to driver fatigue resulting from log book manipulation. I also believe that with the rapid development of electronic technology, especially in the wireless telecommunications area, we will see strong competition among EOBR manufacturers and reduced costs for these technologies. In addition, the price of these products should go down as the demand increases through regulatory requirement to utilize this equipment.

Senator ALEXANDER and I are not alone in calling for this technology to be more widely used by commercial vehicles. There are a number of Senators, including Senator LAUTENBERG, who have long been strong proponents of implementing the use of this technology. In addition, multiple Federal agencies and nongovernmental organizations have recognized the benefits of this technology and called for its widespread use.

For example, Mr. Francis France of the Commercial Vehicle Safety Alliance stated at the April 28, 2010, Senate Committee on Commerce, Science, and Transportation hearing on Oversight of Motor Carrier Safety Efforts that,

All motor vehicles should be equipped with EOBRs to better comply with Hours of Service laws . . . CVSA has been working with a broad partnership to help provide guidance to achieve uniform performance standards for EOBRs.

Similarly, the Chairman of the National Transportation Safety Board, the Honorable Deborah Hersman, stated at the same hearing that,

For the past 30 years, the NTSB has advocated the use of onboard data recorders to increase Hours of Service compliance . . . the NTSB recommended that they be required on all commercial vehicles.

During the same hearing, Ms. Jacqueline S. Gillan, with the Advocates for Highway and Auto Safety, stated that,

We regard the mandatory, universal installation and use of EOBRs as crucial to stopping the epidemic of hours of service violations that produce fatigued, sleep-deprived commercial drivers . . . at very high risk of serious injury and fatal crashes.

I have also heard from Administrator Ferro of the FMCSA on her thoughts of how EOBRs would enhance compliance and improve highway safety. The FMCSA recently implemented a rule to require that these devices be mandated for truck drivers and trucking companies that have been found to be non-compliant with FMCSA rules. These rules will be effective in June 2012. It is my understanding that the FMCSA is looking to expand these requirements to include more motor carriers, and I support those efforts as they reflect the qualities and intent of this legislation.

Finally, in addition to the support from safety advocates and federal transportation safety officials, I have also heard from a number of Arkansas trucking companies currently utilizing this technology. These companies have experienced reductions in driver fatigue, increases in compliance, and reductions in insurance premiums. The executives of these companies, which include J.B. Hunt and Maverick U.S.A. among others, support the expanded use of these devices to increase compliance, improve highway safety, and level the playing field among the industry. I agree with their views on the importance of widespread utilization of this safety and compliance device.

The Commercial Driver Compliance Improvement Act, if enacted, will require the Department of Transportation to issue regulations within eighteen months from enactment to require commercial motor vehicles used in interstate commerce to be equipped with electronic onboard recorders for purposes of improving compliance with hours of service regulations. The regulation will apply to commercial motor carriers, commercial motor vehicles, and vehicle operators subject to both hours of service and record of duty status requirements three years after the date of enactment of this Act. This population represents a vast majority of drivers and carriers who operate trucks weighing 10,001 pounds or more involved in interstate commerce. It will cover one hundred percent of over-the-road, long-haul truck drivers.

I urge my colleagues in the Senate to recognize the importance of this technology in saving lives on our nation's highways and interstates. I also ask for their support for this legislation and

help in moving it to the President as quickly as possible. It is my hope that we move this legislation through the Senate no later than the Surface Transportation Reauthorization legislation that the Senate will take up in the near future.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am pleased to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011, along with Senators BARRASSO, ROCKEFELLER and MURKOWSKI. It is critical that we work toward reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national program through the Department of Energy to facilitate up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need to address both the issues of liability and adequate project financing for early-mover projects. The program in this bill is a strong step to building confidence for project developers demonstrating that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas power plants, cement plants, refineries and other carbon intensive industrial processes. Such an early movers program will go far also assisting project developers and regulators to better understand and characterize any risks which may be associated with long-term geologic sequestration of carbon dioxide.

In addition, this legislation maps out a clear framework for long-term assurance for geological storage sites. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly after site closure and for long-term preventative maintenance of the geologic storage facility.

Many stakeholders associate maintenance issues with liability concerns. In my view, these are two separate issues. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring, accounting, and verification of an injected carbon dioxide plume at each of the storage sites

that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase. This bill is consistent with the current efforts to provide a strong regulatory framework for safe geologic storage of carbon dioxide through the Underground Injection Control Program under the Safe Drinking Water Act.

As carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill also creates a grant program whose goal is to train personnel at State agencies which will oversee the regulatory aspects of geologic storage of carbon dioxide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 699

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011”.

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

“SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) INDUSTRIAL SOURCE.—The term ‘industrial source’ means any source of carbon dioxide that is not naturally occurring.

“(2) LARGE-SCALE.—The term ‘large-scale’ means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

“(3) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

“(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

“(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter

into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

“(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

“(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

“(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

“(B) the principal potential modes of geomechanical failure in the geological storage unit;

“(C) the ability of the geological storage unit to retain injected carbon dioxide; and

“(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

“(2) possess the land or interests in land necessary for—

“(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

“(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

“(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

“(4) agree to comply with each requirement of subsection (e).

“(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

“(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with Federal and State requirements to protect drinking water supplies;

“(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

“(3) comply with all applicable construction and operating requirements for deep injection wells;

“(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

“(A) escaping from or migrating beyond the confinement zone; or

“(B) endangering an underground source of drinking water;

“(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

“(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

“(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

“(B) complying with subsection (f);

“(6) comply with applicable long-term care requirements;

“(7) maintain financial protection in a form and in an amount acceptable to—

“(A) the Secretary;

“(B) the Secretary with jurisdiction over the land; and

“(C) the Administrator of the Environmental Protection Agency; and

“(8) provide the assurances described in section 963(c)(4)(B).

“(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has stabilized within the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

“(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed and is contained within the geologic storage unit.

“(2) The injection zone formation pressure has ceased to increase following cessation of carbon dioxide injection into the geologic storage unit.

“(3) There is no leakage of either carbon dioxide or displaced formation fluid from the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

“(4) The injected or displaced formation fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

“(5) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

“(g) INDEMNIFICATION AGREEMENTS.—

“(1) DEFINITION OF LIABILITY.—In this subsection, the term ‘liability’ means any legal liability for—

“(A) bodily injury, sickness, disease, or death;

“(B) loss of or damage to property, or loss of use of property; or

“(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

“(2) AGREEMENTS.—Not later than 1 year after the date of the receipt by the Secretary of a completed application for a demonstration project, the Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

“(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

“(4) COLLECTION OF FEES.—

“(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

“(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

“(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

“(ii) other factors pertaining to the hazard of the indemnified project.

“(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

“(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the ‘Anti-Deficiency Act’), or section 11 of title 41, United States Code (commonly known as the ‘Adequacy of Appropriations Act’).

“(B) LIMITATION.—The amount of indemnification under this subsection shall not exceed \$10,000,000,000 (adjusted not less than once during each 5-year period following the date of enactment of this section, in accordance with the aggregate percentage change in the Consumer Price Index since the previous adjustment under this subparagraph), in the aggregate, for all persons indemnified in connection with an agreement and for each project, including such legal costs as are approved by the Secretary.

“(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

“(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

“(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

“(i) shall collaborate with the recipient of an award under this subsection; and

“(ii) may—

“(I) approve the payment of any claim under the agreement of indemnification;

“(II) appear on behalf of the recipient;

“(III) take charge of an action; and

“(IV) settle or defend an action.

“(C) SETTLEMENT OF CLAIMS.—

“(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

“(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

“(h) FEDERAL LAND.—

“(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

“(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1715).

“(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

“(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

“(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

“(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).”

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITIONS.—In this section:

“(1) INDUSTRIAL SOURCE.—The term ‘industrial source’ means any source of carbon dioxide that is not naturally occurring.

“(2) LARGE-SCALE.—The term ‘large-scale’ means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.”;

(C) in subsection (b) (as so redesignated), by striking “IN GENERAL” and inserting “PROGRAM”;

(D) in subsection (c) (as so redesignated), by striking “subsection (a)” and inserting “subsection (b)”;

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking “section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))” each place it appears and inserting “section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))”.

SEC. 3. TRAINING PROGRAM FOR STATE AND TRIBAL AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State and tribal agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section \$10,000,000 for each of fiscal years 2010 through 2020.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to introduce S. 703, the Helping Expedite and Advance Responsible

Tribal Homeownership Act of 2011, otherwise known as the HEARTH Act.

For far too long, bureaucratic red tape has prevented Indian tribes from pursuing economic development and homeownership opportunities on tribal trust lands. For many years, Indian tribes have expressed concerns about the Federal laws and regulations governing surface leases of tribal trust lands.

The delays and uncertainties inherent in the Bureau of Indian Affairs’ lease approval process, as well as the restrictions on the duration of lease terms, create serious barriers to the ability of tribes to plan and carry out economic development and other land use activities on tribal lands.

The HEARTH Act would give Indian tribes the discretion to adopt their own surface leasing regulations and, once those regulations are approved by the Secretary of the Interior, the authority to enter into surface leases of tribal lands without any further approval of the Secretary. The HEARTH Act would provide our nation’s Indian tribes with new tools with which to expedite the productive and beneficial use of their lands.

In the 111th Congress, the Committee on Indian Affairs approved a very similar version of this bill but the full Senate did not act on the measure.

Before I conclude, I would like to thank Senator AKAKA, the Committee’s new Chairman, for his leadership on this issue and for agreeing to cosponsor this bill with me. I would also like to thank Senators THUNE, TIM JOHNSON, TESTER, and TOM UDALL for cosponsoring this important legislation.

In closing, I urge my colleagues to help us expand economic opportunity on tribal trust lands by moving S. 703 expeditiously.

Mr. AKAKA. Mr. President, I rise today speak as an original cosponsor of an amendment to the Long Term Leasing Act of 1955. I am pleased to be an original cosponsor on this legislation which was introduced by my colleague on the Senate Indian Affairs Committee, Mr. BARRASSO.

The Helping, Expedite and Advance Responsible Tribal Homeownership Act of 2001, also known as the HEARTH Act of 2011, amends the Long Term Leasing Act of 1955. That act allows tribes or individual Indians to lease their lands for up to 25 years for certain purposes, including economic development, housing, education, agricultural, and natural resource development. The current act requires the Secretary of the Interior to approve each individual lease. It can take up to 2 years for each lease to be approved. Often this bureaucratic delay leads to the loss of economic development and other opportunities for tribes.

Since the enactment of the Nonintercourse Act of June 30, 1834, and predecessor statutes, land transactions with

Indian tribes were prohibited unless specifically authorized by Congress. Congress enacted the act of August 9, 1955, commonly known as the Long-Term Leasing Act to overcome the prohibitions contained in the Nonintercourse Act. The Long-Term Leasing Act permitted some land transactions between Indian tribes and non-Federal parties—specifically, the leasing of Indian lands. The act required that leases of Indian lands be approved by the Secretary of the Interior and limited to terms of 25 years.

Today, each individual lease of Indian lands still requires approval by the Secretary of the Interior. The HEARTH Act of 2011, would allow each tribe to develop its own leasing regulations. Those regulations would then be submitted to the Secretary of the Interior for approval. Thereafter, the tribes would be able to approve their own leases, so long as they are consistent with their regulations.

This amendment to the Long-Term Leasing Act will have a significant impact on streamlining the leasing process for tribes. It will reduce delays in entering into economic development opportunities, providing housing and developing natural resources on Indian lands.

I thank Mr. BARRASSO for his leadership on this critical legislation. My cosponsors are well aware of the positive impact this legislation will have economic opportunities for tribes. I urge my colleagues to join me in supporting the passage of this legislation.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the U.S. Outdoor Act. In the Pacific Northwest, spending time in the great outdoors is a part of life. Our magnificent mountains, our clear rivers and streams, and our majestic forests provide for a quality of life that is, in my view, unparalleled. Unfortunately, the outerwear that enables us to enjoy these wonderful treasures is more expensive than it needs to be. This is because under current law, the United States imposes steep tariffs on outdoor performance outerwear like jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing and dozens of other outdoor activities.

These high tariffs—and let us call them what they are, taxes—were originally implemented to promote an import substitution policy. They were imposed to discourage American consumers from buying outerwear that was manufactured overseas, even if those were superior products. Today,

there is no domestic outerwear industry to really protect with these tariffs, yet consumers are still paying through the teeth for products like snow pants and rain jackets. These tariffs are hammering the pocketbooks of millions of American consumers, and they harm the businesses that are engaged in promoting enjoyment of the great outdoors.

But we can fix this in a way that helps American producers better compete globally in an environmentally sustainable manner, and relieves consumers of artificially high costs. But it is more than just reducing costs and promoting innovation.

To me, the Outdoor Act is also about encouraging our kids and members of our community to get outside, to be active, and to appreciate and protect our natural treasures. I want to associate myself with the efforts of the First Lady, Michelle Obama, who is leading an important initiative to get people—especially kids—moving and eating healthier. I see the Outdoor Act, which makes getting outside to hike, bike, or fish more affordable as complementary of the First Lady's efforts.

I am proud that this legislation enjoys support from both sides of the political aisle and especially pleased that my friend, Senator CRAPO from Idaho, is helping to lead the charge with this initiative. Furthermore, I am happy that this legislation is supported by domestic textile and apparel companies as well as the performance outerwear designers and retailers. This all makes sense given that it will spur outdoor recreation and consumption of goods to support these activities. The outdoor recreation industry accounts for \$730 billion dollars and 65 million jobs across the United States, with 73,000 jobs in Oregon. With this bill, we can potentially create even more jobs by increasing the purchasing power of consumers of outdoor goods, by saving them money on unnecessary tariffs.

The U.S. OUTDOOR Act eliminates the import duty for qualifying recreational performance outerwear, bringing duties that can be as high as 28 percent down to zero. It also establishes the Sustainable Textile and Apparel Research, STAR, fund, which invests in U.S. technologies and jobs that focus on sustainable, environmentally conscious manufacturing, helping textile and apparel companies work towards minimizing their energy and water use, reducing waste and their carbon footprint, and incorporating efficiencies that help them better compete globally. I urge my colleagues to take a look at this legislation and to work with me to move it toward becoming law.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protec-

tion for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, it might come as a surprise to some to learn that dog breeders who sell animals directly to consumers over the internet are not subject to any Federal regulation. Under the Animal Welfare Act, wholesale dog dealers have to have a Federal license and are subject to U.S. Department of Agriculture inspection. Wholesale dog dealers typically sell their puppies to retail pet stores. But the law exempts any "retail pet store" from the same licensing and inspection requirements, because there was a day when you bought a dog either from a licensed breeder or from a store, who bought their dogs from a licensed breeder.

While it is not defined in statute, the exemption for retail pet stores has been interpreted to mean any outlet that sells dogs directly to the public. With the advent of the internet, many people buy puppies and dogs from breeders that are not licensed. There are plenty of responsible breeders across the country who care about and take great pains to properly look after the dogs in their care. But this statutory loophole leaves the door wide open for unscrupulous and negligent commercial dog breeders.

Today, I am reintroducing the Puppy Uniform Protection and Safety, or PUPS, Act with my colleague Senator VITTER. The PUPS Act would require breeders who sell more than 50 dogs a year directly to the public to obtain a license from the USDA.

This licensing process is simple and inexpensive, but it allows for better oversight of the facilities that keep dogs to ensure that they are complying with minimum Federal standards.

The media regularly reports stories about dogs rescued from substandard facilities—where dogs are housed in stacked wire cages and seriously ill and injured dogs are routinely denied access to veterinary care. This inhumane treatment has a direct bearing on the physical and mental health of the dogs. I have heard from veterinarians in Illinois, who share heart-breaking tales of families who welcomed new puppies into their homes, only to learn later that the animals had serious health or behavioral problems. In some cases, these puppies could be treated, but often at great expense to their owners.

My bill would also require that dogs and puppies housed at all licensed breeding facilities have space to run around, something we all know dogs love to do, on a surface that is solid, or at the very least non-wire.

It is my hope that extending and improving oversight of this industry through the PUPS Act will help protect the welfare of puppies and dogs in Illinois and across the country. Americans should feel confident about the health and well-being of the dog that they welcome into their family.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr. THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The federal waste law requires the tracking of hazardous waste from "cradle to grave." This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modern world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has seven or eight copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over \$100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will "bid" to set up the system at their cost and risk. They will be paid back on a per manifest basis by

the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, JEFFORDS, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

In September of 2008, an equally similar bill introduced by Senator THUNE was reported favorably out of the Senate Environment and Public Works Committee and passed the Senate. Unfortunately, the House did not take up the measure.

This is legislation that is overdue. I ask members to join us in supporting this legislation which has garnered the backing of industry, states, and environmental groups. It is time for the waste manifest system to move into the 21st century.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 119—RECOGNIZING PAST, PRESENT, AND FUTURE PUBLIC HEALTH AND ECONOMIC BENEFITS OF CLEANER AIR DUE TO THE SUCCESSFUL IMPLEMENTATION OF THE CLEAN AIR ACT

Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 119

Whereas for more than 40 years since passing with strong bipartisan support, the Clean Air Act (42 U.S.C. 7401 et seq.) has saved lives and protected public health in the United States while creating jobs and enhancing national security;

Whereas the Clean Air Act has saved hundreds of thousands of American lives since 1970;

Whereas the Clean Air Act has helped industry in the United States lead the way in creating jobs in pollution reduction technology, creating more than 1,000,000 jobs in the United States and a multibillion-dollar market for pollution reduction technology and leading to tens of billions of dollars in

exports each year to other nations looking to improve their own air quality, according to the Institute of Clean Air Companies and The Small Business Majority;

Whereas the Clean Air Act is estimated to provide up to \$40 of health and economic benefits to Americans for every dollar invested;

Whereas the Clean Air Act is credited with reducing air pollution from lead, carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and ozone by 41 percent over the 20 years prior to the date of approval of this resolution, while over the same period, gross domestic product grew by 64 percent;

Whereas the Clean Air Act has protected children by reducing lead pollution in the air by 92 percent since 1980, significantly reducing the number of children with brain damage resulting from lead poisoning;

Whereas the protections offered by the Clean Air Act are credited with saving families in the United States each year from 54,000 cases of chronic bronchitis, 130,000 cases of acute bronchitis, 130,000 heart attacks, 1,700,000 cases of asthma exacerbation, 86,000 emergency room visits, 3,200,000 lost school days for children, and 13,000,000 lost work days;

Whereas the Clean Air Act Amendments of 1990 (Public Law 101-549; 104 Stat. 2399), which also passed with strong bipartisan support, saves more than 160,000 American lives every year, has reduced power plant sulfur dioxide pollution by 64 percent and nitrogen oxides pollution by 67 percent, and has decreased acid rain deposits by 40 percent, all for a total investment of 82 percent less than originally estimated by the Federal Government;

Whereas the Clean Air Act Amendments of 1990 led to a phase-out by 1996 of the most harmful ozone layer-depleting products, for a total investment of 30 percent less than originally projected by the Federal Government, saving millions of Americans from skin cancer;

Whereas the Clean Air Act vehicle standards for cars, light trucks, and heavy duty trucks help—

(1) to save drivers money at the gas pump by spurring fuel efficiency innovation, at an estimated savings to drivers of \$2,800 over the life of a vehicle; and

(2) to create hundreds of thousands of new jobs while enhancing national security by saving an estimated 2,300,000,000 barrels of oil over the life of those vehicles;

Whereas there remains a need to reduce harmful pollutants under the Clean Air Act, including soot- and smog-forming pollutants, mercury, lead, arsenic, carbon monoxide, and carbon dioxide, to avoid negative health impacts on families and children that include brain damage and developmental problems for unborn children and infants, heart attacks and strokes, aggravated asthma attacks, lung damage, and early deaths;

Whereas according to the American Lung Association 1 in every 10 Americans lives in an area with unhealthy year-round levels of fine particle pollution, and 6 in every 10 Americans live in an area with unhealthy levels of 1 or more air pollutants; and

Whereas many of the leading medical professional and public health organizations of the United States, including the American Academy of Pediatrics, the American Association of Cardiovascular and Pulmonary Rehabilitation, the American College of Preventative Medicine, the American Heart Association, the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and

Allergy Foundation of America, the National Association of County and City Health Officials, the National Physicians Alliance, the Trust for America's Health, and the Children's Environmental Health Network, have stated that continued successful implementation of the Clean Air Act is "quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the health, economic, and national security benefits of the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) believes that the people of the United States deserve the cleanest air and healthiest lives possible;

(3) recognizes that the Clean Air Act programs have a record of providing clear short- and long-term health and economic benefits that significantly exceed the initial investments made in pollution reduction technology; and

(4) supports the protection of children and families from harmful pollution through continued implementation of the Clean Air Act.

SENATE RESOLUTION 120—RECOGNIZING THE 1 YEAR ANNIVERSARY OF THE APRIL 2, 2010, FIRE AND EXPLOSION AT THE TESORO REFINERY IN ANACORTES, WASHINGTON

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dangerous nature of refinery operations around the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

SENATE RESOLUTION 121—DESIGNATING APRIL 2011 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were "very confident" about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were "very confident" in 2007;

Whereas according to a 2010 "Flow of Funds" report by the Board of Governors of the Federal Reserve System, household debt stood at \$13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high

school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 122—HONORING THE LIFE AND LEGACY OF ELIZABETH TAYLOR

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in "Butterfield 8" and "Who's Afraid of Virginia Woolf?"; and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including "A Place in the Sun", "Raintree Country", "Giant", and "Cat On A Hot Tin Roof", have become classic films appreciated by generations of movie watchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, "It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.";

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as "amfAR");

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

SENATE RESOLUTION 123—COM-
MENDING ACHIEVA ON ITS 60TH
ANNIVERSARY OF PROVIDING
STRONG ADVOCACY FOR AND IN-
NOVATIVE SERVICES TO CHIL-
DREN AND ADULTS WITH DIS-
ABILITIES AND THE FAMILIES
OF THOSE CHILDREN AND
ADULTS IN THE STATE OF
PENNSYLVANIA AND DESIG-
NATING THE WEEK OF MARCH 26
THROUGH APRIL 2, 2011, AS
"CELEBRATING ACHIEVA'S 60TH
ANNIVERSARY WEEK"

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

Resolved, That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as "Celebrating ACHIEVA's 60th Anniversary Week".

SENATE RESOLUTION 124—HON-
ORING THE ACCOMPLISHMENTS
AND LEGACY OF CÉSAR
ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. REID of Nevada, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 124

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farmworkers laboring in fields and vineyards throughout the Southwest, when a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an 8th grade education, left school to work full-time as a farmworker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farmworkers to campaign for safe and fair working conditions, reasonable wages, livable housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization—

(1) to coordinate voter registration drives; and

(2) to conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farmworkers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farmworkers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to non-violence, César Estrada Chávez—

(1) brought dignity and respect to the organized farmworkers; and

(2) became an inspiration and a resource to individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working—

- (1) to better human rights;
- (2) to empower workers; and
- (3) to advance the American Dream that includes all inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas since the death of César Estrada Chávez, 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31 of each year;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas President Barack Obama honored the life of service of César Estrada Chávez by proclaiming March 31, 2010, to be “César Chávez Day”; and

Whereas the United States should continue efforts to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

- (1) recognizes the accomplishments and example of a great hero of the United States, César Estrada Chávez;
- (2) pledges to promote the legacy of César Estrada Chávez; and
- (3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, in the English translation, “Yes, we can.”

SENATE RESOLUTION 125—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC HEALTH WEEK

Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 125

Whereas the week of April 4, 2011, through April 10, 2011, is National Public Health Week, and the theme for 2011 is “Safety is No Accident: Live Injury-Free”;

Whereas since 1995, public health organizations have used National Public Health Week to educate the public, policymakers, and public health professionals about issues that are important to improving the health of the people of the United States;

Whereas each year, nearly 150,000 people die from injuries and almost 30,000,000 people are injured seriously enough to require a visit to an emergency room;

Whereas unintentional injuries, such as motor vehicle crashes, poisonings, and burns,

rank among the top 10 causes of death for people ages 1 through 44;

Whereas the financial costs of injuries are staggering, accounting for 12 percent of annual medical care spending and totaling as much as \$69,000,000,000 per year;

Whereas injuries, unexpected events, and violence affect people at home, at work, and at play, in their communities and on the move; and

Whereas many injuries and associated costs can be prevented by taking actions such as wearing a seatbelt, properly installing smoke alarms, properly installing and using child safety seats, wearing a helmet, storing cleaning supplies and guns in locked cabinets, and educating the community about violence and abuse toward children, women, seniors, and other at-risk populations: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Public Health Week;

(2) recognizes the efforts of public health professionals, the Federal Government, States, municipalities, local communities, and every person in the United States in reducing injuries and promoting safety;

(3) recognizes the role of public health in promoting safety, preventing injury, and improving the health of people in the United States;

(4) encourages increased efforts and resources to improve the health of people in the United States through—

(A) the promotion of safety and reduction of injuries; and

(B) the strengthening of the public health system of the United States; and

(5) encourages the people of the United States to learn about the role of public health in improving health in the United States.

SENATE RESOLUTION 126—SUPPORTING THE MISSION OF UNESCO’S WORLD HERITAGE CONVENTION AND CELEBRATING THE 2011 INTERNATIONAL DAY FOR MONUMENTS AND SITES

Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the United States was the primary architect of the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (commonly known as the “World Heritage Convention”), and the following year became the first of the now 187 countries to ratify the convention;

Whereas the World Heritage Convention is the most widely accepted and effective conservation mechanism for the world’s most significant natural and cultural sites, and the only international convention focused on both nature and culture;

Whereas the World Heritage Convention exemplifies the United Nations Educational, Scientific and Cultural Organization’s (UNESCO) goals of promoting peace through cultural dialogue;

Whereas the ideals set forth in the Convention reflect the commitment of the United States to conserving its national parks and other forms of natural and cultural heritage;

Whereas the United States has served four terms on the World Heritage Committee, most recently from 2005 through 2009;

Whereas the World Heritage List currently contains 911 cultural and natural sites, 21 of which are located within the United States, including Florida’s Everglades National Park, whose Ten Thousand Islands area composes part of the largest stand of protected mangrove forest in the Western hemisphere; Wrangell-St. Elias and Glacier Bay National Parks in Alaska, which contain some of the world’s longest glaciers; California’s Redwood National and State Parks, home to some of the tallest and oldest trees in the world; Grand Canyon National Park in Arizona, which retraces geological history over 2,000,000 years and represents the four major geologic eras; Independence Hall in Pennsylvania, where both the Declaration of Independence and the United States Constitution were signed; and Taos Pueblo, in New Mexico, one of the oldest continuously inhabited communities in the United States, and the only living American community designated both a World Heritage Site and a National Historical Landmark;

Whereas, in 2010, for the first time in 15 years, the World Heritage Committee inscribed a site in the United States, Papahānaumokuākea Marine National Monument, onto the World Heritage List, a site that is a natural and cultural treasure for Hawaiians and is rich in marine biodiversity and pristine natural beauty;

Whereas UNESCO and its World Heritage Centre play a vital role in the safeguarding of monuments and sites in times of crisis, war, or natural disaster;

Whereas, in an age of increasing conflict and volatility, the World Heritage Convention is more important than ever in ensuring the protection of priceless historical treasures;

Whereas the recent upheaval in Egypt, which threatened artifacts from the antiquities museum in Cairo, and mounting concerns about the destruction of the Roman ruins of Leptis Magna and other ancient sites in Libya serve as reminders of the crucial role UNESCO plays in promoting protection and conservation;

Whereas, through its List of World Heritage in Danger, UNESCO seeks to work with national governments to preserve natural and cultural sites under duress, by raising international awareness and providing local authorities with the support they need;

Whereas, in Afghanistan, UNESCO’s safeguarding campaign is premised on the belief that a shared cultural heritage can strengthen national identity and create a common sense of ownership over the country’s past and future;

Whereas the United States Government provides considerable assistance to World Heritage sites around the globe through programs such as the National Park Service’s World Heritage Fellowship, which provides site managers from developing countries with training at World Heritage sites in the United States, including Everglades, Grand Canyon, Hawaii Volcanoes, and Olympic National Parks;

Whereas the World Heritage Centre has formed innovative partnerships with several private organizations in the United States, including new interactive tools that allow users to virtually tour UNESCO World Heritage sites from their computers;

Whereas April 18th has been endorsed by the UNESCO General Conference as the International Day for Monuments and Sites, also known as World Heritage Day; and

Whereas the 39th anniversary of the day in 2011 reflects a long-standing commitment to the celebration and preservation of natural

and cultural sites around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission of UNESCO's World Heritage Convention;

(2) acknowledges the 39th anniversary of the International Day for Monuments and Sites; and

(3) commends UNESCO and its role in preserving and celebrating natural and cultural sites worldwide.

AMENDMENTS SUBMITTED AND PROPOSED

SA 278. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 278. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 23, add the following:

SEC. 209. INITIATIVE TO PUBLICIZE THE SBIR PROGRAMS AND STTR PROGRAMS TO VETERANS.

(a) INITIATIVE.—The Administrator, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to use programs of the Administration in effect on the date of enactment of this Act—

(1) to publicize the SBIR programs and STTR programs of the Federal agencies to veterans recently separated from service in the Armed Forces; and

(2) to encourage veterans with applicable technical skills to apply for awards under the SBIR programs and STTR programs of the Federal agencies.

(b) LIMITATION.—Neither the Administrator nor the Secretary of Veterans Affairs may hire additional employees or enter into additional contracts for services to carry out this section.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROHIBITION ON USING FEDERAL ASSISTANCE TO REPAY TARP FUNDS.

Notwithstanding any other provision of law, no person may repay or refinance amounts received under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) using funds received in any form under any other Federal assistance program.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes, which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

“(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—
“(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

“(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.”; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

“(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

“(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike “the waste,” and all that follows through “2011” on line 10 and insert “waste, fraud, and abuse prevention activities”.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

“(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than \$50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.”.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program;

(D) a requirement that each applicant for funding under the SBIR program or STTR program shall certify that the applicant—

(i) is a small business concern; and
(ii) has disclosed the names of any other Federal agency to which the applicant has submitted an essentially equivalent work proposal, as defined under the SBIR Policy Directive and the STTR Policy Directive;

(E) a requirement that each small business concern that receives funding under the SBIR program or the STTR program, when requesting payment for work performed under an award under the program, shall certify that the small business concern—

(i) has performed all work for which the small business concern is requesting payment in accordance with the terms and conditions of the award; and

(ii) has not received payment from another Federal agency for the same work; and

(F) a requirement that, for each certification under subparagraph (D) or (E), an individual who may bind the small business concern acknowledge that—

(i) the statements in the certification are true and complete to the best of the knowledge of the individual; and

(ii) the provision of false information or concealing a material fact is a criminal offense under section 1001 of title 18, United States Code.

(3) CONSULTATION.—The Administrator shall develop the certifications required under subparagraph (D) and (E) of paragraph (2) in cooperation with the Council of Inspectors General on Integrity and Efficiency.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e) Each Inspector General of each establishment that is required to participate in the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

“(1) establishing fraud detection indicators;

“(2) reviewing regulations and operating procedures of the Federal agencies;

“(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

“(4) improving the education and training of, and outreach to—

“(A) administrators of the SBIR program and the STTR program of each Federal agency;

“(B) applicants to the SBIR program or the STTR program; and

“(C) recipients of awards under the SBIR program or the STTR program.”.

On page 102, beginning on line 7, strike “, and every 3 years thereafter,” and insert “to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies.”.

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after “STTR program” insert the following: “, at least 1 Inspector

General of a Federal agency with an SBIR program or an STTR program.”.

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____ . ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) **PROHIBITION.**—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than \$1,000,000.

(b) **COMPLIANCE.**—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual’s adjusted gross income was not equal to or greater than \$1,000,000 in the preceding year.

(c) **AUDITS.**—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) **STATUS OF APPLICANTS.**—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual’s eligibility under this Act.

(e) **EFFECTIVE DATE.**—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SA 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. AGENCY GOOD GUIDANCE PRACTICES.

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term “agency” has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term “economically significant guidance document” means a significant guidance document that may reasonably be anticipated to lead to an annual effect on the economy of \$ 100,000,000 or more or adversely affect in a material way the economy or a sector of the economy, except that economically significant guidance documents do not include guidance documents on Federal expenditures and receipts;

(4) the term “disseminated”—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), section 552a of title 5, United States Code, (commonly referred to as the “Privacy Act”), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(5) the term “guidance document” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(6) the term “regulation” means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(7) the term “regulatory action” means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

(8) the term “significant guidance document”—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of \$ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such

as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator.

(b) **AGENCY GOOD GUIDANCE PRACTICES.**—

(1) **AGENCY STANDARDS FOR SIGNIFICANT GUIDANCE DOCUMENTS.**—

(A) **APPROVAL PROCEDURES.**—

(i) **IN GENERAL.**—Each agency shall develop or have written procedures for the approval of significant guidance documents, which shall ensure that the issuance of significant guidance documents is approved by appropriate senior agency officials.

(ii) **REQUIREMENT.**—Employees of an agency may not depart from significant guidance documents without appropriate justification and supervisory concurrence.

(B) **STANDARD ELEMENTS.**—Each significant guidance document—

(i) shall—

(I) include the term “guidance” or its functional equivalent;

(II) identify the agency or office issuing the document;

(III) identify the activity to which and the persons to whom the significant guidance document applies;

(IV) include the date of issuance;

(V) note if the significant guidance document is a revision to a previously issued guidance document and, if so, identify the document that the significant guidance document replaces;

(VI) provide the title of the document and a document identification number; and

(VII) include the citation to the statutory provision or regulation (in Code of Federal Regulations format) which the significant guidance document applies to or interprets; and

(ii) shall not include mandatory terms such as “shall”, “must”, “required”, or “requirement” unless—

(I) the agency is using those terms to describe a statutory or regulatory requirement; or

(II) the terminology is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected private parties.

(2) **PUBLIC ACCESS AND FEEDBACK FOR SIGNIFICANT GUIDANCE DOCUMENTS.**—

(A) **INTERNET ACCESS.**—

(i) **IN GENERAL.**—Each agency shall—

(I) maintain on the website for the agency, or as a link on the website of the agency to the electronic list posted on a website of a component of the agency a list of the significant guidance documents in effect of the

agency, including a link to the text of each significant guidance document that is in effect; and

(II) not later than 30 days after the date on which a significant guidance document is issued, update the list described in clause (i).

(ii) LIST REQUIREMENTS.—The list described in subparagraph (A)(i) shall—

(I) include the name of each—

(aa) significant guidance document;

(bb) document identification number; and

(cc) issuance and revision dates; and

(II) identify significant guidance documents that have been added, revised, or withdrawn in the preceding year.

(B) PUBLIC FEEDBACK.—

(i) IN GENERAL.—Each agency shall establish and clearly advertise on the website for the agency a means for the public to electronically submit—

(I) comments on significant guidance documents; and

(II) a request for issuance, reconsideration, modification, or rescission of significant guidance documents.

(ii) AGENCY RESPONSE.—Any comments or requests submitted under subparagraph (A)—

(I) are for the benefit of the agency; and

(II) shall not require a formal response from the agency.

(iii) OFFICE FOR PUBLIC COMMENTS.—

(I) IN GENERAL.—Each agency shall designate an office to receive and address complaints from the public relating to—

(aa) the failure of the agency to follow the procedures described in this section; or

(bb) the improper treatment of a significant guidance document as a binding requirement.

(II) WEBSITE.—The agency shall provide, on the website of the agency, the name and contact information for the office designated under clause (i).

(3) NOTICE AND PUBLIC COMMENT FOR ECONOMICALLY SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), in preparing a draft of an economically significant guidance document, and before issuance of the final significant guidance document, each agency shall—

(i) publish a notice in the Federal Register announcing that the draft document is available;

(ii) post the draft document on the Internet and make a tangible copy of that document publicly available (or notify the public how the public can review the guidance document if the document is not in a format that permits such electronic posting with reasonable efforts);

(iii) invite public comment on the draft document; and

(iv) prepare and post on the website of the agency a document with responses of the agency to public comments.

(B) EXCEPTIONS.—In consultation with the Administrator, an agency head may identify a particular economically significant guidance document or category of such documents for which the procedures of this subsection are not feasible or appropriate.

(4) EMERGENCIES.—

(A) IN GENERAL.—In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify the Administrator as soon as possible and, to the extent practicable, comply with this subsection.

(B) SIGNIFICANT GUIDANCE DOCUMENTS SUBJECT TO STATUTORY OR COURT-IMPOSED DEADLINE.—For a significant guidance document that is governed by a statutory or court-imposed deadline, the agency shall, to the ex-

tent practicable, schedule the proceedings of the agency to permit sufficient time to comply with this subsection.

(5) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 7, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review Department of Energy biofuel programs and biofuel infrastructure issues, and to consider S. 187, the Biofuels Market Expansion Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Tara Billingsley (majority) at (202) 224-4756, Amanda Kelly (majority) at (202) 224-6836, or Brian Hughes (minority) at (202) 224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 31, 2011.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 2:15 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Re-

sources be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled "APEC 2011: Breaking Down Barriers, Creating Economic Growth."

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 2 p.m., to hold a hearing entitled "Assessing the Situation in Libya."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "A Tragic Anniversary: Improving Safety at Dangerous Mines One Year After Upper Big Branch" on March 31, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 31, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m. to conduct a hearing entitled "President's FY2012 Budget Request for the U.S. Small Business Administration and the Office of Advocacy."

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

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS SUBCOMMITTEE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., to

hold a Western Hemisphere, Peace Corps, and Global Narcotics subcommittee hearing entitled, "A Shared Responsibility: Counternarcotics and Citizen Security in the Americas."

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m. to conduct a hearing entitled, "Exploring Drug Gangs' Ever-Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them."

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m. in Dirksen 406.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, April 5, the Senate proceed to the immediate consideration of Calendar No. 16, H.R. 4; that the only amendment in order to the bill be an amendment to be offered by Senator MENENDEZ; that there be up to 60 minutes of debate equally divided between the two leaders or their designees, prior to a vote in relation to the Menendez amendment; that the amendment not be divisible and no amendments be in order to the amendment prior to the vote; that upon disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60-vote threshold; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 4, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 42; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate, on Calendar No. 42; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 120, S. Res. 121, S. Res. 122, and S. Res. 123.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any statements relating to these resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 120

Recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington.

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dan-

gerous nature of refinery operations around the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

S. RES. 121

Designating April 2011 as "Financial Literacy Month".

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were "very confident" about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were "very confident" in 2007;

Whereas according to a 2010 "Flow of Funds" report by the Board of Governors of the Federal Reserve System, household debt stood at \$13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high

school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

S. RES. 122

Honoring the life and legacy of Elizabeth Taylor.

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in "Butterfield 8" and "Who's Afraid of Virginia Woolf?", and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including "A Place in the Sun", "Raintree Country", "Giant", and "Cat On A Hot Tin Roof", have become classic films appreciated by generations of movie watchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, "It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.";

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as "amfAR");

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

S. RES. 123

Commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as "Celebrating ACHIEVA's 60th Anniversary Week".

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

Resolved, That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as "Celebrating ACHIEVA's 60th Anniversary Week".

MEASURES READ THE FIRST TIME—H.R. 471 AND S. 706

Mr. REID. Mr. President, I understand there are two bills at the desk due their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The assistant bill clerk read as follows:

A bill (S. 706) to stimulate the economy, produce energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

A bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I ask for the second reading of these two matters en bloc, but I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bills will be read on the next legislative day.

ORDERS FOR MONDAY, APRIL 4, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, April 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each. Further, I ask that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect the first rollcall vote of the week at 5:30 p.m. on Monday. That vote will be on the confirmation of Executive Calendar No. 42, Jimmie V. Reyna, of Maryland, to be U.S. circuit judge. Additionally, we were able to reach agreement tonight to vote in relation to H.R. 4, 1099 repeal. Senators should expect two rollcall votes on Tuesday prior to the caucus meetings.

ADJOURNMENT UNTIL MONDAY, APRIL 4, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Monday, April 4, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

GARY LOCKE, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

THE JUDICIARY

CORINNE ANN BECKWITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE INEZ SMITH REID, RETIRED.

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE SIDNEY H. STEIN, RETIRED.

DEPARTMENT OF JUSTICE

GEORGE LAMAR BECK, JR., OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT

OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE LEURA GARRETT CANARY, TERM EXPIRED.

DAVID L. MCNULTY, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JAMES JOSEPH PARMLEY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JOSEPH C. CARTER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS C. TRAAEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM M. ROBERTS

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ALLAN K. DOAN
ANDREW L. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BUDI R. BAHUREKSA
JOHNATHAN M. COMPTON
TIMOTHY R. LANDIS
MUHAMMAD A. SHEIKH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUAN J. DEROJAS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID S. GOINS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KIMBERLY A. SPECK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

LYNDALL J. SOULE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES J. HOULIHAN
JASON S. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSHUA P. STAUFFER
RICHARD RC STONE
BRIDGET C. WOLFE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

EDWIN ROBINS

To be major

JOHN D. PEMBERTON
JEFFREY M. TIEDE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICHARD J. SCHOONMAKER

To be major

JAEWOO CHUNG
ALFRED J. DESIMONE
EDWARD W. LUMPKINS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOHN H. BORDES
MARIE N. WRIGHT

To be major

DEBORAH J. MILLER
EDNA J. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

RICHARD R. JORDAN
CHRISTOPHER W. SOIKA

To be lieutenant colonel

JEANNIE M. MUIR

To be major

NAZNEEN R. BILLIMORIA
MARK D. BUZZELLI
DAVID W. MANNING
VINCENT J. MASE
CARLOS MATA
RICHARD A. METER
CASEY MICKLER
STEVEN M. POTTER
MICHAEL J. PRIOLA
APRIL B. TURNER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID S. PLURAD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JAMES P. KITZMILLER

To be commander

MARK R. BREEDEN

To be lieutenant commander

JONATHAN D. SZCZESNY

HOUSE OF REPRESENTATIVES—Thursday, March 31, 2011

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 31, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

THE ATTACK ON LIBYA

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

Mr. MCCLINTOCK. Madam Speaker, when the President ordered the attack on Libya without congressional authorization, he crossed a very bright constitutional line that he, himself, recognized in 2007 when he told the *Boston Globe*, “The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.”

The reason the American Founders reserved the question of war to the Congress was that they wanted to assure that so momentous a decision could not be made by a single individual. They had watched European kings plunge their nations into bloody and debilitating wars over centuries, and they wanted to avoid that terrible fate for the American Republic.

The most fatal and consequential decision a Nation can make is to go to war, and the American Founders wanted that decision made by all the rep-

resentatives of the people after careful deliberation. Only when Congress has made that fateful decision does it fall to the President as Commander in Chief to command our Armed Forces in that war.

The authors of the Constitution were explicit on this point. In *Federalist 69*, Alexander Hamilton drew a sharp distinction between the American President’s authority as Commander in Chief, which he said “would amount to nothing more than the supreme command and direction of the military and naval forces” and that of the British king who could actually declare war.

To contend that the President has the legal authority to commit an act of war without congressional approval requires ignoring every word the Constitution’s authors said on this subject—and they said quite a lot.

There seems to be a widespread misconception that under the War Powers Act the President may order any attack on any country he wants for 60 days without congressional approval. That is completely false.

The War Powers Act is clear and unambiguous: The President may only order our Armed Forces into hostilities under three very specific conditions. Quoting directly from the act: “One, a declaration of war; two, specific statutory authorization; or, three, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.”

Only if one of these conditions is present can the President then invoke the War Powers Act. None are present, none are alleged to have been present, and, thus, the President is in direct violation of that act.

The United Nations Participation Act requires specific congressional authorization before American forces are ordered into hostilities in United Nations actions. The North Atlantic Treaty clearly requires troops under NATO command to be deployed in accordance with their own country’s constitutional provisions. The War Powers Act specifically forbids inferring from any treaty the power to order American forces into hostilities without specific congressional authorization.

The only conclusion we can make is that this was an illegal and unconstitutional act of the highest significance.

The President has implied that he didn’t have the time for congressional authorization to avert a humanitarian disaster in Libya. Well, he had plenty of time to get a resolution from the United Nations, and I would remind

him that just a day after the unprovoked bombing of Pearl Harbor, Franklin Roosevelt appeared in this very Chamber to request and receive congressional authorization.

Some have said that the President can do whatever he wishes and that Congress’ authority is limited to cutting off funds. The war is not a one-sided act that can be turned on and off with congressional funding. Once any Nation commits an act of war against another, from that moment on it is at war. It is inextricably embroiled and entangled with an aggrieved and belligerent party that has *casus belli* to prosecute hostilities regardless of what Congress then decides.

Finally, I’ve heard it said, well, we did the same thing in Kosovo. If that is the case, then shame on the Congress that tolerated it, and shame on us if we allow this act to stand unchallenged any longer.

This matter strikes at the heart of our Constitution. If this act is allowed to stand, it will fundamentally change the entire character of the legislative and executive functions on the most momentous decision that any Nation can make. It will take us down a dark and bloody road that the American Founders fought so hard to avoid.

THE BUDGET CRISIS

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

Mr. WELCH. Madam Speaker, today, I intend to use my 5 minutes to talk about the budget crisis that is before Congress. We have to make a decision whether to continue the operations of government. That’s the debate that is now under way with the continuing resolution, and we soon face the question of whether or not Congress will extend the debt limit.

Now, let me start by acknowledging the obvious. America has to get its fiscal house in order. How we got here is debated, but certain things are indisputable. We have two wars that have been paid for on the credit card. We had tax cuts that went to the high-income Americans that are on the credit card. We recently extended them at the cost of \$700 billion to the deficit. We had irresponsible behavior on the part of Wall Street that required rescuing the financial system in America so that Main Street could fight and survive another day. And then that led to a collapse in the economy and 10 percent unemployment that required governmental action in order to try the

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

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

stabilize the economy. We have a long way to go in restoring the economy, but that has to be our first mission.

The Republican proposal on how to address this budget in these continuing resolutions will fail. The reason it will fail is because it fails to do what must obviously be done if we're going to have long-term fiscal stability, and that is put everything on the table. The cuts that are proposed by the Republican majority, unwise as they are, cannot do the job.

The total focus of the Republican effort in its budget plan to restore fiscal balance is to attack 12½ percent of the budget, the non-defense discretionary portion of the budget. It happens to be programs that are benefiting Americans in many cases, but leaving aside the debate about whether we should cut low-income heating assistance for the most vulnerable Americans or cut Pell scholarships that allow aspiring young people to enter the middle class, we could cut the entire non-defense discretionary portion of the budget and we could continue to have an annual deficit of \$1 trillion.

So, if we're going to get to budget balance and fiscal stability, which we can do, we have to put everything on the table, and that means tax expenditures. The tax breaks that have been written into the Tax Code over the years by Republicans and Democrats alike actually cost taxpayers more than the entire appropriations budget, and many of us are asking the question: Why is it that we are going to be continuing \$5 billion in tax breaks to very profitable oil companies when oil is now selling at \$106 a barrel? Why are we allowing that but at the same time cutting low-income heating assistance and turning down the thermostat of cold Vermonters and cold Americans?

□ 1010

Why is it that hedge fund millionaires and billionaires literally pay a lower tax rate than their chauffeurs, their drivers, their cooks, their secretaries?

We have got to put tax expenditures on the table. We have to put the defense budget on the table. How is it that America is spending over \$700 billion a year? How is it that we are putting two wars on the credit card and not facing the fiscal responsibility to tell Americans how we are going to pay for that but are simply putting that burden on generations of Americans that will come after us?

We have to reform health care. The first act of this Congress was to repeal the health care bill. And debate as we might about what's the best way forward on health care, no one can dispute that our first goal has to be to bring down the cost of health care; because whatever kind of system we have, if the cost is increasing two and three and four times the rate of inflation, job

growth, and profits, it's not sustainable. And the health care bill that has been repealed by this Congress, this House of Representatives, that is going to add over \$200 billion to the deficit over 10 years.

So we have to put everything on the table. That's defense. That's tax expenditures. That's entitlements and how we can reform them so we can maintain benefits, not slash benefits. And Democrats have to be willing to come to the table on the traditional line items in the appropriations bill where we have to kick the tires and find ways to be responsible. If we do that by putting everything on the table, we have a chance to be successful and be on a path to fiscal stability and solvency. Refusing to put everything on the table guarantees failure.

TRIBUTE TO GENERAL GEORGE W. CASEY, JR., 36TH CHIEF OF STAFF OF THE UNITED STATES ARMY

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

Mr. CARTER. Madam Speaker, Congressman SILVESTRE REYES and I would like to take this opportunity to honor General George W. Casey, Jr., the 36th Chief of Staff of the United States Army, for his extraordinary dedication to duty and service to our Nation.

As cochair of the House Army Caucus, Congressman REYES and I have had the privilege of working with General Casey as he led our Army through a difficult period of transformation, simultaneously rebalancing and modernizing the Army while our Nation was engaged in two wars. After 40 years of distinguished service, General Casey will retire from active military duty in June of 2011.

General Casey is the epitome of the consummate professional, exemplifying the special qualities exhibited by all transformational military leaders: a strong sense of duty, honor, courage, and love of country.

General Casey continued the tradition of military service to his country that was started by his father, Major General George W. Casey, Sr., commander of the First Cavalry Division, who died in a helicopter crash on July 7, 1970, in Vietnam. That same year, General Casey was commissioned as a second lieutenant in the Infantry from Georgetown University's Army Reserve Officers Training Corps.

He went on to excel in a variety of command and staff assignments, including notable participation in Operation Joint Endeavor in Bosnia and Operation Iraqi Freedom in Iraq. He commanded the First Armored Division in 1999 to 2001, served as the director of Strategic Plans and Policy (J-5) of the Joint Staff in 2001, and director of the Joint Staff in 2003.

Following these Joint Staff assignments, General Casey served as the 30th Vice Chief of Staff for the Army until June 2004. From 2004 until 2007, General Casey commanded the Multi-national Force Iraq, a coalition of 32 countries, where he oversaw the transition of three separate Iraqi Governments. He set the conditions for transition to Iraqi-led security, which, in turn, enabled the successful drawdown of U.S. forces from Iraq. He was a powerful influence for democratic change in Iraq, steadily improving the security and political environment in the country so that, in 2005, Iraq was able to conduct open and transparent national elections.

On April 10, 2007, General Casey became the Chief of Staff of the United States Army. Since assuming this position, General Casey's leadership and commitment have contributed immeasurably to ensuring America's Army remains the preeminent military force in the world. As the Army's Chief of Staff, General Casey has provided the strategic leadership and vision to complete the most comprehensive transformation of the Army since World War II, building versatile and modular units and improving the capabilities of soldiers to conduct full-spectrum operations.

General Casey has proven himself a tremendous wartime leader, demonstrating unselfish devotion to our Nation and to the soldiers he leads. Responsible for the organization, training, readiness, mobilization, and deployment of Army forces, he has worked tirelessly to successfully restore balance to a force stretched and stressed by the demands of the wars in Iraq and Afghanistan.

Above all, General Casey has never wavered from his personal commitment to support the soldiers and families who are the heart and soul of the United States Army. He implemented the Army Family Covenant and the Army Community Covenant to expand and improve services and raise awareness about the unique challenges military families face.

Madam Speaker, during times of uncertainty and crisis, our Nation has been fortunate to have exceptional men and women who step forward and calmly lead. Such a man is General George W. Casey, Jr. He has been exemplary in his selfless service for our country through war, peace, and personal trial.

It is with profound admiration and deep respect that we pay tribute to General George W. Casey, Jr., for all he has done for the United States Army and this country. We thank General Casey, his wife, Sheila, and his two sons, Sean and Ryan, for their dedication and sacrifice on behalf of our soldiers, our Army, and our Nation.

As a personal aside, several years ago, I was on a plane that was grounded in Germany coming back from a

codel in the Middle East, and here comes the Commander in Chief of the Army jogging up to the airfield just to say hello to the congressional delegation. He is a great man.

BUDGET COMPROMISE

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

Mr. HOYER. Madam Speaker, at the outset, let me associate myself with the remarks of the gentleman who just spoke on behalf of General Casey and thank General Casey, with him, for his service to the country.

Madam Speaker, in 1998, as a Republican Congress was struggling to compromise with a Democratic President on a budget bill, a Member of the House rose to speak to what he called the "perfectionist caucus," those Members who stood against compromise under any circumstances. Here is what he said:

"Now, my fine friends who are perfectionists, each in their own world where they are petty dictators, could write a perfect bill. It would be about 2,200 of their particular projects and their particular interests and their particular goodies, taking care of their particular States. But," this speaker said, "that is not the way life works in a free society. In a free society, where we are sharing power between the legislative and executive branch, compromise is precisely the outcome we should expect to get."

Those words were true then when Newt Gingrich, the Speaker of the House, said them, and they are still true today.

In the last election, Americans voted for shared responsibility. Without both parties' willingness to compromise—to take less than 100 percent of what they want—there will be no solution to our most pressing problems, including our debt; there will be no action on our budget; and the government will be in danger of shutting down, which, in the midst of a fragile economic recovery, would be disastrous.

So the question is this, Madam Speaker: Who is willing to compromise and who is standing in the way?

□ 1020

Democrats are willing to cut and compromise. We believe that smart, targeted cuts are a part of the solution, and we have offered to meet Republicans more than halfway.

The Republican leadership initially proposed \$73 billion in spending cuts. Their conference rejected that proposal and demanded \$100 billion in cuts.

Democrats have offered \$51 billion, and signal a willingness to move toward the \$70 billion figure suggested by the Republican leadership, very near the Republicans' original goal, provided that we can agree on cuts that

don't cripple our economic recovery and undermine our shared values.

Cutting 200,000 children from Head Start is not, I believe, a value we ought to support. Adversely affecting 9 million young people's ability to go to college and make us a more competitive society is not one of those values either. Substantially reducing our ability to participate in basic research which will grow our economy, create innovative ideas and spur invention is not one of our values.

In my view, H.R. 1 that passed this House did not represent America's values. Yes, we need to become fiscally disciplined, but we need to do it in a smart way that reflects our values.

Looking at those numbers, Americans are surely thinking there is clear room to come to an agreement and keep the world's largest enterprise, the United States Government, from being funded on a sporadic, uncertainty-creating 2-week or 3-week increment.

So why can't we?

Well, read the news. The New York Times March 28 said this: "Tea Party supporters are coming to the Capitol this week to rally Republicans to not compromise with Democrats on spending cuts." That's the perfectionist caucus wing.

Politico, on March 27, said this: "Harsh rhetoric Friday night suggests GOP leaders still fear a tea party rebellion." That's what Newt Gingrich was talking about with respect to the perfectionist caucus.

The Hill, on March 29 said, "Striking a deal with Democrats would set off a wave of revolt among the most conservative members of the caucus." That's the perfectionist caucus that Newt Gingrich was talking about that brought our government to a standstill and shut down our government in 1995 and early 1996.

We are in a dangerous place, I tell my friends, when compromise, which is essentially the job description of a legislator in a free society, is enough to spark revolt.

Come, let us reason together, Lyndon Johnson said. That is what we need to do. We face partisan opposition to any compromise on spending levels. Some Members' willingness to shut down the government unless they get their way on divisive social issues, even though the Republican pledge to America promised to, and I quote, "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people." In fact, Mitch Daniels, candidate for President, Governor of Indiana, said they ought to be considered separately. He is right.

Madam Speaker, the perfectionist caucus, unfortunately, seems to be alive and well. It just has a new name. Just listen to its own words.

One Republican Member said this: "If we can't defund health care reform in

the spending bill, then we have just got to dig in." In other words, shut down government if you can't repeal the health care bill.

Is that an item for substantial, substantive debate? It is. But should we shut down the government while that debate is occurring? I say no.

Another said, "I think we have to have a fight. I think this is the moment." In other words, our way or no way. I don't think that's what the American people voted for.

Another said this: "I don't see any room for compromise."

Democracies cannot work that way. As Newt Gingrich said, we're elected from different constituencies by different people with different views, and they expect us to come here, all 435 all of us, and all 100 in the Senate, and make reasonable compromises to move our government forward. Yes, to reduce the deficit we must do that, but let us do so in a way that honors our values and honors our democracy.

For the rest of us, Members of both parties who understand that legislating means compromise, it's time to find common ground and prevent government shutdown.

INSIGHTS FROM THE CONSTITUENT WORK WEEK

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

Mr. BARLETTA. Madam Speaker, I rise today to share with my colleagues in the House what my neighbors at home shared with me during the past constituent work week. Throughout the week I heard from small business owners, local officials, university leaders, teachers, students, Rotarians, and a Purple Heart National Guardsman about the issues facing Pennsylvania's 11th Congressional District. Although the voices were different, the message was the same. We need to get our economy back on track.

Last week I spoke at the Rotary Club in my hometown of Hazleton about the debt crisis crippling our Nation. The Rotarians were engaged, attentive, and concerned about the spending habits of Washington.

Madam Speaker, I let them know that we have a debt crisis in this country, not because Washington taxes too little, but because Washington spends too much. For far too long, the Federal Government has overspent, overtaxed, and over-borrowed. That stops now.

If we are serious about our economic prosperity, we must cut wasteful spending in favor of investments proven to work. Last week I visited the SHINE 21st Century After-School Program at Panther Valley Elementary School in Nesquehoning. Located in 10 schools in Carbon and Schuylkill Counties, SHINE is a data-driven, rural education model designed to provide academic enrichment to at-risk students. I

commend Jeanne Miller, Director of the SHINE Program, and Lehigh-Carbon Community College for partnering together to benefit pre-service teachers and, more importantly, some of our region's most deserving students. Like the D.C. Opportunity Scholarship Program, the SHINE model stands out as a program that works.

As a member of the House Committee on Education and the Workforce, I will continue to examine how education at all levels is preparing students for careers. I was privileged last week to welcome Chairman KLINE and the House Education and the Workforce Committee to Wilkes University in Wilkes-Barre for a field hearing on the role of higher education in job growth and development. Witnesses from Wilkes University, Empire Beauty School, Luzerne County Community College, and Lackawanna Junior College demonstrated firsthand how northeast Pennsylvania is taking strides to provide quality higher education.

Additionally, Chairman KLINE and I met with and read to a kindergarten class at Riverside Elementary East in Moosic. The reception we received from all of the students was unbelievable, and I couldn't be more appreciative of the students, teachers, and school administrators for putting such a fantastic visit together.

Also, last week I welcomed Chairman MICA, Subcommittee Chairman SHUSTER, and the Transportation and Infrastructure Committee to Scranton for a listening session on the future of our roads and infrastructure. The listening session helped me and other members of the committee gain a greater level of insight from local leaders with expertise and real world experience in transportation and infrastructure policy. During the listening session, we spoke about job creation, heard some examples of burdensome regulation, listened to ideas about cost-effective maintenance plans, and were briefed on public-private partnerships as new ways to build and repair Pennsylvania's roads and bridges.

Madam Speaker, the challenges we face in our district are great, but they are not unique. My friends and neighbors in Pennsylvania's 11th Congressional District are hardworking people, and I will continue to bring their voices to Washington throughout the 112th Congress.

Finally, Madam Speaker, in closing, I would like to note that we're all here today, free to talk and debate, because of the brave men and women serving in our Armed Forces. I was humbled and honored this week to attend the Purple Heart medal presentation in Hazleton to Pennsylvania Army National Guard Sergeant First Class John Leonard.

Sergeant Leonard was injured in an IED explosion in Iraq in February. It is men and women like Sergeant Leonard who make me proud to be standing freely in this House Chamber today.

□ 1030

KOREA-U.S. FREE TRADE AGREEMENT

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

Mr. MICHAUD. Madam Speaker, I rise today to speak in opposition to the Korea Free Trade Agreement.

The Korea FTA is fundamentally flawed. As everyone knows, it is the same NAFTA-style agreement that hasn't worked for 17 years. This agreement will further undermine U.S. manufacturing and ship more American jobs overseas. But there are things the American people don't know about this trade deal, things that the administration hopes that they will not find out.

The administration will say that this agreement is key to increasing U.S. exports. But what they don't say is that it also increases Korea's imports, too, which will expand our trade deficit by hundreds of millions of dollars each year and cost us 159,000 American jobs.

It will also result in more underpriced goods from China being transshipped through Korea and being dumped in the United States.

The administration will say that this trade deal is important for U.S. national security. But what they don't say and talk about is the potential for it to benefit North Korea through the Kaesong Industrial Complex.

And the administration will say that they fixed the auto provisions and opened up Korea's market to all U.S. companies. But what they don't mention is the fact that they only fixed the auto provisions on paper, not in reality, and this is still a bad deal for the United States companies here in the U.S.

They don't tell the American people that this free trade agreement does nothing to stop Korea's currency manipulation. But the Treasury Department actually identified Korea as a currency manipulator in their report this February.

I have come to the floor today to make sure the American people are aware of how bad this trade deal is for the United States and how good this FTA is for China, Kim Jong Il, and South Korea.

I would urge my colleagues on both sides of the aisle to oppose this flawed NAFTA-style trade deal.

H.R. 910, THE "DIRTY AIR ACT"

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 5 minutes.

Mrs. CHRISTENSEN. Madam Speaker, I rise to speak out against the GOP energy agenda and H.R. 910, the Dirty Air Act.

While consumers around the Nation, including my district of the Virgin Is-

lands, are struggling to make ends meet amidst the rising cost of energy, our colleagues across the aisle are shamelessly using scare tactics to cripple EPA's regulatory authority and gut the Clean Air Act.

H.R. 910, the Energy Tax Prevention Act, or more appropriately, the Dirty Air Act, will reverse generations of scientific advancement and does nothing to protect the everyday American. In fact, the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that the Congress has paid for.

The Academy of Sciences, a committee of many of the world's leading climate scientists and others, make the indisputable health link that these gases are injurious to our health. So I want to speak out against that agenda. As the President has recently said, we have got to work together to secure America's energy future.

The only ones who benefit from this legislation will be those who already benefit, Wall Street oil speculators and Big Oil allies here in Congress. This is nothing more than polluted politics. The American people deserve better. Let's save American jobs, invest in the green economy, and ensure a clean, not a dirty, future for the children of tomorrow.

Madam Speaker, I rise to speak out against the GOP energy agenda and H.R. 910, the Dirty Air Act. While consumers around the Nation, including my district of the Virgin Islands, are struggling to make ends meet amidst the rising cost of energy, our colleagues across the aisle are shamelessly using scare tactics to cripple EPA's regulatory authority and gut the Clean Air Act.

H.R. 910, the Energy Tax Prevention Act or more appropriately, the "Dirty Air Act" will reverse generations of scientific advancement and does nothing to protect the everyday American.

In fact the legislation outright denies the science that clearly demonstrates that greenhouse gases are injurious to health and that they accelerate global warming. This is science that this Congress paid for. The Academy of Science, a committee of many of the world's leading climate scientists and others make the indisputable health link, not the EPA administrator, yet the Republicans think they know better, or at least want the public to think so.

Well I live in a place with very high GHG emissions from both our oil refinery and public utility and we are seeing increases in asthma and the severity of it, even deaths, as well as of certain cancers. They cannot tell my constituents that those gases are not harming our health. My constituents and I believe all Americans want them regulated, we want to be healthy and we want our children's health to be protected. These gases must be regulated for the benefit of this and future generations.

The gases are clearly linked to respiratory and other diseases. All who study the impact of global temperature rise, using sound

science, predict not only an increase in respiratory diseases but also heart disease and others.

This legislation is not the only attack on regulations that seek to reduce negative impacts on our health or slow down climate change and prevent us from starting the new green revolution that will create jobs and revitalize communities and our economy. All of the Republican CRs include cuts that would hinder EPA from implementing regulations that protect our health. We must not make cuts that destroy our ability to protect our health and our environment.

Without a doubt, the only ones to benefit from H.R. 910 and the Republican cuts will be those who already benefit—Wall Street oil speculators and big oil allies here in Congress. As the President said recently, “We’ve got to work together to secure America’s energy future.” H.R. 910 is not a step in the right direction. This is nothing more than polluted politics. The American people deserve better. Let’s save American jobs, invest in the green economy and ensure a clean—not dirty future for the children of tomorrow.

H.R. 471, D.C. SCHOOL VOUCHER BILL

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

Ms. CHU. Yesterday, House leadership pushed through H.R. 471. I voted “no” because it does nothing to create jobs, hurts public education, and adds to the national deficit.

We have been back to work in the House for 13 weeks, and for 13 straight weeks the Republican majority has done nothing to create jobs. They haven’t even put a single jobs bill on the House floor. In fact, their proposed spending bill actually costs America 700,000 jobs.

Now, Speaker BOEHNER has brought his own pet project bill to the House floor that imposes his desire to privatize public education in the District of Columbia, and he doesn’t even represent the District. This bill would reauthorize the failed Washington, D.C., private school voucher program and open it to new students, funneling millions in new Federal spending to private schools at taxpayer expense. And yet, for the last 5 years, the voucher program has proven to be flawed and ineffective.

The voucher program has not been successful in raising student academic achievement. It has had no impact on student motivation and engagement. The program has had no effect on student satisfaction with their schools or on whether students view their schools as safe and orderly. And voucher students were less likely to have access to important services, such as programs for English language learners, programs for students with learning problems, counseling, and tutoring. Vouchers are an experiment that has been tried and has failed.

This anti-education bill comes at a time when the Republican leadership is proposing drastic reductions in Federal spending, including a House-passed bill slashing billions from core education programs. Vouchers are not real education reform. They don’t solve problems. They ignore them.

Rather than offering an empty promise for a few, we should be ensuring that every child has access to a great public school. And instead of taking money out of public schools for private schools, Congress should be investing in strategies to improve school achievement. Our focus should be on strategies proven to increase student achievement, such as increasing parental involvement, strengthening teacher training, and reducing class size. And our goal should be to prepare all students for the jobs of the future, not to allow a few students and parents to choose a private school at taxpayer expense.

When public schools are struggling and teachers are being laid off, the last thing we need is to spend scarce taxpayer funds on private schools. And that’s exactly what this legislation will do. Speaker BOEHNER’s bill will increase the deficit by \$300 million, \$300 million that could go towards making sure America’s public school students and public school teachers have the resources they need to succeed. Speaker BOEHNER’s bill offers no offsets. It is an ideological effort to recreate a program that was ended years ago because it did not work.

It is time for Republicans to stop playing political games with our public education and America’s economic future. And so I ask my colleagues across the aisle to join with Democrats to reduce the deficit, protect our public schools, create jobs, and strengthen the middle class.

THE PENDING FREE TRADE AGREEMENTS WITH KOREA, PANAMA, AND COLOMBIA

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

Ms. KAPTUR. Madam Speaker, let me ask Congress, where are you?

America’s trade policy is operating as if we were still in the last century instead of the 21st. Time and again, this Congress keeps failing to grasp reality and learn from past failures. Instead, Congress keeps doing more of the same failed approach.

Now, this administration has pledged to soon submit another so-called free trade agreement, this time with Korea. There are even some in Congress who are demanding the President attach no-win agreements to Panama and Colombia at the same time. All of these agreements fail to put America in a position to win economically by creating jobs here in our country.

□ 1040

I want to remind my colleagues that these agreements are nothing more than expansions of the same failed trade policies established by NAFTA. Think about China too. Ever since those two agreements were signed, we have never had a single balanced trade agreement with those countries. These same approaches racked up another half-trillion-dollar trade deficit last year alone and all the lost jobs across our country that were outsourced as a result.

I can assure you that our trade deficits are not getting any better as a result. Year after year, the numbers tell the same story: More job loss resulting from unbalanced trade agreements. America needs reciprocity and balance and equal access to foreign markets, not surrender. Haven’t the working people of America paid a high enough price yet with the diminishment of their livelihoods, loss of home values, uprooting of their families, outsourcing of their jobs, collapsed school systems, and constant worry about a more secure future? This is a fight about who is taking away those economic opportunities drop by drop here at home and how we stop the hemorrhage.

More extremist free trade agreements have given us the kind of world we inherited after NAFTA. They told us it would create millions of jobs. Instead, we have seen the manufacturing sector decimated with over 8 million lost jobs. Estimates on the number of jobs lost directly just due to NAFTA with Mexico and Canada are in the millions. Over a third of all manufacturing jobs in the United States have disappeared and been outsourced since its passage.

Our trade deficit with Mexico last year alone was over \$66 billion in the red. That means hundreds of thousands of pink slips in our country. And for what? The Mexican people live in greater misery, while their wealthy have become even wealthier since NAFTA’s passage. This is not a recipe for continental stability.

When Most Favored Nation status for China was rammed through here at the end of the 1990s, proponents said it would create jobs across our country. Since then, America has amassed a \$2 trillion cumulative trade deficit with China—trillion—and hundreds of thousands more pink slips in our country, including in the so-called green energy sector, and more loss of production here as China demands businesses set up shop there to do business at all and then gives vast tax holidays. And there is liberty there? No, there is Communism. America and Congress, where are you?

Next up, free trade extremists want us to pass more of the same, more of the same failed approach, by adding Korea. In the first month of this year alone, America already had racked up a

\$1 billion trade deficit with South Korea, and that market restricts our goods already. There is no real reciprocity. We will be lucky if we can sell 75,000 cars there under this proposed agreement. That is not going to happen, because it is not guaranteed in the agreement, yet Korea already sells nearly half a million cars here. How is this fair? How is it reciprocal? How does it hold a promise of balance, not deficit?

Then there is the potential for another trade agreement with Panama. The GAO has identified Panama as a major haven for tax avoidance. In fact, Panama is one of the most popular destinations for multinational firms to create subsidiaries, many of which exist only to help them avoid paying their fair share of taxes here in our country. Why further empty out our country? Why do we do this?

Finally, there is Colombia; Colombia, the most dangerous country in the world if you care about labor rights. Since the 1990s, over 2,000 trade unionists have been assassinated in Colombia, and in the vast majority of cases there has been no justice for the victims and their families. How can America reward this? Why should Americans lose more of their jobs for this?

When America's trade agreements have failed so vastly and cost us millions of jobs, and we haven't had balanced trade accounts in over a quarter century and our standard of living is headed down, we simply can't afford any more of these losing trade agreements. We ought to go back and renegotiate the ones that aren't working for us now. It is time for a new trade model for our country that benefits our workers and our communities for a change. America simply can't afford another NAFTA that is called Korea.

RECESS

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

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Dr. Charles Jackson, Sr., Brookland Baptist Church, West Columbia, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, to whom the earth belongs, the fullness thereof, the world and those who dwell

therein. We humbly approach Your throne of grace with hearts filled with gratitude and spirits given to praise. How thankful we are to You for Your unconditional love and how You have demonstrated Your love with compassion, care, and concern for all mankind.

Thank You for our President, Senators, Congresspersons, and all other officials of our Nation. Be pleased, dear Lord, to favor them with good health and strength, wisdom, and spiritual resources to lead our country in a manner that is pleasing and acceptable in Your sight. We pray that You will keep our great Nation under Your holy protection. May we govern in the spirit of the prophet Micah, who said to do justly, love mercy, and walk humbly with You.

Tis Your servant's prayer in the name of Jesus, the Christ. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COFFMAN of Colorado led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REVEREND DR. CHARLES JACKSON, SR.

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

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor today, one of the greatest honors I have had in Congress, to welcome Pastor Charles Jackson, Sr., of Brookland Baptist Church, West Columbia, Lexington County, South Carolina.

Pastor Jackson is a longtime family friend of our whole family. He actually began preaching at age 9. He was licensed at age 10. He was ordained at age 12. He became pastor of the church at age 18. And now, he is the longest serving pastor in the Midlands of South Carolina, 40 years of service.

He has built a church from nearly 60 members to 7,819 members. And we are so grateful for his success. In fact, two of his members are active members and serve in the district office of the Second District of South Carolina: Earl Brown, a former deacon of the church, is our deputy director, and special as-

sistant is Beverly Carter. So we truly identify.

There are now 65 ministries in this church; the sanctuary, 2,300 seating. He provides a credit union, a banquet facility, a foundation. It really serves the people of the Midlands of South Carolina. I am grateful to be here with my colleague, Congressman JIM CLYBURN, who also knows what an extraordinary person Pastor Jackson is.

He is also a successful family man. His wife, Robin, is here. As first lady of the church, she is a beloved person in our community. Additionally, their son Charles is pastor of the New Laurel Street Baptist Church, and we are very grateful. His daughter Candace is a graduate of Duke Law School and is a member of one of the most prominent law firms of South Carolina, Nelson, Mullins, Riley & Scarborough. Also, four grandchildren: Kayla, Charles III, Caleb, and Carter.

It is my honor to be here with Pastor Charles Jackson and thank him for giving our prayer today.

□ 1210

WELCOMING REVEREND DR. CHARLES JACKSON, SR.

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

Mr. CLYBURN. Mr. Speaker, I would like to take just a moment to associate myself with the remarks we just heard from Congressman JOE WILSON and to welcome my longtime friend, Reverend Charles Jackson, who when we meet in the barber shop I usually call him a little something different.

I want to thank him so much for giving us the invocation here today and let him know how much I appreciate his long friendship and that of his family as well. I look forward to seeing you at Toliver's in a couple of days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THE SOUTHERN BORDERLANDS PUBLIC COMMUNICATIONS ACT

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

Mr. POE of Texas. Mr. Speaker, foreign invaders are threatening the people who feed America. Recently, I was invited to the Arizona border by Congresswoman GABBY GIFFORDS' office. I met with border ranchers who live in fear each day because they don't know who or what is lurking on their land. They communicate with each other over radios.

In this remote area many times cell phones do not work. So, today I am filing legislation that is the idea of Ms. GIFFORDS. This bill is in memory of Robert Krentz, the Arizona rancher who was murdered by an illegal on his own property one year ago. Mr. Krentz is a former rancher whose family still lives in Arizona. News reports indicate Mr. Krentz was in a cell phone "dead zone" when he was murdered, and this bill will provide people in remote areas on the dangerous border area with cell phone service to call for help.

If the Federal Government is going to refuse to protect its citizens, the least it can do is allow the people the resources to protect themselves.

And that's just the way it is.

THE OBAMA ENERGY PLAN

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

Mr. BLUMENAUER. Mr. Speaker, President Obama yesterday outlined four areas to curb foreign oil dependence: domestic production, natural gas vehicles, car fuel efficiency, and better use of biofuels. He could have added a fifth element, his administration's own Sustainable Communities Partnership between EPA, the Department of Transportation and HUD that has helped communities large and small provide families transportation and housing choices which conserve oil without sacrificing economic growth. This combination of smart transportation alternatives, land use and design keeps communities resilient and reduces the impact of high gas prices.

With only 2 percent of the world's oil reserves, America will never drill its way to energy independence as long as we continue to consume more than 20 percent of the world's oil. The only real way to gain independence from oil price shocks is to give families independence from oil.

TRIBUTE TO LANCE CORPORAL CHRISTOPHER S. MEIS, USMC

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

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes from Colorado who have fought and continue to fight the global war on terror. Today, I pay tribute to one hero in particular, Marine Lance Corporal Christopher Steele Meis.

Lance Corporal Meis of Bennett, Colorado, enlisted in the Marine Corps following his graduation from Bennett High School. He was deployed in January 2011 to Afghanistan in support of Operation Enduring Freedom and served with his brothers of Second Battalion, Eighth Marines, at the tip of the spear in Helmand province. On

March 17, his unit came under fire and he gave his life fighting the Taliban.

Steele comes from a family with a long tradition of military service to our Nation. He was proud to be an American and from an early age he wanted to serve his country as a Marine. He chose to become a Marine because, in his words, "they are the best." He had the reputation of a stand-up guy who loved his family and his country. Like a good Marine, he was also known to be the man up front, the man leading the way.

Lance Corporal Christopher Steele Meis is a shining example of the United States Marine Corps' service and sacrifice. As a Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow Marines, and to all who knew him.

APRIL FOOL'S DAY LEGISLATION

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

Mr. DEFAZIO. Mr. Speaker, article I, section 7.2 of the Constitution says that both Houses, this House and the Senate, must pass a bill identical and the President must sign it before it becomes a law.

Now, wait. The Republicans have a bill, we are going to take it up tomorrow, H.R. 1255, that deems that a bill that only has passed the House of Representatives, H.R. 1, has become law. Now, what happened to the fact that we were going to have to prove the constitutionality of every bill that came before the House? This blatantly violates the Constitution.

I was totally outraged, outraged, when I saw this. But then I realized, guess what? What is tomorrow? April Fool's Day. Hey, guys, you got me. Congratulations. Happy April Fool's Day. What are we really going to be doing tomorrow?

CONGRATULATING THE GEORGE WASHINGTON PATRIOTS

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

Mrs. CAPITO. Mr. Speaker, I rise today to congratulate the George Washington Patriots for winning the West Virginia Class AAA boys basketball championship. The third-seeded Patriots defeated top-seeded Wheeling Park 55-54 to take home the State title. This was a special win for Coach Rick Greene, as he was part of the team that gave the school its first basketball championship 40 years ago.

In a close, intense game, the two teams battled to the end. In the final seconds, George Washington was leading 55-52 when Wheeling Park hit what looked to be a three-pointer. However, a review of the shot showed that it was

only a two-pointer and George Washington won. Quite a finish.

Having two boys who grew up playing basketball in West Virginia for Coach Greene, I have seen both the faces of elation and anguish. A game as competitive and well-fought as this shows the heart and dedication these young men and their coaches put in all season to get to this game. I want to congratulate both teams for tremendous seasons and for giving us such a memorable game.

Congrats to Gee-Dub.

CONGRATULATING COACH BOB HURLEY, JR.

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

Mr. SIRES. Mr. Speaker, I rise today to congratulate Coach Bob Hurley of Jersey City, New Jersey. Some may know Coach Hurley as the third high school career basketball coach to be inducted into the Basketball Hall of Fame.

Some may know that despite limited resources and no gym facility at St. Anthony High School in Jersey City, New Jersey, he recently led St. Anthony High School's basketball team to their 24th State championship and fourth national title, and has led the team to over 1,000 wins.

However, the more important numbers are those that show the impact he has had on his players. In his nearly 40-year career, only two of his players have not attended college, and of those graduates, over 200 young men have continued to play basketball and 150 have received college scholarships.

Coach Hurley sees the potential in his players, even when they don't see it themselves. He is an inspiration to young men, a true role model, and a father figure to many.

I congratulate Coach Hurley, his players, and St. Anthony High School on their recent national title and wish them well and much success in the future.

□ 1220

ESSENTIAL AIR SERVICE FUNDING

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

Mr. MCKINLEY. Mr. Speaker, this week, the House will consider the fate of crucial funding for commercial flights to and from airports in Morgantown, Clarksburg, and Parkersburg in my home State of West Virginia. West Virginia is a rural State without major population centers, and its employers need and deserve an adequate transportation infrastructure. Access to air transportation is essential to achieving economic growth. The I-79 corridor, for instance, has a large presence of Federal, defense, and high-tech workers, in

part because of daily flights to and from Washington, D.C. North Central West Virginia Airport in Bridgeport accounted for 2,372 jobs and \$395 million in economic impact in 2008.

Cutting spending is necessary to bring down the deficit and create certainty for job creators. But our local airports are part of what provides certainty for area businesses. Let's make this airport funding program more efficient by throwing out what is wasteful but keeping what works.

RECOGNIZING MARIA T. SOLIS-MARTINEZ

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

Ms. LORETTA SANCHEZ of California. I rise today to recognize an amazing woman, a woman from the city of Anaheim in my district, Mrs. Maria T. Solis-Martinez, in honor of Women's History Month. Mrs. Solis-Martinez is a retired United States Air Force Master Sergeant who served during the Vietnam era from 1960 to 1967. In 1974, she joined the California Air National Guard and continued her commitment to serving our country in the 261st and the 222nd Combat Communications Squadrons.

I'm truly proud to have such an extraordinary woman in my hometown. She is a mentor and a friend, and she's always working for the community. For over 10 years, she has been an active member sponsor of the Latino Advocates for Education, Inc., an organization that brings awareness and recognition to the contributions of Latino military veterans in all the wars fought by the United States. She continues to devote endless hours volunteering with the Girl Scouts Council of Orange County, North Orange County YWCA Youth Employment Service, and so many other organizations, mentoring young girls to become talented, distinguished women.

As we honor Women's History Month and Women in the Military History Week, I proudly recognize Mrs. Maria Solis-Martinez for her incredible leadership and for being such a great role model.

MISPLACED PRIORITIES

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

Mr. CARNEY. Mr. Speaker, I rise today to object once again to the majority's misplaced priorities during these difficult times for American families. As a result of the financial crisis in 2008, more than 7 million Americans lost their jobs, and more than 9 million Americans have faced foreclosure. In my small State of Delaware, 6,000 people filed for foreclosure last year,

which is three times the norm. As Lieutenant Governor, I chaired a foreclosure prevention task force in Delaware. We learned that the best way to help homeowners was through a combination of private and public sector efforts.

It's just unbelievable to me that this House voted to end foreclosure prevention programs which for thousands of families are the last chance to keep their homes. Let's remember that we are still recovering from the worst financial crisis since the Great Depression, and the housing market is still floundering. Allowing more families to lose their homes just makes things worse. So this debate is not just about helping individual families, as important as that is. It's also about strengthening the economic recovery now underway.

RECKLESS SPENDING PROPOSALS

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

Ms. CASTOR of Florida. Mr. Speaker, I rise today to urge my colleagues to continue to focus on creating jobs and the economic recovery. I am very concerned with the reckless GOP spending proposal that will slash jobs all across the United States of America, and I want to give two examples that were highlighted by my local Urban League that visited Washington yesterday from Pinellas County, or St. Petersburg, Florida.

They said the Republican spending proposal will actually cut 9,100 teachers, teachers' aides, and education jobs if it goes into effect. I think that's wrong. We shouldn't be slashing jobs. We should be fighting to create jobs. They also highlighted the fact that H.R. 1 will slash the Pell Grant for 9.4 million college students all across America. Their proposed cut is \$845 per student. That is wrong.

We must remain invested in education, our teachers, our students. We've got to fight for each and every job in the face of the GOP reckless spending proposal and misguided priorities.

HONORING ELIZABETH KEARNEY

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

Mr. WALZ of Minnesota. I rise today to honor a remarkable woman. This weekend, those who love and admire Elizabeth Kearney will gather in Mankato, Minnesota, to celebrate her life. She passed away last Saturday at a very vibrant 96. She was a trailblazer in countless ways. She graduated with a degree in medical technology from the University of Minnesota in 1936. After her husband, Wynn, completed

his residency in Rochester, Minnesota, they moved to Mankato, where they raised five children and became pillars of our community.

The Mankato Free Press reported that she was a devoted mother who cherished family above all else and was so active in the community. She was a friend, a mentor, and a role model. Her daughter Ann and her sons Wynn and Mike and their wives, Ginette and Jane, are still an important force in our community. She founded the Women's Leadership Development Program at the YWCA, served on the Mankato Rehabilitation Center board, started the cultural exchange program at the University of Minnesota, Mankato, and served on so many countless organizations.

The Free Press summed it up: "Elizabeth was the personification of grace, humility, kindness, and generosity, and a day didn't pass without her touching someone's life in her special way." Elizabeth will be deeply missed not only by her family but by so many of us in the community who admired her commitment to causes greater than herself.

JOB-KILLING SPENDING PLAN

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

Mr. MORAN. Mr. Speaker, private sector employment went up by 200,000 people this month. But unemployment remains stubbornly high. A principle reason for this is the job cuts in the public sector. This past month, public sector jobs were lost at an annual rate of a quarter million people. These people also have mortgages to pay, college kids to educate, car payments to make, and the like. They matter to our economy.

Over the last 2 years, more than 200,000 teachers have been laid off, while student enrollment has increased by 750,000. We're told that H.R. 1 would eliminate another 9,000 teacher jobs. In Detroit, classroom size has gone up to 60 students per classroom in middle school, the toughest years to maintain discipline and enhanced knowledge. Now we're told we may have a compromise on H.R. 1 that will cut only 300,000—not 700,000—public sector jobs.

It's inconsistent at best, hypocritical at worst, for the Republican majority in this House to suggest they care about jobs while at the same time they're eliminating hundreds of thousands of them.

□ 1230

THE REPUBLICAN MAJORITY'S RECKLESS SPENDING PLAN

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

Mr. YARMUTH. Mr. Speaker, the cloud hanging over this Chamber is the threat of a government shutdown. We are engaged in what is literally a life-or-death debate about our priorities as a country, and the Republican majority's reckless spending plan doesn't just betray our national values, it highlights their values.

They are demanding cuts to financial aid for students and assistance to homeless veterans or they'll shut the government down. They want to slash heating assistance for low-income seniors or they'll shut the government down. They're even demanding we sacrifice the needs of police officers, firefighters, nurses, seniors, and even pregnant women. And on top of all that, they're fighting to protect billions in tax breaks for Wall Street and oil companies or they'll shut the government down.

In other words, they demand sacrifices from everyone except millionaires, billionaires, and their corporate benefactors. That's why I think we ought to call the reckless GOP spending plan "good old payback."

Mr. Speaker, we cannot let politics and corporate profits trump smart and compassionate policy and the well-being of our Nation. I urge my colleagues to reject these demands and fight to create a government and an economy that works for all Americans, not just the wealthy few.

LET'S WORK TOGETHER TOWARDS SMART CUTS

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

Ms. HANABUSA. Mr. Speaker, we have got to get ahold of reality. We have got to ask: What is it? What is it that we're doing when we're not able to come to a CR? Look at what we're telling the people. And worse than anything else, we are defeating the main purpose for which we are here.

We're here to build public confidence. We're here to make people feel good that we know what we're doing and that there is a bright future for all of us. Instead, the majority is proposing yet another series of budget cuts.

Cuts, yes, we must get our budget under control, but we must do it smartly. And somehow that message isn't getting through.

Two economists said that the cuts are shortsighted. Budget cuts to human capital, our infrastructure, the next generation of scientific and technological advances do nothing for us. As a matter of fact, those are going to set us back.

Mr. Speaker, please, what we need to do, what the majority needs to do, is to say, yes, cuts, but smart cuts. And let's work together towards smart cuts.

APRIL FOOLS AND THE REPUBLICAN SPENDING CUTS

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

Mr. PERLMUTTER. Mr. Speaker, as one of the previous Members on the Democratic side talked about, tomorrow is April Fools. April 1, April Fools. The Republicans would like to have everybody believe that a bill that just passed the House but has never passed the Senate, never been signed by the President, is going to become law. I mean, we all know from our civics class that just isn't what the Constitution says, but they'd like us to believe that.

Now, that's a bad enough joke on America, but the real bad joke is what's in that bill. We're finally starting to get this country on its feet economically. We're starting to make things in America again. Manufacturing is on the rise. But they'd like to see that cut. They want to cut our research into clean energy, which, in Colorado, for every job that we have in research, there are four private sector jobs. They want to cut that. That's the bad joke that's coming up on April Fools.

The cuts that they ask really pull the rug right out from under the feet of America, and we've got to stop it.

THE DREAM ACT CHILDREN

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand today to ask my colleagues to help American families and children.

I join my good friend Congressman LUIS GUTIERREZ on acknowledging the many children, the talented children that are in our schools that deserve the best education, along with all of our children who happen to have been in this country most of their lives but they're undocumented. They are called the DREAM Act children, the children who are our future engineers and doctors, teachers and train workers, bus workers—people who help build America.

It is time now to support comprehensive immigration reform. It's time now to distinguish between the bad guys, whom all of us want to be see deported, versus these young children who are valedictorians and salutatorians, who are athletes, who are men and women in the United States military, who are seeking to be part of the pillars of this community. I want to join in standing alongside these American families and children, not to break up families who are raising wonderful Americans but yet are not statused because of the way their families came to seek an opportunity.

Comprehensive immigration reform is the answer, but we must protect the DREAM Act children.

GOP AGENDA OF MISGUIDED PRIORITIES

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

Mr. PAYNE. Mr. Speaker, my Republican colleagues made a "pledge to America" to develop a plan to "create jobs, end economic uncertainty, and make America more competitive."

Yet, to date, Republicans have not produced a single job-creating measure. In fact, they have done just the opposite. First-time jobless claims increased by 5,000 last week, and the total number of people receiving benefits fell to its lowest level in 3 years. The February job report showed gains of 192,000 jobs and a drop in the unemployment rate to 8.9 percent.

Still ignoring the facts that the experts have said, the needs of their constituents, and basic logic, Republicans continue to embrace a plan that would hamper our economic progress, depress our growth and development. This misguided job-killing spending plan is estimated to eliminate 800,000 jobs and reduce economic growth by 2 percent.

This is irresponsible, unacceptable, and I urge my Republican colleagues to abandon this job-killing spending campaign and adopt a reasonable agenda to support economic development and job growth.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 5, 2011, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 112th Congress:

Mr. BISHOP, Utah
 Mrs. BLACKBURN, Tennessee
 Mr. CRENSHAW, Florida
 Mr. LATHAM, Iowa
 Mr. SIMPSON, Idaho
 Mr. WALDEN, Oregon
 Mr. OLSON, Texas
 Mr. LATTA, Ohio
 Mr. GRIFFIN, Arkansas
 Mr. GRIMM, New York

QUESTION OF PERSONAL PRIVILEGE

Mr. KUCINICH. Mr. Speaker, pursuant to rule IX, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid

basis for the gentleman's point of personal privilege.

The gentleman from Ohio is recognized for 1 hour.

Mr. KUCINICH. Mr. Speaker, the critical issue before this Nation today is not Libyan democracy; it is American democracy. In the next hour, I will describe the dangers facing our own democracy.

The principles of democracy across the globe are embodied in the U.N. Charter, conceived to end the scourge of war for all time. The hope that nations could turn their swords into plowshares reflects the timeless impulse of humanity for enduring peace and, with it, an enhanced opportunity to pursue happiness.

We are not naive about the existence of forces in the world which work against peace and against human security.

□ 1240

But it is our fervent wish that we should never become like those whom we condemn as lawless and without scruples, for it is our duty as members of a democratic society to provide leadership by example, to not only articulate the highest standards but to walk down the path to peace and justice with those standards as our constant companions. Our moral leadership in the world depends chiefly upon the might and light of truth and not shock and awe and the ghastly glow of our 2,000-pound bombs.

Mr. Speaker, our dear Nation stands at a crossroads. The direction we take will determine not what kind of nation we are but what kind of nation will we become.

Will we become a nation which plots in secret to wage war?

Will we become a nation which observes our Constitution only in matters of convenience?

Will we become a nation which destroys the unity of the world community, which has been painstakingly pieced together from the ruins of World War II, a war which itself followed a war to end all wars?

Now, once again, we stand poised at a precipice, forced to the edge by an administration which has thrown caution to the winds and our Constitution to the ground.

It is abundantly clear from a careful reading of our Declaration of Independence that our Nation was born from nothing less than the rebellion of the human spirit against the arrogance of power. More than 200 years ago, it was the awareness of the unchecked arrogance of George III that led our Founders to carefully and deliberately balance our Constitution, articulating the rights of Congress in article I as the primary check by our citizens against the dangers they foresaw for our Republic. Our Constitution was derived from the human and political experi-

ence of our Founders, who were aware of what happens when one person took it upon himself to assume rights and privileges which placed him above everyone else.

"But where," asked Tom Paine in his famous tract "Common Sense," "is the king of America?"

"I'll tell you, friend. He reigns above, and doth not make havoc of mankind like the royal of Britain. So far as we approve of monarchy, that in America the law is king; for as in absolute governance the king is law, so in free countries the law ought to be king, and there ought to be no other," said Thomas Paine in "Common Sense."

The power to declare war is firmly and explicitly vested in the Congress of the United States, under article I, section 8 of the Constitution. That is the law. The law is king.

Let us make no mistake about it. Dropping 2,000-pound bombs and unleashing the massive firepower of our Air Force on the capital of a sovereign state is in fact an act of war, and no amount of legal acrobatics can make it otherwise. It is the arrogance of power which former Senator from Arkansas J. William Fulbright saw shrouded in the deceit which carried us into the abyss of another war in Vietnam.

My generation was determined that we would never see another Vietnam. It was the awareness of the unchecked power and arrogance of the executive which led Congress to pass the War Powers Act. Congress, through the War Powers Act, provided the executive with an exception to unilaterally respond only when the Nation was in actual or imminent danger to repel sudden attacks.

Mr. Speaker, today, we are in a constitutional crisis because we have an administration that has assumed for itself powers to wage war which are neither expressly defined nor implicit in the Constitution nor permitted under the War Powers Act. This is a challenge not just to the administration but to this Congress, itself.

A President has no right to wrest that fundamental power from the Congress, and we have no right to cede it to him. We, Members of Congress, can no more absolve a President of his responsibility to obey this profound constitutional mandate than we can absolve ourselves of our failure to rise to the instant challenge to our Constitution that is before us today. We violate our sacred trust to the citizens of the United States and our oath to uphold the Constitution if we surrender this great responsibility and through our inaction acquiesce in another terrible war. We must courageously defend the oath we took to defend the Constitution of the United States or we forfeit our right to participate in representative government.

How can we pretend to hold other sovereigns to fundamental legal prin-

ciples if we do not hold our own Presidents to fundamental legal principles here at home?

We are staring not only into the maelstrom of war in Libya; the code of behavior we are establishing sets a precedent for the potential of evermore violent conflicts in Syria, Iran, and the specter of the horrifying chaos of generalized war throughout the Middle East. Our continued occupation of Iraq and Afghanistan makes us more vulnerable, not less vulnerable, to being engulfed in this generalized war.

In 2 years, we have moved from President Bush's doctrine of preventive war to President Obama's assertion of the right to go to war without even a pretext of a threat to the Nation. This administration is now asserting the right to go to war because a nation may threaten force against those who have internally taken up arms against it.

□ 1250

Keep in mind, our bombs began dropping even before the United Nations International Commission of Inquiry could verify allegations of murder of noncombatant civilians by the Qadhafi regime. The administration deliberately avoided coming to Congress and, furthermore, rejects the principle that Congress has any role in this matter.

Yesterday, we learned that the administration would forge ahead with military action even if Congress passed a resolution constraining the mission. This is a clear and arrogant violation of our Constitution. Even a war launched ostensibly for humanitarian reasons is still a war, and only Congress can declare war.

Mr. Speaker, we saw in the President's address to the Nation on March 28 how mismatched elements are being hastily stitched together into a new war doctrine. Let's review them: number 1, an executive privilege to wage war; number 2, war based on verbal threats; number 3, humanitarian war; number 4, preemptive war; number 5, unilateral war; number 6, war for regime change; number 7, war against a nation whose government this administration determines to be illegitimate; number 8, war authorized through the U.N. Security Council; number 9, war authorized through NATO and the Arab League; and, finally, war authorized by a rebel group against its despised government. But not a word about coming to the representatives of the people in this, the United States Congress, to make this decision.

Mr. Speaker, at this very moment, thousands of sailors and marines are headed to a position off the coast of Libya. The sons and daughters of our constituents willingly put their lives on the line for this country. We owe it to them to challenge a misguided and illegal doctrine which could put their

lives in great danger, for we have an obligation to protect our men and women in uniform as they pledge to defend our Nation.

This administration's new war doctrine will not lead to peace but to more war, and it will stretch even thinner our military. In 2007, the Center for American Progress released a report on the effects of war in Iraq and Afghanistan and the multiple, multiple deployments of our Armed Forces. The report cited a lack of military readiness. It cited high levels of posttraumatic stress and suicide. The report was released just before President Bush's surge in Iraq, just 1 year after the surge in Afghanistan. And after 8 years of war in Iraq, the President commits an all-volunteer Army to another war of choice. If the criteria for military intervention in another country is government-sponsored violence and instability, overcommitment of our military will be virtually inevitable and, as a result, our national security will be undermined.

It is clear that the administration planned a war against Libya at least a month in advance, but why? The President cannot say that Libya is an imminent or actual threat to our Nation. He cannot say that war against Libya is in our vital interests. He cannot say that Libya had the intention or capability of attacking the United States of America. He has not claimed that Libya has weapons of mass destruction to be used against us.

We're told that our Nation's role is limited; yet, at the same time, it is being expanded. We've been told that the administration does not favor military regime change, but then they tell us the war cannot end until Qadhafi is no longer the leader. Further, 2 weeks earlier, the President signed a secret order for the CIA to assist the rebels who are trying to oust Qadhafi.

We're told that the burdens of war in Libya would be shared by a coalition, but the United States is providing the bulk of the money, the armaments, and the organizational leadership. We know that the war has already cost our Nation upwards of \$600 million and we're told that the long-term expenses could go much, much further. We're looking at spending additional billions of dollars in Libya at a time when we can't even take care of our people here at home.

We're told that the President has legal authority for this war under United Nations Security Council Resolution 1973, but this resolution specifically does not authorize any ground elements. Furthermore, the administration exceeded the mandate of the resolution by providing the rebels with air cover. Thus, the war against Libya violated our Constitution and has even violated the very authority which the administration claimed was sufficient to take our country to war.

We're told that the Qadhafi regime has been illegitimate for four decades, but we're not told that in 2003 the U.S. dropped sanctions against Libya. We're not told that Qadhafi, in an effort to ingratiate himself with the West in general and with America specifically, accepted a market-based economic program led by the very harsh structural adjustment remedies of the IMF and the World Bank.

□ 1300

This led to the wholesale privatization of estate enterprises, contributing to unemployment in Libya rising to over 20 percent.

CNN reported on December 19, 2003, that Libya acknowledged having a nuclear program, pledged to destroy weapons of mass destruction, and pledged to allow international inspections. This was a decision which President George W. Bush has praised, saying Qadhafi's actions "made our country and our world safer."

We're told that Qadhafi is in breach of the U.N. Security Council resolutions, but now our own Secretary of State is reportedly considering arming the rebels, an act which would be a breach of the United Nations Security Council resolution which established an arms embargo. We are told that we went to war at the request of and with the support of the Arab League. But the Secretary-General of the Arab League, Amr Moussa, began asking questions immediately after the imposition of the no-fly zone, stating that what was happening in Libya, "differs from the aim of imposing a no-fly zone. What we want is the protection of civilians and not the shelling of civilians." Ban Ki-moon, the U.N. Secretary-General, has also expressed concern over the protection of civilians, even as allied bombing continued during the international conference on Libya in England this week, stating, "The U.N. continues to receive deeply disturbing reports about the lack of protection of civilians, including various abuses of human rights by the parties to the conflict." He was alluding to possible human rights abuses by Libyan rebel forces. Even the Secretary-General of NATO, an organization which the United States founded and generally controls, expressed concern, saying, "We are not in Libya to arm people but to protect people." So I ask, is this truly a humanitarian intervention? What is humanitarian about providing to one side of the conflict the ability to wage war against the other side of a conflict, which will inevitably trigger a civil war, making all of Libya a graveyard?

The administration has told us, incredibly, they don't really know who the rebels are, but they are considering arming them, nonetheless. The fact that they are even thinking about arming these rebels makes one think the

administration knows exactly who the rebels are. While a variety of individuals and institutions may comprise the so-called opposition in Libya, in fact, one of the most significant organizations is the National Front for the Salvation of Libya, along with its military arm, the Libyan National Army. It was the National Front's call for opposition to the Qadhafi regime in February which was the catalyst of the conflict which precipitated the humanitarian crisis which is now used to justify our intervention.

But I ask, Mr. Speaker, how spontaneous was this rebellion? The Congressional Research Service in 1987 analyzed the Libyan opposition. Here's what the Congressional Research Service wrote: "Over 20 opposition groups exist outside Libya. The most important in 1987 was the Libyan National Salvation Front, formed in October 1981." This National Front "claimed responsibility for the daring attack on Qadhafi's headquarters at Bab al Aziziyah on May 8, 1984. Although the coup attempt failed and Qadhafi escaped unscathed, dissident groups claimed that some 80 Libyans, Cubans, and East Germans perished." Significantly, the CRS cited various sources as early as 1984 which claim, "The United States Central Intelligence Agency trained and supported the National Front before and after the May 8 operation." By October 31, 1996, according to a BBC translation of Al-Hayat, an Arabic journal in London, a Colonel Khalifa Haftar, who is leader of this Libyan National Army, the armed wing of the National Front, was quoted as saying, "Force is the only effective method for dealing with Qadhafi."

Now follow me to March 26, 2011. The McClatchy Newspapers reported, "The new leader of Libya's opposition military left for Libya 2 weeks ago," apparently around the same time the President signed the covert operations order. And I am making that observation. The new leader spent the past two decades of his life in Libya? No. In suburban Virginia, where he had no visible means of support. His name, Colonel Khalifa Haftar. One wonders when he planned his trip and who is his travel agency?

Congress needs to determine whether the United States, through previous covert support of the armed insurrection, driven by the American-created National Front, potentially helped create the humanitarian crisis that was used to justify military intervention. We need to ask the question. If we really want to understand how our constitutional prerogative for determining war and peace has been preempted by this administration, it is important that Congress fully consider relevant events which may relate directly to the attack on Libya.

Consider this, Mr. Speaker: On November 2, 2011, France and Great Britain signed a mutual defense treaty

which included joint participation in Southern Mistral, a series of war games outlined in the bilateral agreement and surprisingly documented on a joint military Web site established by France and Great Britain.

□ 1310

Southern Mistral involved a long range conventional air attack called Southern Storm against a dictatorship in a fictitious southern country called Southland in response to a pretend attack. The joint military air strike was authorized by a pretend United Nations Security Council resolution. The composite air operations were planned, and this is the war games, for the period of March 21 through 25, 2011.

On March 20, 2011, the United States joined France and Great Britain in an air attack against Libya, pursuant to a U.N. Security Council Resolution 1973.

So the questions arise, Mr. Speaker, have the scheduled war games simply been postponed, or are they actually under way after months and months of planning under the named of Operation Odyssey Dawn?

Were operation forces in Libya informed by the U.S., the U.K. or France about the existence of these war games, which may have encouraged them to actions leading to greater repression and a humanitarian crisis?

In short, was this war against Qadhafi's Libya planned, or was it a spontaneous response to the great suffering which Qadhafi was visiting upon his opposition? Congress hasn't even considered this possibility.

NATO, which has now taken over enforcement of the no-fly zone, has morphed from an organization which pledged mutual support to defend North Atlantic states from aggression. They've moved from that to military operations reaching from Libya to the Chinese border in Afghanistan. North Atlantic Treaty Organization.

We need to know, and we need to ask what role French Air Force General Abrial and current supreme allied commander of NATO for transformation may have played in the development of operation Southern Storm and in discussions with the U.S. and the expansion of the U.N. mandate into NATO operations.

What has been the role of the U.S. African Command and Central Command in discussions leading up to this conflict?

What did the administration know, and when did they know it?

The United Nations Security Council process is at risk when its members are not fully informed of all the facts when they authorize a military operation. It is at risk from NATO, which is usurping its mandate, the U.N. mandate, without the specific authorization of U.N. Security Council Resolution 1973.

Now, the United States pays 25 percent of the military expense of NATO,

and NATO may be participating in the expansion in exceeding the U.N. mandate.

The United Nations relies not only on moral authority, but on the moral cooperation of its member nations. If America exceeds its legal authority and determines to redefine international law, we journey away from an international moral order and into the amorality of power politics where the rule of force trumps the rule of law.

What are the fundamental principles at stake in America today? First and foremost is our system of checks and balances built into the Constitution to ensure that important decisions of state are developed through mutual respect and shared responsibility in order to ensure that collective knowledge, indeed, the collective wisdom of the people is brought to bear.

Two former Secretaries of State, James Baker and Warren Christopher, have spoken jointly to the "importance of meaningful consultation between the President and Congress before the Nation is committed to war."

Our Nation has an inherent right to defend itself and a solemn obligation to defend the Constitution. From the Gulf of Tonkin in Vietnam to the allegations of weapons of mass destruction in Iraq, we've learned from bitter experience that the determination to go to war must be based on verifiable facts carefully considered.

Finally, civilian deaths are always to be regretted, but we must understand from our own Civil War more than 150 years ago that nations must resolve their own conflicts and shape their own destiny internally. However horrible these internal conflicts may be, these local conflicts can become even more dreadful if armed intervention in a civil war results in the internationalization of that conflict. The belief that war is inevitable makes of war a self-fulfilling prophecy.

The United States, in this new and complex world racked with great movements of masses to transform their own government, must, itself, be open to transformation away from intervention, away from trying to determine the leadership of other nations, away from covert operations to manipulate events, and towards a rendezvous with those great principles of self-determination which gave birth to our Nation.

In a world which is interconnected and interdependent, in a world which cries out for human unity, we must call upon the wisdom of our namesake, our Founder, George Washington, to guide us in the days ahead. He said: "The Constitution vests the power of declaring war in Congress. Therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such measure."

Washington, whose portrait faces us every day as we deliberate, also had a

wish for the future America. He said: "My wish is to see this plague of mankind, war, banished from the Earth."

I yield back the balance of my time.

□ 1320

PROVIDING FOR CONSIDERATION OF H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any

amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill.

House Resolution 189 provides for a structured rule for the consideration of H.R. 658, the FAA Reauthorization and Reform Act of 2011. The rule provides for ample debate and opportunities for Members of the minority and majority to participate in the debate.

This structured rule has made in order dozens of amendments on a wide range of provisions in this bill, but also in transportation policy in general.

In addition to the 1 hour of equally divided general debate on the bill, the rule has made 33 amendments in order, including 18 amendments from the minority, 12 from the majority, and three bipartisan amendments. Of the 24 amendments offered by the minority, 21 were made in order by this rule.

I point out the number of amendments made in order by this rule by specificity because it is so unusual. The last long-term FAA reauthorization passed Congress in 2007, and the rule for that bill allowed for only five amendments to be debated on the floor.

Since the last long-term FAA reauthorization expired, Congress has passed 18 short-term extensions, and never once has any of the rules allowed for any amendment of any kind to be debatable on this floor.

While many at home may assume that when the House debates something as important as the aviation system, their Member of Congress is given the opportunity to offer and submit ideas and debate those ideas on this floor, it has not been the case in recent years.

Today, we will likely hear from Members of the minority insisting that the underlying bill contains inadequate funding, despite the fact that our Na-

tion is facing a \$1.6 trillion deficit and we should be tightening our belts just like families across America are doing.

We may hear Members from the other side of the aisle complaining that the legislation eliminates government subsidized "essential" air services to rural areas of America, despite skyrocketing costs to taxpayers during an already stressful economic time.

And we may also hear from colleagues that suggest that the legislation contains a poison pill provision on rewriting union election rules, despite those rules being in place and overwhelmingly effective for the last 70 years.

To those complaints, I would specifically and simply ask and suggest: Vote for the rule. The rule allows for amendments to debate alternatives of all kinds to the base bill, to be debated and heard on this floor. To me, that is a good thing.

□ 1330

To be sure, some of the above issues are addressed by amendments, those issues I just mentioned, and they are all going to be debated shortly, as soon as we pass this rule and begin debate on the bill.

So, if you have any concerns with the bill, I would implore my colleagues to support the rule which allows for those concerns to be debated by the duly elected Members of this body. Amendments will pass or fail based on the merits of arguments made by proponents and opponents of these ideas, and if at the end of the process the Members are still not satisfied with the final product, they can vote against it. However, to vote against the rule, which would allow this debate to take place, suggests satisfaction with the underlying bill as it is currently written. And I would understand that position, because I support the bill as well. I support passing a 4-year extension that would allow for long-term aviation system planning instead of a merely short-term cookie-cutter fix that accomplishes very, very little.

I support tightening our belt and rolling back funding to 2008 levels to save taxpayers \$4 billion over the next several years.

I support consolidating aging, obsolete and unnecessary FAA facilities and expanding the cost-effective contract tower program, which allows airports to utilize privately operated, more efficient control towers.

I support passing a reauthorization that is 100 percent free of earmarks, tax increases or passenger facility charges. And the list goes on.

But most importantly, this debate we have here on the floor right now is for this particular rule. If you don't support these things, the rule allows Members to bring alternative proposals before this House for an open and honest debate.

So, once again, Mr. Speaker, I rise to support this rule and the underlying legislation. The committees of jurisdiction have worked to provide us a long-term reauthorization that can streamline the modernization of our aviation system while ending the practice of short-term fixes when it comes to funding this crucial service. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. WEBSTER) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, here we go again. Instead of bringing meaningful legislation to create jobs to the floor of the House of Representatives, the new Republican majority continues to show just how out of touch they are. Two weeks ago, it was cutting off funding for National Public Radio. Yesterday, it was private school vouchers in Washington, D.C. But today's bill is even worse, because this bill will actually destroy jobs.

H.R. 658 starts by reducing the Federal Aviation Administration's funding back to the Republicans' favorite sound bite number of FY 2008 levels. We know that every \$1 billion of Federal investment in infrastructure creates or sustains approximately 35,000 jobs. That is 35,000 Americans who can pay their mortgages and stay in their homes, 35,000 Americans that can better afford to put their kids through college, 35,000 Americans that could help our economy to recover.

Instead, H.R. 658 cuts almost \$2 billion from the Airport Improvement Program, which provides grants to airports for constructing and improving runways and terminals. This provision alone will cost us 70,000 jobs over the course of this 4-year authorization period.

H.R. 658's reduced funding levels will result in the layoffs of hundreds of safety inspectors, engineers and support personnel. These drastic cuts will also delay transitioning our outdated air traffic control system to the modern NextGen system. Without 21st century infrastructure and technology, the United States cannot keep up with our global competitors. It is just that simple.

Mr. Speaker, in the past, the FAA reauthorization bills have garnered a great deal of bipartisan support. Unfortunately, this time is very different because, in addition to the inadequate funding levels, this bill continues an emerging and disturbing Republican trend toward destroying the collective bargaining rights for American workers. From Wisconsin to Ohio to Maine, we have seen how Republican politicians are attempting to destroy a century of hard-fought labor protections. This bill represents more of the same.

This bill would reverse a National Mediation Board rule that allows a majority of those voting in aviation and rail union elections to decide the outcome. Instead, tea party extremists want to count workers who chose not to vote as automatic “noes” against the union.

I wonder if my friends on the other side of the aisle would be willing to use that same standard in congressional elections? I wonder if they would agree that every registered voter who didn't vote, for whatever reason, last November would automatically be counted as a “no” vote against them? I doubt it, because in the 2010 midterm elections, 40.9 percent of eligible voters cast ballots nationwide.

Under the standard in this bill, not a single current Member of Congress would have won election last year. Not one. Let me make this a little more clear. Neither I nor my colleague from the other side of the aisle, the new Member representing the Eighth District of Florida, would be standing here today if this undemocratic standard is enacted. In fact, my friend from Florida would have received only 23.1 percent of the vote, well below the 50 percent threshold included in this bill that he supports today.

I ask my friend from Florida, where in the Constitution does it say that any registered voter who doesn't cast a vote in an election has their vote counted as a “no”? If this standard doesn't make sense for Members of Congress, if we are unwilling to use it on ourselves, then it isn't fair for working people trying to organize.

Mr. Speaker, this bill, unfortunately, abandons a long and proud tradition of bipartisanship on the Transportation Committee, which I am honored to say I once had the privilege of serving on, and I urge my colleagues to reject this rule.

By the way, we have yet to have a truly open rule in this Congress. Notwithstanding the promises that we would see nothing but open rules, we have yet to have a single truly open rule. So I urge my colleagues to reject this rule and the underlying bill.

I reserve the balance of my time.

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

Mr. Speaker, I will say this: I came here to talk about the rule. I didn't come here to talk necessarily about the underlying bill, although I do support the underlying bill. The rule is what is before us right now, not necessarily the policy that is underneath it. We will be discussing that. There will be amendments offered that could change many of the things spoken of by my good friend from Massachusetts.

But I ran for election to this House of Representatives based on the fact that I told people America is not broken; Washington is. One of the things that was broken in Washington was the

process. The process that I saw, the process that was inherited by our own Speaker, was a process based on a pyramid of power, and that pyramid of power was so high, it was as high as the Space Needle, probably, and a few people at the top of that pyramid are the ones that made the decision, not anyone else.

So why were there so many closed rules? Because the pyramid of power said this is what we're going to do and this is what you've got to do, and you've got to go vote, unfortunately. That is what I came here to change, and I think the Speaker did, too, and he created a process by which there were amendments offered on the floor of this House on these bills so people can address the problems that they have.

So he has pushed down the pyramid of power and spread out the base so every single Member had an opportunity to file an amendment, and almost every one of those were made available to be used on the floor of this House by this rule. It was done because we want the membership, as the Speaker has said, he wants this to be the people's House. He wants the people to have an opportunity to have their Member heard on particular issues and particular amendments.

Yes, there will be debate on this bill, there will be debate on the underlying measure, and we will be talking about that and I will be voting for that. But that is not what we are here to talk about right now, and, that is, there is a process. It was broken, and we are doing everything we can to fix it. This rule helps do that.

This rule is a rule that allows for open and honest debate on amendments, on the bill itself, and, to me, that is a great improvement over where we have been in the past. So push down that pyramid of power. Spread out the base. Let every Member be a player. Do it by voting for this rule.

I would now yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

I want to begin by congratulating the gentleman from Florida (Mr. WEBSTER). I understand this is the first rule he is managing, and you're doing a brilliant job so far. Hopefully that will be the case for the next 50 minutes as well.

I want to also congratulate Chairman DREIER and the Rules Committee for coming up with this rule. I have been here in the minority, I have been here in the majority, and the 33 amendments made in order under this rule beat by 28 the number made in order when we last considered this piece of legislation. So congratulations to you.

□ 1340

Sadly, I think for my friends in my party, one of the amendments made in

order is mine. And it's what's caused me—although I fully support the rule; I'm going to vote for the rule—it's what causes me some angst relative to the bill.

I have to give a little bit of context and history. I was on the Transportation Committee when the first reauthorization of this bill was supposed to take place. This bill hadn't been reauthorized since 2003. This bill is about America's future because, among other things, it takes our air traffic control system from ground-based radar to satellite-based so that we can do a lot of wonderful things and continue to be the world leader. So we need to get this bill done.

But a funny thing keeps happening to this bill on the way to the bank, I guess. We first had a fight between Federal Express and UPS. It really doesn't have a lot to do with NextGen, but that screwed up the bill for a while. Then we had a fight with the air traffic controllers in the Bush administration, and that screwed up the bill for a while. Then we had a problem with something called PFCs; how much a passenger pays as a landing charge. Those fees, of course, are then turned into runways and infrastructure and employ a lot of people. So we didn't have a bill.

And then we almost got a bill. In the last Congress, Jim Oberstar and JOHN MICA and JERRY COSTELLO and TOM PETRI did a really nice job, sent the bill over to the Senate, and a couple of Senators decided that they wanted to favor one airline over others and have additional flights—long-distance flights—from Reagan National Airport to their homes, I guess, on the west coast. And so one airline would have received 48 percent of the benefit and everybody else would have gotten the scraps. We didn't have a bill. Again, you say, Why do people get frustrated with Washington? What do any of those things have to do with whether or not we continue to be the world leader in aviation?

So now we come to this bill. And I have to tell you there is a poison pill in this bill. The Senate will not take up the bill as currently written. The President issued a statement of administration policy last night indicating he will veto the bill. And it's all over this one issue. This one issue doesn't belong in the bill.

Now, there are people around here that love unions and the unions can do no wrong. There are people around here that hate unions and unions can't do anything right. But what happened is the airlines and the railroads are organized and regulated under the Rail Labor Act, as opposed to the National Labor Relations Board Act. It's been that way since the 1930s. And for years the rule was that—75 years, actually—that if they wanted to certify a union, you had to get a majority of people in the whole class.

And Mr. MCGOVERN is exactly right. Can you imagine there's about 200,000 people that are registered to vote in my congressional district. And so I stand for election, and if I got 70 percent, so 100,000 people show up—only half, which is about what we're averaging in this country—100,000 people show up, 70,000 vote for me. I'm pretty happy, popping the champagne corks, thinking I got a nice election going. But under the structure that's been in existence for all these years, those 100,000 people that didn't show up, they're counted against me. They're counted as "no" votes. Americans don't understand that kind of election process. It just doesn't make any sense. And the argument and the pushback against this is, Well, it's been that way for 75 years.

Now, the Speaker, I know, is a learned historian of American history. When the Constitution was written, only white men who owned property could vote in this country. And I'll bet if you asked the white guys, they were probably pretty happy about that, and they would say it works okay. For another hundred years, the women in this country couldn't vote. And maybe if you asked some of the men, they were probably happy about that as well. Just because something has been around for a long time doesn't make it right, doesn't make it fair. So the National Mediation Board, which has jurisdiction, changed the rule. They had a hearing. They asked for comments. They had a public meeting. They took a vote. And they changed the rule to the more fair procedure wherein those people that actually show up and vote, that's going to be the vote.

Now, have horrible things happened since this rule went into effect? No. One of the prime proponents of this rule change, Delta Airlines, they've had four elections since the rules were changed. The union has lost all four. And this dumb argument I heard the other day that only three people can come and form a union, that's nonsense. They had a 94 percent turnout at their election. So this encourages turnout.

The other thing I just want to mention is there's a lawsuit pending on this. The Air Transport Association sued the National Mediation Board. They lost.

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

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

Mr. LATOURETTE. It's now in the Court of Appeals. We do our darnedest to say we're going to drain the swamp and do all the other stuff around here. But in this lawsuit—they've got a lot of members, the Air Transport Association—but here are the airlines—and I want everybody listening and following at home figure out what's going on here. The following members of the Air

Transport Association opted out of this lawsuit: American Airlines, Continental Airlines, Southwest Airlines, UPS Airlines, United Airlines, and US Airways.

This is a bad deal and we shouldn't be doing it.

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

First, I want to commend the gentleman from Ohio for his efforts on trying to promote fairness and would reiterate that the issue in question has no business being in this bill. This should not have been put into this bill. I consider it a poison pill. Again, I think it reflects this troubling pattern that we see all across the country where my friends on the other side of the aisle seem to be siding against working people.

I would also just say about the process that we were told that there would be open rules, open rules, open rules. We have not had one. Every member on the Republican side in the Rules Committee has been given an opportunity to vote for an open rule, and they have voted it down every single time.

This afternoon we're going to take up this bill, this deem and pass bill, or whatever people are calling it, which I think is not constitutionally sound but nonetheless we're bringing it up. We'll have another opportunity then to have a vote on an open rule. I wonder where my friends on the Republican side will be on opening up that process. My guess is it will come to the floor either under a closed rule or very restrictive process. So let's be clear: There's not been one truly open rule yet.

At this point I would like to yield 5 minutes to the distinguished ranking member on the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I appreciate my colleague for yielding, and I want to congratulate my colleague, Mr. WEBSTER, on management of his first rule.

I rise today in opposition to the Shuster amendment that would undermine the strong flight safety regulations passed by this Congress and meant to protect air travelers throughout the Nation.

Last July, Congress came together to pass the Airline Safety and Federal Aviation Administration Extension Act of 2010. It was landmark legislation requiring the FAA to implement the findings of the National Transportation Safety Board, which many of us thought the FAA already did, to establish a pilot records database to provide airlines with fast, electronic access to a pilot's record; to direct all airlines and Web sites that sell airline tickets to disclose who is operating each flight; and, of vital importance to those of us who live in western New York, make the necessary changes that address the underreported and deadly issue of pilot fatigue and inability to

fly in bad conditions. My concern, Mr. Speaker, is that this amendment stands to undermine all of these reforms. It would lay additional layers to the FAA's already cumbersome rule-making process, only delaying what we fought so hard to create last year. And we must not go back.

Mr. Speaker, I have the privilege of representing western New York, and flight safety is one of our highest priorities. It was outside Buffalo, in the suburb of Clarence, New York, on a snowy February evening that Continental Connection Flight 3407, operated by regional carrier Colgan Air, crashed to the ground, killing all 49 passengers and one man on the ground. It was a tragedy deeply felt in western New York and sent shock waves throughout the aviation community.

As we discovered more details that fateful evening, we learned that the young pilot had never been trained on stall recovery techniques, which were needed that snowy night, and he had failed five different tests, but his employer only knew about two of those failures. One pilot had slept in the airport in a chair. The other had taken a red-eye flight from Seattle just the night before. It exposed delinquencies in commercial aviation that desperately need solutions. Pilots are often exhausted and underpaid. Discrepancies in the training requirements exist between major carriers and their regional partners. And pilot records are inconsistent, meaning a pilot's entire flying record was not available to his employer.

In the 2 years that followed, we took tremendous effort to learn from the lessons of that painful night. Led by heroic family members of victims of Flight 3407, Congress passed the Airline Safety and Federal Aviation Administration Extension Act. I want to take a moment to recognize the courage and tenacity of those family members. In the past 2 years, they worked through the grief of their own loss and advocated for safer skies for the rest of us. Collectively, they have made 40 trips to Washington on their own money, constantly reminding Members of the House, Senate, and administration that improving aviation safety is never a cause that can be pushed aside.

□ 1350

They have become the most effective group of citizens I have seen in my time in government. Every one of us, and we all do almost every week, who steps into an airplane owes them tremendously, and I am pleased to call them my friends.

The Nation cannot thank them individually, but this Congress can thank them by voting "no" on the Shuster amendment. Because of their work and of those in Congress, there is no better way to mark the lessons we have learned as a Nation about flight safety

than by honoring the people who died on that cold and snowy night. This has been the mission of their families, and it has become a mission of mine.

Any attempt to turn back the clock on landmark provisions we passed last July will hurt everyone, including all the Members of Congress who, as I say, mostly fly back and forth to our districts each week.

To think that the pilot flying that plane is so fatigued that he or she is not at their peak is astounding and dangerous to all of us. These safety provisions must stay intact. They must apply to all pilots. It should not take another tragedy for us to have to relearn the lessons of flight safety.

I urge my colleagues to vote “no” on this amendment, which should not be in this bill.

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

Mr. Speaker, I still want to bring it back to the issue at hand. We're talking about a rule here, and I have found that no matter what you're making—you could be making widgets or you could be making laws—if the process is flawed, whatever you manufacture, whatever you make is flawed. And that's what we're trying to improve here.

The previous Congress, I believe, had a flawed process. This is an improvement. It allows for 33 amendments. I will remind everyone there were 18 extensions of this particular piece of legislation over the past several years. Not one of them ever, ever had an amendment offered on the floor of this House. This is one piece of legislation with 33 amendments being offered. That, to me, is an improved process.

What happens when you improve the process? When you improve the process, the product is always going to improve. I have a business, and I know, Mr. Speaker, you do. And you know that everything you can do starts with first making that process better. That's what we're doing. That's what this rule does. It improves the process, and by improving the process, the product that's produced by this House—which is not in question right now because there are 33 amendments filed for this underlying bill that have been made available for this House to debate. So we don't know what the final product is going to be, and we'll have to wait and see. That's a whole lot better process than coming in and voting “yes” or “no” on a particular piece of legislation.

I reserve the balance of my time.

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

Let's talk about process. Notwithstanding the promises of open rules, we've been here for 13 weeks and not a single open rule. Not a single open rule. And I will tell you that there's something wrong with the process when after all this time we have yet to do

anything to help create jobs or promote jobs in this country. Jobs are the most important issue.

A couple of weeks ago, we were dealing with National Public Radio. It was brought to the floor under an emergency rule. An emergency rule. What kind of process is that? You would think that we were going to talk about something important like the potential war in Libya or about how we put people back to work. Instead an emergency rule was utilized to bring a bill to defund National Public Radio. There's something wrong with this process when we're talking about that and not talking about jobs.

At this point, Mr. Speaker, I would like to yield 2 minutes to my friend, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman. I'm here to talk about the abandonment of essential air service in rural America.

My problem with this bill, among others, is that this legislation turns its back on rural America. The FAA budget is about providing a transportation system that is going to serve all of America, all of our taxpayers in urban and in rural areas. And this bill is an assault on the \$200 million a year that had been available for essential air services in rural America.

How is it that rural America gets left behind? We have needs, we have companies, we have taxpayers, and we have travelers. And we can have that commitment to rural America be continued, not abandoned.

Let me give an example. The Rutland Southern Vermont Regional Airport serves southern Vermont. That county is rural, 63,000 people. There's no interstate access, Mr. Speaker. To help ensure the three daily flights to and from Boston Logan International Airport, the air services are subsidized at \$800,000 a year. It's a good and efficient use of taxpayer money. That airport has the fifth-lowest EAS subsidy in the country, but it's had the greatest number of passenger enplanements since 1985.

This relatively small investment has spurred private investment in the region. We've got a GE plant there. We've got the local hospital. It resulted in \$25 million in economic impact for the region, and in the past year bookings have risen by 25 percent.

So the question I have is, yes, kick the tires on any program. Make them accountable. But how is it accountable and how is it responsible to rural America when the budget gets smashed, and we're going to leave the Rutland regional airports of this country behind, and we're turning our back on the prospects and hope of rural America?

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

Mr. Speaker, I just want to remind the House again we're talking about

this rule. And there was an opportunity to file amendments on all the issues that are being brought up.

There was an amendment filed on that very issue. It wasn't my fault it was withdrawn. It was the sponsor's fault it was withdrawn. Had it not been, there might have been a difference. It might have been heard here. We might have been able to discuss and wouldn't have to discuss it while we're discussing a rule. But for some reason it was withdrawn.

I also want to remind the membership that last Congress, zero open rules. Zero. None. No amendments were offered on this floor. It was like a silence that existed for a long period of time. No Member could stand up and give an amendment to any type of piece of legislation. That's a sad thing. That, to me, is a broken process.

And I'm glad Chairman DREIER came because he too, along with the Speaker, has said we want to have as open a process as we possibly can. We want to allow for amendments. We want to allow for opportunities in a process that's better than last time; that as we improve this process, we're also going to improve the policy that we present to this floor and to the public once it passes and it's signed by the President.

Mr. DREIER. Will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would just like to say, Mr. Speaker, that I have listened to my friend from Worcester keep throwing out this term “open rule,” “open rule,” that we've had all these chances for open rules and we haven't passed a single open rule.

First, let me say, based on the definition that our colleagues on the other side of the aisle had, we've had open rules. Bills considered under what we correctly describe as a modified open rule were described by our friends when they were in the majority as an open rule. Now, having said that, what we repeatedly said was that since in the entire 4 years of Speaker PELOSI's leadership of this House, we had one measure in 4 years considered under an open rule, we said in our Pledge to America that we wanted to make sure that the appropriations process is done under an open amendment process. And we're going to do our doggonedest to make sure that we have an open amendment process for consideration of that.

And I think it's important to note that if you look at, as Mr. WEBSTER said so well—and I want to congratulate him on his management of his first rule here in the House—making 33 amendments in order has not in any way predetermined the outcome of the measure when we had all of these extensions that went on for FAA. And my friend Mr. MICA, the chairman of the

Transportation and Infrastructure Committee, is here. We know that we've had these constant renewals without a single amendment being offered. So we're going to have 33 amendments.

So our commitment to a more open process has, in fact, been met and exceeded in the eyes of many. And I will tell you the praise that we've gotten from Members in the leadership on the Democratic side of the aisle for having gone through all of the amendments that we did—it was virtually unprecedented—on H.R. 1, the measure that allowed us to work overnight and have a modified open rule, meaning any Member could offer a germane amendment. It was, as I said, virtually unprecedented. So I am very proud at what we've done, certainly juxtaposed to what we've seen in the last 4 years. And I believe, Mr. Speaker, that by virtue of our doing this, we're allowing the people of this country to have a chance to be heard. That has not been there for quite a long period of time.

I again thank my friend for his superb management.

□ 1400

Mr. WEBSTER. I reserve the balance of my time.

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

Madam Speaker, I've listened with great interest. My friend from California (Mr. DREIER) kind of amended a little bit what the Republican majority promised. I think I heard him right, that open rules now are only limited to appropriations bills and nothing else.

Mr. DREIER. Will the gentleman yield on that?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I never said that we're going to limit an open amendment process, open rules, to the appropriations process. What I said was and the commitment that we made was that, since we had the appropriations process completely shut down in the last two sessions of Congress, we wanted to now have this done in an open amendment process.

I thank my friend for yielding.

Mr. MCGOVERN. I thank the gentleman for his clarification.

It seems like, to me, a little bit of revisionist history, but I guess later this afternoon we're going to rewrite the Constitution, so why not rewrite history? We were promised open rules. Under the definition of an "open rule," we have not had one single open rule in this Congress. Again, this afternoon, we are going to be dealing in the Rules Committee with the demon and pass a bill.

We had on this floor, not too long ago, the reading of the Constitution. I guess my friends on the other side of the aisle weren't paying attention, because what they are trying to do this

afternoon, in my opinion, or, I think, in anybody's opinion, doesn't fit with the Constitution. It will be interesting to see whether or not that comes to the floor under an open process. My guess is it will be a very restrictive process, which we've become accustomed to.

At this point, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman.

Madam Speaker, I rise to express my strong opposition to an amendment made in order under this rule, an amendment which would block the implementation of regulations to prevent pilot fatigue.

Our current pilot fatigue regulations are outdated and have been on the books for decades. In that time, we have seen many preventable accidents occur due to pilot fatigue, including the crash of Flight 3407, near Buffalo, in which 50 people died 2 years ago.

In response to that tragedy and after over a year of consideration, last year the House and the Senate unanimously passed legislation to update our pilot fatigue rules. They are pending implementation by the Federal Aviation Administration.

These reforms have been on the National Transportation Safety Board's "most wanted" list for the past 20 years. They are based on science, on fact, on real input from the professional aviation community. However, the amendment offered by Mr. SHUSTER would have the effect of blocking their implementation.

Pilots are people who have a huge responsibility to the flying public. It doesn't matter whether they are flying a cargo plane, a regional plane or a large passenger plane. They need adequate rest to perform their duties.

Quite simply, these pilot fatigue reforms will save lives. Fifty lives were needlessly lost 2 years ago. Last year, we voted unanimously to enact these reforms due to the dogged advocacy and determination of the families who lost their loved ones in that crash. These families want nothing more than to make our airways safer and to prevent this tragedy from happening again.

I urge my colleagues to stand with these families, to stand with aviation safety, and to please vote against the Shuster amendment.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. First, I thought I would start off by acknowledging the efforts to have open rules and so on and by giving you a little praise, but you're doing enough to give yourselves praise, so I guess I won't have to do that today.

Madam Speaker, I rise to oppose this rule. I rise to address yet another at-

tack on our Nation's workers and the middle class which have been snuck into the FAA Reauthorization Act. As a senior member of the committee and as a pilot myself, I am appalled that Republicans have chosen to play politics with legislation as important as this—one that ensures our skies are safe and operating at peak performance.

In H.R. 658, Republicans march on in their crusade against working Americans and middle class families by targeting union representation elections for hardworking Americans. Under this legislation, Republicans would deny transportation workers and their unions the basic tenets of democracy by ordering an absent vote in a representation election to be counted as a "no" vote. By this math, not a single one of us serving in the House today would be here when we compare voting populations in our districts with the percentage of the "yes" votes we all mustered. On average, we would have earned about 25 percent of the vote.

In targeting our Nation's transportation workers, Republicans have once again drawn a line in the sand between the needs of middle class America and protecting the interests of CEOs and Wall Street, and it is obvious which side they're on.

Instead of stripping our aviation and rail workers of their democratic rights, why don't the Republicans look within their own ranks and apply this election concept to Wall Street? From here on out, make every corporation that received government assistance count an absent shareholder vote as a "no" vote when considering executive compensation and bonus packages.

But that won't happen.

Instead of focusing on real issues like jobs and education, Republicans are attacking middle class rail and aviation workers who do dangerous jobs to keep our transportation system going.

I urge my colleagues to stand with the middle class workers who put their lives on the line every day at work to make sure that goods and people are being moved across this Nation. Vote "yes" on the amendment to be offered by Congressmen LATOURETTE and COSTELLO.

Mr. WEBSTER. Madam Speaker, I would like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida has 12½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I rise in opposition to the rule because it includes a manager's amendment with problematic provisions.

The manager's amendment will prevent the disclosure and use of safety data. It provides immunity to all persons and organizations involved in the implementation of a safety management system, and it provides total immunity for volunteer pilots, volunteer pilot organizations and referring agencies.

By preventing the disclosure of safety information, the manager's amendment severely hinders the ability of people injured by the negligence of the aviation industry, or their surviving family members, from obtaining crucial information that they need in a court of law to determine whether or not their loss was due to the industry's negligence. Essentially, it allows the negligent airline companies and their employees to hide and to keep evidence of their negligence secret.

Additionally, by granting immunity to any "person that is required to implement a safety management system" and for volunteer pilots and pilot organizations, the manager's amendment would potentially provide immunity to the entire aviation industry. This immunity provision is so broad that it would protect individuals who negligently fail to follow a safety standard even if that failure led to massive passenger deaths.

Madam Speaker, this is outrageous, and it essentially asks the airline passengers to put their lives in the hands of aviation teams which could possibly have no liability for any negligence that occurs during a flight. This is unnecessary because we already have in law the Volunteer Protection Act, which provides immunity only for volunteers. This amendment will interrupt the careful balance achieved through that act by giving volunteer organizations and others immunity as well.

The airline industry is free to purchase liability insurance to ensure that people are protected from the negligent acts of its employees. This amendment exempts the industry from having the responsibility for the safety of the public and its employees, and it is certainly not in the best interests of the flying public.

This rule should be defeated so that that amendment cannot be offered.

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

First of all, I want to go back again to where we were. We are talking about a rule. We are talking about a process, a good process, that allows for amendments. I know that the other side is thinking, Wow, we've got to come in here and argue this bill. We've got to argue the underlying part. You don't. You've got plenty of time to do it because this rule will allow for good, lengthy debate, not only on the bill, itself, but also on the 33 amendments that have been offered.

I would encourage them to think about the fact that this rule is what we

are voting on. This rule is a good rule and an open process, one that allows for every Member to participate. I would tell them, again, to vote for this rule. That's my response to any of the criticisms of this bill.

□ 1410

Yes, they're going to be addressed by an amendment. Come make your case, and see if you can pass it.

I would now yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. The gentleman from Florida is correct, Madam Speaker, that this is about the rule, and the Rules Committee serves a very important purpose because we have 435 Members. When we come to the floor, you just can't have chaos. There has to be some structure. All Members are afforded the opportunity to speak if we go through our regular business.

Mr. MCGOVERN. Will the gentleman yield?

Mr. MICA. I won't at this time because I have very limited time and you have lots of time left, so I won't yield. And mine is limited.

And that's part of the process. Again, I was just yielded 5 minutes. So the Rules Committee sets the order of debate, how much time there shall be, how many amendments that are submitted.

Now, I've been here awhile. My family's been around Congress awhile. The last 4 years, for anyone to come and say that this is an unfair rule is so far from being accurate. Fifty amendments were offered. As the chair of the committee, I pay attention to the amendments. I went before the Rules Committee and asked that they carefully consider these; and what you want to do is make sure you don't have duplicate, you don't have nongermane, and be fair to Members so everybody gets a chance.

Some 48 were offered, 48 actually I understand. Thirty-nine were left after Members withdrew them. Thirty-three were accepted. That leaves six that they took out. If that's unfair in any way, it's hard to believe. So we have been fair. Mr. WEBSTER's been fair, Mr. DREIER's been fair. I've never seen a fairer process. And in the last 4 years, when the place was run under basically martial law, you couldn't bring amendments up.

Then, how did we get ourselves in this situation? For 4 years they had complete control of this body. They could have passed anything. But what did they do, they passed things but they passed so much and spent so much that the American people threw them out. They had enough votes in the House to pass anything. They had enough votes in the Senate to pass anything, and the last 2 years they've had a President that would sign anything.

This aviation bill, 17 times they did an extension. I was the chairman in

2003 when we did a 4-year bill. We did a 4-year bill. It expired in 2007. My bill expired that I helped draft and author in 2003, expired after 4 years in 2007. Seventeen times they left the aviation policy, the funding formula, all the programs for safety and everything go on the most erratic basis you could imagine. Seventeen extensions, costing the taxpayers millions of dollars. Go talk to the FAA administrator. And every time they did that, what they did to the disruption of one of the most important industries in the United States; 9.2 percent of our gross domestic product and activity is in the aviation industry, and they had 4 years to pass it. Unbelievable.

In less than 4 months, we've already worked with the United States Senate. They've passed the bill. We've passed it through two other committees, and now our Transportation and Infrastructure Committee is bringing it up here, under a fair rule, one of the most open rules with open participation by all Members on every side. So don't talk to me about fairness in rules. This is fair.

Let's get it done and pass this rule, get the people's business done and get people working in the United States of America, instead of more hot air passing through this Chamber.

Mr. MCGOVERN. I yield myself the balance of my time.

Madam Speaker, I am amazed by the comments of the gentleman from Florida when it comes to rules because when we were in charge of the House, I don't recall a single time where the gentleman came before the Rules Committee and did not advocate for an open rule. This is not an open rule.

Members who have ideas that they want to bring to the floor in response to amendments that are being offered will be denied that opportunity, and there is a restriction on the ability of Members to be able to participate in the debate. Under a true open rule, every Member would have at least 5 minutes, if they chose, to be able to talk on a bill. So it's interesting this revisionist history by the Republicans who promised open rules but have not produced a single open rule yet. That's just a fact, and we can spin it any way you want to, but you promised open rules, and we haven't seen a single one yet.

Now, as far as the bill goes, H.R. 658, one of the reasons why we are concerned is because this is a job-destroying bill. We should be obsessed in this Congress about protecting jobs and creating jobs; yet, what we have seen is attention being given to everything else but jobs. A couple of weeks ago, we spent a whole week on National Public Radio, should we defund National Public Radio when people are out of work. And here you bring a bill, H.R. 658, to the floor that will destroy American jobs with \$4 billion in cuts that will

have dire consequences for our Nation's infrastructure, jobs and economy.

The aviation industry, I will remind my friend, accounts for nearly 11 million American jobs and \$1.2 trillion in annual economic activity. This Republican bill would cut the airport improvement grants for runway maintenance and safety enhancements by almost \$2 billion, costing us 70,000 jobs, especially hurting small airports. The Senate measure, passed with a bipartisan majority, adds tens of thousands of jobs.

Now, there are cuts in this bill that would also lead to a reduction in safety personnel and delay important air safety initiatives, a bad choice for the flying public as highlighted by the recent Reagan National incident.

In February, the FAA administrator under President George W. Bush, Marion Blakey, stated that "the prospect is really devastating to our jobs and to our future, if we really have to roll back to 2008 levels and stop NextGen in its tracks."

This bill also eliminates essential air service for 110 rural communities needed to connect them with global commerce, support local jobs and spur economic growth. It's important to invest in our infrastructure in order to keep this economy strong.

And this bill, as has been said over and over again, extends the assault on American workers, collective bargaining, and the middle class to workers in the aviation and railroad sectors by overturning a rule for union elections which, as with other elections, calls for a majority of votes cast to win. This continues this pattern, this assault on American workers.

I ask my friends on the Republican side, when did the American worker become the bad guy? My friends on the other side go out of their way to protect Wall Street. Under their open process, when they brought up their H.R. 1, their bill that cuts all these essential programs, they wrote it in a way that it protected the taxpayer subsidies to big oil companies so we couldn't get at them. It protected all these special interest tax loopholes that are there for big business and big corporations. And after what happened to our economy, this mess that was created in large part by Wall Street, here we go again with this Republican majority attacking working families, workers.

Well, someone has got to stand up for working families and workers, and I'm glad that there are Members on my side of the aisle that are willing to do that. This controversial provision should not be in this bill. This is a throwaway to the extreme right wing, and it should not be in this bill.

Madam Speaker, let me close by saying we need to start talking about jobs and how we protect jobs and create jobs. This bill, because of the dramatic

cuts in this bill, will destroy jobs. You want to find savings, go after taxpayer subsidies to the oil companies. You want to find savings, then if you're going to fight these wars, pay for it. You want to find savings, close some of these grotesque tax loopholes for the richest interests in this country. Instead, you go after things that help average American families, that go after American workers.

This is wrong. I urge my colleagues to vote against this rule, which is not open, and I urge my colleagues to vote against the underlying bill.

I yield back the balance of my time.

□ 1420

Mr. WEBSTER. I yield myself the balance of my time.

Madam Speaker, as you heard me say earlier, my Republican colleagues and I are committed to providing a more accountable, transparent, and open process than the minority allowed during previous Congresses. Today's bill is another step in that right direction, an example of the House Republicans' commitment to reform the way things are done here in Washington. The underlying bill has bipartisan support, it went through regular order, and it was provided a structured rule to allow Republicans and Democrats alike to offer amendments, their ideas, in an open and honest debate.

While I am supportive of the underlying legislation, this vote on the rule that provides an open and transparent process, which allows 33 amendments from both sides of the aisle, where ideas and policy will rise or fall on the basis of their merit and not on any particular sponsor's party affiliation, this is what the American people expect in their elected officials.

I would like to introduce to you one of the new Americans that was born last night at 10:50. This is Claire. She is our seventh granddaughter, and we're excited about her. And she, just like the rest of the American people, believes that it is an expectation that is fulfilled by this rule, the rule that we have here before us, which is that we will have an opportunity to express ourselves in a real, transparent, open way on amendments and the underlying bill and have the opportunity to present ourselves and afford ourselves a chance to vote on each one of those proposals.

I encourage my colleagues to join me in supporting the passage of this rule.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 872.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 205]

YEAS—249

Adams	Gingrey (GA)	Miller, Gary
Aderholt	Gohmert	Mulvaney
Akin	Goodlatte	Murphy (CT)
Alexander	Gosar	Murphy (PA)
Amash	Gowdy	Myrick
Austria	Granger	Neugebauer
Bachmann	Graves (GA)	Noem
Bachus	Graves (MO)	Nugent
Barletta	Griffin (AR)	Nunes
Bartlett	Griffith (VA)	Nunnelee
Bass (NH)	Grimm	Olson
Benishek	Guinta	Palazzo
Berg	Guthrie	Paul
Berman	Hall	Paulsen
Biggart	Harper	Pearce
Bilbray	Harris	Pence
Bilirakis	Hartzler	Peters
Bishop (UT)	Hastings (WA)	Petri
Black	Hayworth	Pitts
Blackburn	Heck	Platts
Bonner	Heinrich	Poe (TX)
Bono Mack	Heller	Pompeo
Boustany	Hensarling	Posey
Brady (TX)	Herger	Price (GA)
Brooks	Herrera Beutler	Quayle
Broun (GA)	Himes	Reed
Buchanan	Huelskamp	Rehberg
Bucshon	Huizenga (MI)	Reichert
Buerkle	Hultgren	Renacci
Burgess	Hunter	Ribble
Burton (IN)	Hurt	Richardson
Calvert	Issa	Rigell
Camp	Jenkins	Rivera
Canseco	Johnson (IL)	Roby
Cantor	Johnson (OH)	Roe (TN)
Capito	Johnson, Sam	Rogers (AL)
Carney	Jones	Rogers (MI)
Carter	Jordan	Rohrabacher
Cassidy	Kelly	Rokita
Chabot	King (IA)	Rooney
Chaffetz	King (NY)	Ros-Lehtinen
Coble	Kingston	Roskam
Coffman (CO)	Kinzinger (IL)	Ross (AR)
Cole	Kissell	Ross (FL)
Conaway	Kline	Royce
Cravaack	Labrador	Runyan
Crawford	Lamborn	Ryan (WI)
Crenshaw	Lance	Scalise
Culberson	Landry	Schiff
Davis (KY)	Lankford	Schilling
DeFazio	Latham	Schmidt
Denham	LaTourette	Schock
Dent	Latta	Schweikert
DesJarlais	Lewis (CA)	Scott (SC)
Diaz-Balart	LoBiondo	Scott, Austin
Dold	Long	Sensenbrenner
Dreier	Lucas	Sessions
Duffy	Luetkemeyer	Sherman
Duncan (SC)	Lummis	Shimkus
Duncan (TN)	Lungren, Daniel	Shuler
Ellmers	E.	Shuster
Emerson	Mack	Simpson
Farenthold	Manzullo	Smith (NE)
Fincher	Marchant	Smith (NJ)
Fitzpatrick	Marino	Smith (TX)
Flake	Matheson	Southerland
Fleischmann	McCarthy (CA)	Stearns
Fleming	McCaul	Stivers
Flores	McClintock	Stutzman
Forbes	McCotter	Sullivan
Fortenberry	McHenry	Terry
Fox	McKeon	Thompson (PA)
Franks (AZ)	McKinley	Thornberry
Gallely	McMorris	Tiberi
Gardner	Rodgers	Tipton
Garrett	Meehan	Turner
Gerlach	Mica	Upton
Gibbs	Miller (FL)	Walberg
Gibson	Miller (MI)	Walden

Walsh (IL) Wilson (SC) Yoder
Webster Wittman Young (AK)
West Wolf Young (FL)
Westmoreland Womack Young (IN)
Whitfield Woodall

NAYS—171

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

NOT VOTING—12

Barton (TX) Giffords Olver
Braley (IA) Hanna Polis
Campbell Maloney Richmond
Frelinghuysen Moore Rogers (KY)

□ 1445

Ms. BERKLEY and Messrs. PASCRELL and CARDOZA changed their vote from “yea” to “nay.”

Messrs. FLORES, TIBERI, and HEINRICH changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REDUCING REGULATORY BURDENS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 292, nays 130, not voting 10, as follows:

[Roll No. 206]

YEAS—292

Adams Dold King (IA)
Aderholt Donnelly (IN) King (NY)
Akin Dreier Kingston
Alexander Duffy Kinzinger (IL)
Altmire Duncan (SC) Kissell
Amash Duncan (TN) Kline
Austria Labrador
Baca Emerson Lamborn
Bachmann Farenthold Lance
Bachus Farr Landry
Barletta Fincher Langevin
Barrow Fitzpatrick Lankford
Bartlett Flake Larsen (WA)
Bass (NH) Fleischmann Latham
Benishek Fleming LaTourette
Berg Flores Latta
Biggert Forbes Lewis (CA)
Bilbray Portenberry LoBiondo
Bilirakis Foyx Loeb sack
Bishop (GA) Frank (MA) Long
Bishop (UT) Franks (AZ) Lucas
Black Gallegly Luetkemeyer
Blackburn Gardner Lummis
Bonner Garrett Lungren, Daniel
Bono Mack Gerlach E.
Boren Gibbs Mack
Boswell Gibson Manzullo
Boustany Gingrey (GA) Marchant
Brady (TX) Gohmert Marino
Brooks Goodlatte Matheson
Broun (GA) Gosar McCarthy (CA)
Buchanan Gowdy McCarthy (NY)
Bucshon Granger McCaul
Buerkle Graves (GA) McClintock
Burgess Graves (MO) McCotter
Burton (IN) Griffin (AR) McGovern
Butterfield Griffith (VA) McNHenry
Calvert Grimm McIntyre
Camp Guinta McKeon
Canseco Guthrie McKinley
Cantor Hall McMorris
Capito Harper Rodgers
Capps Harris McNerney
Cardoza Hartzler Meehan
Carney Hastings (WA) Mica
Carter Hayworth Michaud
Cassidy Heck Miller (FL)
Chabot Heller Miller (MI)
Chaffetz Hensarling Miller (NC)
Chandler Herger Miller, Gary
Coble Herrera Beutler Mulvaney
Coffman (CO) Holden Murphy (PA)
Cole Huelskamp Myrick
Conaway Huizenga (MI) Neugebauer
Costa Hultgren Noem
Costello Hunter Nugent
Courtney Hurt Nunes
Cravaack Issa Nunnelee
Crawford Jenkins Olson
Crenshaw Johnson (IL) Owens
Critz Johnson (OH) Palazzo
Cuellar Johnson, Sam Paul
Culberson Jones Paulsen
Davis (IL) Jordan Pearce
Davis (KY) Kaptur Pence
Dent Keating Perlmutter
DesJarlais Kelly Peters
Diaz-Balart Kind Peterson

Petri Ross (AR) Terry
Pingree (ME) Ross (FL) Thompson (CA)
Pitts Royce Thompson (MS)
Platts Runyan Thompson (PA)
Poe (TX) Ryan (WI) Thornberry
Pompeo Scalise Tiberi
Posey Schilling Tipton
Price (GA) Schmidt Turner
Price (NC) Schock Upton
Quayle Schrader Walberg
Rahall Schweikert Walden
Reed Scott (SC) Walsh (IL)
Rehberg Scott, Austin Walz (MN)
Reichert Scott, David Watt
Renacci Sensenbrenner Webster
Reyes Sessions Weiner
Ribble Sewell Welch
Richardson Shimkus West
Rigell Shuler Westmoreland
Rivera Shuster Whitfield
Roby Simpson Wilson (SC)
Roe (TN) Sires Wittman
Rogers (AL) Smith (NE) Wolf
Rogers (KY) Smith (NJ) Womack
Rogers (MI) Smith (TX) Woodall
Rohrabacher Southerland Wu
Rokita Stearns Yoder
Rooney Stivers Young (AK)
Ros-Lehtinen Stutzman Young (FL)
Roskam Sullivan Young (IN)

NAYS—130

Ackerman Gonzalez Olver
Andrews Green, Al Pallone
Baldwin Green, Gene Pascrell
Bass (CA) Grijalva Pastor (AZ)
Becerra Gutierrez Payne
Berkley Hanabusa Pelosi
Berman Hastings (FL) Polis
Bishop (NY) Heinrich Quigley
Blumenauer Higgins Rangel
Brady (PA) Himes Rothman (NJ)
Brown (FL) Hinchey Roybal-Allard
Capuano Hinojosa Ruppertsberger
Carnahan Hirono Rush
Carson (IN) Holt Ryan (OH)
Castor (FL) Honda Sánchez, Linda
Chu Hoyer T.
Cicilline Inslee Sanchez, Loretta
Clarke (MI) Israel Sarbanes
Clarke (NY) Jackson (IL) Schakowsky
Clay Jackson Lee Schiff
Clever (TX) Schwartz
Clyburn Johnson (GA) Scott (VA)
Cohen Johnson, E. B. Kildee
Connolly (VA) Holt Serrano
Conyers Kucinich Sherman
Cuellar Larson (CT) Slaughter
Cooper Lee (CA) Smith (WA)
Crowley Cummings Levin
Cummings Lewis (GA) Stark
Davis (CA) DeFazio Lipinski
DeFazio DeGette Lofgren, Zoe
DeLauro Lowey Tonko
Deutch Luján Towns
Dicks Lynch Tsongas
Dingell Markey Van Hollen
Doggett Matsui Velázquez
Doyle McCollum Vislosky
Edwards Meeks Wasserman
Ellison Miller, George Moore Schultz
Engel Moran Waters
Eshoo Fattah Waxman
Farr Filner Wilson (FL)
Fattah Napolitano Woolsey
Neal Yarmuth

NOT VOTING—10

Barton (TX) Frelinghuysen McDermott
Braley (IA) Giffords Richmond
Campbell Hanna
Denham Maloney

□ 1455

Mr. RUPPERSBERGER changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HANNA. Madam Speaker, I was unavoidably absent for votes. Had I been present, I would have voted "yes" on rollcall votes 205 and 206.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 658 and include extraneous materials in the CONGRESSIONAL RECORD.

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

There was no objection.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 658.

□ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 189 and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes. The gentleman from Texas (Mr. HALL), the gentlewoman from Maryland (Ms. EDWARDS), the

gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

□ 1500

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

Madam Chairman, the legislation before us now, as the Chair has indicated, is the FAA Reauthorization and Reform Act of 2011.

During the discussion on the rule which brought the measure to the floor, I had an opportunity to speak on the fairness of the rule, and again I'll cite: Having been here for a number of years and observed the process for three decades, I rarely find any time in which everyone has had a fair opportunity to offer amendments. Some 48 amendments were offered before the Rules Committee. Thirty-three were accepted. Nine were withdrawn. So there are only six that were not considered—some for germaneness reasons, some for being duplicative—and also, in fairness, for Members to have an opportunity to participate. So, again, I think the process that we have come forward with is very, very fair. The process has been fair and bipartisan in the committee.

In the last 4 years, as the ranking Republican, Republican leader of the committee, I can count on probably less than three fingers the number of votes that we had over the 4 years. We had many more votes than that in the committee. It was an open process and people had the opportunity to participate.

I also spoke in the rule of how we got ourselves in this predicament. I had the honor and privilege of being the chair of the Aviation Subcommittee after the beginning of 9/11 and through the fateful time of 9/11 for 6 years. In 2003, we passed the last authorization for FAA. Now, in order to operate the Federal Government and each of its agencies and activities, the Congress must authorize the programs, the policies, the agencies, the funding formulas, and the projects that are eligible for Federal participation.

As I also stated, the other side of the aisle for 4 years had huge majorities, could pass anything that they wanted to. Very large majority in the House, large majority in the Senate. And the last 2 years, indeed, they controlled the White House, the House, and the Senate. They could pass anything they wanted.

In 2007, the bill that I helped author, a 4-year authorization, expired. They did 17 extensions in 4 years. It's no wonder people don't have jobs. It's no wonder that people in the aviation industry don't know which way the Federal Government is coming or going. It's no wonder that you have some disarray in one of our most important

agencies, the FAA. They had 4 years; we've had less than 4 months. We're bringing the bill out.

We've had a fair process in the committee, and we've had opportunity for people to offer amendments and will spend most of today and maybe part of tomorrow going through those amendments in, I think, an adequate time for debate. The bill does make some reductions in spending and it does take us back to the 2008 level of spending.

Now, the first thing you will hear from the other side is, Oh, the Republicans are cutting and slashing important FAA programs and safety and security and everything under the sun will be at risk. I can tell you that that's not the case. I can tell you that you can do more with less, and we can prioritize. In fact, in this bill, to make certain that safety is our primary concern—and it must be our primary concern—we have put specific provisions in here that if there are cuts or reductions—and heaven knows the FAA and the Department of Transportation certainly can have reductions in bureaucratic staffing. My dad used to say when he was alive, "Son, it's not how much you spend; it's how you spend it." And it's just like that with personnel.

People say, well, we're not going to have enough air traffic controllers. We just had the incident out at Reagan. We had an air traffic controller with some 20 years' experience, 17 years at DCA, came to work I guess at 10 o'clock. There was somebody there until almost 10:30. So I understand he was there an hour and 28 minutes and either fell asleep or wasn't doing his duty. So, in Washington, what do they do? We've got to double up. We've got to have more employees.

Listen to this statistic. Since before 2001, we have a 21 percent decrease. If we go to 2001 to today, we have a 21 percent decrease in air traffic movements. Why? Because the industry has consolidated. We don't have as many flights. The economy is down. At the same time, we have an increase in 20 percent of staffing. If you look at airports around the country, you will see some with huge reductions in air traffic and still the same number of air traffic controllers. In this bill, we give some flexibility so you can hopefully move people around.

Now, I know there are labor agreements and it's hard to get people to move, and some people might not like the warm climes and beauty of Florida where the population has expanded—and Arizona and wherever else we need them—but, for heaven's sake, do we need to double up? Do we need to double up when there's no air traffic at these airports between midnight and 5 a.m.? That's the Washington big spending, big government. Let's add more.

So I can tell you that there's plenty of room for doing things responsibly,

doing things with safety in mind. Now let's try a new approach with the best interests of the taxpayer.

They've spent some \$5.3 billion in about 24 months more than we take in. We're on the verge of having our financial security of this Nation at risk and also threatening even the defense security of this Nation.

Again, 17 times they did these little hiccup extensions, costing millions of dollars. Just ask the FAA administrator; the recalculation, all the things that had to be done; the inability to move forward with safety programs, for that matter.

So I just want to make the point that we can accomplish what we've set out: a reduction in spending and, actually, better performance and better safety. I could give more examples. I don't have a lot of time.

We used to chase developmental programs, and the government would try to develop technology for air traffic control, and they take forever. And the private sector would develop technologies. They do it sooner, faster, better, with more capability, while we're still spending billions of dollars recklessly. And we reduced, actually, the amount of money in those developmental programs, and we actually have put out there the technology faster, better. So there are many areas, and I can't spend all my time talking about them.

This is a job creation bill. 9.2 percent of the gross domestic activity in this Nation depends on this industry. We count on this. As I said, in less than 4 months, the other body, the Senate, has already passed the bill. We're ready to go to conference. We've asked for one extension to accomplish this. And this bill has excellent provisions.

Finally, you will hear them moan and groan about some labor provision that someone described that we're taking away democratic rights and all of this for union members. It couldn't be further from the truth. We have had 70-some years of rules organizing for labor where we've always had a majority of those who were affected have to vote in a union. Now they want to change it to whoever shows up. They have multiple elections. And that's what they're asking for.

The little caveat here—and I hope everyone is listening, Madam Chair. What they didn't do is to decertify to get out of the union. They left the old rule in place. There has to be a majority of everyone who's affected.

They'll tell you that they didn't let women vote and all this a long time ago, try to mix up the topic at hand and confuse people, but you can't think of a more unfair rule than a packed National Mediation Board has enacted. Unfair, easy to enter in, cut the provisions for entering in, and then put a barrier up to get out.

Again, I think this is an excellent program. It gives us opportunities to

look at contract towers and then air traffic control, NextGen, the next generation of air traffic control. We can do better. We can get technology in place. We'll probably have to use fewer people. And we'll always know where the planes are if we can move this legislation forward that, again, has been on the shelf for some 4 years.

There are excellent provisions in this legislation. I feel confident that it deserves the support of the House, and we'll have fair and open debate on amendments.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, March 29, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 658, the FAA Reauthorization and Reform Act of 2011.

H.R. 658 was favorably reported by the Committee on Transportation and Infrastructure on March 10, 2011 and sequentially referred to the Committee on Science, Space, and Technology. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that Title X of the legislation reported by your Committee will be removed from the legislation and provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the Floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support in the appointment of conferees from the Committee on Science, Space, and Technology during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

RALPH M. HALL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 29, 2011.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the "FAA Reauthorization and Reform Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest in H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

As you wrote in your letter, we have agreed to strike Title X from the Transpor-

tation and Infrastructure Committee reported H.R. 658. Provisions regarding research and development activities at the Federal Aviation Administration developed by the Committee on Science, Space, and Technology will be included in the legislation considered on the House Floor.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, March 23, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, I am writing concerning H.R. 658, the "FAA Reauthorization and Reform Act of 2011," which is scheduled for floor consideration next week. As a result of your having consulted with us on provisions in H.R. 658 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 658 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 658, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 23, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 658, the "FAA Reauthorization and Reform Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on the Judiciary has a jurisdictional interest in

H.R. 658, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 658 in the CONGRESSIONAL RECORD during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on the Judiciary as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

I reserve the balance of my time.

□ 1510

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

Madam Chair, it was just last week two airliners landed at Washington National Airport without landing clearances because apparently the single person in charge of the control tower fell asleep. While investigations are ongoing, we certainly have seen accidents in the past where controller staffing and fatigue were implicated, such as the August 2006 crash of Comair Flight 5191 in Lexington, Kentucky.

So I was surprised when some of my Republican colleagues used this most recent incident at Washington National Airport as an opportunity to argue that the FAA should “do more with less.” Do more with less: that’s how the Republicans think the FAA will operate under this bill. When we’re talking about investing in air traffic control modernization or regulating safety or hiring a sufficient number of safety inspectors, there’s no such thing as “doing more with less.”

Under this bill, the FAA will have to do less with less, and you would have to be asleep at the controls not to see that.

The FAA is primarily a safety agency, and virtually all of its activities are safety related. As last week’s incident should make clear, now is not the time to arbitrarily cut almost \$4 billion from the FAA programs and argue that the agency can do more with less on safety. A long-term FAA reauthorization bill must move the aviation system into the 21st century, create jobs, strengthen our economy, and provide the resources necessary to enhance safety. This legislation, unfortunately, does not meet those goals. It will require significant changes before it can be enacted into law, and therefore I cannot support it.

One thing we should all be honest about right now: this is not a jobs bill. The bill cuts FAA funding by billions of dollars, back to 2008 levels. You cannot cut funding so dramatically without destroying tens of thousands of

jobs: Federal jobs, State jobs, local jobs, public and private sector jobs.

In addition to costing jobs, the bill’s funding cuts would cause delays to air traffic control modernization, meaning more delayed flights, a reduction of FAA’s safety workforce and delays to FAA safety rules.

Now, aside from the funding levels, there are two particular issues that preclude my support for this bill. The first is that the bill sunsets the Essential Air Service program for the lower 48 States in 2013, leaving behind about 110 communities across the country. Yet at the same time, the bill extends airport improvements to the Marshall Islands, Micronesia, and Palau. We do not even own them. They are independent countries.

Now, I do understand the reasons for providing airport improvement funds to these island nations. We do have a compact with them. But in seeking to keep faith with our agreements with those countries, the majority is more than willing to break the promise to rural America right here at home that was made under the Airline Deregulation Act and the FAA reauthorization bills that followed.

EAS is a vital lifeline between rural communities and the global network of commerce. Small and rural communities have grown up around EAS, which directly supports local jobs. It creates a flow of goods and commerce into and out of small-town America. It brings families together. It links four communities in my home State of West Virginia with other cities and towns around the country and around the world.

Essential Air Service is an investment; it’s not a handout. It is an investment in jobs and economic growth for small towns. The majority is turning its back on small towns and rural America.

I will continue to work with my colleagues in a bipartisan fashion to honor the promise that Congress has made to the people in rural America. I recognize the job-protecting benefits of the EAS program and the value of critical Federal investment for rural communities.

Now, before I conclude, there’s another section that has no business whatsoever being in this bill, and that is a provision that seeks to overturn a rule finalized by the National Mediation Board on fair union representation in elections. The rule did away with an unjust and undemocratic requirement under which a supermajority of airline and railroad workers had to vote in favor of union representation before a union could be certified to represent them at the bargaining table. Non-votes were counted as “no” votes, even though there was no reason to conclude workers were against union representation because they were sick or on furlough and did not vote.

The new rule, which this bill would overturn, says that the mediation board must count the votes among those employees who voted and must determine the will of the workers according to the “yes” and “no” votes actually cast. Now, just as congressional elections turn on a majority of those who voted, union representation elections should reflect the will of the voters.

This is a poison pill provision. A provision to overturn that rule simply has no business being in this legislation. It has nothing to do with safety. It has nothing to do with improving our air transportation system. And it has absolutely nothing to do with making air service more efficient. Rather, it is a lightning rod of controversy, part of a concerted assault, as we’ve seen too often this year, on collective bargaining. Republicans and Democrats alike have opposed it. It barely survived in the committee markup by a single vote. This unprovoked and unnecessary provision has no place in such critically needed legislation to keep the FAA moving forward and the flying public safe.

When it comes to doing more with less, my friends on the other side of the aisle are correct about a few things, I have to admit, when it comes to the pending legislation:

More than 70,000 jobs lost with less funding for the AIP program. More risks to the traveling public with less safety personnel and initiatives. More assaults on collective bargaining rights for American workers. More controversial poison pill provisions with less focus on job creation and safety enhancements.

Yep, that’s doing more with less.

With warning lights flashing and alarm bells ringing, we cannot afford to go to sleep at the controls at such an important time for our aviation system.

I reserve the balance of my time.

Mr. MICA. Reminding everyone that we’re borrowing 42 cents out of every dollar, I am pleased to yield 4 minutes to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my chairman.

The legislation before us, H.R. 658, reauthorizes the safety and research programs, operations, airport grants, and funding for the Federal Aviation Administration for budget years 2011 through 2014. It’s a 4-year reauthorization, with no earmarks, that will result in savings and in greater efficiencies.

The bill funds the FAA at the fiscal year 2008 funding levels and will save \$4 billion compared to the current levels. These funding levels recognize the state of the Federal budget, but should not affect vital safety functions.

The FAA Administrator is directed to achieve required cost savings without cutting safety critical activities.

The bill requires the FAA to find and eliminate wasteful processes, duplicative programs, and unnecessary practices.

□ 1520

Given current economic times, there is a need to put our limited resources where they are most needed and use them efficiently. Although we cannot do all that we may have wanted to, when facing budget cuts, difficult decisions have to be made. We have worked to preserve the ability of the FAA to conduct its safety functions—its most important mission and our number one priority.

The bill will phase out the Essential Air Service Program by 2013, resulting in \$400 million in savings. The Essential Air Service Program was originally created in 1970 as a temporary program in the wake of airline deregulation. It was intended to allow airports to adapt to the change in the aviation industry and to plan accordingly. However, over the years, this program has resulted in taxpayers having to pay millions of dollars in subsidies to provide air service to communities even as passenger enplanements have declined as other modes of transportation have become available.

With regard to NextGen, H.R. 658 streamlines processes and provides sufficient funding, with FAA pursestring tightening, to fund NextGen projects planned in the next 4 years. H.R. 658 sets strict goals and benchmarks, and includes other measures to accelerate NextGen in order to keep the momentum going. NextGen is critical to the U.S.'s ability to compete in the global aviation system by providing safer and more efficient and environmentally friendly operations.

The bill allows for the expansion of the cost-effective Contract Tower Program, which has the potential to save, roughly, \$400 million over 4 years. In addition, the legislation provides a clear and efficient process for the FAA to rapidly achieve benefits associated with the consolidation of old, obsolete and unnecessary FAA facilities, with enormous potential savings.

I would like to commend Chairman MICA for his efforts in developing this bill and moving it through the committee.

Also, while we may have differences on a few provisions, there is much in this bill that has bipartisan support. I look forward to continuing to work with my aviation partner, Representative JERRY COSTELLO, and with our ranking member, Representative NICK RAHALL, in getting agreement with the Senate so that we can finally send a bill to the President.

I urge my colleagues to support H.R. 658.

Mr. RAHALL. Madam Chair, I yield such time as he may consume to the gentleman from Illinois (Mr. COS-

TELLO), our leading Democrat on the Aviation Subcommittee who has been in the trenches, on the runways, and in the towers of this legislation for many years. He has been with the takeoffs and the landings of so many extensions.

Mr. COSTELLO. I thank the ranking member for yielding to me and for his kind remarks.

Madam Chair, we all agree that we need a long-term FAA Reauthorization Act. The FAA and the aviation community need stability and direction that a multi-year authorization will provide. However, it's not this bill.

It is important for Members to know that H.R. 658 is a different FAA reauthorization bill from the bipartisan legislation that my colleagues and I worked together on and that passed the House three times during the 110th and 111th Congresses. That legislation would have created jobs, improved aviation safety, and provided the FAA with the resources necessary to modernize airport and air traffic control infrastructure. However, while some aspects of H.R. 658 were in prior House-passed bills and reflect some of my priorities, there are many troubling omissions and newly added provisions in the bill that are unacceptable.

I think we all agree that we must make every effort to be fiscally responsible and cut Federal spending where it makes sense given the size of the deficit. At the same time, we also have a responsibility to the American people to keep our aviation system safe and secure, to make needed improvements to our infrastructure, to strengthen the economy, to create jobs, and to remain competitive. However, I share the concerns of those in the industry that this legislation includes funding cuts that will affect safety and put the flying public at risk, devastate the FAA's Next Generation Air Transportation System air traffic control modernization effort, and ignore the need to strengthen our economy by creating jobs.

On the jobs issue, let me make it clear. Mr. RAHALL said it and I'll say it again: This bill does not create jobs. Instead, it cuts, roughly, \$2 billion over the next 4 years in the FAA's Airport Improvement Program. The AIP provides funding to airports across the country for infrastructure projects, such as runways and air traffic control towers, and these projects create well-paying construction jobs. A \$2 billion decrease in funding in this bill means about 70,000 jobs will be lost. I will repeat that: 70,000 jobs will be lost because of the \$2 billion cut in AIP funds. In fact, it leaves so little AIP discretionary funding available that even the most important projects, such as competing runway safety areas by the congressionally mandated deadline, cannot be funded.

Second, my Republican colleagues argue that H.R. 658 directs the FAA to

prioritize and to protect safety-related activities within the bill's reduced funding levels. That sounds great, but all the evidence suggests that it can't be done.

In February, the House Aviation Subcommittee held an FAA reauthorization hearing to listen to the aviation industry's stakeholders. The unified message from the industry was loud and clear: Congress cannot roll back FAA funding to 2008 levels without harming safety programs or hampering the industry. President Bush's former FAA administrator, Marion Blakey, stated, "The prospect is really devastating to jobs and to our future if we really have to roll back to 2008 levels and stop NextGen in its tracks."

A jobs bill? I don't think so—and neither does the person who ran the FAA under the Bush administration.

The FAA is primarily a safety agency, and virtually all of its activities are safety-related. This Congress and the American people need to know that, if we arbitrarily cut \$1 billion a year out of the FAA's budget, it absolutely will affect safety. The agency will not do more with less. It will be forced to do less with less, and cuts to these funding levels will have serious consequences.

According to the FAA, the funding reductions in this bill will cause the agency to furlough the aviation safety workforce by hundreds of employees. Fewer safety inspectors, engineers, and support personnel will adversely impact air traffic services, aviation safety certifications and the implementation of NextGen, which will end up costing the taxpayers more in the long run and cause our aviation industry to be less competitive globally.

In addition, a reduction in the workforce will likely mean the delay of important safety regulations, such as those mandated by Congress in the new aviation safety law that was enacted last year in a bipartisan vote in response to the Colgan Flight 3407 tragedy in Buffalo, New York. Further, this legislation will force important safety-related airport improvement projects to be delayed or abandoned, such as wildlife hazard assessment. These types of assessments would help airports mitigate hazards like the one that brought down U.S. Airways Flight 1549 in 2009 in which Captain Sullenberger and First Officer Skiles were forced to land in the Hudson River because a flock of geese damaged the plane's engines.

As Mr. RAHALL indicated, just last week, two planes landed safely, without clearance, at Washington National Airport because, reportedly, a single person in charge of the control tower apparently fell asleep. While investigations are ongoing, we have certainly seen accidents in the past where air traffic control staffing and fatigue were a factor, such as in the August

2006 crash of Comair Flight 5191 in Lexington, Kentucky.

I applaud Secretary LaHood's decision to reevaluate staffing needs throughout the country. Congress will also need to closely examine air traffic control staffing and fatigue going forward; but this incident should make it clear: Now is not the time to arbitrarily cut almost \$4 billion from FAA programs and argue that the agency can do more with less without compromising safety.

I know Mr. RAHALL and others have talked about a provision in the legislation that I believe, too, is a "poison pill." I will not go into all of the details as we will have an amendment later; but let me just say that the LaTourette-Costello amendment, I hope, will be supported by the Members of this body. It is a "poison pill" provision, section 903 in this legislation, that is certain to hold the legislation up in the Senate. There is no way that I see the Senate will act on that provision, and the White House, of course, has already issued a statement saying that the President will receive recommendations from his advisers to veto the bill.

□ 1530

If we are serious about passing a long-term FAA bill, this provision must come out. If it remains in the bill, it will be rejected by the Senate and the White House.

Madam Chair, I will again say—and I have said many times before—I will work with my colleagues across the aisle to produce a fair bill that cannot only pass the House but also pass the Senate and be signed into law by the President. H.R. 658 in its current form will not pass the Senate or be signed into law by the President and will require significant changes before it's enacted.

Finally, Madam Chair, let me address a couple of comments that my friend the chairman of the full committee led off with in his remarks. He indicated that the Democrats when we were in charge for all of these years and we weren't able to pass legislation, we had to have 17 extensions. I would remind my friend that both in 2007, 2009, and in 2010 we passed bipartisan legislation to reauthorize the FAA. It was our friends in the Senate, in fairness, that held the legislation up. It took them 3 years to pass an FAA reauthorization bill, and in fact, as my friend from Florida will remember, it was the two Senators from Tennessee that held the bill up in the Senate, and it was two issues that were held up in the Senate, and those issues involved both PFCs and DCA, the number of slots at Washington Reagan National airport.

Madam Chair, I urge my colleagues to vote "no" on H.R. 658, the FAA Reauthorization and Reform Act, and hope that after we reject this bill we

can go back and get a bill that accomplishes what we set out to do in the legislation, the bipartisan legislation that we passed last year.

Mr. MICA. Madam Chair, can I inquire as to the amount of time remaining on each side?

The CHAIR. The gentleman from Florida has 5½ minutes remaining. The gentleman from West Virginia has 4 minutes remaining.

Mr. MICA. Madam Chair, I would ask unanimous consent to yield 2½ minutes of my time to the gentleman from Pennsylvania and allow him to control it for the purpose of a colloquy.

The CHAIR. Without objection, the gentleman from Pennsylvania will control the time, 2½ minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, as you know the EAS program was established to ensure that smaller communities across the country, including those in my congressional district, retain a link to the national air transportation system. I also understand that we have a severely constrained Federal budget, and I agree with the chairman that we must do more with less and we need to ensure that Federal programs actually make sense.

As a member of the committee, I look forward to working with the chairman to get this long overdue FAA bill to the President's desk for signature, and I look forward to working with the chairman to make the needed changes to the EAS program.

I would now yield 30 seconds to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Essential Air Service assists over 140 communities throughout the United States. EAS, Essential Air Service, works.

Let me talk about two airports, real quick. Williamsport, Pennsylvania. It was on EAS. It needed it to get their deployments up, and frankly, what's happened, it's been successful. It's now off of EAS. The program works. These folks are now operating without that.

Dubois, Pennsylvania. Their deployments are growing at this point, and they are on the right track. The EAS is serving the correct purpose of what it has. If EAS stops and ends, here is what ends in Dubois, Pennsylvania: private sector jobs totaling \$9 million in payroll and \$28.8 million in economic activity.

I just do my best to encourage the support of the Essential Air Service. I do think it's very important for rural America.

Mr. Chair, the Essential Air Service Program (EAS) assists 140 rural communities across the country that otherwise would not have scheduled air service.

As a long-time proponent of the program, I believe Congress has an obligation to provide a level playing field for rural Americans when it comes to transportation and the economic

opportunities that the national transportation system provides.

Opponents of the program claim that it is wasteful or that it does not work. Well, I disagree with them on several accounts.

Pennsylvania along with the rest of the country had suffered from severe downsizing of connecting airports, followed by the unfortunate impacts of the current recession. Despite these factors, the Commonwealth is beginning to see increased economic output as a result of the Marcellus Shale natural gas play. The Marcellus has the potential to revitalize industry and ancillary businesses throughout the region, resulting in amplified air service. In other regions of the country the economic climate is also beginning to pick up.

A prime success story of the EAS program has been the Williamsport-Lycoming County Airport, which first entered into the program in 2008. Today, the airport is no longer participating in the program because of increased economic output in the region and the availability of flights that make sense for business travelers. This is largely a direct result in the community investment in the EAS program, which has lifted them out of the program. Today, their direct flight to Houston, Texas lends ancillary support to the emerging natural gas industry in Pennsylvania.

Another pending success story in Pennsylvania's 5th congressional district is the Dubois Regional Airport. Dubois Regional has greatly benefitted from the EAS program and as a direct result of the air service, the airport is responsible for contributing to the local workforce with 132 jobs and a payroll of over \$9 million, which creates a total economic benefit of over \$28 million to the region and state.

Mr. Chair, these stories are not unusual. These stories are replicated throughout the communities the EAS Program serves.

Let me put it this way; there is not an airport in America that does not receive some sort of federal assistance for operations or capital improvements. Why should this be any different for our rural communities?

The program is not perfect. I believe we need to insert into the law incentives which allow for more community involvement. But, Mr. Chair, I cannot in good faith support a sunset of the program as included in H.R. 658.

As the legislative process moves forward, I will join with those members who share my belief that this program works in weighing in with the conferees, to ensure the language which sunsets the program is not included in the final product of the FAA authorization.

Mr. SHUSTER. I agree with the gentleman.

I yield 30 seconds to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. This bill will ensure the much-needed long-term stability and development of our Nation's aviation infrastructure. However, I am incredibly concerned about the provision in this bill that would phase out Essential Air Service. EAS is critical to large States like my own. Rural regions rely on EAS for vital air transportation. In North Dakota, airports like Jamestown and Devil's Lake would not be able to

provide critical air service without this support.

I've spoken with Chairman MICA, and I understand the need for the process to keep moving forward with this bill. This bill contains many good provisions that I support. I also know how vital rural access to essential aviation is. So I would ask the gentlemen from Florida and Pennsylvania if they'd commit to working with me and other Members to support the EAS program.

Mr. SHUSTER. I thank the gentleman from North Dakota.

I yield 30 seconds to the gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Madam Chair, we have spent the last 3 months debating the need to get spending under control, and it's a good thing. That's why my constituents sent me here, and that's what I plan to continue to do.

But we also need to remember that we need to look to get spending under control and help our economy and create jobs. A large part of that is providing certainty for the American people, and like many of my colleagues, I represent the rural parts of America. Many of them are concerned with the uncertainty that removing this program, Essential Air Service, too quickly would bring. Many of the communities in rural America, including those in South Dakota, that rely on this program use it as an economic development tool. They understand that they won't be using EAS forever.

But I'm concerned, Madam Chair, that we may not be providing them with the time that they need to plan under this bill. This issue deserves additional consideration. I hope that as we move forward with conference conversations with our Senate colleagues that this is given much more careful consideration, and I look forward to working on it with them.

Mr. SHUSTER. I thank the gentlelady from South Dakota.

I look forward to working with the chairman, the gentlelady from South Dakota, and the gentlemen from Pennsylvania and North Dakota as the bill moves forward on EAS.

Mr. RAHALL. Madam Chair, I would defer to the Committee on Ways and Means.

Mr. BLUMENAUER. I would claim the time for Ways and Means.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

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

I have appreciated the debate here on the floor talking about the essential services that are included in the FAA reauthorization, but sadly, some of the consequences are for significant cuts in vital services—I hear some of my friends talking about Essential Air Service. It impacts my State. We're

looking at significant reduction in airport construction, and as we've heard, it would stop NextGen, as the former administrator under the Bush administration was quoted as saying, "in its tracks." But Madam Chairman, it doesn't need to be this way. We can, in fact, respect the concerns about not adding to the deficit without short-changing these essential programs.

Our friends in the Senate, have provided one of those rare occasions where the other body has shown us the way. They have passed in the last year, with 93 votes last year and 87-8 votes already in this session, a reauthorization that actually adds revenues, but not general taxes, but there's been an agreement that has reached overwhelming consensus. You don't get 87 votes out of the other body for raising revenue unless there's broad acceptance with the industry, with those who are regulated and those who are concerned about preserving these essential services. There's an agreement within a broad swath of the industry to increase the fuel tax, a user fee for the people who benefit.

Another critical area that the bill is silent on, and in fact we haven't adjusted for 10 years, is the ceiling on the passenger facility charge. This isn't even a tax that Congress imposes. It is simply an authorization for what local authorities can decide makes sense for their vital programs.

Madam Chair, we don't have to choose between tens of thousands of jobs lost, putting the traveling public at risk, delaying essential efficiency improvements, and cuts to vital programs or increasing the deficit. We can simply move forward with simple, commonsense, broadly agreed upon proposals to adjust revenues to have the flexibility, to make the investment that's going to make a difference for years to come, and make the difficult job of the chair and the ranking member and the two subcommittees, to make that difficult job much easier.

□ 1540

I reserve the balance of my time.

Mr. MICA. Madam Chairman, I am pleased to yield 3 minutes to the very distinguished gentleman from Tennessee (Mr. DUNCAN), the chair of the Highways Subcommittee of the Transportation and Infrastructure Committee.

Mr. DUNCAN of Tennessee. I thank the gentleman from Florida for yielding me this time.

I rise in support of this bill and commend Chairman MICA and Chairman PETRI because, as a former chair of the Aviation Subcommittee, I know how difficult it is to bring all the competing interests together to produce a bill such as this.

However, I would like to raise one issue that I still have some concerns about. It has been brought to my atten-

tion by a former outstanding Member of this body, Jim Coyne, a former Congressman from Pennsylvania who has been the long-time head of the National Air Transportation Association, that some airports are engaging in activities that compete with privately owned fixed-base operators. I did not file an amendment because the chairman has graciously agreed to hold a formal roundtable discussion about this matter and begin working to make sure that this does not become commonplace.

I hope that this is not a trend that will continue because privately owned businesses should not have to compete with the government or quasi-governmental agencies, such as airport authorities, which do not pay taxes and are not subject to all of the rules and regulations that private businesses are.

Each time there has been a White House Conference on Small Business—and they have held one on average every 5 years since 1955—either the number one concern or one of the top three concerns at all these White House Conferences on Small Business has been freedom from government competition.

Madam Chair, since the Eisenhower administration in 1955, it has been U.S. policy—or was supposed to have been—that "government should not start or carry on any commercial activity to provide a service or product for its own use if such a product or service can be procured from private enterprise through ordinary business channels." So that is my concern, and we are going to continue working on that.

I also want to mention a very commonsense amendment that will be filed later by Mr. SHUSTER on behalf of myself and Mr. MEEHAN, my two colleagues from Pennsylvania. This amendment that we will be filing does two very simple things: it states that the FAA should not use a one-size-fits-all approach when considering new regulations. It also requires the FAA to take into consideration the cost it is imposing on the private sector when issuing new regulations.

This amendment simply codifies much of an executive order issued by President Obama on January 18 of this year. Quoting from the President's executive order, it said our regulatory system "must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative."

In addition, FAA Administrator Randy Babbitt has stated that a one-size-fits-all approach to rulemaking can make aviation less safe. There are

different segments of the aviation industry that face very different challenges. I believe that by tailoring the regulations toward these different segments of the industry, we can make aviation safer by helping address the different challenges that different types of businesses face.

Finally, I would like to say that I agree with the chairman about overstaffing with regard to our aviation regulation. I am amazed, Madam Chair, at how many Members and private citizens have expressed concerns about TSA overstaffing and have mentioned the lines of thousands standing around. The number of screeners has gone up, as I understand it, from 16,000 prior to 9/11 to 61,000 now. That is simply far, far too many; and that needs to be looked into. And I know the chairman intends to do that. I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Madam Chair, may I inquire as to the amount of time remaining for Ways and Means.

The CHAIR. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. Madam Chair, I would ask unanimous consent that these 2 minutes be assigned to the gentleman from West Virginia (Mr. RAHALL).

The CHAIR. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Madam Chair, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), the lead Democrat on our Highways and Transit Subcommittee.

Mr. DEFAZIO. Unfortunately, this legislation, under the guise of being fiscally prudent, is going to delay vital safety and capacity needs and enhancements to our aviation system, condemning future air travelers to even more congestion, more delays, more wasted fuel. It's going to cut an already inadequate inspection force—again, threatening safety. And then there are other provisions that are problematic.

The gentleman from Arizona may ask for a vote on an amendment to change the very fair and competitive slot language for National Airport in the bill into an unfair earmarked anti-competitive amendment that would give potentially 70 percent of long distance flights out of National Airport to two airlines, about 50 percent to one airline. And he calls it competition. Now I don't know what planet he's from, but that's not competition where I come from, an underserved west coast market that has very few opportunities for my people to access National Airport.

And then, finally, a labor provision that was thrown in rather gratuitously that says that anyone who chooses not to vote in an election will be counted as a "no." The interesting thing is, if

we had that same standard for elections to the United States House of Representatives, not one single Member now sitting would have won their election because it's not just the people who are registered to vote. It's anybody who is eligible to vote. And if they don't vote or don't register to vote, they count as a "no." I mean, some people might be happy, there would be no House of Representatives. But at least the sitting Members would not be here. They want to apply that standard to representation for labor unions. That's incredibly unfair, shortsighted, and would overrule the National Labor Relations Board.

Finally, Essential Air Service. We are supposed to have a system of universal air transport. It is critical to many small and developing communities, rural communities like I represent, to have a continuation of Essential Air Service.

Mr. MICA. Madam Chairman, I understand that the Ways and Means Committee is in markup. I would like to ask unanimous consent to claim their time, I believe that is 5 minutes on our side, that the Transportation and Infrastructure majority be permitted to claim that time.

The CHAIR. Without objection, the gentleman from Florida will control the 5 minutes allotted to the Ways and Means Committee.

There was no objection.

Mr. MICA. Madam Chairman, I am so pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), one of the senior members of the T&I Committee and a leader on the Judiciary Committee.

Mr. COBLE. I thank the chairman for yielding.

I rise in support of this bill, which is financially sound and with no tax or fee increases. Simply put, the measure is long overdue, and the aviation sector needs certainty. We need to finish the task at hand. The manager's amendment considered later today includes language that will provide clarity for musicians who travel with small instruments. And I'm not talking, Madam Chair, about stand-up basses or harps.

Current policy varies from airline to airline as to what instruments are permitted onboard. The amendment strikes a delicate balance to ensure musicians can attain certainty and safety is ensured. I am appreciative to the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) and to all staff who worked with me on this provision, and I thank them for its inclusion.

I also support an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) that will help FAA regulations conform to reasonableness and reality. This amendment requires the FAA to recognize distinctions between sectors of the aviation industry and

tailor regulations to each sector's facts. It also conforms FAA rule-making to a number of good-government principles, such as cost-benefit analysis, use of the best available information, and consideration of regulatory impacts on the economy.

Finally, later today there will likely be vigorous debate on recent action by the National Mediation Board on labor elections. Under previous guidelines, a majority of the eligible electorate must vote in favor of unionization. Under the new rules, this majority is defined by those who actually vote in elections. This action overturns precedent that has been in place for the past 70 years that worked well. This issue is about fairness to all parties and, in my opinion, the appropriate way forward is past policy, not those in place today.

□ 1550

Mr. RAHALL. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of our Committee on Transportation and Infrastructure.

Mr. NADLER. Madam Chairman, this bill drastically cuts funding for FAA programs, threatening the development of the NextGen air traffic control system and requiring the furlough of hundreds of safety-related employees.

The bill also would change the National Mediation Board's election rules. Airline and railroad workers would no longer vote for union representation by a majority of those voting but by a majority of all those eligible to vote. It would be extremely undemocratic to thus count votes not cast as "no" votes. No election in any free country does so. And I urge my colleagues to support the LaTourette-Costello amendment to strike this provision.

I also oppose provisions in the manager's amendment providing liability immunity for the airlines and limitations on discovery. Section 336 would block access to safety-related data through discovery and would block use of such information in court. It is virtually unheard of for Congress to simply declare that broad categories of information cannot be obtained by a party to a lawsuit or even used as evidence in a legal proceeding.

Section 337 provides immunity to airlines and their agents for any type of damage resulting from an event contemplated by a safety management system. These systems are designed to analyze virtually every kind of risk, so granting this immunity would make it virtually impossible to hold an airline or individual accountable for negligence causing almost any accident. This liability shield would deprive injured victims of their rights and would also preempt State tort law.

We haven't held any hearings on this in the Transportation Committee or in the Judiciary Committee, which, frankly, has jurisdiction and the proper expertise with which to analyze such

grants of immunity, and we haven't heard any evidence to justify these dangerous restrictions.

I find it hard to believe that anybody thinks that airlines should be allowed to act with negligence and be free from liability should you or I or any other American be injured or maimed or killed as a result of the negligence.

For all these reasons, I must oppose the bill.

However, I do want to thank Chairman MICA and Congressman COBLE for including language in the manager's amendment to strengthen the provisions guaranteeing the right to carry or check musical instruments onto an airline. This is an issue I've worked on for many years, and I am very pleased to see it finally moving forward.

I hope that we can continue to find areas of agreement, since passage of a long-term FAA authorization bill is long overdue. I look forward to working with my colleagues in that spirit. But until the funding levels are increased, the safety and worker provisions are in place, the poison pill provisions about union votes are removed, I cannot support this bill.

Mr. MICA. Might I inquire as to how much time remains?

The CHAIR. The gentleman from Florida has 3½ minutes remaining. The gentleman from West Virginia has 2 minutes remaining.

Mr. MICA. I would like to reserve my time that I acquired on behalf of the Ways and Means Committee to close and, I believe, if it's appropriate, have the Science Committee, which I think is yielded 5 minutes on each side, go forward prior to my close.

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

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HALL. Madam Chair, I rise in strong support of H.R. 658, legislation reauthorizing the Federal Aviation Administration through fiscal year 2014.

Title X of H.R. 658 reauthorizes the agency's research and development programs. It was drafted by the Committee on Science, Space, and Technology as H.R. 970, the Federal Aviation Research and Development Reauthorization Act of 2011. On March 17, the committee met, amended and approved H.R. 970. The rule accompanying H.R. 658 fully incorporates the language from our amended bill into title X, which we support.

With regard to funding, title X adheres to the same principles of the larger bill, providing authorization levels for the Research, Engineering and Development account at the fiscal year 2008 level for the fiscal years 2012 through 2014. For fiscal year 2011, the authorization is a hybrid of current spending under the continuing resolution and the FY 2008 level.

Further, our bill authorizes spending for research and development activities

that are funded through the agency's Facilities and Equipment and Airports accounts. None of our members relish cutting R&D funding, but members on our side of the aisle were passionate in their belief, as I am, that we must reduce Federal spending, and the FAA, like every other Federal agency, must bear some burden and some measure of burden.

Research and development plays a critical role at FAA, providing the agency with the tools and technologies it needs to carry out a diverse set of missions. The largest R&D program currently underway supports development of a whole host of technologies required to ensure successful deployment of the Next Generation Air Transportation System.

R&D also is fundamental to FAA's role in the safety of air travel, giving the agency the insight and data required to develop tools and policies guiding the introduction, use and the maintenance of new materials and systems incorporated in the modern jet aircraft.

These technologies are necessary if we're to continue improving the national airspace system's safety, efficiency and security, especially considering the critical role now played by aviation in our Nation's economy and public safety.

In addition, title X directs FAA to undertake research in a number of areas, including the safe operation of unmanned aircraft systems in the national airspace, research on runways and engineered material restraining systems, research on developing unleaded fuel for the use in general aviation piston engine aircraft and on the development and certification of jet fuel from alternative sources, and research on the effects of aviation on the environment.

There are many other activities too numerous to mention here, but I did want to provide examples to Members of the broad sweep of FAA-sponsored R&D.

Finally, I understand Chairman MICA's amendment offered to the bill seeks to modify certain provisions while also adding a few. A specific provision amends existing law found in title 51 of the United States Code regarding the Office of Commercial Space Transportation. I support the goal of this language with the understanding that the inclusion of this language does not alter the jurisdiction of my committee on this issue and that the chairman of the Transportation and Infrastructure Committee will work with us to ensure this provision or similar provisions are preserved, they are preserved as we continue to move through the legislative process on H.R. 658, including any negotiations or conference with the other body.

Madam Chair, in closing, I want to urge all Members to support this bill.

I reserve the balance of my time.

Ms. EDWARDS. Madam Chair, I yield myself such time as I may consume.

The CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. The need for a long-term Federal Aviation Administration, FAA, reauthorization act is clear; but H.R. 658 reauthorizes the FAA for 4 years, and the arbitrary spending cuts that our Republican colleagues have imposed on the agency in H.R. 658 will devastate FAA's ability to improve flying safety and to modernize the Nation's air traffic control system. For this reason, unfortunately, I cannot support the bill.

H.R. 658 proposes a 23 percent—an unbelievable 23 percent—cut to FAA's research, engineering and development accounts from the funding levels enacted by Congress for fiscal year 2010. These cuts are not related in any way to a lack of need for the research. In fact, the committee, in multiple hearings, acknowledged the need for the research. The Congress heard expert testimony from witnesses who have stressed the importance of investing in both research and development and in the NextGen modernization initiative, and have warned of the negative impact that cuts will have on the Nation's air traffic control system and the flying public.

To cut FAA's R&D efforts so drastically while we're trying to recover from a recession and while oil prices every day climb higher risks stifling this industry and the millions of jobs it supports.

But I also want to be clear that the research and development work that is done at FAA helps to protect the safety of all the flying public. These cuts to aviation safety-related research have a high probability of reducing the safety of our air transformation system. These effects may not be felt today or tomorrow, but they will be felt, and they will have serious consequences for the flying public.

Madam Chair, Democratic members of the committee attempted to prevent the cuts to three key safety research initiatives at our committee's markup of H.R. 970. These amendments, if adopted, would have increased the 4-year authorization amount by a total of \$16 million, or less than 3 percent of the \$600 million authorization in the bill—a small amount for such a huge payoff.

□ 1600

As noted in the committee markup, these costs really pale in comparison to even a single major aircraft accident both in terms of money and the horrible loss of life. Unfortunately, our Republican colleagues voted to reject each of these key safety amendments and research amendments that go to safety. And the choice couldn't be more clear. Our colleagues chose to make

the flying public less safe in order to meet a very arbitrary goal for cutting Federal spending.

I share our colleagues' concern about the Nation's deficit, but we reject any notion that addressing the Nation's deficit requires us to make our Nation's transportation system less safe.

As we move forward in the negotiations with the Senate over a final FAA reauthorization, I remain committed to ensuring the safety of our Nation's air transportation system and hope that our Republican colleagues will join in this effort.

In conclusion, I would like to speak to a measure in the provision of the underlying bill that has me greatly troubled, and that has to do with union elections. It is staggering to me that we have decided that we are going to count not voting as a "no" vote.

I just took a look at the winning numbers for our leadership. Our Speaker was elected in 2010 with 142,700 votes. His opponents and those who weren't registered totaled 482,170 votes. If we had used this same theory, this same strategy for our own elections and for the election of Speaker BOEHNER, he would have lost that election by 339,000 votes. And that goes for each of us. And perhaps the public wants that. Maybe we should all be counting nonvoting as "no" votes, and then we could completely change this House of Representatives. But that is not the way we run elections, and that is not the way we should run union elections. So it is unfortunate that the majority has decided to put this poison pill into the underlying legislation that makes it unsupportable on this side of the aisle.

With that, I would ask unanimous consent to yield the balance of my time to the ranking member on Transportation and Infrastructure, the gentleman from West Virginia (Mr. RAHALL).

The Acting CHAIR (Mr. BASS of New Hampshire). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS. And how much time remains?

The Acting CHAIR. There is 30 seconds remaining for the gentlewoman from Maryland.

Mr. HALL. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PALAZZO) such time as he may consume.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. PALAZZO. Mr. Chairman, I rise to join Mr. HALL, chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization of safety programs at the FAA, and do so in a fiscally responsible manner.

The Space and Aeronautics Subcommittee, which I chair, held an oversight hearing on February 16 that focused on FAA's research and development activities. Witnesses from FAA, industry, an external advisory panel to FAA, and the DOT Inspector General spoke in general agreement about the importance of FAA's research and development portfolio, with the non-agency witnesses also offering constructive suggestions for improvement.

Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our Nation's air traffic control system, increasing its capacity, safety, security, and efficiency. But this ambitious program will not succeed without a well structured, well managed research and development program that will deliver appropriate technologies when and where they are required.

To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability, research to better understand human factors in a highly automated environment, wake turbulence prediction, and research on aircraft technologies.

What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford business as usual by routinely increasing Federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

Mr. Chair, I rise to join with Mr. HALL, Chairman of the House Science, Space, and Technology Committee, to urge all Members to support passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011. This is a good and balanced bill that will help advance important modernization and safety programs at the FAA, and to do so in a fiscally responsible manner.

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Of chief importance to the agency and industry is development and implementation of the Next Generation Air Transportation System program. NextGen will modernize our nation's air traffic control system, increasing its capacity, safety, security, and efficiency, but this ambitious program will not succeed without a well-structured, well-managed research and development program that will deliver appropriate technologies when and where they're required. To offer a few examples, currently there is NextGen-related research focused on increasing our weather prediction capability; research to better understand human factors in a highly automated environment; wake tur-

bulence prediction; and research on aircraft technologies. Ultimately, tens of billions of dollars are at stake both by government and industry if we're to enable the full realization of NextGen, and ensure its success the agency needs a strong R&D program.

Title X of H.R. 658 also supports FAA's traditional safety research, and it directs the agency—in coordination with NASA—to assess the environmental impact of aviation. To be clear, the environmental research will help FAA better measure the effects of aviation, and where warranted, to develop technologies to mitigate them. For example, using biomass-based feedstock to develop jet fuel. But just as importantly, an environmental assessment will also give industry a baseline against which progress on impacts can be measured, which is a metric we do not have today.

There are some Members who may argue that this bill is counterproductive because it reduces FAA's authorization levels, asserting, for instance, that it imperils public safety by eliminating safety-related research. To those who raise such claims, I respectfully disagree. In this bill, we're not eliminating any program. What we are asking FAA to do is to prioritize and make choices. Most folks in Washington and at home acknowledge that we cannot afford 'business as usual' by routinely increasing federal spending year after year. This bill is a responsible approach to pushing the FAA forward, but doing so wisely.

The Acting CHAIR. All time has expired for the Committee on Science, Space, and Technology.

Mr. RAHALL. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 3½ minutes.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me applaud the work of this committee, and particularly Mr. RAHALL and Mr. COSTELLO, whom we work very closely with. I serve as a ranking member on the Transportation Security Committee, and I can't imagine a more perfect fit than the question of safety and security for our traveling public, and I thank the chairman of the full committee and others associated with this legislation, however disappointed I am in having to come to the floor and raise questions about our next steps. And I am particularly devastated about the cuts in the FAA's Next Generation Air Traffic System, the NextGen.

Whenever you think of air traffic controllers, I want you to think of them as first responders, of which I will discuss in an amendment that I have regarding the issue of ensuring the kind of staffing needs necessary to engage in security. But further, since I have one of the largest airports in the country, Bush Intercontinental Airport, of which we were proud to name, I am disappointed that the FAA Improvement Program has been cut and, therefore, construction improving runways, taxiways, terminals. There's one

thing about getting up and getting in the air and having that beautiful feeling. But what about coming down and not being able to work?

The Acting CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield an additional 15 seconds.

Ms. JACKSON LEE of Texas. And let me say I am disappointed that we would have a Shuster amendment that would really put a dent in the pilot fatigue rulemaking. That is very important. And then of course the issue dealing with the Costello-LaTourette amendment, which I support. How can you win by 70,000, then you count the people who didn't vote, and you lose by 150,000? Let's be fair. Let's have a bill that responds to the needs of all.

Mr. RAHALL. I yield myself the balance of my time.

Mr. Chairman, I really appreciate the sincere efforts of the chairman of my committee Mr. MICA, the subcommittee chairman Mr. PETRI, and our ranking Democrat on the subcommittee, Mr. COSTELLO.

There have been serious efforts to work in a bipartisan way, but I fully realize that on the majority's side a lot of these decisions, a lot of these funding levels are not necessarily made by the chairman of the full committee and the chairman of the subcommittee, but rather by other forces that are out there on the majority's side. I also recognize that a lot of these decisions are made at levels higher than the chairman's, at levels higher than even that at which airplanes fly. So this is not all necessarily the chairman's fault.

I think it would be fair to warn the body that the administration has issued their position on this legislation. And they say that if the funding were appropriated at the levels proposed in the bill, the safe and efficient movement of air traffic, on the ground and in the air, would be degraded today and in the future.

And, more importantly, the administration has reiterated its opposition to the poison pill labor provisions in this bill, and has said if the President is presented with a bill that would not safeguard the ability of railroad and airline workers to decide whether or not they would be represented by a union based upon a majority of the ballots cast in election, or that would degrade safe and efficient air travel, his senior advisers would recommend that he veto the bill.

Mr. Chairman, I urge that the House do not accept this bill. We have even further degrading amendments to safety that will come later in the amendment process that I want to reference very quickly at this point, including one that would allow more flyovers at sports events.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. I appreciate it. Thank you, Mr. Chairman.

This would go against a ban instituted after 9/11 that prohibited flyovers at sports events for safety reasons. So that comes later on in the amendment process. I think it just shows the threats that we are posing to the safety of the air traveling public if this bill were to pass as it is. I urge its opposition.

Mr. MICA. Mr. Chairman, as we close debate on the long overdue FAA reauthorization, first I have to thank my copartner in this, the gentleman from West Virginia (Mr. RAHALL). He is a gentleman. It is great to work with him. I have to thank also Mr. PETRI, the chair of the Aviation Subcommittee, he and Mr. COSTELLO, two gentlemen who have worked hard to bring the bill to this point. It has been a struggle for 4 years, and now, to get here. But I am pleased that we are at this point. There are differences of opinion about the bill.

I have to take a moment to thank staff on both sides. They are great, and have been working together to get us to this point. And we will debate the amendments and the differences, and then we will hopefully pass this and get people working and get our aviation policies secure for the Nation.

□ 1610

I have to thank Mr. HALL, the chairman of the Science and Technology Committee, for his provisions to make certain that research in aviation is done. Mr. CAMP brought a proposal here from Ways and Means that doesn't raise taxes, that doesn't increase fees. There are no passenger facility increases. So those kinds of things.

We brought a bill. It does have \$59 billion over 4 years—this isn't small potatoes—and it can, if properly expended and wisely applied, can do well for the Nation, ensuring safety in programs that are so important and moving jobs that are so critical. 9.3 percent of our economy depends on this legislation.

The colloquy between Mr. SHUSTER and the gentlelady from South Dakota (Mrs. NOEM) and the gentleman from North Dakota (Mr. BERG) and the gentleman from Pennsylvania (Mr. THOMPSON) on Essential Air Service, I understand their concerns and their great advocacy for their constituents and making certain that service is there. We do have a sunset provision. We will work with them and we will do our best. But I agreed to work with them, and I reconfirm that here.

Finally, letters of support. You heard the other side state that nobody supports this. I have a list of 45 major associations, every major organization in the aviation industry, and I will submit that for the record. On the question of AIA support, I have a letter of support from Marion Blakey, showing their support of this legislation.

In conclusion, we are doing here something that needs to be done. This is very important. It has been left aside. Seventeen extensions. When the other side, of course, had huge majorities, they could have done this almost by unanimous consent with the President.

Now, the President threatened to veto this. I am not going to say, "Make my day," but I want to say that this is a fair provision, fair to everyone in labor, fair to everyone who wants to join a labor union, to keep 70 years of law that has been on the books and not change it because you have jerry-rigged the membership of the National Mediation Board. So let's be fair, fair going in and fair coming out. This provision that we have in the bill creates fairness.

BROAD SUPPORT FOR H.R. 658—FAA

REAUTHORIZATION AND REFORM ACT OF 2011

Aerospace Industries Association (AIA); General Aviation Manufacturers Association (GAMA); Air Transport Association (ATA); Experimental Aircraft Association (EAA); International Association of Fire Chiefs; Air Medical Operators Association (AMOA); Association of Air Medical Services (AAMS); Aeronautical Repair Station Association (ARSA); U.S. Chamber of Commerce; Cargo Airline Association (CAA); National Business Aviation Association (NBAA); National Air Transport Association (NATA); National Air Carrier Association (NACA); Association of Unmanned Vehicle Systems International (AUVSI); Alliance for Worker Freedom; AdvaMed; Airforwarders Association; Association of Home Appliance Manufacturers; AT&T; Boston Scientific; Consumer Electronics Association; Consumer Electronics Retailers Coalition; CTIA—The Wireless Association.

Dangerous Goods Advisory Council; DHL; Express Association of America; FedEx Corporation; Garmin; Hewlett-Packard; International Air Transport Association (IATA); Information Technology Industry Council; Johnson Controls; Motorola Mobility; Motorola Solutions; National Association of Manufacturers; National Electrical Manufacturers Association; National Retail Federation; Power Tool Institute; PRBA—The Rechargeable Battery Association; Retail Industry Leaders Association; Samsung SDI; Security Industry Association; Sony; UPS; The International Air Cargo Association.

AEROSPACE INDUSTRIES ASSOCIATION,

Arlington, VA, February 16, 2011.

Hon. JOHN L. MICA,

Chairman, Committee on Transportation and Infrastructure, House of Representatives.

Hon. NICK J. RAHALL,

Ranking Member, Committee on Transportation and Infrastructure, House of Representatives.

CHAIRMAN MICA, AND RANKING MEMBER RAHALL; I write today to express the Aerospace Industries Association's (AIA) support for the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as introduced by the House Transportation and Infrastructure Aviation Subcommittee February 11, 2011.

During my February 9 testimony, I outlined a number of initiatives the FAA may undertake to reduce duplicative efforts, measure the effectiveness of existing processes, and capitalize on the experience and efficiency of the private sector. These efficiencies are paramount to ensuring the

FAA's ability to maintain the highest level of safety, provide oversight responsibilities without delaying manufacturers' ability to compete internationally, and aggressively advance the Next Generation Air Transportation System (NextGen).

AIA is pleased with the Committee's decision to address key policies such as environmental streamlining, third party performance based navigation procedure design, and the establishment of NextGen performance metrics. Further, the Committee's acknowledgement of the benefits of bilateral aviation safety agreements and a risk based inspection regime when applied to repair station oversight cannot be overstated. These carefully negotiated agreements increase FAA's efficiency, enhance FAA's international safety oversight and help protect U.S. jobs.

FAA is the global gold standard for aviation safety and standards. U.S. civil aviation manufacturers are the world leaders in advanced aerospace technology, innovative satellite-based procedures and airspace design. The policies outlined in H.R. 658 permit the FAA to not only pursue efficiencies for the flying public but also protect the investment of the American taxpayer.

If AIA can provide any technical assistance or answer any questions, please do not hesitate to call me directly.

Sincerely,

MARION C. BLAKEY.

GENERAL AVIATION
MANUFACTURERS ASSOCIATION,
Washington, DC.

STATEMENT OF PETE BUNCE ON INTRODUCTION
OF H.R. 658, THE FAA REAUTHORIZATION AND
REFORM ACT OF 2011

We welcome the leadership of Chairmen Mica and Petri in developing and introducing this legislation and look forward to working with them and ranking members Rahall and Costello on its passage. There have been far too many delays in reauthorizing the programs of the FAA and we hope that timely action will continue. H.R. 658 contains many provisions important to general aviation manufacturers including:

- (1) strengthening the ability of FAA to implement the procedures, policies, and technology necessary for the success of NextGen;
- (2) enhancing repair station safety oversight through a risk-based approach and leveraging safety resources efficiently;
- (3) supporting a critical safety agreement between the U.S. and Europe;
- (4) reviewing and reforming existing FAA certification processes to streamline and make more efficient the current system without compromising safety; and
- (5) establishing an FAA-industry group to ensure consistent interpretation of regulations and effective communication about potential changes.

We look forward to continuing to work with all members of Congress to ensure that the funding levels in the bill will support critical NextGen investments and the certification resources necessary to create jobs in this country and maintain our global competitiveness.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 31, 2011.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges

Congress to reauthorize federal aviation programs. H.R. 658, the "Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011" is an important step toward achieving this goal. The Chamber strongly supports several provisions of H.R. 658 and provisions expected to be included in the manager's amendment. However, the Chamber strongly opposes amendments that have been filed regarding lithium-ion batteries and repeal a National Mediation Board rule and supports an amendment to improve the FAA rulemaking process.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. The U.S. aviation system must transform to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. Moreover, investment in America's transportation system is important to U.S. productivity and economic competitiveness in the long run, and investment in transportation infrastructure supports jobs in the near term.

The Chamber supports several policy related provisions of H.R. 658 and the manager's amendment that would:

Strengthen the ability of FAA to implement the policies, procedures and technologies needed to fully implement the Next Generation Air Traffic Control system (NextGen).

Assist the aviation community with aircraft equipage necessary to move NextGen forward. Without ensuring that air infrastructure—advanced technologies installed in aircraft, commonly referred to as equipage—is aligned with ground infrastructure, the benefits of NextGen cannot be realized fully and the return on the investment in the air transportation system will be delayed. Because of the significant costs associated with aircraft equipage, assistance is needed. According to the Air Transport Association, the equipage cost for ADS-B could total between \$3.5 and \$5 billion. For the aviation community to benefit from these technologies, the FAA must implement more efficient routings and changed procedures and provide federal funding assistance to achieve implementation of such a requirement.

Preserve the effective and efficient Block Aircraft Registration Request (BARR) program, which allows business aircraft operators with privacy or security concerns for their operations to request that Aircraft Situation Display to Industry (ASDI) data provided to the Federal Aviation Administration be blocked from public dissemination. These requests are routinely honored, and FAA has provided no data to demonstrate that changes to the BARR program are necessary.

With respect to funding levels, the Chamber strongly supports provisions of the bill that would provide a robust General Fund contribution to aviation programs. Historically, the general fund has been used to pay for a significant portion of the FAA's costs, which provides important public interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national passenger and freight air transportation system.

However, the Chamber is concerned with overall reduced funding levels in H.R. 658. Of particular concern are cuts to the Airport Improvement Program. The Airport Improvement Program is an important source of funding for capital projects and contrib-

utes to safe, secure, and efficient airport facilities. The proposed funding levels fall short of the amounts needed to maintain, modernize and expand critical aviation infrastructure. In addition, decreased funding for this program would reduce jobs supported by these projects. We urge Congress to address this important issue during the conference.

The Chamber is concerned with several amendments that may be considered during floor debate of H.R. 658 related to:

FAA Rulemaking: The Chamber strongly supports an amendment filed by Rep. Shuster that would require FAA to consider different industry segments in its rulemaking proceedings and to perform comprehensive cost-benefit analyses. FAA practice in certain rulemakings has been to overlook significant operational differences within the industry and promulgate rules that impose substantial costs without producing commensurate benefits.

National Mediation Board: The Chamber strongly opposes an amendment filed by Rep. LaTourette that would remove Section 903 of H.R. 658. This section of the bill would repeal recent revisions the National Mediation Board made to its regulations concerning union organizing under the Railway Labor Act. The National Mediation Board's revisions, which were made at the request of the AFL-CIO, overturned more than 70 years of precedent and make it possible for a union to be organized without the support of a majority of employees in the craft or class. Strong policy arguments favor the time-tested rule jettisoned by the Board. Further, while the Board has made it much easier to form a union it has not addressed the double standard that makes it nearly impossible for employees to decertify an unwanted union. In addition, the regulatory process that led to the adoption of the rule was little more than a sham. The Board majority not only excluded the single minority member from deliberations over the rule, but it censored her dissent. Furthermore, while the rule was contentious enough to draw thousands of comments, the Board did not change a single word of the proposed rule when it was finalized. Simply put, the Board's regulatory process on this process was egregiously flawed. Congress should not permit an agency to set policy in such a manner.

Lithium Ion batteries: The Chamber strongly opposes an amendment by Rep. Filner, which would prevent harmonization of federal regulations with international standards concerning the shipment of lithium ion batteries. Provisions of the manager's amendment would help ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization. Such harmonization would enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements for transporting our products to and from the U.S.

The Chamber urges Congress to approve a multi-year aviation bill, and H.R. 658 is an important step towards achieving this goal. The Chamber will consider including votes on or in relation to the Filner, LaTourette and Shuster amendments in our annual How They Voted Scorecard.

Sincerely,

R. BRUCE JOSTEN,
EXECUTIVE VICE PRESIDENT,
Government Affairs.

Mr. PASCHELL. Mr. Chair, I come to the floor to speak about basic notions of fairness and democracy.

As a former member of the House Transportation Committee, let me acknowledge that I understand the importance of a strong and robust FAA Reauthorization Bill. Historically, it has been our shared goal of modernizing our system, expanding capacity, and putting people to work. Unfortunately, by nickel and diming the system, the bill on the floor today falls short of achieving these important goals.

Furthermore, today's bill contains a poison pill for those Americans working hard on our airways and railways that would change the method of counting votes in a union election.

Last year, the National Mediation Board rightly decided that union elections for workers in the airline and rail industries would be counted just as we count every other vote, whether for President, Congress or even when voting on legislation here in the House of Representatives.

It's simple: if you show up and vote "yes," it's a yes. If you show up and vote "no," it's a no.

But this legislation would repeal the ruling of the NMB and count ghost votes, because if you do not show up, you're considered a "no."

We cannot continue to attack hard working employees across this country for political purposes. I urge my colleagues to support the LaTourette/Costello Amendment to strike this misguided section of the bill and preserve fairness in union elections.

I am also happy that my friend, Mr. LOBIONDO's amendment for the NextGen Center of Excellence was agreed to. I have been with my colleague from south Jersey to the FAA Tech Center and know that it does a fantastic job. Supporting these employees also means providing the best training possible, which in turn will make our skies safer and the flow of commerce better.

Finally, I would like to stand with the families of the victims of Flight 3407, and oppose the amendment from my friend Mr. SHUSTER. We need to stand behind the law we passed last year to improve safety standards, and continue to demand one strong level of safety for the entire aviation industry.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 658 as it currently stands. While I support a long-term reauthorization of the Federal Aviation Administration, this bill is the wrong approach to doing so. I was extremely disappointed in the decision of my Republican colleagues to slash funding levels for the FAA by \$4 billion over the next four years. These proposed cuts would jeopardize the Next Generation Air Transportation System air traffic control modernization efforts and devastate safety-sensitive programs.

Worse yet, H.R. 658 slashes the FAA's Airport Improvement Program (AIP) by \$2 billion through 2014. The AIP program is essential for airports to handle current traffic levels as well as build infrastructure to address future demand. Not only does it help airports build and improve runways, taxiways, and terminals, but it also helps airports mitigate noise levels, and improve safety and security at their facilities. Please allow me to give you an example of how this program has helped the people of Michigan's 15th congressional district, and why it deserves proper levels of funding. My district contains Detroit Metropolitan Wayne County Airport (DTW), which serves over 35

million passengers annually and is one of the newest, most operationally-capable, customer-friendly and efficient airports in North America with more than 1,200 non-stop flights per day to over 160 destinations worldwide. Since 2009, DTW airport has received over \$21 million in federal grants from the FAA through the AIP program. These grants helped DTW rehabilitate the runways and taxiways, reduce noise levels, install taxiway lighting, install guidance signs, and install perimeter fencing. If DTW had not received these grants, it would not have made these upgrades.

Thus, the \$4 billion in cuts contained in H.R. 658 will prevent airports like DTW from making necessary upgrades to their facilities, prevent the implementation of new safety standards, reduce safety personnel, and cost 70,000 jobs around the nation. If this bill passes with these budget cuts intact, then passengers at airports across the nation can expect increased delays, overcrowded airports, decreased safety, and crumbling infrastructure. I therefore urge my colleagues to reject these cuts, and to protect the critical and successful Airport Improvement Program.

The FAA Reauthorization and Reform Act, as it stands, is nothing more than a job loss bill that will inflict serious turbulence on our nation's airline industry and transportation infrastructure. I understand the need to reduce the deficit, but we should not do so in such a way that threatens passenger safety, airport security, and airfield maintenance. If my colleagues across the aisle are serious about investing in our nation's infrastructure and creating jobs, then they should vote to rescind these harmful cuts and maintain funding for the FAA at FY 2010 levels.

Mr. Chair, I strongly urge my colleagues to vote against this bill unless the proper funding levels are restored.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 658. While we need a Federal Aviation Administration reauthorization bill, today's legislation takes us in the wrong direction.

Our nation's aviation infrastructure critically needs rehabilitation. On its 2009 Report Card on America's Infrastructure, the American Society of Civil Engineers gave aviation infrastructure a "D." Investments in improvements—to renovate runways, taxiways, and terminals and to implement the Next Generation Air Transportation System (NextGen) to modernize air traffic control—would enhance passenger safety and reduce delays. They also create jobs—approximately 35,000 jobs per \$1 billion of investment.

However, rather than making the improvements our aviation system requires, this bill cuts funding back to FY2008 levels—a \$1 billion cut in the first year alone. And funding would stay level, despite increasing need, each year until FY2014. Cuts to the Airport Improvement Program alone would cost our nation 70,000 jobs over the next four years.

This bill's funding reductions have a very real impact for passengers. Cutbacks to FAA operations could result in furloughs for hundreds of safety inspectors and slow certification of new equipment. A reduced budget could also postpone needed investments in air traffic control towers, lighting systems, and navigational aids. And the delays to NextGen

implementation will result in more delays, more gridlock, and more runway incursions that endanger passengers.

Additionally, this bill contains a poison pill—one that neither the President nor the Senate will accept. It repeals a National Mediation Board rule, finalized last year, which allows workers to organize based on a majority of votes cast—the same way members of Congress are elected. Under this legislation, if a worker does not cast a ballot in a union election, he or she would be counted as a "no" vote. This is unfair and undemocratic.

Mr. Chair, our aviation infrastructure has serious needs. We need a serious bill to address them. Let's end arbitrary and damaging cuts and poison pill provisions and consider a bill that puts Americans to work rebuilding our nation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today to reluctantly oppose the passage of the legislation before us: H.R. 658, the FAA Reauthorization and Reform Act of 2011. I say reluctantly because the FAA is in urgent need of a long-term authorization to guide it in this critical period of air traffic control modernization. As most folks know, FAA has been operating under a series of short-term extensions, the last of which passed the House on Tuesday. While these short-term extension have been necessary, they have made it difficult for the agency to engage in long-term planning.

However, while H.R. 658 reauthorizes the agency for four years, I must oppose this bill. There are several reasons for this opposition.

First, H.R. 658 imposes arbitrary and poorly considered spending reductions on the FAA. This bill imposes over 1 billion dollars of annual cuts from FY 2010 spending levels. These cuts will lead to costly job losses. This is not a "job-creating" bill—far from it! As Marion Blakey, the FAA Administrator under the Bush Administration, said at a hearing earlier this year about this bill, "the prospect is really devastating to jobs and to our future, if we really have to roll back [to 2008 levels] and stop NextGen in its tracks." As we begin to climb out of a deep recession, I question the wisdom of cutting air travel infrastructure spending which is critical to the continued growth to the industry. And this is an industry, I might add, that contributes approximately 1.3 trillion dollars and nearly 11 million jobs to our economy.

These funding cuts occur at a time when air traffic is increasing. It defies logic that we can cut funding for air traffic infrastructure and safety while at the same time experiencing a growth in civil air traffic without leading to reduced levels of safety. You cannot. Let's be clear: this bill will reduce the safety of the American flying public. Period.

In the Science, Space, and Technology Committee, where I serve as Ranking Member, the Majority pushed through a 23% cut to FAA's research account. What got cut? Fire safety research, icing research, and research into reducing pilot and ground crew errors—and many other important initiatives. My Democratic colleagues on the Committee tried to restore funding to the safety programs I just mentioned, at a modest cost to the overall bill. However, we were rebuffed in our efforts in party line votes. I find it unfortunate that the

flying public will have to sacrifice their safety so that our Republican colleagues can hew to an arbitrary budget cutting number.

I would also like to express my strong opposition to the provision of this bill which repeals the National Mediation Board's Fair Elections Rule. The notion that your vote only counts if it is actually cast is a fundamental principle of democracy. I am particularly disappointed that the Republican Majority has decided to go about attacking worker rights in a bill that should be about creating jobs for American workers.

In addition, I want to comment about an omission in this bill. This bill does not address the issue of flight attendant occupational hazards. According to 2009 Bureau of Labor Statistics data, air transportation workers are exposed to more workplace injuries and illnesses than construction workers and workers on factory floors. Despite this, flight attendants are not protected by occupational safety and health standards. Moreover, flight attendant fatigue has been identified by the Civil Aerospace Medical Institute as a safety problem, and one that needs to be addressed. Unfortunately, H.R. 658 addresses neither of these important issues related to flight attendant safety.

There are several provisions in this bill that I do support. Namely, I am glad to see that the Airport Access Flexibility Program is included in the bill we are considering today. The Airport Access Flexibility Program was created through my leadership in 2009 and directs the Secretary to establish a pilot program at five airports where passenger facility charges may be used to finance the eligible cost of an intermodal ground access project. This program is of critical importance to Dallas Love Field Airport for a project that would link the airport to the Dallas Area Rapid Transit (DART) System. Congressional intent is quite clear that Dallas Love Field Airport should receive priority consideration to be included in this program. I look forward to working with colleagues in the Senate to ensure that this program is retained in the final legislation.

Finally, in the Manager's amendment there is a provision to prohibit any new safety regulations affecting crew or passenger spaceflight safety until 2020 or even later. That is bad policy that will have adverse consequences for safety if enacted. FAA has notified us that they are strongly opposed to the provision, as am I.

Mr. Chair, I would have liked to support a bipartisan FAA reauthorization today. Unfortunately, Majority has decided to bring a bill to the floor today that costs American jobs, attacks American worker rights, and sacrifices the safety of the American flying public. Therefore, I will oppose the bill today, and hope that we can work together to fix the problems I have identified in this legislation as we move forward.

Mr. POMPEO. Mr. Chair, I rise in support of H.R. 658, the FAA Reauthorization and Reform Act. I appreciate Chairman MICA and Chairman PETRI for crafting a fiscally conservative bill that meets the significant needs of our aviation sector.

Having previously run an aerospace company for 10 years and now having the honor of representing the Air Capital of the World,

Wichita, Kansas, I know first hand the importance of this legislation.

First of all, I want to thank Chairman MICA for including a provision of mine in the Manager's Amendment that will allow the FAA to increase the number of UAS Test Ranges around the country. These Test Ranges are essential to fostering innovation and private sector development of the Unmanned Aerial System industry. If implemented properly by the FAA, I believe research and development and manufacturing hubs will grow up around these ranges. I know of several communities in Kansas—including El Dorado, Salina, and Herington—where a Test Range not only makes sense, but could help stimulate the local economy.

Second, I want to thank the Chairman for not including something in this bill: User Fees. Aviation user fees would devastate the general aviation industry. User Fees would place an unnecessary administrative burden and unwarranted additional costs on the system users. Simply put, these Fees would hurt the General Aviation manufacturing industry, which has already lost tens of thousands of employees due to the global recession.

Lastly, I want to highlight the inclusion of a Repair Stations provision. This section implements a risk-based inspection regime consistent with the U.S.–E.U. aviation safety bilateral agreement. This provision supports 130,000 American jobs, including many in my home District.

This is a good bill which deserves this body's strong support. I urge my colleagues to join with me in voting for this important legislation.

Mr. BERG. Mr. Chair, for eight years, Washington has failed to provide our nation with a long term and stable plan for our aviation infrastructure.

This bill will ensure the much-needed long-term stability and development of our nation's aviation infrastructure.

However, I'm incredibly concerned about the provision in this bill that would phase out Essential Air Service support.

EAS is critical in large states like my own. Rural regions rely on EAS support for vital air transportation. In North Dakota, airports like those in Jamestown and Devils Lake would not be able to provide critical air service without EAS support.

I've talked with North Dakotans, and I know how much they rely on access to air service. Numerous North Dakotans depend on air travel as an essential part of their jobs, and for many rural residents, driving in bad North Dakota weather to get to a larger airport simply isn't viable.

Eliminating EAS would have a significant, detrimental effect on my state and on North Dakotans' access to air service.

As we prioritize spending, we also must promote economic development and job creation. In areas like North Dakota, maintaining essential air service is critical for commerce—we want businesses to invest in our cities.

A Goodrich plant in Jamestown employs nearly 500 North Dakotans. They rely on local air service to do business—air service that would not be possible if essential air service support was phased out.

We can't ask companies to invest in our state if we are unable to provide the basic in-

frastructure necessary for them to be competitive and do business.

I've spoken with Congressman MICA and with the Transportation committee and I understand the need for this process to keep moving forward.

This bill contains many good provisions that I support. It will expand research and development for remotely piloted aircraft, a growing field that holds enormous potential not only for our nation's military, but also our academic institutions and farmers and border security.

North Dakota has established itself as a leader in the development and research of remotely piloted aircraft technology, and I'm confident that the creation of new test sites will benefit this technology's continued success in our state.

But while I support these things, I also know how vital rural access to essential aviation is. That's why, before it is sent to the President, it is critical that the final version of this bill maintains EAS support.

So I ask the gentleman from Florida if he will commit to working with me and other concerned members to support the EAS program and maintain critical rural air service.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2011. The amendment in the nature of a substitute shall be considered as read.

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

H.R. 658

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “FAA Reauthorization and Reform Act of 2011”.

(b) *TABLE OF CONTENTS.*—

Sec. 1. *Short title; table of contents.*

Sec. 2. *Amendments to title 49, United States Code.*

Sec. 3. *Effective date.*

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. *Airport planning and development and noise compatibility planning and programs.*

Sec. 102. *Air navigation facilities and equipment.*

Sec. 103. *FAA operations.*

Sec. 104. *Funding for aviation programs.*

Sec. 105. *Delineation of Next Generation Air Transportation System projects.*

Sec. 106. *Funding for administrative expenses for airport programs.*

Subtitle B—Passenger Facility Charges

Sec. 111. *Passenger facility charges.*

Sec. 112. Airport access flexibility program.
 Sec. 113. GAO study of alternative means of collecting PFCs.

Sec. 114. Qualifications-based selection.
 Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.
 Sec. 122. Registration fees.

Subtitle D—Airport Improvement Program Modifications

Sec. 131. Airport master plans.
 Sec. 132. Aerotropolis transportation systems.
 Sec. 133. AIP definitions.
 Sec. 134. Recycling plans for airports.
 Sec. 135. Contents of competition plans.
 Sec. 136. Grant assurances.
 Sec. 137. Agreements granting through-the-fence access to general aviation airports.

Sec. 138. Government share of project costs.
 Sec. 139. Allowable project costs.
 Sec. 140. Veterans' preference.
 Sec. 141. Standardizing certification of disadvantaged business enterprises.
 Sec. 142. Special apportionment rules.
 Sec. 143. Apportionments.
 Sec. 144. Marshall Islands, Micronesia, and Palau.

Sec. 145. Designating current and former military airports.
 Sec. 146. Contract tower program.
 Sec. 147. Resolution of disputes concerning airport fees.

Sec. 148. Sale of private airports to public sponsors.
 Sec. 149. Repeal of certain limitations on Metropolitan Washington Airports Authority.

Sec. 150. Midway Island Airport.
 Sec. 151. Miscellaneous amendments.
 Sec. 152. Extension of grant authority for compatible land use planning and projects by State and local governments.

Sec. 153. Priority review of construction projects in cold weather States.
 Sec. 154. Study on national plan of integrated airport systems.

Sec. 155. Transfers of terminal area air navigation equipment to airport sponsors.

Sec. 156. Airport privatization program.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

Sec. 201. Definitions.
 Sec. 202. NextGen demonstrations and concepts.
 Sec. 203. Clarification of authority to enter into reimbursable agreements.

Sec. 204. Chief NextGen Officer.
 Sec. 205. Definition of air navigation facility.
 Sec. 206. Clarification to acquisition reform authority.

Sec. 207. Assistance to foreign aviation authorities.
 Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.

Sec. 209. Next Generation Air Transportation Senior Policy Committee.
 Sec. 210. Improved management of property inventory.

Sec. 211. Automatic dependent surveillance-broadcast services.
 Sec. 212. Expert review of enterprise architecture for NextGen.

Sec. 213. Acceleration of NextGen technologies.
 Sec. 214. Performance metrics.
 Sec. 215. Certification standards and resources.
 Sec. 216. Surface systems acceleration.

Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
 Sec. 218. Siting of wind farms near FAA navigational aids and other assets.
 Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.

Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.

Sec. 303. Design and production organization certificates.

Sec. 304. Aircraft certification process review and reform.

Sec. 305. Consistency of regulatory interpretation.

Sec. 306. Runway safety.
 Sec. 307. Improved pilot licenses.

Sec. 308. Flight attendant fatigue.
 Sec. 309. Flight Standards Evaluation Program.

Sec. 310. Cockpit smoke.
 Sec. 311. Safety of air ambulance operations.

Sec. 312. Off-airport, low-altitude aircraft weather observation technology.

Sec. 313. Feasibility of requiring helicopter pilots to use night vision goggles.

Sec. 314. Prohibition on personal use of electronic devices on flight deck.

Sec. 315. Noncertificated maintenance providers.

Sec. 316. Inspection of foreign repair stations.
 Sec. 317. Sunset of line check.

Subtitle B—Unmanned Aircraft Systems

Sec. 321. Definitions.
 Sec. 322. Commercial unmanned aircraft systems integration plan.

Sec. 323. Special rules for certain unmanned aircraft systems.

Sec. 324. Public unmanned aircraft systems.

Sec. 325. Unmanned aircraft systems test ranges.

Subtitle C—Safety and Protections

Sec. 331. Postemployment restrictions for flight standards inspectors.

Sec. 332. Review of air transportation oversight system database.

Sec. 333. Improved voluntary disclosure reporting system.

Sec. 334. Aviation Whistleblower Investigation Office.

Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

Sec. 401. Essential air service marketing.
 Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.

Sec. 403. Essential air service contract guidelines.

Sec. 404. Essential air service reform.
 Sec. 405. Small community air service.

Sec. 406. Adjustments to compensation for significantly increased costs.

Sec. 407. Repeal of EAS local participation program.

Sec. 408. Sunset of essential air service program.

Subtitle B—Passenger Air Service Improvements

Sec. 421. Smoking prohibition.
 Sec. 422. Monthly air carrier reports.

Sec. 423. Flight operations at Ronald Reagan Washington National Airport.

Sec. 424. Musical instruments.
 Sec. 425. Passenger air service improvements.

Sec. 426. Airfares for members of the Armed Forces.

Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.

Sec. 428. Denied boarding compensation.
 Sec. 429. Compensation for delayed baggage.

Sec. 430. Schedule reduction.
 Sec. 431. DOT airline consumer complaint investigations.

Sec. 432. Study of operators regulated under part 135.

Sec. 433. Use of cell phones on passenger aircraft.

TITLE V—ENVIRONMENTAL STREAMLINING

Sec. 501. Overflights of national parks.
 Sec. 502. State block grant program.

Sec. 503. NextGen environmental efficiency projects streamlining.

Sec. 504. Airport funding of special studies or reviews.

Sec. 505. Noise compatibility programs.
 Sec. 506. Grant eligibility for assessment of flight procedures.

Sec. 507. Determination of fair market value of residential properties.

Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.

Sec. 509. Aircraft departure queue management pilot program.

Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.

Sec. 511. Sense of Congress.
 Sec. 512. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

Sec. 601. Federal Aviation Administration personnel management system.

Sec. 602. Presidential rank award program.
 Sec. 603. FAA technical training and staffing.

Sec. 604. Safety critical staffing.
 Sec. 605. FAA air traffic controller staffing.

Sec. 606. Air traffic control specialist qualification training.

Sec. 607. Assessment of training programs for air traffic controllers.

Sec. 608. Collegiate training initiative study.
 Sec. 609. FAA facility conditions.

Sec. 610. Frontline manager staffing.

TITLE VII—AVIATION INSURANCE

Sec. 701. General authority.
 Sec. 702. Extension of authority to limit third-party liability of air carriers arising out of acts of terrorism.

Sec. 703. Clarification of reinsurance authority.
 Sec. 704. Use of independent claims adjusters.

TITLE VIII—MISCELLANEOUS

Sec. 801. Disclosure of data to Federal agencies in interest of national security.

Sec. 802. FAA access to criminal history records and database systems.

Sec. 803. Civil penalties technical amendments.
 Sec. 804. Realignment and consolidation of FAA services and facilities.

Sec. 805. Limiting access to flight decks of all-cargo aircraft.

Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

Sec. 807. Prohibition on use of certain funds.
 Sec. 808. Study on aviation fuel prices.

Sec. 809. Wind turbine lighting.
 Sec. 810. Air-rail code sharing study.

Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.

Sec. 812. FAA review and reform.
 Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.

TITLE IX—NATIONAL MEDIATION BOARD

Sec. 901. Authority of Inspector General.
 Sec. 902. Evaluation and audit of National Mediation Board.

Sec. 903. Repeal of rule.

TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011

Sec. 1001. Short title.

Sec. 1002. Definitions.
 Sec. 1003. Authorization of appropriations.
 Sec. 1004. Unmanned aircraft systems.
 Sec. 1005. Research program on runways.
 Sec. 1006. Research on design for certification.
 Sec. 1007. Airport cooperative research program.
 Sec. 1008. Centers of excellence.
 Sec. 1009. Center of excellence for aviation human resource research.
 Sec. 1010. Interagency research on aviation and the environment.
 Sec. 1011. Aviation fuel research and development program.
 Sec. 1012. Research program on alternative jet fuel technology for civil aircraft.
 Sec. 1013. Review of FAA's energy- and environment-related research programs.
 Sec. 1014. Review of FAA's aviation safety-related research programs.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING

Sec. 1101. Short title.
 Sec. 1102. Extension of Airport and Airway Trust Fund expenditure authority.
 Sec. 1103. Extension of taxes funding Airport and Airway Trust Fund.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

Sec. 1201. Compliance provision.
SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

“§48103. Airport planning and development and noise compatibility planning and programs

“(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c)—

- “(1) \$3,176,000,000 for fiscal year 2011;
- “(2) \$3,000,000,000 for fiscal year 2012;
- “(3) \$3,000,000,000 for fiscal year 2013; and
- “(4) \$3,000,000,000 for fiscal year 2014.

“(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.

“(c) LIMITATION.—Amounts made available under subsection (a) may not be used for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program.”

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “March 31, 2011” and inserting “September 30, 2014”.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$2,700,000,000 for fiscal year 2011.
 - “(2) \$2,600,000,000 for fiscal year 2012.
 - “(3) \$2,600,000,000 for fiscal year 2013.
 - “(4) \$2,600,000,000 for fiscal year 2014.”
- (b) SET-ASIDES.—Section 48101 is amended—
- (1) by striking subsections (c), (d), (e), (h), and (i); and
 - (2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (F) and inserting the following:

- “(A) \$9,403,000,000 for fiscal year 2011;
- “(B) \$9,168,000,000 for fiscal year 2012;
- “(C) \$9,168,000,000 for fiscal year 2013; and
- “(D) \$9,168,000,000 for fiscal year 2014.”

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

- (1) by striking subparagraphs (A), (B), (C), and (D);
- (2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and
- (3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking “2004 through 2007” and inserting “2011 through 2014”.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

“(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).”

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

“(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).”

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

“(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2011 through 2014, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).”

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

“(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—

“(i) in fiscal year 2011, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(ii) in fiscal year 2012 and each fiscal year thereafter, be equal to the sum of—

“(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

“(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).”

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking “2007” and inserting “2014”.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking “LEVEL” and inserting “ESTIMATED LEVEL”; and

(2) by striking “level of receipts plus interest” and inserting “estimated level of receipts plus interest”.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking “2007” and inserting “2014”.

SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) in paragraph (3) by striking “and” after the semicolon;

(2) in paragraph (4)(B) by striking “defense.” and inserting “defense; and”; and

(3) by adding at the end the following:

“(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).”

SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

“§48105. Airport programs administrative expenses

“(a) IN GENERAL.—Of the funds made available under section 48103, the following amounts may be available for administrative expenses of the Federal Aviation Administration described in subsection (b):

- “(1) \$85,987,000 for fiscal year 2011.
- “(2) \$80,676,000 for fiscal year 2012.
- “(3) \$80,676,000 for fiscal year 2013.
- “(4) \$80,676,000 for fiscal year 2014.

“(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—Amounts made available under subsection (a) may be used for administrative expenses relating to the airport improvement program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities.

“(c) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”

Subtitle B—Passenger Facility Charges

SEC. 111. PASSENGER FACILITY CHARGES.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

“(5) PASSENGER FACILITY CHARGE.—The term ‘passenger facility charge’ means a charge or fee imposed under this section.”

(b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended—

- (1) by striking paragraph (7); and
- (2) by redesignating paragraph (8) as paragraph (7).

(c) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking “fees” and inserting “charges”;

(B) in the heading for subsection (e) by striking “FEES” and inserting “CHARGES”;

(C) in the heading for subsection (l) by striking “FEE” and inserting “CHARGE”;

(D) in the heading for paragraph (5) of subsection (l) by striking “FEE” and inserting “CHARGE”;

(E) in the heading for subsection (m) by striking “FEES” and inserting “CHARGES”;

(F) in the heading for paragraph (1) of subsection (m) by striking “FEES” and inserting “CHARGES”;

(G) by striking “fee” each place it appears (other than the second sentence of subsection (g)(4)) and inserting “charge”; and

(H) by striking “fees” each place it appears and inserting “charges”.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking “fee” and inserting “charge” each place it appears in each of the following sections:

- (A) Section 47106(f)(1).
- (B) Section 47110(e)(5).

- (C) Section 47114(f).
 (D) Section 47134(g)(1).
 (E) Section 47139(b).
 (F) Section 47524(e).
 (G) Section 47526(2).

(3) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

“40117. Passenger facility charges.”.

SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.

Section 40117 is amended by adding at the end the following:

“(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

“(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

“(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this subsection, the term ‘intermodal ground access project’ means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

“(3) ELIGIBLE COSTS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project at an airport shall be the total cost of the project multiplied by the ratio that—

“(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

“(ii) the total number of the individuals projected to use the facility.

“(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

“(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

“(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time the project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).”.

SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.

(a) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

(1) collection options for arriving, connecting, and departing passengers at airports;

(2) cost sharing or allocation methods based on passenger travel to address connecting traffic; and

(3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General’s findings, conclusions, and recommendations.

SEC. 114. QUALIFICATIONS-BASED SELECTION.

(a) QUALIFICATIONS-BASED SELECTION DEFINED.—In this section, the term “qualifications-based selection” means a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

(b) SENSE OF CONGRESS.—It is the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

“(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

“(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration’s costs, as determined by the Administrator, of providing the services rendered.

“(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

“(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

“(A) The establishment or adjustment of a fee by the Administrator under this section.

“(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

“(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

“(4) ADJUSTMENT OF OVERFLIGHT FEES.—In accordance with section 106(f)(3)(A), the Administrator shall adjust the overflight fees established by subsection (a)(1) by issuing a final rule with respect to the notice of proposed rulemaking published in the Federal Register on September 28, 2010 (75 Fed. Reg. 59661).

“(5) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(6) COSTS DEFINED.—In this subsection, the term ‘costs’ includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.

“(7) SPECIAL RULE FOR FISCAL YEARS 2011 THROUGH 2015.—In each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4).”.

(b) ADJUSTMENT OF FEES.—Section 45301 is amended by adding at the end the following:

“(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.”.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

“§45305. Registration, certification, and related fees

“(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

“(1) Registering an aircraft.

“(2) Reregistering, replacing, or renewing an aircraft registration certificate.

“(3) Issuing an original dealer’s aircraft registration certificate.

“(4) Issuing an additional dealer’s aircraft registration certificate (other than the original).

“(5) Issuing a special registration number.

“(6) Issuing a renewal of a special registration number reservation.

“(7) Recording a security interest in an aircraft or aircraft part.

“(8) Issuing an airman certificate.

“(9) Issuing a replacement airman certificate.

“(10) Issuing an airman medical certificate.

“(11) Providing a legal opinion pertaining to aircraft registration or recordation.

“(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

“(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

“(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

“(C) remain available until expended.

“(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration’s regular appropriations.

“(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

“45305. Registration, certification, and related fees.”.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking “A fee” and inserting the following:

“(1) IN GENERAL.—A fee”; and

(2) by adding at the end the following:

“(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.”.

Subtitle D—Airport Improvement Program Modifications

SEC. 131. AIRPORT MASTER PLANS.

Section 47101(g)(2) is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) consider passenger convenience, airport ground access, and access to airport facilities; and”.

SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.

Section 47101(g) is amended by adding at the end the following:

“(4) AEROTROPOLIS TRANSPORTATION SYSTEMS.—Encourage the development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that, as determined by the Secretary, provide efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.”.

SEC. 133. AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking “20” and inserting “9”;

(2) in subparagraph (G) by inserting “and including acquiring glycol recovery vehicles,” after “aircraft.”; and

(3) by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

“(N) terminal development under section 47119(a).

“(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.”.

(b) AIRPORT PLANNING.—Section 47102(5) is amended to read as follows:

“(5) ‘airport planning’ means planning as defined by regulations the Secretary prescribes and includes—

“(A) integrated airport system planning;

“(B) developing an environmental management system; and

“(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.”.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) ‘general aviation airport’ means a public airport that is located in a State and that, as determined by the Secretary—

“(A) does not have scheduled service; or

“(B) has scheduled service with less than 2,500 passenger boardings each year.”.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

“(24) ‘revenue producing aeronautical support facilities’ means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.”.

(e) TERMINAL DEVELOPMENT.—Section 47102 (as amended by subsection (c) of this section) is further amended by adding at the end the following:

“(28) ‘terminal development’ means—

“(A) development of—

“(i) an airport passenger terminal building, including terminal gates;

“(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

“(iii) walkways that lead directly to or from an airport passenger terminal building; and

“(B) the cost of a vehicle described in section 47119(a)(1)(B).”.

SEC. 134. RECYCLING PLANS FOR AIRPORTS.

Section 47106(a) is amended—

(1) in paragraph (4) by striking “and” at the end;

(2) in paragraph (5) by striking “proposed.” and inserting “proposed; and”; and

(3) by adding at the end the following:

“(6) if the project is for an airport that has an airport master plan, the master plan addresses issues relating to solid waste recycling at the airport, including—

“(A) the feasibility of solid waste recycling at the airport;

“(B) minimizing the generation of solid waste at the airport;

“(C) operation and maintenance requirements;

“(D) the review of waste management contracts; and

“(E) the potential for cost savings or the generation of revenue.”.

SEC. 135. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking “patterns of air service.”;

(2) by inserting “and” before “whether.”; and

(3) by striking “, and airfare levels” and all that follows before the period.

SEC. 136. GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: “, except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)”.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking “paid to the Secretary” and all that follows before the semicolon and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)”.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

“(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

“(A) Reinvestment in an approved noise compatibility project.

“(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

“(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

“(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

“(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.”.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking “the Fund” and inserting “the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986”.

(d) EXTENSION OF COMPETITIVE ACCESS REPORTS.—Section 47107(s) is amended by striking paragraph (3).

SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

“(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

“(A) Aircraft of the person.

“(B) Aircraft authorized by the person.

“(2) THROUGH-THE-FENCE AGREEMENTS.—

“(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor’s relationship with the property owner.

“(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

“(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators on-airport making similar use of the airport;

“(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

“(iii) to maintain the property for residential, noncommercial use for the duration of the agreement; and

“(iv) to prohibit access to the airport from other properties through the property of the property owner.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking “provided in subsection (b) or subsection (c) of this section” and inserting “otherwise provided in this section”; and

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government’s share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

“(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government’s share of allowable project costs shall be 95 percent for a project at an airport that—

“(1) is receiving subsidized air service under subchapter II of chapter 417; and

“(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.”.

SEC. 139. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

“(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

“(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

“(iv) the sponsor has an alternative funding source available to fund the project; and

“(v) the sponsor’s decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;”.

(b) **INCLUSION OF MEASURES TO IMPROVE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.**—Section 47110(b) is amended—

(1) in paragraph (5) by striking “; and” and inserting a semicolon;

(2) in paragraph (6) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—

“(A) the measure is for a project for airport development;

“(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

“(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.”.

(c) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—Section 47110(d) is amended to read as follows:

“(d) **RELOCATION OF AIRPORT-OWNED FACILITIES.**—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government’s share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary’s design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”.

(d) **NONPRIMARY AIRPORTS.**—Section 47110(h) is amended—

(1) by inserting “construction” before “costs of revenue producing”; and

(2) by striking “, including fuel farms and hangars.”.

SEC. 140. VETERANS’ PREFERENCE.

Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking “separated from” and inserting “discharged or released from active duty in”; and

(B) by adding at the end the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty (as defined in section 101 of title 38) in the Armed Forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presi-

dential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

“(D) ‘Persian Gulf veteran’ means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.”; and

(2) in paragraph (2) by striking “Vietnam-era veterans and disabled veterans” and inserting “Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans”.

SEC. 141. STANDARDIZING CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

Section 47113 is amended by adding at the end the following:

“(e) **MANDATORY TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

“(2) **IMPLEMENTATION.**—The training program may be implemented by one or more private entities approved by the Secretary.

“(3) **PARTICIPANTS.**—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

“(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

“(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).”.

SEC. 142. SPECIAL APPORTIONMENT RULES.

(a) **ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.**—Section 47114(d) is amended by adding at the end the following:

“(7) **ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.**—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

“(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

“(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.”.

(b) **SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.**—Section 47114(c)(1) is amended—

(1) by striking subparagraphs (F) and (G); and

(2) by inserting after subparagraph (E) the following:

“(F) **SPECIAL RULE FOR FISCAL YEARS 2011 AND 2012.**—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2011 and 2012 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.”.

SEC. 143. APPORTIONMENTS.

Chapter 471 is amended by striking “\$3,200,000,000” and inserting “\$3,000,000,000” in each of the following sections:

(1) 47114(c)(1)(C).

(2) 47114(c)(2)(C).

(3) 47114(d)(3).

(4) 47114(e)(4).

(5) 47117(e)(1)(C).

SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking “fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,” and inserting “fiscal years 2010 through 2014,”.

SEC. 145. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) **CONSIDERATIONS.**—Section 47118(c) is amended—

(1) in paragraph (1) by striking “or” after the semicolon;

(2) in paragraph (2) by striking “delays.” and inserting “delays; or”; and

(3) by adding at the end the following:

“(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

“(A) within United States jurisdiction or control; and

“(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.”.

(b) **DESIGNATION OF GENERAL AVIATION AIRPORTS.**—Section 47118(g) is amended—

(1) in the subsection heading by striking “AIRPORT” and inserting “AIRPORTS”; and

(2) by striking “one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation” and inserting “3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations”.

(c) **SAFETY-CRITICAL AIRPORTS.**—Section 47118 is amended by adding at the end the following:

“(h) **SAFETY-CRITICAL AIRPORTS.**—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—

“(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

“(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.”.

SEC. 146. CONTRACT TOWER PROGRAM.

(a) **COST-BENEFIT REQUIREMENT.**—Section 47124(b) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **CONTRACT TOWER PROGRAM.**—

“(A) **CONTINUATION AND EXTENSION.**—The Secretary shall continue the low activity (Visual Flight Rules) Level I air traffic control tower contract program established under subsection (a) for towers existing on December 30, 1987, and shall extend the program to other low activity

air traffic control towers for which a qualified entity (as determined by the Secretary), a State, or a subdivision of the State meeting the requirements set forth by the Secretary has requested to participate in the program.

“(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

“(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).”;

(2) by striking “(2) The Secretary” and inserting the following:

“(2) GENERAL AUTHORITY.—The Secretary”.

(b) COSTS EXCEEDING BENEFITS.—Section 47124(b)(3)(D) is amended—

(1) by striking “If the costs” and inserting the following:

“(i) COST SHARING.—If the costs”; and

(2) by adding at the end the following:

“(ii) MAXIMUM LOCAL COST SHARE.—The maximum allowable local cost share allocated under clause (i) for an airport certified under part 139 of title 14, Code of Federal Regulations, with fewer than 50,000 annual passenger enplanements shall be capped at 20 percent of the cost of operating an air traffic tower under the program.

“(iii) SUNSET.—Clause (ii) shall not be in effect after September 30, 2014.”.

(c) FUNDING; USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended by striking subparagraph (E) and inserting the following:

“(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than \$8,500,000 for each of fiscal years 2011 through 2014 may be used to carry out this paragraph.

“(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).”.

(d) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking “\$1,500,000” and inserting “\$2,000,000”.

(e) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

“(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.”.

SEC. 147. RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

“**§47129. Resolution of disputes concerning airport fees**”;

(2) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d);

(3) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d)(2);

(4) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(5) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”;

(6) by striking “air carriers” and inserting “air carriers or foreign air carriers”; and

(7) by striking “(as defined in section 40102 of this title)” in subsection (a) and inserting “(as those terms are defined in section 40102)”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of disputes concerning airport fees.”.

SEC. 148. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking “Subsection (a) shall not apply if” and inserting the following:

“(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if”; and

(2) by adding at the end the following:

“(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this subchapter for any portion of the public sponsor’s acquisition of airport land; and

“(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

“(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.”.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 149. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to section 49108 in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “October 1, 2010, and for the portion of fiscal year 2011 ending before April 1, 2011,” and inserting “October 1, 2014.”.

SEC. 151. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking “each airport to—” and inserting “the airport system to—”;

(B) in paragraph (1) by striking “system in the particular area,” and inserting “system, including connection to the surface transportation network; and”;

(C) in paragraph (2) by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting “; and”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking “, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,”; and

(3) in subsection (d) by striking “status of the”.

(b) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) TERMINAL DEVELOPMENT PROJECTS.—

“(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

“(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

“(i) all the safety equipment required for certification of the airport under section 44706;

“(ii) all the security equipment required by regulation; and

“(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

“(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

“(C) under terms necessary to protect the interests of the Government.

“(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

“(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

“(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary’s approval.”;

(3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking “Secretary of Transportation” and inserting “Secretary”;

(4) in subsections (b)(3) and (b)(4)(A) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(5) in subsection (b)(5) (as redesignated by paragraph (1) of this subsection) by striking “subsection (b)(1) and (2)” and inserting “subsections (c)(1) and (c)(2)”;

(6) in subsections (c)(2)(A), (c)(3), and (c)(4) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d) of this title” and inserting “subsection (a)”;

(7) in subsection (c)(2)(B) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(8) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking “section 47110(d)” and inserting “subsection (a)”;

(9) by adding at the end the following:

“(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than \$20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated;

“(4) the allocation of appropriations; and”.

(d) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking “47102(3)(F),”; and

(2) in subsection (b)—

(A) by striking “47102(3)(F),”; and

(B) by striking “47103(3)(F),”.

(e) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting “46319,” after “46318,”.

(f) OTHER CONFORMING AMENDMENTS.—

(1) Section 40117(a)(3)(B) is amended by striking “section 47110(d)” and inserting “section 47119(a)”.

(2) Section 47108(e)(3) is amended—

(A) by striking “section 47110(d)(2)” and inserting “section 47119(a);” and

(B) by striking “section 47110(d)” and inserting “section 47119(a)”.

(g) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property)” and all that follows through “(10 U.S.C. 2687 note)”.

(h) DEFINITIONS.—

(1) CONGESTED AIRPORT.—Section 47175(2) is amended by striking “2001” and inserting “2004 or any successor report”.

(2) JOINT USE AIRPORT.—Section 47175 is amended by adding at the end the following:

“(7) JOINT USE AIRPORT.—The term ‘joint use airport’ means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.”.

SEC. 152. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking “March 31, 2011” and inserting “September 30, 2014”.

SEC. 153. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator’s review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 154. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the “plan”) under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal

year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.

(6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold, including whether such airports subsidize commercial flights to reach such threshold, at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.

(7) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the issues described in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 155. TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

“§44518. Transfers of terminal area air navigation equipment to airport sponsors

“(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for terminal area air navigation equipment at an airport to the airport sponsor.

“(b) PARTICIPATION.—The Administrator may select the sponsors of not more than 3 nonhub airports, 3 small hub airports, 3 medium hub airports, and 1 large hub airport to participate in the pilot program.

“(c) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in the pilot program, the airport sponsor shall provide assurances satisfactory to the Administrator that the sponsor will—

“(1) operate and maintain the terminal area air navigation equipment transferred to the sponsor under this section in accordance with standards to be established by the Administrator;

“(2) permit the Administrator (or a person designated by the Administrator) to conduct inspections of such terminal area air navigation equipment under a schedule established by the Administrator; and

“(3) acquire and maintain new terminal area air navigation equipment at the airport as needed to replace equipment at the end of its useful life or to meet new standards established by the Administrator.

“(d) TERMS AND CONDITIONS OF TRANSFER FOR ADMINISTRATOR.—When the Administrator approves an airport sponsor’s participation in the pilot program, the Administrator shall transfer, at no cost to the sponsor, all rights, title, and interests of the United States in and to the terminal area air navigation equipment to be transferred to the sponsor under the program,

including the real property on which the equipment is located.

“(e) TREATMENT OF AIRPORT COSTS.—Any costs incurred by an airport sponsor for ownership and maintenance of terminal area air navigation equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary of Transportation under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airport’s airfield.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) SPONSOR.—The term ‘sponsor’ has the meaning given that term in section 47102.

“(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term ‘terminal area air navigation equipment’ means an air navigation facility as defined in section 40102 that exists to provide approach and landing guidance to aircraft, but does not include buildings used for air traffic control functions.

“(g) GUIDELINES.—The Administrator shall issue guidelines on the implementation of the program.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 is amended by adding at the end the following:

“44518. Transfers of terminal area air navigation equipment to airport sponsors.”.

SEC. 156. AIRPORT PRIVATIZATION PROGRAM.

(a) APPROVAL OF APPLICATIONS.—Section 47134(b) is amended—

(1) in the matter preceding paragraph (1) by striking “5 airports” and inserting “10 airports”; and

(2) paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary may grant an exemption to an airport sponsor from the requirements of sections 47107(b) and 47133 (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved by the Secretary after the sponsor has consulted—

“(i) in the case of a primary airport, with each air carrier and foreign air carrier serving the airport, as determined by the Secretary; and

“(ii) in the case of a nonprimary airport, with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.”; and

(B) by striking subparagraph (C).

(b) TERMS AND CONDITIONS.—Section 47134(c) is amended—

(1) by striking paragraphs (4), (5), and (9);

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and

(3) by adding at the end the following:

“(7) A fee imposed by the airport on an air carrier or foreign air carrier may not include any portion for a return on investment or recovery of principal with respect to consideration paid to a public agency for the lease or sale of the airport unless that portion of the fee is approved by the air carrier or foreign air carrier.”.

(c) PARTICIPATION OF CERTAIN AIRPORTS.—Section 47134 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l), respectively.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to an exemption issued to an airport under section 47134 of title 49, United States Code, before, on, or after the date of enactment of this Act.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) **NEXTGEN.**—The term “NextGen” means the Next Generation Air Transportation System.

(2) **ADS-B.**—The term “ADS-B” means automatic dependent surveillance-broadcast.

(3) **ADS-B OUT.**—The term “ADS-B Out” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(4) **ADS-B IN.**—The term “ADS-B In” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.

(5) **RNAV.**—The term “RNAV” means area navigation.

(6) **RNP.**—The term “RNP” means required navigation performance.

SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.

In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

(1) NextGen demonstrations and infrastructure.

(2) NextGen trajectory-based operations.

(3) NextGen reduced weather impact.

(4) NextGen high-density arrivals/departures.

(5) NextGen collaborative air traffic management.

(6) NextGen flexible terminals and airports.

(7) NextGen safety, security, and environmental reviews.

(8) NextGen networked facilities.

(9) The Center for Advanced Aviation System Development.

(10) NextGen system development.

(11) Data communications system implementation.

(12) ADS-B infrastructure deployment and operational implementation.

(13) Systemwide information management.

(14) NextGen facility consolidation and realignment.

(15) En route automation modernization.

(16) National airspace system voice switch.

(17) NextGen network enabled weather.

SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting “with or” before “without reimbursement”.

SEC. 204. CHIEF NEXTGEN OFFICER.

Section 106 is amended by adding at the end the following:

“(s) **CHIEF NEXTGEN OFFICER.**—

“(1) **IN GENERAL.**—

“(A) **APPOINTMENT.**—There shall be a Chief NextGen Officer appointed by the Administrator. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) **QUALIFICATIONS.**—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.

“(C) **TERM.**—The Chief NextGen Officer shall be appointed for a term of 5 years.

“(D) **REMOVAL.**—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.

“(E) **VACANCY.**—Any individual appointed to fill a vacancy in the position of Chief NextGen Officer occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(2) **COMPENSATION.**—

“(A) **IN GENERAL.**—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.

“(B) **BONUS.**—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief NextGen Officer’s performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

“(3) **ANNUAL PERFORMANCE AGREEMENT.**—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

“(4) **ANNUAL PERFORMANCE REPORT.**—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

“(5) **RESPONSIBILITIES.**—The responsibilities of the Chief NextGen Officer include the following:

“(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.

“(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.

“(C) Reviewing and providing advice on the Administration’s modernization programs, budget, and cost accounting system with respect to NextGen.

“(D) With respect to the budget of the Administration—

“(i) developing a budget request of the Administration related to the implementation of NextGen;

“(ii) submitting such budget request to the Administrator; and

“(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.

“(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.

“(F) Developing an annual NextGen implementation plan.

“(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.

“(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.

“(6) **EXCEPTION.**—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.

“(7) **NEXTGEN DEFINED.**—For purposes of this subsection, the term “NextGen” means the Next Generation Air Transportation System.”

SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

“(B) runway lighting and airport surface visual and other navigation aids;

“(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

“(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;”;

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking “another structure” and inserting “any structure, equipment,”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(F) buildings, equipment, and systems dedicated to the national airspace system.”

SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting “(whether public or private)” after “authorities”; and

(B) by striking “safety.” and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).”;

(2) in paragraph (2) by adding at the end the following: “The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.”; and

(3) by striking paragraph (3) and inserting the following:

“(3) **CREDITING APPROPRIATIONS.**—Funds received by the Administrator pursuant to this section shall—

“(A) be credited to the appropriation current when the amount is received;

“(B) be merged with and available for the purposes of such appropriation; and

“(C) remain available until expended.”.

SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) **REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.**—

(1) **ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.**—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal

Aviation Administration. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.”.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking “; and” and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals;

“(J) working to ensure global interoperability of the Next Generation Air Transportation System;

“(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

“(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and

“(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.”.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking “(4)” and inserting “(4)(A)”;

and

(B) by adding at the end the following:

“(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

“(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

“(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

“(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

“(C) The head of a Federal agency referred to in subparagraph (B) shall—

“(i) ensure that the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);

“(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the offi-

cial’s annual performance evaluations and compensation;

“(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

“(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency’s Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

“(D) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.”.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

“(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

“(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

“(i) ensure that—

“(I) each Federal agency covered by the plan has sufficient funds requested in the President’s budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

“(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

“(ii) include, in the President’s budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and

“(iii) identify and justify as part of the President’s budget submission any inconsistencies between the plan and amounts requested in the budget.

“(7) The Associate Administrator of the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.”.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “meets air” and inserting “meets anticipated future air”; and

(B) by striking “beyond those currently included in the Federal Aviation Administration’s operational evolution plan”;

(2) at the end of paragraph (3) by striking “and”;

(3) at the end of paragraph (4) by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

“(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

“(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other

milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

“(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System’s end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

“(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity’s responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

“(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

“(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

“(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

“(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.”.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

“(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the Next Gen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.”.

(d) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following “and shall meet at least twice each year”.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

“(e) ANNUAL REPORT.—

“(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President’s budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

“(2) CONTENTS.—The report shall include—

“(A) a copy of the updated integrated work plan;

“(B) a description of the progress made in carrying out the integrated work plan and any

changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

“(C) a detailed description of—
 “(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

“(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

“(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

“(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President’s budget request.”.

SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) may construct and improve laboratories and other test facilities; and

“(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

“(A) be credited to the appropriation current when the amount is received;

“(B) be merged with and available for the purposes of such appropriation; and

“(C) remain available until expended.”.

SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration’s award and oversight of any contracts entered into by the Administration to provide ADS-B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how the Administration manages program risks;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the Administration’s plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;

(C) an assessment of the Administration’s analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS-B In and ADS-B Out avionics equipment for airspace users;

(D) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(E) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration’s program for providing ADS-B services;

(F) an assessment of how security issues are being addressed in the overall design and implementation of the ADS-B system; and

(G) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

(b) RULEMAKINGS.—

(1) ADS-B IN.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS-B In technology that—

(A) identify the ADS-B In technology that will be required under NextGen;

(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS-B In technology by 2020; and

(C) identify—

(i) the type of avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(2) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS-B In technology pursuant to rulemakings conducted under paragraph (1), the Chief NextGen Officer shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USE OF ADS-B TECHNOLOGY.—

(1) PLANS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS-B technology for surveillance and active air traffic control.

(2) CONTENTS.—The plan shall—

(A) include provisions to test the use of ADS-B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;

(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipment environments; and

(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipment with ADS-B technology, including giving priority to aircraft equipped with such technology before the 2020 equipment deadline.

SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) determine how risks with automation efforts for the NextGen can be mitigated based on

the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) AIRPORT PROCEDURES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, flight path service providers, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 operational evolution partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for—

(I) measuring the Administration’s progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance; and

(iv) expedited environmental review procedures for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii).

(D) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures not later than 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures not later than 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before June 30, 2015.

(b) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and efficiency benefits to other airports in the national airspace system, including small and medium hub airports.

(c) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation

procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(d) **DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(e) **IMPROVED PERFORMANCE STANDARDS.**—

(1) **ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.**—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—

(A) whether utilization of ADS-B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and

(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.

(2) **AIRCRAFT SEPARATION STANDARDS.**—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.

(f) **THIRD-PARTY USAGE.**—The Administration shall establish a program under which the Administration will use third parties in the development, testing, and maintenance of flight procedures.

SEC. 214. PERFORMANCE METRICS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—

(1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced navigation procedures, including performance based navigation procedures;

(5) the average distance flown between key city pairs;

(6) the time between pushing back from the gate and taking off;

(7) continuous climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs;

(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;

(11) the Administration's unit cost of providing air traffic control services; and

(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.

(b) **BASELINES.**—The Administrator, in consultation with aviation industry stakeholders, shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.

(c) **PUBLICATION.**—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(1) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen capabilities and operational results;

(2) information on any additional metrics developed; and

(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) establishment of updated project plans and timelines;

(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipment, installation of equipment, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;

(4) establishment of a program under which the Administration will use third parties in the certification process; and

(5) establishment of performance metrics to measure the Administration's progress.

SEC. 216. SURFACE SYSTEMS ACCELERATION.

(a) **IN GENERAL.**—The Chief Operating Officer of the Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program referred to in paragraph (1); and

(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.

(b) **EXPEDITED CERTIFICATION AND UTILIZATION.**—The Administrator shall—

(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by September 30, 2012.

SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) **PROCESS FOR EMPLOYEE INCLUSION.**—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

(b) **ADHERENCE TO DEADLINES.**—Participants in these processes shall adhere to all deadlines and milestones established pursuant to this title.

(c) **NO CHANGE IN EMPLOYEE STATUS.**—Participation in these processes by an employee shall not—

(1) serve as a waiver of any bargaining obligations or rights;

(2) entitle the employee to any additional compensation or benefits; or

(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.

(d) **WORKING GROUPS.**—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.

(e) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall report to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate concerning the disputes between participating employees and Administration management that have led to delays to the implementation of NextGen, including information on the source of the dispute, the resulting length of delay, and associated cost increases.

SEC. 218. SITING OF WIND FARMS NEAR FAA NAVIGATIONAL AIDS AND OTHER ASSETS.

(a) **SURVEY AND ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, in order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical Federal Aviation Administration facilities, the Administrator of the Federal Aviation Administration shall complete a survey and assessment of leases for critical Administration facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) **MEMORANDUM OF UNDERSTANDING.**—The Administrator and the Secretary of Energy shall enter into a memorandum of understanding regarding the use and distribution of the list referred to in paragraph (1)(B), including considerations of privacy and proprietary information, database development, or other relevant applications.

(3) **REPORT.**—Upon completion of the survey and assessment, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) **GAO ASSESSMENT.**—Not later than 180 days after receiving the Administrator's report

under subsection (a)(3), the Comptroller General, in consultation with the Administrator and other interested parties, shall report on—

(1) the current and potential impact of wind farms on the national airspace system;

(2) the extent to which the Department of Defense and the Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the NextGen air traffic control system; and

(3) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.

(c) **ISSUANCE OF GUIDELINES.**—Not later than 180 days after the Administrator receives the Comptroller's recommendations, the Administrator shall consult with State, Federal, and industry stakeholders and publish guidelines for the construction and operation of wind farms that are to be located in proximity to critical Administration facilities. The guidelines may include—

(1) the establishment of a zone system for wind farms based on proximity to critical Administration assets;

(2) the establishment of turbine height and density limitations on such wind farms; and

(3) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(d) **REPORTS.**—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services of the Senate; and

(2) the Committee on Transportation and Infrastructure, the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Science and Technology of the House of Representatives.

SEC. 219. AIRSPACE REDESIGN.

(a) **FINDINGS.**—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.

(b) **NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.**—

(1) **MONITORING.**—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

(2) **REPORT.**—Not later than one year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) **JUDICIAL REVIEW OF NTSB DECISIONS.**—Section 44703(d) is amended by adding at the end the following:

“(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) **CONFORMING AMENDMENT.**—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

“(5) **RELEASE OF DATA.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

“(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

“(iii) making such data available will enhance aviation safety.

“(B) **ENGINEERING DATA DEFINED.**—In this section, the term ‘engineering data’ as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

“(C) **REQUIREMENT TO MAINTAIN DATA.**—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.”.

SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.

(a) **IN GENERAL.**—Section 44704(e) is amended to read as follows:

“(e) **DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.**—

“(1) **ISSUANCE.**—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a ‘CDPO’).

“(2) **APPLICATIONS.**—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

“(3) **ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.**—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

“(4) **PUBLIC SAFETY.**—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

“(5) **NO EFFECT ON POWER OF REVOCATION.**—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.”.

(b) **APPLICABILITY.**—Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

(c) **CLERICAL AMENDMENTS.**—Chapter 447 is amended—

(1) in the heading for section 44704 by striking “and design organization certificates” and inserting “; and design and production organization certificates”; and

(2) in the analysis for such chapter by striking the item relating to section 44704 and inserting the following:

“44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.”.

SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM.

(a) **GENERAL.**—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

(b) **CONTENTS.**—In conducting the assessment, the Administrator shall consider—

(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act;

(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

(3) the status of recommendations made in previous reports on the Administration's certification process;

(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

(5) methods for training the Administration's field office employees in the safety management system and auditing; and

(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled “Part 23—Small Airplane Certification Process Study” (OK–09–3468, dated July 2009).

(c) **RECOMMENDATIONS.**—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) **IMPLEMENTATION OF RECOMMENDATIONS.**—Not later than one year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

SEC. 305. CONSISTENCY OF REGULATORY INTERPRETATION.

(a) **ESTABLISHMENT OF ADVISORY PANEL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO-11-14); and

(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

(b) **MATTERS TO BE CONSIDERED.**—The advisory panel shall—

(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

(c) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

SEC. 306. RUNWAY SAFETY.

(a) **STRATEGIC RUNWAY SAFETY PLAN.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) **CONTENTS OF PLAN.**—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near and long term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

(iii) time frames and resources needed for the actions described in clause (ii);

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(v) a review of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings; and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) **PROCESS.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

(2) conducting periodic random audits of the oversight process; and

(3) ensuring proper accountability.

(c) **PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.**—Not later than December 31, 2011, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems the Administrator is installing to alert controllers or flight crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 307. IMPROVED PILOT LICENSES.

(a) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) **REQUIREMENTS.**—Improved pilot licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, and any other unique identifier that the Administrator considers necessary.

(c) **TAMPERING.**—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered with, altered, or counterfeited.

(d) **USE OF DESIGNEES.**—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

(2) **EXPIRATION.**—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator begins issuing improved pilot licenses under this section or December 31, 2015, whichever occurs first.

SEC. 308. FLIGHT ATTENDANT FATIGUE.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(b) **CONTENTS.**—The study shall include the following:

(1) A survey of field operations of flight attendants.

(2) A study of incident reports regarding flight attendant fatigue.

(3) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(4) An analysis of potential benefits of training flight attendants regarding fatigue.

(c) **REPORT.**—Not later than September 30, 2012, the Administrator shall submit to Congress a report on the results of the study.

SEC. 309. FLIGHT STANDARDS EVALUATION PROGRAM.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

(b) **ANNUAL REPORT.**—Not later than one year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

(c) **FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.**—In this section, the term "Flight Standards Evaluation Program" means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.

SEC. 310. COCKPIT SMOKE.

(a) **STUDY.**—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate the effects of dense, continuous smoke in the cockpit of a commercial aircraft.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 311. SAFETY OF AIR AMBULANCE OPERATIONS.

(a) **IN GENERAL.**—Chapter 447 is amended by adding at the end the following:

"§44730. Helicopter air ambulance operations

"(a) COMPLIANCE REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 6 months after the date of enactment of this section, part 135 certificate holders providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

"(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

"(b) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

"(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

“(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

“(2) Pilot training standards, including—

“(A) mandatory training requirements, including a minimum time for completing the training requirements;

“(B) training subject areas, such as communications procedures and appropriate technology use; and

“(C) establishment of training standards in—

“(i) crew resource management;

“(ii) flight risk evaluation;

“(iii) preventing controlled flight into terrain;

“(iv) recovery from inadvertent flight into instrument meteorological conditions;

“(v) operational control of the pilot in command; and

“(vi) use of flight simulation training devices and line-oriented flight training.

“(3) Safety-enhancing technology and equipment, including—

“(A) helicopter terrain awareness and warning systems;

“(B) radar altimeters;

“(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

“(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

“(4) Such other matters as the Administrator considers appropriate.

“(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

“(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

“(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

“(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

“(C) requires the pilots of the certificate holder to use the checklist.

“(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

“(e) RULEMAKING.—The Administrator shall—

“(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (b); and

“(2) not later than 16 months after the last day of the comment period on the proposed rule, issue a final rule.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) PART 135.—The term ‘part 135’ means part 135 of title 14, Code of Federal Regulations.

“(2) PART 135 CERTIFICATE HOLDER.—The term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135.

“§44731. Collection of data on helicopter air ambulance operations

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

“(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

“(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

“(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).

“(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

“(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.

“(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.

“(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

“(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

“(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

“(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

“(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ‘part 135 certificate holder’ means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.”.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: “and the development and maintenance of helicopter approach procedures”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“444730. Helicopter air ambulance operations.

“444731. Collection of data on helicopter air ambulance operations.”.

SEC. 312. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 314. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§44732. Prohibition on personal use of electronic devices on flight deck

“(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember’s duty station on the flight deck of such an aircraft while the aircraft is being operated.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

“(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

“(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term ‘personal wireless communications device’ means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.”.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking “or” after the semicolon in paragraph (8);

(2) by striking “title.” in paragraph (9) and inserting “title; or”; and

(3) by adding at the end the following: “(10) violate section 44732 or any regulation issued thereunder.”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“44732. Prohibition on personal use of electronic devices on flight deck.”.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44733 of title 49, United States Code, and shall issue a final rule

thereunder not later than 2 years after the date of enactment of this Act.

(e) **STUDY.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

SEC. 315. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) **REGULATIONS.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations; or

(3) subject to subsection (c), a person that—

(A) provides contract maintenance workers, services, or maintenance functions to a part 145 repair station or part 121 air carrier; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station.

(c) **TERMS AND CONDITIONS.**—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The part 121 air carrier or the part 145 repair station shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED WORK.**—The term “covered work” means a required inspection item, as defined by the Administrator.

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

SEC. 316. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) **IN GENERAL.**—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§44733. Inspection of foreign repair stations

“(a) **IN GENERAL.**—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for each part 145 repair station based on the type, scope, and complexity of

work being performed by the repair station, which shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections that are based on identified risks and consistent with United States requirements;

“(2) accept consideration of inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements with the United States to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) **NOTICE TO CONGRESS OF NEGOTIATIONS.**—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on or before the 30th day after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance safety or maintenance implementation agreement.

“(c) **ANNUAL REPORT.**—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator shall publish a report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a), which shall—

“(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed for the oversight and implementation;

“(3) describe the training provided to inspectors with respect to the oversight and implementation;

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

“(5) specify the number of sample inspections performed by Federal Aviation Administration inspectors at each repair station that is covered by a maintenance safety or maintenance implementation agreement with the United States.

“(d) **ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary of State and the Secretary of Transportation shall request, jointly, the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

“(2) **APPLICATION TO PART 121 AIRCRAFT WORK.**—Not later than one year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program that is determined acceptable by the Administrator and is consistent with the applicable laws of the country in which the repair station is located.

“(e) **INSPECTIONS.**—The Administrator shall require part 145 repair stations to be inspected

as frequently as determined warranted by the safety assessment system required by subsection (a), regardless of where the station is located, and in a manner consistent with United States obligations under international agreements.

“(f) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **PART 121 AIR CARRIER.**—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(2) **PART 145 REPAIR STATION.**—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“44733. Inspection of foreign repair stations.”.

SEC. 317. SUNSET OF LINE CHECK.

Section 44729(h) is amended by adding at the end the following:

“(4) **SUNSET OF LINE CHECK.**—Paragraph (2) shall cease to be effective following the one-year period beginning on the date of enactment of the FAA Reauthorization and Reform Act of 2011 unless the Secretary certifies that the requirements of paragraph (2) are necessary to ensure safety.”.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) **CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.**—The term “certificate of waiver” or “certificate of authorization” means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) **SENSE AND AVOID CAPABILITY.**—The term “sense and avoid capability” means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(3) **PUBLIC UNMANNED AIRCRAFT SYSTEM.**—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) **SMALL UNMANNED AIRCRAFT.**—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds.

(5) **TEST RANGE.**—The term “test range” means a defined geographic area where research and development are conducted.

(6) **UNMANNED AIRCRAFT.**—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) **UNMANNED AIRCRAFT SYSTEM.**—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 322. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) **INTEGRATION PLAN.**—

(1) **COMPREHENSIVE PLAN.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) **MINIMUM REQUIREMENTS.**—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b)—

(i) to define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) to ensure that commercial unmanned aircraft systems include a sense and avoid capability, if necessary for safety purposes; and

(iii) to develop standards and requirements for the operator and pilot of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to provide for the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach for the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) **DEADLINE.**—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system not later than September 30, 2015.

(4) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress—

(A) not later than one year after the date of enactment of this Act, a copy of the plan developed under paragraph (1); and

(B) annually thereafter, a report on the activities of the Secretary under this section.

(b) **RULEMAKING.**—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system. The Secretary may make such determination before completion of the plan and rulemaking required by section 322 of this Act or the guidance required by section 324 of this Act.

(b) **ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.**—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) **REQUIREMENTS FOR SAFE OPERATION.**—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) **GUIDANCE.**—Not later than 270 days after the date of enactment of this Act, the Secretary

shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

(b) **STANDARDS FOR OPERATION AND CERTIFICATION.**—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification standards for operation of public unmanned aircraft systems.

SEC. 325. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at 4 test ranges.

(b) **PROGRAM REQUIREMENTS.**—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(4) address both commercial and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) **TEST RANGE LOCATIONS.**—In determining the location of the 4 test ranges of the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity; and

(2) after consulting with the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force, take into consideration the location of available research radars.

Subtitle C—Safety and Protections

SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) **IN GENERAL.**—Section 44711 is amended by adding at the end the following:

“(d) **POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.**—

“(1) **PROHIBITION.**—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) **WRITTEN AND ORAL COMMUNICATIONS.**—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or

representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.”

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) **REVIEWS.**—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

(b) **MONTHLY TEAM REPORTS.**—

(1) **IN GENERAL.**—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

(2) **CONTENTS.**—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) **BIENNIAL REPORTS TO CONGRESS.**—The Administrator, on a biennial basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) **VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.**—In this section, the term “Voluntary Disclosure Reporting Program” means the program established by the Federal Aviation Administration through Advisory Circular 00-58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) **VERIFICATION.**—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) **SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.**—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) **INSPECTOR GENERAL STUDY.**—

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct a

study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 (as amended by this Act) is further amended by adding at the end the following:

“(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

“(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the ‘Agency’) an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the ‘Office’).

“(2) DIRECTOR.—

“(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) TERM.—The Director shall be appointed for a term of 5 years.

“(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(3) COMPLAINTS AND INVESTIGATIONS.—

“(A) AUTHORITY OF DIRECTOR.—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or em-

ployee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

“(D) summaries of the responses of the Administrator to such recommendations.”.

SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than one year after the date of enactment of this Act, the Administrator shall initiate a rulemaking

proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

SEC. 401. ESSENTIAL AIR SERVICE MARKETING.

Section 4173(c)(1) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking “and” at the end of subparagraph (D); and

(3) by inserting after subparagraph (D) the following:

“(E) whether the air carrier has included a plan in its proposal to market its services to the community; and”.

SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is amended by adding at the end the following:

“(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

“(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

“(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regard-

“(A) the procedures established pursuant to paragraph (2); and

“(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

“(4) SUBSIDY CAP DEFINED.—In this subsection, the term ‘subsidy cap’ means the subsidy cap established by section 332 of Public Law 106-69 (113 Stat. 1022).”.

SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid

under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

“(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.”.

(b) **DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by this section.

(c) **REPORT.**—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) **AUTHORIZATION.**—Section 41742(a)(1) is amended—

(1) by striking “the sum of \$50,000,000 is” and inserting “the following sums are”; and

(2) by striking “subchapter for each fiscal year.” and inserting “subchapter:

“(A) \$50,000,000 for each fiscal year through fiscal year 2013.

“(B) The amount necessary, as determined by the Secretary, to carry out the essential air service program in Alaska and Hawaii for fiscal year 2014 and each fiscal year thereafter.”.

(b) **ADDITIONAL FUNDS.**—Section 41742(a)(2) is amended by striking “there is authorized to be appropriated \$77,000,000 for each fiscal year” and inserting “there is authorized to be appropriated out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 \$97,500,000 for fiscal year 2011, \$60,000,000 for fiscal year 2012, and \$30,000,000 for fiscal year 2013”.

(c) **ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.**—Section 41742(b) is amended to read as follows:

“(b) **ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.**—Notwithstanding any other provision of law, the Secretary is authorized to take such actions as may be necessary to administer the essential air service program under this subchapter within the amount of funding made available for the program.”.

SEC. 405. SMALL COMMUNITY AIR SERVICE.

(a) **PRIORITIES.**—Section 41743(c)(5) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) in subparagraph (E) by striking “fashion.” and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.”.

(b) **AUTHORITY TO MAKE AGREEMENTS.**—Section 41743(e) is amended to read as follows:

“(e) **AUTHORITY TO MAKE AGREEMENTS.**—Subject to the availability of amounts made available under section 41742(a)(4)(A), the Secretary may make agreements to provide assistance under this section.”.

SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) **EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.**—Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) **EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.**—

(1) **IN GENERAL.**—Section 41734(d) is amended by striking “continue to pay” and all that follows through “compensation sufficient” and inserting “provide the carrier with compensation sufficient”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

(c) **SUBSIDY CAP.**—Subject to the availability of funds, the Secretary may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of Public Law 106-69 (113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.

(a) **IN GENERAL.**—Subchapter II of chapter 417 is amended by adding at the end the following:

“**§41749. Sunset**

“(a) **IN GENERAL.**—Except as provided in subsection (b), the authority of the Secretary of Transportation to carry out the essential air service program under this subchapter shall sunset on October 1, 2013.

“(b) **ALASKA AND HAWAII.**—The Secretary may continue to carry out the essential air service program under this subchapter in Alaska and Hawaii following the sunset date specified in subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 417 is amended by inserting after the item relating to section 41748 the following:

“41749. Sunset.”.

Subtitle B—Passenger Air Service Improvements

SEC. 421. SMOKING PROHIBITION.

(a) **IN GENERAL.**—Section 41706 is amended—

(1) in the section heading by striking “scheduled” and inserting “passenger”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.**—An individual may not smoke—

“(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

“(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

“(b) **SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.**—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

“(1) in an aircraft in scheduled passenger foreign air transportation; and

“(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

“41706. Prohibitions against smoking on passenger flights.”.

SEC. 422. MONTHLY AIR CARRIER REPORTS.

(a) **IN GENERAL.**—Section 41708 is amended by adding at the end the following:

“(c) **DIVERTED AND CANCELLED FLIGHTS.**—

“(1) **MONTHLY REPORTS.**—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

“(2) **APPLICABILITY.**—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

“(3) **CONTENTS.**—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

“(A) For a diverted flight—

“(i) the flight number of the diverted flight;

“(ii) the scheduled destination of the flight;

“(iii) the date and time of the flight;

“(iv) the airport to which the flight was diverted;

“(v) wheels-on time at the diverted airport;

“(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

“(vii) if the flight arrives at the scheduled destination airport—

“(I) the gate-departure time at the diverted airport;

“(II) the wheels-off time at the diverted airport;

“(III) the wheels-on time at the scheduled arrival airport; and

“(IV) the gate-arrival time at the scheduled arrival airport.

“(B) For flights cancelled after gate departure—

“(i) the flight number of the cancelled flight;

“(ii) the scheduled origin and destination airports of the cancelled flight;

“(iii) the date and time of the cancelled flight;

“(iv) the gate-departure time of the cancelled flight; and

“(v) the time the aircraft returned to the gate.

“(4) **PUBLICATION.**—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.”.

(b) **EFFECTIVE DATE.**—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) **BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(a) is amended—

(1) by striking “Secretary” the first place it appears and inserting “Secretary of Transportation”; and

(2) by striking “24” and inserting “34”.

(b) **LIMITATIONS.**—Section 41718(c)(2) is amended by striking “3 operations” and inserting “5 operations”.

(c) **SLOTS.**—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **SLOTS.**—The Secretary shall reduce the hourly air carrier slot quota for Ronald Reagan

Washington National Airport under section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Secretary, in order to grant exemptions under subsection (a)."

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

"(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be provided a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority provided to beyond-perimeter operations conducted by the new entrant air carriers and limited incumbent air carriers."

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§ 41724. Musical instruments

"(a) INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in a closet, baggage compartment, or cargo stowage compartment (approved by the Administrator of the Federal Aviation Administration) in the passenger compartment of the aircraft used to provide such transportation if—

"(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

"(2) there is space for such stowage on the aircraft.

"(b) LARGE INSTRUMENTS IN PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to be secured in a closet, baggage compartment, or cargo stowage compartment pursuant to subsection (a) in the passenger compartment of the aircraft used to provide such transportation if—

"(1) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator; and

"(2) the passenger has purchased a seat to accommodate the instrument.

"(c) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier providing air transportation shall transport as baggage a musical instrument that may not be carried in the passenger compartment of the aircraft used to provide such transportation pursuant to subsection (a) or (b) and that is the property of a passenger on the aircraft if—

"(1) the sum of the length, width, and height of the instrument (measured in inches of the outside linear dimensions of the instrument, including the case) does not exceed 150 inches or the size restrictions for that aircraft;

"(2) the weight of the instrument does not exceed 165 pounds or the weight restrictions for that aircraft; and

"(3) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator.

"(d) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting the carrier's liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the carrier."

(b) REGULATIONS.—The Secretary of Transportation may prescribe such regulations as may be necessary or appropriate to implement the amendment made by subsection (a).

(c) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41724. Musical instruments."

SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

"CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

"Sec.

"42301. Emergency contingency plans.

"42302. Consumer complaints.

"42303. Use of insecticides in passenger aircraft.

"§ 42301. Emergency contingency plans

"(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

"(1) An air carrier providing covered air transportation at a large hub or medium hub airport.

"(2) An operator of a large hub or medium hub airport.

"(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

"(b) AIR CARRIER PLANS.—

"(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

"(A) each large hub and medium hub airport at which the carrier provides covered air transportation; and

"(B) each large hub and medium hub airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

"(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

"(A) provide food, potable water, restroom facilities, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

"(B) allow passengers to deplane following excessive tarmac delays; and

"(C) share facilities and make gates available at the airport in an emergency.

"(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

"(1) provide for the deplanement of passengers following excessive tarmac delays;

"(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

"(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection.

"(d) UPDATES.—

"(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

"(e) APPROVAL.—

"(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Sec-

retary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

"(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

"(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

"(f) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

"(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) COVERED AIR TRANSPORTATION.—The term 'covered air transportation' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

"(2) TARMAC DELAY.—The term 'tarmac delay' means the period during which passengers are on board an aircraft on the tarmac—

"(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

"(B) awaiting deplaning after the aircraft has landed.

"§ 42302. Consumer complaints

"(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of—

"(1) that telephone number; and

"(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

"(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

"(1) the hotline telephone number established under subsection (a);

"(2) the email address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

"(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

"(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on—

"(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates; and

"(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

“§ 42303. Use of insecticides in passenger aircraft”

(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.”

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,” after “chapter 421.”

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(e) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following: “423. Passenger Air Service Improvements 42301”.

SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those

who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR-2000-112 and titled “Audit of Air Carrier Flight Delays and Cancellations”.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers’ scheduling practices;

(3) the need for a reexamination of capacity benchmarks at the Nation’s busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers;

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;

(6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and

(7) the impact of flight delays and cancellations on the airline industry.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 428. DENIED BOARDING COMPENSATION.

(a) EVALUATION OF DENIED BOARDING COMPENSATION.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Transportation shall evaluate the amount provided by air carriers for denied boarding compensation.

(b) ADJUSTMENT OF AMOUNT.—If, upon completing an evaluation required under subsection (a), the Secretary determines that the amount provided for denied boarding compensation should be adjusted, the Secretary shall issue a regulation to adjust such compensation.

SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier’s baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 430. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the safe and efficient use of navigable airspace,

the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

The Secretary of Transportation may investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART 135.

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—

(1) the size and type of aircraft in the fleet;

(2) the equipment utilized by the fleet;

(3) the hours flown each year by the fleet;

(4) the utilization rates with respect to the fleet;

(5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;

(6) the sales revenues of the fleet; and

(7) the number of passengers and airports served by the fleet.

(c) REPORT.—

(1) **INITIAL REPORT.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

(2) **UPDATES.**—Not later than 3 years after the date of the submission of the report required under paragraph (1), and every 2 years thereafter, the Administrator shall update the report required under that paragraph and submit the updated report to the committees specified in that paragraph.

SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.

(a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the

Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

(b) CONTENTS.—The study shall include—

(1) a review of foreign government and air carrier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers use cell phones for voice communications during flight; and

(3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.

(c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE V—ENVIRONMENTAL STREAMLINING

SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.

(a) GENERAL REQUIREMENTS.—Section 40128(a)(1)(C) is amended by inserting “or voluntary agreement under subsection (b)(7)” before “for the park”.

(b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—Section 40128(a) is amended by adding at the end the following:

“(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

“(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

“(C) LIST OF PARKS.—

“(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

“(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

“(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding one-year period over such park.”.

(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended by adding at the end the following:

“(7) VOLUNTARY AGREEMENTS.—

“(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour oper-

ator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

“(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

“(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

“(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

“(iii) provide for fees for such operations.

“(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

“(D) TERMINATION.—

“(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

“(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

“(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

“(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.”.

(d) INTERIM OPERATING AUTHORITY.—Section 40128(c) is amended—

(1) by striking paragraph (2)(I) and inserting the following:

“(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

“(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

“(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.”; and

(2) in paragraph (3)(A) by striking “if the Administrator determines” and all that follows through the period at the end and inserting “without further environmental process beyond that described in this paragraph, if—

“(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

“(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

“(iii) the Director agrees, based on the Director’s professional expertise regarding the protec-

tion of park resources and values and visitor use and enjoyment.”.

(e) OPERATOR REPORTS.—Section 40128 is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

“(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

“(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.”.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking “prescribe regulations” and inserting “issue guidance”; and

(2) in the second sentence by striking “regulations” and inserting “guidance”.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

“(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

“(1) coordinate and consult with the State;

“(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

“(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.”.

SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING.

(a) AVIATION PROJECT REVIEW PROCESS.—Section 47171(a) is amended in the matter preceding paragraph (1) by striking “and aviation security projects” and inserting “aviation security projects, and NextGen environmental efficiency projects”.

(b) AVIATION PROJECTS SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS.—Section 47171(b) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS AND CERTAIN

NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS.—The following projects shall be subject to the coordinated and expedited environmental review process requirements set forth in this section:

“(A) An airport capacity enhancement project at a congested airport.

“(B) A NextGen environmental efficiency project at an Operational Evolution Partnership airport or any congested airport.”; and

(2) in paragraph (2)—

(A) in the heading by striking “AND AVIATION SECURITY PROJECTS” and inserting “PROJECTS, AVIATION SECURITY PROJECTS, AND ANY NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS”;

(B) in subparagraph (A) by striking “or aviation security project” and inserting “, an aviation security project, or any NextGen environmental efficiency project”;

(C) in subparagraph (B) by striking “or aviation security project, or NextGen environmental efficiency project”.

(c) **HIGH PRIORITY FOR ENVIRONMENTAL REVIEWS.**—Section 4717(c)(1) is amended by striking “an airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(d) **IDENTIFICATION OF JURISDICTIONAL AGENCIES.**—Section 4717(d) is amended by striking “each airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(e) **LEAD AGENCY RESPONSIBILITY.**—Section 4717(h) is amended by striking “airport capacity enhancement projects at congested airports” and inserting “projects described in subsection (b)(1)”.

(f) **ALTERNATIVES ANALYSIS.**—Section 4717(k) is amended by striking “an airport capacity enhancement project at a congested airport” and inserting “a project described in subsection (b)(1)”.

(g) **DEFINITIONS.**—Section 4717 is amended by adding at the end the following:

“(n) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **CONGESTED AIRPORT.**—The term ‘congested airport’ means an airport that accounted for at least one percent of all delayed aircraft operations in the United States in the most recent year for which data is available and an airport listed in table 1 of the Federal Aviation Administration’s Airport Capacity Benchmark Report 2004.

“(2) **NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECT.**—The term ‘NextGen environmental efficiency project’ means a Next Generation Air Transportation System aviation project that—

“(A) develops and certifies performance-based navigation procedures; or

“(B) develops other environmental mitigation projects the Secretary may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.

“(3) **PERFORMANCE-BASED NAVIGATION.**—The term ‘performance-based navigation’ means a framework for defining performance requirements in navigation specifications that—

“(A) can be applied to an air traffic route, instrument procedure, or defined airspace; or

“(B) provides a basis for the design and implementation of automated flight paths, airspace design, and obstacle clearance.”.

SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 4717(a) is amended by striking “services of consultants in order to” and all that follows through the period at the end and inserting “services of consultants—

“(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

“(2) to conduct special environmental studies related to an airport project funded with Federal funds;

“(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;

“(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration; and

“(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.”.

SEC. 505. NOISE COMPATIBILITY PROGRAMS.

Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”;

(3) by adding at the end the following:

“(F) conducting comprehensive land use planning (including master plans, traffic studies, environmental evaluation, and economic and feasibility studies), jointly with neighboring local jurisdictions undertaking community redevelopment in an area in which land or other property interests have been acquired by the operator pursuant to this section, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) **GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.**—

“(1) **IN GENERAL.**—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(2) **ADDITIONAL STAFF.**—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

“(3) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, any funds accepted under this section—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

“(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

“(C) shall remain available until expended.”.

SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

“(f) **DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.**—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the

property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.”.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) **IN GENERAL.**—Subchapter II of chapter 475 is amended by adding at the end the following:

“§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

“(a) **PROHIBITION.**—Except as otherwise provided by this section, after December 31, 2014, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) **AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.**—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) **TEMPORARY OPERATIONS.**—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

“(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

“(2) To scrap the aircraft.

“(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

“(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

“(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

“(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

“(7) To provide transport of persons and goods in the relief of an emergency situation.

“(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

“(d) **REGULATIONS.**—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

“(e) **STATUTORY CONSTRUCTION.**—

“(1) **AIP GRANT ASSURANCES.**—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

“(2) **PENDING APPLICATIONS.**—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 47531 is amended—

(A) in the section heading by striking “for violating sections 47528–47530”;

(B) by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by inserting “or 47534” after “47528–47531”.

(3) The analysis for subchapter II of chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

“47531. Penalties.”; and

(B) by adding at the end the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.”.

SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) *IN GENERAL.*—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) *SELECTION CRITERIA.*—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) *MAXIMUM AMOUNT.*—Not more than a total of \$2,500,000 may be expended under the pilot program at any single public-use airport.

SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.

The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.

SEC. 511. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union’s emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the “ICAO”) in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the “Chicago Convention”), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO.

SEC. 512. AVIATION NOISE COMPLAINTS.

(a) *TELEPHONE NUMBER POSTING.*—Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) *SUMMARIES AND REPORTS.*—Not later than 15 months after the date of enactment of this Act, and annually thereafter, an owner or operator that receives noise complaints from 25 individuals during the preceding year under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such com-

plaints. The Administrator shall make such information available to the public by electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) *DISPUTE RESOLUTION.*—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking paragraph (2) and inserting the following:

“(2) *DISPUTE RESOLUTION.*—

“(A) *MEDIATION.*—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

“(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization and Reform Act of 2011); or

“(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

“(B) *MID-TERM BARGAINING.*—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

“(C) *BINDING ARBITRATION FOR TERM BARGAINING.*—

“(i) *ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.*—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the “parties”) shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

“(ii) *APPOINTMENT OF ARBITRATION BOARD.*—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

“(iii) *FRAMING ISSUES IN CONTROVERSY.*—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

“(iv) *HEARINGS.*—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

“(v) *DECISIONS.*—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

“(vi) *MATTERS FOR CONSIDERATION.*—The arbitration board shall take into consideration such factors as—

“(I) the effect of its arbitration decisions on the Federal Aviation Administration’s ability to attract and retain a qualified workforce;

“(II) the effect of its arbitration decisions on the Federal Aviation Administration’s budget;

“(III) the effect of its arbitration decisions on other Federal Aviation Administration employees; and

“(IV) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

“(vii) *COSTS.*—The parties shall share costs of the arbitration equally.

“(3) *RATIFICATION OF AGREEMENTS.*—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).”.

SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) in subparagraph (G) by striking “and” after the semicolon;

(2) in subparagraph (H) by striking “Board.” and inserting “Board; and”; and

(3) by adding at the end the following:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation;

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive;

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional;

“(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”.

SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.

(a) *STUDY.*—

(1) *IN GENERAL.*—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator’s technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as “FAA systems specialists”).

(2) CONTENTS.—The study shall include—

(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;

(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;

(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and

(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system in the most cost effective manner.

(2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including labor, government, and industry representatives.

(3) REPORT.—Not later than one year after the initiation of the arrangements under paragraph (1), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 604. SAFETY CRITICAL STAFFING.

(a) IN GENERAL.—Not later than October 1, 2011, the Administrator of the Federal Aviation Administration shall implement, to the extent practicable and in a cost-effective manner, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled “Staffing Standards for Aviation Safety Inspectors”. In doing so, the Administrator shall consult with interested persons, including aviation safety inspectors.

(b) REPORT.—Not later than October 1 of each fiscal year beginning after September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).

(c) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term “safety critical positions” means—

(1) aviation safety inspectors, safety technical specialists, and operational support positions in the Flight Standards Service (as such terms are used in the Administration’s fiscal year 2011 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, chief scientific and technical advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration’s fiscal year 2011 congressional budget justification).

SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter

into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the “FAA”) to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall interview interested parties, including employee, Government, and industry representatives.

(c) CONTENTS.—The study shall include—

(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;

(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and

(3) consideration of the Administration’s current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.

Section 44506 is amended—

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

(2) by inserting after subsection (c) the following:

“(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

“(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

“(A) received a control tower operator certification (referred to in this subsection as a ‘CTO’ certificate); and

“(B) satisfied all other applicable qualification requirements for an air traffic control specialist position.

“(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

“(3) REPORT.—Not later than 18 months after the date of enactment of the FAA Reauthorization and Reform Act of 2011, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

“(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase the number of appointments of candidates who possess such certification.

“(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the

Administrator associated with issuing certifications to such candidates.

“(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

“(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

“(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

“(iii) remain available until expended.”.

SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator’s technical training strategy and improvement plan for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;

(3) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3);

(5) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and

(6) the most cost-effective approach to provide training to air traffic controllers.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as “CTI” programs) conducted under section 44506(c) of title 49, United States Code.

(b) CONTENTS.—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new controller orientation session at the Mike Monroney Aeronautical Center for graduates of CTI programs followed by on-the-job training for newly hired air traffic controllers who are graduates of CTI programs and shall include an analysis of—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. FAA FACILITY CONDITIONS.

(a) STUDY.—The Comptroller General shall conduct a study of—

(1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration;

(3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) **FACILITY CONDITION INDICES.**—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) **RECOMMENDATIONS.**—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary to—

(1) prioritize those facilities needing the most immediate attention based on risks to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

SEC. 610. FRONTLINE MANAGER STAFFING.

(a) **STUDY.**—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.

(b) **CONSIDERATIONS.**—In conducting the study, the Administrator may take into consideration—

(1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;

(2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(3) coverage requirements in relation to traffic demand;

(4) facility type;

(5) complexity of traffic and managerial responsibilities;

(6) proficiency and training requirements; and

(7) such other factors as the Administrator considers appropriate.

(c) **PARTICIPATION.**—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.

(d) **DETERMINATIONS.**—The Administrator shall transmit any determinations made as a re-

sult of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.

(e) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

(f) **DEFINITION.**—In this section, the term “frontline manager” means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) **EXTENSION OF POLICIES.**—Section 44302(f)(1) is amended by striking “shall extend through” and all that follows through “the termination date” and inserting “shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date”.

(b) **SUCCESSOR PROGRAM.**—Section 44302(f) is amended by adding at the end the following:

“(3) **SUCCESSOR PROGRAM.**—

“(A) **IN GENERAL.**—After December 31, 2021, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(B) **TRANSFER OF PREMIUMS.**—

“(i) **IN GENERAL.**—On December 31, 2021, and except as provided in clause (ii), premiums collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(ii) **DETERMINATION OF AMOUNT TRANSFERRED.**—The amount transferred pursuant to clause (i) shall be less—

“(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2021;

“(II) the amount of any claims pending under such policies as of December 31, 2021; and

“(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2021.”.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

The first sentence of section 44303(b) is amended by striking “ending on” and all that follows through “the Secretary may certify” and inserting “ending on December 31, 2013, the Secretary may certify”.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

The second sentence of section 44304 is amended by striking “the carrier” and inserting “any insurance carrier”.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

The second sentence of section 44308(c)(1) is amended by striking “agent” and inserting “agent, or a claims adjuster who is independent of the underwriting agent.”.

TITLE VIII—MISCELLANEOUS

SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

“(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.”.

SEC. 802. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) **IN GENERAL.**—Chapter 401 is amended by adding at the end the following:

“§40130. FAA access to criminal history records and database systems

“(a) **ACCESS TO RECORDS AND DATABASE SYSTEMS.**—

“(1) **ACCESS TO INFORMATION.**—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may have direct access to a system of documented criminal justice information maintained by the Department of Justice or by a State, but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

“(2) **RELEASE OF INFORMATION.**—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with direct access to the system.

“(3) **LIMITATION.**—The Administrator may not use the direct access authorized under paragraph (1) to conduct criminal investigations.

“(b) **DESIGNATED EMPLOYEES.**—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

“(1) have direct access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has direct access and in the same manner as such police officer; and

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) **SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.**—In this section, the term ‘system of documented criminal justice information’ means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 401 is amended by adding at the end the following:

"40130. FAA access to criminal history records and database systems."

SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting "chapter 451," before "section 47107(b)";

(2) in subsection (a)(5)(A)(i)—

(A) by striking "or chapter 449" and inserting "chapter 449"; and

(B) by inserting after "44909" the following: ", or chapter 451";

(3) in subsection (d)(2)—

(A) by inserting after "44723" the following: ", chapter 451 (except section 45107)";

(B) by inserting after "44909," the following: "section 45107,";

(C) by striking "46302" and inserting "section 46302"; and

(D) by striking "46303" and inserting "section 46303"; and

(4) in subsection (f)(1)(A)(i)—

(A) by striking "or chapter 449" and inserting "chapter 449"; and

(B) by inserting after "44909" the following: ", or chapter 451".

SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.

(a) IN GENERAL.—Chapter 445 (as amended by this Act) is further amended by adding at the end the following new section:

"§44519. Realignment and consolidation of FAA services and facilities

"(a) PURPOSE.—The purpose of this section is to establish a fair process that will result in the realignment and consolidation of FAA services and facilities to help reduce capital, operating, maintenance, and administrative costs and facilitate Next Generation Air Transportation System air traffic control modernization efforts without adversely affecting safety.

"(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall realign and consolidate FAA services and facilities pursuant to recommendations made by the Aviation Facilities and Services Board established under subsection (g).

"(c) ADMINISTRATOR'S RECOMMENDATIONS.—

"(1) PROPOSED CRITERIA.—

"(A) IN GENERAL.—The Administrator shall develop proposed criteria for use by the Administrator in making recommendations for the realignment and consolidation of FAA services and facilities under this section.

"(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Administrator shall publish the proposed criteria in the Federal Register and transmit the proposed criteria to the congressional committees of interest.

"(C) NOTICE AND COMMENT.—The Administrator shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the Federal Register.

"(2) FINAL CRITERIA.—

"(A) IN GENERAL.—The Administrator shall establish final criteria based on the proposed criteria developed under paragraph (1).

"(B) PUBLICATION; TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Administrator shall publish the final criteria in the Federal Register and transmit the final criteria to the congressional committees of interest.

"(3) RECOMMENDATIONS.—

"(A) IN GENERAL.—The Administrator shall make recommendations for the realignment and consolidation of FAA services and facilities under this section based on the final criteria established under paragraph (2).

"(B) CONTENTS.—The recommendations shall consist of a list of FAA services and facilities for

realignment and consolidation, together with a justification for each service and facility included on the list.

"(C) PUBLICATION; TRANSMITTAL TO BOARD AND CONGRESS.—Not later than 120 days after the date of enactment of this section, the Administrator shall publish the recommendations in the Federal Register and transmit the recommendations to the Board and the congressional committees of interest.

"(D) INFORMATION.—The Administrator shall make available to the Board and the Comptroller General all information used by the Administrator in establishing the recommendations.

"(E) ADDITIONAL RECOMMENDATIONS.—The Administrator is authorized to make additional recommendations under this paragraph every 2 years.

"(d) BOARD'S REVIEW AND RECOMMENDATIONS.—

"(1) PUBLIC HEARINGS.—Not later than 30 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall conduct public hearings on the recommendations.

"(2) BOARD'S RECOMMENDATIONS.—

"(A) REPORT TO CONGRESS.—Based on the Board's review and analysis of the Administrator's recommendations and any public comments received under paragraph (1), the Board shall develop a report containing the Board's findings and conclusions concerning the Administrator's recommendations, together with the Board's recommendations for realignment and consolidation of FAA services and facilities. The Board shall explain and justify in the report any recommendation made by the Board that differs from a recommendation made by the Administrator.

"(B) PUBLICATION IN FEDERAL REGISTER; TRANSMITTAL TO CONGRESS.—Not later than 60 days after the date of receipt of the Administrator's recommendations under subsection (c), the Board shall publish the report in the Federal Register and transmit the report to the congressional committees of interest.

"(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall assist the Board, to the extent requested by the Board, in the Board's review and analysis of the Administrator's recommendations.

"(e) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Subject to subsection (f), the Administrator shall—

"(1) realign or consolidate the FAA services and facilities recommended for realignment or consolidation by the Board in a report transmitted under subsection (d);

"(2) initiate all such realignments and consolidations not later than one year after the date of the report; and

"(3) complete all such realignments and consolidations not later than 3 years after the date of the report.

"(f) CONGRESSIONAL DISAPPROVAL.—

"(1) IN GENERAL.—The Administrator may not carry out a recommendation of the Board for realignment or consolidation of FAA services and facilities that is included in a report transmitted under subsection (d) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

"(A) the last day of the 30-day period beginning on the date of the report; or

"(B) the adjournment of Congress sine die for the session during which the report is transmitted.

"(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

"(g) AVIATION FACILITIES AND SERVICES BOARD.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall establish an independent board to be known as the 'Aviation Facilities and Services Board'.

"(2) COMPOSITION.—The Board shall be composed of the following members:

"(A) The Secretary (or a designee of the Secretary), who shall be the Chair of the Board.

"(B) Two members appointed by the Secretary, who may not be officers or employees of the Federal Government.

"(C) The Comptroller General (or a designee of the Comptroller General), who shall be a non-voting member of the Board.

"(3) DUTIES.—The Board shall carry out the duties specified for the Board in this section.

"(4) TERM.—The members of the Board to be appointed under paragraph (2)(B) shall each be appointed for a term of 3 years.

"(5) VACANCIES.—A vacancy in the Board shall be filled in the same manner as the original appointment was made, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

"(6) COMPENSATION AND BENEFITS.—A member of the Board may not receive any compensation or benefits from the Federal Government for serving on the Board, except that—

"(A) a member shall receive compensation for work injuries under subchapter I of chapter 81 of title 5; and

"(B) a member shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from the member's usual place of residence in accordance with section 5703 of title 5.

"(7) STAFF.—The Administrator shall make available to the Board such staff, information, and administrative services and assistance as may be reasonably required to enable the Board to carry out its responsibilities under this section. The Board may employ experts and consultants on a temporary or intermittent basis with the approval of the Secretary.

"(8) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator for each of fiscal years 2011 through 2014 \$200,000 for the Board to carry out its duties.

"(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

"(i) EFFECT ON OTHER AUTHORITIES.—Nothing in this section shall be construed to affect the authorities provided in section 44503 or the existing authorities or responsibilities of the Administrator under this title to manage the operations of the Federal Aviation Administration, including realignment or consolidation of facilities or services.

"(j) DEFINITIONS.—In this section, the following definitions apply:

"(1) BOARD.—The term 'Board' means the Aviation Facilities and Services Board established under subsection (g).

"(2) CONGRESSIONAL COMMITTEES OF INTEREST.—The term 'congressional committees of interest' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(3) FAA.—The term 'FAA' means the Federal Aviation Administration.

"(4) REALIGNMENT.—The term 'realignment' includes any action that relocates functions and personnel positions but does not include an overall reduction in personnel resulting from workload adjustments."

(b) CLERICAL AMENDMENT.—The analysis for chapter 445 (as amended by this Act) is further amended by adding at the end the following:

“44519. Realignment and consolidation of FAA services and facilities.”.

SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

- (1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and
- (2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration’s Internet Web site in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary of Transportation may not use any funds made available pursuant to this Act (including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

SEC. 808. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Comptroller General shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.

(b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—

- (1) general aviation;
- (2) commercial passenger aviation;
- (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
- (5) aviation manufacturing;
- (6) aviation exports; and
- (7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 809. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

- (1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.
- (2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.
- (3) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 810. AIR-RAIL CODE SHARING STUDY.

(a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall initiate a study regarding—

- (1) the existing airline and intercity passenger rail code sharing arrangements; and
- (2) the feasibility, costs to taxpayers and other parties, and benefits of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—

- (1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;
- (2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;
- (3) the experience of other countries with airport and intercity passenger rail connectivity; and
- (4) such other issues the Comptroller General considers appropriate.

(c) REPORT.—Not later than one year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment

of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 812. FAA REVIEW AND REFORM.

(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

- (1) duplicative positions, programs, roles, or offices;
- (2) wasteful practices;
- (3) redundant, obsolete, or unnecessary functions;
- (4) inefficient processes; and
- (5) ineffectual or outdated policies.

(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator’s findings under subsection (a), including—

- (1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;
- (2) eliminating or streamlining wasteful practices;
- (3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;
- (4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and
- (5) reforming or eliminating ineffectual or outdated policies.

(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.

SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—Subject to subsection (b), the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (c) to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders.

(b) APPLICABILITY OF EXEMPTION.—The exemption provided by subsection (a) shall apply in circumstances in which transportation of the cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.

(c) DESCRIPTION OF REGULATORY REQUIREMENTS.—The regulations referred to in subsection (a) are the regulations of the Pipeline and Hazardous Materials Safety Administration

contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and 175.501(b) of title 49, Code of Federal Regulations.

TITLE IX—NATIONAL MEDIATION BOARD
SEC. 901. AUTHORITY OF INSPECTOR GENERAL.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

“AUTHORITY OF INSPECTOR GENERAL

“SEC. 15. (a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, is authorized to review the financial management, property management, and business operations of the Mediation Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the chairman of the Mediation Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Mediation Board;

“(2) issue findings and recommendations for actions to address such problems; and

“(3) report periodically to Congress on any progress made in implementing actions to address such problems.

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) AUTHORIZATIONS OF APPROPRIATIONS.—

“(1) FUNDING.—There is authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation not more than \$125,000 for each of fiscal years 2011 through 2014 to cover expenses associated with activities pursuant to the authority exercised under this section.

“(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Mediation Board shall have a reimbursable agreement to cover such expense.”.

SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDIATION BOARD.

Title I of the Railway Labor Act (as amended by section 901 of this Act) is further amended by adding at the end the following:

“EVALUATION AND AUDIT OF MEDIATION BOARD

“SEC. 16. (a) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

“(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Mediation Board programs, operations, and activities, including at a minimum—

“(1) information management and security, including privacy protection of personally identifiable information;

“(2) resource management;

“(3) workforce development;

“(4) procurement and contracting planning, practices, and policies;

“(5) the extent to which the Mediation Board follows leading practices in selected management areas; and

“(6) the processes the Mediation Board follows to address challenges in—

“(A) initial investigations of representation applications;

“(B) determining and certifying representatives of employees; and

“(C) ensuring that the process occurs without interference, influence, or coercion.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

SEC. 903. REPEAL OF RULE.

Effective January 1, 2011, the rule prescribed by the National Mediation Board relating to representation election procedures published on May 11, 2010 (95 Fed. Reg. 26062) and revising sections 1202 and 1206 of title 29, Code of Federal Regulations, shall have no force or effect.

TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011

SEC. 1001. SHORT TITLE.

This title may be cited as the “Federal Aviation Research and Development Reauthorization Act of 2011”.

SEC. 1002. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term “FAA” means the Federal Aviation Administration.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(5) NATIONAL RESEARCH COUNCIL.—The term “National Research Council” means the National Research Council of the National Academies of Science and Engineering.

(6) NOAA.—The term “NOAA” means the National Oceanic and Atmospheric Administration.

(7) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 48102(a) is amended—

(1) in the matter before paragraph (1) by striking “of this title” and inserting “of this title and, for each of fiscal years 2011 through 2014, under subsection (g)”;

(2) in paragraph (11)—

(A) in subparagraph (K) by inserting “and” at the end; and

(B) in subparagraph (L) by striking “and” at the end;

(3) in paragraph (13) by striking “and” at the end;

(4) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(15) for fiscal year 2011, \$165,020,000; and
“(16) for each of the fiscal years 2012 through 2014, \$146,827,000.”.

(b) SPECIFIC PROGRAM LIMITATIONS.—Section 48102 is amended by inserting after subsection (f) the following:

“(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:

“(1) Fire Research and Safety.

“(2) Propulsion and Fuel Systems.

“(3) Advanced Materials/Structural Safety.

“(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.

“(5) Continued Airworthiness.

“(6) Aircraft Catastrophic Failure Prevention Research.

“(7) Flightdeck/Maintenance/System Integration Human Factors.

“(8) System Safety Management.

“(9) Air Traffic Control/Technical Operations Human Factors.

“(10) Aeromedical Research.

“(11) Weather Program.

“(12) Unmanned Aircraft Systems Research.

“(13) NextGen—Alternative Fuels for General Aviation.

“(14) Joint Planning and Development Office.

“(15) NextGen—Wake Turbulence Research.

“(16) NextGen—Air Ground Integration Human Factors.

“(17) NextGen—Self Separation Human Factors.

“(18) NextGen—Weather Technology in the Cockpit.

“(19) Environment and Energy Research.

“(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.

“(21) System Planning and Resource Management.

“(22) The William J. Hughes Technical Center Laboratory Facility.”.

(c) PROGRAM AUTHORIZATIONS.—If the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, are authorized for each of the fiscal years 2011 through 2014, the following research and development activities are authorized:

(1) Runway Incursion Reduction.

(2) System Capacity, Planning, and Improvement.

(3) Operations Concept Validation.

(4) NAS Weather Requirements.

(5) Airspace Management Program.

(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions reduction.

(8) NextGen—New Air Traffic Management Requirements.

(9) NextGen—Operations Concept Validation—Validation Modeling.

(10) NextGen—System Safety Management Transformation.

(11) NextGen—Wake Turbulence—Recategorization.

(12) NextGen—Operational Assessments.

(13) NextGen—Staffed NextGen Towers.

(14) Center for Advanced Aviation System Development.

(15) Airports Technology Research Program—Capacity.

(16) Airports Technology Research Program—Safety.

(17) Airports Technology Research Program—Environment.

(18) Airport Cooperative Research—Capacity.

(19) Airport Cooperative Research—Environment.

(20) Airport Cooperative Research—Safety.

SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking “and” after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.”.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking “and” after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

“(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.”.

SEC. 1005. RESEARCH PROGRAM ON RUNWAYS.

Section 44505(c) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8); and

(2) by inserting after paragraph (2) the following:

“(3) improved runway surfaces;

“(4) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations;”.

SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.

Section 44505 is amended—

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

(2) by inserting after subsection (c) the following:

“(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

“(1) RESEARCH.—Not later than 1 year after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

“(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011, the Administrator shall develop a plan for the research under paragraph (1) that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

“(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the Federal Aviation Research and Development Reauthorization Act of 2011.”.

SEC. 1007. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking “establish a 4-year pilot” and inserting “maintain an”; and

(2) in paragraph (4)—

(A) by striking “Not later than 6 months after the expiration of the program under this subsection,” and inserting “Not later than September 30, 2012.”; and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

SEC. 1008. CENTERS OF EXCELLENCE.

(a) GOVERNMENT’S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

“(f) GOVERNMENT’S SHARE OF COSTS.—The United States Government’s share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, ex-

cept that the Administrator may increase such share to a maximum of 75 percent of the costs for any fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.”.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

“(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President’s budget request a report that lists—

“(1) the research projects that have been initiated by each center in the preceding year;

“(2) the amount of funding for each research project and the funding source;

“(3) the institutions participating in each project and their shares of the overall funding for each research project; and

“(4) the level of cost-sharing for each research project.”.

SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

(4) Research and the development of a comprehensive assessment of the airframe and powerplant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) CONTENTS.—Such plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—Such plan—

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

(C) shall be updated, as appropriate, every 3 years after the initial submission.

SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with the NASA Administrator, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

(c) COLLABORATIONS.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

(2) other appropriate Federal agencies.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary shall conduct a research program related to developing and certifying jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY STAKEHOLDERS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions and by industry partners that have existing facilities and experience in the research and development of technology for alternative jet fuels.

(c) COLLABORATIONS.—In conducting the program, the Secretary may collaborate with existing interagency programs—

(1) to further the research and development of alternative jet fuel technology for civil aircraft, including feasibility studies; and

(2) to exchange information with the participants in the Commercial Aviation Alternative Fuels Initiative.

SEC. 1013. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) **REVIEW.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of FAA energy-related and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives; (2) the programs are properly coordinated with the energy- and environment-related research programs at NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and (4) there exist suitable mechanisms for transitioning the research results into FAA's operational technologies and procedures and certification activities.

(b) **REPORT.**—A report containing the results of such review shall be provided to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) **REVIEW.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall conduct a review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives; (2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives;

(4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and

(5) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) **AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.**—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport Cooperative Research Program—safety.

(6) Weather Program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) **REPORT.**—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of such review.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING**SEC. 1101. SHORT TITLE.**

This title may be cited as the "Airport and Airway Trust Fund Financing Reauthorization Act of 2011".

SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2011" and inserting "October 1, 2014", and

(2) by inserting "or the FAA Reauthorization and Reform Act of 2011" before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2011" and inserting "October 1, 2014".

SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2011" and inserting "September 30, 2014".

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "March 31, 2011" and inserting "September 30, 2014".

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2011" and inserting "September 30, 2014".

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
SEC. 1201. COMPLIANCE PROVISION.

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

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-46. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-46.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 25, insert "or near" after "adjacent to".

Page 31, line 8, after "property owner" insert "(or an association representing such property owner)".

Page 31, line 16, after "property owner" insert "(or an association representing such property owner)".

Page 32, line 2, insert "or near" after "adjacent to".

Page 32, line 12, after "property owner" insert "(or an association representing such property owner)".

Page 87, strike lines 16 through 20 and insert the following:

(2) **READINESS VERIFICATION.**—Before the Administrator completes an ADS-B In equipment rulemaking proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.

(a) **DEVELOPMENT OF PLAN.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

(b) **CONTENTS.**—At a minimum, the plan shall—

(1) be based on public-private partnership principles; and

(2) leverage the use of private sector capital.

(c) **REPORT.**—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike "44733" and insert "44732".

Page 139, line 21, strike "commercial" and insert "civil" (and conform the table of contents accordingly).

Page 140, line 4, strike "commercial" and insert "civil".

Page 140, line 12, strike "commercial" and insert "civil".

Page 140, lines 18 and 19, strike "commercial" and insert "civil".

Page 140, line 20, strike "commercial" and insert "civil".

Page 141, line 10, strike "commercial" and insert "civil".

Page 141, line 16, strike "commercial" and insert "civil".

Page 142, line 10, strike "Secretary" and insert "Secretary of Transportation".

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) **GUIDANCE.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, as the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) **STANDARDS FOR OPERATION AND CERTIFICATION.**—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, within the line of sight of the operator, less than 400 feet above the ground during daylight conditions, within Class G airspace, outside of 5 statute miles from any airport, heliport, seaplane base or spaceport, or any location with aviation activities.

Page 144, line 16, insert “not fewer than” before “4 test ranges”

Page 145, line 4, strike “commercial” and insert “civil”.

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 336. DISCLOSURE AND USE OF INFORMATION.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44734. Disclosure and use of information

“(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in this section, the following reports and data shall not be subject to discovery or subpoena or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any such proceeding:

“(1) A report developed under the Aviation Safety Action Program.

“(2) Data produced or collected under the Flight Operational Quality Assurance Program.

“(3) A report developed under the Line Operations Safety Audit Program.

“(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

“(A) assessing and improving aviation safety; or

“(B) developing and implementing a safety management system acceptable to the Administrator.

“(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

“(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.

“(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Adminis-

trator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

“(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to relevant information contained in reports or data described in subsection (a) in making safety recommendations.

“(e) WAIVER.—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person’s own use of the information in presenting a claim or defense.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44734. Disclosure and use of information.”

SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44735. Liability protection for persons implementing safety management systems

“(a) PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

“(2) LIMITATION.—Nothing in this section shall relieve a person from liability for damages resulting from the person’s own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

“(b) ACCOUNTABLE EXECUTIVES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

“(A) shall be deemed to be acting in the person’s official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

“(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s responsibilities pursuant to the safety management system.

“(2) LIMITATION.—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person’s willful or reckless acts or omissions as demonstrated by clear and convincing evidence.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is

further amended by adding at the end the following:

“44735. Liability protection for persons implementing safety management systems.”

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

“§ 41724. Musical instruments

“(a) IN GENERAL.—

“(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

“(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

“(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

“(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

“(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

“(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).”

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“41724. Musical instruments.”

Page 205, line 12, strike “2014” and insert “2016”.

Page 210, line 6, strike “and”.

Page 210, line 11, strike the period at the end and insert “; and”.

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union's emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike “(a) DISPUTE RESOLUTION.”.

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):

SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

“§40130. FAA authority to conduct criminal history record checks

“(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

“(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

“(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

“(B) to receive relevant criminal history record information regarding the airman checked.

“(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for non-criminal justice purposes.

“(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

“(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Federal Aviation Administration to carry out the authority described in subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40130. FAA authority to conduct criminal history record checks.”.

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not

issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2009–2010 edition, as amended (including amendments adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a), the Administrator may enforce the prohibition on transporting primary (nonrechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 of the table contained in section 172.102(c)(2) of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction at a general aviation airport to be revenue greater than the long-term project, operation, maintenance, planning, and capacity needs of the airport.

(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport's locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, for a period of 20 years.

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) COMPLETION OF DETERMINATION.—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.

(e) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting “(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)” after “aircraft”; and

(2) by striking subsection (c) and inserting the following:

“(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

“(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.”.

SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government's dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.

(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the noncommercial flights of that owner or operator, the display of that owner or operator's aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

SEC. 818. CONTRACTING.

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.

SEC. 819. FLOOD PLANNING.

The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

Page 280, after line 2, insert the following (and conform the table of contents accordingly):

TITLE XIII—COMMERCIAL SPACE

SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.

Section 50905(c)(3) of title 51, United States Code, is amended by striking “the date of enactment of the Commercial Space Launch Amendments Act of 2004” and inserting “the first licensed launch of a space flight participant”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself as much time as I may consume.

The manager’s amendment is pretty simple. First of all, we have tried to accommodate as many Members as we could with their requests and include on both sides of the aisle provisions that they requested that weren’t in the original submission.

Additionally, the manager’s amendment makes technical corrections to provisions in the underlying bill, including those related to unmanned aircraft systems, ADS-B readiness verification, flight attendant fatigue, FAA access to criminal records databases, and also, as Mr. COBLE said, who was with us earlier, just a small accommodation for another Member who wanted musical instruments, some provisions again in the bill. So we have tried to accommodate many of the Members who have had these questions.

The manager’s amendment also contains provisions regarding public-private partnerships to advance NextGen. If the government does it, it usually doesn’t get done. If we have public-private partnerships and closely monitor that, we can have great success, reduce costs, and bring technology online that makes it even safer for people to fly at lower costs and with less personnel.

We have protections for voluntary safety data submissions. We also have a provision that is very important for the European Union Emissions Trading

scheme. This is very important, because they are trying to close us down or tax us as we enter some of their airspace.

We have agreements at the airport for new revenue liability protections for volunteer pilot organizations, for public benefit flights, and also for privacy protections for airspace users, and also, finally, the safe shipment of lithium batteries.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 31, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for working with me in preparing the Manager’s amendment to H.R. 658, the “FAA Reauthorization and Reform Act of 2011.” As you know, the amendment includes provisions related to the Freedom of Information Act within the jurisdiction of the Committee on Oversight and Government Reform.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 31, 2011.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Oversight and Government Reform’s jurisdictional interest in the Manager’s amendment to H.R. 658, the “FAA Reauthorization and Reform Act of 2011.”

Thank you for your willingness to work with me on Freedom of Information Act provisions within the jurisdiction of the Committee on Oversight and Government Reform Committee. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

JOHN L. MICA,
Chairman.

I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I oppose this amendment because, for me, it raises two key concerns.

First is that the amendment would basically create a liability shield for airlines and airports that are negligent and cause airplane crashes.

Last year, Congress directed the FAA to require airlines to implement safety management systems. Using these systems, airlines will use data to identify risk and improve safety. The FAA is likely to require airports to adopt similar systems.

Under this amendment, adoption of a safety management system would give airlines and airports a total “pass” on liability for their ordinary negligence. It would deprive passengers and their families of the right to seek compensation for damage caused by airline crashes. The right to go to court and seek compensation for damage caused by the negligence of another person, including an airline or airport, is an intrinsic part of our law. This amendment would take that right away, and I cannot support it.

My last concern is about a provision in the amendment dealing with lithium batteries. The transport of lithium batteries without appropriate safety checks has been proven to present hazards that could bring down an airplane. This amendment would lock the United States into following international standards on transporting lithium batteries that set the floor, not the bar that we should aspire to. It would prevent airlines from conducting acceptance checks of battery shipments and it would derail essential rulemakings by the Department of Transportation to ensure that lithium batteries are transported safely.

For these two reasons, Mr. Chairman, I cannot support the amendment.

I yield the balance of my time to the gentlelady from Maryland (Ms. EDWARDS).

The Acting CHAIR. The gentlewoman from Maryland is recognized for 3 minutes.

Ms. EDWARDS. Mr. Chairman, I rise in opposition to the manager’s amendment. This amendment would extend the moratorium on safety regulations for human spaceflight launches for 8 years after the first licensed human spaceflight launch. With these types of flights likely not to begin until 2013, we are talking about delaying safety regulations for a decade or more.

Let me first say that I hope that commercial spaceflight, both manned and unmanned, eventually will become a robust sector of our economy. We are not quite there yet. But certainly some of these companies in this emerging industry openly talk about a business model of flying hundreds of paying passengers to space every year. These are ambitious goals, and I wish them well. I hope I am one of them.

But if these companies are successful and start carrying paying passengers like me, then what we are talking about with this amendment is allowing

an entire human transportation system to operate for almost a decade without any meaningful safety regulation. I find that to be unconscionable.

I would point out that by rejecting the amendment, Congress is not dictating that any safety regulations have to be promulgated. On the contrary, under current law, an absolute prohibition exists until the end of 2012. Even after that point, the agency would not be required to move forward with the rulemaking process but would only do so if it saw a need. But imposing an arbitrarily prohibition on safety regulations for the remainder of the decade, if not longer, really abdicates our responsibility to the public.

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If there's a fatal accident later in this decade, if we're carrying astronauts and there's an accident in the decade, I don't want it to be said that Congress blocked the establishment of safety regulations that could have prevented that accident, and I don't think many Members in this body would either.

I'd note that it's my understanding that the Science, Space, and Technology Committee is planning on holding hearings this session on this very topic, with an eye towards moving a bill to address these issues sometime in this Congress.

So we're really premature here to set in place a moratorium that we haven't even had a chance to hear debate on and hear from the industry or the FAA or safety experts on the subject. I hope this isn't the kind of rush to judgment that we'll come to expect on issues of public safety.

I have some familiarity with these issues on the Science, Space, and Technology Committee. The commercial space folks argue that the spacecraft designs and operational concepts are not quite mature enough and that there's been no operational experience on which to base safety regulation. Fair enough. That may be true. But these same people are also arguing that the industry is mature enough for the government to turn over NASA's transport of astronauts to space to them. You cannot have it both ways.

These notions are mutually exclusive. If the industry is mature enough to take on tasks currently performed by the government, then the industry is mature enough to be thinking about a safety regime to ensure the American public is protected in these activities.

Mr. Chair, I want to note that, once again, there's no reason to rush to judgment on these issues.

Mr. MICA. To close on the manager's amendment which I have offered today, first of all, let me just say that the two objections that have been raised again by the minority—and I appreciate their concerns—as to the safety reporting, which we put in some years ago, has

actually resulted in probably the safest system that we've had in the world and the safest safety record in history. If you stop and think about it—I chaired the Aviation Subcommittee—the last large commercial aircraft that we had that went down, unfortunately, was near Veterans Day of 2001, after 9/11.

Safety reporting is so important and is done on a voluntary basis, and it's so important that the people who collect this data are not held liable. They're collecting the data that benefits us to make this safe. This has worked. It's kept us safe. And we want to ensure, again, that this continues. Some will say we had commuter. Yes, we did have commuter. We also passed commuter safety legislation to deal with problems we had there. So we have a safe system. We don't want to stop that. We don't want the recording of the data to stop or those held liable that are collecting the data. That's the first point.

The second point: lithium batteries. This is a lithium battery. This has a lithium battery. This is a pacemaker. This keeps your heart going. This has a lithium battery. Laptops have lithium batteries. Almost everything has lithium batteries. Leave it to the DOT to try to put in place rules that would create stopping granny and grandpa and others that need this pacemaker from getting it. If we didn't have this provision in here, it would be a \$1.1 billion impact on industry. We'd reroute the shipment of this stuff through other countries to avoid paying and going through the onerous regulations that our government would create.

Countless consumers would be forced to pay more because of silly regulations that don't make any sense. A severe supply chain issue and limitations on supply would be imposed. We would have delays in shipping lifesaving equipment. This little thing here that saves hearts, that's what they want to mess up. One more Federal regulation to delay shipping. Even our troops, who rely on these lithium batteries—their receiving them would be put at risk, the way DOT is doing.

This is a good provision. It needs to be in the bill. We've got to keep some of the regulation, those that put us out of business, put jobs overseas and put people at risk, out of our way.

I urge the House to pass the manager's amendment with these sound provisions that will make a big difference.

ALLIANCE FOR WORKER FREEDOM,
Washington, DC, February 15, 2011.

DEAR REPRESENTATIVE: On behalf of the Alliance for Worker Freedom (AWF), an organization established in 2003 to combat anti-worker legislation and promote free and open labor markets, I urge you to support the Title IX provision in the FAA Reauthorization bill which repeals last year's the unprecedented National Mediation Board (NMB) voting rule change.

I write this letter in anticipation of an amendment which looks to strip this essential provision from FAA Reauthorization.

Last year, the National Mediation Board reversed 75 years worth of precedent and numerous Supreme Court rulings, implementing elections rules whereby a majority of voters in a union election are now able to determine whether a collective bargaining unit has been formed. Prior to this ruling, a majority of a workforce was required to certify a union—a long held and well understood practice. The so-called "minority rule" ruling reveals a contempt for workers' preferences, as well as a clear bias towards union interests.

The three member NMB is comprised of two former union officials, both President Obama appointees, giving them a stranglehold over the agency's rulemaking process. It is essential that this obscure agency, beholden to union interests, have its power checked via Congressional action.

Title IX of the FAA Reauthorization legislation addresses the inappropriateness of this administratively imposed rule which aims to facilitate unionization at the expense of workers' preference. Union complaints that it has become too difficult to unionize workers, thus necessitating the NMB's change, are largely unfounded: majority rule has been used in more than 1,850 elections, and unions have won more than 65% of the time.

Title IX looks to reinstate longstanding union election rules which require a majority of the workplace's consent to certify a union.

It is for these reasons that I hope you will help ensure that Title IX remains in the final version of the FAA Reauthorization legislation and oppose any amendments that look to remove this provision.

Sincerely,

CHRISTOPHER PRANDONI,
Executive Director.

CARGO AIRLINE ASSOCIATION URGES PASSAGE
OF H.R. 658

MARCH 1, 2011.—The Cargo Airline Association, the voice of the nation's all-cargo air carriers, applauds the efforts in the House of Representatives to enact legislation reauthorizing the programs of the Federal Aviation Administration (H.R. 658). Association president, Steve Alterman, noted that, "This legislation ensures that modernization of our aviation infrastructure can now move forward, with satellite-based technology replacing our decades-old ground-based systems." The bill will also authorize important environmental programs that are critical to ensuring that environmental goals can be met and that alternative fuels research and development can continue.

Mr. Alterman further noted that the provisions of the bill will allow U.S. Carriers to remain competitive in a worldwide economy thereby protecting U.S. jobs and enabling the United States to retain its leadership in aviation technology. He stated that, "The House proposal provides a long term funding stream for the FAA that will enable the Agency to prioritize and implement the improvements so badly needed by everyone who depends on our aviation system."

NATIONAL AIR CARRIER ASSOCIATION,
Arlington, VA, March 1, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

Hon. NICK RAHALL,
Ranking Member, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, I wish to take this opportunity

to express my strong support for passage of the House's version of the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011—H.R. 658. Our members appreciate your willingness to move H.R. 658 at such a speedy pace. It has been far too long since Congress has passed a long term Reauthorization bill which is critical to the needs of all aspects of aviation.

Among the many positive aspects of this legislation is the authorization of an appropriate level of funds to help get "NextGen" moving and a part of aviation's future sooner rather than later. While NextGen equipage is a challenge for many aspects of the industry, including NACA carriers, we believe the funding levels authorized in this legislation is a good starting point for the program. NextGen represents tremendous opportunities for airlines and the traveling public to travel in a safer, faster, and more environmentally friendly aviation system.

Our members also greatly appreciate the risk-based approach to handling the sensitive issue of foreign repair stations. We believe our bilateral agreements demanded a different approach from past versions of FAA Reauthorization and H.R. 658 strikes the right balance.

Thank you for all of your efforts on behalf of the aviation industry. We stand ready to work with you on this legislation as well as all other future challenges facing our industry.

Sincerely,

A. OAKLEY BROOKS,
President.

ASSOCIATION FOR UNMANNED
VEHICLE SYSTEMS INTERNATIONAL,
Arlington, VA, March 2, 2011.

Hon. JOHN MICA,
Chairman, House of Representatives, Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA: As the President and CEO of the Association for Unmanned Vehicle Systems International (AUVSI), the world's largest non-profit organization dedicated to the advancement of unmanned systems, I thank you for including important provisions in the House Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658) on integrating Unmanned Aircraft Systems (UAS) into the National Airspace System (NAS).

The UAS market, both defense and civil, is a promising segment in the U.S. aerospace industry, and one that has the potential to create tens of thousands of new jobs in the coming years. However, for these jobs to materialize, federal regulations on the use of UAS in the NAS must be addressed. H.R. 658 requires the FAA to create a comprehensive plan on integrating UAS into the NAS and to have it implemented by September 30, 2015. Although many in the unmanned systems industry would like to see this timeline shortened, the industry is encouraged that the bill also includes language allowing for the expedited integration of certain types of UAS.

The bill also includes important provisions on the development and implementation of the Next Generation Air Transportation System (NextGen). Like all other users of the NAS, UAS will benefit from the implementation of NextGen, as it will allow manned and unmanned systems to fly in the same airspace.

Without a doubt, UAS integration will have a tremendous impact on the aerospace industry and aid in driving economic development in many regions across the country. How quickly new job creation and economic

benefits become a reality, however, depends on the progress and timeliness of UAS integration efforts.

The unmanned systems community applauds your efforts to pass this long-overdue piece of legislation, and we look forward to continuing to work with Congress and the FAA on implementing these important UAS provisions. If you have any questions, or need any additional information, please contact AUVSI's Executive Vice President, Gretchen West, at west@auvsi.org.

Sincerely,

MICHAEL TOSCANO,
President and CEO AUVSI.

EXPERIMENTAL AIRCRAFT ASSOCIATION,
Oshkosh, WI, March 15, 2011.

Hon. THOMAS PETRI,
Chairman, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

Hon. JERRY COSTELLO,
Ranking Member, Transportation and Infrastructure Subcommittee on Aviation, House of Representatives.

CHAIRMAN PETRI AND RANKING MEMBER COSTELLO: The Experimental Aircraft Association (EAA), representing the aviation interests of more than 165,000 members who passionately engage in aviation for the purposes of sport, recreation, and personal transportation, supports the Federal Aviation Administration (FAA) Reauthorization and Reform Act of 2011 (H.R. 658), as passed by the Transportation and Infrastructure Committee on March 10, 2011.

EAA has long held the view that the FAA needs a stable source of funding based on the well-established, fair, cost-effective and successful model of excise taxes on aviation fuels as opposed to the implementation of new user fees. We also maintain that the prolonged period of continuing resolutions funding the agency on short-term extensions has been harmful to the agency, its efforts to modernize the air traffic system, and to the aviation community as a whole. We applaud your leadership in making the FAA reauthorization a top priority in the 112th Congress.

EAA is particularly pleased with the Committee's decision to address policies of importance to EAA members such as funding of general aviation airports through the Airport Improvement Program, release of vintage aircraft design data in support of aviation safety, and permitting adjacent residential through-the-fence access to airports where appropriate. Above all, we are thrilled that the Committee agrees that the best way for general aviation to fund its share of FAA operations and capital investment is through the use of fuel taxes as opposed to new user fees.

Thank you for your efforts and EAA stands ready to assist you and your staff in any manner necessary.

Respectfully,

DOUGLAS C. MACNAIR.

INTERNATIONAL ASSOCIATION OF
FIRE CHIEFS,
Fairfax, VA, March 29, 2011.

Hon. JOHN L. MICA,
Chairman, House Transportation and Infrastructure Committee, Washington, DC.

Hon. NICK J. RAHALL II,
Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.

DEAR CHAIRMAN MICA AND RANKING MEMBER RAHALL, On behalf of its nearly 13,000 members, the International Association of Fire Chiefs (IAFC) would like to commend

your leadership and efforts to improve aviation and, in particular, air medical transport safety.

The IAFC represents public safety agencies that provide the public with the highest level of service by delivering air medical transport or helicopter emergency medical services (HEMS), search and rescue, homeland security and wildfire suppression in an effective, efficient and safe manner. We appreciate the language in Section 311 of H.R. 658, the FAA Reauthorization and Reform Act of 2011, which demonstrates an understanding that public safety aviation operators operate a mixed fleet of aircraft that in some cases cannot be deemed "civil aircraft" due to its origin, type and configuration. We hope that this language remains clear through the legislative process so that public safety agencies performing HEMS operations utilizing agency owned and operated aircraft will not be harmed. In addition, the IAFC appreciates the provision in H.R. 658 which provides the FAA Administrator with the responsibility to "conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135."

Although we believe additional language is needed in conference committee to clarify that the regulations on helicopter air ambulance operations applies to current part 135 certificate holders only and not to public safety agencies performing HEMS operations utilizing agency owned and operated aircraft, the IAFC supports the provisions related to the safety of air ambulance operations in H.R. 658, the FAA Reauthorization and Reform Act of 2011. Once again, the IAFC would like to thank you and your staffs for your ongoing efforts to effectively address the need to improve safety in the air medical transport industry.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
President and Chairman of the Board.

Mr. PAULSEN. Mr. Chair, I rise in strong support of the managers amendment.

Currently, the Department of Transportation is working on a rule that would require finished medical devices and other products containing lithium batteries to be shipped as hazardous cargo.

The rule would prevent medical devices, like this pacemakers, implantable defibrillators, and blood glucose monitors, from being shipped by air, until special packaging can be developed. We don't know when this would be developed.

These medical devices are heavily regulated by the Food and Drug Administration and undergo extensive testing to assure safety—including testing to ensure devices withstand the rigors of shipping.

If the DOT rule passes, it would severely disrupt the medical device industry's just-in-time delivery system, lead to bottlenecks in the supply chain, and prevent overnight or same-day shipping to patients all over the country even though these devices pose no demonstrable safety risk.

It is important to note that the rule wouldn't just negatively impact medical devices. It will also have a significant impact on shipping everyday technologies such as laptops and cell phones. All in all, the rule will cost more than a billion dollars annually.

The rule would have a devastating impact on patient access to life-saving medical devices and will increase health care costs.

Thankfully, the managers amendment remedies this situation, and I applaud Chairman MICA for his work.

Mr. BUCSHON. Mr. Chair, I rise today in support of Chairman MICA's manager's amendment to the FAA Reauthorization and Reform Act of 2011.

Indiana is the second largest producer of medical devices in the country with 20,000 jobs in this industry.

There are 1,200 employees at a Boston Scientific plant in the town of Spencer, Indiana which is located in my district. These are Hoosiers who work hard every day to make components that are found in pacemakers. As a cardiothoracic surgeon, I implanted numerous pacemakers into patients that ended up saving their lives.

A recent rule proposed by the Obama Administration would restrict the method in which these pacemakers are shipped across the country because of the very small lithium battery they contain. This rule is expected to cost Boston Scientific \$30 million and it is a cost that will be passed onto the consumer.

This is a device that is safe enough to put in the human body, but the Obama Administration does not believe that it's currently safe enough to ship across the country, specifically on an airplane. These restrictions will result in hospitals waiting longer to receive pacemakers and could put human lives in danger.

There is no evidence that the transport of lithium batteries has ever lead to a fire on an aircraft.

I fully support Chairman MICA's Manager's amendment which would require the shipping of lithium batteries to comply with international standards which have proven to be very safe and eliminate President Obama's proposed rule and I encourage my colleagues to support the Manager's Amendment.

Mr. BRALEY of Iowa. Mr. Chair, I rise in opposition to the Managers Amendment, because this amendment is an unprecedented attack on states. The amendment gives complete federal government control over air travel safety, by radically reducing a state's ability to protect its own citizens. Passengers, crew, ground workers, and others have no recourse under state law, under this amendment. For those concerned about an expansion of the federal government over ordinary activities of American citizens—this is it.

In fact, the amendment gives broad immunity to an entire industry, severely limiting every Americans' freedoms under the 7th amendment. The 7th amendment is intended as a check on potential abuse of power by the government. This amendment injects the government into courthouses and into juries. Blanket immunity to an entire industry is simply unprecedented.

Here's what this means: If you or your family gets injured or even killed in an airline accident, and it's even clear that airline safety professionals were completely negligent in their safety preparations, you have no recourse. In that situation, following events even as tragic as plane crashes, the United States Government simply leaves you and your family behind, contrary to your 7th Amendment rights under the Constitution. This type of immunity is completely inappropriate for crashes caused by the negligence of those charged with maintaining safety.

I believe that we should be working to improve air safety, not weaken it. We should fight to do whatever we can for families who face the terrible tragedy of plane crashes, not abandoning them. I oppose this amendment, because I stand with American travelers and American families, and I urge my colleagues to vote against this attack on the 7th Amendment to the Constitution.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-46.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, after line 2, insert the following (and conform subsequent subsections accordingly):

(b) CONSULTATION WITH COMMUNITIES.—Section 47107(a) is amended—

(1) in paragraph (20) by striking “and” at the end;

(2) in paragraph (21) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(22) the airport owner or operator will consult on a regular basis regarding airport operations and the impact of such operations on the community with representatives of the community surrounding the airport, including—

“(A) residents who are impacted by airport noise and other airport operations; and

“(B) any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies the owner or operator of its desire to be consulted pursuant to this paragraph.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my amendment requires airport operators, as a condition for receiving grants under the Airport Improvement Program, to consult on a regular basis with representatives of the local community regarding airport operations and their impact on the community.

Airports and airport operations have a profound impact on the communities that surround them. Airplane takeoffs and landings can make noise that interrupts families in their homes and

workers in their offices. Daytime takeoffs can interrupt school children who are trying to learn and teachers who are trying to teach. Nighttime takeoffs can make it difficult for local residents to sleep. Jet fuel emissions and other harmful pollutants contribute to air pollution, and traffic congestion surrounding an airport adds to the noise and to the pollution.

Needless to say, airports play an important role in our economy and our society. But airport operators should be good neighbors in their communities. Being a good neighbor simply means consulting with the local community regarding airport operations. It means minimizing the nighttime takeoffs and landings so that residents can sleep. It means assisting families with residential noise mitigation programs, such as retrofitting windows, doors, siding, and insulation, to help keep aircraft noise to a minimum. It means consulting with local residents and small businesses regarding plans to expand, upgrade or realign runways and other airport facilities, and listening to their concerns.

My amendment requires airport operators that receive Airport Improvement Program grants to consult on a regular basis regarding airport operations and their impact on the community. Airport operators would be required to include in these consultations local residents who are impacted by airport operations. Airport operators would specifically be required to include any organization, the membership of which includes at least 20 people who reside within 10 miles of the airport, that notifies the operator of its desire to be consulted.

This amendment is not overly burdensome for airports and does not cost money for the Federal Government. It merely requires airport operators to be good neighbors, and it holds them accountable to the communities that they serve.

Mr. Chairman and Members, I have one of the world's largest airports in my district—and they do a good job—but I'm constantly contacted by residents in the surrounding community who are raising questions about new plans, new operations, airport noise, and other kinds of things that, if the airport operators were in communication with the communities in some kind of formalized way, they would have a better understanding. It's not that these neighbors are saying they don't want these airports. As a matter of fact, we're pleased that they have LAX in our community. It is job-intensive, and we like the idea that the people who work there are able not only to earn a good living but to live in the community, and they contribute to the economy of the community.

We're simply talking about urging and encouraging a relationship where the airport operators share with the

schools and with the residents what they're doing. Oftentimes, it would just make for a better understanding. It's not always controversial. It's not always confrontational. But it is shining a light on what is going on and getting people cooperating and understanding the operations of the airport.

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

□ 1630

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I would like my colleague from California to know that we recognize that this is a very well-intended amendment and it is addressing a concern particularly with the tremendous airport in your area. You have a later amendment that deals with the same subject that we think is more workable and better.

The concern we have has to do with the fact that there are a number of provisions in law already requiring airports to consult with local communities in a variety of situations. And we're just afraid that this particular amendment could be more of a one-size-fits-all approach across the whole country that could create problems rather than solve them. Therefore, we're looking forward to working with you on amendment No. 32, but I do oppose the current amendment as being too broad.

Ms. WATERS. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman from California.

Ms. WATERS. Do I understand that the other amendment that I have coming up that's more specific to Los Angeles is something that you would be more inclined to cooperate on rather than this amendment?

Mr. PETRI. Yes.

Ms. WATERS. Well, that's fine. Because I do know that this amendment that I'm offering is a national amendment that would cause all of the airports to come into compliance with this kind of cooperative amendment. And if, in fact, the gentleman is offering cooperation on the next amendment, I would withdraw this one.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-46.

Mr. PIERLUISI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 40, after line 21, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 143. PUERTO RICO MINIMUM GUARANTEE.

Section 47114 is amended by adding at the end the following:

“(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO.—The Secretary shall apportion amounts for airports in Puerto Rico in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico from the discretionary fund under section 47115.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. Mr. Chairman, I offer this amendment to codify the method by which the Secretary of Transportation is to allocate annual formula grants to airports in Puerto Rico for capital development and planning. The amendment is simple and straightforward and serves to clarify current law. It ensures that, at a minimum, the Secretary will allocate formula grants under the Airport Improvement Program to airports in Puerto Rico no differently than the Secretary allocates such grants to other airports throughout the United States. The amendment also ensures that the Secretary will not be precluded for any reason from making project grants to airports in Puerto Rico from the discretionary fund under the Airport Improvement Program. And the amendment makes clear that formula grants and discretionary grants for airports in Puerto Rico should not be deemed mutually exclusive.

It is critical to note that the Airport Improvement Program is funded by a variety of user fees and fuel taxes, all of which apply in Puerto Rico. So there is no reasonable basis to treat Puerto Rico less than equally under the program, especially since aviation serves such a critical role on the island.

Puerto Rico is a non-contiguous U.S. jurisdiction, located over 1,000 flight miles from the nearest large hub airport in the national air transportation network. Accordingly, Puerto Rico is heavily dependent on safe and reliable air service to carry passengers and transport goods to and from the U.S. mainland. The island's main airport, the Luis Munoz Marin International Airport in San Juan, is ranked among the top 50 commercial service airports in the United States in terms of the number of passenger boardings, averaging over 4½ million boardings each year.

In addition to travel to and from the mainland United States, residents of Puerto Rico and visitors to the island rely on air service to travel to points within the main island of Puerto Rico and between the main island and the outer island municipalities of Vieques and Culebra.

Apart from San Juan International Airport, Puerto Rico is home to five other commercial service airports, located in Aguadilla, Ponce, Mayaguez, Isla Grande, and Vieques. And we have five other general aviation airports serving smaller communities. According to the FAA, approximately \$285 million is needed over the next 5 years to bring Puerto Rico's airports up to current design standards, add capacity to meet projected needs, and to improve safety. My amendment simply ensures, Mr. Chairman, that Puerto Rico's public-use airports can access essential Federal funding on the same terms as airports elsewhere in the country.

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

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Although I claim time in opposition, I am going to speak in support of this amendment.

I have the greatest respect for the delegate Congressman from Puerto Rico, also the highest esteem for Governor Fortuno, former delegate representative to this body, two great young leaders, and he's here today trying to ensure that Puerto Rico is treated like any other airport in the United States in terms of airport improvement programs. And I think his amendment clarifies that Puerto Rico also remains eligible for grants from the AIP discretionary fund.

I also know Mr. PIERLUISI is willing to work with me on his other amendment, which deals with essential air service. I had offered to work with other Members, and I will state for the record that I will work with him, and I am hoping that if he offers it, he'll withdraw it because I'm going to support this amendment. I think he has a good amendment here, and I would like to work with him on his other provision, but I would hope that he would work with us in that regard.

So this amendment simply provides clear direction to the FAA that Puerto Rico Airport should be treated equitably, and I will support this amendment at this time and urge a "yes" vote.

Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Florida has 3½ minutes remaining, and the gentleman from Puerto Rico has 2 minutes remaining.

Mr. MICA. I reserve the balance of my time. Maybe the gentleman has a little response to my support for his amendment.

Mr. PIERLUISI. I thank the gentleman from Florida, even though he rises in opposition. I'm pleased that as the chairman of the committee of jurisdiction, he's supporting this amendment.

So under these circumstances, I just ask him if he has any further speakers.

Mr. MICA. I do not. But I was hoping to hear that the gentleman from Puerto Rico would be willing to work with me on his other amendment. And I'm sure he will. But I still will support his amendment because I'm that kind of a guy.

I yield back the balance of my time.

Mr. PIERLUISI. I will simply say I will have some time to consider your offer to work with you on my other amendment, which is not now on the floor. But until then I simply urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Puerto Rico (Mr. PIERLUISI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-46.

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 41, after line 5, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):
SEC. 144. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) in the case of a charge of \$3.00 or less—

“(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

“(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; or

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

“(B) in the case of a charge of more than \$3.00—

“(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

“(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

“(I) the amount that otherwise would be apportioned under this section; or

“(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

□ 1640

Ms. HIRONO. Geographically, Hawaii is the world's most isolated archipelago. It is the only U.S. State made up completely of islands. There are four counties in Hawaii, all of which are separated by a body of water. Air travel is the fastest and most effective means of transportation between our islands. It is also the mode of transportation that we rely on most for moving goods and other cargo and even our daily mail.

The 15 airports operated by the Airports Division of the Hawaii Department of Transportation are responsible for maintaining safe and efficient facilities that accommodate approximately 25 million passengers a year. This is a tremendous responsibility and an ongoing challenge. It is because of the fundamental role that air travel plays in the day-to-day lives of the people of Hawaii and in the commerce of Hawaii that Congress saw fit to provide the State with an exemption from charging passenger facility fees, or PFCs, on interisland flights. These are the flights between our islands.

This exemption is important for Hawaii's residents. Without it, for many, the daily commute would be unduly burdensome. I know many people who live on O'ahu, for example, who commute to work on one of the other islands. It would be as if you, or if any of your constituents, got in your car to go to work and then had to pay \$4.50, which is our PFC fee, just to leave your driveway and then have to pay another \$4.50 upon your return.

While we greatly appreciate and seek to preserve this exemption, there have been unintended consequences with regard to its impact on Federal funds for Hawaii's airports. This is because of the way that PFCs impact the formula funding that is apportioned to each State under the Airport Improvement Program, or the AIP.

As my colleagues know, AIP grants are awarded to each State based on a formula. For airports that opt to collect PFCs, formula funds are cut by either 50 or 75 percent. This reduction depends on the amount charged. For airports that assess PFCs on 100 percent of their passengers, this arrangement works well. However, in the case of Hawaii, the two airports that collect PFCs only collect them on a portion of the passengers.

At our large hub airport in Honolulu, 38 percent of our passengers are interisland travelers. Interisland travelers also constitute 51 percent of the passengers served by our medium hub at Kahului Airport on Maui. Therefore, the \$4.50 PFC being assessed at Honolulu is only being paid by 62 percent of its passengers. On Maui, that number is only 49 percent.

Based on the current formula, the Hawaii Department of Transportation calculates that the State is losing approximately \$5.7 million this year in AIP formula entitlement funds. My amendment would change the formula under which Hawaii's PFCs and entitlements are calculated in order to correct this inequity.

I want to be clear to my colleagues: This amendment is intended only to ensure that Hawaii gets its full fair share under the AIP program. Hawaii's airports would still be subject to the same 75 percent reduction as any other airport charging a \$4.50 PFC. The calculation would simply take into account the percentage of passengers traveling interisland and therefore not paying a PFC.

I also want to point out that this is not a windfall for the State or, in my view, an earmark. In fact, House rule XXI, clause 9(e), the definition for “earmark,” defines an “earmark” as essentially any member-requested Federal assistance to a targeted entity or locality “other than through a statutory or administrative formula-driven or competitive award process.”

Mr. PETRI. Will the gentlewoman yield?

Ms. HIRONO. I yield to the gentleman from Wisconsin.

Mr. PETRI. We've reviewed your amendment. Based on the recommendation of the FAA, I think Chairman MICA and I are prepared to accept your amendment.

We would also ask, however, that you consider working with us on the amendment that you intend to offer later. It's in an area that is already within the FAA's jurisdiction where they're working but not as hard as you would like, and we think we could continue to work with you on that. But we would accept this amendment.

Ms. HIRONO. I want to thank Subcommittee Chair PETRI and Mr. MICA for accepting my amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. HIRONO. Thank you very much. I do want to offer my other amendment, however.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I actually will support the amendment, but I wanted to give the gentledady an additional minute to conclude if she had any remarks. As I said, we're very willing to work with her on her next amendment, and hope she would consider working with us. We will support this amendment.

I would like to yield, if I may, Mr. Chairman, as much time as she needs to finish her statement.

Ms. HIRONO. Thank you very much, Mr. Chair.

In view of the fact that you are in agreement with my amendment, if you

would be so kind as to yield a minute of your time to my colleague, COLLEEN HANABUSA, so she may submit her remarks on this amendment.

Mr. MICA. Mr. Chairman, I am pleased to allow them to submit their remarks. We are taking the amendment, and I know she is going to work with us.

I would also be pleased to yield to our colleague from Hawaii.

Ms. HANABUSA. I thank the chairman of the Transportation and Infrastructure Committee for making this wonderful gesture.

I would like to thank Congresswoman HIRONO for offering this amendment in that it does address the unique nature of Hawaii.

Mr. Chairman, Hawaii's people have, really, only one way for commercial travel between our islands, and that is by way of air. So what this has done is it has leveled the playing field for us in terms of the ability to have our fair share of the airport improvements, because the best thing we can do is protect our consumers.

Thank you again for agreeing to the amendment, and thank you to Mazie for offering it.

Mr. MICA. Reclaiming my time, Mr. Chairman, I would like to submit these letters in support of the bill for the RECORD, and unless the gentlelady needs more time, I am prepared to support this amendment that is pending.

AIR TRANSPORT ASSOCIATION,
Washington, DC, February 23, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: On behalf of the Air Transport Association, I am writing to thank you for your leadership and applaud your success as Chairman, House Transportation and Infrastructure Committee, in successfully obtaining the full Committee's approval of the Federal Aviation Administration Reauthorization and Reform Act of 2011 (H.R. 658). After 17 short-term extensions over many years, the vote can only be attributed to your extraordinary leadership, tenacious effort and decisive chairmanship.

America's airline industry knows how important this bill is to the Federal Aviation Administration and the nation. Certainly, H.R. 658 will move NextGen and other important programs forward at this crucial time, when the airline industry is still rebounding from this nation's devastating economic recession.

Finally, the Air Transport Association and our airline members stand ready to assist you and your very capable staff as you prepare to conference with the Senate. Please do not hesitate to contact me if I can provide additional support.

Sincerely,

NICHOLAS E. CALIO.

AIR MEDICAL OPERATORS ASSOCIATION,
Alexandria, VA, March 15, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: The Air Medical Operators Association (AMOA) is committed to

providing the highest level of safety in air medical transport and the implementation of technology, procedures, and operating systems that will help ensure the continued safe and effective operation of these services. AMOA is also committed to enhancing current regulations to improve aviation safety and raise clinical standards, as well as promoting additional air medical transport as a life-saving health care intervention and a safe form of transportation.

The "FAA Reauthorization and Reform Act of 2011" (H.R. 658) includes key provisions that will advance the safety of air medical transportation:

Section 311 includes provisions that will support the Federal Aviation Administration's (FAA) rulemaking that is underway. AMOA strongly supports these provisions, which appropriately identify these safety issues as a key congressional priority while granting the FAA the flexibility to implement strong, effective rules. On January 10, 2011, the AMOA submitted its comments to the FAA on its Notice of Proposed Rulemaking on air ambulance safety issues. In our comments we stated: "AMOA fully supports the FAA's intent in this rulemaking; air medical operators believe many of the requirements proposed . . . most of which we already are implementing, will enhance the safety of air medical transport operations across the air medical operating sector and enthusiastically support them."

Section 311 also includes a provision to collect better data on air ambulance operations. AMOA strongly supports more comprehensive data collection on the industry and its operations, and we support the intent and thrust of the provision included in H.R. 658. We do have some concerns regarding the specific language as currently drafted, and would like to work with you and your staff to ensure that the provision leads to the effective and efficient collection of industry data.

Section 312 requires the FAA to "conduct a review of off-airport, low-altitude aircraft weather observation technologies." Low-altitude weather observation and reporting infrastructure located outside of airports is a key tool to enhancing safety for air medical operations. Currently, less than 2,500 automated weather stations report reliable weather data for the surrounding 5 miles to the national database. Based on the area of the United States, that leaves 3,794,101 square miles of the U.S. without weather reporting. This lack of current weather data causes more than 7,000 aborted flights per year due to unknown weather conditions. AMOA strongly supports the inclusion of this provision in H.R. 658.

Section 313 requires the FAA to conduct "a study on the feasibility of requiring pilots of helicopters providing air ambulance services . . . to use night vision goggles during nighttime operations." AMOA's member companies have been aggressively working to implement night vision goggles (NVG). Our member companies have now equipped more than 80% of their helicopters with NVGs. AMOA supports inclusion of this provision in H.R. 658.

As the House works to pass H.R. 658 and move to reconcile this legislation with the Senate-passed bill (S. 223), we would like to identify two issues of concern with that legislation:

Senate language would put a requirement for a terrain awareness device into law rather than in the Code of Federal Regulations; this Senate provision references a very narrow Technical Standard Order (TSO) for Hel-

icopter Terrain Alert Warning Systems (HTAWS). The way that the provision is currently drafted, it could limit the ability of operators to enhance safety with more advanced equipment unless a change in law (not the applicable federal regulation) occurred. The rapid evolution of technology calls for specific technical standards to be set in agency regulations rather than locked in place in statute.

Senate language potentially creates a statutory requirement that air medical services abide by Federal Aviation Regulation (FAR) Part 135 whenever medical crew is onboard. Air medical services already conduct operations according to Part 135 flight and duty time requirements and weather minimums prescribed by Operations Specification A021—the highest of any aviation operator in the United States. Unintended by this Senate language is that by requiring adherence to Part 135 in statute, air medical operators would be required to abide by Part 135 even if the FAA decides to change the regulatory structure for air medical services by adding a new Part.

AMOA hopes to work with you and your Senate colleagues to address these issues in S. 223 before a final version of FAA reauthorization legislation is considered.

AMOA appreciates your leadership and hard work in moving an FAA reauthorization bill through the Transportation and Infrastructure Committee early in the 112th Congress. We strongly support the air medical safety provisions of the legislation and look forward to their enactment into law. AMOA also looks forward to working with you to perfect the data collection provision in H.R. 658.

Thank you for your efforts to enact strong FAA reauthorization legislation and for your work to help improve the safety of air medical operations.

Sincerely,

HOWARD RAGSDALE,
President, AMOA.
CHRISTOPHER EASTLEE,
Managing Director, AMOA.

REGIONAL AIR CARGO CARRIERS ASSOCIATION.

Plymouth, MA, March 16, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. THOMAS PETRI,
Chairman, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. NICK J. RAHALL, II,
Ranking Member, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JERRY F. COSTELLO,
Ranking Member, Subcommittee on Aviation, Committee on Transportation & Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, CHAIRMAN PETRI, RANKING MEMBER RAHALL, AND RANKING MEMBER COSTELLO: Regional Air Cargo Carriers Association (RACCA) represents nearly 50 FAA-certificated air carriers and about 1,000 airplanes, engaged in transportation of high priority cargo chiefly to smaller communities throughout the United States and internationally.

We are greatly concerned about a measure which has been introduced by Congressmen Schiff, Sherman, and Berman, in another attempt to impose an overnight curfew at Burbank (Bop Hope Airport, BUR) and Van Nuys

Airport (VNY), California. This legislation, the Valley-Wide Noise Relief Act, would permit the cities of Burbank and Van Nuys, California to circumvent provisions of the Airport Noise and Capacity Act of 1990 (ANCA) and the FAA's ruling denying more recent requests for a curfew at BUR.

While RACCA members are more concerned about BUR, a curfew at either airport would significantly interfere with commerce and quite likely violate grant assurances to which those airports agreed when they accepted federal airport improvement funds.

At BUR, more than five million dollars were spent upon a Part 161 study submitted in May of 2009—the second one at this airport, attempting to impose a blanket nighttime curfew from 10 p.m. to 6 a.m. The Federal Aviation Administration in both cases concluded that the benefits of an overnight curfew did not balance the disadvantages. The proposed legislation makes a mockery of the Part 161 process, overrides the FAA's ability to regulate aviation in the United States, panders to a very limited—but vociferous—minority of constituents at the expense of the majority, and sets a precedent that would encourage other communities in similar situations to request similar curfews, with results which would reverberate at numerous other airports in the country—resulting in unreasonable access restrictions and abandonment of use agreements intended to make these important public utilities reasonably accessible to the public as a whole.

In short, this politically motivated proposal covers ground which has previously been explored, studied, and analyzed ad infinitum—with the same conclusion: Overnight curfews at BUR and VNY are not in the overall public interest. We therefore respectfully urge you to reject this proposal when it comes before you.

Sincerely,

STANLEY L. BERNSTEIN,
President.

ALASKA AIRLINES,
Seattle, WA, March 24, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. THOMAS E. PETRI,
Chairman, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. NICK J. RAHALL,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JERRY F. COSTELLO,
Ranking Member, Subcommittee on Aviation, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN MICA AND PETRI AND RANKING MEMBERS RAHALL AND COSTELLO: On behalf of Alaska Airlines, thank you for your leadership in moving an FAA reauthorization bill out of the Transportation and Infrastructure Committee. As you prepare to bring this bill to the House floor, we request your consideration of our views, as outlined in this letter, regarding expanding access to Reagan National Airport (DCA). As a new entrant/limited incumbent air carrier, holding just three roundtrip flights (six beyond-perimeter slot exemptions) at DCA, we believe it is important that any legislative changes to the perimeter rule promote fair competition at the airport.

Alaska Airlines supports the DCA Perimeter Rule language contained in section 423 of the FAA Reauthorization and Modernization Act of 2011 (H.R.658). This proposal creates a small pool of beyond-perimeter slot exemptions (10 slot exemptions/5 roundtrips), to be redistributed from non-peak hours to peak hours, with a scheduling priority given to new entrant/limited incumbent carriers. This language continues precedent established in the prior two FAA reauthorization bills, AIR-21 and VISION-100, and represents an equitable means by which any carrier, regardless of its size at DCA, can apply to the Department of Transportation for a beyond-perimeter route. Also, this language recognizes the importance of facilitating new entrant/limited incumbent access to DCA, during commercially viable slot times, in order to enhance competition at the airport and, in turn, provide better fares and greater value for the traveling public. For example, the entry of Alaska Airlines' SEA and LAX service to DCA was the major driver of an 11% and 14% fare decline, respectively, in the SEA-WAS and LAX-WAS markets. In the first year of entry in these two DCA markets, Alaska's lower DCA fares forced other carriers in these same markets to reduce their fares, producing an aggregate consumer fare savings in excess of \$25 million. Even more significantly, substantial fare savings continue today because, unlike most other carriers, Alaska Airlines does not charge a fare premium for DCA versus IAD (Dulles) service.

Alaska Airlines opposes elimination of the DCA Perimeter Rule. By definition, only carriers holding within-perimeter slots can take advantage of such a concept. Similarly, we oppose any form of slot conversion, i.e. converting within-perimeter slot exemptions for beyond-perimeter use. Under either an elimination or slot conversion scenario, the large within-perimeter slot holders receive a huge competitive windfall, to the detriment of new entrant/limited incumbent competition and the lower fares such competition promotes.

In conclusion, we support Section 423 of H.R. 658 regarding flight operations at Reagan National Airport and oppose any changes to it that allow for elimination of the Perimeter Rule or slot conversion. In order to promote the public interest of lower fares and the pro-consumer market dynamics created by robust competition, new entrant/limited incumbent access to DCA must be enhanced.

Thank you for your consideration of our views.

Sincerely,

BILL AYER.

Mr. MICA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. NEUGEBAUER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-46.

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 101, strike line 3 and all that follows through page 104, line 19 (and re-

designate any subsequent sections accordingly).

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 2 . . . STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. I want to thank Chairman MICA, Chairman HALL, and Congressman GRAVES for their support of this amendment. I appreciate the work of the Transportation and Infrastructure Committee and of various stakeholder groups that have helped throughout this amendment process.

Mr. Chairman, in recent years, our lives and our world have changed. We have a much more digital world today, and we have a lot more towers that provide us cell service and Internet service. We have the new industry of wind energy that is basically taking over a big part of my district. So, over the countryside, the landscape has changed. We have a lot of new towers, windmills, wind turbines, and all sorts of things that are beneficial to our economy but that also provide a certain amount of hazard for those people in the aviation industry.

In recent years, we've had a number of fatalities due to low-flying aviators who didn't know the existence of one of these obstacles, so this amendment really does a commonsense thing: It would direct the FAA to conduct a study of how we can put together a database of where these new obstacles are, giving their GPS locations and allowing people who are going to be flying in that area or utilizing that area to access that information. For planning purposes, it would also provide an opportunity for new infrastructure in those areas.

□ 1650

So we really think that this is a very commonsense amendment, provides for safety, and that this study hopefully will yield some very positive results

that will be beneficial to the aviation industry.

With that, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition to the amendment offered by the gentleman from Texas.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairman MICA and Ranking Member RAHALL for their work in bringing this bill to the floor. I think the aviation community deserves a long-term aviation bill so they can plan for the future needs of the traveling public. We have had 18 extensions already, and it is time for the House and the Senate to find a compromise and send a bill to the President.

Sadly, we're missing a great opportunity to invest in our airports, allowing them to prepare for the expected growth in air traffic and put people to work improving our aviation infrastructure. Without additional PFC revenues and AMT relief, airports will have little capital to invest in their facilities. We keep talking about creating jobs and rebuilding the economy, but we don't do anything about it.

My home State of Florida relies on air service to support our tourism-based economy. We have 20 primary airports, 22 reliever airports, and 57 general aviation airports, with our top three airports alone generating nearly 45 million enplanements a year. These airports create jobs and help grow the economy, and we're not going to get out of the recession we're in by starving our airports of funds for our infrastructure.

This bill does address an important issue in my district by preserving access to the Military Airport Program, MAP. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully transform former military airfields to commercial service that in turn help strengthen the Nation's aviation system. In the case of Cecil Field, continuing to include uses by the Air National Guard and Reserve units makes this a win-win for the community and for the military. And I want to add that we have more landings now than we did before we turned the facility over.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typical and needed for successful civilian conversion such

as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

I know this bill still has a long way to go in the process, so I hope we can make improvements as we move to conference.

I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I just rise in strong support of the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

He has worked with the committee in drafting this amendment, done an excellent job, and we also have the support of FAA on this amendment.

I ask everyone to join in passage of this well-crafted amendment.

Mr. NEUGEBAUER. It is also my pleasure now to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise in support of this amendment as well. With off-the-shelf available technology, this type of mapping can be done at little or no cost, increasing safety to aviation, especially those involved in rural aviation like crop dusters and the like.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the chairman of the House Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Chairman, I want to rise in very strong support of the gentleman's amendment.

Having flown for over 20 years, I've had firsthand experience with low altitude or low-level obstacles that are out there. I had to make some last-minute corrections just to avoid them. If we had some way to understand where those obstacles are, a very simple method, it would greatly improve safety.

Just in the crop duster world alone, we've had nine deaths in the last 10 years from obstacles that are unmarked, unlighted, and we don't have any idea where they are.

I would very much be in support of this amendment. I thank the gentleman for offering it.

Mr. NEUGEBAUER. I just would close by saying this is a very common-sense amendment. I think it uses the technology of today to bring air safety to our country, and I would encourage all Members to support this amendment.

Mr. HALL. Mr. Chair, I rise in support of Mr. NEUGEBAUER's amendment directing the FAA to carry out a feasibility study on using the internet as an information resource for pilots to locate difficult-to-see obstructions such as guy-wires and free-standing towers.

As a Navy pilot during World War II, I had firsthand experience flying fast and low, and

while the prevalence of towers then does not compare to the number that exist today, it still created a lot of uncertainty to fly low without being fully aware of potential obstructions.

There are many active pilots today who make their living flying aircraft at very low altitudes, such as crop dusters, who could make excellent use of such a database.

Mr. NEUGEBAUER's amendment would be a good first step, simply asking the FAA to study whether or not an internet-based source of up-to-date information on obstructions and towers makes good sense.

I support his amendment and ask all Members to support it as well.

Mr. NEUGEBAUER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-46.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 106, after line 5, insert the following (and conform the table of contents accordingly):

SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist the establishment of a center of excellence for the research and development of NextGen technologies.

(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I would like to start by thanking Chairman MICA. I'd like to also thank Mr. PETRI and Mr. COSTELLO.

This is a very simple amendment. It allows the FAA to assist in establishing a NextGen Research and Development Center of Excellence. The center would leverage the FAA's existing Centers of Excellence Program, a program that relies on university partnerships to address ongoing FAA research and development challenges.

The NextGen Research and Development Center of Excellence would provide educational, technical, and analytical assistance to the FAA and other

agencies involved in the development of NextGen. In essence, it would be a force multiplier.

NextGen is a complete revamping of our National Airspace System from the current radar-based system to a state-of-the-art satellite, or GPS-based, technology. Once fully implemented, NextGen will provide a host of benefits for the more precise tracking of aircraft, fuel savings, and noise reduction. As a result, the entire aviation community would be benefited, as would the Nation.

I believe the Centers of Excellence model could be extremely beneficial to the FAA's NextGen efforts. Centers of Excellence allow the FAA to partner with universities and industry on important aviation research issues. Since 1990, 8 Centers of Excellence have been formed with more than 60 university partners and over 200 industry and government affiliates.

These Centers have fueled innovative research in a variety of areas such as noise and emissions mitigation, airworthiness, and the use of advanced materials.

I believe the FAA would benefit by applying the Centers of Excellence model to the challenges of NextGen. My amendment would give the FAA the authority to move in this direction.

I urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin, the chairman of the subcommittee.

Mr. PETRI. I thank my colleague from New Jersey (Mr. LOBIONDO).

I rise in support of this amendment, and I know the chairman of the full committee has looked at it and supports it as well. It gives the FAA administrator the ability to designate a NextGen center on a competitive basis, and it would be a good and needed resource for the FAA; and, therefore, I would urge a "yes" vote on the amendment.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, we support the gentleman's amendment.

This is a provision that was contained in the FAA bill that was passed, H.R. 915 and H.R. 1586, that passed this Congress with bipartisan support. We strongly support the gentleman's amendment and ask our colleagues to support it as well.

I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-46.

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 106, after line 5, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on additional alternatives to reduce delays at the 4 airports considered under the New York/New Jersey/Philadelphia Metropolitan Redesign Record of Decision, published September 5, 2007, by the Administration.

(2) CONTENTS.—In conducting the study, the Administrator shall determine—

(A) the effect on flight delays of the overscheduling of flights by air carriers; and

(B) whether or not altering the size of aircraft used by air carriers would reduce flight delays.

(3) REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under paragraph (1).

(d) PROHIBITION.—The Administrator may not continue with the implementation of the preferred alternative for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign until after the last day of the 60-day period beginning on the date the Administrator submits the report required under subsection (c)(3).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1700

Mr. GARRETT. Mr. Chair, I urge my colleagues to support the Garrett-Himes-Andrews-Engel amendment. In it, the FAA's New York/New Jersey/Philadelphia airspace redesign plan would redirect thousands of flights per year over the houses of many of my constituents and, actually, the constituents of the other sponsors of the bill as well. In looking at this, we realize this has a very real and negative impact on the region, including a possible decrease in home values.

The new flight patterns, which would be considered here, over the region should not be implemented until a thorough study of alternatives is actually presented to Congress. This amendment prohibits the FAA from continuing implementation of the airspace redesign until it has conducted a study on alternative designs to reduce delays at the four airports considered in the redesign.

Finally, it is imperative that the FAA consider the concerns of the people that are and have been afflicted by this action.

I urge my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I have the greatest respect for the gentleman from New Jersey, and I understand his predicament. He has been one of the strongest advocates for his district on some of the potential problems that might arise from airspace redesign. I had the opportunity to travel to the gentleman's district to meet with his constituents. We have raised great concerns about the New York airspace redesign.

Now, this does put in place another study of the airspace redesign, and, unfortunately, it delays the implementation of airspace redesign in the Northeast corridor, in that New York airspace, until that's complete. So that is why I have to oppose this.

I will work with the gentleman in trying to make certain that FAA treats them fairly and that there are hearings. We have had 120 hearings. I have been in every jurisdiction from Pennsylvania, Philadelphia, all the way up into Connecticut, which is part of the New York airspace, in hearings and public meetings. There have been over 120 FAA meetings. This has been drug through the courts. There were suits, and they were all consolidated. The issues, again, were resolved, and FAA should go forward with airspace redesign and continue to address the concerns of the gentleman.

Why is this important to everyone here? Because more than 70 percent of the chronically delayed flights around the United States start in the New York airspace. That means when New York goes down, the whole country starts going down.

Now, you have got to understand that this battle has been going on for nearly two decades, in and out of court, and fights and everything for the redesign. So what we're left with is a corridor for airspace that is sort of like having U.S. 1 going into New York City 20 or 30 years ago and not expanding or revising the capacity. So that's why we have this situation. That's why I strongly urge not the adoption of this.

I am willing to work with the gentleman to try to, again, make certain that their concerns are taken into consideration. We do have quieter aircraft. I don't want him, his constituents, or any of the others in the New York airspace to suffer. But this has to come to a conclusion.

Again, it affects everyone in the House of Representatives because more than 70 percent of our chronically delayed flights start in this area, and we have not been able to resolve this question.

I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I rise in strong support of the Garrett-Himes-Andrews-Engel amendment.

This amendment will require the Federal Aviation Administration to study alternatives for the New York/New Jersey/Philadelphia airspace redesign. It will also prohibit the FAA from continuing with the implementation of the airspace redesign until the new study is submitted to Congress.

I have to take issue with what my friend, the chairman, said before. We have not found that there were hearings for this. They have been trying to jam this through and want fewer and fewer people to know about it. I forced them to come into my district; but until that happened, they didn't want any kind of input from the community.

I have opposed this airspace redesign from day one, and have fought its implementation every step of the way. Time and time again, the FAA has pursued the airspace redesign while ignoring the concerns of my constituents in Rockland County, New York. This plan will only save minutes on flight time, but it will disrupt the lives of thousands of residents in my district who live under the new flight path. As my constituents noted to me, the noise and air pollution in the area will increase. It's unknown how this increase in air pollution will affect the disproportionate rate of childhood asthma in my district.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this plan, and I encourage my colleagues to support this amendment that would require the FAA to take them into consideration.

We now learn that not only planes landing into Newark would fly over my constituents, but planes taking off from Kennedy as well. This is a double whammy. It's not fair.

So I commend Mr. GARRETT. I support this amendment, and I will continue to oppose the FAA reauthorization until the FAA halts and revises the airspace design and reports to Congress. After all, we are the ones that report to the people. FAA should report to us.

Mr. GARRETT. I yield 1½ minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. I thank my good friend from New Jersey for yielding.

Mr. Chair, I rise today in support of the amendment at the desk. This amendment addresses the FAA's redesign of the airspace over New York,

New Jersey, and Philadelphia with noble motives to actually improve our air travel. But the fact of the matter is that the redesign was badly implemented from the start and used flawed procedures. Plans for this redesign have moved forward without proper and appropriate input from stakeholders and without regard to the parties who are most affected, notably, many of our constituents.

As planes have been rerouted to fly over southwestern Connecticut upon descent into New York's airports, my constituents have begun experiencing unnecessary and unprecedented noise levels. A day does not go by that I don't hear this concern from my constituents.

I have joined with my colleagues in a bipartisan effort to call upon the FAA to simply study alternatives. We know that there are good alternatives. This should be done prudently and carefully. Families who have moved to my district to find a quiet refuge are now faced with the prospect of daily disturbances. Alternatives must be considered before any more action is taken.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. MICA. Again, I have to say that I have the greatest respect for the gentlemen from New Jersey, Mr. GARRETT and Mr. ANDREWS, and the gentleman from New York. They all do have interests here, and they are trying to protect them. They are concerned about noise with the New York airspace redesign. But, again, this has been going on for two decades.

We have a very narrow corridor. We do need to redesign it. We have safety questions now. We have chronic delays, and 70 percent of them emanate from New York. They start in the New York airspace, and then they ripple across the country. So 70 percent of the Members are impacted by this particular provision.

I appreciate their concern in asking for an additional study, but what they do in the provisions they have offered is delay implementation. We have just finished numerous court cases, which were consolidated, which ruled against those in question. I know it's difficult, but we've got to get this done.

Again, I so much appreciate their looking out for their constituents, stating their concern and expressing in every way possible. I will continue to work with them and make certain that there is fairness to the implementation and whatever they adopt does not disturb or unduly cause distress for their constituents. That's all I can do. But I do have to oppose this amendment in the interest of the committee, the country, and the other Members.

I yield back the balance of my time.

□ 1710

Mr. GARRETT. Just to conclude then, Mr. Chairman, the FAA's airspace redesign plan has not been responsive, as referred to on the floor, to the concerns of our constituents, and it's not been comprehensive.

Secondly, redesigning airspace would have little effect on delays while alternatives are considered.

Finally, I ask the consideration of this bipartisan support to conduct a study on alternative designs. I encourage support for this amendment.

I yield back the balance of my time. The Acting CHAIR (Mr. MURPHY of Pennsylvania). The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 112-46.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-46.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. CRIMINAL HISTORY RECORD CHECKS IN DOMESTIC AND FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

“§ 44734. Employee criminal history record checks in domestic and foreign repair stations

“(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to require each repair station that—

“(1) is certificated by the Administrator under part 145 of such title 14; and

“(2) performs work on air carrier aircraft or components, to complete a criminal history record check with respect to any individual who performs a safety-sensitive function at such repair station.

“(b) DEFINITIONS.—In subsection (a), the following definitions apply:

“(1) INDIVIDUAL.—The term ‘individual’ includes an individual working at a repair station of a third party with which an air carrier contracts to perform work on air carrier aircraft or components.

“(2) CRIMINAL HISTORY RECORD CHECK.—The term ‘criminal history record check’ means an investigation to ascertain an individual's history of criminal convictions, conducted—

“(A) in a manner consistent with criminal history record checks carried out under section 44936; and

“(B) in accordance with the applicable laws of the country in which a repair station is located.

“(C) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement titled ‘Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety’, dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine, through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44734. Employee criminal history record checks in domestic and foreign repair stations.”

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, my amendment is quite simple. It would require criminal background checks of mechanics at contract aircraft repair stations, both those domestically and those overseas.

Now, the current law requires that people who repair aircraft at airports undergo criminal background checks that are quite extensive because there’s a concern that they have access to airplanes, that we want to know who they are, we want to be sure they don’t have a criminal background, and they can be denied employment for a large range of former felonies or problems, let alone any affiliation with terrorist groups.

Not so at domestic contract repair stations or foreign contract repair stations. The employees there undergo no criminal background checks, or only criminal background checks at the discretion of the employer. They can be certified to do the most critical de-check work, overhauls on airplanes.

Now, just think about it. As John Pistole recently said, he’s the head of the Transportation Security Administration, “For more than two decades al Qaeda and other terrorist organizations have sought to do harm to this country. Many of their plots against the United States have focused on the aviation system. It is clear that terrorist intent to strike at American targets has not diminished.”

Yet we’re not doing criminal and security background checks of people who have access to the innards of the plane. They could replace one critical

component, a bolt that holds on an engine with one that looks like the real bolt but is actually fake and designed to fail. That could easily happen, and yet we are not requiring that they have background checks.

Well, why are we requiring it at airports? If it’s so critical a mechanic who can access a plane at the airport, why isn’t it critical for people who can get deep inside a plane in an overhaul, overseas, far, far away from any prospective oversight by the TSA or the FAA?

Now, some would say, well, the Transportation Security Administration, rather belatedly, 7 years after the fact, is working on a rule that will require them to adopt general procedures for security, but it will not require criminal or terrorist background checks. They will verify background information through confirmation of prior employment. Yes, I used to work for Osama bin Laden. You can call him. Here’s his number. But now I don’t work there anymore, and I’m here.

This is, I think, a commonsense amendment. Now, the industry can say, oh, this will drive up the cost of repairs. Come on, it’s 60 bucks to do a TSA background check. \$60. Now, don’t you think it’s worth \$60, and is that going to drive contract repair stations in the U.S. or overseas out of business if they have to confirm that their employees are not criminals or are not terrorists? I don’t think so.

I urge support of the amendment, and I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I do appreciate the intent of the gentleman who is the distinguished ranking member, former chair of the Aviation Subcommittee, but I think that the crafting of this amendment is somewhat flawed in that he does now require FAA to take their limited resources. FAA is not a security agency. It’s an aviation agency. And again, we have a jurisdictional question here. We can’t put in provisions that require TSA to do certain things, but that is their responsibility.

I understand this is also already done where the repair station is at the airport. TSA is in the process of promulgating a rule to address repair station security. But it, appropriately, is in their realm, not FAA. And we do get into trouble in trying to carry out some of these missions when we go to agencies that really this is not their responsibility, their charter under Congress.

Again, I think the gentleman’s intent is good, but it’s misapplied. So with that, I have to oppose the amendment as crafted. I’d be willing to work with him. There is a possibility of working with him, I think, and getting it right.

I think his intention is good, but the assignment is misplaced, and it would cause more problems the way it’s crafted than benefit.

I reserve the balance of my time.

Mr. DEFAZIO. May I request the balance of time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 2 minutes. The gentleman from Florida has 3 minutes.

Mr. DEFAZIO. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO), the ranking member of the subcommittee.

Mr. COSTELLO. I rise in support of the gentleman’s amendment. The amendment is very clear. It’s simple. It’s to the point. It requires the FAA, when certificating a repair station, whether domestic or foreign, to make sure that the repair station carries out a consistent screening of its employees for criminal records. I mean, it is very clear. It is to the point.

The amendment complies with all of our obligations under international law, and the amendment will move the FAA forward in creating one level of safety, both for domestic and international repair stations.

Mr. MICA. I yield myself the balance of my time.

I believe the gentleman’s intention is good. The problem I have is with the crafting of the amendment. Now, heaven knows that there’s probably been no one that’s more critical of TSA. I helped create it along, actually, with Mr. DEFAZIO back in 2001. They have a lot of important responsibilities. One of them is clearly defined as aviation security, and it should be in repair stations.

Quite frankly, I am concerned about beefing up some of that, getting some of the 3,700 bureaucrats that work and earn on average \$105,000, just within miles of here, relocated to where they can do their security function at a place that does pose risk, and that’s some of these foreign locations. But this doesn’t do the job. It complicates the assignment we have for FAA. And TSA is in a rulemaking process to address this responsibility, which is appropriately located within the purview of, and again, the jurisdiction of TSA. So I, again, oppose the opposition, will work with the gentleman.

I yield back the balance of my time.

□ 1720

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

I appreciate the chairman, and I have worked together with him well and will continue to do that in the future. But we have got to differ on this.

The TSA is not considering requiring criminal terrorist background checks as a requirement for overseas repair stations. I think that is an unbelievable loophole that should send shudders down the spine of anybody who flies planes that are being totally overhauled overseas.

And all this does—it is very simple. It doesn't require anybody from the FAA to do anything. It just says if a repair station is to be certificated by the FAA, the repair station, not the FAA, will have to perform background checks on its mechanics. It is as simple as that. Any mechanic at an airport has to undergo these background checks. They cost \$60. How about having the contract repair stations do the same thing?

Do you want a terrorist who is off the airport property to be working on an airplane critical component? Do you want a terrorist who is overseas working under very little supervision, none by the U.S., to have access to the most critical components of a plane?

The gentleman is an expert on aviation, and he knows you can take a critical component—and these are problems we have all the time—like a bolt that holds on an engine. We are trying to keep them out of the supply chain, because you can make one for \$3 that looks real but it will break, but a real bolt costs \$10,000. So they could easily substitute parts designed to fail in critical components when a plane has had an overhaul overseas.

I urge adoption of this commonsense amendment. Let's not have the al Qaeda Full Employment Act.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-46.

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. COCKPIT SMOKE PREVENTION.

(a) AVIATION RULEMAKING COMMITTEE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall convene an aviation rulemaking committee to make recommendations to the Administrator to ensure that any aircraft certified by the Administrator is properly equipped with technology that maintains pilot visibility when dense, continuous smoke is present in the cockpit of the aircraft.

(b) COMPOSITION.—The aviation rulemaking committee shall be composed of subject matter experts, aviation labor representatives, and industry stakeholders.

(c) DEADLINE FOR RECOMMENDATIONS.—Not later than one year after the date of enact-

ment of this Act, the aviation rulemaking committee shall submit to the Administrator a report containing the committee's findings and recommendations for regulatory action.

(d) REPORT TO CONGRESS.—Not later than 60 days following the date of receipt of the committee's report under subsection (c), the Administrator shall submit to Congress a report on—

(1) the recommendations of the aviation rulemaking committee; and

(2) the actions that will be undertaken by the Administrator as a result of those recommendations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. I rise to speak in favor of this amendment, and I certainly appreciate the opportunity to speak on this amendment.

The basic idea of this amendment is to ensure the safety of the traveling public and those whose job it is to get them safely to their destinations, and my amendment has to do with smoke in the cockpit.

I do note that the FAA reauthorization bill that is under consideration today already acknowledges the concern about smoke in the cockpit, because it requires the GAO to study what the FAA has done to address smoke in the cockpit. So my bill takes this concern to a more focused level by establishing an aviation rulemaking committee, an ARC, made up of representatives from aviation labor, industry, and other experts.

Their task would be to carefully examine and provide regulatory recommendations on the issue of cockpit smoke. This advisory committee will not cost the taxpayers any money, and this amendment does not mandate rulemaking. The administrator of the FAA would then review the recommendations, and report to Congress on the steps that he or she will take to address them.

The problem of smoke in the cockpit is not new. In fact, my colleague from Hawaii, Senator INOUE, introduced legislation to address this matter as long ago as 1993. And I want to note his introductory remarks on the bill because, 20 years later, we still have not adequately addressed this problem.

In introducing his legislation in 1993, he said, "My colleagues will be troubled to learn that over the last 20 years there have been a dozen accidents on commercial aircraft in which dense continuous smoke in the airline cockpit may have been a factor. In these accidents, over 850 people have died."

That was in 1993. Almost another 20 years has passed. Since then, even more lives have been lost in accidents where cockpit smoke was the cause or a factor.

Some will say that, while tragic, incidents such as these are rare and that

there are already procedures in place to avoid them. Fortunately, yes, incidents that end in death are rare. However, I believe the available evidence tells a different story about the number of times when smoke in the cockpit comes about.

According to a more recent report, the FAA's Information for Operators Bulletin released October 6, 2010, the FAA noted that they receive over 900 reports a year of smoke or fumes in the cabin or cockpit. An average of 900 incidents in 365 days does not seem to me to be a rare occurrence.

I believe that our national response to this issue has been inadequate. We need a comprehensive, up-to-date analysis of the issue and real-action next steps to protect our pilots and passengers. Therefore, I believe that my amendment is reasonable, logical, does not cost money, and it takes us toward resolving this issue. I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. I understand the intent behind the amendment. We have checked with the people we as citizens pay at the FAA to develop expertise in this area, and they advise us that current safety standards are sufficient to meet the risk posed by cockpit smoke. According to our contacts, the FAA additionally believes that the existing performance-based standards for cockpit ventilation effectively eliminate the unsafe conditions associated with smoke in the flight deck.

Their current regulations require manufacturers to demonstrate that continuously generated cockpit smoke can be evacuated within 3 minutes to levels such that the residual smoke does not distract the flight crew or interfere with flight operations.

So on that basis, we oppose and urge the membership to join us in opposing this amendment.

I reserve the balance of my time.

Ms. HIRONO. I again note that the underlying FAA reauthorization bill that we are contemplating tonight acknowledges this concern by asking the DOA to assess what the FAA has done in this area. So, to me, that says that this is an ongoing concern that is acknowledged in the underlying bill.

In addition, I would like to note that there are any number of private airlines that already have these kinds of systems that I am talking about in my amendment in their fleets. For example, Jet Blue has these systems, UPS. And on the Federal side, I think it is really interesting to note that the FAA's VIP fleet has this kind of system in its cockpits to make sure that their pilots can see when there is continuous dense smoke in the cockpit.

So, again, I urge my colleagues to support this amendment as being reasonable and taking us to the next steps to address this issue.

I reserve the balance of my time.

Mr. PETRI. I would just repeat, current requirements of the FAA require that smoke be evacuated from a flight deck within 3 minutes. And the feeling of the FAA is that resources can best be utilized to focus on the risk that generates the smoke rather than the smoke itself, and on getting the smoke out of the way rather than the approach that is being urged by this amendment. So I continue to recommend opposition.

I reserve the balance of my time.

Ms. HIRONO. I would like to close by reiterating once again that I think it is interesting that the FAA chooses to focus on the causes of cockpit smoke. Frankly, if there is smoke in the cockpit, I don't know that we need to be focusing that much on what causes the smoke. Of course that is important. But at the same time, what I care about on behalf of the pilot and the flying public is, what can we do. What systems are already available, what technology is already available, being used, I might say, extensively by the private sector as well as in government airplanes, that would ensure the safety of our pilots and flying public? This is why I continue to press the adoption of my amendment.

I yield back the balance of my time.

□ 1730

Mr. PETRI. Mr. Chairman, I would just reiterate that according to the information provided to the committee by the FAA, no accidents or catastrophic events have been tied solely to the presence of smoke in the flight deck. An analysis of accident data for the last 15 years shows that the equipment that would be required by this amendment would not have reduced fatal accidents. Therefore, I urge that we listen to the experts, keep our focus on eliminating the cause of the smoke, and not adopt the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. HIRONO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-46.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 318. MINIMUM STAFFING OF AIR TRAFFIC CONTROLLERS.

(a) **IN GENERAL.**—The Secretary of Transportation shall take such actions as may be necessary to ensure that, at a covered airport, not fewer than 3 air traffic controllers are on duty at all times during periods of airfield operations.

(b) **COVERED AIRPORT.**—In this section, the term “covered airport” means the 20 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, at the end of debate, I intend to ask unanimous consent to withdraw my amendment.

First of all, let me indicate to my colleagues the importance of this issue. I served as the chairperson of the Transportation Security Committee on Homeland Security and I now serve as the ranking member, so I have lived through these issues of security for a very long time. From the tragic moments of 9/11 and the organization of our Homeland Security Committee as a select committee, and then the final committee, I have been involved in these issues. So my intent is to discuss why this is an important safety issue and an important security issue.

Again, it is to recognize that our air traffic controllers are really our first responders. It is important to note that air traffic controllers are in rural airports, in small airports, and in our major airports. My amendment would specifically speak to the busiest airports, those airports that could document on an annual basis the amount of passengers at that airport, such as Bush Intercontinental Airport in Houston, Texas, that is number eight.

Commercial aircraft, for example, always have at least two pilots for long hauls. Sometimes there are three for long hauls. Why would we not have the same standards for air traffic controllers? I believe it is important to ensure the safety of the American public. There are notorious incidents that involve pilot fatigue, but there are also incidents that reflect upon the lack of air traffic controllers.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty, in particular, overnight at the National Airport. And I want to make the point that we are not demonizing air traffic controllers, because if

you know the story, you know the individual that fell asleep had been on duty for three nights in a row. The Secretary's action evidences that there is no current mandate for multiple air traffic controllers.

There is legislation in the Senate and there is language in the House bill that deals with the study. I frankly believe that we should have a more firm assessment, having a minimum of three, and at least two air traffic controllers to address this question.

Why do I say that? The National Air Traffic Controllers Association and their president have indicated one-person shifts are unsafe, period. The most horrifying proof of this, of course, came on August 27, 2006. In addition, it has been in the air traffic controllers' mission to have at least two people on staff or as air traffic controllers for most of their existence.

So I stand today saying that it is important that we have trained air traffic controllers. They are called certified professional controllers. But in the top 20 airports, I must ask the question: Why do we have a structure that doesn't require minimally three, at least two, and at least, if you will, would have the individual there at all times who has not been on duty for three nights in a row?

I think that this is an important step, and I would ask my colleagues to work with me as we go forward to ensure the safety and security of the Nation's skies. We are all working together, and I look forward prospectively to looking at legislation, long-term, that addresses this issue of safety and security in the Nation's air traffic control towers. They are our public servants.

Mr. Chair, my amendment calls for staffing minimums of no fewer than three air traffic controllers on duty during the period of airfield operations at the 20 busiest airports in the country.

We have all heard about the air traffic Supervisor who reportedly fell asleep on the job last week, forcing two airliners carrying more than 150 passengers and crew to land without direction at National Airport.

It is a blessing that the pilots had the wherewithal to handle the situation safely, securely, and without incident, but this has highlighted a serious safety and security issue in our aviation system.

Although the Supervisor at National Airport was certified to perform air traffic control, the fact that a Supervisor for the FAA who is responsible for managing air traffic controllers was working alone without any frontline air traffic controller(s) on duty, is shocking in itself. What is more shocking is that this was his fourth 10 p.m. to 6 a.m. shift in a row, according to USA Today.

This is not the first incident at National Airport, where a traffic control tower was left unmanned for an extended period of time.

The vast majority of air traffic controllers are hard working dedicated individuals. 365 days a year, air traffic controllers ensure that we have the safest aviation system in the world.

But Mr. Chair, we are all human and mishaps occur, which is why in the aviation system we use multiple layers and duplication to ensure for the safety of the public and the crew.

Commercial aircraft always have at least two pilots, and for long haul flights, there are three. Why would we not have similar standards for air traffic controllers performing an equally critical function?

Think about the people flying on the planes across our country. They are our grandmothers, husbands, wives and babies. They are American passengers and their lives have value. To ensure their safety we must insist that Certified Professional Controllers (CPC) are always in the tower. We must set a reasonable minimum standard.

I commend Secretary LaHood for ordering a second air traffic controller to be on duty overnight at National Airport. However, the Secretary's action simply evidences that there is no current mandate for multiple air traffic controllers. The Secretary stated, "It is not acceptable to have just one controller in the tower managing air traffic in this critical air space. I have also asked FAA Administrator Randy Babbitt to study staffing levels at other airports around the country."

My amendment calls for a minimum of three air traffic controllers in the tower during hours of airfield operation at the Nation's busiest airports.

After 9/11, we witnessed the vital importance of air traffic controllers in protecting our domestic airspace. Air Traffic Controllers also known as Certified Professional Controllers (CPCs) are part of our front line of defense to protect and ensure the safety of our airspace. In the shocking aftermath of the 9/11 attacks, it was air traffic controllers who monitored the air space above our nation to help keep us safe from further attacks.

Our system is clearly not impervious to the effects of human error, and all it takes is one accident for us to regret not taking the proper action on this amendment.

We must not forget the people who are the passengers in those planes that fly above American skies. They are our grandmothers, grandfathers, husbands, wives and children. They are American passengers and their lives have value. To ensure their safety we must insist that air traffic controllers are provided with proper staffing levels to do their important and necessary jobs of keeping Americans safe.

Mr. Chair, let me end by quoting from a statement released by the National Air Traffic Controllers Association which says:

"One-person shifts are unsafe. Period. The most horrifying proof of this came on Aug. 27, 2006, when 49 people lost their lives aboard Comair Flight 191 in Lexington, Ky., when there was only one controller assigned to duty in the tower handling multiple controllers' responsibilities alone. One person staffing was wrong then and it's wrong now."

Mr. Chair, my amendment is essential to ensure that we continue to have the safest and most secure aviation system in the world, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MICA. I claim the time in opposition.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Again, I think the gentleman's intentions are honorable, and I know she is trying to make certain that we are safe and secure. However, the way the amendment is crafted with actually requiring three air traffic controllers all the time in the top 20 as far as traffic, first of all, I would say it doesn't achieve her goals.

First of all, all of those, we have a list of them, have at least two air traffic controllers. Some of them have very few flights. This doesn't answer the problem that they had at Ronald Reagan Airport. There was a period of time when they have no traffic at many of these airports, so what she would be doing the way this is crafted is requiring at least three all the time, when we have two already, and requiring an additional one.

These are not cheap, easy-to-come-by air traffic controllers. They earn, on average, \$163,000. Where I need to put them is where I have the air traffic. We always are required by labor organizations and by FAA to staff to traffic.

So her amendment, while maybe well-intended, it actually achieves the opposite. All of these, every one that she mentioned, has at least two, and then I would be adding more people when they have no traffic as opposed to putting them where I need them where they have traffic.

I understand she is going to withdraw the amendment. I would be glad to work with her. We do have provisions in here that will help us, I think, with some of the personnel movement and questions of professionalism and competency and training that will address some of the shortfalls we have seen from a limited number of FAA air traffic controllers.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me thank the gentleman, and let me thank Mr. COSTELLO, as well, for working on these issues. I think both Members know my relationship to the issues of transportation security.

I would argue that having a statutory framework to work from is the appropriate approach to take. You can assess, then, whether you need three or two or whether some of the airports already have the standing amount. But we have to focus on the security of our skies, if you will, and we don't want any more tragedies to occur without some framework.

I look forward to working with both gentlemen on a framework for our air traffic controllers. I intend to work on legislation that embodies safety and security in a jurisdictional manner and working with Homeland Security, working with the Department of Transportation and our respective jurisdictional committees.

We owe this to the American public. It is my commitment to ensure that professionalism is there, that safety and security are there, and no more

lives are lost because of the potential of an overly tired air traffic controller.

With that, Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1740

AMENDMENT NO. 12 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-46.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 140, line 2, insert after "industry" the following: ", Federal agencies that employ unmanned aircraft systems technology in the national airspace system,".

Page 140, line 23, strike "and".

Page 140, after line 23, insert the following: (iii) to develop standards and requirements for unmanned aircraft systems sense and avoid performance; and

Page 140, line 24, strike "(iii)" and insert "(iv)".

Page 144, after line 10, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 325. SAFETY STUDIES.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Thank you, Mr. Chairman. I certainly also want to thank Chairman MICA, as well as Chairman PETRI and also Ranking Member COSTELLO, for all of their hard work and for putting out a bill I think will help us move the Nation forward and improve the quality of aviation in America.

My amendment is designed to help expedite and to improve the process by which FAA works with government agencies to incorporate unmanned aerial vehicles, or UAVs as they're commonly called, into the National Airspace System. Currently, Mr. Chairman, law enforcement agencies across the country, from Customs and Border Protection to local police departments, et cetera, are ready to embrace the new technology and to start utilizing UAVs in the pursuit of enforcing the law and protecting our border as well.

However, the FAA has been very hesitant to give authorization to these UAVs due to limited air space and restrictions that they have. I certainly can appreciate those concerns; but

when we're talking about Customs and Border Protection or the FBI, what have you, we are talking about missions of national security. And certainly there's nothing more important than that. It was a very, very lengthy exercise to get the FAA to authorize the use of UAVs on the southern border. While they're finally being utilized down there, we are certainly a long way from fully utilizing these technologies.

So my amendment does three things. First, it makes sure those stakeholders currently using UAVs have a seat at the table during the integration process. Second, my amendment would clear up a source of confusion in this process and direct the FAA to define exactly what it means by "sense and avoid technology." We think this would provide very clear-cut criteria in order to ensure compliance.

Finally, my amendment directs the FAA to conduct the safety studies that it is requiring. Currently, the FAA would direct various agencies to conduct these studies themselves. However, there is no agency in the Federal Government that has the expertise and the competency that FAA has when it comes to studying safety in the air. So I think this would guarantee that the safety studies that the FAA requires for this process are as comprehensive as possible.

As I said before, we do have some domestic UAV missions in effect. There's three in Arizona, there's two in North Dakota, and maritime guardians as well in both Florida and Texas. We've made some progress, but when we have a situation in this Nation where we don't have operational control of either of our borders, either the southern border or the northern border, I think that the taxpayers are well-suited to be able to utilize current DOD technology, off-the-shelf hardware that has already been extremely effectively in theatre with these UAVs to help us with our border protection.

UAVs are ready. They work. I think it's past time we utilize them. We need to have the FAA help us with this kind of thing as well.

Mr. PETRI. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Michigan for yielding. We've reviewed her amendment and have no objection to it. We think it's a step forward, and I would urge my colleagues to join us in supporting this.

Mrs. MILLER of Michigan. I certainly appreciate Chairman PETRI's comments on that.

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

Mr. THOMPSON of California. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, if H.R. 658 passes, this 4-year FAA reauthorization bill would devastate rural communities across our great country. This legislation completely phases out the Essential Air Service program, rolls back critical funding needed for airport improvement programs, fails to adequately protect the rights of air passengers, and would cost us close to 70,000 American jobs.

The EAS, the Essential Air Service program, is necessary to provide air service into our country's most rural communities. This year alone, 110 rural airports in the continental United States were helped by this important program. These airports, like the one I represent in Crescent City, California, would simply not be in operation if it weren't for the EAS program. This legislation would completely phase out the EAS program for all airports in the Lower 48 by 2014. This would be devastating for small businesses and a public safety disaster.

I singled out Crescent City Airport in Del Norte County on the west coast of California because, as we all know, just a couple of weeks ago we had a tsunami. Crescent City, California, was ground zero for that tsunami on the Pacific coast. Crescent City received about \$40 million worth of damage. We lost a life. All the roads were closed in and out of the area. The only way to get people in and out—some of those people critical public safety individuals, folks who came in to do assessments and to help out in this devastating time—were through our small airport. If this program is lost, that small airport would not be there for my district and all of the other rural districts across the country.

Mr. Chairman, I agree that we've gone too long without a long-term FAA reauthorization bill. However, the bill before us, I believe, would do more harm than good for our aviation system. For that reason, I urge all of my colleagues to vote "no" on this bill.

I yield to my friend from Illinois.

Mr. COSTELLO. Mr. Chairman, we support the gentlelady's amendment.

Ms. BUERKLE. Mr. Chair, I rise in strong support of the amendment offered by my colleague, Representative MILLER of Michigan. It is important that the FAA work with other federal agencies, including the National Guard, to integrate Unmanned Aerial Systems into the National Airspace System.

My district is the home of the 174th Attack Wing of the Air National Guard that uses Hancock Field in Syracuse. They use Unmanned Air Vehicles, UAVs, that currently must be transported to and from Fort Drum in order to perform their mission.

It is important that the FAA integrate these UAVs into the National Airspace System as quickly and safely as possible. In addition to performing a critical mission for national secu-

ity, the 174th is responsible for 1300 jobs in the Syracuse area. Finding a way to get the federal agencies to work together to allow UAVs to operate out of Hancock Field is important to the economy of this region.

I strongly support this amendment and encourage the Chairman of the Transportation Committee to protect and strengthen this provision in conference.

Mr. HANNA. Mr. Chair, I rise in support of the amendment offered by my friend from Michigan and of this fiscally responsible FAA bill.

I was proud to help include language in the bill requiring the establishment of at least four test sites to promote the safe integration of remotely piloted aircraft into the national airspace.

Remotely piloted aircraft are an exciting next chapter in aviation. It is time to expand this technology domestically, and this bill directs the FAA to establish four test sites with the appropriate climate, geography, and access to necessary research radars.

Remotely piloted aircraft are not new to American airspace, and they are certainly not new to the area around my district in Central New York.

The topography of Central New York is as varied as the seasons. A diverse climate and varied topography are essential for testing and will inform preparations for the safe integration of remotely piloted aircraft into the national airspace.

Mr. Chair, remotely piloted aircraft are not limited to military uses. They can assist in search and rescue operations, environmental research, forest and fire management, domestic law enforcement activities and perhaps most importantly, monitoring our borders for illegal activities.

I encourage my colleagues to vote in favor of the Candice Miller Amendment and the underlying bill.

Mr. THOMPSON of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-46.

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 3 CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any interpretation issued by the Administrator of the Federal Aviation Administration, the requirements regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft regarding certain flight times and rest periods shall remain in effect as such requirements were in effect on January 1, 2011.

(b) RESTRICTION ON REGULATIONS.—The Administrator may not issue, finalize, or implement a rule regarding sections 263 and 267(d) of part 135 of title 14, Code of Federal Regulations, as proposed in docket No. FAA-2010-1259, Interpretations of Rest Requirements, published in the Federal Register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all-cargo aircraft.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. My amendment supports a longstanding FAA regulation of medical charter flight services under part 135. There's been a lot of focus on fatigue and pilot rest and duties. I certainly understand that on the passenger side of the equation, but these medical charter flights fall into a little different category.

If you chartered a flight to fly down and pick up a heart for a heart transplant, the lifesaving thing to do is to actually keep that flight coming back, not to delay it with additional rest and regulations. Because of the unique circumstances that these air ambulances are in, that these medical charter flights are in—and we even expanded it to include cargo because in this increasingly regulatory environment I didn't want there to be any confusion that if we had a heart on a plane, that was somehow not a medical ambulance flight because there was no person there to prevent the FAA from re-regulating this area in the same way that they have regulated passenger charter flights.

This has long been treated under a special part of the regs for a special reason because these air ambulance flights provide a critical addition to our health care delivery system in this country and because the flights that they are involved in are genuinely a matter of life and death.

With that, I would ask my colleagues to support this protection of the current regulatory structure of these medical charter flights and prevent the reinterpretation of that structure.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. No Member seeking time in opposition, the question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PIERLUISI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112-46.

Mr. PIERLUISI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 161, line 18, strike "Alaska and Hawaii" and insert "Alaska, Hawaii, and Puerto Rico".

Page 164, line 19, strike "ALASKA AND HAWAII" and insert "ALASKA, HAWAII, AND PUERTO RICO".

Page 164, line 21, strike "Alaska and Hawaii" and insert "Alaska, Hawaii, and Puerto Rico".

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Puerto Rico (Mr. PIERLUISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico.

Mr. PIERLUISI. The Essential Air Service program, enacted in the wake of airline deregulation in 1978, ensures that smaller communities that were served by air carriers before deregulation continue to be served so that residents of these communities can access air travel. Nowhere is the Essential Air Service program more essential than in noncontiguous U.S. jurisdictions, like Puerto Rico, that are separate and distant from the U.S. mainland.

The bill already passed by the other body would make reforms to the EAS program going forward, but would continue the program, in effect. The bill before us would phase out the EAS program by October 2013, but would expressly authorize the Secretary of Transportation, if he or she deems it appropriate, to continue the program beyond that date in the noncontiguous jurisdictions of Alaska and Hawaii.

My amendment would provide the Secretary with the same reasonable discretion in the case of Puerto Rico. The sound arguments that militate in favor of allowing the Secretary this discretion with respect to Alaska and Hawaii apply with similar force with respect to Puerto Rico.

□ 1750

Like Alaska and Hawaii, Puerto Rico is a non-contiguous jurisdiction, separated by ocean from the U.S. mainland. Puerto Rico consists of multiple islands, three of which are home to resident populations and active airports: namely, the main island of Puerto Rico and the outer islands of Vieques and Culebra.

As in Alaska and Hawaii, not all communities in Puerto Rico are connected by road, and the nearly 4 million U.S. citizens residing in the territory rely heavily on aviation to connect to the national air transportation network. Federal support under the EAS program has made this essential connection possible for many of my constituents who face unique geographic challenges.

Continued operation of the EAS program in Puerto Rico is likely to cost the Federal Government only about \$1 million a year, roughly .06 percent of the total cost of the program in 2010. The EAS program is funded through FAA overflight fees, which apply to op-

erators of aircraft that fly in U.S.-controlled airspace, including Puerto Rico.

Mr. Chairman, based on an earlier discussion we had on the floor, I know my friend, the gentleman from Florida, is willing to work with me to address this matter as we move forward.

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

Mr. MICA. Mr. Chairman, I rise in opposition, although I am not in opposition. I ask unanimous consent to control the time.

The Acting CHAIR. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. MICA. First of all, I want to thank the gentleman for his leadership in representing so well the people of Puerto Rico. Also, again, Governor Fortuno, who preceded the current delegate. I talked to them about this situation, and they do indeed have an essential air problem. He cited Vieques and Culebra, for example, and I know even during the recent season they had ferry boat interruption service. There's no other way to get back and forth. And this does constitute Essential Air Service.

As I have said to the gentlewoman and the gentleman from North and South Dakota and the gentleman from Pennsylvania and now to the gentleman with Puerto Rico, I commit to work with them and will try to address their concerns. He has my commitment in that regard.

I understand he's going to withdraw his amendment, and I'm grateful for his cooperation and pledge to work with him.

I yield back the balance my time.

Mr. PIERLUISI. Mr. Chairman, I want to thank the gentleman from Florida for his kind words and for the commitment he has made to ensure that Puerto Rico is not overlooked in the deliberations about the Essential Air Service program. I cannot overstate the importance of air service for my constituents, especially those living in Ponce and Mayaguez, as well as the islands of Vieques and Culebra. Therefore, I look forward to working with the gentleman from Florida as well as with the ranking member of the committee of jurisdiction on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-46.

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 170, after line 12, insert the following:

(e) EXTENDING LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—Section 41718 (as amended by subsection (d)(1) of this section) is further amended by adding at the end the following:

“(h) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109, except that an air carrier may not use multi-aisle or widebody aircraft to provide the service authorized by this subsection.”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, first, I really do want to thank the chairman here for his hard work. Let's face it. This is a tough bill to put together. There's a lot of moving parts. And I truly appreciate the diligence that you and your staff have done to ensure that this FAA authorization continues to move forward.

The current DCA slots language in the bill does offer some relief to travel restrictions imposed by the DCA perimeter rule. It would make a handful of additional—what's the proper term?—“beyond perimeter” opportunities available, and those flying opportunities would probably go to new carriers or those with limited presence right now at Reagan National.

But there needs to be, and there really should be, more done. My amendment would allow carriers which currently have slots at National Airport to convert flights now servicing large hub airports inside the perimeter zone into flights serving any airport outside the perimeter zone. This approach would result in greater access for communities beyond the perimeter zone without adding any new flights and without jeopardizing service to small- and medium-sized communities. There is substantial support for the idea. There are many other ideas worth considering in this basic concept of dealing with this perimeter zone.

The perimeter rule restriction for flights coming in and out of Reagan National really are outdated. It's a vestige of a long time ago when the government thought really it should control and manage and, shall we say, manipulate markets. Whatever justification there might have been a long time ago, the perimeter rule has surely outlived its purpose. Our constituents, particularly those in the western part

of the country, are penalized by continued imposition of this perimeter rule. Broader relief of this rule, broader definition, broader expansion—this competition would benefit consumers and allow a better market to function for all of us.

I would like this opportunity to work with the chairman to achieve the result of more competition. This is a very important bill. This is important to us in the West, and I do believe we should broaden the scope of the perimeter rule.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I strongly oppose the gentleman's amendment. The gentleman may or may not know that this is the one issue that held us up from getting an FAA reauthorization bill in the last Congress. In fact, we could not get the bill out of the Senate because of this issue. It would, in fact, be an earmark for one airline.

I support the language that is currently in the bill. It's taken years for us to negotiate where we are with this issue, and I, again, strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I yield to the gentleman from Florida, the chairman of the Transportation Committee.

Mr. MICA. Again, I do have concerns and share the concerns of Mr. COSTELLO. This is a hard-fought provision.

I will guarantee the gentleman that I am aware of his concerns. I will work with him as the bill proceeds hopefully through the conference process. And I think you're doing an outstanding job in representing the constituencies who are affected who want those longer-distance services to come into our Nation's Capital.

Again, he has my strong commitment. I am hoping that he would withdraw the amendment at this time. I pledge to work with him, and I know Mr. COSTELLO will also work with the gentleman in that regard.

Mr. SCHWEIKERT. I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I rise to support the chairman of the committee, Mr. MICA, and the ranking member on this issue.

□ 1800

As the ranking member pointed out, this was the single issue. The amendment being offered by the gentleman from Arizona was identical to the dis-

pute which submarined this bill in the last session of Congress in the Senate. Essentially, it's a grab by, principally, one airline, but two airlines would get 70 percent of the benefit of his amendment. I think that's pretty much an earmark. It's pretty darned targeted.

What we've proposed and what the chairman has proposed is much more modest and builds upon the consensus of the House, the last two sessions of this House, and also the last two successful reauthorizations of the FAA, which said, let's have real competition. So it put up a small pool of slots to be competitively awarded to areas that are underserved, not to one airline so it can dictate who will get service and who won't, which is what the gentleman's amendment would do. This would be a competition for underserved cities and airlines which do not now have access to the airport.

This is very similar to what was done in AIR-21 and Vision-100. I believe it is an elegant solution to this that will not cause additional noise or problems at the airport, that will not give one airline a near monopoly or two airlines pretty much a duopoly. The market at National will give consumers on the west coast more options in getting to our Nation's capital and in utilizing National Airport.

So I appreciate the gentleman's advocacy for an airline which serves his State, but that airline doesn't serve mine or many other western States. I would urge opposition, and let's have a real competitive position, which is the position of the committee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCHWEIKERT. Mr. Chairman, in reclaiming whatever time I still may have remaining, I actually appreciate the comments.

My ultimate goal is: more competition, more options, more choices. In the quick conversation I just had with the chairman, he assured me that he'd be willing to work with all of the parties that want to reach this goal.

And so with unanimous consent, I would like to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 16 OFFERED BY MS.

RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112-46.

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 173, at the end of the matter following line 2, insert the following: “42304. Notification of flight status by text message or email.

Page 179, line 23, strike the closing quotation marks and the final period and insert the following:

§ 42304. Notification of flight status by text message or email

“Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least one percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

“(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier as a means of notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

“(2) the notification if the passenger requests the notification.”

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I thank you for this opportunity to bring my amendment forward. I want to point out that I actually brought forward this amendment back in 2009, and it was passed in this House back on May 21, 2009.

My amendment directs the FAA administrator to promulgate regulations within 180 days, giving consumers an option—I want to stress an “option”—for a text message or an email notification from carriers in the event of a delayed or a cancelled flight. The amendment would, consistent with existing regulations, apply only to carriers which earn at least 1 percent of the domestic passenger service market.

My purpose today is not to tell the airlines how to run their businesses or to instill any burden on the airlines. It is merely to ensure that hardworking men and women who are spending their dollars flying the airlines are given the basic information that they deserve and, as I would say, what they’ve already paid for. We can all tell horror stories of delayed and cancelled flights. Given the advances in technology and the widespread use of cell phones and smart phones nationwide, it is only reasonable to consider that we would utilize 21st century solutions for all of the American public, not just for some who can pay a little bit more for it.

My amendment will help to ensure that the traveling public will receive timely notifications of any flight delay or cancellation. I need not tell you that flight delays and cancellations continue to be a problem. In fact, the Bureau of Transportation reported that, in 2010, more than one out of every five flights was delayed.

Major choke points for travelers have taken place at large hubs, but they can occur anywhere. It is not uncommon that the airlines have prior knowledge of an upcoming delay, and that infor-

mation should be shared appropriately with the public. The airlines can simply send each passenger who has requested it an email or a text message, which would give those passengers more time to plan alternative routes or to notify their families.

Earlier this year, snow slammed the east coast and the Midwest. In the New York region alone, the storm caused thousands of cancelled flights at the Newark Airport. Customer service does matter, and in this case, it is something that all Americans deserve. Also, consider that it is in the economic interest of our country not to have thousands and thousands of people who are flying and who, unbeknownst to them, end up sleeping on the floor and running out of baby’s milk and diapers, having a need to get to their final points.

Let me suffice to say that, in consultation with my colleagues on the other side, with Mr. MICA and others as well as with those in the industry, I have committed to working with them as we go forward to make sure that we can eventually get to a point where we can provide the public with the information but not in a way that is burdensome. So, today, I will not ask for a recorded vote, but I look forward to working with my colleagues on the other side to establish a better process going forward, which the industry has also agreed to work with me on.

I reserve the balance of my time.

Mr. PETRI. I rise in opposition to the amendment.

The Acting CHAIR (Mr. SIMPSON). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. We really do support the intent of the gentlelady from California’s amendment, but in our opinion and without further work and review of it, it’s not something that is wise to codify into law at this particular juncture.

It is my understanding that all of the major air carriers do provide electronic notification of flight status. We want to review it to make sure of the scope of those, less the major carriers, and as to how this would work in practice so that it doesn’t result in litigation and not really greater consumer convenience. The industry has been moving. Since you called this to the attention of the industry back several years ago, it has been implemented by all of the major carriers. So progress is being made, and we’d like to work with you to make further progress, but we do oppose the amendment at this time.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Ms. RICHARDSON. I thank the gentleman on the other side for his willingness to work with me.

As I have just spoken to the industry individuals, actually, not all of them

have implemented it, so there is room to grow. Also, not necessarily all passengers are aware of the service or have access to it.

Suffice to say, I agree with your thoughts. Certainly, we’re not looking to do anything burdensome, and we’re certainly not looking for legal issues, but if we can figure out a way to work to get the best thing for the American public, that’s my objective.

I reserve the balance of my time.

Mr. PETRI. I understand the delegate from the District of Columbia would like to address this issue. I yield 2 minutes to our colleague, ELEANOR HOLMES NORTON.

Ms. NORTON. I appreciate my friend yielding me 2 minutes. I did not get an opportunity to speak on the last amendment. Although I’m from the region, I did want to reinforce why the compromise fashioned by the chairman and the ranking member is so important. Whenever this bill comes up, there is some individual, usually from the other body, who wants to expand the perimeter.

Dulles and Reagan are essentially airports under congressional control, and Congress has mandated a balance between Reagan and Dulles, and has allocated finances accordingly. Reagan is a short-distance airport. Dulles is the long-distance airport. Reagan has one primary runway. There were stories in the paper just recently about how hard it is, therefore, for planes to land there. Dulles has four times as many. The underuse of Dulles would, in fact, waste substantial investment that the Congress has put into this balance.

□ 1810

The compromise language does at least import competition; whereas, the original amendment would have been a windfall to one or two airlines.

So I very much appreciate this compromise. Remember, those of us in the region would prefer nothing outside of the perimeter, but we’re always willing to work with the chairman and with others on the committee, and I am grateful for the compromise that has been accepted, and I’m very grateful that the gentleman from Arizona has been kind enough to withdraw his amendment.

Ms. RICHARDSON. Mr. Chairman, the flying public should have the peace of mind of knowing that, if they so choose, they’re armed with the latest information regarding their flight delays. This is what our American public has right now.

As this bill continues, I pledge to continue to work with Mr. PETRI, Mr. MICA, and our ranking member, Mr. COSTELLO, as we continue to work to make sure that the airlines can come up with a solution that will benefit all of the flying public here in America, a solution that does not burden the consumers or the industry, that can allow

us to get to our objective, which is for people to fly safely and to be appropriately informed.

I urge my colleagues to continue to work on this issue.

I yield back the balance of my time.

Mr. PETRI. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. RICHARDSON).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-46.

Mr. CAPUANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 189, after line 13, insert the following (and conform the table of contents accordingly):

SEC. 434. BAGGAGE FEE REFUNDS.

An air carrier that collects a fee from a passenger for checked baggage on a flight operated by the carrier in scheduled passenger air transportation or intrastate air transportation shall refund the fee, not later than 60 days after the date of the flight, if the baggage is lost, delayed, or damaged. A refund required under this section shall be in addition to compensation required under any other provision of law.

SEC. 435. NOTIFICATION REQUIREMENTS REGARDING THE SALE OF AIRLINE TICKETS.

(a) NOTICE OF FEES.—Section 41712 is amended by adding at the end the following:

“(d) NOTICE OF FEES.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier or foreign air carrier to fail to disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket, the cost of checking one or more pieces of baggage on the flight.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided by—

“(A) requesting the individual purchasing the ticket to indicate the number of bags the individual intends to check on the flight, when the individual is providing other flight and airport information; and

“(B) informing the individual of the cost associated with checking such baggage when a fare quote is first provided.”

(b) SHARING OF INFORMATION.—To carry out the amendment made by subsection (a), the Secretary of Transportation shall prescribe any requirements necessary to ensure that consumers are provided with information about baggage fees prior to the sale of a ticket, including requiring that pertinent information is adequately shared between carriers and ticket agents with which carriers have an agency appointment or other contract.

(c) CONTRACTUAL RELATIONSHIPS.—Nothing in this section, including the amendments by this section, shall be construed to require—

(1) an air carrier or foreign air carrier to enter into an agency appointment or other contract with a ticket agent; or

(2) an air carrier or foreign air carrier to provide information to a ticket agent with which the carrier does not have an agency appointment or other contract.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, this amendment is very simple. It does two simple things. We worked with the Department of Transportation to make sure that we don't step on any toes.

Very simply, it requires any airline charging a baggage fee to tell us what it is so that when you want to go online and get a hundred dollar ticket, you know it's going to cost you \$120 for the baggage or whatever. Very simple. It also requires them to share that information with any other aggregator that they already have a contract with. It does not require them to share that information with people that they do not do contract work with.

The second thing it does is it simply says, if you collect a baggage fee and you lose that bag, that you have to refund the baggage fee. Very simple.

Two items, consumer protection. Everybody who travels, everybody who flies knows that these two issues have become problems. They are being unaddressed. DOT is looking at some regulations. They haven't done it yet. There is nothing in this bill that would interfere with that activity.

Therefore, Mr. Chairman, I would respectfully request that this amendment be adopted.

I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. First of all, I greatly respect the gentleman's intent. I strongly favor the disclosure of fees by airlines. I think that fees ought to be refunded when bags arrive late, damaged, or just lost.

However, as drafted, the amendment goes far beyond that and allows, again, some unfairness to contractual agreements, first of all, with global distribution systems and ticket agents. This requirement tips the scales in favor of global distribution systems and their business relationships with airlines, and global distribution systems are not charitable organizations. They're owned by private equity firms, hedge funds, and exist to make money in the travel industry, and we would tip the balance in this requirement for them.

I favor part of what the gentleman's trying to do, but as crafted, I have to oppose the amendment because of that provision.

I yield back the balance of my time.

Mr. CAPUANO. Mr. Chairman, I respect the chairman's opinion, but I respectfully disagree. There is nothing in this proposal, as drafted at the moment, that would require anyone to disclose any information to anyone they are not already giving information to. If an airline is already doing work with Orbitz or Expedia or KAYAK or any of those, they're already giving them all of the information.

All this says, if when you go onto one of those Web sites, if they are already working with them. Some of them don't work with them at all. That's their prerogative. There's nothing that requires that. It simply says, if you are working with them, you have to add in the baggage fee. That's all it does. It's simply allowing people to make informed decisions as to how much they want to pay to actually travel with their own bags, not a very difficult thing.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the ranking member.

Mr. COSTELLO. I thank the gentleman for yielding.

I think it is worth pointing out that last July Mr. PETRI and I held a hearing at the Aviation Subcommittee, and we had the GAO come in. It was on consumer issues, and not only the GAO but also consumer groups came in, and the message was clear from every witness that had consumers' interests in mind.

Number one, these fees were excessive. Two, information about baggage fees should be transparent and immediately disclosed so that consumers can compare the total cost of flights offered of the different carriers.

So, this legislation helps bring more equity and transparency to the process. I urge my colleagues to support it.

Mr. CAPUANO. Mr. Chairman, I would like to put into the RECORD a letter of support by Flyers Rights, the largest flying public representative in the country.

MARCH 21, 2011.

Hon. JOHN MICA,
Chairman, House Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MICA: Congressman Michael E. Capuano recently introduced H.R. 712, which would require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare. This bill addresses two serious problems for air travellers, and the 33,000 members of FlyersRights.org strongly support this legislation.

The first problem is all too familiar to anyone who flies frequently. About 10,000 bags a day are mishandled—lost, damaged, or delayed—and passenger recourse has always been limited. Lost or damaged bag incidents may result in some compensation. However, most airlines now charge fees for checked baggage. When a bag is lost, damaged, or delayed, they are under no obligation to return

those fees, even though they have failed to perform the contract implied by passengers' paying for bag delivery to destination. Clearly, airlines should not profit from performance failures.

The second problem is relatively new. Most airlines increasingly turn to unbundled, ancillary fees to boost their profit. These fees, not a part of the advertised ticket price, make it difficult for travellers to determine true trip cost. Mr. Capuano's bill would force airlines to proactively inform consumers of baggage charges before the travellers purchase tickets. This fee disclosure was made mandatory by a May, 2008, DOT rulemaking, but needs to become a part of public law. H.R. 712 complements and builds on DDT's rulemaking by requiring airlines to ask customers if they'll be checking baggage when providing a fare quote, and to then include that fee in their quote. It would also apply to ticket agents and fare aggregators, where it will probably be most useful.

I again stress that FlyersRights.org strongly supports this legislation and views it as a strong step forward for airline passenger rights.

Sincerely,

KATE HANNI,
Founder and Executive Director,
FlyersRights.org.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAPUANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112-46.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, after line 2, insert the following:
 (b) LABOR MANAGEMENT RELATIONS.—

(1) EXCLUSION FROM THE EXCEPTION.—Section 40122(g)(2)(C) is amended by inserting after "chapter 71" the following: "(other than subsections (a), (c) and (d) of section 7131)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, except that such amendment shall not have the effect of causing official time to be denied or otherwise made unavailable for purposes of—

(A) the negotiation of a collective bargaining agreement, if commenced before such date of enactment;

(B) any proceeding before the Federal Labor Relations Authority, if commenced before such date of enactment; or

(C) any other matter pending on such date of enactment, in connection with which any

official time has been used or granted before such date.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise today to offer an amendment with my good friend Mr. TODD ROKITA from Indiana that will increase efficiency in the FAA and uphold the integrity of taxpayer dollars.

In fiscal year 2008, the Office of Personnel Management conducted an extensive survey of 61 Federal agencies and found that nearly 3 million work-hours and over 120 million taxpayer dollars were spent on union activities during official work-related time. This amendment prohibits Federal employees of the FAA from using official taxpayer-sponsored time on these activities.

By offering this amendment, I intend to limit Federal activity during normal business hours to the people's work and not for constantly bargaining with one's employer, arbitrating grievances, or organizing and carrying out internal union activities. Labor organizations must participate in these actions outside of official time and without the use of taxpayers' hard-earned dollars.

Mr. Chairman, the current collective bargaining agreement between the FAA and air traffic controllers allows for nine Federal employees to spend their—get this—their entire work year on behalf of the union. Let me be abundantly clear. Nine Federal employees are paid by taxpayers for absolutely no official work on their behalf.

So this amendment in no way inhibits an employee's right to participate in collective bargaining or arbitration even though union representatives generally drag these activities out for months to years, costing taxpayers a tremendous amount of money.

Opponents of this amendment will inevitably say that union representatives cannot use any official time for political activity and only for work-related purposes. However, Mr. Chairman, during the CR debate on H.R. 1 two weeks ago, a Federal employee working for the EPA sent Members an email at 2:47 p.m. in the afternoon with a letter attached that opposed an amendment, literally stating "official time cannot be used for any political activities." I find it hard to believe how this letter does not constitute a political activity for which this Federal employee clearly evaded his official work responsibilities, in the middle of the work day, in order to weigh in on a political matter on behalf of his union.

NATIONAL COUNCIL OF EPA LOCALS
 COUNCIL #238, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
 (AFL-CIO),

Chicago, IL, February 18, 2011.

AN OPEN LETTER TO CONGRESS

DEAR HONORED MEMBER OF CONGRESS: As President of the American Federation of Government Employees (AFGE) National Council of EPA Locals #238, representing more than 10,000 U.S. Environmental Protection Agency Federal civilian employees across America, I am writing to ask you to oppose any efforts to include in H.R. 1, the FY2011 Continuing Resolution, the Gingrey Amendment #185, the Rokita Amendment #209, or any other amendment to eliminate the use of official time for union representation across the federal government.

In the 1978 Civil Service Reform Act (the Act), Congress expressly stated its belief that collective bargaining not only "safeguards the public interest," but "contributes to the effective conduct of public business," and "facilitates and encourages the amicable settlement of disputes. . ." Under the provisions of the Act, federal employees represented by a union can be granted official time, or the ability to perform representational activities during work hours, for certain activities that are in the joint interest of both the union and the agency. Official time is allowed for negotiating collective bargaining agreements, handling employee grievances, and conducting and receiving training. It cannot be used for conducting internal union matters, organizing workers, soliciting members or any partisan political activities. It promotes efficiency and efficient resolution of complaints within the federal workforce.

It is important to note that as part of the Act of 1978, Congress requires federal employee unions to work on behalf of all employees in a bargaining unit regardless of whether or not they pay dues. Moreover, the Congress prohibits federal employee representatives from even collecting a fair-share payment or fee when they handle grievances for non-members or arbitrate cases on their behalf. In other words, non-members get the proverbial free lunch; they contribute not a dime, yet they benefit directly from the hard-fought bargaining gains and skilled representation that organizations representing federal employees are compelled by law to provide equally to both members and non-members.

In exchange for being saddled with these responsibilities, the Congress allowed federal employee unions to bargain with agencies over official time, by which federal employees who are also union representatives can fulfill obligations to their members and non-members while on duty status. Some Members of Congress have advocated cutting the salaries and benefits of those who serve the public as employees of the federal government. These employees are the individuals who secure our borders, keep terrorists behind bars, get Social Security checks out on time, ensure a safe food supply, make sure Americans have clean water and air, and care for our wounded veterans, but they have been unfairly painted as the cause of our country's economic troubles.

Use of reasonable amounts of official time has been supported by government officials of both political parties for some 50 years. The recent opposition to official time has nothing to do with deficit reduction and everything to do with taking away Federal Employees' right to union representation. It is an attempt to make the grievance process

meaningless so that an employee who has been the victim of race or gender discrimination, sexual harassment, unfair denial of Family Medical Leave Act (FMLA) leave, or unsafe working conditions would have no representative to contact.

Private industry has known for years that a healthy and effective relationship between labor and management improves customer service and is often the key to survival in a competitive market. The same is true in the federal government. No effort to improve governmental performance—whether it's called reinvention, restructuring, or reorganizing—will thrive in the long haul if labor and management maintain an arms-length, adversarial relationship. In an era of downsizing and tight budgets, it is essential that unions have official time so that management and labor have a stable and productive working relationship that allows for collaboration in delivering the highest quality and most effective services to the American people.

This mean-spirited attack on Federal civilian employees is not only bad policy and demoralizing, but also erodes the faith of the American people that Congress can be counted on to provide them with even basic government services.

I urge you to vote "no" on the Gingrey Amendment #185, the Rokita Amendment #209 and any other amendment to eliminate the use of official time for union representation across the federal government.

Respectfully,

CHARLES ("CHUCK O") ORZEHOSKIE,
President, AFGE Council 238.
JOHN J. O'GRADY,
Treasurer, AFGE Council 238.

□ 1820

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. The amendment unfairly singles out the FAA unionized employees from all other Federal employees. Under Federal law, an employee representing a union has a right to receive "official time" to negotiate a collective bargaining agreement and participate in impasse proceedings. In addition, the law permits an agency and a union to negotiate the availability of official time as long as the time is "reasonable, necessary, and in the public interest."

Mr. Chairman, additionally, the purpose of the official time is to give Federal employees the opportunity to represent their colleagues on issues ranging from discrimination to managerial misconduct and to resolve disputes in a cooperative fashion at the lowest level rather than resorting to the costly litigation. The cost of arbitrating one case is estimated to be at least \$10,000, and that does not include the salary and expenses for the time spent by the two attorneys the FAA uses on every case.

Mr. Chairman, I would respectfully submit this is an issue that should be left to be negotiated between the agency and the employees.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, I yield 10 seconds to the gentleman from Florida (Mr. MICA), the committee chairman.

Mr. MICA. I would like to submit this letter of support for the RECORD.

ASSOCIATION OF AIR MEDICAL
SERVICES,
Alexandria, VA, March 25, 2011.

Hon. JOHN MICA,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

Hon. THOMAS PETRI,
Chairman, Subcommittee on Aviation, Com-
mittee on Transportation and Infrastruc-
ture, House of Representatives, Washington,
DC.

Hon. NICK RAHALL,
Ranking Member, Committee on Transportation
and Infrastructure, House of Representa-
tives, Washington, DC.

Hon. JERRY COSTELLO,
Ranking Member, Subcommittee on Aviation,
Committee on Transportation and Infra-
structure, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN MICA, RANKING MEMBER RAHALL, CHAIRMAN PETRI, RANKING MEMBER COSTELLO: The Association of Air Medical Services (AAMS) greatly appreciates your efforts to enact an overdue, long-term reauthorization of the Federal Aviation Administration (FAA). We are also appreciative of your comprehensive efforts to address the safety concerns of the air medical industry within the reauthorization legislation.

Like others in the air medical industry, AAMS is committed to efforts to improve the safety infrastructure for air medical providers, crews, and the patients they serve. Your bill contains a number of provisions that address rapidly-emerging technology and other practices that will surely benefit the industry's efforts for increased safety.

As you know, the FAA has been operating without a long-term authorization since 2007. The uncertainty of operating without a long-term authorization makes it difficult for the FAA to move forward with badly needed investments to improve the aviation infrastructure, and in particular the low-altitude infrastructure. As such, it is critical the FAA reauthorization process is completed as quickly as possible. AAMS urges the House to act on FAA reauthorization as soon as possible so that the process can expeditiously move toward completion and bring long-needed stability to FAA operations.

Again, thank you for your efforts on this important issue. As always, please do not hesitate to call upon AAMS if we can be of further assistance.

Sincerely,

DANIEL G. HANKINS, MD,
President.

DAWN MANCUSO,
Executive Director/CEO.

MARCH 30, 2011.

As proponents of safe and reliable lithium battery transportation regulations, we urge you to support language in the Mica Manager's Amendment to H.R. 658, which would ensure that U.S. regulations governing air shipments of lithium batteries and products containing them conform to international standards established by the International Civil Aviation Organization (ICAO). Harmonization of these regulations will enhance safety and minimize the harsh economic consequences and other burdens of complying with multiple or inconsistent requirements

for transporting our products to and from the U.S. For these reasons, we also strongly oppose the Filner Amendment, which would prevent harmonization.

Over 81% of laptops, 67% of cellular phones and 69% of the lithium batteries used to power these devices that are sold in the U.S. are shipped by air into the U.S. All told, billions of lithium and lithium battery-containing products are shipped safely every year. In fact, there has not been a reported incident in transportation involving such a battery or battery-powered product that was packaged in accordance with the ICAO regulations.

These batteries and products containing them are used in various forms in nearly every aspect of our lives. We depend on them in our jobs, personal lives, and for life-saving medical procedures. Moreover, the U.S. military uses a significant number of lithium battery-powered products to train soldiers at home and in battlefield operations abroad. Some everyday use products that contain lithium batteries include laptops, cellular phones, portable music/video devices, navigation/GPS systems, cameras, smoke/security alarms and power tools. In addition, a number of life-saving and life-enhancing medical devices are powered by these batteries such as pacemakers, defibrillators, spinal cord stimulators, portable oxygen concentrators and blood glucose monitors.

Unfortunately, the Department of Transportation (DOT) has published a proposed rulemaking that would require consumer-type lithium batteries and products containing them to be shipped as fully-regulated hazardous materials when shipped by air as cargo. We also understand DOT has drafted a second lithium battery rulemaking that may be published later this year. Our coalition believes that DOT's proposed rule on lithium batteries far exceeds what is necessary to achieve safety benefits and will impose drastic costs on consumers, retailers, and manufacturers of batteries, electronic equipment and medical devices. If DOT is allowed to move forward with their rulemakings, the following consequences would likely ensue:

\$1.1 billion impact on industry in the first year of implementation

Advantage foreign businesses over U.S. businesses

Delays in shipping lithium batteries and equipment needed by our military

U.S. consumers will be forced to pay higher prices for consumer electronics and countless other devices that rely on safe lithium batteries for their power source

Severe supply chain disruptions and delays as well as untold job loss

Delays in shipping life-saving medical equipment and increased medical costs

Re-routing of trade to other countries to avoid complying with onerous new U.S. regulations

Create safety concerns regarding confusion over which rules apply when shipping lithium battery products

As our nation works to climb out of an economic downturn, these anticipated consequences are unacceptable for manufacturers, technology innovators, retailers, medical-device manufacturers, air carriers and other impacted industries. The solution, and the best way to promote safety, is to harmonize U.S. regulations with the ICAO regulations. Again, we urge you to support the Mica Manager's Amendment to H.R. 658 and oppose the Filner Amendment's attempt to prevent harmonization.

AdvaMed, Airforwards Association, Air Transport Association, Association of Home

Appliance Manufacturers, AT&T, Boston Scientific, Cargo Airline Association, Consumer Electronics Association, Consumer Electronics Retailers Coalition, CTIA—The Wireless Association, Dangerous Goods Advisory Council, DHL, Express Association of America, FedEx Corporation, Garmin, Hewlett-Packard, International Air Transport Association.

Information Technology Industry Council, Johnson Controls, Motorola Mobility, Motorola Solutions, National Association of Manufacturers, National Electrical Manufacturers Association, National Retail Federation, Power Tool Institute, PRBA—The Rechargeable Battery Association, Retail Industry Leaders Association, Samsung SDI, Security Industry Association, Sony, UPS, U.S. Chamber of Commerce, The International Air Cargo Association.

Mr. GINGREY of Georgia. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA).

The Acting CHAIR. The gentleman from Indiana is recognized for 2¼ minutes.

Mr. ROKITA. Mr. Chairman, I would like to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the time.

The highest honor and privilege of my professional career so far has, with all due respect, not been in this Chamber but was the 8 years that I served as Indiana's secretary of State. I have run a government agency. We run it on 1987 dollars, unadjusted for inflation. The secretary of State's office in Indiana right now spends no more money than it did in 1987—again, unadjusted for inflation. We had no more employees than we did in 1982. From that experience, I can say the worst thing you can do for government efficiency, if you really are interested in serving the people, is to have your employees distracted by anything else but the people's business.

The scope of this problem at the Federal level I find absolutely stunning. According to the Office of Policy Management, in 2008 the Federal workers were paid 2.9 million hours spent on union business. Let me say that again. We pay, as American taxpayers, for 2.9 million hours of union negotiations. That means we have spent \$120 million for people to negotiate for a different or better job, not for them to even do their actual job.

Certain union representatives at the FAA are allowed to spend 80 hours each pay period doing union business, not the work of the people of this Nation. Last time I checked, that's 2-weeks' worth of work the entire pay period. So a union representative could spend each year being paid by the taxpayers and only working on union business. How is that fair to the American taxpayers, Mr. Chairman, who are footing this bill? This must stop.

In case the Members here haven't heard, this country is broke. We are borrowing money at a record pace and assigning the bill to our children and

grandchildren, Mr. Chairman. We simply cannot continue to waste taxpayer dollars on work that benefits only a chosen few.

Please support this amendment, I urge my colleagues. Put money back into the pockets of American families, and let union negotiators work on their own time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-46 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MICA of Florida.

Amendment No. 7 by Mr. GARRETT of New Jersey.

Amendment No. 9 by Mr. DEFAZIO of Oregon.

Amendment No. 10 by Ms. HIRONO of Hawaii.

Amendment No. 17 by Mr. CAPUANO of Massachusetts.

Amendment No. 18 by Mr. GINGREY of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 168, not voting 13, as follows:

[Roll No. 207]
AYES—251

Adams	Bachus	Bilbray
Aderholt	Barletta	Bilirakis
Akin	Bartlett	Bishop (UT)
Alexander	Bass (NH)	Black
Amash	Benishek	Blackburn
Austria	Berg	Bonner
Bachmann	Biggert	Bono Mack

Boren	Heck	Platts
Boustany	Heller	Poe (TX)
Brady (TX)	Hensarling	Polis
Brooks	Herger	Pompeo
Broun (GA)	Herrera Beutler	Posey
Buchanan	Huelskamp	Price (GA)
Bucshon	Huizenga (MI)	Quayle
Buerkle	Hultgren	Reed
Burgess	Hunter	Rehberg
Calvert	Hurt	Reichert
Camp	Issa	Renacci
Canseco	Jenkins	Ribble
Cantor	Johnson (IL)	Rigell
Capito	Johnson (OH)	Rivera
Carter	Johnson, Sam	Roby
Cassidy	Jones	Roe (TN)
Chabot	Jordan	Rogers (AL)
Chaffetz	Kelly	Rogers (KY)
Chandler	King (IA)	Rogers (MI)
Coble	King (NY)	Rohrabacher
Coffman (CO)	Kingston	Rokita
Cohen	Kinzinger (IL)	Rooney
Cole	Kissell	Ros-Lehtinen
Conaway	Kline	Roskam
Cravaack	Labrador	Ross (AR)
Crawford	Lamborn	Ross (FL)
Crenshaw	Lance	Royce
Cuellar	Landry	Runyan
Culberson	Lankford	Ruppersberger
Davis (KY)	Latham	Ryan (WI)
Denham	LaTourette	Scalise
Dent	Latta	Schilling
DesJarlais	Lewis (CA)	Schmidt
Diaz-Balart	Lipinski	Schock
Dold	LoBiondo	Schrader
Donnelly (IN)	Long	Schweikert
Dreier	Lucas	Scott (SC)
Duffy	Luetkemeyer	Scott, Austin
Duncan (SC)	Lummis	Scott, David
Duncan (TN)	Lungren, Daniel	Sensenbrenner
Ellmers	E.	Sessions
Emerson	Mack	Shimkus
Farenthold	Manzullo	Shuler
Fincher	Marchant	Shuster
Fitzpatrick	Marino	Simpson
Flake	McCarthy (CA)	Smith (NE)
Fleischmann	McCaul	Smith (NJ)
Fleming	McClintock	Smith (TX)
Flores	McCotter	Southerland
Forbes	McHenry	Stearns
Fortenberry	McIntyre	Stivers
Fox	McKeon	Stutzman
Franks (AZ)	McKinley	Sullivan
Galleghy	McMorris	Terry
Gardner	Rodgers	Thompson (PA)
Garrett	Meehan	Thornberry
Gibbs	Meeks	Tiberi
Gibson	Mica	Tipton
Gingrey (GA)	Miller (FL)	Turner
Gohmert	Miller (MI)	Upton
Goodlatte	Miller, Gary	Walberg
Gosar	Mulvaney	Walden
Gowdy	Murphy (PA)	Walsh (IL)
Granger	Myrick	Webster
Graves (GA)	Neugebauer	West
Graves (MO)	Noem	Westmoreland
Griffin (AR)	Nugent	Whitfield
Griffith (VA)	Nunes	Wilson (SC)
Grimm	Nunnelee	Wittman
Guinta	Olson	Wolf
Guthrie	Palazzo	Womack
Hall	Paul	Woodall
Hanna	Paulsen	Yoder
Harper	Pearce	Young (AK)
Harris	Pence	Young (FL)
Hartzler	Peterson	Young (IN)
Hastings (WA)	Petri	
Hayworth	Pitts	

NOES—168

Ackerman	Braley (IA)	Cleaver
Altmire	Brown (FL)	Clyburn
Andrews	Butterfield	Connolly (VA)
Baca	Capps	Conyers
Baldwin	Capuano	Cooper
Barrow	Cardoza	Costa
Bass (CA)	Carnahan	Costello
Becerra	Carney	Courtney
Berkley	Carson (IN)	Critz
Berman	Castor (FL)	Crowley
Bishop (GA)	Chu	Cummings
Bishop (NY)	Cielline	Davis (CA)
Blumenauer	Clarke (MI)	Davis (IL)
Boswell	Clarke (NY)	DeFazio
Brady (PA)	Clay	DeGette

DeLauro Kind
Deutch Kucinich
Dicks Langevin
Dingell Larsen (WA)
Doggett Larson (CT)
Doyle Lee (CA)
Edwards Levin
Ellison Lewis (GA)
Engel Loebsock
Eshoo Sarbanes
Farr Lofgren, Zoe
Filner Lowey
Frank (MA) Lujan
Fudge Lynch
Garamendi Maloney
Gonzalez Markey
Green, Al Matheson
Green, Gene Matsui
Grijalva McCarthy (NY)
Gutierrez McCollum
Hanabusa McDermott
Hastings (FL) McGovern
Heinrich McNeerney
Higgins Michaud
Himes Miller (NC)
Hinchey Miller, George
Hinojosa Moore
Hirono Murphy (CT)
Holden Nadler
Holt Napolitano
Honda Neal
Hoyer Oliver
Insole Owens
Israel Pallone
Jackson (IL) Pascrell
Jackson Lee Pastor (AZ)
 (TX) Payne
Johnson (GA) Peters
Johnson, E. B. Pingree (ME)
Kaptur Price (NC)
Keating Quigley
Kildee Rahall
 Rangel

NOT VOTING—13

Barton (TX) Gerlach
Burton (IN) Giffords
Campbell Moran
Fattah Pelosi
Frelinghuysen Perlmutter

□ 1848

Ms. ZOE LOFGREN of California and Mr. HOLDEN changed their vote from “aye” to “no.”

Messrs. POLIS and ROSS of Arkansas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Mr. Chair, on rollcall No. 207, had I been present, I would have voted “no.”

AMENDMENT NO. 7 OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 303, not voting 9, as follows:

[Roll No. 208]
AYES—120
Altmire
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Boren
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Coffman (CO)
Connolly (VA)
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Garrett
Gibson
Gohmert
Gonzalez
Grijalva
Richardson
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
 T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weimer
Welch
Woolsey
Wu
Gutierrez
Hanabusa
Harris
Hayworth
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jordan
Kaptur
Keating
Kildee
King (IA)
Kissell
Kucinich
Lance
Langevin
Larson (CT)
Lee (CA)
Lofgren, Zoe
Lujan
Lynch
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McDermott
McNeerney
Meehan
Miller (NC)
Miller, George

NOES—303

Ackerman
Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bass (NH)
Benishek
Berg
Berkley
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Buchon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Portenberry
Foxy
Franks (AZ)

Lamborn
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsock
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
 E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
McCaull
McClintock
McCollum
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Mulvaney
Murphy (CT)
Nunes
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Peters
Pingree (ME)
Pitts
Polis
Reyes
Ribble
Roskam
Rothman (NJ)
Ruppersberger
Ryan (WI)
Sánchez, Linda
 T.
Sanchez, Loretta
Schakowsky
Schweikert
Scott (VA)
Sewell
Sires
Slaughter
Speier
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walsh (IL)
Watt
Wilson (FL)
Woolsey
Wu

Nunnelee
Olson
Olver
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)

NOT VOTING—9

Barton (TX) Fattah
Burton (IN) Frelinghuysen
Campbell Gerlach

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
Thirty seconds remain in this vote.

□ 1856

Mrs. NAPOLITANO, Ms. BROWN of Florida, Ms. RICHARDSON, and Messrs. RANGEL, WAXMAN, and RUSH changed their vote from “aye” to “no.”

Ms. SLAUGHTER and Mr. CICILLINE changed their vote from “no” to “aye.”

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:
Mr. MARKEY. Mr. Chair, during rollcall vote number 208 on H.R. 658, on the Garrett of NJ amendment, I mistakenly recorded my vote as “no” when I should have voted “yes.”

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 8, as follows:

[Roll No. 209]

AYES—161

Ackerman Higgins Pallone
Altmire Himes Pascrell
Andrews Hinchey Payne
Baldwin Hinojosa Pelosi
Bass (CA) Hirono Perlmutter
Becerra Holden Peters
Berkley Holt Peterson
Berman Honda Pingree (ME)
Bishop (NY) Hoyer Poe (TX)
Blumenauer Inslee Polis
Brady (PA) Israel Price (NC)
Braley (IA) Jackson (IL) Quigley
Brown (FL) Jackson Lee Rahall
Capps (TX) Rangel
Capuano Johnson (GA) Richardson
Cardoza Johnson, E. B. Rothman (NJ)
Carnahan Jones Roybal-Allard
Carney Kaptur Ruppersberger
Carson (IN) Keating Rush
Chu Kildee Sánchez, Linda T.
Ciçilline Kind Sarbanes
Clarke (MI) Kissell Schakowsky
Clarke (NY) Kucinich Schiff
Cleverer Langevin Schrader
Cohen Larson (CT) Schwartz
Connolly (VA) Lee (CA) Scott (VA)
Conyers Levin Serrano
Costa Lewis (GA) Sewell
Costello Lipinski Sherman
Courtney LoBiondo Shuler
Crowley Lofgren, Zoe Shuler
Cummings Lowey Sires
Davis (CA) Luján Slaughter
Davis (IL) Lynch Speier
DeFazio Mack Stark
DeGette Maloney Sutton
DeLauro Markey Thompson (CA)
Deutsch Matsui Thompson (MS)
Dicks McCarthy (NY) Tierney
Dingell McCollum Tonko
Doggett McCotter Towns
Donnelly (IN) McGovern Tsongas
Edwards McNerney Van Hollen
Ellison Michaud Velázquez
Engel Miller (NC) Huelskamp
Eshoo Miller, George Huiזenga (MI)
Filner Moore Hunter
Fudge Moran Walz (MN)
Garamendi Moran Wasserman
Green, Al Murphy (CT) Schultz
Green, Al Murphy (PA) Waters
Grijalva Nadler Waxman
Gutierrez Napolitano Welch
Hanabusa Neal Wilson (FL)
Hastings (FL) Olver Woolsey
Heinrich Owens Wu

NOES—263

Adams Bishop (GA) Camp
Aderholt Bishop (UT) Canseco
Akin Black Cantor
Alexander Blackburn Capito
Amash Bonner Carter
Austria Bono Mack Cassidy
Baca Boren Castor (FL)
Bachmann Boswell Chabot
Bachus Boustany Chaffetz
Barletta Brady (TX) Chandler
Barrow Brooks Clay
Bartlett Broun (GA) Clyburn
Bass (NH) Buchanan Coble
Benishek Bucshon Coffman (CO)
Berg Buerkle Cole
Biggert Burgess Conaway
Billray Butterfield Cooper
Bilirakis Calvert Cravaack

Crawford Johnson (OH) Reyes
Crenshaw Johnson, Sam Ribble
Critz Jordan Rigell
Cuellar Kelly Rivera
Culberson King (IA) Roby
Davis (KY) King (NY) Roe (TN)
Denham Kingston Rogers (AL)
Dent Labrador Rogers (KY)
DesJarlais Kinzinger (IL) Rogers (MI)
Diaz-Balart Kline Rohrabacher
Dold Lamborn Rokita
Doyle Lance Rooney
Dreier Landry Ros-Lehtinen
Duffy Lankford Roskam
Duncan (SC) Larsen (WA) Ross (AR)
Duncan (TN) Latham Ross (FL)
Ellmers LaTourette Royce
Emerson LaTta Runyan
Farenthold Lewis (CA) Ryan (OH)
Farr Loeb sack Ryan (WI)
Fincher Long Sanchez, Loretta
Fitzpatrick Lucas Scalise
Flake Luetkemeyer Schilling
Fleischmann Lummis Schmidt
Fleming Lungren, Daniel Schock
Flores E. Schweikert
Forbes Manullo Scott (SC)
Fortenberry Marchant Scott, Austin
Foxy Marino Scott, David
Frank (MA) Matheson Sensenbrenner
Franks (AZ) McCarthy (CA) Sessions
Gallegly McCaul Shimkus
Gardner McClintock Shuster
Garrett McDermott Simpson
Gibbs McHenry Smith (NE)
Gibson McIntyre Smith (NJ)
Gingrey (GA) McKeon Smith (TX)
Gohmert McKinley Smith (WA)
Gonzalez McMorris Southernland
Goodlatte Rodgers Stearns
Gosar Meehan Stivers
Gowdy Meeks Stutzman
Granger Mica Sullivan
Graves (GA) Miller (FL) Terry
Graves (MO) Miller (MI) Thompson (PA)
Green, Gene Miller, Gary Thornberry
Griffin (AR) Mulvaney Tiberi
Griffith (VA) Myrick Tipton
Grimm Neugebauer Turner
Guinta Noem Upton
Guthrie Nugent Walberg
Hall Nunes Walden
Hanna Nunnelee Walsh (IL)
Harper Olson Watt
Harris Palazzo Webster
Hartzler Pastor (AZ) Weiner
Hastings (WA) Paul West
Hayworth Paulsen Westmoreland
Heck Pearce Whitfield
Heller Pence Wilson (SC)
Hensarling Petri Wittman
Herger Pitts Wolf
Herrera Beutler Platts Womack
Huelskamp Pompeo Woodall
Huiזenga (MI) Posey Yarmuth
Hultgren Price (GA) Yoder
Hunter Quayle Young (AK)
Hurt Reed Young (FL)
Issa Rehberg Young (IN)
Jenkins Reichert
Johnson (IL) Renacci

NOT VOTING—8

Barton (TX) Fattah Giffords
Burton (IN) Frelinghuysen Richmond
Campbell Gerlach

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1900

Messrs. RUSH and CONYERS changed their vote from “no” to “aye.” So the amendment was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LOEB SACK. Mr. Chair, I mistakenly cast my vote on this measure as a “no” vote.

I intended to cast an “aye” vote on this measure.

AMENDMENT NO. 10 OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 17, as follows:

[ROLL NO. 210]

AYES—174

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

NOES—241

□ 1903

Adams Gosar Olson
 Aderholt Gowdy Owens
 Akin Granger Palazzo
 Alexander Graves (GA) Paul
 Altmire Graves (MO) Paulsen
 Amash Griffin (AR) Pearce
 Austria Griffith (VA) Pence
 Bachmann Grimm Peterson
 Bachus Guinta Petri
 Barletta Guthrie Pitts
 Bartlett Hall Platts
 Bass (NH) Hanna Poe (TX)
 Benishek Harper Pompeo
 Biggert Harris Posey
 Bilbray Hartzler Price (GA)
 Bilirakis Hastings (WA) Quayle
 Bishop (UT) Hayworth Reed
 Black Heck Rehberg
 Blackburn Heller Reichert
 Bonner Hensarling Renacci
 Bono Mack Herger Ribble
 Boren Huelskamp Rigell
 Boustany Huizenga (MI) Rivera
 Brooks Hultgren Roby
 Broun (GA) Hunter Roe (TN)
 Buchanan Hurt Rogers (AL)
 Bucshon Issa Rogers (KY)
 Buerkle Jenkins Rogers (MI)
 Burgess Johnson (IL) Rohrabacher
 Calvert Johnson (OH) Rokita
 Camp Johnson, Sam Ros-Lehtinen
 Canseco Jordan Roskam
 Cantor Kelly Ross (AR)
 Capito King (IA) Ross (FL)
 Cardoza King (NY) Royce
 Carter Kingston Runyan
 Cassidy Kline Ryan (WI)
 Chabot Labrador Scalise
 Chaffetz Lamborn Schilling
 Chandler Lance Schmidt
 Coble Landry Schock
 Coffman (CO) Lankford Schrader
 Cole Latham Schweikert
 Conaway LaTourette Scott (SC)
 Cooper Latta Scott, Austin
 Costa Lewis (CA) Sensenbrenner
 Cravaack LoBiondo Sessions
 Crawford Long Shimkus
 Crenshaw Lucas Shuster
 Culberson Luetkemeyer Simpson
 Davis (KY) Lummis Smith (NE)
 Denham Lungren, Daniel Smith (NJ)
 Dent E. Smith (TX)
 DesJarlais Mack Southerland
 Diaz-Balart Manzullo Stearns
 Dold Marchant Stivers
 Dreier Marino Stutzman
 Duffy Matheson Sullivan
 Duncan (SC) McCarthy (CA) Terry
 Duncan (TN) McCaul Thompson (PA)
 Ellmers McClintock Thornberry
 Emerson McCotter Tiberi
 Farenthold McHenry Tipton
 Fincher McIntyre Turner
 Fitzpatrick McKeon Upton
 Flake McKinley Walberg
 Fleischmann McMorris Walden
 Fleming Rodgers Walsh (IL)
 Flores Meehan Webster
 Forbes Mica West
 Fortenberry Miller (FL) Westmoreland
 Foxx Miller (MI) Whitfield
 Franks (AZ) Miller (NC) Wilson (SC)
 Gallegly Miller, Gary Wittman
 Gardner Mulvaney Wolf
 Garrett Murphy (PA) Womack
 Gibbs Neugebauer Woodall
 Gibson Noem Yoder
 Gingrey (GA) Nugent Young (AK)
 Gohmert Nunes Young (FL)
 Goodlatte Nunnelee Young (IN)

NOT VOTING—17

Barton (TX) Fattah Rangel
 Berg Frelinghuysen Richmond
 Bishop (GA) Gerlach Rooney
 Brady (TX) Giffords Sánchez, Linda
 Burton (IN) Herrera Beutler T.
 Campbell Kinzinger (IL) Waxman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There are 30 seconds remaining in this
 vote.

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. CAPUANO

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Massachusetts (Mr.
 CAPUANO) on which further proceedings
 were postponed and on which the noes
 prevailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 187, noes 235,
 not voting 10, as follows:

[Roll No. 211]

AYES—187

Ackerman Edwards Miller (NC)
 Altmire Ellison Miller, George
 Andrews Engel Moore
 Baca Eshoo Moran
 Baldwin Farr Murphy (CT)
 Barrow Finler Nadler
 Bass (CA) Frank (MA)
 Becerra Fudge Napolitano
 Berkeley Garamendi Neal
 Berman Gonzalez Olver
 Bishop (GA) Griffith (VA) Owens
 Bishop (NY) Grijalva Pallone
 Blumenauer Gutierrez Pascarell
 Bono Mack Hanabusa Pastor (AZ)
 Boren Heinrich Payne
 Boswell Higgins Pelosi
 Brady (PA) Himes Perlmutter
 Braley (IA) Hinchey Peters
 Brown (FL) Hinojosa Pingree (ME)
 Butterfield Pitts
 Capps Holden Platts
 Capuano Honda Platts
 Cardoza Hoyer Poliss
 Carnahan Inslee Price (NC)
 Carney Israel Quigley
 Carson (IN) Jackson (IL) Rahall
 Cassidy Jackson Lee Rangel
 Castor (FL) (TX) Reyes
 Chabot Johnson (GA) Richardson
 Chandler Johnson (IL) Roybal-Allard
 Chu Jones Ruppertsberger
 Cicilline Kaptur Rush
 Clarke (MI) Keating Ryan (OH)
 Clarke (NY) Kildee Sanchez, Linda
 Clay Kind T.
 Cleaver Kissell Sanchez, Loretta
 Clyburn Kucinich Sarbanes
 Cohen Langevin Schakowsky
 Connolly (VA) Larsen (WA) Schiff
 Conyers Larson (CT) Schwartz
 Cooper Lee (CA) Scott (VA)
 Costa Levin Serrano
 Costello Lewis (GA) Sewell
 Courtney Lipinski Sherman
 Critz Loeb sack Shuler
 Crowley Lofgren, Zoe Slaughter
 Cuellar Lowey Smith (WA)
 Cummings Luján Speier
 Davis (CA) Lynch Stark
 Davis (IL) Maloney Sutton
 DeFazio Markey Thompson (CA)
 DeGette Matsui Thompson (MS)
 DeLauro McCarthy (NY) Tierney
 Deutch McCollum Towns
 Dicks McDermott Tsongas
 Dingell McGovern Van Hollen
 Doggett McIntyre Velázquez
 Donnelly (IN) McNerney Visclosky
 Doyle Michaud Walz (MN)

Wasserman
 Schultz
 Waters
 Watt
 Waxman

Weiner
 Welch
 Whitfield
 Wilson (FL)
 Wittman

NOES—235

Adams Green, Gene Olson
 Aderholt Griffin (AR) Palazzo
 Akin Grimm Paul
 Alexander Guinta Paulsen
 Amash Guthrie Pearce
 Austria Hall Pence
 Bachmann Hanna Peterson
 Bachus Harper Petri
 Barletta Harris Poe (TX)
 Bartlett Hartzler Pompeo
 Bass (NH) Hastings (FL) Posey
 Benishek Hastings (WA) Price (GA)
 Berg Hayworth Quayle
 Biggert Heck Reed
 Bilbray Heller Rehberg
 Bilirakis Hensarling Reichert
 Bishop (UT) Herger Renacci
 Black Herrera Beutler Ribble
 Blackburn Holt Rigell
 Bonner Huelskamp Rivera
 Boustany Huizenga (MI) Roby
 Brady (TX) Hultgren Roe (TN)
 Brooks Hunter Rogers (AL)
 Broun (GA) Hurt Rogers (KY)
 Buchanan Issa Rogers (MI)
 Bucshon Jenkins Rokita
 Buerkle Johnson (OH) Rooney
 Burgess Johnson, E. B. Ros-Lehtinen
 Calvert Johnson, Sam Roskam
 Camp Jordan Ross (AR)
 Canseco Kelly Ross (FL)
 Cantor King (IA) Rothman (NJ)
 Capito King (NY) Royce
 Carter Kingston Runyan
 Chaffetz Ryan (WI)
 Coble Kline Scalise
 Coffman (CO) Labrador Schilling
 Cole Lamborn Schmidt
 Conaway Lance Schock
 Cravaack Landry Schrader
 Crawford Lankford Schweikert
 Crenshaw Latham Scott (SC)
 Culberson LaTourette Scott, Austin
 Davis (KY) Latta Scott, David
 Denham Lewis (CA) Sensenbrenner
 Dent LoBiondo Sessions
 DesJarlais Long Shimkus
 Diaz-Balart Lucas Shuster
 Dold Luetkemeyer Simpson
 Dreier Lummis Sires
 Duffy Lungren, Daniel Smith (NE)
 Duncan (SC) E. Smith (NJ)
 Duncan (TN) Mack Smith (TX)
 Ellmers Manzullo Southerland
 Emerson Marchant Stearns
 Farenthold Marino Stivers
 Fincher Matheson Stutzman
 Fitzpatrick McCarthy (CA) Sullivan
 Flake McCaul Terry
 Fleischmann McClintock Thompson (PA)
 Fleming McCotter Thornberry
 Flores McHenry Tiberi
 Forbes McKeon Tipton
 Fortenberry McKinley Tonko
 Foxx McMorris Turner
 Gallegly Rodgers Upton
 Gardner Meehan Walberg
 Garrett Meeks Walden
 Gibbs Mica Walsh (IL)
 Gibson Miller (FL) Webster
 Gingrey (GA) Miller (MI) West
 Gohmert Miller, Gary Westmoreland
 Goodlatte Mulvaney Wilson (SC)
 Gowdy Neugebauer Wolf
 Granger Noem Womack
 Graves (GA) Nugent Woodall
 Graves (MO) Nunes Yoder
 Green, Al Nunnelee Young (FL)

NOT VOTING—10

Barton (TX) Frelinghuysen Myrick
 Burton (IN) Gerlach Richmond
 Campbell Giffords
 Fattah Gosar

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining in this vote.

□ 1907

Mr. BOREN changed his vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 227, not voting 10, as follows:

[Roll No. 212]

AYES—195

- Adams, Aderholt, Akin, Alexander, Amash, Austria, Bachmann, Bachus, Bartlett, Benishek, Berg, Billray, Bilirakis, Black, Blackburn, Bonner, Bono Mack, Boustany, Brady (TX), Brooks, Broun (GA), Buchanan, Bueshon, Buerkle, Burgess, Calvert, Camp, Canseco, Cantor, Carney, Carter, Cassidy, Chabot, Chaffetz, Coble, Coffman (CO), Cole, Conaway, Cravaack, Crenshaw, Cuellar, Culberson, Denham, DesJarlais, Dold, Dreier, Duffy, Duncan (SC), Duncan (TN), Ellmers, Farenthold, Fincher, Flake, Fleischmann, Fleming, Flores, Forbes, Fortenberry, Foxx, Franks (AZ), Gallegly, Gardner, Garrett, Gingrey (GA), Gohmert, Goodlatte, Gosar, Gowdy, Granger, Graves (GA), Griffin (AR), Griffith (VA), Guinta, Guthrie, Hall, Hanna, Harper, Harris, Hartzler, Hastings (WA), Hayworth, Heck, Heller, Hensarling, Herger, Herrera Beutler, Huelskamp, Huizenga (MI), Hunter, Hurt, Issa, Jenkins, Johnson (OH), Johnson, Sam, Jones, Jordan, Kelly, King (IA), Kingston, Kinzinger (IL), Kline, Labrador, Lamborn, Landry, Lankford, Latham, Latta, Lewis (CA), Long, Lucas, Luetkemeyer, Lummis, Lungren, Daniel E., Mack, Marchant, Marino, McCarthy (CA), McCaul, McClintock, McHenry, McIntyre, McKeon, McMorris, Rodgers, Mica, Miller (FL), Miller, Gary, Mulvaney, Neugebauer, Noem, Nugent, Nunes, Nunnelee, Olson, Palazzo, Paul, Paulsen, Pearce, Pence, Petri, Pitts, Poe (TX), Pompeo, Price (GA), Quayle, Reed, Ribble, Rigell, Roby

- Roe (TN), Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Rokita, Rooney, Roskam, Ross (FL), Royce, Runyan, Ryan (WI), Scalise, Schilling, Schmidt, Schock, Schweikert, Scott (SC), Scott, Austin, Sensenbrenner, Sessions, Shuster, Simpson, Smith (NE), Smith (TX), Southerland, Stearns, Stutzman, Sullivan, Thompson (PA), Thornberry, Tipton

NOES—227

- Ackerman, Altmire, Andrews, Baca, Baldwin, Barletta, Barrow, Bass (CA), Bass (NH), Becerra, Berkley, Berman, Biggert, Bishop (GA), Bishop (NY), Blumenauer, Boren, Boswell, Brady (PA), Braley (IA), Brown (FL), Butterfield, Capito, Capps, Capuano, Cardoza, Carnahan, Carson (IN), Castor (FL), Chandler, Chu, Cicilline, Clarke (MI), Clarke (NY), Clay, Cleaver, Clyburn, Cohen, Connolly (VA), Conyers, Cooper, Costa, Costello, Courtney, Crawford, Critz, Crowley, Cummings, Davis (CA), Davis (IL), Davis (KY), DeFazio, DeGette, DeLauro, Dent, Deutch, Diaz-Balart, Dicks, McGovern, McKinley, McNerney, Meehan, Meeke, Michaud, Miller (MI), Miller (NC), Miller, George, Moore, Moran, Murphy (CT), Murphy (PA), Nadler, Napolitano, Neal, Oliver, Owens, Pallone, Pascrell, Green, Al, Green, Gene, Grijalva, Grimm, Gutierrez, Hanabusa, Hastings (FL), Heinrich, Higgins, Himes, Hinchey, Hinojosa, Hirono, Holden, Holt, Honda, Hoyer, Hultgren, Insee, Israel, Jackson (IL), Jackson Lee (TX), Johnson (GA), Johnson (IL), Johnson, E. B., Kaptur, Keating, Castor (FL), Kildee, Kind, King (NY), Kissell, Kucinich, Lance, Langevin, Larsen (WA), Larson (CT), LaTourette, Lee (CA), Levin, Lewis (GA), Lipinski, Shuler, LoBiondo, Loebsock, Lofgren, Zoe, Lowey, Lujan, Lynch, Maloney, Manzullo, Markey, Matheson, Matsui, McCarthy (NY), McCollum, McCotter, McDermott, Dicks, McGovern, McKinley, McNerney, Meehan, Meeke, Michaud, Miller (MI), Miller (NC), Miller, George, Moore, Moran, Murphy (CT), Murphy (PA), Nadler, Napolitano, Neal, Oliver, Owens, Pallone, Pascrell

- Upton, Walberg, Walden, Walsh (IL), Webster, West, Westmoreland, Whitfield, Wilson (SC), Wittman, Womack, Woodall, Yoder, Young (FL), Young (IN)

NOT VOTING—10

- Barton (TX), Bishop (UT), Burton (IN), Campbell, Fattah, Frelinghuysen, Gerlach, Giffords, Myrick, Richmond

□ 1911

Mr. CHABOT and Ms. HERRERA BEUTLER changed their vote from "no" to "aye."

So amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Chair, I was unavoidably detained during the last series of rollcall votes. Had I been here, I would have voted "yea" on rollcall vote 207 (Mica Amendment); "nay" on rollcall vote 208 (Garrett Amendment); "nay" on rollcall vote 209 (DeFazio Amendment); "nay" on rollcall vote 210 (Hirono Amendment); "nay" on rollcall vote 211 (Capuano Amendment); and "aye" on rollcall vote 212 (Gingrey Amendment).

Mr. WOODALL. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUT-DOWN PREVENTION ACT OF 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-49) on the resolution (H. Res. 194) providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1081

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mrs. ELLMERS) be removed as a cosponsor from H.R. 1081.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

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

Mr. WOODALL. Mr. Speaker, the Committee on Rules is scheduled to meet the week of April 4 to grant a rule, which could limit the amendment process for floor consideration of H.R. 910, the Energy Tax Prevention Act of 2011.

Any Member wishing to offer an amendment must submit an electronic copy of the amendment and a description via the Rules Committee's Web site. Members must also submit 30 hard copies of the amendment, one copy of a brief explanation of the amendment, and an amendment log-in form to the Rules Committee in room H-312 of the Capitol by 10 a.m. on Tuesday, April 5, 2011. Both electronic and hard copies must be received by the date and time specified. Members should draft their amendments to the text of the bills as ordered reported by the Committee on Energy and Commerce, which are available on the Rules Committee Web site.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members should also check with the Office of the Parliamentarian, the Committee on the Budget, and the Congressional Budget Office to be certain their amendments comply with the rules of the House and the Congressional Budget Act.

If Members have any questions, Mr. Speaker, I would encourage Members to contact me or members of the Rules Committee staff.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 112-46, offered by the gentleman from Georgia (Mr. GINGREY), had been disposed of.

AMENDMENT NO. 19 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 234, after line 1, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):
SEC. 801. STATE TAXATION.

Section 40116(d)(2)(A)(iv) is amended to read as follows:

“(iv) levy or collect a tax, fee, or charge, first taking effect after the date of enactment of the FAA Reauthorization and Reform Act of 2011, upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge that is—

“(I) generally imposed on sales or services by that jurisdiction; or

“(II) utilized for purposes specified under section 47107(b).”.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I would first like to start out by saying that I appreciate the Rules Committee making this amendment in order. And while I am going to withdraw the amendment, I think it's very important to talk about this because it's a very important aspect of the Interstate Commerce Act.

Just to give you a little bit of background, in 1994 when we were doing the FAA reauthorization bill, Congress recognized the importance of airports to interstate commerce and enacted legislation to prevent State and local governments from imposing discriminatory taxes on airport users to fund local projects unrelated to airport infrastructure improvement, maintenance, and operations.

However, for nearly 20 years, State and local governments have taken advantage of a loophole by applying the burden of the tax not only to airport users but all similar entities within that taxing jurisdiction. This has allowed State and local governments to completely circumvent the intent of Congress and levy discriminatory taxes against interstate travelers, in particular, rental car customers.

The intent of the 1994 law is very clear. Targeted taxes imposed at airports are to be used at airports for airport-related projects. We must not con-

tinue to allow State and local governments from circumventing these restrictions.

Right now, Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. GRAVES. I appreciate your yielding time and I appreciate your bringing this amendment.

I rise in strong support of the concept in the amendment. Although I know it's going to be withdrawn, the concept is important, and we need to address this issue in this Congress.

This amendment would address the growing crisis of discriminatory taxes placed on rental car transactions. I don't need to tell my colleagues how frustrating it is to go rent a car and see huge taxes on your bill, taxes put on your bill by legislative bodies that you don't get a right to vote on most of the time and that you don't get to vote on.

It's a simple thing for people to do. It's cheap taxes from State and local officials to let tourists pay their taxes for their sports arenas and other facilities. “Don't tax me; don't tax thee; tax that guy behind that tree.” That is not the kind of tax philosophy we should encourage, and we should make our State and local officials do taxation in the proper manner which is supposed to be with either property taxes or sales taxes or income taxes but not these types of taxes that discriminate. And my jurisdictions have done as well, but it doesn't make it right.

Rental car taxes target air travelers, but they also hurt low-income people who don't own cars and must rent instead. The 1994 FAA reauthorization bill included a provision to prevent taxes targeting air travelers to pay for projects that have nothing to do with air traffic. But State and local governments have exploited a loophole and raised billions of dollars through these taxes.

Since 1990, more than 117 discriminatory rental car excise taxes have been enacted in 43 States and the District of Columbia. I was in the Tennessee Legislature for 24 years, and we did our share. I tried to oppose some of them.

□ 1920

It's wrong and we need to act.

So I urge support for the amendment when it comes back up. I thank Congressman GRAVES for his work on the issues, and I look forward to working with him in the future to see this become a law in our Nation.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I do rise in opposition to the amendment.

Both the gentleman from Tennessee and the distinguished gentleman from

Missouri have raised some excellent points about excessive fees that some of the unsuspecting renters are forced to pay sometimes.

When you rent a car, sometimes the fees look like more than the car rental; but many of the communities and airports are committed to building facilities. They make those decisions through elected local and State bodies, and we have to recognize some of their independence.

I appreciate the goal of the gentleman on this amendment. I believe he is going to withdraw it, but I do pledge to work with him to see how we can put in some limitations in the future that are reasonable and not impair the proper development and also take the burden off taxpayers for improvement that someone who comes in and rents a car experiences. A lot of local taxpayers end up footing some of the bill for the conveniences that are accorded some of these visitors and car renters. So we need to seek a proper balance, and I pledge to work with the gentlemen in that regard, both Mr. GRAVES and Mr. COHEN.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. GRAVES of Missouri. Mr. Chairman, in closing, I want to thank the Rules Committee for making this amendment in order. I very much want to thank the chairman for his willingness to work with us on this issue in the future, and I look forward to that.

With that, Mr. Chairman, I withdraw my amendment.

The Acting CHAIR. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

AMENDMENT NO. 20 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112-46.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act"), with respect to any project or program funded under this Act (or amendment).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Thank you, Mr. Chairman.

My amendment would prevent any funding within the FAA Reauthorization and Reform Act of 2011 to be used to administer or enforce the Davis-Bacon wage rate requirements with respect to any project or program in the underlying text or any amendment adopted today.

Since the Davis-Bacon Act was signed into law in 1931, labor rates for government contracts have been inflated significantly, affecting the cost of administrative expenditures for those awarded projects. Unfortunately, the Davis-Bacon requirement has inadvertently caused the government to pass higher costs on to American taxpayers, often costing 5 to 38 percent more than the project would have cost in the private sector, according to the Associated Builders and Contractors. The Congressional Budget Office has stated that the Davis-Bacon Act has cost our government more than \$9.5 billion from 2002 to 2011.

I say enough is enough. We must re-evaluate and look at what we are doing that costs more money for the government and, ultimately, the taxpayers. We must stop passing this financial burden on the backs of hardworking American taxpayers. In this year alone, the Heritage Foundation has estimated that the Davis-Bacon Act will add more than \$10.9 billion to our already burdensome national debt. The American people sent a strong message to Congress in the last election, that it was time to rein in out-of-control government spending. Congress can ensure their voices are heard by voting "yes" on this commonsense attempt today.

In 2009, the Public Policy Foundation of West Virginia released a study stating that as many as 1,500 construction jobs could have been created if these wage regulations were repealed or reformed to reflect actual market-based wages. During our current economic times, as tough as they are that this Nation is facing, we need to make sure that it is easier for the private sector to create jobs for the unemployed, not to hinder job growth.

Davis-Bacon requirements undercut and undermine the hard-earned work of small business owners because of the time-consuming and costly requirements of Davis-Bacon. Businesses have constantly expressed frustration over the difficulty of complying with the wage rules of Davis-Bacon. As a result, large and often unionized companies have been awarded more government contracts that come at a higher price to taxpayers.

I urge all of my colleagues to support this amendment, which ensures small and large businesses have the ability to compete for all government contracts while saving the American taxpayers tens of billions of dollars. Mr. Chairman, this is exactly what the American

people want and need—a better deal in the marketplace.

I reserve the balance of my time.

Mr. RAHALL. I rise in vehement opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, here we go again.

The majority is continuing what started out in some of the States this year and has been going on with more vehemency in this body. They are continuing attacks on the collective bargaining rights of workers. They are continuing to blame the workers of this country for the economic ills.

I think it's worth noting that the gentleman from Texas just noted the trouble that people have had complying with Davis-Bacon over the years. It has been around since 1931 when two Republicans by the names of Davis and Bacon instituted the Davis-Bacon law.

Study after study has shown that, despite the opponents' claims, the Davis-Bacon Act has had little or no effect on the total cost of federally assisted construction projects. In fact, there is a study that shows that the high-wage States actually attract more productive, effective, highly skilled, and safe workers, making the cost per mile of highway construction actually cheaper in high-wage States than in low-wage States.

It's important to note as well that here we are in an economic recovery, and these Republican continued attacks on our workers of this country at a time when we are slowly, however slowly, pulling out of a recession and entering a recovery do not make any sense at all.

I would urge my colleagues to oppose this continued attack on the workers' rights of this country.

I yield the remainder of my time to the gentleman from Illinois (Mr. COSTELLO).

The Acting CHAIR. Without objection, the gentleman will control 3½ minutes.

There was no objection.

Mr. COSTELLO. I thank the ranking member for yielding.

Mr. Chairman, I rise in strong opposition to the amendment of my friend from Texas.

As Mr. RAHALL just stated, for nearly 80 years, the Davis-Bacon Act has guaranteed fairness in wages and conditions for Americans who serve the public good and perform public works for the Federal Government. At a time when so many Americans are out of work and under financial stress, this amendment would strip away workers' rights to just compensation for their labor that directly benefits all of us by keeping aviation infrastructure across the Nation working safely. Further, the amendment would likely make it difficult for FAA contractors to find

skilled workers who have the expertise necessary to perform work on complicated safety-critical facilities and equipment.

Mr. Chairman, I urge my colleagues to vote "no" on the gentleman's amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

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

Mr. Chairman, it is just absolutely astonishing to me that my colleagues on the other side of this issue could stand up on the floor of this House and talk about jobs when the Davis-Bacon wages that they want to perpetuate, even though they've existed for 10 these many years, take away so many jobs. I don't know the exact statistics; but Mr. Chairman, when you look at a jobs situation without Davis-Bacon rules, you're able to probably employ 1½ to 2 times as many people with good-paying, decent-paying jobs than jobs that pay them for their skill levels and what they're doing in the workplace, in not being forced to pay these much higher wages despite the job that it happens to be involved in.

□ 1930

I think we ought to be paying for whatever the skill labor is for that particular job, and if we didn't have these rules and regulations like Davis-Bacon, there would be a heck of a lot more jobs in this country. We can't afford to leave 16 million people on the sidewalk.

Mr. COSTELLO. I continue to reserve the balance of my time.

Mr. SESSIONS. I yield myself the balance of my time.

Mr. Chairman, the gentleman from Georgia is correct. On an average, this Davis-Bacon wage requirement costs an average of 22 percent above market wages. That means that the Davis-Bacon act costs 22 percent or more on costs for getting projects done, which means fewer projects can get done, which hampers the ability that we have, local governments have to ensure that contractors and work is done across this country.

This amendment saves taxpayers millions of dollars—we heard perhaps a billion. It allows for more competition, and I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, at this time, I yield the balance of my time to the ranking member of the full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I guess this is part of the mantra of the majority on this particular bill: do more with less, when actually what we're doing is less with less, because there would be less wages paid to our American workers if this amendment were

to be adopted, and there would be less safety provided to our American workers. There would be less health care coverage provided, less pension care coverage, less efficient, less highly skilled workers if this gentleman's amendment is adopted.

So I conclude by urging all of our colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. LATOURETTE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 112-46.

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 259, strike line 21 and all that follows through line 2 on page 260 (and conform the table of contents accordingly).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, before I begin my remarks, I ask unanimous consent that 2 minutes of my 5 minutes be yielded to and controlled by the distinguished ranking member of the subcommittee, the gentleman from Illinois, to yield time as he should see fit.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. I'm going to be brief in this opening.

Let me just make this observation. This is the 17th extension, I believe, of the FAA bill. We haven't had an FAA bill since 2003, and this is going to take it to two more years because the President said he won't sign this bill unless this amendment is adopted. The Senate has declared this a nonstarter; and so if we want to give fancy speeches, and for those just tuning in around the country, welcome to whack the union night because this will be a fourth, fifth anti-union vote that has nothing to do with the aviation system.

Even on the last amendment, I've got to tell you, you can't say it costs jobs and increases costs at the same time. If

you hire the same amount of workers before Davis-Bacon and hire two times as many workers, well, the project is going to cost the same. So it's that kind of circular argument that's leading this circular firing squad.

It's a good amendment. I urge its adoption.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I agree with the points made by my friend from Ohio.

The National Mediation Board made the right decision, incidentally, at the request of 191 Members of Congress, both Democrats and Republicans, after holding many hearings. In the words of Congresswoman CANDICE MILLER: "This is not a pro-union or anti-union vote. This is about fairness."

I urge a "yes" vote.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Unfortunately, I have to strongly disagree with my good friends and colleagues, the gentleman from Ohio and the gentleman from Illinois, on this amendment.

What's proposed as fairness is really probably the height of unfairness. We've had 75 years of rule and law in which to organize. In the transportation sector, you had to have a majority of all of the individuals that worked there, all the people that would be potential members, and a majority of those folks would have to vote in the union, and I have no problem with union representation. The President packed the board of the National Mediation Board, and on a 2-1 vote, they changed 75 years of ruling.

Now, what's particularly unfair, and the dirty little secret in all this is, they didn't change it to decertify to shed the union. They left it so you still have to have all majority plus one of all of the members. So this is not fair by any means. We should allow unionization. We should allow votes of it; but for those again who are affected who have to pay the dues, who have to abide by the union rules and regulations that they set, it's not fair.

So I wish this was crafted in a different way for fairness, but it's not. So, again, they upset 75 years in which it worked very well. In fact, they told me today that under the 75 years, you had a larger number than most recent votes under this rule. I think it's 50 percent to 70 percent, something like that. So, if you really want to favor unionization in a fair way, let's have it the way it worked for many years and oppose this amendment.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself 15 seconds just to say this is a good example of what's going on here. The last amendment was going to

repeal Davis-Bacon that's been around for 80 years, but 80 years is okay, 75 years isn't. That doesn't even make sense in this debate or anywhere else in America.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield the balance of my time to the ranking member, Mr. RAHALL.

The Acting CHAIR. The gentleman from West Virginia is recognized for 1½ minutes.

Mr. RAHALL. Mr. Chairman, it's very clear that the other body would not accept this amendment if the bill goes over to them with this in it. It's clear that the President of the United States would not accept this bill with the current language because he has already said he will veto it if it comes to his desk in this way.

So I guess the proponents of this particular provision are just wanting to continue to pass extension after extension, thereby threatening airport improvement, threatening to halt airport construction, just as they're threatening to shut down our government.

It's not about unions. It's not about increasing union representation. It's about fairness. It's about what's right for the American worker. That's all we're talking about in this particular amendment.

Mr. Chair, this amendment is about what's right for American workers.

Section 903 of the bill repeals a rule of the National Mediation Board, which is the law of the land, that was finalized to provide for fair and democratic union elections among airline and railroad workers.

The rule has not opened the floodgates to unionization. But it has made union elections fair.

Under the prior rule—the rule that would be reinstated by this bill—a majority of all eligible voters had to vote in favor of a union, in order for that union to be certified by the National Mediation Board as their representative. That was undemocratic and unfair.

The current rule requires the mediation board to count ballots according to those who actually voted. The majority rules. That is a precept of our democracy, and it should control in union elections just like it controls in any other election.

The National Mediation Board's rule is right, and I urge my colleagues to support this amendment to keep it the law of the land.

I would yield the balance of my time to the gentleman from California (Mr. MILLER).

The Acting CHAIR. The gentleman from California is recognized for 45 seconds.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise in strong support of this amendment. This amendment really restores democracy to the American workplace, and it restores the American principle of majority vote and majority rule. The decision by the National Mediation Board to begin recognizing election results based upon who

actually votes in the election is correct and a long time coming.

It was a fair and open process that included a 60-day comment period and public hearing with 34 witnesses, and their actions were upheld in court.

Think of this in our committee. Our rules are a majority of those present and voting. No committee in this Congress would operate under these rules because they would not be able to prevail on any of the votes because people could just stay away and they would be counted "no."

No PTA would operate under these rules. They may have a very large membership. So we ought to restore democracy, protect American workers and vote for this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MICA. I am pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of T&I for yielding to me.

The language in the bill gets it exactly right, and I rise in strong opposition to this striking amendment. The National Mediation Board, three political appointees in a 2-1 decision a year ago, undid 75 years of law, Railway Labor Act, that simply says that to certify a union, 50 percent plus one of the group has to vote in favor of it.

□ 1940

And as the chairman said, the decertification part is a much higher bar. So it has to be a majority plus one to decertify. That is totally wrong. The bill has it right. Vote against this striking amendment, and vote for fairness and for the American people.

The Acting CHAIR. The gentleman from Ohio has 1¾ minutes remaining. The gentleman from Florida has 1½ minutes remaining. The time of the gentleman from Illinois has expired.

Mr. MICA. I would be pleased to yield 1 minute to the gentleman from Wisconsin (Mr. PETRI), the distinguished chair of the Aviation Subcommittee.

Mr. PETRI. I thank my colleague for yielding.

I am just sitting here, listening to this debate and people talking about fairness and 75 years. I did a little math, and 75 years ago, the Railway Labor Act was enacted by a very heavily Democratic Congress in the Franklin D. Roosevelt administration. And now we are told that they were unfair and unkind, and so on, to organized labor. This is something that was passed by the Congress. The law, the National Labor Relations Act, has always—until now, for 75 years—been interpreted to mean that a majority of those affected had to vote to certify a union.

I think if we want to change it, if our sense of what's fair has changed over the last 75 years—and it has in other

areas—it should be done by an act of Congress and not by the National Labor Relations Board and the National Mediation Board in this fashion. It clearly upsets the balance that was struck and has served us well for several generations.

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

When people read this RECORD, they really need to know what this amendment is about and what we are talking about. What we are talking about is that the rule that the Mica bill repeals is that if you have 100 people who work for a company and you have an election and 70 of them show up and 65 of them vote to certify a union, the union loses because you don't get 50 plus the universe.

Now in our example, Members of Congress, where voter turnout was about 45 percent in the last election, I have got 200,000 registered voters in my district, and 100,000 show up, I get 70,000. I'm having champagne. You know, This is great, Honey. We won another one. We fooled them again. Well, I would lose 130,000-70,000 because the rule that has been in place since 1935—and again, I am saddened that folks—maybe you have to have an even number to be bad law. But good law is, you know, something that is only 75 years. That's just nuts. I mean, that is crazy.

And I will steal from my friend from Illinois (Mr. COSTELLO) who is the cosponsor of this amendment. You know, when the Constitution was framed, who could vote in this country? White guys who owned land. And if you asked them 75 years later, they may have said, Man, I can't believe they changed that. It's unbelievable. Or how about women? Another 100 years, women couldn't vote in this country. If you asked some guys today, they may say, The country really got screwed up when you gave women the right to vote. That is a non sequitur. It's a false argument, and the best proof is right here in this House of Representatives.

When the old majority was on their way out—and we all know they didn't do anything—we needed to pass a continuing resolution to keep the government open until March 4. Well, you know what, 75 of our Members went home for Christmas. So that CR, to keep the government open, passed 193-165. If the Mica rule is kept in place, the government would have shut down, and we would have lost that vote 193-240.

Please pass the amendment.

Mr. MICA. In closing, the President has threatened to veto this legislation because of the provision that we have. I can see why, because he packed the board. He packed the board. And on a 2-1 vote they overwrote a provision that was put in by FDR, confirmed by Truman and Carter and others. And then we heard that this is an assault on

democracy. Well, folks, have you ever seen one-way democracy so the vote going in is fixed, but the vote going out is left the same? Please, folks, this is not the case. I urge a “no” vote on this amendment.

Ms. HIRONO. Mr. Chair, I rise today in support of the bipartisan LaTourette-Costello amendment to keep democratic voting rights for air and rail workers.

I see the current provision in the FAA Reauthorization Bill as reflecting an anti-worker agenda that abandons our most basic democratic principles. Without this amendment, the FAA bill would count workers who choose not to vote in a union election as a no vote on union representation.

Each member of the House of Representatives got here through a fair and democratic election. In November, our states counted the votes for us and compared it to the votes for other candidates. Those with the most votes in November are Members of Congress today. If we needed to win a majority or plurality of all eligible voters—including nonvoters—none of us would be here today!

I know that not all members of the House support workers’ right to organize, but I would hope we all respect the democratic process. I applaud this bipartisan amendment and thank its sponsors, Mr. LATOURETTE and Mr. COSTELLO. I urge all my colleagues to support the amendment.

Mr. KUCINICH. Mr. Chair, I rise in strong support of the amendment offered by Representatives LATOURETTE and COSTELLO, which would strike section 903 of the underlying bill. This amendment removes language from the legislation which is unnecessary and destructive, and if it is not removed, would represent a continuation of the sustained attack on employee unions—and by extension, the Middle and Working class—that has been taking place in America. If the language of section 903 passes into law as currently written, it would mean that any railroad or airline worker who does NOT vote in a union representation election would automatically be counted as having voted AGAINST the union. This is an absurd and capricious notion.

Last year the National Mediation Board adopted a rule which corrected a flawed implementation of the Railway Labor Act that would have allowed this absurd voting practice. The National Mediation Board rule change ensured that airline and railworker union elections would be subject to the very same democratic principles used in other American elections, by requiring that only the ballots of those who vote be counted. But section 903 of the FAA reauthorization bill repeals the National Mediation Board rule, and for that reason it must be struck.

I strongly urge my colleagues to join me in supporting the LaTourette-Costello amendment and reject the backward language of section 903.

Ms. SCHAKOWSKY. Mr. Chair, I rise today in strong support of Amendment #21, the LaTourette-Costello. I support this amendment because the bill we are considering today, the FAA Reauthorization and Reform Act of 2011, contains a provision that would undermine the ability of aviation and rail workers to hold fair elections for union representation.

Last year, the National Mediation Board implemented a new rule that certifies a union as being representative of airline or railroad workers if a majority of ballots cast were in favor of the union. This was a major victory for workers, making collective bargaining rights more accessible for the first time in our nation’s history. The bill before us today, H.R. 658, would eliminate that tremendous step forward by reverting to the old system which required that any eligible worker who did not vote in an election, for whatever reason, be regarded as voting against union representation. That is not the way elections for Congress are decided, it should be the way union representation is decided.

That policy was out of step with our nation’s Democratic principles and if it is reinstated will make it harder for workers to protect themselves through collective bargaining, ultimately leaving many workers without rights. Collective bargaining rights give workers a voice at work—a voice that is not just able to argue for fair compensation and benefits, but for safer workplaces and practices. Passengers have a strong interest in making sure that workers are able to raise those concerns. With this provision, the Republican Party once again is engaging in union-busting. I urge all of my colleagues to support the LaTourette-Costello amendment.

Ms. SLAUGHTER. Mr. Chair, I come to the Floor today to stand in strong bipartisan support of Mr. LATOURETTE’s and Mr. COSTELLO’s proposed amendment.

At this time of extreme economic hardship for American workers across our country, it is vital that we, as their voice in Congress, defend their rights to unionize and advocate for a workplace that works for them.

In recent weeks, workers from Wisconsin to Florida have been engaged in valiant efforts to defend their right to unionize, and collectively bargain for a better future. Workers have stood up across America calling for a more equal and more just American workplace.

Their calls come at a dark time in our country. At no point in our history have incomes been so unequal—not even during America’s so-called “Gilded Age.” Over the last 30 years, the American worker has been knocked down, and worn out, as she tries harder and harder to make diminishing ends meet.

As currently written, today’s bill continues to take from the middle class, when they can afford it the least.

The amendment being considered is a commonsense protection provided to the middle and working class. Mr. LATOURETTE and Mr. COSTELLO’s amendment does nothing radical; indeed it preserves the status quo. Yet their amendment shows that there are still some members in both parties who are willing to stand for the middle and working class, and work for a better future.

I urge my colleagues to stand with the middle class, and support Mr. LATOURETTE and Mr. COSTELLO’s amendment—for the benefit of the American worker, and the hope of a renewed American middle class.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT.

Notwithstanding section 521 of title V of division F of Public Law 108-199 (118 Stat. 343) and any restriction in Federal Aviation Administration Flight Data Center Notice to Airmen 9/5151, the Administrator of the Federal Aviation Administration may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to an event at a stadium or other venue occurring at the same time, except that the Administrator may prohibit any aircraft from flying directly over the applicable stadium or other venue.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, this is an amendment which deals with a TFR, a temporary flight restriction, that complicates things at the air show in Cleveland. There are actually several air shows that this is a problem with, but the Cleveland Air Show happens to be the worst one.

The reason I am doing it is because I do a lot of air shows and fly in a lot of air shows, and I am intimately familiar with how the TFRs work. The problem we’ve had in the past is when the Cleveland Indians play at Jacobs Field, there is a stadium TFR right now, which is a temporary flight restriction for any stadium with a game going on, whether it’s football, baseball, whatever. That TFR is 3½ miles in radius and 3,000-foot deep.

Well, with the airport so close to the stadium, if there is a rain-delay game that is postponed and rescheduled and you have the air show in Cleveland, which is one of the most historic air shows around the country, it completely eliminates that air show. The irony is that the stadium there, the Cleveland Indians’ stadium, only seats 43,000 people; and there are 90,000 people at the air show. So it creates a problem.

What I am trying to do is clarify and allow the air show to go on when there is a game going on. Now, here is the irony. This is the most important part. There is what we call an air show TFR, temporary flight restriction. It's more restrictive than a stadium TFR. In fact, an air show flight restriction is 5 miles in radius, and it's 12,000-feet deep. It completely encompasses the stadium TFR. So if there is a game going on at the same time as an air show, they are still going to be completely protected, and it is going to be completely encompassed within that TFR, and they can both proceed. If, for some reason, the air show ends early and the game is still going on, then it will immediately revert back to the stadium TFR, and everybody is happy, and we move forward. There is never a single point in time when there is no protection over that stadium. It has always been a problem, and we are just trying to clarify so the people of Cleveland can continue to do the air show.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment on this side. We feel it is a limited and well-reasoned exception to the rule. Therefore, I would support the amendment and urge a "yes" vote.

Mr. GRAVES of Missouri. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I don't know whether I am in opposition or not, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman very much. As a Congressman from the Cleveland area, I want to thank the gentleman from Missouri (Mr. GRAVES) for pointing out the importance of making this change so that we can continue to have the air show at the same time that we have these major sporting events going on.

What most people may not understand, in Cleveland we have a lakefront airport that is a relatively short distance from our football stadium, and it's also not that far away from our baseball stadium. So it's important for this great event, which is the air show, to be able to get the cooperation from all Federal authorities so that we can proceed with it.

□ 1950

This is one of the major events of the end of summer in Cleveland. And we're very proud of the airshow. It's a Cleveland tradition that goes back many, many years. And I would hope to have the support of Members of both sides of the aisle.

And I want to thank my good friend for helping to take the initiative on this because I think this is something that, hopefully, we'll all be able to agree on.

Mr. GRAVES of Missouri. Mr. Chairman, again, I know there's a lot of confusion out there, and I hope there's staff listening and there are Members listening in their offices.

Again, the Cleveland Air Show. I fly a lot of air shows, and this is one of my favorite air shows. And it's an extraordinary aviation community because it used to be home to the Cleveland air races. And again, this never, at any time, lessens security one bit. In fact, it makes security stronger because the TFR around an airshow is even tighter than a normal TFR. It's bigger, it's deeper, and you can't even turn a prop without getting permission during an airshow while it's going on. So there will never ever be a time that this stadium is not underneath the TFR.

I'm not trying to pull the wool over anybody's eyes. I'm being straight up on this thing. It's a problem, and we need to fix it. So there's no reason why two events can't go on at the same time, if that ever is a problem. And it has been in the past. We just don't want it to be in the future.

Mr. RAHALL. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from West Virginia.

Mr. RAHALL. I'm just wondering if the gentleman has consulted with TSA or Department of Homeland Security or FBI, the various agencies that were concerned about safety at such sports events following 9/11 and for which many of the stadiums and sponsors of these sports events have instituted and spent millions of dollars in safety who have legitimate concerns that one attack may make it all for naught.

Mr. GRAVES of Missouri. We did not contact the FBI. But we did contact Homeland Security. Homeland Security did not get a response back to us. However, and I've provided to the ranking member of the Aviation Subcommittee the response from the FAA—they took no position. And we still leave that authority to them. They can still, if they think it needs to be more restrictive, they can do that. So I didn't want to take that completely away.

I think probably the biggest problem is I think that sports authorities didn't realize there are TFRs associated with an airshow which are actually even more restrictive and bigger. So the best thing you could do is have an airshow next to your game. You're going to have a better TFR, I guess the irony is.

Mr. RAHALL. Because the gentleman is aware of a letter we've received from the major sports organizations, Major League Baseball and the National Football League, the NCAA, expressing their opposition to your amendment.

Mr. GRAVES of Missouri. Yes, and again I think it's just simply because they don't realize there's still a TFR there. And I probably should have done a better job of explaining that. If in the future it becomes a problem, I want there to be good security. I'd be more than willing to work something out.

Mr. RAHALL. Mr. Chairman, I think I just heard what I was looking for in the gentleman's concluding comments there, that he's willing to work with anybody that has these legitimate safety concerns in order to make sure that everything is clear on this going forward.

Mr. KUCINICH. If the gentleman will yield, I would be pleased to work with both of those gentlemen to make sure that we cover all the safety concerns that are expressed.

Mr. RAHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 112-46.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, Santa Monica Airport is a unique general aviation facility located in my congressional district. Each end of the bidirectional runway is abutted by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet. The airport has no runway safety areas. If a plane overshoot the runway or failed to lift off upon departure, it could easily land in the neighborhood.

The amendment I offer today is simple and straightforward. It urges the FAA to continue its discussion with the city of Santa Monica to identify a meaningful solution to address serious safety concerns at the Santa Monica Airport.

For nearly a decade, I've joined the community, the city of Santa Monica

and the Airport Administration to push the FAA to address this serious safety gap. While the FAA has had discussions with the city and presented a runway safety proposal, its response has simply fallen short. The FAA has acknowledged that its proposal is both insufficient to stop larger jets from an overrun and inadequate to prevent overshoots involving smaller planes.

My constituents and the pilots and passengers who use Santa Monica Airport deserve better. I urge my colleagues to support this amendment.

Mr. MICA. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the chairman of the committee.

Mr. MICA. Mr. Chairman, first I have no objection to the amendment. And the sense of Congress the gentleman from California offers that FAA should enter into discussions with the Santa Monica Airport for the purpose of runway safety is justified. This is a safety issue. It's important that we address it. And from our side, I would support it.

Mr. WAXMAN. I thank the chairman.

Mr. RAHALL. Will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the ranking member of the committee.

Mr. RAHALL. I thank the gentleman from California for bringing this to our attention and for bringing his amendment to the floor. It has our total support as well.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN). The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112-46.

Mr. SHUSTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following:

SEC. 8 ISSUING REGULATIONS.

Section 106(f)(3)(A) is amended—

(1) by inserting “(i)” before the first sentence; and

(2) by adding at the end the following:

“(ii) Before proposing or issuing a regulation, the Administrator shall:

“(I) Analyze the different industry segments and tailor any regulations to the characteristics of each separate segment (as determined by the Administrator), taking into account that the United States aviation industry is composed of different segments, with differing operational characteristics.

“(II) Perform the following analyses for each industry segment:

“(aa) Identify and assess the alternative forms of regulation and, to the extent feasible, specify performance objectives, rather than a specific means of compliance.

“(bb) Assess the costs and benefits and propose or adopt a regulation only upon a rea-

soned determination that the benefits of the intended regulation justify its costs.

“(cc) Ensure that the proposed regulation is based on the best reasonably obtainable scientific, technical, and other information relating to the need for, and consequences of, the regulation.

“(dd) Assess any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness) together with a quantification of such costs.”

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I rise to offer an amendment. This amendment is composed of two parts, both of which deal with making improvements to the process of issuing Federal Aviation Administration regulations.

The amendment is an effort to improve rulemaking at the FAA by requiring the agency to meet fundamental rulemaking principles.

Directing the FAA to meet these standards will ensure that regulations protect the critical importance of aviation safety while also considering issues of economic competitiveness.

The first part, the “one size does not fit all” part of the amendment, requires the FAA to recognize that the United States aviation industry is composed of a variety of different segments with different operating characteristics.

Therefore, before proposing or issuing a regulation, the FAA Administrator must analyze the different industry segments and tailor any regulations to the characteristics of separate segments. The definition of industry segments is left to the administrator.

The FAA Administrator, Randy Babbitt, has pointed out that a “one size fits all” approach does not work. In 2009, Administrator Babbitt said, “In rulemaking, not only does one size not fit all, but it’s unsafe to think it can.”

This amendment attempts to fulfill that objective.

The second part fulfills President Obama’s goals of regulatory reform. The second part ensures that the proposed regulations are not overly burdensome or cumbersome by requiring the FAA to conduct rulemakings in accordance with certain principles. First, a reasoned cost and benefit analysis, second, an assessment of the impact on the economy, and third, extremely important that the regulation is based on the best available science and technical information.

Let me be clear that my intent is not to single out or gut any particular regulation or proposed regulation. This amendment does not define industry segments. We allow the FAA Administrator to interpret and appropriately define what industry segments are.

It does not require that the cost benefits analysis be the reason for a rule, a reasoned analysis.

Additionally, the amendment is not retroactive.

Finally, I understand that there may be concerns that the language could apply to ongoing rulemakings. That’s not my intent for this amendment to apply to ongoing rulemaking, such as those regarding pilot flight and duty time.

□ 2000

The Transportation Committee has worked hard to address the important safety concerns in a bipartisan manner. And if there are concerns with the language, we certainly want to make sure we clear that up.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. This amendment would impose new legislative requirements on the FAA’s ability to propose or issue regulations. Many of the proposed requirements are redundant and are already required by existing law in Executive orders.

For example, the FAA is already required to consider the cost and benefits of regulations and to base its regulation on scientific and technical information. Other requirements, such as forcing the FAA to tailor regulations for each industry’s segment, could seriously undermine efforts to achieve one level of safety in aviation and delay important safety improvements.

Mr. Chairman, last Congress, the House Aviation Subcommittee conducted extensive aviation safety oversight, including numerous hearings stemming from the February 2009 Colgan Flight 3407 tragedy. These hearings did not reveal a pattern of arbitrary or draconian rules imposed by the FAA on the aviation industry. Rather, they revealed a pattern of the industry’s resistance to proposed safety regulations, many of which resulted from extensive accident investigations and which, nonetheless, languished for years.

The Flight 3407 families who tragically lost their loved ones 2 years ago in Buffalo, New York, were instrumental in the adoption of H.R. 5900, and they continue to monitor the implementation of this important law, holding industry’s feet and the FAA’s feet to the fire. They are opposed to this amendment because they are also concerned about the adverse impact it would have on the current FAA rulemaking on pilot fatigue.

Earlier today, Captain Sully Sullenberger, the former U.S. Air captain who safely landed in the Hudson River 2 years ago after a flock of geese damaged both his plane’s engines, said

he was extremely concerned that the Shuster amendment will prevent critical safety regulations from being implemented.

This amendment is not needed. It purports to fix a system that is not broken. At best, it is redundant; at worst, it will delay necessary rulemakings, including those on 84 open NTSB recommendations, to the detriment of the flying public.

Mr. Chairman, I strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. May I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining.

Mr. PETRI. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. PETRI. I understand this amendment has stirred a certain amount of controversy. I have worked with Chairman COSTELLO on the underlying bill that seeks to improve safety and deal with the tragedy, some of which caused the Colgan crash.

We have been talking to the FAA. There is a disagreement about the impact of this amendment, frankly, because they indicate that this is more or less in line with their understanding of the underlying law and the procedures they intend to follow going forward and really merely clarifies it. And if that is the gentleman's intent, it seems reasonable that one take into account different circumstances to maximize safety under changing conditions in different segments of the aviation industry.

I certainly do not favor weakening safety, but I do favor strengthening it in relation to differing circumstances that exist. Whether it is emergency aviation or whether it is military aviation or commuter aviation or general aviation, there are some factors that may be reasonable to take into account to maximize safety. I understand or believe that is the author's intention, though others clearly differ with me at this point.

Mr. SHUSTER. Well, I appreciate the gentleman's comments, and that is my intent. In fact, the Executive order, which does have some of this already in it, cannot have judicial review. So this will strengthen the position for people who have judicial review to be able to enforce it. Again, currently, the Executive order doesn't have it in it. So I believe this is going to strengthen it.

I want safety. Randy Babbitt, who is now the FAA administrator and former president of the ALPA, the Air Line Pilot's Association, has said one size fits all doesn't fit all.

So, again, I think this is going to strengthen the position as we move forward with these rulings. So I would urge the gentleman, if there is some-

thing we can do to clear this up a little bit, I am happy to listen to him.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, there is no question, at least from legal counsel that we have talked to, that it would absolutely affect current regulations and those that are pending right now under consideration.

So I would ask the gentleman—I believe I understand his intent—if he would consider withdrawing the amendment, working with the chairman of the full committee and subcommittee, myself and Mr. RAHALL, as we go into conference.

I yield to the gentleman for an answer.

Mr. SHUSTER. I appreciate the gentleman.

That is my intent is to strengthen this. Again, I think this does strengthen the law because it will give it judicial review. So at this point I am not willing to withdraw the amendment.

Mr. COSTELLO. I thank the gentleman, and we continue to strongly oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SHUSTER. Again, I urge my colleagues to support this amendment. I believe we are going to strengthen the rulemaking process and make the skies and aviation travel even safer than it is today.

I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, we strongly oppose the amendment. We believe that it will add additional red tape, and there is no evidence at all that the FAA regulations or history, in fact, favor anyone, other than there has been a reluctance on the part of the industry to comply with regulations. What this will do is drag it out even further and have a negative effect on those pending regulations as well as the existing ones. So we continue to oppose.

I will be happy to work with the gentleman. I know he has good intentions, and I will be happy to work with him, but would continue to oppose and urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 25 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. YODER). It is now in order to consider amendment No. 25 printed in House Report 112-46.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—For each of fiscal years 2011 through 2014, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(b) NEW SMALL BUSINESS CONCERNS.—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal year.

(c) CONTENTS.—The report shall include—

(1) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(2) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(3) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I yield myself such time as I may consume.

My amendment is fairly straightforward. We all understand that small businesses are critical to the economic vitality of our communities and of the Nation. Small businesses, however, face many obstacles in trying to win Federal contracts, especially for transportation and infrastructure projects. For certain small businesses, those led by minorities, women, and veterans, the barriers to competing for federally funded contracts are even steeper, and for many years now Federal transportation legislation has included language to help these businesses even get in the door much less compete for and win these contracts.

I would submit to you that this is very noncontroversial. There are no quotas. There is no spending.

Mr. PETRI. Will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague from Wisconsin for yielding. And if I

might take this occasion to be one of the first to wish her a happy birthday. A big milestone is coming up very shortly, and I congratulate you on reaching it.

We have reviewed your amendment on this side of the aisle, and we agree with you. We feel it is an important amendment and support it.

Ms. MOORE. I thank the gentleman from Wisconsin.

This bill, as I understand it, will authorize \$47.5 billion over the next 4 years to improve our Nation's aviation system; and we all want small businesses to be able to fairly compete for that piece of the pie, because we know they can.

I yield to the gentleman from West Virginia, the ranking member.

Mr. RAHALL. I thank the gentlelady for yielding, and I commend her for her diligent work on this issue and for bringing her amendment to the floor of the House. It is all about fairness, and I rise in support as well.

□ 2010

Ms. MOORE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112-46.

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. HISTORICAL AIRCRAFT DOCUMENTS.

(a) PRESERVATION OF DOCUMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

(B) Group-2 approved aircraft type certificate numbers 2-1 through 2-554.

(2) REVISION OF ORDER.—Not later than one year after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

(b) AVAILABILITY OF DOCUMENTS.—

(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

(B) subject to a prohibition on use of the documents for commercial purposes.

(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

(c) HOLDER OF TYPE CERTIFICATE.—

(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to the Federal Aviation Administration, a person, or the public.

(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall not be responsible for any continued airworthiness or Federal Aviation Administration regulatory requirements to the type certificate data and documents identified in subsection (a)(1).

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of an amendment which I call the Herrick amendment, named for the gentleman who brought the matter to my attention, a restorer of old aircraft.

This amendment requires the FAA to preserve original aircraft engineering data in the agency's possession. You can kind of think of this as blueprints of our Nation's very earliest aircraft. It extends for the time from 1927 to 1939, 1927 being the very first typed certificate that was ever issued by the CEA at that time, the FAA now.

Right now, the FAA is currently authorized to destroy that data. In my opinion, this destruction represents the disappearance of very detailed documentation surrounding the golden age of aviation. In some cases this data is converted to a CD or is converted digitally.

What happens is the FAA policy then requires the agency to destroy the original documents. In the world of aviation, to those of us who are very close to aviation, this would be comparable to making a copy of the Declaration of Independence and then destroying the original. It is unclear how much of this original data exists, which is all the more reason why I think we need to preserve it, to find out how much is there.

What my amendment does is it simply requires the FAA to preserve original aircraft engineering data in the agency's possession of aircraft from

1927 to 1939. It requires the FAA to revise the order which provides them authority to destroy this data. The revision would prohibit such destruction. And it makes the documentation to be preserved under this act available to the public upon a Freedom of Information Act request, subject to a prohibition on using the documents for commercial purposes.

I would urge my colleagues to support this amendment.

Mr. PETRI. Will the gentleman yield?

Mr. GRAVES of Missouri. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed the amendment and are supportive of it. The people who are concerned about vintage airplanes, I know EAA that I represent, one of the largest, if not the largest, association of general aviation enthusiasts, feels this is very important. We would like to work with you to perfect the amendment. But my understanding is the FAA and others also support its intent.

Mr. MICA. If the gentleman will yield, I will only agree to this amendment if Mr. GRAVES agrees that this is his last amendment on this legislation. I know he is the chairman of the Small Business Committee. I know he has been an active member on the Transportation Committee. I know he is a pilot. But no one should be allowed as many amendments as he has had, and unless he agrees this is absolutely his last amendment, I would have to oppose it.

Mr. GRAVES of Missouri. Mr. Chairman, reclaiming my time, in response to that, I can guarantee you that this is my last amendment, for this particular bill at least.

Mr. RAHALL. If the gentleman will yield, the chairman and I have finally found something we agree upon. I agree as well.

Mr. GRAVES of Missouri. I would close with that, Mr. Chairman, yield back the balance of my time, and urge my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112-46.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DOÑA ANA COUNTY, NEW MEXICO.

(a) RELEASE FROM RESTRICTIONS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 4, 1982) or

sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) CONDITIONS.—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

This amendment is at the request of the local county, Dona Ana County, in New Mexico. They have land which alternates with a private investor. They are simply asking that 7.35 acres be given to them and they would in turn give up 8.41 acres to this private company. Then the private company would also give a road to the airport that they are desiring.

This land swap is by the mutual agreement of all parties concerned. The FAA has no objections to the transaction. The appraised value is somewhat different, but the developing group is offering to pay for a road in an equal amount to where the two amounts would be equal, so there is no effective difference.

I would confirm to the chairman of the committee that this is my last amendment also, if that is what it takes to get people to agree to it.

Mr. PETRI. Will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from Wisconsin.

Mr. PETRI. We have reviewed your amendment and feel that it is a reasonable and important amendment. We support it and urge a "yes" vote on your amendment.

Mr. PEARCE. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

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

First I want to read through the rules of the House and what I understand is a congressional earmark. Under clause 9 of rule XXI, a congress-

sional earmark is defined as a provision included at the request of a Member authorizing or recommending spending authority for an entity or targeted to a specific locality or congressional district.

The amendment before us qualifies as a congressional earmark. The gentleman from New Mexico specifically is requesting the provision.

In addition, the amendment authorizes spending authority for Dona Ana County, New Mexico. Subsection (b)(2) states: "Any amount received by the County for the conveyance," which clearly contemplates the county receiving funding pursuant to this provision. Therefore, the amendment qualifies as a congressional earmark under clause 9 of rule XXI.

Moreover, under clause 17 of rule XXII of the rules of the House regarding Members' Code of Conduct, a Member requesting a congressional earmark must provide a written statement to the chair and ranking member certifying that neither the Member nor his spouse has a financial interest in the earmark. I don't question that at all here, but I am just saying what the rules are.

Mr. Chairman, I understand that the rule waives all points of order against the amendment. However, is there any way to ensure that the gentleman from New Mexico files the appropriate financial disclosure certification with the Committee on T&I required under clause 17 of rule XXII?

These disclosure requirements were included in the House rules in the 110th Congress under the Democratic majority. They have served the House well. Merely what I am trying to do is ensure that the sunshine provisions continue to be the standard of the House.

I yield to the gentleman from New Mexico.

Mr. PEARCE. Since there is no money actually changing hands, there is not any value changing hands, it appears that the rule that the gentleman refers to is not invoked.

I am reading clause 9, section (e), which says for purposes of this clause, the term congressional earmark means a provision in the report language included primarily at the request of a Member providing, authorizing, recommending a specific amount of discretionary budget authority, which this does not do, credit authority, which this does not do, or other spending authority, which this does not do, for a contract, which this does not do, a loan, which this does not do, loan guarantee, which this does not do, grant, which this does not do, loan authority, which this does not do, or other expenditure with or to an entity or targeted to a specific State, locality or congressional district.

Mr. RAHALL. Reclaiming my time, the gentleman's last sentence of his amendment says: "Any amount re-

ceived by the county for the conveyance shall be used by the county for the development, improvement, operation or maintenance of the airport." So it does seem there is some transfer of value here or some monetary, or if not monetary, some value of some sort that is being conveyed to the county.

□ 2020

Mr. PEARCE. The amounts that are involved are equivalent. There is no difference. So I think that's just clearing language in the bill. It's not like any value is moving either direction or the other. That has been ascertained by the appraisals. There is an equivalent difference in land but then the company that is giving up land at the request of the local county has agreed to pave a road on the airport for the county that would make up the difference. And that value has been ascertained also to be in the amount of about \$143,830 in order to make the two transactions equivalent.

Mr. RAHALL. Reclaiming my time, what is the value the Federal Government is getting here?

Mr. PEARCE. In our view, there is no value lost or gained in either direction.

Mr. RAHALL. Except toward the county.

Mr. PEARCE. No. There's no loss to the county—no loss or no gain to the county. There are 7 acres that are in triangular shapes up against the county. They're not able to do anything with the airport on that side. They're simply asking that these triangular shapes be exchanged out so that there is a strip of land that they can develop. There is no difference in value to either the county or to the company.

Mr. RAHALL. Reclaiming my time, I raise these questions, Mr. Chairman, because what looks like an earmark, walks like an earmark, smells like an earmark, must be an earmark.

I yield back the balance of my time.

Mr. PEARCE. I appreciate the points that the ranking member has brought up. Of course, I share his concern in deep disregard for earmarks. We would never do anything which either compromised his values concerning earmarks, nor mine. We feel like the entire transaction is transparent. It's one which was requested by the local county at the expense of the local company. And so, to me, the Rules Committee has said that this amendment would be made in order; that it did not offend any provision of the rules of this House, nor did it offend any of the germaneness regarding the underlying bill. So we gladly pursue this, and would request a "yes" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

It is now in order to consider amendment No. 28 printed in House Report 112-46.

AMENDMENT NO. 29 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112-46.

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. MANDATORY NIGHTTIME CURFEWS.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any written assurances under section 47107 of title 49, United States Code, an airport sponsor may not be prohibited from, or interfered with, implementing any of the following:

(1) A total mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (1) of subsection (b).

(2) A partial mandatory nighttime curfew for an airport of the sponsor that is described in paragraph (2) of subsection (b).

(b) COVERED AIRPORTS.—

(1) PARAGRAPH (1) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a voluntary curfew in effect for certain aircraft on November 5, 1990; and

(B) was created by an intergovernmental agreement established pursuant to a State statute enacted before November 5, 1990, that, along with the statute, imposes obligations with respect to noise mitigation.

(2) PARAGRAPH (2) AIRPORTS.—An airport described in this paragraph is an airport that—

(A) had a partial curfew in effect prior to November 5, 1990;

(B) operates under the supervision of a board of airport commissioners that, on January 1, 2010, oversaw operation of 3 or more airports, at least 2 of which have airport operating certificates pursuant to part 139 of title 14, Code of Federal Regulations; and

(C) on January 1, 2010, failed to comply with a cumulative noise standard established by a State law for airports in that State.

(c) NOTICE REQUIREMENTS.—

(1) IN GENERAL.—At least 90 days before implementing a curfew under subsection (a), an airport sponsor shall provide to airport users and other interested parties reasonable notice of—

(A) the terms of the curfew; and

(B) the penalties for violating the curfew.

(2) REASONABLE NOTICE.—An airport sponsor shall be treated as satisfying the requirement of providing reasonable notice under paragraph (1) if the sponsor—

(A) includes the terms of the curfew and penalties for violating the curfew on the Internet Web site of the sponsor for the applicable airport; and

(B) provides the terms of the curfew and penalties for violating the curfew to tenants of the sponsor who operate aircraft at the airport, either at their leasehold or the ad-

dress provided to the airport sponsor for the receipt of notices under their lease.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL MANDATORY NIGHTTIME CURFEW.—The term “total mandatory nighttime curfew” means a prohibition on all aircraft operations at an airport each night during the 9-hour period beginning at 10 p.m.

(2) PARTIAL MANDATORY NIGHTTIME CURFEW.—The term “partial mandatory nighttime curfew” means a prohibition on certain aircraft operations at an airport each night for not longer than the 9-hour period beginning at 10 p.m.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I rise today in support of the amendment that I'm offering along with my southern California colleagues, Mr. SHERMAN and Mr. BERMAN. This amendment would allow airports that meet specific requirements—airports that already had at least a partial curfew in effect before the 1990 Airport Noise Control Act, ANCA, to implement mandatory nighttime curfews. The amendment defines a nighttime curfew as between 10 p.m. and 7 a.m., and affects only two small airports that have partial curfews—or a full curfew, in the case of Bob Hope—before the passage of ANCA. It does not intend to open the door to any further exemptions from ANCA.

When Congress enacted ANCA, it intended for the statute to permit airports to obtain noise restrictions if they met certain requirements. At the time, Congress exempted several airports from the law's requirements for FAA approval of new noise rules if they had preexisting noise rules in effect to address local noise problems. Both airports in southern California that would be affected by this amendment have a long history of curfews and were, unfortunately, left out of the grandfather provision of ANCA. Our amendment would correct this inequity and put those airports on the same footing as other airports that had curfews before ANCA's passage. One of the airports affected, Bob Hope Airport, was one of the first airports in the country to impose a curfew. The Van Nuys Airport also had a partial curfew prior to ANCA. The amendment therefore corrects the omission of not providing curfews to these airports since they already had a full or partial curfew in effect before 1990.

This amendment is supported by the local airports themselves and has the full support of the local congressional delegation. Opponents of the amendment contend there's already an established process to consider a community's request for a curfew. However, the process was designed to be so difficult that in the decades since it was established by the FAA, only one air-

port in the Nation has successfully completed an application—Bob Hope Airport—and then it was summarily turned down. After spending \$7 million and 9 years of effort, the FAA rejected Bob Hope's request, erroneously contending that the small number of flights impacted by the curfew would impose too great a strain on the country's aviation system and too great a cost on users. In reality, the FAA approached this process in reverse, beginning with the conclusion it wished to reach and working backwards to try and justify its result.

It's also important to note that my colleagues understand the impact this amendment will have on aviation in southern California. There will be no impact on commercial flights. Commercial airlines do not operate out of Van Nuys and commercial airlines already abide by a voluntary nighttime curfew at Bob Hope Airport. The impact on general aviation will be very limited. About nine flights each night are expected to be affected. Because of the FAA's dismissive attitude toward legitimate local concerns, it is clear to us that the only way to provide relief to the residents in our community is through a legislative action.

For this reason, Mr. Chairman, I strongly urge my colleagues to support this amendment. It will correct an omission in the Airport Noise Control Act. Local problems require local solutions, not solutions imposed by a Federal agency with a predetermined agenda.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. I have done my best to meet with some of the affected parties here. And I have the greatest respect for those who have brought this proposal forward. I talked to Mr. SCHIFF, Mr. BERMAN, and others. They have a good intention. They want to protect the airports and the constituents that they represent. However, what they propose is—again, I had to look at this very carefully to see the consequences of what they propose and how it would affect all of us.

Prior to 1990—I think that's where he wants to take us back to—we didn't have a regulation for a standard airport noise control Federal law. Congress enacted a law. And they did this because we get into the situation that any airport could impose various flight restrictions. And what you do is start closing down a national system because, again, you have no consistent regulation. And we set up a procedure in that law.

Now, it is true that Bob Hope had applied, spent money, and then was denied. Van Nuys has never applied. And Bob Hope can go back and apply. If we

open this up and we start taking airport by airport and granting certain levels of activity in time, we start destroying a national aviation system. So that's why we put the Act in place. It has a manner in which to proceed.

I'm glad this came up because maybe it is an Act that we need to look at. I don't want communities to have to spend a great deal of money to go through this process or spend a great deal of time. Maybe we need to look at amending the Airport Noise Control Act of 1990 to be fair to communities. But I'm telling you, if we open this door, then we have a problem.

Again, Van Nuys has never even sought the remedy. So to come to Congress and ask for this exemption at this point on behalf of the entire aviation system—and my responsibility is to, again, everyone who contributes to our national aviation system—I can't concur with, and I have to oppose this amendment at this time.

I reserve the balance of my time.

Mr. SCHIFF. I thank the chairman and appreciate the time that he spent to discuss this issue with us. I would just make a couple of points before I yield to my colleague, and that is that this will only restore an inequity at the time of ANCA.

□ 2030

Had ANCA exempted each of the airports that had a curfew in place at the time, we wouldn't be here because this problem would have been taken care of. So it doesn't really create a precedent that will erode the system, destroy the system. What it will say is all airports that had a curfew in place should be treated the same way.

And as a further illustration of the minimal impact it will have, both airports support this. And LAX, the major airport in the area, the authority that controls LAX also supports this. So the other major airport that would be impacted by any potential overflow supports this as well. There's uniformity within the airports in our region.

With that, I yield the balance of my time to my colleague from California (Mr. SHERMAN).

The Acting CHAIR. The gentleman from California is recognized for 30 seconds.

Mr. SHERMAN. I represent both airports in question. This is a principled amendment that deals with all airports that had curfews in effect in 1990.

To say that Burbank should appeal, having spent \$9 million on a dead-end rigged process, is not a sufficient answer. And to say that Van Nuys should then go spend \$9 million on a process that's obviously rigged is not an answer.

The answer is to adopt this amendment that doesn't cost the Federal Government a penny and simply allows the L.A. area to do what every stakeholder in the area wants to do. The

harsh hand of the Federal Government should not prevent local control in this area.

Mr. MICA. I yield myself the balance of my time.

Again, I try to work with Members that have problems. Unfortunately, again, in analyzing this—I do have the stewardship of the country at stake and our national aviation system. And this amendment, unfortunately, would set a precedent that would encourage other localities to seek congressional intervention to override FAA decisions or to avoid the agency review process altogether.

We could be here all the time doing this. The results would be a patchwork quilt of local regulations that would work against the maintenance of a national air transportation system. We can start taking it apart piece by piece. And that was exactly the concerns that led to the passage of the law in 1990.

Now, if it needs amending, I will work with them. I understand their concerns and others that might have a similar problem. And it's somewhat educational too to learn about the \$9 million that they had to spend to go through this process and then have it denied.

But I can't in good faith, and, again, having a responsibility to the Nation and its aviation system, support this amendment at this time. I have to oppose it because, again, the patchwork, the quilt work, and the deluge that we would get in our committee. So, again, I'm having concerns, but I still remain in opposition.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SHERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. MATHESON

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112-46.

Mr. MATHESON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to any airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a

deed under which the United States conveyed to the airport, city, or county property for airport purposes pursuant to section 16 of the Federal Airport Act (as in effect on August 28, 1973) or section 23 of the Airport and Airway Development Act.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The applicable airport, city, or county shall agree that in conveying any interest in the property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive an amount for such interest that is equal to its fair market value.

(2) Any amount received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(3) Any other conditions required by the Secretary and in accordance with title 49, United States Code.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I am very pleased to stand up and offer this bipartisan amendment today, offered by myself and also the gentleman from New Mexico (Mr. PEARCE).

The amendment addresses an interesting problem, and that is, over history, at times, the Federal Government has given land to various airport authorities—it could be a city, a county, or a State—with a reverter clause that the land is no longer used for the purpose in which it was given or sold to that airport. Now, I'm not suggesting we ignore the reverter clause, but there are circumstances where a different airport-related use is proposed for this land but it can't be done under the original terms of the sale.

So our amendment basically says that as long as this land is continued to be used for airport purposes, the FAA has the ability to ignore the reverter clause, if you will, or adjust the reverter clause to allow this land to continue to be used for airport purposes in a different manner than it was used before.

This circumstance exists in various locations around the country. This is an issue that has been hanging out for a few years in some of our congressional districts, and I'm pleased we have found a way, I believe, to address what I believe are noncontroversial issues of changing to a different type of airport use. So I think it's consistent with the intent of the land being given to a city, county, or State or airport authority. This remains in the public hands.

That is the substance of my amendment, Mr. Chairman, and I urge people to vote for it.

Mr. PETRI. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from Wisconsin.

Mr. PETRI. Thank you.

We have reviewed this amendment. We support the goal that he is attempting to achieve. We want to continue working with him, but even with its being adopted, because the FAA has raised some concerns, mainly that it, as drafted, would capture all airports and would have an overly broad effect. But I understand the difficulty that created that; so we're trying to figure out if there is some way we can achieve the objective which, as best we can tell, is a perfectly reasonable, sensible objective within the rules of the House and without causing problems in other places that are unintended.

With those caveats, we support the amendment and look forward to working with you as we go forward.

Mr. MATHESON. I greatly appreciate the comments of my colleague Mr. PETRI. And, again, I also commit to work with you to refine this to make this in the best possible form.

Mr. PEARCE. Will the gentleman yield?

Mr. MATHESON. I yield to the gentleman from New Mexico.

Mr. PEARCE. Thank you.

I was going to claim time in opposition and then speak in favor of the amendment, but we can get this wrapped up a lot quicker if we do it this way.

Basically, I am cosponsoring the amendment with the gentleman. In the West the problem is greater, more extensive than the rest of the country, but we've got small parcels of land around everywhere that are owned by the government. And this is a practical, commonsense measure which would help distribute those parcels of land. It requires that the value be accorded to the government, to whatever owning agency there is. You have to receive fair market value for it, but it gets it out of the government's hands and into the hands of either an entity that will develop the land or hold it. So it's a commonsense amendment that makes for smoother operations downstream, and I would gladly support the amendment and urge a "yes" vote for the Matheson-Pearce amendment.

Mr. MATHESON. Reclaiming my time, if no one is going to claim time in opposition, I am happy to close.

Again, I appreciate Mr. PEARCE's work on this and I appreciate Mr. PETRI's ongoing discussions on this. It's been a bipartisan effort. I encourage my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

□ 2040

AMENDMENT NO. 31 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112-46.

Mr. SCHIFF. Mr. Chairman, I rise as the designee of the gentlewoman from California, Representative WATERS, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, insert the following (and conform the table of contents accordingly):

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—

(1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

(A) the ongoing operations of LAX; and
(B) plans to expand, modify, or realign LAX facilities; and

(2) should include in such consultations any organization, the membership of which includes at least 20 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

The Acting CHAIR. Pursuant to House Resolution 189, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETRI. Will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Wisconsin.

Mr. PETRI. Earlier this afternoon, we discussed this amendment with the principal author, your colleague Ms. WATERS. We are prepared to accept the amendment. We know it was offered in good faith, and is a more restrictive amendment than an earlier one that we'd discussed, so I would urge a "yes" vote on her amendment.

Mr. SCHIFF. Mr. Chairman, I thank you for that, and I know my colleague Representative WATERS thanks you for that. Let me just briefly state for the RECORD a couple of points that my colleague would like me to make, and then I'd be happy to yield the balance of my time.

This amendment states that it is the sense of Congress that Los Angeles World Airports, the operator of LA International Airport, LAX, should consult on a regular basis with representatives of the community surrounding LAX regarding airport operations and plans to expand, modify or realign airport facilities.

LAX, one of the world's busiest airports, is located in Representative WATERS' congressional district. According to LAWA's Web site, LAX is the sixth busiest airport in the world for passengers, and it ranks 13th in the world in air cargo tonnage handled.

There were 656,000 takeoffs and landings at LAX in 2006. Unfortunately, each of these takeoffs and landings makes noise.

LAWA is currently in the process of realigning the runways on the north side of the airport. Depending upon the runway configuration that is chosen, this realignment could have a tremendous impact on the local community. Residents of Westchester and Playa del Rey, which are located adjacent to the north runways, are strongly opposed to any proposal to move the runways farther north, which could force some families to leave their homes. Residents of the city of Inglewood and the communities of Vermont Knolls and south Los Angeles, which lie to the east of LAX, underneath the flight path of the planes that use the runways, are concerned that reconfiguration will result in an increase in airport noise.

Some of the people who are most impacted by LAX operations do not even benefit from the services that LAX is intended to provide. LAX serves people from all across southern California, but many of the people who live closest to the airport are low-income who cannot afford the benefits of air travel. In communities like Los Angeles, where airports are located near residents who can't afford to use them, it is all the more important that the airport operators listen to the concerns of those residents.

This is a simple, nonbinding amendment that will not affect other airports. I thank the chairman for his support, and urge my colleagues to support this as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112-46.

Ms. MOORE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 256, after line 9, insert the following (and conform the table of contents accordingly):

SEC. 814. DEVELOPMENT OF AEROTROPOLIS ZONES AROUND AIRPORTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may establish a program in support of the development of aerotropolis zones around medium and large hub airports.

(b) DEMONSTRATION PROJECTS.—Under the program, the Administrator may carry out demonstration projects in not more than 5 locations. In selecting such locations, the Administrator shall seek a mix of medium and large hub airports.

(c) ACTIVITIES.—In carrying out a project with respect to an airport under the program, the Administrator shall undertake activities designed to—

(1) encourage freight and passenger rail companies to support the development of those facilities at or near the airport to reduce congestion and improve the flow of freight and passengers to and through the airport;

(2) reduce traffic congestion on roadways serving the airport to improve the flow of passengers and freight to and through the airport; and

(3) integrate airport planning and development efforts with businesses and municipalities located near the airport to maximize economic development opportunities that rely on the airport as a transportation hub.

(d) REPORTS.—If the Administrator decides not to carry out demonstration projects under the program in a fiscal year, the Administrator, on or before the last day of that fiscal year, shall submit to Congress a report containing an explanation for the Administrator's decision.

(e) FUNDING.—For each of fiscal years 2011 through 2014, the Administrator may use amounts made available under section 106(k) of title 49, United States Code, for operations of the Federal Aviation Administration to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 189, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, this amendment encourages the development of aerotropolis transportation zones.

Let me start out by congratulating and thanking the committee for including the Cohen amendment in the underlying bill, which would direct the FAA to adopt policies that encourage the development of aerotropolis transportation zones.

I mean, no airport exists in isolation. There are cases where targeted investments in the intermodal transportation system would significantly benefit the airport and make it more profitable, and all other users would need to think about how to do that in the future and make these airports the hubs of their activities.

I so appreciate Mr. COHEN's leadership on this, and recognize the value in his new way of looking at our Nation's airports and the value that that brings to us.

My amendment goes one step further by giving the administration explicit authority to participate in helping to fund aerotropolis projects that he finds would significantly benefit the participating airport. It builds on Mr. COHEN's efforts by making it clear that the administrator can authorize demonstration projects but only if an airport authority makes a convincing case that it has a project that will result in clear benefits to the airport.

Now, a little birdie told me that there will be some objection to this proposal based on the supposition that I'm arguing for a sudden shift in airport funding to be used for other transportation modes. No, no, no. That's not what I'm trying to do. I recognize that

airports have a unique need and deserve a sustainable and dedicated stream of funding. What I am saying is, as to that same funding stream, when there are times that intermodal transportation will benefit an airport—maybe bring it back to life and increase profits for it—we should look at it.

I wish my colleague from Memphis, Tennessee, were here, but just let me tell you a little bit about my district, Mr. Chairman.

I live in Milwaukee, Wisconsin. Our airport is only 90 miles from O'Hare, a global network. The deepest part of Lake Michigan, our port, is in Milwaukee, Wisconsin. We have lots of parcels of land available for trucking and storage. Our Governor, our very popular Governor, Scott Walker, who just turned down \$810 million for high-speed rail, now wants \$150 million to improve the Hiawatha between Chicago and Milwaukee. We're only 90 miles from O'Hare, which is overcrowded. So I think the aerotropolis concept could improve the profitability of that airport.

I reserve the balance of my time.

Mr. MICA. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. While I do want to, first of all, thank the gentlelady from Wisconsin for bringing this amendment forward, our committee did have an amendment which we included, a provision for the gentleman from Tennessee, who she has been working with, Mr. COHEN. I think they have an excellent proposal for looking at a broader scope of how aviation should work as an intermodal entity and on a larger basis. I do have concerns about the way the language is directing certain demonstration projects and FAA funding.

So we are willing to work with, again, the gentlelady who brings this amendment forward with Mr. COHEN, the gentleman from Tennessee. We did put the placeholder provision in and supportive language of this type of proposal. Again, I would have to reluctantly oppose it, but I offer to support, and if the gentlelady is willing to withdraw the amendment, she would have that commitment from me.

I reserve the balance of my time.

Ms. MOORE. I would like to yield some time to my good friend, the ranking member, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentlelady from Wisconsin for yielding.

I do rise in support of her amendment, which would allow the FAA to conduct demonstration projects in support of aerotropolis zones around airports. These zones would encourage compatible land uses around airports. They would also facilitate transportation projects that would improve airport access and reduce congestion.

These projects would not be required, but this amendment would give the FAA the flexibility to encourage the development of aerotropolises around our Nation's airports, which would be for the benefit of the flying public and local economies.

I commend the gentlelady on her amendment.

Ms. MOORE. In reclaiming my time, I would just say I really appreciate the generous offer of the gentleman, the chair of the committee, to work with me on it. I think a demonstration project would have accorded us an opportunity to show you this, but I am sure that this is so profitable that many places, like Milwaukee, will continue to work on this.

So I would be willing to withdraw this amendment at this time if you would be willing to work with me toward improving the language and process through which this could be realized.

I reserve the balance of my time.

□ 2050

Mr. MICA. Again, yielding myself time, I would openly and very actively pursue the goal that the gentlelady has set here and also the gentleman from Tennessee who provided the underlying provision that we have in the bill that will be passed. And I know that her goal is development to provide efficient, cost-effective, and sustainable intermodal connectivity to a defined region, and I share that goal. So I will work with her.

Also, in closing, since this is the last amendment—I think Mr. CROWLEY does not intend to appear—I do want to thank the gentlelady. I want to thank the ranking member, Mr. RAHALL. I don't see Mr. COSTELLO. I want to thank Chairman PETRI and the staff who have worked through this. There were some disagreements on some of these issues; but we have Members that are willing to, again, come forward, state their positions. The gentlelady from Wisconsin has done that and advocated her particular provision and amendment; but I think that in all it's been a good, healthy debate and exchange, an opportunity to hear many, many amendments throughout the day.

And I would encourage again working with those who have had proposals that may not have gotten in the bill that we would work on in conference; and while we do have some disagreements, I think we've done probably as good a job as we can.

I'd like to yield a moment, if I may, to Mr. RAHALL my ranking member, Democrat leader of the committee.

Mr. RAHALL. I thank the chairman for yielding, and I want to second the comments he's made about the fairness on both sides of the aisle. I think the chairman has been particularly fair and, as stated, is willing to work with so many Members on amendments,

whether he has accepted them today or not.

I also commend the staffs on both sides for their hard work. Mr. PETRI, I commend his leadership, and Mr. COSTELLO as well on my side of the aisle. And let's all hope this is the last time we go through this this year on this bill.

Mr. MICA. Again, I thank the gentleman and the gentlelady. I yield back the balance of my time, both on this amendment and hopefully on the bill.

Ms. MOORE. I yield back the balance of my time, and I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 112-46.

Mr. MICA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 112TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 112th Congress are as follows:

For the majority:

Mr. SMITH, Texas

Mr. SENSENBRENNER, Wisconsin

Mr. POE, Texas

For the minority:

Mr. SERRANO, New York

Mr. NADLER, New York

Ms. EDWARDS, Maryland

HUNGER FAST 2011

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

Mr. MCGOVERN. Mr. Speaker, I rise to commend the efforts of our former colleague, Tony Hall; Reverend David Beckman; Reverend Jim Wallis; Mark Bittman; and more than 6,000 people

across the country as they take part in a hunger fast to protest the draconian cuts to programs that affect the hungry and the most vulnerable in America and around the world.

The Republican plan, H.R. 1, would decimate what is now being called the Circle of Protection—the programs that protect the hungry and the most vulnerable here at home and around the world. I urge my colleagues to show that America doesn't turn its back on people in need, to have a heart, and to resist cutting these lifesaving programs. Please go to www.hungerfast.org for more information.

PROTECTING PROGRAMS FOR LOW-INCOME PEOPLE: A CIRCLE OF PROTECTION DOMESTIC

Food assistance.

SNAP, the supplemental nutrition assistance program (formerly food stamps), helps more than 43 million Americans put food on the table every month.

The National School Lunch Program serves 20.4 million low-income children.

The School Breakfast Program serves 9.7 million low-income children.

Tax credits and income support.

In 2009, the Earned Income Tax Credit (EITC) lifted an estimated 6.6 million people out of poverty, including about 3.3 million children.

In 2009, the Child Tax Credit (CTC) lifted an estimated 2.3 million people out of poverty, including about 1.3 million children.

In the 2007 tax year (the most recent year for which we have data), nearly 25 million working families and individuals received the EITC.

Low-income child care and early education.

Low-income health care.

Low-income education and training.

Preventing child maltreatment.

INTERNATIONAL

International food assistance and emergency response.

More than 30 million people receive assistance from USAID's Food for Peace program (P.L. 480 Title II).

The McGovern-Dole International Food for Education and Child Nutrition Program serves 5 million of the world's poorest children.

Sustainable international development.

42 million African children went to school for the first time between 1999 and 2007, thanks in part to debt relief and development assistance for education.

Global health.

International poverty-focused financial services.

International refugee assistance and post-conflict support.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, April 1, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

949. A letter from the Director, Department of Defense, transmitting the Department's twenty-first annual report for the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

950. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Nonavailability Exception for Procurement of Hand or Measuring Tools (DFARS Case 2011-D025) received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

951. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids into Schedule I [Docket No.: DEA-345F] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

952. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulation: Replacement Parts/Components and Incorporated Articles (RIN: 1400-AC70) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

953. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

954. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Foreign Affairs.

955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Auditor's Examination of the Office of Risk Management's Oversight of the District's Disability Compensation Program", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

956. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Tulsa County, Oklahoma, and Angelina County, Texas, to Nonappropriated Fund Federal Wage System Wage Areas (RIN: 3206-AM22) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

957. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's second report entitled, "Report on the Adequacy of the Rules Prescribed under the E-Government Act of 2002"; to the Committee on the Judiciary.

958. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Information Security Program [Docket No.: 11-01] (RIN: 3072-

AC40) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

959. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Amendments to Commission's Rules of Practice and Procedure [Docket No.: 11-02] (RIN: 3072-AC41) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

960. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Update to NFPA 101, Life Safety Code, for State Home Facilities (RIN: 2900-AN59) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

961. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-20) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

962. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax consequences to homeowners, mortgage servicers, and state housing finance agencies of participation in the HFA hardest hit fund and the emergency homeowners' loan program [Notice 2011-14] received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

963. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 Calendar year Resident Population Estimates [Notice 2011-15] received March 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. House Concurrent Resolution 13. Resolution reaffirming "In God We Trust" as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions (Rept. 112-47). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. Report on Oversight Plans for All House Committees (Rept. 112-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 194. Resolution providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes (Rept. 112-49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas:

H.R. 1277. A bill to authorize the Secretary of Homeland Security to make grants for

public-private partnerships that finance equipment and infrastructure to improve the public safety of persons who are residents of rural areas of the United States near the border with Mexico by enhancing access to mobile communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Ms. NORTON, Mr. BUTTERFIELD, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. COLE, Mr. GRIMALVA, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LUCAS, Mr. BISHOP of Georgia, Mr. CLAY, Mr. BOREN, Ms. LEE of California, Mr. WATT, Mr. CLEAVER, Mr. PRICE of North Carolina, Ms. FUDGE, Ms. MOORE, Ms. RICHARDSON, and Ms. CLARKE of New York):

H.R. 1278. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating the John Hope Franklin Reconciliation Park and other sites in Tulsa, Oklahoma, relating to the 1921 Tulsa race riot as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CHAFFETZ (for himself and Mr. HOLT):

H.R. 1279. A bill to amend title 49, United States Code, to establish limitations on the use of advanced imaging technology for aircraft passenger screening, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. ROYCE, Mr. SHERMAN, Mr. FORTENBERRY, and Mr. MARKEY):

H.R. 1280. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIBBLE (for himself, Mr. STUTZMAN, Mr. KINGSTON, Mr. BENISHEK, Mr. DESJARLAIS, Mr. MULVANEY, Mr. FLORES, Mr. GIBBS, Mr. FINCHER, Mr. DUNCAN of South Carolina, Mr. NUGENT, and Mr. RIGELL):

H.R. 1281. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on rulemaking actions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDWARDS (for herself, Mr. VAN HOLLEN, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. MORAN, Mr. CUMMINGS, and Mr. CONNOLLY of Virginia):

H.R. 1282. A bill to authorize the Secretary of Transportation to establish national safety standards for transit agencies operating heavy rail on fixed guideway; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BOREN, Mr. HUNTER, Mr. WALZ of Minnesota, Mr. RYAN of Ohio, Mr. MCKINLEY, Mr. LOEBSACK, Mr. SABLAN, Mrs. BLACKBURN, Mr. KISSELL, Mr. FORTENBERRY, Ms. SUTTON, Ms. BORDALLO, Mr. HOLT, and Mr. CUELLAR):

H.R. 1283. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BACA:

H.R. 1284. A bill to amend title 10, United States Code, to enhance the suicide prevention program of the Department of Defense by specifically requiring suicide prevention training during recruit basic training, pre-separation counseling, and mental health assessments; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 1285. A bill to amend title 10, United States Code, to prohibit certain increases in fees for military health care before fiscal year 2014; to the Committee on Armed Services.

By Mrs. BACHMANN (for herself, Mr. KINGSTON, Mr. GOHMERT, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. REBERG, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. GRAVES of Missouri, Mr. TIPTON, Mr. SCALISE, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. MANZULLO, Mr. PEARCE, Mr. LAMBORN, Mr. FLEMING, Mr. BENISHEK, Mr. FLORES, Mr. FORTENBERRY, Ms. BUERKLE, Mr. CANSECO, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HARRIS, Mrs. HARTZLER, and Mr. SCHWEIKERT):

H.R. 1286. A bill to provide for fiscal accountability for new direct funding under the Patient Protection and Affordable Care Act by converting its direct funding into authorizations of appropriations and by rescinding unobligated direct funding; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mr. HARRIS, Mr. HELLER, Mr. HERGER, Mr. HUELSKAMP, Mr. JOHNSON of Ohio, Mr. LANDRY, Mr. LATTI, Mr. LAMBORN, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mr. PEARCE, Mr. PENCE, Mr. POSEY, Mr. ROE of Tennessee, Mr. SIMPSON, Mr. WALBERG, and Mr. YOUNG of Alaska):

H.R. 1287. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for

which our children and grandchildren will be responsible, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. MCINTYRE, and Mr. FORTENBERRY):

H.R. 1288. A bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COHEN:

H.R. 1289. A bill to permit each State to have 3 statues on display in the United States Capitol; to the Committee on House Administration.

By Mr. COHEN:

H.R. 1290. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE:

H.R. 1291. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 1292. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. CICILLINE, and Mr. LANGEVIN):

H.R. 1293. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. FATTAH (for himself, Mr. POLIS, Mr. GRIJALVA, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. HONDA, Mr. MEEKS, and Mr. JACKSON of Illinois):

H.R. 1294. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Education and the Workforce.

By Mr. FATTAH (for himself and Mr. HONDA):

H.R. 1295. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FORBES:

H.R. 1296. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself and Mr. KINGSTON):

H.R. 1297. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBONDO (for himself, Mr. RUNDYAN, Mr. ANDREWS, and Mr. SMITH of New Jersey):

H.R. 1298. A bill to direct the Secretary of Veterans Affairs to conduct cost-benefit analyses for the provision of medical care by the Department of Veterans Affairs in certain geographic areas served by multiple Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. WALBERG, Mr. QUAYLE, Mr. ROGERS of Alabama, Mr. LONG, Mr. MCCAUL, Mr. WALSH of Illinois, Mr. POE of Texas, Mr. BILL-RAKIS, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, Mr. CANSECO, Mr. DANIEL E. LUNGREN of California, Mr. COFFMAN of Colorado, and Mrs. McMORRIS RODGERS):

H.R. 1299. A bill to achieve operational control of and improve security at the international land borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MURPHY of Connecticut (for himself and Mr. POE of Texas):

H.R. 1300. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1301. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. PETERS, Mr. HIMES, and Mr. POLIS):

H.R. 1302. A bill to make the Federal budget process more transparent and to make future budgets more sustainable; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HOLT, Ms. NORTON, Mr. MEEKS, Ms. MOORE, Mr. SCOTT of Virginia, and Mr. TOWNS):

H.R. 1303. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. SABLAN:

H.R. 1304. A bill to amend the Small Business Jobs Act of 2010 with respect to the State Trade and Export Promotion Grant Program, and for other purposes; to the Committee on Small Business.

By Mr. SHULER:

H.R. 1305. A bill to prohibit Members of Congress, including the Delegates and the Resident Commissioner to the Congress, and the President from receiving pay during Government shutdowns; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. ROONEY:

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress that the President should adhere to the War Powers Resolution and obtain specific statutory authorization for the use of United States Armed Forces in Libya; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself and Mr. SMITH of New Jersey):

H. Res. 193. A resolution calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States; to the Committee on Foreign Affairs.

By Ms. FUDGE:

H. Res. 195. A resolution expressing support for designation of the week of March 28, 2011, through April 1, 2011, as National Assistant Principals Week; to the Committee on Education and the Workforce.

By Mr. GIBSON:

H. Res. 196. A resolution supporting the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces who are serving overseas apart from their families and loved ones; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas:

H.R. 1277.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1

By Mr. SULLIVAN:

H.R. 1278.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Sec 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. CHAFFETZ:

H.R. 1279.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article I, Section 8, Clause 1, and the 4th and 14th Amendments to the U.S. Constitution.

By Ms. ROS-LEHTINEN:

H.R. 1280.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18.

By Mr. RIBBLE:

H.R. 1281.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution.

By Ms. EDWARDS:

H.R. 1282.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I

“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By Mr. LATHAM:

H.R. 1283.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. BACA:

H.R. 1284.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution clauses 12, 13, 14, 16, and 18.

By Mrs. BACHMANN:

H.R. 1285.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight, wherein it states “Congress shall have power . . . to raise and support Armies.”

By Mrs. BACHMANN:

H.R. 1286.

Congress has the power to enact this legislation pursuant to the following:

This legislation returns to Congress its power to review this funding annually and exercise full oversight as defined by Article I Section 7 of the United States Constitution. Additionally, this bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 1287.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BUTTERFIELD:

H.R. 1288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. COHEN:

H.R. 1289.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. COHEN:

H.R. 1290.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. COLE:

H.R. 1291.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2.

By Mr. CUELLAR:

H.R. 1292.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ELLISON:

H.R. 1293.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4.

By Mr. FATTAH:

H.R. 1294.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

By Mr. FATTAH:

H.R. 1295.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution, which states the Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States;

By Mr. FORBES:

H.R. 1296.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 and Article I, Section 8, Clause 18

By Mr. GOHMERT:

H.R. 1297.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets for the power of appropriations states that “No Money shall be drawn

from the Treasury but in Consequence of Appropriations made by Law”

In addition, Article I, Section 8, Clause 1 states that “The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .”

Also, Article I, Section 8, Clauses 12 and 13 states that Congress shall have power “[t]o raise and support Armies . . .” and “[t]o provide and maintain a Navy.”

Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds to ensure that U.S. servicemembers will not lose pay due to a funding gap.

By Mr. LoBIONDO:

H.R. 1298.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mrs. MILLER of Michigan:

H.R. 1299.

Congress has the power to enact this legislation pursuant to the following:

Preamble: Provide for the common defense

By Mr. MURPHY of Connecticut:

H.R. 1300.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Ms. NORTON:

H.R. 1301.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of section 8 of article I of the Constitution.

By Mr. QUIGLEY:

H.R. 1302.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. RANGEL:

H.R. 1303.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1, (relating to the general welfare of the United States) and clause 5 (relating to the coinage of money)

By Mr. SABLAN:

H.R. 1304.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States. Under Section 8, Congress may make laws necessary or proper for the execution of its powers.

By Mr. SHULER:

H.R. 1305.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 6 of Article I of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 1306.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. PRICE of Georgia:

H.J. Res. 53.

Congress has the power to enact this legislation pursuant to the following:

Article V whereby the U.S. Constitution may be altered.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 10: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. BENISHEK.
 H.R. 24: Mr. FILNER and Mr. PITTS.
 H.R. 44: Ms. BALDWIN.
 H.R. 58: Mr. SHULER and Mr. COLE.
 H.R. 100: Mr. POSEY and Mr. SAM JOHNSON of Texas.
 H.R. 104: Mr. CRENSHAW and Mr. LATHAM.
 H.R. 157: Mr. RUPPERSBERGER.
 H.R. 178: Mr. ALTMIRE.
 H.R. 181: Mr. KISSELL, Mr. CUELLAR, and Mrs. HARTZLER.
 H.R. 198: Mr. WHITFIELD.
 H.R. 284: Ms. CHU and Mr. STARK.
 H.R. 287: Mr. RUSH and Mrs. CAPPS.
 H.R. 301: Mr. WOLF.
 H.R. 303: Mr. RUNYAN, Mr. SHULER, and Mr. ROSS of Arkansas.
 H.R. 308: Ms. BROWN of Florida.
 H.R. 321: Mr. JOHNSON of Georgia.
 H.R. 358: Mr. DUFFY and Mr. AMASH.
 H.R. 400: Mrs. NAPOLITANO.
 H.R. 412: Mr. HULTGREN, Mr. LUETKEMEYER, and Mr. OWENS.
 H.R. 420: Mr. SHULER, Mr. COFFMAN of Colorado, Mr. TERRY, Mr. GINGREY of Georgia, Mr. CRITZ, Mr. HELLER, Mr. TIBERI, Mr. RAHALL, Mr. KISSELL, Mr. CARTER, Mr. SCALISE, and Mr. ROGERS of Alabama.
 H.R. 456: Ms. FUDGE.
 H.R. 459: Mr. CONYERS.
 H.R. 472: Ms. HANABUSA.
 H.R. 476: Mr. CANSECO.
 H.R. 481: Mr. VAN HOLLEN.
 H.R. 501: Ms. BORDALLO.
 H.R. 529: Mr. McDERMOTT.
 H.R. 539: Mr. COURTNEY.
 H.R. 595: Mr. GIBSON.
 H.R. 615: Mr. SHULER.
 H.R. 625: Mr. WOLF and Mr. RANGEL.
 H.R. 651: Mr. DEFazio, Mr. JOHNSON of Illinois, Mr. RUSH, and Mr. WATT.
 H.R. 663: Mr. BARLETTA and Mr. COFFMAN of Colorado.
 H.R. 674: Mr. SCHOCK, Mr. OLSON, Mr. FILNER, Mr. CUELLAR, Mr. MANZULLO, Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. ROE of Tennessee, Mr. LATOURETTE, Mr. SENSENBRENNER, and Mr. AUSTRIA.
 H.R. 680: Mr. FORBES, Mr. MILLER of Florida, Mr. HARPER, Mr. KINGSTON, and Mr. KING of Iowa.
 H.R. 683: Mr. COHEN, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Ms. BROWN of Florida.
 H.R. 687: Mr. GRIFFIN of Arkansas.
 H.R. 692: Mr. FORBES.
 H.R. 721: Mr. TIPTON, Mr. LATHAM, Mr. DENHAM, Mr. YARMUTH, Mr. CRITZ, and Mr. HANNA.
 H.R. 725: Mr. TURNER, Ms. SUTTON, Ms. KAPTUR, Mr. RENACCI, and Mrs. SCHMIDT.
 H.R. 729: Mr. LEWIS of Georgia.
 H.R. 733: Mr. DONNELLY of Indiana, Mr. TIBERI, and Ms. TSONGAS.
 H.R. 740: Mr. HOLDEN.
 H.R. 745: Mr. FLORES.
 H.R. 747: Mr. VAN HOLLEN.
 H.R. 769: Mrs. LOWEY.
 H.R. 791: Mr. BURTON of Indiana, Mr. MCGOVERN, and Mr. HARRIS.
 H.R. 819: Mr. BOSWELL, Ms. BERKLEY, Mr. KISSELL, Mr. SCHRADER, Mr. BISHOP of New York, Mr. WELCH, Ms. SPEIER, Mr. DONNELLY of Indiana, Ms. PINGREE of Maine, Mr. COOPER, Ms. TSONGAS, and Mr. MATHESON.
 H.R. 820: Ms. MATSUI, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.
 H.R. 831: Mrs. MCCARTHY of New York.
 H.R. 840: Mr. SESSIONS and Mr. RIGELL.
 H.R. 875: Mr. POSEY.
 H.R. 883: Mr. JOHNSON of Georgia, Ms. LINDA T. SANCHEZ of California, and Mr. COURTNEY.
 H.R. 891: Mr. COURTNEY and Ms. RICHARDSON.
 H.R. 895: Mr. DANIEL E. LUNGREN of California, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. SHERMAN, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, and Mr. HUNTER.
 H.R. 910: Mr. REED and Mr. HURT.
 H.R. 927: Mr. VISCLOSKEY.
 H.R. 932: Mr. SAM JOHNSON of Texas.
 H.R. 942: Mr. BOSWELL.
 H.R. 951: Mr. FORBES.
 H.R. 959: Mr. POLIS.
 H.R. 977: Mr. UPTON.
 H.R. 984: Mr. AUSTIN SCOTT of Georgia, Mr. TIPTON, Mr. COFFMAN of Colorado, and Mr. WALBERG.
 H.R. 997: Mr. HELLER, Mr. COBLE, Mrs. CAPITO, Mr. LATHAM, Mr. ALTMIRE, Ms. JENKINS, Mr. PETRI, Mr. DUNCAN of South Carolina, and Mr. KING of New York.
 H.R. 998: Ms. HANABUSA and Mr. BISHOP of New York.
 H.R. 1003: Ms. BORDALLO.
 H.R. 1006: Mr. POE of Texas.
 H.R. 1013: Mr. COURTNEY.
 H.R. 1016: Mr. CUMMINGS, Mr. HONDA, Ms. NORTON, and Mr. FILNER.
 H.R. 1017: Mr. PASCRELL and Mr. FRANK of Massachusetts.
 H.R. 1027: Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. McDERMOTT, Mr. FATTAH, and Mr. PASCRELL.
 H.R. 1046: Mr. WOLF.
 H.R. 1051: Mr. BURGESS.
 H.R. 1054: Mr. WELCH.
 H.R. 1058: Mrs. HARTZLER and Mr. PITTS.
 H.R. 1061: Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. CHAFFETZ, and Mrs. MYRICK.
 H.R. 1063: Mr. ROSS of Florida and Mr. COBLE.
 H.R. 1065: Mr. ROSS of Florida, Mr. OLVER, and Mr. KEATING.
 H.R. 1075: Mr. ROE of Tennessee and Mr. HENSARLING.
 H.R. 1081: Mr. SENSENBRENNER, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. AL GREEN of Texas, Mr. THORNBERRY, and Mr. COURTNEY.
 H.R. 1085: Mr. INSLEE.
 H.R. 1090: Ms. HIRONO, Mr. OLVER, and Ms. ROYBAL-ALLARD.
 H.R. 1092: Ms. BORDALLO, Mr. ROSS of Arkansas, Mr. PEARCE, Mr. KISSELL, and Mr. FILNER.
 H.R. 1093: Mr. ROSS of Florida, Mr. SCALISE, Mr. SIMPSON, Mr. POE of Texas, Mr. JONES, Mr. CANSECO, Mr. TIBERI, Mr. FRANKS of Arizona, Mr. CRITZ, Mr. HELLER, Mr. GINGREY of Georgia, Mr. TERRY, Mr. COFFMAN of Colorado, Mr. BOREN, Mr. COLE, Mr. RAHALL, Mr. DINGELL, Mr. KISSELL, and Mr. SHULER.
 H.R. 1100: Mr. GRIJALVA and Ms. HANABUSA.
 H.R. 1106: Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Mr. BERMAN, and Mr. YARMUTH.
 H.R. 1113: Ms. HANABUSA, Mr. MICHAUD, and Mr. JACKSON of Illinois.
 H.R. 1119: Ms. SPEIER.
 H.R. 1124: Ms. MCCOLLUM.
 H.R. 1126: Mr. MACK.
 H.R. 1147: Mr. MARCHANT.
 H.R. 1154: Mr. BUCSHON and Mr. DENT.
 H.R. 1161: Mr. STIVERS, Mr. OLSON, Mr. VISCLOSKEY, Mr. BOUSTANY, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, and Mr. HINOJOSA.
 H.R. 1164: Mr. KING of Iowa.
 H.R. 1176: Ms. WOOLSEY.
 H.R. 1182: Mr. NEUGEBAUER, Mr. PAUL, Mr. MANZULLO, Mr. WESTMORELAND, Mr. GARRETT, and Mr. PENCE.
 H.R. 1186: Mr. HALL and Mr. BURGESS.
 H.R. 1206: Ms. GRANGER.
 H.R. 1207: Mr. TONKO.
 H.R. 1211: Mr. MARINO and Mr. COFFMAN of Colorado.
 H.R. 1212: Mr. DUNCAN of Tennessee, Mr. JONES, Mr. McCLINTOCK, and Mr. GIBSON.
 H.R. 1214: Mr. CHAFFETZ.
 H.R. 1217: Mr. CHAFFETZ.
 H.R. 1234: Mrs. MALONEY, Mr. LYNCH, Ms. MCCOLLUM, Mr. INSLEE, Ms. RICHARDSON, and Mr. LUJÁN.
 H.R. 1250: Mr. BRADY of Pennsylvania, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. ANDREWS, Mr. JONES, Ms. MCCOLLUM, and Mr. RAHALL.
 H.R. 1252: Mr. ROSKAM, Mr. SCHRADER, Mr. YOUNG of Indiana, Mr. PETERSON, Mr. TIBERI, Mr. DENT, Mr. KINZINGER of Illinois, Mr. SCHOCK, Mr. POLIS, Mr. COSTA, Mr. QUIGLEY and Mr. WELCH.
 H.R. 1255: Mr. SCHWEIKERT, Mr. FITZPATRICK, Mr. HECK, Mr. JOHNSON of Ohio, Mr. HELLER, Mr. NUGENT, Mrs. McMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. NUNNELEE, Mr. GUINTA, Mr. BISHOP of Utah, Mr. KINZINGER of Illinois, Mr. REED, Mrs. ADAMS, Ms. JENKINS, Mr. LAMBORN, Mr. QUAYLE, Mr. JONES, Mr. SCOTT of South Carolina, Mr. ROSS of Florida, Mr. DESJARLAIS, Mr. GRIFFIN of Arkansas, Mr. STEARNS, Mr. ROONEY, Mr. WEST, Mr. ROKITA, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. LATTI, Mr. YODER, Mr. PALAZZO, Mr. FLORES, Mr. LANDRY, Mr. CRAWFORD, Mr. SAM JOHNSON of Texas, Mr. KLINE, and Mr. BROUN of Georgia.
 H.R. 1264: Mr. OLSON and Ms. JACKSON LEE of Texas.
 H.R. 1266: Mr. TOWNS.
 H.R. 1269: Mr. JACKSON of Illinois.
 H.R. 1273: Mr. GONZALEZ, Mr. HINOJOSA, Mr. GUTIERREZ, and Ms. VELÁZQUEZ.
 H.R. 1275: Mr. COURTNEY.
 H.J. Res. 42: Mr. DAVIS of Kentucky and Mr. KLINE.
 H. Res. 16: Mr. PITTS.
 H. Res. 25: Mr. DENT, Mrs. NOEM, Mr. BRALEY of Iowa, Mr. PAUL, Ms. ESHOO, Mr. RAHALL, and Mr. DENHAM.
 H. Res. 130: Ms. WOOLSEY.
 H. Res. 137: Mr. PALLONE and Mrs. CAPPS.
 H. Res. 159: Mr. LYNCH.
 H. Res. 172: Mr. BURTON of Indiana.
 H. Res. 180: Mr. PAYNE, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. SARBANES.
 H. Res. 184: Ms. BERKLEY, Mr. FARENTHOLD, Mr. FILNER, Mr. HARPER, Mr. MICHAUD, Mr. SABLAN, Mr. WALZ of Minnesota, Mr. GRIJALVA, Ms. WILSON of Florida, Mr. MCGOVERN, and Mr. COHEN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ISSA

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 1255 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in

H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 1255 do not contain any congressional ear-

marks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1255, the Government Shutdown Prevention Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1081: Mrs. ELLMERS.

EXTENSIONS OF REMARKS

COMMEMORATING THE 190TH ANNIVERSARY OF GREECE'S INDEPENDENCE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. GUINTA. Mr. Speaker, today, as we commemorate the 190th anniversary of Greece's independence, we not only reaffirm the ties that link our two great nations together as allies, but we also honor the accomplishments of so many Greek Americans who have made their home in New Hampshire and their immeasurable contributions to the Granite State.

One such Greek American who has dedicated his life to enhancing our community through public service is my friend, Manchester Mayor Ted Gatsas. Throughout his service as an Alderman, State Senator, and Mayor, he has dedicated his life to ensuring that we leave a better state to our children and grandchildren. Mayor Gatsas embodies the hard work, dedication, and fortitude that so many Greek Americans exemplify in our community.

This is a great day for Mayor Ted Gatsas, his wife Cassandra, and all Greek Americans who call New Hampshire home. I wish him the very best and many more years of service to our state.

LYCOMING COLLEGE BICENTENNIAL CHARTER DAY

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of the Bicentennial Charter Day of Lycoming College. Chartered on April 2, 1811, Lycoming College is a national liberal arts and science institution located in Williamsport, Pennsylvania. The College is one of the fifty oldest colleges in the nation.

Lycoming College was founded in 1812 as the Williamsport Academy for the Education of Youth in the English and other Languages, in the Useful Arts, Science and Literature. From its inception, the Academy educated both men and women, and has provided students with financial aid.

The Reverend Benjamin Crever is credited with founding Lycoming College. Crever was a circuit-riding Methodist preacher who alerted the Baltimore Conference to the sale of the Academy, and in 1847 the Baltimore Conference purchased the Academy, subsequently opening the Williamsport Dickinson Seminary. Of the four schools Rev. Crever founded, Lycoming is the only one left operating as an educational institution.

During the term of the school's ninth President, Dr. John W. Long, Lycoming College became an accredited institution. In 1929, Williamsport Dickinson Seminary became the first accredited junior college in Pennsylvania, taking the name Williamsport Dickinson Junior College. The College then became a four-year college of the liberal arts and sciences in 1947, still under the leadership of Dr. Long. Lycoming College took its name in 1947 with reference to the local county and Native American word meaning "great stream."

In 1989, Lycoming College President Dr. James E. Douthat ushered in an era of increased enrollment and revised curriculum. Today, the school has more than 16,000 alumni and is recognized as a tier-one institution by U.S. News and World Report. Lycoming College provides undergraduate education to more than 1,400 students, offering over 30 majors culminating in a Bachelor's Degree of either Arts or Sciences.

Mr. Speaker, as a graduate of Lycoming College, it is with great pride that I rise today to honor this institution of higher learning on the anniversary of its Bicentennial Charter Day. Lycoming College's commitment to education for all, regardless of gender or financial situation, is to be commended. The College has continued to grow in influence and educational prowess since the Charter on April 2, 1811.

COTTONWOOD INC. AND ABILITYONE

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. JENKINS. Mr. Speaker, the first priority of this Congress must be getting the American people back in the work place. I rise to support one program that is doing just that.

Today in Lawrence, Kansas the men and women at Cottonwood Inc., are manufacturing tie-down straps that our military uses to secure cargo in trucks, humvees, planes, ships and any other means of transportation.

But what makes Cottonwood particularly noteworthy, isn't just that they have been awarded the gold medal for excellence from the Defense Logistics Agency for 9 consecutive years, but that through the AbilityOne program many of the men and women assembling and packaging the tiedown straps have developmental disabilities.

The AbilityOne program provides employment opportunities to those who have severe disabilities by directing the Federal Government to purchase products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities.

The Kansans employed through this program are making significant contributions as

citizens to our armed services and are productive members of the Lawrence community.

I proudly support Cottonwood, the AbilityOne Program and its workers in Kansas for making a difference in unemployment among people with disabilities both in Kansas and throughout the country.

HONORING MR. SANFORD BEECHER

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Sanford Beecher to celebrate 50 years of practicing law in the Commonwealth of Pennsylvania. Sanford D. Beecher, Jr. was born on August 13, 1932. "Sandy" as he is more commonly known, was raised in Bala Cynwyd, Pennsylvania and attended The Episcopal Academy.

After high school Sandy attended Amherst College in Amherst, Massachusetts. Upon graduation from Amherst, Sandy served our country in the U.S. Army's European Occupation of Germany from 1954–1956. After returning home, Sandy enrolled in the law program at the University of Pennsylvania, being admitted to the Pennsylvania Bar in 1961.

Sandy began his law career at Duane Morris & Heckscher in Philadelphia, Pennsylvania, being admitted to the bar in 1961. Today he is "of counsel" to Klemeyer, Farley & Bernathy LLC in Milford, Pennsylvania.

Sandy married Sally Coder in 1954, and is the proud father of five children: Sharon, Susan, Sanford III, Stacey, and Sarah, and has been blessed with eleven grandchildren: Ryan, April, Tess, Gabe, Luke, Christian, Corey, Clayton, Emily, Claire, and Julia.

Sandy is an active member of the community having served as President of the Pike County Chamber of Commerce, the Pike County Ducks Unlimited, and the Pike County Bar Association. He also serves on the Board of Directors of Mercy Community Hospital and is an active member of The Church of the Good Shepherd, St. John the Evangelist.

Mr. Speaker, I rise today to honor Sandy Beecher on his 50 year law career and ask my colleagues to join me in praising his commitment to his family, his community, and our nation.

KATHERINE MOORE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Katherine

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Moore for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Katherine Moore is a 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katherine Moore is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Katherine Moore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

COMMEMORATING THE SERVICE OF MAJOR GENERAL WILLIAM D. RAZZ WAFF

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. RUNYAN. Mr. Speaker, I rise today to honor Major General William D. Razz Waff, who was promoted from Brigadier General to Major General by the United States Army Reserve on Saturday, February 26, 2011 at Fort Dix, New Jersey.

MG Waff began his military career by attending the Virginia Military Institute and then the University of Mississippi, where he graduated magna cum laude with a Bachelor of Music Degree in 1976. He was commissioned through the Ole Miss Reserve Officer Training Corps (ROTC) Regular Army branch as a Distinguished Military Graduate Second Lieutenant in the Adjutant General's Corps. MG Waff served in active duty for four years at Fort Jackson, South Carolina: as the Executive Officer of the Advanced Individual Training Company; as Battalion Adjutant for the 11th Battalion, 4th Advanced Individual Training Brigade; as Executive Officer and Commander for the Fort Jackson Headquarters Company; and as Executive Officer/Adjutant of the Military Enlistment Processing Station.

After his service in active duty, MG Waff joined the United States Army Reserve. He has served in a number of commendable leadership positions across the country, which include: Training Officer of the 477th Personnel Service Company; G1 for the 1st Brigade, 85th Division; command of the Second Simulation Group, 1st Brigade, 85th Division; Chief of Staff of the 88th Regional Readiness Command; and Brigadier General for the Deputy Commanding General of the 99th Regional Readiness Command.

Major General Waff is a decorated hero with numerous accolades, which include: the Meritorious Service Medal with four Oak Leaf Clusters; the Army Achievement Medal with One Oak Leaf Cluster; the Armed Forces Reserve Medal with the Gold Hourglass Device; the National Defense Service Medal with Bronze Service Star, and the Army Reserve Component Achievement Medal.

Currently, MG Waff is the Commanding General of the 99th Regional Support Command, where he is responsible for administrative, logistical, and facility support for more than 46,000 Army Reserve Soldiers in 439 units at 361 USAR centers and maintenance facilities in 13 states. Prior to his current duty assignment, MG Waff was the Deputy Commanding General of the United States Army Human Resources Command in Fort Knox, Kentucky, Alexandria, Virginia, and St. Louis, Missouri.

Mr. Speaker, I ask that you and my colleagues join me in recognizing Major General William D. Razz Waff for his commendable dedication in protecting and serving the United States of America.

KAREN VILLAGRANA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Karen Villagrana for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Karen Villagrana is a 11th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Karen Villagrana is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Karen Villagrana for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

JUDITH GONZALEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Judith Gonzalez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Judith Gonzalez is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Judith Gonzalez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Judith Gonzalez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedi-

cation and character in all her future accomplishments.

10TH ANNIVERSARY OF THE CONGRESSIONAL CAUCUS ON U.S.-TURKEY RELATIONS AND TURKISH AMERICANS

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. FOXX. Mr. Speaker, I rise today to recognize the 10th Anniversary of the founding of the Congressional Caucus on U.S.-Turkey Relations and Turkish Americans of which I am proud to serve as Co-Chair with Congressmen ED WHITFIELD, STEVE COHEN and GERRY CONNOLLY.

The Congressional Caucus on U.S.-Turkey Relations and Turkish Americans, otherwise known as the Turkish Caucus, was established nearly a decade ago by Representatives WHITFIELD, KAY GRANGER, and Robert Wexler to provide a platform for members of Congress to foster dialogue with our staunch ally, the Republic of Turkey, and in recognition of the valuable contributions made by Americans of Turkish descent to our society.

The Turkish Caucus and the Turkish Coalition of America, an educational organization serving to advance understanding on U.S.-Turkish issues, will be celebrating this important milestone today with a "Turkish Caucus Day."

The Turkish Caucus, established by two dozen members a decade ago, has grown into a formidable bipartisan caucus. In the last Congress, over a quarter of the total membership of the House had joined the Turkish Caucus. Today, in the 112th Congress, it has 106 members.

The important friendship between the United States and Turkey has proven enormously important since the beginning of the Cold War and has only grown in importance since its end. Time and time again, the Republic of Turkey has stood firmly with the United States as we have pursued our shared goals in a region where we have few steady allies. Turkey, a fellow NATO country, is a vital partner and an example of a vibrant democracy in a region burdened with inequality. The country's importance has further increased over the past few months as the region is undergoing revolutionary changes.

The Turkish Caucus has become an effective platform to foster increased contacts and activities between different groups of Americans and Turkish citizens. These include meetings with our counterparts in the Turkish Grand National Assembly, which established a corresponding Turkish-U.S. Friendship Group as well as substantially increased meetings of both public and private representatives of Turkey with their American counterparts as well as with Turkish Americans. Members of the Turkish Caucus have played a leadership role in adding the voice of Congress to crucial matters related to U.S.-Turkey relations and our vital interests in the region.

Turkish Americans deserve a special thank-you for their role in expanding the membership

as well as the vibrancy of the Turkish Caucus over the years. The recognition of the Caucus as a symbol of Congress' appreciation of our alliance and partnership with the Turkish nation by Turkish Americans has contributed to the rapid growth of the Caucus. On the occasion of Turkish Caucus Day, I salute Turkish Americans across the nation and thank them for their outstanding contributions to America and to strengthening the U.S.-Turkey partnership.

Our world is facing formerly unseen, monumental challenges. There is no doubt that now, more than ever, we need a strong U.S.-Turkey relationship that embodies democratic values, pluralism, secularism and respect for human rights. This kind of transnational relationship carries peace and prosperity dividends not only for the American and Turkish people, but also for the entire world.

With these thoughts, I invite my fellow members to join the Turkish Caucus on the occasion of "Turkish Caucus Day" and join us in this celebration.

JUAN DeLaTORRE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Juan DeLaTorre for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Juan DeLaTorre is a 9th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Juan DeLaTorre is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Juan DeLaTorre for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE AMERICAN RED
CROSS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise to honor the American Red Cross, its employees, and volunteers on the occasion of Red Cross Month. Everyday the Red Cross provides care and comfort to individuals impacted by disasters. The Red Cross and its volunteers also provide training and education programs in communities around the United States.

In my area, the Tampa Bay Chapter works tirelessly to serve our community. Last year, the chapter and its thousands of dedicated

volunteers responded to more than 400 local disasters, assisting over 500 families. It provided training in first aid, CPR, disaster preparedness, and water safety to more than 40,000 adults and children.

So far this year, the American Red Cross has responded to severe winter storms, wildfires, and flooding, among other disasters. They are currently working with their colleagues in the Japanese Red Cross to provide assistance to those affected by the earthquake, tsunami, and nuclear crisis.

I thank the Red Cross for its continued service here at home and abroad and for the difference they make in the lives of disaster victims everyday.

JOEY QUINTANA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Joey Quintana for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Joey Quintana is a 8th grader at Bell Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Joey Quintana is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Joey Quintana for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO LEONARD SNOW

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. OWENS. Mr. Speaker, I rise today to honor Mr. Leonard Snow, who will turn 100 years old on September 14, 2011.

Mr. Snow was born in Au Sable Forks, New York, and has spent a lifetime giving back to his community and the nation as a whole. He enlisted in the U.S. Army and served in the Pacific Theatre of World War II, helping to defend America and its allies in armed conflict.

Upon his return, Leonard took his gift for public service back to his hometown, serving as the Director of Head Start for Essex and Clinton counties, and also working on the Au Sable School Board for almost four decades. However, Mr. Snow's greatest source of pride is his three children, Stephen, Christine and Patricia.

Mr. Snow sets a fine example for everyone in the North Country. Through a focus on education, community service and strong family

bonds, we can overcome many of the challenges that face the region.

Mr. Speaker, I rise today to honor Mr. Leonard Snow for his 100th birthday later this year, and I would like to again thank him for his service to the nation and his community.

KATHLEEN JACKSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Jackson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kathleen Jackson is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kathleen Jackson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kathleen Jackson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

MELISSA HOWLAND NAMED A
MILITARY CHILD OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased earlier this month to receive a notice from Operation Homefront that Melissa Howland of Millis, Massachusetts, was named one of five recipients of the 2011 Military Child of the Year Award. Ms. Howland and the other four winners will be presented with their awards next week, April 7, at a ceremony in Pentagon City. I regret very much that a previously scheduled engagement will have me on a plane to Massachusetts at the time of the award, but this is something of which Ms. Howland and her parents are entitled to be very proud, and I want to take the opportunity to note this here in the RECORD, both as a tribute to Ms. Howland, and as a tribute to Operation Homefront and the great work they do in reminding all of us of the continuing obligations we have in so many ways to the men and women of the U.S. Military.

Melissa Howland's father was sent to Iraq by our country in 2009, and he was in California without his family in 2007 and 2008. Ms. Howland has a blood disorder that leads to her immune system attacking the platelets in her blood, and this has required hospitalization to protect her from excessive bleeding. The dedication of the Howland family to our country and to each other is extraordinary, and I

salute them and I salute Operation Homefront for this recognition of Melissa Howland and other students.

Mr. Speaker, I ask that the statement from Operation Homefront, describing the work that Melissa Howland has done and is doing, be printed here as an inspiration to others and as a chance for us to express our admiration and gratitude to the Howland family.

MILLIS STUDENT RECEIVES 2011 MILITARY CHILD OF THE YEAR® AWARD

SAN ANTONIO, TEXAS—Operation Homefront today announced the five recipients of the 2011 Military Child of the Year® Award. The Navy recipient for this award is Melissa Howland, a 17-year-old 12th grader from Millis, Massachusetts.

The winners were chosen by a committee including active duty military personnel, Family Readiness Support Assistants, teachers, military mothers, and community members. Melissa will receive \$5,000 and will be flown with a parent or guardian to Washington, D.C. for a special recognition ceremony on April 7, 2011.

"The sons and daughters of America's service members learn what patriotism is at a very young age," said Jim Knotts, President & CEO of Operation Homefront. "Children in military families demonstrate leadership within their families and within their communities. This is what the Military Child of the Year® Award honors."

Every Sunday, Melissa volunteers in the local hospital's maternity ward. It's the least she could do after doctors saved her life. Melissa suffers from a blood disorder that allows her immune system to attack the platelets in her blood. Without platelets her blood cannot clot and she could quickly bleed to death. As she was treated, Melissa was hospitalized several times when experimental treatments failed to work. Her father was deployed to Iraq in 2009 and stationed, unaccompanied, in California in 2007 and 2008. Still, Melissa managed to keep up her spirit and her grades. The diagnosis meant Melissa could no longer participate in the sports she loved, basketball and running. Instead, she turned her sights to community service. In 2010, Melissa donated 498 volunteer hours to 12 causes. Today, she still has to visit the doctor, often, and monitor her disease. But she is thriving and growing every day.

JOSLIN HOFFSCHNEIDER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Joslin Hoffschneider for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Joslin Hoffschneider is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Joslin Hoffschneider is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Joslin Hoffschneider for winning the Arvada

Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

TRIBUTE TO CÉSAR E. CHÁVEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. BACA. Mr. Speaker, I rise to pay a special tribute to a historical leader not only for the Hispanic community but for workers all across America.

César E. Chávez was born on March 31, 1927 near Yuma, Arizona at a time of great discrimination and injustice.

He believed that the only way to get out of the circle of poverty was to work your way up and receive an education. With his family, César—as he is called by his most ardent followers worked in the fields all throughout California.

Along the way, César attended nearly 40 schools before joining the Navy at the age of 17.

After marrying in 1948, Chávez and his wife, Helen Fabela, settled in Delano. Soon after he became involved with the Community Service Organization, run by Fred Ross, a man who worked to better the lives of Mexican Americans in the state.

Working with the organization in the 1950s, Chávez became more familiar with the plight of farm workers in southern California, and in 1962 founded the National Farm Workers Association, later to become the United Farm Workers.

As a cofounder and president of United Farm Workers, César used nonviolent tactics to bring attention to the dangerous working conditions in the fields and the plight of exploited farm workers and their right to unionize.

At the same time, he studied the teachings of Mahatma Gandhi, which led to his practice of nonviolence throughout his life.

Those beliefs meant turning to hunger strikes rather than violent means to draw attention to the plight of the farm workers.

César Chávez completed his 36-day Fast for Life on August 21, 1988. The Reverend Jesse Jackson took up where César left off, fasting on water for three days before passing on the fast to celebrities and leaders. The fast was passed to Martin Sheen, the Reverend J. Lowery, President SCLC; Edward Olmos, Emilio Estevez, Kerry Kennedy, daughter of Robert Kennedy, Peter Chacon, legislator, Julie Carmen, Danny Glover, Carly Simon, singer; and Whoopi Goldberg.

Today, on the 84th anniversary of his birthday, I stand to pay tribute to this hero who emerged from very little but left a tremendous impact on all of us decades later.

César died in his sleep on April 23, 1993 near Yuma, Arizona at the age of 66 years old. At the time, he was in Yuma helping farm workers.

This year, Interior Secretary Ken Salazar dedicated the site of the United Farm Workers Delano Field Office, known as "Forty Acres" as a National Historic Landmark.

On August 8, 1994, César Chávez was awarded the Medal of Freedom by President Bill Clinton. Helen Chávez, César's widow accepted the medal for her late husband, with an accompanied citation that included "faced formidable, often violent opposition with dignity and nonviolence."

In the words of President Clinton "The farm workers who labored in the fields and yearned for respect and self-sufficiency pinned their hopes on this remarkable man who, with faith and discipline, soft spoken humility and amazing inner strength, led a very courageous life."

For over ten years, I have fought for a national holiday to honor César Chávez, a man who not only carried the torch for justice and freedom, but was the beacon of hope for thousands without a voice.

The reach of his accomplishments stretches far beyond the Latino community. The battle for social justice is far from being over. But in the words of César Chávez, "si se puede!"

During these hard economic times, let us not forget that history teaches us many things. True leaders are those who fight for those without a voice, and he was one that fought for many of those who didn't have voices.

On the anniversary of César's birthday, I encourage all Americans to remember César Chávez and honor him and his legacy.

I urge my colleagues to co-sponsor H. Res. 130, a resolution to encourage the designation of the fourth Friday of every March to be observed as "César E. Chávez Day."

JUAN GONZALEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Juan Gonzalez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Juan Gonzalez is a 7th grader at Mandalay Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Juan Gonzalez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Juan Gonzalez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN SUPPORT OF THE COLORADO HUMANITIES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today in recognition of Colorado Humanities.

The Colorado Humanities and State Humanities councils offer programs in every congressional district in this country. These programs strengthen individuals, families and communities. Councils support K–12 education, family reading programs, local heritage initiatives, veterans programs, public discussion forums, online state encyclopedias, book festivals, documentaries, lectures, library and museum exhibits, professional development and more. Without these programs many schools and small museums would go without essential educational programs.

The funding for these programs is possible through the National Endowment for the Humanities. Some have suggested the termination of the National Endowment for the Humanities. All of the participating councils stretch federal dollars by diligent fiscal management, strategic collaborations and leveraging of resources at the local level. Some of the programs including the online state encyclopedias can help generate revenue by providing an important resource for state tourism. Without federal funding councils could potentially lose the matching and in kind donations they use to double the federal funding they receive. The lack of federal support affects the future donation by private companies and donors. In 2010, the state councils used their funding to leverage \$5.15 for every federal dollar awarded in grants, worked with 9,600 partner organizations and conducted programs in 5,700 communities nationwide.

The Colorado Humanities is an innovative leader, community resource and important partner for humanities programs. The Colorado Humanities is the only statewide organization exclusively dedicated to support humanities education for adults and children. They developed 57 unique programs and awarded 1504 grants in its 36-year history to support humanities education for adults and children. There are three annual community Chautauqua festivals, the Young Chautauqua history curriculum for K–12 students and the distribution of Colorado history documentaries to school and public libraries statewide. The Colorado humanities also provide schools with student writing competitions, the Colorado Book Awards, traveling exhibitions and numerous institutes for teachers.

The termination of NEA funding would impact numerous schools and museums in Colorado and the 7th Congressional District would lose multiple educational programs. Our nation's schools and museums already face budgetary cuts on the state level. Colorado Humanities demands little funding, practices diligent fiscal management and is staffed almost entirely by volunteers. The cuts proposed would eliminate an important program for all Colorado residents.

HONORING THE MARIN
INDEPENDENT JOURNAL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the sesquicentennial of the newspaper

now known as the Marin Independent Journal. The publication's predecessor was first published on March 23, 1861, as a weekly chronicle of life in our unique corner of California. Marin County has changed a great deal in the 150 years since, but the enterprising and independent spirit of our people remains, and we are privileged that the IJ has been with us to capture it.

The IJ traces its roots back to our first local newspaper, the Marin County Journal, which in 1861 served a population of only a few thousand residents. It was a time when bears and mountain lions were still hunted in Marin hills, when the recipients of Mexican land grants still ran their own properties, and when the United States was just beginning its Civil War. The local paper covered it all with a particular taste for local news, culture, and opinion. In our sparse and isolated county, the newspaper was the voice for a community. In 1948, the Marin County Journal merged with the San Rafael Independent to form the Marin County Independent Journal, the county's premier daily ever since.

The story of the IJ is in many ways the story of Marin itself. The newspaper was there to report on Marin's iconic landmarks as they were first being built, from the celebrated Point Reyes and Point Bonita Lighthouses in the 1870s to Sausalito's Casa Madrona in the 1880s, the Golden Gate Bridge in the 1930s, and Frank Lloyd Wright's Civic Center building in the 1960s. The newspaper was there to capture local reactions to the crises our county has weathered, from the great earthquake of 1906 to the Loma Prieta earthquake of 1989, from the Mt. Tamalpais fires of 1913 and 1929 to the New Year's floods of 2005.

The IJ also reminds us of how little has changed over the decades. A community defined by its independent farmers and ranchers in the 19th century has been largely urbanized, but its soul still resides in the small-scale, environmentally conscious family farming that Marin County champions today. A community that was once literally cut off from the rest of the world has become one that is now passionately engaged, but with a perspective that remains fiercely independent.

Mr. Speaker, I ask you to join me in celebrating the 150th anniversary of the Marin Independent Journal. It is an advocate for our county, a forum for our people, and a reflection of everything that has made Marin the place we treasure.

JOSSIE FERRIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jossie Ferris for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jossie Ferris is an 8th grader at Arvada K–8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jossie Ferris is exemplary of the type of achievement

that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jossie Ferris for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE ATHLETIC
ACHIEVEMENT OF JAMES GREEN

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of James Green. A senior wrestler at Willingboro High School, James Green won the 145-pound division of the New Jersey State Interscholastic Athletic Association (NJSIAA) Wrestling State Championship Meet on Sunday March 6, 2011 at Atlantic City's Boardwalk Hall.

James Green is the first wrestler in Willingboro High School history to win a NJSIAA Wrestling State Championship. Only 30 seconds into the championship match, James had his first take-down. He went on to have five more take-downs and a reversal in the second period, which enabled him to achieve this historic victory.

I would like to extend my congratulations to James for his tremendous hard work and discipline. I would also like to congratulate James on finishing his senior year undefeated, with a record of 29–0. James finishes his impressive high school wrestling career with a record of 146–8.

Mr. Speaker, please join me in celebrating the achievement of James Green in capturing the 2011 NJSIAA Wrestling State Championship and finishing the year undefeated. I ask you to join me in thanking James' coaches and teammates, as well as the teachers and student body of Willingboro High School, members of the Willingboro community and most especially James' family in lending their support to this incredible student-athlete. I wish James continued success in all his future endeavors.

JORDAN NICKS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jordan Nicks for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Nicks is an 8th grader at Moore Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jordan Nicks is exemplary of the type of achievement

that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jordan Nicks for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO LIEUTENANT GENERAL WALLACE "CHIP" GREGSON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and pay tribute to Lieutenant General Wallace "Chip" Gregson, a retired Marine, for his more than forty years of public service. He most recently served as the Assistant Secretary of Defense for Asian and Pacific Security Affairs since 2009, and will leave this post on April 1, 2011. His contributions to our military's posture in the Asia-Pacific region and leadership on a wide variety of issues will be missed by many.

Before he retired from active duty in 2005, General Gregson served as Commanding General of Marine Corps Forces Pacific and Marine Corps Forces Central Command, where he managed more than 70,000 Marines and Sailors in the Middle East, Afghanistan, East Africa, Asia, and the United States. Prior to his command of Marine Corps Forces in Japan, he was Director of Asia-Pacific Policy in the Office of the Under Secretary of Defense for Policy. He has also served as the Chief Operating Officer for the U.S. Olympics Committee.

General Gregson graduated from the U.S. Naval Academy in 1968, and received his first assignment the following year as a reconnaissance battalion officer in the Vietnam conflict. He later earned master's degrees in strategic planning from the U.S. Naval War College and international relations from Salve Regina College. He has also served as a military fellow for the Council on Foreign Relations, and was awarded an honorary doctorate in public service from the University of Maryland.

Throughout his career, the general's exemplary service earned him numerous awards and military decorations—including the Purple Heart. In his recent position with the Department of Defense, General Gregson recognized the strategic importance of Guam, indeed the entire region to our nation's economic and political security. He was a vanguard in leading efforts within the Department of Defense to address the needs of Guam so that the realignment of Marines from the III Marine Expeditionary Force from Okinawa, Japan is successful. He also immediately worked within the Department of Defense to address glaring issues with the realignment roadmap that could have been detrimental to the readiness of U.S. Marines in the Asia-Pacific region.

Further, General Gregson was instrumental in the development of the "Green Guam" con-

cept which aims to conduct the realignment of Marines in an environmental responsible manner. Further it seeks to develop long-term economic and environmental sustainability benefits from this action. I also appreciated his efforts to provide a responsible framework in the most recent Quadrennial Defense Review to address broader training issues for all servicemen and women in the Pacific. I look forward to working with his predecessor and U.S. Pacific Command to continue addressing these matters.

General Gregson distinguished himself as an exceptional leader during his career in the Marines and as an Assistant Secretary of Defense. His commitment and dedication will be remembered for many years to come. I trust my fellow members of the House will join me in wishing the very best to the good general, his wife Cindy, and their two sons, on their future endeavors.

TRINITY OXFORD CHURCH IN NORTHEAST PHILADELPHIA, PA CELEBRATING ITS 300TH ANNIVERSARY YEAR

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. SCHWARTZ. Mr. Speaker, I rise today to honor and celebrate the momentous 300th anniversary of the Trinity Church Oxford, one of the oldest churches in the United States, constructed in 1711 in what is now the Lawncrest neighborhood of Northeast Philadelphia.

The church's congregation pre-dates the building. A marble stone in the west wall of Church states that Church of England services were first held on the site in 1698 in a log meeting house that belonged to the Oxford Society of Friends. The Church still has in its possession the original land conveyance deed dated January 30, 1700. Queen Anne of England presented a solid silver communion chalice to the Church in 1713.

While small in physical dimensions, Trinity Church Oxford carries a rich history of rectors related to some of the most beloved people and institutions in our local and national history, including:

Rev. Aneas Ross (rector 1742–1758), the father-in-law of Betsy Ross and the brother of George Ross, signer of the Declaration of Independence.

Rev. Dr. William Smith (rector 1766–1779, 1791–1798), who helped found the University of Pennsylvania

Rev. John Hobart (rector 1798–1801), who became bishop of New York in the new Protestant Episcopal Church formed after Independence and founded Hobart College.

Rev. Edward Buchanan (rector 1854–1882) who was the brother of President James Buchanan. The church school is named in his honor.

Frank Furness, acclaimed American architect who designed additions to the church in the mid-19th Century, decorated with Tiffany windows and elaborate woodwork.

At first tied to the Church to England, after independence Trinity's rectors helped to orga-

nize the Diocese of Pennsylvania of the new Protestant Episcopal Church and the church was admitted to its Convention in 1786.

As our nation grew and became more industrialized, Trinity Church Oxford welcomed industrialists and working class families to its congregation. A neighborhood that began as farmland and homes for gentry developed into a residential community for working people. With a parish house added in 1928 and a community center in 1962, Trinity Church Oxford holds true to its religious precepts of service, today housing a childcare center and hosting the Philadelphia Police Athletic League.

Mr. Speaker, I ask that my colleagues join me in celebrating the generation of rectors and parishioners of Trinity Church Oxford who have dedicated themselves to sustaining their spiritual home and ensuring its contribution to history and community.

A TRIBUTE TO THE WILLIAMSBURG PASSOVER FOOD DISTRIBUTION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. TOWNS. Mr. Speaker, I rise today to recognize an important event occurring in my hometown of Brooklyn, New York on April 10, 2011. The United Jewish Organizations of Williamsburg in conjunction with the Metropolitan Council on Jewish Poverty will be holding their annual Passover Food Distribution for poor Williamsburg families.

For families in need, Passover is one of the most difficult times to get by. Special Kosher for Passover food must be bought and there must be enough of it for all the holiday meals. Many poor Williamsburg families, most of whom have large households, would not be able to have a festive and joyous Passover without the UJO–Met Council Passover food distribution. Thousands and thousands of pounds of fruits, vegetables, chicken and grape juice are distributed to about 3000 families.

I also would like to note the assistance of Health Plus for their support of this special distribution and recognize in particular their CEO Tom Early, Director of Communications Kathryn Soman and Senior Community Relations Coordinator Jonathan Zalisky for their tireless efforts to make the distribution a success for the Brooklyn families that depend on it.

Mr. Speaker, I urge my colleagues to join me in recognizing the annual Williamsburg Passover Food Distribution.

HONORING ASSISTANT DEAN FOR PRO BONO AND PUBLIC INTEREST PROGRAMS, EVE BISKIND KLOTHEN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Eve Biskind Klothen for her outstanding accomplishments as Assistant Dean for Pro Bono and Public Interest Programs at Rutgers School of Law—Camden.

Dean Klothen was honored by Philadelphia VIP for her contributions to the non-profit legal community on March 9, 2011. Philadelphia VIP is a regional legal organization that provides free legal services to low income clients by recruiting and training volunteer lawyers to handle pro bono cases.

Dean Klothen earned her undergraduate degree from the University of Michigan and her J.D. from the Vanderbilt University School of Law. Prior to joining the staff of Rutgers, she worked in legal services in Georgia and as a federal agency fraud litigator in Washington, D.C. Dean Klothen also served as the founding director of Philadelphia Volunteers for the Indigent and as director of the Philadelphia Bar Foundation.

Since 2002, Dean Klothen has advanced and expanded the portfolio of pro bono and public interest programs at the Rutgers School of Law—Camden. Under her tenure, Rutgers—Camden law students and recent graduates have earned national accolades for their work in public interest law, including fellowships from Equal Justice Works, the Independence Foundation, and the Congressional Hispanic Caucus Institute.

Her other professional activities include appointments to the Federal Judicial Nominating Commission for the Eastern District of Pennsylvania and the Civil Justice Advisory Committee for the Eastern District of Pennsylvania United States District Court. Dean Klothen is also a member, and served a year as chair of the University of Pennsylvania Law School Public Service Advisory Committee. She also serves on the boards of City Year Greater Philadelphia and MAZON: a Jewish Response to Hunger.

Dean Klothen's tireless efforts on behalf of the greater Philadelphia community have not gone unrecognized. Among the variety of awards she has been presented with are the Father Robert Drinan Award for Outstanding Public Service by the AALS; the Pro Bono Coordinator of the Year Award by the National Association of Pro Bono Coordinators, the Equal Justice Award by Community Legal Services in Philadelphia, the Outstanding Service Award by the Pennsylvania Bar Association, and the Excellence Award by Pennsylvania Legal Services.

Mr. Speaker, I am proud to honor Eve Biskind Klothen and thank her for her pro bono and public service accomplishments on behalf of the greater Philadelphia community.

IN RECOGNITION OF THE ANNUAL GREATER CLEVELAND BENCH-BAR MEMORIAL PROGRAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I rise to remember the judges and attorneys who served the people of Northeast Ohio who died in 2010. These men and women will be remembered on Monday April 4, 2011, by the U.S. District Court for the Northern District of Ohio and the Cleveland Metropolitan Bar Association at the Annual Greater Cleveland Bench-Bar Memorial Program at the Howard Metzenbaum U.S. Courthouse in Cleveland.

Ours is a "government of laws, not of men." This is a quote from John Adams and a concept that goes back to ancient Greece and is the root of our democratic principles. But the laws are not mere words on paper or the brick and mortar of which our courthouses are built. The law is made alive by the men and women who practice it every day in our municipal, state and federal courts. Through their professionalism, knowledge, and passion for the institutions of our democracy, they ensure that the people are given the full opportunity for the just resolution of their cases and controversies. We remember those professionals who, until their passing in 2010, gave life to the democratic principles or our great legal institutions.

We remember the Honorable Ann Aldrich, Frank D. Aquila, the Honorable Sam H. Bell, the Honorable Frank D. Celebrezze, James P. Conway, John R. Crombie, James H. Dempsey, Jr., Charles M. Driggs, Donald W. Farley, Stanley M. Fisher, Martin F. Franey, David R. Fullmer, Judd H. Gross, Irwin S. Haiman, J. Richard Hamilton, J. Bruce Hunsicker, Denise A. Jackson, Aaron Jacobson, Richard Leukart, James T. Lynn, Stanley B. Kent, Kenneth W. Kleinman, William I. Kohn, the Honorable Alvin I. Krenzler, George W. Lutjen, Howard A. Marken, the Honorable Thomas J. Moyer, the Honorable August Pryatel, Richard C. Renkert, Mark J. Savage, John E. Schoonover, Kenneth F. Seminatore, John E. Smeltz, Terry Ronald Smith, Marvin Sorin, Phillip P. Taylor, Stanley Tolliver, Michael R. Tucker, Nicholas Valentino, John R. Vintilla, Edmond A. Wigley, Allan J. Zambie, Robert I. Zashin, and the Honorable Joseph A. Zingales.

Mr. Speaker and honored colleagues, let us remember the great men and women of the law who left our physical world last year but also left their legacy of principle and passion for the law alive in our hands. Let us hope that today's attorneys and judges follow in their footsteps so that all of the people continue to share in the great institution of the law which makes our democracy great.

STATEMENT TO CONGRATULATE MAERSK ON THE FIVE YEAR ANNIVERSARY OF THEIR SWITCH TO LOW-SULFUR FUEL

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. RICHARDSON. Mr. Speaker, today marks the five year anniversary of Maersk Line's voluntary switch to low-sulfur Marine Gas Oil for the main and auxiliary engines for their 188 ships docked in California ports. As a representative of the 37th District of California, home to the largest port complex in the country, I applaud them and thank them for being an example of corporate responsibility to the citizens of the world.

Maersk Line is the largest container shipment company in the world. Founded in 1904, Maersk operates over 550 vessels and employs 24,500 people in 125 countries across the globe.

This voluntary action increased costs for the company by \$20 million, but the 60,000 barrels of low-sulfur fuel that they used have led to short and long-term health benefits for the people of my District and throughout Southern California. In the past five years, this switch has reduced their ship's contribution to air pollution by 3700 tons through lowering their Sulfur-Dioxide levels by 95%, their Nitrogen Oxide levels by 6%, and their Particle Matter levels by 86%.

I would like to thank Maersk again for making this incredible change and look forward to seeing what they accomplish in the future.

IN HONOR OF VERA HALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Vera Hall on the occasion of her 90th birthday. Vera is an exceptional individual and a longtime citizen-activist.

Vera was born and raised on a farm in Austinburg, Ohio. From an early age, she was interested not only in organic gardening, but also in politics and the arts; she especially enjoys attending performances of the Cleveland Orchestra. She graduated from Austinburg High School in 1939 and went on to attend The Ohio State University for two years, before U.S. involvement in World War I granted her the opportunity to go to radio school. She worked as a radio operator for 18 years. She also worked as a teletype operator in the airline industry, and eventually became a supervisor. She was actively involved in the Communication Workers of America, and served as its treasurer.

Vera has also actively fought for social justice issues for many years. During the Vietnam War, she joined Women Speak Out for Peace and Justice, and served as their treasurer for 25 years. Her peace activism continues to this day; every weekend, she goes to the West Side Market to demonstrate against

war. She is also active in the Single-Payer Action Network, the Western Reserve Alliance, Women for Racial and Economic Equality, United Farm Workers, and the Cleveland Indoor Garden Society. Vera is a proud single mother, a lover of music and the arts, and an avid traveler.

Mr. Speaker and Colleagues, please join me in honor of Vera Hall on her 90th Birthday. I extend my warm wishes to her on this special day.

HONORING THE CONGRESSIONAL
BLACK CAUCUS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the 40th Anniversary of the Congressional Black Caucus.

What began forty years ago as a formation of 13 Members who set out to fight racial injustice has now grown nearly 3 times with 43 Members of the Congressional Black Caucus. The Caucus is a stalwart political force within the United States Congress. It is unfortunate that we yet remain in the struggle for the fight for social, educational, economic/financial, and health equality.

As an active member of the Caucus for nearly 2 decades, it is a pleasure to work among those who are the voice for our most vulnerable populations. Our Congressional Districts know no boundaries and for many of us, we are the Congressional Representatives for minorities who, otherwise, would not have representation on issues of importance to them and their families. It is no secret that what gives soul to these United States is our unique ability to seamlessly blend many cultures into one; and we do so respectfully. However, there are miles to go. Until we get there, we will continue to fight for the least among us on critical issues that impact minority communities.

Four decades as the conscience of the Congress was and still remains the reason we have stood the test of time. It is an honor to serve.

HONORING GARY MILLER OF AN-
NANDALE, MINNESOTA ON HIS
RETIREMENT AS SHERIFF OF
WRIGHT COUNTY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mrs. BACHMANN. Mr. Speaker, I rise today to honor and thank Sheriff Gary Miller of Anandale for more than 30 years of service in law enforcement to Wright County, Minnesota. From his beginnings as a part time deputy in 1975, to his ten years as Sheriff of one of the largest law enforcement agencies in Minnesota, Sheriff Miller was a dedicated public servant whose contributions to his department and to Wright County cannot be measured.

While Wright County was growing rapidly, the Sheriff's department grew along with it, and Gary spent time in nearly every role as he rose through the ranks. The deputies under his leadership respected both him and his servant attitude. Sheriff Miller made a point to be a positive presence for the citizens he served and he was a familiar face in every city of Wright County.

During his term as Sheriff, Gary addressed a devastating growth in methamphetamine use helping to bring the number of methamphetamine labs in the county down to a near zero. Sheriff Miller also was known for his good fiscal management of the department, especially in recent years when the economy required lean management. One step towards this involved combining efforts with two other counties to create a state-of-the-art forensics lab that allows for quick and efficient processing of forensic evidence. In 2009, Sheriff Miller opened up a new law enforcement center and jail, a process that started only a year before he was first elected to Sheriff. That sense of completion is what led him to think about retirement, and his time as the county's highest law officer came to an end on January 3rd, 2011.

Like many counties across our Nation, the Sheriff's office in Wright County stands for justice and peace and we are grateful for all that they do to protect our families and neighborhoods. I ask this body, along with the Speaker of the House, to join with me in thanking Sheriff Gary Miller for his dedication to the Sheriff's department and to Wright County, Minnesota.

IN RECOGNITION OF CARL D.
GLICKMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I am pleased to recognize the achievements of philanthropist and civil leader Carl D. Glickman who will be receiving Notre Dame College's highest honor, the 2011 Notre Dame College Medal on Saturday April 2. The medal is awarded to an alumnus, friend of the College, or civic leader in the Greater Cleveland community who exemplifies the values of Notre Dame College by demonstrating personal, professional, and global responsibility through their community service.

Glickman and his late wife Barbara have donated millions of dollars to scholarship funds and healthcare institutions. Recently, the Cleveland Clinic Foundation opened the Glickman Urological Institute, named for Carl and Barbara Glickman. Together with fellow Notre Dame College Medal recipient Samuel H. Miller, Glickman founded and contributed millions of dollars to the Cleveland State University Moses Cleaveland Scholarship Fund. He has also donated generously to Cleveland Central Catholic High School and the Diocese of Cleveland.

Carl Glickman has been president of The Glickman Organization, a real estate development and management firm, since 1953. He was formerly the Director of the Cleveland

Port Authority. In the 1960s, Glickman served the City of Cleveland as a member of the Mayor's Committee on Urban Renewal and the Mayor's Task Force on Higher Education. Over the years, has served as chairman of several banks and medical facilities and on many boards in the Greater Cleveland community. Currently, he serves as trustee emeritus for the real estate investment firm Lexington Realty Trust and is on the board of directors of Bear Stearns Companies and John Carroll University.

Dr. Andrew P. Roth, president of Notre Dame College recently said that Glickman's "generosity to the health, welfare and education of all citizens of Cleveland deserves our utmost respect. He embodies the values of Notre Dame College and its founding Sisters by demonstrating relentless dedication to the community. We are honored to present the Notre Dame College Medal to this great benefactor of our city."

Mr. Speaker and colleagues, it is my privilege to bring to your attention this recognition to one of Northeast Ohio's great citizens, Carl Glickman, as he receives this high honor from Notre Dame College.

CONGRATULATING THE STERLING
HEIGHTS REGIONAL CHAMBER
OF COMMERCE AND INDUSTRY
ON THEIR 50TH ANNIVERSARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. LEVIN. Mr. Speaker, I rise today to congratulate the Sterling Heights Regional Chamber of Commerce & Industry in recognition of their 50th anniversary.

Beginning in 1961 as a small, localized Chamber, the Sterling Heights Regional Chamber of Commerce & Industry has grown over the last 50 years to become a leading business organization in Macomb County with more than 1,600 members and sixth-largest in the State of Michigan.

The organization started out as the "Greater Utica Chamber of Commerce," becoming the "Shelby-Utica-Sterling Chamber of Commerce" in 1967, and in 1972 the "Utica Area Chamber of Commerce," 1977 "Northwest Macomb Chamber of Commerce," 1986 "Sterling Heights Area Chamber of Commerce," and in 2009 the "Sterling Heights Regional Chamber of Commerce & Industry." The Chamber's "Heritage Communities" of Sterling Heights, Utica, and Shelby Twp. are still home to almost 50 percent of the Chamber's membership, and the Chamber now has members in every Macomb County community.

As a testament to the Chamber's ability to evolve and strengthen with time, in 2010 they partnered with the Anchor Bay Area Chamber of Commerce and formed a collaborative relationship that capitalizes on the strengths of both Chambers.

The Chamber's mission over the last 50 years has been simple: To bring features, benefits and value to their members, and each and every day strive to bring a Return on Investment (ROI) to their members, and to make

their Chamber the best business organization possible.

I have witnessed firsthand the success the Chamber has with accomplishing this goal. As we have all worked together to move Macomb County forward, the Chamber has been on the forefront working with multiple partners across the community toward common goals for the betterment of the businesses, communities and residents they serve.

In addition, I came to personally know longtime former Executive Director Lil Adams whom I was pleased to work with on a number of vital local transportation projects, and current President Wayne Oehmke. Each has provided the Chamber with active, dedicated leadership in the promotion of its mission.

Mr. Speaker, I ask my colleagues to join me in recognizing the Sterling Heights Regional Chamber of Commerce & Industry in recognition of their 50th anniversary and wishing them many more years of effective service to the Macomb County business community.

IN HONOR OF THE LAKEWOOD
CHAMBER OF COMMERCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Lakewood Chamber of Commerce on the occasion of its centennial celebration. For 100 years, the Chamber of Commerce has served as a vital resource for Lakewood's business community.

In 1911, the Lakewood Chamber of Commerce was founded, consisting of a board of 17 individuals. Since then, the Chamber of Commerce has grown into a thriving organization of over 375 businesses, making it one of the largest suburban chambers of the state. The Chamber of Commerce is instrumental in helping Lakewood businesses save money, advocate for pro-business legislation at the local, state, and federal levels, and offers an opportunity for these businesses to interact and work together to promote the City of Lakewood.

Throughout the past 100 years, the Chamber of Commerce has established numerous events and accomplished numerous objectives. Some of the more noteworthy achievements include the Taste of Lakewood, the Lakewood Magazine, Light Up Lakewood, the Lakewood Home Show, and the Community Scholarship program. It is also a co-founder of LakewoodAlive, an economic development corporation whose mission is to improve the quality of life of residents by creating alliances with community leaders, leveraging community assets and expanding the pool of available resources in order to facilitate economic stability and growth in the City of Lakewood.

Mr. Speaker and colleagues, please join me in honoring the Lakewood Chamber of Commerce for its 100 years of outstanding service to the business community.

HONORING SHIRLEY CHISHOLM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. RANGEL. Mr. Speaker, I rise to honor the life and legacy of the Honorable Shirley Chisholm, who was the first African-American woman elected to Congress (1969–83). She served with me as part of New York's congressional delegation and as a founding member of the Congressional Black Caucus.

My dear colleague from Brooklyn was also the first African American to run for President of the United States when she declared her candidacy in 1972. Challenging all accepted practices of politics, this very junior Member of the House, an African American woman at that, by declaring for the Presidency, single-handedly raised the profile and aspirations of all those newly empowered Blacks and women of that era.

In addition to her inspiration as a pioneer of political achievement by minorities, Chisholm was a champion for improving the quality of life in inner city communities, and a tireless advocate for protecting the rights of women and children throughout the United States.

A historic figure in American politics who broke glass ceilings and set examples for future generations of leaders, Shirley Chisholm passed away at age 80 on January 1, 2005.

I introduced legislation today to posthumously award a gold medal to my former colleague and trailblazing friend, in marking this week's 40th Anniversary of the establishment of the Congressional Black Caucus, and in commemoration of National Women's History in March.

Above all of her firsts, Shirley wanted most to be remembered as a 'woman who lived in the twentieth century and who dared to be a catalyst for change.' I believe her legacy continues to inspire all of us to work for progress, and urge my colleagues to join me in honoring the life of Shirley Chisholm.

TRIBUTE TO BRIAN HAWLEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Brian Hawley is one of these individuals. On March 24, 2011, Brian was honored as the "Volunteer of the Year" at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Brian Hawley is Chairman and Chief Financial Officer of Luminex. Founded in 1994, this privately held, global, growing, and consistently profitable company develops distinctive data storage products based on proven tech-

nologies that tackle the complex challenges of storing, archiving, distributing and protecting data.

In 2002 and 2003, Luminex was named to the Deloitte Fast50 list as being one of the fastest growing technology companies in Southern California. In 2003, Luminex was one of the select few companies named to both the Inc. Magazine "Inc. 500" and Deloitte "Fast 500" as one of the 500 fastest growing companies in the United States.

Along with his co-founders, Luminex received the Spirit of the Entrepreneur award in technology, the Greater Riverside Chambers of Commerce Small Business Eagle award, the UC Riverside Bourns College of Engineering Honored Alumni Award, and was honored as a California Small Business of the Year.

Luminex has twenty-seven employees headquartered in Riverside, California and additional development offices in San Diego, California and Beaverton, Oregon.

Prior to co-founding Luminex, Brian owned and managed Computer Systems International, a consulting firm specializing in corporate business computing and software development in a variety of industries.

Brian has served on the Riverside's High Tech Task Force, is past chairman and a founding member of the Riverside Technology CEO Forum, a past chair of the Science Technology Education Partnership, and is currently Chair of the Chamber's Governmental Affairs Committee.

Brian has participated in the Chamber's annual advocacy trip to Sacramento, advocating for the best interests of the region. He was called upon by the California Chamber of Commerce to testify in support of a bill that allows employees greater flexibility in their work week.

In light of all Brian has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Brian their Volunteer of the Year. Brian's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

IN REMEMBRANCE OF MR. CARL
HIRSCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Carl Hirsch, a leading figure in the music industry in Cleveland and throughout the country.

Born in Shaker Heights, Ohio, Mr. Hirsch demonstrated a love for radio broadcasting from an early age. He graduated from Kent State University and began working in the music industry, swiftly becoming a big name in the business.

Mr. Hirsch was known for his ability to drive radio station ratings through the roof. He was

the man behind such popular stations as WMMS—The Buzzard and WMJI—Magic in the Cleveland area and WHTZ—Z100 in New Jersey. He was also instrumental in bringing the Rock and Roll Hall of Fame and Museum to Cleveland. In recognition of his vast achievements, he was inducted into the Cleveland Association of Broadcasters Hall of Fame, and received an honorary doctorate from Kent State University.

Mr. Speaker and colleagues, please rise with me in honor and remembrance of a dedicated and widely respected individual. Mr. Carl Hirsch was a legend in the radio industry, and his exuberance, generosity, and promotion of his hometown will not be forgotten. I extend my sincerest condolences to his fiancée, Cappy; his children, Lori and Scott; and to all of his friends and relatives.

THE PRIVATE CALENDAR

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. SMITH of Texas. Mr. Speaker, my colleagues, F. JAMES SENSENBRENNER, TED POE, JERROLD NADLER, DONNA EDWARDS, JOSÉ SERRANO and I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the four House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills; first, those authorizing the payment of money for pensions; second, for personal or property

damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XV, clause five, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills un-objected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with Private Bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their staff, or from the Member who introduced the bill.

The amount of private bills and the desire to have an opportunity to study them carefully

before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement of March 31, 2011, the members of the Private Calendar Objectors Committee have agreed that during the 112th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) legislative days, excluding the day the bill is placed on the calendar and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days. It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Texas (Mr. SMITH), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Texas (Mr. POE), the gentleman from New York (Mr. NADLER), the gentleman from Maryland (Ms. EDWARDS), and the gentleman from New York (Mr. SERRANO).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

IN HONOR OF THE SISTERS OF CHARITY FOUNDATION OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Sisters of Charity Foundation of Cleveland for their groundbreaking work to promote and improve Cleveland's Central Neighborhood.

Founded in 1996, the Sisters of Charity Foundation focuses on improving the health status and educational outcomes of Cleveland's residents and children. Beginning in 2006, the Foundation has commissioned research and held discussions, focus groups, and panels in order to determine the health and education priorities for Cleveland's Central Neighborhood. From this research, they developed their "Five A's" framework of funding. In order for them to fund a program, the program must be available, affordable, accessible, adequate, and residents must be aware of its existence. They have raised over \$330,000 in local funding for the Central Neighborhood and are planning to create a Cleveland Central Promise Neighborhood with the help of a grant from the U.S. Department of Education.

Mr. Speaker and colleagues, please join me in recognizing and honoring the Sisters of Charity Foundation of Cleveland for their outstanding work in promoting the Central Neighborhood of Cleveland. Their recognition of the neighborhood's promise and potential, coupled with their drive to improve the situation of those living there, makes the Foundation a wonderful asset for the community.

UNFPA AND THE DEMOCRATIC
REPUBLIC OF CONGO**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mrs. MALONEY. Mr. Speaker, imagine a country where women are systematically raped, children are given guns to fight wars and most of the population struggles to live on \$2 a day. This horrific almost unimaginable scenario is the reality for women and children in the Democratic Republic of Congo. This month, the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights held a very timely and important hearing on the crisis in the DRC and what America can do to help address the situation and end the violence.

The systematic and relentless sexual violence faced by women in the DRC is an unconscionable violation of human rights. In 2008, I introduced H. Res. 1227 which reaffirmed our chamber's abhorration and condemnation of rape as a weapon of war in the Congo.

The systematic rape of women in the DRC must end and this was forcefully raised at the hearing by witnesses including Cindy McCain and Ms. Francisca Vigaud-Walsh of Catholic Relief Services. I could not agree more.

In the Congo, many international actors are working to end the violence and they need the support of the US as they work in a very difficult political environment to end the violence.

UNFPA, the United Nations Population Fund, plays a key leadership role on the ground in addressing sexual based violence in the DRC. UNFPA aids survivors of sexual violence by providing medical care, economic and social rehabilitation, and legal assistance. The Fund has trained thousands of armed forces on protection and care for survivors.

In Kasai Oriental, North and South Kivu, thanks to global support for UNFPA's efforts, over 15,000 sexual violence survivors have received medical care. In camp Kibaki, home to 200,000 displaced people, UNFPA provides kits to test for and treat sexually transmitted infections, post exposure cleansing for rape cases and clean safe delivery kits.

Moreover, UNFPA played a key advocacy role in the 2006 adoption of the DRC law on sexual violence, expanding it to include sexual harassment, forced pregnancy, forced sterilization and other brutal practices.

Yet, the House Republicans passed an appropriations bill calling for zero funding for UNFPA. This is both unconscionable and nonsensical. Why would we have a hearing to call attention to the dire situation in the DRC and how America can help and then at the same time defund one of the key international organizations addressing the needs and well being of rape survivors?

I recall back to 2008 when my colleagues in the U.S. Senate held a similar hearing in the Senate Foreign Relations Committee several Republican Senators expressed their shock and dismay in learning about the violence and in particular the incidence of traumatic fistula from rape. Why, they asked, is not more being

done? These were the same Senators who had voted to defund U.S. support to UNFPA—the lead agency addressing fistula. This would be ironic if it was not so irresponsible.

My Republican colleagues raised the same tired and discredited arguments about UNFPA's country program in China earlier this month. UNFPA is clearly and firmly on the record in opposition to the heinous "one-child policy" and continue to promote changes in China to a human-rights-based and voluntary approach to family planning. It is UNFPA who has raised the issue about the dramatic gender disparity and societal imbalance that results from sex-selection abortion and how critical it is to end this practice and promote the well being of girls. Indeed, what UNFPA's small human rights based program in China is doing are exactly the kind of pressure my Republican colleagues claim they want to see happen in there. Moreover, we have a long-standing agreement on language that ensures that in our contribution to UNFPA, no U.S. funds are spent in China, no U.S. funds are spent on abortion services and all U.S. funds are kept in a segregated account to be able to track these things. We are the only one of UNFPA's 180 donors who put restrictions on our contribution.

In the coming weeks as decisions are made on the final budget, it is imperative that the United States continues its financial and moral support for the life-saving work of UNFPA. The women in the Democratic Republic of Congo and everywhere else where UNFPA works are counting on us.

INTRODUCTION OF THE DISTRICT
OF COLUMBIA MEDICAID REIM-
BURSEMENT ACT OF 2011**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. NORTON. Mr. Speaker, I introduce the District of Columbia Medicaid Reimbursement Act of 2011 today to increase the Federal Government's reimbursement for a portion of the District of Columbia's Medicaid costs because the District is the only city, except for New York City, that pays any portion of Medicaid, an expense that is carried by the Federal Government and States. New York City, the jurisdiction that powers the economy of New York State, contributes a 25 percent share for Medicaid costs, while the state pays 25 percent, less than the District's federally mandated 30 percent contribution. The District's continuing responsibility for the share of Medicaid costs that are borne by entire states is a major component of the District's structural deficit and a threat to the financial stability of the city itself, according to the District's chief financial officer. Today, considering high unemployment in the District and the expansion of Medicaid eligibility under the new health care reform law, effective 2014, now is the time to make the District's Medicaid burden more equitable.

Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act), Congress recog-

nized that state costs are too high for any city to shoulder. To address this unfairness in the District, the Revitalization Act transferred certain state responsibilities from the District to the Federal Government, including prisons and courts, and the Act increased the Federal Medicaid reimbursement to the District from 50 to 70 percent, partially relieving this burden. The city continues to carry many state costs, however.

In 1997, a formula error in the Medicaid Disproportionate Share Hospital allotment reduced the 70 percent Federal Medical Assistance Percentage (FMAP) share, and as a result, the District received only \$23 million instead of the \$49 million it was due. I was able to secure a technical correction in the Balanced Budget Act of 1999, partially increasing the annual allotment to \$32 million from fiscal year 2000 forward. I appreciate that in 2005, Congress responded to my effort to get an additional annual increase of \$20 million in the budget reconciliation bill, bringing D.C.'s Medicaid reimbursements to \$57 million as intended by the Revitalization Act.

However, this amount did not reimburse the District for the years the federal error denied the city part of its federal contribution, and in any case, of course, was not intended to eliminate the District's structural deficit, which this bill partially addresses.

The bill is the eighth in my "Free and Equal D.C." series. The series of bills addresses inappropriate and often unequal restrictions placed only on the District and no other U.S. jurisdiction.

I urge my colleagues to join me in supporting the bill.

IN RECOGNITION OF GUNNERY
SERGEANT DARWIN LEAVELL**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. HUNTER. Mr. Speaker, today I recognize and pay tribute to Gunnery Sergeant Darwin Leavell, United States Marine Corps, on the occasion of his transfer from the House liaison office. I, and many other members of this chamber, have had the pleasure of working with Gunnery Sergeant Darwin Leavell over the past two and a half years during his service with Headquarters U.S. Marine Corps Office of Legislative Affairs and as the Congressional Liaison Staff Non-Commissioned Officer of the U.S.M.C. Liaison Office in the House of Representatives.

Gunnery Sergeant Leavell distinguished himself through exceptional meritorious service while serving as the Staff Non-Commissioned Officer of Legislative Affairs. Every day he served in direct support of not only the Marine Corps Office of Legislative Affairs but in direct support of every member of Congress, every Marine and every American. His keen abilities in organization, interpersonal relationships, and communication were extremely critical to the successful accomplishment of the Marine Corps Office of Legislative Affairs' mission. His achievements and ability to get the job done have always been effective and noteworthy.

During his time in the Liaison office, Gunnery Sergeant Leavell was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the nation's most elite fighting force, ensuring their success on the battlefield. He routinely turned broad guidance into action which energized the Office of Legislative Affairs and members of Congress alike. His actions allowed the Marine Corps to engage members of Congress and their staffs, directly facilitating the increased emphasis on improving Congressional relationships.

While leading the House Liaison Office through the extraordinary challenges associated with Operation Enduring Freedom, Operation Iraqi Freedom and the ongoing Global War on Terror, he concurrently ensured that a myriad of daily Congressional communications, assignments and events were executed flawlessly. During Gunnery Sergeant Leavell's tour as the Legislative Affairs Staff Non-Commissioned Officer, he accomplished the full spectrum of the Marine Corps' legislative mission. He exemplified the candor and knowledge that we have come to expect from the Marine Corps and he played a key role in maintaining superb relationships between the Marine Corps and the House of Representatives.

Throughout his time here in the House, Gunnery Sergeant Leavell effectively responded to several thousand congressional inquiries, many of which gained national level attention. Gunnery Sergeant Leavell successfully planned, coordinated and escorted over 50 international and domestic Congressional and Staff Delegations. His detailed coordination with foreign government officials, U.S. State Department, and senior military officials ensured that each delegation was conducted professionally. His attention to detail and anticipation of requirements allowed Representatives to focus on fact-finding and glean new insights that informed critical decisions to support the people of the United States. He has made lasting contributions to the House of Representatives. I am proud to have had the opportunity to work with Gunnery Sergeant Leavell and I thank him for his devoted service to this great nation.

HONORING COBORN'S INCORPORATED OF ST. CLOUD, MINNESOTA, UPON BEING NAMED GROCERY HEADQUARTERS MAGAZINE INDEPENDENT RETAILER OF THE YEAR

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mrs. BACHMANN. Mr. Speaker, I rise today to congratulate Chief Executive Officer Chris Coborn and all the employees of Coborn's Incorporated upon being named the Independent Retailer of the Year by Grocery Headquarters magazine. Based in St. Cloud, Minnesota, Coborn's has become a fixture in communities across Minnesota and the upper Midwest.

A uniquely American story, Chris is a fourth generation Coborn in a business that always puts family first. The work ethic and drive that led Chester Coborn to open a one-man market in 1921 still influence the decisions that are made today, and innovation has made Coborn's a leader in store development, club opportunities and consumer marketing.

Though he runs a range of businesses from a grocery distribution center to the bakery for each store, Chris never sacrifices quality. His retail stores—Coborn's, Cash Wise, and Save-A-Lot—are known for their emphasis on service to the customers that are considered family. The contributions this company gives back to the communities in which they operate are marked by service and giving. In 2010, \$2.3 million dollars was donated to the Boys and Girls Clubs, YMCA, Big Brothers Big Sisters, and Boy Scouts and Girls Scouts. Donations were also designated toward high school scholarships and higher learning at St. Cloud State University, St. Cloud Technical College, St. John's University, and the College of St. Benedict.

Additionally, matching employee contributions to the United Way and fundraising opportunities for local groups create a true sense of community among more than 6,000 employee/owners who also participate in an employee stock ownership program. These are just additional ways that Coborn's Inc. treats its employees like family.

Mr. Speaker, Coborn's Inc. is a business that emulates family principles, hard work and service at every level. I ask that this body join with me in recognizing the accomplishments and contributions of Coborn's Inc. as they are named the Independent Retailer of 2011 by Grocery Headquarters Magazine.

HONORING THE 2011 WILLINGBORO HIGH SCHOOL BOYS WINTER TRACK TEAM

HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of the Willingboro High School Boys Winter Track Team. On February 2, 2011 the Willingboro Chimeras captured the New Jersey State Interscholastic Athletic Association (NJSIAA) Central Jersey Sectional Group II Championship Title. After winning the Sectional Group II Championship with 61 points, the Willingboro Chimeras went on to place third in the New Jersey State Group II Championship Meet.

During the 2011 Sectional Championship Meet, Chimeras' runner, Darius Holmes, won both the 55 Meter Hurdles and 400 Meter Races. Holmes also anchored the 1,600 Meter Relay Race alongside teammates Matt Dash, Daquan Watson and Isaac Williams. Rounding out the first place finishes for the Willingboro Chimeras was Isaac Williams in the high jump competition and Traven Mable in the shot put competition.

I would also like to congratulate Darius Holmes. He won the NJSIAA State Group II 400 Meter Race during Willingboro's impres-

sive third place finish at the state championship meet. This is Willingboro's first state championship title since 2004.

Mr. Speaker, please join me in celebrating the achievement of the Willingboro High School Boys Winter Track Team in seizing the 2011 NJSIAA Central Jersey Sectional Group II Championship Title.

I ask you to join me in thanking the coaches, teachers and student body of Willingboro High School, as well as the parents and local community, who all made this victory a reality. I wish the Willingboro Chimeras continued success in next year's winter track season.

TRIBUTE TO ROBERT OTIS "BOB" PRICE

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Robert Otis "Bob" Price, a dedicated community leader and friend who passed away on Wednesday, February 9, 2011, at the age of 79. Bob was a family man committed to public service who always looked to give back to our community, our State, and our Nation.

Bob was born in Abilene, Kansas on January 4, 1932 and moved with his family to San Luis Obispo in 1937. The Price family eventually moved to Bakersfield in 1947 where he graduated from Kern County Union High School (now Bakersfield High School) in 1949. In 1952, Bob was drafted by the U.S. Army and became a Mess Sergeant in the 5th Army.

After being honorably discharged from active duty, Bob returned to Bakersfield. His career at the Bakersfield Police Department soon began after a police sergeant from church suggested that he apply. This recommendation set up his successful 32-year career with the Department. Bob spent his first 30 days in "rookie school," as it was called, and was quickly promoted to "motor cop." According to his family, Bob loved being a motorcycle cop and according to him he "had a motor in (his) garage when (he) made Chief of Police." Bob rose through the ranks having made Sergeant in 1964, Lieutenant in 1966, Captain in 1970, and eventually Chief of Police in 1973. He retired in 1988 after 15 years as chief.

He was elected Mayor of the City of Bakersfield in 1992 and he spent eight successful years in office before his second term ended in 2001. Bob worked to help Bakersfield continue to prosper during this time by working on projects like the Centennial Garden arena, the downtown streetscape, and the restoration of the Fox Theatre.

During the final years of his life, Bob still worked to help his community. Bob helped me by serving as district coordinator in my California State Assembly office when I was first elected. Then in 2009, Bob saw that the Bakersfield Police Department was overcrowded because the department was understaffed and, as was always his way, Bob found a solution. He started a program to bring in retired

police department staff to help with all of the paperwork.

Bob loyally served his community in a distinguished career. He was a strong, genuine, straight talking leader and he will be dearly missed. Additionally, he will always be remembered as a dedicated husband, father, and grandfather. Bob and his first wife Dorothy, who had a long battle with cancer, had two sons Fred and Donald.

Bob is survived by his wife, Sandi and his son, Fred, his grandchildren, Erin and Robert, and Sandi's daughter Kim and her husband Jim, and their children Audrey, Robert, and Lauren. His life was devoted to serving his community. He will be remembered as a man of deep faith, a strong leader, and a role model who remains respected by many.

TRIBUTE TO SENIOR AIRMAN
MICHAEL J. HINKLE II

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CALVERT. Mr. Speaker, we rise to pay tribute to a hero from my congressional district, Senior Airman Michael J. Hinkle II. Today we ask that the House of Representatives honor and remember this incredible young man who died while serving our country.

Hinkle grew up in my hometown, Corona, California, with his father Michael Hinkle Senior and stepmother Cynna Hinkle. He spent summers in Michigan with his mother and stepfather, Robert Jakowinicz.

Senior Airman Hinkle followed in his father's footsteps joined the Air Force in December of 2005 and his first overseas post was in Okinawa. In 2008, Hinkle reenlisted with the Air Force and was stationed at Ellsworth Air Force Base, SD, in November of 2008. Airman Hinkle deployed to the 386th ECS from the 28th Communications Squadron at Ellsworth in November. At a memorial service held by the members of the 386th Air Expeditionary Wing for a fallen Marauder on March 19, Hinkle's fellow service members paid tribute to his constant smile and easy going attitude. Major James Hewitt, 386th ECS commander, stated:

"Even though Mike's life was short, it was full of accomplishments and honor. Mike joined (the Air Force) and immediately headed off to become a cyber transport systems journeyman. There could not have been a better career field for Mike to join. Mike loved computers, networking and gaming. He loved being a COMM geek.

Airman Hinkle's fellow Airmen fondly remembered him for his positive attitude; Hinkle was known for stepping up to the plate and helping out whenever he was needed. Airman Hinkle accomplished so much during his short time and he will be dearly missed by his unit and all who knew him. He was buried in Michigan earlier this week. Airman Hinkle was 24 years old. He is survived by his father, mother, stepfather, stepmother, five stepsiblings and a brother.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Senior Airman

Hinkle, who bravely chose an honorable life of military service. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Hinkle family learned of the death of their son and brother was probably the hardest day they have ever faced and our thoughts, prayers and deepest gratitude go out to the family and friends of Airman Hinkle. There are no words that can relieve their pain and what words we can offer only begin to convey our deep respect and highest appreciation.

Senior Airman Hinkle's family have all given a part of themselves in the loss of their loved one and we hope they know that his service and the goodness he brought to this world will never be forgotten.

INTRODUCTION OF SENSE OF CONGRESS THAT FEDERAL GOVERNMENT SHOULD TAKE STEPS TO COUNTER ANTI-MUSLIM SENTIMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CONYERS. Mr. Speaker, I am pleased to introduce this resolution expressing the sense of Congress that the federal government should take steps to counter anti-Muslim sentiment, along with additional cosponsors. Over the last decade, the American Muslim community has confronted a festering level of suspicion which has manifested itself in hostile government policies and bias from the general public. A CBS/New York Times poll released in mid-September showed that as many as 20 percent of Americans said they have negative feelings toward Muslims because of the September 11th terrorist attacks. While Congress has confronted some of the more violent manifestations of this bias, the general climate faced by the community has continued to create barriers to full participation in public life that should be addressed by official government policy.

As a member who represents a district with one of the greatest concentrations of American Muslims in the nation, I believe that this sense of Congress is a logical step toward sending the message that this group of proud citizens should be able to enjoy the rights guaranteed under the Constitution to the same extent as all other Americans. Throughout diverse cities and small towns across the country, American Muslims have a long history of playing crucial roles in law enforcement and the armed forces, and as business leaders, doctors, lawyers, and teachers. However, there exists in our nation today a disturbing and dangerous trend of anti-Muslim rhetoric and bigotry, evidenced by attacks against individuals, religious institutions and entire communities.

The United States is a country founded on the principles of tolerance and religious freedom, as embodied in the First Amendment of the Constitution. The protection of these principles is vital to the ongoing sense of community shared by the diverse peoples and religious groups of this nation. Targeting Amer-

ican Muslims for scrutiny based on their religion goes against the core principles of religious freedom and equal protection under the law. Moreover, the practice erodes trust in government and law enforcement at all levels, which, in turn, undermines public safety.

The American Muslim community should be able to rely on the federal government to lead the effort in fostering an open climate of understanding and cooperation. These communities must be shielded from the threat of violence and suspicion that was at the heart of last January's thwarted attack against the Islamic Center of America in Dearborn, Michigan. They should also be able to rely on law enforcement's fundamental integrity and respect for First Amendment protected rights. Only through a balanced examination of the challenges facing the nation will we establish a strong policy framework for protecting security, while respecting the Constitution and the interests of affected communities.

This sense of Congress is an attempt to set the record straight and counter the perception of growing anti-Muslim rhetoric. Congress has a solemn duty to ensure that its actions do not fuel misconceptions about, and prejudices toward, any faith community, including the American Muslim community and Islam. Scores of religious, civil rights, law enforcement, and national security leaders and organizations representing diverse Americans and areas of expertise are concerned about messages which appear to target the American Muslim community, sending counterproductive messages both domestically and internationally. It is essential that the federal government send the message that we all must work together to guarantee the security of our country and that no community should be singled out for suspicion.

RECOGNIZING DR. MARIE
ROSSMANN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. BURGESS. Mr. Speaker, I rise today to recognize Dr. Marie Rossmann on being named the Texas State Assistant Principal of the Year. Dr. Rossmann has worked diligently to promote the high educational standards of the 26th District of Texas. She has been an educator for two decades, and has maintained her passion and optimism.

Most recently, Dr. Rossmann spearheaded the Yellow Project. With the Yellow Project, Dr. Rossmann seeks to "assist teachers with specific interventions which enable students to become more successful in the classroom." This effort is unique in that it encourages teachers to take the entire child into account when coming up with a way to address his or her particular needs. It is so easy to think about the education system as one giant entity, but Dr. Rossmann reminds us that it is in fact a system composing many individual students.

It is this determination and insight that made Dr. Marie Rossmann an obvious choice for the Texas State Assistant Principal of the Year. I

am encouraged to know there are people like Dr. Rossmann who are making an impact on our children's lives. Please join me in recognizing this world class educator on her wonderful work.

TRIBUTE TO GERALDINE FERRARO

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mrs. LOWEY. Mr. Speaker, I rise in tribute and appreciation of Geraldine Ferraro, who blazed a trail for all women, especially in government, and dedicated her life to public service.

Gerry and I shared many priorities, many of which were grounded in our similar experiences. As a former PTA president in Queens, New York, I felt a unique kinship with Gerry, who taught elementary school in Queens. In these capacities, we came to better understand the struggles families faced, the unmet needs of children, and the opportunities—and, indeed, our responsibility—to exercise our precious rights to improve our communities for all our fellow citizens.

One of only three women in her law school class, she advocated for women and children in countless pro bono cases in family court, including during the years she spent at home raising her own children. Gerry's sense of commitment to justice and opportunity for abused women and children was rivaled only by her success. In the Queens District Attorney's office, she led the Special Victims Bureau, prosecuting domestic violence, child abuse, and sex crimes. She gave voice to thousands who desperately needed an advocate and improved the quality of life and safety for all New Yorkers.

Then as a member of the U.S. House of Representatives, Geraldine Ferraro fought day-in and day-out in the continuing struggle for women's rights, especially in the workplace. Before any of us knew the injustice Lilly Ledbetter faced in a tire manufacturing plant 900 miles from New York, Gerry was working to ensure women received wages, benefits, and pensions equal to their male counterparts. She laid the groundwork for the Lilly Ledbetter equal pay legislation we passed only two years ago.

The first Italian-American and the first woman on a major-party presidential ticket, Geraldine Ferraro crystallized for millions of women and girls that gender should be no obstacle to public service and national leadership. Hillary Rodham Clinton, NANCY PELOSI, and other strong women in government have benefited from the foundation she laid as the Democratic Party's Vice Presidential nominee in 1984, and she inspired countless women to pursue elected office and assert their power as voters and active civic participants. Thanks to her efforts, the United States is stronger and more representative of our diverse and vibrant population.

Her leadership did not end when she left the halls of Congress. As U.S. Ambassador to the U.N. Commission on Human Rights, she was a highly effective voice for women and families

not just in the United States, but worldwide. She donated a great deal of her time and talent to highly respected charitable organizations and causes.

Once diagnosed with multiple myeloma, she fought her illness for 12 years with the same tenacity and determination that were the hallmarks of her professional career. I was privileged to be part of honoring Geraldine with the Eleanor Roosevelt Legacy Committee's 2009 Lifetime Achievement Award. She stirred the hundreds of women packed into a New York City ballroom with her words of inspiration, her grace, and her commitment to advancing the health and well-being of others, even as she faced the fight of her life.

In 1984, Geraldine proudly proclaimed as the Vice Presidential nominee, "America is the land where dreams can come true for all of us." She didn't just believe this in her gut; she did everything in her power to ensure that, through equal opportunity, every girl and boy throughout the United States and around the world has the means to pursue their dreams of a productive and successful life.

I was privileged to know Geraldine Ferraro, and she leaves a proud legacy of courage, principled advocacy, and greater opportunity. All Americans owe her a debt of gratitude for her service and leadership.

HONORING LAFAYETTE STRIBLING
CHAMPIONSHIP WINNING BASKETBALL COACH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Coach Lafayette Stribling, Championship Winning Basketball Coach and Southwestern Athletic Conference (SWAC) Hall of Famer.

Lafayette Stribling, a native of Carthage, Mississippi in Leake County graduated from Harmony High School in Carthage. He attended Mississippi Industrial College in Holly Springs, Mississippi where he received a Bachelor of Science Degree and later a Master of Science Degree from Mississippi State University in Starkville, Mississippi. Coach Stribling has also studied at the University of Southern Mississippi in Hattiesburg, Mississippi.

Stribling coached high school boy's basketball for 26 years winning 741 games and 17 out of 19 Conference Championships. He was named Coach of the Year of the Choctaw Conference six consecutive years, and his team was Class BB State Champions in 1980. In addition to coaching boy's basketball, Stribling coached girl's basketball for four years. In the 1981 regular season, both the boys and girls teams were undefeated winning 67 consecutive games. He coached baseball for 15 years and won the 1971 State Championship. Subsequently, three players from that championship team went on to play baseball professionally. Throughout his 26 year high school sports career, Coach Stribling never had a losing season.

Coach Stribling spent over 20 years as the coach of the Mississippi Valley State Univer-

sity (MVSU) Delta Devils in Itta Bena, Mississippi. During Stribling's tenure, the Delta Devils captured four SWAC regular-season titles and earned three SWAC tournament titles which lead to three trips to the NCAA Tournament (1986, 1992, 1996). Stribling was the winningest coach in Mississippi Valley State University history, with a record of 315–307.

Coach Stribling's accomplishments at Mississippi Valley included taking a squad that was down in the early 1980s and turning them into conference champions. In 1985, his Delta Devils team played on national television against the number one team in the nation, Duke University. The game, televised on ESPN, saw Mississippi Valley fight a tough contest against the Blue Devils. At halftime, the Delta Devils led by three. Early in the second half, they led by seven, only to see Duke rally for an 85–78 victory. Though, the Delta Devils did not take home the win, their performance very well may have earned them a different type of victory. At the time, Mississippi Valley State University was facing closure. After a strong performance from the Delta Devils, the national attention Stribling's squad received arguably may have breathed life back into Mississippi Valley State University, forcing state legislators to reconsider closing its doors.

In 2005, Coach Stribling retired from Mississippi Valley State University as head coach of the Delta Devils. Soon, thereafter he came out of retirement and began coaching the Tougaloo College Bulldogs. In 2007, under the tutelage of Coach Stribling, the Bulldogs won their first conference championship in the school's history. That same year, Coach Stribling was named Gulf Coast Athletic Conference Coach of the Year and the bulldogs went on to play in the National Tournament.

At 76 years-old, Coach Stribling still believes his players should "work hard and play even harder"—that is in the classroom and on the court. His firm concept of "academics before athletics" left the 54 year coaching veteran with only seven of his original thirteen players in the 2011 National Tournament when some of his players became academically ineligible. In essence, Coach Stribling says, "You can look at it two ways. I always look at my glass as half full, not half empty. All seven of my guys know they are going to play every night. They are ready. I tell them we have seven players. That's two too many. You can't use but five at a time." To date, The Tougaloo Bulldogs have won three championships in just five seasons.

Coach Lafayette Stribling has inspired his players to never give up on or off the court. He has survived prostate cancer and congestive heart failure and continues to enjoy every moment of the game.

Again, I ask that my colleagues join me in saluting Coach Lafayette Stribling, a living legend and an inspiration to all Mississippians.

TRIBUTE TO COACH PAUL BRIGGS

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Coach Paul Briggs, a

great football coach who passed away on Monday, February 14, 2011, at the age of 90. Coach Briggs was Bakersfield High School's head football coach from 1953–1985. During those 33 seasons, his teams won 210 games, including four Central Section championships.

Coach Briggs was born in Providence, Rhode Island and grew up in Grand Junction, Colorado. He joined the Navy in 1943 and earned a Bronze Star for bravery and a Purple Heart. He played football at the University of Colorado and on the 1948 Detroit Lions. Then, Coach Briggs began his coaching career in 1949 at Rocky Ford High School in Colorado.

Continuously recognized for his great achievements in sports, Coach Briggs was a member of numerous halls of fame: the California Coaches Association Hall of Fame, Bob Elias Kern County Hall of Honor, Bakersfield High School Driller Football Hall of Fame, the University of Colorado Hall of Fame, and Citizens Athletic Foundation High School Hall of Fame. As a former player on one of Coach Briggs' Drillers teams, he was extremely knowledgeable about the game and was a tremendous leader.

Coach Briggs left Bakersfield High School after the 1985 season and continued his work with young athletes coaching at Orange Coast College. He spent 20 years there before retiring in 2005, having spent 57 years as a football coach.

Coach Briggs was a local icon and served as a great role model for the thousands of athletes he coached and taught during his career. He is survived by his daughter Paula and son-in-law Tom Parsons, grandsons Russell and Kevin Parsons, sisters Virginia Wilhite and Janet Dodrill, and his five nieces and six nephews.

TRIBUTE TO JOSEPH M. ALIOTO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a friend of mine, Joseph "Joey" Alioto who passed away peacefully at his home on March 21, 2011 after a brave battle with cancer. He will be deeply missed.

I knew Joey through one of his many passions, Alioto's Restaurant which started as a fresh fish stall on San Francisco's Fisherman's Wharf in 1925. He was often found greeting guests at the door with a big smile. He had a quick wit and a generous nature that was always welcoming.

Joey has joined his parents, Antoinette and Nunzio, and his sister, Michelle, and is survived by his wife of 36 years, Judy Alioto, and their four children Nunzio, Marc, Alexa, and Joey; his two siblings, my friend Francesca, Rose Marie Violante and her husband Cosmo; his mother-in-law, Ada Barone, his sister-in-law, Sister Claire "Bonnie" Barone, his brother-in-law, Joseph Barone and his wife Maricela. Uncle Joey was blessed with the love and support of his five nieces and nephews—Rochelle and her husband Kenneth Simurdiak, Matthew Violante, Gina and her husband Eric von Esmarch, Alessandro and

Giancarlo Barone, and his five great grand nieces and nephews.

Joey generously contributed his time and resources to many local civic events and causes including Fisherman's Wharf Merchant Association, Fisherman's Wharf Community Benefit District, JIGs (Just Italian Guys), Kevin Collins Foundation, The Olympic Club, One Child at a Time, Ronald McDonald House, Salesian Boys' & Girls' Club, St. Ignatius Booster's Club, St. Ignatius Alumni, St. Ignatius Fathers' Club, Special Olympics, Toys for Tots Foundation, and numerous local school fundraisers. He served as President of the Port Tenants Association and the Fisherman's Wharf Merchant Association. In April of 2009, he was given the esteemed honor of being named the "Man of the Year" for the Salesian Boys' & Girls' Club. He was a person of great humility who constantly showered those around him with the abounding generosity of his heart. He will always be remembered for his passion for life, his love of music—especially opera, his sense of humor, and his generosity of heart.

Yesterday a memorial service celebrating Joey's extraordinary life was held at Saints Peter and Paul Church in San Francisco. Joey will always be remembered for his incredible work ethic, generosity, love of family, and sense of humor. His dedication to his family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Joey's family and friends; although Joey may be gone, the light and goodness he brought to the world remain and will never be forgotten.

A TRIBUTE IN HONOR OF THE
LIFE OF LOIS LEES CLUMECK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Lois Lees Clumeck, who passed peacefully into eternity at her home in San Mateo, California, on March 21, 2011, at the age of 97 years. She was the pillar of her family . . . a loving wife, mother, grandmother, and great grandmother.

Lois Clumeck raised her family to live life to the fullest and help others do the same. Her daughter Jill and son-in-law John Freidenrich took this message to heart, becoming active philanthropists committed to causes in medicine, education, and art. The passion and philanthropy that the Clumeck and Freidenrich families have demonstrated have transformed countless lives and left a legacy of light and love.

After Jill was diagnosed with breast cancer, Lois became particularly passionate about aiding women with breast cancer through an organization the family created, Breast Cancer Connections. Just as Breast Cancer Connections provided a support network for families struggling to cope with the disease, Lois was always the support network for her entire extended family, whom she deeply cherished.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Lois Clumeck's children . . . Jack and Gloria

Clumeck, and Jill and John Freidenrich; her grandchildren, Linda, Alan, Karen, Danny, Gail, Andrew, Eric, Amy, Cindy, and Adam; and her great grandchildren, Benjamin, Lauren, Evan, Danielle, Jacqueline, Samuel, David, Theodore, Lucille, Beverly, Sylvia, Justin, Jacob, Ross, and Alexa.

Lois' devoted daughter Jill once said, "Find something you're passionate about and give as much as you can to that, and you will feel a richness beyond all riches." Lois Clumeck found her passion in people, and her life was rich beyond measure because of it. The memory of her words and deeds are a blessing, and I'm especially grateful to have known such a remarkable woman. She made her community better and strengthened our nation with her love, her generosity, her gentleness and her integrity.

TRIBUTE TO BRIAN HAWLEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Brian Hawley is one of these individuals. On March 24, 2011, Brian will be honored as the "Volunteer of the Year" at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Brian Hawley is Chairman and Chief Financial Officer of Luminex. Founded in 1994, this privately held, global, growing, and consistently profitable company develops distinctive data storage products based on proven technologies that tackle the complex challenges of storing, archiving, distributing and protecting data.

In 2002 and 2003, Luminex was named to the Deloitte Fast50 list as being one of the fastest growing technology companies in Southern California. In 2003, Luminex was one of the select few companies named to both the Inc. Magazine "Inc. 500" and Deloitte "Fast 500" as one of the 500 fastest growing companies in the United States.

Along with his co-founders, Luminex received the Spirit of the Entrepreneur award in technology, the Greater Riverside Chambers of Commerce Small Business Eagle award, the UC Riverside Bourns College of Engineering Honored Alumni Award, and was honored as a California Small Business of the Year.

Luminex has twenty-seven employees headquartered in Riverside, California, and additional development offices in San Diego, California, and Beaverton, Oregon.

Prior to co-founding Luminex, Brian owned and managed Computer Systems International, a consulting firm specializing in corporate business computing and software development in a variety of industries.

Brian has served on Riverside's High Tech Task Force, is past chairman and a founding

member of the Riverside Technology CEO Forum, a past chair of the Science Technology Education Partnership, and is currently Chair of the Chamber's Governmental Affairs Committee.

Brian has participated in the Chamber's annual advocacy trip to Sacramento, advocating for the best interests of the region. He was called upon by the California Chamber of Commerce to testify in support of a bill that allows employees greater flexibility in their work week.

In light of all Brian has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Brian their Volunteer of the Year. Brian's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

HONORING WOMEN IN THE CLASSROOM

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. REYES. Mr. Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become lifelong learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today in honor of Women's History Month, I want to take this opportunity to honor women who are serving as teachers in El Paso.

There are so many dedicated and talented women in the schools of the 16th congressional district of Texas who deserve to be recognized and thanked for their commitment to providing the best possible education to our children. From Rosa Guerrero, a pioneer in education who was awarded a lifelong membership to the Texas Parent Teachers Association and was the first Hispanic woman in El Paso to have a school named after her, to our more recent Texas Teachers of the Year, we have been blessed with many dedicated and talented women in the classroom. Across the country, female educators make up 76 percent of the classroom workforce and serve as the core of the teaching profession, inspiring and supporting our youth. El Paso has been particularly blessed with incredible female educators and their work has been recognized year after year by the State of Texas and the Texas Teacher of the Year program. I am proud to note that El Paso has had ten Texas Teachers of the Year and six have been strong and passionate women.

Today's teachers are working under a tough budget crisis. Yet, in such difficult times our teachers continue to work hard every day to educate and inspire our children. Education is one of the fundamental building blocks of our Nation, and our teachers deserve to be ac-

knowledged for all of their hard work and dedication.

In honor of Women's History Month, I would like to salute all the women in our classrooms in the 16th District of Texas, and also enter the names of the previous female recipients of the Texas Teacher of the Year Award from my congressional district.

NAMES OF EL PASO'S FEMALE TEXAS TEACHERS OF THE YEAR

Yushica Walker, Texas Teacher of the Year for 2010—Morehead Middle School

Christine Gleason, Texas Teacher of the Year for 2009—Fabens High School

Dana K. Boyd, Texas Teacher of the Year for 2007—Dolphin Terrace Elementary School

Kyann McMillie, Texas Teacher of the Year for 2004—Canutillo Elementary School

Rosa E. Lujan, Texas Teacher of the Year for 1992—Ysleta Elementary School

Rita Harlien, Texas Teacher of the Year for 1982—Eastwood High School

HONORING MR. BLAS CASTAÑEDA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CUELLAR. Mr. Speaker, I rise today to honor the accomplishments of Mr. Blas Castañeda. Mr. Castañeda is the External Affairs and Economic Development Officer at Laredo Community College in Laredo, Texas. He dedicates his career to educating the next generation of highly skilled workforce and fostering growth in the business community in Laredo and South Texas.

Mr. Castañeda contributes to the community of South Texas by fostering close working relations between public and private partnerships and regional planning for public and higher education. He is continuously and proactively engaged with the local, state, and international businesses along the Texas-Mexico border. As Laredo Community College's economic development officer, he has brought major capital facilities for the Laredo Community College. He is the leader in developing and maintaining the distance learning program that is part of the virtual college of Texas online systems. Mr. Castañeda also established the Laredo District V Scholarship Bound program in 1989, which has awarded several hundred thousand dollars in scholarships to talented youth of limited income.

His career began when he was elected council member to the Laredo City Council in 1988 and served for eight years, including as Mayor pro tempore. Governor Ann Richards appointed him to the Texas Workforce Investment Council in 1990 where he served for four years. By 2006, he was on the Board of the Future of the Region Inc. as Ex-Officio President and as President. This organization serves a 47-county, non-profit economic development initiative that addresses key issues in South Texas. In January of 2009, Mr. Castañeda was nominated to be a member of the South Texas Workforce Solutions Board and he represents Adult and Continuing Education. He also serves on the Board for the Texas Migrant Council, which promotes family

literacy, education, and consumer education in Texas, Ohio, Wisconsin, Indiana, New Mexico, Iowa, Oklahoma, and Nevada. Mr. Castañeda continues his efforts for the community as a member of organizations including Big Brother/Big Sister, Rio South Texas Workplace Literacy Council, and the Texas Community College Teachers Association.

Mr. Castañeda is a highly respected member of the South Texas community. He has received numerous awards such as the Liberty Bell Award, the "Salute to Labor" Star Award, and the Tejano's High Achievers Award. The Laredo Independent School District recently named him a "Tiger Legend" for his dedication and for serving as a role model to Laredo's youth.

Mr. Speaker, I am honored to have had this time to recognize Mr. Blas Castañeda's accomplishments and service in South Texas. His tireless efforts for economic development and education have truly impacted the community.

TRIBUTE TO DEBBI HUFFMAN GUTHRIE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Debbi Guthrie is one of these individuals. On March 24, 2011, Debbi will be honored as the "Citizen of the Year" at the 111th Inaugural Celebration of the Greater Riverside Chambers of Commerce.

Debbi Huffman Guthrie is retired from her 27-year career as the third-generation owner of a roofing company established by her grandfather in 1921. Since 1993, Debbi has served as a Director with Provident Bank, a publicly traded, community bank established in Riverside in 1957. Debbi is the current and former member of numerous organizations including: member, Riverside Community College District Capital Campaign Executive Committee; Chair, Riverside Aquatics Complex Fundraising Committee; Chair, Greater Riverside Chambers of Commerce Inaugural Ball Committee; Chair, ATHENA of the Inland Valleys Committee; Member, Board of Directors—Greater Riverside Chambers of Commerce; Member, Riverside Sport Hall of Fame Induction Celebration Committee; Trustee, University of California Riverside Foundation; Chair, University of California Riverside A. Gary Anderson Graduate School of Management Dean's Leadership Council; Chairwoman, Greater Riverside Chambers of Commerce; Chair, Governmental Affairs Committee and Leadership Riverside Program, Greater Riverside Chambers of Commerce; President and Member, Kiwanis Club of Riverside; President, Riverside Community College District Foundation; State Director, ATHENA Foundation; March Air Force Base Military Affairs

Committee (Honorary Commander's Program); Inland Empire Council Boy Scouts of America, Distinguished Citizens Committee; and Junior League of Riverside.

Debbi is the recipient of many awards including: the 2010 Riverside YWCA Irene Bonnett Volunteer of the Year; the 2010 Riverside Downtown Partnership Roy Hord "Volunteer of the Year"; the 2003 Association of Agency Executives, Spirit of the Non-Profit Award; the 2003 Gold Key Award, Soroptimist Club; the 2001 Boy Scouts of America Distinguished Citizen Award; the Riverside Community College Inaugural Community Service Award; the 2001 Kiwanis International George Hixson Fellowship Award; the 2001 President's Award, Greater Riverside Chambers of

Commerce; the 2000 Management Leader of the Year, Private Sector, UC Riverside A. Gary Anderson Graduate School of Management; and the 1999-2000 Volunteer of the Year, Greater Riverside Chambers of Commerce.

In addition to her continued involvement with Provident Bank and her volunteer commitments in Riverside, Debbi now lives part-time in southern Utah where she takes pride in working with her husband to manage their 1300-acre ranch. She enjoys being with her family, horseback riding, house-boating on Lake Powell, hikes in Zion National Park and international travel with friends. Debbi is a native of Riverside and attended Ramona High School and California State University, San

Bernardino. Debbi and her husband, Jim, have four adult daughters and four grandchildren.

In light of all Debbi has done for the community of Riverside, the Greater Riverside Chambers of Commerce named Debbi their Citizen of the Year. Debbi's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives this prestigious award.

HOUSE OF REPRESENTATIVES—*Friday, April 1, 2011*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, to Whom we are all accountable, You are also our source of freedom since we are created in Your image.

We praise You and thank You for the blessing to work here in Congress and serve You, Your people, and this Nation.

During this weekend, help us to enjoy the new life of spring and the gifts of family and friends. By drawing closer to beauty and love, mold us by Your spirit to be more fully Your free people and so a blessing to others both next week and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico (Mr. HEINRICH) come forward and lead the House in the Pledge of Allegiance.

Mr. HEINRICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

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

AMERICA IS READY FOR TOUGH SPENDING DECISIONS

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

Mr. JOHNSON of Ohio. Mr. Speaker, the work ethic of the people of my district gives me great optimism despite the daily reminders that our Nation teeters on the edge of bankruptcy.

Individual Americans are rich in spirit, tradition, and innovation; but as a

country, we're broke, all because the Federal Government has maxed out its credit card. This House is listening to the American people, and we have passed legislation representing significant spending cuts of historic proportions.

But HARRY REID and the President are not listening. Instead, they are threatening to shut down the government. Now they'll try to shift the blame and deny that America's economic problems are the result of their failed policies.

I believe America is ready for some tough spending decisions. We must give Americans the tools to grow the economy instead of growing government. I hope my fellow colleagues will join me in asking two questions when any spending bill comes before this House: How much is it going to cost? And who is going to pay for it? And if we can't afford it, and if the American taxpayer is going to foot the bill, we should be voting a resounding "no."

HONORING LIEUTENANT CANDICE KILLIAN

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

Mr. HEINRICH. Madam Speaker, I rise today in celebration of Women's History Month and to honor a very special hero stationed at Kirtland Air Force Base in Albuquerque.

First Lieutenant Candice Killian, of the 58th Training Squadron, is our Nation's first female pilot for the CV-22, also known as the Osprey. It is an elite honor for any pilot to fly the CV-22, and it's particularly unique to be the first woman in history to do so.

Unfortunately, the contributions that women make to our military and our Nation don't always get their due recognition; so it's a very special honor for me today to recognize First Lieutenant Killian as part of Women's History Month. I continue to be inspired by the great sacrifices made by leaders like First Lieutenant Killian in service to our Nation. Congratulations to First Lieutenant Killian on her distinguished service and sacrifice.

THE RESTORING ECONOMIC CERTAINTY ACT

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

Mr. RIBBLE. Madam Speaker, I rise today in support of H.R. 1281, the Re-

storing Economic Certainty Act of 2011. This bill places a 24-month moratorium on the majority of new regulations promulgated by agencies, giving small businesses the certainty required to create jobs. The goal of this bill is to provide confidence to small businesses, which create the overwhelming majority of jobs in America. I am calling on Congress to enact a regulatory cooling off period. Let's give America's small businesses a chance to catch their breath from the over 23,000 rules and tens of thousands of pages of regulations that have been enacted since 2004.

As a business owner myself, I have seen firsthand the harmful impact that government regulations and uncertainty can have on job creation. Job creators have to know that they won't be punished by unelected Federal bureaucrats with additional rules, regulations, and redtape. I urge my colleagues to join me in support of H.R. 1281 today. Let's send job creators a clear signal that we are not going to allow government to be an impediment to business growth.

HOW SOON WE FORGET

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

Mr. CONNOLLY of Virginia. Madam Speaker, how soon we forget. During the last congressional session, then-Minority Leader BOEHNER called deem-and-pass bills "a scheme and a plot," one that he has employed immediately upon assuming the Speakership.

It's doubly ironic because this particular deem-and-pass bill is blatantly unconstitutional, as it eliminates the Senate and President from the legislative process. Article I, section 7, clause 2 of the Constitution reads, "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it . . ."

This deem-and-pass spending bill would eliminate the inconvenience of the United States Senate passing or the President signing H.R. 1, the radical Republican proposals to eliminate 700,000 to 900,000 jobs. Whether or not Republicans ram it down our throats today is probably irrelevant since it is clearly unconstitutional, but we should vote it down as a matter of constitutional principle.

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

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

CONSERVATIVES WON THE
ELECTION

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

Mr. WILSON of South Carolina. Madam Speaker, Democrats in the Senate should work with the Republicans to act on the continuing resolution. House Republicans successfully passed a bill over 40 days ago, and Senate Democrats have still not acted. Liberals in the Senate claim to have a plan of their own. Rather than voting on this plan, Senate Democrats have resorted to petty political gamesmanship.

Conservatives won the election in November. The American people spoke clearly, they want to put a halt to reckless spending. This is the conservative position in Congress. Any compromise should incorporate views of the American people. The Tea Party has made a difference. While liberals are encouraging a government shutdown, conservatives in Congress have passed a bill that would avoid this event. Leaders are expected to make tough decisions in difficult times. Continuing with one-line gimmicks to curry political favor is another political ploy in Washington that shows liberals are just out of touch with America. The American people know that reckless borrowing is a threat to American families. Young people know that debts are being passed to them.

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

PARTISAN EXTREMISM REACHES
A NEW LOW

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

Mr. BUTTERFIELD. Madam Speaker, I rise this morning in objection to the Republican leadership's blatant disregard for the Constitution.

Republicans' partisan extremism reached a new low this week with the willingness to ignore some of the most basic fundamentals of our Constitution. They have come up with a scheme called "deem and pass." I am outraged that the Republicans could believe that their job-killing budget could become law with just the approval of the House of Representatives. Every American should be offended by such an extreme, reckless, and clearly unconstitutional scheme.

Madam Speaker, Americans want Congress to move beyond the partisan extremism and political theater. It is time to negotiate a budget in good faith that invests in our future, protects our families, and helps move America toward greater economic recovery and prosperity.

□ 0910

HONORING THE LIFELONG
ACHIEVEMENTS OF FOUR NAVAL
ACADEMY GRADUATES

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

Mr. DOLD. Madam Speaker, this past Friday I had the privilege to attend a ceremony before 4,000 Midshipmen at Annapolis honoring four distinguished graduates of the Naval Academy for their lifelong achievements and dedication to the United States Navy, Marine Corps and, indeed, to our Nation.

Dr. Bradford Parkinson, class of 1957, dedicated his life and effort to develop the Global Positioning System.

Lieutenant General Matthew Cooper, class of 1958, served two tours in Vietnam as a Commander in the Marine Corps Ground Reserve in Operation Desert Shield and Desert Storm, and turned around the Toys for Tots Foundation.

Mr. Corbin McNeill, class of 1962, served for over 20 years in the submarine service, and later became the chairman and co-CEO of Exelon Corporation, headquartered in Illinois.

The fourth honoree holds a special place in my heart and in the heart of my family, Rear Admiral Robert Harper Shumaker, class of 1956, my Uncle Bob.

Madam Speaker, upon graduation from the Naval Academy, my uncle attended flight school and began his service in the United States Navy. On February 11, 1965, flying his F-8 Crusader, he was shot down over North Vietnam and was taken prisoner by the North Vietnamese. For over 8 years he was held prisoner, many of those years in the Hanoi Hilton, a name which he actually dubbed that prison camp.

Madam Speaker, my Uncle Bob has always served as an inspiration to me and to countless others. I was honored to see this special award bestowed upon him this past week, and I want to take this time to thank him and his fellow award recipients for their service not only to the Naval Academy and the Marine Corps but to our Nation.

FISCAL RESPONSIBILITY

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

Mr. BARROW. Madam Speaker, I rise today to encourage the President and leaders of the House and Senate to work together to craft a long-term spending plan to prevent a government shutdown and get our Nation's finances back on track.

No business can thrive without a stable, long-term financial plan. The Federal Government can't either. The uncertainty we're operating under is cost-

ly to taxpayers, and it threatens the health of both the public and the private sectors.

As I travel around my district, I hear time and again from constituents who are tired of the heated political rhetoric. We can cater to political extremes or we can work together to resolve pressing issues.

Let's move beyond the weekly battles on discretionary spending and start an adult conversation about the real structural issues that plague our Nation's fiscal health.

HONORING THE LIFE OF LIEUTENANT
GENERAL SELMON WIL-
LARD "JIM" WELLS

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

Mrs. BIGGERT. Mr. Speaker, I rise today to honor the life of one of America's great military heroes, Lieutenant General Selmon Willard Wells, or Jim as he was known to his family.

General Wells passed away in December at the age of 94 after a lifetime of distinguished service to his country. Today, his friends, family, and loved ones will gather to celebrate his amazing life in a special service near his home in California. Among those will be his children, three grandchildren, and six great-grandchildren.

Mr. Speaker, there's no way I could do justice to all the achievements of this amazing man in the time I have here.

Jim first earned his wings in 1941 and went on to log over 12,000 hours of flying time as a command pilot, with over 700 hours of combat time. He flew hundreds of missions during three wars—World War II, Korea, and Vietnam—and has been honored with almost every medal imaginable.

After commanding forces all over the world, he culminated his military career as an inspector general of the Air Force here in Washington.

Today, I would like to join with my colleagues here in the U.S. House of Representatives to express to Jim's family and loved ones our heartfelt sympathy on his loss and our sincere gratitude for his service to the Nation he loved.

Mr. Speaker, during his service today, it was the hope of many that General Wells would be honored by a military flyover. I am disappointed to say that the Air Force was unable to accommodate this wish, but I know there's no military airman in America who does not join us in honoring the memory of this hero. And if anyone would understand the logistical challenges of command, it would be Jim.

A PENDING GOVERNMENT
SHUTDOWN

(Mr. TONKO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, well, here we go again. We're 1 week away from a government shutdown. I, for one, wish we could focus on creating jobs and growing the economy. But, instead, the majority can't even agree on how to keep the doors open.

In fact, unwilling to compromise and unable to break free of the clutches of the tea party, they have tried a stunt that is beyond belief. It's altogether fitting that we are debating this absurd measure today on April Fool's Day. Why? Because after reading the Constitution on the floor of this body just weeks ago, they are ignoring our founding document, mocking its principles, and attempting to circumvent 222 years of history.

What do they want to do? Say that any bill, any bill that passes this House is good enough. No need for the Senate or President. It should just become law, like magic.

This country was founded on checks and balances and limited government. Instead of desperate attempts to ram through job-destroying legislation to appease the extreme wing of their party, perhaps the majority in this House could try negotiating in good faith with the Senate and our President to keep the lights on. After all, that's the least the American public expects of their elected officials.

PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 194

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees; and (2) one motion to recommit.

POINT OF ORDER

Mr. ELLISON. Madam Speaker, I raise a point of order against H. Res. 194 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Minnesota makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden and the gentleman from Minnesota and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Speaker, I raise this point of order, not necessarily out of concern for unmet, unfunded mandates, although there are likely many in this bill; I raise the point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we're being denied the ability to actually offer the amendments that we would like to illuminate what's actually in this bill.

Republicans are playing partisan political games with America's future, America's seniors, and Americans veterans with the following: with America's government.

Since taking control of Congress over 13 weeks ago, Republicans have failed to introduce a single bill, not one single bill to create one single job. Instead, the Republican majority has hatched an unconstitutional scheme to fire nearly 1 million Americans and foreclose on the middle class.

Madam Speaker, I think it's ironic that today is April Fool's Day, because the Republican majority is playing an April Fool's joke on the American people. This unconstitutional Washington "tricknology" and "trickeration" reflected in the underlying bill would destroy at least 700,000 jobs according to the Economic Policy Institute, Mark Zandi, chief economist at Moody's Economics, and even Goldman Sachs.

Let's be clear. The underlying bill of which Mr. WOODALL is a cosponsor implies that the Senate has passed a bill which has already failed there. It assumes or deems that the President has signed a bill which he threatened to veto.

□ 0920

April Fool's, America. There is no Senate or Office of the Presidency today under the Republican majority bill. The Republican spending bill badly damages our fragile economic recovery, according to 300 economists of all political stripes, and threatens to send us spiraling into another Republican recession. And as we have heard earlier this week, the Republican answer to 14 million Americans who lost their jobs and can't find new ones is: Stop talking about jobs.

At this time, I would like to ask the gentleman from Georgia (Mr.

WOODALL) a simple question: How many jobs does this bill create?

Mr. WOODALL. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Georgia.

Mr. WOODALL. I thank the gentleman for yielding. I would be happy to answer that question.

By eliminating the crushing Federal deficit that we have today? By taking the first steps we have seen in a generation to take the government out of the capital market and put the private sector back in?

Mr. ELLISON. Reclaiming my time, I do appreciate the gentleman's decision not to answer my question.

Mr. WOODALL. I would be happy to try again, Mr. ELLISON.

Mr. ELLISON. I have the time and I have reclaimed it. I do appreciate the gentleman's decision not to answer how many jobs this bill is going to create because it certainly creates none. In fact, it destroys jobs. And it is really a shame. And I think that if the gentleman wanted to give us a number, even an estimate, just some sort of an estimate as to how many jobs this bill is going to create, we certainly could have a good dialogue about how America goes forward.

But unfortunately, Madam Speaker, the gentleman cannot answer that question because the Republican majority has been exposed. They have a no-jobs agenda. And this bill they propose to deem and pass today would cut upwards of 1 million jobs and as low as 700,000. This is a no-jobs agenda.

At this time, I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman.

This Republican April Fool's resolution on the House floor today seems to look for a waiver of all points of order against consideration of the bill, which includes the waiver of section 425 of the Congressional Budget Act, which causes a violation, we believe, of section 426(a).

I am not sure if the rules of the House are declared null and void on any April Fool's Day, but I have a feeling that we are about to see that happen today on the floor. Apparently, the new Republican leadership and their majority believe that they can take control of the parliamentary system. Unfortunately for them, we still have a bicameral legislature, including a United States Senate and a Constitution that requires the President of the United States to sign legislation.

So the rules seem to be changing every day around here. I thought we were going to see bills 72 hours in advance. The bills would have to be paid for under the Republican cut-go measure, and all bills—again, all bills would have to meet a constitutional test before the floor considers it. In the last 2 weeks, we have violated every one of these principles.

There are likely some unfunded mandates in this measure. I raise a point of order because this is the only way that we have to debate this bill and we are being denied the ability to actually offer the amendments that we would like to, to illuminate what is actually in this legislation and how this is a break again from the hallmark and tradition of this great House, which is to allow open debate on appropriations bills.

So, in conclusion, we simply cannot trash the rules of the House like we are doing here today and, ironically, on April Fool's Day.

Mr. ELLISON. I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I rise to claim time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 10 minutes.

Mr. WOODALL. Madam Speaker, it appears that this is going to be an April Fool's theme day, and I suppose I should have known that when I woke up this morning.

I am a little surprised that it begins with folks claiming a point of order against unfunded mandates that they are not sure at all exist in the bill; that they claim a point of order against unfunded mandates in a rule that waives those points of order if they did exist.

I want to say, Madam Speaker, I'm a big proponent of regular order. A big proponent of regular order. And the prophylactic waiver that is in the rule is designed just in case there was something that we missed.

But what is important is that we had the largest and most open debate we have had in this House in a decade on H.R. 1, the only provision that could possibly have an unfunded mandate in it and does not.

This bill does two things, the underlying legislation does two things: It both gives the Senate an opportunity to come out from under its paralyzing inaction and pass H.R. 1; and, it says that if the Senate does not, if the Senate fails to act—we are not asking the Senate to do exactly what we want them to do. We are asking them to act. If they fail to act, that Congress will not get paid. Congress will not get paid. My colleagues on the left won't get paid, my colleagues on the right won't get paid, and my colleagues in the Senate won't get paid.

I would ask my good friend Mr. ELLISON, do you believe that this provision that will prevent us from getting paid for not doing our job is the unfunded mandate in that provision?

Mr. ELLISON. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Minnesota.

Mr. ELLISON. I believe that the Republican no-jobs agenda is a serious affront to the American people.

Mr. WOODALL. Well, let me reclaim my time, Madam Speaker, to say that I appreciate the gentleman's support for making sure we don't get paid if we are not doing our work.

There is a divide in this town, Madam Speaker. There is a crowd that believes that government creates jobs, and the more government activity that takes place the more jobs there are. There is another crowd in this town that believes that only the private sector can create jobs.

As this bill will put more capital into the private markets, it will create jobs. As this bill will provide much-needed certainty that we cannot have under these continuing resolutions, this bill will create jobs. As this bill goes to complete the work that should have happened last Congress but did not, this bill will create jobs.

It is a cruel April Fool's Day joke on the American people, Madam Speaker, that instead of debating the underlying resolution—and I have a rule that I am prepared to bring to the floor that will allow time to debate the underlying resolution—we are instead focused on points of order that even my colleagues on the left don't believe exist.

They accuse us of perverting the process, Madam Speaker, and we have had the most open process in the first 90 days of this Congress than this Congress has seen in a decade. And, in doing so, they pervert the process, raising points of order that they do not believe exist and they know in their hearts do not exist.

With that, I reserve the balance of my time.

Mr. ELLISON. I yield 2 minutes to the gentlewoman from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS. Madam Speaker, I would like to thank the gentleman from Minnesota for raising this point of order. I join in support of the point of order.

First of all, it is time for us to create jobs, and we haven't created jobs and we are 13 weeks into this Congress and we are not debating jobs today.

Second, as to the underlying resolution, I will speak to that later, Madam Speaker, but today we are sitting here with a bill that violates the rules of this House. The Congress said when they took on this new leadership that they were going to come into the Congress open and transparent and without hypocrisy, and not following the kind of rules that they railed against during the previous Congress, and yet here we are today with a rule that doesn't allow us to really consider appropriations in the way that this Congress—not the last Congress, but this Republican Congress—established. We are neither open, we are not transparent. And this point of order raises a question as to whether the Republican majority is going to operate according to the rules that it set. Not the rules that

Democrats set, but the rules that Republicans set.

And so, Madam Speaker, I am really troubled today both by the underlying resolution and by the fact that we have here perhaps a bill that has unknown, unfunded mandates that we aren't able to look at and for which there won't be any amendments. So I thank the gentleman from Minnesota for raising the point of order, and I would urge strong consideration by my colleagues to make this process, as the leadership has committed, to make it open, to make it transparent, and to make it without hypocrisy.

Mr. ELLISON. Madam Speaker, I would ask the gentleman, would he be amenable to stripping out all but the Member pay issue that's contained within the bill? Would he be willing to do that?

Mr. WOODALL. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Georgia.

Mr. WOODALL. You want to remove the most debated provision we have had in this entire Congress? You feel that hasn't been debated enough?

□ 0930

Mr. ELLISON. We will deal with the Member pay issue. Are you willing to do that?

Mr. WOODALL. The Member pay issue is critically tied to the inaction of the folks on the funding bill. The answer is no, Mr. ELLISON, I cannot agree to that.

Mr. ELLISON. Reclaiming my time, thank you for finally getting around to that "no."

Well, I think that makes the point here, Madam Speaker. The fact is that this particular Republican action is yet another opportunity to degrade and take away the basic social safety net of America while doing nothing to get Americans back to work.

Americans deserve to work. Americans thought that they were going to get a majority that would help them get back to work back last November, but they were sorely surprised when the Republican majority got in and decided to do nothing to help Americans get back to work. All the majority has done is strip away programs and things that will help Americans do better, to take programs and money away from police officers, to fire public employees. This has been their agenda, and this is too bad. I think that this is a shame, and it certainly is an abandonment of what people thought they were getting in November.

So, Madam Speaker, this particular point of order raised today does address the critical issues that must be addressed. But, at the bottom, we are still looking at 13 weeks with no jobs and Republicans offering legislation that literally would put nearly 1 million people out of work.

So I ask my colleagues to stand with the American people. Let's move America forward. Let's reject the rule and the underlying bill by voting "no" on this motion to consider this unconstitutional Washington trickery.

I yield back the balance of my time.

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to a gentleman who is making sure we do keep our promises on Capitol Hill, the gentleman from California, Chairman LUNGREN.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise to speak to the question that has been raised during this discussion, and that is the provision dealing with the pay of Members of Congress and the President of the United States.

The Senate has sent over to us a bill which purported to deny pay to the President of the United States and to the Congress on a permanent basis for any time that lapsed during which there was not authorization for appropriations for the conduct of government activities. It is on its face blatantly unconstitutional, violating the section of the Constitution that deals with the Presidential pay and, specifically, the 27th Amendment to the Constitution, which does not allow us to do that.

The intent, as expressed by the author of the bill before us in the statement of the constitutional authority, makes it clear that we recognize the limits of the action that we can take, and instead we would in this way command those payments not to be made during the period of time in which there is inaction by the President and the Congress of the United States, thereby making a very serious and good faith attempt to put that pressure on Members of Congress and the President of the United States, but in a constitutional way.

So Members should be aware of the difference between the language contained in this provision before us and that which was sent over here by the Senate, which on its face constitutional scholars have looked at it here on the House side and the Senate side and the White House and have suggested that bill that came over from the Senate would not stand up to constitutional examination. This is an attempt on our side to try to provide that action, if demanded by Members of Congress, in a way that would be rendered constitutional.

So at least I wanted to make sure that as we debate this point of order, the rule and the bill, that it is clear what the intention of the author is in this case and why we are attempting to follow constitutional procedures.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to thank the chairman for that explanation, because constitutional principles are paramount, are abso-

lutely paramount on this side of the aisle, and so is accountability, so is accountability for our actions here in this body and our actions across the way. And I could not be more pleased to be a cosponsor of the underlying resolution because it does hold us accountable and says no work, no pay. No work, no pay.

This is April Fool's Day here in the House of Representatives and across the country. We are talking about jobs every day. Every day in this body we are talking about jobs, and yet the debate this morning is focused on are we doing enough debating about a bill that already has been the most aggressively debated bill this Congress has seen in over a decade.

I want to invite my colleagues on both sides of the aisle and in the United States Senate to join me as a cosponsor of H.R. 25. H.R. 25 is the Fair Tax Act. It is the only bill in Congress that eliminates every single corporate loophole, exception, lobbyist-inserted provision. Not a one survives the Fair Tax. It is the only bill in Congress that eliminates the payroll tax, that largest tax that 80 percent of Americans pay.

Do you want to talk about American families and their pain? Let's talk about the largest tax that American families pay. It is the payroll tax, and H.R. 25 is the only bill in the United States House of Representatives that eliminates the payroll tax in favor of a flat rate personal consumption tax that ceases to punish productivity and begins to reward those activities that build jobs in this country. It is the only bill in Congress that puts American manufacturing on a level playing field with the rest of the world.

Do you want to talk about jobs or do you not? Do you want to get America back on track or do you not? Because this is a point of order that we know doesn't exist. It is a point of order just designed to fill the airwaves first thing in the morning. If you want to fill the airwaves, fill it with promises of jobs. Fill it with promises of ending the Tax Code that drives jobs out this country and bringing in that capital that we so desperately need.

Again, Madam Speaker, there are no unfunded mandates in this bill. This has been the most aggressively debated bill that this Congress has seen in a generation, I would argue. The only two things the underlying legislation does, it forces the government to stay open with funding levels, those funding levels provided in H.R. 1 if the Senate passes this bill, and it insists that no work in Congress receives no pay.

Forty days we have waited on the Senate to act. They have defeated two bills, but they have passed nothing, Madam Speaker. They have passed nothing. If you want to talk about jobs, if you want to talk about certainty, you have to bring a proposal to the table. This is a freshmen proposal that

reaches out to try to do something to make things happen.

I don't know how you guys break logjams in this city. Clearly, it is not easy. Last year there was a Democratic House, a Democratic Senate, and a Democratic White House, and you still couldn't get a budget passed. You still couldn't get appropriations bills passed. So, clearly, logjams are complicated things. I am not here to assign blame for those logjams. I am here to offer solutions. Over and over and over again you see folks rising here to offer solutions.

Madam Speaker, with that, I ask that you overrule that point of order and allow us to get to the underlying bill.

The SPEAKER pro tempore (Mrs. CAPITO). All time for debate has expired.

The question is, Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 172, not voting 41, as follows:

[Roll No. 213]

YEAS—219

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

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

Manzullo	Platts	Stutzman
Moran	Richardson	Sullivan
Owens	Rogers (AL)	Waters
Paul	Royce	Young (AK)
Payne	Sarbanes	Young (FL)
Peterson	Stark	

□ 1003

Mr. SHULER changed his vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MANZULLO. Mr. Speaker, I missed a vote earlier today because I was inadvertently detained. If I had been here, I would have voted “yea” on rollcall No. 213.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 213, I was unable to vote. Had I been present, I would have voted “nay.”

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Madam Speaker, this rule that we have today provides for an hour of consideration on a bill that would do two very simple things.

First, it would provide that, if the House and the Senate fail to do their business, they fail to get paid. It’s a pretty basic principle in America: no work, no pay. If the House and the Senate fail to get together and solve this budget crisis, no pay. All the underlying resolution asks is that the Senate act—Senate act. They don’t have to agree with the House. They just have to act, act, and send something to the House for negotiation and consideration.

The second thing this bill does—and it’s every bit as important as no work, no pay—is that this bill says, for whatever reason, if the Senate cannot act, if the Senate cannot pass something—they’ve defeated two things but they have passed nothing—then the text of H.R. 1 will control the appropriations of the United States of America and the government will not shut down, will not shut down because we will continue to operate under H.R. 1 funding levels until such time as the Senate

can affirmatively pass yet a different bill.

I rise in strong support of that underlying legislation, Madam Speaker.

For the opening of this debate, I yield 5 minutes to my good friend from Arkansas (Mr. WOMACK).

Mr. WOMACK. I thank the gentleman for yielding, and as a fellow freshman and colleague of his in this remarkable new class, I value his friendship and his sense of purpose.

Madam Speaker, that is precisely why I rise today in support of my bill to prevent a government shutdown. I have a unique background, having helped a family start a broadcasting company that now spans in excess of 30 years, served my country in uniform for more than 30 years, spent a little time in the financial services sector, and finally, for the last 12 years, having served as mayor of one of Arkansas’s most dynamic cities and one of America’s most livable cities, Rogers, Arkansas, and clearly, one of our Nation’s most dynamic and fastest growing regions.

Madam Speaker, it was there I had the privilege of working side by side with executives from some of our leading corporations: Walmart, Tyson Foods, J.B. Hunt Trucking, all startup companies once upon a time and now leaders in their trade and with a global reach. These industry giants did not get where they are by ignoring their challenges. They confronted them. It’s part of their genius.

It is in this context that I share with my colleagues my greatest frustration: having been elected by the citizens of Arkansas’s Third District to come to Washington, D.C., and help deliver our country to a better future, only to find myself and my colleagues mired in the muck of Beltway politics.

We have a crisis on our hands: unsustainable deficits as far as the eye can see, a national debt nearing statutory limitation, and overreaching government bureaucracy intruding into the lives and businesses of every sector of society, people struggling to find work so they can pursue the American Dream. And, Madam Speaker, they’ve elected this Congress to face our Nation’s toughest issues head-on, and that’s what House Republicans have been doing.

We were 3 months into this fiscal year when we took our oaths of office, and, without a budget, we went straight to work on the most pressing issue upon arrival: funding government for the rest of this year. And it is sad that, as I make these remarks, all we have been able to show for our work now into the month of April are temporary measures that continue to distract us away from the real work ahead: the 2012 budget.

Madam Speaker, this has to stop. The political gamesmanship going on in the upper Chamber might make for

NAYS—172

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

NOT VOTING—41

Barton (TX)	Clarke (NY)	Hanabusa
Bilbray	Conyers	Hanna
Boustany	Costa	Hunter
Burton (IN)	Culberson	Johnson, Sam
Butterfield	Duncan (TN)	Kaptur
Campbell	Filner	Langevin
Cantor	Frelinghuysen	Lynch
Cardoza	Giffords	Maloney

good headlines in the capital press, but it is hurting our Nation. That's why I've offered this bill to self-impose a deadline on Congress, and I'm asking my colleagues to join me in supporting H.R. 1255 to start the clock on the Senate to pass something we can agree to in funding government for the remainder of this year by April 6, or assuming a government shutdown, expect to have our pay withheld until we can reach agreement.

□ 1010

Every time we fail to address these issues, Madam Speaker, we add to the uncertainty now plaguing America, we contribute to the decline of our economy, we add to the burden of future generations, and we dash the hopes and dreams of millions of people who count on us every day.

Madam Speaker, the time is now to act.

Ms. SLAUGHTER. I thank my friend from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, over 200 years, the House of Representatives has seen almost everything. From the days as a young nation, to modern day America, the exchange of ideas and the debate of legislation is a rich and proud tradition that moves our country forward. Unfortunately, today's legislation abandons this proud history and marks a new low in the United States House of Representatives. As you know, the new majority started off the session with reading every section and every piece of the Constitution of the United States to show our reverence for it, but this morning that Constitution has been kicked under the couch out of sight, lest its presence in the room restrict what is attempting to be done here today. Indeed, this legislation proposes that we throw away 200 years of legislative history and upend the fundamental process of how a bill becomes law.

Despite the urgent and dire issues facing our constituents, here we are, the U.S. House of Representatives, considering legislation that has no chance of becoming law. Today's legislation would "deem" a bill that the Senate has already voted down as passed by that very Senate. It would take a remarkable mind to even come up with such an idea. This notion, while clever, will never pass through the U.S. Senate. And let me remind you that what we're doing this morning, saying that we're going to bypass the Senate, would not do anything at all unless the Senate passed it of themselves saying, forget about us. It's simply not going to happen.

The Republican majority claims this bill is a solution to a government shutdown. I hope that discussions regarding the solution to a government shutdown are taking place in offices between

Senate and House Members and representatives of the administration as we speak. They are the people who can avoid that. The majority claims this bill is a solution, as I said. If this is their only solution, America is in big trouble. The solution to a government shutdown is to meet the Democratic Party at the negotiating table, not to propose scrapping the entire legislative process simply because the majority party refuses to tell the right wing of their party "no."

I am sad to say that today's legislation is more befitting an entry to Grimm's Fairy Tales than to this august body. I think it demeans the House to pretend to do the impossible, to pretend to do what we can't. Does the majority believe that majority confers supernatural powers upon them to bypass the United States Senate?

In the House of Representatives, there are written rules for how the legislative process proceeds, rules that were crafted by Thomas Jefferson, rules that have been tried and true since the founding of this legislative body. These rules have helped lead our country through debates much more fractured than this. From civil war to civil rights, the rules of the House have seen us through struggle and strife and kept our country strong. Today's bill would throw away these rules and very much upset Thomas Jefferson.

Every one of us knows as schoolchildren that there is no way for a bill to become law without both chambers acting on it, a conference committee to meet if necessary, and the signature of the President of the United States. I wish that I were not standing here having to explain to my colleagues how a bill becomes law. I said yesterday, and I must say it again, that I hope we have warped no children's minds. Anyone who may be watching the perversion of the process today and any teachers who are guiding children through this process, take courage, because you can see the video that will explain once again, "I am a bill." Never before has anyone seriously considered the idea that one House can pass a bill and decide it will be the law of the land. Hopefully no party will ever try such a far-fetched tactic again.

Just last year, the procedure to "deem and pass" legislation through the House was derided by Republicans as the "Slaughter Solution," a procedure we ultimately chose not to use. At the time, Speaker BOEHNER called the deem and pass process "an affront to every American." Now he brings his own "dream and pass" legislation to the floor.

Finally, I want to speak to the process that leads us to the floor today. The proposed bill has seen no committee consideration of any kind, there has been no opportunity whatever for public input, it required an emergency

meeting of the Rules Committee last night to rush it to the floor today, and no chair or ranking member of the four committees responsible for this legislation even came to the Rules Committee; with the Democrat ranking members saying they had never heard of the bill. They certainly did not want to come up and debate it.

We are now considering another closed rule. A process such as this is far from "the most open and transparent Congress in history" that we were promised. If we are moving forward with emergency legislation under a closed rule, it should be for one reason: to create jobs. We've gone 13 weeks without a single jobs bill brought to the House floor by the majority. In fact, all of us know that that is the overriding fear in the United States today. Instead, we debate legislation so far-fetched that it will never proceed beyond this House floor.

We should not waste another minute ignoring the needs of millions of Americans, those who have no job and are losing their homes, while debating fantastical legislation that will never become law. This is a bad joke on the American people and not a serious solution to our problems.

I urge my colleagues to think again about the proud tradition of the House of Representatives and how proud each of us are to be able to represent constituents here and to try to do it in a sensible way that can really move the country forward and not, as we are doing today, simply again wasting time.

I urge my colleagues to vote "no" on today's rule and "no" on the underlying bill.

I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I yield myself 60 seconds to apologize to the gentlelady from New York. I am told by my team here that normal order would have been to yield to you before I yielded to my colleague. I'm new, and I apologize for going out of order in that way.

Ms. SLAUGHTER. There is no need to apologize. That is perfectly all right.

Mr. WOODALL. I would just say, as I beg the gentlelady's forgiveness, that as a freshman, I'm just trying to get things done. I'm trying to make things happen. This bill is one of those steps along the way.

Ms. SLAUGHTER. We all were freshmen once. We understand.

Mr. WOODALL. I thank the gentlelady.

Madam Speaker, I yield as much time as he may consume to my good friend and leader, the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I want to begin by expressing my appreciation to my friend from Lawrenceville for not only managing this rule but as one of the lead cosponsors of this legislation.

I hate the fact that we are doing this bill. I don't like it at all, Madam Speaker. But I like even less the prospect of a government shutdown. We are determined to do everything we possibly can to ensure that we don't shut down the government and potentially create a scenario whereby our men and women in uniform are not compensated and all the other things that we have talked about that would be serious problems that we would face if a government shutdown would take place. We want to prevent that. That's the reason that we are here dealing with this very, very unpleasant situation.

Now why is it, Madam Speaker, that we are here today? We are here today because for the first time since passage of the 1974 Budget and Impoundment Act, we saw a United States Congress fail to pass a budget. That's what happened last year. We also for the first time saw the failure to pass appropriations bills. There was an attempt to do it under a closed process, and we know we're in the process of changing that, but the bills weren't passed. And so the last Congress dumped in our laps, in December, a continuing resolution which extended the operations of the Federal Government to March 4 of this year.

□ 1020

Well, Madam Speaker, we know that there was a new Congress elected on November 2 of last year. I am very happy about that. Mr. WOODALL, Mr. CANSECO, other new Members are here. There are 87 new Republicans, nine new Democrats who have joined the 112th Congress. For my party, it's the largest gain that we have had in nearly three-quarters of a century, since 1938. And it's not simply a gain for my party, Madam Speaker. It was a message that was sent by the American people. All across this country, the American people said, We've had it. We're up to here. We need to create jobs, get our economy growing, and we need to reduce the size and scope and reach of the Federal Government.

We constantly hear this argument from our friends on the other side of the aisle that we are not creating jobs, that we are not taking action to create jobs. Well, Madam Speaker, as we know, the Joint Economic Committee has just come out with a study looking at nations around the world. And it's very clear: everything we do to reduce government spending has, based on empirical evidence that we have, worked to grow economies and create jobs; and that's exactly what we are going to be able to do here.

Now the other thing that's very sad is that 41 days ago, we passed the measure that we are debating here. Forty-one days ago, we had, as my friend from Lawrenceville said, a virtually unprecedented debate of 90 hours. Democrats and Republicans, for

the first time in decades, had an opportunity on a continuing resolution to debate and pass their amendments. Members on both sides of the aisle had amendments that succeeded during those 90 hours of debate, which was a challenge for all of us, but we went through it. That's the work product that we have before us. This House worked its will, and that's what we were able to achieve. Forty-one days ago, we did that, Madam Speaker. And the other body, our colleagues in the Senate, have done absolutely nothing, other than defeat two measures—this one, H.R. 1, and they defeated their Democratic proposal. So no action has been taken.

Speaker BOEHNER has consistently been saying not only where are the jobs—and we're all gratified that the positive signs of our getting our fiscal house in order has played a big role in creating 216,000 nonfarm payroll jobs last month and brought the unemployment rate from 8.9 down to 8.8 percent, positive indications that have come about because we're starting to get our fiscal house in order.

But, Madam Speaker, our friends in the other body have failed to act on dealing with this issue. So that's why we are here today as we look, April Fool's Day, everyone has been talking about that. But 1 week from today, it's not going to be a joke at all if we face the prospect of a government shutdown, and we do, 1 week from today. And that's why we feel that it's very important for us to pass this measure again, remind our colleagues—some of whom may have become a little forgetful. They may not know that it was 41 days ago that we sent this measure over to them. So, Madam Speaker, we want to do that again. And I hope very much that we'll be able to do it. Again, I don't like a lot of what's in here. I don't like the fact that we're here. But it's because of this crisis that we're here.

Now we're dealing with very serious international challenges around the world. Madam Speaker, I am particularly proud that the House Democracy Partnership, which my colleague from North Carolina (Mr. PRICE) and I have the privilege of leading, has had a group of newly elected parliamentarians from Indonesia, Pakistan, Lebanon, and Iraq visiting us this week, observing this institution. And I heard an interview this morning with one of our colleagues in the other body who said, What kind of signal does it send to people who are working to develop democratic institutions, political pluralism, the rural rule of law, self-determination in their countries? What kind of signal does that send when the United States of America can't even come together and keep the Federal Government going? Now many of those people happen to be here right now with us, Madam Speaker, and they are

observing what is taking place. We need to show them that we can get our work done. And we need to show the American people that the message that was sent to us last November 2 is one that has been heard.

So, Madam Speaker, I encourage my colleagues to vote in favor of this rule and in favor of the underlying legislation so that we will be able to take an unpleasant situation, ensure that the government doesn't shut down a week from today, and ensure that we can get back to the work that we're supposed to be doing this year, not cleaning up last year's work. And we should do that as expeditiously as possible. I thank my friend, again, for his thoughtful leadership on this very important issue and his management of the rule.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Madam Speaker, I rise in strong opposition to this closed rule and to the ridiculous, meaningless, and unconstitutional underlying legislation.

Today the Republican leadership has brought forward a bill that they call, without any apparent trace of irony, the Government Shutdown Prevention Act of 2011. This bill was introduced on Wednesday and rushed to the floor without the 72 hours of notice that the Republicans promised. Even though the bill was referred to four different committees, not a single hearing has been held, not a single markup has taken place. Where is the openness? Where is the fairness? This process is lousy.

This bill would not only have no practical effect, it's not even remotely constitutional. If my friends on the other side of the aisle want to put out a press release or issue a series of talking points, hey, it's a free country. But to waste the time of the House on something this ridiculous is an insult to the American people. We should be talking about jobs and the economy, not debating silliness that is supposed to appeal to the GOP's right-wing base. If my friends want to avert a government shutdown—and make no mistake, because of your intransigence, because of your insistence on cutting everything from Pell Grants to the National Institutes of Health, this is in your hands. This is in your hands. But if you want to avert a government shutdown, I have an idea. Pick up the phone. Send a note. Or, better yet, engage in meaningful negotiations with the Senate and the White House. Enough pontificating, enough polarization. Do your job.

My Republican colleagues like to talk a lot about the sanctity of the Constitution. They made a big display of reading the entire document on the floor of the House at the beginning of this Congress. Apparently they weren't paying very much attention. For the

benefit of my Republican colleagues, let me read from article I, section 7:

“Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it; but if not, he shall return it”

Instead, what this bill says is that if the Senate hasn't passed a continuing resolution by April 6, then H.R. 1 would be deemed as passed by the Senate, signed by the President, and enacted into law.

You have got to be kidding me, Madam Speaker. If this is the new standard that the Republicans are going to use, I have a few ideas of my own. I would like to introduce a bill that says that the House deems the Red Sox to have won the 2011 World Series. It wouldn't mean anything. It wouldn't be constitutional. But it sure would be popular in Massachusetts.

Madam Speaker, this would be laughable if it weren't so outrageous. I urge my colleagues to reject this closed rule and the underlying legislation, and I urge my Republican friends to go back to the negotiating table and negotiate in good faith with the other body.

Mr. WOODALL. Madam Speaker, I would like to yield 2 minutes to a freshman from Texas (Mr. CANSECO), my very good friend.

Mr. CANSECO. I thank my colleague from Georgia.

Madam Speaker, the House of Representatives is attempting to prevent the government from shutting down. We have to do so because the Senate, under the leadership of Senator HARRY REID, hasn't passed a bill to fund the government for the remainder of the year. It has now been 41 days since the House passed our bill, H.R. 1. The lack of Senate action certainly isn't because they haven't had the time. Since the passage of H.R. 1, the Senate has had time to pass legislation like the bill designating March 11 as World Plumbing Day.

Senator REID's excuse for not passing the bill: House Republicans passed “extreme” spending cuts. Despite the \$61 billion in spending cuts in H.R. 1 being the largest spending cut since World War II, it amounts to approximately a 2 percent cut of what the CBO projects the Federal Government will spend in 2011.

□ 1030

That's cutting spending by approximately 2 cents for every dollar we are projected to spend. Given that the Federal Government is borrowing approximately 40 cents out of every dollar we spend and sending the bill to our children and grandchildren, cutting 2 cents out of every dollar hardly seems extreme or excessive.

The only thing that is extreme and excessive is the desire of Washington

liberals to spend the hard-earned money of the American people on the Federal Government's priority, leaving the American people unable to spend on their priorities.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, you know, we do face a real issue here before us today, a government shutdown in a week that could hurt our security and safety as a nation, and hurt our recovery and job growth. And this real issue deserves a real discussion, a discussion and agreement between the House and the Senate and the President.

We have 6 days left to negotiate, and yet here today, instead of contributing to a solution, the House Republicans are bringing about a constitutional crisis on top of the funding crisis. That's the last thing that our fragile economy needs.

Madam Speaker, yesterday in the Rules Committee, and I think this might very well be the first time that this has occurred on the Rules Committee in my just over 2 years, every witness that came to visit our committee was opposed to what we're doing here today. The witnesses were unanimous that this approach is unconstitutional and that this approach is ill-advised. Now, in my time on the Rules Committee I don't think we've ever had such unanimity among the witnesses that have come before us.

Madam Speaker, Article I, section 7 of the Constitution, which I will include in the RECORD, clearly states that “Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States.”

Now, what's being done with this bill is entirely different. I'd like to show our friends a very basic lesson in how a bill becomes a law.

This is our friend, a bill. For a bill to become a law, it needs to pass the House and the Senate before it goes to the President. Now, we all know if there are differences between the House and the Senate version, they can be resolved through a conference committee, or it can be sent, with an amendment, back to the other body to accept that, as we routinely do.

What is being done in this case is this little guy, this little guy is deeming from the House that it has passed the Senate. Now, this is particularly unusual because, not only has this bill not passed the Senate, it's actually specifically been rejected by the Senate. And now, a bill is going to the Senate asking them to deem that they have passed something that they have actually rejected. It's some sort of Orwellian doublespeak of conforming some sort of alternate version of re-

ality with regard to this deem and pass measure.

Now, there are some things we could be doing in this House and I hope we do. In addition to the good faith negotiations which this constitutional crisis undermines, we could be taking up Senate Bill 388. Senate Bill 388 would make sure that Members of Congress don't get paid during the government shutdown. Now, this is news to most of the American people because, you know what? Most Federal workers, they're not going to get paid if the government shuts down.

But you know who does get paid? Those of us who are speaking here before you today. That's the current law. We can change that law today.

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

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

Mr. POLIS. The Senate sent over a bill that passed unanimously that would make sure that Members of Congress didn't get paid if the government shut down. We can take up that bill today. It's been sitting here at the House desk because Republican leadership has not taken up that bill. We can send it on to the President of the United States who could sign that bill, make sure that the incentive of Members of Congress is to come to the table, and we are in the same boat as the other Federal workers with regard to a government shutdown.

It's time to get serious about solving how we're going to fund the operations of government and not put a constitutional crisis on top of the funding crisis.

ARTICLE. I. SECTION. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be

made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to

day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

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

I would like to ask my good friend Mr. POLIS if he would be kind enough to lend me his chart for a moment.

Mr. POLIS. I would be happy to.

Mr. WOODALL. I want to say—and I thank my friend for sharing with me—that's the kind of thing that goes on. I mean, folks often see the frustration on the House floor. You often see the tempers at their height. But the kind of thing that goes on behind the scenes that you don't usually see is exactly the kind of thing I grew up with on TV. And I thank the gentleman for bringing this chart this morning.

Our colleague, Mr. HASTINGS, actually sang this song for us yesterday. And it was a wonderful treat in the Rules Committee, I think we would all agree. But as you know, when you listen to this song, Madam Speaker, once the bill passes the House, it goes to the Senate and the Senate acts. The Senate acts.

There's all these pleas for negotiation, the suggestion as if we're not

doing enough on the House side. Longest debate this House has had, most amendments, more amendments, in fact, on H.R. 1, the bill that's contained in this underlying resolution, than we had on all appropriation bills combined over the past 4 years. This is the proud work product of the House, H.R. 1.

Here's the work product of the Senate, Madam Speaker. It's right here. As my colleague asks, pleads, in fact, that we negotiate with the Senate, here's what the Senate has offered.

How do you negotiate with that, Madam Speaker? How do you negotiate with that?

This is what we learned about. This is what our students are studying across the Nation. This is what the Senate has given us to work with.

Now, you tell me, as a freshman, what is it that I'm supposed to do? What it is that I'm supposed to do when the Senate fails to act?

And what we have done is to say, if the Senate fails to act: You can't pass anything; I don't know why. So just go ahead and fund the government, prevent the government shutdown, fund the government at H.R. 1 levels, and let's continue that negotiation.

I look forward to the day when we don't have a blank sheet here.

Mr. POLIS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to the gentleman from Colorado.

Mr. POLIS. Yes, you are correct that the House has passed a continuing resolution; however, that specific resolution has actually failed in the United States Senate. It's actually a rejection. On top of that, the third body, the executive, has threatened a veto of that.

What this calls for is some sort of deal that everybody can do to ensure the government continues to operate.

Mr. WOODALL. Reclaiming my time, I thank my friend. Because he's absolutely right, and that's critically important. There are those who would have you believe that the House is insisting that it's its way or no way at all, but that's not the case at all. We just did our job here, and we're waiting for the counteroffer.

How do you negotiate with this? You can't, Madam Speaker.

I reserve the balance of my time.

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

Mr. PALLONE. Madam Speaker, I know it's April Fool's Day, but I still am amazed by the jokes or the myths that are being relayed by my colleagues on the other side of the aisle. And I like my colleague from Georgia, but I just want to say three things.

First of all, I heard the gentleman from California (Mr. DREIER) get up and say that the Republican policies with this CR were creating jobs. And

he cited the fact that the unemployment numbers went down from 8.9 to 8.8 in March. If anyone thinks that by passing 2- or 3-week CRs that you're going to create jobs and somehow improve the economy and lower the unemployment rate, you know, I've got a bridge to sell you.

The fact of the matter is that every economist is telling us that this Republican CR kills jobs. Economic Policy Institute shows that the Republican CR would destroy more than 800,000 jobs. And I could go through the list.

□ 1040

So the myth that they are creating jobs and helping the economy with this is simply not true.

The second thing is, the gentleman keeps talking about Congress not getting paid if there is a shutdown. Well, S. 388, to stop Member pay during a shutdown, passed the Senate unanimously over 1 month ago with Republican leader MITCH MCCONNELL's support. It has been sitting right here at the House desk because the Republican leadership refuses to take it up. That bill could become law today if they wanted to bring it up. Simply bring it up. Don't mask what you are doing with the CR by talking about Members getting paid. You can bring that bill up at any time.

Now, the third myth is this idea that the Republicans are not preventing a government shutdown. They are the ones that are preventing the government shutdown because they refuse to compromise. There are negotiations going on with the Senate, but it is the tea party and the right wing of the Republican Party that keeps insisting that "it is my way or the highway." Pass H.R. 1, pass their CR, or do nothing. Yesterday was a rally on the Mall. What did the tea party cry out? They said cut it or shut it. Either go along with my bill, or shut the government down.

So don't say you are trying to prevent a government shutdown. You are doing just the opposite. Let's not continue with all these myths today, April Fool's Day.

Mr. WOODALL. Madam Speaker, I am proud to yield 2 minutes to my good friend from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. I rise in support of the rule that I think for two reasons that are very important. The first is so that we can continue to discuss what happens when you bury prosperity beneath Big Government. But second is because we also need to be reminded that the road to hell is paved with good intentions.

It seems to me that when you have an impasse on the budget, it is borne of the difference very fundamentally that one side wants less spending and one side would like more spending, and

there are a bunch of Members who wind up in the middle.

Now, I think we can all concede, whatever our positions, that reducing Federal spending is hard. Certainly past precedent proves that. Past precedent also proves something else: that, historically, the way you break a log jam in Congress is to logroll. That is the process whereby Members who have differences split that difference and spend more money to make each other happy and to serve their constituents as they think best.

What we have done in this bill is to incentivize spending, because I want you to think of the situation we are in. You are now telling a politician that you will get no money in your pocket until you spend money from someone else's pocket. You are telling them that the fastest way to end an impasse is to settle. And you are making it harder for those who would seek more spending reductions to stand their ground and fight for it.

So that is why I support the rule and why I oppose the underlying bill, because I will not pave the fiscal road to hell with good intentions or your money.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Speaker, I am really dumbfounded as to why we are here today.

I sat back and I closed my eyes, and I remembered that my favorite grade was fifth grade, and now I remember why my favorite grade was fifth grade: because, as my colleague from Colorado has pointed out, I remember in fifth grade playing how a bill becomes a law, and I was the House and somebody else was the Senate and another set of our fifth graders were the Constitution. And what we learned is you have to pass a bill out of the House, it goes on to the Senate, it goes on to the President, he signs it, it becomes a law. Pretty simple. Well, here we are in fifth grade yet again.

What I want to say here, Madam Speaker, is that I oppose the rule, I oppose the underlying bill. And I am recollecting that just over 1 year ago, we had this exact discussion about deem and pass. And so while an elephant never forgets, it seems that the party of elephants is just forgetting every day. And if this were only about mascots, forgetting would be okay. But it is not okay because it is not just about mascots; it is about the American people.

So I want to remind the American people about the words of some of our leaders here in this House when deem and pass was put on the table just 1 year ago.

Our now Speaker, JOHN BOEHNER, called it a "scheme and plot" that set a precedent that was "one of the most outrageous things that he had seen

since he had been in Congress." That was on March 19, 2010.

MIKE PENCE said it is a "trampling on the traditional rules of the House and Senate, even on the Constitution of the United States." That was on March 16, 2010.

ERIC CANTOR termed it a "malfeasance manner," and those who might support it as having "discharged the duties of their offices." That was on March 18, 2010.

And here we are, the elephants never forgetting, but the elephants repeating.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to associate myself with the gentlewoman's remarks. Those comments on the bottom of the board are as true today as they were a year ago.

There is no deeming in this bill. And I give my colleagues on the other side of the aisle the benefit of the doubt that they know that and that is just the spin for today.

There is no deeming in this bill. This bill says one thing and one thing only about H.R. 1, and that is, that if the Senate cannot act, we are going to give the Senate some cover. If the Senate doesn't want to commit to H.R. 1 for the remainder of the year, we give them the opportunity to incorporate the language of H.R. 1 into this bill, send it to the President's desk for his signature, make it the law of the land, while we continue to work to sort out our budget differences.

Now, that is critically important; one thing and one thing only this bill does: gives the Senate the opportunity to say, you know, for whatever reasons—and the reasons are still a mystery to me—we can't pass legislation in the Senate. We can defeat things all day long, but we can't pass anything. I'm not sure why that is. This bill says: but none of us want a shutdown.

Now, I have got to be honest, Madam Speaker. I am beginning to wonder if "none of us want a shutdown" is actually a true statement, because there are some folks who seem to be driving us right down that road.

This is a bill that just gives us another option, another arrow in our quiver to say, if you cannot act, Senate, if you are paralyzed by inaction, pass this bill, and we will continue those negotiations while H.R. 1 is the law of the land.

And I would like to say to my friend from Michigan, I thank him for his support of the rule. I hope I can persuade him to support the underlying resolution. He suggested that by penalizing Members of Congress for failure to act and curbing our salaries, that would somehow encourage a compromise that would spend more out of other people's pockets. I certainly share that fear if that is what this bill does, but it does not.

What it says is the very best deal we have been able to negotiate among our-

selves here in the House was H.R. 1. The most conservative and the most liberal, the work product of all 435 of us, is what came out of this House in H.R. 1. And it says, let's fund at those levels that we are already agreed on, that has already been the work product of the people's House, the most responsive body in politics. Let's incorporate that as our baseline while we continue to discuss.

So it is not going to spend an additional nickel out of anyone's pockets, Madam Speaker. It is only going to say to the Congress and the Senate, if you do not work, you do not get paid. And I cannot think of a constituent back home who would disagree with that.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in opposition to H.R. 1255. And I say to my friend from Georgia that no matter how he slices it, if you are saying in this bill that if the Senate fails to act, then H.R. 1 becomes law, check Webster's. That's deeming.

This is blatantly unconstitutional deem-and-pass legislation offered by Representative WOMACK, and it makes me wonder what sort of April Fool's Day joke is being played on the American public.

To be sure, Congressman WOMACK cited constitutional authority for his bill. First, he cites clause 7 of section 9 of article I of the Constitution for the concept that Congress has the authority to spend money by passing laws. He then cites clause 1 of section 8, article I for the idea that Congress shall have power to lay taxes and pay the debts.

But what my Republican colleague fails to cite is clause 1, section 1, article I for the fundamental concept that Congress shall consist of a Senate and a House of Representatives. As much as we don't like that much of the time, that is what the Constitution says.

I also refer him to clause 2, section 7 of article I that lays out the basic constitutional construct that a bill becomes a law if, and only if, it is passed by the House and the Senate and signed by the President.

The House has no magic wand to do this all on its own. Glinda, the good witch of the north, is not coming to save you. H.R. 1 is more like a product of the wicked witch of the west. Perhaps at the start of the next Congress we should show the "Schoolhouse Rock" video "I Am Just a Bill," as a refresher on how a bill really becomes a law. It appears reading the Constitution on the floor hasn't stuck so well.

Now, while today is April Fool's Day, it also feels a bit like Ground Hog Day because here we are again deeming to pass the majority's job-killing spending bill, H.R. 1.

□ 1050

In case anyone has forgotten, that job-killing spending bill would destroy 700,000 jobs and threaten the economic recovery now underway.

The Democratic minority remains committed to our goals for the 112th Congress to create jobs, strengthen the middle class, and responsibly reduce the deficit. I say defeat this misguided legislation and make sure that Members of Congress aren't paid when government employees aren't.

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

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

Mr. ANDREWS. Madam Speaker, as the week ends, there is the welcomed news that American employers added 216,000 jobs. But this is still a night for 15 million people where they didn't get one of those jobs, and it is going to be another sleepless night, another Friday without a paycheck. And what did the majority in the House of Representatives do about that this week?

Well, early in the week they took a bill to cancel out a program that helps people that are trying to keep their homes and pay their bills out of foreclosure. Then we spent a day pretending we were the District of Columbia board of education debating about how the D.C. schools should be organized. Today is going to be capped off by debating a bill that any fifth grader would understand is unconstitutional because it does not require the House and the Senate to act.

There are serious discussions going on about what we ought to do in this country, but the most serious thing we ought to do is work together to create an environment so that entrepreneurs, large and small, could create jobs. Instead, what we are doing is wasting yet another week, this is week 14, yet another day, yet another session, having a fairly superficial political discussion about a bill that simply isn't constitutional and doesn't make any sense.

Why don't we put on the floor a bill that reduces the deficit, cuts the subsidies to the oil companies, and puts some of the money into putting Americans back to work building clean water systems and roads and schools? Why don't we do that?

At a minimum, what we are going to do today is vote for something I do support. If there is a government shutdown, and I sure hope there isn't, we shouldn't get paid either. We can agree on that. Let's put that on the floor. But, for goodness' sake, can't there come a day in this House when we actually work together on a jobs bill, instead of another week of failure?

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to say that one of the great joys of serving in this body is when you get to take a stand on something you real-

ly believe in. And while I have great respect for my friend from New Jersey and I know he represents his constituency well, my constituency does not believe that the government has the power to create a single job. Not one.

In fact, my constituency believes that every single person that the United States Government hires is a job that would have been done in the private sector. It would have been done better in the private sector. It would have spurred the private sector economy, but, instead, we suck that into the Federal Government.

We understand that entrepreneurs create jobs. Entrepreneurs create jobs. And I will say as we continue to count the days since the House has passed H.R. 1 and the Senate hasn't acted, it is the same number of days, Madam Speaker, since I came to this floor, probably shortly after my friend from New Jersey spoke on the H.R. 1 rule, to say if you want to do away with those tax subsidies, if you want to go after the oil companies, if you want to go after the lobbyists, if you want to go after the special exceptions, join me on H.R. 25, the Fair Tax. Not one new friend of mine from the other side of the aisle has joined me since that speech, the only bill in Congress.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I would love to yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend, and I thank him for his passion.

I thought I heard the gentleman say a minute ago that every job created in the public sector sucks away money that could create a private sector job. Did the gentleman say that?

Mr. WOODALL. To be clear, Mr. ANDREWS, I absolutely said that the government cannot create jobs. It can hire people that would otherwise have been hired in the private sector.

Mr. ANDREWS. Well, if the gentleman will yield, I would ask him if he would apply that definition to our people in the military.

Mr. WOODALL. Reclaiming my time, I am so thankful to you for bringing that up, because I actually intended to speak to that.

That is critically important, Madam Speaker, and it has been ignored throughout this whole debate.

Do you know what happens in a government shutdown? Those heroes of this country do not get paid. Now, understand that. In a government shutdown, this is a bill to provide a special rule so that we don't get paid, but by the ordinary function of law, our men and women who serve this country at home and abroad in uniform do not get paid. Do not get paid.

Now, it is alarming to me, because I know you share my passion for that, that this is the only solution that has been brought to the floor. I am one of the cosponsors who brought it to the

floor, and we have had nothing but contempt for this effort. I am not saying this is the end-all, be-all of good government. In fact, I would associate myself with Chairman DREIER's remarks. I hate that we have to do this.

I have been in Congress for 90 days, Madam Speaker. I haven't gotten to work on the new agenda yet. My time has been wholly consumed with trying to sort out the problems from last year, and it is frustrating to me as someone who wants to look to the future and not look to the past.

But I thank the gentleman for bringing up our men and women in uniform, because they are outrageously disadvantaged by a government shutdown. Say what you want to, because I know my friend would agree with me; when we have a tea party rally on The Mall, they are 100 percent supportive of our men and women in uniform and want to see those folks get paid. This is the only bill to do that.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Would the gentleman say that people who are FBI or DEA agents are sucking money out of the Treasury that could be used for private sector jobs?

Mr. WOODALL. Again, I want to point out, Madam Speaker, one of the great joys of the job is being able to work with colleagues across the aisle. I think Mr. ANDREWS is 100 percent right, 100 percent right, because what he struck on is one of those narrow opportunities where the Constitution actually gives the government the responsibility to act. And that is one of the wonderful things, Madam Speaker.

I may be new here on Capitol Hill, but the job came with an instruction book. It is kind of neat. It came with an instruction book. It is the United States Constitution, and it tells us what it is we should and shouldn't be doing, what it is we should and shouldn't be funding.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. While I would love to yield to the gentleman, I suspect what I would hear, if I can presume, is a discussion of the constitutionality of this provision that's here before us today. The good news is I read the instruction book before I came to the floor today and I'm very comfortable with where we are headed.

I would encourage my friends to support us on this resolution. Again, it is not the end-all, be-all of government. It's a step in the right direction. And if you are going to have an all-or-nothing attitude, I'm not sure that we are going to get things done. I wish you would work with me incrementally to make this happen.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. To respond, I would like to yield 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentlelady for yielding.

I appreciate my friend. I would just, with all due respect, say it is not an instruction book; it's an owner's manual. And the owner's manual, the Constitution, says for a bill to become law, the House has to pass it and the Senate has to pass it. That is why this bill is unconstitutional.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO), who has helped create a few jobs while he has been here.

Mr. DEFAZIO. That was pretty astounding. Apparently the gentleman is unfamiliar with the portions of the Constitution referring to what were then post roads.

The government can't create a job? We create incredible wealth, millions of jobs, by facilitating the infrastructure of this country, which is paid for by the taxpayers. And those are all private sector jobs. They are contracted out to the best bid. So the gentleman has a little bit to learn.

I realize he is new here and he has been sent here on a fool's errand: Let's keep the Republican freshmen busy while behind closed doors your Speaker is cutting a deal.

Things haven't changed around here all that much. And you are down here pretending that somehow we have become the omnipotent, unicameral legislature and the rulers of America, the President and the Senate be damned.

Now, I am pretty fed up with the Senate, too, and I share your low opinion of them. They are a problem.

Let's kind of think this through. We can pass a bill here that becomes a law. Now, in the last Congress, the House passed 300 bills that never came up in the Senate. Are those all laws today? Boy, we have got some catching up to do here. There were a lot of good bills that died in the Senate, 300 laws. Great.

But what if the Senate passes a bill and the House doesn't? Does that become a law? Well, I guess, you know, they could deem themselves the unicameral, omnipotent legislative branch, which I think they feel like they are all the time anyway. So then anything they pass we don't take up becomes law.

What if the President takes a bill that someone has introduced here but hasn't been debated and voted on by either House and he signs it? Does that become a law?

□ 1100

What a brave and wonderful new, efficient world we have. We can have two branches and three competing places passing what they deem to be laws.

Now, come on. Let's get real here. We read the Constitution on the second day of this Congress, and, in fact, JOE WILSON—we all remember JOE WILSON, "you lie"—he read article I, section 7, clause 2 on the floor. But apparently he and many others on that side didn't take it to heart. It's pretty darn specific. It's got to pass the House and the Senate in identical form and be agreed to by the President of the United States. We cannot deem anything. In your fantasy world, we can deem everything.

If the Constitution is a little too technical, I would recommend what I give out to schools kids: "How our Laws are Made." It would be a good primer for the Republican freshmen who are being duped.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in improper references to the Senate.

Mr. WOODALL. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining. The gentlewoman from New York has 6¼ minutes remaining.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to one of our freshmen, the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentlewoman from New York.

I have been listening to this debate about the Constitution. I am proud to serve in a body that has such respect for the Constitution. Yet I couldn't find this provision that was applicable today until just a moment ago. Apparently, my friends on the other side of the aisle are using a special April Fool's edition of the Constitution that has the following provision in it. It says: When a majority party in the House of Representatives is immovably committed to shutting down the government unless the President of the United States and the United States Senate get on board with their plan to destroy 700,000 jobs and cripple the Nation's economic growth, that House majority can simply deem their plan the law without a vote by the Senate or the signature of the President, as they are null and void.

There you have it, Madam Speaker. What we've clearly seen here is that my colleagues are so bent on adding 700,000 Americans to our unemployment lines that they can simply declare the Senate of the United States and the President of the United States null and void. This bill tramples on our Constitution. It is bad political theater. I urge my colleagues to oppose it.

Mr. WOODALL. Madam Speaker, I yield myself 15 seconds to say what I fear will fall on deaf ears, and that is

that H.R. 1255 will not become the law of the land until the Senate passes it and the President signs it. The Senate passes it and the President signs it. That is the only thing we're talking about doing here today.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I quarrel with the understanding of the gentleman on the other side of the aisle about the Constitution. There are three branches—the judiciary, the legislature, and the President. Thank God there are because that means that we have the ability to be reasonable and practical, recognizing we have a responsibility to reduce the debt but not killing off seniors and those in classrooms.

I just came from speaking to Spelman College, a group of women in a Historically Black College. Women who are ready to go out and serve America, and they realize that their education is a gift. But they want to give back to America. This ridiculous \$61 billion in cuts wants to make sure that we don't have the American Dream.

As a member of the Homeland Security Committee, I sit and listen to those voting the war of drug cartels on the border, but \$400 million is going to be cut out of the Homeland Security funding so that it impacts ICE agents, it impacts Border Patrol agents, it impacts intelligence gathering. These kinds of nonpractical ways are undermining America and America's dream; 700,000 jobs is just the beginning. It's the floor, not the limit.

For those of you who seek a single tunnel view of how we run this country, have mercy on those who are in need. This is the wrong direction. Sit down at the bargaining table. Let's reassess what we need to do and stop putting your ideas on the back of Americans who need to be able to have the American Dream.

Mr. WOODALL. Madam Speaker, I yield myself 16 seconds to point out the irony of being lectured on job creation by the crowd that left us \$14 trillion in debt and mortgaged our children's future.

This bill is about responding to our children's needs. This bill is about providing a better day tomorrow than we have today. I stand proudly in support of it.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to a former member of the Rules Committee, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady. The House passed H.R. 1 with the Republican majority. It can't get it through the Senate. They're frustrated. Their responsibility is to be direct with the people who supported

their passage of H.R. 1, and being direct with those folks is telling them they have a problem in the Senate. The reason they have a problem in the Senate is because the Senate has a problem with the bill.

Coming into this House of Representatives as a political gambit to pass a "let's pretend" bill: let's pretend if the House passes it, it becomes law, without Senate action; let's pretend that if the House passes it, it becomes law without the Senate or the President signing it. That is misleading and not being straight with the folks who supported H.R. 1. Tell them the truth. They have a problem with the Senate.

Now, there's a reason they have a problem with the Senate. H.R. 1 is a bill designed to fail. It will not address the deficit. It will reduce spending in some areas. If you're low income and getting heating assistance, you will lose some money. If you're an oil company that's making \$55 billion in tax breaks from people, you will continue to receive it. If you have the practice of putting our two wars, Afghanistan and Iraq, on the credit card, that will continue. What H.R. 1 did was target low-income folks, middle class folks, and it left all the other aspects of the budget off the table that have to be on the table if we're going to get the fiscal balance.

Number two, H.R. 1 was loaded with political hand grenades that were designed to make this thing blow up. And that's what's happening in the Senate: things like ending National Public Radio or Planned Parenthood; getting into a debate about choice and abortion. All of those are issues that are vitally important and legitimate to be debated. But why put them on a bill where the objective of the bill is to help bring us into fiscal balance? That's a self-conscious decision, it's a willful decision, and a decision that has implications. And you're seeing it played out in the United States Senate.

H.R. 1 will not succeed in the challenge we face getting us the fiscal balance. And that is the problem that the majority in the House is having with that bill. Coming in here with a bill that's flatly, explicitly unconstitutional by its own language, not what the sponsors say the bill does, but what the bill says it does. Allowing the House by its unilateral action to pass legislation is unconstitutional, it has no merit, and it is simply a way of trying to avoid responsibility.

Mr. WOODALL. Madam Speaker, I yield myself 15 seconds, and I wish I had more time to refute that misdirection.

What we're asking here is that we pass the only bill that has been passed in either house of Congress. I don't care if the Senate passes H.R. 1 or not. Pass something. Do I need to bring the chart back up of what the Senate has done already? They have done nothing.

They need to do something. This bill proscribes them to do it.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, I'm just totally confused. I was in New York a couple of weeks ago and I saw a play called "The Bengal Tiger at the Baghdad Zoo." Robin Williams was the star. I wrote him a letter and said, "Reality, what a concept. It even exists in Congress."

Robin, I'm sorry. I was wrong. It doesn't exist today.

Mr. WOODALL. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide immediately after the House adopts this rule and brings up S. 388, a bill to prohibit Members of Congress and the President from receiving pay during government shutdowns.

As we face the possibility of a shutdown and to discuss how to prevent and deal with it, there's one point on which we all agree—that Members of Congress should not be paid during a government shutdown. The Republican bill we're about to bring up ties this bipartisan pay proposal to a partisan bill that isn't going anywhere. We could pass the Member Pay bill today and clear it for the President and simply take the Senate bill from the desk.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass a bill that actually does something useful, and that is deal with the pay of the President and the Congress and actually has a chance, because it has already passed the Senate, of being enacted into law.

I urge a "no" vote on the rule.

I yield back the balance of my time.

□ 1110

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

Madam Speaker, this has been an interesting experience for me as a freshman Member of Congress and as a co-sponsor of the underlying legislation. I haven't had my motives impugned quite as much in the previous days as I've had them impugned today.

We're trying to make a difference. We're trying to move the ball forward. I wish our "I'm just a bill" song went on to talk about what you do when you have an intransigent Senate that can't act, a Senate that's paralyzed with in-

action. I wish that were part of a song, but it's not.

In 7 days, Madam Speaker, the United States Government shuts down. I just want to make that clear. In 7 days, the United States Government shuts down if the Senate can't pass a bill and if we can't get together and define a solution. That means our men and women in uniform don't get paid. That means our USDA inspectors, who inspect all the meat and the chicken that we eat, won't go to work, and those products won't go to the grocery stores. It's not a little deal. It's a big deal. It's a big deal, and this is a step in the direction towards finding a solution. Now, this rule provides for debate on that underlying resolution. We'll get to that this afternoon, and I look forward to that.

I would ask all my colleagues on the left and the right, the conservatives and the liberals of all stripes, to support this rule so that we can move forward and debate in an open fashion the underlying resolution.

The material previously referred to by Ms. SLAUGHTER is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY REP. SLAUGHTER OF NEW YORK

Strike all after the resolved clause and insert the following:

"That immediately upon adoption of this resolution it shall be in order to consider in the House the bill (S. 388) to prohibit Members of Congress and the President from receiving pay during Government shutdowns, if called up by the Minority Leader or her designee. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of S. 388."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the

control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

FAA REAUTHORIZATION AND REFORM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 658.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, March 31, 2011, amendment No. 31 printed in House Report 112-46 offered by the gentleman from California (Mr. SCHIFF) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-46 on which further proceedings were postponed, in the following order:

Amendment No. 27 by Mr. PEARCE of New Mexico.

Amendment No. 29 by Mr. SCHIFF of California.

Amendment No. 20 by Mr. SESSIONS of Texas.

Amendment No. 21 by Mr. LATOURETTE of Ohio.

Amendment No. 24 by Mr. SHUSTER of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 27 OFFERED BY MR. PEARCE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 215, not voting 10, as follows:

[Roll No. 214]

AYES—207

Adams	Bachus	Bishop (UT)
Aderholt	Barletta	Black
Akin	Bartlett	Blackburn
Alexander	Bass (NH)	Bono Mack
Amash	Benishkeh	Boren
Austria	Bilbray	Brady (TX)
Bachmann	Bilirakis	Brooks

Broun (GA)	Heck	Petri
Buchanan	Heinrich	Pitts
Bucshon	Hensarling	Poe (TX)
Buerkle	Herger	Pompeo
Burgess	Herrera Beutler	Posey
Burton (IN)	Hinojosa	Price (GA)
Calvert	Huelskamp	Quayle
Canseco	Huizenga (MI)	Reed
Capito	Hultgren	Rehberg
Carter	Hunter	Reichert
Cassidy	Hurt	Renacci
Chabot	Jenkins	Reyes
Coble	Johnson (IL)	Ribble
Coffman (CO)	Johnson (OH)	Rigell
Cole	Johnson, Sam	Rivera
Conaway	Jones	Roe (TN)
Cravaack	Jordan	Rogers (AL)
Crawford	Keating	Rogers (KY)
Crenshaw	Kelly	Rogers (MI)
Culberson	King (IA)	Rohrabacher
Davis (KY)	King (NY)	Rokita
Denham	Kingston	Rooney
DesJarlais	Kinzinger (IL)	Ros-Lehtinen
Diaz-Balart	Kline	Roskam
Dold	Kucinich	Ross (FL)
Dreier	Labrador	Royce
Duffy	Lamborn	Runyan
Duncan (SC)	Lance	Ryan (WI)
Duncan (TN)	Landry	Schilling
Ellmers	Latham	Schmidt
Emerson	Latta	Schock
Farenthold	Long	Schweikert
Fincher	Lucas	Scott, Austin
Flake	Luetkemeyer	Sensenbrenner
Fleischmann	Lujan	Sessions
Fleming	Lummis	Shimkus
Forbes	Lungren, Daniel	Shuster
Franks (AZ)	E.	Simpson
Gallegly	Manzullo	Smith (NJ)
Gardner	Marchant	Smith (TX)
Garrett	Marino	Southerland
Gibbs	McCaul	Stearns
Gingrey (GA)	McClintock	Stutzman
Gohmert	McCotter	Sullivan
Goodlatte	McKeon	Terry
Gosar	McKinley	Thompson (PA)
Gowdy	McMorris	Thornberry
Granger	Rodgers	Tipton
Graves (GA)	Meehan	Tsongas
Graves (MO)	Mica	Turner
Green, Al	Miller, Gary	Walberg
Green, Gene	Murphy (PA)	Walden
Griffith (VA)	Myrick	Webster
Grimm	Neugebauer	West
Guinta	Noem	Westmoreland
Guthrie	Nugent	Whitfield
Hall	Nunes	Wilson (SC)
Hanna	Nunnelee	Woodall
Harper	Olson	Wu
Harris	Palazzo	Yoder
Hartzler	Paul	Young (AK)
Hastings (WA)	Pearce	Young (IN)
Hayworth	Pence	

NOES—215

Ackerman	Chandler	Doyle
Altmire	Chu	Edwards
Andrews	Cielline	Ellison
Baca	Clarke (MI)	Engel
Baldwin	Clarke (NY)	Eshoo
Barrow	Clay	Farr
Bass (CA)	Cleaver	Fattah
Becerra	Clyburn	Fitzpatrick
Berg	Cohen	Flores
Berkley	Connolly (VA)	Fortenberry
Berman	Conyers	Fox
Biggert	Cooper	Frank (MA)
Bishop (GA)	Costa	Fudge
Bishop (NY)	Costello	Garamendi
Blumenauer	Courtney	Gerlach
Bonner	Critz	Gibson
Boswell	Crowley	Gonzalez
Boustany	Cuellar	Griffin (AR)
Brady (PA)	Cummings	Grijalva
Braley (IA)	Davis (CA)	Gutierrez
Brown (FL)	Davis (IL)	Hanabusa
Camp	DeFazio	Hastings (FL)
Cantor	DeGette	Higgins
Capps	DeLauro	Himes
Capuano	Dent	Hinchee
Cardoza	Deutch	Hirono
Carnahan	Dicks	Holden
Carney	Dingell	Holt
Carson (IN)	Doggett	Honda
Castor (FL)	Donnelly (IN)	Hoyer

Insole Miller (NC) Schrader
 Israel Miller, George Schwartz
 Issa Moore Scott (SC)
 Jackson (IL) Moran Scott (VA)
 Jackson Lee Mulvaney Scott, David
 (TX) Murphy (CT) Serrano
 Johnson, E. B. Nadler Sewell
 Kaptur Napolitano Sherman
 Kildee Neal Shuler
 Kind Olver Sires
 Kissell Owens Slaughter
 Langevin Pallone Smith (NE)
 Lankford Pascrell Smith (WA)
 Larsen (WA) Pastor (AZ) Speier
 Larson (CT) Paulsen Stark
 LaTourette Payne Stivers
 Lee (CA) Pelosi Sutton
 Levin Perlmutter Thompson (CA)
 Lewis (CA) Peters Thompson (MS)
 Lewis (GA) Peterson
 Lipinski Pingree (ME) Tiberi
 LoBiondo Platts Tierney
 Loeb sack Polis Tonko
 Lofgren, Zoe Price (NC) Towns
 Lowey Quigley Upton
 Lynch Rahall Van Hollen
 Mack Rangel Velázquez
 Maloney Richardson Visclosky
 Markey Richmond Walsh (IL)
 Matheson Roby Walz (MN)
 Matsui Ross (AR) Wasserman
 McCarthy (CA) Rothman (NJ) Schultz
 McCarthy (NY) Roybal-Allard Waters
 McCollum Ruppertsberger Watt
 McDermott Rush Waxman
 McGovern Ryan (OH) Weiner
 McHenry Sánchez, Linda Welch
 McIntyre T. Wilson (FL) Wittman
 McNerney Sanchez, Loretta Wolf
 Meeks Sarbanes Womack
 Michaud Scalise Woolsey
 Miller (FL) Schakowsky Yarmuth
 Miller (MI) Schiff

The vote was taken by electronic device, and there were—ayes 178, noes 243, not voting 11, as follows:

[Roll No. 215]

AYES—178

Ackerman Goodlatte Pallone
 Andrews Green, Al Pascrell
 Baca Green, Gene Pastor (AZ)
 Baldwin Griffith (VA) Paul
 Bass (CA) Grijalva Pelosi
 Becerra Gutierrez Perlmutter
 Berkeley Hanabusa Peters
 Berman Hastings (FL) Polis
 Bishop (GA) Higgins Price (NC)
 Bishop (NY) Himes Quigley
 Brady (PA) Hinchey Rahlh
 Braley (IA) Hinojosa Rangel
 Brown (FL) Hirono Reyes
 Butterfield Holden Richardson
 Capps Holt Rigell
 Capuano Honda Ross (AR)
 Cardoza Hoyer Rothman (NJ)
 Carnahan Insole Roybal-Allard
 Carney Israel Ruppertsberger
 Carson (IN) Jackson (IL) Rush
 Castor (FL) Jackson Lee Ryan (OH)
 Chandler (TX) Johnson (GA) Sánchez, Linda
 Chu Johnson, E. B. T.
 Cicilline Jones Sanchez, Loretta
 Clarke (MI) Kaptur Sarbanes
 Clarke (NY) Keating Schakowsky
 Clay Kildee Schiff
 Cleaver Kind Schrader
 Clyburn Kissell Schwartz
 Coffman (CO) Kucinich Scott (VA)
 Cohen Langvin Scott, David
 Connolly (VA) Larson (CT) Serrano
 Conyers Lee (CA) Sewell
 Cooper Levin Sherman
 Costa Lewis (GA) Shuler
 Costello Lofgren, Zoe Slaughter
 Courtney Critz Smith (WA)
 Cruz Crowley Speier
 Cuellar Cuellar Stark
 Cummings Lynch Sutto
 Davis (CA) Maloney Thompson (CA)
 Davis (IL) Markey Thompson (MS)
 DeGette Matheson Tierney
 DeLauro Matsui Towns
 Deutch McCarthy (NY) Tsongas
 Dicks McDermott Van Hollen
 Dingell McIntyre Velázquez
 Doggett McNerney Walz (MN)
 Doyle Meeks Wasserman
 Edwards Michaud Miller (NC) Schultz
 Ellison Miller (NC) Waters
 Engel Miller, George Watt
 Eshoo Moore Waxman
 Farr Moran Weiner
 Fattah Murphy (CT) Nadler
 Fitzpatrick Nadler Napolitano
 Frank (MA) Neal
 Fudge Olver
 Garamendi Owens
 Gonzalez

Gardner Loeb sack Roe (TN)
 Garrett Long Rogers (AL)
 Gerlach Lucas Rogers (KY)
 Gibbs Luetkemeyer Rogers (MI)
 Gibson Lungren, Daniel Rohrabacher
 Gingrey (GA) E. Rokita
 Gohmert Mack Rooney
 Gosar Manzullo Ros-Lehtinen
 Gowdy Marchant Roskam
 Granger Marino Ross (FL)
 Graves (GA) McCarthy (CA) Royce
 Graves (MO) McCaul Runyan
 Griffin (AR) McClintock Ryan (WI)
 Grimm McCollum Scalise
 Guinta McCotter Schilling
 Guthrie McGovern Schmidt
 Hall McHenry Schock
 Hanna McKeon Schweikert
 Harper McKinley Scott (SC)
 Harris McMorris Scott, Austin
 Hartzler Rodgers Sensenbrenner
 Hastings (WA) Meehan Sessions
 Hayworth Mica Shimkus
 Heck Miller (FL) Shuster
 Heinrich Miller (MI) Simpson
 Heller Miller, Gary Sires
 Hensarling Mulvaney Smith (NE)
 Herrera Beutler Murphy (PA) Smith (TX)
 Huelskamp Myrick Southerland
 Huizenga (MI) Neugebauer Stearns
 Hultgren Noem Stivers
 Hunter Nugent Stutzman
 Hurt Nunes Sullivan
 Issa Nunnelee Terry
 Jenkins Olson Thompson (PA)
 Johnson (IL) Palazzo Thornberry
 Johnson (OH) Paulsen Tiberi
 Johnson, Sam Payne Tipton
 Jordan Pearce
 Kelly Pence
 King (IA) Peterson Turner
 King (NY) Petri Upton
 Kingston Pingree (ME) Walberg
 Kinzinger (IL) Pitts Walden
 Kline Platts Walsh (IL)
 Labrador Poe (TX) Webster
 Lamborn Pompeo West
 Lance Posey Westmoreland
 Landry Price (GA) Whitfield
 Lankford Quayle Wilson (SC)
 Larsen (WA) Reed Wittman
 Latham Rehberg Wolf
 LaTourette Reichert Womack
 Latta Renacci Woodall
 Lewis (CA) Ribble Yoder
 Lipinski Rivera Young (AK)
 LoBiondo Roby Young (IN)

NOT VOTING—10

Barton (TX) Filner Johnson (GA)
 Butterfield Frelinghuysen Young (FL)
 Campbell Giffords
 Chaffetz Heller

□ 1140

Messrs. FATTAH, CAMP, ISSA, Mrs. MILLER of Michigan, and Mr. BOUSTANY changed their vote from “aye” to “no.”

Messrs. CRAWFORD, BARTLETT, JONES, REYES, ROKITA, SOUTHERLAND, Mrs. SCHMIDT, Messrs. GUTHRIE, BRADY of Texas, WEST, LANDRY, and CALVERT changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:
 Mr. FILNER. Mr. Chair, on rollcall 214, I was unable to vote. Had I been present, I would have voted “no.”

AMENDMENT NO. 29 OFFERED BY MR. SCHIFF

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

Adams Boswell Davis (KY)
 Aderholt Boustany DeFazio
 Akin Brady (TX) Denham
 Alexander Brooks Dent
 Altmire Broun (GA) DesJarlais
 Amash Buchanan Diaz-Balart
 Austria Bucshon Dold
 Bachmann Buerkle Donnelly (IN)
 Bachus Burgess Dreier
 Barletta Burton (IN) Duffy
 Barrow Calvert Duncan (SC)
 Bartlett Camp Duncan (TN)
 Bass (NH) Canseco Ellmers
 Benishek Cantor Emerson
 Berg Capito Farenthold
 Biggert Carter Fincher
 Bilbray Cassidy Flake
 Bilirakis Chabot Fleischmann
 Bishop (UT) Coble Fleming
 Black Cole Flores
 Blackburn Conaway Forbes
 Blumenauer Cravaack Fortenberry
 Bonner Crawford Foss
 Bono Mack Crenshaw Franks (AZ)
 Boren Culberson Gallegly

NOES—243

Barton (TX) Frelinghuysen Smith (NJ)
 Campbell Giffords Visclosky
 Chaffetz Herger Young (FL)
 Filner Richmond

NOT VOTING—11

□ 1146

So the amendment was rejected.
 The result of the vote was announced as above recorded.

Stated for:
 Mr. FILNER. Mr. Chair, on rollcall 215, I was unable to vote. Had I been present, I would have voted “yes.”

AMENDMENT NO. 20 OFFERED BY MR. SESSIONS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 11, as follows:

[Roll No. 216]

AYES—183

Adams Garrett Myrick
Aderholt Gibbs Neugebauer
Akin Gingrey (GA) Noem
Amash Gohmert Nugent
Austria Goodlatte Nunes
Bachmann Gosar Nunnelee
Bachus Gowdy Olson
Bartlett Granger Palazzo
Bass (NH) Graves (GA) Paul
Benishek Griffin (AR) Paulsen
Berg Griffith (VA) Pearce
Billrakis Guinta Pence
Bishop (UT) Guthrie Pitts
Black Hall Platts
Blackburn Harper Poe (TX)
Bonner Harris Pompeo
Bono Mack Hartzler Posey
Boustany Hastings (WA) Price (GA)
Brady (TX) Hayworth Quayle
Brooks Heller Reed
Broun (GA) Hensarling Renacci
Buchanan Herrera Beutler Ribble
Bucshon Huelskamp Rigell
Buertkle Huizenga (MI) Roby
Burgess Hunter Roe (TN)
Burton (IN) Hurt Rogers (AL)
Calvert Issa Rogers (KY)
Camp Jenkins Rogers (MI)
Canseco Johnson (OH) Rohrabacher
Cantor Johnson, Sam Rokita
Carter Jones Rooney
Cassidy Jordan Ross (FL)
Chabot King (IA) Royce
Chaffetz Kingston Scalise
Coble Kline Schweikert
Coffman (CO) Labrador King (NY)
Cole Lamborn Kinzinger (IL)
Conaway Lankford Kissell
Crawford Latham Sensenbrenner
Crenshaw Latta Sessions
Culberson Lewis (CA) Simpson
Davis (KY) Long Smith (NE)
Denham Lucas Smith (TX)
Dent Luetkemeyer Southerland
DesJarlais Stearns Scott (SC)
Dreier Lungren, Daniel Stutzman
Duffy E. Terry
Duncan (SC) Mack Thompson (PA)
Duncan (TN) Manzullo Thornberry
Eillers Marchant Tipton
Farenthold Marino Walberg
Fincher McCarthy (CA) Webster
Flake McCaul West
Fleischmann McClintock Westmoreland
Fleming McHenry Whitfield
Flores McKeon Wilson (SC)
Forbes McMorris Wittman
Fortenberry Rodgers Wolf
Foxy Mica Womack
Franks (AZ) Miller (FL) Woodall
Gallegly Miller, Gary Yoder
Gardner Mulvaney Young (IN)

NOES—238

Ackerman Butterfield Costello
Alexander Capito Courtney
Altmire Capps Cravaack
Andrews Capuano Critz
Baca Cardoza Crowley
Baldwin Carnahan Cuellar
Barletta Carney Cummings
Barrow Carson (IN) Davis (CA)
Bass (CA) Castor (FL) Davis (IL)
Becerra Chandler DeFazio
Berkley Chu DeGette
Berman Cicilline DeLauro
Biggert Clarke (MI) Deutch
Billray Clarke (NY) Diaz-Balart
Bishop (GA) Clay Dicks
Bishop (NY) Cleaver Dingell
Blumenauer Clyburn Doggett
Boren Cohen Dold
Boswell Connolly (VA) Donnelly (IN)
Brady (PA) Conyers Doyle
Braley (IA) Cooper Edwards
Brown (FL) Costa Ellison

Emerson LoBiondo Ruppertsberger
Engel Loebsock Rush
Eshoo Lofgren, Zoe Ryan (OH)
Farr Lowey Ryan (WI)
Fattah Lujan Sanchez, Linda
Fitzpatrick Lynch T.
Frank (MA) Maloney Sanchez, Loretta
Fudge Markey Sarbanes
Garamendi Matheson Schakowsky
Garramendi Matsui Schiff
Gibson Gibson McCarthy (NY) Schilling
Gonzalez Gonzalez McCollum Schmidt
Green, Al Green, Gene McCotter Schock
Green, Gene Grijalva McDermott Schrader
Grimm Grijalva McGovern Schwartz
Gutierrez McKinley McIntyre Scott (VA)
Hanabusa McNeerney McInley Scott, David
Hanna Meehan Serrano
Hastings (FL) Meeks Sewell
Heck Michaud Sherman
Heinrich Miller (MI) Shimkus
Herger Miller (NC) Shuler
Higgins Miller, George Shuster
Himes Moore Sires
Hinchev Moran Slaughte
Hinojosa Murphy (CT) Smith (NJ)
Hirono Murphy (PA) Smith (WA)
Holden Nadler Speier
Holt Napolitano Stark
Hoyer Neal Stivers
Oliver Owens Sutton
Pallone Owens Thompson (CA)
Pascrell Owens Thompson (MS)
Pastor (AZ) Payne Tierney
Pelosi Perlmutter Tonko
Peters Peterson Towns
Peterson Petri Tsongas
Petri Pingree (ME) Turner
Upton Van Hollen
Van Hollen Velazquez
Walsh (IL) Walden
Walsh (IL) Walsh (MN)
Wasserman Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—11

Barton (TX) Giffords Sullivan
Campbell Graves (MO) Visclosky
Filner Honda Young (FL)
Frelinghuysen Polis

□ 1154

Mr. CUMMINGS changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 216, I was unable to vote. Had I been present, I would have voted “no.”

AMENDMENT NO. 21 OFFERED BY MR. LATOURETTE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 220, not voting 6, as follows:

[Roll No. 217]

AYES—206

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

NOES—220

Adams Bartlett Blackburn
Aderholt Bass (NH) Bonner
Akin Benishek Bono Mack
Berg Alexander Boustany
Amash Biggert Brady (TX)
Austria Billray Brooks
Bachmann Bilirakis Broun (GA)
Bachus Bishop (UT) Buchanan
Barletta Black Buchson

Buerkle Heck
 Burgess Heller
 Burton (IN) Hensarling
 Calvert Herger
 Camp Herrera Beutler
 Canseco Huelskamp
 Cantor Huizenga (MI)
 Capito Hultgren
 Carter Hunter
 Cassidy Hurt
 Chabot Issa
 Chaffetz Jenkins
 Coble Johnson (OH)
 Coffman (CO) Johnson, Sam
 Cole Jordan
 Conaway Kelly
 Cravaack King (IA)
 Crawford Kingston
 Crenshaw Kinzinger (IL)
 Culberson Kline
 Davis (KY) Labrador
 Denham Lamborn
 Dent Lance
 DesJarlais Landry
 Dold Lankford
 Dreier Latham
 Duffy Latta
 Duncan (SC) Lewis (CA)
 Duncan (TN) Long
 Ellmers Lucas
 Farenthold Luetkemeyer
 Fincher Lummis
 Fitzpatrick Lungren, Daniel
 Flake E.
 Fleischmann Mack
 Fleming Manzullo
 Flores Marchant
 Forbes Marino
 Fortenberry McCarthy (CA)
 Foxx McCaul
 Franks (AZ) McClintock
 Gallegly McCotter
 Gardner McHenry
 Garrett McKeon
 Gerlach McKinley
 Gibbs McMorris
 Gingrey (GA) Rodgers
 Gohmert Meehan
 Goodlatte Mica
 Gosar Miller (FL)
 Gowdy Miller (MI)
 Granger Miller, Gary
 Graves (GA) Mulvaney
 Graves (MO) Murphy (PA)
 Griffin (AR) Myrick
 Griffith (VA) Neugebauer
 Guinta Noem
 Guthrie Nugent
 Hall Nunes
 Hanna Nunnelee
 Harper Olson
 Harris Palazzo
 Hartzler Paul
 Hastings (WA) Paulsen
 Hayworth Pearce

NOT VOTING—6

Barton (TX) Frelinghuysen
 Campbell Giffords

□ 1200

So the amendment was rejected.
 The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. SHUSTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 209, not voting 8, as follows:

[Roll No. 218]

AYES—215

Adams Gohmert
 Aderholt Goodlatte
 Alexander Gosar
 Amash Gowdy
 Bachmann Granger
 Bachus Graves (GA)
 Barletta Graves (MO)
 Bartlett Green, Gene
 Bass (NH) Griffin (AR)
 Benishek Griffith (VA)
 Berg Grimm
 Biggert Guinta
 Bilbray Guthrie
 Bishop (UT) Hall
 Black Hanna
 Blackburn Harper
 Bonner Hartzler
 Bono Mack Hastings (WA)
 Boren Hayworth
 Boustany Heck
 Brady (TX) Heller
 Brooks Hensarling
 Broun (GA) Roby
 Buchanan Herrera Beutler
 Buchson Huelskamp
 Buerkle Huizenga (MI)
 Burgess Hultgren
 Burton (IN) Hunter
 Calvert Hurt
 Camp Issa
 Canseco Jenkins
 Cantor Johnson (IL)
 Capito Johnson, Sam
 Carter Jordan
 Cassidy Kelly
 Chabot King (IA)
 Chaffetz Kingston
 Coble Kinzinger (IL)
 Coffman (CO) Kline
 Cohen Labrador
 Cole Lamborn
 Conaway Lance
 Costa Landry
 Crawford Lankford
 Crenshaw Latham
 Cuellar Latta
 Culberson Lewis (CA)
 Davis (KY) Long
 Denham Lucas
 DesJarlais Luetkemeyer
 Diaz-Balart Lummis
 Dold Lungren, Daniel
 Dreier E.
 Duffy Mack
 Duncan (SC) Manzullo
 Duncan (TN) Marchant
 Ellmers Marino
 Emerson Matheson
 Farenthold McCarthy (CA)
 Fincher McCaul
 Fitzpatrick McClintock
 Flake McHenry
 Fleischmann McKeon
 Fleming McKinley
 Flores McMorris
 Forbes Rodgers
 Foxx Meehan
 Franks (AZ) Mica
 Gallegly Miller (FL)
 Gardner Miller, Gary
 Garrett Mulvaney
 Gibbs Murphy (PA)
 Gingrey (GA) Neugebauer

NOES—209

Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza

Clyburn
 Connolly (VA)
 Conyers
 Cooper
 Costello
 Courtney
 Cravaack
 Critz
 Crowley
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Dent
 Deutch
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Engel
 Eshoo
 Farr
 Fattah
 Filner
 Fortenberry
 Frank (MA)
 Fudge
 Garamendi
 Gerlach
 Gibson
 Gonzalez
 Green, Al
 Grijalva
 Gutierrez
 Hanabusa
 Harris
 Hastings (FL)
 Heinrich
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirose
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson (OH)
 Johnson, E. B.

Jones
 Kaptur
 Keating
 Kildee
 Kind
 King (NY)
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 LaTourette
 Lee (CA)
 Ryan (OH)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McCotter
 McDermott
 McGovern
 Sires
 McIntyre
 McNeerney
 Meeks
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Myrick
 Nadler
 Napolitano
 Neal
 Olver
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Pelosi
 Perlmutter
 Peters
 Peterson
 Pingree (ME)
 Pitts
 Platts
 Polis
 Price (NC)
 Quigley

NOT VOTING—8

Akin
 Barton (TX)
 Bilirakis

□ 1207

Mr. CARDOZA changed his vote from “aye” to “no.”

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs,

create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, and, pursuant to House Resolution 189, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LORETTA SANCHEZ of California. In its present form, I am opposed.

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

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 658 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment.

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE XIII—SECURITY OF HIGHEST-RISK AIRLINE PASSENGER FLIGHTS

SEC. 1301. DEPLOYMENT OF FEDERAL AIR MARSHALS ON ALL HIGHEST-RISK AIRLINE PASSENGER FLIGHTS.

(a) IN GENERAL.—Pursuant to the authority provided by section 44903(d) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall work to ensure that Federal air marshals may be deployed on all highest-risk passenger flights of air carriers in air transportation or intrastate air transportation.

(b) RISK-BASED ANALYSIS.—A risk-based analysis shall be used to determine highest-risk passenger flights under subsection (a). At a minimum, the risk-based analysis shall include consideration of the following factors:

(1) THREAT.—Available strategic or tactical threat information related to aviation security.

(2) VULNERABILITY.—The vulnerability of particular passenger flights to terrorist attacks.

(3) CONSEQUENCES.—The severity of the consequences that a terrorist attack would have with regard to particular passenger flights.

(c) AUTHORIZATION.—There are authorized to be appropriated, for each of fiscal years

2011 through 2014, such sums as may be necessary to carry out this section. Any amounts appropriated pursuant to this section shall remain available until expended.

Ms. LORETTA SANCHEZ of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

Mr. CRAVAACK. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes in support of her motion.

□ 1210

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this country is in an unprecedented time with growing threats abroad and intense partisan rancor here in this Chamber. But at this time and at this moment, Mr. Speaker, my final amendment to the FAA authorization offers an opportunity to bridge these divides and to help add one more component to secure our homeland.

I want my colleagues to remember our darkest moment, our very vulnerable moment, the morning of September 11. I know how vulnerable I felt that day with the uncertainty of not knowing where the next plane would hit. Would it be our Capitol? Would it be the Golden Gate Bridge? Would it be the Sears Tower? I also remember the eeriness of 4 or 5 days with no planes in the sky, the uncertainty we all felt. From Richard Reid trying to light a bomb in his shoes, to the Christmas Day bombing attempt just 2 years ago, our skies have long been a target for terrorists.

This final amendment to the FAA reauthorization would ensure that Federal air marshals are deployed on all high-risk flights for U.S. airlines. For the last 20 years, our greatest threats from al Qaeda and other terrorist organizations have systematically targeted our passenger airlines. The fact that only a percentage of the highest risk passenger flights on U.S. airlines have a Federal air marshal shows the amount of work that we still need to do.

If the recent attempted attacks I spoke about earlier haven't changed your mind, then let me remind you about the instability in the Middle East we face right now. The Christmas Day bomber received his training in Yemen, a country now marred with protests that has the potential to become even more unstable and more difficult. Do we want more Christmas Day bombings? I don't believe so.

As we are now all aware, our country is engaged in combat operations over the skies of Libya. No one doubts that

Colonel Qadhafi's days are numbered, and we will all be better off when there is one less dictator in this world. Some of the younger Members in this Chamber today may not remember, but Colonel Qadhafi has a history of attacking the United States. Twenty-two years ago, Pan Am Flight 103 took off from London en route to New York, when a bomb exploded and it killed 270 people. 189 of those were Americans. I believe we don't need another attack like that, not now and not ever.

My colleagues, I urge you to join me in voting for my amendment to this bill and to ensure that we have more Federal air marshals on the highest risk flights. This issue has no aisle; it has no lines. There are no party lines about this. This is what we should do together.

Mr. Speaker, as a senior member of the Homeland Security Committee, I have dedicated most of my years in this Congress to ensure that we protect our borders, that we protect our airspace, and that we prevent attacks like this one.

Mr. Speaker, I am here today to make sure that we fulfill that dedication that I know all of my colleagues in this Chamber have. I ask my Republican colleagues to support this amendment that will ensure that we have Federal air marshals on high-risk flights.

When we end our time here in the people's House, when we look back and we ask what did we do, when we ask ourselves what was our purpose, I would like to be able to say we came together and we protected the American people.

It is our solemn obligation in this Congress to do all that we can to defend our country. We owe it to those that we represent, we owe it to those on Pan Am Flight 103, and we owe it to those victims of the attacks of September 11. Especially, we owe it to the 26,000 passengers who fly our American skies every day.

I ask my colleagues on the other side to vote for what is right. Do what is right. We must protect this country's skies. It is up to us, and no one else will do it.

Mr. CRAVAACK. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. Mr. Speaker, this is basically a procedural tactic, and I am very opposed to this. I am a Federal flight deck officer. I have served as a Federal flight deck officer flying for the airlines, and if this was truly an important issue—this has been an open process—this would have been brought out way before this time. Furthermore, the Secretary of Transportation has no authority over U.S. air marshals.

The FAA has been and is currently operating under 18 extensions, Mr.

Speaker. It is time to get this done. We have come here to make a difference and not to recommit. This is an extension that has not been formally reauthorized since 2003, and I urge my colleagues to vote for this so that we can get the FAA underway and get transportation and business flying again.

The House Republicans have brought a bill here today that reforms the necessary programs, that protects air safety and saves the taxpayer dollars. Aviation accounts for 9.3 percent of our GDP. It is done. There have been 4 years of delays, 4 years of people losing their jobs. Get people back to work, and stop these delays. Vote against the motion to recommit.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 194; and adoption of House Resolution 194, if ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 235, not voting 13, as follows:

[Roll No. 219]

YEAS—184

Ackerman Cooper Himes
Altmire Costa Hinchey
Andrews Costello Hinojosa
Baca Courtney Hirono
Baldwin Critz Holden
Barrow Crowley Holt
Bass (CA) Cuellar Honda
Becerra Cummings Insee
Berkley Davis (CA) Jackson (IL)
Berman Davis (IL) Jackson Lee
Bishop (GA) DeFazio (TX)
Bishop (NY) DeGette Johnson (GA)
Blumenauer DeLauro Johnson, E. B.
Boren Deutch Kaptur
Boswell Dicks Keating
Brady (PA) Dingell Kildee
Bralley (IA) Doggett Kind
Brown (FL) Donnelly (IN) Kissell
Butterfield Doyle Kucinich
Capps Edwards Langevin
Capuano Ellison Larsen (WA)
Cardoza Engel Larson (CT)
Carnahan Eshoo Lee (CA)
Carney Farr Levin
Carson (IN) Fattah Lewis (GA)
Castor (FL) Filner Lipinski
Chandler Frank (MA) Loeb sack
Chu Fudge Lofgren, Zoe
Cicilline Garamendi Lowey
Clarke (MI) Cluzalez Lujan
Clarke (NY) Green, Al Lynch
Clay Green, Gene Maloney
Cleaver Grijalva Markey
Clyburn Hanabusa Matheson
Cohen Hastings (FL) Matsui
Connolly (VA) Heinrich McCarthy (NY)
Conyers Higgins McCollum

McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eilmlers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack

NAYS—235

Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schramer
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires

Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)

Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers

Barton (TX)
Broun (GA)
Campbell
Denham
Frelinghuysen

Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)

NOT VOTING—13

Giffords
Gutierrez
Hoyer
Israel
Pelosi
Thompson (CA)
Visclosky
Young (FL)

□ 1234

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. COSTELLO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayeas 223, noes 196, not voting 13, as follows:

[Roll No. 220]

AYES—223

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

McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert

Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NJ)

Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Waxman
Weiner
Welch

Barton (TX)
Campbell
Castor (FL)
Cole
Frelinghuysen

Wilson (FL)
Woolsey
Wu

Giffords
Gohmert
Hinojosa
Murphy (PA)
Neal

Yarmuth

Schweikert
Visclosky
Young (FL)

Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.

Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan

Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Olson
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—196

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

Napolitano
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1240

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 220, I was unavoidably detained. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 1255, GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 194) to prevent a shutdown of the government of the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 230, nays 187, not voting 15, as follows:

[Roll No. 221]

YEAS—230

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishke
Berg
Billbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buechson
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito

Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gallegly

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette

DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)

NAYS—187

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren

Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson

Richmond Scott, David
 Ross (AR) Serrano
 Rothman (NJ) Sewell
 Roybal-Allard Sherman
 Ruppertsberger Shuler
 Rush Sires
 Ryan (OH) Slaughter
 Sánchez, Linda Smith (WA)
 T. Speier
 Sanchez, Loretta Stark
 Sarbanes Sutton
 Schakowsky Thompson (CA)
 Schiff Thompson (MS)
 Schrader Tonko
 Schwartz Towns
 Scott (VA) Tsongas

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

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

Marino
 McCarthy (CA)
 McCaul
 McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Palazzo
 Paul
 Paulsen
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)

Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner
 Upton
 Posey
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (IN)

Peterson
 Pingree (ME)
 Polis
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Richmond
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Ruppertsberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta

Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shuler
 Sires
 Slaughter
 Smith (WA)
 Speler
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)

Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Weiner
 Welch
 Wilson (FL)
 Woolsey
 Wu
 Yarmuth

NOT VOTING—15

Barton (TX) Chu
 Biggert Duffy
 Burton (IN) Fitzpatrick
 Campbell Frank (MA)
 Carter Frelinghuysen Young (FL)

Giffords
 Landry
 Tierney
 Visclosky
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1246

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for: Mr. FITZPATRICK. Mr. Speaker, on rollcall No. 221 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against: Mr. HINOJOSA. Mr. Speaker, on rollcall No. 221, had I been present, I would have voted "nay."

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 187, not voting 16, as follows:

[Roll No. 222]

AYES—229

Adams
 Aderholt
 Akin
 Alexander
 Amash
 Austria
 Bachmann
 Bachus
 Barletta
 Bartlett
 Bass (NH)
 Benishke
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess

Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cuellar
 Cummings
 Davis (CA)

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

Kildee
 Kind
 Kissell
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeback
 Lotgren, Zoe
 Lowey
 Luján
 Lynch
 Maloney
 Markey
 Matheson
 Matsui
 McCarthy (NY)
 McClintock
 McCollum
 McDermott
 McGovern
 McIntyre
 McNerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Nadler
 Napolitano
 Neal
 Oliver
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Payne
 Pelosi
 Perlmutter
 Peters

Barton (TX)
 Campbell
 Carter
 Chu
 Duffy
 Frank (MA)

Frelinghuysen
 Giffords
 Kucinich
 Landry
 Sessions
 Smith (NJ)

NOT VOTING—16

Smith (TX)
 Tierney
 Visclosky
 Young (FL)

□ 1252

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LANDRY. Mr. Speaker, on rollcall Nos. 221 and 222, I stepped outside to discuss issues with a constituent group and completely lost track of the time. Had I been present, I would have voted "aye."

GOVERNMENT SHUTDOWN PREVENTION ACT OF 2011

Mr. WOODALL. Mr. Speaker, pursuant to House Resolution 194, I call up the bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1255

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Shutdown Prevention Act of 2011".

SEC. 2. FUNDING THE GOVERNMENT FOR THE REMAINDER OF FISCAL YEAR 2011.

(a) DEADLINE FOR CONSIDERATION OF LEGISLATION FUNDING THE GOVERNMENT FOR THE REMAINDER OF FISCAL YEAR 2011.—If the House has not received a message from the Senate before April 6, 2011, stating that it has passed a measure providing for the appropriations for the departments and agencies of the Government for the remainder of fiscal year 2011, the provisions of H.R. 1, as passed by the House on February 19, 2011, are hereby enacted into law.

(b) PUBLICATION OF ACT.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval, if applicable, an appendix setting forth the text of the bill referred to in subsection (a).

SEC. 3. TREATMENT OF CERTAIN PAYMENTS TO MEMBERS OF CONGRESS AND THE PRESIDENT.

(a) **TREATMENT OF MEMBERS DURING A GOVERNMENT SHUTDOWN.**—The Secretary of the Senate and the Chief Administrative Officer of the House, respectively, shall not disburse to each Member or Delegate the amount of his or her salary for each day that—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

(b) **TREATMENT OF THE PRESIDENT DURING A GOVERNMENT SHUTDOWN.**—The President shall not receive a disbursement of basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

The SPEAKER pro tempore, Pursuant to House Resolution 194, the gentleman from Georgia (Mr. WOODALL) and the gentleman from South Carolina (Mr. CLYBURN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Mr. Speaker, I yield 1 minute to my leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Georgia for yielding.

Mr. Speaker, as we debate the future course of government spending, we need to be honest with the people of this country about the current fiscal state of affairs.

America averages now trillion-dollar deficits. We borrow nearly 40 cents of every dollar we spend. Given the fiscal cloud that hangs over our country, it is reckless to assume we can live pain-free forever. Sooner or later, something has to give.

To give families and business confidence that their future won't be plagued by inflation, higher taxes and higher interest rates, our majority vowed to move forcefully to cut spending. We made clear that only by putting Federal spending on a sustainable trajectory could we create the conditions necessary for growth and job creation.

During our 3 months in the majority, we have delivered on our promise. Six weeks ago, after 47 hours of debate, we passed H.R. 1 to fund the government for the remainder of the fiscal year and save taxpayers \$61 billion relative to current spending. In a more open process than the House had seen in 4 years, we allowed the other party to offer countless amendments. And over the past month, we have passed two con-

tinuing resolutions that have cut \$10 billion in spending. All along, Mr. Speaker, we've practically begged President Obama and Senate Democrats to get serious and come to the table with a legitimate proposal. But we got nothing in return. No legislation. No credible plan to cut spending.

Mr. Speaker, I want to underline the fact that we do not want a government shutdown. Yet as Senate Democrats refuse to pass a bill, that unsettling prospect now looms ever larger, which is why they must act.

Today, we are bringing a bill to the floor that makes clear that continued inaction on the part of the Senate Democratic majority is simply unacceptable.

Finally, this bill also ensures that going forward, should there ever be a government shutdown, that Members of Congress and the President will not get paid. If we can't do our job, why should we get paid?

Mr. Speaker, funding the government at the levels passed by House Republicans might not be what Senator REID wants, but surely even he would agree that it's a better alternative than shutting down the government. I urge my colleagues to support this bill.

Mr. CLYBURN. Mr. Speaker, to begin this debate, I yield 4 minutes to the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

April fools, America. This is a joke, America. This is not real, America. As a matter of fact, Mr. WOODALL of Georgia says it's not real. It's not going to pass the Senate. He made that very clear. The majority leader just said if the Senate won't take what we give them, we're going to shut down the government. That's what he just said. And that's what I believe to be the case.

The last time the government shut down was not when we had a Republican President and a Democratic Congress but when we had a Democratic President and a Republican Congress. They shut down the government in 1995 and 1996. They shut down the government over Christmas, as a matter of fact, the Grinch who stole the government's operations for almost 3 weeks. We're about to do it again.

The gentleman from Georgia, who has been here now a few months, was 10 years old when I came to the Congress of the United States. He mentioned something about the debt, this \$14 trillion of debt. Well, I've only been here, I tell my friend, 30 years, but during the course of those 30 years, Republican Presidents have signed bills spending \$4.8 trillion in deficit spending. During the course of the Clinton administration, we had a surplus, as the gentleman probably knows. Now he will say, presumably, because we had a Republican Congress. But, of course,

the Republicans not only took the Congress but they took the Presidency in 2001, and they ran up 2½ trillion dollars of deficit and increased the national debt by 115 percent, notwithstanding the fact that they inherited a projected \$5.6 trillion surplus.

And now they pass this April fools joke on America that the gentleman who is one of the cosponsors says won't pass the Senate. We know it won't pass the Senate. But they pretend in their language what is clearly contrary to the Constitution, because they say if it doesn't pass, the provisions of H.R. 1, the bill they have sent to the Senate, passed by the House on February 19, 2011, are hereby enacted into law. In other words, we're going to deem it passed.

Let me tell you what ERIC CANTOR said about deeming it passed:

"Malfeasant manner. Did not discharge the duties of their office."

Then Speaker BOEHNER said this about these deeming pieces of legislation, which this is. He said it was a scheme and plot that set a precedent and was, quote, one of the most outrageous things that he had seen since he had been in Congress and erroneously claimed that it had never happened in American history. In fact, it had happened before. This has never happened, where the House of Representatives took the position if you don't pass what we want, ours goes into law anyway. I'm sure our Tea Party friends are shocked, because they will find nowhere in the Constitution, my friends, does that provide for.

□ 1300

Furthermore, MIKE PENCE denounced deem and pass as, quote, trampling on the traditional rules of the House and Senate and even on the Constitution of the United States of America.

MICHELLE BACHMANN, who apparently may be a candidate for President, said this, that deem and pass, quote, ignored the Constitution and warranted the impeachment of the House Speaker. Quote, there should be people that are calling for impeachment off of something like this.

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

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

Mr. HOYER. This resolution says, contrary to the Constitution, if the Senate doesn't act, this bill becomes law. Nobody on your side surely believes that that can happen. Nobody believes that that joke that we are trying to play on the American people on April Fool's Day will be believed by any of them.

And, my friends, do not tell me about your concern about the deficit, because the deficit during my period of time, except for the last 2 years, trying to deal with the deep depression in which the last administration left this economy—don't try to tell me that we are

responsible for the debt, the \$14 trillion of debt. Surely my friend knows that's not the case. And if my friend doesn't know it, I would be glad to set up a time when we can debate that issue in any forum he chooses because the facts belie his representation.

My friends, reject this bill. Reject this bill because it is a fraud on the American public. Reject this bill because it's an attempt to shift blame from the House of Representatives passing a bill that can, in fact, pass; not to say to the Senate, Our way or no way, and we will shut down the government, because that's what this bill says.

Mr. WOODALL. Mr. Speaker, I yield myself 15 seconds to say to my friend from Maryland, about whom I say regularly back home has a great reputation for fair dealings, that I am tremendously disappointed by that characterization of the bill.

Mr. HOYER. If the gentleman will yield, I thank the gentleman for his observation and regret that he felt it was a mischaracterization because I thought it was accurate. Thank you very much.

Mr. WOODALL. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Arkansas (Mr. WOMACK), the bill's sponsor, to set the record straight on what the bill actually does.

Mr. WOMACK. I thank the gentleman for yielding.

Yes, there has been a lot of conversation in Washington about the prospect of a government shutdown. And while I realize there are some in this Congress who might prefer that option, I am not one of them; and let me just add, our leader is not one of them. Frankly, we think it's irresponsible. Our constituents did not send us to Washington to shut down the government. They sent us here to make it more accountable to the people, and that is precisely what House Republicans have been doing.

Examine the facts. When the curtain came up on this Congress, we were already 3 months into this fiscal year with no budget and on a temporary spending plan that went through early March. This House went to work crafting legislation that would fund the government for the rest of this fiscal year while delivering on our pledge to cut spending. The response from the Senate? Not so fast.

So we kept government operational with a 2-week continuing resolution in hopes that the Senate would realize the sense of urgency that accompanies our fiscal situation. And in that 2-week span of time, the response? Not interested.

Again, this House went to work crafting another temporary measure that funds government through next week. My friends, patience is wearing thin, not just my patience and the patience of my colleagues, but the patience of Americans. In our collective opinion, time's up.

Mr. Speaker, we all agree that we have some bigger fish to fry. Pressures on the statutory limit on debt and, more importantly, the 2012 budget loom very large right now for this country. Instead of focusing on these issues critical to our struggling economy, here we are, mired in partisan gamesmanship over funding the government for the remainder of this year. Did we come here to fish or did we come here to cut bait? This bill simply puts the clock in action on this process.

I am hopeful my colleagues will agree that the time is now to move beyond 2011 so that we can turn our attention to the bigger challenges of transforming this institution and restoring fiscal sanity. That is what the people sent us here to do; and every day we fail to do this work, the people lose.

We have been called extreme. H.R. 1, which passed in the early morning hours on this floor on February 19, cuts on an annualized basis \$100 billion in Federal spending. That's one-sixteenth of the deficit. Is that extreme? I don't think so.

Mr. Speaker, it's unfortunate that people across America trying to find jobs, trying to pay their mortgages, and trying to have the funds to put their kids through college are victimized by this flawed political process. Instead of removing the uncertainty for small business and job creators by cutting spending and shrinking the size and reach of government, we are playing games with the future of our Nation.

If this is our best, our best falls short of the expectation of those we represent. We can do better. We should do better. And if all we can show for our work is a shutdown of the government, we will have failed our constituency and should not be paid.

The gamesmanship going on right now is gambling with America's future, and it's hard to make progress when you are playing on House money. H.R. 1255 forces Members to have skin in the game. And if passed by both Chambers and signed by the President, we will have the proper motivation to set aside the rhetoric and actually accomplish something that is good for America: a climate for job creation, not a government shutdown.

I urge my colleagues to support this bill so we can do the people's work.

Mr. CLYBURN. Madam Speaker, I yield myself 4 minutes.

Let's do a quick review of the year. It's been 13 weeks since the Republicans took over the majority. Leading up to that point, we heard a mantra, "Where are the jobs?" So you might expect that on day one of the 112th Congress, they would bring a jobs bill to the floor. But no. What the Republican majority did with great fanfare was to conduct a reading of the Con-

stitution and, as if our oath of office wasn't enough, also implemented a new House rule which required legislation to be accompanied by a "statement of constitutional authority." In fact, my fellow colleague from South Carolina, JOE WILSON, read aloud Article I, section 7. What does it say?

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it . . ."

Ladies and gentlemen, we all learn in grade school how a bill becomes a law, but we'll get back to that in a moment.

So 13 weeks ago when the Republicans took the majority, up to that point all we heard from them was "Where are the jobs?" So, then, what was the first bill we were asked to vote on? The first bill was to repeal the health care law.

Democratic policies created more jobs in the last year than the Bush administration created in 8 years. Since health reform became law, 1.1 million private sector jobs have been created.

□ 1310

One-fifth of those new jobs, over 200,000, have been in the health care industry. So, repeal of the health care law would end jobs, not create jobs.

Then surely, at some point in the last 13 weeks, the Republican majority would have brought to this floor a jobs bill. Three months and no jobs bill. In fact, we've passed three bills that will destroy more than 1 million jobs, which brings us to this moment, the so-called Government Shutdown Prevention Act of 2011, and article I, section 7 of the United States Constitution. I've read it, but I want to repeat a certain portion of it:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States."

But the bill before us today, not a jobs bill, says that if the Senate doesn't act prior to the expiration of the continuing resolution, that H.R. 1, a budget bill passed only by the House, will become the law of the land.

It's very simple. That is unconstitutional. We do not have a unicameral legislative body.

Then what did they cite on the statement of the constitutional authority that must accompany each bill? There are a lot of words that only a parliamentary expert could understand.

The SPEAKER pro tempore (Mrs. BIGGERT). The time of the gentleman has expired.

Mr. CLYBURN. I yield myself an additional minute.

But if you ask my daughter's eighth grade class that visited us here earlier this week, they will tell you that

that's not how things work under our Constitution.

But don't listen to me or the eighth graders at Dent Middle School. Listen to what some of your colleagues in the other body had to say. So our colleagues in the other body had made it very clear. Senator COATS of Indiana: "My reaction to that is ultimately the whole body, including the executive branch, has to sign on here or we're just whistling in the wind."

Senator ALEXANDER of Tennessee: "To be the law of the land, a bill has to pass the Senate and be signed by the President."

One of our own, the Appropriations Subcommittee Chair, Representative MIKE SIMPSON, after laughing out loud, said, "If we can do that, can't we just deem the budget balanced?"

Madam Speaker, I know it's April 1, so maybe that's the point. I ask my colleagues on the other side to let's quit this joke and get serious.

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to a very serious reform-minded freshman, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Madam Speaker, I rise as a cosponsor of this bill, and urge my colleagues to support it. I've worked tirelessly with my colleagues to pass a continuing resolution that saves taxpayers money and keeps the government running, while the other body, as we continue to hear, has done nothing but complain.

Are they blind? Are they deaf? Do they not see, do they not hear what the rest of the people in this country see and here in terms of this country's financial crisis, in terms of this country's debt, in terms of what we're doing to our children and grandchildren by continuing to do nothing?

Madam Speaker, we've waited 41 days for them to send us a funding bill, and we've got nothing. At least the Members who will be voting for this bill, who will be voting in favor of this bill, are showing leadership, are showing the American people that we care about the future of this country and that we do care about jobs.

Show me one country on this globe that can grow its economy, that can grow jobs while having the boot of government on the neck of its people, on the neck of its businesses all the time. And just like the overregulation we do right now through the Federal Government, that debt boot, that debt burden is doing the same thing to job creation.

This is a jobs bill. Get government out of the way and watch this country lead the world again.

Mr. CLYBURN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, once again, instead of working to create jobs, grow the economy, reduce the def-

icit and strengthen the middle class, the majority is spending its time engaged in ideological lawlessness disrespectful of the U.S. Constitution, and all because of their political base and to benefit their political base.

This bizarre attempt to deem and pass into law their reckless budget is not only hypocritical and blatantly unconstitutional; where is the statement of the constitutionality of this legislation?

I'll ask my colleagues on the other side of the aisle, read the Constitution. It calls into question whether the Speaker and the Republican leadership understand how our representative democracy works, and that includes the author of this legislation.

The House cannot simply close their eyes, pretend that the Senate and the President have passed and signed the bill into law. It does not work that way. When a bill actually passes the Senate, the Senate has actually passed the bill. And when the President picks up a pen and puts his name on it, and not a second before, that bill has been signed into law. No amount of magical thinking can change these simple facts.

Even notwithstanding the gall of the Republicans' unconstitutional plan, the very attempt to pass a deem and pass act flies in the face of all of the pearl-clutching we heard from the majority in 2010.

Then, when a simpler version of deem and pass came up during the health care debate, one that did not fly in the face of the Constitution and attempt to speak for the Senate and President, the current Speaker called it one of the most dangerous, outrageous things he had ever seen in a Congress. Majority Leader CANTOR offered a privilege resolution putting the Republicans on record as against any sort of deem and pass mechanism. A year later the story has changed.

No, most of all this is a diversion from the reckless cuts the majority has proposed, the slashes to Head Start, Pell Grants, Meals on Wheels, veterans, job training, medical research, all cuts that hurt middle class and working families.

We are still waiting for the Republicans to cut the special interest waste, like the oil company subsidies and the tax loopholes for the richest people in the Nation. And what about those tax subsidies to those multinational corporations that take their jobs overseas?

You're not starting there to cut the deficit. No, it's working families and their children that you're going after.

You are taxing the patience of the American people. And you know what? You're taxing the memory of our Founding Fathers who educated us—and children in grade school today—on how a bill becomes a law.

The Republican majority is playing a dangerous game. If they do not get

what they want, they will shut the government down.

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

Mr. CLYBURN. I yield the gentlewoman an additional 30 seconds.

Ms. DELAURO. You're playing fast and loose with the lives of the American people, their kids, their families and with American businesses. No matter what those damaging effects are, because of ideological reasons and political base, and electoral votes, you are willing to put the United States and its people, above all, working families, middle class families and their children and our economy, at risk.

Please read the Constitution. Understand how this democracy works, and take this bill and do away with it.

□ 1320

Mr. WOODALL. Madam Speaker, at this time I am very pleased to yield 3 minutes to my good friend, a freshman Member, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the gentleman.

Madam Speaker, I rise in support of this bill as a cosponsor.

It has been over 40 days, and the Democratic leadership in the Senate has failed to act on a spending plan. If our government shuts down, our troops won't get paid. Now, they will still be serving this great Nation, but without pay. We need to ensure there are no political burdens that affect our troops while they are at war. As the Department of Defense has indicated, a funding lapse does impact their military's operational readiness.

The American people cannot wait; Congress cannot wait while the Democrats in the Senate continue to play politics. We have given them ample time to put forth a reasonable plan, yet the majority leader in the Senate is not serious about spending reform.

While the Democrats have been cheering for a government shutdown, Republicans have passed the largest spending cut in American history, and our actions are having results. Just this morning it was announced that the unemployment rate is at a 2-year low. Americans are going back to work because of our efforts.

Meanwhile, what has happened this week? The Senate Democrats have spent the week diverting attention, trying to figure out how to spin to reporters. And today, while the shutdown is imminent, they have gone home.

The cuts that the American people want are not extreme. They are necessary. When we are borrowing 42 cents out of every dollar, when our children and grandchildren's future is in jeopardy, these cuts are far from extreme. It is time for the Senate to act. Our goal is to cut spending, not to shut down the government.

Back in Mississippi we have a saying: Lead, follow, or get out of the way. Mr.

REID, today you are in the way. So I challenge you today to lead by passing a plan of your own, to follow by adopting the plan that we have already passed. But if you can't do either of those, get out of the way and allow the Senate to act.

Mr. CLYBURN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, this morning several dozen students from Key Elementary School came to visit the office, and they wanted to know what we were doing. They were all excited to be up on Capitol Hill. So I explained: Well, this afternoon we are debating a bill. It has been introduced by what we call the freshmen, the new Members of the House. The bill says that if the Senate doesn't agree with a big bill that the House has passed, if the Senate doesn't agree next week, then this bill would deem it passed, in fact, deem it enacted. Well, they were all kind of shocked because that is not what they learned in civics class.

They learned that a bill has to be passed by the House and then passed by the Senate, and then it goes into conference. And then, if the President agrees to sign it, then it can become law. But not this bill. So I was at a loss, of course, to explain how it was constitutional. They were kind of surprised that this is what the House was doing.

They wanted to know, Well, what is the bill that they want to be enacted? And I said, Well, it's a bill that I don't really agree with and a lot of the Members don't agree with. In fact, the Senate doesn't agree with it. Because while we have a lot of people unemployed, this would make apparently about 700,000 more people unemployed according to even Republican economists. So they were even further amazed by that. It also would eliminate a lot of regulations that have been passed by the House through a lot of deliberation, but it just says those regulations wouldn't take effect. So it is a very controversial bill.

Now, I was also able to tell them that I did suggest to the Rules Committee yesterday, although the majority rejected it, that there is something we could do today; and that is to say that if we put our staff out on the street without pay, hard-working employees who get a fraction of what we get paid, and we put another million Federal employees out on the street unpaid, then the Congress shouldn't get paid, either. The Senate did in fact pass that unanimously, including the Republican Leader Senator MCCONNELL obviously.

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

Mr. CLYBURN. I yield the gentleman another 30 seconds.

Mr. MORAN. So at least today we could put ourselves on record that we are not going to put people out on the

street while we continue to get paid, because we get paid from a different authorization, as does the President. Now, this is legislation we could get passed. Since the Senate has agreed, it could go to the President right away. I know the President would sign it. That is what we should be doing today, not something that even a 10-year-old understands is unconstitutional.

Mr. WOODALL. Madam Speaker, at this time I yield 2 minutes to a gentleman from your home State, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Madam Speaker, this is unbelievable. We are in a mess. We are in a fiscal mess, and we continually are still throwing barbs and saying, Well, it's not our fault. Yeah, we've been in charge of the House for 4 years and we've had the Presidency for 2 years, but it is not our fault; and we don't want to do anything to fix it.

So in fact here, last year when our friends on the other side of the aisle had all the majority, they failed to do the most basic thing that you ought to do when you run something: you pass a budget. No budget was passed because the November elections were coming up. You didn't want to make the tough choices that would hurt you in reelection, and you didn't want to have to go through that route, so you didn't pass a budget. You passed a continuing resolution.

Guess what, the American people in November spoke. They said the Federal Government is entirely too big, and the big bloated bureaucratic government is crowding out the free market.

And so what happened? We were sent here to Washington, D.C. to control the size of the Federal Government, and we are doing exactly that. We passed a significant budget cut to just a small part of the budget. We are not even talking about the 2012 budget year. That is coming up. But our friends on the other side of the aisle don't even want to show us where they are at. They can't cut spending. They can't do it. They don't want to say no to people. The American people and the children are asking us to say "yes" to the future.

I'm a military pilot. That's what I do as a Reservist. I have friends wondering if we are going to get paid. I say, Ask HARRY REID. I don't know. We have tried to make sure that you continue to get paid through this.

I have a friend, Tim Normand, who runs SDL Technology Partners back home. And as he is sending kids to college and as he is building his small business, he doesn't know if he can trust in the faith of what this government is going to be in the future because our friends on the other side of the aisle don't want to do anything to begin to rein in this out-of-control government. We do. Pass this bill.

Mr. CLYBURN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from South Carolina.

Madam Speaker, there was some good news today, finally, that 214,000 Americans went to work last month. That is not nearly good enough. There is a lot more work to do. One of the ways to do that work is to come to a responsible agreement on the Federal budget. I am hopeful there will be such an agreement next week that sensibly reduces spending but protects education; that leaves to another day fights over whether to repeal health care. We believe we shouldn't; the other side believes we should. Whether or not to defund planned parenthood. We believe we shouldn't; most of the other side believes that we should.

Leave those discussions to another day and keep the government functioning, because the taxpayers will keep paying taxes even if there is a government shutdown. They pay even if they don't get the services.

So what are we doing this afternoon? What we are doing this afternoon is looking at a bill that on its face is unconstitutional. And the reason we are looking at this bill is so that Members of the majority side, who probably won't vote for the budget compromise next week, can say they did something. Well, doing something that is unconstitutional is wrong.

As Mr. CLYBURN read, article I, section 7 says: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President."

□ 1330

Article I, section 5 of the Constitution says, "Each House may determine the rules of its proceedings."

"Each House may determine the rules of its proceedings."

What is wrong with this bill is that one House, our House, is determining the rules of the other House's, the Senate's, proceedings. You can't do that. It is a pretty simple concept.

I have heard all the convoluted arguments on the other side. I have heard all the twisted rationalizations. It comes down to this: If this afternoon the Senate passed a budget that our friends on the majority side don't like and said, if our friends on the majority side don't pass that budget in a week it becomes law, they wouldn't agree to that, because they would know that it is unconstitutional. This is the same thing.

It is ironic that with great fanfare on the first week of this session, after running a campaign saying they would produce jobs, what the majority produced was a reading of the Constitution on this floor. I thought it was appropriate. I thought it was actually moving and the right thing to do.

The wrong thing to do is to ignore what we read the first week. "Each House may determine the rules of its proceeding." We can't determine the rules of proceeding for the Senate. They can't determine the rules of proceeding for us.

This is a bad bill. Vote "no."

Mr. WOODALL. Madam Speaker, at this time I am pleased to yield 2 minutes to my good friend the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, I thank the gentleman from Georgia for yielding.

Do you all remember the story about an old man of great faith whose town was about to be flooded? The town was being evacuated and the water was already covering the road. The old man sat on his porch calmly, unafraid. A car pulled up to the house, the water almost too deep to drive in. The driver yelled, "Get in. We'll take you to safety." The old man shook his head and said, "Go on. I have faith in God. He will save me." So the car moved on.

A short time later, the water had risen so high that it covered the porch, so the old man simply went upstairs. A boat floated up to the house and the people yelled, "Get in, we'll take you to safety." The old man said again, "Go on. I have faith in God. He will save me." So the boat went on.

Hours later, the water had risen so that it almost covered the entire house. The old man was now on his roof, when a rescue helicopter came by. They called, "Get in. We'll take you to safety." But the old man refused, saying, "Go on. I have faith in God. He will save me." So the helicopter left.

So the water rose so high that the old man drowned. He went to heaven, of course, and when he arrived he asked God, "I had faith in you to save me. Why didn't you?" God answered, "I sent you a car, a boat and a helicopter. What more do you want from me?"

I hope my Democrat colleagues in the other Chamber and this President understand that this bill is their helicopter. You had a chance to propose and pass a budget for 2011 last year when you all had unfettered power in Washington. You have had over a month now to address H.R. 1, a bill that cut a mere \$100 billion from our budget. Today we are giving you a third chance to avoid a government shutdown.

Please grab onto this lifeline and work with us to prevent a government shutdown that could have international consequences. Vote "yes" on H.R. 1255.

Mr. CLYBURN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Thank you, Mr. CLYBURN.

When I heard that this bill was coming forward, I had an opportunity to reflect on the fact that I have been hav-

ing conversations with my constituents, and in each case I have posed to them how we are proceeding here in Congress and asked them if in fact they could accept a small across-the-board percentage decrease for FY 11. Invariably, each and every one said yes.

I have been on record for many months as suggesting that we can solve this problem, walk away from the ideology that is dividing us and simply reduce spending by 2 percent, which I think, if one does the math, gets us to the position that our friends on the other side of the aisle would like us to adopt.

It is clear to me after practicing law for more than 30 years, part of which was as a JAG officer in the United States Air Force, that clearly this is an unconstitutional piece of legislation and is nothing more than spinning in the wind.

I had the opportunity the other day when I saw the makeup of this bill to write to the Speaker, Mr. BOEHNER, along with 27 other cosigners, and ask that S. 388 be separated from this legislation. This legislation is not moving forward, and if in fact we do see a government shutdown, we in Congress should share the pain. We have that responsibility, that obligation, and we must lead by example.

Mr. WOODALL. Madam Speaker, I am very pleased to yield 2 minutes to one of my fellow freshmen, the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. I thank my good friend for yielding me time.

Madam Speaker, I commend my fellow Member for introducing the Government Shutdown Prevention Act, and I strongly support its passage.

I would like to say real quickly that what we have seen here in the last few minutes is a colossal waste of time. You had a bunch of folks saying, Madam Speaker, that this is unconstitutional. I just want to clarify so we can move past that and my colleagues can focus their arguments where it matters.

We intend for this bill, like all other bills, to pass the House, to pass the Senate, and be signed by the President. I too am a JAG officer from the Army, and I think that the JAG officer, Madam Speaker, from the Air Force would understand that this is a constitutional bill, like the other bills that we introduce here.

Now, why are we here today? Forty-one days ago this House passed a \$100 billion spending cut from the President's 2011 budget. That bill kept the government operating. We did our job here. Now, there is another House down on the other side of the Capitol and we are here because they have refused to do their job. Forty-one days later, zero bills.

We have heard some suggestions here today that maybe we ought to do across-the-board cuts. I suggest that if

they have got any friends on the Senate side, that they go down there and see if they will propose a bill with some kind of cuts, because so far it is zero, zero bills from the Senate on this.

Senator HARRY REID thinks our plan goes "too far." We have heard a lot of people using the word "extreme," because that is a scary word. Let me tell you, the only thing extreme around here is the national debt. Do you want to see extreme? That is extreme.

Senator HARRY REID believes that shutting down the government is perfectly acceptable. In fact, we have seen with the pollsters and the pundits and Howard Dean and others that they want to shut down the government. Well, I don't want to shut down the government. I want to cut spending.

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

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

Mr. GRIFFIN of Arkansas. I don't want the government shut down. I want spending cut. I have a question of what a shutdown would do to our Armed Forces, the airmen and the soldiers in Arkansas that are in my district.

Senator REID has failed to come up with a credible plan of his own. They can't cut just a few billion dollars, even though we have a GAO report that indicates \$100 billion to \$200 billion could be saved by getting rid of duplicative programs. If the Senate is unwilling to make the small cuts, how in the world are we ever going to be able to make the bold decisions?

Mr. CLYBURN. Madam Speaker, I yield 1 minute to the Democratic Leader, the gentlewoman from California (Ms. PELOSI).

□ 1340

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership in this debate this afternoon. I have been listening to it very intently. I heard the debate on the rule this morning and then the debate this afternoon.

Some questions have arisen. First, I want to state a fact. The fact is that every single one of us in this body as our first act raises our right hand to protect and defend the Constitution of the United States. The bill that we have on the floor before us does violence to those provisions in the Constitution that describe how to pass a bill—not by one House deeming it, but, as our distinguished assistant leader, Mr. CLYBURN, described his daughter's schoolchildren in her class could tell you that you pass one House, you pass another House, it's signed by the President. But that seems to be missed by the makers of this resolution today.

Again, Mr. CLYBURN talked about the constitutional authority to bring this bill to the floor. It's truly a mystery how you can take an oath of office to

defend the Constitution of the United States, bring a bill to the floor in violation of that, and justify it constitutionally.

I've heard the distinguished chairman of the Rules Committee, Mr. DREIER, say that we have some visiting parliamentarians here who are watching this debate to see if Congress can get its job done. Please don't pay attention to this. What you see on the floor today is no example of democracy in action. It's silly. The Republican leadership is asking its members to make a silly vote. And it's time for us to stop that silliness and get serious about the creation of jobs, get serious about not shutting down government, abnegating our responsibilities and shutting down government.

I've heard Mr. HOYER earlier today talk about how we got here in terms of this budget deficit. We all know that we must reduce the deficit. That's why, during the Clinton years, as Mr. HOYER said, we reversed the first Bush's deficit. We came out in a trajectory of fiscal responsibility, going into surplus. The last five Clinton budgets were in surplus or in balance. But because of tax cuts for the rich, two unpaid-for wars, and a prescription drug bill that gave away the store to the pharmaceutical industry, we came back into deficit—the biggest swing in fiscal irresponsibility in our country's history. And now we've had to deal with that. And what's the answer that the Bush administration gave us? Tax cuts for the rich. That's how you create jobs. We didn't. That's how you reduce the deficit. We grew it.

I think it's important when we're talking about the deficit—which we all agree must be cut—and we talk about jobs to note that in the first year of the Obama administration more jobs were created in the private sector than in the 8 years of the Bush administration. Tax cuts for the rich did not produce jobs. Cuts in initiatives to educate our people and keep us healthy and safe, those cuts did not create jobs.

So here we are today, at the end of a week, wasting the public's time on a notion—not even an idea; on a notion—that does not rise to the level of a credible idea that one House can deem a bill the law of the land.

I also heard on the floor of the House a call for Senator REID, the leader in the Senate, to take up H.R. 1. He did. It failed. Not even the Republicans all voted for it in the United States Senate. Three Republican Senators voted against H.R. 1 in the Senate. Perhaps you don't know the date, but it did happen.

It's stunning to hear this debate that talks about visiting parliamentarians seeing an example of good government in action. No. Wrong.

So what could be the explanation for this? Mr. CLYBURN suggested it could be April Fool's and at end of this de-

bate the gentleman will withdraw the amendment, apologize for wasting the public's time, and say that this is only an April Fool's joke. Because that's the only thing that it complies with. It does not comply or conform with honoring the Constitution. It does not create jobs. It does not reduce the deficit, and it does not have the support of the Democrats in the House of Representatives.

Mr. WOODALL. Madam Speaker, I yield myself 30 seconds just to remind the gentlelady that Article I, section 7 says all bills for raising revenue shall originate in the House of Representatives. We failed to do that in the last Congress, and that's why the gentleman stands here today with this bill, proudly.

With that, I yield 2 minutes to a very good freshman colleague, the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. I thank the gentleman from Georgia.

Madam Speaker, when I was first elected, I declined my health care benefits because I don't believe we can fix a system we were not a part of. I declined my retirement benefits because our Social Security system is broken.

I support this bill because if the American people have to endure a government shutdown which is the result of a failure of the Senate Democrats, then none of us, including the President, should expect the American people to continue our pay until we fix this budget mess. The funding for the Federal Government is 182 days old. Democrats on the Senate have failed to pass a budget for 182 days—182 days. That's an entire school year. I ask my colleagues on the other side of the aisle: What would you think if your child's teacher did nothing for the entire school year?

Our Constitution authorizes Congress to be the power of the purse. It is our job to set a responsible and affordable budget for the Federal Government each year. If we can't do our job, we should not be paid.

Madam Speaker, it is time for the Democrats in the Senate to do their job.

Mr. CLYBURN. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend from South Carolina.

David Frishberg wrote, in 1975, "I'm Just a Bill." This has been utilized. I utilized it yesterday. My friend from Georgia (Mr. WOODALL) utilized it again today. I shan't go into all of it, but I would encourage the American public to understand that my friends know how a bill becomes the law.

H.R. 1, the measure that we have been talking about, really did pass the House of Representatives and it went over to the United States Senate and it was rejected. The President also said that he would veto H.R. 1 if it reached

his desk. So what we're doing here is symbolism. My friends on the other side are entitled easily to message anything they wish to address their base, but don't bring it to the American public under the aegis of this is something serious. It is not. It is absurd. It is a complete waste of time. And, even more importantly, as has been said by many, and I believe everybody on the other side understands, it's unconstitutional.

It also has not gone unnoticed that my friends who advocated rightly that there should be transparency, in addition to being transparency, that measures should be allowed to be read before they're utilized. The leadership of the House of Representatives held a press conference before any Member of the House of Representatives saw Mr. WOMACK and Mr. WOODALL's bill. Knowing this, then, I guess what must be happening here is we are wasting our time on patently unconstitutional measures.

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

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

Mr. HASTINGS of Florida. I won't go into all the details about the need to address jobs, but I do know this: STENY HOYER said earlier what all of us in America know, and when we were children we celebrated a lot—a lot of us—and it was April Fool's. We played jokes on people. But, listen, the American people are not fools and they're not foolish enough to believe this absolutely foolish unconstitutional measure.

Mr. WOODALL. Madam Speaker, at this time I am very proud to yield 30 seconds to my good friend, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. We're here because the Democratic majority last year did not do their job, did not give us a budget, did not do proper appropriations, and now the Senate has had the same problem. So I applaud anybody's efforts in trying to move the ball down the road so that we can appropriate. I just wish the Senate would do their job now and take care of it. But for a bill to say provisions that pass the House are hereby enacted into law violates my conscience and the Constitution. I cannot vote for it.

□ 1350

Mr. CLYBURN. Madam Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore. The gentleman from South Carolina has 6½ minutes remaining. The gentleman from Georgia has 11 minutes remaining.

Mr. CLYBURN. I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, it gives me great pleasure to yield 2 minutes to one of my freshman colleagues,

the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman for the time.

It has been fascinating. I accept that I'm a freshman, and I know it's April Fool's Day, but it's been funny hearing the discussion about how this isn't constitutional.

Now, let me see. I'll walk through this.

It's a piece of legislation with a trigger mechanism in it. Okay. I know the other side does not like that trigger, but it still would require the Senate to pass it and the President to sign it. It was fun seeing something from my childhood, from the 1970s, of how a bill becomes a law. If I remember correctly, that's still how a bill becomes a law.

The most important thing going on here is not the gamesmanship about, "Oh, it's April Fool's Day. Let's try to demagogue this piece of legislation." What's important here is that the American people know we're taking the job seriously and giving the Senate another chance to step up and do their job. We're sitting here—how many weeks after we passed H.R. 1?—and we're still doing this dance. At some point, the American people have to expect us to do our job. And if we don't do our job, not a single one of us here or in the administration or in the Senate deserves a paycheck.

Mr. CLYBURN. Madam Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I think that we need to reiterate that we just had a very principled statement from the gentleman from Texas, and I think we have a chance to rise above the normal partisanship.

The gentleman from Texas on the majority side just said he agrees with the proposition that the bill is unconstitutional, and I would urge Members, Madam Speaker, to listen to that example of principle. We don't agree on all things, but we should all rise to honor our oath of office and to oppose this bill based purely upon constitutional grounds.

Mr. WOODALL. Madam Speaker, I am pleased to yield 2 minutes to a good friend and mentor, the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Speaker, when a patient is bleeding to death on an operating table, we as doctors do everything that we can to save that patient's life. We don't just walk away, and we certainly don't call it quits. Well, that's what the Democrats want to do. They want to call it quits on our spending crisis, and the worst part is that they're doing it for their own political gains.

Democrats in Congress are intentionally plotting this government shutdown, and they hatched their plan

months ago, I believe. If they'd wanted to, Democrats could have passed a long-term continuing resolution during the lame duck session without making any spending cuts at all. Instead, they passed a short-term spending bill so that they could play the shutdown card right now.

The Democrats' political game of wedging conservatives between unacceptable cuts and a government shutdown is an insult to the gravity of the problem. It's an insult to American families who are struggling to make ends meet. It's an insult to all of the American people who are out of work, and it's an insult to us—to the Members of Congress who are serious about trying to put this country on a road to economic recovery.

It's pitiful that the Democrats have wasted so much time stalling over these minimal cuts in their own self-interest while our country is financially bleeding to death. We should be focused on trying to revive our economy rather than bickering about \$61 billion when we already borrow almost \$60 billion per week.

Madam Speaker, since the Democrats refuse to stop their political games and get to work, those over in the Senate particularly, I urge my colleagues to pass the Government Shutdown Prevention Act so that we can do our jobs and start trying to heal our economy and create jobs in America.

Mr. CLYBURN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman. Madam Speaker, there is no stronger supporter of H.R. 1 than Mr. GOHMERT from Texas, and he made a very simple, very elegant, very eloquent statement of principle about adhering to the Constitution.

This legislation has to be interpreted by its own words, not by what people say is in it. What it explicitly says is that, if the House has not received a message from the Senate before April 6 stating that it has passed a measure providing for the appropriation for the departments and agencies of government for the remainder of the fiscal year—and this is the language of your legislation—the provisions of H.R. 1, as passed by law on February 19, 2011, are hereby enacted into law.

That's absurd. It's a pretend bill that says, if the House acts and the Senate doesn't, our action becomes law. It's absurd. It says, if the House acts and if the Senate doesn't and if the President doesn't sign this piece of legislation, it's law. That's the document that you've presented to this body to vote on.

Now, Mr. GOHMERT took the higher road here. Instead of taking out his frustration with the United States Senate at the expense of the Constitution, he stood up for the Constitution. That's what each and every one of us

has the opportunity to do. All of us have had frustration with the other body because they sit on bills and kill them. In the eyes of the beholder, it's a good or bad bill, but it does not entitle us to essentially pretend that the Constitution doesn't apply to the legislation that we have to consider.

Also, if we have the political and practical problem of moving ahead on a piece of legislation in the House, is it right for us, in effect, to mislead the people who sent us here by suggesting that we're passing a law that has any impact when we know it has absolutely no impact? Is that a fair, appropriate or honorable thing for a Democrat or a Republican to do?

I urge us to vote "no" on this legislation.

Mr. WOODALL. Madam Speaker, I yield myself 30 seconds to answer my friend from Vermont's question, which is that it is not an appropriate thing to mislead the American people, so I'll just read one more time:

Having passed the House, having passed the Senate, and be signed by the President.

That's the regular order.

I'll say to my friend that I'm sorry we didn't have time to finish our discussion yesterday in the Rules Committee. I really am sorry that we were called away by votes.

With that, I would like to yield 2 minutes to my very good friend, a freshman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Thank you.

Madam Speaker, I came here to be a responsible Representative and to fight for my constituents. I didn't come here to shut down the government. My district has the highest unemployment in the State. People are hurting. They look at the reckless spending in Washington, and they get angry. It's just this simple: They don't spend money they don't have. So why does Washington?

This bill prevents Members of Congress and the President from getting paid if the government shuts down. I get it. The American people get it. Why doesn't Washington get it? It's something any business owner or logical individual anywhere in America can understand: If you don't work, you don't get paid.

Maybe this just makes too much sense for Washington.

Mr. CLYBURN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. My friends, I think one of the truly edifying experiences we had in the opening days of Congress was that we read the Constitution, and I think one of us had the great good fortune to read article I, section 7: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be

presented to the President of the United States.” That’s how a bill becomes a law.

Now, this is how ERIC CANTOR on 3/30/2011 said a bill becomes a law: “The Senate’s gotta”—this is just a transcription. I didn’t do that. I just assume it’s a Southern thing. “The Senate’s gotta act prior to the expiration of the CR. If it does not act,” meaning if the Senate does not do something, “H.R. 1 becomes the law of the land.”

□ 1400

That’s not true. That’s not constitutional. That’s not fitting of this body.

Now, it is, however, consistent with how the majority party has been governing around here. They’ve passed rules that they have ignored. For example, on January 5, they had members of their caucus take the oath in front of a television set. On February 9, they failed to provide constitutional authority for a bill despite that it was one of their rules. On March 13, they failed to get a three-fifths majority for passage of a bill that raised tax rates, despite the fact that it was part of the rules. On March 17, they failed to make a bill available within 72 hours, despite the fact that it was part of the rules. And just March 30, they failed to include an offset for a new government program.

The rules are not a big thing for them to follow because this is why it’s hard. It’s a big book. So I brought you this, “House Mouse, Senate Mouse,” which is sold in the gift shop to teach children how to understand the Constitution, and permit me to read:

“It’s the floor of each Chamber of the Senate and House where each Senator and each Congress mouse gets to vote on the bill, and if enough do, if enough do, this President signs it if he likes to.”

Well, the Senate mice haven’t passed this yet. Perhaps if these were the rules that the Republicans had to follow—it’s a much thinner book and it rhymes—maybe you’d get it right, but this is not the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. WOODALL. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CLYBURN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 6½ minutes remaining, and the gentleman from South Carolina has 2 minutes remaining.

Mr. CLYBURN. Who has the right to close?

The SPEAKER pro tempore. The gentleman from Georgia has the right to close.

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

Madam Speaker, I have often referred to this palatial Hall as our Nation’s classroom. It is the reason I feel that we should not just stand here to enunciate precepts; but as elected leaders, we ought to lead by example. Therefore, Madam Speaker, I think it’s important for us, when we bring legislation to this floor, that we demonstrate to those young children in classrooms all across America that we will not fly in the face of that Constitution that all of us have sworn to uphold.

I believe that it’s a good thing to want to move a measure, but we ought not do so while violating the Constitution of the United States. And I think it’s a good reason that the Senate rejected H.R. 1, because all of the economists who evaluated that piece of legislation made it very clear that, to them, it would destroy 700,000 jobs. That bill, H.R. 1, is a job-killer. Also, that bill, H.R. 1, will say to little preschool children in Head Start, we are terminating your educational experience by at least 200,000 so you would no longer have an educational experience.

Madam Speaker, I think it’s laudatory for us to put our hands on the Constitution, swear to uphold it; but I think that what is most important is for each and every one of us to lead by example instead of enunciating precepts or empty gestures.

I yield back the balance of my time.

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

We have had a lot of talk on the floor today about children. We’ve been reading children’s stories and been shown children’s books. I’ve been harkened back to my own childhood in the 1970s and “Schoolhouse Rock”; and for folks who have not seen the “Schoolhouse Rock,” there’s an entire DVD now. It’s advanced. I recommend that you pick a copy up for the young people in your life because it really is a fantastic beginning step about what it is that we’re all about here, what it is that we’re all about.

The Preamble is in that “Schoolhouse Rock” category. No more kings is in that “Schoolhouse Rock” category. And what they talk about is what does it mean for us to be Americans; and what it means is that folks elect their Representatives and they send them to Washington, D.C., and they say get your business done, get your business done. That’s what we’re trying to do with this resolution here today, get our business done.

I just want to read from the bill. It saddens me. I’m so thrilled that so many Americans watch what we do here on the House floor to hold us accountable, and I’m so saddened by all the misinformation that’s circulated. I read here directly from the bill:

“If the House has not received a message from the Senate before April 6, 2011, stating that it has passed a measure providing for the appropriations for the Departments and agencies of the Government for the remainder of fiscal year 2011, the provisions of H.R. 1, as passed by the House, are hereby enacted into law.”

This bill that we send to the Senate, for the Senate to pass, and the President to sign, those provisions are hereby enacted into law. Now, I just want to study that a little bit closer. If the House has not received a message from the Senate stating that the Senate has passed a measure providing for the appropriations of the United States Government.

Folks may be wondering, Madam Speaker, why is it that we’re doing that now? Wasn’t that supposed to be done last September? Yes, it was. It didn’t get done. Should that have gotten done last December? Yes, it should have, but it didn’t get done. So we’re here today to get it done.

Forty-one days ago we passed a bill to fund the government. This entire body worked its will in a process that was as open as this House has ever seen: Democrats and Republicans working together, Republicans winning amendments, Democrats winning amendments, Democrats losing amendments, Republicans losing amendments. It made me proud to be a Representative and to serve in this body. It was the best work product this House could put together. We sent it over to the Senate 41 days ago. The Senate defeated it, fair enough. Folks don’t have to agree with me. Fair enough. What they do have to do is they have to act. They defeated our bill, H.R. 1. They defeated a Democrat bill. Then they’ve done nothing.

I got a call earlier today. I held up a board just like this talking about what the Senate had done. Well, there’s nothing on this sheet of paper, folks. Golly, you held up the wrong sign. The answer is, no, it’s the right sign. Nothing, nothing have we received from the United States Senate. It’s the same on both sides, blank. How in the world are we supposed to fund this government with nothing from the United States Senate?

This bill does two things and two things only, Madam Speaker. It says, Senate act. You don’t have to act like us, act like Democrats, just act. Act. Do something, send us something, begin the process, make it available. Act.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. WOODALL. Madam Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining.

Mr. WOODALL. In that case, I would be delighted to yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I just have a question. Do you really believe that what you're doing is constitutional?

Mr. WOODALL. Absolutely. I appreciate your asking. I appreciate your asking because having had my motives impugned throughout the day, and I know with the collegial relationship that you and I have in the Rules Committee, you know for a fact I wouldn't be here otherwise. I wouldn't be here otherwise.

Now, I'm no scholar of House activities. I know we have passed bills in this House that have incorporated things by reference before, and I'm sure we will do it again, not outside the process. To suggest—and you appreciate this, I say to my friend from Florida—to receive constitutional instruction from the team that brought us ObamaCare is troubling at the most basic levels.

Mr. HASTINGS of Florida. Will the gentleman yield again for yet another question?

Mr. WOODALL. I would be happy to yield to the gentleman.

Mr. HASTINGS of Florida. Do you have any precedent for the constitutionality of this particular measure? And I urge you based on what you just said, there have been measures that were deemed, but that was when they were agreed upon, but there is no authority anywhere for us to pass a law requiring of the United States Senate to undertake to do something, and I appreciate my colleague yielding.

□ 1410

Mr. WOODALL. Reclaiming my time, I will say that this is a unique procedure and these are unique times.

Mr. HASTINGS of Florida. Unique and unconstitutional.

Mr. WOODALL. But I will just say to you that in 1999, a Republican Congress, a Democratic President, enacted the foreign relations authorization bill, by reference, in an appropriations bill. That's what we're doing today.

Folks, if you don't like it, call your Senate colleagues and get them to act. This is where we need to be. We need action from the Senate. Call your Senate colleagues. I've called them. I need you to call them, too. We need to move this ball forward.

If the government shuts down, our military men and women don't get paid, Madam Speaker. If the government shuts down, our USDA inspectors go home and beef and chicken leave our shelves in the grocery stores. This isn't play time, going back to our children references. This is serious business. Folks sent us here to do serious things.

And I could not be happier, Madam Speaker, then, for the second provision in this bill to say if you don't work, you don't get paid. It's a basic premise

in this Republic, no pay for no work. I'm very proud of the work that we have done, and I implore my colleagues to contact their Senators and get them to do something. Something.

This is what we have from the Senate so far, Madam Speaker. We deserve better. The American people deserve better. And, dadgum it, the Senate can do better.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in opposition to H.R. 1255, the "Government Shutdown Prevention Act of 2011."

As a senior member of the Judiciary Committee, I reject H.R. 1255 on its face. H.R. 1255 seeks to commit a multitude of constitutional law violations and set aside the U.S. Constitution on a wholesale level. The Constitution is the veritable law of the land that we all took an oath to uphold. H.R. 1255 is an unfounded attempt to use the non-statutory "deeming resolution" or "deem and pass" procedure to unconstitutionally achieve the \$61 billion in budget cuts that the Majority of this chamber failed to get passed in the Senate in the form of H.R. 1.

This legislation unconstitutionally states that if the House has not received any message from the Senate providing for the Appropriations of Government for fiscal year 2011 before April 6, 2011, then H.R. 1 would be deemed as passed by the Senate, signed by the President and enacted into law.

H.R. 1255 also prohibits the CAO of the House and the Secretary of the Senate from disbursing salary payments for Members of Congress, and also prohibits the President from receiving his salary. It states that the President and Members cannot be disbursed a salary for every day that there is a lapse in appropriations, or if the debt ceiling prevents Federal expenditures. However, because H.R. 1255 already would deem H.R. 1 passed, no funding gap could exist, while hitting the debt ceiling would by definition prevent Federal expenditures like Member salaries.

This legislation would have absolutely no practical effect. Since the Senate would have to pass it and President would have to sign it, this bill is nothing but a talking point for the Tea Party wing of the Republicans. This bill would not have any effect on current, serious negotiations to keep the government operating. The Member Salary portion of the bill would also have no effect since H.R. 1255 already would deem H.R. 1 passed.

This legislation is unconstitutional. The Majority would make history by deeming that the Senate passed a bill which was considered on the Senate floor and failed. The Majority would also make history by deeming that the President would have signed a bill which he promised to veto, should it reach his desk. After opening Congress with a reading of the Constitution, the Republicans are breaking their pledge again.

This legislation exposes extraordinary hypocrisy from the House Republican Leadership. In the 111th Congress, while Republicans promised never to use the "deem and pass" process, it only took a few weeks for them to break another pledge to the American people. During the 111th Congress, then-Minority Leader and now-Speaker JOHN BOEH-

NER called deem and pass a "scheme and plot" that set a precedent that was "one of the most outrageous things [he] had seen since [he] had been in Congress"—and, erroneously claimed it had "never happened in American history." Now-Majority Leader ERIC CANTOR has previously offered a privileged resolution on 'deem and pass' putting Republicans on record as considering this process a "malfeasant manner" and those who might support it as having "discharged the duties of their offices."

This legislation is a waste of the American people's time and a distraction from Democrats' serious efforts to keep the government from shutting down. Instead of passing this hypocritical, unconstitutional, meaningless bill, the GOP Leadership ought to spend more time at the negotiating table trying to reach a compromise agreement to keep the Government running.

I am an ardent supporter of working in a bipartisan manner to pass fiscally responsible legislation which properly funds the Federal Government through fiscal year 2011 and maintains important programs that are vital to our economic recovery. So, I urge my colleagues to join me in opposing this bill and supporting true bipartisan appropriations legislation to keep the Federal Government operational through fiscal year 2011, so that we may address and solve the important issues facing the American people.

Mr. VAN HOLLEN. Madam Speaker, generations of our nation's children have learned about civics and our American form of government in elementary school—and through iconic television programs like PBS' Schoolhouse Rock, where a singing Bill explains to his youthful audience the process by which, if he's lucky, he can become a law.

To this day, countless Americans still recall how the hopeful Bill gets stuck in committee before making it to the House floor, then has to start all over again in the Senate and even get signed by the President before finally becoming a law.

Today, the Republican majority wants to defund public television and pass legislation saying that an action taken by a single chamber of Congress can become law.

Our old friend Bill is distraught. After all these years, was he just getting a runaround? Were those pesky steps in the Senate and the White House really necessary? What is he going to tell the kids? How could he possibly have gotten it so wrong?

Madam Speaker, fortunately for us, and for the school children of America, Bill did not have it wrong. Article I, Section 7 of the Constitution clearly states: "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States."

Madam Speaker, the clock is ticking. The nation is waiting. The time for gimmicks and distractions and game playing is over. We have serious work to do. Let's move past this foolishness and negotiate a responsible continuing resolution for the American people.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would like to submit the following letter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, March 31, 2011.
Hon. JOHN BOEHNER,

Speaker of the House, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: I write to formally notify you that the Committee on House Administration hereby waives further committee consideration of H.R. 1255, the Government Shutdown Prevention Act of 2011, in order that the legislation may proceed expeditiously to the House floor for consideration.

Sincerely,

DANIEL E. LUNGREN,
Chairman.

Mr. WAXMAN. Madam Speaker, either this is April Fool's Day or the Republicans are trying to fool the House of Representatives and the country by attempting to pass this legislation.

There is no truth in labeling whatsoever in H.R. 1255, the "Government Shutdown Prevention Act of 2011." It will prevent no such thing. It will accomplish no such thing.

Section 2 of the bill says that if the House has not received a message from the Senate stating, by next Wednesday, April 6, that the Senate has passed a spending bill for the balance of this fiscal year, then "the provisions of H.R. 1, as passed by the House on February 19, 2011, are hereby enacted into law."

Who are the authors of this bill kidding?

The House passed H.R. 1. It lies defeated on the Senate floor, unloved and unwanted.

The Senate voted against H.R. 1, 44–56. It did not even get 50 votes, much less 60.

So what, exactly, is the point of this exercise today? It is obviously not to enact H.R. 1, because that is futile.

With the vote on this bill today, we will in effect be passing H.R. 1 a second time.

This is getting to be a pattern. Instead of finding bipartisan solutions to our pressing national problems, this Republican House seems stuck on a pointless partisan treadmill.

H.R. 1 contained five amendments to defend the Affordable Care Act.

Yesterday, the Energy and Commerce Committee passed five bills to remove funding for public health and doctor training programs under the Affordable Care Act.

The majority passed 9 amendments in H.R. 1 that stop EPA from implementing climate change and pollution rules. And next week, we will vote on another bill doing the same thing.

The majority passed an amendment to H.R. 1 that keeps the American people from the benefits of an open and free Internet. Next week, we will pass this again.

The majority defunded all of public broadcasting in H.R. 1, and then defunded NPR on the House floor a couple weeks later.

On this April Fool's Day, do you want to know the truth about all this frantic legislative activity?

After three months on the job, we have not created one job—because of one simple fact.

In three months, the Republican leadership has not passed one major bill of any consequence that has been enacted into law.

That is the simple truth. They have failed to enact anything of consequence.

And so with that shameful record, they come to the floor today with an illusion, a joke, a diversion, a cover-up for their failure.

The Republicans have the votes to pass a bill that says their spending cuts and ideological amendments are hereby enacted if we pass this bill.

But we are not enacting this bill, because under Article I, Section 7 of the Constitution of the United States, this bill has to go to the Senate and be passed in identical form and then signed by the President.

Madam Speaker, this is April Fool's Day, and this is a bill for fools.

But the American people will not be fooled.

Mrs. MALONEY. Madam Speaker, what holiday is this, again? Is it April Fool's—or is it Groundhog Day?

This bill, whether it's labeled H.R. 1 or H.R. 1255, is a distinct attack on the quality of life for women and their families in this country.

While the proposed cuts would be devastating to Americans as a whole, this bill would change the daily lives of women for the worse—and American women should understand.

Yet the Majority insists on ignoring the Constitution in order to ravage programs and policies that disproportionately impact women.

Today, I released a report documenting how this bill impacts women from birth to old age, every single step of the way.

The report shows that this bill cuts industries that disproportionately employ women and attacks programs that women depend on, such as Social Security, Medicare, and Medicaid.

This bill zeros out Title X funding, so that obtaining primary care and preventive screenings becomes far more difficult for many women.

This bill cuts childcare programs and after-school programs so that women are forced to choose between working—and supporting their families—or providing child care at home.

We cannot stand by as this Majority attacks women from all sides.

We must fight against this assault on American women and their families.

I voted no on H.R. 1, and I urge a no vote "on" H.R. 1255.

Mr. WOODALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 194, the bill is considered read and the previous question is ordered.

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

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

MOTION TO RECOMMIT

Mr. WALZ of Minnesota. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALZ of Minnesota. I am.

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

The Clerk read as follows:

Mr. Walz of Minnesota moves to recommit the bill H.R. 1255 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITION ON PAY DURING GOVERNMENT SHUTDOWN.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota is recognized for 5 minutes in support of his motion.

Mr. WALZ of Minnesota. Thank you, Madam Speaker.

To stand here in this hallowed place as a Representative, as all of my colleagues, all 435 of us, the incredible privilege and honor to represent the hardworking Americans across this country. In southern Minnesota, the chance to see genuine folks out working hard, doing the things that they built this country and made us the greatest nation on Earth, and one of those things is a very basic premise, the American work ethic. The idea that you should work hard and do your best and be compensated at the end of the day and feel good and a sense of accomplishment in what you did.

We have an opportunity. The American people did send us here, as you heard on both sides of the aisle, to do a very simple thing—to get the work done and move this country forward. The debate is that there are differences in how to do that. That's the strength of this land. It's democracy. But there is one very strong principle that we can reinforce, that work ethic, that if you do not get your job done, you certainly should not be paid. No middle of the night, no if it passes and goes this way. Very simply, the easiest of things to do: If this Congress after being here 4 months—and I don't care where you put the blame—can't get this done by next week and the government shuts down, there will be no chance of a single paycheck going and no retroactive pay. That's the least we owe those hardworking folks. That's the least that we can do here.

I want to be very clear. I understand the majority is having a problem. They've got a debate happening inside their caucus if compromise is a virtue or a vice. They will work that out and decide, because that's what this debate today was about: Where do we compromise for the good of the American public? I come down on the side of compromise.

But with that being said, if we don't get our work done—and I will do everything in my power to ensure we do not

shut this government down—the repercussions are catastrophic for Americans, and not just macroeconomically. Our seniors aren't going to get their checks. We're going to see medical care slowed down to our veterans. We're going to hear from and we have heard from our military commanders that it stresses the readiness of this nation. Our Federal workers and even the hardworking staff here will not receive a paycheck.

How do you go home, to Georgia, to Alabama, to Minnesota, look somebody in the eye and say, We failed because we bickered again but, dang, I'm going to take home that check.

So I tell my colleagues, especially the new Members, if you're a freshman in here, you came with an optimism that should not be able to be beaten out of you. Regardless if you disagree with us with every fiber of your being, the very simple principle that if we can't get this done, let's put skin in the game. No if it goes to the Senate and gets passed; no if it's not constitutional.

I offer you the rarest of opportunities today, the first time you've had this chance. If you vote "yes" on this motion to recommit, it goes to the President today and becomes law of the land, and no one here will be paid. You can look your constituents in the eye and whoever you blame for it, you can say, I'm not getting a paycheck till we fix this.

So I want to be very clear. This is an opportunity, a rare opportunity. You can vote however you want and decide however you want to balance the budget, but do not allow to play games. It is the bright lights of day, the board is going to come up, and you're going to have the opportunity. Not what's in the underlying bill. That doesn't stop from retroactive pay. And that has to pass the Senate. MITCH MCCONNELL and every Republican already voted for my motion to recommit. So you have the chance to say, all right, I disagree with the Democrats on everything in this bill, but I'm not going to go back to Georgia and tell someone I'm picking up a paycheck and then trying to explain, but I voted for it really, but it was a motion to recommit that I didn't agree with and all of this. Nothing. Simple. Seventy-five words. Half page. Don't do your job, don't get paid. No work, no pay. It is very, very simple.

I yield to my colleague from Virginia.

Mr. MORAN. I thank the gentleman for yielding.

So the point is the law as it stands today is, we shut the government down, a million Federal employees don't get paid, our staff doesn't get paid, but we get paid. All the gentleman wants to say is treat ourselves like we would treat others. If our staff is going to be out on the street, we ought to be out there with them.

The other point the gentleman makes is, if we vote for this recommendation, the Senate has already approved it, and it goes right to the President. It gets signed into law. We've done something constructive. The alternative is to send something over to the Senate and the Senate's going to laugh at it. You know this H.R. 1255 isn't going to get passed. This would be passed. This becomes law. It's the right thing to do.

Mr. WALZ of Minnesota. Here's your rare opportunity. If you don't do this and you say, "But I'm going to vote for the underlying bill," the gentleman from Georgia said himself, Mr. WOODALL, that it would probably not pass the Senate. This is done. There's no more going anywhere. It's going to be done.

I know optimism abounds on April 1. I believe today the Twins are going to win the World Series. I believe that in all my heart. But I wouldn't take the bet or the chance on it. If you want to go back to each of your congressional districts and say, I stand with you to do what's right on the American work ethic. If we don't get done next week, we don't get paid.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

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

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. I don't know where to begin. The misrepresentation, after misrepresentation, after misrepresentation. I don't impugn anyone's motives. I admire the passion. But if you really believe with no work, no pay—and I wish we still had that board up there—if you really believe it, all this time we've been spending talking about the Constitution, don't you think we ought to do that in a constitutional way?

I do. Because if we say it, we ought to mean it, and we ought to stand by our conviction.

Madam Speaker, to speak to these constitutional issues, I now yield to my chairman, the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman yielding.

I heard the eloquent plea of our friends from the other side of the aisle. Let me just read to you a message I received from the White House about this bill, with the words that the gentleman has presented on the floor.

□ 1420

"Unfortunately, S.B. 388"—which are the words the gentleman puts in his motion to recommit—"is patently un-

constitutional, both as applied to Congress in violation of the 27th Amendment and to the President in violation of the compensation clause of Article II."

Mr. WALZ of Minnesota. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. No, I will not yield.

So if one wants to, by this bill, have some pressure exerted on the House, the Senate, and the President, it would be in the language closer to that that's contained in the underlying bill—

Mr. WALZ of Minnesota. Will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. DANIEL E. LUNGREN of California. Upon which you can make an argument it is constitutional because it does not vary the pay given to either the President or the Congress, which—

Mr. WALZ of Minnesota. Will the gentleman from Georgia yield?

Mr. WOODALL. I would like to let my chairman finish.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I believe regular order is to not interrupt one at the time that they are making the argument. Maybe it is because it is difficult to hear the words of the White House about the unconstitutionality of that which the gentleman brings to the floor.

If anyone wants us to act in vain, it is the gentleman on the other side who has presented this motion to recommit because it is, under any view, any view, unconstitutional. It violates the very terms of the Constitution with respect to the President and with respect to Members of Congress. So if you want to exert any influence on Members, if you believe this is the way to do it, you would accept the language that's in the underlying bill which does not attack directly the words of the Constitution.

I do not find it funny. I find it tragic that on this floor—we just heard the great arguments from the other side of the aisle about observing the Constitution. And then they come to the floor and give us something which the White House says in its email to me is "patently unconstitutional," not may be unconstitutional, not perhaps unconstitutional, not arguably unconstitutional, but "patently unconstitutional."

So the gentleman has presented us the kind of, I guess, shell game we talk about where it looks good when it's presented to you but, by sleight of hand, it makes sure that it has no impact whatsoever.

The gentleman says, well, it will go right to the President. That is not true. This is not the bill sent over to us. It's the same language, so it does not go right to the President, number one. Number two, unless the President is sending me misinformation via his

messenger, the President's position is it's patently unconstitutional. The DOJ's position, his Department of Justice says that it is patently unconstitutional.

So I guess the gentleman is arguing to us, send it to the President so that he may commit a patently unconstitutional act.

Now, I may have disagreements with the President, but I have no evidence whatsoever that the President is waiting with bated breath over at the White House for us to send something to him so that he can do an unconstitutional act. Perhaps the gentleman believes that is the position he wants to put the President in. And even though I have great disagreement with this President, frankly, I don't think that is an appropriate thing to do.

So I would argue to my colleagues, reject this unanimously, because it is really something which doesn't pass the truth in labeling act; and more than that, it violates the Constitution on its very words. It's almost an attempt to directly violate the Constitution. You couldn't have written it better to violate the Constitution, but somehow the gentleman has achieved that high honor.

Mr. WALZ of Minnesota. Will the gentleman yield?

Mr. WOODALL. Madam Speaker, I would say that I may be a freshman, but I know it cannot be said any better than that.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. WALZ of Minnesota. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 188, nays 237, not voting 7, as follows:

[Roll No. 223]

YEAS—188

Ackerman	Brady (PA)	Clarke (NY)
Altmore	Braley (IA)	Clay
Andrews	Brown (FL)	Cleaver
Baca	Butterfield	Clyburn
Baldwin	Capps	Cohen
Barrow	Capuano	Connolly (VA)
Bass (CA)	Cardoza	Conyers
Becerra	Carnahan	Cooper
Berkley	Carney	Costa
Berman	Carson (IN)	Costello
Bishop (GA)	Castor (FL)	Courtney
Bishop (NY)	Chandler	Critz
Blumener	Chu	Crowley
Boren	Cicilline	Cuellar
Boswell	Clarke (MI)	Cummings

Davis (CA)	Kissell
Davis (IL)	Kucinich
DeFazio	Langevin
DeGette	Larsen (WA)
DeLauro	Larson (CT)
Deutch	Lee (CA)
Dicks	Levin
Dingell	Lewis (GA)
Doggett	Lipinski
Donnelly (IN)	Loeb sack
Doyle	Lofgren, Zoe
Edwards	Lowe y
Ellison	Lujan
Engel	Lynch
Eshoo	Maloney
Farr	Markey
Fattah	Matheson
Filner	Matsui
Frank (MA)	McCarthy (NY)
Fudge	McCollum
Garamendi	McDermott
Gohmert	McGovern
Green, Al	McIntyre
Green, Gene	McNerney
Grijalva	Meeks
Gutierrez	Michaud
Hanabusa	Miller (NC)
Hastings (FL)	Moore
Heinrich	Moran
Higgins	Murphy (CT)
Himes	Nadler
Hinche y	Napolitano
Hinojosa	Neal
Hirono	Olver
Holden	Owens
Hoit	Pallone
Honda	Pascrell
Hoyer	Pastor (AZ)
Inslee	Payne
Israel	Pelosi
Jackson (IL)	Perlmutter
Jackson Lee	Peters
(TX)	Peterson
Johnson (GA)	Pingree (ME)
Johnson, E. B.	Polis
Kaptur	Price (NC)
Keating	Quigley
Kildee	Rahall
Kind	Rangel

NAYS—237

Adams	Crawford
Aderholt	Crenshaw
Akin	Culberson
Alexander	Davis (KY)
Amash	Denham
Austria	Dent
Bachmann	DesJarlais
Bachus	Diaz-Balart
Barletta	Dold
Bartlett	Dreier
Bass (NH)	Duffy
Benish ek	Duncan (SC)
Berg	Duncan (TN)
Biggett	Ellmers
Bilbray	Emerson
Bilirakis	Farenthold
Bishop (UT)	Fincher
Black	Fitzpatrick
Blackburn	Flake
Bonner	Fleischmann
Bono Mack	Fleming
Boustany	Flores
Brady (TX)	Forbes
Brooks	Portenberry
Broun (GA)	Fox x
Buchanan	Franks (AZ)
Bucshon	Gallegly
Buerkle	Gardner
Burgess	Garrett
Burton (IN)	Gerlach
Calvert	Gibbs
Camp	Gibson
Canseco	Gingrey (GA)
Cantor	Gonzalez
Capito	Goodlatte
Carter	Gosar
Cassidy	Gowdy
Chabot	Granger
Carson (IN)	Graves (GA)
Castor (FL)	Graves (MO)
Courtney	Griffin (AR)
Critz	Griffith (VA)
Crowley	Grimm
Cuellar	Guinta
Cummings	

Reyes	Lummis
Richardson	Lungren, Daniel
Richmond	E.
Ross (AR)	Mack
Rothman (NJ)	Manzullo
Roybal-Allard	Marchant
Ruppersberger	Marino
Rush	McCarthy (CA)
Ryan (OH)	McCaul
Sanchez, Linda	McClintock
T.	McCotter
Sanchez, Loretta	McHenry
Sarbanes	McKeon
Schakowsky	McKinley
Schiff	McMorris
Schrader	Rodgers
Schwartz	Meehan
Scott (VA)	Mica
Scott, David	Miller (FL)
Serrano	Miller (MI)
Sewell	Miller, Gary
Sherman	Mulvaney
Shuler	Murphy (PA)
Sires	Myrick
Slaughter	Neugebauer
Speier	Noem
Stark	Nugent
Sutton	Nunes
Thompson (CA)	Nunnelee
Thompson (MS)	Olson
Tierney	Palazzo
Tonko	Paul
Towns	Paulsen
Tsongas	Pearce
Van Hollen	Pence
Velázquez	Petri
Walz (MN)	
Wasserman	Barton (TX)
Schultz	Campbell
Waters	Frelinghuysen
Watt	
Waxman	
Weiner	
Welch	
Wilson (FL)	
Woolsey	
Wu	
Yarmuth	

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

NOT VOTING—7

Barton (TX)	Giffords	Visclosky
Campbell	Miller, George	
Frelinghuysen	Smith (WA)	

□ 1448

Messrs. BARROW, ROTHMAN of New Jersey, BLUMENAUER, NADLER, Ms. RICHARDSON, Messrs. PASCARELL, MEEKS, RUSH, and Ms. KAPTUR changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. WOODALL. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 202, answered “present” 1, not voting 8, as follows:

[Roll No. 224]

AYES—221

Adams	Black	Capito
Aderholt	Blackburn	Carter
Akin	Bonner	Cassidy
Alexander	Bono Mack	Chabot
Austria	Boustany	Coble
Bachmann	Brady (TX)	Coffman (CO)
Bachus	Brooks	Cole
Barletta	Broun (GA)	Conaway
Bartlett	Buchanan	Cravaack
Bass (NH)	Bucshon	Crawford
Benish ek	Buerkle	Crenshaw
Berg	Burton (IN)	Culberson
Biggett	Calvert	Davis (KY)
Bilbray	Camp	Denham
Bilirakis	Canseco	Dent
Bishop (UT)	Cantor	DesJarlais

Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert

Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
Rahall
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens

Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ribble
Richardson
Richmond
Rohrabacher
Ross (AR)
Rothman (NJ)
Meeks
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

The King Street Patriots started the True the Vote initiative in an attempt to uncover voter fraud in the greater Houston area. In their investigation they discovered unimagined levels of voter fraud, from vacant lots with registered voters to election judges helping voters with their ballots.

This is a movement made up of ordinary citizens who realize that voter fraud is one of the most egregious offenses under our Constitution. The King Street Patriots are now lobbying the Texas legislature to strengthen election laws and prevent future abuses.

Free and fair elections are essential to our democracy, and the King Street Patriots have shown an impressive commitment to civic duty, and I applaud their efforts.

□ 1500

YUCCA MOUNTAIN

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

Ms. BERKLEY. I rise today to reject Republican calls for an investigation into the decision to end Yucca Mountain. Let me save this Republican Congress a lot of time and a lot of money. President Obama put a stop to Yucca Mountain because it is too dangerous a site to store radioactive nuclear waste. This is a political stunt with one goal—turning my home State of Nevada into a nuclear garbage dump. Those pushing this review are lying about the dump safety. They know Yucca Mountain is smack in the middle of an earthquake zone. There's volcanic activity. There's groundwater issues.

Have we learned nothing about what is happening now in Japan? We ought to be demanding that the nuclear power plants act now to secure nuclear waste in dry-cask storage. Dry-cask storage will increase public safety now. Investigating Yucca Mountain will only increase the danger and waste money. Shame on the nuclear industry and its allies for being more interested in protecting their profits than in protecting public safety.

That is why, even in the face of one of the world's worst nuclear disasters unfolding now in Japan, the nuclear industry and its "nuked-up" buddies in the United States Congress are playing partisan games with nuclear waste.

DELAY, DELAY, DELAY

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

Mr. POE of Texas. Mr. Speaker, delay, delay, delay is the administration's energy plan. The Keystone XL Pipeline project would bring 700,000 barrels of oil a day from Alberta, Canada, to refineries in southeast Texas.

ANSWERED "PRESENT"—1

Farenthold

NOT VOTING—8

Barton (TX)
Campbell
Frelinghuysen

Giffords
Green, Gene
Miller, George

Smith (WA)
Visclosky

□ 1455

Mr. WU changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 224, had I been present, I would have voted "no."

HOUSE OF MEETING ON MONDAY, APRIL 4, 2011

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

COMMENDING THE KING STREET PATRIOTS

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

Mr. OLSON. Mr. Speaker, I rise today to commend the King Street Patriots, a Houston political watchdog group, for being given the esteemed Ronald Reagan Award at the February meeting of the Conservative Political Action Conference.

NOES—202

Ackerman
Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay

Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi

Gohmert
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)

This would provide more energy for America, but the President has had it for over 2 years and can't make up his mind on whether to approve the project or not.

The State Department, the EPA, and a bunch of out-of-towners have stonewalled the project on alleged environmental grounds. Pipelines are the most cost-effective and the most environmentally sound way to transport oil and natural gas. Oil must reach the refineries some way. We can either import oil through a safe and reliable pipeline from our friends and neighborhoods, the Canadians, or rely on risky tankers coming from unstable Middle Eastern countries and dictators.

Even the EPA should be able to figure this out, after 2 years of delay. Gasoline is nearly \$4 a gallon. The administration needs to be realistic and approve this pipeline immediately. It's about time we start laying pipe.

And that's just the way it is.

TIME FOR A CEASE FIRE

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

Ms. JACKSON LEE of Texas. It's time to cease fire and sit down and negotiate. One would believe that I'm speaking about the conflict in the Mid East and about Libya. What I'm really speaking about is the Governor of the State of Texas and the challenge that we have of ensuring that \$830 million comes back to the State of Texas for our school children.

Earlier today, I had the privilege of speaking to a group of students from Spelman College, an Historically Black College, and I told them their greatest contribution can be to go into the elementary schools and the secondary schools and talk to them about the value of education. We can't see America lose its excellence in education, see children in 60-person classes, teachers thrown out in the street. We need the \$830 million in the State of Texas.

Let's resolve our differences. Let's give a commitment to the Secretary of Education that you will use these dollars for education only. Parents and teachers and students and those who are committed to educating our children, the best and the brightest, deserve that kind of commitment.

What is America great for? It's great because we've given the opportunity of education to all people. Texas, it's time to cease fire. Sit down, negotiate, and receive \$830 million Federal dollars on behalf of the children of Texas.

TAXPAYERS AGAIN FOOTING THE BILL

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

Mr. STEARNS. Mr. Speaker, I just finished a hearing as chairman of the Oversight and Investigations Committee, and we had the administration up to talk about some of the programs that they're handing out money on; and one of them is giving out money to large corporations and to unions for early retirement of the employees of for-profit corporations.

So think about this. The United States Government is giving millions of dollars. In fact, they gave United Auto Workers \$260 million towards their plan for early retirement for their workers.

Now, when you think about it, these are corporations and unions and entities around this country who've actually settled in with a contract with their employees. Yet the government is stepping in and giving them money to help them so they can get to 2014. And they're running out of money. Obviously, they will run out of money if they give free money to these corporations. They're going to accept it. And in the end, taxpayers are going to foot the bill.

In light of the fact we're losing \$4 billion a day, why should taxpayers be giving out almost \$5 billion to corporations that are very profitable to help their employees retire?

HONORING DR. BETH DUPREE

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

Mr. FITZPATRICK. I rise today to honor Dr. Beth DuPree, an oncologist and breast cancer surgeon from Bucks County. Dr. DuPree's care and compassion for her patients extend far beyond the operating room. I'm honored to this evening attend a ceremony in honor of Dr. DuPree and her many accomplishments as doctor, civic leader, and humanitarian.

Beth founded and leads a group called The Healing Consciousness Foundation that provides valuable support services to anyone battling breast cancer and in need of support. Psychiatric services, exercise programs, diet coaching, or simply a shoulder to lean on are all provided through The Healing Consciousness Foundation. These are services which insurance and government programs do not provide, but which can be just as critical to a recovery.

Through her dedication and her hard work, as well as the sense of social responsibility that she instills in others to hear the calling to serve, Beth has made the mission of The Healing Consciousness Foundation, "Turning survivors into thrivers," truly a reality.

WHITE RIBBON CAMPAIGN

The SPEAKER pro tempore (Mr. POMPEO). Under the Speaker's announced policy of January 5, 2011, the

gentlewoman from New York (Ms. BUERKLE) is recognized for 60 minutes as the designee of the majority leader.

Ms. BUERKLE. Mr. Speaker, today I rise to speak about two of the most significant issues facing our society today—the twin scourges of domestic violence and sexual abuse. Our society has a moral obligation to stand up against those who exploit their power to commit violence against women, men, and children. I join other Members here today in taking the opportunity to discuss these issues and participate in the White Ribbon Campaign.

On Tuesday of this past week, March 22, in Syracuse, New York, the president of SUNY Upstate Medical University, Dr. David Smith, chaired a breakfast. It was the kickoff to the White Ribbon Campaign, a campaign that is to draw attention to and focus on, raise awareness of, domestic violence and sexual abuse. The White Ribbon Campaign is an international campaign, participating probably across 55 countries.

Later in the week, on Friday, again Dr. Smith led a group of men in a march raising awareness for domestic violence. They marched in women's shoes down the main street in Syracuse, New York. Again, "walk a mile in their shoes," raising awareness, raising the consciousness of domestic violence and sexual abuse, these issues that face our society today. The international campaign has probably 55 countries and involves a general public education focused on preventing domestic violence.

Many of my fellow Members this past week have been wearing white ribbons for our commitment to putting the spotlight on domestic violence. Wearing the white ribbon speaks to our personal pledge to never commit, condone, or remain silent about violence against women and children. The white ribbons were sponsored by Vera House. Vera House was formed in 1977 in Syracuse, New York, by Sister Mary Vera because Sister Mary Vera recognized the need for emergency shelters for women.

□ 1510

She developed and expanded her services. Now, today, Vera House has merged with the Rape Crisis Center, and they serve the needs of so many women, men and children who have been abused. Again, the whole White Ribbon Campaign is to raise public awareness of domestic violence.

At this time, I yield to the gentlewoman from North Carolina, Representative RENEE ELLMERS.

Mrs. ELLMERS. Thank you.

Mr. Speaker, I rise today to thank my colleague and friend from New York and to point out the fact that, over the years, she has just been a tireless, dedicated supporter of women's issues, family issues, and of giving her

voluntary support of legal services to facilities that provide domestic violence havens in New York. She is a strong advocate for the White Ribbon Campaign, and I am proud to stand with her today in support of ending violence against women.

We show our support today by wearing these white ribbons that represent a pledge to never commit, condone, or to remain silent about violence against women and girls. So let's start this discussion by defining the different forms of violence against women.

Domestic violence occurs when one person in an intimate relationship uses a pattern of controlling assaultive behavior to abuse, threaten, harass, and intimidate the other partner. This violence comes in many forms. In its simplest terms, it is emotional abuse; name-calling; playing mind games; put-downs; threats—they can be physical or emotional—intimidation; using looks; smashing things; loud voices or actions to put you in fear of what might happen; isolation; controlling where you go, what you do, what you see; driving away friends and family; and of course sexual abuse and the use of children: making you feel guilty about the children, using custody or visitation to harass you.

None of these forms of abuse are acceptable, and part of the White Ribbon Campaign's objective is to bring these issues to light. The bottom line here is that there are men in this country who want to protect the women they love. Through the White Ribbon Campaign, they are speaking out against these atrocities that take place. They are educating and calling on their fellow man to stop the violence.

While we are taking a moment today to bring this important issue to light, I want to take a moment to commend the many facilities in my congressional district that are helping to provide a safe place for women but that are also working toward bringing families back together by working through the violence issues.

S.A.F.E. of Harnett County is a private, nonprofit organization whose mission is to provide safety and to serve as an advocate for sexual assault and domestic violence victims, survivors, and their families.

In Chatham County, North Carolina, the Family Violence and Rape Crisis Services has helped numerous people through effective programming. One victim said, "The pieces of the puzzle are coming together. The Family Violence and Rape Crisis Service has given me the strength to be who I was supposed to be on my own."

In Johnston County, Safe Harbor is another private, nonprofit agency that was created in 1984 with \$500 and a donated phone line. This agency served around 3,000 victims in 2009.

There are numerous other facilities in my congressional district that are

also doing good work toward stemming the tide of domestic violence. I want to commend them for their hard work and dedication to the downtrodden.

As I close today, I also want to commend the men who support the White Ribbon Campaign. I applaud them for rising up and for reaching out to educate. It takes a strong man to take this kind of action.

Ms. BUERKLE. I thank the gentlewoman from North Carolina for her kind comments and for putting attention on the Rape Crisis Centers and all of these centers which have dealt with this, because today, while we rise and we stand to call and bring to consciousness domestic violence, this is also a wonderful opportunity to thank the hundreds of thousands of people who volunteer in these shelters, who work for these agencies, who provide a safe haven for the women, the men and the children who are abused—for the victims of domestic violence.

My colleague talked about what these centers do. Vera House, the agency that I stand today to represent and to talk about, has expanded their services these days to outreach, advocacy, education, and children's counseling. Children, as you heard from my colleague, are often the victims of domestic violence between spouses. They are the ones who suffer. Vera House offers counseling to these children. Most importantly, Vera House provides violence education for the perpetrators. If we are going to change behaviors, we have got to educate and to retrain the way the perpetrators think.

GENERAL LEAVE

Ms. BUERKLE. Mr. Speaker, at this time, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of domestic violence and sexual assault.

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

There was no objection.

Ms. BUERKLE. Mr. Speaker, for over 14 years, I have worked at Vera House as a pro bono legal volunteer. The Women's Bar Association in Syracuse, New York, put together a program where all attorneys, male and female, go through training to begin to address the needs of the victims of domestic violence. Through those 14 years, I began to get an up-close, clear understanding of the issue of domestic violence. The fact is that domestic violence transcends socioeconomic; it transcends race. Domestic violence is an issue that everyone faces. It crosses racial lines; it crosses economic lines; it crosses social lines.

I recall one of my meetings with a woman whose husband was well-known in the media in our town. You would never suspect. You would never think that she would be a victim of domestic

violence—educated, with financial means. Yet she was a victim. This is the pervasiveness of sexual assault and domestic violence.

At this time, I yield to my esteemed colleague, Judge POE.

Mr. POE of Texas. I thank the gentlelady for yielding time, and I appreciate the work she has done on this issue and for bringing it to the House's attention today during this Special Order.

Domestic violence, as you said, affects the entire country—all races, all economic groups. No one is exempt from this dastardly deed. It's my honor to serve as chairman of the Victims' Rights Caucus. It's a bipartisan caucus. Congressman JIM COSTA is the co-chair. We hope to help promote the concept that victims are people, too, that they have rights, and that the same Constitution that protects defendants protects the rights of victims as well. I appreciate the gentlelady for being a member of that caucus.

In my other life, before I came to Congress, I'd spent most of my time at the courthouse in Houston for 30 years. I was a prosecutor and a criminal court judge, hearing criminal cases, and I saw a lot of people come down there. A lot of people were down there because they had committed crimes against their families. We need to understand that when you hurt someone in your family, it is not a family problem only—it is a criminal problem—and society must get to the point where we believe that it is socially unacceptable to commit crimes in the family.

Probably the most important person in my life when I was growing up was my grandmother. She never forgave me for being a Republican; she always considered herself a Democrat, God bless her. But one thing she said that was true was that you never hurt somebody you claim you love, and that's an absolute truth.

□ 1520

People who claim they love somebody and then physically or emotionally or verbally abuse them are wrong and should be treated accordingly and held accountable for that conduct. It is very important that we recognize that domestic violence is a true issue, and we also need to understand as a culture and as a community that when a person is the victim of domestic violence that it's not their fault. They are the victim.

The offender, in most cases the husband, they are not the victim. The spouse is the victim, the wife, and defendants and husbands who commit those crimes can't use excuses and try to portray themselves as the one being the victim. The offenders should be held accountable, and victims need to understand society and the law are on their side.

Many victims of spousal abuse and domestic violence, they don't report it.

They don't want the neighbors to know. They don't want the community to know. They feel like they're beaten down physically and emotionally, and sometimes they think it is their fault. It's not their fault. It's always the offender's fault.

And so we as a culture, as a community, in this country, whether we're from New York or from Texas, we need to let people know that if they are a victim of crime, if there is a lady that is abused by her husband, that society comes to her rescue and helps in any way we can and to make sure we have a safe haven for them to go to if necessary and that we make sure that it's financed so that the wife does not feel like "I have no place to go because I can't afford anyplace," and so she stays in that abusive relationship, and sometimes it ends in worse tragedy.

Lastly, I'd like to talk about a very favorite person of mine who lives not far from here. Yvette Cade is just a regular person who lives in Maryland, and a few years ago she was trying to separate and divorce from her husband. A judge refused to grant her a restraining order, refused to grant a restraining order that she requested to keep her spouse away from her until all of the divorce had been worked out, and because the restraining order wasn't extended, her spouse went into a video store where she was working, carrying a jar of gasoline, and poured it over Yvette Cade's head and set that woman, that wonderful lady, on fire.

Now, because of a person in the store who helped put out that fire that this spouse had committed against Yvette Cade, she survived. And it's things like that that we as a culture need to hold these culprits accountable for these crimes against people in their family, and we need to take wonderful ladies like Yvette Cade and make sure we treat them with tender care and make sure we have compassion on them to prevent any further damage to them physically, emotionally, and also prevent the consequences that other people may choose to commit against spouses in their own family.

It is important that we continue to preach this word throughout the country that spousal abuse is something we're going to deal with as a Nation.

I thank the gentlelady for yielding.

Ms. BUERKLE. I thank my esteemed colleague from Texas for his kind comments, and I thank all of the gentlemen who have the courage to stand up and call awareness to the issue of domestic violence, who stand against the violence against women, men, and children.

Domestic violence is known by many names: domestic abuse, spousal abuse, family violence, intimate partner violence. It also takes many forms, from physical violence involving small things such as hitting or kicking, biting, shoving, or restraining. It can be

emotional or it can be verbal, which manifests in many types of behavior: controlling, domineering, threatening, or humiliating. And we as a society have an obligation to raise the awareness of domestic violence so that women know, just as my esteemed colleague was talking about, it's not their fault. It is the fault of the perpetrator, whether that perpetrator is male or female, and that is the person who should be held accountable, not the victim.

It can also be economic abuse in which the abuser controls the victim's money, and this abuse we often see with the elderly. Another issue that we need to raise society's consciousness about, the issues of elder abuse.

Tragically, domestic violence is not a rare phenomenon, Mr. Speaker. The Centers for Disease Control estimate that domestic violence is a public health problem affecting over 32 million Americans, or 10 percent of the population. This is a tragedy of national proportion that society, again, we must raise up the consciousness of this horrific issue.

The effects of domestic violence are staggering. Physical abuse can be bruises, broken bones, head injuries, lacerations, but those are just the external physical wounds. Internal bleeding, chronic health conditions such as arthritis, irritable bowel syndrome, ulcers, migraines, miscarriages can also be linked to physical abuses that victims sustain.

But there are other effects as well. Many victims experience anxiety, stress, fear, guilt, depression, guilt that what is happening to them is their fault. Again, we have to raise the awareness and raise the consciousness of society that it is the perpetrator's fault, not the victim's.

Abused victims also frequently manifest a condition we think of relative to our veterans: posttraumatic stress disorder. Victims with conditions have flashbacks, nightmares, or exaggerated responses.

The effects of abuse can also be financial. Many victims courageously leave their abusers but often lack the education, the skills, and the resources to find gainful employment to care for themselves and any children they might have.

Mr. Speaker, I can recall sitting with women who are helpless. They sit across the table from you, and they are helpless because they don't know what to do. They don't know how to get out of the situation. They don't understand that there is help and that society is willing to step up and provide safe haven for them and for their children.

I spoke to a prosecutor who had a program that would go after deadbeat dads and go after the support so that women would be able to leave, be safe, and get support in order to support their children. I think that our society

is coming around. We have wonderful organizations like Vera House, but we in this House must work hard. We must continue to raise awareness about these issues.

The other societal scourge I referenced in my opening remark is sexual assault. Sexual assault is, simply put, any unwanted contact of a sexual nature. It does not matter if the victim is on a date or drinking when it occurs. It's never okay to force sexual contact on you against your will.

Again, it's raising the awareness. It's letting society know, the vulnerable know, that it's not your fault and that you don't have to withstand these abuses.

Like domestic abuse, sexual assault knows no privileged class immune to its ravages. Men, women, children, all ages, all races, all religions, and ethnicities are victims. The effects are often similar to the victims of domestic abuse, and the effects can be especially troubling for children and men.

I serve on the Veterans' Affairs Committee, and I am passionate about veterans' issues. It is a committee that is bipartisan. It's a committee that works together because we all understand, we all understand the service and the sacrifice of our men and women in the military. I am the daughter and sister of veterans and believe that we owe a debt of gratitude to our men and women in uniform, but part of that debt extends to making sure that we don't turn a blind eye to sexual assault of women and men in our armed services.

We have much to do, but I applaud the U.S. Air Force's recognition that sexual assault against both male and female airmen is a serious problem that needs a systemic solution. And while the Air Force has emphasized sexual assault prevention in responses for several years, they acknowledge that sexual assault is still a problem in the Air Force, as it is for our military services. In the Air Force's own words, Sexual assault continues to burden our airmen and degrade our mission effectiveness. Sexual assault is a crime and there is no place for this or this behavior in our Air Force. We must demand better of ourselves and of society.

□ 1530

Consequently, they contracted with Gallup to conduct an anonymous poll about sexual assault in the Air Force. The findings were, to put it mildly, disturbing. The results of the survey in the 12 months prior were that 2,143 women and 1,355 men reported that they had been sexually assaulted, with the majority of female victims reporting that their assailant was a fellow airmen. Even one victim is one too many.

Sadly, it is unrealistic to think that our Armed Forces would be immune to the kinds of problems endemic in our

society. We must engage as men, women, moms, dads, community leaders, airmen, soldiers, marines, sailors, and guardsmen; churches, synagogues, mosques, youth centers, sports teams, schools, colleges. The list goes on. It will take all aspects of society to change a culture that increasingly devalues human life.

I believe, Mr. Speaker, that we are created in the image of God and that for each of us, He has a purpose in our lives. No woman should ever, ever have to fear for the safety of her unborn child because of an abusive husband. No child should ever dread going to bed because of a parent who is molesting her. And no man should be raped because justice turned a blind eye to prison rape.

I have six children and 11 grandchildren, Mr. Speaker, and as a parent and a grandparent, I think about the lessons I have tried to teach to each of them. Some of those lessons were very successful, some less so, but I taught my kids to help others. Helping others includes living up to the pledge I mentioned earlier, that I am making by wearing that white ribbon: I will not commit, condone, or remain silent about violence against women, men, or children. And I commend the other Members of this body for the white ribbons that they courageously wore to, again, raise the awareness of domestic violence and sexual assaults.

We have a serious problem in front of us, Mr. Speaker, in every community in America, but I have hope. America is an amazing country, and I am so privileged to be an American, to be free. I believe that the greatness of this country is a reflection of both the greatness of our founding and the greatness of our people. We are up to and equal to the task of fighting domestic violence and sexual assault if we put our American minds and our American spirits to it.

So, today, as I stand before you, Mr. Speaker, again, to call attention to the scourge of domestic violence and sexual abuse, it's, at the same time, celebrating the wonderful agencies and shelters and volunteers and people who have stepped forth who are willing to take this issue on, who are willing to address it, who are willing to help the victims of sexual assault and domestic violence. We are blessed by their service, by their commitment to society, by their appreciation of the value of human life and their desire to help those who need that help.

Mr. Speaker, I thank the House for the ability to be able to call attention to these issues.

At this time, I want to say to Vera House in Syracuse, as well as all of the shelters and all of the agencies throughout this country, thank you for your service. Thank you for what you do for the victims of domestic violence and sexual assaults.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is prepared to recognize a minority Member at this time.

KEEPING THE GOVERNMENT FUNCTIONING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is a privilege to address you here on the floor of the House of Representatives and to once again bring a case before you that I believe will be overheard in an effective way by the American people and responded to you by, of course, your good judicial and prudential judgment.

I came here to the floor to talk about a number of things. I should always bring up the number one thing that is on my mind first. And I know that it's impossible for me to exhaust the subject, but I have given it a significant endeavor over the last year and a half. And now, as things move towards a head, with the continuing resolution negotiations and debate that is taking place and the major decisions that will be formed over the weekend by the leadership in the House and in the Senate in consultation, presumably, with the White House, we expect to see some kind of a proposal come before one or both Chambers next week before the clock ticks down on the continuing resolution that is temporarily funding this government in a piece of shell appropriations that should have never have happened. But that's a subject matter perhaps outside of what I should bring up today, and we should focus on the issues at hand, and they are this:

There was a strong pledge that was made that if Republicans win the majority, Mr. Speaker, that we would cut \$100 billion out of this fiscal year's budget. I will submit that, recognizing that we were 5 months into this fiscal year before we had an opportunity to begin that process, that calculates out to be about \$61.5 billion if you annualized \$100 billion. Even though the initially proposed continuing resolution did not include those kinds of cuts, there was an intense debate here in this Congress driven by the 87 freshmen Republicans to get that number up to a number that was either \$100 billion or \$100 billion if you calculated it on an annualized basis.

We did come together on that number, and this House did pass H.R. 1, which included in it \$61.5 billion worth of cuts out of fiscal year 2011, even though, let me say, the function of the House was not functional during the last 2 or 3 years at least of Speaker PELOSI's time, and there was no appropriations process that one could bring

forward, and there was no budget that was brought forward and, therefore, government was being run on stopgap measures of continuing resolutions.

During the lame duck session—the lame duck session being the period of time when Congress comes together to meet after an election. I have said that lame duck sessions should only be to take care of the urgent issues that need to be handled before the new Members of Congress can be sworn in. The old Congress, at least in theory, is delegitimized by the elections that take place. Last year, it was on November 2. They no longer represent the will of the American people. That has been reflected in the election results all across the land. And this House was designed to be a quick reaction strike force to be responsive to the American people.

So our Founding Fathers put it within the Constitution, never amended out, that House Members are up for election every 2 years. And every 10 years there will be a census, and that census is designed then to be used to redistrict the districts. And we have now agreed that 435 is the maximum number of House Members. And as the population moves and as the population grows, every 10 years, we reset the congressional districts to as accurately as possible reflect the new population distribution in America. That goes on, along with every 2 years, there is an election.

So the elections have two purposes. Every 10 years, it is to reflect the population change; and every 2 years, including that 10-year census year election, which comes up in 2012, it's the quick reaction response to the will of the American people. Because our Founding Fathers understood that, if you put people in this office and let them have tenure for life like we are hearing about in States like Wisconsin or Ohio what tenure does to a person's due diligence, then there would be people that would sit here forever and never be responsible to the American people.

□ 1540

They recognize if they would set the Senate up in 6-year election cycles that the Senate wouldn't be accountable within a short period of time, not within 2 years or 4 years, but in 6 years. That was intentionally so the Senators would be more inclined to make long-term visionary decisions, and House Members could come in as the shock troops, so to speak, to bring the quick reaction if the Congress got out of sync with the people.

Well, it's pretty clear, Mr. Speaker, that the Congress got out of sync with the people last year. Actually, they began to get out of sync with the people well before that, more than 4 years ago.

But when President Obama came in he had huge majorities to work with in

the House under NANCY PELOSI as Speaker and in the Senate with HARRY REID as leader, even to the extent that they had a massive majority in the House of Representatives, and they had a filibuster-proof majority in the United States Senate. And so they felt their oats, so to speak.

And their ideology, drove them, I think, to—maybe they didn't know it. I think some of them knew it, and I believe the Blue Dogs that were in this House of Representatives that lost their elections last November knew it. They knew they were walking the plank. They knew they were going down into political Davy Jones' locker if they voted for ObamaCare. But they did, because of leverage, because of legislative shenanigans, because—and I'll say it, Mr. Speaker, that to understand this, that ObamaCare, for a long time here in the House of Representatives, was H.R. 3200, a bill that came through the Energy and Commerce Committee in a fashion that was, at least envisioned, to be a functional fashion through our Constitution and by our Founding Fathers. But it came through, and there were long, long debates in committee, but H.R. 3200, which was the product of the House, didn't make it to the floor for a vote. What came to the floor for a vote under ObamaCare was a bill that was written in Speaker PELOSI's office of 2,600 or so pages, plus or minus 100. It depends on the font type. But 2,600 or so pages of a bill that no, not one person had an opportunity to read it all before it came to the floor for a vote. And as much as it was studied by many, there are quite a few Americans now that have read it all.

But, Mr. Speaker, I'll submit this, that it has so many convoluted contraptions within it, that there isn't a single person on the planet, no matter how intellectual they might be, no matter how much experience they might have, there's not one person that has the capability of reading the ObamaCare bill and understanding all of the activities of that bill where it references other sections of the code and you have to read it and switch back and forth, zigzag in and out of existing code and look at the ObamaCare piece of legislation and, at the same time, understand the implications to Americans. It's one thing to understand what a bill does technically, and it's another to understand how people have to live underneath that legislation. So H.R. 3200 kicked off to the side. The product of the actual committee didn't come to the floor. The product of the Speaker's office, her staff, many of them young, junior people writing up a bill that they thought was right for America, dumped down on us here to be on a short period of debate and a vote be passed by the House, and could not and would not have passed the House the day it was

brought to the floor for a vote except for a couple of little promises. One of those promises was that the Senate would pass a reconciliation package, which put other pieces into it in order to avoid the filibuster rule in the Senate. So in order to get that done, they had to bring some things that couldn't get passed under the filibuster rule in the Senate, write them up in a separate bill. Well, somehow that bill couldn't have been amended to the one here on the floor because that wouldn't have passed. And furthermore, the ObamaCare bill that was written in NANCY PELOSI's office couldn't have passed here on the floor because Bart Stupak had a dozen Democrats that locked up with the Republicans and said, we aren't going to vote for a bill that funds abortion. NANCY PELOSI wrote a bill that funds abortion. HARRY REID wrote a reconciliation package that they promised to send over to the House that did the things that his Senators needed to have happen and that House Members needed to have happen, and the piece of ObamaCare that was written by NANCY PELOSI that funds abortion was going to satisfy the Stupak dozen if the President signed an Executive order that amended the legislation that was before the House.

Now, Mr. Speaker, I wouldn't expect every American to be completely understanding this convoluted process. In fact, I'd expect most of them to be very confused about this. This was designed to be a confusing process. And the idea, the very idea that the President of the United States would take an oath of office to preserve, protect, and defend the Constitution of the United States, that everybody in this Chamber would do the same thing, and everybody in the Senate would do the same thing, and then believe somehow, all you have to do is read article I of the Constitution, and one can easily conclude that the President cannot amend a piece of legislation by signing an Executive order. He does not have the authority to do so. That is a constitutional violation.

And I have, in the very similar, if not exactly identical language that is in the Iowa Constitution, gone to court to prove exactly that when former Governor Vilsack thought that he could rewrite the code of Iowa by executive order. And the case of *King v. Vilsack* is in the books, Mr. Speaker, and the Court vacated the executive order of the Governor of the State of Iowa because he thought he could legislate by executive order. I said he couldn't. We went to court. The judge said he couldn't, and it's resolved in that issue, and the point is conceded by former Governor, now Secretary of Agriculture, Tom Vilsack.

That same tactic was used by the President of the United States, Barack Obama, when he signed an Executive order that was designed to amend the bill that was about to pass, actually he

signed it after the bill passed. And the bill that passed on the condition that the President would sign an Executive order to take care of the funding for abortion and that the Senate would pass a reconciliation package that fit the other needs.

Why couldn't we do this under what we call here regular order? Why couldn't we have a committee process that would work a bill through?

Well, they did, but NANCY PELOSI dropped that one in the trash, wrote her own. Why couldn't they allow the reconciliation package, if it had any merit, to be amended on to the ObamaCare legislation, even if it's the legislation that was written in Speaker PELOSI's office, and rejected that out of committee? Why couldn't that have been an amendment that could have been voted on up or down here in the House of Representatives attached to the same piece of legislation?

Why couldn't they have put the language of Barack Obama's Executive order that supposedly says the Federal Government's not going to fund abortion. Why couldn't they have put that into the bill too and had an honest debate on an honest piece of legislation? Why not?

Well, because it wasn't. Because they could not pass it under an honest process. It had to be a legislative shenanigans process. That's what we got.

And as that bill went to final passage that night, I got a little bit of sleep that night, not much. I drafted legislation to repeal ObamaCare. Probably at the same time, me not knowing it, Congresswoman MICHELE BACHMANN of Minnesota drafted legislation to repeal ObamaCare. We each got our legislation drafts down and they came to us shortly after 9 o'clock that morning, exactly the same 40 words, within 3 minutes of each other, that said we're going to—now, I'm going to do this a little bit in summary, but only 40 words—that this Congress would repeal the act of ObamaCare. And it references the two sections that are the components by number, by bill number, and the last words of that repeal bill is as if it had never been enacted.

So we introduced that legislation, actually separately. I joined on hers and she on mine, and we went to work to get signatures to move the repeal bill. That turned into a discharge petition with 173 signatures on it, and that would be throughout the summer and into the fall of last year that we were getting signatures on the discharge petition.

And Mr. Speaker, you will know that if there's 218 signatures, a majority of the House of Representatives on a discharge petition that represents a bill, that bill bypasses committee, and the Speaker can't block it, and it comes to the floor to be voted up or down without amendment. That's what a discharge petition does.

Well, it took us a long ways down the line of a commitment to repeal ObamaCare, and it was a tool that was used by several, and I'll say many candidates for Congress who now, some of them elected to this Congress, part of the 87 freshmen Republicans, all of whom ran on the repeal of ObamaCare. And I believe, and don't know this, and I've heard no exceptions, but I believe it's also likely that all of them ran on defunding ObamaCare, cutting the funding off, because we knew that a Republican majority here in the House could pass the repeal of ObamaCare, which we did in the second week here, under H.R. 2.

□ 1550

The second highest priority for Speaker BOEHNER was the repeal of ObamaCare. H.R. 1 was funding the government; H.R. 2 was repealing ObamaCare.

That legislation passed the House with a resounding solid bipartisan vote and went over to the Senate, where every Republican in the Senate voted to repeal ObamaCare.

We committed to cutting off the funding to ObamaCare, and that's the next step. And I said, since last July at least, to cut off all the funding to ObamaCare in every appropriations bill that comes out of the House of Representatives.

Well, H.R. 1 was the single piece of legislation where we had the maximum amount of leverage. That is the funding for the duration of the year for all of the functions of government.

We learned sometime last year that there were automatic appropriations deceptively, I believe, written into ObamaCare that are designed to create this perpetual money machine that funds the implementation of ObamaCare. Some call it mandatory spending. I do not. I call it automatic spending. There is automatic spending in ObamaCare written into it. And the number is still on my hand in Sarah Palin fashion, \$105.5 billion automatically appropriated, spent in an authorization bill completely outside of regular order of this Congress, with a handful of exceptions, in short term and few dollars. But in scope and in magnitude, no one has ever tried, no one has ever had the audacity to try to impose an automatic appropriation on this Congress that would be \$105 billion.

Some of that money goes beyond that. That is just 10 years. Some of it is appropriated, Mr. Speaker, in perpetuity; \$1 billion a year here and \$1 billion there that goes on every year that can't be stopped unless Congress goes in and shuts it off. And that is what we need to do, Mr. Speaker. We need to do this in every bill.

This continuing resolution that is before us now must include within it the language that cuts off the funding to

ObamaCare, the current and the previous, the language that cuts off the automatic spending in ObamaCare.

There is \$18.6 billion for fiscal year 2010, most of it not spent yet, that implements ObamaCare, \$18.6 billion of the \$105.5 billion, and there is another \$4.95 billion in 2011 that automatically appropriates to ObamaCare. That is \$23.6 billion, Mr. Speaker, that goes in to kick ObamaCare in. It has been found unconstitutional by two Federal courts, and it has been rejected by the American people who sent 87 freshmen Republicans here to repeal ObamaCare, and we are sitting here looking at \$23.6 billion in automatic spending. We are struggling to cut the budget by \$61.5 billion. Well, let's do that. But over here is \$23.6 billion in automatic spending that goes on.

And if, as I believe, HARRY REID is committed to shutting our government down—and by the way, the majority leader in the United States Senate speaks, I think, as a proxy for the President. What does the President want here? Well, he wants to delay, or he would be telling HARRY REID to pass something. And I believe HARRY REID wants to delay and then shut down.

They have convinced me that their intention all along was to shut down this government. That is why they agreed to a short-term continuing resolution until March 4, so they could posture themselves to be in a position to force a shutdown of the government. They think that they can blame it on Republicans, and then the public will punish Republicans at the polls.

Well, Mr. Speaker, I will submit that is not the way it is and not the way it will be now, because JOHN BOEHNER and ERIC CANTOR's leadership have demonstrated clearly that this majority in this Congress, the Speaker's office, the majority leader's office down the line have three times—H.R. 1, 2-week CR, 3-week CR—demonstrated there are the dollars for the legitimate functions of government. There are the dollars for it. We have provided it three times here, and three times the Senate hasn't moved on anything of their own initiative.

So they have convinced me that their goal all along was to shut down the government. And if I didn't believe that, all I had to do was listen to Senator SCHUMER or Howard Dean or some of the language coming out of Majority Leader REID. I am convinced that they are committed to shutting this government down.

If they do that, we need to say to them: Here are all the resources, again, and no money to implement ObamaCare.

If there is no money to implement ObamaCare but all the money that is necessary for other fiscally responsible, legitimate functions of government and they go in and shut this government down and point their fingers

at us, the American people will know differently. They will understand that it always was the strategy to shut the government down by the Democrats in the Senate, and the White House, and that we are committed to keeping it open. But we cannot be allowing the funding to go forward to an unconstitutional taking of American liberty, which is ObamaCare on its face.

It is unconstitutional in four different ways: It is irresponsible; it is unsustainable; it can't be funded; and we can't find the funds to fund it all. It is \$2.6 trillion in outlays in the first 10 years.

We must, Mr. Speaker, cut off the automatic funding to ObamaCare, and any funding going forward to ObamaCare let the courts decide. And we decide here in the House of Representatives to draw a line, draw a bright line and stand firm. That all needs to happen in that way.

And history tells us this, Mr. Speaker: That when there was a government shutdown, the argument last time was over spending, most of it within either Medicare or Medicaid. If my memory serves me correctly, it was over \$300 billion in cuts. Whether it would be a plus-up or a plus-down from that, you can't take a stand on a money figure. You can't say, I'm going to stand and fight on \$300 billion. But if they lower my cuts down to \$299 billion, I'm going to be a "no." Or, if they take it up to \$301 billion, I will be happier yet. You cannot stand on a principle that is a dollar figure, because whatever you pick it is always going to be on a sliding scale. It is not a principle.

We are standing on \$61.25 billion right now. Well, if they lower those cuts down to \$61 billion, do we say "no"? I think that the Democrats on the other side understand that. That is why they have floated this number of \$33 billion in cuts. They haven't said whether they were willing to accept it yet.

They got to \$33 billion in cuts this way: They took \$61.5 billion, divided it by two, and rounded it up to \$33 billion. That is how they arrived at the number. There isn't any question in my mind about that. And they want to be able to say, well, we met you halfway and a little more, so you should be happy that we are willing to compromise. To them, compromise is: Take the number, cut it in half, and then, if you can't get agreement, cut it in half again. And they call it compromise.

Well, I have said money itself is not a principle. You can't stand on something strongly unless you are standing on a principle. Well, a principle is an unconstitutional 2,600-page taking of American liberty, the nationalization of our skin and everything inside it called ObamaCare. That is a principle.

It is completely unsuitable for an American people that live with the liberty and freedom that God gave us,

that our Founding Fathers so well articulated in the Declaration and in the Constitution, that is part of our tradition, part of our history, and part of the inspiration for the entire globe to be knocking on the door wanting to come to the United States of America. Because of what? Liberty, Mr. Speaker, listed out in the Bill of Rights: Freedom of speech, religion, and the press. Freedom to peaceably assemble, and petition the government for redress of grievances. The Second Amendment, to keep and bear arms. The right to own property. Protection from double jeopardy. To be tried by a jury of your peers. The philosophy of Federalism that devolves the powers down to the States or the people respectively. All of this and going on. Equal protection under the law and the 14th Amendment. On and on and on.

These are the inspirations for a vigorous people, a people that have a belief and a common cause and a common culture, a cultural continuity of belief in our liberty.

And they would impose us, what? Socialized medicine? A Federal taking of our right to manage our own health care? And part of that management would be to buy a health insurance policy that is driven by the marketplace that people demand and want? That would have any of the bells and whistles that the market demands and have every bell and whistle that the market demands, and should not have mandates imposed on it by the Federal Government that are imposed within the States.

People should be able to buy their own health insurance policy across State lines. The protection for the monopolies of State health insurance companies is anti-market, it is anti-freedom. And John Shadegg's bill that he pushed so hard while he was here needs to be something that goes to the President's desk, that allows people to buy insurance across State lines; so that a young man 23 years old paying \$6,000 a year for a typical policy in New Jersey, laden with mandates, could instead go buy that typical policy in Kentucky for not \$6,000 but \$1,000. Doesn't that help our costs? Doesn't that get more people insured? Doesn't that do the right thing and protect people?

That is just one. I could take you down through a list of seven or eight or nine good solid Republican ideas, most, if not all, of which can come to this floor as standalone pieces of legislation and be sent over to the Senate, where HARRY REID would push them off his desk into the trash can. They wouldn't have the respect of going in his desk drawer.

□ 1600

Why? Because they are liberty oriented; they are free market oriented; they are constitutional; they are prin-

ciplined, and it gives people back their liberty.

But this country, the United States of America, this vigorous people that we are, we have a vitality that is unique. We have all of the vitality that comes from the rights that I have talked about. We have the vitality of the free enterprise system, which is the foundation of our economic system.

I would point out that there are flashcards that newly arriving immigrants, or those, I should say, that are studying for their citizenship test, mostly that is 5 years in, studying for their citizenship test, flashcards. On one side it will say, Who is the father of our country? You snap it over, it says, George Washington. Next card, Who emancipated the slaves? Snap that card over, Abraham Lincoln. Next card, What is the economic system of the United States of America? Free enterprise capitalism. That is an axiom of faith of the American people, that we are free to spend our money as we choose.

ObamaCare commandeers our paycheck, Mr. Speaker. It takes it over. And they say you must buy this health insurance policy that is approved or produced by the Federal Government, and if you don't do that, we are going to send the IRS in to punish you, to fine you. It is a punishment if you don't buy it.

If they can pass a law that requires you to buy a product that is produced or approved by the Federal Government, if they can commandeer 5 percent or 10 percent, or in many cases 25 or 40 or even 50 percent of your payroll to pay for a health insurance premium, if they can commandeer any part of your earnings and force you to buy something, the next step is they can commandeer your money to buy a General Motors car because their investment may not be doing so well, or a Chrysler. Or maybe you could buy some shares of Fannie Mae and Freddie Mac. They took that over, too, didn't they? Maybe they can force you to invest in the student loan program. They took that over, too, didn't they? They could force you to buy a certain kind of washing machine, a certain kind of shoes. And they can also force you, at that point, you have to buy so much diet pop instead of non-diet pop, so many ratios of carrots versus candy bars.

If they can commandeer 1 percent of your paycheck and force you to buy a product, they can commandeer 100 percent of your paycheck and force you to buy all products, to the point where you are enslaved by the Federal Government. How can that be constitutional for a free people?

Mr. Speaker, I will submit it is not and it cannot be, and that is why this House voted resoundingly to repeal ObamaCare. That is why every Republican here and in the Senate voted to

repeal ObamaCare. That is why we must cut off all funding to implement or enforce ObamaCare in every appropriations bill, and that is why they deceptively plugged into ObamaCare the automatic appropriations of \$105.5 billion, and that is why they front-loaded it with \$18.6 billion in the FY 2010 budget to intensively implement ObamaCare, and that is why there is another \$4.59 billion in this fiscal year. There is \$23.6 billion sitting there in the pot.

And think of this, Mr. Speaker. If they are successful in forcing a shutdown of this government, and while they are busily trying to point their fingers at those of us who provide the resources to keep it open, we would still see \$23.6 billion hard at work implementing ObamaCare. The lights could go off in Federal offices all over America because of a shutdown, but you could drive down and look at where the lights are on. Guess what? That is the \$23.6 billion still there, still implementing ObamaCare, like Santa's little elves, making sure we have socialized medicine before the lights come back on.

That is what we are faced with, Mr. Speaker. That is where we must draw a line. We must stand and do this fight. The fight is inevitable. So choose the ground when the army is the strongest and on the ground that we can stand and fight on, and that is this: Provide the resources for the legitimate functions of this government, not for the illegitimate functions of this government. And if the President of the United States working through his mouthpiece, HARRY REID, or directly brings about a shutdown, it will be about a bright line between all of the legitimate functions of government versus perhaps a legislative tantrum, an act of audacity and narcissism that his signature piece of legislation called ObamaCare means more to the President of the United States than all of the functions of government put together, Mr. Speaker.

For all those reasons, I say, this is the week to draw the line. This is the week to do the fight. This is the week to do the battle. We have to have it. We can't avoid it. Let's get it over with so we can get on with the legitimate functions of the United States Government.

TRIBUTE TO GERALDINE FERRARO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. ENGEL) is recognized for 30 minutes.

Mr. ENGEL. Mr. Speaker, I rise to pay tribute to a good friend and a former colleague who passed away this past week, a true trailblazer, former Congresswoman Geraldine Ferraro. She is one of the few people in history who can lay claim to being a first. She was

the first woman to be nominated for Vice President on a major ticket and also the first Italian American to achieve that honor. She was a leader, an advocate, a devoted public servant and beloved family member. I am also honored, most of all, to have been able to call her a friend.

The history that has unfolded after she stood on the stage in San Francisco in 1984 to accept her party's nomination for Vice President has happened thanks to her taking those first steps. I remember being there at the convention in San Francisco in 1984 and how proud we were that one of our own, a New Yorker, Gerry Ferraro, was being nominated as Vice President. At the same time, our Governor at the time, another New Yorker, Mario Cuomo, gave the keynote address at that convention.

Since that time, of course, another woman has appeared on the ballot of a major party for Vice President and another came within a handful of delegates of becoming the first Presidential nominee. Strong women in politics and business are not the exception any longer; they are mainstream. As Gerry declared in San Francisco, "I stand before you to proclaim tonight: America is the land where dreams can come true for all of us."

Gerry grew up, as I did, in New York City and went into teaching before going to law school, as I did, and grew up in the South Bronx as a young person, as I did as well. She headed the new Special Victims Bureau of the Queens County District Attorney's Office and was a Queens criminal prosecutor before being elected to the House of Representatives in 1978.

While serving in the House, she created a flex-time program for public employees which has become the basis of such programs in the private sector. She also successfully sponsored the Women's Economic Equality Act, which ended pension discrimination against women, provided job options for displaced homemakers, and enabled homemakers to open IRAs.

When I think of Gerry Ferraro, I think of her as a typical representative of the middle class in New York's outer boroughs. She had a certain kind of combination of street smarts and book smarts and a certain kind of sense and moxie, knowing how to get ahead and what to say.

We are all better off, no question, America is a better place, because of the accomplishments of Gerry Ferraro. Women from coast to coast are better off because of her. But all Americans, women or not, are better off because of what she did. She took those first steps in 1984 when she was nominated. Sixty-four years after women won the right to vote, a woman had removed the "men only" sign from the White House door.

I thought it would be good at this point to read some of the things that

The New York Times had mentioned about the highlights of Gerry Ferraro.

She was considered very ideal for television: a down-to-earth, streaked blond, peanut butter sandwich making mother whose personal story resonated powerfully. Brought up by a single mother who had crocheted beads on wedding dresses to send her daughter to good schools, Ms. Ferraro had waited until her own children were school-aged before going to work in the Queens District Attorney's Office.

In the 1984 race, many Americans found her breezy style refreshing. "What are you—crazy?" was one of her familiar expressions. She might break into a little dance behind the speaker's platform when she liked the introductory music.

Gerry Ferraro, Geraldine Anne Ferraro, was born on August 26, 1935, in the Hudson River city of Newburgh, New York, where she was the fourth child and only daughter of Dominick Ferraro, an Italian immigrant who owned a restaurant and a five-and-dime store, and the former Antonetta L. Corrieri. One brother died shortly after birth, and another, Gerard, died in an automobile accident when he was 3, 2 years before Geraldine was born.

□ 1610

Geraldine was born at home. Her mother, who had been holding Gerard at the time of the crash, and who had washed and pressed his clothes for months after his death, would not go to the hospital for the delivery and leave the third brother, Carl, at home. Geraldine was named for Gerard, but in her book, "Framing a Life: A Family Memoir," written with Catherine Whitney, Ms. Ferraro said her mother had emphasized that she was not taking his place. "Gerry is special," she quoted her mother as saying, "because she is a girl."

Her mother soon sold the store and the families' house and moved to the South Bronx. With the proceeds from the sale of the property in Italy that her husband had left her, she sent Geraldine to the Marymount School, a Catholic boarding school in Tarrytown, New York. She sent Carl to military school. Tarrytown, New York, is part of my district.

Ms. Ferraro's outstanding grades earned her a scholarship to Marymount College in Tarrytown, from which she transferred to the school's Manhattan branch. She commuted there from Queens, where her mother had moved by then. An English major, Ms. Ferraro was editor of the school newspaper and an athlete and won numerous honors before graduating in 1956. "Delights in the unexpected," the yearbook said about her.

After graduating, Ms. Ferraro got a job teaching in a public grade school in Queens. She later applied to Fordham Law School, where an admissions offi-

cer warned her that she might be taking a man's place. Admitted to its night school, she was one of only two women in a class of 179, and received her law degree in 1960.

Ms. Ferraro and John Zacarro, whose family was in the real estate business, were married on July 16, 1960, 2 days after she passed the bar exam. She was admitted to the New York State Bar in 1961, and decided to keep her maiden name professionally to honor her mother. She was admitted to the United States Supreme Court Bar in 1978.

For the first 13 years of her marriage, Ms. Ferraro devoted herself mainly to her growing family. Donna was born in 1962, John in 1964, and Laura in 1966. Ms. Ferraro did some legal work for her husband's business, worked pro bono for women in family court, and dabbled in local politics. In 1970, she was elected president of the Queens County Women's Bar Association. In 1973, after her cousin Nicholas Ferraro was elected Queens District Attorney, she applied for and got a job as an assistant district attorney in charge of a special victims bureau investigating rape, crimes against the elderly, and child and wife abuse. The cases were so harrowing, she later wrote, that they caused her to develop an ulcer, and the crime-breeding societal conditions she said, planted the seeds of her liberalism.

When she was elected to the House, she became very good friends with Tip O'Neill, who was the Speaker. Ms. Ferraro found her opportunity in 1978 to run for Congress when James Delaney, a Democratic Congressman from a predominantly working class district in Queens, announced his retirement. In the House, Ms. Ferraro was on the Public Works and Transportation Committee, and in doing that she successfully pushed for improved mass transit around LaGuardia Airport. Tip O'Neill, the Speaker, took an immediate liking to her, and in her three terms she voted mostly with the party's leadership.

She was elected secretary of the Democratic Caucus, thanks in part to Tip O'Neill, giving her influence on committee assignments, and in 1983 she was awarded a seat on the House Budget Committee. It was Ms. Ferraro's appointment as chairwoman of the 1984 Democratic Platform Committee that gave her the most prominence. In her book, "Ferraro: My Story," she said that in becoming the first woman to hold that post she owed much to a group of Democratic women, congressional staffers, rights activists, labor leaders, and other who called themselves Team A and who lobbied for her appointment.

When she was running there were a lot of slights, being the first woman. People were either adjusting or not adjusting to a woman on a national ticket. Mississippi Agriculture Secretary

called Ms. Ferraro, “young lady,” and asked if she could bake blueberry muffins, to which she said, Yes, I can. Can you?

Gerry Ferraro always had a smile and always had a kind word and never said no to someone needing her help. Even though I came to the House 4 years after she left, I got to know her very well and truly feel a loss in having her pass away.

Near the end of 1998, she learned that she had multiple myeloma—bone marrow cancer—that suppresses the immune system. Before then, she was Ambassador to the United States Human Rights Commission during the Clinton administration. And we remember her as cohost of the CNN program “Crossfire” from 1996 to 1998. She wrote books and articles and did business consulting. She addressed her place in history in a long letter to the Times in 1988, noting that women wrote to her about how she had inspired them to take on challenges, always adding a version of “I decided if you could do it, I can too.” Schoolgirls, she said, told her they hoped to be President some day, and needed advice.

Gerry Ferraro said, “I’m the first to admit that were I not a woman, I would not have been the vice presidential nominee. But she insisted that her presence on the ticket had translated into votes that the ticket might otherwise not have received. In any event, she said the political realities of 1984 had made it all but impossible for the Democrats to win that year, no matter what the candidates or their gender. “Throwing Ronald Reagan out of office at the height of his popularity, with inflation and interest rates down, the economic moving, and the country at peace, would have required God on the ticket,” Ms. Ferraro wrote. “And she was not available.”

Geraldine Ferraro is survived by her husband, three children, and eight grandchildren. I must say that I was disappointed that in the House we didn’t have a plane to take all the Members to the funeral yesterday. I’m sorry about that because, frankly, I think it was a bit disrespectful. But we all remember Gerry Ferraro. We remember her as a true New Yorker. We remember her as a true American. We remember her as someone who each of us she inspired to push on with whatever goal we want to achieve, no matter how daunting or impossible it looked. That’s how I’ll remember Gerry Ferraro. I’ll remember her at the 1984 convention standing on the stage with Walter Mondale, both putting their arms around each other, and even then there was a question about how they would interact, as it was the first time a woman was on a national ticket.

I will miss my friend Gerry. We will all miss her. But we are all better people because of her. Rest in peace, Gerry. We will always remember you. And so will the history books.

OBAMACARE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a while ago, one of my colleagues was down here talking about ObamaCare and what a problem it was going to cause for this country from a financial standpoint as well as causing rationing of health care and a whole host of other things. But what I want to do right now is bring to the attention of my colleagues and anybody else that’s paying attention a decision that was just made by U.S. District Judge Rosemary Collyer that affects everybody on Social Security who wants to have a health care plan besides Medicare.

I’m going to read you an op-ed that just was in the Washington Examiner and also in The Wall Street Journal that I think every single American ought to be aware of because this has wide-ranging impact on everybody in this country. Here’s what it says. “A recent court ruling has helped President Obama push ahead with a mandate that all citizens be required to have government health care. This court ruling would mandate that every citizen in this country has government health care.” Socialized medicine.

“In a March 16 decision, U.S. District Judge Rosemary Collyer, who previously served as General Counsel of the National Labor Relations Board, ruled that seniors who elect to opt out of Medicare coverage must forfeit their Social Security benefits as well and repay all past Social Security benefits prior to opting out.”

I hope everybody is getting that in their offices. If you don’t take Medicare coverage and you’re a senior and you opt out of Medicare coverage because you want another form of health care, maybe a better form of health care, then you have got to lose your Social Security payments and pay back all the Social Security payments that you received in the past.

□ 1620

Now, anybody who is paying attention is going to say, “You know, that didn’t really happen,” but I’m telling you that decision was made on March 16 by Judge Rosemary Collyer, a U.S. district judge here in this area.

The ruling relates to a lawsuit that was filed in 2008 in—and this is the name of the case—Hall v. Sebelius. Several senior citizens challenged a 1993 Clinton administration program rule, and they sued the Federal Government for their right to opt out of Medicare without losing their Social Security benefits. The plaintiffs all paid their Medicare taxes throughout their employment histories and did not request reimbursement of the money.

So they’d paid into Medicare for the entire time that they’d been working. These individuals simply wished to engage other health insurance plans. They wanted to get some other health insurance plans besides Medicare. They’d paid into Medicare and they’d paid into Social Security, but they wanted to get other health insurance besides Medicare.

It goes on to say that they believed it would provide better coverage than that of the government’s Medicare program.

In addition, these seniors contributed to Social Security while they were working, and accepted these benefits upon retirement. Now, here is what the seniors’ lawsuit argued:

Both the Social Security and Medicare acts state that the application for Social Security benefits and Medicare are voluntary and that applications for each program are not dependent upon each other. Forced participation in Medicare violates an individual’s constitutional right to privacy. The Clinton-era rules were promulgated without undergoing the required notice and comment rulemaking requirements, which is a violation of the Federal Administrative Procedure Act.

The judge stated that, in its arguments, the Obama administration “extols the benefits of Medicare and suggests that plaintiffs would agree that they are not truly injured if they were to learn more about Medicare, perhaps through discovery.” Note the familiar condescending Obama administration tone: Take the Medicare, and then find out what’s in it. You’ll like it when you do.

We had that problem before on legislation. You’ll remember the previous Speaker of the House. When asked about ObamaCare, she said, Well, we’ve got to pass the bill. Then we’ll find out what’s in it.

That really made a lot of sense—but once again, this is pretty much the attitude of the administration.

Here is what the judge went on to say:

“The parties use a lot of ink disputing whether plaintiffs’ desire to avoid Medicare part A is sensible.”

Translation: If Americans don’t want government-run health care, well, they just don’t have much sense. After all, the government knows what’s best for them, and they don’t.

What is most astounding about this case is that, as of late 2009, this same judge, Judge Collyer, supported the plaintiffs’ claim and even refused the Obama administration’s request to dismiss the suit. Her ruling then was that neither the statute nor the regulation specifies that plaintiffs must withdraw from Social Security and repay retirement benefits in order to withdraw from Medicare, which means simply that, if they decide not to take Medicare, they can continue to get their Social Security that they paid into, as

they should, and they wouldn't have to pay back the Social Security benefits they'd received in the past. That makes sense.

She changed her mind. This judge made this ruling in 2009. Now she changes her mind, and she argues in her stunning reversal, "Requiring a mechanism for plaintiffs and others in their situation to 'dis-enroll' would be contrary to congressional intent, which was to provide 'mandatory' benefits under Medicare part A and for those receiving Social Security retirement benefits. Plaintiffs are trapped in a government program intended for their benefit. They disagree and wish to escape," Collyer wrote. "The court can find no loophole or requirement that the Secretary provide such a pathway."

According to Collyer, an "entitlement" is mandatory. You have to take it. Now, here is the government saying you have to take Medicare, and her opinion will undoubtedly be relied upon by the Obama administration as support for claims of mandatory entitlements, such as that which is the crux of ObamaCare, which could be Medicare for everyone. Everyone would have to be covered, not by their own individual health care plans that they have or by their employers' health care plans or a group plan they're on, but everyone would have to be covered by Medicare, which is a government-run, socialized medicine approach, which ultimately would ration health care and cost a great deal more. ObamaCare, when you run it out for 10 years, you'll find is going to cost literally trillions of dollars at a time when we have a \$14 trillion national debt. This year alone, we're exceeding our revenues by \$1.4 trillion.

The Wall Street Journal reported that Kent Masterson Brown, the lead attorney for the seniors, commented that, if Americans wonder how bureaucrats will write ObamaCare's rules, they need look only to this ruling. "When they do," he said, "they will realize nothing will be optional."

This is an alarming decision that came about in a disturbing manner. Collyer's ruling is a danger to freedom-loving Americans. Let's look to the plaintiffs' appeal—they're appealing—to the D.C. Circuit Court of Appeals for more favorable results.

That's where we are today. If she is not reversed, that means anybody who gets Social Security, who may have another health care plan and who may not want to be on Medicare, will either have to take Medicare or will have to pay all their Social Security benefits back; plus, they don't get Social Security in the future.

Now think about that. You don't want to take Medicare for whatever reason, and you've been paying into Social Security all of your life. You're getting Social Security benefits, and

because you won't take Medicare, they say, Uh-oh. You've got to pay all your Social Security benefits back to when you received them, and you can't get any more in the future.

That is just absolutely crazy.

I want to read to you some information that I have from the actual wording of the statute, and this is very, very important because it can only be interpreted one way. Yet this judge and the Obama administration are changing it so that it will fit their desired objective. Let me read this to you. Be patient with me while I read this and get all the information before me.

Here is what the Medicare statute says. My colleagues in your offices, see if you get from this that the people have to take Medicare if they're getting Social Security or if they have to pay the payments back and not get any more of their Social Security benefits. Here is what the Medicare statute says:

The Medicare statute provides that only individuals who are entitled—entitled—to Social Security are entitled to Medicare. If you're "entitled" to Social Security. You have to be entitled to Social Security in order to be entitled to Medicare, but it does not say if you're entitled to Social Security that you have to take Medicare. It only says, if you're entitled to Social Security, you're entitled, if you want to, to take Medicare.

This judge is changing the words that are in the statute to mean, if you take Social Security, you have to take Medicare; but the law does not say that. She is making law on the Federal bench, but that's not what our Founders contemplated when they wrote the Declaration of Independence and the Constitution.

Listen to this again: The Medicare statute says that only individuals who are entitled to Social Security are entitled to Medicare.

Therefore, the judge is arguing the only way to avoid entitlement to Medicare part A at age 65 is to forgo the source of that entitlement, i.e., Social Security retirement benefits. So she is standing the law of the country, the Medicare law and the Social Security law, on their heads. This will mean to every single citizen of this country that, if the government says, "Here is something we want you to do. If you don't do it, we're going to take away another benefit you have or another government program," you will have to do it, because that's what this judge's ruling simply means.

□ 1630

If the government is giving you a benefit like Social Security and they decide that there's another benefit that you're entitled to, then say you have to take it, but you don't take it, they will be able to withdraw your Social Security and say you have to pay back all of the benefits of the past. This is abso-

lutely insane. It is government run amuck, government run out of control.

And this judge, if I had the ability, would be fired. I can't remember the exact date, but in 2008 she ruled in favor of the plaintiffs saying if you have got Social Security and you don't want Medicare because you have got another health care plan, you don't have to take it; and now she's reversed herself and said if you get Social Security, you have to take Medicare.

And once again, before I give up the floor, Mr. Speaker—and I see my good friend's here, I'm going to yield to you the balance of my time—this is what the law says: the law says that only individuals who are entitled to Social Security are entitled to Medicare. But that does not say if you're entitled to Social Security you have to take Medicare, and she's saying—and I hope everybody's getting this—she's saying that if you're getting Social Security, you have to take Medicare. You've got another health plan, if your employer has another health plan, doesn't matter; you've got to get rid of those, and you have to join Medicare or you lose your benefits.

Now, this case is on appeal, and I hope it goes all the way to the Supreme Court and the Supreme Court will reverse it because, if it does not repeal this decision by Judge Collier, then what's going to happen is that everything that government says will have to be done, and you will have almost complete government control over every aspect of our life. If they can say you get Social Security, you've got to take Medicare and if you have got a separate health care plan, to heck with it; and if they can go far enough to say that, they can say anything they want to to make you jump through a hoop. And that is just dead wrong, and it flies in the face of everything that we believe as far as the free people and a free government is concerned.

I just can't believe some of the things that are happening around here; and the thing that bothers me, Mr. Speaker, is the American people who are involved in so many things that they can't pay attention to all the things that are going on. They rely upon their elected Representatives because we have a democratic Republic to study these bills and make decisions that are best for the entire country. And that's the reason they do this, because we've got 300 million people here, and they can't read every bill or watch every court decision.

But the fact of the matter is, these courts, a separate part of our government, our Forefathers said we've got a judicial branch, a legislative branch, and an executive branch, and they're supposed to be coequal. But here you have a Federal judge making a law that will transcend laws that we have on the books and change the way of life for every single American.

Remember what this does. The law says if you're getting Social Security, you may take Medicare, and what the judge is saying, if you get Social Security, you have to take Medicare, no matter what other health care plan you have; and if you don't do what the government tells you, you have to do it, then you're going to lose your Social Security benefits; and not only that, you have to pay back, probably with interest, every Social Security check you received.

That is horrible. This administration and this judge ought to be taken to task for it; and with that, I'd like to yield to my colleague from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my good friend for yielding.

You know, we hear so often from this administration they're concerned about the little guy, but we know that Wall Street executives gave contributions four times more for the present President than they did for his Republican opponent; and so it kind of tells you where you see where the contributions come from for a particular candidate, who they really care about.

We're told that they really care about the working poor; and yet the very thing we're talking about under the ObamaCare bill is almost inconceivable except that it was pushed through by this President and two Democratic majorities, that there's a provision that if you are just above the poverty line and you can't afford the health insurance that this administration dictates—as I understand, we will be including pregnancy, say you're a young single person, no plans of getting pregnant, no ability to get pregnant, other things that will not affect you at all but have been mandated by the administration—instead of being able to buy a cheaper insurance policy you can afford, this administration will have made it so expensive that people just above the poverty line won't be able to afford it.

And how the bill deals with those working poor just above the poverty line, it requires a 2 percent additional income tax if you cannot afford the insurance that they mandate.

Mr. BURTON of Indiana. Can I just say one thing. My colleague, a good friend of mine, Representative GOHMERT points out the fallacy and the problems with the ObamaCare bill, and that is bad, very bad and it should not be in law, and that's why we moved H.R. 1 to repeal it.

But this decision that I was talking about, LOUIE, even goes further than that. It says if you're getting Social Security, you have to take Medicare, and what they're doing is they're saying everybody in this country is ultimately going to have to be under a government-run program, Medicare or ObamaCare, which means socialized medicine and an entirely different ap-

proach to medicine which will be controlled by government bureaucrats.

Mr. GOHMERT. I understood where my friend was going, and I had not heard about that opinion, and I'm so glad the smart gentleman had brought that to our attention because that is just incredible except that it is exactly what the Democratic proponents of ObamaCare and the President himself had said before they wanted to get to.

The goal was to use this to get to a complete government-run health care, a single-payer system, where everybody is required to be under it, and so this decision speeds that process up dramatically; but it is ultimately where they said they wanted to get anyway.

Now, having seen socialized medicine firsthand in the Soviet Union as an exchange student back in 1973, and having seen another form of socialized medicine for 4 years in the United States Army, I don't want to go there. I don't want the government in charge of my health care. I saw that in the Army. We have some incredible medics. We have some folks that shouldn't be practicing medicine that were working there; and, in fact, I'm hopeful that I was helpful in getting rid of some of those.

But that's not where we need to be going. People deserve better. But the fact is that in the bill itself there is retribution for the working poor who can't even afford to do what the administration has dictated.

So between a judge saying if you've got Social Security, you're going to be crammed into this policy, and this administration and former Speaker PELOSI and HARRY REID saying that we're going to penalize you because you're working poor and can't afford the luxuries of the policy we're mandating, the working guy just doesn't have much of a chance unless we are able to turn some of those things around.

And the working poor is what I often saw at Ft. Benning when people were not getting paid what they should have under President Carter; but now the military is paid better, and yet I wanted to bring up the situation that exists. There is an attempt to use the military as pawns even while they're out there fighting to protect us in foreign areas, combat theaters. The last thing those people should have to worry about is whether or not their money arrives in their account so their family can be taken care of. Yet we're hearing from military people, they understand if there's a shutdown, sure, they will get their pay eventually when the shutdown is over and maybe they will be lucky and HARRY REID and the Democrats in the Senate won't force a shutdown for very long.

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We know they want to force it because they keep saying they do. And of

course we heard from Senator SCHUMER himself that this is a political game to them. They are going to force a shutdown and basically blame the tea party. The military are the ones who are going to get hurt there. This from the Democratic Party that says all they care about is those working to protect us; and yet when you see what they are really doing behind the scenes, it is no such thing.

We have a report from CRS here that says: "Even though uniformed personnel have been excepted from furloughs during a lapse in funding, no special provision allows the Defense Department to provide pay when appropriated funds are not available to do so. In this regard, uniformed personnel are treated no differently than excepted civilian Federal employees who are similarly expected to continue working during a shutdown but whose pay will be delayed until appropriations are enacted."

Well, I know my friend from Indiana feels, as I do—and we've got, I don't know, around 50 other people just in a matter of an hour or so that have signed on to this bill, H.R. 1297, that says—and I will get over right to the meat of this thing—it says, During a funding gap impacting the Armed Forces, the Secretary of the Treasury shall make available to the Secretary of Defense and the Secretary of Homeland Security, in the case of the Coast Guard, out of any amounts in the general fund of the Treasury not otherwise appropriated, such amounts as the Secretary of Defense and the Secretary of Homeland Security, in the case of the Coast Guard, determines to be necessary to continue to provide pay and allowances without interruption to members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, including Reserve components thereof who perform active service during the funding gap."

So we hope that the majority leader in the Senate, HARRY REID, and Senator SCHUMER and those who have been saying privately, which got exposed—like the Bible says, What's done in the dark will be exposed, and it has been. They are out to shut down the government, try to blame the tea party.

And they have expected that one of the things they will, I'm sure, be able to do is have the "lamestream media" that run out and try to do anything they can to support that party go try to find spouses of military in harm's way who are scared to death because now the government has been shut down and there is no check coming for the next pay period. This will address that, and we can take our military off the table as pawns and let them be about concentrating on protecting us and saving their own lives.

Mr. BURTON of Indiana. I'm sorry to interrupt you, LOUIE, but one thing I think that my colleagues and anybody

that is paying attention ought to know is, first of all, I have heard that the Republicans don't have an alternative health care plan. We've had one for 2 years, and the media keeps saying that we haven't provided an alternative. We do, one that will work and won't cost the taxpayers and the future generations almost everything that they will ever expect to earn. That's number one.

The other thing that concerns me is that the administration and now their complicit persons in the court and the media are trying to do everything they can to move this country in a direction that nobody has ever anticipated and that is complete government control over our lives. And I know that you and all of our colleagues from this side of the aisle are very committed to making sure that doesn't happen.

The last thing I would like to say is, we need to cut government spending. You know this. And we're sending legislation over there to try to cut \$100 billion or \$61 billion out of this year's spending, \$61 billion. The projected deficit this year is \$1.4 trillion, so \$61 billion is a drop in the ocean. It's nothing. Yet they don't want to cut anything or any programs. And if we don't cut spending, this country will not only be bankrupt, but we'll be giving a legacy to our kids and grandkids that they will never forgive us for.

So I just hope my colleagues are really aware of that. We don't want to shut the government down. We are committed to cutting spending. They are the ones that, when we send a spending cut over there, won't let the bill pass; and we're cutting in a responsible way. So they're the ones that are causing the problem. We do not want the government shut down.

Mr. GOHMERT. One of the things that is being said is, But what about the children? I welcome that question, because those of us who are standing so firmly in trying to cut this runaway spending are the ones who are standing for the children and the children's grandchildren because what has been done—and in truth, I remember getting beat up in '05, '06 for \$160 billion in deficit spending. It was wrong. We shouldn't have been there. But now for the last 3 years, 2½, to be over a trillion dollars each year is just reprehensible. It is wrapping such a heavy weight and chains around the necks of the children—some not even born yet—that it is unthinkable that somebody would invoke for the children to keep the self-aggrandizing spending going when it is going to come out of the children and their grandchildren's pockets.

We've got some that say, It's all going to work out. Don't worry about it. Look, just let the spending go. Don't rock the boat.

I saw this prayer from Peter Marshall back when he was Chaplain of the

Senate. And just for historical purposes, in one of his prayers in the Senate, he said, "Our Father, give us the faith to believe that it is possible for us to live victoriously even in the midst of dangerous opportunity that we call crisis. Help us to see that there is something better than patient endurance or keeping a stiff upper lip, and that whistling in the dark is not really bravery."

Mr. BURTON of Indiana. I thank my colleague for coming down to the floor.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GERLACH (at the request of Mr. CANTOR) for Thursday March 31 after 5 p.m. on account of attending a funeral.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, April 4, 2011, at noon for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., Andre Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley,

Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A. S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Hertzler, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNERNEY, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi,

Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. “Bobby” Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

964. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the of the Navy, Case Number 10-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

965. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received February 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

966. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-8196] received February 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

967. A letter from the Chief Counsel, FEMA, Department of Homeland Security,

transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received February 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

968. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Reports of Foreign Financial Accounts (RIN: 1506-AB08) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

969. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Minimum Capital (RIN: 2590-AA01) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

970. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received February 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

971. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

972. A letter from the Assistant General Counsel, Regulatory Affairs Division, Consumer Product Safety Commission, transmitting the Commission's final rule — Publicly Available Consumer Product Safety Information Database, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

973. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on implementation of the National Correct Coding Initiative in the Medicaid Program; to the Committee on Energy and Commerce.

974. A letter from the Deputy Director, Regulations Policy and Management Staff, Health and Human Services, transmitting the Department's final rule — Medical Devices; General and Plastic Surgery Devices; Classification of Contact Cooling System for Aesthetic Use [Docket No.: FDA-2010-D-0645] received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

975. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Application of ASTM Standard Practice C1671-07 when performing technical reviews of spent fuel storage and transportation packaging licensing actions received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

976. A letter from the Co-Chairs, Commission on Wartime Contraction in Iraq and Afghanistan, transmitting Special Report 4 “Iraq — A Forgotten Mission? The United States needs to sustain a diplomatic presence to preserve gains and avoid waste as the U.S. military leaves Iraq”; to the Committee on Foreign Affairs.

977. A letter from the Acting Assistant Secretary, Legislative Affairs, Department

of State, transmitting a report on the President's Emergency Plan for AIDS Relief (PEPFAR) HIV/AIDS Partnership Framework With the Government of the Republic of South Africa (RSA); to the Committee on Foreign Affairs.

978. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief (PEPFAR) HIV/AIDS Partnership Framework With the Government of Botswana; to the Committee on Foreign Affairs.

979. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting HIV/AIDS Partnership Framework with the Government of the Republic of Namibia; to the Committee on Foreign Affairs.

980. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Determination and Certification under Section 490(b)(1)(A) of the Foreign Assistance Act Relating to the Largest Exporting and Importing Countries of Certain Precursor Chemicals; to the Committee on Foreign Affairs.

981. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 102(g) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236 as amended by 103-415), certification for FY 2010 that no United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Affairs.

982. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AM28) received March 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

983. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0068; Directorate Identifier 2010-NE-05-AD; Amendment 39-16580; AD 2011-02-07] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

984. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes [Docket No.: FAA-2010-1043; Directorate Identifier 2010-NM-200-AD; Amendment 39-16593; AD 2011-03-09] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

985. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2010-0761; Directorate Identifier 2010-NM-069-AD; Amendment 39-16598; AD 2011-03-14] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

986. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Bombardier, Inc. Model CL-215-1A10 (CL-215), CL-215-6B11 (CL-215T Variant), and CL-215-6B11 (CL-415 Variant) Airplanes [Docket No.: FAA-2010-1108; Directorate Identifier 2010-NM-151-AD; Amendment 39-16592; AD 2011-03-08] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

987. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company; Beech Aircraft Corporation) Model 400A and 400T Airplanes [Docket No.: FAA-2010-0954; Directorate Identifier 2010-NM-078-AD; Amendment 39-16596; AD 2011-03-12] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

988. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-1109; Directorate Identifier 2010-NM-155-AD; Amendment 39-16597; AD 2011-03-13] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

989. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 B4-600R Series Airplanes, Model A300 F4-605R Airplanes, and Model A300 C4-605R Variant F Airplanes [Docket No.: FAA-2010-0801; Directorate Identifier 2010-NM-054-AD; Amendment 39-16595; AD 2011-03-11] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

990. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 and A340-200 and -300 Series Airplanes [Docket No.: FAA-2010-0852; Directorate Identifier 2010-NM-005-AD; Amendment 39-16594; AD 2011-03-10] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

991. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2010-0377; Directorate Identifier 2009-NM-246-AD; Amendment 39-16599; AD 2011-03-15] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

992. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-1038; Directorate Identifier 2009-NM-250-AD; Amendment 39-16601; AD 2011-04-01] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

993. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company

Model 750 Airplanes [Docket No.: FAA-2010-1107; Directorate Identifier 2009-NM-263-AD; Amendment 39-16600; AD 2011-03-16] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

994. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-1113; Directorate Identifier 2010-NM-121-AD; Amendment 39-16603; AD 2011-04-03] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

995. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2011-0040; Directorate Identifier 2010-NM-185-AD; Amendment 39-16606; AD 2011-04-06] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

996. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2011-0039; Directorate Identifier 2010-NM-184-AD; Amendment 39-16605; AD 2011-04-05] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

997. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-1112; Directorate Identifier 2010-NM-051-AD; Amendment 39-16607; AD 2011-04-07] (RIN: 2120-AA64) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

998. A letter from the Secretary, Federal Marine Commission, transmitting the Commission's final rule — Non-Vessel-Operating Common Carrier Negotiated Rate Arrangements [Docket No.: 10-03] (RIN: 3072-AC38) received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

999. A letter from the Assistant Secretary, Department of Energy, transmitting the Department's report entitled, "Department of Energy FY 2009 Methane Hydrate Program Report to Congress", pursuant to Section 968 of the Energy Policy Act of 2005; to the Committee on Science, Space, and Technology.

1000. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Hospital and outpatient care for veterans released from incarceration to transitional housing (RIN: 2900-AN41) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1001. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief (PEFAR) HIV/AIDS Partnership Framework with the Government of the Republic of Zambia; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. UPTON; Committee on Energy and Commerce. H.R. 910. A bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes; with amendment (Rept. 112-50). Referred to the Committee of the Whole House on the State of the Union.

Mr. UPTON; Committee on Energy and Commerce. House Joint Resolution 37. Resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices (Rept. 112-51). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. PAUL, Mr. BROUN of Georgia, Mr. GALLEGLY, Mr. KING of Iowa, Mr. BILIRAKIS, Mrs. MYRICK, and Mr. GARY G. MILLER of California):

H.R. 1307. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY (for himself and Mr. SCHOCK):

H.R. 1308. A bill to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. BIGGERT (for herself, Ms. WATERS, Mr. DOLD, Mr. GARRETT, Mr. STIVERS, and Mrs. CAPITO):

H.R. 1309. A bill to extend the authorization of the national flood insurance program, to achieve reforms to improve the financial integrity and stability of the program, and to increase the role of private markets in the management of flood insurance risk, and for other purposes; to the Committee on Financial Services.

By Mr. TURNER (for himself, Mr. BURTON of Indiana, Mr. CALVERT, Mr. DUNCAN of Tennessee, Mr. GRIMM, Mr. JONES, Mr. LATOURETTE, Mr. ROSS of Florida, Mr. STIVERS, and Mr. PAUL):

H.R. 1310. A bill to amend the Internal Revenue Code of 1986 to exempt certain emergency medical devices from the excise tax on medical devices, and for other purposes; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. POLIS, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JOHNSON of Georgia):

H.R. 1311. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. WELCH, Mr. LAMBORN, Mr. GRIMM,

Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. OLSON, and Mr. POE of Texas);

H.R. 1312. A bill to amend the Internal Revenue Code of 1986 to allow an increased work opportunity credit with respect to recent veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself and Mr. COFFMAN of Colorado):

H.R. 1313. A bill to amend the Internal Revenue Code of 1986 to encourage investment in certain industries by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mr. JOHNSON of Georgia (for himself, Mr. MARKEY, Mr. VAN HOLLEN, Mr. LUJÁN, Mr. CARSON of Indiana, Mr. GARAMENDI, Mr. HOLT, Mr. LIPINSKI, Mr. MICHAUD, and Mr. ELLISON):

H.R. 1314. A bill to direct the Secretary of the Interior to conduct a global rare earth element assessment, and for other purposes; to the Committee on Natural Resources.

By Mr. DUFFY (for himself, Mrs. CAPITO, and Mr. BACHUS):

H.R. 1315. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer Financial Protection; to the Committee on Financial Services.

By Mrs. BONO MACK (for herself, Mr. ROGERS of Kentucky, Mr. LYNCH, Mr. WOLF, Mr. BUCHANAN, and Mr. MACK):

H.R. 1316. A bill to direct the Commissioner of Food and Drugs to modify the approval of any drug containing controlled-release oxycodone hydrochloride to limit such approval to use for the relief of severe-only instead of moderate-to-severe pain, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 1317. A bill to discontinue Radio Marti and Television Marti broadcasts to Cuba; to the Committee on Foreign Affairs.

By Mr. CUELLAR (for himself, Mr. HINOJOSA, and Mr. FARENTHOLD):

H.R. 1318. A bill to direct the Secretary of Veterans Affairs to expand the Department of Veterans Affairs medical facility in Far South Texas, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CLARKE of New York (for herself, Mr. GRIJALVA, Ms. CHU, Mr. PAYNE, Ms. WILSON of Florida, Mrs. DAVIS of California, Mr. MORAN, Mr. MARKEY, Mr. RANGEL, Mr. ENGEL, Mrs. MALONEY, Mr. COHEN, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. HOLT, Ms. DEGETTE, Ms. HIRONO, Ms. BROWN of Florida, Mr. STARK, Mr. HONDA, Mr. TOWNS, Ms. MOORE, Ms. BALDWIN, Mr. CONYERS, Ms. MATSUI, Ms. WOOLSEY, Mr. RUSH, Ms. RICHARDSON, Mr. FILNER, Mr. CLAY, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. QUIGLEY, Mr. BLUMENAUER, Ms. WASSERMAN SCHULTZ, Mr. MCDERMOTT, and Ms. LORETTA SANCHEZ of California):

H.R. 1319. A bill to promote the sexual and reproductive health of individuals and couples in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself and Mr. SHERMAN):

H.R. 1320. A bill to strengthen United States nonproliferation activities and to amend the Atomic Energy Act of 1954 to strengthen nuclear energy cooperation and nonproliferation, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. ROYCE, Mr. BURTON of Indiana, Mr. JOHNSON of Ohio, Mr. RIVERA, Mr. MANZULLO, Ms. FOXX, and Mrs. ELLMERS):

H.R. 1321. A bill to continue restrictions against and prohibit diplomatic recognition of the Government of North Korea, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. GEORGE MILLER of California, Mr. JONES, and Mr. ANDREWS):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide protection for company-provided retiree health benefits; to the Committee on Education and the Workforce.

By Mr. BARTLETT (for himself, Mr. HARRIS, Mr. JONES, Mr. KUCINICH, Mr. PAUL, and Mr. MCKEON):

H.R. 1323. A bill to require the President to recommend specific reductions in nonsecurity discretionary appropriations for fiscal year 2011 to offset the costs of military operations in Libya; to the Committee on the Budget, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCHANAN (for himself, Mr. CHAFFETZ, Mr. GIBBS, Mr. MCKINLEY, Mr. HUELSKAMP, Mr. SESSIONS, and Mr. DUNCAN of South Carolina):

H.R. 1324. A bill to eliminate sweetheart deals under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY of Indiana (for himself, Mr. PLATTS, and Mr. BOREN):

H.R. 1325. A bill to require that certain Federal job training and career education programs give a priority to programs that provide an industry recognized and nationally portable credential; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself and Mr. SCHIFF):

H.R. 1326. A bill to underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, enhancing the public availability of nuclear safety information, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GERLACH (for himself, Ms. BERKLEY, Mr. YODER, Mr. SESSIONS, Mr. DICKS, and Mr. BERG):

H.R. 1327. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Ms. CHU, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. PAUL, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, and Ms. NORTON):

H.R. 1328. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncture services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 1329. A bill to amend the Internal Revenue Code of 1986 to make the credit for research activities permanent and to provide an increase in such credit for taxpayers whose gross receipts are predominantly from domestic production activities; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 1330. A bill to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; to the Committee on the Judiciary.

By Mr. LUETKEMEYER (for himself, Mr. ISRAEL, and Mrs. EMERSON):

H.R. 1331. A bill to direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKEON (for himself, Mr. BERMAN, Mr. LUJÁN, Mr. OLVER, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. GALLEGLY, Mr. STARK, Mr. MCINTYRE, Mr. BOSWELL, Mr. REYES, Mr. TIERNEY, Mr. HOLDEN, Mr. SARBANES, Mrs. MALONEY, Mr. ROSS of Arkansas, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. VISLOSKEY, Mr. KISSELL, Ms. LINDA T. SANCHEZ of California, Mr. COURTNEY, Ms. BERKLEY, Mr. DAVID SCOTT of Georgia, Mr. LARSON of Connecticut, Mr. COSTELLO, Mr. JACKSON of Illinois, Mr. FILNER, Mr. SHERMAN, Mr. MICHAUD, Mr. WU, Mrs. SCHMIDT, Mr. GENE GREEN of Texas, Ms. NORTON, Ms. SUTTON, Mr. PAUL, Ms. TSONGAS, Mr. PRICE of North Carolina, Mr. MCCAUL, Mr. HELLER, Ms. ZOE LOFGREN of California, Mr. ACKERMAN, Mr. KEATING, Ms. HIRONO, Mr. BURTON of Indiana, Mr. LIPINSKI, Mr. WILSON of South Carolina, Mr. SCHIFF, and Mr. CONNOLLY of Virginia):

H.R. 1332. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself and Mr. SOUTHERLAND):

H.R. 1333. A bill to establish a Gulf Coast Economic Restoration Fund, and for other

purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1334. A bill to provide for nuclear weapons abolition and economic conversion in accordance with District of Columbia Initiative Measure Number 37 of 1992, while ensuring environmental restoration and clean-energy conversion; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 1335. A bill to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Natural Resources.

By Mr. RICHMOND:

H.R. 1336. A bill to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes; to the Committee on Small Business, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. JACKSON of Illinois, Mr. GALLEGLY, Mr. BILIRAKIS, Mrs. MALONEY, Ms. BERKLEY, and Mr. BERMAN):

H.R. 1337. A bill to support efforts by the Department of State to strengthen the bilateral relationship with Greece; to the Committee on Foreign Affairs.

By Mr. SIRES (for himself, Mr. COHEN, Mr. BLUMENAUER, and Mr. SMITH of Washington):

H.R. 1338. A bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TIERNEY (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL, Mr. OLVER, Mr. MCGOVERN, Mr. CAPUANO, Mr. LYNCH, Ms. TSONGAS, and Mr. KEATING):

H.R. 1339. A bill to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States; to the Committee on Armed Services.

By Mr. YOUNG of Florida (for himself and Mr. BILIRAKIS):

H.R. 1340. A bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. BRADY of Pennsylvania):

H. Res. 197. A resolution electing Members to the Joint Committee on Printing and the

Joint Committee of Congress on the Library; to the Committee on House Administration.

By Ms. EDWARDS (for herself, Mr. COHEN, Ms. WILSON of Florida, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. CONYERS, Mr. PAYNE, Mr. BUTTERFIELD, Ms. FUDGE, Mr. RICHMOND, Mr. RUSH, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Ms. RICHARDSON, Mr. MEEKS, Ms. NORTON, Mr. FATTAH, Ms. MOORE, Mr. WATT, Mr. MORAN, Mrs. MALONEY, Mr. SARBANES, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. CLARKE of New York, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. TONKO, Mr. CARSON of Indiana, Mr. FILNER, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. PASCRELL, Mr. GARAMENDI, Mr. PALLONE, Mr. KILDEE, Mr. MICHAUD, Ms. SUTTON, Ms. PINGREE of Maine, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. HONDA, Mr. ANDREWS, Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. HOLT, Mr. DINGELL, and Mrs. CHRISTENSEN):

H. Res. 198. A resolution recognizing the coordinated struggle of workers during the 1968 Memphis sanitation workers strike to voice their grievances and reach a collective agreement for rights in the workplace; to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself, Mrs. CAPITO, Mr. MCKINLEY, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H. Res. 199. A resolution honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

7. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 10 memorializing the Congress to adopt legislation prohibiting the EPA from unilaterally regulating greenhouse gas emissions; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

8. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Resolution No. 5 urging the Congress to reauthorize full funding for the program in S. 223; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KING of New York:

H.R. 1307.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. GALLEGLY:

H.R. 1308.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 18 of U.S. Constitution, to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. BIGGERT:

H.R. 1309.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. TURNER:

H.R. 1310.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. BALDWIN:

H.R. 1311.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the Constitution of the United States.

By Mr. KING of New York:

H.R. 1312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. POLIS:

H.R. 1313.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. JOHNSON of Georgia:

H.R. 1314.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1; and

Article I, Section 8, Clause 3

By Mr. DUFFY:

H.R. 1315.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mrs. BONO MACK:

H.R. 1316.

Congress has the power to enact this legislation pursuant to the following:

The authority for enactment of this Bill flows from Article I, Section 8, clause 3 of

the Commerce Clause of the United States Constitution. The Congress has the right to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. MCCOLLUM:

H.R. 1317.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers."

By Mr. CUELLAR:

H.R. 1318.

Congress has the power to enact this legislation pursuant to the following:

Inherent in Congress's powers to raise, support, and maintain armed forces under Clauses 12 and 13 of Article I, Section 8 of the Constitution of the United States of America is the responsibility to provide adequate health care for those who served to protect and defend our country.

By Ms. CLARKE of New York:

H.R. 1319.

Congress has the power to enact this legislation pursuant to the following:

This bill, the Global Sexual and Reproductive Health Act, is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. BERMAN:

H.R. 1320.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section 1, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Ms. ROS-LEHTINEN:

H.R. 1321.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. TIERNEY:

H.R. 1322.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BARTLETT:

H.R. 1323.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. all legislative Powers are vested in the Congress; and also Article I, Section 7: All bills for raising revenue shall originate in the House; and also Article I, Section 8: The Congress shall have the power to lay and collect funds to pay the Debts and pay for the common defense of the US; and to raise and support Armies; and provide and maintain a Navy; and Section 9 No Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law AND

Article II, Section 1. The executive Power shall be vested in a POTUS; Article II, Section 2. POTUS is Commander-in-Chief; Section 3; POTUS shall recommend to Congress measures judged necessary and expedient

By Mr. BUCHANAN:

H.R. 1324.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to

the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. DONNELLY of Indiana:

H.R. 1325.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 1326.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GERLACH:

H.R. 1327.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. HINCHEY:

H.R. 1328.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. LANCE:

H.R. 1329.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LARSON of Connecticut:

H.R. 1330.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. LUETKEMEYER:

H.R. 1331.

Congress has the power to enact this legislation pursuant to the following:

"The Constitutional authority on which this bill rests is the power of Congress to provide for the common Defense and general welfare of the United States, as enumerated in Article I, Section 8, Clause 18."

By Mr. MCKEON:

H.R. 1332.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Social Security Fairness Act of 2011 is Article I, Section 9, Clause 7, giving Congress the authority to control the expenditures of the federal government.

By Mr. MILLER of Florida:

H.R. 1333.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. NORTON:

H.R. 1334.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of section 8 of article I of the Constitution.

By Mr. PLATTS:

H.R. 1335.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, and Article I, Section 8, clause 18.

By Mr. RICHMOND:

H.R. 1336.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. I Sec. 8 Cl. 1), the Commerce Clause (Art. I Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. I Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Ms. ROS-LEHTINEN:

H.R. 1337.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. SIRE:

H.R. 1338.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Mr. TIERNEY:

H.R. 1339.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 1, 16, and 18), which grants Congress the power to provide for the general welfare of the United States; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. YOUNG of Florida:

H.R. 1340.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. RYAN of Ohio, Mr. LUCAS, Mr. RAHALL, and Mr. GARY G. MILLER of California.

H.R. 98: Mr. FRANKS of Arizona.

H.R. 104: Mr. BLUMENAUER.

H.R. 114: Mr. STUTZMAN, Mr. HARRIS, and Mr. BILBRAY.

H.R. 152: Mrs. HARTZLER and Mr. GARY G. MILLER of California.

H.R. 177: Mr. RUNYAN.

H.R. 178: Mr. GIBSON.

H.R. 198: Mr. MCCOTTER.

H.R. 237: Mr. HECK.

H.R. 238: Mr. PEARCE.

H.R. 280: Mr. MCCOTTER.

H.R. 282: Mr. GARY G. MILLER of California.

H.R. 361: Mr. ROSKAM and Mr. GARY G. MILLER of California.

H.R. 375: Mr. JONES.

H.R. 401: Mr. AL GREEN of Texas.

H.R. 417: Mr. FRANK of Massachusetts.

H.R. 420: Mr. GARY G. MILLER of California, Mr. LUCAS, Mr. RYAN of Ohio, and Mr. COLE.

H.R. 421: Mr. GARY G. MILLER of California.

H.R. 436: Mr. HANNA, Mr. HURT, and Mr. DUNCAN of South Carolina.

H.R. 439: Mr. HEINRICH.

H.R. 440: Ms. ZOE LOFGREN of California.

H.R. 451: Mr. WILSON of South Carolina, Ms. SPIER, and Ms. BERKLEY.

H.R. 452: Mr. RUNYAN, Mr. LANKFORD, and Mrs. CAPITO.

H.R. 459: Mr. VISCLOSKEY and Mr. MURPHY of Pennsylvania.

H.R. 509: Mr. SMITH of Nebraska.

H.R. 527: Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. GOWDY, Mr. REED, Mr. ROSS of

Florida, Mr. KING of New York, Mr. MANZULLO, Ms. FOXX, and Mr. SHUSTER.

H.R. 539: Mr. CICILLINE.

H.R. 546: Mr. ALTMIRE, Ms. BERKLEY, Mr. MCINTYRE, Mr. SHULER, and Mr. PIERLUISI.

H.R. 605: Mr. BACHUS, Mr. REHBERG, and Mr. ALEXANDER.

H.R. 615: Mr. LUCAS, Mr. GARY G. MILLER of California, and Mr. RYAN of Ohio.

H.R. 651: Mr. BACA, Ms. CLARKE of New York, Mr. CLAY, Mr. CUMMINGS, Mr. RANGEL, Ms. SLAUGHTER, and Mr. THOMPSON of Mississippi.

H.R. 656: Ms. WILSON of Florida, Ms. CLARKE of New York, Mr. TOWNS, and Ms. WATERS.

H.R. 673: Mr. HURT.

H.R. 674: Mr. ISRAEL, Mr. LIPINSKI, Mr. HECK, and Mr. GARY G. MILLER of California.

H.R. 694: Mr. SHULER.

H.R. 704: Mr. POSEY, Ms. JENKINS, Mr. MCKINLEY, Mr. SAM JOHNSON of Texas, and Mrs. HARTZLER.

H.R. 709: Ms. TSONGAS and Mr. PAYNE.

H.R. 724: Mr. HOLT, Mr. PAYNE, Mr. SIRES, Mr. POLIS, and Mr. DOYLE.

H.R. 733: Mrs. CAPITO.

H.R. 735: Mr. HELLER, Mr. LUETKEMEYER, Mr. GARY G. MILLER of California, and Mr. BROUN of Georgia.

H.R. 745: Mr. JORDAN.

H.R. 750: Mr. DENHAM and Mr. PITTS.

H.R. 757: Mr. WEST.

H.R. 765: Mr. HELLER, Mr. POLIS, and Mr. WELCH.

H.R. 780: Ms. RICHARDSON.

H.R. 819: Mr. COURTNEY, Mr. SABLAN, Mr. BOREN, Mr. MCGOVERN, and Mr. LUJAN.

H.R. 841: Mr. FARR.

H.R. 860: Mr. COSTA, Mr. LANGEVIN, Mr. GRIJALVA, Mr. FILNER, Ms. WOOLSEY, Mr. TOWNS, Mr. AKIN, Mrs. EMERSON, Mr. BONNER, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. CHAFFETZ, Mr. THOMPSON of Pennsylvania, Mr. BARLETTA, Mr. POSEY, and Mr. STARK.

H.R. 873: Ms. KAPTUR.

H.R. 909: Ms. FOXX.

H.R. 910: Mr. ROONEY, Mr. MEEHAN, Mr. BERG, Mr. YOUNG of Indiana, Mr. GOSAR, Mr. ROE of Tennessee, Mr. ROKITA, Mr. PITTS, Mr. GARY G. MILLER of California, Mrs. EMERSON, and Mr. THORNBERRY.

H.R. 930: Ms. WOOLSEY and Mr. BLUMENAUER.

H.R. 933: Mr. FRANK of Massachusetts.

H.R. 938: Ms. KAPTUR, Mr. RUSH, Ms. RICHARDSON, Mr. MURPHY of Connecticut, Mr. ROONEY, Mr. SMITH of Texas, Mrs. CHRISTENSEN, and Mr. CONAWAY.

H.R. 942: Mr. REICHERT.

H.R. 948: Mr. BOSWELL.

H.R. 964: Mr. ALTMIRE, Ms. BASS of California, Mr. VISCLOSKEY, Mr. HIGGINS, Mr. PAS-

CRELL, Mrs. DAVIS of California, and Ms. PINGREE of Maine.

H.R. 998: Ms. SLAUGHTER and Mr. PLATTS.

H.R. 1040: Mr. BISHOP of Utah.

H.R. 1057: Mr. POLIS and Mrs. NAPOLITANO.

H.R. 1058: Mr. FRANKS of Arizona.

H.R. 1066: Ms. PINGREE of Maine, Mr. MCNERNEY, Mr. GALLEGLEY, Mr. FILNER, Mr. GUTIERREZ, Mr. BERMAN, Ms. WOOLSEY, and Ms. WILSON of Florida.

H.R. 1074: Mr. LAMBORN, Mr. ROONEY, Mr. BENISHEK, Mr. GIBBS, Mr. KINGSTON, Mr. PALAZZO, Mr. PAUL, Mr. CHAFFETZ, Mr. PEARCE, and Mr. ROSS of Florida.

H.R. 1081: Mr. MILLER of Florida, Mr. BILBRAY, and Mr. WILSON of South Carolina.

H.R. 1084: Ms. BALDWIN, Ms. VELÁZQUEZ, Mr. FILNER, and Mrs. NAPOLITANO.

H.R. 1091: Mr. WESTMORELAND and Mr. GARY G. MILLER of California.

H.R. 1093: Mr. RYAN of Ohio, Mr. LUCAS, and Mr. GARY G. MILLER of California.

H.R. 1111: Mr. WALBERG.

H.R. 1116: Mr. LOEBACK.

H.R. 1119: Mr. KING of New York.

H.R. 1134: Mr. GARY G. MILLER of California.

H.R. 1149: Mr. CALVERT.

H.R. 1155: Mr. LONG.

H.R. 1161: Mr. HUELSKAMP, Mr. HEINRICH, and Mr. TOWNS.

H.R. 1164: Mr. GARY G. MILLER of California.

H.R. 1175: Mr. GRIFFITH of Virginia.

H.R. 1179: Mr. MILLER of Florida, Mr. PEARCE, Mr. ROONEY, Mr. KINGSTON, and Mr. KING of Iowa.

H.R. 1186: Mr. JONES and Mr. BARTON of Texas.

H.R. 1187: Mr. SHIMKUS.

H.R. 1188: Mr. WELCH.

H.R. 1204: Mr. MORAN, Mr. TONKO, and Mrs. MALONEY.

H.R. 1206: Mr. PAUL, Ms. BORDALLO, and Mr. AKIN.

H.R. 1211: Mr. KING of New York.

H.R. 1212: Ms. KAPTUR.

H.R. 1236: Mr. JONES, Mr. LARSON of Connecticut, and Mr. PASCRELL.

H.R. 1250: Mr. OLVER, Mr. GRIJALVA, Mr. REYES, Mr. PASTOR of Arizona, Ms. DELAURO, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MORAN, and Mr. BOREN.

H.R. 1255: Mr. SHUSTER and Mr. BARLETTA.

H.R. 1256: Mr. CONYERS.

H.R. 1259: Mr. JONES and Ms. JENKINS.

H.R. 1265: Mr. HERGER.

H.R. 1278: Mr. FATTAH and Mrs. CHRISTENSEN.

H.R. 1281: Mr. MCCLINTOCK and Mr. PAUL.

H.R. 1286: Mr. WEST, Mr. NUNNELEE, Mr. WILSON of South Carolina, Mr. DUNCAN of Tennessee, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. ROSS of Flor-

ida, Mr. JORDAN, Mr. WOODALL, Mr. LANKFORD, Mr. COLE, Mrs. ADAMS, Mr. SIMPSON, Mr. MCCLINTOCK, Mr. SCHILLING, Mr. SCOTT of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. ROHRBACHER, Mr. PLATTS, Mr. GRIFFIN of Arkansas, Mr. ROKITA, Mr. ROGERS of Kentucky, Mr. AKIN, Mr. AUSTIN SCOTT of Georgia, Mr. HURT, Mr. DUFFY, Mr. GOWDY, Mr. BARTLETT, Mr. BURGESS, Mr. PRICE of Georgia, Mr. GARRETT, Mrs. LUMMIS, Mr. RYAN of Wisconsin, Mr. MCCARTHY of California, Ms. GRANGER, and Mr. BONNER.

H.R. 1288: Mrs. ELLMERS.

H.R. 1297: Mrs. ADAMS, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARTLETT, Mr. BONNER, Mr. BROUN of Georgia, Mr. CARTER, Mr. CANSECO, Mr. CRAVAACK, Mr. CUELLAR, Mr. CULBERSON, Mr. FARENTHOLD, Mr. FLEMING, Mr. FLORES, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. GIBSON, Mr. GINGREY of Georgia, Mr. GOWDY, Ms. GRANGER, Mr. GRIFFIN of Arkansas, Mr. HALL, Ms. HANABUSA, Mrs. HARTZLER, Mr. HELLER, Mr. HUNTER, Mr. JOHNSON of Ohio, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KING of Iowa, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. KLINE, Mr. LAMBORN, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. NUGENT, Mr. NUNNELEE, Mr. OLSON, Ms. PINGREE of Maine, Mr. PLATTS, Mr. POE of Texas, Mr. RIGELL, Mr. ROE of Tennessee, Mr. RUNYAN, Mr. SESSIONS, Mr. SOUTHERLAND, Mr. WEST, Mr. WESTMORELAND, Mr. WILSON of South Carolina, and Mr. YOUNG of Indiana.

H.J. Res. 13: Mrs. ELLMERS, Mr. AUSTIN SCOTT of Georgia, and Mrs. HARTZLER.

H. Con. Res. 7: Mr. WELCH.

H. Con. Res. 21: Mr. JOHNSON of Ohio, Mr. REHBERG, Mr. PLATTS, Mr. OWENS, Mr. HECK, and Mr. HERGER.

H. Con. Res. 29: Mr. GARY G. MILLER of California.

H. Res. 11: Mr. ISRAEL and Mr. LYNCH.

H. Res. 25: Mrs. CAPPs and Mrs. MYRICK.

H. Res. 111: Mr. SMITH of New Jersey.

H. Res. 134: Mr. DAVIS of Illinois.

H. Res. 137: Mr. COSTELLO and Ms. SUTTON.

H. Res. 152: Mr. CRENSHAW and Ms. ZOE LOFGREN of California.

H. Res. 166: Mr. GERLACH.

H. Res. 172: Mr. PETRI.

H. Res. 173: Mr. CHAFFETZ and Mr. COFFMAN of Colorado.

H. Res. 177: Mr. HOLT.

H. Res. 183: Mr. HONDA.

H. Res. 185: Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Mr. STARK, Ms. HANABUSA, Mr. HONDA, Ms. MATSUI, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. WU, Mr. SCHIFF, Mr. WOLF, and Mrs. CHRISTENSEN.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—BLAKE BALDA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the third district of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the third district's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I have had a unique opportunity over the course of this past year to serve at the DFW USO each Wednesday morning. This agency prides itself on serving, assisting, and providing morale for military personnel both past and present. I've thoroughly enjoyed this service site helping soldiers navigate

through the airport to their respective gates, packaging and sending boxes of magazines for troops overseas, and working in the USO Club. The USO has been a great service site for me because of my love and respect for the United States military. The work I do is very rewarding. Nothing tops the opportunity to interact with the people who keep this nation safe each and every day. Listening to the stories of the soldiers has made me appreciate their sacrifice more than ever before. I look forward to continuing my work with the USO as well as embarking on a new undertaking with the Dallas Honor Flight, an organization that raises money to send World War II veterans to their memorial in Washington, D.C. CYAC in the Community has allowed me to realize my calling to serve those in the US. Armed Forces.

—Blake Balda

RECOGNITION OF VINCENNES RIVET HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to recognize the Vincennes Rivet High School Girls Basketball Team from Vincennes, Indiana. On March 5, 2011, the Lady Patriots won the Indiana High School Athletic Association's Class 1A State Championship for the first time in school history. Today, I would like to congratulate Coach Tim Young and the young ladies for their success.

Capping off a regular season with a perfect record of 21 wins and 0 losses, Coach Young led his #1 ranked team to the school's third straight appearance in the state finals where they achieved a 49 to 40 victory against #2 ranked Turkey Run to bring home their first championship. I would also like to commend Coach Jeff Thompson and his team for their exceptional season.

Coach Young constantly promoted teamwork and sportsmanship and was named the Evansville Courier & Press Southwestern Indiana Coach of the Year. His daughter, senior point guard Sarah Young, was named the all-Southwestern Indiana Player of the Year.

Mr. Speaker, I would like to congratulate the Lady Patriots of Vincennes Rivet High School for their hard work and dedication that culminated with their first ever Indiana High School Athletic Association's Girls Basketball Title.

RIVET LADY PATRIOTS

Julia Finch, Ellie Herman, Bailey Dreiman, Lauren Herman, Casandra Brocksmith, Elizabeth Keller, Erin Wehrheim, Sara Young, Malory Niehaus, Allyson Wehrheim, Lauren Tucker, Amber Fowler, Emily Montgomery, Emily Niehaus, Brooke Schutter, Bailey Niehaus.

Head Coach: Tim Young.

Asst. Coaches: Charlie Waggoner, Brent Meeks, Sheila Herman, Paula Westfall.
 Manager: Haley Potter.
 Athletic Director: Doug Ostendorf.

CONGRATULATING BILL SAMUELS ON THE OCCASION OF HIS RETIREMENT FROM MAKER'S MARK

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to honor, commend and congratulate Mr. Bill Samuels, Jr. as he retires from his post as president of Maker's Mark. The Commonwealth of Kentucky is known across the world for its horses as well as its whiskey, in no small part because of the expert craftsmanship and emphasis on quality of Mr. Samuels, following in the footsteps of the seven generations of bourbon distillers in his family. It is fitting that Mr. Samuels will say "so long," though certainly not goodbye to his life's work, at the Thoroughbreds & Redheads event in conjunction with the Maker's Mark Mile race at Lexington's beautiful Keeneland racecourse.

Mr. Samuels' storied career in Loretto is marked by a strong commitment to tradition and entrepreneurship. Maker's Mark is the product of the nation's oldest operating bourbon distillery, and during its celebrated history, its timeless quality has been recognized with numerous awards.

But Mr. Samuels was unwilling to allow Maker's Mark to rest on its laurels. During his career, Mr. Samuels revitalized the brand by developing clever advertising marked by clean, stark design that accentuated his wit while adapting the culture of Kentucky for consumption across the United States and around the world. From a billboard in New York's financial district alluding to Maker's Mark's trademark wax with the slogan "trickle-down economics" to a print ad proclaiming "If we could make it any faster, we wouldn't," Mr. Samuels' efforts are omnipresent, eye-catching, and memorable, transforming Maker's Mark into a thoroughly modern brand while bringing along a bit of Kentucky spirit.

Under his apt stewardship, Maker's Mark has achieved a historic milestone by selling one million cases annually of what is perhaps Kentucky's best known export. The success of Maker's Mark is a reaffirmation of Kentucky's love of tradition, vibrant economy, and good taste. In his forty-four years tirelessly working to expand his family's business and better his community by producing a true Kentucky original, Mr. Samuels has captured the culture and heritage of the Commonwealth in the bourbon handcrafted in the fabled oak barrels of Marion County and has shared it with the world. I wish to congratulate Mr. Samuels upon his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

retirement for his decades of dedication as a global ambassador of our state and to wish him the best in whatever endeavors his future may hold.

PERSONAL EXPLANATION

HON. ERIC A. "RICK" CRAWFORD

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. CRAWFORD. Mr. Speaker, on rollcall No. 212, Gingrey of Georgia Amendment no. 18, I inadvertently voted "no"—intending to vote "yes."

HILLARY MORRIS, DIANA KELLY
AND BRITTANY HARLAN—TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Hillary Morris, Diana Kelly and Brittany Harlan for their work to prevent drinking and drug use in Colorado schools. These three women are responsible for programs designed to teach local students about the dangers of substance abuse.

Their efforts have recently been honored by the Rio Grande Prevention Partners, a group that works towards spreading information about the negative effects of alcohol and drugs. Ms. Harlan has been the student intern for the group since June of 2009. She was instrumental in creating the Youth Engagement Plan while also participating in a number of other extracurricular activities.

Ms. Kelly is the Creede Middle and High School sponsor for Students Against Destructive Decisions, a national group with similar aspirations to that of the RGPP. She helped guide the group's local efforts in Colorado over the last year. Ms. Morris, a student of Creede High School, is also very involved with SADD. She has organized events and activities for the group this past year.

Mr. Speaker, I am proud to recognize these three women for their work in preventing drug and alcohol use among Colorado students. The initiative they have taken in their communities is exemplary and I have no doubt they will continue to be leaders in preventing substance abuse.

HONORING MULE DAY IN
COLUMBIA, TENNESSEE

HON. SCOTT DesJARLAIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. DESJARLAIS. Mr. Speaker, today I come to the floor of the U.S. House, to honor and celebrate the great Tennessee tradition of Mule Day.

For nearly 170 years, Mule Day has been an annual event in Columbia, Tennessee,

which is widely known as the "Mule Capital" of the world.

Mule Day was first celebrated in 1840, as a single day livestock show. Since then, it has evolved into a week-long festival that attracts over 200,000 attendees, making it one of the largest livestock markets in the world. In addition to mules, the festival highlights Tennessee's rich traditions of agriculture, food, music, dancing, and crafts.

Mrs. Knoxville Goad will serve as Grand Marshal for the 2011 Mule Day Parade. I thank her and all the good citizens of Columbia, Tennessee and surrounding areas who continue to work long and hard to ensure that Mule Day remains an important part of Tennessee's heritage.

I look forward to attending this year's "Mule Day" and celebrating the proud history of the American Mule.

BRINGING AMERICA HOME

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, Tom Pauken, Chairman of the Texas Workforce Commission and author of the book "Bringing America Home," has written a column in the Washington Times that I wish every American would read.

The column, entitled "An Agenda for the Next President" and reprinted below, is a very important one that I would like to call to the attention of my colleagues and other readers of the RECORD.

[From the Washington Times, Mar. 31, 2011]

GATES GRILLED ON PRICE OF 'ILLEGAL WAR'

(By Tom Pauken)

ANALYSIS/OPINION

What bothers most Americans as they check out next year's crop of presidential candidates is their country's involvement in a series of endless wars to promote the Wilsonian ideal of "making the world safe for democracy."

First, there was the Bosnian War during the Clinton administration, in which the U.S. intervened militarily on behalf of a radical Islamic Kurdish group against the Christian Serbs who had been our allies in World War II. Secretary of State Madeleine K. Albright was the leading proponent of that Clinton policy, and she famously said to Gen. Colin L. Powell at the time, "What's the point of having this superb military that you're always talking about if we can't use it?" And so we used it to bomb Belgrade and other areas of Serbia—which ensured the Islamic takeover of Kosovo.

Now, Mrs. Clinton reportedly is the prime mover in the Obama administration of U.S. military intervention in Libya to oust the regime of Col. Moammar Gadhafi and replace it with "the forces of democracy," whoever that may turn out to be.

Meanwhile, the George W. Bush and the Obama administrations have supported our continued military involvement in Afghanistan. After the tragedy of 9/11, it made strategic sense to deny Osama bin Laden and his Taliban allies their sanctuaries in Afghanistan, where they were training their radical followers in the techniques of sabotage and

terrorism. What is our mission in Afghanistan 10 years later? To keep the regime of President Hamid Karzai in power?

The human and financial costs of these "endless wars" to our nation have been enormous. A policy of using U.S. military force to impose democracy in the Middle East has not worked and will not work. Moreover, how do we ever hope to get federal spending under control if we keep on the current course?

American foreign policy should be guided by what is in our nation's best interest. We need a new strategy to address the threat of radical Islam. Remember: President Reagan put a policy in place to win the Cold War with very little loss of American military lives.

Changing America's foreign policy is just the beginning. We need to pick a new president we can count on for an economic policy that puts Americans back to work, starts helping the private sector grow again and rebuilds our manufacturing base. The best way to do that is to replace our onerous business tax system—which exports prosperity and American jobs overseas—with a revenue-neutral, business consumption tax that will level the playing field with our trading competitors and bring jobs home to America.

Next, we should pick as our new president someone we can count on to replace Federal Reserve Board Chairman Ben S. Bernanke with someone like Thomas M. Hoenig, president of the Federal Reserve Bank of Kansas City, who has warned of the risks of loose monetary policy and who understands the importance of a sound-dollar policy.

A new president should be one we can count on to end taxpayer bailouts of the "too big to fail" financial institutions—a policy begun by Treasury Secretary Robert E. Rubin in the Clinton administration and continued by Treasury Secretary Henry M. Paulson in the Bush administration. If these institutions are too big to fail, they are too big.

We'll want a new president to determine what levels of spending cuts are necessary and feasible. Then, devolve power wherever possible over domestic programs by removing federal mandates and sending control over spending back to the states and local communities. Give Medicaid back to the states in the form of block grants, just like we did with welfare reform in the Reagan administration.

A president committed to getting federal spending under control also has to be willing to make cuts in defense spending (which has nearly doubled over the past decade), foreign aid and entitlements. Mr. Bush's Medicare drug plan alone, pushed through Congress in 2003, constitutes an unfunded liability of \$55 billion annually, or \$7.2 trillion over the next 75 years. It only speeds up the date when Medicare will be bankrupt. That issue needs to be addressed as part of overall health care reform.

Finally, we cannot ignore the coarsening of our culture and the unraveling of our once strong social fabric, so necessary for the nurturing and preservation of a good society. Bluntly speaking, a free-market system without an ethical compass guiding it will not work. A constitutional republic without the Judeo-Christian ethic as its foundation will not last.

Only if we make the right choice next year will we get a new president who can help America find its way back.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—NIKI AKHAVEISSY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

As the president of the Frisco High School student council, most of my efforts go toward the Homecoming dance in October. I organized this entire dance and spent hours volunteering my time in order to decorate it and make sure everything is set at the standard of perfection. The theme of the dance this year was "A Night at the Shore" and all of the decorations were beach themed. I oversaw the completion of this project from the beginning to the very end, and the final product was extremely satisfying. This project was the fruit of my labor for months, and I spent 5 hours on the day of the dance, Saturday, October 2nd, decorating the banquet hall of the hotel to resemble a serene beach. I also had to fill out numerous

proposals in order to get the venue, vendors, and theme approved. From there I went to finding a DJ, and recruiting other members to spend their time both before and after the dance to help set up and clean up. This volunteer opportunity really helped me reach out in the community and help significantly raise the level of spirit at my school.

—Niki Akhaveissy

CONGRATULATING THE ROCKCASTLE COUNTY HIGH SCHOOL LADY ROCKETS BASKETBALL TEAM FOR WINNING THE 2011 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION'S STATE CHAMPIONSHIP

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the Rockcastle County High School Lady Rockets Basketball Team who captured the 2011 Kentucky High School Athletic Association's State Championship title. Coach Chrysti Noble led the team to an incredible victory that our region will cherish for years to come.

On March 12, 2011, the Lady Rockets defeated a talented team from Dupont Manual High School, winning 62 to 60 in a game forced into overtime. With one second remaining, senior Angie Lawrence hit the game-winning shot.

The state title is the realization of a dream come true, especially for the team's seniors. As teammates in the fifth grade, the girls experienced success as Rockcastle County's first team to earn a trip to the Amateur Athletic Union's national tournament. After tasting victory, they decided their next goal was to win the Kentucky State Championship in high school. Heart and determination have always separated this team from the competition.

In addition, I commend the tournament's most valuable player, Kentucky's first-ever McDonald's All American, Sara Hammond, for the leadership she demonstrated throughout her career at Rockcastle County High School, both on and off the court. Sara has been a prominent advocate for Operation UNITE, spreading a drug-free message to the youth in southern and eastern Kentucky.

I ask my colleagues to join me in honoring Chrysti Noble and the 2011 Lady Rockets as the KHSAA State Champions. Coach Noble and her student-athletes have demonstrated outstanding dedication, teamwork, unselfishness and sportsmanship throughout the course of the season in achieving this great honor. I congratulate them and wish them all the best in the years to come.

ARTHUR GAGNON TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. TIPTON. Mr. Speaker it is a wonderful privilege to stand and pay tribute to celebrate

the extraordinary life of Mr. Arthur Gagnon. Sadly, he passed away on March 24th, 2011, and his loss will be felt by all who knew this inspirational person. Mr. Gagnon was a man that had many passions, and had a lifetime of wonderful achievements on a professional and personal level. Above all else he was a man that was truly devoted to his family, faith and country.

Mr. Arthur Gagnon was born and raised in Albany, New York, and he lived there until he enlisted in the United States Air Force in 1950. Mr. Gagnon enjoyed a successful career in the Air Force that lasted two decades, and took him to all corners of the globe. He retired as a Senior Master Sergeant and always claimed to love the work he did and the people he met along the way. After twenty years of moving around the country Mr. Gagnon and his family moved to Colorado Springs, Colorado, which allowed him to continue civilian work with the Air Force at the Air Force Academy Visitor Center. Mr. Gagnon was also endlessly committed to doing all he could to assist his fellow veterans, and he did so as a member of the Veterans of Foreign Wars, the Retired Enlisted Association and Disabled American Veterans. Mr. Arthur Gagnon was a man that had a true sense of the meaning of service.

For all of his deeds in his service to America, Mr. Arthur Gagnon was even more committed to his family. He married his wife Delores in 1953 and they enjoyed a 58 year marriage. Mr. Gagnon also had three children, and was a grandfather and great-grandfather. Many in the Gagnon family looked to the lessons they learned from their father and grandfather as an example of how they should live there own life. His son James Gagnon served as an officer in the Air Force, and one of his grandsons, Joseph Gagnon is currently a first lieutenant in the Air Force. His grandson, David Sprenger, believes that his success working in the U.S. Congress can be directly attributed to the ideals he learned from his grandfather. Mr. Gagnon clearly touched the lives of others in many ways.

Mr. Speaker, it has been an honor to stand and pay tribute to the life and accomplishments of Mr. Arthur Gagnon. He was a man that tirelessly tried to bring fulfillment into the lives of those around him, and he will be dearly missed.

IN RECOGNITION OF AREA HEALTH EDUCATION CENTERS (AHECS)

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. CASTOR of Florida. Mr. Speaker: I rise today to acknowledge the contributions of the nation's Area Health Education Centers (AHECs) and applaud the vitally important healthcare workforce programs they conduct to improve access to healthcare for medically under-served individuals.

AHECs, established by Congress in 1971 as one of the Title VII Health Professions Training programs, are the workforce development,

training and education machine for the nation's healthcare safety net programs. Across the nation, 56 AHEC programs and more than 235 affiliated AHEC centers collaborate with over 120 medical schools and 600 nursing and allied health programs to improve the quality, geographic distribution and diversity of the primary care workforce.

Last year, AHECs facilitated the placement of more than 44,000 health professional students in 17,530 community-based practice settings nationwide including community health centers, rural health clinics, critical access hospitals, tribal clinics and public health departments. To address the growing shortage of health care professionals in America, over 33,000 received more than 20 hours of health career exposure, information, and academic enhancement to prepare them for health professions training programs.

The University of South Florida's AHEC Program connects students to careers, professionals to communities, and communities to better health. The USF AHEC Program inspires youth to choose a career in the health professions with its health career camps, mentoring programs, college preparatory courses and more. USF focuses on recruiting more minority and disadvantaged youth into health careers because as the nation's population becomes more diverse, it is important that the health care workforce reflects that diversity. AHECs in the Tampa Bay area are dedicated to community service and committed to enhancing the lives of Florida's most vulnerable populations who often go without health care due to geographic isolation and economic or social status. From 2000 to now, USF AHEC and its centers, Gulfcoast North AHEC and Gulfcoast South AHEC, have placed over 13,000 health professions students, residents and providers in medically underserved sites such as community health centers, county health departments and indigent care clinics within its service area; have increased access to healthcare at these sites with approximately 3 million patient encounters; and have guided more than 10,000 youth to careers in health through student enrichment and diversity programs. Most recently, USF AHEC and its centers have also provided tobacco cessation services to over 1,600 residents of the service area in an effort to combat the nation's leading cause of disease, disability and death—tobacco use.

Not only have AHECs supported the education of future professionals, but they have supported more than 482,000 health professionals caring for the medically under-served with programs designed to enhance their skills, knowledge, and quality of care. AHECs have awarded 1.1 million contact hours of continuing education programs to current health professionals. AHECs extend the academic resources of health professions training programs into rural and medically underserved communities throughout the United States by creating partnerships between the health science centers that train health professions students, residents, faculty, and practitioners and the local providers that care for our nation's increasing number of medically under-served citizens.

Mr. Speaker, through community-based interdisciplinary training programs, AHECs

identify, inspire, recruit, educate, and retain a health care workforce committed to underserved populations. To that end, I would like to take this opportunity to officially recognize National AHEC Week, March 14 through March 18, 2011.

HONORING U.S. ARMY CORPORAL
JUSTIN ROSS' SERVICE IN AF-
GHANISTAN

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. RIBBLE. Mr. Speaker, I rise today to remember and honor the life and sacrifice of Corporal Justin Ross. A native of Howard, Wisconsin, Cpl. Ross died while serving our country in the Helmand province of Afghanistan.

Cpl. Ross was assigned to the 428th Engineer Company, 863rd Battalion, U.S. Army Reserve, Wausau, Wisconsin. Our hearts go out to the Ross family and our prayers will be with them all during this difficult time. Cpl. Ross deserves nothing less than the eternal gratitude of our nation. He's a hero, and his sacrifice will not be forgotten.

Mr. Speaker, Cpl. Ross embodied the best qualities of a true American soldier. He was selfless, dedicated and brave. He is remembered by friends and family as a man with a strong, quiet spirit who put the safety of his fellow troops before his own and a man who earned the unwavering respect of his peers. Through his exemplary service, Cpl. Justin Ross has made Northeast Wisconsin and his country proud.

It is my honor to commemorate him and I urge my colleagues to join me today in honoring the life of Cpl. Justin Ross for the sacrifice he has made for the United States.

WALLACE HOPKINS RETIRES
AFTER 36 YEARS OF SERVICE TO
OUR NATION'S VETERANS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. YOUNG of Florida. Mr. Speaker, it is with a mixture of happiness and sadness that I let my colleagues know of the retirement today of Wallace M. Hopkins, the Director of the Bay Pines VA Health Care System, after 36 years of dedicated and devoted service to our nation's veterans and the Department of Veterans Affairs.

It has been my pleasure to work with Mr. Hopkins for the past six years since his assignment to Bay Pines, which I have the privilege to represent. While at Bay Pines and throughout his career, Wally Hopkins' work in the field of Healthcare Systems Administration and Management has enhanced the quality of health care for our veterans for nearly four decades. He began his distinguished VA career in September 1975 as an Administrative Resident at the Iowa City VAMC. During the

next 35 years, Mr. Hopkins served in increasingly more responsible administrative positions in Washington, Indiana, and Minnesota. He became the Director of the Brockton/West Roxbury VAMC in 1988 and then moved to Waco, Texas serving as Director there until 1996. Before coming to Bay Pines in 2005, he served as the Director of the Amarillo, Texas VA Health Care System.

Mr. Speaker, I am most familiar with Mr. Hopkins' leadership and commitment to the care of our veterans while he has served as Director of the Bay Pines Healthcare System, one of the largest and most complex healthcare systems in the Department of Veterans Affairs. The numerous accomplishments and accolades that the staff at Bay Pines has earned during the tenure of Mr. Hopkins are indicative of his commitment to excellence. These awards include the 2008 Robert W. Carey Performance Excellence Award, the 2009 Robert W. Carey Performance Excellence Trophy, and 2010 Robert W. Carey Circle of Excellence Award, the three highest honors a VA hospital can earn. In 2007, 2008 and 2009, Bay Pines was ranked one of the highest of all Veterans Affairs Medical Centers in national performance measures for quality healthcare, access to services, and veteran and employee satisfaction rates. The Bay Pines Nursing Service has been nationally recognized with two 2007 Office of Nursing Service Innovation Awards and in 2009, they won the top award for the "Let's Get Certified" campaign by having the highest increase in individual nursing achievements of specialty certifications. Bay Pines received a top award from the American Heart Association and the American Stroke Association for implementing measures adhering to the two organizations' highest standards of stroke care and treatment. The Associations' Get with the Guidelines Stroke (GWTG—Stroke) Silver Performance Achievement Award recognized Bay Pines for its comprehensive system of high standard measures and for being the first VA facility to be recognized with the Performance Achievement Award. National Systems Redesign awards were also presented to Bay Pines for streamlining patient flow process in the inpatient and outpatient setting.

Bay Pines has undergone much needed growth in its services and facilities under the leadership of Wally Hopkins. These include the expansion of the emergency department with state of the art imaging and diagnostic equipment, a completely renovated and expanded suite of Intensive Care Units, numerous enhancements and expansion efforts in types of cardiology services offered, expanded high-tech equipment for radiology and nuclear medicine including a new PET CT and new Radiation Oncology and Cancer Infusion Center and a fully renovated, completely self-sustaining laundry plant that supports three major Veterans Healthcare Administration facilities. His direct interest in serving the clinical needs of veterans is apparent in the number of major and minor construction projects currently taking place throughout the Bay Pines Healthcare System. At Bay Pines, these include the Mental Health Center, Inpatient Ward Renovation Project, Outpatient Surgery Center, Eye Center, Research Center and outside of the main campus the Lee County Clinic and the expansion of services and the nearly doubling the

amount of Community Based Outpatients Clinic space throughout the system's ten county catchment area.

Wallace Hopkins' commitment to caring for our Nation's veterans comes from the heart. He is a highly decorated veteran himself having served in Vietnam as an Air Force F-4 reconnaissance pilot. He earned a Master of Science degree in Health Care Administration in 1976 from Trinity University in San Antonio, Texas. Prior to his graduate studies, he earned a Bachelor of Business Administration degree from Southwest Texas State University in 1968 and he is a Fellow of the American College of Healthcare Executives.

Mr. Speaker, as I said at the outset, it is with some degree of sadness that we say goodbye to Wally Hopkins as the Director of the Bay Pines Healthcare System. He has led the staff there to the pinnacle of quality care for the veterans of our community. But I know that the skill and dedication with which he has led will pass down to the next leadership team and will continue to ensure that our veterans receive the highest quality of care which they have earned and which they deserve.

And I am happy for Mr. Hopkins and his wife Susan, who has been a true partner in his life-long service to veterans, as he retires from a career in which he has excelled. He is a true patriot as anyone who has heard him speak on Memorial Day can attest. And I am happy that he will remain a part of our community in which he has been active in many important areas since arriving in Pinellas County six years ago. Please join me in saying thank you to Mr. Wallace M. Hopkins for a job and a career well done and wishing him and his wife all the best in their retirement.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. VISCLOSKY. Mr. Speaker, on April 1, 2011, I was absent from the House and missed rollcall votes 215 through 224.

Had I been present for rollcall 215, agreeing to the amendment, Adam B. Schiff of California Amendment No. 29 to H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "aye."

Had I been present for rollcall 216, agreeing to the amendment, Pete Sessions of Texas Amendment No. 20 to H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "no."

Had I been present for rollcall 217, agreeing to the amendment, Steven C. LaTourette of Ohio Amendment No. 21 to H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "aye."

Had I been present for rollcall 218, agreeing to the amendment, Bill Shuster of Pennsylvania Amendment No. 24 to H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "no."

Had I been present for rollcall 219, on a motion to recommit with instructions H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "aye."

Had I been present for rollcall 220, on passage of H.R. 658, the FAA Reauthorization and Reform Act of 2011, I would have voted "no."

Had I been present for rollcall 221, on a motion to order the previous question on the rule for H. Res. 194, Providing for consideration of H.R. 1255, the Government Shutdown Prevention Act of 2011, I would have voted "no."

Had I been present for rollcall 222, on agreeing to H. Res. 194, Providing for consideration of H.R. 1255, the Government Shutdown Prevention Act of 2011, I would have voted "no."

Had I been present for rollcall 223, on a motion to recommit with instructions H.R. 1255, the Government Shutdown Prevention Act of 2011, I would have voted "aye."

Had I been present for rollcall 224, on passage of H.R. 1255, the Government Shutdown Prevention Act of 2011, I would have voted "no."

RECOGNITION OF REITZ MEMORIAL HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to recognize the Reitz Memorial High School Girls Basketball Team from Evansville, Indiana. On March 5, 2011, the Lady Tigers won the Indiana High School Athletic Association's Class 3A State Championship for the first time in school history. Today, I would like to congratulate Coach Bruce Dockery and the 16 young ladies for their success.

After a regular season of 21 wins and only 1 loss, Coach Dockery led his #1 ranked team to the school's second appearance in the state finals in Fort Wayne, Indiana where it took a 58 to 50 overtime victory against #3 ranked Benton Central to bring home their first championship. I would also like to commend Coach David Baxter and his team for their exceptional season.

Mr. Speaker, I would like to congratulate the Lady Tigers of Reitz Memorial High School for their hard work and dedication that culminated with a record of 28 wins and 1 loss in Coach Dockery's 23rd season and their first ever Indiana High School Athletic Association's Girls Basketball Title.

MEMORIAL LADY TIGERS

- Rachel Davidson
- Nicci Bland
- Ruth Hedrick
- Maggie Minnette
- Sarah Stone
- Grace Shymanski
- Natalie Cohlmeier
- Jena Lutz
- Anna Hackert
- Marie Hackert
- Emily Nesbitt
- Mallory Ladd
- Head Coach: Bruce Dockery
- Asst. Coaches: Monica Auker, Whitney Jenkins, Thom Endress, Joan Miller
- Student Managers: Emily Purdue, Kelsey Falls, Jessica Durcholz

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. GRAVES of Missouri. Mr. Speaker, on Wednesday, March 30, 2011, I missed rollcall vote No. 202. Had I been present, I would have voted "nay."

HONORING MEMORABLE FACTOR'S OUTSTANDING ACADEMIC ACHIEVEMENTS

HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SCOTT of South Carolina. Mr. Speaker, I rise to recognize and honor Memorable "Mem" Factor of Charleston, SC and to congratulate him for winning first place in the first grade division at the State MathFest competition and for being named a National Champion of Le Grand Concours 2010 French Competition.

Whereas, the members of the U.S. House of Representatives are pleased to learn that Memorable "Mem" Factor took first place honors at the State MathFest competition and was named a national champion of Le Grand Concours 2010 national French competition; and

Whereas, six-year-old Mem Factor's two favorite activities are math and basketball, and he thinks "being good at math is really cool"; and

Whereas, he had very big shoes to fill at MathFest because last year's first grade winner was his sister Cailley Factor, and for the first time in the six years of the competition's history, siblings became State winners in the same year when his sister took top honors this year for the second grade; and

Whereas, his sister also won a national first place in the 1A category of Le Grand Concours in 2008, and "Mem" followed her once again in the 1A category for children in the first through third grades by winning it this year; and

Whereas, also fluent in Mandarin and Spanish, he earned the highest score in the United States in his category and says he loves everything French, especially the food; and

Whereas, the national French exam, consisting of oral and written portions, is given by the American Association of Teachers of French to over one hundred thousand French students in all fifty States and abroad; and

Whereas, this year's South Carolina MathFest was held in Columbia, and four thousand math students from around the State competed in the State's competition of the national math contest; and

Whereas, a group of elementary educators created MathFest in 2001 to provide an extended math initiative that would motivate students, parents, and teachers to raise the standards and expectations in math; and

Whereas, the founder of MathFest, Dr. Ron Boykins, hopes to generate enthusiasm for

math in the elementary years in order to provide students with necessary skills to compete in middle and high school; and

Whereas, the members of the U.S. House of Representatives are pleased that talent and hard work have brought this success to Mem Factor, and they are grateful for the pride and recognition he has brought to his home school and to his community. Now, therefore, the members of the U.S. House of Representatives, by this resolution, recognize and honor Memorable "Mem" Factor of Charleston, SC and congratulate him for winning first place in the first grade division at the State MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition.

Be it further resolved that a copy of this resolution be provided to Memorable "Mem" Factor.

PERSONAL EXPLANATION

HON. RICK BERG

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BERG. Mr. Speaker, on rollcall No. 210, had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. HERGER. Mr. Speaker, on rollcall No. 216, I inadvertently voted "no," when I meant to vote "yes."

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ANDREW BALDWIN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the U.S. House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when

giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I have heard people say, "When you give to someone else, you end up receiving far more than you give." After serving many volunteer hours, I believe this is true. On October 30th, I took part in an Adopt-A-Highway clean-up project in Allen. For two hours, we picked up gum wrappers, soda cans and anything else you could imagine along Highway 5. We gathered many bags of trash. In the end, we were hot and thirsty, but it felt good to know we left the highway looking better than when we started. My second activity was the Ultimate Gift Event. On October 23-24, several chapters worked on a beautification project for the Douglas Community in Plano. I cleared debris from the area and planted flowers. There was also a picnic and carnival for the kids in the area. It was two hours well spent. Study Buddies was my third activity. For 1½ hours on January 6th, I helped students living in the Chaparral apartments in Allen. We helped them with their homework and fed them pizza. Without our help, many of these kids would go to bed hungry. It was good to show these boys and girls that someone cares about them.

—Andrew Baldwin.

CONGRATULATING THE PIKEVILLE COLLEGE BEARS FOR WINNING THE 2011 NAIA DIVISION I MEN'S BASKETBALL CHAMPIONSHIP

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the Pikeville College Bears for winning the 2011 NAIA Division I Men's Basketball Championship. Coach Kelly Wells masterfully guided the unseeded Cinderella team to earn the division crown.

On March 22, 2011, the Bears defeated a talented team from Mountain State University, winning 83 to 76 in overtime.

The team surpassed a number of expectations this season, setting a school-record with 30 wins and becoming the first unseeded team in NAIA history to beat five seeded teams for the championship title. The accomplishments of this team will be shared with pride in the mountains for generations to come.

In addition, I commend Coach Kelly Wells on being named the National Coach of the Year and I congratulate the tournament's most valuable player, Trevor Setty, who finished the tournament with 108 points, including 18 three-point shots and 49 rebounds.

I ask my colleagues to join me in honoring Coach Kelly Wells and the 2011 NAIA Division I Men's Basketball Champions. Coach Wells, his staff and his players displayed outstanding dedication, teamwork, unselfishness and sportsmanship throughout the course of the season in achieving this great honor. I congratulate them and wish them all the best in the years to come.

RECOGNITION OF WASHINGTON HIGH SCHOOL BOYS BASKETBALL TEAM

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to recognize the Washington High School Boys Basketball Team from Washington, Indiana. On March 26, 2011, the Hatchets won the Indiana High School Athletic Association's Class 3A State Championship for the second consecutive year. Today, I would like to congratulate Coach Gene Miller and the young men for their success.

The #1 ranked Hatchets finished their season with a record of 24 wins and only 4 losses where they achieved a 61 to 46 victory against Culver Academies in the state finals. I would also like commend Coach Mark Galloway and his team for reaching their first ever state championship game.

This was the fourth state championship since 2005 for the Hatchets, who were led by McDonald's All American Cody Zeller. Mr. Zeller was also named the winner of the Arthur L. Trester Mental Attitude Award in Class 3A Boys Basketball.

Mr. Speaker, I would like to congratulate the Hatchets of Washington High School for their hard work and dedication that culminated with their second consecutive Indiana High School Athletic Association's Boys Basketball Title.

WASHINGTON HATCHETS

Jacob Stephens
Derek Arvin
Trey Garber
Jaydan Hawk
Dylan Ervin
Kurtis Anthony
Adam Lane
Tyler Stoll
Cody Zeller
Robert Pittman
Andy Garland
Cullen Arnold
Head Coach: Gene Miller

Asst. Coaches: Brandt Schuckman, Mike Kramer, Kyle Cornelius, Scott Neidigh, Brett Matteson

Student Managers: Eric Wadsworth and Eric Long

PERSONAL EXPLANATION

HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. CARNEY. Mr. Speaker, I wish to clarify my position for the RECORD on a vote cast during consideration of H.R. 658, The FAA Reauthorization and Reform Act of 2011.

On rollcall vote No. 212, cast March 31st, 2011, I voted "aye." It was my intention to vote "no" on Amendment No. 18 offered by Congressman GINGREY of Georgia.

RECOGNIZING MRS. MODEEN BROWN IN HONOR OF WOMEN'S HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize Mrs. Modeen Brown in honor of Women's History Month. I thank you for giving us all an opportunity to celebrate the life of this truly remarkable leader.

Mrs. Modeen Brown rose from the cotton patches of Georgia to the Governor's Mansion in Colorado. As an African American woman, Modeen is a shining example of how minority women can succeed through a commitment to excellence in education. Prior to 1980, Women's History Month did not exist. Ms. Brown, like many other women, validated the necessity of celebrating women. Raised in a time when few African Americans—let alone women—attended college, Modeen was determined to change that standard. A devoted mother of five, she had always instilled in her children the importance of education.

Modeen was born on a Georgia farm and raised by her loving aunt upon the death of her mother. Inspired by her aunt's strength and selflessness, Modeen developed a strong work ethic. She passed this essential trait on to her children, evident in the fact that all of them have obtained bachelor degrees or higher. Three of Mrs. Brown's children have graduated from the University of Florida and her oldest daughter, Angela, has served as a teacher for children with special needs for the past thirty years. Her daughter, Carolyn, is currently a major in the Sheriff's department of Bradenton, FL. Shariel, her third child, once played for the Florida Gators and now works for ESPN. Mrs. Brown's only son, Ernest, is a physician and her youngest daughter, Nyra, is an actress. Mrs. Brown is a proud grandparent of seven grandchildren and one great-grandchild. Mrs. Brown's high expectations and strong work ethic have been clearly passed down, apparent from her 13-year old granddaughter who is a straight A student attending

a specialized school and Ernest's daughter, Charisse, who recently graduated from Harvard with a PhD in biochemistry.

Modeen's strong dedication and hard work was not restricted to education. In her professional life, she coordinated the fundraising for former Lt. Governor of Colorado George Brown, who later became her husband. Mr. Brown, who passed away in 2006, was the first African American to hold statewide office in Colorado.

Mrs. Brown is a prime example of the fact that women can accomplish great things. Her daughter, Carolyn, and her granddaughter, Shariel, are a testament to women succeeding in nontraditional career paths and her granddaughter, Charisse, has proved that education is the great equalizer among races and classes. Modeen's support of her late husband excludes what it means to lead by serving. Mrs. Modeen Brown has truly made a difference in the lives of many, and I am privileged to recognize her as a hard worker and brilliant leader in honor of Women's History Month.

CONGRATULATING JIM SHACKLEFORD ON THE OCCASION OF HIS RETIREMENT FROM TECO COAL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Jim Shackleford, the president of TECO Coal, in honor of his retirement after contributing more than 27 years to the TECO Energy subsidiary and thousands of families in the Appalachian coal fields.

Jim Shackleford is both an astute businessman and a dedicated humanitarian. Under his watch, TECO Coal sales increased from an annual one million tons of coal for one utility, to annual sales of nine million tons of coal to third-party international and domestic customers. Mr. Shackleford's vision for TECO Coal amounted to hundreds of high-paying jobs across all six TECO Coal operations for families in central Appalachia.

With a heart of compassion, Mr. Shackleford structured TECO Coal as a good steward of the communities in which it operates. He awarded thousands of dollars of donations to various community organizations, emergency response groups and schools. He established the TECO Coal Children's Fund to provide clothing and toys to about one thousand underprivileged youth each year. In addition, many families have food on the table, thanks to TECO's support of local food banks.

Jim Shackleford's impeccable leadership skills have been coveted by organizations across southern and eastern Kentucky. He is a member of the Kentucky Coal Association board of directors and is a former chairman. He served as the former chairman of the board of the Whitley County Forward in the Fifth, was an advisory board member for Baptist Regional Medical Center and served on the Corbin Little League Board of Directors.

I ask my colleagues to join me in honoring Jim Shackleford. I congratulate him on his re-

tirement and wish him all the best in the years to come.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—BRIANNA BURNSTAD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the third district's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I decided to volunteer with Upward Basketball at Christ United Methodist Church. Upward Basketball is a Christian affiliated basketball league for elementary aged children of any faith. The program focuses on providing a fun experience for all of the players and is a league that guarantees equal playing time for each player. While volunteering I had a variety of tasks to accomplish. I helped prepare the gym for both practices and games. This included preparing the

basketball hoops, setting out bleachers and benches, and providing the coaches with any materials needed. After practices, I read devotionals to some of the children that included bible stories and topics such as teamwork and good sportsmanship. I believe I made a difference in my community because I was able to help create a fun, energetic and safe environment for children within the community. I was also able to set a positive example for the children through my actions and emphasize the importance of service and kindness.

—*Brianna Burnstad.*

HONORING JENNIFER STIMPSON
FOR HER WORK WITH THE DALLAS
"CEASE THE GREASE" PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on behalf of the residents of the Thirtieth Congressional District of Texas, I want to congratulate my friend, Jennifer Stimpson for her work with the Dallas, "Cease the Grease" program. Jennifer who is science faculty with The Hockaday School, is helping citizens understand the benefits of recycling used cooking oil.

Jennifer, a scientist by profession, has taken her passion to the classroom, incorporating within her lectures the "how-to's" of converting used cooking oil into bio-fuel. Jennifer Stimpson's passion is what will ultimately get more young people involved in the sciences. I am so proud when I hear of leaders like Jennifer who are thinking outside of the box. We need more individuals like Jennifer who are finding new creative ways to inspire many more future generations to pursue rewarding careers in science and engineering.

I cannot emphasize enough the importance of science and engineering. As a country we have been falling behind other nations in Math and Science education for several years now. The number of scientific papers published by Americans is declining. Americans are receiving fewer Nobel Prizes in the sciences. There is evidence that the foundation of our innovation-based economy is experiencing dangerous deterioration. For America, this is unacceptable.

Jennifer, I congratulate you and wish you much continued success. Our nation is a better place because we have individuals such as you. I ask all of my colleagues to join in celebrating Jennifer Stimpson on her many accomplishments and dedication to educating our nation's future.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. RICHARDSON. Mr. Speaker, I was unavoidably delayed and my vote was not recorded on rollcall No. 213. Had I been present

I would have voted "no" for the following reasons:

1. The underlying bill, H.R. 1255 is unconstitutional because it violates Article 1, Section 7, Clause 2 of the Constitution which states "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States."

2. The underlying bill will "deem" H.R. 1 as signed into law, which waives the constitutional requirement of having legislation pass both the House and the Senate and signed by the President before it becomes a law.

3. H.R. 1 is a reckless bill that destroys jobs, slashes critical funding for education, homeland security, and public health.

4. This violates section 426(a) of the Congressional Budget Act by imposing an unfunded mandate.

INTRODUCTION OF THE NUCLEAR
WEAPONS ABOLITION AND ECONOMIC
AND ENERGY CONVERSION
ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. NORTON. Mr. Speaker, today, I am introducing the Nuclear Weapons Abolition and Economic and Energy Conversion Act of 2011, a version of which I have introduced since 1994, after working with the District of Columbia residents who were responsible for the Nuclear Disarmament and Economic Conversion ballot initiative passed by DC voters in 1993. This version of the bill now requires the United States to negotiate an international agreement to disable and dismantle its nuclear weapons by 2020 and provides for strict control of fissile material and radioactive waste and for use of nuclear free energy resources. The bill continues to provide that the funds used for nuclear weapons programs be redirected towards human and infrastructure needs, such as housing, health care, Social Security and the environment. The bill is particularly timely as Congress continues to make cuts to important human and infrastructure programs and as the world confronts nuclear catastrophe in Japan. This year, I introduce the bill to recognize the Alliance of Nuclear Accountability's DC Days 2011, beginning on Monday, and in memory of William Thomas, who died in 2009 after demonstrating in front of the White House in an anti-nuclear vigil for nearly 28 years. His efforts were the longest uninterrupted anti-war protest in U.S. history. William Thomas made the cause of peace the centerpiece of his meaningful life and was an example for us all.

Following years of dangerous increases in U.S. nuclear capacity during the George W. Bush administration, President Barack Obama has begun to rebuild U.S. credibility with his goal of taking the necessary steps to achieve a world without nuclear weapons. The President's strong push for the New START treaty last year, when Republicans seemed adamant on stalling it, resulted in ratification by the Senate. The treaty requires the two major nu-

clear powers, Russia and the United States, continue to reduce nuclear weapons by mutually reducing their nuclear warheads by half and their number of intercontinental ballistic missiles and missile launchers, and, within sixty days of the treaty's entry into force, on February 5, 2011, submit to on-site inspections of strategic nuclear weapons facilities by the weapons experts of the other country.

Despite the progress embodied by the New START treaty, the events of the last few weeks remind us of the urgent need to rid the world of nuclear weapons. The tragic nuclear catastrophe in Japan, a result of a massive earthquake and tsunami, demonstrates another, perhaps even more likely, nuclear peril. Radiation has been detected around the world since the Fukushima nuclear plant meltdown. It is painfully ironic that the one country that has been attacked with nuclear weapons is now struggling to control its own nuclear capability after the plant meltdown. The U.S. has an obligation to lead in ridding the world of nuclear weapons.

Today, our country has a long list of urgent domestic needs that have been put on the back burner even though millions of Americans have lost their homes and jobs. As the only nation that has used nuclear weapons in war, and that still possesses the largest nuclear weapons arsenal, I urge support for my bill to help the United States lead the world in redirecting funds that would otherwise go to nuclear weapons to instead be available for urgent domestic needs.

HONORING DAVEY "WIZ" WHITNEY
LEGENDARY BASKETBALL COACH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Coach Davey Whitney, National Collegiate Basketball Hall of Famer and the second winningest coach in HBCU College Basketball.

Davey Whitney was born in Midway, Kentucky in 1930. While in high school, he excelled in basketball, but pursued his first love—baseball—and hoped to play professionally. Whitney graduated from Kentucky State University earning more letters than any other athlete at the university.

Coach Whitney, affectionately known as the "Wiz," began his sports career as a shortstop with the Kansas City Monarchs of the Negro Baseball League from 1952 to 1954 replacing Ernie Banks, who went on to play for the Chicago Cubs. Whitney played on the 1954 All Star Team and with Satchel Paige. Subsequently, he was not offered a contract with the Chicago Cubs and shifted his focus to coaching basketball. Though he never wanted to be a coach or teach, Whitney stated, "I guess I carried the same kind of determination in baseball over to coaching."

Whitney coached high school basketball in Kentucky during the 1960s and was named "Coach of the Year" in 1961, the same year his team won the National High School Tournament Championship. His team went on to

capture three Kentucky State Tournament Championships. Coach Whitney's first collegiate job was at Texas Southern University from 1964 to 1969. The "Wiz" would go on to spend more than 25 years coaching the Alcorn State University Braves and be named the Southwest Athletic Championships, SWAC, Coach of the Year nine times.

Whitney coached at Alcorn State University from 1969 to 1988 and again from 1996 to 2002, bringing the Brave squad back to prominence. During his coaching career, Whitney's overall record as head coach was 550 wins and 337 defeats; 495 of his career wins were as head coach of the Alcorn State Braves. Under the tutelage of Coach Whitney, the Braves were the first historically black institution to compete in the NCAA playoffs. The Braves dominated the SWAC with 12 SWAC regular season titles—a record four consecutive titles from 1978 to 1982; participated in 12 national postseason tournaments, won five NAIA District Titles and placed second and third in the national tournaments during the 1970s.

In 2010, Legendary Coach Davey "Wiz" Whitney was among eight inducted into the 2010 National Collegiate Basketball Hall of Fame.

Again, I ask that my colleagues join me in saluting the stellar coaching career of legendary Coach Davey "Wiz" Whitney.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SHEILA CHANDRAHAS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

I have learned a lot through serving others. I feel as if I have grown as a person and feel better about myself. Helping others is the best way to give yourself satisfaction in life. I love spending time with kids and making a difference in their lives. It makes a difference in my life too as it teaches me to be a caring and kind individual. I plan on taking on the important role of becoming a doctor as I see myself helping kids in an environment just as great as Children's, so this volunteer placement would definitely fit into my long term career and life plans. As a young teen, I feel that children can connect and relate to us a lot more and feel so much more at ease when they know we care for them just as much. I learned that making a two minute conversation with a stranger can really light up their day. I learned how to be caring and compassionate for every single person that comes my way, every minute of the day. Being an active member of the community helps you gain a love for where you are from and a sense of compassion.

—Sheila Chandrahas.

TRIBUTE TO CHRISTOPHER CROWE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I pay tribute to Christopher Crowe, a remarkable public servant and extraordinarily devoted congressional staffer. Chris passed away unexpectedly on Wednesday, March 30, at the youthful age of 29. He was my legislative aide who mastered our budget, tax, and international trade issues. He was still on the payroll as of Wednesday before his abrupt passing.

Most of Texas's 30th congressional district residents did not know Chris Crowe personally, but I would like them to understand exactly how this dedicated public servant made a real difference in the lives for my constituents and our country. Chris always exceedingly performed his job in the name of the American people with remarkable efficiency, tenacity, pride and integrity. Nearly each and every time I would return to the district for town hall meetings or other business, I would hear from my constituents their gratitude for Chris's selfless work. Likewise, Chris would always talk about what a great community we had in Dallas—an appreciation that was reflected greatly in his work.

On Capitol Hill, Chris served as an inspiration and an unwavering ally. His work ethic demonstrated for others what personal sacrifice truly meant and redefined the term "public service" for his constituents. His great interest in international events, cultural trends and current events taught others how to be global citizens. He was a person who enjoyed life and always had a smile to share. He never met a stranger.

On behalf of Texas's 30th congressional district, I extend our heartfelt sympathies to the Crowe family, his friends, and his colleagues. As they honor their beloved son, brother, friend, and neighbor, know that we will always miss his presence.

Mr. Speaker, I add my statement and my staff's comments about Chris to the CONGRESSIONAL RECORD and I encourage my colleagues to read them.

"Chris worked in politics to make a difference, he always stood up for what he believed in and always did so with a smile on his face. He was a committed colleague to work with and was always a joy to be around." J. Collin Chlebak

"Christopher Crowe's unparalleled commitment to service to our congressional district, our Member, and to the causes he believed in made him a professional role model for me. Yet, his unflinching spirit and vibrant personality are what I will truly miss and carry forever." Cameron Trimble

"Chris was a young man who had a sincere passion for public service. His commitment and dedication was evident in the approach he took when serving the constituents of the 30th district and the state of Texas. We will dearly miss his upbeat and joyous personality." Esperanza Worley

"Chris was a comedian when you needed a laugh, a strong voice of reason when you couldn't focus and mighty force to be reckoned with when he had your back. His light will forever shine and anyone who ever had any contact with him knew right away that he was special." Dena Craig

"Chris put simply, was a great guy. I admired and respected his knowledge of political issues and the process. He had a zest for life and it was evident in his every action which impacted many. I know I am a better person to have met and worked with such an amazing person. He will be dearly missed by us all, however, he will live on through every person he interacted with." Eric Hammond

"Chris was a colleague that was easy to work with and always willing to help. He enjoyed life and we (my wife & I) will surely miss him. RIP my brother!" Rod Givens

"Chris had the ability to light up a room wherever he went. I was always amazed at how many people he knew and was friends with. People could tell what a special individual he was and were drawn to him. He didn't believe in letting life, opportunity or fun pass him by. He lived more in his 29 years than some people experience in a lifetime. I believe all the lives he touched and inspired will be his legacy." Jennifer Stiddard

"Chris beamed life!" Nanette Spencer

"Chris Crowe was a friend to everyone he met and always had a smile on his face. His bright presence, good humor, and friendship will be sorely missed and remembered fondly by many." Chris Kelley

"Rarely do you meet a human who is ray of sunshine that is coupled with a warm, radiant smile. And, when this unique person comes along, you never forget the impact on your life. For me, that is who Christopher

Crowe is and will always be." Kwamme Anderson

"Elif and I are shocked and saddened by Chris's passing and we share the Crowe family and friend's grief and deep sadness. Chris was an exceptional individual, friend and a global citizen. He will be missed by all of us privileged to have known and worked with him." Murat Gokcigdem

CONGRATULATING ROCK ISLAND
HIGH SCHOOL VARSITY BOYS'
BASKETBALL TEAM

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SCHILLING. Mr. Speaker, today I rise to congratulate the Rock Island High School Varsity Boys' Basketball team for their victory in the Illinois Class 3A State Championship. On Saturday, March 19, the Rock Island Rocks defeated Centralia High School 50-40 in a double overtime victory to clinch their first ever State Championship.

I would like to commend each player's commitment, hard work and dedication to their team. Royce Muskeyvalley, Cameron Ruiz, Romal Davis, Chasson Randle, DaShawn Banks, Marquel Beasley, Devon Jones, Darquez Bonner, Denzel McCauley, Greg Henderson, Keith Keesy, and Shaquille Jalloh. In addition, I would like to extend my congratulations to the head coach, Thom Sigel, to the assistant coaches, Dan Coyne-Logan, Tony Hickman, Chad Baker, Damon and Brandon Colvin, Rod Leatherman, and Keith Beck, and to the athletic trainer, Tim Mangold. Finally, I wish to extend a special thanks to the parents, teachers and classmates who provided support and guidance to all the players.

The Rocks finished their season with a remarkable record of 30-3. Their success was driven by incredible work ethic and devotion to team. For the nine graduating seniors, this memorable championship run will serve as the perfect conclusion to their high school careers.

Again, congratulations to the Rock Island High School Varsity Boys' Basketball team and go Rocks!

IN RECOGNITION OF
MEMORIALCARE HEALTH SYSTEM

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize and celebrate an innovator in the health care delivery industry: MemorialCare Health System. A not-for-profit integrated delivery system, MemorialCare serves the health care needs of individuals and families throughout southern California. Two of MemorialCare's flagship facilities, the Long Beach Memorial Medical Center and Miller Children's Hospital Long Beach, play a major role in promoting the health and wellness of my district. MemorialCare's other facilities—Orange Coast Memorial Medical

Center in Fountain Valley, CA and Saddleback Memorial Medical Center in Laguna Hills, CA and San Clemente, CA—are also vitally important to the wellbeing of the populations that they serve.

In addition to its already impressive list of recognitions and accolades, MemorialCare was recently honored with the Gallup 2011 Great Workplace Award. The Gallup Great Workplace Award is based on what is being called "the most rigorous workplace research ever conducted." This year only 28 other companies received this honor, which is reserved for the most productive and engaged workforces in the world. According to Gallup, employees at MemorialCare and other honored companies are twice as likely as employees elsewhere to agree that: they receive recognition for their good work; they feel like their opinions count; their colleagues encourage their professional development; they have co-workers who are committed to quality work; and they work for a company whose mission and purpose make them feel like their job is important.

MemorialCare Health System has recognized something that is critical to our future prosperity: productive and enlightened management that respects and empowers workers leads to economic success and strong communities. I am proud that the Long Beach Memorial Medical Center and Miller Children's Hospital Long Beach stand as shining examples of this approach in my district. As we continue working as a nation to create good-paying jobs and strengthen our economic recovery, I hope that employers across the country will take note of MemorialCare's leadership in this area.

Mr. Speaker, I extend my sincere congratulations to MemorialCare Health System for this honor.

TRIBUTE HONORING BISHOP
DANIEL ALEXANDER PAYNE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a legendary theological educator who helped found the Wilberforce University and was a driving force in bringing the African Methodist Episcopal Church to the South. The 200th anniversary of Bishop Daniel Alexander Payne's birth is being celebrated on April 1, 2011, by the Seventh Episcopal District of the African Methodist Episcopal Church. I join with them in commemorating the remarkable life of this South Carolina native who was an instrumental figure in the education and development of a uniquely African-American church in communities of color.

Daniel Alexander Payne was born in Charleston, South Carolina, on February 24, 1811. He was born free, and was of African, European, and Native American descent. He had a thirst for knowledge and was educated by the Minor's Moral Society school when he was eight and nine. He also received instruction for three years from a private tutor. Because there was a lack of quality schools

for black students, he continued to educate himself at home in mathematics, physical science, and classical languages.

In 1829, when he was just 18 years old, Daniel Payne opened his own school in Charleston to teach black children how to read and write. Six years later, the South Carolina General Assembly out of fear of a slave revolt passed legislation that restricted the rights of people of color and slaves. Among those laws was a prohibition on teaching free blacks and slaves to be literate. The penalty carried fines and imprisonment. This forced Daniel Payne to close his school, and he ultimately chose to leave South Carolina.

In 1835, he traveled to Philadelphia where he enrolled in the Lutheran Theological Seminary. He was unable to finish his studies due to failing eyesight, and did not complete his ordination. In 1842, he joined the African Methodist Episcopal Church, because he believed that a strong black denomination could play a significant role in combating slavery and racism. He worked within the church to improve the education of ministers, so they would have a broad base of knowledge that would help them more effectively lead their congregations.

He was still passionate about teaching, opening a new school in 1840 for the education of young blacks. By 1845, he established an AME seminary to help teach his philosophy about ministers' educational pursuits. While the seminary didn't last long, his stature in the church led him to new opportunities.

In 1848, Daniel Payne was named as the historiographer of the AME Church. That was followed in 1852 by his election and consecration as the sixth bishop of the AME denomination. Just four years later, he joined with two other AMEs and 18 white representatives of the Methodist Episcopal Church in founding Wilberforce University in Ohio. Bishop Payne was selected as its first president, which also earned him the designation as the first African-American college president in America. He led the college from 1856 until 1877. In 1871, the board of trustees honored Bishop Payne by establishing a free-standing AME seminary at Wilberforce University that bears his name.

During his tenure at Wilberforce University, Bishop Payne made his first return to his hometown in more than 30 years. In 1865, he helped establish the AME denomination in Charleston, which then spread quickly among the African-American community in the South. He also authored two books before his death in 1893. In 1888, he published a memoir entitled *Recollections of Seventy Years*. Three years later he wrote *The History of the A. M. E. Church*, which was the first comprehensive account of the founding of the AME denomination.

Daniel Payne married in 1847, but his wife died during childbirth in their first year of marriage. He married again in 1854 to Eliza Clark of Cincinnati.

During the 2010 Founder's Week at Payne Theological Seminary, a year-long 200th anniversary celebration of Bishop Daniel Alexander Payne's birth was launched. As part of the commemoration, there is a five-city tour that is stopping in cities that impacted Bishop Payne's life.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the life and contributions of Bishop Daniel Alexander Payne as the commemorative tour stops in his hometown of Charleston, South Carolina. Bishop Payne was a visionary leader who understood the importance of education and faith as an empowering force in the African-American community. His remarkable legacy lives on in the AME Church and in the generations of students who have attended Wilberforce University.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—BEN CHOU

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Volunteering at places is an experience that teaches you to help people. But just vol-

unteering at one place isn't enough and wouldn't be a great enough experience. Volunteering at multiple places means that you have both the time to volunteer and the want to help people. I'm one of those people that volunteered at multiple places. The first place that I volunteered at was at the Haggard Carnival. The second place I volunteered at was at the Sheraton Hotel at Downtown Dallas to help with the event, Love For Kids. The first place I volunteered at was at the Haggard Carnival. Haggard was my elementary school, so going there to volunteer was a nostalgic feeling. Arriving there, the jobs I received were with helping with activities, manning stands and moving items around. The second place I volunteered at was at the event, Love For Kids, at the Sheraton Hotel. There, during the time when Santa would be coming in a few weeks to bring joy and presents to little children, we were being little helpers by helping wrap presents and move the presents into big boxes to move them down to trucks to be taken to the little children waiting for Santa to come.

—Ben Chou.

IN RECOGNITION OF THE I.C. NORCOM BOYS' BASKETBALL TEAM

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SCOTT of Virginia. Mr. Speaker, they have done it again! I rise today to once again congratulate the Boys Basketball Team of I.C. Norcom High School in Portsmouth, Virginia, on winning the Virginia High School League Group AAA State Basketball Championship.

On Friday March 11, before a sellout crowd at Virginia Commonwealth University's Siegel Center, the Greyhounds of I.C. Norcom beat L.C. Bird of Chesterfield 54-45 to win their second consecutive State Basketball Championship. They are the first consecutive year champions since 2004, and have brought the second State Basketball Championship to the city of Portsmouth.

Not content to rest on the accomplishments of last year, Coach Leon Goolsby pushed the Greyhounds to even greater heights this year. The team's 30-1 record this year, the best in school history, improved on last year's 25-4 record. This year's team was able to win four titles (Eastern District Regular Season Champions, Eastern District Tournament Champions, Eastern Region Champions, and State Champions) while last year's team only captured three of these four. Under the tutelage of Coach Goolsby, the Greyhounds have grown and matured into being one of the top three Boys' Basketball teams in the Nation in multiple national polls.

Perhaps more impressive than the number of I.C. Norcom's wins is the way in which they won their games. The Greyhounds have consistently rallied from behind beating opponents who thought they had their games won. I can say from first-hand experience that this persevering ethic makes their games even more exciting to watch. I had the opportunity to see I.C. Norcom play in both the State Tournament Semi-final game against Highland Springs, and the Championship against L.C.

Bird, and in both games, the team trailed at the half. But like clockwork, the Greyhounds, with a smothering defense and deft offense came back in the second half of both games to win by a comfortable margin.

These consecutive state championships will be the newest milestones in the long and storied history of I.C. Norcom High School. It was founded in 1913 as the High Street School, the first public high school for black students in Portsmouth. I.C. Norcom was renamed in 1953 in honor of its first supervising principal Israel Charles Norcom, a pioneering educator, civic leader and businessman. Now, more than fifty years and three locations later, I.C. Norcom High School is still an innovating and inspiring place for Portsmouth students.

I.C. Norcom is doing a great job cultivating excellence both on and off the athletic field. In addition to excelling on the basketball court, the Greyhounds are also doing great things in the classroom. I.C. Norcom houses a Center of Excellence in Math and Science, which provides students with additional classes in science, math, and technology.

Once again, I would like to extend my congratulations to the I.C. Norcom players and their families, Principal Lynn Briley, Coach Leon Goolsby and the rest of his coaching staff. On behalf of the people of the Third Congressional District of Virginia, I.C. Norcom alumni, and the entire City of Portsmouth, I say job well done on a second consecutive championship, and I wish the program years of success in the future.

IN HONOR AND REMEMBRANCE OF MARY ELIZABETH FLAHEVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mary Elizabeth Flaheve, whose life was marked by her strong ties to the Cleveland community.

Mary was born in Northampton, Massachusetts. She obtained both an undergraduate and graduate degree in Geology. She then spent ten years working at the Springfield, Massachusetts, Museum of Natural History.

She moved to Cleveland, Ohio, where she began her 42 year career with the Cleveland Natural History Museum. Her career began with an expedition to Colorado, where she assisted in a dinosaur excavation.

Her tenure at the Natural History Museum was marked by achievement after achievement. She set up the Camp Bigfoot program at the museum, a program which is still active to this very day. She also set up other programs such as the Western Heritage Expeditions.

Her mark on the community expands further than just her work at the Natural History Museum. Friends of hers, the Anderson Family, remember fondly the time she replanted their son's garden after rain had washed it away. In fact, a friend of Mary's recalled that she "believed firmly in all children and in the beauty of the earth."

Mr. Speaker and colleagues, please join me today in honoring the life of Mary Elizabeth

Flahive. She is a wonderful example to us all in her devotion to the earth and to her community.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—NICHOLAS CORTI

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

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A copy of each submitted student summary follows:

As an aspiring Service Academy cadet, I first joined Civil Air Patrol during the fall of my sophomore year. In the past few months, I have attained a high enough grade and rank that my role in the program has begun to change. Now, every Sunday, I head up to meetings early, and then spend 3 hours teaching cadets the art of drill, the science behind aerospace, and the gritty realities of emergency services. Beyond the basics of our classes, cadets learn discipline and attention

to detail through drill. Giving them small amounts of authority as they progress slowly eases them into leadership roles, which builds confidence. As they advance through the program, we instill in them the character to take responsibility for the results of their actions, regardless of the results. In short, we make leaders out of schoolchildren. The experience is rewarding for me as well, because seeing a cadet progress is a strong testament to our work. In addition, training cadets is the best way to hone ones leadership and communication skills, which I believe I have improved through CAP.

—Nicholas Corti.

HONORING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE SLOVAK CATHOLIC FEDERATION

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BARLETTA. Mr. Speaker, I rise to honor and acknowledge the 100th anniversary of the founding of the Slovak Catholic Federation in Wilkes-Barre, Pennsylvania.

In 1911, the Slovak immigrant community in the United States was nearing the peak of its existence. Slovak Americans longed for religious communities of men and women who would evangelize and teach in the best traditions of the Cyrilo-Methodian heritage of their Catholic faith.

On February 11, 1911, the Slovak Catholic Federation was founded by the Reverend Jozef Murgas, pastor of Sacred Heart of Jesus Slovak Church. Its establishment resulted from a meeting of bishops, priests, and lay people who wished to unify Slovak Catholics in the United States. The Zdruzenie Slovenských Katolíkov, as it is known in the Slovak language, was incorporated in Luzerne County, Pennsylvania, on December 30, 1912.

The story of the Slovak Catholic Federation can be seen in its list of accomplishments, and in the religious activities of its member societies and local chapters. Projects of the federation support various Catholic organizations and religious communities, and promote activities for young people. For most of its existence, the federation raised money to support Slovak refugees who were displaced by war and communist oppression, assisted religious communities and institutions seeking to rebuild after 70 years of communism, and worked to help establish the Pontifical College of Saints Cyril and Methodius in Rome, Italy, where priests from Slovakia can advance their theological studies.

Over the last 100 years, the work of the federation has flourished. Local chapters were established in many Slovak parishes in north-eastern Pennsylvania and across the country, with districts or regions coordinating the federation's work at the local level.

Mr. Speaker, the Slovak Catholic Federation has performed numerous works of charity and religious outreach over 10 decades. It has positively affected countless Slovak Catholics both here and abroad. Mr. Speaker, I ask my colleagues to join me today in honoring the Slovak Catholic Federation on the 100th anniversary of its founding, and I ask them to join

me in wishing them many years of continued success.

RECOGNIZING THE TURKISH GOVERNMENT FOR ITS INVOLVEMENT IN THE SUCCESSFUL NEGOTIATIONS TO RELEASE NEW YORK TIMES JOURNALISTS HELD CAPTIVE IN LIBYA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the Turkish government for its involvement in the successful negotiations with Libyan government officials to release New York Times journalists: Lynsey Addario, Stephen Farrell, Tyler Hicks, and Anthony Shadid. The journalists were released Monday after successful diplomatic negotiations by the Turkish and British governments.

According to reports from Libyan authorities, the journalists were detained on March 15, before the air strikes began. The group entered the eastern, rebel-controlled region of Libya without visas, a common practice by journalists reporting on the crisis in Libya. The New York Times reported that the journalists were held captive by loyalist forces of Col. Qadhafi. Early reports indicated that the journalists' whereabouts were unknown. As the situation in Libya intensified, U.S. officials requested Turkish involvement to secure their release. Diplomatic negotiations progressed as the U.S. and coalition forces proceeded with the air strikes over Libya. Turkish ambassador Sahinkaya worked tirelessly to achieve a safe release. It was not until that Monday that the Qadhafi loyalists released the journalists to the Turkish diplomats.

The journalists were taken to safety at the nearby Turkish embassy located in Libya's capital, Tripoli, where they contacted their families and the New York Times to share the news of their release. After a 3½ hour drive in an armored car, the journalists safely arrived in Tunisia and prepared for their journey home.

Mr. Speaker, I ask that my colleagues join me in recognizing the Turkish government for its tremendous diplomatic efforts to negotiate with the Qadhafi loyalists for the release of the New York Times journalists.

IN HONOR OF BILL SAMUELS' ACCOMPLISHED CAREER IN KENTUCKY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. CHANDLER. Mr. Speaker, I rise today to honor the career of a very important man in one of Kentucky's signature industries. Bill Samuels is stepping down as president of Maker's Mark after an outstanding 44-year tenure with the company, a career which saw him introduce Maker's Mark to the world and

re-invent the way that bourbon was seen around the world.

A 7th generation bourbon maker, Bill Samuels is well versed in the tradition of making bourbon. Although his father, Bill Samuels Sr., was the inventor of the Maker's Mark recipe, bourbon wasn't always in the blood of the younger Bill. In fact, after growing up in Bardstown, Kentucky he set off to college and became, of all things, a rocket scientist. When the solid propellants he worked on became outdated, he earned a law degree from Vanderbilt University. After law school, Bill returned to work for his father, all the while not intending to permanently join the family business. Little did he know that he would be largely responsible for taking Maker's Mark from a local institution to a brand recognized and enjoyed worldwide.

When Bill started working at Maker's Mark, it was still a local company. They didn't have an advertizing agency create a fancy marketing campaign, so Bill put his superb sense of humor to work and started making his own ads. He paired his now-famous one-liners with his family product, and created a worldwide phenomenon. In a business which to that point was nothing but serious, Bill Samuels' ability to make people laugh and catch their attention changed the game. Today, few brands' advertisements are more recognizable than the Maker's Mark bottle with the wax on top. Despite Maker's Mark's status as a worldwide brand, Bill made sure that he stuck to his family's methods, carefully supervising each batch to give the whole world a taste of small-town Kentucky.

Bill Samuels' legacy at Maker's Mark is unforgettable. Not only did he introduce the country and the world to one of the signature products of the Commonwealth, he also saw his family's distillery become the first one in the United States to be named a National Historic Landmark. While his company is now known worldwide, Bill has stayed true to his Kentucky roots. He is still a pillar in his community, serving on a number of boards and as a guest lecturer at several universities.

Bill Samuels leaves big shoes to fill at Maker's Mark, and I wish him the best in his future endeavors. I congratulate him on his success at Maker's Mark and all that he has done for the Commonwealth of Kentucky.

IN HONOR AND REMEMBRANCE OF
THOMAS H. GREER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Thomas H. Greer, a loving husband and friend, and the vice president of the Cleveland Plain Dealer newspaper.

Mr. Greer became editor of the Plain Dealer in 1990, becoming only one of three African-American journalists to hold such a position at a major daily newspaper at that time.

Known to colleagues as Thom, he served as a role model for young and aspiring journalists. His work ethic was, as he told the newspaper in 1992, to "keep your mouth shut,

hold your head up high and work like hell to make yourself and those around you as good as they can be."

Mr. Greer was born in Nashville, Tennessee, but moved to New Jersey during his childhood. He majored in history at Dillard University in New Orleans, and later attended Rider College and Rutgers University.

In 1964, Mr. Greer was hired by the Evening Times in Trenton, NJ, as a sports journalist. He moved to the Plain Dealer in 1974, where he served on the suburban news unit. His stories investigating shakedowns of late-night liquor stores and thefts of confiscated liquor by Cuyahoga County Sherriff officers, led to their arrests.

Mr. Greer left the Plain Dealer for larger papers in Chicago, Philadelphia and New York, but returned in 1983 as editor of the sports department. He expanded their news coverage from exclusively local sports to national and international stories.

Mr. Greer worked as managing editor, executive editor and eventually editor, as he oversaw the expansion of the paper, the creation of new bureaus in other counties, and expanded coverage of upcoming issues. In 1992, he became vice president and oversaw community outreach, volunteerism, affirmative action employment and the Plain Dealer Charities, as well as the Plain Dealer High School Newspaper Workshop.

In addition to his many roles with the Plain Dealer, he served as a trustee of the Greater Cleveland Roundtable, WVIZ-TV, the City Club, and the National Junior Tennis Association. He was honored by Kaleidoscope Magazine and inducted into the Region VI Hall of Fame of the National Association of Black Journalists.

Mr. Speaker and colleagues, please join me in remembering Thomas H. Greer, whose legacy of professionalism, positive work ethic, and commitment to justice will forever serve as an example. I extend my sincere condolences to Mr. Greer's wife Maxine and to his family, friends and colleagues that knew him best.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—LUKE EMIGH

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the third district of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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A copy of each submitted student summary follows:

As community service this year and in the spirit of CYAC, I volunteered to help a church prepare and serve a Thanksgiving Day meal. I unexpectedly ended up on pie making duty the first day as part of food preparation. I spent five hours making pies that day! Totally out of my usual character, I learned to make quite pretty pie crust edges! I learned a lot from this experience besides how to bake a pie. I enjoyed the camaraderie and the realization that people were enjoying the pies I baked. Day two was also unexpected as I ended up on the food server line serving green beans. I learned there is an art to being a food server and a coordinated effort is needed by all to make the process run smoothly. At the end of the day, it feels good knowing that you have made a difference in so many people's lives, at least for a day. The process of working together with other volunteers is a bonding process from all working cohesively in a wonderful environment for a common cause and opens the door to new friendships and understandings. There is definitely a feeling of contentment after a couple of days like this just knowing that you made a difference to somebody and made their day a little brighter!

—Luke Emigh.

HONORING DR. T. MARSHALL
JONES

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a gentleman, a scholar, a master musician, a teacher, a community leader, a

mentor, a family man, a man of God, and my friend of long standing, Dr. T. Marshall Jones. His life is an example of how one person can make a difference when carrying out God's purpose for his life.

Dr. Jones grew up in rural Virginia where his visually impaired uncle introduced him to music at age five. While other students his age were engaging in athletic endeavors, Dr. Jones was quenching his thirst for music—as a child he would often ride three miles to his piano lessons.

Dr. Jones graduated from Virginia State University and the University of Michigan in Ann Arbor, Michigan. He is a U.S. Army Veteran, serving for two years as a member of the 284th Army and 74th Army bands. Dr. Jones served as a band director at Lapeer State Training School in Lapeer, Michigan. His association with Albany State College, now University, began in 1963 as the director of bands. He took a leave of absence from teaching in 1972 to earn his doctorate of music education degree from the Oklahoma School of Music.

After his return, he was named acting chair of the music department. In 1980, when the music, art, speech and theatre departments combined to form the Department of Fine Arts, Dr. Jones was named the first chairman. After 33 years at his beloved Albany State University, Dr. Jones retired. But the fire for teaching still burned in his heart, so he stayed on for 14 more years as an adjunct professor, retiring in May of 2010.

There is no doubt that Dr. Jones loves music, but more importantly, he loves people. It has been said that, "Service is the rent that we pay for the space that we occupy here on this earth." Not only has Dr. Jones paid his rent in the field of music, but he has also paid his tireless service to the community. He is a dedicated member of the Mt. Zion Missionary Baptist Church, where he plays a key role in the music ministry. He is a member of the Gamma Omicron Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. where he plays a leading role in the fraternity's mentoring efforts that have reached the lives of thousands of young men.

Because of his efforts in music and other endeavors, Albany State University dedicated their 2010/2011 Fine Arts Lyceum and Performing Arts Series in his honor—an honor that was well earned, and well deserved.

Mr. Speaker, I cannot think of another person who has done more for the arts in Southwest Georgia than Dr. T. Marshall Jones. But, his accolades do not belong to him alone. If not for the dedicated love of his wife, Mary and his family, he would not have been able to bless us abundantly with his love for music and people. To God be the glory for blessing us with a man as talented as Dr. T. Marshall Jones.

IN SUPPORT OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Ms. MATSUI. Mr. Speaker, I rise today to submit a letter from a broad array of private

sector organizations, in support of the Corporation for National and Community Service. The letter, which expresses opposition to efforts to reduce or eliminate federal funding for the Corporation, outlines the importance of federal funds, which drive private investment through matching programs.

The Corporation for National and Community Service affects communities in all 50 states, and provides opportunities for Americans of all ages.

Mr. Speaker, I submit the following letter, signed by 212 of America's foremost business leaders, on the importance of funding the Corporation for National and Community Service.

SAVE SERVICE IN AMERICA

DEAR MAJORITY LEADER REID AND SPEAKER BOEHNER: We are writing to urge you to oppose any proposal that would eliminate or reduce the fiscal year 2011 funding for the Corporation for National and Community Service and the programs it funds, including Foster Grandparents, Senior Companions, RSVP, Learn and Serve America, VISTA, the National Civilian Community Corps, the Volunteer Generation Fund, the Social Innovation Fund and AmeriCorps.

Local service programs create meaningful opportunities for Americans hard-hit by the downturn, teaching marketable skills and putting workers on a path to economic self-sufficiency. Elimination of these programs would result in the loss of nearly 150,000 jobs and nearly 5 million volunteer positions that provide critical services and improve the lives of people in communities across America.

Funding for the Corporation for National and Community Service provides critically needed, and highly leveraged, support for programs that are making a major difference in communities across the country, including Big Brothers Big Sisters, Citizen Schools, City Year, Habitat for Humanity, Jumpstart, YouthBuild, and Teach for America, as well as literally thousands of other local shelters, faith-based organizations, senior homes and schools.

These programs are a model of government investment at its best—each program competes for funding annually, and only the best are invested in. Local leaders choose which service programs are needed in their community and secure matching funds. This is not "top down" government, but bottom-up, community leadership and investment. These programs are getting results—they are managed like businesses, and are held accountable to impact goals and results.

As private sector leaders, our companies, and many of us as private citizens, have been investing matching dollars into these programs for nearly two decades—in fact this year alone, the private sector will invest more than \$800 million in private matching funding in local, community based programs supported by the Corporation for National and Community Service. That figure represents nearly a one-to-one match of every dollar the federal government invests. The private sector also helps to power these community solutions by providing these worthy programs with millions of volunteer hours. National service is an extraordinary catalyst and force-multiplier for community volunteering—one study has shown that every AmeriCorps member helps to generate more than 30 additional volunteers.

The private sector, however, cannot do it alone. We require the investment of the federal government, and we will continue to do our part. Together, we are tackling the most

pressing problems of our society at the local level: helping to close the education achievement gap, helping seniors remain independent, promoting public health to control the cost of healthcare, moving families out of substandard housing and saving our precious environmental resources. All of this is done, with citizens leading the way with a "can do" American spirit that we are proud to support.

The elimination or reduction in funding of the Corporation for National and Community Service and its programs would put this bi-partisan, public-private achievement in grave jeopardy.

We know that you are faced with difficult budget decisions, but we encourage you to keep investing our taxpayer dollars where the return is so high. We believe cost-effective, efficient, citizen-centered initiatives will provide common sense solutions to the challenges facing communities and citizens across the country.

We cannot turn our back on the enormous contributions and long record of success of the Corporation for National and Community Service and its local programs. At a time when Americans face mounting challenges, made even more difficult by the struggling economy, it is vital that Congress stand firm in support of the programs that bring citizens together and marshal their ingenuity to address critical problems and create opportunities for our nation.

Thank you for your leadership and support.

Sincerely,

James Adler, Attorney, AdlerADR; Vijay Advani, Executive Vice President, Franklin Templeton Investments; Darren Aitken, Partner, Aitken*Aitken*Cohn; Wylie Aitken, Founding Partner, Aitken*Aitken*Cohn; Michelle AlDinar, President/CEO, Educational Television Programs, LLC; Michael Alter, President, The Alter Group; Anthony H. Anikeeff, Partner, Williams Mullen PC; Barbara Arnwine, President and Executive Director, Lawyers' Committee for Civil Rights Under Law; William S. Ayer, Chairman, President and CEO, Alaska Airlines; Donald A. Baer, Worldwide Vice Chairman and Chief Strategy Officer, Burson-Marsteller; Ryan K. Bailer, Owner, Burson-Marsteller; Ryan K. Bailer, Owner, Ryan Bailer Support, LLC; Stephen Baker, President, Baker Design Group, Inc.; John M. Ballengee, President, United Way of Central West Virginia.

Joe Banner, President, Philadelphia Eagles; Tim Bannister, President, Bannister and Co., Inc.; Bill Barke, CEO, Pearson's Higher Ed Arts & Sciences; Edmund Bartlett, Chairman (Retired), NRS-Express Payment Network; Josh Bekenstein, Managing Director, Bain Capital, LLC; Karl I. Bell, Senior Vice President, Invest Detroit; Joel Benoliel, Senior Vice President and Chief Legal Officer, Costco; Tom Bernstein, President, Chelsea Piers; Fred Blume, Chairman Emeritus, BlankRomeLLP; William Bonk, CEO, Emerging Strategies; Carmel Borders, President, Tapestry Foundation; Berta Borgenicht Kerr, Trustee, The Borgenicht Foundation; Katherine Bradley, President, CityBridge Foundation; Michael Brennan, President/CEO, United Way of Southeastern Michigan.

John Bridgeland, President and CEO, Civic Enterprises; Michael Bronner, Founder, Upromise; Lois Buntz, CEO, United Way of East Central Iowa; R. William Burgess, Jr., Managing General Partner, ABS Ventures; Beverly Burns, Partner, Miller, Canfield, Paddock & Stone, PLC; Chet Burrell, President and CEO, CareFirst BlueCross

BlueShield; Mark A. Burzynski, Chief Financial Officer, Blue Cross and Blue Shield of Montana; Tushara Canekeratne, CEO, Nadastra; David Carmel, Co-Founder and Chief Operating Officer, Carmel Asset Management; Jay Carney, President/COO, T. L. Wallace Construction, Inc.; Gary Clare, Partner, Bain & Company, Inc.; Wesley Clark, General (retired), US Army; Lee Cockerell, Executive Vice President (retired), Walt Disney World Resort; Rick Cohen, Chairman, President and CEO, Buchalter Nemer; David L. Cohen, Executive Vice President, Comcast; Charles H. Collins, Managing Director and Senior Vice President, The Forestland Group LLC; Chip Conley, Founder and Executive Chairman, Joie de Vivre Hospitality.

Art Connelly, CEO, Laffey McHugh Foundation; John G. Davies, President and CEO, Baton Rouge Area Foundation; Cornell DeClouette, Principle, Decbritt Corporation; Richard A. Derevan, Partner, Snell & Wilmer LLP; Charles Dickey III, President, Wyco Inc.; David Dinour, President, Aviatrade; Shachar Dinour, President, Triumph Property Group; Josh Dorf, CEO, Stone-Buhr; Tom Dretler, President and CEO, Eduventures, Inc.; Ed Drilling, President, AT&T Arkansas; David E. Dukes, Managing Partner, Nelson Mullins Riley & Scarborough LLP; Dayton Duncan, Director and Producer, Florentine Films; Ed Eger, GM, North America and Emerging Markets, Paypal; Steve Ellis, World Wide Managing Director, Bain & Company, Inc.; Lynn L. Elsenhans, Chairman and CEO, Sunoco, Inc.; Timothy Ervolina, President, United Way Association of South Carolina; Gregory Evans, CEO and President, Integer Law Corporation.

Charles Farmer Jr., President/CEO, CS Farmer Construction, Inc.; Jon Fee, Partner, Alston & Bird LLP; Kate Fenneman, Director, The Seinfeld Family Foundation; Jesse Fink, Co-Founder, Mission Point Capital Partners; Dean Fischer, CEO, West Monroe Partners; Linda D. Forte, Senior Vice President and Chief Diversity Officer, Comerica Bank; Jeff Galt, President and COO, Magi Real Estate Services; Kenny Gamble, Founder, Universal Companies; Eva Garza Dewaelsh, President and CEO, SER Metro-Detroit and SERCO, Inc.; Katherine Gehl, Chairman, Gehl Foods, Inc.; Pamela Gilbert, Partner, Cuneo Gilbert & LaDuca LLP; Michael Gilligan, Co-Founder/General Partner, Heritage Partners, Inc.; Ben Goldhirsh, Founder and Owner, GOOD; Seth Goldman, President and TeaEO, Honest Tea; Todd E. Gordinier, Partner, Bingham McCutchen LLP; John Gordon, Vice President, Prudential Financial; Ted Granger, President, United Way of Florida, Inc.

Richard Green, Vice Chairman and CEO, Firsttrust Bank; Carl Guardino, President and CEO, Silicon Valley Leadership Group; Bruce G. Hain, President, Insource Services, Inc.; Ted Harbert, Chairman of NBC Broadcasting, NBC Universal; Andrew Hauptman, Chairman, Andell Holdings, LLC; Jeremy Hitchcock, CEO, Dyn Inc.; Jeff Hoffman, President, Jeff Hoffman & Associates; Gordy Holleman, CEO, Overland Advisors LLC; Robert D. Huth, President & CEO, David's Bridal; Brandy Johnson, Director, Michigan College Access Network; David Johnson, Founder, Act 4 Entertainment; Greg Johnson, President and CEO, Franklin Resources, Inc.; Michael A. Jones, President, Columbia Management; Deb Jones, President, Jones Training Associates, LLC; Peter H. Jost, Attorney, Dickstein Shapiro LLP; Andrew C. Kassner, Executive Partner, Drinker Biddle

& Reath LLP; Kenneth C. Keller, President, Alberto Culver USA.

Andrew Kerin, Executive Vice President and Group President, Global Food, Hospitality and Facility Services, ARAMARK Corporation; Judi Ketcik, Partner, CK&D; Bob Kimball, President & CEO, RealNetworks, Inc.; Tom King, President, US, National Grid; Darla King, President and CEO, King Business Interiors; Luther C. Kissam, IV, President, Albemarle Corporation; Klaus Kleinfelds, Chairman and CEO, Alcoa; John L. Knott, Jr., President and CEO, The Noisette Company, LLC; Philip D. Kohn, Partner and Pro Bono Coordinator, Rutan & Tucker, LLP; Michael Kong, CEO, MAPTI Ventures, former CEO Modern Luxury Media; Tom Krouse, CEO, Donatos Pizza; James R. Kruer, Partner, Chevalier Ginn Shirooni & Kruer, P.S.C.; Sherry Lansing, Founder and CEO, The Sherry Lansing Foundation; Jonathan Lavine, Chief Investment Officer, Sankaty Advisors LLC; Marguerite Lee, Corporate Community Relations Manager, Cisco; Martin V. Lee, Managing Partner, Famco Investments.

William Lee, Co-Managing Partner, WilmerHale; Jeffrey Leonard, CEO, Global Environment Fund; William Lew Tan, President, Tan & Sakiyama; John Lim, Partner, Lim, Ruger & Kim, LLP; David Lincoln, Managing Partner, Element Partners; Bruce R. Lindsey, CEO, William J. Clinton Foundation; David Lissy, CEO, Bright Horizons Family Solutions; Jason Lutz, President and CEO, Villa, Inc.; Sharon Matthews, CEO, eLynx; Carlos Mazzorin, Group Vice President, Asia Pacific, South America and Global Purchasing (Retired), Ford Motor Company; Josh McCall, Chairman & CEO, Jack Morton Worldwide; Larry McCracken, Vice President, Talent Acquisition, Golden Key Group; Bill McDermott, Co-CEO, SAP; Hugh McDonald, President and CEO, Entergy Arkansas, Inc.; Ron McIntyre, Partner, Perkins Coie LLP; Thomas F. McLarty III, Chairman, McLarty Companies.

Joseph P. McMillan, President and CEO, McMillan Bros., Inc.; Sharon McWhorter, President, American Resource Training System, Inc.; Lee Miller, Global Co-CEO, DLA Piper; Michael J. Miller, Partner, Drinker Biddle & Reath LLP; Mark Minyard, Partner, Minyard Morris; Tom Monahan, CEO, Corporate Executive Board; Ben S. Moss, Managing Broker and Principal, The Campins Company; Will Muggia, CEO, President, and CIO, Westfield Capital Management; Shea Mullen, President, Give and Take; Robert Mulroy, President and CEO, Merrimack Pharmaceuticals; William Neukom, CEO, San Francisco Giants; Mark Nieker, President, Pearson Foundation; Lisa Paulsen, President and CEO, Entertainment Industry Foundation; Brian Payne, President and CEO, Central Indiana Community Foundation and The Indianapolis Foundation; Robert Perez, Executive Vice President and Chief Operating Officer, Cubist Pharmaceuticals, Inc.; Carol Ann Petren, Executive Vice President and General Counsel, CIGNA Corporation; Julian Posada, President, Chicago Fire Soccer Club.

Fred Prescott, Vice President and GMM, L.L. Bean-Retail; Anne Proctor, Pro Bono Counsel, Covington & Burling LLP; Thomas J. Raffa, President and CEO, RAFFA, P.C.; David B. Ramsay, retired, Chairman, President & CEO, SunTrust Bank, Northwest Florida; Michael A. Rashid, President and CEO, AmeriHealth Mercy Family of Companies; Rudy Redmond, Manager, KCP Initiatives; Colleen Regan, Partner, Seyfarth Shaw LLP; Sean Reilly, CEO, Lamar Adver-

tising; Peter Remington, President, The Remington Group; Theodore Roosevelt IV, Managing Director, Barclays Capital; Steve Rosa, CEO, (add)ventures; Bob Rowe, President and CEO, NorthWestern Energy; Shirley Sagawa, Co-Founder, Sagawa/Jospin; Matthew Saiia, CEO, Collective Next, LLC; Ronald L. Sargent, Chairman and CEO, Staples; Daniel Sasse, Partner, Crowell & Moring; Jeff Schaffer, Vice President, Enterprise Community Partners.

Cathleen Schmidt, President NH/VT, Citizens Bank; Lesa Scott, President, Heinemann Publishing Company; Jason Scott, CEO, EKO Asset Management Partners; Fred Sears, CEO and President, The Delaware Community Foundation; Bobbi Silten, President, Gap Foundation; Robert Small, Managing Director, Berkshire Partners LLC; Logan Smalley, President, Darius Goes West; Robert Smith, Founding Partner, Castanea Partners; Marsha Smith, Executive Director, Rotary Charities; Jonah M. Smith, Owner and Investment Advisor, Smith Pierce, LLC; Erik Smith, President & CEO, Blue Engine Message & Media; Stacey Snider, Co-Chairman and CEO, DreamWorks SKG; Karen Sock, President and CEO, Sock Enterprises, Inc.; Amanda Sodoma McMahon, Founder and Principal, McMahon Consulting LLC; Gene Sofer, Founding Partner, The Susquehanna Group.

Javier Soto, President, The Miami Foundation; William M. Sowers, Principal, The Sandia Group; Fredric J. Spar, Managing Director, Kekst and Company; Chris Stadler, Managing Partner, CVC Capital Partners; Shirley Stancato, President/CEO, New Detroit, Inc.; Sue Suter, CEO, United Way of South Mississippi; Jeffrey Swartz, President and CEO, The Timberland Company; Marc Tarpenning, Co-founder, Tesla Motors; Ron Terwilliger, Chairman Emeritus, Trammell Crow Residential; Alice G. Thompson, CEO, Black Family Development, Inc.; Jonathan Tisch, Chairman and CEO, Loews Hotels; Susan B. Towler, Vice President, Blue Cross and Blue Shield of Florida Foundation; Rita L. Tuzon, Executive Vice President and General Counsel, Fox Networks Group; Julia A. Uihlein, Vice President, David and Julia Uihlein Charitable Foundation, Inc.; Toni-Marie Van Buren, Senior Vice President, Partners for Community Change, United Way of San Antonio & Bexar County; John Van Camp, President/CEO, Southwest Solutions; David Van Patten, President and CEO, Dare Mighty Things.

Jim Vella, President, Ford Motor Company Fund; Graeme W. Bush, Chairman, Zuckerman Spaeder LLP; Robert Waldron, CEO and President, Curriculum Associates; Lisa Walker, Managing Director, Global Community Affairs, Applied Materials, Inc.; Jeffrey C. Walker, Chairman, Millennium Promise; Alexander J. Walker Jr., President, Devine Millimet; Hampton Walt, President/CEO, Inland Press; Benjamin Walton, Director, The Walton Family Foundation; Michael J. Ward, Chairman, President and CEO, CSX Corporation; Gail Warden, President Emeritus, Henry Ford Health System; Allen P. Waxman, Partner and Chair of the Life Sciences Group, Kaye Scholer LLP; Bernard White, President, White Construction; Kane Willyerd, CEO, Jambok; Steve Woodsum, Founding Managing Director, Summit Partners; Tae Yoo, Senior Vice President, Corporate Affairs, Cisco; Mary Lou Young, President and CEO, United Way of Greater Milwaukee; Keith Zendler, CEO, Peoplomovers.com; Peter Zeughauser, Chairman, Zeughauser Group.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—KAI FUJISAKA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I am very grateful for the chance to work with the Younger Generation Chorus of Plano over the past few months. I am always amazed at how wonderful they sound, especially given their very young age. They have taught me that age does not always dictate ability. Most of these choristers are not even in high school yet and they have performed all over the country. They have also taught me that once a talent has been discovered, it should be developed, though not at the expense of searching for one's other talents. I know that many of the choristers have other extra-curricular activities that occupy them and that they excel in those areas as well. The most memorable moment I had with the choir was the Christmas concert that was

held on December 10, 2010. The work of these talented youth was technically astounding and spiritually moving. These students would not only sing the music or even perform the music; they would feel the music and give it life so that the audience could feel it as well. As a performer, that is not always easy to do. For these children to be able to do it so beautifully and consistently is astounding. It was an honor to be part of making it happen

—Kai Fujisaka.

RECOGNIZING MALCOLM REBENNACK (DR. JOHN)

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. RICHMOND. Mr. Speaker, I rise today to honor a man known to his parents as Malcolm Rebennack, but known to the music lovers throughout the world as Dr. John.

At age of 70, after 43 years of sharing his musical talents, this native New Orleansian is now a Rock and Roll Hall of Fame inductee. In the Rock and Roll Hall of Fame he joins notable New Orleansians such as Fats Domino, Dave Bartholomew, Allen Toussaint, Mahalia Jackson, Louis Armstrong, Professor Longhair, Jelly Roll Morton, Lloyd Price, and Earl Palmer.

Over the years Dr. John has brought us remarkable recordings such as Dr. John's Gumbo, In the Right Place, Desitively Bonnaroo which inspired Tennessee's Bonnaroo Music Festival, Goin' Back to New Orleans, Mercenary, In a Sentimental Mood, N'Awlinz Dis Oat or D'Udda and his Grammy Award winning City That Care Forgot. He was most recently featured on the Disney soundtrack for The Princess and the Frog and can be heard crooning the lyrics of Down in New Orleans.

As a songwriter, musician and singer, Dr. John has played in venues throughout the United States and Europe alongside musical icons like Eric Clapton, Harold Battiste, The Meters, Alice Cooper and many others.

I applaud Dr. John for his induction into the Rock and Roll Hall of Fame and wish him well.

RECOGNIZING WILMA BUFFINGTON BEDELL BALL

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mrs. EMERSON. Mr. Speaker, I rise today to recognize an outstanding citizen of my district. Wilma Buffington Bedell Ball is a cherished resident of Van Buren, Missouri and the State of Missouri. She was born in Great Falls, Montana, on January 5, 1917, and moved to Missouri where she grew up on a farm between Van Buren and Doniphan, Missouri along the Current River.

After her education in a one-room schoolhouse in the Ozarks and graduation from

Southwest Missouri State University in Springfield, she returned and taught students in that same one-room schoolhouse for three years. After some time away from Missouri, Wilma and her husband, Kelly Ball, returned to Southeast Missouri where she served in the Poplar Bluff School System from 1962 to 1969. There, she discovered her true calling of caring for Missouri's senior citizens. She became a licensed nursing home administrator in 1969 and served as administrator of the Clarks Mountain Nursing Home in Piedmont until 1985. Then, she began working at the Riverways Manor in Van Buren where she still works full-time today. At 94 she is the oldest active nursing home administrator in the United States.

Wilma serves our community not only at work, she goes above and beyond through her affiliations with the Methodist Church, Women's Society of Christian Service, Business and Professional Women's Club, Missouri State Teachers Association, and the Missouri Healthcare Association. Even with all of these activities in her life, her number one priority is her family. She has four sons and daughters-in-law, ten grandchildren, and fourteen great-grandchildren. Wilma Buffington Bedell Ball embodies what it means to be a great south-east Missourian. Today we recognize her for her service to our community.

HONORING THE LIFE OF DR. MARK COLOMB HIV/AIDS ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize the life of a true champion and humanitarian, Dr. Mark Colomb. Dr. Colomb's life mission addressed the health needs and concerns of blacks within the State of Mississippi and other southern communities. A community activist, public health educator and public policy advocate, Colomb founded My Brother's Keeper, MBK, a national organization dedicated to reducing health disparities in African American communities. A principal architect of the Minority AIDS Initiative and founding member of the National Black HIV/AIDS Awareness Day, Dr. Colomb is credited with garnering more \$9 million dollars, the largest of 12 five year national grants awarded by the Centers for Disease Control and Prevention in 2000, to train African American community-based organizations throughout the U.S. and its territories on HIV/AIDS prevention and education. He played a central role in shaping both state and national HIV/AIDS policy legislation with particular focus on African American men and women.

His academic appointments included assistant professor of sociology, adjunct professor and statistical laboratory coordinator at Jackson State University and instructor at Tougaloo College.

Dr. Colomb was a member of St. Francis of Assisi Catholic Church, Madison, MS.; a life member of Kappa Alpha Psi Fraternity, Inc.; and numerous social, professional and academic honor organizations, including, Phi

Kappa Phi Honor Society and Pi Lambda Theta International Honor Society and Professional Association in Education.

Again, I ask that my colleagues please join me in saluting the life and legacy of Dr. Mark Colomb.

THANKING MS. MARIE COLARUSSO
HIGGS FOR HER SERVICE TO
THE HOUSE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on the occasion of her retirement on April 4, 2011, I rise to thank Ms. Marie Colarusso Higgs for over 38 years of outstanding service to the United States House of Representatives.

Marie began her career here in 1971, while a student at Potomac Senior High School in Maryland. She first worked as a clerk in the office of The Honorable Frank M. Clark of Pennsylvania. She went on to work for The Honorable Stephen L. Neal of North Carolina, The Honorable Martin Frost of Texas, the Office of the Clerk, and the Office of the Chief Administrative Officer. Marie has worked in every House office building from the basement of the Ford building to the fourth floor of the Capitol.

Marie's commitment to public service was best demonstrated following the events of September 11, 2001. During that time, she worked tirelessly to assist in setting up temporary offices for Members displaced by the anthrax evacuation. Marie's enthusiasm, professionalism, and attention to detail have made her an invaluable team member on many special projects. Her generosity and support of others have endeared her to her many colleagues and friends in the House community.

More recently, Marie demonstrated her commitment and dedication to serving others when she travelled to Nepal with her daughter, Erica, to participate in a Habitat for Humanity project this past October. While Marie's long-term plans for retirement are not set, her immediate plans include planning her daughter's wedding, pursuing more volunteer opportunities, and visiting America's wineries.

On behalf of the U.S. House of Representatives, I personally congratulate Marie on her retirement and thank her for her dedication and outstanding contributions to this institution. I wish Marie the best in all her future endeavors.

HONORING CAILLEY FACTOR'S
OUTSTANDING ACADEMIC
ACHIEVEMENTS

HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SCOTT of South Carolina. Mr. Speaker, Whereas, the members of the U.S. House of Representatives are pleased to learn that

Cailley Factor captured the first-place award at the state math competition MathFest and was named a national champion of Le Grand Concours 2010 national French competition; and

Whereas, eight-year-old Cailley Factor compares competing in math to sports competitions because both require the same focus in order to win; and

Whereas, a consistently superior math student, she took the top honors last year in the first-grade division, and this year her brother Memorable Factor followed in his sister's footsteps when he took first place in the same competition; and

Whereas, for the first time in the six years of MathFest history, siblings became state winners in the same year when she and her brother took top honors for their respective grade levels; and

Whereas, this year she earned the highest score in the United States for Le Grand Concours competing in the more difficult 3A category because she won the 1A in 2008, and once again her brother followed in her footsteps and took the top honors in 1A; and

Whereas, fluent also in Mandarin and Spanish, she loves to speak French and would like to visit there again; and

Whereas, the national French exam, consisting of oral and written portions, is given by the American Association of Teachers of French to over one hundred thousand French students in all fifty states and abroad; and

Whereas, this year's South Carolina MathFest was held in Columbia, and four thousand math students from around the state competed in the state's competition of the national math contest; and

Whereas, a group of elementary educators created MathFest in 2001 to provide an extended math initiative that would motivate students, parents, and teachers to raise the standards and expectations in math; and

Whereas, the founder of MathFest, Dr. Ron Boykins, hopes to generate enthusiasm for math in the elementary years in order to provide students with necessary skills to compete in middle and high school; and

Whereas, the members of the U.S. House of Representatives are pleased that ability and diligence have brought this success to Cailley Factor, and they are grateful for the pride and recognition she has brought to her family, her home school, and her community. Now, therefore, the members of the U.S. House of Representatives, by this resolution, recognize and honor Cailley Factor of Charleston, SC and congratulate her for winning first place in the second-grade division at the state MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition.

Be it further resolved that a copy of this resolution be provided to Cailley Factor.

RECOGNIZING SGT. DALE
MORELAND

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mrs. EMERSON. Mr. Speaker, I rise today to recognize Sgt. Dale Moreland of the Mis-

souri Highway Patrol. Sgt. Moreland has served our state for 32 years in law enforcement. He daily put his life on the line to protect Missouri's citizens and to keep our roads safe as a public affairs officer.

Like many states, Missouri is blessed by patriotic Americans who volunteer to serve our communities by keeping them safe. Sgt. Moreland is an example of how this spirit of service is alive and well in the Congressional District I represent. By remaining an active part of our southern Missouri community, he will surely inspire others to find ways to contribute their time and talent to our communities, state and nation. The example he sets, especially for young people, is a great part of the long tradition in our country by which the desire and capability to serve remains strong and unbroken through the generations of Missourians who call our state home.

Words cannot adequately express how appreciative I am for his service. He has devoted much of his life to protecting the public and enforcing the laws of our state.

Thank you Sgt. Moreland for your service and we wish you the best of luck in your retirement!

Enjoy!

IN HONOR AND REMEMBRANCE OF
MS. ELIZABETH TAYLOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of a legend of the silver screen, a relentless leader in the fight against AIDS, and an extraordinary woman, Ms. Elizabeth Taylor.

Elizabeth Taylor was born in London in 1932 to American parents. She moved with her family to Beverly Hills on the eve of the Second World War. Elizabeth's love for cinema manifested at an early age. Her first well-known performance came at the age of 12, when she played the title role in "National Velvet." From that point, Ms. Taylor lived her life in the public eye, and her name became synonymous with talent, beauty, and glamour. She went on to play such memorable roles as Angela Vickers in "A Place in the Sun," Helen Ellsworth in "The Last Time I Saw Paris," Martha in "Who's Afraid of Virginia Woolf?" and the title role in "Cleopatra," among many others. Throughout her more than 60-year-long career, Ms. Taylor was nominated for countless awards including two Academy Awards and the Screen Actors Guild's, SAG, Life Achievement Award in 1997.

Ms. Taylor was more than just a Hollywood icon. She was also known for her efforts in the fight against AIDS. She was an advocate for AIDS prevention and research at a time when the disease was still a taboo subject for many. She famously stated "I will not be silenced and I will not give up and I will not be ignored." She was the founding international chairman of the American Foundation for Aids Research, amFAR, and was known for her compassion for those living with the disease. As a result of her service, Ms. Taylor received

numerous accolades. In 1992 she was the recipient of the Jean Herscholt Humanitarian Academy Award. On May 16, 2000, Queen Elizabeth II named her a Dame Commander of the Order of the British Empire. In 2001, Ms. Taylor received a Presidential Citizens Medal due to her work. On December 5, 2007, she was inducted into the California Hall of Fame.

Mr. Speaker and colleagues, please join me in honor and remembrance of a woman whose cinematic brilliance, grace, and devotion to fighting AIDS will not soon be forgotten. I extend my sincerest sympathies to her sons, Michael and Christopher, her daughters Liza and Maria, and to her friends and family.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—HARRISON HALBACH

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council,

CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

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With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be out-

standing young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

On October 30, 2010, I volunteered at the Heritage Farmstead Museum. The Heritage Farmstead Museum is a facility dedicated to teaching children about the heritage of early farmers. When I first arrived I helped the other volunteers in their efforts to move about two hundred pumpkins to the side of the road to be sold. In doing so I helped to raise revenues for an underfunded facility in need of a few major repairs. Afterwards, we began picking up tiny pieces of trash left there the night before by little kids. I then assisted the mother of a small boy in setting up his birthday party. After this party was finished, I cleaned up and helped the patrons pack up the rest of their party supplies. I gained a lot throughout this process, but I believe I gained the most by working with others during this project. I gained a tremendous amount of respect for the people involved in this facilities operation. These kind folks work extremely hard to keep this facility running for children, and I assure you that most people don't get into public service for the money. I also of course gained a sense of accomplishment, pride, and joy in helping make this facility and my community a better place.

—Harrison Halbach.

SENATE—Monday, April 4, 2011

The Senate met at 2 p.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the architect and sustainer of our destinies, You are the source and center of our highest joy. Bring into this Chamber a unity that will destroy cynicism, criticism, and complacency.

Lord, we need this unity to maintain a government worthy of those who have sacrificed so much for freedom. As the American people view today's deliberations, may they sense a fresh civility and respect that are truly exemplary. Let Your kingdom come. Let Your will be done on Earth as it is in heaven. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

SCHEDULE

Mr. REID. Mr. President, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Jimmie Reyna to be U.S. circuit judge. We will vote on that at 5:30 this afternoon.

Additionally, we were able to reach an agreement to vote in relation to H.R. 4, the 1099 repeal. This is not going to be part of the small business jobs bill we have before us. We have spun that out so it can go right to the House. We have spent enough time on the 1099. Senators should expect two rollcall votes on 1099, on Tuesday, prior to the caucus meetings.

I have spoken to the Republican leader, and we think we may have a pathway cleared to finish the small business jobs bill, but we will see how that turns out. We will work on that today and in the morning and certainly at our caucuses tomorrow afternoon.

MEASURES PLACED ON THE CALENDAR—S. 706 AND H.R. 471

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 706) to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

A bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under the provisions of rule XIV.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, the time we have left to work on a budget agreement is extremely short. The window

in which we can avoid the terrible consequences of a shutdown is closing quickly. It is no longer measured in months or weeks. We are now down to just a few days in this deadline. The time we have to get the long legislative process started in both Houses is measured in hours.

It is clear those sitting at the negotiating table have different priorities. That is true of any negotiation. We all should share the same goal: to keep the country running and to keep the momentum of our economic recovery moving forward. We all want to cut the deficit.

Last week, we agreed upon a number on which to base our budget—\$73 billion below the President's proposal. But disagreements remain on where we should make those cuts. We worked through the weekend to bridge that gap. We have made some progress, but we are not where we should be yet.

There is another way in which the sides remain separated. Democrats have demonstrated throughout this process that we are willing to meet in the middle, but Republicans and the tea party continue to reject reality and insist, instead, on ideology. Let me give a couple of examples.

First, they refuse to recognize H.R. 1—that is the budget the House passed—isn't going to happen. The tea party pushed it through the House over the objections of some Republicans and all Democrats. Then, the Senate soundly defeated it. Even all Republicans didn't vote for this H.R. 1 in the Senate. We all know the President would never sign it into law anyway.

So the Republican Party and the tea party need to admit the Democrats have proven what the country already knows—that neither party can pass a budget without the other party and neither Chamber can send it to the President without the other Chamber. Democrats stand ready to meet the Republicans halfway and the Senate stands ready to meet the House halfway. We hope our partners on the other side are willing to be as reasonable.

Second, tea party Republicans refuse to recognize that their budget is simply an appalling proposal. They stomp their feet and call "compromise" a dirty word and insist on a budget that will hurt America rather than help it. It slashes programs for the sake of slashing programs. It chops zeros off the budget for nothing more than bragging rights. The authors and advocates of the Republican budget either completely ignore the practical impact of their dangerous cuts or they know the damage they will do and simply don't care. Either way, it is not right.

Their budget would not do a thing to lower unemployment. In fact, it will cost the country 700,000 jobs. That is not my estimate but the estimate of the head of Moody's, an independent economist who has worked for both Democrats and Republicans.

It will also hurt seniors. It slashes funding from the Social Security Administration, which means seniors and disabled Americans who count on the benefits they have earned over a lifetime of hard work will have to wait for these benefits. In many cases, those Social Security checks are seniors' only source of income. In some cases, they are the only thing keeping them out of poverty, and those checks have nothing at all to do with the deficit—nothing.

The Republican budget will hurt women and their families. It cuts nutritional programs for women, infants, and children. This program has nothing to do with the deficit. This program—the WIC Program, Women, Infants and Children—is a program for the very poor. Their budget makes cuts to Planned Parenthood based on ideology, not economics. Planned Parenthood doesn't contribute to the deficit, but it does contribute, in great measure, to the health and safety of women of every age in every State.

Their budget will also hurt our veterans. There is a veterans program in this country that helps homeless veterans afford housing. Democrats think our Nation's veterans who are down and out deserve a roof over their heads, and we think it is a worthy program. The Republican budget nearly eliminates it.

Their budget will also hurt students. The tea party plan kicks hundreds of thousands of impoverished boys and girls out of Head Start, a program to allow them to learn to read—little preschool kids. It cuts college students' Pell grants and slashes job training programs. That is no way to recover.

Independent economists have analyzed the tea party's plan and found it will actually put the brakes on economic growth. The point of this whole exercise—of a budget—is to help the economy. Democrats will not stand for a budget that weakens our economy.

None of the people I have just mentioned led us into the recession. Punishing innocent bystanders, such as seniors, women, veterans, and students will not lead us to a recovery. This is what we mean when we say their budget is based on ideology and not reality. This is what we mean when we say the Republican and tea party budget slashes irresponsibly. When they refuse to relent on those dangerous cuts—many of which have nothing to do with the deficit—that is what we mean when we say the other side simply isn't being reasonable.

Our national budget reflects our values and the tough choices we make.

Democrats have made many tough choices because we know sacrifices are the cost of consensus, and we believe they are worth it. But we have never forgotten that what we cut is more important than how much we cut.

In addition to the many choices about what to slash and what to keep, the Republican leadership has another very big choice to make: It has to decide whether it will do what the tea party wants it to do or what the country needs it to do.

I am hopeful it will make the right choice and we can come to a timely agreement. But the bottom line is this: At the end of the day, we are all on the same side. Time now is not on our side.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

GUANTANAMO BAY

Mr. McCONNELL. Mr. President, amidst all the other business we will be facing this week, I wish to note a welcome development in the war on terror. For the last 2 years, the Obama administration has actively sought to bring the 9/11 plotters into our communities for civilian trials, a completely horrible idea that rightly drew overwhelming bipartisan opposition from the American people and from their elected Representatives here in Congress. Today, the administration is announcing it has changed course. The administration, incredibly enough, today is announcing it has changed course and that Khalid Shaikh Mohammed and the others who plotted these horrible attacks will be tried in military commissions at Guantanamo Bay rather than in a civilian trial in New York or some other U.S. city.

I remember all of our discussions on this issue over the last 2 years. The President issued an Executive order on day 1 to close Guantanamo. He indicated they were going to mainstream these terrorists into the U.S. court system, so this change today is truly a welcome development, the administration announcing that KSM and the others who plotted these crimes will be tried in a proper jurisdiction, these military commissions, at the proper place for these commission trials, Guantanamo Bay. This is the right outcome to the long and spirited debate that preceded this decision. Military commissions at Guantanamo, far from the U.S. mainland, were always the right idea for a variety of compelling reasons which I and others have enumerated repeatedly over the last years. For the sake of the safety and the security of the American people, I am glad the President reconsidered his position

on how and where to try these detainees. Going forward, this model should be the rule rather than the exception. I am sure this decision will draw widespread approval and it is very welcome news.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

THE COTE D'IVOIRE

Mr. INHOFE. Mr. President I am going to come back at 4 o'clock today because there is something going on. With all the people talking about the atrocities in Libya and throughout the Middle East, there is one more atrocity that is taking place right now in a country called Cote D'Ivoire in West Africa. I want to make sure I get on record in that I believe our State Department is wrong in the position they have taken. I think we can right now avert a real tragedy, something maybe comparable to what happened in 1994 in Rwanda with that genocide. I want to come back and talk about that, but I am going to do that sometime around 4 o'clock this afternoon.

CAP AND TRADE

Mr. INHOFE. Mr. President, the business at hand is the amendments to the small business act. The amendment that has been most talked about is the one I have authored, along with Senator McCONNELL. It is the same thing as the bill I introduced some time ago with Congressman FRED UPTON of the House and myself in the Senate.

To give a little background, let me say this has been about a 9-year battle for me. I have gone back, all the way back to Kyoto when we talked about the fact that we were going to have to do something to limit greenhouse gases at that time. This was a national treaty at that time during the Clinton-

Gore administration. Everyone at that time stated and believed, and I agreed because no one said anything to the contrary, that anthropogenic gases, greenhouse gases, methane and so forth, CO₂, caused catastrophic global warming. That started with the United Nations Intergovernmental Panel On Climate Change. It met many years ago, back in the 1990s.

Then there was a wakeup call and we thought, Why should we, the United States of America, sign on to a treaty when the rest of the world was not going to do it, when it was going to be difficult for us economically, and it would not affect the developing world? So we passed a resolution saying we were not going to do it.

However, right after that, starting in 2003—2003, 2005, 2007, 2009, and as recently as last year—different Members have introduced legislation that would impose almost the same thing as the Kyoto treaty on us and that is cap and trade.

At that time, Republicans were the majority. I was the chairman of the Environment and Public Works Committee. In that committee we thought we had better look at this to make sure the science is there. This is important, because we had found out that for us to pass a cap-and-trade bill, the cost would be somewhere between \$300 and \$400 billion a year. My feeling, as chairman of that committee, was let's find out if in fact the science is there.

Scientists started coming to me—one after another and another when they knew I was going to at least question the legitimacy of the science—and said: The science is not there. We would like the opportunity to get our views in.

That became a reality, so we defeated all the bills up to and including the Waxman-Markey bill that passed the House and came over to the Senate. Let me say we are talking about something that would cost the American people between \$300 billion and \$400 billion a year.

Sometimes I am not quite as smart as some of the guys here, so when you talk about billions and trillions of dollars I like to look and see how does that affect my State of Oklahoma. I have the total number of tax returns filed by Oklahomans. I do the math. When you do the math with \$300 to \$400 billion a year that means it would cost my average taxpayer who files a tax return in Oklahoma a little over \$3,100 a year.

If that is going to stop the world from coming to the end, maybe it is worth that. But what do you get for that? I even asked Lisa Jackson, the Administrator of the EPA. She is one appointed by President Obama. I asked her in a public hearing if we were to pass any of these cap-and-trade bills that would be so costly to Americans, what would it do in terms of greenhouse gases?

Her response was it would do very little if anything because that would only affect the United States of America and that is not where the problem is. The problem is in China and India and Mexico, places where they do not have any restraints on emissions. So as we lost our jobs to other states, obviously it is going to end up not decreasing but increasing the emissions of CO₂.

That is where we were. We passed all these things. With the President absolutely committed to doing something about the emissions of CO₂, he decided he would do through regulation what he could not do through legislation. We had legislation that could not pass and so obviously he went ahead and started saying we are going to let the EPA do the same thing as we would have done in with legislation. That, again, would cost the American people between \$300 and \$400 billion a year.

This is kind of in the weeds, but to do that you have to have an endangerment finding and the endangerment finding has to be a proclamation by the administration. It has to be based on science.

A year-and-a-half ago, right before the Copenhagen event, again, Lisa Jackson, the Administrator of the EPA, a very fine person who is courageous enough to tell the truth when asked a question, was in and I again asked in a public forum: Director Jackson, I am going to leave for Copenhagen. I am going to be a one-man truth squad to go over there and undo the damage that has been done by people who are going to go over there and try to make people think we are going to pass all kinds of legislation. If you are going to do this through the administration, that means you have to base it on some type of science. I asked the question: What science would you base this assumption on, the endangerment finding?

The answer was the IPCC. That is the Intergovernmental Panel on Climate Change. It is the United Nations. For others who get offended by some of the things the United Nations does, it all started with the United Nations. We are going to be in a position to see where we would go from here.

With that, coincidentally—and it was not by design—somebody uncovered a lot of e-mails and things over in Europe that totally debunked or discredited what they were trying to do over there with the science. In other words, the IPCC was cooking the science. I think we all know that.

Now we have an effort to use an endangerment finding to try to do this by regulation. They are going full ahead as much as they can.

I have to say, it is my feeling the Obama administration does not want to have fossil fuels. When I say that, I would back up some of those things by stating what the administration said. Alan Krueger, the Assistant Secretary for Economic Policy, said:

The administration believes it is not longer sufficient to address the nation's energy needs by finding more fossil fuels.

We are talking about oil, gas, coal, fossil fuels.

Then there was a statement made:

To the extent lower tax rate encourages overproduction of oil and gas, it is detrimental to long-term energy security. . . .

By this, the Nation is saying we want green energy. That is fine. After I am dead and gone, I am sure the technology will be there and we will be able to run the country on green energy. In the meantime, you cannot do it without oil, gas, and coal. Right now we are depending on coal for 50 percent of all of our energy.

I wish to say also, here is another statement out of the Obama administration. Steven Chu, Secretary of Energy, told the Wall Street Journal "somehow we have to figure out how to boost the price of gasoline to the levels in Europe."

In other words, unless we get the American people complaining about the high price of gas, we are not going to be doing anything. The bottom line is they are trying to boost the price of gas to do that.

This is the surprise here. I could not have said this a year ago, but the CRS, Congressional Research Service, which pretty much is not challenged, came out with the fact that we in the United States have more recoverable reserves in oil, gas, and coal than any other country in the world. Here we are. The next is Russia. Next to that is Saudi Arabia. You can see that we have more than Saudi Arabia, China, and Iran all put together. That is us right there, the United States of America. We have those reserves.

You will hear people say we do not because we only have 3 percent of the world's supply of oil and gas. They are saying that because they are using the term "proven reserves." In order to have proven reserves you have to drill to find out and prove the oil is there. Obviously, if we have a government, an administration that will not let us drill for oil and gas, then we cannot get about proving it, so we have to go by "recoverable." No one will argue with this—well, they might argue but they cannot do it with a straight face—that our recoverable reserves are very large. Here, in the case of oil, it is this amount right here—135 billion barrels of oil, 83 percent of the oil. By the way, 83 percent of the oil that would be on public lands that we will not allow ourselves—or the liberals in this body will not allow us, and the White House, to drill on because of not just a moratorium but they stopped us from doing it sometimes through not issuing permits.

But we have enough oil out there to run this country for 50 years without relying upon anybody else, without relying upon, certainly, the Middle East or any of the rest of our hemisphere.

If we were to go ahead with the friendlies in our hemisphere, Canada and Mexico, we could be independent of the Middle East in a very short period of time.

The United States has 28 percent of all of the coal, and that is very significant. As far as natural gas is concerned, we have enough natural gas to actually run this country for 90 years at the rate we are using natural gas now, only on our own, if we would allow ourselves to go ahead and produce it.

So that is where we are right now. Of course, I would be remiss if I did not say we have been wanting my amendment. It is amendment No. 183 to the Small Business Act. We have been trying to bring it up for 3 weeks now. Several times it has been postponed. I think it has been postponed for one of two reasons. Either they do not have the votes to stop it—and according to Senator MANCHIN, West Virginia, who stated just the other day there are 12 or 13 Democrats willing to vote for my amendment, and you get all the Republicans, that would be enough to reach 60 and pass my amendment.

What does my amendment do? It takes away the jurisdiction from the Environmental Protection Agency from regulating greenhouse gases. Simple as that. So maybe we have the votes, but the other reason is—and I do not blame the leadership on the other side of the aisle—they do not want to subject their Senators to voting, to have to cast a vote that would allow the EPA to continue harassing and overregulating manufacturers and refineries and businesses and farmers and the rest of America.

Well, there are two votes that are out there that they have offered as cover votes. One is the Baucus amendment; the other is the Rockefeller amendment. The Baucus amendment would exempt some of the smaller ones. Frankly, I think everyone knows that is something that would not work. In fact, somewhere I have the quote from the American Farm Bureau. Well, I do not have it right here, but, by and large, what they say is that they want to be sure everyone understands we cannot pass the Baucus amendment because that will just—we could exempt some farmers and some other smaller people, schools, maybe churches; but with the higher price of energy, it all trickles down to them. So that is why the American Farm Bureau, the Association of Manufacturers, and others are very much in favor of my amendment.

The other one is the Rockefeller amendment that would merely delay it for 2 years. The reason I am opposed to this—and on the floor of the Senate, Senator ROCKEFELLER made some statements the other day that were not very flattering. That is unlike him because that is normally not the way he

would do it. Unfortunately, my effort was dubbed as “childlike,” “immature,” and, yes, you guessed it, “crazy” too. But I will only say that over the years Senator ROCKEFELLER has stated that the EPA—well, I will just read to you what he has stated: EPA has little or no authority to address economic needs. They say they do, but they don't. They have no ability to incentivize and deploy new technologies. They have no obligation to protect the hard-working people. And on and on.

So I would agree with those statements of Senator ROCKEFELLER. I would just say, if we are going to get rid of this, the overregulation, let's go ahead and do it. Let's not postpone it for 2 years. We have documentation from various companies, industries that say we are going to put something in place that is going to employ a large number of people, but we cannot do it so long as the uncertainty is out there.

At Point Comfort in Texas, 1,182 jobs were lost. They wanted to—they were planning—Formosa Plastics—had been planning a \$1 billion expansion. It would have employed 700 construction jobs, 357 service jobs, and 125 full-time operations and maintenance jobs. Yet they are not doing it because of the regulation that is taking place and the uncertainty of what the EPA is going to be doing to us.

El Dorado, AR, similar situation. Arkansas-based Lion Oil was forced to delay several hundred million dollars in refinery expansion because of the uncertainty of the regulation by the Environmental Protection Agency. Louisiana, the same thing; 1,850 jobs were lost.

I have had people ask me over the years: Inhofe, what if you are wrong? Well, this is what I would say and how I respond to that. When you stop and say I am wrong and actually that greenhouse gases do cause catastrophic global warming, if that is the case, then you are not going to resolve it by having the United States of America do something unilaterally.

The Chinese are over there celebrating right now, hoping we will pass something to stop us from regulating or make us regulate greenhouse gases because those jobs we have—we have all of the figures. If anyone is interested, my Web site is Inhofe.Senate.gov. We can quantify the jobs lost and money involved.

Stop and think about it. Anyone who has a comparable State to Oklahoma, do you want to increase your taxes by over \$3,000 a year and get nothing for it?

With that, I would make another appeal to the administration and to the Democrats in the Senate, to call a vote on my amendment No. 183. Just call it and let's get this behind us. Let's try to save energy for America.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Arizona.

Mr. KYL. Mr. President, I want to compliment my colleague from Oklahoma for the leadership he has exercised with respect to the rogue Environmental Protection Agency attempting to regulate, in effect, what we breathe and the job-killing program that would result from the regulations that would be prohibited from being adopted were the Inhofe-McConnell amendment to be adopted by this body. I share his desire that we be able to vote on that and stop these onerous regulations from being put into effect.

I ask unanimous consent to speak not to exceed 15 minutes in morning business.

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

HEALTH CARE

Mr. KYL. Mr. President, I want to address two things but start with health care. I recall that during the debate over health care—and we celebrated the 1-year anniversary of the signing of the health care legislation a little over a week ago. But I recall then-Speaker of the House NANCY PELOSI saying: We will have to pass the bill in order to find out what is in it. I do not think she realized how true her statement really was.

I just read something over the weekend from a March 31 edition of the Washington Examiner. I ask unanimous consent to have this article by Byron York printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mr. KYL. I will read the first sentence and then a couple of other items from it. The headline is “Uncovered: New \$2 billion bailout in Obamacare.”

Here is the first sentence in the story:

Investigators for the House Energy and Commerce Committee have discovered that a little-known provision in the national health care law has allowed the Federal Government to pay nearly \$2 billion to unions, state public employee systems, and big corporations to subsidize health coverage costs for early retirees.

Then the article goes on to point out that they discovered this in oversight hearings of an obscure agency known as the CCIO, or the Center for Consumer Information and Insurance Oversight. The idea under the law apparently was to subsidize unions and States and companies that had made commitments to provide health insurance for workers who retired early.

They point out that there was a \$5 billion appropriation in the bill, and at the rate of spending by this agency they will burn through the entire \$5 billion as early as 2012. And where is

the money being sent to? Well, by far and away, the biggest single recipient is the United Auto Workers Labor Union, which so far had received well over \$200 million.

Other recipients include AT&T, Verizon, General Electric, General Motors Corporation, and a few State public employees retirement systems. But, by far and away, the contribution to the United Auto Workers and the Teamsters and United Food and Commercial Workers was more than the amount of money sent to the State pension funds—the point being that we learn something new almost every week about Obamacare.

As I said, it was just a little over a week ago that it celebrated its first anniversary, and we are only now discovering some of the things that were hidden away in it, which I think had we been able to debate the bill in a more appropriate fashion—remember, it passed on Christmas Eve day of the year before last—we probably would have been able to discover these things. Had the bill been read, had we had time to read all of the fine print, these are the kinds of things that we would have discovered; and I suspect the proponents of the bill, those who voted for it, might not have been so quick to vote for it.

Maybe we will have a chance to repeal this particular provision of the bill if there is any money left that has not been spent by the time we get around to doing that. I will propose to my colleagues that we try to accomplish that.

The second point with respect to Obamacare that continues to trouble me is something called the Independent Payment Advisory Board. This is troublesome for three reasons, two of which have to do with process and the third the substance. The Independent Payment Advisory Board goes by the acronym of IPAP, and it was created in order to try to find savings in the Medicare Program.

Now, obviously, we have read a lot about the billions, tens of billions of dollars of waste, fraud, and abuse in Medicare. The problem is, this board is not likely to get at that waste, fraud, and abuse because its primary mission—and, in fact, it is restricted to finding cost savings only as a result of reducing the payments to providers. In fact, James Capretta of the Ethics and Public Policy Center has done some very good writing on this subject, and he notes that the board is strictly limited to what it can recommend and implement and that the board can only “cut Medicare payment rates for those providing services to beneficiaries.”

Well, that is a problem because it does not get to the real heart of a lot of the waste, fraud, and abuse in Medicare. Secondly—and I will conclude my remarks with this main point—when we cut the payment rates for the doc-

tors, for example, who are taking care of Medicare patients, what happens? We get fewer doctors willing to take care of Medicare patients.

We are all familiar with the stories in our own States of more and more physicians either not taking any Medicare patients or at least not taking any new Medicare patients. As a result, there are far fewer doctors available to treat folks, which means there is a much longer waiting time for people to get the care they need. The end result of that is, of course, care delayed is frequently care denied. That is the problem that exists in other countries such as Great Britain, our neighbor to the north, Canada, and it is coming to your own community pretty soon as a result of the fact that we are not paying the physicians and other providers enough as it is. That is the only thing that IPAP can do to further reduce the costs.

But I mentioned two procedural problems. The first is that this board is comprised of 15 unelected bureaucrats. The President makes the appointments. He does not have to balance them politically, so they can all be members of one political party. He can make recess appointments so the Senate may not even have an opportunity to pass on these individuals.

The second procedural problem is, when they make their recommendations it comes to the Congress in a take-it-or-leave-it procedural posture; that is to say, either Congress adopts the recommendations of the board or at a number equal to that, with what we decide ourselves is the appropriate way to achieve that amount, or the Department of Health and Human Services must implement the board's original recommendations, period. That is it.

So we are ceding authority to an unelected board of people whose political views could reflect, for example, only those of the President of the United States, and whose recommendations almost automatically become law. Only if the Congress, within a specified period of time, is able to recommend an alternative that can get the votes, and it would have to be a 60-vote majority, would the recommendations of the board be overridden.

So for procedural reasons this was not the right way to tackle the problem of costs of the Medicare Program that we do need to get a handle on. It is a very undemocratic approach. But as I said, the procedure is part of the problem. The real question is, how are we going to address costs in Medicare?

Now, we are going to see some very innovative ideas from the House of Representatives, from the Budget chairman, PAUL RYAN, this week when the House budget is released. He will tackle the tough problem of helping to constrain the costs of Medicare. One of the ways I find very unappealing to

control Medicare costs is putting a cap on how much we can spend and reimbursing the providers, in particular physicians, with that particular cap in mind.

As I said, the reason is because it is going to cost physicians a certain amount of money to take care of each patient. If they cannot be reimbursed in an amount sufficient to cover their expenses and a little bit more, they are simply going to turn to other kinds of patients.

They have already turned away from Medicaid patients because Medicaid does not reimburse at a level that meets their requirements. As a result, it is a dirty little secret in the medical profession that Medicaid is rationed health care. That is not right. These are the poorest in our society. They need support. They need help. But they have to wait a long time. A lot of times, there just aren't the people to take care of them. Now we are going to convert the system that takes care of senior citizens into the same kind of whatever-we-have-available kind of service because when we begin reducing payments to providers, we will get fewer providers, with the result that we will get less care. It is a simple matter of economics.

This is being recommended not by physicians, not by the patients groups, and so on, but by people who are unelected bureaucrats appointed to this board. According to Mr. Capretta, under the law this is all the board can do. This is what it is restricted to doing. By cutting Medicare patients, the board will only delay and deny care. That is the critical point.

I am painting this picture of physicians not being paid enough. The reality is that today Medicare already pays physicians 20 percent less than private insurance companies do. Part of that is because private insurance companies are cost shifters. When a physician can't make enough money serving government-paid-for patients—Medicare—then they charge more to private sector-paid patients. We therefore are paying more in the private sector for our insurance than it really would cost, but that is in order to subsidize the payment of physicians who don't make enough under Medicare today. What the IPAB would do is reduce those payments even more. This, in turn, will lead to reduced access to care for seniors, and reduced access to care means rationed care.

I quoted James Capretta before. He says:

In a very real sense, seniors will be the ones holding the bag from these cuts when they can't access care due to a lack of willing suppliers.

I will close this point by noting that there is another government health care program I am very familiar with because of the large number of Native Americans in Arizona who have access

to health care from the Federal Government under the Indian Health Service. In Indian Country, they have a saying that is not really facetious. They say it with a bit of a wry smile on their face, but they are not at all happy. They say: Just get sick before July. The reason is, there is a definite limit on how much the program will pay out. They set a cap at the beginning of the year, and when enough people have gotten sick enough to a certain point in the year, that is the end of the coverage. So they wait until money is available the next year.

That is an oversimplification, but it is what a total single-payer government system does. When we need to cut costs, we reduce the amount of money available. And who suffers? The people to whom we promised care. We see it in the Indian Health Service. We are seeing it now in Medicaid. We are going to see it in Medicare if we are not careful.

That is why we need to repeal the IPAB, the Independent Payment Advisory Board established under ObamaCare. There is legislation introduced to do this. Senator CORNYN and I cosponsored the Health Care Bureaucrats Elimination Act, S. 668, which would eliminate the IPAB. I hope we will have an opportunity to bring that legislation to the floor so that my colleagues can join us in excising this piece of ObamaCare so that our seniors don't suffer from rationed health care. There is a long group of organizations which joins us in our opposition to IPAB, groups such as the American Health Care Association, the American College of Radiology, National Senior Citizens Law Center, National Association of Social Workers, Volunteers of America, and others.

I hope that when the time comes, we will have an opportunity to have a debate about this aspect of ObamaCare. I know the supporters of the health care reform act did not intend this negative result. I am not suggesting that colleagues who supported ObamaCare love seniors any less than I love my mother, and they love their parents and others. That is not the point. Laws have unintended consequences. When we create a mechanism to save money such as this one and constrain it the way we have, I know what we will get, and we will not like it. We will hear from seniors. And before I hear from my mother, I would just as soon get this problem fixed.

EXHIBIT 1

[From the Examiner, Mar. 31, 2011]

UNCOVERED: NEW \$2 BILLION BAILOUT IN OBAMACARE

(By Byron York)

Investigators for the House Energy and Commerce Committee have discovered that a little-known provision in the national health care law has allowed the federal government to pay nearly \$2 billion to unions, state public employee systems, and big corporations to subsidize health coverage costs for early

retirees. At the current rate of payment, the \$5 billion appropriated for the program could be exhausted well before it is set to expire.

The discovery came on the eve of an oversight hearing focused on the workings of an obscure agency known as CCEO—the Center for Consumer Information and Insurance Oversight. CCEO, which is part of the Department of Health and Human Services, oversees the implementation of Section 1102 of the Affordable Care Act, which created something called the Early Retiree Reinsurance Program. The legislation called for the program to spend a total of \$5 billion, beginning in June 2010—shortly after ObamaCare was passed—and ending on January 1, 2014, as the system of national health care exchanges was scheduled to go into effect.

The idea was to subsidize unions, states, and companies that had made commitments to provide health insurance for workers who retired early—between the ages of 55 and 64, before they were eligible for Medicare. According to a new report prepared by the Department of Health and Human Services, “People in the early retiree age group . . . often face difficulties obtaining insurance in the individual market because of age or chronic conditions that make coverage unaffordable or inaccessible.” As a result, fewer and fewer organizations have been offering coverage to early retirees; the Early Retiree Reinsurance Program was designed to subsidize such coverage until the creation of ObamaCare's health-care exchanges.

The program began making payouts on June 1, 2010. Between that date and the end of 2010, it paid out about \$535 million dollars. But according to the new report, the rate of spending has since increased dramatically, to about \$1.3 billion just for the first two and a half months of this year. At that rate, it could burn through the entire \$5 billion appropriation as early as 2012.

Where is the money going? According to the new report, the biggest single recipient of an early-retiree bailout is the United Auto Workers, which has so far received \$206,798,086. Other big recipients include AT&T, which received \$140,022,949, and Verizon, which received \$91,702,538. General Electric, in the news recently for not paying any U.S. taxes last year, received \$36,607,818. General Motors, recipient of a massive government bailout, received \$19,002,669.

The program also paid large sums of money to state governments. The Public Employees Retirement System of Ohio received \$70,557,764; the Teacher Retirement System of Texas received \$68,074,118; the California Public Employees Retirement System, or CalPERS, received \$57,834,267; the Georgia Department of Community Health received \$57,936,127; and the state of New York received \$47,869,044. Other states received lesser but still substantial sums.

But payments to individual states were dwarfed by the payout to the auto workers union, which received more than the states of New York, California, and Texas combined. Other unions also received government funds, including the United Food and Commercial Workers, the United Mine Workers, and the Teamsters.

Republican investigators count the early-retiree program among those that would never have become law had Democrats allowed more scrutiny of ObamaCare at the time it was pushed through the House and Senate. Since then, Republicans have kept an eye on the program but were not able to pry any information out of the administration until after the GOP won control of the House last November. Now, finally, they are learning what's going on.

BUDGET GAME-CHANGER

Mr. KYL. Mr. President, finally, I wish to have printed in the RECORD and discuss briefly an op-ed in the Wall Street Journal of today titled “Time for a Budget Game-Changer.” This was written by Gary Becker, George P. Shultz, and John Taylor. John Taylor and Gary Becker are both economist professors, Becker at the University of Chicago, Taylor at Stanford. Of course, George Shultz is a former Secretary of Labor, Secretary of the Treasury, and Secretary of State. All three are affiliated with the Hoover Institution. In this article, they present a real answer to the two key problems that face us today.

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

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. KYL. The two key problems are that we don't have enough jobs and we have a very high unemployment rate. We need to get the economy growing, and we are having to borrow far too much money because of government spending. What this piece points out is that there is a direct relationship between the two. That is not too surprising. The bottom line is that government borrowing and spending distorts the market by making less money available for the private sector to invest. If the private sector can invest, jobs can be created and we can grow the economy.

What they do in this piece is create a credible strategy to reduce the growth of Federal government spending, bring the deficit down, and increase economic growth. Those goals are not only not inimical to each other, they actually fit together nicely.

As they point out, the essential first step is to reduce discretionary spending in the current fiscal year, 2011. That is the work the Senate and House are engaged in right now. We will have to pass a continuing resolution to fund the government through the end of September. We can substantially reduce the spending, and they point out how in this op-ed.

The second part is a longer term plan to get total spending as a share of GDP down. They have a plan to do that in a relatively gradual way but that nevertheless provides real, substantial savings over the next 10 years and longer to a point that is consistent with the historical relationship between the revenues the government has collected and the spending the government makes.

Let me quote the first three sentences of their op-ed:

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt

will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

They go on to point out:

When private investment is high, unemployment is low. In contrast, higher government spending is not associated with lower unemployment.

It is a piece I recommend to all of my colleagues because it establishes—and these are first-rate economists who have done the research and can demonstrate beyond peradventure the direct relationship between reduced government spending and more employment and growth. The bottom line is, if we leave more money in the private sector to be invested by businesses in the private sector, the more they will invest and hire people, and the more the economy will grow. Ironically, the more the economy grows, the more revenues the Federal Government gets because we have more taxes and a higher tax basis.

Private economic growth is good for families and businesses and people seeking jobs as well as for the Federal Government if we are looking for more revenue. The wrong answer is to spend more money in the government, 40-plus cents of which has to be borrowed. Every dollar we spend we have to borrow 40 cents of, half of which is borrowed from countries abroad. That borrowing and spending crowds out opportunities in the private market to do the same.

So there is a direct relationship in terms of how much we can reduce Federal spending on the one hand and how much we can grow the economy on the other. That is what these economists point out—the way for us both in the short term and the longer term to get a handle on both the Federal budget deficit and induce the private sector to invest more, thus reducing unemployment and increasing our economic growth.

I thank the Chair.

EXHIBIT 1

[From the Wall Street Journal, Apr. 4, 2011]
TIME FOR A BUDGET GAME-CHANGER

(By Gary S. Becker, George P. Shultz and John B. Taylor)

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

When private investment is high, unemployment is low. In 2006, investment—business fixed investment plus residential investment—as a share of GDP was high, at 17%, and unemployment was low, at 5%. By 2010 private investment as a share of GDP was down to 12%, and unemployment was up to more than 9%. In the year 2000, investment as a share of GDP was 17% while unemployment averaged around 4%. This is a regular pattern.

In contrast, higher government spending is not associated with lower unemployment. For example, when government purchases of goods and services came down as a share of GDP in the 1990s, unemployment didn't rise. In fact it fell, and the higher level of government purchases as a share of GDP since 2000 has clearly not been associated with lower unemployment.

To the extent that government spending crowds out job-creating private investment, it can actually worsen unemployment. Indeed, extensive government efforts to stimulate the economy and reduce joblessness by spending more have failed to reduce joblessness.

Above all, the federal government needs a credible and transparent budget strategy. It's time for a game-changer—a budget action that will stop the recent discretionary spending binge before it gets entrenched in government agencies.

Second, we need to lay out a path for total federal government spending growth for next year and later years that will gradually bring spending into balance with the amount of tax revenues generated in later years by the current tax system. Assurance that the current tax system will remain in place—pending genuine reform in corporate and personal income taxes—will be an immediate stimulus.

All this must be accompanied by an accurate and simple explanation of how the strategy will increase economic growth, an explanation that will counteract scare stories and also allow people outside of government to start making plans, including business plans, to invest and hire. In this respect the budget strategy should be seen in the context of a larger pro-growth, pro-employment government reform strategy.

We can see such a sensible budget strategy starting to emerge. The first step of the strategy is largely being addressed by the House budget plan for 2011, or HR1. Though voted down in its entirety by the Senate, it is now being split up into “continuing” resolutions that add up to the same spending levels.

To see how HR1 works, note that discretionary appropriations other than for defense and homeland security were \$460.1 billion in 2010, a sharp 22% increase over the \$378.4 billion a mere three years ago. HR1 reverses this bulge by bringing these appropriations to \$394.5 billion, which is 4% higher than in 2008. Spending growth is greatly reduced under HR1, but it is still enough to cover inflation over those three years.

There is no reason why government agencies—from Treasury and Commerce to the Executive Office of the President—cannot get by with the same amount of funding they had in 2008 plus increases for inflation. Anything less than HR1 would not represent a credible first step. Changes in budget authority convert to government outlays slowly. According to the Congressional Budget Office, outlays will only be \$19 billion less in 2011 with HR1, meaning it would take spending to 24% of GDP in 2011 from 24.1% today.

If HR1 is the first step of the strategy, then the second step could come in the form of the budget resolution for 2012 also coming out of the House. We do not know what this will look like, but it is likely to entail a gradual reduction in spending as a share of GDP that would, in a reasonable number of years, lead to a balanced budget without tax rate increases.

To make the path credible, the budget resolution should include instructions to the appropriations subcommittees elaborating

changes in government programs that will make the spending goals a reality. These instructions must include a requirement for reforms of the Social Security and health-care systems.

Health-care reform is particularly difficult politically, although absolutely necessary to get long-term government spending under control. This is not the place to go into various ways to make the health-care delivery system cheaper and at the same time much more effective in promoting health. However, it is absolutely essential to make wholesale changes in ObamaCare, and many of its approaches to health reform.

The nearby chart shows an example of a path that brings total federal outlays relative to GDP back to the level of 2007—19.5%. One line shows outlays as a share of GDP under the CEO baseline released on March 18. The other shows the spending path starting with HR1 in 2011. With HR1 federal outlays grow at 2.7% per year from 2010 to 2021 in nominal terms, while nominal GDP is expected to grow by 4.6% per year.

Faster GDP growth will bring a balanced budget more quickly by increasing the growth of tax revenues. Critics will argue that such a budget plan will decrease economic growth and job creation. Some, such as economists at Goldman Sachs and Moody's, have already said that HR1 will lower economic growth by as much as 2% this quarter and the next and cost hundreds of thousands of jobs. But this is highly implausible given the small size of the change in outlays in 2011 under HR1, as shown in the chart. The change in spending is not abrupt, as they claim, but quite gradual.

Those who predict that a gradual and credible plan to lower spending growth will reduce job creation disregard the private investment benefits that come from reducing the threats of higher taxes, higher interest rates and a fiscal crisis. This is the same thinking used to claim that the stimulus package worked. These economic models failed in the 1970s, failed in 2008, and they are still failing.

Control of federal spending and a strategy for ending the deficit will provide assurance that tax rates will not rise—pending tax reform—and that uncontrolled deficits will not recur. This assurance must be the foundation of strategy for a healthy economy.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, my understanding is that we are in morning business and I have 10 minutes allocated to me. I may not take that much time.

1099 REPEAL

Mr. COATS. Mr. President, I am here to essentially support the hard work of a colleague, Senator JOHANNIS, in bringing to the floor tomorrow a vote to repeal the 1099 provisions in the current health care bill.

As I campaigned throughout the State of Indiana over this past year,

meeting with businesspeople and individuals running shops in a small town and large businesses on the outskirts of busy manufacturing centers, several themes were repeated over and over and over. One was that we continue to have problems in creating jobs because of the massive amount of regulations that are flowing out of Washington that, at a time of fiscal downturn in particular, are keeping our businesses from going forward and hiring people, being competitive. We spend time in the back room with paperwork, filling out what seems to be unnecessary burdens imposed upon us by regulatory agencies.

Some of these regulations are necessary. We all know that for purposes of health and safety, there are regulations that are important in keeping companies' feet to the fire in terms of making sure their workplace is a safe and healthy place to work. These are important, and there are others. But clearly there is an excess. What I heard people saying all across the State of Indiana was that our government has grown too big, it spends too much money and it overregulates. In particular, when it comes to business, that overregulation and overtaxation is impeding our ability to compete on a worldwide basis to provide the kinds of jobs and services America is used to providing in such a successful way.

Tomorrow, this vote will deal with an aspect of the health care bill that was passed in the last Congress. Tucked away in that health care bill is a provision requiring every company, every church, every charity to submit a separate IRS 1099 form for taxes detailing and describing the goods they purchase in order to run their church, run their hospital, run their business, run their charity.

I have talked to hospitals—small and rural, big and large—across the State of Indiana, and they say: Do you realize how many separate items we purchase every year of over \$600? Do you understand how many hundreds, if not thousands, of prescription drugs we purchase in order to have them available here to perform our services in this hospital, how many bandaids, how many cotton patches, how many sophisticated drugs?

Hundreds of thousands of items are purchased by large companies every year, and each one of those now has to be calculated as to whether the purchase price was more than \$600 for the lot they buy, and it has to be detailed and then sent to Washington. There are not enough bureaucrats in Washington to begin to process the paperwork that would flood into this city. There are not enough buildings in this city to house those bureaucrats processing those forms. There are not enough warehouses in this city to store the forms that would flow in here. All for what reason? Because supposedly this

is a way to collect more taxes on companies that have not submitted forms where they have actually purchased this particular material, even though they are required under the tax laws to honestly—and I believe it is almost unanimous; maybe 99 percent of the time—do just that. So it is a solution without a problem.

Clearly, what Senator JOHANNIS has been attempting to do over the past several months and even in the last Congress is bring forward a bill that would repeal this onerous provision of the health care law.

The U.S. Chamber of Commerce said this about the 1099 reporting requirement:

At a time when they can least afford it, entities will have to institute new complex record-keeping, data collection and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS.

Even the IRS Information Reporting Program Advisory Committee has ruled against this, deeming this mandate "burdensome" with "no measurable purpose."

Forcing businesses to spend time in the back room to fill out all these forms and do all this record keeping—and particularly those small businesses that do not have the back room, where the owner and the proprietor of the business is the one who has to fill out these forms instead of being out there selling his services or running his business—they are particularly burdened by this unnecessary regulation.

Clearly, if we want to promote our businesses, help them hire more people, and get more people back to work, we have to release them from the burden of unnecessary regulation and, I would also add to that, taxation. So tomorrow, when this vote comes up, let's adopt the Johannis amendment to repeal this unnecessary and costly provision and send it to the White House for the President's signature.

While we are at it, let's also continue to take a look at the health care bill because if this provision somehow survived scrutiny before passage, there must be many more of these in there. Let me just mention one of them that directly impacts my State.

Medical device companies are a key industry in the State of Indiana. In fact, we are one of the leading States, if not the leading State in the country, for the number of people engaged in producing medical devices. That industry was slapped with a 2.3-percent sales tax on medical devices under the new health care law simply as a means to pay for the new health care law.

This is an innovative industry, an industry which is at the cutting edge of technology, one of our best exporting industries. They sell all over the world. We talk about the loss of American capacity to manufacture. We have a

skilled workforce in place, with thousands of people employed throughout the State of Indiana, with several hundred companies producing medical devices. They have developed the innovation and the skill to be the best in the world. Yet, just out of the blue, because we are looking for a pay-for in the health care bill—that had nothing to do with their production of that product or their business—they were slapped with this \$20 billion impact tax, a 2.3-percent sales tax, which turns out to be about \$20 billion under the health care law.

I have given these statistics for just the one State of Indiana. I know Minnesota and a number of other States also are engaged in the medical device business. But singling out, though, the medical device manufacturers to help pay for the massive costs of the health care law, hinders job growth and stifles innovation. This is a resource-rich, research-rich industry in America that needs to be encouraged, not discouraged, that needs to have incentives to go forward, not disincentives, that does not need more regulation and higher taxes but needs to be viewed as producing a product that is the best in the world and what the world wants to buy.

So as we look at the health care bill, I am sure there are many provisions that need to be addressed. I, of course, am on record for repealing and starting over for reasons I have stated before and will not go into now. I think it is fatally flawed. I think starting over would give us a far more cost-effective, incremental improvement in ways to address our health care needs in this country without breaking the bank.

Nevertheless, if we cannot do that, we need to keep looking at situations such as what we are going to be addressing tomorrow, the 1099 repeal, and situations such as I have just described with the medical device tax.

Mr. President, with that, I will close by urging my colleagues to come and vote for the repeal of the 1099 provision that has been brought forward by Senator JOHANNIS.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NCAA TOURNAMENT

Mr. COATS. Mr. President, maybe this should have occurred to me before I last spoke and I should have addressed this. But since no one else is on the floor seeking to be recognized, it occurred to me that the Presiding Officer of the Senate represents the State of Connecticut, and I represent the

State of Indiana. The two of us are the only ones on the floor of the Senate at this particular time. The Presiding Officer and I have an event that is very much going to draw our attention this evening; that is, the final game of the NCAA basketball tournament, Connecticut versus Butler.

I can extoll the virtues of Butler for a long time. I can also take some advantage of the Presiding Officer because he is in the chair and can't reply, but I will not do that. I am just here to say we have a friendly bet on for this. I have some good Indiana-produced goodies coming the way of the Presiding Officer, should Connecticut prevail, and I think the Presiding Officer has some good Connecticut-produced goodies coming my way—by goodies I mean popcorn and a can of beans or whatever our States are famous for producing. I don't want anybody getting the wrong impression of what we possibly are exchanging.

Butler has been a dream and a joy for those of us from Indiana and, hopefully, from across the country, to watch this small school of 4,400 students in Indianapolis that produced a team that comes out of a midmajor conference. These schools perhaps aren't familiar to very many people, but yet they have knocked off the giants, with one more giant, I might say, to face this evening. But this little Midwestern school plays basketball the Hoosier way. They are a credible collection of players who were not recruited by the big schools but came together and worked together as a team under the inspired leadership of their young coach. They have now found themselves as NCAA finalists 2 years in a row, I think something no one would have predicted, particularly after they lost their star player last year who left the school a year early to go to the NBA.

My best wishes to the Presiding Officer for his team. As much as I give you those best wishes, I am looking forward tomorrow to receiving your part of the bargain delivered to my office, but if not, I will be standing at your front door. It is already assembled just in case. But we are rooting for a great game tonight. I think probably one of the most exciting events that happens in sports is the amateur basketball tournament that is played in by our NCAA colleges. It is a joy to watch these young men.

Then, tomorrow, I might mention, the Notre Dame women's team will be playing in the finals against Texas A&M. So Indiana is certainly putting forth some of its best during these next two nights. I am looking forward to seeing those games tonight. Our hopes are that we will not be in session this evening in the Senate. I don't think we will be. So you and I will be, unfortunately, not in Houston but in front of a big screen TV cheering on our teams.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET DEBATE

Mr. SESSIONS. Mr. President, we are in the middle of the budget debate and, as the Ranking Republican on the Budget Committee, it is something which is very important to me, and, I believe, to America.

There are two aspects of it. One is, how will we finish this fiscal year that ends September 30? The House Republicans have sent over legislation that funds the government, but it is \$61 billion less than was expected or had been projected under last year's budget. I don't think anyone would be surprised, after the last election and the big spenders took a pretty big hit, that there would be a reduction after the continuing resolution of, I guess, 5 months expired. Since that expired a few weeks ago and we have had some short-term continuing resolutions, we have reduced spending by about \$10 billion. I truly believe we need to move it on down to a full \$61 billion and, over 10 years, that will reduce the baseline by \$61 billion and, fairly computed, it will save, over a 10-year timeframe alone, \$860 billion. That is close to \$1 trillion. It is real money. It is a significant step we should take. I hope this Congress will take it.

The next matter that is before us is, what about next year's budget? We should already be in that cycle. The President has submitted the budget he is required by law to submit to the Congress. It does nothing about the threat to our country economically and financially. It is a great disappointment, the most irresponsible budget ever submitted, I am confident, by any President in the history of the American Republic. I have said that before, and I truly believe it. It is irresponsible. We cannot adopt it, we will not adopt it, and it will not become law. But our Senate has indicated they are prepared to consider—Democrats, too—a better budget, perhaps, but we haven't seen it. It has not been brought forth to the Budget Committee, as the law requires us to do, so far, and we are behind schedule. But the House tomorrow will consider a historic budget that honestly and carefully confronts the challenges facing us, long term and short term, dealing with entitlements, without gimmicks, and allows us to begin to focus on what the challenges are and why we have to take these steps.

Because who wants to talk about cutting spending? What politician likes to do that? It is not something we like to do. Why are we talking about this? Why? Can't it be put off? Is it just political squabbling between Republicans and Democrats? They are always bickering. Is this what it is all about? Is there anything real here? Do we have a problem that can't be avoided? Is it something—can't we just continue like we are? Why do we have to worry about more reductions in spending?

That is the question: Do we have a real crisis? Are we facing a threat to our economic well-being that could throw this country into another recession, maybe even a depression—surely, hopefully, not—a fiscal, financial crisis; is that possible?

Let's talk about a couple things. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, recently stated that our national debt is the greatest threat to our national security. That is a pretty strong statement. Secretary of State Clinton said something very similar. Is that true? The American people pretty clearly agree with Admiral Mullen by a huge margin. They say we are on the wrong track. You are mismanaging Washington. There was a shellacking of the big spenders in the last election. People know we are spending too much money. We have had a 24-percent increase in spending since President Obama has been President—a 24-percent increase in discretionary nondefense spending. Inflation has been 1 or 2 percent during this time, and we had a 24-percent increase.

Next year's budget by the President calls for an 11-percent increase in education, a 10.5-percent increase in the State Department, a 9.5-percent increase in the Energy Department, and a 61-percent increase in transportation and high-speed rail. What? The inflation rate is 2 percent and we have 5 times—or 50 times, nearly, that amount in spending increases?

Alarming, it is not just the American people or just the tea party, great American people who are concerned about their country. It is not just tea party members who are expressing concern and calling for action. It is the Nation's top financial experts. This is what is important. They are calling for action sooner rather than later.

Erskine Bowles, President Obama's choice to head the deficit commission, who was also President Clinton's Chief of Staff and is a very successful businessman himself—he was chosen by President Obama to head the debt commission, along with Alan Simpson, a former Republican Senator. In a written statement they submitted to the Budget Committee just 2 weeks ago, this is what they said. This is a formal written statement from the debt commission cochairman to the Budget Committee of the Senate:

This is the most predictable financial crisis this Nation has ever faced.

Predictable crisis. In other words, we can see it coming. They spent months doing research. They heard from all kinds of witnesses. When asked when the crisis might occur, which could involve some sort of double-dip recession or even a longer recession or higher unemployment, Mr. Bowles said it could be 2 years, maybe sooner, maybe later. Alan Simpson said it could be within a year. These are stark warnings, and the same message is coming from a host of the world's top financial experts.

I have to say the good news is our country has a strong work ethic and an entrepreneurial spirit still exists. The indications are that despite the economic drag and our huge debt burden, the economy—far slower than normal recovering from this recession—is struggling to rebound. If we act decisively now to end our wasteful spending habits, we can be confident that progress in growth will continue.

When our Nation's leaders are aware that their country is facing a crisis, they have no higher moral responsibility than to act to protect the Nation from that danger. Today's Wall Street Journal has an op-ed by the Nobel Prize laureate, Gary Becker; a former Secretary of the Treasury, George Shultz; and an economic professor, John Taylor. The article embraces the \$61 billion in reduced spending passed by the House and debunks the critics unequivocally who call these cuts extreme. They directly and categorically rebut the assertion that these spending reductions will result in higher job losses and explain why that is a false view.

Again, is the debate over spending just another Republican and Democratic squabble? Is it just an attempt to gain political advantage? Sound and fury signifying nothing?

The answer is a resounding no. We are spending money we don't have in amounts dramatically greater than at any time in our history. When this fiscal year ends September 30, we will have spent \$3.7 trillion and taken in only \$2.2 trillion. Forty cents of every dollar we spend this year will be borrowed. We have to borrow the money we don't have. This will be the largest of three consecutive deficits exceeding \$1 trillion.

President Bush was rightly condemned for his \$450 billion deficit 1 year—the highest he ever had. We have been over \$1 trillion in the last 3 years. Next year's budget deficit is expected to exceed \$1 trillion.

This money must be borrowed and interest paid. Nothing comes from nothing. Last year, the Nation's total interest payment was \$200 billion. That is how much we paid on the money we borrowed. For perspective, the Federal highway program—and Senator INHOFE knows about this—is about \$40 billion, and we spent \$200 billion on the interest. We would like to have spent more

on highways. Federal education programs cost about \$70 billion. So already the interest on our debt is the fastest growing expense of our government, and it is crowding out spending for other programs.

But hold your hat. Our current trajectory takes us at increasing speed on a "road," as the former head of the European Union said, "to financial hell." He said that about the United States.

According to the official score or analysis of the President's 10-year budget, the total debt of America will more than double, from \$13 trillion to \$27 trillion, over the 10-year period, and our annual interest will increase from \$200 billion last year to \$940 billion. That is how much interest we will be paying the tenth year under the budget. It will cost more than education, highways, energy, and the State Department combined.

Indeed, our interest payment will surge past defense, Medicare, and Medicaid. That is why expert after expert, witness after witness, Republicans and Democrats, say the United States is on an "unsustainable path." Yet President Obama's budget increases all spending every year, including discretionary spending, doubling the debt of the United States again, all the while raising taxes by almost \$2 trillion. He makes no proposals to put Medicare, Medicaid, and Social Security on sound footing—nothing. It creates a debt path where his lowest annual deficit in 10 years is \$748 billion—that is the best year—with his outyear deficits increasing, so that by the tenth year his budget is scored as having a deficit of \$1.2 trillion. Is that unsustainable or not?

Is it extreme to say we have to change that course, that we can't continue it? Well, let me quote a few experts—not just JEFF SESSIONS, the Senator from Alabama. How about some people whose lives have been enmeshed in the debt of America? They seem to share the concerns, it seems to me, of the "extremists"—the tea party people. What do the experts say? How about Alan Greenspan, former Chairman of the Federal Reserve? This is what he said:

I think that the type of budget agreement that was put together by Alan Simpson and Erskine Bowles is the type of budget that will be passed by Congress.

It doesn't look like that is so, unfortunately. He goes on to say:

The only question is, will it be before or after the bond market crisis?

Is Alan Greenspan an extremist? He said, also, a few weeks ago that we could have a debt crisis in our country in 2 to 3 years.

Bill Gross, who heads the world's largest bond fund at Pacific Management, eliminated government-related debt from his flagship fund. They no longer have any U.S. Treasury bonds. This is what he wrote recently:

If the USA were a corporation, then it would probably have a negative net worth of

\$35-\$40 trillion once our "assets" were properly accounted for. . . . No lender would lend to such a corporation.

Is Bill Gross extreme?

Erskine Bowles and Alan Simpson said:

We believe that if we do not take decisive action, our Nation faces the most predictable economic crisis in its history.

Mr. Bowles, before the Budget Committee, March 8, was asked how and when that might happen by Senator CONRAD, our chairman. He said:

The problem is going to happen. It is a problem we are going to have to face up to in maybe 2 years, maybe a little less, maybe a little more.

Simpson said this:

I think it [the crisis] could come before 2 years.

Timothy Geithner, Secretary of the Treasury, when asked about the Reinhart-Rogoff study—which said when debt reaches 90 percent of GDP, the economy of a nation slows down noticeably—and I believe Rogoff and Reinhart will be testifying before the committee tomorrow. When asked about their analysis, that 90 percent—your debt equals 90 percent of your gross domestic product, your economy is slowed and it pulls down; and we are already at 95 percent, heading to 100 percent by September 30—Mr. Geithner said it was an excellent study. He didn't say this is an extreme study. He said this:

In some ways . . . it understates the risks, because it is not just that countries that live with very high debt-to-GDP ratios are consigned to weaker growth; they are consigned to the damage that comes from periodic financial crises as well.

Is Secretary Geithner extreme? Is Admiral Mullen extreme? Senator CONRAD, our chairman, is very concerned about the trajectory we are on. On March 15, at a Budget Committee hearing, this is what he said:

I believe our Nation is in peril. We are hurtling toward a fiscal cliff. . . . We are clearly on an unsustainable course.

Pete Domenici, who was part of the Rivlin-Domenici debt commission, which was similar to Bowles-Simpson, and was also the former chairman of the Budget Committee in the Senate, said this:

I have never been more worried for my country.

Are Senator CONRAD and Senator Domenici extreme? I think not.

Only three bodies can propose spending plans. The White House budget has been submitted. It would double our debt, surge our interest burden, increase spending at every level, and raise taxes substantially. Tomorrow we will have the House plan. It will be released by Budget Chairman RYAN. It is the most serious attempt ever made to solve America's spending and debt problems while saving critical programs, such as Medicare—saving those programs. They are beginning to default now.

What does the Senate plan to do, the Democratic Senate? Doing nothing seems to be the plan. We have not seen a budget proposal and haven't had a hearing set for the markup of a budget proposal. I doubt that the President's plan will be brought forward in its present form because it would receive not many Democratic votes and, I suspect, no Republican votes. I don't know.

The Senate has to do something. We have to propose a budget and be engaged in the process. We can't stick our heads in the sand. We cannot be in denial. Is the President going to change? Is he going to all of a sudden take responsibility for the fact that we may be heading to a fiscal crisis that could surge unemployment, surge interest rates, and place this Nation in financial risk? We have not seen it yet.

If he does not act, what will our Senate Democratic colleagues do? I call on them to step up and represent their constituents, to do the right thing. We have to do the right thing. We cannot continue on this course.

In my view, American leaders have no higher duty, no greater moral responsibility than to take all the appropriate steps to protect the good people we serve from a clear and present danger—a danger that has been detailed to us with clarity and repetition by some of America's finest leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say how refreshing it is to hear the Senator from Alabama, as scary as it is, to tell the truth about the problem we have. When I tell people back in my State of Oklahoma—I refresh their memories. I remember in 1996 standing at this podium—right here—when the Clinton budget came out for fiscal year 1996. It was a \$1.5 trillion budget. I said a \$1.5 trillion budget is impossible to sustain. And yet the budget the Senator from Alabama was talking about was the budget of this President—and, of course, with a majority in the House and the Senate—that actually has a deficit that is greater than the entire budgets around the entire United States of America in 1996. That is the deficit. That is what my 20 kids and grandkids are going to have to pay for.

When you use statements that are real and cannot be denied—and that is, that this President in the 2 years he has been here has increased the debt more than all the Presidents before him, from George Washington to George W. Bush—it is not believable. That is what makes it so difficult because people think: How can this possibly be? And yet, it is. That is the reality.

COTE D'IVOIRE

Mr. INHOFE. Mr. President, a few minutes ago, I talked at some length

about a very significant amendment that is going to be coming up, and that is to take jurisdiction away from the Environmental Protection Agency having to do with cap and trade, something they were unable to do legislatively and they are going to try to do through regulations at the Environmental Protection Agency. I already talked about that issue.

There is something that has not been mentioned on the floor of the Senate that I think is significant. Surprisingly enough, hardly anyone is even aware that it is going on. We are all concerned. We hear every day about the atrocities that are committed in Libya and about the people who are being mowed down. What they do not realize is that is not the only place that is going on.

I have to share, as much as I hate to do it because I am disagreeing with our State Department when I say this, but I have to say it because somebody has to say it. Right now, the potential of having large numbers of people tortured and murdered in Cote d'Ivoire is taking place. Let me set the stage so people will be aware of it.

I have had occasion to be in Cote d'Ivoire—some people call it the Ivory Coast—in west Africa. It is an area where a lot of the slave trade came from to this country. It is a place that has been led by a President named Laurent Gbagbo for the last 10 years. I first became acquainted with the country before he was President of Cote d'Ivoire. In fact, his wife Simone—she is now his wife; she was not his wife at that time—was a member of Parliament. I sat through what happened in 2002 when there was a real effort primarily by one individual—his name is Alassane Ouattara from the northern part of Cote d'Ivoire—charging against him. It is kind of interesting because Cote d'Ivoire is one country, but in the north, they have primarily the Muslim area and in the south and east primarily the Christian element. There has been a real effort for quite some time for the chosen one up there, who is Alassane Ouattara, to defeat President Gbagbo.

Here is the problem. There is an election that took place a few months ago. It appeared that Ouattara actually beat the incumbent President, President Gbagbo. We were all concerned about whether this was a straight election. I am going to tell you in a couple of minutes why it was not but also try to call this to the attention of the administration.

In January after the election took place, I wrote a letter to Secretary Clinton, and I said: I wish to have you reevaluate—I am going to have that letter at the conclusion of my remarks printed in the RECORD—to look at this and evaluate this as to what actually went on in that election and how it was rigged.

Ouattara tried to deny involvement in a mass slaughter that took place a couple days ago. That was in a town called Duekoue. Duekoue is in the southern part, an area that is very strongly in favor of President Gbagbo. Somewhere between 300 and 1,000 people in that western town of Duekoue were slaughtered with guns and machetes.

Mr. Ouattara and his people tried to deny their involvement in the mass slaughter, but his forces took the town days earlier and the Gbagbo forces were not even near the town. They left a week before this happened. Do not believe me, but the Guardian, which is a British newspaper, reported last night—I am going to quote from the newspaper:

The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue. The International Committee of the Red Cross said at least 800 people were killed in intercommunal violence in Duekoue last week.

What we do not know is that 800 plus the 330, so roughly it is 1,000.

Guillaume Ngefa, deputy head of the human rights division of the UN mission in Ivory Coast, blamed 220 of the deaths on the pro-Ouattara forces.

The full article goes into a lot of detail.

Also, a BBC reporter at Duekoue wrote in the last 24 hours:

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if any of the dead are children. He nods and begins to sob, quietly, into his facemask.

I repeat, the massacre was not caused by the Gbagbo forces but by the Ouattara forces who had taken over the town. President Gbagbo has called for a cease-fire repeatedly. I repeat that. He has called for a cease-fire but the Ouattara forces have rejected it. Why?

This massacre could have been avoided if Ouattara had accepted mediation through the African Union. On March 27, the African Union sent former Cape Verde Foreign Minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation. Ouattara did not.

I have been following the events closely in Cote d'Ivoire since last fall, and after having spoken with various African dignitaries, I am convinced there is a serious question as to whether Ouattara is the legitimately elected President of Cote d'Ivoire.

I have received substantial evidence of massive voter fraud in the rebel-held north of Cote d'Ivoire. That is the area from which Ouattara comes. I have sent the evidence to Secretary Clinton on two occasions spanning the last few months. One letter is where we actually have the evidence of the number of votes that were stolen. In one letter I pointed out—the last letter, which I

will have printed in the RECORD—the evidence which shows that Ouattara received 94,873 votes that were listed on a tally sheet for one of the five regions in the rebel-held north. Times this by four, and it comes very close to the margin of votes that allegedly President Gbagbo lost. That is 400,000 votes.

If, indeed, a similar amount of voter fraud exists in these regions, Gbagbo is the actual winner of the November 28 Presidential election. That is too complicated. Look at it this way: In those five regions—they do not call them precincts; some of the small ones they call precincts, so it is a little confusing. In the first letter I sent, I commented that Gbagbo, in what we would call a primary, had won thousands of votes in each one of those five precincts up north. However, in the primary runoff, he got zero. I suggest to you that is a statistical impossibility. You cannot get zero after you had thousands of votes.

In my letter to Secretary Clinton, I called for the United States to support new elections there, but thus far those efforts have received an inadequate response. Based on the news Ouattara has murdered some 1,000 people in Duekoue, I hope the United States will reconsider its position and call for a new election.

This Wednesday, April 6, will mark the 17th anniversary of the 1994 Rwanda genocide. I went back for the anniversary of that genocide. I have been there many times before. We know that the U.N. Secretary General Kofi Annan and others knew the extent of this violence early on but did nothing about it. Now we know there can be another genocide occurring, and we do know in advance. That is why the United States is going to have to call for an immediate cease-fire to prevent Ouattara and his rebel army from committing a mass slaughter of the Ivoirians, especially the many youths with sticks and baseball bats who are protecting President Gbagbo at the present time around the Presidential palace.

You have to get this mental picture: They have these young kids marching around. They do not have weapons. They are carrying baseball bats and 2 x 4s.

I have also been told in the last half hour that U.N. helicopters—U.N. peace-keeping helicopters—are firing on Gbagbo's military camp, causing massive explosions. There could be some confusion on this because two of the articles that came out in the last half hour—one was talking about the French, who are kind of behind and supporting, of course, Ouattara, that they are involved in this. The other says the United Nations. I am not sure. One of the two is.

Lastly, I sent Senate Foreign Relations Committee Chairman JOHN KERRY—by the way, I talked with him personally about this situation. He is

very concerned about it. I requested he convene a hearing as soon as possible into the atrocities committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the Presidency.

I ask unanimous consent to have printed in the RECORD the two letters sent to Secretary Clinton, along with the letter sent to Senator KERRY, and the miscalculation of the election that I honestly in my heart believe was stolen. This is the tabulation of the precincts. Add up the precincts and in just one precinct, there was a mistake of over 85,000 votes—just in one precinct.

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

U.S. SENATE,

Washington, DC, February 9, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: I write regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010.

As you know, the Independent Electoral Commission of Cote d'Ivoire announced the results of their counting of ballots and declared Alassane Ouattara the winner. It is my understanding of the Constitution of Cote d'Ivoire, however, that it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. I also understand that the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. It seems that this election was not carried out in accordance with the constitution of this country.

A second and more troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held north of Cote d'Ivoire. I am in receipt of evidence of these allegations, and I have enclosed it for your review.

An example of the kinds of voter fraud allegations that you will find in these attached materials are the tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud is very troubling.

Although the Obama Administration has recognized Alassane Ouattara as the winner of the election over President Gbagbo, I ask that you investigate these credible allegations of massive voter fraud and reassess whether the United States should continue to recognize Alassane Ouattara as the winner. Equatorial Guinean President and new African Union Chairman Teodoro Obiang Nguema Mbasogo has appointed a special panel of five African country leaders to present recommendations to the Union in a month's time on how to resolve this presidential election crisis. This would be a good opportunity for the U.S. to become involved in this assessment and investigate these allegations. I would recommend that serious thought be given to a recount of the votes supervised by an internationally sanctioned organization like the African Union, the Organization for Security and Cooperation in

Europe or even the Organization of American States. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems. A fair and impartial recounting of the votes might be one way to end this crisis peacefully.

I look forward to your response.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

U.S. SENATE,
Washington, DC, March 29, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: I write you again regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010. I also write to inform you that a new presidential election should be held in Cote d'Ivoire. This is the only way to prevent further bloodshed, stop a new civil war and ensure a truly free and fair election.

As I stated in my letter of February 9, 2011, Cote d'Ivoire's Independent Electoral Commission (CEI) announced the results of their counting of presidential ballots and declared Alassane Ouattara the winner. Under the Constitution of Cote d'Ivoire, however, it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. In addition, the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. This most important election phase was not carried out in accordance with the constitution of this country.

A second troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held north of Cote d'Ivoire. I received evidence of these allegations and sent it to you in my earlier letter, but have yet to receive a reply.

The evidence included tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud I found very troubling.

In the 57 days since my last letter, I have spoken with numerous officials on the ground during last year's presidential election. This includes African leaders I met with during my trip to this region last month. I have also obtained new evidence of massive voter fraud in the rebel-held north. Specifically, one exhibit (enclosed) is a copy of an official regional electoral return document from the Electoral Commission. It shows Ouattara receiving a total 149,598 from five northern cities. But when the total is officially reported in the amount column ("Totaux" column), Ouattara receives 244,471; a difference of 94,873 votes!

I have been a frequent traveler to Africa for the past 15 years. I have visited Cote d'Ivoire nine times, the last being June of 2010. I am probably the most knowledgeable person about Africa in the U.S. Senate. From all the evidence I now have gathered, I am convinced that it is mathematically impossible for President Gbagbo to have lost the election by several hundred thousand votes. And if a similar amount of fraud exists in

the other four regions of the rebel-held north, Gbagbo is actually the winner of the presidential election.

The hundreds of thousands of potential fraudulent ballots, combined with the unconstitutional method in which the votes were tallied and announced by the Independent Electoral Commission, lead me to conclude that the election was not free and fair. I also conclude that a new presidential election should be held under international sanction and supervision to ensure a free and fair election.

I am aware that my position is different from that of the Obama Administration, which has recognized Alassane Ouattara as the winner. I ask, however, that you change your position in light of the evidence I have provided, and that you call for a new election. Such a change would not be viewed as inconsistent, but a wise reevaluation in light of new evidence presented. It is also consistent with our American dedication to the principle that democracy works best when it works for all and not for some.

I recommend that the new election be supervised by internationally sanctioned organizations like the African Union or the Organization for Security and Cooperation in Europe. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems.

I am convinced that only through a new election will the people of Cote d'Ivoire end the increasing bloodshed, stop another civil war and ensure free and fair elections.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

U.S. SENATE,

Washington, DC, April 4, 2011.

Hon. JOHN F. KERRY,
*Chairman, Senate Foreign Relations Committee,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: It is now clear, based on United Nations reports coming from Cote d'Ivoire that mass killings have occurred in the western town of Duekoue at the hands of forces loyal to Alassane Ouattara. This calls into question his legitimacy to lead that country. The killing of innocent civilians must stop now before this becomes another Rwanda.

In light of these facts, I request that you convene a hearing as soon as possible into this atrocity committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Based on the evidence I have seen, and having spoken with various African dignitaries, I brought this issue of fraudulent elections in Cote d'Ivoire to the attention of Secretary of State Clinton on two occasions spanning the past few months. I called for the United States to support new elections there, but thus far, these efforts have received an inadequate response. Based on the news that Ouattara has murdered 1,000 people in Duekoue, I hope the U.S. will reconsider its position and that you will hold this hearing.

The United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing a mass slaughter of Ivoirians, especially the hundreds of youth with sticks and baseball bats, who have formed a human chain around Gbagbo's residence and presidential palace.

I know your plate is full now regarding the situation in Libya, but I know you are sen-

sitive to this situation and hope you will hold this hearing.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

Mr. INHOFE. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JIMMIE V. REYNA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant bill clerk read the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there be will 1 hour of debate equally divided and controlled between the two leaders or their designees.

Mr. LEAHY. Mr. President, I ask unanimous consent that, however the time is divided, the vote begin no later than 5:30.

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

Mr. LEAHY. Mr. President, I thank the majority leader for beginning another work week by scheduling a confirmation vote on an important judicial nomination. The nomination of Jimmie V. Reyna to the Federal circuit was reported unanimously by the Judiciary Committee on March 10. I expect his nomination to be confirmed with strong bipartisan support, likely unanimously.

That is also true of many of the other judicial nominations pending on the Senate's Executive Calendar, including several for what have been designated judicial emergency vacancies in New York, California, Florida and Tennessee. With nearly one out of every nine Federal judgeships vacant, we should act responsibly to address this vacancies crisis by voting promptly on nominations favorably reported by the Judiciary Committee. After this confirmation today, the nominations of

another dozen judges and that of the Deputy Attorney General of the United States will remain pending and awaiting Senate consideration and final Senate action. Several of the judicial nominations and that of the Deputy Attorney General have been waiting final Senate action since last year.

At his confirmation hearing in February, Mr. Reyna was introduced to the Judiciary Committee by both of his home State Senators, Senator MIKULSKI and Senator CARDIN of Maryland. Senator CORNYN of Texas, a Republican, also joined Senator CARDIN in recommending Mr. Reyna to President Obama. When he is confirmed, Mr. Reyna will become the first Latino to serve on the U.S. Court of Appeals for the Federal Circuit. A past president of the Hispanic National Bar Association, Mr. Reyna has excelled in private practice for 30 years, specializing in international trade law. He was unanimously rated by the American Bar Association's Standing Committee on the Federal Judiciary as well qualified to serve on this court, its highest possible rating.

The Judiciary Committee received letters of support for Mr. Reyna's nomination from the Customs and International Trade Bar Association, CITBA, and from the former Chairs of the ABA Section of International Law. In its letter, CITBA described Mr. Reyna's temperament as "ideal" and commented that "[h]e is fair and focused and he has dedicated his life not just to practice in this field of law, but to scholarly writing in this field." The former Chairs of the ABA Section of International Law write that they "believe he has the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment that would enable him to serve on the Court of Appeals for the Federal Circuit with distinction and honor."

Mr. Reyna's nomination demonstrates President Obama's commitment to working with Senators to select well-qualified nominees, and his commitment to increasing diversity on the Federal bench. It is appropriate that we are considering Mr. Reyna's nomination in a timely manner. There is no reason it should take weeks and months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Mr. Reyna's nomination is one of 13 judicial nominations currently awaiting a Senate vote after being favorably reported by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the United States Court of Appeals for the Second

Circuit and Michael Simon to fill a vacancy on the District Court in Oregon. Another has been reported favorably three times with bipartisan support, that of Jack McConnell to the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, a second judicial emergency vacancy in California, judicial emergency vacancies in New York, Tennessee, and Florida, two vacancies in Virginia, and a vacancy in New Jersey. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominations ready for final Senate action.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 95 over 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in August 2009 and staying above that level since. The vacancy rate which we already had reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008, has now risen back up to nearly 11 percent.

This high level of vacancies puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays in filling vacancies is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

A recent article in the Harrisburg, PA, Patriot News entitled "Senior judges ease 'a very serious shortage,'" illustrates the extent of this burden. The article focuses on Senior Judge Malcolm Muir of the Middle District of Pennsylvania who, "[a]t age 96 . . . still comes to work every day, minus the occasional holiday. Hearing prob-

lems keep him out of the courtroom, but his workload hardly has decreased." Judge Muir could long since have entered his well-deserved retirement. But it is good he has not because, according to the article, "[i]n the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors," including one who joined the bench in 1962. This is not only a local issue. I know courts in Michigan, Illinois, the District of Columbia, Arizona and elsewhere across the Nation have faced similar problems. According to the Patriot News, "nationwide, senior judges handle 21 percent of the federal court's caseload." I ask that a copy of this article be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1)

Mr. LEAHY. I am grateful to the senior judges who are willing to step in and take large caseloads, and to the active judges who continue to work hard to keep the courts functioning, but the Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others, including the President of the United States, have spoken out and urged the Senate to act.

We should follow the model we are following today by considering and confirming the President's nominations to the Federal bench in a timely manner. President Obama has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All 13 of the nominations on the Executive Calendar have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up or down vote after being considered by the Judiciary Committee, and without weeks of needless delay.

I have thanked the Ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he calls "our rapid pace." I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated. I hope he will work with me so that we can continue not only to report nomi-

nations, but to vote on them in the Senate.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to just over 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 75 of President Obama's Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered and reported last month and hope that we can continue to work to restore regular order in considering judicial nominations. I would hope that we could clear the calendar of nominees before the next recess and that at a minimum the Senate proceed to confirm those who will be confirmed unanimously. If we join together we can make real progress by considering all of the judicial nominations now on the Senate's Executive Calendar.

I congratulate Jimmie Renya and his family on his confirmation today.

[From Pennlive.com, Mar. 23, 2011]
SENIOR JUDGES EASE 'A VERY SERIOUS SHORTAGE'

(By Matt Miller)

Judge Malcolm Muir leads a group of new U.S. citizens in the oath of allegiance during a naturalization ceremony at the U.S. Courthouse and Federal Office Building in Williamsport, Pa.

At age 96, long after his contemporaries have retired, U.S. Middle District Senior Judge Malcolm Muir still comes to work every day, minus the occasional holiday.

Hearing problems keep him out of the courtroom, but his workload hardly has decreased.

Muir is inundated with Social Security appeals. He handles most of those types of cases for the entire district, which spans Pennsylvania's core.

"Some of those files are large," Muir said. "I just got one last week that was 7 inches thick."

It is likely that without Muir and other senior judges, the federal court system would implode.

Those jurists have agreed to keep presiding with no extra pay long after they could have stepped comfortably into retirement.

Nationwide, senior judges handle 21 percent of the federal court's caseload. In the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors. The longest-serving senior judge in the district, William J. Nealon, joined the bench in 1962.

Muir is the nation's fourth-oldest serving federal senior judge.

Senior judges are particularly vital given that more than 90 federal judgeships across the nation—10 percent of regular full-time posts—remain unfilled, often because of political wrangling in Washington, D.C.

Judicial appointments are recommended by the president but require congressional sanction.

In the Middle District, which serves 33 of the state's 67 counties, there are three regular judge vacancies. President Barack Obama has made a recommendation to fill only one of them, with Scranton labor lawyer Robert David Mariani.

Senior Judge Richard P. Conaboy, who like Muir helps keep the Middle District running, said he checked on the status of Mariani's appointment recently and was told "there is no movement at all."

"It's frustrating," the 86-year-old Conaboy said. "The cases keep piling up. We have much more civil rights, employment discrimination and immigration lawsuits."

There is no question that the court is busier than when he was appointed to the bench during the Carter administration in 1979, he said.

He also noted there were no senior judges then.

Yvette Kane, chief judge of the Middle District, said "the wheels would stop turning" for her court if the senior judges abandoned their essentially volunteer service.

The district, which logs 2,500 new case filings each year, is experiencing "a very serious judicial shortage" and needs to have its three judicial vacancies filled, Kane said.

She said she is requesting that a seventh judgeship be added to the court's roster. The 3rd U.S. Court of Appeals has approved the proposal, Kane said, and if backed by the U.S. Judicial Conference this year, it would go to Congress.

"This district is already underserved" in terms of judges, she said, noting that her court ranks 12th in the nation among federal courts in terms of trial activity.

The three regular judge vacancies on her court arose when Judges James Munley and A. Richard Caputo in the Scranton division took senior status in January and March 2009, respectively, and Judge Thomas I. Vanaskie was elevated to the 3rd Circuit Court last April.

Larry Smar, deputy chief of staff for U.S. Sen. Robert P. Casey Jr., D-Pa., said his boss and former Sen. Arlen Specter submitted three names of judicial candidates for the state's Middle and Western District courts to the president last year.

Smar said Casey and Specter's successor, Sen. Pat Toomey, is "currently working on establishing a process moving forward" to fill the remaining court vacancies.

Kane said her court received a major blow in December with the death of 79-year-old Senior Judge James F. McClure Jr., one of the district's younger senior judges.

"He was a workhorse," she said.

Without McClure, Kane said, the court's regular judges have had to travel more often among the district's offices to cover the caseload.

Despite their obvious value, McClure's loss highlights the tenuous nature of the reliance on senior judges, she said.

"No one knows how long they're going to be able to do this," Kane said.

Being short-staffed on regular judges has its effects, especially because the senior judges often "are not able to travel or manage trial dockets as they once did, and should not be expected to do so," she said.

"Although we're going to get the work done, it's not ideal for the litigants," Kane said. "It results in delays."

Three midstate attorneys who practice regularly in federal court—John Abom, Dennis Boyle and Karl Rominger—said they haven't experienced delays in the handling of cases.

"Decisions are rendered in a quick period of time," said Abom, who has appeared before federal judges since 1999.

Rominger said the experience of the seniors brings value. "The senior judges are the court's institutional memory," he said.

Some might wonder why senior judges stay on when they could retire and escape their often crushing caseloads.

They are paid \$174,000 annually for the rest of their lives regardless of whether they stay or go, so senior judges make no extra money by continuing to work.

Conaboy said the need to fill the Middle District judge vacancies is desperate.

"It is a crisis here in our district," he said, noting that senior judges do at least 80 percent of the work in the Middle District's northern zone, which is centered on Scranton.

Yet Conaboy said he wouldn't walk away even if all the judge vacancies were filled.

"I work every day. I'm not complaining because I've always had an interest in the workings of the justice system," he said. "I want to see that the system works properly."

That's one of his motivations for continuing to weigh cases. The other, he said, is that "there's no one else to do the work."

Still, senior judges are not a limitless resource, Conaboy said.

"When you're 86, how long can you go on?" he asked. "We'd like to lighten our workloads. Trial work gets to be a much greater burden as you get older."

Mr. LEAHY. I see the distinguished Senator from Tennessee. I am going to suggest the absence of a quorum to speak with him for a moment before he speaks.

I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

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

REMEMBERING FORMER GOVERNOR NED MCWHERTER

Mr. ALEXANDER. Mr. President, it is my sad responsibility to announce that former Gov. Ned McWherter of Tennessee has died this afternoon. Ned had many friends here in Washington, but he had a lot more in Tennessee.

What symbolized Ned McWherter to me was a story that occurred to me when I was elected Governor in 1978. I was a young Republican, about 37 years old. There hadn't been many Republican Governors in Tennessee at that time. The whole State was one party. It was very Democratic. Ned McWherter was the speaker of the House. For those who knew Ned McWherter, he was a big, burly, Hoss Cartwright sort of fellow. He and the Lieutenant Governor, a Democrat, pretty well ran the capital.

Shortly after I came in, the Capitol Hill media came up to speaker Ned McWherter and said: Well, Mr. Speak-

er, what are you going to do with this new young Republican Governor?

Speaker McWherter said: I am going to help him, because if he succeeds, our State succeeds.

For 8 years, as he was speaker and I was Governor, he did that. The people of Tennessee apparently didn't mind it because after I left, they elected him Governor. He served for 8 years. That sort of bipartisan cooperation was the way I learned about politics in Tennessee. Ned was a pretty thoroughgoing Democrat. He was one of President Clinton's closest friends and early allies. Democrats all around the country came to him for his homespun advice. He had no problem working hard during election time to put legislators who were Democratic in place of Republicans who were already in their seats. That was not a problem for him.

But in between elections, he knew what to do. We would meet in the Governor's office every Tuesday morning, and we would go over the issues, the Republican Governor and the Democratic leaders. Then we would decide what to do. If I came up with a better schools program, the Democrats would come up with an even better "better schools" program. So when Tennessee became the first State to pay teachers more for teaching well on a Statewide basis in 1984, I made the proposal, but it was the result of a bipartisan education commission that Speaker McWherter and Lieutenant Governor Wilder, both Democrats, and I jointly agreed on. When the legislature agreed to it, I may have proposed it as Governor, but it was amended by the Weakley County amendment, which was the home county of Speaker McWherter. In other words, it was his willingness to fashion a consensus bill on a revolutionary idea at the time, to reward outstanding teachers by paying them more for teaching well.

He did the same thing with highways and roads. Tennessee had one of the worst road systems in the country in the early 1980s. By the time we were finished, we had what the truckers called the best. We had three big road programs. We increased revenues to pay for it so we didn't run up any debt. In every case, Speaker McWherter supported and made sure legislation passed.

When we became a State that attracted Japanese industry, he knew the commitments I made as a Republican Governor he would fulfill as a Democratic leader of the House of Representatives and that he would continue as a Democratic Governor. It was a seamless transition. The same was true with the automobile industry when it had begun to come to Tennessee. People began to look around for a central location with a right-to-work law and good working people. Through a succession of Governors—Republican, Democratic, Republican, Democratic—we worked together to do that.

Of special interest to Washington, DC, right now, through all those Democratic and Republican Governors, we agreed our State would have almost no debt. Under Governor McWherter and Speaker McWherter, our State had almost no debt. If we needed something, we paid for it. As a result, we have low taxes.

Ned McWherter was one of the finest public servants I ever had a chance to work with. He became a close friend. He had an infectious personality and great sense of humor. One of the last visits I had with him included the inauguration of the new Governor, Bill Haslam. Ned McWherter, who was 80 years old, and Jim Haslam, father of the new Governor, were the same age and the best of friends. Their sons competed for the right to be the new Governor of Tennessee. Governor McWherter and Jim Haslam, after the election, were the best of friends. That is the kind of person Ned McWherter was.

There are a lot of people in our State who come in and out of politics. Maybe they are appreciated, maybe they are not. Only a few leave a lasting impression. Ned McWherter will be among the very few who leave the most impression. Part of it was his big, burly, infectious, lovable personality. Part of it was his good sense of politics and openness around the State capital. But a lot of it was his willingness to say to people such as a new young Governor of the opposite party: I am going to help you succeed, because if you succeed, our State succeeds.

Governor McWherter and I talked many times. I talked with him most recently about 1 week ago. He was going to see his doctor again to find out whether, as he said, he had a short fuse or a long fuse. Apparently, he had a short fuse. He didn't have much life left in him, although he may not have known it. Perhaps he did. He used to joke and say the size of the crowd at your funeral will depend a lot on the weather. I think all of us in Tennessee would say the size of the crowd at Ned McWherter's funeral will have nothing to do with the weather, because I imagine it will be standing room only, with people pouring out of the back doors.

We are sad he is gone. But it has been 80 remarkable years. The Governor who never graduated from college is the Governor who had the courage to put into State law the Sanders model for relating student achievement to teacher performance, helping our State win this administration's Race to the Top Award some 15 or 20 years later. He made a real contribution to our State. He has a big place in all our hearts. I am sad to report he is gone. But it is an important time to celebrate the life of a public servant whose lessons of how to achieve consensus and still be a good politician will be a good lesson for everyone in Washington, DC.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided between the parties.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, today our body, the Senate, is going to vote to confirm the 15th judicial nominee for this year. If it seems to my colleagues and to the public that we have been voting on a nominee every week, well, we have been voting on a nominee at least once a week. Both in committee and on the floor, judicial nominees have regularly appeared on the Senate's agenda. We have taken positive action on 34 of the 61 judicial nominees submitted to this Congress by President Obama. We continue to hold hearings every 2 weeks to examine the nominees' records and to receive testimony. The committee meets every week to report nominees to the floor. So far, the committee has reported 27 nominees, which is ahead of the 23 reported by this same time in the 108th Congress.

This demonstrates my commitment and the commitment of Republicans on the Judiciary Committee to cooperate with the chairman to move forward on consensus nominees. Even as we do so, we continue to thoroughly examine the records and the qualifications of all nominees, which is the responsibility of the Senate.

I would note that a number of judicial nominations and at least one executive branch nomination which remain on the Senate's Executive Calendar are controversial in nature—in other words, not the consensus approach which I have spoken about concerning other nominees to the judiciary. I appreciate the efforts of our leadership to move in a timely manner the nominations which are consensus nominees.

Today, we will vote on the nomination of Jimmie V. Reyna to be a U.S. circuit judge for the Federal Circuit. Mr. Reyna received his B.A. from the University of Rochester and his juris doctorate from the University of New Mexico School of Law.

After graduating from law school, the nominee served as law clerk for a firm and as an associate at an insurance defense firm in New Mexico. It was in 1981 that Mr. Reyna formed his own firm and practiced plaintiff injury, civil rights, and criminal law. He then moved to the Washington, DC, area in 1986 and worked at an international trade firm, eventually making partner

of that law firm. Mr. Reyna continues to specialize in international trade matters with the firm of Williams Mullen, where he directs the international trade and customs practice group and the Latin American Task Force.

The American Bar Association has rated this nominee unanimously "well qualified," and of course I am pleased to support that nomination.

The Federal Circuit is unique among the courts of appeal. It is not geographical-based but has nationwide subject matter jurisdiction in designated areas of the law. In addition to international trade, the court hears cases on patents, trademarks, government contracts, certain money claims against the U.S. Government, veterans' benefits, and public safety officers' benefits claims.

Of particular interest to me, this court has exclusive jurisdiction over cases related to Federal personnel matters. That includes exclusive jurisdiction over appeals from the Merit Systems Protection Board, which hears whistleblower cases under the Whistleblower Protection Act. If anybody wonders why this Senator said that I have a particular interest in this court and what it does on Federal personnel matters, it is because I have been a long-time advocate for whistleblower protection legislation and have been involved with my colleagues in this body in passing some of that whistleblower protection legislation.

I congratulate Mr. Reyna and his family on this important lifetime appointment.

Thank you, Mr. President. I yield the floor.

Mr. CARDIN. Mr. President, I rise in support of the nomination of Jimmie Reyna to be a U.S. Circuit Judge for the United States Court of Appeals for the Federal Circuit. I had recommended that Mr. Reyna be nominated.

Mr. Reyna comes to the Senate with 23 years of experience in international trade law. Mr. Reyna currently is a partner in the Washington, DC, office of Williams Mullen. Mr. Reyna directs the firm's Trade and Customs Practice Group, as well as the firm's Latin America Task Force, and has also served for several years on his firm's board of directors, where he currently serves as vice president.

In his practice, Mr. Reyna handles matters before the various federal agencies, and represents clients before the Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and foreign governmental, administrative, and judicial bodies. He also serves on the roster of dispute settlement panelists for trade disputes under the North American Free Trade Agreement and the World Trade Organization Dispute Settlement Mechanism.

Mr. Reyna has also authored several articles and two books on international trade issues, and his third book on the subject is due to be published this spring. His experience in trade law would bring important expertise to the Federal circuit, a unique court with nationwide jurisdiction that deals with many trade law issues and yet currently lacks a trade specialist.

Mr. Reyna was admitted to the New Mexico Bar in 1979 and the District of Columbia bar in 1994. He received his J.D. from University of New Mexico School of Law and his BA from University of Rochester. The American Bar Association's Standing Committee on the Federal Judiciary evaluated Mr. Reyna's nomination and rated him unanimously well qualified, the highest possible rating.

Mr. Reyna's personal history is compelling. Born in New Mexico to a modest family, his missionary parents instilled in him a belief that all people are equal, a principle he has exemplified in his work to ensure that all people are treated fairly in our legal system. After law school, he worked as a litigator at a firm in Albuquerque and later established his own practice dealing with domestic relations, civil rights, tort, and criminal defense matters. In his practice, he often represented clients pro bono, devoting a large portion of his time to providing advice and representing individuals who could not afford legal assistance.

A few years later, Mr. Reyna moved with his family to the Washington, DC metro area, where he built his well-regarded career in international trade.

Mr. Reyna has continually proven that he is an outstanding and civic-minded person. Mr. Reyna is a well-known national leader in U.S. Hispanic affairs. He has held various leadership positions in the Hispanic National Bar Association, HNBA, including national president, vice president of regional affairs, regional president, and chair of the International Law Committee. During his term as national president of HNBA, Mr. Reyna launched the association's first-ever community outreach program called "The Promise in the Law," which was designed to instill trust and confidence in the U.S. legal system by the Hispanic communities. Mr. Reyna also created "The HNBA Journal of Law and Policy," the HNBA's first law journal, which addresses policy and legal issues affecting the Hispanic community. Currently, he serves on the board of directors of the National Hispanic Leadership Agenda, an organization that includes the country's 29 largest leading Hispanic organizations.

Mr. Reyna is also a founder and a member of the board of directors of the U.S.-Mexico Law Institute. He has received multiple awards for his service to the Hispanic community, including the 2009 Ohtli Medal Award, Mexico's

highest award for a non-Mexican citizen. Through his work, Mr. Reyna has strived to ensure that members of disadvantaged communities are informed about the law, that the legal community is prepared to handle the legal challenges facing the growing Latino community, and that the judiciary remains strongly independent, impartial, and accessible to all.

Mr. Reyna's civil service is not limited to his work for the Hispanic community. He has been recognized by the Court of International Trade for his extensive pro bono work before that court. He also serves on the board of directors of the Community Services for Autistic Adults and Children Foundation.

Mr. Reyna's nomination would also bring much-needed diversity to the Federal circuit. Throughout his career, Mr. Reyna has shown a strong commitment to diversity and racial equality, not only through his service to the Hispanic community, but also through his service on the ABA Presidential Commission on Diversity in the Legal Profession, and as chair of the Williams Mullen Diversity Committee. If Mr. Reyna is confirmed, he would be the first Latino to serve on the Federal circuit in its history. With the nomination of Mr. Reyna, the Senate has another opportunity to further increase the diversity of the Federal bench.

Because of his vast qualifications, Mr. Reyna's nomination has received support from various organizations and individuals, including the HNBA and the Congressional Hispanic Caucus. Additionally, seven former chairs of the American Bar Association Section on International Law wrote a letter of endorsement for Mr. Reyna, affirming that Mr. Reyna has "the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment" to serve on the Federal circuit.

And, last but certainly not least, Mr. Reyna is a resident of Silver Spring, MD, and a constituent of mine.

In conclusion I urge the Senate to confirm Mr. Reyna's nomination to be a U.S. circuit judge for court of appeals for the Federal circuit.

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

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator

from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. REED), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. RISCH), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—86

Akaka	Ensign	Menendez
Alexander	Enzi	Mikulski
Ayotte	Feinstein	Moran
Barrasso	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Paul
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Inhofe	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Leahy	Tester
Coburn	Lee	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden
Durbin	McConnell	

NOT VOTING—14

Conrad	Klobuchar	Stabenow
DeMint	Lautenberg	Toomey
Graham	Merkley	Vitter
Hutchison	Reed	Wicker
Kirk	Risch	

The nomination was confirmed.
 ● Ms. KLOBUCHAR. Mr. President, I regret that a commitment in Minnesota has prevented me from being able to cast my vote in support of Mr. Jimmie V. Reyna's confirmation to be a judge on the U.S. Court of Appeals for the Federal Circuit. I believe that Mr. Reyna has the stellar qualifications, intellectual capability, temperament and integrity that are the hallmarks of our finest federal judges. Had I been present this evening, I would have cast my vote in support of Mr. Reyna.

I had the pleasure of being introduced to Mr. Reyna last year by Peter Reyes, a constituent of mine who is an intellectual property lawyer and a leader in the Minnesota Hispanic Bar Association. Upon meeting Mr. Reyna,

it was easy to see what the American Bar Association later confirmed when it unanimously gave him the highest possible rating for a judicial nominee: he is well qualified. I know that Mr. Reyna's three decades of experience in private practice focusing on international trade issues will serve him well given the Federal circuit's unique jurisdiction. I congratulate Mr. Reyna on his confirmation.●

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Delaware is recognized.

MORNING BUSINESS

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COLLECTIVE BARGAINING RALLIES

Mr. COONS. Mr. President, I rise today to speak about the rallies that have occurred all over this country today, and to add my voice to theirs. Today, Americans in all 50 States are gathering at hundreds of rallies and events to stand together in unity in defense of the collective bargaining rights of public employees—rights I believe are now under attack in Wisconsin, Ohio, and in other States across this country.

That those demonstrations have been held today is no mere coincidence, for on this very day, 43 years ago, the Reverend Dr. Martin Luther King was killed in Memphis, TN, while standing up for the rights of 1,300 public sanitation workers.

Working men and women gathered early today in Wilmington to declare "We Are One," and within the hour of this speech, thousands more will gather in Madison, WI, to protest what in my view is the scandalous move of Governor Walker to strip Wisconsin's longstanding collective bargaining rights from public-sector employees.

Before coming to this body, I served as the county executive of New Castle County, DE, for 6 years. And before becoming Governor of Wisconsin, Governor Scott Walker was also the county executive of Milwaukee County for 8 years. I understand the difficult choices executives face when they must

adopt a balanced budget, even in the toughest of economic and fiscal times, for as county executive I too faced extremely difficult budget challenges, as did the Presiding Officer as the Governor of West Virginia.

But I rise today because I know from my experience in cutting spending and in balancing budgets that it can be done without stripping American workers of their fundamental rights to organize and to collectively bargain. I know it because I have done it through collective bargaining and without resorting to blaming and draconian anti-union legislation.

New Castle County, DE, is a mid-sized county government serving just over ½ million people and has a budget of about \$230 million. As the county executive, I confronted a real and growing budget problem. Our housing boom had masked deepening spending deficits that were unsustainable even before the economic collapse in 2008. As our national and local economies tumbled, our government's revenue did as well. I had already spent my first few years as county executive cutting spending each and every year in simple cuts, and we had only fundamental cuts in front of us.

We had reduced library hours, ended popular public events, and made many difficult choices that many local governments and many State governments face today. But that wasn't enough. As with many State and local governments, our budget was three-quarters personnel costs, and we could not allow those costs to continue to grow as health care and pension costs boomed. We needed to cut our people cost to get our budget under control.

Now, in the case of the county I formerly served, more than 80 percent of the county workforce is represented by organized labor, mostly AFSCME, but also the FOP and IBEW as well—and we needed all groups to come together and share the sacrifice that lay ahead.

It was just 2 years ago last week that I rose before our county council and delivered the hardest budget address I had ever given, one in which I laid out that we had two paths forward; one path would involve having all the suffering focused on about 150 to 200 public employees who would have to be laid off to balance our budget, and the other was sharing that sacrifice across our entire mostly unionized workforce.

Ultimately, after many meetings, many negotiations, some very hard talk and debate—and yes, even at one point some layoffs—every bargaining unit in our county government came to the table, worked collaboratively, and helped us reach the goal of cutting 5 percent of our total personnel costs not just 1 year but, as the recession continued and deepened, a second year as well. Many of these great and dedicated public employees saw health care costs shift and benefit packages change as

well. But together they were willing to share that sacrifice, to work in the best interests of our county and the public, and to acknowledge that we are one.

In some ways, seeking a legislative solution such as has been done in Wisconsin, trying to simply strip away the right to be organized, to be at the bargaining table, might have seemed easier. Working together, as you know, as labor and management is not an easy path. No one wants to hear they have to do more with less, especially when it comes to their own paychecks. And public employees—in Delaware and all across this country—are, in my view, not just the backbone of our community but the backbone of our middle class. They are the policemen, the paramedics, the 911 call-takers, the emergency sewer repairmen, the librarians, the teachers, the health service workers, and the prison guards—the folks who keep our communities safe, healthy, and prepared for the future day in and day out.

In my view, where public employees come together to organize and seek collective representation on workplace issues, we ought to respect those choices. Collective bargaining serves as a critical check on our system and its long and storied history is an important part of American history and American values. It is that check that led to the end of child labor practices, that led to the 40-hour workweek and the weekend, to workplace safety rules, and ended legal sweatshops. It is a critical check against excesses and overreach by management and by the marketplace.

I stand here today to remind all of us that labor unions and the hundreds of thousands of public employees they represent in this country are not the enemy. We all know this country faces a significant, almost devastating national debt and annual budget deficit, and we are going to have to make shared sacrifices and tough choices to get through these next few years. But that does not require we strip the collective bargaining rights of the hundreds of thousands of public employees who serve us in the Federal Government, and the hundreds of thousands, even millions of public employees who serve our Nation at each and every level of government.

More often than not, these are the employees who do the difficult, the dirty and the dangerous jobs that keep us safe and make our communities strong. They simply, in my view, do not deserve to be demonized but, rather, to be listened to, respected, and partnered with, as together we seek solutions to the challenges facing our country now and in the future. In my view, passing new laws to eliminate their basic collective bargaining rights is wrong, and we can do it better by working together.

So today, I join with all those who are standing up for these fundamental rights of the American worker and join them in declaring "We Are One."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion.

Mr. COONS. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I came to the floor for the same reason Senator COONS did. I appreciate the comments of the Senator from Delaware in the beginning of his first term in office. He obviously understands the importance of worker rights and the importance of collective bargaining.

In my State, collective bargaining passed 30 years ago. Because of that, we no longer see the "blue flu," where a police officer calls in sick. Because there was no ability to organize and bargain collectively, they would call in sick the same day. They had no other way of expressing themselves. We have seen significant labor peace, when we didn't always have labor peace on a lot of these issues prior to the early 1980s in my State, where we now have collective bargaining.

My colleagues who have followed the news—I think people are very aware of this in my State—know that Governor Kasich recently signed legislation to take away those bargaining rights. That is why I have come to the floor today, in part, to celebrate We Are One, an organization that represents people of faith, people who belong to trade unions, people who care about economic justice, people who support strong community local services—the police, the firefighters, nurses, teachers—and who have come together to honor Dr. King.

As Senator COONS mentioned, Dr. King was assassinated 43 years ago today because he was standing with workers in Memphis, TN—sanitation workers. Some of those workers had been crushed to death on the job by heavy machinery and had no ability to bargain collectively, no ability to fight for themselves. Most of them African American, most had no real rights to job safety, decent wages, or benefits. Dr. King understood that worker rights is a human rights issue, and that is why he stood up.

The debate in statehouses across America—Wisconsin, Ohio, and in other places—is about collective bargaining, but it is really about rights, opportunities, and the future of the middle class. The American middle class, as Senator COONS pointed out, didn't happen by chance. Those aspiring to the middle class had to work hard and play by the rules in order to enter it. The middle class was created after people worked together to demand a minimum wage, safe workplaces, pensions, Social Security, and

basic fairness. The middle class, in many ways in this country, was a direct outgrowth of the passage in this body some 70-plus years ago of collective bargaining—the right of both private-sector workers, then later public-sector workers, to organize and bargain collectively.

Last fall we heard many of the Republican winners of elections in my State, and I think across the country, talk about the loss of jobs—the job loss that began during the Bush administration. When President Obama took office, we were losing 700,000 jobs a month. We are now beginning to gain jobs, and have done that the last 12 or 13 months, especially in manufacturing. We know manufacturing jobs create a middle class. But after winning these elections last fall in my State, instead of focusing on jobs, as they did during the election, too many politicians are governing by ideology and seeking to settle old scores. At a time when the middle class is struggling more than at any time in my lifetime, when workers are seeing their productivity going up and up and up but seeing their wages flatten or even seeing their hours cut back, American families are burdened by new attacks on their rights.

About a month and a half ago, at a roundtable held in an Episcopal church on the statehouse square in Columbus, I was listening to nurses, teachers, police officers, and other public employees. I had heard from conservative politicians who wanted to cut off collective bargaining rights, to take those rights away, and those people making accusations that these firefighters and police officers and teachers were lazy, overpaid, had too much time off, had pensions that were too big, had health care benefits that were too generous. But as I was hearing all that from critics, I was listening one on one to these public employees.

A young teacher, who had been teaching only about 10 years, told me that when she goes to the bargaining table, she doesn't just talk about wages and benefits but that she is negotiating for smaller class sizes as well. A police officer I talked to wasn't just talking about pensions and pay, he was negotiating for a bulletproof vest for him and his men and women colleagues who were also police officers.

So these negotiations are not just for more money, more public dollars spent on behalf of these police, firefighters, teachers, and nurses; they are also about helping society, improving society, expanding on the middle class.

It is clear those attacking collective bargaining are more interested in taking rights away than creating jobs. It is clear in Ohio. The bill that passed the House of Representatives would give Ohio the most restrictive voter regulation laws in the Nation that they would seek to limit our basic free-

doms—restrict worker rights, restrict the right to vote, cut back on women's rights. Perhaps I am missing something, but how does that have anything to do with creating jobs and strengthening our economy?

Let me, for a couple of moments, put a human face on all of this.

I have a friend who is a firefighter named George, in Willoughby, OH. He wrote me this letter right after the Governor signed this legislation taking away his rights, taking away bargaining rights for a huge number of police officers and firefighters and teachers and health care workers and nurses and others. He said:

I joined my proud profession knowing I would never be rich. I truly joined knowing I would be helping people. I joined knowing I would be able to raise a family. I joined knowing I would have a pension in the end.

As a 21-year-old kid entering this profession, I weighed heavily on the "helping people" and the pure excitement of the job. Now, as a 41-year-old firefighter who has been beaten down both physically and emotionally, I will admit my pension now plays a role, is my driving force to go to work every day.

I have always been the firefighter who the bosses look to when a task needs doing.

I will soon be a 42-year-old firefighter in my 21st year of service. I am virtually 6.5 years from being able to retire. This job has torn up my knees, requiring surgery to one of them.

This job has injured my back on several occasions, twice requiring extensive time off to rehab. I am doing everything possible to avoid surgery.

This job has caused memories that will stick with me for the rest of my life, the kind of memories that make you go home and hug your wife and kids and thank God that they are safe.

I mention all this because, as you know, we as public servants are being attacked in Ohio. We are being attacked in our profession as well as our retirement. Our fundamental rights and the foundation of our profession are being attacked. Collective bargaining is the only way we have been able to improve safety as well as maintain a quality of life for our families. This system protects both the taxpayer and the public servant from leaders on both sides who choose to rule with an iron fist.

I am now one of our beat-up senior firefighters who is rapidly approaching retirement age. Where do threats of pension changes leave me or the many others like me if I am unable to finish my years of service due to injury? Where do those threats of pension changes leave me if my employer decides it is "fiscally responsible" to lay off higher-paid beat-up senior firefighters to keep lower-paid younger fighters?

I will get back to the letter in a second, but my understanding is, under the legislation that Governor Kasich signed, management, then, would be able to say: This firefighter is more likely to get hurt. He is older and gets paid more, so we will lay off five of them in their forties and keep the younger ones. It is just too bad they are not going to have enough years to retire.

That is what taking away collective bargaining rights, that is what busting

the union for these firefighters or police officers or teachers or nurses can do.

Back to the letter:

In Willoughby, due to economic conditions, we have not replaced firefighters who have died or retired. In 1990 we ran 2,100 incidents per year. In 2010 we ran just under 5,000 incidents.

In 20 years it went from 2,100 runs to 5,000 runs.

I am sure we are not the only city that continues to operate understaffed with higher volumes.

I consider myself a moderate when it comes to politics. I have always voted for those who support me as a public servant. That is what true public servants do.

That was George, a firefighter in Lake County, OH, in Willoughby, just east of Cleveland.

Again, this is not just about collective bargaining. It is what we want our country to be. Dr. King, whom we honor, who was assassinated 43 years ago today—Dr. King delivered the 1965 commencement address at Antioch College, in Yellow Springs, OH, where Coretta Scott attended many years before. On the moral question of confronting poverty, Dr. King said:

There is no deficit in human resources. The deficit is in human will.

Yes, we all care about budget deficits. We know we need to move toward a balanced budget. We know our first focus needs to be creating jobs. We want to invest smartly and cut wisely, but we also care about the education deficit. We care about the infrastructure deficit. We care about disparities in education and health care based on class and race and gender. We care about the lack of economic mobility for millions of Americans in underserved urban areas and underserved rural Appalachian areas, like much of the Presiding Officer's State which borders an underserved rural area in my State. We care about these deficits in our Nation. But what is greater is our deficit in the lack of will to close them.

The question becomes, then, Do we have the will to do what is right? Do we have the will to fight back in Ohio when the Governor and legislature have eliminated collective bargaining, now effective in 90 days? Do we have the will to fight for the middle class? Do we have the will to strengthen our country as we cut the budget to move toward a balanced budget but not cut what matters for a productive, strong middle class, for middle-class Americans, and for all those people in Ohio and West Virginia and around this country who aspire to join the middle class?

I yield the floor.

ROCKCASTLE HIGH SCHOOL LADY ROCKETS

Mr. McCONNELL. Mr. President, I rise to recognize the remarkable ac-

complishments of one of Kentucky's most impressive athletic teams, the Rockcastle High School Lady Rockets basketball team. This March 12, the Lady Rockets triumphed over the Dupont Manual Lady Crimson in overtime, 62 to 60, to win the school's first Kentucky High School Athletic Association Sweet 16 girls basketball championship.

It has been an unforgettable season for the Lady Rockets, who finished the year 36-1, on a 27-game winning streak, and undefeated by any fellow Kentucky team. They entered the final tournament game knowing they faced an experienced and competitive opponent, but that their raw talent and determination would show the people of the Bluegrass State that they had something to prove. Well, prove something they did: After clawing their way back from a nine-point deficit to tie it and send the game into overtime, the Lady Rockets never trailed during the extra minutes.

Senior Sara Hammond, named the tournament's Most Valuable Player, the State's first McDonald's All American, and Kentucky's Miss Basketball 2011, posted 26 points and 11 rebounds during the game. It all came down to the final seconds of overtime when Lady Rockets head coach Chrysti Noble decided not to call a time out and trusted her players to finish the game with the right shot. Senior Angie Lawrence took a buzzer-beating jumper to give the Lady Rockets the title. Streamers and confetti hailed from the rafters, blanketing the team and the record number of 5,122 screaming spectators at E.A. Diddle Arena in Bowling Green, KY.

Their victory was the first championship title for coach Chrysti Noble in her 21 seasons at Rockcastle High School. It also made the Lady Rockets the first team not from Lexington or Louisville to win the girls' basketball State championship in more than a decade.

The students and faculty of Rockcastle High School, the community of Mount Vernon and the entire Commonwealth couldn't be more proud of this talented, winning team. The Sunday after winning the championship, the equivalent of one-fifth of the population of Mount Vernon turned out to wish the Lady Rockets well as the team members rode through town atop three fire engines, a convoy of honking vehicles and jubilant fans following behind. Their hard work, dedication and respect for one another undoubtedly makes them a team that will be remembered for years to come.

Mr. President, the Louisville Courier-Journal recently published an article about the Rockcastle High School Lady Rockets' history-making season and what the championship meant to the team, the school and the Commonwealth. I ask unanimous consent that

the full article be printed in the RECORD.

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

[From the Courier-Journal, Mar. 13, 2011]

GIRLS' SWEET 16 ROCKCASTLE COUNTY BEATS MANUAL 62-60 FOR TITLE ON LAST-SECOND SHOT

(By Jason Frakes)

BOWLING GREEN, KY—The knock all season on the Rockcastle County High School girls' basketball team was that it's a one-woman squad, led by McDonald's All American Sara Hammond.

The Lady Rockets now have a state championship trophy to prove that never was the case.

Angie Lawrence nailed a jumper in the lane with 1 second left in overtime to give Rockcastle County a 62-60 victory over Manual in the final of the Houchens/KHSAA Sweet 16.

A state final-record crowd of 5,122 at E.A. Diddle Arena saw Rockcastle County capture its first state championship and end a 10-year reign of title winners from either Louisville or Lexington. West Carter (2000) was the last school not from either of Kentucky's largest cities to win the crown.

"This is the best feeling ever," said Hammond, a University of Louisville signee who was named the Sweet 16 MVP. "I knew we were going to get it done tonight."

The 6-foot-2 Hammond posted 26 points and 11 rebounds to lead the Lady Rockets (36-1), who finished the season with a 27-game winning streak and lost only to Mount Juliet (Tenn.) 60-47 on Dec. 30.

Lawrence, a 5-5 senior who has signed with Georgetown College, added 18 points.

LeAsia Wright had 19 points and Kara Wright 12 for Manual (33-5), which was No. 1 in the state in The Courier-Journal's Litkenhous Ratings all season.

"Our best wasn't good enough to win the game, but it's good enough for me," Lady Crimson coach Stacy Pendleton said. "They just beat us. We played as hard as we could."

Manual led 37-28 early in the third quarter, but Rockcastle County charged back and eventually tied it at 47 on a Lawrence three-pointer with 5:07 left in the fourth.

Hammond scored 19 points in the first half, but it was Lawrence who carried the Lady Rockets late with 15 points after the break.

"Their other kids really stepped up in the second half," Pendleton said. "But if it wasn't for (Hammond) in the first half, I think we could have blown them out."

Lawrence sank two free throws with 27.5 seconds left for a 55-53 lead, but Kayla Styles' basket with 2 seconds left tied it and forced overtime.

The Lady Rockets never trailed in the extra period and led 60-58 after Michaela Hunter's free throw with 1:22 left. Kara Wright tied it at 60 on a jumper with 56 seconds left, and Rockcastle County held for the final shot.

Lady Rockets coach Chrysti Noble chose not to call a timeout.

"They're experienced, and they've been here," she said. "I was like, 'No, let them go. Let them determine the outcome of the ballgame.' They did."

Lawrence drove to the lane and nailed her jumper from the right elbow.

"I was feeling it," Lawrence said. "It was a terrible-looking shot, but I had faith in myself. I knew I would hit it."

Hammond said there was a bit of confusion in the final minute.

"I kept asking, 'What offense are you running? What offense are you running?'" Hammond said. "(Lawrence) had that look in her eye that she was taking it to the hole. She's done that over and over again. We knew it was in her heart, and we trusted her for that shot."

Manual called a timeout with 0.5 second left but couldn't get a final shot.

Pendleton was left to wonder what might have been with junior guard April Wilson out since the regional final with a broken hand. He also had two seniors foul out in the final—Raven Hester with 1:29 left in regulation and Michael Guess at the 2:49 mark of overtime.

"To do all of this without April is amazing," Pendleton said. "That shows you how great this team is. . . . Michael fouling out was a huge problem, huge. You take away our No. 1 scoring punch and rebounding. That was a huge blow."

For Rockcastle County it was a huge win and gave the 12th Region its first state champion since Laurel County in 1991.

Noble, in her 21st season at Rockcastle County, said the victory was important for the school of 910 students and the community of Mount Vernon.

"It's so good to know there's something good from Rockcastle County instead of hearing all the bad stuff," she said. "There are a lot of good things that happen in our community. . . ."

"When you come through Rockcastle you'll get to see a sign up. I hope, that says, 'Welcome to Rockcastle County, 2011 state champions of girls' basketball.'"

SAM HOUSTON'S WALKING STICK

Mr. ALEXANDER. Mr. President, on Friday, I spoke at the Ladies Hermitage Association's Annual banquet in Nashville. This extraordinary organization, for 122 years, has preserved the home of President Andrew Jackson. No former President's home has more historical objects from a President's life than does the Hermitage. I ask unanimous consent that my remarks be printed in the RECORD.

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

I am honored to accept the Lewis R. Donelson III award, but in truth, the only appropriate person to receive the award is Lewis R. Donelson himself. Lewie is a remarkable individual. He will be 94 years of age in October. Two years ago, he shot a hole in one and he regularly shoots his age in golf. His doctor can find nothing physically wrong with him and he takes no medicine. I am convinced the only appropriate next step for Lewie is to put him into the Smithsonian.

No other family's thread runs so proudly through Tennessee's history, from John Donelson's river trip to Nashville in 1779 to Andrew Jackson's marriage to John's daughter, Rachel, to Lewie's life of distinguished public service. Thank you to the Ladies Hermitage Association for your remarkable work preserving Andrew Jackson's home.

I was sworn in as Governor of Tennessee three days early, on January 17, 1979. I did this at the request of the U.S. Attorney in order to prevent the incumbent governor from issuing pardons to prisoners whom the FBI believed had paid cash for their release. Lewis Donelson offered the prayer at that

surprise inauguration ceremony. One of my first acts as governor was to direct Lewie to take charge of, and secure, the state capitol. Someone said, "Lewie has been waiting his whole life for someone to ask him to do that."

Lewis Donelson was my first appointee because I knew that if he agreed to be the chief operating officer of state government, it would help to recruit others during a time of a crisis in confidence.

Lewie's negotiating style became well known around the Capitol. He would knock you to the floor with his first offer. By the time you had gotten halfway back up you would have agreed with him and considered that a success.

About the only thing I was ever able to tell Lewie to do was to stop driving his car to the Capitol while reading a newspaper, and he only stopped that after he ran into the back of another car.

Alex Haley once told me, "Lamar, if you would say, 'let me tell you a story' instead of making a speech, people might actually listen to what you have to say." So, tonight, let me tell you the story of Andrew Jackson and Sam Houston's Walking Stick.

The setting for this story is the first half of the 19th century. Tennessee was then the fifth most populous state. This was the West. There were three Tennessee presidents—Jackson, Polk and Johnson—and two who aspired to be President: Davy Crockett and Sam Houston.

The political competition was intense. In 1834, Andrew Jackson's forces defeated the young congressman from West Tennessee, Davy Crockett, who then rode his horse to the courthouse steps and said to the assembled crowd what defeated politicians have always wanted to say to such voters, "I'm going to Texas and you can go to hell."

The two-party competition of that era produced strong leaders just as the reemergence of a two party system during the last half-century has sent Tennesseans to national positions from Vice President and Senate Majority Leader to Cabinet membership. There have, as yet, been no more presidents, although there have been regular attempts.

In 1807, when Thomas Jefferson was president, the widow Elizabeth Paxson Houston, aged 50, loaded six sons and three daughters into two wagons and moved from Virginia to a 419-acre farm near Maryville, Tennessee, that her husband had purchased before his death. Of her fifth son Sam, who was then 14 years old, the widow Houston said, "I had no hope for him. He was so wild."

The Houston farm lay on the border of the Cherokee Nation. Sam found the life of a young Indian man more appealing than working in the family store, so at 16 he ran away from home to live with the Indians and became known by a Cherokee name, Raven.

By 1813, the War of 1812 was in full swing. In Maryville, Sam took a silver dollar from the recruiter's drumhead and enlisted. In February of 1814, his regiment received a call to go to the aid of General Andrew Jackson at Horseshoe bend in Alabama. For the next 31 years, Sam Houston was a friend and protégé of Andrew Jackson.

Jackson taught Houston how to fight a duel. In 1823, he helped Houston be elected to the U.S. House of Representatives. The next year Houston helped Jackson in his unsuccessful bid for the presidency. With Jackson's help Houston became governor of Tennessee in 1827.

With Houston's help, Jackson was elected president in 1828. One biographer of Houston said that for Houston "to be governor of Ten-

nessee with Old Hickory in the White House was as close to being the Prince of Wales as American blood could approach. Houston was the all-but-anointed heir of the most popular president since Washington himself."

A local judge wrote at the time "Houston stood six-foot-six in his socks, was of fine contour, a remarkable well-proportioned man, and of commanding and gallant bearing. He enjoyed unbounded popularity among the men and was a great favorite with the ladies."

As governor, Houston often visited the Hermitage, sometimes picking flowers in Rachel Jackson's garden. He was chief pallbearer when Rachel died on Christmas Eve of 1828, just after Jackson's election to the Presidency. The next month Governor Houston, then 36 years of age, married Eliza Allen of Gallatin, who was 18. In March, Jackson became President. A month later, on April 16, 1829, distraught over some still unexplained trouble with Eliza, Houston resigned the governorship and went to live with his old friends, the Indians who by then had moved west. He married again and made his way to Texas in 1832.

We all know that the great story of Sam Houston and Texas. But the story I would like to complete here tonight is of Sam Houston's walking stick and Andrew Jackson's death.

In March of 1845, President Tyler dispatched Andrew Jackson Donelson to Texas to try to persuade Sam Houston to support the annexation of Texas by the United States. Donelson was the nephew of Rachel Donelson. He had served as President Jackson's private secretary and in 1856 was nominated to run for the vice presidency of the United States. He lived in the plantation near the Hermitage, called Tulip Grove.

Upon reaching Texas, Andrew Jackson Donelson wrote, "Tell Uncle that Houston has disappointed me and not given the annexation question the support I expected." Houston had kept people guessing about whether he favored allowing Texas to remain an independent country, as British emissaries were arguing. According to one officer of the Texas Navy, "When [Houston] was sober he was for annexation but when he was drunk he would express himself strongly against the measure."

The next month, in April of 1845, Houston, his wife Margaret, and their two-year-old son Sam began a trip from Texas to New Orleans and up the Mississippi River to see 78-year-old Andrew Jackson, who was dying at the Hermitage. According to one biographer, during those last hours Jackson was talking of his farm, his business, his country, and of the annexation of Texas, and especially of recent comments by Houston which had convinced Jackson that annexation would occur. In one of his last letters to Donelson, Andrew Jackson wrote, "I knew British gold could not buy Sam Houston."

The Houston's river passage was delayed when their steamboat ran aground. Finally, at about 6 p.m. on Sunday, June 8, 1845, the steamboat tied up at the Nashville landing on the Cumberland River. The Houstons were told that Jackson was near death. They hired a coach to race to the Hermitage. A few miles outside Nashville their coach met the Jackson family physician. He told them that Jackson had died at about the same time the Houstons had arrived in Nashville. Proceeding on to the Hermitage, Houston lifted his two-year-old son and said, "Try to remember that you have looked upon the face of Andrew Jackson." Houston then put his head on Jackson's chest and wept. At

midnight he wrote to President Polk, "I have seen the corpse. The visage is much as it was in life."

The Houstons were guests at the Donelson plantation, Tulip Grove, for several days after Jackson's death. Houston led the funeral cortege as he had as governor when Rachel Jackson died. When Houston left Nashville to travel to Texas, he left his walking stick at Tulip Grove. It is made of mulberry wood and has a solid gold cap. The stick is split and has been glued together, which may have been the reason Houston left it.

How do we know this stick was Houston's stick?

For one thing, the words "Sam Houston" and "Texas" and a Lone Star are engraved on the gold cap.

For another, we know from photographs and historical accounts that Houston carried walking sticks. We also know that he knew how to use his stick. In March of 1832, while visiting Washington, DC, Houston encountered Congressman Stanberry from Ohio who had criticized the Jackson Indian policy. Houston confronted Stanberry and said, "You are a damned rascal!" and whacked him multiple times over the head with his hickory cane, cut from the grounds of the Hermitage.

Fortunately, we know about the provenance of Sam Houston's walking stick from Stanley Horn, the former Tennessee state historian, and Dr. Ben Caldwell. Both Mr. Horn and Dr. Caldwell once owned this stick. Dr. Caldwell is here tonight.

Here is what affidavits and letters from Mr. Horn and Dr. Caldwell tell us: Andrew Jackson Donelson, the owner of Tulip Grove, where Houston left his walking stick, had married a widow of the grandson of Thomas Jefferson. Their son, William Alexander Donelson, inherited many of their Jefferson and Jackson items, including the stick. Some of these items, including the stick, were exhibited at Tennessee's 1896 centennial celebration. This exhibit was mentioned in a Nashville newspaper article in 1927.

When William Alexander Donelson died these Jackson and Jefferson relics were inherited by his widow, known as "Miss Bettie." In a letter to Ben Caldwell on June 15, 1976, Mr. Horn wrote, "I knew her several years before her death in 1940. [She] told me the details of how the cane was split, etc. I bought the cane at the sale of her effects after her death, and had the slight break repaired; and it remained in my possession until I sold it to you."

Mr. Horn sold the stick to Dr. Caldwell and Baker Duncan of San Antonio in 1973.

In a letter to me in 1985 Dr. Caldwell said, "Mr. Horn proudly displayed the stick in his home. The only way that Baker Duncan and I were able to purchase the walking stick from Mr. Horn was a purchase-swap. He was collecting books containing presidential notations that were in the presidents' personal library. He had a book [of every President] except that he did not have a book of John F. Kennedy's library as he had opposed President Kennedy and he did not want to pay a premium for one of his books . . . I purchased a book that formerly belonged to John F. Kennedy . . . and we were able to trade this with money to Mr. Horn for his walking stick."

Ben Caldwell also told me last year:

"Mr. Horn had offered the stick to the San Jacinto Museum in Texas but they gave him some rigamarole and he said 'to hell with it' and so Baker Duncan and I bought the stick from him."

In 1985, I bought Sam Houston's walking stick from Ben Caldwell and Baker Duncan.

Ben said it would be appropriate for the second Tennessee governor from Blount County to own the walking stick of the first. So he arranged a three-way purchase swap that worked this way: I paid money to Mr. Horn's daughter, Ruth Crownover, for a sword that belonged to General Stonewall Jackson and then traded that sword to Baker Duncan for his half of the Houston stick. I also paid Mrs. Crownover for a bird bath sculpted by Will Edmondson and then traded that to Ben for his half of the cane.

I then gave the stick to our youngest son, Will Houston Alexander, who we named for Sam Houston. When Will was born in 1979, Honey said that I was "in my Sam Houston phase." The lure of Texas also attracted Will. He spent seven years at the University of Texas and its law school but now is living in Nashville. We are glad that he is here tonight.

I have since displayed Sam Houston's walking stick in the offices of Tennessee's governor, the president of the University of Tennessee, and the U.S. Secretary of Education. The story of the stick has always produced good conversation, as well as several attempts by Texans to run off with it.

For the last eight years, Sam Houston's walking stick has been displayed in my United States Senate office in Washington, DC. It is beneath a photograph of Sam Houston taken when he was United States Senator from Texas. In that photograph Senator Houston is standing with a walking stick much like the one he left in Nashville 166 years ago when Andrew Jackson died.

ADDITIONAL STATEMENTS

TRIBUTE TO TIM CREAL

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and honor a South Dakotan who has been a tremendous advocate for rural education and has shown selfless dedication to ensuring thousands of students in South Dakota achieved their highest academic potential.

At the close of this school year, Dr. Tim Creal will retire from the Custer School District, where he has served as superintendent for 10 years. Tim began his career as an educator in the Faith School District in 1979. After teaching in Faith, SD, he spent nearly 20 years with the New Underwood School District, working first as a high school math teacher and coach for 10 years. He then served as an elementary principal, special education director, and superintendent for the school district. In 2001, Tim moved to Custer, SD, to serve as the superintendent for the Custer School District.

Tim earned his bachelor's degree in mathematics education at Black Hills State University, BHSU, a university known for its exceptional education program. Last year, Tim was honored with the BHSU Excellence in Education Alumni Award, which is an award to honor an alumnus' outstanding contributions to the field of education.

Tim is a national leader and advocate for rural education. In 2001, Senator

Tom Daschle appointed him to the Forest Counties Payments Committee, where Tim served for 7 years and helped oversee the implementation of the Secure Rural Schools and Community Self-Determination Act. Tim currently is on the board of the National Forest Counties and Schools Coalition. Additionally, Tim is actively involved with the Impact Aid Program and serves as secretary of the Section 8002 Federal property group for the National Association of Federally Impacted Schools, NAFIS. As a founder of the Senate Impact Aid Caucus, I have appreciated working with Tim to ensure children living in rural areas and enrolled in federally impacted schools receive a high-quality education.

Over the years, I have enjoyed working closely with Tim on issues of great importance to education in South Dakota and have greatly valued Tim's insight and expertise. I commend Tim for his stewardship and involvement with the Secure Rural Schools and Impact Aid programs. Tim is currently in Washington, DC, for the annual spring NAFIS conference, and I would like to take this opportunity to thank him for his service to our State and Nation. As Tim prepares to retire from the Custer School District, I wish him, as well as his wife Darla, all the very best. I am deeply appreciative of Tim's years of service to students in South Dakota and for helping prepare our State's next generation of leaders.●

TRIBUTE TO FRANK SEILER

• Mr. JOHNSON of South Dakota. Mr. President, today I offer my heartfelt congratulations to a South Dakotan who has dedicated his life to educating students in my State.

At the close of this school year, Frank Seiler will retire as superintendent of the Timber Lake School District, concluding a nearly 50-year career as an educator in South Dakota. Frank began teaching in North Dakota in 1964. In 1967, he moved to Kadoka, SD, to serve as the high school principal and coach before moving to McIntosh, where he served as superintendent for 15 years. In 1991, Frank took over as superintendent of the Timber Lake School District, where he has worked for 20 years.

Frank has been involved with the National Association of Federally Impacted Schools, NAFIS, since 1975. As one of the founders of the Senate Impact Aid Caucus, I am deeply appreciative of Frank's leadership in the Impact Aid community and for his responsible administering of the Impact Aid Program in the school districts where he has worked. In May 2010, I was pleased to announce that the Timber Lake School District would receive a \$5 million grant from the American Recovery and Reinvestment Act, known to many as the economic stimulus package, so that the community

could replace its existing high school facility. Frank has shown tremendous leadership in helping make the dream of a new school become a reality.

Over the years, Frank has served as a tremendous advocate for his school district and for the importance of a strong education system. My staff and I have greatly valued Frank's insight and expertise over the years. It has been my pleasure working with him to ensure that the many children in South Dakota living in rural and federally impacted schools receive a quality education.

On the occasion of his retirement from the Timber Lake School District, I congratulate and thank Frank for his service as an educator and mentor to thousands of students in South Dakota. He has truly been an inspiration to many of his friends and colleagues. As Impact Aid leaders from across our country gather this week for the annual NAFIS conference, I want to take the time to recognize Frank for responsible management of the Impact Aid Program. On behalf of all South Dakotans, I thank Frank for his years of tireless dedication to students in our State and for the lasting legacy he leaves. I also thank his wife Donna for her continued support. I wish them both a happy and healthy retirement.●

MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 872. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

At 2:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

MEASURES REFERRED

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

H.R. 872. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act

to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1138. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Amdt. 492" ((RIN2120-AA63)(Docket No. 30769)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1139. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-243F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0156)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1140. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EUROCOPTER FRANCE Model SA330F, SA330G, and SA330J Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0891)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1141. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aerospace, Inc. Model EA500 Airplanes Equipped with a Pratt and Whitney Canada, Corp. (PWC) PW610F-A Engine" ((RIN2120-AA64)(Docket No. FAA-2011-0199)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1142. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 427 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0866)) received in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1143. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited (BHTC) Model 206A, 206B, 206L, 206L-1, 206L-3, 206-L4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-0079)) received in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1144. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440 Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2010-1039)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1145. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Model Arriel 1E2, 1S, and 1S1 Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2011-0141)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1146. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes and Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0859)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1147. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0960)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1148. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0698)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1149. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-0212)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1150. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Thielert Aircraft Engines GmbH Models TAE 125-02-99 and TAE 125-02-114 Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0892)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1151. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0379)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1152. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0960)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1153. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1099)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1154. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1156)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1155. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0154)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1156. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series" ((RIN2120-AA64)(Docket No. FAA-2010-0679)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1157. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1198)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1158. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes; BAE SYSTEMS (Operations) Limited Model HS 748 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0150)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1159. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS-365N2, AS 365 N3, and SA-365N1 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0781)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1160. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1296)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1161. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allied Ag Cat Productions, Inc. Models G-164, G-164A, G-164B, G-164B with 73" Wing Gap, G-164B-15T, G-164B-34T, G-164B-20T, G-164C, G-164D, and G-164D with 73" Wing Gap Airlines" ((RIN2120-AA64)(Docket No. FAA-2011-0149)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1162. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0594)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1163. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Inc. Model 45 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0951)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1164. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.) Model DHC-3 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1192)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1165. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0594)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1166. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring; Amendment 4" ((RIN0648-AW75)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1167. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Hawaii Bottomfish and Seamount Groundfish Fisheries; Modification of Fishery Closures" ((RIN0648-BA58)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1168. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" ((RIN0648-BA25)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1169. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery, Revision of 2011 Butterfish Specifications" ((RIN0648-BA86)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1170. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" ((RIN0648-XA279)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" ((RIN0648-XA294)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1172. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), Department of Defense, transmitting, pursuant to law, a report relative to meals sold by messes for the United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

EC-1173. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Benjamin R. Mixon, United States

Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1174. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Liabilities" (RIN2590-AA36) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1175. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Monitoring Bank Secrecy Act Compliance and Fair Credit Reporting: Technical Amendments" (RIN3064-AD76) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1176. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2010 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-1177. A communication from the Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, (4) four reports relative to vacancies in the Department of Energy, received in the Office of the President of the Senate on March 30, 2011; to the Committee on Energy and Natural Resources.

EC-1178. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Planning Resource Adequacy Assessment Reliability Standard" ((RIN1902-AE15)(Docket No. RM10-10-000)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Energy and Natural Resources.

EC-1179. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of *Erigeron maguirei* (Maguire Daisy) from the Federal List of Endangered and Threatened Plants; Availability of Final Post-Delisting Monitoring Plan" (RIN1018-AU67) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1180. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Okaloosa Darter from Endangered to Threatened and Special Rule" (RIN1018-AW95) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1181. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Carex lutea* (Golden Sedge)" (RIN1018-AW55) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1182. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—2011-12 and 2012-13 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018-AW71) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1183. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HISTORM Flood/Wind Addition" (RIN3150-AI90) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1184. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 8.5, 'Criticality and Other Interior Evacuation Signals'" (Regulatory Guide 8.5) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1185. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of Electroslag Weld Properties" (Regulatory Guide 1.34, Revision 1) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC-1186. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of Stainless Steel Weld Cladding of Low-Alloy Steel Components" (Regulatory Guide 1.43, Revision 1) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC-1187. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Specified Tax Return Preparers Required to File Individual Income Tax Returns Using Magnetic Media" (RIN1545-BJ52) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1188. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Sunset Date for Attorney Advisor Program" (RIN0960-AH05) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1189. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to quality improvement and savings under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

EC-1190. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of

PLO funds for a period of six months; to the Committee on Foreign Relations.

EC-1191. A communication from the Employee Benefits Law Specialist, Office of Exemption Determinations, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption (PTE) 96-23 for Plan Asset Transactions Determined by In-House Asset Managers" (RIN1210-ZA09) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1192. A communication from the Acting Assistant General Counsel for Regulatory Service, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Department of Education Acquisition Regulation" (RIN1890-AA16) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1193. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1194. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-51; Introduction" (FAC 2005-51) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1195. A joint communication from the Chairman and Acting General Counsel of the National Labor Relations Board, transmitting, pursuant to law, an annual report relative to acquisitions made from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC-1196. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for Fiscal Years 2012-2016; to the Committee on Homeland Security and Governmental Affairs.

EC-1197. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report relative to Federal sector equal employment opportunity complaints filed with the Office during fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1198. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1199. A communication from the Human Resources Specialist, Office of the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1200. A communication from the Director of Equal Employment Opportunity, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1201. A communication from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1202. A communication from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Services, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1203. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Public-Private Development Project Compliance with Certified Business Enterprise Goals through Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1204. A communication from the Deputy General Counsel, Office of Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations" (RIN3245-AF53) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

EC-1205. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Business Status Protest and Appeal Regulations" (RIN3245-AF65) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

EC-1206. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Jobs Act: 504 Loan Program Debt Refinancing" (RIN3245-AG17) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment: S. 719. An original bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 112-12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. WYDEN, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

S. 714. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 715. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Mr. BEGICH, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. COONS, and Mr. REID):

S. 716. A bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER:

S. 717. A bill to establish an advisory committee to issue nonbinding governmentwide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 718. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 719. An original bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. THUNE (for himself and Mr. GRAHAM):

S. 720. A bill to repeal the CLASS program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. INHOFE):

S. 721. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. WYDEN (for himself and Mr. ROBERTS):

S. 722. A bill to strengthen and protect Medicare hospice programs; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. KERRY):

S. Res. 127. A resolution designating April 2011 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, and Mr. LAUTENBERG):

S. Res. 128. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. HARKIN, Mr. ENZI, Mrs. MURRAY, and Mr. ISAKSON):

S. Res. 129. A resolution honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

S. 251

At the request of Mr. VITTER, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 275

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 275, a bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

S. 306

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Wisconsin (Mr. KOHL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal

sites for the discharge of dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 470

At the request of Mr. CASEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 470, a bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs and for other purposes.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 520

At the request of Mr. COBURN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 554

At the request of Mr. GRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 554, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

S. 570

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 641

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 666

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor

of S. 666, a bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 680

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. RES. 86

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 109

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 109, a resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. ROBERTS):

S. 722. A bill to strengthen and protect Medicare hospice programs; to the Committee on Finance.

Mr. WYDEN. Mr. President, this is far from the first time I have spoken in this Chamber about the importance of providing hospice benefits and those workers who help provide them tirelessly every day. Today I'm pleased to introduce legislation to strengthen the hospice program so that these critical benefits will continue to be available for those in the final stages of life.

Hospice care provides humane and comforting support for over 744,000 terminally ill patients and their families each year. These services include pain control, palliative medical care and social, emotional and spiritual services.

Hospice supports the basic human needs for feeling comfortable, in a familiar environment, surrounded by loving caregivers and family during the later stages of life. Hospice care is an effective model for the interaction of interdisciplinary teams of health professionals, family members and volunteers in providing care for those needing care in our communities.

Our country strives to provide exceptional support for the sick, elderly and terminally ill in home and hospice settings. These vulnerable individuals, as well as their family caregivers, are indebted to the many professionals and volunteers who have made it their life's work to serve those in greatest need. Nearly 83,000 hospice professionals, 46,000 hospice volunteers and 1 million home health providers, nationally, contribute significantly to our health care system through their compassion and commitment.

It is because of these professionals and volunteers that seniors continue to have access to this vital service. And it is with these committed people in mind that Senator ROBERTS and I introduce legislation that will help sustain the future of hospice care.

Specifically, The Hospice Evaluation and Legitimate Payment Act creates a "do no harm" demonstration that evaluates proposed payment changes to hospices at 15 different sites before going into effect. With an estimated 66% of hospices looking down a road to negative operating margins by 2019, Congress must act to ensure hospice doors remain open. Testing payment changes can do that.

The HELP Act also allows nurse practitioners and physicians assistants to sign-off on the required face-to-face encounter. This expansion ensures program integrity while also preserving access to services, especially in rural areas where great distances can create unwanted impediments.

Finally, the HELP Act calls for increased accountability. Instead of a

hospice submitting a survey every eight years, this legislation implements the recommendation of the OIG, and increases submission to once every 3 years.

We need to support new ways to treat a very ill patient physically and emotionally, long before the last days of life. We need to make sure doctors are not afraid of using pain medications to make people comfortable and, most of all, we need to make sure people start the conversations with their families and doctors about having a better death and using hospice as early as possible. None of these options for changing the standards of end-of-life care delivery can occur if hospices cannot continue to operate. The HELP Act makes that more possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 722

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hospice Evaluation and Legitimate Payment Act".

SEC. 2. ENSURING TIMELY ACCESS TO HOSPICE CARE.

(a) IN GENERAL.—Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)) is amended to read as follows:

"(i) a hospice physician, a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5)), or other health professional (as designated by the Secretary), has a face-to-face encounter with the individual to determine continued eligibility of the individual for hospice care prior to the first 60-day period and each subsequent recertification under subparagraph (A)(ii) (or, in the case where a hospice program newly admits an individual who would be entering their first 60-day period or a subsequent hospice benefit period or where exceptional circumstances, as defined by the Secretary, may prevent a face-to-face encounter prior to the beginning of the hospice benefit period, not later than 7 calendar days after the individual's election under section 1812(d)(1) with respect to the hospice program) and attests that such visit took place (in accordance with procedures established by the Secretary); and"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act and applies to hospice care furnished on or after such date.

SEC. 3. RESTORING AND PROTECTING THE MEDICAL CARE HOSPICE BENEFIT.

(a) IN GENERAL.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended—

- (1) in subparagraph (1)(C)—
 - (A) in clause (ii)—
 - (i) in the matter preceding subclause (I), by striking "(6)(D)" and inserting "(6)(E)"; and
 - (ii) in subclause (VII), by striking "(6)(D)" and inserting "(6)(E)";
 - (B) in clause (iii), by moving such clause 6 ems to the left and striking "(6)(D)" and inserting "(6)(E)";

(2) in paragraph (6)—

(A) in subparagraph (A), by striking "subparagraph (D)" and inserting "subparagraph (E)";

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) the following new subparagraph:

"(D) HOSPICE PAYMENT REFORM DEMONSTRATION PROGRAM.—

"(i) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—

"(I) IN GENERAL.—Prior to implementing any revisions to the methodology for determining the payment rates for routine home care and other services included in hospice care under subparagraph (E), the Secretary shall establish a Medicare Hospice Payment Reform demonstration program to test such proposed revisions.

"(II) DURATION.—The demonstration program shall be conducted for a 2-year period beginning on or after October 1, 2013.

"(III) SCOPE.—The Secretary shall select not more than 15 hospice programs at which the demonstration program under this subparagraph shall be conducted.

"(IV) REPRESENTATIVE PARTICIPATION.—Hospice programs selected under subclause (III) to participate in the demonstration program shall include a representative cross-section of such programs throughout the United States, including programs located in urban and rural areas.

"(V) VOLUNTARY PARTICIPATION.—Hospice program participation in the demonstration program shall be on a voluntary basis.

"(ii) EVALUATION AND REPORT.—

"(I) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration program under this subparagraph. Such evaluation shall include an analysis of whether the use of the revised payment methodology under the demonstration program has improved the quality of patient care and access to hospice services for beneficiaries under this title and the impact of such payment revisions on hospice care providers, including the impact, if any, on the ability of hospice programs to furnish quality care to beneficiaries under this title.

"(II) REPORT.—Not later than 1 year after the completion of the demonstration program, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subclause (I), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

"(iii) BUDGET NEUTRALITY.—With respect to the 2-year period of the demonstration program under this subparagraph, the Secretary shall ensure that the estimated amount of aggregate payments under this title to each hospice program participating in the demonstration program for such period shall not be more than 5 percent higher or 5 percent lower than the estimated amount of aggregate payments that would have been made under this title to each such hospice program during such period had they not participated in the demonstration program under this subparagraph."

(C) in subparagraph (E), as redesignated by subparagraph (B)—

(i) in clause (i)—

(I) in the first sentence, by striking "October 1, 2013, the Secretary shall, by regulation" and inserting "subject to clause (iii), the later of 2 years after the demonstration program under subparagraph (D) is completed or October 1, 2017, the Secretary shall, by regulation, preceded by notice of the proposed regulation in the Federal Register and

a period for public comment in accordance with section 1871(b)(1),"; and

(I) in the second sentence, by inserting " , and shall take into account the results of the evaluation conducted under subparagraph (D)(ii)" before the period; and

(ii) by adding at the end the following new clause:

"(iii) In no case may the Secretary implement any revisions in payment pursuant to clause (i) unless the Secretary determines that the demonstration program under subparagraph (D) demonstrated that such revisions would not adversely affect access to quality hospice care by beneficiaries under this title."

(D) in subparagraph (F), as redesignated by subparagraph (B), by striking "subparagraph (D)" and inserting "subparagraph (E)".

SEC. 4. HOSPICE SURVEY REQUIREMENT.

(a) IN GENERAL.—Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by adding at the end the following new subparagraph:

"(C) Any entity seeking certification as a hospice program shall be subject to an initial survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not later than 6 months after beginning operations, and any entity which is certified as a hospice program shall be subject to a standard survey not less frequently than every 36 months."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act and applies to hospice programs on or after such date.

Mr. ROBERTS. Mr. President, I rise today in support of the legislation introduced by Senator WYDEN, of which I am an original cosponsor, the 'Hospice Evaluation and Legitimate Payment Act.' The HELP Act.

The HELP Act does what the title says it does and takes initial steps in helping our hospices in Kansas and across the Nation continue to give the valuable care that patients and families need.

It is impossible to describe the value of hospice services to the patients and families for whom they provide selfless and compassionate care. Over the next 10 years hospice is facing drastic reductions in their reimbursements, negatively impacting at least 1.3 million patients and families, which is the number served by hospice programs in recent years.

The HELP Act sets realistic requirements for a face-to-face encounter. The Accountable Care Act included a requirement that a hospice physician or nurse practitioner should have a face-to-face encounter with hospice patients before their 180-day recertification and for each 60-day recertification period after that date, has caused a significant burden on our hospice communities, especially those in rural areas. The limits on who can conduct the face-to-face encounter and the timeline for compliance do not reflect the operational realities of hospice programs, especially for small and rural hospices. The HELP Act would allow Nurse Practitioners, Clinical Nurse Specialists

and Physician's Assistants to conduct the face-to-face encounter, and that hospice programs be afforded 7 days after the election of services to fulfill the requirement.

The HELP Act would require the Secretary to establish a payment reform demonstration program to test any prospective payment revisions to hospice, and would include an evaluation period for data analysis; increase the frequency of hospice surveys to every 3 years; and would amend the new face-to-face encounter statutory framework to reflect operational realities for hospice programs, and the needs of the patients and families they serve.

Under this legislation the new payment methodologies for hospice must first be piloted through a 2-year, 15-site demonstration program to allow for any recommended payment reform schemes to be tested across a representative sample of the hospice community and to assess their impact on beneficiary access to hospice services.

The HELP Act also requires more frequent hospice surveys. A recent Office of the Inspector General's, OIG, report noted that CMS was remiss in its supervisory responsibilities by not regularly reviewing the operational and clinical delivery processes of the hospice community. OIG has recommended on numerous occasions that "CMS should conduct more frequent certification surveys of hospices as a way to enforce the requirements." Accrediting organizations, such as the Joint Commission for the Accreditation of Healthcare Organizations, JCAHO, have set an industry standard of certification every 3 years for hospices. The HELP Act requires an initial survey for those seeking certification to be followed by a standard survey every 3 years.

While there is more work that needs to be done to address payment reductions for hospice providers, the HELP Act takes some initial steps to addressing these problems. I am grateful to my colleague Senator WYDEN for introducing this legislation and I am happy to lend my support. I encourage all of my colleagues on both sides of the aisle to review and consider supporting this very important piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 127—DESIGNATING APRIL 2011 AS "NATIONAL CHILD ABUSE PREVENTION MONTH"

Ms. COLLINS (for herself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 127

Whereas in 2009, approximately 702,000 children were determined to be victims of abuse or neglect;

Whereas in 2009, an estimated 1,770 children died as a result of abuse or neglect;

Whereas in 2009, an estimated 80.8 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2009, of the children under the age of 4 who died due to abuse or neglect, 46.2 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated 1/3 of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as "National Child Abuse Prevention Month";

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2011 to be "National Child Abuse Prevention Month"; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

Ms. COLLINS. Mr. President, it is with a heavy heart that I rise today to submit a resolution recognizing National Child Abuse Prevention Month. I am honored to be joined by an advocate for children, Senator KERRY, in turning a spotlight on the issue of child abuse and neglect in this country. Senator KERRY and I share a common belief that children should be valued and nurtured by both their families and all of us.

The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate.

Abuse of children occurs in all segments of our society, in rural, suburban, and urban areas and among all racial, ethnic, and income groups. According to the 2009 Child Maltreatment Study compiled by the U.S. Department of Health and Human Services,

during 2009, an estimated 702,000 children were determined to be victims of abuse or neglect, and an estimated 1,770 children died as a result.

Last year I became aware of yet another tragic case of child abuse. Maine was mourning the death of 15-month old Damien Lynn. Autopsy reports show that little Damien had broken bones and ribs, head and abdominal injuries, and a human bite mark on his right arm. This year the former boyfriend of Damien's mother will face the consequences of his actions, and I am proud to introduce this resolution again in Damien's memory.

The time has come for Americans to unite in an all-out effort to eradicate child abuse. National Child Abuse Prevention Month is an opportunity for communities across the country to keep children safe, provide the support families need to stay together, and raise children and youth to be happy, secure, and stable adults.

To paraphrase Mahatma Gandhi, "You can judge a society by how they treat their weakest members." This resolution is sad commentary that we have to do more to protect those who are in the dawn of life, the most vulnerable among us, our children.

SENATE RESOLUTION 128—EX-PRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 1 THROUGH 7, 2011

Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 128

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2011, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 27th anniversary: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to honor America's public serv-

ants, who provide so many essential services that Americans rely on every day. I am pleased to once again introduce a resolution recognizing these employees during Public Service Recognition Week.

Public Service Recognition Week provides us with the opportunity to honor and celebrate the works of federal, state and local public employees—and also gives American's across the country a chance to learn about the many possible careers in public service. As a former teacher and a life-long public servant, I have worked alongside so many hard-working, talented people who have dedicated their lives to serving others. Public employees across the country use the week to educate their fellow citizens on how government serves them and makes life better for all of us. It is my hope that this week's events will encourage many people, especially students and young professionals, to consider a career in public service.

As the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to take this moment to highlight the importance of our public servants. This country is facing so many challenges both here at home and abroad, and our public servants play an integral role in moving our country forward. It is essential that we do not lose sight of their importance and all that they do to keep our country strong.

Our public servants are honorable men and women who provide vital services to the American people, including teaching our children, keeping our Nation safe, caring for our wounded warriors, guarding our prisons, and responding to natural disasters. Our way of life would not exist without the work of public employees.

This is the 27th year we have honored our public servants with Public Service Recognition Week during the first week of May. Although we have designated a week to pay tribute to government employees, it is also important that we honor the invaluable service of public servants throughout the year. America's public servants deserve our gratitude and respect and I thank them for their dedication. I encourage my colleagues to join me in this annual celebration and recognize the public servants in their states.

SENATE RESOLUTION 129—HONORING THE 29 COAL MINERS WHO PERISHED IN THE EXPLOSION AT THE UPPER BIG BRANCH MINE IN MONTCOAL, WEST VIRGINIA, ON APRIL 5, 2010, AND REMEMBERING ALL THOSE WHO HAVE LOST THEIR LIVES WHILE MINING FOR THE RESOURCES ON WHICH THE UNITED STATES RELIES

Mr. ROCKFELLER (for himself, Mr. MANCHIN, Mr. HARKIN, Mr. ENZI, Mrs. MURRAY, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 129

Whereas West Virginia coal miners and their predecessors not only have a strong commitment to providing a good living for their families, but also take a deep and patriotic pride in the fact that their work and the energy they produce has made the United States strong and free;

Whereas coal mining has been, and remains, an important part of the economy of the United States;

Whereas coal accounts for nearly 1/2 of the electricity produced in the United States;

Whereas coal has been commercially mined in what is now the State of West Virginia since 1810;

Whereas since 1810, West Virginia miners and their families have sacrificed greatly to mine the coal that powers the economy of the United States;

Whereas on April 5, 2010, 29 heroic and patriotic West Virginia miners tragically lost their lives in an explosion at the Upper Big Branch Mine in Montcoal, West Virginia;

Whereas a search and rescue effort was launched immediately following the explosion that involved dozens of courageous volunteers, first responders, and mine rescue teams who fearlessly risked their lives to rescue survivors and find lost miners;

Whereas Carl "Pee Wee" Acord, Jason Matthew Atkins, Christopher Lee Bell, Sr., Gregory Steven Brock, Kenneth A. Chapman, Sr., Robert Eugene Clark, Cory Davis, Charles Timothy Davis, Michael Lee Elswick, William Ildon Griffith, Steven J. "Smiley" Harrah, Edward "Dean" Jones, Richard Keith Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, Nicholas D. McCroskey, James "Eddie" Moonney, Adam K. Morgan, Rex Lane Mullins, Joshua Scott Napper, Howard "Boone" Payne, Jr., Dillard Earl "Dewey" Persinger, Joel R. "Jody" Price, Gary Wayne Quarles, Deward Allan Scott, Grover Dale Skeens, Benny Ray Willingham, and Ricky L. Workman perished in the explosion at the Upper Big Branch Mine;

Whereas the terrible tragedy broke the hearts of the people of the United States;

Whereas since the beginning of 2010, 77 miners of coal and other resources have lost their lives on the job, and thousands more have been injured or diagnosed with occupational illnesses, such as Black Lung disease;

Whereas the families of the deceased continue to suffer, as do those miners who have become seriously injured or ill; and

Whereas Congress has long recognized the need to protect the safety and health of miners: Now, therefore, be it

Resolved, That the Senate—

(1) honors the coal miners who lost their lives in the explosion at the Upper Big

Branch Mine in Montcoal, West Virginia, on April 5, 2010;

(2) extends its continued heartfelt condolences to the families of the deceased, who are still looking for answers to the tragedy;

(3) recognizes the hardships faced by survivors of the tragedy and fellow miners who worked side-by-side with the deceased;

(4) acknowledges the risks faced by all miners, as well as the important and often over-looked contributions that miners make to the United States;

(5) expresses its appreciation for the volunteers, first responders, and mine rescue teams who fearlessly risk their lives to save miners after tragedies; and

(6) reaffirms its commitment to keep miners safe and healthy on the job.

AMENDMENTS SUBMITTED AND PROPOSED

SA 283. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 284. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 283. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. ELIMINATION OF DUPLICATIVE SECURITY ASSESSMENTS.

Notwithstanding any other provision of law, the Transportation Security Administration is not authorized to conduct security assessments of motor carriers that are—

(1) registered under subpart G of part 107 of title 49, Code of Federal Regulations; and

(2) subject to security contact reviews conducted by the Federal Motor Carrier Safety Administration.

SA 284. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, after line 3, insert the following:

(c) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Afford-

able Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 217 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 220 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 222 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 273 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 274 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 279 on S. 493.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 7, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on S. 675, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; and S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes, to be followed immediately by an oversight hearing entitled "Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

ORDERS FOR TUESDAY, APRIL 5,
2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority the final half; that following morning business, the Senate proceed to consideration of H.R. 4, 1099 repeal, under the previous order; further, that the Senate stand in recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, Senators should expect two rollcall votes at approximately 12 noon in relation to 1099 repeal. We are working to reach an agreement on the small business bill. Senators will be notified when additional votes are scheduled.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Tuesday, April 5, 2011, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 4, 2011:

THE JUDICIARY

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

HOUSE OF REPRESENTATIVES—Monday, April 4, 2011

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC
April 4, 2011.

I hereby appoint the Honorable ALLEN WEST to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

CONFLICT IN LIBYA

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

Mr. SHERMAN. Mr. Speaker, I rise to address three aspects of the conflict in Libya. The first of these is I think the most important. Our efforts to bring freedom and democracy to Libya should not be the occasion to undermine democracy and the rule of law here in the United States. Now there is considerable constitutional argument about the powers of the President. There are those who say he cannot take any military action without first an action by Congress. But in 1802, President Jefferson sent American naval and marine forces, in the words of the song, to the shores of Tripoli, and the founding generation of this country thought that that was consistent with Presidential power. So those who think that the President has no power to ever engage, I think must look at our history, as well as the text of our Constitution.

At the same time, there are those who say the President can do anything without congressional approval, and I

think those folks go way too far. The answer is the War Powers Act, the law of the land, and we need to make sure that it is followed.

Now that law not only requires various reports and consultation, it says that if hostilities are to continue for more than 60 days, that Congress must pass in both Houses a resolution authorizing such activity, and that if after 60 days Congress has not passed such resolution, then the President has 30 days to withdraw. This is the law of the land.

And yet last week in both private session and in public hearings, high ranking members of the State Department declared by their vagueness that they might not follow the War Powers Act. That is why it is critical that we as a Nation demand that even those who are sworn to uphold the law, follow the law themselves, and that we in Congress add to any spending bill a provision that says no funds shall be spent for the purpose of violating section 5 of the War Powers Act which some also refer to as the War Powers Resolution.

Second, who pays for all of this? The cost is far greater than the \$500 million to \$600 million being estimated by the Defense Department. I am a CPA. They are using the marginal cost approach, which is widely discredited. Any full costing will show what the American people fully understand, and that is that this is costing us billions of dollars every week. Now, we have seized \$30 billion of Libyan assets, assets of Qadhafi that were invested here in the United States. Those assets should be used first before we use money collected from American taxpayers.

Libya produces more oil per capita than any nation you can find on a map without a magnifying glass; more oil per capita, per person, than even Saudi Arabia. I realize Libya will need to be rebuilt, but its oil revenues will return and provide for that. And we should quietly insist that the Benghazi council pass a resolution authorizing the United States to use those seized Libyan assets to fund our military efforts.

But there is something even more that we should insist on from those who are running eastern Libya, and that is that they use their best efforts, and I realize they are disorganized, to cut off their contact with and even seek to extradite those in their midst who have American blood on their hands. There is, for example, Mr. al-Hasadi who fought us in Afghanistan and Pakistan who brags that he dis-

patched soldiers to kill America's finest in Iraq, and who is now one of the rebel commanders. We should insist that such individuals be turned over to the United States, and if they can't find them, that they at least disassociate themselves.

Now, the administration responds by saying that Qadhafi has American blood on his hands. And I am sure that Qadhafi has, after Pan Am 103, more American blood on his hands than do any collection of rebel leaders. But is this the standard by which we judge those that we ask our men and women to die for, to put themselves in harm's way for, to kill for?

I do not think that it makes sense to say that the rebels should be aided as long as they have less American blood on their hands than does Mr. Qadhafi. The test of whether these rebels will be allies and friends of America, or the opposite, is whether they turn over or use their best efforts to turn over al-Hasadi to the United States.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your loving and sustaining presence breaks through certain moments of time. You enlighten Your people to take the next step and make the necessary decisions that will lead them through the maze of present needs.

Guide the Members of the House of Representatives, that priorities will reflect the full promise of Your compassion for those most in need, build greater justice, and secure the path of peace in this fragile and complex world.

Lord, be with us now and years to come.

Amen.

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POMPEO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DO WHAT IS RIGHT THIS WEEK

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

Mr. WILSON of South Carolina. Mr. Speaker, this is an important week for American families. The continuing resolution expires Friday. Liberals are clearly responsible for a possible government shutdown.

The American people know spending is out of control with a record deficit in February of \$223 billion. Borrowing from creditors overseas is \$5 billion a day, putting American jobs at risk. Senior citizens are threatened with their savings and Social Security becoming worthless. Young people are being burdened with crushing debt which will lead to oppressive taxation.

How did this week arise?

The budget for this year was not adopted by the liberal House last year. The continuing resolution for this year was passed by the new conservative House but has not been adopted by the current liberal Senate.

Speaker JOHN BOEHNER has fought for the Pledge to America which the voters supported last November with a record of over 63 liberals being defeated. Senate liberals have been revealed scheming inflammatory name-calling of Republican Whip KEVIN MCCARTHY, instead of good faith negotiations.

I hope this week the Senate liberals put politics aside and do what is right for commonsense government. We cannot mortgage the future to happiness.

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

A COUNTRY WHERE WE MUST
BRING DEMOCRACY

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

Mr. KUCINICH. It is said our government runs on a system of checks and balances. But when it comes to war,

the administration writes all the checks and Congress doesn't know what the balance is. The administration can wage war and ignore Congress, says the Secretary of State. Shut up and keep giving them the money.

Expanding war expands the Pentagon, costing more than \$700 billion this year. That's 50 percent of discretionary spending. The United States funds 25 percent of NATO's military expenses.

All of these wars cost trillions. As of today, we will have spent \$805 billion to bring democracy to Iraq, \$443 billion to bring democracy to Afghanistan, perhaps over a billion dollars already to bring democracy to Libya.

I have an idea. Let's bring democracy to America. Instead of cutting programs for the poor, for children, for pregnant women, or shutting down the government, let's shut the wars down. Build bridges at home—don't blow them up abroad. Bring democracy to America. Jobs for all, health care for all, education for all, retirement security for all. End the wars.

CONGRATULATING WSU SHOCKER
BASKETBALL

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

Mr. POMPEO. Mr. Speaker, today I rise to recognize the tremendous accomplishment of Wichita State University and its men's basketball team. Shocker Basketball is rich in tradition, with 10,000 screaming fans at nearly every game.

For the first time, Wichita State University is now the reigning champion of the National Invitation Tournament. Last Thursday, they finished their tourney run with a convincing victory over a worthy opponent, the Crimson Tide of the University of Alabama. This was a glorious cap to an excellent season.

This year, the Shockers won 29 games, the most in the university's history—losing two games to Final Four opponents during the season by a total of only five points.

It is my honor to congratulate Wichita State University, its President Don Beggs, athletic director Eric Sexton, the basketball team's head coach Gregg Marshall and his staff, and all the great young men who played their hearts out in New York to bring the title back to Wichita.

A great season for the mighty Shock-Nation.
MTXE. Go Shox.

THE HUNGER FAST OF 2011

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

Mr. MCGOVERN. Mr. Speaker, the Hunger Fast of 2011, the efforts by anti-

hunger leaders to highlight the draconian cuts to important, lifesaving programs included in H.R. 1, the House Republican budget proposal, continues to expand.

Every day the number of Hunger Fast participants increases. Every day awareness of these cuts to those programs that provide a circle of protection rises. Every day the resolve to fight these cuts grows.

I am thankful and proud of these brave Americans who are giving up food to fight against these harmful cuts to programs like WIC, as well as other important safety-net programs. This weekend, more joined this effort, including the heads and members of SEIU, MoveOn, and many others.

Budgets are moral documents, and the cuts in H.R. 1 cross that moral line. I stand with the participants of Hunger Fast in opposition to H.R. 1. Instead of cutting programs that help people get access to food and nutrition, we should commit ourselves to ending hunger in America.

Please go to www.hungerfast.org for more information.

TRIBUTE TO STACY LEWIS

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

Mr. WOMACK. Mr. Speaker, I rise today to celebrate a milestone in the life of a lady professional golfer, Stacy Lewis, of The Woodlands, Texas, and of late, the University of Arkansas at Fayetteville.

Ms. Lewis won her first LPGA golf tournament yesterday in California—the Kraft Nabisco Championship, a major event on the LPGA tour.

Mr. Speaker, my purpose today is not necessarily to bring attention to a sporting achievement, but rather to acknowledge the hardship in this young lady's life that makes this accomplishment incredible.

Stacy suffered from scoliosis as a child and spent her teen years in a back brace. Only because of her drive and determination did she reach the pinnacle of women's professional sports. To add to that, she dominated the field the very week her grandfather passed away.

I am proud of Stacy Lewis. I admire her grit. Literally and figuratively, she has a spine of steel. I join her parents, Dale and Carol Lewis, and the Razorback Nation in saluting her for what we all hope is the first of many championship trophies.

TRIBUTE TO LARRY FINCH

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

Mr. COHEN. Mr. Speaker, today is many things in different people's lives.

To many, it's the NCAA final tournament game. To many in my city of Memphis, Tennessee, it is a day that 43 years ago, Dr. Martin Luther King was assassinated. It's a holiday in my city, and we reflect on his great talents and his dream and reflect on all that we've learned since then.

But yesterday, the 3rd of April, a great Memphian named Larry Finch died. He put together those two events. He was a basketball player and a basketball star like none other in Memphis and maybe like none other in the United States of America. And he was a person who brought people together in the way that Dr. King dreamed they would. The city of Memphis was split and hurt and racially divided in 1968, and because of that racial divide, it caused Dr. King to have to come to Memphis to stand up for the sanitation workers and the right of employees to have bargaining units and a dignity in life. And Memphis was even racially hurt more because of that assassination.

But Larry Finch stayed home in Memphis, a local basketball player who really was the first great basketball star of African American descent to play at Memphis State. He took our team to the national finals in 1973, and he ignited the city like never before. Whites and blacks came together to cheer for Memphis State and for Larry Finch. He spent his entire life in Memphis and was our head coach for 11 years, winning more games at Memphis State than any coach in history.

He was a beloved individual who brought people together and didn't know race. He died Saturday. He will have his homegoing this coming Saturday.

I show you the Memphis Commercial Appeal from the day after he died: "The Greatest." The entire first section is nothing but Larry Finch and his story from Orange Mound, Tennessee, and Melrose High School to Memphis State and the Final Four, where he had 29 points—and we would have won but for Bill Walton having the game of his life.

I mourn my friend Larry Finch. The city of Memphis mourns Larry Finch. Sports can be more than winning and losing. Larry Finch did that. He was a great American. We're lucky he came this way for the people of Memphis and our Nation.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken after 6:30 p.m. today.

REDUCING DEFENSE DEPARTMENT PRINTING AND REPRODUCTION BUDGET

Mr. WEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1246) to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1246

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

SECTION 1. REDUCTION IN AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR PRINTING AND REPRODUCTION.

The following amounts otherwise authorized to be appropriated for fiscal year 2012 for the Department of Defense are hereby reduced by 10 percent:

- (1) The amount for Operation and Maintenance for the Army, for printing and reproduction.
- (2) The amount for Operation and Maintenance for the Navy, for printing and reproduction.
- (3) The amount for Operation and Maintenance for the Marine Corps, for printing and reproduction.
- (4) The amount for Operation and Maintenance for the Air Force, for printing and reproduction.
- (5) The amount for Operation and Maintenance for Defense-wise activities, for printing and reproduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WEST) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise to support H.R. 1246. It is a simple, commonsense bill that calls for an overall 10 percent reduction in the printing and reproduction costs of the Department of Defense.

More importantly, the American people support H.R. 1246, as more than 150,000 people voted online via the YouCut program on passing this bill. The American people are behind this, and we need to be behind the American people. H.R. 1246 will help us keep our promise to the American people that

we will cut waste, fraud and abuse in government spending and spend taxpayer dollars more efficiently, and that includes every department or agency.

In fiscal year 2012, the Department of Defense proposes to spend \$357 million for printing and reproduction services. Now, I am not arguing that paper copies are no longer needed. We all still rely on paper. But I do not understand why we need examples of these expensive, high-gloss color briefing slides and slick books that the DOD sends over here for everything from briefing slides to budget rollouts and miscellaneous reports. If anyone is interested, the House Armed Services Committee has a boatload of these fancy printed reports. I think the information that DOD needs to get to us, as well as share internally amongst themselves or with the public, can just as easily be conveyed using plain black-and-white copies that are printed on both sides. Nowadays, a lot can be transmitted electronically.

During my 22 years of active duty service in the United States Army, I witnessed the growth of the excessive PowerPoint briefs and reproduction. I am well aware of areas where saving money is very possible, and this is one of those areas.

These cuts are aimed at wasteful Defense Department spending and will not affect the overall mission of our men and women in uniform in protecting our national security. Mr. Speaker, a mere 10 percent reduction to this one account would save taxpayers \$35.7 million in fiscal year 2012 and nearly \$180 million over the next 5 years. We owe it to the taxpayers to take this step.

Now, this may seem like a small amount to some, but imagine if every Member of Congress, all 435 of us, took it upon ourselves to do the exact same and find where we could cut some wasteful spending. We would regain the trust and confidence of the American people as good stewards of their resources. Let's pass H.R. 1246.

I reserve the balance of my time.

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

H.R. 1246 is an innocuous-sounding bill that proposes to help reduce Federal spending and reduce waste by cutting 10 percent of the Pentagon's printing and reproduction services budget. I believe most of us would agree that the goal of H.R. 1246, to reduce dependence on paper copies in a time of proliferating electronic media, is one that most of us would find reasonable.

In effect, however, the bill does little to address the much more serious deficit issues facing our Nation today, including issues in the defense arena that should be thoughtfully debated by Members of this Congress. The bill is estimated to save some \$35.7 million in fiscal year 2012, and then another \$180 million over the next 5 fiscal years,

which hardly makes a dent in the multitrillion-dollar deficit facing our Nation.

One could also argue that the bill is ill-timed, coming on the heels of increasing requests for the Department of Defense to produce documents for oversight being conducted by congressional committees. Indeed, requests from the Congress for required reports, including, Mr. Speaker, from our own House Armed Services Committee, number in the hundreds and thousands. So it would seem somewhat hypocritical of us to be cutting funding for printing and reproduction services when we, we Members of Congress, are asking for more and more and more reports.

Mr. Speaker, while I will not encourage my colleagues to oppose this bill, I consider it a bad use of valuable floor time that could be used to address legislation to put this country on a track toward greater fiscal responsibility.

I reserve the balance of my time.

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

Mr. Speaker, I would say this. I do believe that we must take a first step when we talk about deficit reduction. I think that this is one of the important things. As I said in my statement, if each and every one of us in this House, all 435, made the effort to find these instances of fraud, waste and abuse, then we could have more significant cuts into our deficit and, of course, into our debt. And I think at a critical time when, the gentlewoman from Guam just stated, maybe perhaps also following along with this, we do need to look at the amount of requests for reports that we are having.

But still, as we are talking about efficiency in the Department of Defense, this is a first step toward that efficiency occurring. And I think that anyone that would not be willing to support this says that they are not willing to take that first step toward getting the Department of Defense and all our departments and all of our agencies to be more effective and more efficient. But as well, that does start with us here in the Members of the House of Representatives.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I would like to correct the previous speaker.

There are 435 voting Members of Congress, but there are 441 Members of the United States House of Representatives. Although I represent a territory and I am not allowed to vote, I do make requests during committee time for reports.

I just wanted to make that correction.

I reserve the balance of my time.

□ 1420

Mr. WEST. Mr. Speaker, at this time I have no further requests, and also apologies to you, Madam.

I am prepared to close after my colleague has yielded back her time.

I continue to reserve the balance of my time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEST) that the House suspend the rules and pass the bill, H.R. 1246.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 6 o'clock and 30 minutes p.m.

REDUCING DEFENSE DEPARTMENT PRINTING AND REPRODUCTION BUDGET

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1246) to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEST) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 225]
YEAS—393

Ackerman
Adams
Aderholt

Akin
Altmire
Amash

Austria
Bachmann
Bachus

Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
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Clarke (MI)
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Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier

Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Klaine
Kucinich
Labrador
Lamborn

Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loehsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCortner
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci

Reyes	Schrader	Towns
Richardson	Schwartz	Tsongas
Richmond	Schweikert	Turner
Rigell	Scott (SC)	Upton
Rivera	Scott (VA)	Van Hollen
Roby	Scott, Austin	Velázquez
Roe (TN)	Sensenbrenner	Visclosky
Rogers (AL)	Serrano	Walberg
Rogers (KY)	Sessions	Walden
Rogers (MI)	Sewell	Walsh (IL)
Rohrabacher	Sherman	Walz (MN)
Rokita	Shimkus	Wasserman
Rooney	Shuster	Schultz
Ros-Lehtinen	Simpson	Watt
Roskam	Sires	Waxman
Ross (AR)	Smith (NE)	Webster
Ross (FL)	Smith (NJ)	Weiner
Rothman (NJ)	Smith (TX)	Welch
Roybal-Allard	Smith (WA)	West
Royce	Southerland	Westmoreland
Runyan	Speier	Whitfield
Ruppersberger	Stark	Wilson (FL)
Rush	Stearns	Wilson (SC)
Ryan (OH)	Stivers	Wittman
Ryan (WI)	Stutzman	Wolf
Sánchez, Linda T.	Sullivan	Womack
Sanchez, Loretta	Terry	Woodall
Sarbanes	Thompson (CA)	Woolsey
Scalise	Thompson (MS)	Wu
Schakowsky	Thompson (PA)	Yoder
Schiff	Thornberry	Young (AK)
Schilling	Tierney	Young (IN)
Schock	Tipton	
	Tonko	

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1323

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 1323.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-53) on the resolution (H. Res. 200) providing for consideration of the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices, which was referred to the House Calendar and ordered to be printed.

ANNOUNCING THE PASSING OF FORMER CONGRESSMAN JOHN ADLER

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise to convey to the House the extremely sad news that our former colleague from New Jersey, John Adler, passed away earlier today. Congressman Adler recently underwent emergency heart surgery at the University of Pennsylvania Hospital in an attempt to resolve a staph infection. John Adler was 51.

In Congress, John served with distinction on both the Financial Services and Veterans' Affairs Committees. As a New Jersey State Senator for 17 years, John served as chairman of the Senate Judiciary Committee and sponsored laws requiring pension forfeitures and mandatory prison for corrupt officials and to require smoke-free places. He also sponsored legislation to address environmental and health issues.

Mr. Speaker, John Adler had a razor-sharp wit, tenacity, an extraordinary sense of humor and a great big smile, and we will miss him. I, along with my colleagues, extend our deepest condolences to Shelley, his wife, and their four sons.

REMEMBERING AND MOURNING JOHN ADLER

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

Mr. PALLONE. Mr. Speaker, I can't believe that John Adler's life was cut so short. I really want to reach out to

Shelley, his children, and his friends. Our heartfelt condolences go out to the entire Adler family. John was a friend, my wife was a friend with his wife, and my daughter was a friend of one of his sons.

It is amazing to me that he was able to accomplish so much in the short time that he was here. He grew up in real adversity. He was really kind of a person—I wouldn't say rags to riches, but I would say someone who had a very hard life growing up and at a young age was very successful, went to Harvard undergraduate, Harvard Law School, became a successful attorney, and then became a member of the State Senate for many years and chairman of the State Senate Judiciary Committee before he was elected to Congress. But beyond that, he also had a great sense of humor. I think many of us know many times when we were on the floor and you would go up and ask him about something, and he would tell you a joke or make fun of something. That was another aspect of him that I could certainly never forget.

He decided at a young age that he was going to make a life in government. He could have done so many things, made a lot of money, but instead decided to devote his life to politics. My heart goes out to him. I want to remember him as an admirable example for so many of us.

REMEMBERING AND MOURNING JOHN ADLER

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

Mr. RUNYAN. Mr. Speaker, I rise this evening to express my sincere condolences to the family and friends of former Congressman John Adler. My deepest sympathies go out to those that knew him best and loved him most, his wife, Shelley, and their four sons—Jeffrey, Alex, Andrew, and Oliver.

Congressman Adler was a committed and compassionate public servant who fought tirelessly for the causes in which he believed. His legacy of public service includes elected office as a council member in Cherry Hill, New Jersey, his tenure in the New Jersey State Senate, and representing New Jersey's Third Congressional District here in the United States House of Representatives.

Mr. Speaker, words often fail to accurately reflect the true measure of one's life, but I hope that Shelley, their sons, and extended family and friends may take comfort in John's many accomplishments and knowing that his lifetime of public service has left a lasting legacy for which they can be most proud.

NOT VOTING—39

Alexander	Hinchev	Payne
Andrews	Holden	Poe (TX)
Baca	Jackson Lee	Ribble
Black	(TX)	Schmidt
Blackburn	Johnson (IL)	Scott, David
Bono Mack	Kind	Shuler
Brady (PA)	Landry	Slaughter
Engel	Lee (CA)	Sutton
Fattah	Lipinski	Tiberi
Frelinghuysen	Miller (NC)	Waters
Giffords	Moore	Yarmuth
Gohmert	Moran	Young (FL)
Grijalva	Nunnelee	
Gutierrez	Olver	

□ 1852

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACA. Mr. Speaker, on Monday, April 4, 2011, had I been here, I would have voted in support of H.R. 1246—To reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall vote 225.

Ms. JACKSON LEE of Texas. Mr. Speaker, I was detained in my congressional district, therefore I could not be present for the vote today on Monday, April 4, 2011. If I were present I would have voted "yea" for the following bill: H.R. 1246—To reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction.

Mrs. BLACK. Mr. Speaker, on rollcall No. 225 for final passage of H.R. 1246, I am not recorded. Had I been present, I would have voted "yea."

REMEMBERING AND MOURNING
JOHN ADLER

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

Mr. HOLT. Mr. Speaker, I, too, rise in shock and sympathy at the loss, the death of John Adler, and send my sympathy and condolences to Shelley and the family.

I won't recount his many accomplishments or paint a full picture of John Adler, a truly wonderful public servant. I hope there will be occasion for the testimonial and memorial here at another time. But I do want to express to his many friends and many admirers sympathy and condolences.

John Adler was dedicated to the service of the people of New Jersey. And you will hear again and again, if you didn't know John, about his wonderful cheerfulness and humor that he showed in good times and in bad.

A good friend to many of us, a friend to the people of New Jersey—a real loss.

□ 1900

PASSING OF JOHN ADLER

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

Mr. LANCE. I am shocked and saddened to learn of the passing of John Adler at age 51. John was a friend of mine for 20 years. We served together in the New Jersey State Senate for 7 years sitting next to each other, divided only by the center aisle.

When we arrived in Washington in 2009, John and I were the only freshmen Members of Congress from New Jersey. We worked together on many issues here and served together on the Financial Services Committee. I believe John Adler worked for the best interests of New Jersey and, more recently, for the entire Nation.

My wife, Heidi, and I are friends with the Adler family, including John's beloved wife, Shelley, and their four sons—Jeffrey, now at Harvard, Alexander at Cornell, Andrew, and Oliver.

Heidi and I extend our deepest sympathy to the Adler family. Today our hearts are broken and we are devastated.

REMEMBERING JOHN ADLER

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

Mr. ANDREWS. Mr. Speaker, for those of us who've known John for a long time and who have loved and cherished him, this is a very tragic and difficult occasion. I hope that Shelley and his boys know, in the depths of their grief, the breadth of love and respect for John that people feel tonight.

His loss is tragic beyond words, but we can, for a moment, celebrate a victory over tragedy tonight that one person in 51 brief years could touch the lives and achieve the achievements that John Adler did in his life. His life was far too short, but it was rich, it was filled with laughter and achievement, and those of us who have been touched by his friendship count ourselves richer for the benefit of that.

May God bless his family and rest his soul.

RECOGNIZING EXPLORAVISION REGIONAL FINALIST FROM OUR LADY OF LOURDES ACADEMY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the success of a local group of ninth grade students from my congressional district in south Florida, Our Lady of Lourdes Academy.

Guided by their teacher, Susan Fleming, these four young ladies—Gabriela Ballesteros, Christina Gutierrez, Lauren Lopez, and Diana Lopez—have been selected as regional winning finalist in the Toshiba/National Science Teachers Association ExploraVision competition.

This group of intelligent young ladies envisioned an innovative proposal for medical technology, a surgical procedure that would treat patients whose vocal cords have been paralyzed, allowing them to speak again. Their groundbreaking idea was selected from over 4,000 entries and over 13,000 students.

Innovative students like these four impressive girls will help lead our Nation into the future, and I wish them much success in the upcoming national judging phase.

LOCAL TAXPAYER RELIEF ACT OF 2011

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

Ms. HIRONO. Mr. Speaker, before I talk about the bipartisan Local Taxpayer Relief Act, to reauthorize Impact Aid, before I go to that, I, too, would like to add my condolences to the family of John Adler.

John and I used to do yoga and tai-chi together—he much more often than I—at 6:30 in the morning. I got to know him and to really admire him for the commitment that he had to be of service. And the times that I would miss our tai-chi sessions, he would say, “We missed you, Mazie.”

We miss you, John.

IMPACT AID

Most public school funding comes from local property taxes. However, in

areas with Federal property, Indian lands, or military bases, school districts cannot collect these needed revenues. Without relief, taxpayers in these federally impacted areas would need to pay more to support the same level of education as other districts.

The bipartisan bill that I am introducing today would make sure that these districts would have the kind of Federal support through Impact Aid that they need to ensure that all of our students, our children, have the kind of good education they deserve. Impact Aid supports over 12 million children in more than 1,300 school districts in every single State, D.C. and the U.S. territories.

I want to acknowledge the work of the National Association of Federally Impacted Schools, NAFIS, who worked tirelessly to bring this bill to the floor. The Impact Aid Coalition includes 105 Members of Congress.

I thank my principal cosponsor Congresswoman KRISTI NOEM of South Dakota for her partnership, and I urge all my colleagues to support the bill.

DEMOCRATS' PLAN TO SHUT DOWN THE FEDERAL GOVERNMENT

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

Mr. BROUN of Georgia. Mr. Speaker, I rise today for one reason—to expose the Democrats' carefully designed plan to shut down the Federal Government.

This Friday, the short-term continuing resolution expires, but the Democrats have yet to offer any real solutions for our budget mess. They just want to keep on spending, taxing, and borrowing. I believe they're dodging their responsibilities on purpose.

The Democratic leadership is trying to back us into a corner with only two ways out: keep spending money at their outrageous levels or shut down the government. We are in an economic emergency, and neither of these options will do anything for America's financial crisis. I believe they actually want to shut down the government for their own political purposes.

Mr. Speaker, I implore my Democrat colleagues to do what is right for America—to get serious about cutting spending before we find ourselves so deeply mired in debt that digging out becomes impossible.

THE CLEAN AIR ACT MUST BE KEPT ALIVE

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

Mr. INSLEE. Mr. Speaker, we will all breathe easier if we are able to reach a bipartisan consensus about this budget impasse that we now have. But we will

not all breathe easier if the Republicans succeed in essentially eliminating the ability of Uncle Sam to enforce the Clean Air Act.

Now, I know it seems pretty shocking, but the fact of the matter is, tonight, as these discussions are going on, the Republicans want to put a rider—one of these noxious viruses on a bill—a rider that would make it illegal for the Environmental Protection Agency to protect our children's health against asthma in enforcing the Clean Air Act.

Now, this is pretty amazing. It cannot stand. We are encouraged that the majority leader has said they will not allow these riders.

Let's get a compromise to deal with this deficit, not make it harder for our kids to breathe, not make it easier for asthma to ravage our kids, and let's preserve a bipartisan success in the Clean Air Act.

10TH ANNIVERSARY OF MICROSOFT IN FARGO, NORTH DAKOTA

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

Mr. BERG. Today I would like to recognize the 10th anniversary of Microsoft having invested in Fargo, North Dakota. Since coming to North Dakota, Microsoft has helped to create hundreds of jobs, and it's increased the economic opportunity in our State.

Ten years ago tomorrow, Microsoft acquired Great Plains Software in Fargo, a local homegrown company. At the time, Great Plains employed 800 people. Today, there are more than 1,500 people working in Fargo for Microsoft. And the Microsoft campus continues to grow. In fact today, there are more than 60 open positions at Microsoft looking for people.

This is what our country needs throughout all the States. I am pleased that companies like Microsoft have felt confident in investing in our State and our people.

Congratulations to Fargo Microsoft employees on your 10-year anniversary, and thank you for the positive work you've done for the Fargo community.

□ 1910

IN MEMORY OF FORMER REPRESENTATIVE JOHN ADLER

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

Mr. COHEN. Mr. Speaker, it is on days like this in the House when you lose a colleague, John Adler, who passed, served in the previous Congress, that you realize how many good men and women come and serve in this House of Representatives, and what an honor it is to serve with them and to

spend time with them while they are here on this Earth. It is also a reminder on how sometimes good people pass early, so we need to all enjoy each day the opportunity that God has given for us to live.

John Adler was a fine man, he served honorably in this Congress, and he cared about human beings. He was my friend, and I will miss him.

CELEBRATING THE PATTERSON FAMILY

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

Mr. TIPTON. Mr. Speaker, tonight I rise to celebrate an American family in Colorado. Steve and Angie Patterson, in Denver, Colorado, have three wonderful children, Caid, Marin, and tonight we pay special tribute to their son Jake, celebrating his 10th birthday. They will soon be the next generation of Americans leading this country, making choices. The choices that we make in this place will impact their lives and their future. They are counting on us to do the right thing.

Mr. Speaker, tonight I wish that they have a very happy celebration together for the family, and we wish them the best.

IN MEMORY OF FORMER REPRESENTATIVE JOHN ADLER

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

Mr. ROTHMAN of New Jersey. Mr. Speaker, I too am here to acknowledge the passing of a wonderful human being and my friend, John Adler. Congressman John Adler served in the House of Representatives representing a portion of our State of New Jersey. John was a hysterically funny guy, brilliant. He was a loving husband, a loving father to four outstanding young men.

He was a leader in the New Jersey State Senate, recognized for his intelligence and his contribution to the people of New Jersey. I am still in shock at his passing. He did not deserve to die young. He was such a good man. I want to convey my thoughts and prayers to his wonderful wife, Shelley, and to their four sons, Jeffrey, Alex, Andrew, and Oliver, on the passing of this great and good and wonderful man, John Adler.

HONORING JERRY SLOAN

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

Mr. SHIMKUS. Mr. Speaker, I want to congratulate a native southern Illinoisan and a living legend in the sport

of basketball, Mr. Jerry Sloan of McLeansboro, Illinois, who retired recently as head coach of the NBA's Utah Jazz. Jerry never forgot his humble roots. Throughout his playing and coaching career, he exhibited a hard-work ethic, a down-to-Earth demeanor, and an unassuming style.

Jerry ended what was the longest tenure with the same team of an active head coach in the four major sports leagues. He is third on the all-time NBA wins list with 1,221.

Jerry was an outstanding athlete at McLeansboro High School and played college basketball at the University of Evansville, leading the Purple Aces to consecutive Division II national championships. He was drafted into the NBA by the Baltimore Bullets and then went to the Chicago Bulls in the expansion draft. He played 10 years with the Bulls and has his No. 4 jersey retired by the team.

In 1979, Jerry was named head coach of the Bulls. He resigned in 1982 and joined the Jazz as an assistant coach in 1984. He became the Jazz head coach in 1988. Jerry led the Jazz to the NBA finals twice. He was inducted into the Naismith Basketball Hall of Fame in 2009. Jerry is a gracious, honest, tractor-loving guy. He will be missed in Utah, but those of us in southern Illinois will welcome the chance to see him more often.

IN MEMORY OF FORMER REPRESENTATIVE JOHN ADLER

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

Mr. WELCH. John Adler was in the class just after me, and I got to know him well because the freshman and sophomore classes went through learning how to serve in this Congress together. I also got to know him because we happened to have our lockers in the same section of the gym. And I am stunned, as we all are.

But what was so amazing to me, in my getting to know John Adler, was I learned about his Harvard education, the college and the law school. I had some assumptions about him that he had a much more prosperous early life than he did. He had to earn everything that he got. I also learned about the challenges that he faced. And what was clear to me, as it was to all of us who got to know him, is that he was a person who made a decision that whatever the challenge, he was going to face it with good humor, with optimism, with a sense of doing the work because it was worth doing in and of itself.

I also remember many times asking him about his weekend; and what he always responded with was something about his family. It wasn't about the speech he gave; it wasn't about the press release or a story in the paper on

TV. It was always, every single time, about his family. John Adler was a good friend. He will be missed. A wonderful, wonderful servant in Congress.

GOP DOCTORS CAUCUS

The SPEAKER pro tempore (Mr. GIBBS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Mr. Speaker, what we are going to do here for the next hour is talk about why we feel so strongly the need to repeal, and if not successful, to defund so many provisions of the Patient Protection and Affordable Care Act.

But, Mr. Speaker, before I get started in the subject at hand, I do want to join my colleagues, particularly my colleagues on the Democratic side of the aisle, in remembering our colleague John Adler. I didn't realize that John had been sick. I didn't realize that John had had surgery. I didn't realize until just moments ago that our colleague from New Jersey had died. As I sat here listening to the New Jersey delegation on both sides of the aisle talk about John, it helped me understand a little bit better about him.

All I know about John is that he was a great guy and a really, really nice Member of this body and someone that I respected. I got to know him, Mr. Speaker, in the House gym at 6 o'clock in the morning usually. He would be working out, and I would be working out—I am 15 years older than John was—and we just struck up a good friendship. I truly will miss him, as well as my other colleagues, as they express their sympathy to his wife and his four sons. But truly a great Member.

It reminds me too, Mr. Speaker, that as we do our work, as we do our work with 1-minute, and we do our work with 5-minute Special Orders, and now this leadership hour talking about a very important issue that our colleagues on the other side of the aisle for the most part, almost 100 percent of them feel very differently about this issue, we differ on a lot of things, and we will continue to do that. It has gone on forever.

But the point I would like to make, and I will conclude with this, is that there are 435 people in this House of Representatives. And sometimes we Republicans are in the majority and sometimes the Democrats are in the majority, and the worm turns, and nothing is forever.

But we have good, decent men and women serving here representing their districts and doing the work of the people. And God bless them. God bless each and every one of them. God bless a Member like John Adler, who died much too young, as my colleagues have said already.

But we want to always keep in mind that as we argue and debate and make points and feel very strongly about an issue, that doesn't mean we don't love one another. And we do. And I loved John Adler. He was a great Member of this body.

Mr. Speaker, again here we are, though, getting right back into the business at hand. And this is a hugely important week, a hugely important week as we try to come to some conclusion in regard to how much money we need to cut out of, not this fiscal year we are in right now, but the last fiscal year, which started—well, actually we are in the fiscal year, but it started on October 1 of 2010.

□ 1920

Here we are, what is it, the 4th of April, 2011, so half of the fiscal year has already expired and we have not funded the government except in this piecemeal fashion.

We didn't have a budget, we didn't have spending bills, and we put these little 2-week Band-Aids, 2, 3 weeks, a little bit of cutting, but from my perspective and from my side of the aisle and our leadership not nearly, nearly enough. And we are faced with this tremendous issue of trying to reach a compromise and an agreement to lower spending.

The American people certainly gave a mandate, I think, to 87 new Republicans and 9 new Democrats to come up here and quit all this spending. Let's not have \$1.5 trillion deficits year after year after year. That's how you get to \$14 trillion worth of debt, and that's what we are facing right now; and, indeed, in a month or so, we are going to be asked to even raise that debt ceiling statutorily to say, well, we will continue to borrow and kick the can down the road.

Obviously, Mr. Speaker, these are times that try men and women's souls, and we all feel very strongly about our position. But I know my leadership and Members on this side of the aisle, and I hope our Democrat colleagues, feel the same way. We hope and pray that we can do the people's work and cut this spending and get this country back on a sound fiscal footing so that as we go forward to the 2012 budget, which we will hear about tomorrow, that we will continue to work hard to finally balance this budget and get our country out of this significant debt.

Speaking of debt, Mr. Speaker, the reason I am here tonight, I represent the caucus on the Republican side of the aisle known as the House GOP Doctors Caucus. There are, I think, 21 of us now, doctors and nurses on this side of the aisle, with just years and years of clinical experience.

As an example, I spent 26 years practicing my specialty of obstetrics and gynecology. We have registered nurses that are part of the Doctors Caucus.

We have specialists, general surgeons, cardiothoracic surgeons, family practitioners, gastroenterologists. I could go on and on, but some of them, hopefully, will be with me during this hour, will join me in a few minutes to talk a little bit more about our concerns, their concerns, Mr. Speaker, with the Patient Protection and Affordable Care Act of 2010.

This was a bill, a law, that was finally passed and signed by President Obama on March 23, 2010, after about a year and a half of debating the issue in both this Chamber and in the Senate Chamber; and when it finally came down to the reality that there weren't enough votes on the Senate side, it was passed by something called reconciliation which, to this day, I don't think the American people understand. But, Mr. Speaker, I will tell you this, what they do understand is they don't like it, they didn't like the process, and they don't like the policy.

Now, I have heard the President say, and I have heard the Democratic leadership in the 111th Congress, when this bill was passed, talk about how Congress and particularly the Democratic Members have been trying to pass a comprehensive massive health care reform law for almost 100 years. They talked about Franklin Delano Roosevelt, and they talked about John Fitzgerald Kennedy and they talked about, of course, President Bill Clinton and saying, you know, we finally got there, we finally did it, we finally accomplished what we were trying to do for almost 100 years.

Well, they missed the point, Mr. Speaker, because the reason why that type of legislation was not passed in 100 years is because the American people back then didn't want it anymore than they do today; and some 62 percent still say, very loudly and very clearly, in poll after poll after poll, we don't want the Federal Government taking over health care, one-sixth of our economy, lock, stock and barrel. We don't want that.

We want improvement in our health care; and no matter how good something might be, there is always room for improvement and, clearly, our health care system is too expensive. We agree with that. I think Members on both sides of the aisle can reach that conclusion pretty clearly.

So there is agreement to try to do everything we can to continue to provide the best health care in the world. It's not true when people say our health care system is like that of a Third World country. Nothing could be further from the truth. We have the greatest health care system in the world, and some of the doctors in the House GOP caucus will be with me tonight to talk about that.

You know the old expression, don't throw the baby out with the bath water, I think that's what we have

tended to do here. We have enacted into law—on March 23 of last year, it's already had its 1-year anniversary a couple of weeks ago—we have done something that I think is not only opposed to what the American people want, you should never do that, but it's bad, it's bad medicine.

It's bad for consumers, it's bad for patients, it's certainly bad for corporate America. And it's absolutely bad for the taxpayer. It's a top-down sort of system where a bureaucracy comes between literally and figuratively a doctor and his or her patient. That's not a prescription for improving our health care system.

I have got a couple of posters here with me, and I wanted to reference these to my colleagues. In fact, I will have several more, but I am going to keep this one up on my far left, that one that shows the picture, I forget what his name is. Maybe one of my colleagues will remember.

Mr. BROUN of Georgia. Boss Hogg.

Mr. GINGREY of Georgia. Well, I remember Boss Hogg, but I was trying to remember what the actor's name is; I don't think he is still living. But I think most of my colleagues do remember Boss Hogg from that old series "The Dukes of Hazzard." It was one of my favorites, kind of like poking fun at ourselves, really; sort of like Archie Bunker and "All in the Family" and things like that that those of us who have been around awhile can look back on and laugh and get a chuckle out of it.

But Boss Hogg sort of represents the boss, the bureaucracy, if you will, of the government, Big Government, running health care. Under old Boss Hogg's picture, there he is with that cigar in his hand: you can have whatever you like as long as the boss approves it.

And that's really the way it has turned out, what we talked about in the House. I think it was H.R., House of Representatives, bill No. 3200. It was Senate bill 3590 or H.R. 3590, a shell bill that came over from the Senate and finally was passed into law and became known as the Patient Protection and Affordable Care Act.

But that law has so much bureaucracy, and I will get into some of the numbers on that in regard to all of the new folks in the government that would control health care, but all under this giant government takeover, and Boss Hogg sort of represents that to me as a way of communicating with the public.

But in any regard, before I continue with some of the statistics on the bill, I see that I am joined by my colleague from Georgia, a fellow physician and a member of the House GOP Doctors Caucus, who is a family practice physician from the Athens area where the great University of Georgia is located. Dr. PAUL BROUN is actually a doctor

who makes house calls, which is really unique and refreshing. He has been a welcome addition to not only our Georgia delegation but this body.

I yield to the gentleman from Athens and Augusta and my hometown, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY.

Dr. GINGREY, I have taken a history and physical of ObamaCare. I have looked at all the laboratory results, I have looked at all the X-ray results, and I have got a diagnosis:

ObamaCare is a destroyer. It's going to destroy jobs in America. In fact, already, it has destroyed jobs. I have got a lady in my district that right now today has eight people in her employment. She desperately wants to expand her business, she would like to hire at least one or two people for her small business, but she is not going to do it because of the onerous effect of ObamaCare on her business.

□ 1930

So it is destroying at least one or two jobs in that one lady's business. I have got another businessman in my district that wants to make a \$31 million expansion of his business. He has the cash in the bank. He doesn't even have to borrow it with all the regulations and all the problems that we are facing with the financial problems that the Dodd-Frank bill has placed on banks as well as small businesses. He wants to make a \$31 million expansion of his business. But he is not going to do it because of ObamaCare and because of the increased taxes and also the increased burden that this is going to place on him. That is killing hundreds of jobs just in two businesses within my district.

So it's going to destroy jobs.

But it's also going to destroy budgets. It expands Medicaid. In fact, the State of Georgia has a balanced budget amendment to our State constitution, and our general assembly is just going through the process of trying to balance its budget with a \$2 billion shortfall because of the downturn of the economy, the downturn of the economy that was created basically because of policy that was put in place by Democrats. BARNEY FRANK was a big part of that, too.

But ObamaCare expands Medicaid markedly. In fact, the State of Georgia is going to have to add at least about half again as many people to the Medicaid rolls in Georgia, and the State budget is going to have to pick that up, and it's going to destroy the State of Georgia's budget. It's going to destroy every State budget in this country. And it's going to destroy our budget. It's certainly not affordable.

In fact, we see this administration has already, I think it is 1,168 waivers that they've already given to unions and businesses and different entities

just because of the onerous financial effects it's going to cost all those people.

And it's going to destroy family budgets. I had a lady tell me about her 26-year-old son recently, that his insurance doubled from last year to this because of ObamaCare. He is paying for his insurance himself. He's self-employed. And he can't afford it.

So it's going to destroy budgets. It's going to destroy family budgets, it's going to destroy State budgets, and it's going to destroy the Federal budget. Not only is it going to destroy jobs and destroy budgets, but it's also going to destroy the quality of health care. In fact, Dr. GINGREY, we were told, and I'm sure you're going to bring this up, the American people were told by the President, if you like your insurance you can keep it. Nothing could be further from the truth. The American people need to understand it. The American people need to understand ObamaCare was designed to force everybody out of their private insurance into a single-payer, socialized health care system that the President himself said that he wanted just before ObamaCare was passed into law.

So my diagnosis is that it's a destroyer. It's going to destroy jobs, it's going to destroy budgets, and it's going to destroy the quality of health care. And also we need to have a plan of action. So I made the assessment, so we need to have a plan of action, and our plan of action, Dr. GINGREY, is—and the American people need to understand this—it's absolutely critical that we repeal ObamaCare and replace that law with something that makes sense, that truly lowers the cost of health care.

There have been numerous Republican bills introduced here in this Congress, in the last Congress, that would lower the cost of health care. I introduced two that would repeal ObamaCare and would replace it with something else. One is a comprehensive bill. I call it the Patient Option Act. It's 106 pages, not almost 3,000. And then I introduced another act that Democrat after Democrat colleagues told me, PAUL, this makes sense, more so than ObamaCare. It's a good first step. The American people want us to do it in a step-by-step process. It would allow purchases for individuals and businesses across State lines. It would allow anybody in this country to buy insurance through an association. They would have multiple insurance products at a much lower cost. It would stimulate the States to set up high-risk pools. Several States have already done that. Mississippi, I talked to Governor Haley Barbour about his plan. Their high-risk pool that they have in Mississippi has been very successful. Colorado has done the same thing I understand.

And the fourth thing that it would do is it would allow everybody to deduct

100 percent of their health care costs off their income taxes. That would change the dynamics of health care. So, Dr. GINGREY, I have done that physical examination and history, history and physical, my subjective, objective assessment, and the plan. The plan is, we must, absolutely must, repeal ObamaCare and replace it with something else, a market-based system that literally lowers the cost of health care and keeps all decisions in the doctor-patient relationship.

ObamaCare does none of those. It's not affordable for the government nor individuals nor businesses. It's certainly not going to preserve the quality of care, because it is a destroyer. So I have made that diagnosis, Dr. GINGREY, and I would yield back to you for our further discussion.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for his contribution and for being with us this evening. I realize there are conflicting things going on on Capitol Hill this evening, very important things. But I really appreciate Dr. BROWN being with us.

We have also been joined by another member of the Doctors Caucus, that is our good friend and new Member, freshman Member from the great, great State of New York, where my daughter and son-in-law reside. ANN MARIE BUERKLE is a registered nurse, Mr. Speaker, by profession and certainly knows of what she speaks in regard to health care, representing the Angels of Mercy, if you will.

She is concerned, Mr. Speaker, about the health insurance industry and the complexity of such, and maybe even wants to discuss some ways that we could change and improve, certainly improvement is called for, and it doesn't have to be within a 2,400-page bill, as Dr. BROWN was mentioning ObamaCare entails.

So at this time, I'm proud to yield to Representative ANN MARIE BUERKLE.

□ 1940

Ms. BUERKLE. Mr. Speaker, it is good to be here. I thank the distinguished gentleman, my colleague from Georgia. I am very honored to be here to speak about health care in the United States of America.

As was said, I am a registered nurse. I have been a registered nurse since 1972, a time in our Nation's health history where the physician and the patient had a relationship, and the government had not injected itself into that relationship. And then after awhile, I went into law. And for the last 13 years, Mr. Speaker, I have been a health care attorney for a large teaching hospital in upstate New York, for the last 13 years.

What we did in that hospital and in my role as an assistant attorney general, we looked at money, money that was owed to the State of New York. So

I had a very up close and personal look at the complexity of health care in our country today.

I contend that this bill, this piece of legislation that does anything but reform health care, will only increase the complexity of health care in this country. It will only make it more complicated. It will once again put the government right in the middle of the patient-physician relationship. I contend that is not what the United States of America is about. We need to let the free market play here in our health care system.

I have spoken in my district to many, many people. I have done all kinds of talks, but there is nothing more up close and personal and of great concern to me than the health care system in our country. It is an issue that affects every American in one way, shape or form. This health care bill does not improve the health care system in this country.

I came to Washington with a wide range of goals as a freshman, as my colleague has mentioned, but nothing more important to me than repealing this health care bill; this 2,000-plus-page bill that does anything but reform health care. It adds to the complexity of an already complex system. It puts the government in places where it shouldn't be, and it doesn't protect that patient-physician relationship.

Last week when I was in the district, I had my very first health care advisory council meeting. I spoke with a group of physicians, a group of health care providers, hospital administrators, and we had a conversation. I said to them: What are your concerns as health care providers? You are on the front line. What can we do down in Washington on health care to make the delivery system better and more affordable?

They looked at me, and interestingly enough, all of the people on the front lines came up with different solutions because, as you can imagine, doctors and health care providers are good at diagnosing. The question is now about the solution. What are we going to do for health care in this country?

We are here tonight to say this bill is the wrong bill for this country, but we are not willing to leave it go at that. We understand that true health care reform will include medical malpractice reform. We need tort reform in this country. We need to increase the use of health savings accounts. We need to make insurance portable so when a person loses their job, they don't necessarily lose their health care coverage. We need to allow for the purchase of health care across State lines. We need to put the patient back in the center of health care. And I contend that this health care bill does not do that.

So as we sat around, I said to my group of health care advisors, I said to

them, What is it that concerns you most regarding health care in this country? The first thing was our health care, this health care bill that was just passed. And when you get into why does it concern you, because it adds so many layers of bureaucracy and regulations to an already laden bureaucracy, already an industry and system that is laden with regulations. If you talk to a hospital or a physician, the regulations and the impediments they have to access that patient for health care are incredible.

So the concern with this bill is it adds so many more layers. It takes this health care bill, and one of the biggest problems with this health care bill is that it takes a piece of legislation and it hands it off to the regulators. Then, with the regulators, they are left to interpret and to deal with and come up with regulations that affect our health care providers.

Beyond that, they recognize the need for tort reform. We need medical malpractice liability reform. If we are going to talk about reducing the cost of health care, we must consider that. And then they talked about the increased regulations on the health care profession.

What we all agreed upon in that meeting was that the health care in this country, it is a good health care system. We have good health care. The quality of health care is not the issue. The issue is the system of health care. And this bill that was passed in 2010 does nothing to make that health care system better. It only complicates it. It only ladens it with more regulations and once again puts the government back in between the physician and the patient relationship.

I thank my colleague who has an esteemed history of being a medical provider in the health care industry. He understands these issues. He understands what good health care is and what a good health care system would look like. And so I commend him and thank him for this opportunity to speak.

I think what we need to do in Washington is to repeal this health care bill. We need to put our heads together collectively and talk to the professionals, talk to the health care providers, talk to the patients, and get together and come up with a systemic plan that will reduce the cost of health care, help to improve access to health care, and not affect the quality of the wonderful health care that the United States of America offers.

In my years in the attorney general's office representing a large teaching hospital, I know how many people wanted to come to this country for health care—I know people from Canada and from Europe—because they knew they had access to good, quality care. They knew they wouldn't have a 6- or 9-month wait. I think with this

system, if we allow it to go on, this health care bill, we will see those 6- and 9-month waits while patients are waiting for the government to make a decision about their health care access.

So we need to repeal this bill. We need to enact true health care reform so we can improve access, we can reduce the cost of health care, and we can maintain the fine quality of health care in this system.

I thank my colleague.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlewoman from New York for sharing her thoughts. Certainly, I agree completely with her. She clearly knows of what she speaks.

This law, it is no longer a bill, it is now the law. Patient Protection Affordable Care Act, it has been the law for a little more than a year, as I said earlier. Of course, the Congressional Budget Office that estimates the cost of laws that we put into effect, they give us an estimate when it is in the bill form so Members can decide whether or not what we are about to do is something that is affordable. And the estimate of this law costing \$900 billion, Mr. Speaker, the true cost over the next 20 years is probably in the neighborhood of \$3 trillion, not \$900 billion.

But I do want to just talk about that number and remind my colleagues about the pay-for provision that the Democratic Party, the former majority party in the 111th Congress, had in place at the time this bill was passed. Everything had to be paid for, so you had to figure out a way to come up with the money.

In passing this bill and paying for it, Mr. Speaker, some \$570 billion was taken out of the current Medicare program. The Medicare program, which serves something like 47 million of our seniors, 5 or 6 million of them are younger people who are on disability that are covered under Medicare. And we literally, to help pay for this new entitlement, this new entitlement which has very little to do with Medicare except that half of the money, half of the pay-for in this \$900 billion was taken from a program, Medicare, servicing our disabled and our elderly, providing them health care, half of the money was taken out of that system. The actuaries and the Medicare trustees tell us that over the next 75 years, the unfunded liability, Mr. Speaker, of Medicare is something like \$35 trillion, with a "t," \$35 trillion. And yet we took the money by cutting Medicare Advantage something like \$120 billion. We cut money out of hospice. We cut money out of long-term care, skilled nursing homes.

□ 1950

We cut money out of home health care. We taxed everything that even looked like it had anything to do with health care: durable medical equip-

ment, supplying oxygen for people who were and are continuing to struggle from chronic obstructive pulmonary disease. "Emphysema" is a term we use a lot, and I think most people would recognize that.

Finally, we came up and said, okay, we've paid for this; but at the same time, Mr. Speaker, we did absolutely nothing in regard to medical liability reform, something that probably if we enacted it—and if there were something in this bill, ObamaCare, as the President did promise that there would be—could save \$200 billion a year, according to the RAND Corporation and other think tanks, from the overall cost of health care, which is one-sixth of our entire economy, of our gross domestic product in a year. That's how big this industry is. So there is essentially nothing in the bill about medical liability reform.

Why do I say that, Mr. Speaker?

My colleagues, I think you understand that it's not about the high insurance premiums that doctors have to pay on an annual basis so that they can practice and be protected from liability if something goes wrong. Obviously, they need that protection and those health insurance premiums for the high-risk specialties like the one that I enjoyed for 26 years, OB/GYN, and neurosurgery.

Mr. Speaker, think about that doctor at the Tucson Medical Center who was there in that emergency room when our colleague, Representative GABRIELLE GIFFORDS, was taken there literally near death. I think Dr. Rhee was his name, R-H-E-E. In fact, Dr. Rhee, I learned later, was a graduate of the great school that I went to, Georgia Tech, the Georgia Institute of Technology. Dr. Rhee spent his career in the military after completing medical school. He served his country for something like 22, 23 years, and he happened to be in that emergency room as head of the trauma center and had had all that specialty training and all those years of treating our wounded warriors in many conflicts—I'm sure in Afghanistan and Iraq.

If he had not been there for our colleague GABRIELLE GIFFORDS—God bless her—we would be talking about her today as we were talking earlier about John Adler, our former colleague from the great State of New Jersey who died today. But that doctor was there. He was there.

I fear, as I talk about this new health care law, there is hardly any provision in there that would provide for doctors, even for primary care physicians. There is some attempt, but when you take all the additional Medicaid-eligible patients, increasing the minimum eligibility at 138 percent of the Federal poverty level, you add just millions of additional patients to be seen and literally hundreds of billions of dollars of additional cost onto the backs of our

States that have to have balanced budgets, unlike here in the Federal Government where we just keep borrowing money and where we're now up to \$14 trillion worth of debt.

So we have a huge problem in regard to this law that the CBO says costs \$900 billion over 10 years. I say—and this poster points it out—the true cost, which is the last bullet point with the red dot, is \$2.2 trillion and counting; but as Ms. PELOSI said—and I quote her in the third bullet point here—"we have to pass the bill to find out what's in it." That was before the bill passed. Clearly, we are finding out now, unfortunately, what the true cost is.

Mr. Speaker, I want to yield additional time to my colleague from New York.

Ms. BUERKLE. Thank you.

Mr. Speaker, my colleague just brought up the cost of this health care bill. I think it's interesting to talk about and insert what I have heard from the health care community throughout the course of this discussion.

For many hospitals which have a high level of indigent patients, there is what is called a disproportionate share of money that is paid to those hospitals to help them offset the cost of treating folks who are on Medicaid and who are not able to afford their own health care coverage. This health care bill removes the disproportionate share. It phases out that payment to hospitals so that they can afford to treat indigent patients who cannot afford health care. I think that's a very significant piece of this bill—of this law—that was not discussed nor how it will impact and how it will hurt hospitals.

I think, beyond that, we need to talk about seniors and the choices that this health care bill takes away from seniors—again, that wasn't discussed—which are the Medicare Advantage programs and all of the disadvantages that this bill will cause to seniors. We need to keep our health care system intact so those who need the system, such as the seniors, have access to good health care and so their coverage is not hurt. This bill does hurt the senior coverage.

Mr. GINGREY of Georgia. Mr. Speaker, the gentlewoman is absolutely right.

As I pointed out in that \$500 billion-plus cut-out of the Medicare program to help pay for this new entitlement of the Patient Protection and Affordable Care Act, \$120 billion of the \$500 billion-plus was taken from the Medicare Advantage program. The Medicare Advantage program enrolls about 20 to 25 percent of our Medicare beneficiaries.

Why so many?

We are talking about, maybe, 11 million or 12 million who sign up and decide that, rather than the traditional fee-for-service and just pick a doctor out of the Yellow Pages who accepts

Medicare, it's more like a health maintenance organization that emphasizes wellness, that emphasizes prevention, tests that are not typically covered under traditional fee-for-service Medicare, like colon cancer screening, breast cancer screening, mammograms for women, especially between the ages of 40 and 60, prostate cancer screening for men, annual physical examinations, follow-ups from a nurse practitioner within the doctor's office, maybe even on a monthly basis to make sure that the senior is taking the medication that was prescribed by the primary care doctor.

All of these things are included with Medicare Advantage. That's why it's called Medicare Advantage. It is an advantage with very little additional cost. In fact, people who are under those programs typically don't have to buy supplemental insurance to cover co-pays and deductibles and hospital care after they've exhausted their benefits. So that's why so many choose that.

Yet what we have done is we've stripped—we've gutted—that program so badly that, of those 12 million, it's estimated 7 million of them will lose that coverage under Medicare Advantage. They'll have to get it under the traditional Medicare, and they'll have to pay \$130 a month extra for that supplemental whether they get it through a plan that's endorsed by the American Association of Retired Persons or through some health insurance company, but the average cost is going to be an additional \$130 a month for those folks.

□ 2000

So as we talk about the cost, I do want to shift, Mr. Speaker, to the cost to employers. In this next slide, where the title says, "ObamaCare Hurts Workers, Increases Costs," the majority of employers anticipate health care reform will increase health costs. And most say they plan to pass the increases on to their employees—88 percent plan to do that—or reduce health benefits and programs, 74 percent.

This idea of setting up these exchanges throughout the 50 States and territories and that only 6 million people who have employer-provided health insurance can keep it, they won't need to be on the exchanges, Mr. Speaker, that is absolute poppycock. It's probably going to end up being about 130 million people who get their health care provided today by their employer will end up in those exchanges. And that's why I say this cost that was estimated by the CBO of \$900 billion will be in the trillions, because when all of these people morph out of the employer-provided health care onto these exchanges, think how many of them will be eligible for a Federal subsidy to help them pay for that insurance. Because the law says, the so-called "Af-

fordable Care Act," that anybody with an income of less than 400 percent—not 100 percent, not 200 percent, not 300—400 percent of the Federal poverty level—which is getting close to \$90,000 for a family of four—I think of my four children and their families of two and three and four, and I know what their incomes are—the Federal Government will be subsidizing so many people that the cost, the true cost will be astronomical, and it is something that we cannot afford. That's why our representative from New York and our other representative from Georgia spoke earlier about we can't do this, we can't afford to do this. We need to repeal this law. It is a bad law.

I've said before, Mr. Speaker, that in my humble opinion I think it's the worst law that has ever been passed in this Congress. There have been some folks on the other side of the aisle—well, not on the other side of the aisle, but the more liberal media who took me to task for saying that, but I truly believe it. I truly believe it's one of the worst laws that was ever passed. And we have made every effort to repeal it.

One of the first things we did in the 112th Congress was pass H.R. 2 to repeal ObamaCare. We sent it over to the Senate, and the Senate—which is controlled by the Democratic majority and led by the Senator from Nevada, HARRY REID—just simply, I guess, put that in file 13, and H.R. 2 is sort of dead in the water over on the Senate side.

So what we are doing now, it is our obligation because of what the American people have told us: Over 60 percent of them a year after passage of the bill, despite the fact that Ms. PELOSI said, once we pass it and you find out what's in it, you'll like it. No, they don't. They don't like it. They don't like it one darn bit better, and they wanted us to repeal. We made every effort at repeal.

And now we're into Plan B, Mr. Speaker. Plan B, of course, is to try to defund especially the parts of the bill that are on automatic pilot, that we have no control over. And when I say "we," I don't mean the new Republican majority in the House of Representatives; I mean every Member of Congress—100 Senators, 435 Members of the House, both sides of the aisle. For goodness sakes, we ought to have control over the spending.

This is not a poster. I don't have a poster on this one. But tomorrow, in the Energy and Commerce Committee, Mr. Speaker, the committee on which I am proud to serve, along with several of our other House GOP doctor members, we are going to have a markup on several bills to change this automatic pilot spending under ObamaCare and put it into the more typical discretionary spending where Members of Congress can say, do we want to spend that money? And if we do want to spend the money, how much do we

want to spend? And that we have oversight and we can make sure every year that we look at the program, and if it's not working then defund it.

And these bills—and I'll just mention them real quickly—H.R. 1217, a bill to repeal the prevention and public health fund, \$17.5 billion that the Secretary of Health and Human Services has control over, a fund of money that she can spend in any way she wants to. You think back to the ads that we saw with Andy Griffith as the pitchman on television last year about the great value of this new law and how it's going to strengthen and improve Medicare. How you do that by cutting \$500 billion out of a program is beyond me. But that money, that \$17.5 billion in this prevention and public health fund, can be spent indiscriminately by a decision made by whoever the Secretary of Health and Human Services might be. H.R. 1216, H.R. 1215, H.R. 1214 and H.R. 1213, in the aggregate, this is over \$18 billion worth of spending that we Members of Congress have no control over. We're going to get control over it, though, and we're going to defund anywhere we feel that it is wasted, duplicative spending that the American people can ill afford.

I want to go ahead and point out a few other things that are on the slides, Mr. Speaker. I mentioned, of course, the \$575 billion in cuts from the Medicare program. I mentioned the 7.4 million people who will lose that coverage under Medicare Advantage because of that \$126 billion pay-for. I didn't mention, though, on this slide the third bullet point.

Many physicians may stop taking Medicare patients because reimbursements will be below the cost of providing the care. Now, is that Representative PHIL GINGREY from the 11th of Georgia, is that a statement that I've made? Well, maybe I have made it. But I'm quoting the Actuary of Medicare, Richard Foster, who we had last week as a witness before the Energy and Commerce Committee talking about some of these things. This bears repeating, Mr. Speaker; "Many physicians may stop taking Medicare patients because reimbursements will be below the cost of providing the care" Richard Foster, Committee on Medicare and Medicaid Services, Chief Actuary.

Today, doctors are reimbursed under the Medicare program by a formula, an arcane, very difficult—you talk about calculus being difficult; understanding the sustainable growth rate formula to determine how doctors are reimbursed for providing their service, whether it's their brain power or their surgical skills, is beyond anybody's comprehension. And every year, for the last 6 or 7 years, when you apply that formula to the next year's reimbursement level, there is a cut from the last year's reimbursement—2 percent, 3 percent, 4 percent—to the point now, Mr. Speaker,

what we have done, of course, we here in the Congress have mitigated those cuts and said we're not going to enact those cuts because these doctors will not be able to provide the care, just as Mr. Foster, the Actuary, said. And if we don't put a bandaid on these cuts and mitigate them, then the doctors will just drop out of the program. And I don't care how much you expand access and hand out more insurance cards, if there are no doctors there to see you, you're not going to have care. You do not have decent care—you don't have any care.

□ 2010

So in this bill, in this new law, not only is that formula still there, and the doctors are facing a 31-percent cut in their reimbursement if we don't mitigate it once again come December 31 of this year, not only is that on their backs, but in ObamaCare, there's this new provision called IPAB, this new bureaucracy—Independent Payment Advisory Board—that's going to actually cut the doctors even more. The Actuary is right: We're not going to have doctors providing the care.

And that's because we've taken money out of this program and put it into an entirely new entitlement program for the most part for young people. Some entitlement, when you force them to buy health insurance in many instances when they don't need it and they don't want it.

Mr. Speaker, I see we've been joined by the cochairman, along with myself, the cochairman of the House GOP Doctors Caucus, my classmate from the 108th Congress, the Member from Pennsylvania, my friend and colleague, Dr. TIM MURPHY.

I yield to the gentleman from Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank you for yielding, Dr. GINGREY.

You know, all of us in the Doctors Caucus are people who have treated patients, and we know full well the value of quality health care. We also know what happens when bureaucracy gets between the patient and the doctor, and you find yourself spending as much time worried about paperwork and forms and what the government is going to do than sometimes your dealing with your patient. That's not good health care. And that certainly isn't good health care reform.

All of us who are health care professionals know that the treatment should not be more harmful than the illness itself. And what happens with the health care bill that was passed, when you look at some of the parts of this and realize what it does to the patient, to taxes, to employers, to hospitals, to community health centers, to the cost of drugs, you have to conclude that we did not fix the problem; we financed the problem and it is growing and growing. And that's not the right direction.

Let me give you a couple of examples.

This bill, this act, actually creates about 1,900-plus new duties and responsibilities for the Secretary of Health. It has a hundred or more boards, panels, and commissions of people that we don't yet know who they are to write regulations that we don't yet know what they are.

We also know that despite the words about the goal, the actual means to get there and what happens isn't what is purported to be doing.

Let's look at, for example, we keep hearing about 35 million Americans will be covered. And yet, we also hear from various consulting firms that it won't be 9 million Americans that will lose their health insurance, it may be tens of millions of people who will lose their private insurance. So covering 35 million but perhaps the same or double that losing their insurance doesn't get us to where we need to be.

We also heard that health care costs were going to go down. I had someone from HHS from Philadelphia come to my office and they told me with a smile that wasn't it great that health care costs were only going up 2 or 3 percent. I asked this person if they bothered to talk to some of the employers in the State of Pennsylvania, because a lot of them told me their health care costs are going up 20 and 30 and 40 percent. I asked if they'd talked to some of the families whose children were covered on plans before that exclusively cover children to find out that those plans were not going to cover children any more because of the way the government decided to design those.

Our goal should be to treat. Our goal should be to help. Our goal should not be to stop at just rhetoric and say, "We have good intentions, and therefore we have good outcomes." But good intentions don't make good outcomes.

Where we could be spending money is on some real reforms. One of the issues that we've been united on has been to help community health centers. One community health center in Pittsburgh that I visited with, the Squirrel Hill Health Center, treats about 700,000 individuals through more than 2.3 million visits annually. These community health centers in Pennsylvania, there are 45 in 67 counties—60 percent urban and 40 percent rural. Their patient base is 68 percent Medicaid, uninsured, and 93 percent of patients of incomes at or below the 200 percent of the Federal poverty level.

What is interesting is how much lower in costs those clinics throughout Pennsylvania, quite frankly throughout the Nation, could provide high-quality health care.

But what we've created is a couple of burdens. I found it interesting as part of the health care bill that one of the things we passed was an amendment

that Congressman GENE GREEN, a Democrat from Texas, and I had authored to allow doctors to volunteer at community health centers. If Dr. GINGREY wanted to go to a community health center and volunteer, and if I wanted to and any of the other ones, we couldn't do it. And the reason being that those community health centers say, "We can't afford to have you volunteer." Because in order to volunteer, they'd have to pay the medical malpractice costs instead of having them in the Federal Torts Claims Act—employees of those clinics can do that—and that adds to their costs. In the meantime, those clinics are short 10, 15, 20 percent of what they need in providers.

They are a tried and true method of bringing people together, people from a wide range of disciplines: OBGYNs, family practitioners, dentists, podiatrists, social workers, psychologists, to work. That's one of the many things we could be doing. But along those lines, there are a great many things that we can be doing.

Mr. GINGREY of Georgia. I want to thank you, Dr. MURPHY, and I appreciate you coming.

Mr. Speaker, I thank you for the time. I know our time is up.

I just refer to our last poster in conclusion: Repeal and Replace ObamaCare.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

I just wanted to start off by saying in response to some of what I've just listened to—and I'm not going to take it point by point. I just want to point out that what we passed last year is not ObamaCare. To the people of this country it is your care. And if you allow it to be repealed, defunded, or picked apart piece-by-piece, President Obama will still have his health care insurance and so will many of the people who are trying to take away yours, your care.

Just remember that the Patient Protection and Affordable Care Act was not to provide care for us. It was to provide care and access to quality, affordable health care for you. It is not ObamaCare. It's your care.

At this time I'd like to yield to my colleague from Maryland, Congresswoman DONNA EDWARDS.

Ms. EDWARDS. I would like to thank Congresswoman CHRISTENSEN for the time.

And just a reminder that today, April 4, is a sad remembrance in some ways of the assassination of Dr. Martin Luther King, Jr. in Memphis, Tennessee,

some 43 years ago. It is such an irony that we're here this evening at this time because there are so many things for which Dr. King fought and struggled that are ever-present today both in our policy and our politics and in our national culture and through our social fabric.

During this year also we commemorate the 40th anniversary of the Congressional Black Caucus. It's important for us to remember that the Congressional Black Caucus was founded to tackle the injustices that Dr. King pointed to and to promote equity in the United States and with and through our United States political process.

Dr. King dedicated his life to the then-uncomfortable conversations on injustice faced by African Americans across the country. Dr. King knew that tackling discrimination in the United States could not only focus on knocking down social barriers but also economic barriers that held African American workers, held low-wage workers from economic wealth to sustain their families.

I want to thank Dr. CHRISTENSEN and so many of my other colleagues who've joined me in the introduction of House Resolution 198, recognizing the coordinated struggle of workers during the 1968 Memphis sanitation workers strike to voice their grievances and reach a collective agreement for rights in the workplace. What an irony here in 2011 that the battles for which Dr. King fought so valiantly are today's battles.

□ 2020

House Resolution 198 has among it, today, 55 cosponsors. We recognize that we may not be able to move this measure to the floor, but it is an important remembrance, commemoration of the struggle of those sanitation workers, those city workers, those municipal workers as they tried to organize.

As Dr. King knew, organized labor is a cornerstone of our democracy, and the organizations of organized labor have altered many facets of our Nation. They've changed our Nation for the better. Organized workers will forever change the labor debate in Memphis through their collective will. That's what happened in Memphis on those days 43 years ago.

Just 2 weeks ago, we recognized the 100-year anniversary of the deadly Triangle Shirtwaist Factory fire, which ushered in improved safety standards for workers. And decades later, the deaths of two sanitation workers in Memphis resulted in a movement to grant workers in Memphis, Tennessee, the basic rights in a workplace. Dr. King believed that the struggle in Memphis for workers' rights was akin to the civil rights movement. It was a partner to the civil rights movement.

The motto of the sanitation workers strike was, "I am a man," signifying

the demeaning way in which African American men had been treated and referred to as boys. "I am a man." What powerful words urging the city to grant them the full rights to equality and justice guaranteed under the principles of our Nation. Dr. King stood in solidarity with the strikers in the fight for justice and the basic human rights for all men and women in the workplace and in society.

Indeed, there are many of us in this Congress who stand in solidarity with the strikers and workers across this country, municipal workers, private sector workers, public sector workers who are fighting every day for justice in their workplaces. Indeed, 43 years ago is the struggle of today. And thanks very much to the legacy of those strikers in Memphis and to Dr. King, we actually live in a Nation where workers all over the United States can indeed demand justice and fair working conditions.

These basic rights allow men and women to pursue economic wealth and pursue the American Dream. But in recent days, we face a virtual assault on basic workers' rights, things that we have known for generations in this country. And even though those events are unfolding in Wisconsin, the outcome of whether the unions have the right to collective bargaining in that State will affect union members across this country. Indeed, that was the fight and the struggle for justice of sanitation workers.

I want to refer to Dr. King's speech in Memphis at a rally on behalf of sanitation workers. He said, "We've got to give ourselves to this struggle until the end. Nothing would be more tragic than to stop at this point in Memphis. We've got to see it through."

We face the same challenge today. We have to push through in States like Wisconsin and Indiana and Ohio and across this country to help public employees and, indeed, all employees fight against the injustices that they face in their workplace.

In Dr. King's last speech, he highlighted the perils at which he sought equality and justice for all men and women. In his words, I quote, "I may not get there with you, but I want you to know tonight that we as a people will get to the promised land." And for workers, what is that promised land? It is the promised land of a workplace that is safe. It is the promised land in which one makes wages that allow one to take care of one's family and contribute to the community. It is a workplace that actually respects workers as partners in the success of a company and a workplace.

Dr. King at this time, when he addressed workers in Memphis, had already faced threats against his life, including a stab wound that he had suffered at a book signing in New York. In his speech, Dr. King recalled the doc-

tors saying that had he sneezed following the attack he would have died, but noted he was glad that he did not or else he would have missed the progress in the civil rights movement.

Today is a day of remembrance for so many of us. On the point of injustice, Dr. King said so poignantly the issue is injustice. The issue is the refusal of Memphis to be fair and honest in its dealings with its public servants, who happened to be sanitation workers. Now we have got to keep attention on that. And just as he reminded us 43 years ago, we have to keep the attention on our workers, who struggle every day.

Dr. King was determined to be in Memphis with those workers. And let's think about where we are here 43 years from that fated day in April. Our country is moving out of recession. We continue to stand with workers and stand with job creation, some of us do, to reverse the effects of the recession on our most vulnerable communities, and to empower all Americans, empower workers.

The unemployment rate among the African American population remains far too high, at 16.6 percent in March of this year. Now, the overall unemployment rate has fallen. We are grateful for that. But I think were Dr. King alive today, he would probably acknowledge the struggle of those who are working and those who want to work, the many who are chronically unemployed in their communities across this country.

The unemployment rate among African American men was 20.2 percent in March of this year, just last month. The unemployment rate among African American women was 11.7 percent in March. Put these numbers up against national numbers of unemployment of 8.8 percent. While those numbers again, thanks to the brilliant efforts of the President of the United States, of the Democrats in Congress during the 111th Congress, who actually brought us to a point where we put in some policies that could bring down the unemployment rate, those numbers are still troubling among minority groups.

But I will say, Mr. Speaker, that one of the challenges that we have is that in this country, where workers struggle every day, we look at stagnant wages that have really crippled the American workforce, the public sector workforce, the private sector workforce in this country, that we still have a lot to do when it comes to creating jobs. And yet here we are again this week—I don't know what day we are on—89 days not having created any jobs to address those very concerns that Dr. King had just 43 years ago.

Just a reminder to us all that according to Dr. King, he said so profoundly about the American labor movement, and I quote again Dr. King, and I wish that I could do it with his eloquence,

but I think it is important for us to be reminded of his words. “The labor movement was the principal force that transformed misery and despair into hope and progress. Out of its bold struggles, economic and social reform gave birth to unemployment insurance, old age pensions, government relief for the destitute, and above all, new wage levels that meant not mere survival, but a tolerable life.” He continued, “The captains of industry did not lead this transformation; they resisted it until they were overcome. When in the thirties the wave of union organization crested over our Nation, it carried to secure shores not only itself but the whole society.”

Dr. King recognized so profoundly the connection between the struggle of workers, the struggle of the sanitation workers in Memphis to the struggles of the American labor movement, and, in fact, to its foundation.

With that, I recognize that my colleague from New York, PAUL TONKO, has joined us on the floor. Perhaps he would care to join in this discussion.

Mr. TONKO. Thank you, Representative EDWARDS, for bringing us together this evening on what I think is a very timely discussion.

You know, it seems as though 43-year-old history resonates profoundly today. The same battles for which Martin Luther King had fought, the eloquence with which he raised America’s consciousness is needed today, not only in the halls of government but across America, to understand that there is an attack, I believe, on workers.

□ 2030

There is a diminution of the impact of our middle class, our working families in this country, when we look at the fact that the top 10 percent of Americans now own or earn around 50 percent of our national income.

We look at stats from 1950 that has the executive salaries somewhere in a 30-to-1 ratio compared to the American worker. By the year 2000, that had changed drastically to some 300-to-1 to 500-to-1. So it’s obvious that the gap between those who are drawing large paychecks and the workers, the masses that make things work, that have the need to have purchasing power so as to enable our economy to function and function well, have been threatened. They have been at risk.

And I think the whole moral fabric that Martin Luther King embraced, the entire mission to raise America’s people as one by providing for the dignity of the American workers, was a tremendously strong statement in defense of all people, not just people of color, people of every demographic, people of every racial persuasion that could provide for a stronger America. It was that vision that he had and he shared it so eloquently, and his climb to the mountaintop was bringing all of America’s children and people along.

He knew that the empowerment of the individual meant the empowerment of the society. As we weave the strands of diversity into the fabric of America, our mosaic growing stronger and brighter and more vibrant enables us to be a Nation that really, truly is unique if we could just empower the American worker.

I see the raid now on this middle class in these Chambers, in the congressional Chambers, both the House and the Senate being so focused on a dismantling of the power of the working families, of the true middle class of our society. That is a wrong move. That is one that will devastate our economy and one that is not utilizing, embracing the intellectual capacity of this great Nation.

Cuts to our children through Head Start or in classroom experience is the worst cut of any because it’s our future that we are playing with. We are not allowing for the dignity, again, of which Martin Luther King spoke, to be felt in the classroom; and that magic of learning is dulled, is dulled, by these painful cuts.

So we have got to respond, respond with compassion and with our eyes wide open knowing that that message of 43 years ago and that powerful statement made about the dignity of labor, the evening before he was brought down, still speaks to every one of us, or at least ought to, so that we can provide for the sorts of policy and the resource advocacy, the distribution of income across this country in a way that really empowers the individual and families.

That, I think, is the mission that is still there for each and every one of us. So many of us were inspired by the words of John F. Kennedy, Martin Luther King, Robert F. Kennedy. It drew people to the public arena. They wanted to be involved; they saw government as a noble mission. And that tarnished atmosphere that’s prevailing today has allowed for misrepresentation of facts or denial of data that really should guide our process here, as Martin often called for fairness, for equitable treatment, for justice.

Those are the factors that drive the dignity. So it is a challenge to us, but I think we are up for that challenge, and I remain optimistic. If we just provide the boost to our Nation’s working families, to our middle class, then we are all empowered. I think that tide would lift all boats.

So, thank you, Representative EDWARDS, for bringing us together on a very important discussion.

Mrs. CHRISTENSEN. I would like to thank my colleague from Maryland for helping to organize this hour and our colleague from New York for joining us. I was in medical school here in Washington D.C. on the day that Dr. King was assassinated, and it was obviously a very dark day and weekend that followed.

But I recalled, and I think it would have had to have been the Sunday of the following week, was a Sunday dedicated to Dr. Martin Luther King. On that day, as you went to church or were out and about D.C., there was such a feeling of fellowship and brotherhood and respect for each other, and even, I would say, love for each other as neighbors in this country and on this planet.

It would be wonderful to see the spirit of that day revived in this Congress and across our Nation as we remember not only the day but, more importantly, the words and the legacy of Dr. King and as we remember all that he was fighting for. Specifically tonight we remember the sanitation workers whose strike he went out to Nashville to support on that fateful evening.

And in his speech he mentioned a few things that he said in that speech the night before he was killed. He called also for his listeners to develop a “dangerous unselfishness” and said that the question before them, and I would say the question before us today, is “not if I stop to help the sanitation workers,” and I am going to add in here, as we would say today, not if we stopped to help the sanitation workers, the teachers, the firefighters, the policemen and all workers whose rights are under attack in our country today, what will happen to my job?

But he said the question is: “If I do not stop to help the sanitation workers what will happen to them?” And as our colleague from New York said, his concern went beyond that. It was also what would happen to our Nation.

He also then said right after that: “Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move in these powerful days, these days of challenge to make America what it ought to be. We have an opportunity to make America a better Nation.”

These words are an urgent call to us today as well, as both of my colleagues have said, to stand with a greater determination on behalf of the working men and women in this country; to stand with a greater determination for help for the poor; to stand with a greater determination for clean air and clean energy for us and our children, clean air for our children and us to breathe, and clean energy and responding to this threat of climate change; to stand with greater determination for jobs and economic opportunity, especially for the most distressed parts of our country; to stand with greater determination for a quality education for every child and to stand with greater determination for equal access to quality health care and wellness for everyone in this country regardless of race, ethnicity, gender identity or geography.

Another quote from Dr. King that I use often as we talk about health disparities is this quote. He said:—Of all

the forms of inequality, injustice in health care is the most shocking and inhumane.”

I want to focus on that for a moment because among the many challenges that we face today is that of eliminating the injustice in health care. We Democrats took a major step forward in this effort with the passage of the Patient Protection and Affordable Care Act in the 111th Congress. Not only does it expand coverage to millions of Americans and families who have never had insurance before, but it also includes provisions that would end the travesty which Dr. Martin Luther King called the most shocking and inhumane.

Now that the health care door is finally being opened to all; now that we have furthered the effort to end the discrimination that exists in our health system; now that we have a chance to end the tens of thousands of premature, preventable deaths in people of color, and the poor, and those who live in our rural areas and our territories; now that we have done all of that, the Republican majority is doing everything they can think of to try and slam that door shut again.

□ 2040

In this 40th anniversary year, the Congressional Black Caucus is committed to building upon the legacy of our founders. In the area of health, we are particularly committed to specifically building on the legacy of Congressman Louis Stokes to not let that door or any door be closed to African Americans or to anyone anywhere in this country. We will not let those doors be closed.

And we know that our Democrats will stand with us with greater determination to protect the Affordable Care law and the lives of countless Americans who would continue to be in jeopardy without that law. And it's time for the good people of this country to stand with us.

Let us not have to repent, as Dr. King said, not for actions of bad people, but for the appalling silence of good people.

This country should no longer tolerate that African Americans, Latinos and Native Americans have a much higher infant mortality than our white counterparts; that diabetes and its complications should be so much higher in those same populations as well as in Native Hawaiians and other Pacific Islanders; or that African Americans should have higher death rates from cancer and diabetes than all of the other population groups; or that Native Americans should have higher deaths from sudden infant death syndrome and chronic liver disease than all of the other population groups combined; or that Asian Americans should have such high incidences of tuberculosis, about 24 times the average national rate, and

higher incidences of hepatitis B; and no longer should this country tolerate that in 2010, after 8 years, that the Department of Health and Human Services would still be reporting in the national health disparities report that fewer than 20 percent of disparities faced by African Americans, American Indians, Alaska Natives and Hispanics showed any evidence of narrowing. Fewer than 20 percent showed any evidence of narrowing.

It is time for all of us to rise to our better nature, as Dr. King would call us to do, and to begin to work together to close gaps faced in many different areas by large segments of our population. We must stand in stronger determination to build that better nation and to realize the beloved community that Dr. King envisioned.

In our 40th year, the Congressional Black Caucus remains more committed, more determined than ever to realizing his dream, a dream that still burns brightly in the hearts of all of us who honor Dr. Martin Luther King and the life that he gave to ensure freedom and justice on behalf of all of us.

With that, I yield to the gentlewoman from Maryland.

Ms. EDWARDS. Thank you, Dr. CHRISTENSEN.

I just want to take a moment to yield to my colleague, vice chairman of the Congressional Black Caucus from the great State, my original home State of North Carolina, G.K. BUTTERFIELD.

Mr. BUTTERFIELD. Let me thank the gentlelady for yielding the time this evening and thank her for her leadership in the Congress. The Congressional Black Caucus goes out of its way each week to try to present to the Nation issues that are critically important to African Americans residing in this country, and Congresswoman DONNA EDWARDS and Congresswoman CHRISTENSEN have been in the forefront of making that happen. And so I want to thank them so very much for their leadership.

I especially want to thank them for their willingness to come to the floor tonight to commemorate the life and work of Dr. Martin Luther King, Jr. April 4 always brings back memories of a very tragic day in the life of our country. It is a day that I shall never, ever forget.

The civil rights movement and the voting rights movement took place during my years in high school. Those were very precious moments in my history, and I remember so well the work of Dr. Martin Luther King, Jr. The world must remember, our country must remember, we must understand that Martin Luther King's leadership was very profound, but it only lasted for about 13 years. So many people don't recognize that.

Dr. King started his leadership at age 26, and it tragically ended at age 39. It

was on December 1 of 1955 that Dr. King was drafted, at age 26, to lead the Montgomery bus boycott. That was the day in Alabama history when the black citizens of Montgomery decided that they would boycott city buses until they could sit anywhere they wanted instead of being relegated to the back when a white citizen boarded the bus. A black seamstress named Rosa Parks was denied a seat of her choice because of the color of her skin, and Dr. King at the age of 26 took the leadership of that movement and focused the attention of the world on this injustice. And the Supreme Court of this country, the following year, agreed with his position.

Then several years later, in April of 1963, it was on a Friday evening, it was Good Friday, Dr. King again led a march in Birmingham, Alabama, to end segregation in public accommodations. Dr. King was arrested and spent the next 11 days confined in jail. During that time, Mr. Speaker, he wrote that great document called “Letter from Birmingham Jail.” I would only wish that our citizens would look up that letter on the Internet and read for themselves “Letter from Birmingham Jail.” And several weeks later, the Birmingham leaders announced that local accommodations would be integrated.

After that great victory in Birmingham, and after Dr. King wrote his letter, Dr. King and other civil rights leaders planned and then they executed the 1963 March on Washington. So many of us have heard of and some of us participated in that march. It was a hot summer day here in the Nation's capital on August 28, 1963. I was there as a young 16-year-old high school student.

That march was a demand. It was a demand for civil rights legislation. President John F. Kennedy had agreed with the movement and had made a historic speech on June 11, 1963, calling on this Nation to end segregation in public accommodations. And on June 20, 1963, a bill was introduced into this House of Representatives here on Capitol Hill, and that bill was fiercely debated to provide civil rights for all citizens. But then the march took place in August of 1963. It was a great day; 250,000 people descended on the Nation's capital demanding civil rights. And less than 90 days later, President Kennedy was tragically assassinated in Dallas, Texas.

As a result of his assassination, President Johnson, becoming the President of our country, promised the Nation that the civil rights bill that was pending in the Congress would continue to be debated, and it would be signed into law, and it was, on July 2, 1964.

And so after that civil rights bill was passed, Dr. King received the coveted Nobel Peace Prize. And we honor and we celebrate that great history.

Finally, Mr. Speaker, the Civil Rights Act was not enough. There had to be a voting rights bill that was debated and passed by this Congress. Finally, in 1965, Congress passed the 1965 Voting Rights Act because of the work of Dr. King.

Because of the Voting Rights Act, there has now been a transformation, a political transformation in the southern part of our country where I am from. I represent eastern North Carolina, which is a community in my State that suffered from years of discrimination and electoral discrimination. But I'm proud to say that in my congressional district alone, there are more than 300 African American elected officials elected to office, and we attribute much of this success to the life and work of Dr. Martin Luther King, Jr.

I want to thank the gentlelady for recognizing this great American on this day. My home town of Wilson, North Carolina, was supposed to have been the visit of Dr. King on this day in 1968. But because of the events in Memphis, Tennessee, he diverted and went to Memphis to aid with the garbage strike and to help those who could not help themselves. And so we celebrate this great legacy tonight.

Ms. EDWARDS. Thank you, Congressman BUTTERFIELD, for your leadership as vice chair of the Congressional Black Caucus, but also for your reminder of our so important history that is linked both to the struggle of African Americans in this country, to the struggle of labor, and for a reminder also historically of the fact that Dr. King was supposed to have had a next place to be when his life was ended on April 4, 43 years ago today.

□ 2050

I would like to take just this moment, if I could, to recount for us the history of the 1968 American Federation of State, County and Municipal Employees Memphis sanitation workers' strike, the chronology.

Beginning on Sunday, January 31 of that year, the rain sent workers home. Then beginning on Tuesday, February 1 of that year, two sanitation workers were killed in an accident on a city truck.

Then just days later on Monday, February 12, Memphis sanitation and public employees went on strike after last-minute attempts to resolve their grievances had failed. While the newspapers claimed that 200 workers of the 1,300 remained on the job, really only 38 of 180 trucks moved. The mayor of the city said the strike is illegal, but that his office stood ready to talk to anyone about legitimate questions of the time.

Little did these workers know that through the month of February, as black leaders and ministers gathered from city-wide organizations in support of the strike, through the days of

March when the ministers and the city announced that Reverend Martin Luther King, Jr., would come to Memphis, 116 strikers and supporters were arrested for sitting at city hall. And then through the month of March, the newspapers claimed that the strike was failing as scabs were operating 90 garbage trucks. But 17,000 Memphians attended a rally where Dr. King called for a city-wide march on March 22.

Then as Dr. King returned to Memphis on April 3, and he addressed the rally, delivering his famous "I've Been to the Mountaintop" address, then that day, on April 4, on April 4, 1968, as he prepared to march with the workers, Dr. Martin Luther King, Jr., was assassinated on the balcony of his hotel in Memphis, Tennessee.

In the days following his assassination, the workers continued their strike in honor of Dr. King and with renewed courage and resolve to demand safe working conditions. It is this simple phrase "I am a man" that drove him, a simple phrase, one that acknowledged their humanhood, one that acknowledged them as workers: I am a man.

And then finally on April 16, some 3 months after the start of their strike, the sanitation workers of the American Federation of State, County and Municipal Employees, AFSCME, agreed and reached an agreement with the city officials, granting an increase in pay, a grievance procedure, and overtime pay.

This is the history of the sanitation workers of Memphis. It is the history of workers throughout this country, and it is the history of workers today.

With that, I would like to yield to the gentleman from New York (Mr. TONKO).

Mr. TONKO. You know, the dignity that was addressed, the respect factor of "I am a man," that rhetoric that speaks to the working individual, that speaks to humanity, the man, the woman, the child, the dignity of the individual, the respect shown, was all that was embraced in that message, that struck all of America, touched all Americans.

I am of the age that I remember that tragic day. It came so clustered. In a short 5 years, we lost three great leaders to bullets. It is just really a tragic outcome that you can't help but find yourself questioning what if their march continued, how different would America be?

I find it so interesting that his last major appearance and effort was for workers, fighting for workers, for the dignity of work and the dignity of workers.

The assault on workers' rights that he was addressing we see today in the news. We see it in Wisconsin. We see it in Michigan. We see it in Ohio. And it is like the same battles are here to be fought and won.

So the spirit of Martin encourages, I think, builds our determination and our resilience to make a difference. The efforts that America needs to associate with the overall cause and concern for job creation and job retention is so vitally important. Many would choose to have us believe that it is a high rate of firings that is occurring out there, but it is really a low rate of hirings, which is a different sort of saga. We need to invest now in worker opportunities, in training, retraining, in education, and in job creation.

I am a firm believer, and I know many are, that unemployment is driving our deficit and that if we invest in jobs, if we invest in the worker, we will see a corresponding benefit on the flip side of a reduced deficit for this Nation.

I think the stats tell it all. The bottom 50 percent of income earners in the United States now collectively own less than 1 percent of the Nation's wealth. That is a startling fact. And we need to make certain that there is more justice that is produced out there. As I said earlier, I really do believe that the purchasing power that we can enhance for America's working families, for our middle class, for the mainstream worker out there is an empowerment for all of us. Someone needs to purchase the products that those perched on the top may produce by their ownership. But the worker to build that product and the worker to buy that product is an important key, perhaps the most important ingredient in the equation.

When we look at the fact that some five people are lined up for every job opportunity in this country, and when we look at the fact that workers' rights are under assault today in many areas across this country, there is a great amount of unfinished business.

And on this anniversary commemoration of a great leader's death, it is important for us to recommit our energies and our spirit to speaking to the needs of America's workers. Nothing could honor Dr. Martin Luther King's legacy and the man more vibrantly than speaking to job creation, job retention, workers' rights and prevention of what we are seeing where there is an assault on those rights across this country.

Thank you, Representative EDWARDS, for bringing this solemn opportunity together on this floor where so many issues were addressed in favorable measure, that were driven by the courage and the boldness and the noble vision of Dr. Martin Luther King and other great leaders, like JFK and RFK, who traveled that same era in history.

Ms. EDWARDS. I thank the gentleman from New York and appreciate your leadership and your being here this evening to mark this day with us for workers.

With that, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. It should give all of the workers who are fighting for their rights today extra incentive, some extra inspiration as we commemorate this day and all that Dr. Martin Luther King fought for as they continue that fight and we continue to support them in that fight.

I am reminded that on April 7 in the capital of Illinois, in Springfield, I was out there a week ago, they will be having a major rally on behalf of working people in this country. I want to salute the folks in Springfield on that march.

In addition to fighting for workers' rights, when Dr. King died, he was planning the Poor People's Campaign in Washington. I was here studying for my boards. I went over to volunteer in the medical tent. It rained and it poured; but people came in from all over this country, particularly the South, to the Poor People's Campaign to call attention to the plight of the poor in this country.

As we are celebrating as a Congressional Black Caucus our 40th anniversary, we are still carrying on that fight. Our main agenda, theme, is "Creating Pathways Out of Poverty." We have had that as our agenda for the last 2 years, and we continue with that for this Congress as well.

That was a remarkable time as well. I think it did a lot to change my life in the middle of my medical studies and the course of my career. It probably has something to do with why I am here today. I wanted to also just remind everyone that as we fight for the workers, and remember Dr. King's fight for working men and women, he also was steadfastly working to help define pathways out of poverty for those who were poor then; and we continue in our 40th year to fight for the poor and help them find ways to lift them up and lift their families out of poverty.

Ms. EDWARDS. I thank the gentlewoman for her leadership and in bringing us together in these important hours on the floor of the House of Representatives to discuss the issues that are of the deepest concern to communities of color, to working families across this country, and a reminder of the reason why many of us have chosen to serve.

□ 2100

Dr. King knew so deeply that the middle class is, indeed, the backbone of the American economy and that by strengthening the middle class we move our Nation forward. He would understand today that, by giving tax breaks to oil companies and special privileges to the wealthy, we forget our allegiance to the most populous among us—the middle class. He understood the importance of the struggle of sani-

tation workers, of organizing workers, of making sure that workers were able to take care of themselves and their families as a way of moving workers into the middle class. He understood, like so many of us do, particularly for African American people, that our connection to organized labor is so important because it is through the ability to organize and to fight for our rights against injustice that we are able to move our families into the middle class.

Dr. King knew so tremendously the connection between the plight of Negroes and working people. He said at the AFL-CIO convention in December 1961: "Negroes are almost entirely a working people. There are pitifully few Negro millionaires and few Negro employers. Our needs are identical with labor's needs—decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community." Dr. King spoke those words in December 1961. Those words could be spoken today.

Dr. King reminded the workers of the United Auto Workers at the District 65 convention in September 1962 that in the area of politics that labor and African Americans, Negroes, have identical interests. He said: "Labor has grave problems today of employment, shorter hours, old age security, housing, and retraining against the impact of automation. The Congress and the administration are almost as indifferent to labor's program as they are toward that of the Negro. Toward both, they offer vastly less than adequate remedies for the problems which are a torment to us day after day."

Those words spoken today speak to the plight of the workforce, to minority communities and to working families across this country. Those words spoken in 1962 could be spoken today in 2011, some 40 some years later.

One of the things that I continue to be touched by is that I was just a young girl when Dr. King died on April 4, but I always remember that day. I remember that day in my family. I remember the sadness and the tragedy, but I also remember the struggle. I think generations since my own and up until now recall that struggle and, I think, today, for the sanitation workers and remembering their struggle of some 3 months to gain the respect and dignity in the workplace: I am a man. Now, if we had to create this placard today, we might write "I am a woman; I am a man; I am a human being"; but it still speaks to the same value, to the value of humanity and justice in the workplace. That's the value that Dr. King spoke to. It is a value for which he died. It is a value that lives in his legacy.

So, again, I am just pleased that my colleagues have been able to join with

us today, not on a day of sadness, April 4, but on a day of remembrance, on a day of reinvigoration and recommitment to those ideals that have guided us and that continue to guide us in our struggle with and for the workers across this country.

With that, I would like to yield again, just very briefly, to my colleague from New York, PAUL TONKO.

Mr. TONKO. Thank you, Representative EDWARDS.

I would have to say that I truly believe that, if Dr. King were in our presence today, he would remind us that a budget is a series of priorities. What we place high, what we place most precious in that budget, we would see as a document that speaks to a family. Just like a household will balance its needs, its concerns with its ability to pay and put together the balancing, so too does the family of America require that sort of tender balancing.

He would remind us, whether they are employed, critically unemployed or marginally underemployed, whatever the situation might be, that today America's middle class families are living paycheck to paycheck. That's becoming more and more the scenario. He would have suggested, look, we need to take that concern for mortgages, that concern for college tuition, that concern for just pay, that concern for utility bills, that concern for food costs and energy costs, and we need to invest in the American working families.

Contrast that with what the other scenario might look like: handouts to oil companies, corporate loopholes that are not shut, tax breaks for the most comfortable in society. That is the contrast he would challenge us to face head on and to understand it's about social and economic justice. It's about bringing more balance, more fairness into the equation.

As a clergyman, he embraced the faith and brought it into the community; he brought it into America; he challenged us to respond in compassionate measure. We have it within our means to do this in a fair and just way, and that's why we are at a tipping point in this Nation's history where we need to look at revitalizing the middle class.

I represent many modest annual income households. They have told me their fear is about maintaining their homes; their fear is about educating their children; their fear is about tomorrow having the opportunity. I'm optimistic that we can do it because we have the skills here within the Congress to make it happen and to make it work in a progressive fashion. Do we have the will? That would be the challenge. That would be the challenge from Dr. King this very evening: Do we have the will to move forward in a progressive fashion?

So thank you, Representative EDWARDS, for bringing us together tonight in tribute to a giant of an individual, an icon in our midst.

Ms. EDWARDS. Thank you, Mr. TONKO.

With that, I'd like to yield to Congresswoman CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you.

Just briefly, I want to again thank you for helping us to commemorate not only the sanitation workers' strike but the life and legacy of Dr. King.

It is unfortunate, as we are here tonight, remembering the day that the assassination took place of this great American and great human being, that the day after, we expect a budget that is going to do just the opposite of what Dr. King would have wanted us to do.

In the last Congress, we were able to strengthen Medicare, to expand its solvency 12 years. We were able to pass the Affordable Care Act, which would expand Medicaid and make sure that, even though you were poor, you would have the ability to have quality health care. Tomorrow, we expect a budget that's going to talk about privatizing Medicare, ending it as we know it—sacrificing the health care for seniors and children—making an enormous cut in Medicaid, and really taking away the hope that people had when we passed the Affordable Care Act that they could not only have health care but that they could really aspire to improving their health—their own well-being as well as that of their families and their communities.

So we meet here this evening to talk about Dr. King, to talk about the challenges that our working men and women have, and to talk about the challenges of health care for those who are poor—those of all races and ethnicities—and to recommit ourselves in the memory of Dr. King to fight for working men and women and for those who need that extra hand to lift themselves and their families out of poverty.

□ 2110

I just want to say that the Congressional Black Caucus has been doing this for 40 years now.

I want to again recognize our founding members for their perspicacity and their perseverance—we still have two of those members serving with us, Congressman CHARLES RANGEL and Congressman JOHN CONYERS—and to let the American people know that we will continue to fight on their behalf tomorrow and every day as long as it is necessary.

Ms. EDWARDS. Thank you very much, Congresswoman CHRISTENSEN.

I am so proud to be a member of the Congressional Black Caucus with a 40-year history and legacy of fighting for justice and looking out for the most vulnerable and giving voice to people who would not have a voice in this United States Congress.

We are about ready to close, and I would like to end the evening and the hour by pointing those at home, those in this Chamber to an op-ed in today's paper that actually brings together the two forces that Dr. King was bringing together even just before he was so tragically assassinated, bringing together the civil rights movement and the labor movement.

In an op-ed today in today's Washington Post entitled, "The Middle Class Dream That Cannot Die," Benjamin Todd Jealous, who is the president of the National Association for the Advancement of Colored People, the NAACP, and Mary K. Henry, who is the international president of the Service Employees International Union, draw together that middle class dream for the American people that's built on a foundation of civil rights and social justice and partnered with labor and working people.

"I Am a Man." I would like to close this evening by reminding again, all of us, that April 4 and the years we remember in between are years about building upon a tragedy to build a legacy. "I Am a Man." Dr. King reminded us again about the fight for jobs and retirement security and health care and care for the most vulnerable.

Those are still today's struggles: the workers that we've spoken about in Wisconsin and Ohio and Indiana and all across this country who struggle for that dignity. "I Am a Man." Dr. King's words, in his famous speech, "I've Been to the Mountain Top" that he spoke just before he was assassinated. And I just want to read a portion of that that really speaks to me as a Member of Congress, as a member of the Congressional Black Caucus.

Dr. King said: "Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on these powerful days, these days of challenge, to make America what it ought to be. We have an opportunity to make America a better Nation."

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

FAIR TAX

The SPEAKER pro tempore (Mr. RENACCI). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. I thank the Speaker.

I'm glad I was able to get in on the tail end of that previous Special Order. As a proud resident of the State of Georgia, of course we have the King Center open to folks each and every day of the week. And if folks have not had a chance to go by and see that, it is really a fantastic testimony to the life and times of a gentleman whose true impact on this country we may not know for generations and genera-

tions to come. I could not be prouder to have that in Georgia, so I very much appreciate being able to listen in.

I, too, am down here to talk about opportunity tonight. It is April 4, it's tax season, and the Fair Tax is a proposal that is near and dear to my heart and a proposal that I believe has its time coming in opportunity.

The largest tax that 80 percent of American families pay, Mr. Speaker, is the payroll tax. That's the FICA tax that our teenagers begin to see when they take on their part-time jobs. Eighty percent of American families pay more in that FICA tax than they do in income taxes or any other tax on their ledger, and yet we spend all of our time talking about income taxes.

We rarely take a look at the payroll tax. We'll spend hours on the House floor talking about tax credits and tax deductions and tax expenditures and tax exemptions. We'll talk about lobbyists and the tax opportunities that they're looking for for their big business clients. We'll talk about loopholes and all of the unfairness of the United States Tax Code, but we rarely talk about the payroll tax.

It has been my commitment here in this month of April—which is one of the few times during the year that everyone is willing to focus on taxes for an extended period of time—to come down here and implore my colleagues to take a look at the Fair Tax and join us in our fight to repeal the income tax—both the personal income tax and the corporate income tax—the payroll tax, the capital gains tax, the gift tax, dividend tax, estate tax, self-employment tax, and on and on, to replace them all with a single-rate personal consumption tax, the Fair Tax.

I was talking with a CEO in my district while I was home who said, ROB, we're trying to leave America just as fast as we can. You've passed some laws recently that make it a little harder for us to do that, it's going to take us some time, but we're leaving as fast as we can because America is just not a climate to do business in anymore.

We heard my colleagues who spoke previously say that our unemployment isn't because people are being fired; it's because new people are not being hired, and the folks who generate those jobs are the small businesses in this country. How do you generate those jobs when you have the highest corporate tax rate in the world, when you have some of the highest self-employment taxes in the world, and on and on and on?

We can do a lot in this country to destroy success. We can't do a lot to create success. We have a platform here in this country already on which anyone, by the sweat of their brow, can make something of themselves. And yet one of the founders of Home Depot—a very proud company from the great State of

Georgia—wrote in *The Wall Street Journal* last year that if he and his three colleagues got together today to try to start that company they would fail, that they could not succeed in starting a company in today's business environment, the regulatory environment, the labor environment, and the tax environment.

Here in April I'll be returning to the floor each and every day through April 15 to talk about one little part of the Fair Tax. We talked a little bit last Friday about how it does away with every single corporate exemption on the books—every loophole, every credit, every favor, absolutely every one. It's the only bill in Congress that does that, Mr. Speaker. It eliminates every single corporate loophole in the Tax Code because we know that businesses don't pay taxes anyway. We eliminate the corporate income tax, and we allow that to be paid at the personal consumer level.

Tonight, I just want to talk about jobs. I want to talk about that jobs don't come from the Federal Government, that jobs don't even come from big corporations. Jobs come from small entrepreneurs and risk-takers.

The power to tax is the power to destroy, and we have used the power to tax income, to tax that productiveness that each and every American goes to work for every day. Our Founding Fathers had a different view; they taxed consumption. They put tariffs on the goods that they imported from overseas under the theory that if you had enough money to spend on a silver tea set from England, you had enough money to participate in funding your Federal Government.

That all changed in the early part of the 20th century, and we have an opportunity to change it back, H.R. 25, the Fair Tax—the single most largely co-sponsored tax bill in either the House or the Senate, more cosponsors on that bill than any other piece of fundamental tax legislation. We need more help. Today, we have 59 cosponsors of that legislation, and we need more help to make the Fair Tax a reality.

We'll have, over the next 15 days, those opportunities. You can visit our Web page at Woodall.house.gov. You can visit the Fair Tax folks' Web page at fairtax.org. Come and see what the Fair Tax offers in terms of opportunity.

The current Tax Code brings power to this city. Whether you sit on the left or whether you sit on the right, something happens when you get to Washington and you suddenly believe you're the smartest person in the room, and you begin to find ways to manipulate people's behavior in hopes that you can make them happy too.

□ 2120

Well, I could create a world my father would love and my mother would hate.

We're not in the business of making people happy. We're in the business of ensuring opportunity. We can absolutely ensure that everyone in this country is poor. We cannot ensure that everyone is rich. We can only provide opportunity. The Fair Tax provides that opportunity by completely removing the impediments that are there to growth today.

Eighty percent of American families pay more in payroll taxes than income taxes. As you fill out your tax forms headed towards April 15, I want you to look at that income tax figure. And if you're self-employed, you'll see the self-employment tax figure there beside it. Eighty percent of American families never get touched by a tax bill that we do here.

As we move the Fair Tax forward, we're going to change that, and we're going to make America an opportunity society once again.

With that, Mr. Speaker, I'm grateful to you for indulging me this evening to talk a little bit about a passion that's near and dear to my heart.

I yield back the balance of my time.

RECESS

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

Accordingly (at 9 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2326

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Kentucky) at 11 o'clock and 26 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today through April 6 on account of surgery.

Mrs. BLACK (at the request of Mr. CANTOR) for today on account of being unavoidably detained due to inclement weather, specifically high winds and tornadoes in middle Tennessee en route to the Capitol Building.

Mr. POE of Texas (at the request of Mr. CANTOR) for today on account of other congressional business.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned

until 10 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 5, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1002. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Potassium benzoate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0117; FRL-8863-2] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1003. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Peroxyacetic Acid; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0021; FRL-8865-3] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fomesafen; Pesticide Tolerances [EPA-HQ-OPP-2010-0122; FRL-8858-5] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1005. A letter from the Assistant Secretary, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2010, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

1006. A letter from the Under Secretary, Department of Defense, transmitting authorization of 3 officers to wear the authorized insignia of the grade of brigadier general; to the Committee on Armed Services.

1007. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas G. Miller, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1008. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

1009. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Fiscal Year 2010 Annual Report; to the Committee on Energy and Commerce.

1010. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of 5-Methoxy-N,N-Dimethyltryptamine into Schedule I of the Controlled Substances Act [Docket No.: DEA-331F] received February 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1011. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Updating Cross-References for the Oklahoma State Implementation Plan [EPA-HQ-OAR-2009-0517; FRL-9275-7] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Texas: Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2010-0587; FRL-9274-4] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Knoxville 1997 8-Hour Ozone Nonattainment Area to Attainment for the 1997 8-Hour Ozone Standards [EPA-R04-OAR-2010-0666-201052; FRL-9277-1] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Kentucky; Louisville Nonattainment Area; Determination of Attainment of the 1997 Annual Fine Particle Standard [EPA-R05-OAR-2010-0210; FRL-9277-2] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1015. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2008-0708; FRL-9277-3] (RIN: 2060-AQ78) received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1016. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector under the Significant New Alternatives Policy (SNAP) Program [EPA-HQ-OAR-2008-0664; FRL-9275-8] (RIN: 2060-AP11) received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1017. A letter from the Policy Adv./Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service [WT Docket No.: 01-289] received February 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1018. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations. (Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York) [MB Docket No. 05-162] received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1019. A letter from the Chief of Staff, Media Bureau, Federal Communications Commis-

sion, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment [CS Docket No.: 97-80] [PP Docket No.: 00-67] [File Nos. EB-07-SE-351, EB-07-SE-352] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1020. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-06, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1021. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-140, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1022. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination to waive for a period of six months the restrictions of Section 1003 of Public Law 100-204; to the Committee on Foreign Affairs.

1023. A letter from the Chairman, International Fund for Ireland, transmitting the Fund's Annual Report and Accounts covering the period 1 October 2009 to 30 September 2010; to the Committee on Foreign Affairs.

1024. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2010, in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1025. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA187) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1026. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure of the 2010-2011 Recreational Sector for Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-03] (RIN: 0648-XA154) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1027. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XA151) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1028. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic [Docket No.: 001005281-0369-02] (RIN: 0648-XA195) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1029. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut; Recordkeeping and Reporting [Docket No.: 0911201413-1051-02] (RIN: 0648-AY38) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1030. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA199) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1031. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Montana Advisory Committee; to the Committee on the Judiciary.

1032. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the North Dakota Advisory Committee; to the Committee on the Judiciary.

1033. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the fourth quarter of fiscal year 2010; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. H.R. 970. A bill to reauthorize the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 112-52). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 200. A resolution providing for consideration of the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices (Rept. 112-53). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON (for himself, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. MCKINLEY, and Mr. FARENTHOLD):

H.R. 1341. A bill to amend title 5, United States Code, to require the Environmental Protection Agency to include in any notice of rule making a statement regarding the impact of the rule on jobs loss or creation, and for other purposes; to the Committee on the Judiciary.

By Ms. HIRONO (for herself and Mrs. NOEM):

H.R. 1342. A bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. BASS of New Hampshire:

H.R. 1343. A bill to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. DEFazio, Ms. DELAuro, Ms. SUTTON, Mr. LIPINSKI, and Ms. EDWARDS):

H.R. 1344. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 1345. A bill to rescind any unobligated discretionary appropriations returned to the Federal Government by a State or locality and require that such funds be retained in the general fund of the Treasury for deficit reduction; to the Committee on Appropriations.

By Mr. CHABOT:

H.R. 1346. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 1347. A bill to combat international oil price fixing and to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least \$1,000 to offset high 2011 gasoline and diesel fuel prices; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. LARSON of Connecticut, Ms. SUTTON, and Mr. GERLACH):

H.R. 1348. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 1349. A bill to establish an advisory committee to issue nonbinding government-wide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself, Ms. WATERS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. TSONGAS, and Ms. NORTON):

H.R. 1350. A bill to provide additional resources for Federal investigations and prosecutions of crimes related to the 2008 Financial Crisis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself and Mr. CUMMINGS):

H.R. 1351. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. HOLT, Mr. HINGHEY, Mr. GEORGE MILLER of California, Mrs. CAPPS, and Mr. MORAN):

H.R. 1352. A bill to prohibit the Secretary of the Interior from issuing any new lease that authorizes the production of oil or natural gas under the Outer Continental Shelf Lands Act to a person that does not renegotiate existing leases held by the person to incorporate limitations on royalty relief based on market price that are equal to or less than price thresholds that apply to other leases under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MURPHY of Connecticut:

H.R. 1353. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself, Mr. CONNOLLY of Virginia, Ms. SUTTON, Mr. JONES, and Mr. LIPINSKI):

H.R. 1354. A bill to amend titles 10 and 41, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER (for himself, Mrs. CAPITO, and Mr. CANSECO):

H.R. 1355. A bill to amend the Consumer Financial Protection Act of 2010 to move the Bureau of Consumer Financial Protection into the Department of the Treasury; to the Committee on Financial Services.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Mr. TIPTON, and Mr. GARDNER):

H.R. 1356. A bill to provide amortization authority in certain situations, for purposes of capital calculation under the Financial Institutions Examination Council's Consolidated Reports of Condition and Income; to the Committee on Financial Services.

By Mr. PIERLUISI (for himself, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. GONZÁLEZ, Mr. GRIJALVA, Mr. HINOJOSA, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Mr. FALDOMAVEGA, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 1357. A bill to amend part B of title XVIII of the Social Security Act to change the rules relating to enrollment of residents of Puerto Rico under part B of the Medicare program; to the Committee on Energy and

Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 1358. A bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt; to the Committee on Appropriations.

By Ms. ROS-LEHTINEN (for herself, Ms. WILSON of Florida, Mr. RIVERA, Ms. WASSERMAN SCHULTZ, and Mr. DIAZ-BALART):

H.R. 1359. A bill to amend section 105 of the Housing and Community Development Act of 1974 to temporarily increase the limit on the portion of community development block grants amounts for certain entitlement communities that may be used for public services; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. ROGERS of Michigan, and Mr. CONYERS):

H.R. 1360. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Mr. MANZULLO, Ms. CLARKE of New York, Mr. CLEAVER, Ms. JACKSON LEE of Texas, Mrs. MALONEY, Mr. MEEKS, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. RICHARDSON, Mr. PAYNE, Mr. GRIJALVA, and Ms. NORTON):

H.R. 1361. A bill to provide for restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YODER:

H.R. 1362. A bill to ensure that members of the Armed Forces continue to receive their pay and allowances despite a shutdown of the Federal Government and in the event that the debt of the United States Government reaches the statutory limit; to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 1363. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR (for himself, Mr. WAXMAN, and Mr. LATOURETTE):

H. Con. Res. 33. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. KILDEE:

H. Res. 201. A resolution expressing support for the designation of May as Ehlers-Danlos Syndrome Awareness Month to increase the knowledge of this little-known, potentially

fatal, genetic disease; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 1341.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers)

By Ms. HIRONO:

H.R. 1342.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. BASS of New Hampshire:

H.R. 1343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution (“The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”).

By Mr. BRALEY of Iowa:

H.R. 1344.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CHABOT:

H.R. 1345.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to the Tenth Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

By Mr. CHABOT:

H.R. 1346.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article 1, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. CHABOT:

H.R. 1347.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes,

Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. COURTNEY:

H.R. 1348.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. ISRAEL:

H.R. 1349.

Congress has the power to enact this legislation pursuant to the following:

The legislature power vested in Congress by Article I of the Constitution to conduct oversight of executive agencies, and the “Necessary and Proper” clause found in Article I, section 8, cl.18.

By Ms. KAPTUR:

H.R. 1350.

Congress has the power to enact this legislation pursuant to the following:

Article. I. Section. 8.

By Mr. LYNCH:

H.R. 1351.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MARKEY:

H.R. 1352.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, which provides that Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. MURPHY of Connecticut:

H.R. 1353.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. MURPHY of Connecticut:

H.R. 1354.

Congress has the power to enact this legislation pursuant to the following:

The enumerated powers in Article I, section 8 of the U.S. Constitution.

By Mr. NEUGEBAUER:

H.R. 1355.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 3

The Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Con-

stitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PERLMUTTER:

H.R. 1356.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. PIERLUISI:

H.R. 1357.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. REHBERG:

H.R. 1358.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law”

By Ms. ROS-LEHTINEN:

H.R. 1359.

Congress has the power to enact this legislation pursuant to the following:

Article I—The Legislative Branch.

Section 1: The Legislature:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8:

Clause 1. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Clause 18. The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SCHIFF:

H.R. 1360.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: The Child Protection Improvements Act of 2011 is constitutionally authorized under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mr. TOWNS:

H.R. 1361.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the “General Welfare

Clause." This provision grants Congress the broad power "to pay the Debts and provide for the common defense and general welfare of the United States."¹

¹Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. YODER:

H.R. 1362.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 1 & 12 of the United States Constitution, Which grants Congress the power to provide for the common defense; to raise and support an Army and

Article I, section 9, Clause 7 of the United State Constitution, Which states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law"

By Mr. ROGERS of Kentucky:

H.R. 1363.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. LABRADOR.

H.R. 23: Ms. WOOLSEY.

H.R. 25: Mr. BROUN of Georgia.

H.R. 56: Mr. CONNOLLY of Virginia.

H.R. 58: Mr. SIMPSON, Mr. CHAFFETZ, Mr. GARRETT, Mr. BURTON of Indiana, Mrs. MILLER of Michigan, Mr. SAM JOHNSON of Texas, Mr. BROOKS, and Mrs. ELLMERS.

H.R. 59: Mr. GARY G. MILLER of California.

H.R. 114: Mrs. MCMORRIS RODGERS and Mr. REED.

H.R. 122: Mr. TIPTON and Mr. RIGELL.

H.R. 178: Mr. SABLAN, Mr. FILNER, Mr. HELLER, Mr. LUCAS, and Mr. ROSKAM.

H.R. 258: Mr. CONNOLLY of Virginia and Mr. GERLACH.

H.R. 324: Mr. CONNOLLY of Virginia.

H.R. 361: Mr. JOHNSON of Ohio and Mr. SHUSTER.

H.R. 365: Ms. SUTTON.

H.R. 369: Mrs. ELLMERS, Mr. GOODLATTE, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. PEARCE, and Mr. POSEY.

H.R. 412: Mr. MCINTYRE and Mr. PETRI.

H.R. 420: Mrs. MILLER of Michigan, Mr. GRIMM, Mr. BURTON of Indiana, Mr. GARRETT, Mr. CHAFFETZ, Mr. SIMPSON, and Mr. SAM JOHNSON of Texas.

H.R. 422: Mr. KUCINICH.

H.R. 452: Mr. ALEXANDER.

H.R. 456: Mr. FITZPATRICK.

H.R. 563: Mr. CRITZ.

H.R. 576: Mr. KUCINICH.

H.R. 640: Ms. NORTON.

H.R. 719: Ms. MCCOLLUM.

H.R. 721: Mr. KELLY.

H.R. 745: Mr. RIGELL, Mr. COBLE, Mr. BROUN of Georgia, Mr. SESSIONS, Mr. ROHR-ABACHER, Mr. FLAKE, and Mr. MCCLINTOCK.

H.R. 747: Mr. CONYERS.

H.R. 750: Mr. REHBERG.

H.R. 763: Mr. BISHOP of Utah and Mr. LABRADOR.

H.R. 776: Mr. CUMMINGS.

H.R. 780: Mr. WAXMAN.

H.R. 782: Mr. GARY G. MILLER of California.

H.R. 805: Mr. MICHAUD and Mr. STARK.

H.R. 809: Mr. MCGOVERN and Mr. STARK.

H.R. 812: Mr. DEFAZIO and Mr. SHULER.

H.R. 816: Mrs. CAPITO.

H.R. 822: Mr. DENHAM, Mr. RYAN of Ohio, Mr. CAMP, Mr. LUCAS, Mr. MCKINLEY, Mr. SHUSTER, and Mr. REED.

H.R. 860: Mr. TIBERI and Mr. STIVERS.

H.R. 862: Ms. SLAUGHTER.

H.R. 865: Mr. PASCRELL, Mrs. CAPPS, Mr. ISRAEL, and Mr. SMITH of Washington.

H.R. 878: Ms. BROWN of Florida.

H.R. 912: Mr. ACKERMAN and Mr. KUCINICH.

H.R. 942: Mr. POMPEO and Mr. STEARNS.

H.R. 965: Mr. SHERMAN, Ms. PINGREE of Maine, Mr. BLUMENAUER, and Mr. CONNOLLY of Virginia.

H.R. 984: Mr. GARY G. MILLER of California, Mr. YODER, Mr. CONAWAY, and Mr. FITZPATRICK.

H.R. 998: Ms. DELAURO.

H.R. 1023: Mr. BURTON of Indiana.

H.R. 1025: Mr. LUETKEMEYER.

H.R. 1041: Mr. COURTNEY, Mr. HECK, Mr. JONES, Mr. SHUSTER, Mr. GIBBS, Mr. OWENS, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. ADERHOLT, and Mr. MCKINLEY.

H.R. 1058: Mr. JOHNSON of Ohio and Mr. COHEN.

H.R. 1081: Mr. WEST, Mr. HUELSKAMP, Mr. CLARKE of Michigan, and Mr. SARBANES.

H.R. 1093: Mr. CHAFFETZ, Mr. BURTON of Indiana, Mr. GARRETT, Mrs. MILLER of Michigan, Mr. SAM JOHNSON of Texas, and Mr. BROOKS.

H.R. 1112: Mr. CARTER and Mr. LONG.

H.R. 1144: Mr. THOMPSON of Mississippi.

H.R. 1199: Mr. KUCINICH.

H.R. 1206: Mr. DOLD, Mr. GARDNER, Mr. CASSIDY, and Mr. FITZPATRICK.

H.R. 1219: Ms. HANABUSA.

H.R. 1228: Mr. SCALISE and Mr. CASSIDY.

H.R. 1234: Mr. BOREN, Mr. HONDA, and Mr. FALEOMAVAEGA.

H.R. 1252: Mr. DOLD.

H.R. 1254: Mr. HOLDEN.

H.R. 1259: Mr. HUELSKAMP and Mr. GRIFFIN of Arkansas.

H.R. 1266: Mr. MARINO.

H.R. 1281: Mr. PITTS.

H.R. 1291: Mr. BOREN.

H.R. 1297: Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BURGESS, Mr. CONAWAY, Mrs. ELLMERS, Mr. GRIMM, Ms. JENKINS, Mr. LABRADOR, Mr. LONG, Mr. MCKINLEY, Mr. MICHAUD, Mr. MURPHY of Pennsylvania, Mr. REICHERT, Mrs. ROBY, Mr. ROSS of Florida, Mr. SCALISE, Mr. WEBSTER, and Mr. YODER.

H.R. 1302: Mr. WELCH.

H.J. Res. 46: Mr. MCKINLEY.

H. Res. 25: Mr. HIGGINS, Ms. BORDALLO, and Mrs. BLACKBURN.

H. Res. 85: Mr. BURTON of Indiana.

H. Res. 137: Mr. WALZ of Minnesota, Mr. ROTHMAN of New Jersey, Mr. ENGEL, Mr. TONKO, Mr. QUIGLEY, and Mr. ANDREWS.

H. Res. 142: Mr. DOLD.

H. Res. 166: Mr. ELLISON.

H. Res. 172: Mr. GRIMM.

H. Res. 176: Mr. GRIJALVA.

H. Res. 177: Mr. COBLE.

H. Res. 185: Ms. ZOE LOFGREN of California and Mr. FARR.

H. Res. 198: Mr. HOYER, Mr. WELCH, Ms. JACKSON LEE of Texas, and Ms. WOOLSEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1323: Mr. McKEON.

EXTENSIONS OF REMARKS

H. CON. RES. 28, DIRECTING THE PRESIDENT, PURSUANT TO SECTION 5(C) OF THE WAR POWERS RESOLUTION, TO REMOVE THE UNITED STATES ARMED FORCES FROM AFGHANISTAN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. BLUMENAUER. Mr. Speaker, I continue to have profound reservations about our troop commitments in Afghanistan. History suggests that we will not be successful in stabilizing Afghanistan with military force. No one has and I don't think anyone will.

I opposed the tripling of forces in the region and think that a rapid drawdown starting in July is absolutely essential. We should not, however, tie the hands of the administration and put the civilians in Afghanistan at risk by forcing a complete withdrawal of troops in 30 days. The forthcoming reduction in U.S. troop levels in Afghanistan must be significant and sizeable, but must be executed in an orderly fashion.

The reasons for a timely departure are many. Afghanistan today is one of the most corrupt countries in the world, ranked next to last out of 180 by Transparency International. If you have a culture of corruption, it's hard to plant seeds of positive growth. Economic development through roads and water make the difference between people being thug and doing whatever necessary to feed their families.

The United States and international donors simply cannot afford to bankroll 70% of Afghanistan's budget and to keep spending \$8 billion a month in taxpayer money. We spend in one day 20 times what the average Afghani will earn in an entire year. Yet for all that spending there is a dire need for the most basic of services. In the rural areas, 80% drink polluted water, only 10% have adequate sanitation.

It grows clearer by the day that the more heavy-handed we are and the stronger our military presence in Afghanistan, the more we unify the threats against our troops, the United States, and our allies.

Military efforts do little to address the Afghan people's grievances over their exclusion from the political process and do little for long-term stability throughout the region. We should focus on civilian efforts, working with Afghans to strengthen their ability to govern, support civil society, fight corruption, and help to rebuild their country. We cannot do this in 30 days, not even 30 weeks. That's why I oppose this resolution and instead support a significant—but thoughtful—drawdown in July.

ON THE PASSING OF STANLEY J. "BUD" GRANT

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mrs. CHRISTENSEN. Mr. Speaker, I rise to remember and commemorate the life of Stanley, J. "Bud" Grant who passed away suddenly last month but who in the course of his life worked to help those in need. I knew him as Bud Grant, the founder and President of the Friends of the Congressional Glaucoma Caucus Foundation as he worked to screen disadvantaged populations across the country for glaucoma and other eye diseases. My community, in the U.S. Virgin Islands, was one of the places where Bud took his army of mercy since 2001 to test and identify thousands who could not afford to seek those services on their own. People lined up for hours, waiting for a chance to get care for that most precious of human senses, eyesight.

Bud was born and raised in Brooklyn, New York. He graduated from St. Francis College and attended Fordham University and the New York University School of Public Administration. A member of the "Greatest Generation," he served in the U.S. Marine Corps in the Pacific theater during the Second World War.

Prior to his work against glaucoma, Bud enjoyed a long career in pharmaceutical sales for Upjohn/Pharmacia. He worked on behalf of the Medical Society of the State of New York, the Pharmaceutical Manufacturing Association, and Pharmacia Corporation and Covance Research Labs. He also served on the boards of Wagner College and New York Hospital Division of Queens.

On behalf of my family, staff and constituents in the U.S. Virgin Islands who were touched by Bud's work, I extend my condolences to Bud's family, especially his son Richard, who will continue the important work that his father began at the Glaucoma Caucus Foundation.

May Bud Grant rest in peace.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,251,174,516,308.48.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,612,748,770,014.60 since then.

This debt and its interest payments we are passing to our children and all future Americans.

PROTECTING NATIONAL SECURITY BY CUTTING THE MILITARY BUDGET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, two things are very clear. One, we should over the next years adopt a plan for substantially reducing our national debt. Two, we cannot do that in a reasonable way without making substantial reductions in America's worldwide military footprint. For too long we have allowed the rest of the world to become dependent on us. As our wealthy allies cut their own military budgets, we are expected to increase ours. The recent Libyan situation illustrates the problem we have created for ourselves by encouraging this sense of dependence on the part of so many wealthy nations. America is thousands of miles away from Libya while many of our strongest and closest—and prosperous—allies are within hundreds of miles. But it fell to America to take the lead in the coalition effort against Libya and the reason for that, we were told, is that only America had the capability to do it. To the extent that it is true, it is a shortcoming that we must remedy. We must insist that our wealthy allies no longer expect us to shoulder so much of the burden. It is important that we recalibrate our military spending to more closely approximate our own genuine needs, and if we do not do that, there is no way to bring the budget deficit down in a responsible way.

Mr. Speaker, Winslow Wheeler is a thoughtful student of military spending and understands how America's genuine defense would be enhanced and not in any way threatened by a substantial scaling back of military expenditures. He wrote a very thoughtful article explaining this in the Wednesday, March 9 issue of the Hill, and because no issue is more important than getting the budget deficit down in a responsible way, I ask that that article be reprinted here.

THE DEFENSE BUDGET: IGNORANCE IS NOT BLISS

(By Winslow T. Wheeler)

Polling from Pew and Gallup reveals major public misconceptions about the defense budget. Fifty-eight percent of Americans know that Pentagon spending is larger than any other nation, but almost none know it is up to seven times that of China. Most had no idea the defense budget is larger than federal spending for education, Medicare or interest on the debt.

The scurrilous in Washington promote the misimpression of an under-funded Pentagon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

They imply it is smaller than during the Cold War by saying it was at 8 percent of gross domestic product in the late 1960s, but only 4 percent of GDP now. Therefore, it's gone down and is now low, right?

Some use hyperventilated rhetoric to pressure for more defense dollars. Sadly, this category now must include Secretary of Defense Robert Gates, who termed "catastrophic" the recommendations of the Obama deficit commission to merely maintain defense spending at its post-WWII high, and who deemed a "crisis" the idea of a 1 percent—\$5 billion—reduction in the 2011 defense budget compared to 2010.

Some on Capitol Hill, such as the chairman of the House Armed Services Committee, Rep. Bruce A. Vento (R-Calif.), blanch at the idea of restraining defense spending, claiming it would be "dangerous" to do anything but grow the defense budget while the nation is "at war."

They don't just ignore the facts, they torture them—but that's nothing new in politics. What is different, however, is that the aggressive ignorance about the defense budget is beginning to shrivel, revealing a new paradigm: the defense budget is outrageously bloated.

The new conventional wisdom is that we now spend more on the Pentagon than at any time since WWII, and that President Obama will exceed George W. Bush's defense spending. Some even appreciate that he will also exceed Ronald Reagan's. Others understand defense spending does not just exceed a few other functions in presidents' budgets, it exceeds them all, except one—Social Security. In most cases, DOD doesn't just exceed the others; it is multiples of them.

During the Cold War, we averaged \$450 billion annual Pentagon budgets. Today, with no massive conventional threat and a much-diminished nuclear one, we operate at spending levels more than \$200 billion higher, if you include funding for the wars—almost \$100 billion higher if you do not.

The distortion of a lesser threat compelling more spending is propelling the paradigm shift.

Moreover, the wars we have been fighting are against poorly trained and equipped irregulars. It is not to diminish the sacrifice the national leadership extracts from the men and women who serve in Afghanistan and, previously, Iraq, but today's conflicts are—materially—minor events compared to the wars in Korea and Vietnam, when we deployed hundreds of thousands more and faced more than 200 Soviet and Warsaw Pact divisions in Europe.

While we have spent more than \$1.3 trillion for Iraq and Afghanistan since 2001 (in inflation-adjusted 2011 dollars), we also added another trillion dollars to the parts of the defense budget that the Pentagon tells us is not for the wars—the so-called "base" budget.

Just before 9/11 we were operating at an annual level of spending for the Pentagon at \$400 billion. Today, in the same inflation-adjusted dollars, we are operating at a "base" budget level well above \$500 billion. It is in that context that we are told by Gates and McKeon that a 1 percent reduction in a single year constitutes a "crisis" or something "dangerous."

The real crisis is what has been happening to our forces. With a \$300 billion increase in funding, the Navy's "battleforce" shrank from 318 ships in 2000 to 287 in 2010. With more than \$300 billion added to its budget, the Air Force shrank from 146 combat squadrons to 72. The Army burned another \$300 bil-

lion to increase brigade combat team equivalents from 44 to just 46. According to data from the Congressional Budget Office, this includes not a smaller, newer equipment inventory, but an older one.

Worse, the Pentagon can't track its own inventory, financial transactions, or even what it has paid out to contractors and received in return. Despite the accountability clause of the Constitution, the General Accounting Act of 1921, and the Chief Financial Officers Act of 1990, the Pentagon has maintained itself in a state where it cannot be audited.

But then, if I were presiding over this mess, I would want not you to know the facts either.

HONORING DON ROBERTSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize Don Robertson of Marietta, Georgia.

For 26 years, Don has been the headmaster of The Walker School. This school year will be his last as he embarks on a much deserved retirement. The Cobb County Community is sad to see such a great educator leave but we are grateful that he and his family have been such an integral part of our community.

What makes him such a respected educator is that Don has always been willing to assist a student in need. Although he would never volunteer this information, Don has paid the reenrollment fees for countless students to continue their higher education at Walker. This a common occurrence with a co-worker from all of his 26 years commenting "if only I had a nickel for every dollar he contributed to tuition of his students . . ."

Mr. Speaker, Don often is introduced by his own faculty as "The World's Best Headmaster." He has been a formidable mentor to young faculty. So much so, many of his mentees have gone on to be principals and headmasters themselves at other educational institutions.

Don is always willing to give his all to the betterment of the Walker community. During the annual silent auction, Don offers up his culinary skills with all proceeds going to the school. "Won-ton Don" prepares from scratch an Oriental meal for the winning bid, which is always one of the most popular items at the auction.

Mr. Speaker, Don has been a strategic planner for The Walker School and it has never been more evident than today. When Don first came to Walker in 1985, the school had 450 students and one building. Under Don's leadership, Walker recently completed an \$11.5 million building program which significantly enhanced the academic and athletic facilities. Today, he leaves the school with a student population of 1,038, 34 acres of land, more than 1 million square feet of teaching space, seven buildings that house three libraries, two gymnasiums, three dining halls, a technology center, Preschool, Lower School, and Middle and Upper Schools. Without question, Don built Walker to what it is today.

Walker's Mission is to provide an excellent college-preparatory education in a nurturing environment that values personal integrity, prizes creativity, and inspires the lifelong love of learning. It is clear, Mr. Speaker, that Don Robertson has done just that.

Don compiled a faculty of substance to help prepare students for college and for life. The school has over 180 professional staff members, with advanced degrees held by 71 percent of Walker's lead teachers. Don believes in his faculty. At every faculty meeting, he draws the name of a teacher out of a hat. Whichever teacher he draws, he substitutes for them for the entire day, giving them a much deserved day of rest.

It is no small task but Don has cultivated a learning environment that students want to immerse themselves in. As a mathematics instructor, Don has made students appreciate the subject, which in and of itself is a huge accomplishment. Tellingly, 100 percent of The Walker School graduates are accepted to a college or university.

When asked about what makes The Walker School special, Don stated: "An intangible spirit exists in the faces of our students, during conversations with our committed faculty and staff, visits from our alumni, and in the dedicated work of our volunteers and parents."

Mr. Speaker, Don is a devoted father and grandfather of three. I know he is looking forward to being able to spend more time with his grandchildren.

Don, I thank you for your service to the children of Cobb County and I wish you the best in the next chapter of your life.

I ask my colleagues to please join me in thanking Don Robertson for his commitment to the education of our Nation's future leaders and the betterment of his community.

IN HONOR OF JOSEPH J. HUNT,
PRESIDENT OF INTERNATIONAL
ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL,
AND REINFORCING IRON-
WORKERS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. LYNCH. Mr. Speaker, I rise today in honor of a good friend and tremendous labor leader, Joseph J. Hunt. Joe has dedicated his life to improving the lives of working men and women.

Joseph J. Hunt was elected General President of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers on February 23, 2001. A native of St. Louis, Missouri, he is a third generation ironworker. His father, Joseph Hunt, Sr., and his grandfather, Jim Hunt, both held offices in Iron Workers Local Union No. 396, St. Louis. As his father and grandfather before him, Joe has held numerous positions in Local No. 396 including that of Business Manager. In 1983 he was appointed a General Organizer and assigned to International Headquarters in Washington, D.C. He first served as Assistant to the Director of Jurisdiction and then became Assistant to the General Treasurer. In 1990, he

returned to St. Louis and was elected President of the Iron Workers District Council of St. Louis. In 1994, Joe was appointed General Vice President and in December of 1998 he was appointed General Treasurer.

Between May and July of 2001, Joe was both elected as an Executive Board Member of the Maritime Trades Department and as a Vice President of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Subsequently, in August of the same year, he was elected as an Executive Board Member of the Metal Trades Department.

During his distinct career, Joe served as a member of the Governing Board of Presidents of the Building and Construction Trades Department and the Secretary of the Board of Directors of the National Coordinating Committee for Multiemployer Plans. While he served on the Board of Directors of Union Labor Life Insurance Company, Joe was elected as Chairman of the Board on August 3rd, 2003. In addition, Joe has served in other labor related positions including Vice President and Executive Board Member of the St. Louis Building Trades Council, Executive Board Member of the Missouri Building Trades Council, Trustee and Executive Board Member of the St. Louis Labor Council, AFL-CIO, Chairman of the National Stack and Chimney Committee, and Secretary of the Regional Committee of the National Infrastructure Alliance. His extensive and impressive resume also includes serving as a Board Member of the Maria Droste Home, as a Trustee of the Arch Mutual Fund, and as a Board Member of FIRMCO.

A 1987 graduate of the Harvard University Trade Union Program, Joe and his wife Jan have four children including son Joe (who is also a member of Local 396), as well as eleven grandchildren. They all currently reside in St. Louis.

Mr. Speaker, it is my distinct honor to join with Joe's family, friends, and brothers and sisters of labor to thank him for his incredible dedication and commitment to the fight for workers' rights and services. I hope my colleagues will join me in celebrating Joe's distinguished career and in wishing him good health and success in all of his future endeavors.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—REBECCA JAMES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my community service contribution this year I participated in a dance marathon that raised close to five thousand dollars for Habitat for Humanity at Dallas. I was actually the founder of this event and coordinated every detail of the fundraiser. My dance marathon consisted of dancing and activities for a solid twelve hours. The event took place at my high school and included one hundred and eleven determined students. I was very happy with the outcome of this program and so was my beneficiary—Habitat for Humanity. Dance marathon 2011 was an incredible experience and a quite rewarding way to spend a Saturday. Not only did I dance with one hundred of my closest friends; I also met new people, raised awareness about a great cause, and raised money for a deserving neighbor in Dallas. The money we earned will be going to a family that lives in Dallas and the five thousand dollars will be used to most likely buy paint or a new door. It is great to know that I planned such a successful event, and it is even more wonderful to know I have personally impacted and changed a person's life.

—Rebecca James

HONORING JERRY FELDHAUS ON HIS RETIREMENT

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. CARNAHAN. Mr. Speaker, on the occasion of his retirement, I rise to honor Jerry

Feldhaus, an exemplary citizen of Missouri and the City of St. Louis. An active and accomplished, yet humble citizen who worked selflessly and tirelessly for the good of others, Jerry truly represents the best of America.

As a young man, Jerry's career as a pipe coverer was interrupted when he was called upon to serve our Nation. He answered that call and bravely defended our freedoms as a member of the 101st Airborne Division in Vietnam.

Jerry's commitment to helping others is demonstrated by his dedication to the trade union movement. For 31 years, he served as a board member, business representative, and business manager of the Asbestos Workers Union Local 1. For the past 12 years, Jerry served as the Executive Secretary-Treasury of the St. Louis Building & Construction Trades Council. He has held numerous other leadership positions in the Building Trades and as a Board Member and Co-Chairman of PRIDE, Jerry Feldhaus set the standard in building better cooperation between management and labor.

Jerry's reputation as trusted leader in both labor and management circles helped great economic development projects get done in our St. Louis Region. Private sector projects such as the new Busch Stadium would never have been built on time and on budget without the commitment and vision of Jerry Feldhaus. The new Mississippi River Bridge, one of the most important and transportation projects currently being built in the country, would not be on its way without Jerry's steadfast leadership in bringing Illinois and Missouri leaders together for this great common cause.

Through it all, Jerry has been motivated by a profound desire to work for the benefit of others. He has made a significant and positive impact on our community, giving his time and talents generously to vital social causes as a Board Member of the St. Louis Chapters of both the March of Dimes and Nurses for Newborns.

Jerry is deeply devoted to his family. He and his wife Jeanette have been married for 38 years and raised three children: Damon, Marty, and Stacy. Jerry is also a loving grandfather and great-grandfather.

The St. Louis community has benefited tremendously from Jerry's unwavering commitment to improve labor and social conditions. Furthermore, every American appreciates the patriotic sacrifices he made in his military service. Jerry is truly an exemplary citizen, and the accomplishments of his remarkable career ensure that his legacy will live on for many years to come.

HONORING LIVING LEGENDS TORCH BEARERS' AWARD RECIPIENTS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor twelve members of the South Jersey community who received awards at the Living Legends Torch Bearers' Awards Program.

These leaders of the African-American community dedicated years of educational, cultural, and religious service to South Jersey. Assemblyman Gilbert "Whip" Wilson, Bryson C. Armstead, Spencer Moore, Joyce Gilchrist-Pierce, Ruben Britt Jr., Beverly Collins-Roberts, Martha Chavis, Claudia Cream, Dr. Stella Horton, Dr. Ralph Hunter, Wilbert Mitchell, and Rev. John O. Parker Jr. deserve to be recognized for their hard work and dedication to the South Jersey community.

Assemblyman Gilbert "Whip" Wilson is a lifelong resident of Camden County and has dedicated his life to service, first in the Air Force, where he was awarded with several medals. He then served as a member of the Camden Police Department and rose to the rank of lieutenant. After his retirement, he was on the Camden City Council, until he was appointed to the New Jersey Assembly.

Two other honorees were also veterans. Bryson C. Armstead served in the Navy during World War II. He was a driving force behind the restoration of the Mount Peace Cemetery, and its placement on the State and National Registers of Historic Places. Spencer Moore served in World War II as a member of the 92nd Infantry Division. He saw combat in Italy and received a Purple Heart, the Bronze Star and the Combat Infantry Badge.

The other individuals that were honored with awards were: Joyce Gilchrist-Pierce, first female mayor of Camden; Ruben Britt Jr., author and current Assistant Director of Career and Academic Planning at Rowan University; Beverly Collins-Roberts, award-winning photographer, filmmaker and historian; Martha Chavis, a community leader and adjunct professor at several colleges; Claudia Cream, principal of Parkside Elementary school in Camden; Dr. Stella Horton, executive director of the Camden Center for Youth Development; historian Dr. Ralph Hunter, founder of the African American Heritage Museum in Newtonville; Wilbert Mitchell, executive director of RESPOND, a Camden-based educational and social services organization; and Rev. John O. Parker Jr., Pastor of Camden's Antioch Baptist Church.

Mr. Speaker, the commitment of these individuals to the South Jersey community should not go unrecognized. I express my deepest appreciation for their dedication and unwavering service.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JOYCE KIM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the require-

ments of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

LOVE WEEK is a tradition at Allen High School that is currently in its 32nd year. The program had lapsed in the past three years, but was resurrected by the International Baccalaureate students as part of their focus on community service in 2009-2010. The idea for LOVE WEEK was developed 29 years ago by a high school class who was reading the novel 1984, by George Orwell. In the novel there is a "hate week" and the students decided to turn the idea around and form a "love week." Each year an AISD student or Allen community member who is in need is chosen, and then various fund-raising activities occur during Love Week (usually the 2nd week of February) in order to raise money to aide the selected recipient. This year, I was one of two co-chairs responsible for overseeing the entire operations of Love Week. Subsequently, I helped choose this year's recipient out of about ten different candidates. This year's recipient was Mavrik Veal, a Kindergartener. He is currently battling two types of Leukemia is undergoing chemotherapy in order to have a bone marrow transplant in the next two weeks.

—Joyce Kim

HONORING MAYOR LINDA JACKSON

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to commemorate Linda Jackson's 20th anniversary

of serving on the Glendale Heights Village Board, and her 10th anniversary serving as Village President. This is an extraordinary milestone in that it makes her the longest serving public official on the Glendale Heights Village Board as well as the longest serving Village President.

As a resident of Glendale Heights for 37 years, Mayor Jackson has distinguished herself as a well-respected leader. Prior to becoming Mayor, she was an Elected Trustee in 1991, 1995 and 1999. Throughout her career, Mayor Jackson has served on numerous Village Committees and Commissions and has played a primary role in the improvement of several public buildings and parks within Glendale Heights.

Among other projects, Mayor Jackson has overseen the development of Camera Park, the Glendale Heights Aquatic Center, Veterans Memorial Park and the Glendale Lakes Golf Club and Banquet Facility. She is an active member of the community, serving as a member of the DuPage Mayors and Managers Conference, the U.S. Conference of Mayors, the Metropolitan Mayors Caucus and the Neighborhood Watch.

Mayor Jackson has also been a recipient of several notable awards, including the Illinois Woman of Achievement Award in 2000 and the Outstanding Patriotism Award from the State of Illinois V.F.W. in 2006. She is truly a committed public servant and a model citizen.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing this special occasion as we celebrate Mayor Jackson's faithful service to the Village of Glendale Heights.

IN RECOGNITION OF THE RETIREMENT OF OVAL JAYNES

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special Athletic Director today, Oval Jaynes.

Jaynes has served as Athletic Director at Jacksonville State University in Jacksonville, Alabama for the past three years and on April 30, 2011, Jaynes will retire.

JSU enjoyed much success Jayne's leadership, winning numerous Ohio Valley Conference Championships and advancing to NCAA postseason play, and more than 300 student-athletes posted a 3.0 grade point average or higher in the classroom. Jaynes, who spent more than 20 years in coaching, including three years as the head football coach at Gardner-Webb, began his administrative career as an Assistant Athletic Director and Associate Athletic Director at Auburn University from 1981-1986.

He was Athletics Director at Colorado State for five years before taking over at the University of Pittsburgh. He led the Panther athletic department from 1991 until 1996, when he moved to Director of Athletics at the University of Idaho. He then spent five years at Chattanooga as Director of Athletics and then another year at UTC as Special Assistant to the Chancellor.

Fourteen of his former staff members went on to serve as Athletic Directors at Division I Institutions, including Jay Jacobs at Auburn University and Mark Hollis at Michigan State University.

Forty of his former staff members and players have gone on to become head football coaches, including Skip Holtz and Urban Meyer, and 61 have become NFL assistant coaches. Additionally, three of his former coaches went on to become head coaches in the NFL.

Jaynes has served on different NCAA committees, the NCAA Council, the Nominating Committee and chair of the District VII Post-Graduate Scholarship Committee. In 1999, he received the General Robert R. Neyland Award for Lifetime Achievement by the All-American Football Foundation and in 2002, the Bill Wade Unsung Hero Award. In 2008, he was inducted into the Burke County Sports Hall of Fame in his hometown of Morganton, N.C.

Jaynes was born on July 25, 1940, and is a graduate of Appalachian State University. Jaynes is married to Pricilla and has two sons, Lee and Brandon and three grandchildren. I'm proud to congratulate Oval Jaynes on his retirement and thank him for his service to JSU.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—NATHAN LEE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do

not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

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A copy of each submitted student summary follows:

Volunteering through the lens of Congressional Youth Advisory Council has given me an opportunity to view my volunteering for church, community, and mission trips with hope, compassion, and a deeper appreciation of volunteering. With this charge in mind, I volunteered for a local church event during the fall and helped restore and clean a retired veteran's yard. I believe CYAC's charge to serve in our community is a sign of a healthy and caring society. Through an individual's willingness and desire to help others in less fortunate circumstances, volunteering can lead to changed lives and changed communities. Through CYAC's efforts, my involvement in church and Senior Citizen Services has given me a path that displays desire and gratefulness to citizens in need. A simple act of cleaning up for one in need is a solution to an elderly veteran who served our country with honor and with distinction. In addition, volunteering gives us opportunities to form relationships with people we would normally not bond with. Through CYAC's efforts, I learned that a compassionate civil society can care for its citizens, which I believe is a foundation for a great and grateful society.

—Nathan Lee

HONORING MARGARET MARSH FOR HER CAREER AS DEAN OF THE FACULTY OF ARTS AND SCIENCES AT RUTGERS-CAMDEN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to Margaret Marsh, Outgoing Dean of the Faculty of Arts and Sciences and Distinguished Professor of History for her service to Rutgers-Camden University. After thirteen years of exemplary leadership, she is stepping down as Dean and re-joining the faculty.

Ms. Marsh earned her undergraduate degree from Rutgers-Camden University and later received her PhD in history from Rutgers-New Brunswick in 1974. Ms. Marsh distinguished herself as a leader, holding positions as professor, chair, and Dean within two different institutions of higher learning. Ms. Marsh was professor and Chair of the History Department at Temple University in 1997, then went on to become Dean of the Faculty of Arts and Sciences at Rutgers-Camden in 1998. After becoming Dean, Ms. Marsh earned a reputation as a renowned expert in women's history, gender history, American cul-

tural history, and the connections between gender and medicine. Her award-winning research on these topics was funded by a multi-year grant from the National Endowment for the Humanities. She has shared these findings over the last thirty years, publishing several books, articles, and essays.

During her tenure, Ms. Marsh has worked to expand educational opportunities for students. Thanks to her dedicated leadership, Rutgers launched the nation's first PhD program in childhood studies and created new PhD programs in public affairs and computational and integrative biology. Ms. Marsh also presided over the Faculty of Arts and Sciences increasing its support for its endowment fund by over 800%. This increase produced more scholarships for students in need and funded more faculty research programs.

Mr. Speaker, please join me in congratulating Margaret Marsh on her career as Dean. Ms. Marsh has made a lasting impact on Rutgers' faculty and students, and I am inspired by her dedication and leadership to the university.

IN HONOR AND REMEMBRANCE OF THOMAS H. GREER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Thomas H. Greer, a loving husband and friend, and the Vice President of the Cleveland Plain Dealer newspaper.

Mr. Greer became editor of the Plain Dealer in 1990, becoming only one of three African-American journalists to hold such a position at a major daily newspaper at that time.

Known to colleagues as Thom, he served as a role model for young and aspiring journalists. His work ethic was, as he told the newspaper in 1992, to "keep your mouth shut, hold your head up high and work like hell to make yourself and those around you as good as they can be."

Mr. Greer was born in Nashville, Tennessee, but moved to New Jersey during his childhood. He majored in history at Dillard University in New Orleans, and later attended Rider College and Rutgers University.

In 1964, Greer was hired by the Evening Times in Trenton, NJ as a sports journalist. He moved to the Plain Dealer in 1974, where he served on the suburban news unit. His stories investigating shakedowns of late-night liquor stores and thefts of confiscated liquor by Cuyahoga County Sheriff officer, led to their arrests.

Mr. Greer left the Plain Dealer for larger papers in Chicago, Philadelphia and New York, but returned in 1983 as editor of the sports department. He expanded their news coverage from exclusively local sports to national and international stories.

Mr. Greer worked as Managing Editor, Executive Editor and eventually Editor, as he oversaw the expansion of the paper, the creation of new bureaus in other counties, and expanded coverage of upcoming issues. In 1992, he became Vice President and oversaw

community outreach, volunteerism, affirmative action employment and the Plain Dealer Charities, as well as the Plain Dealer High School Newspaper Workshop.

In addition to his many roles with the Plain Dealer, he served as a trustee of the Greater Cleveland Roundtable, WVIZ-TV, the City Club, and the National Junior Tennis Association. He was honored by Kaleidoscope Magazine and inducted into the Region VI Hall of Fame of the National Association of Black Journalists.

Mr. Speaker and colleagues, please join me in remembering Thomas H. Greer, whose legacy of professionalism, positive work ethic, and commitment to justice will forever serve as an example. I extend my sincere condolences Mr. Greer's wife Maxine and to his family, friends and colleagues that knew him best.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ALYSSA JOHNSTON

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my

privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

When I was informed CYAC members would be asked to volunteer time to make a difference in the lives of others I began to look for the perfect serving opportunity. I found it at HOPE Resource Center. My job as Diaper and Wipe Coordinator for the Blessings Boutique is to contact churches and inform them about HOPE Resource Center and the blessings that HOPE brings to the young women in our community. I ask them to hold a drive to collect diapers and wipes and then deliver them to HOPE. I help the churches by providing information to pass along to their members about the Christ-centered ministry opportunities of HOPE. I stay in contact with the churches and help them with anything they need for the diaper drive. Once the church is done collecting diapers and wipes I arrange a time for them to drop off the donations they collected. I look back today and I can see the difference I have made in my community. I have impacted the lives of numerous young mothers and their babies. I have gained new insights in the lives of people touched by community service. I have a new found passion for serving others in my community.

—Alyssa Johnston

RESTROOM GENDER PARITY IN FEDERAL BUILDINGS ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. TOWNS. Mr. Speaker, public restrooms have been the site of institutional discrimination by race, physical ability and gender. Women are often forced to wait in long lines to use public restrooms, while men rarely have the same problem. It is an inconvenience seen in almost every type of public building; be it a sporting venue, office building, airport or a building designed for recreational activities. Many of these establishments were constructed decades ago, during a time in which many women did not travel, hold the same jobs as men, receive the same level of education or have the same type of social life as they do today.

The issue of inadequate accommodations in women's restrooms may be found in many professional places of employment. Restroom gender parity is an issue of equality and health. In the year 2011, it is unfathomable to think that American women are still being discriminated against by infrastructural disparities in public buildings.

Unfortunately, this is the sad truth exhibited in nearly all public buildings today. A one-to-one ratio of toilets in female restrooms to toilets in male restrooms sounds like a requirement that ought to have existed decades ago; yet there are still fewer female accommodations compared to male accommodations in many public structures.

This is why supporting the bipartisan Restroom Gender Parity in Federal Buildings Act is

necessary not only for the advancement of gender parity, but for the general well being and health of women everywhere. This bill will require any Federal building constructed for public use to have a 1 to 1 ratio for toilets, including urinals in women's and men's restrooms. Moreover, the bill will impact future Federal projects by mandating that preference for Federal leasing considerations be given to buildings that already meet this criteria.

Mr. Speaker, I urge my colleagues to join me in passing this common sense legislation to address the inadequacies in our federal infrastructure.

IN HONOR AND REMEMBRANCE OF MARY ELIZABETH FLAHIVE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mary Elizabeth Flahive, whose life was marked by her strong ties to the Cleveland community.

Mary was born in Northampton, Massachusetts. She obtained both an undergraduate and graduate degree in Geology. She then spent ten years working at the Springfield, Massachusetts Museum of Natural History.

She moved to Cleveland, Ohio, where she began her 42 year career with the Cleveland Natural History Museum. Her career began with an expedition to Colorado, where she assisted in a dinosaur excavation.

Her tenure at the Natural History Museum was marked by achievement after achievement. She set up the Camp Bigfoot program at the museum, a program which is still active to this very day. She also set up other programs such as the Western Heritage Expeditions.

Her mark on the community expands further than just her work at the Natural History Museum. Friends of hers, the Anderson Family, remember fondly the time she replanted their son's garden after rain had washed it away. In fact, a friend of Mary's recalled that she "believed firmly in all children and in the beauty of the earth."

Mr. Speaker and colleagues, please join me today in honoring the life of Mary Elizabeth Flahive. She is a wonderful example to us all in her devotion to the earth and to her community.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—MICHAEL JARVIE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

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2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I served at two different places: they were the Frisco Miracle League and Anne Frank Elementary school. I learned a lot while serving at these two places. I learned how to appreciate life more and be a kinder person. Community service always teaches me life lessons. The Miracle League has taught me how to live up life and be thankful for every blessing I receive while also being kind and courteous to every person I meet in the process. The Anne Frank Elementary school has taught me how to pour my life into another person and just how important giving someone your time really is to them. I am always talking about how much I learn from community service. Community service does more for the person serving than the person being served. I am thankful for all my endless blessings and how God proves many valuable lessons in serving others.

—Michael Jarvie

COMMENTS BY SARAH STOESZ,
PRESIDENT AND CEO OF
PLANNED PARENTHOOD MIN-
NESOTA, NORTH DAKOTA, SOUTH
DAKOTA

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today to submit a letter from Sarah Stoesz, President and CEO of Planned Parenthood Minnesota, North Dakota, South Dakota.

This letter was written in response to remarks made by one of my Republican colleagues on the House floor on February 17, 2011. During debate on an amendment to H.R. 1, this Member grossly mischaracterized comments that Ms. Stoesz made in the Wall Street Journal regarding Planned Parenthood's new express clinics model. This Member's comments constituted a personal attack against Ms. Stoesz. Such an attack on a citizen-leader is inconsistent with the best traditions of the House. I believe every Member of Congress has the responsibility to speak thoughtfully, respectfully and accurately on the House floor—that standard should apply during debate with our House colleagues and certainly to references to private American citizens.

Planned Parenthood's 26 Minnesota clinics provide essential reproductive health services to over 60,000 women and men each year. The express model increases access to a broad range of health services provided by Planned Parenthood. These services which include cancer screenings, affordable family services, testing for sexually transmitted infections, HIV testing and counseling and routine physicals enable Planned Parenthood clients to live healthier lives and raise healthy families.

PLANNED PARENTHOOD,
Minneapolis, MN, Mar. 21, 2011.

HON. BETTY MCCOLLUM,
Fourth District, Minnesota, Longworth Building,
Washington, DC.

DEAR REP. MCCOLLUM: I am writing to seek your help in making a correction to the Congressional Record.

During the Feb. 17 U.S. House debate over the Pence Amendment, Rep. Michele Bachmann (R-MN) made a completely false statement about Planned Parenthood Minnesota, North Dakota, South Dakota, and wrongly attributed that statement to me. During the debate, Rep. Bachmann referred to a June 23, 2008, Wall Street Journal article, liberally adding her own commentary as she ostensibly quoted verbatim. At one point, she said:

"Sarah Stoesz, who heads the Planned Parenthood operation in my state of Minnesota, said she recently opened three express centers in wealthy Minnesota suburbs and shopping centers and malls, in places where women are already doing their grocery shopping, picking up Starbucks, living their daily lives and stopping off for an abortion."

We would like the Congressional Record to show that:

1. I never used the words "wealthy" or "stopping off for an abortion."

2. Abortion is not available at any of our PLAN express model clinics, where the services are limited to birth control, pregnancy

testing and testing for sexually transmitted infections. In fact, such basic, preventive services represent 95 percent of what we offer our mostly low-income patients.

I find it reprehensible that Rep. Bachmann would portray women as "stopping off for an abortion." And I strongly object to being misquoted and to the misstatement of facts regarding our organization from the floor of the U.S. House.

Thank you for any help you can give in correcting the record.

Very sincerely,

SARAH STOESZ,
President and CEO.

IN HONOR AND REMEMBRANCE OF
MS. ELIZABETH TAYLOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of a legend of the silver screen, a relentless leader in the fight against AIDS, and an extraordinary woman, Ms. Elizabeth Taylor.

Elizabeth Taylor was born in London in 1932 to American parents. She moved with her family to Beverly Hills on the eve of the Second World War. Elizabeth's love for cinema manifested at an early age. Her first well-known performance came at the age of 12, when she played the title role in "National Velvet." From that point, Ms. Taylor lived her life in the public eye, and her name became synonymous with talent, beauty, and glamour. She went on to play such memorable roles as Angela Vickers in "A Place in the Sun," Helen Ellsworth in "The Last Time I Saw Paris," Martha in "Who's Afraid of Virginia Woolf?" and the title role in "Cleopatra," among many others. Throughout her more than 60-year-long career, Ms. Taylor was nominated for countless awards including two Academy Awards and the Screen Actors Guild's (SAG) Life Achievement Award in 1997.

Ms. Taylor was more than just a Hollywood icon. She was also known for her efforts in the fight against AIDS. She was an advocate for AIDS prevention and research at a time when the disease was still a taboo subject for many. She famously stated "I will not be silenced and I will not give up and I will not be ignored." She was the founding international chairman of the American Foundation for Aids Research (amFAR), and was known for her compassion for those living with the disease. As a result of her service, Ms. Taylor received numerous accolades. In 1992 she was the recipient off the Jean Herscholt Humanitarian Academy Award. On May 16, 2000, Queen Elizabeth II named her a Dame Commander of the Order of the British Empire. In 2001, Ms. Taylor received a Presidential Citizens Medal due to her work. On December 5, 2007, she was inducted into the California Hall of Fame.

Mr. Speaker and Colleagues, please join me in honor and remembrance of a woman whose cinematic brilliance, grace, and devotion to fighting AIDS will not soon be forgotten. I extend my sincerest sympathies to her sons, Michael and Christopher, her daughters Liza and Maria, and to her friends and family.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ARIN MCGOVERN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the third district of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the third district's youth ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "a volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense; partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For the past three years I have participated in the Addison Rotary golf tournament benefitting Ronald McDonald House of Dallas. My mother has been the treasurer of the Rotary club for the past four years so I have been able to see the inner workings of the tournament. During the last tournament my mother was really busy at work so I took charge of both the silent and live auctions involved with the tournament. The past tournament was able to raise over \$200,000 for Ronald McDonald House of Dallas. Having to lead a group of people who are older than I am was very intimidating and slightly scary. The tournament has provided me with a great amount of leadership experience. It has also helped me realize the effort that

goes into a community service project. The tournament has helped me develop a devotion to community service and the people around me.

—Arin McGovern

HONORING JOE HUNT ON HIS RETIREMENT

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. CARNAHAN. Mr. Speaker, at this time of his retirement, I rise to honor an outstanding citizen of Missouri and St. Louis, Joseph J. Hunt. Joe's life and career fully embody the American values of concern for his fellow citizens, untiring determination, and sincere love of family.

Following in the footsteps of his father and grandfather, Joe Hunt joined the Iron Workers Local Union No. 396 and became a Business Manager. His leadership and commitment to serving others were recognized by his fellow union members and led to numerous positions, including General Organizer, President of the Iron Workers District Council of St. Louis, and General Treasurer. In 2001 and again in 2006, Joe was elected General President of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. Among his many accomplishments was the creation of the Ironworker Management Progressive Action Cooperative Trust, a partnership between ironworkers and management.

His fortitude, ability, and dedication to others were recognized by those outside of the iron workers community as well. Joe was elected a Vice President at the AFL–CIO, appointed to the labor-management coalition PRIDE, and elected Chairman of the Union Labor Life Insurance Company. Joe has always showed a genuine and humble ambition to make things happen for the betterment of others: good jobs, fair wages and benefits for the working men and women of America.

Joe Hunt has also been a consistent force for community progress at both the regional and national level. His efforts as a Commissioner of Lambert St. Louis International Airport, a member of the Missouri Atomic Energy Commission, a Trustee of the Arch Mutual Fund, Chairman of the National Stack and Chimney Committee, and Board Member of the Maria Droste Home, among many others, demonstrate a commendable aspiration to serve St. Louis, Missouri, and our entire Nation.

Joe's life has been distinguished by a deep devotion to his family. He and his wife Jan have been married for 47 years and raised four children. Joe has also been blessed with nine loving grandchildren. Bonded together by the affection of Joe and Jan, the entire family has chosen to live in St. Louis.

Throughout an illustrious career, Joe Hunt has successfully worked for the good of others and has had a significant positive impact on many. Joe Hunt's years of steadfast loyalty to the union movement, his community, his Nation, and his family reflect the ideals of love, loyalty, and devotion; individual traits of the

private citizen leader that has made America great.

IN REMEMBRANCE OF ARCHIE CATAVOLOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Archie Catavolos, an outstanding individual who devoted himself completely to his country and community.

Archie was born and raised in Cleveland, Ohio. In the early years of his life, he developed a passion for sports. He played football, baseball and he wrestled for John Hay High School. After high school, the Second World War began and Archie decided it was his duty to serve his beloved country. He originally joined the U.S. Navy, and was eventually shipped out as a corpsman with the 7th Marines, Second Platoon, Fox Company. For his service and devotion to his country he became a decorated serviceman. He received a U.S. Silver Star and two Purple Hearts for the valiant courage he displayed during the battles of Pelelieu and Okinawa.

After the war, he decided to serve his community by becoming a Cleveland Policeman. Throughout his 30 years on the force, he worked as a patrol man, a detective hunting down organized crime, and an upholder of morals on the City Smut squad. He was chosen to protect President John F. Kennedy when he came to Cleveland in the 1960s. Upon his retirement from the Cleveland Police Department, Archie was appointed to lead security for the Cleveland School System's desegregation superintendent. He served with the city's school system for 15 years.

Furthermore, Archie was a proud Mason. His local lodge was the John W. Barkley Lodge 621 of F.&A.M. It was a proud honor that he shared with his four brothers, Michael, Peter, Louis and Pete.

Mr. Speaker and colleagues, please join me in remembering the life and times of a truly remarkable individual. Archie will always be remembered for his devotion to both country and community.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JAKE LOFMAN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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A copy of each submitted student summary follows:

I volunteered at Dallas ramps in Dallas, TX in late October. I served with YMSL or Young Men's Service League. This was my 51th time to do Dallas Ramps. I liked this because I was able to build something with my hands and help my community at the same time. I built a ramp up to the building code in about 6 hours with the help of only four other people. We used pressure treated wood so it would last and spent much time building the ramp. The excitement of the recipient was incredible to watch. It makes their life so much easier. Usually these people can barely walk or are confined to a wheelchair. Now instead of struggling to climb up and down stairs or to be carried they have a nice non-steep ramp they can easily walk down or up. This helps the low income people of our society that are also handicap.

—Jake Lofman

RECOGNIZING THOSE WITH TOURETTE SYNDROME ON THE OCCASION OF THE TOURETTE SYNDROME ASSOCIATION'S ANNUAL ADVOCACY DAY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to recognize those with Tourette Syndrome on the occasion of the Tourette Syndrome Association's annual National Advocacy Day, which was Thursday, March 31, 2011.

Tourette Syndrome is a neurobiological disorder characterized by involuntary tics. It often goes undiagnosed, but the Association estimates that some 200,000 people in the United States are known to have the disorder. No definite cause has been found, but research points to abnormal metabolism of a key brain hormone, spurred by a gene that is likely inherited. There is about a 50% chance of a parent with Tourette Syndrome passing it along to their child and sons are three times more likely than daughters to exhibit symptoms of Tourette Syndrome.

On Thursday I met with a young man from my district, Jared Bloch, who passed along a letter written by his brother Tyler, who suffers from Tourette Syndrome. Below is the text of the letter, but I wanted to quote one part: "I love myself no matter who I am. Tourette's is an obstacle I can overcome and it helped me become a much better person." Tyler is wise beyond his 12 years. I hope he can serve as a role model for those with Tourette Syndrome and I hope his family can serve as an inspiration for all of those who know someone with Tourette Syndrome.

Hello. My name is Tyler Bloch. I am 12 years old, and my brother (Jared Bloch) is one of the ambassadors you talked or will talk to. I was diagnosed with Tourette's syndrome in 2nd grade and currently I am in the 7th grade. The main reason I am writing this letter is because I wanted to tell you how TS affects my life and how it affects others.

Throughout elementary school and middle school I was always questioned. "Why do you do that?" "Why do you twitch like that?" The only response I could say was, "I don't know." I was always afraid to tell people about my condition because I thought people would laugh. Although TS does not affect my academics, it affects my self control. I would always have the urge to rant at the top of my lungs, but I couldn't. Every day I had to wait until I return home to get my energies and tics out.

My family has a tough time coping with all the mayhem in the house, but they try their best to ignore my loudness and annoyingness. Once a week I would see a psychiatrist and or a psychologist to try to help me. It is very hard to try to find a local and experienced psychologist that could help me. My mom always tries her best to find one. I would never really want to go, but I had to in order to help my family and me. I always feel horrible for my family because I tend to be very annoying. I clap loudly; yell loudly, get distracted, worry, and all these things are very harsh on my family.

I never mean any of these annoying behaviors, but that was the way I was built. Nothing can stop it. On the bright side, Tourette's eventually goes away, but for now I will have to try to do my best.

This program means a lot to me and I appreciate all your hard work and dedication to the TSA. Thank you so much and you have no idea how this makes me feel. It shows that there is hope and that other people care. I could not ask for a better family. They love me, always try their best to help me, make me laugh, and that is the perfect combination of a well-rounded family. I love myself no matter who I am. Tourette's is an obstacle I can overcome and it helped me become a much better person. Without TS I would not be the person I am today so this condition makes me myself and there is nothing I would change about that.

Sincerely,

TYLER S. BLOCH.

END UNNECESSARY COSTS CAUSED BY REPORT MAILING ACT

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. YOUNG of Florida. Mr. Speaker, every year federal law requires community water systems to spend thousands of dollars mailing a Consumer Confidence Report (CCR) few people actually read. Last week, thanks to the Mayors' Council of Pinellas County, Florida and several of my constituents, I introduced H.R. 1340, the End Unnecessary Costs Caused by Report Mailing Act, which would end the mailing requirement, saving our local communities money in this tough economic climate.

During the last reauthorization of the Safe Drinking Water Act, a provision was included requiring each water system to annually produce a CCR, which contains information on the source and quality of water within a water system. This report is important so that consumers are routinely informed about the safety of their water. Every year approximately 53,000 water systems are required to produce a CCR. However, while the report itself contains important information that should be available, federal law also requires all water systems mail the report to every household.

Water systems in my district have received numerous complaints since the requirement was implemented, including that mailing these reports is a waste of money and that it would be more effective to have a simple statement on their bill that their water is certified safe. While the costs of printing and mailing these reports vary depending on the number of customers in the system, in 2009, printing and mailing the CCR cost one water system in my district \$30,565 and another \$6,785.

My legislation would not stop the production of the CCR, it would simply target the costly mailing requirement. Instead of having to mail the report to every customer, water systems that tested safe for the past year could choose to notify their customers of that fact on their monthly bill, while making the full CCR available on their website or by mail upon request. Water systems where the water tested unsafe would still have to mail the CCR to their customers.

Mr. Speaker, at a time when local government budgets are already strained, it is unnecessary to require that our local water systems mail the report to every household when advancements in technology have provided alternative formats to distribute this information. H.R. 1340 seeks to remove this burdensome regulation and I urge my colleagues to support this measure.

HONORING THE LIFE OF CHARLES MCGLASHAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Ms. WOOLSEY. Mr. Speaker, I rise with a heavy heart today to honor my friend, Marin

County Supervisor Charles McGlashan, who passed away suddenly on March 27 at the age of only 49. Charles was a good man and a dedicated public servant who represented his community with uncommon diligence and decency.

Charles was passionate and relentless in pursuit of important causes, exercising strong leadership to champion the SMART (Sonoma-Marín Area Rail Transit) train, the Marin Energy Authority, the Marin Economic Forum, a ban on plastic shopping bags, and even a resolution urging the U.S. to withdraw from the Iraq war. He cared about people; he cared about the environment; and he cared about a just and peaceful world.

Born July 15, 1961 in Hillsborough, California, Charles attended Yale and Stanford Universities before settling in Marin County in 1991. As a business consultant, his focus was on environmental issues and he quickly became a leader in local groups like the Mann Conservation League and the Environmental Education Council of Marin.

His green activism helped him earn an appointment to a vacancy on the Marin Municipal Water District Board in 2003. A year later he won election to the Board of Supervisors, where he was in the middle of his second term at the time of his death.

During his tenure in public service, Charles demonstrated a grasp of complex issues and an eloquent speaking style. Whatever his fervor, he always listened to other viewpoints. He was both a principled advocate and a pragmatic consensus-builder. I knew I could count on him as a true partner on issues important to the 6th Congressional District.

Charles is survived by his wife, Carol Misseldine, whom he met when both worked for Natural Strategies, a sustainability organization, as well as two brothers.

Mr. Speaker, Charles McGlashan brought to the Board of Supervisors a visionary's commitment to the environment and an acute sense of right and wrong. He embodied the very best of Marin County's spirit of progressive activism. Like so many in the community, I will miss his big smile, his good heart and his infectious personality. He leaves behind a legacy of important work. His memory must inspire us to continue that work in his honor.

**AGENT ORANGE EQUITY ACT: GIVE
COMBAT VETERANS WHAT THEY
DESERVE**

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. FILNER. Mr. Speaker, in passing the Agent Orange related laws in 1984 and 1991, Congress made clear that it wanted to ensure that a fair and independent system was established to determine the relationship between herbicide exposure and the manifestation of certain diseases in our veterans.

Congress also was concerned that exposure to Agent Orange could not be determined by tracking troop movements.

As such, my bill, H.R. 812, the Agent Orange Equity Act of 2011, would expand the

eligibility for presumptive conditions to combat veterans of the Vietnam War to include Blue Water veterans, those who received the Vietnam Service Medal and the Vietnam Campaign Medal, or served on Johnston Island during a specified period when undisputed evidence shows 250,000 gallons of Agent Orange leaked and contaminated the scarce water supply.

Before 2002, VA relied on veterans providing evidence of receipt of the Vietnam Service Medal to allow veterans to be presumptively service-connected for diseases identified as being related to Agent Orange exposure.

Against public outcry, VA unjustifiably reversed its own regulations.

H.R. 812 would reinstate this practice by requiring VA to go back to this fair way of determining service-connection and equitably adjudicating these claims.

These are benefits that these veterans have earned, yet the VA illogically refuses to acknowledge.

Time is running out for these Vietnam veterans and their families. I remain committed to restoring equity for our veterans as do so many of our colleagues. That is why in the 111th Congress, this exact same bill enjoyed the support of over 260 co-sponsors. I also point out that Vietnam Veterans of America also supports this bill.

I strongly urge my colleagues to support equity for our combat veterans of Vietnam exposed to this toxic and deadly cocktail of herbicides.

**RECOGNIZING THE 2010-2011 CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL FOR 500 HOURS OF OUT-
STANDING SERVICE TO THE
COMMUNITY—DANIELLE KASPER**

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve

those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

For my five hours of community service I volunteered at my church, preparing food boxes for Thanksgiving. Every year my church helps put together Thanksgiving food boxes. I always look forward to it each year because my mom and I always go shopping for it. It's a way to help people less fortunate than us. It allows them to have a big Thanksgiving meal just like everyone else. No one should have to miss a holiday with their family for any reason, especially if they just simply can't afford it. Community service to me is anything where you help people with their lives. It doesn't matter how big or small the act may be, it's just making an impact on their lives that makes a difference. It can help to put hope back in people's lives or to let them know that there are people out there that work to help others.

—Danielle Kasper

**TRIBUTE TO RUTH AND STEPHEN
HENDEL**

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Ruth and Stephen Hendel of Larchmont, New York, recipients of the Jewish Theological Seminary's 2011 Louis B. Marshall Award. This award recognizes their commitment to principles to which Louis Marshall adhered as the Chairman of the Board of JTS from 1904 to 1929: exemplary ethics and communal commitment.

In addition to helping strengthen our community and economy through their demanding careers—Stephen in business and law and Ruth in theatre production—the Hendels have worked to ensure equal opportunity for all.

Their contributions have enhanced education programs, including at JTS, where both are actively involved. Stephen takes a unique interest in supporting rabbinical students while Ruth takes an active role on Chancellor Arnold M. Eisen's Arts Roundtable and on the Advisory Board of the Library to help expand students' access to cultural and literary works.

The Hendels' contributions to the New York arts community extend far beyond professional

commitment. With a long list of production credits on and off Broadway, the Hendels co-conceived and co-produced the critically acclaimed musical *Fela!*, which was nominated for eleven Tony awards. The Hendels sought to highlight continued oppression and civil rights struggles around the world in their production, which chronicles the life of a legendary Nigerian musician who inspired a generation in his pursuit of human rights and freedom.

They also serve on boards of several important arts organizations. Mr. Hendel is on the boards of the Eugene O'Neill Theater Center, New Group, Culture Project, St. Ann's Warehouse, Afropop.org, and the African Museum for Art, and serves on various advisory committees at Yale University. Ms. Hendel serves on the boards of the Eugene O'Neill Theater Center, LAByrinth Theater, The Play Company, and the Yale School of Drama Advisory Board.

In addition to their substantial contributions of their time and talents to JTS, Ms. Hendel received a Very Important Parent Award from the Board of Jewish Education and together they have been honored by Westchester/Fairfield County's Crohn's and Colitis Foundation and the Westchester Jewish Center of Mamaroneck.

Married for thirty-three years, the Hendels have three adult children and a son-in-law—Abby and Guy, Sam, and Joe—and one grandson.

The Hendels' commitment to community service and investment in the arts is greatly appreciated and extolled. I urge you to join me today in recognizing their outstanding achievements.

REIMBURSE THE VA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. FILNER. Mr. Speaker, I introduced H.R. 814, the "Medicare VA Reimbursement Act of 2011."

This legislation authorizes the establishment of a Medicare VA reimbursement program where HHS reimburses the VA for the provision of health care to Medicare eligible veterans for the treatment of non-service connected conditions at VA medical facilities.

Today, there are veterans who have earned VA health care benefits with their service to our country, as well as Medicare benefits by paying into the Social Security system during their working years. Even though these individuals have clearly earned both of these benefits, current law unfairly prohibits them from using their Medicare benefits at VA facilities even though they may feel more comfortable seeking care among their fellow veterans from VA providers who specialize in caring for veterans.

This is also inconsistent with the authorities granted to other federal entities such as the Indian Health Service (IHS) and the Department of Defense's (DOD) TRICARE for Life that are allowed to bill Medicare. IHS and DOD are able to augment their resources with

Medicare collections and reinvest the extra funding back into their programs and services. H.R. 814 would provide equity in such billing practices among the federal entities. In other words, the VA would be able to access an important new source of revenues from Medicare which may be reinvested to further strengthen the VA's health care system.

In detail, this legislation requires the Secretaries of VA and HHS to establish a Memorandum of Understanding (MOU) no later than 6 months after the date of the enactment of the Act. The MOU must establish such program elements as the frequency of reimbursement, the billing system, the data sharing agreement, and the payment rate. H.R. 814 also provides some guidelines on setting the payment rate so that the terms that contributed to the failure of the Medicare DOD Subvention Demonstration Project are not repeated again. For example, this legislation prohibits setting a reimbursement rate which is less than 100% of the amount that Medicare would pay a participating provider. It also prohibits annual caps on reimbursement and does not allow for a maintenance of effort requirement, which refers to the requirement that VA maintain a certain level of spending before they can be reimbursed from HHS.

Finally, H.R. 814 requires an annual report to Congress providing program data, as well as a triennial GAO report assessing the program impact.

I urge your support of this important legislation.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—TESS MICHAELS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond

thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

The Red Cross has been an integral part of my life since I founded the school chapter as a freshman and served in the Dallas Red Cross as a Tiffany Circle Intern and the Dallas Red Cross Youth Leadership Council. I hope to inspire my peers to realize that work is its own reward and giving of one's time is the greatest gift. I have seen a strong spirit of volunteerism in the members in installing smoke detectors, organizing fundraisers, and coordinating blood drives. Over 200 members are now actively involved, and by inspiring others to volunteer, the impact on the community increases exponentially. Red Cross blood collections in January were the lowest seen in a decade due to the severe winter storms. I wanted to play an active role and organized a large blood drive as a part of my CYAC community project. I also had the privilege of serving as an attorney in the Plano Municipal Teen Court. I defend and prosecute students from different backgrounds and my hope is that students realize the importance of not letting their impulses take over their common sense and deter them from having a bright future ahead.

—Tess Michaels

INTRODUCTION OF THE LOCAL TAXPAYER RELIEF ACT OF 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Ms. HIRONO. Mr. Speaker, today I rise to introduce the Local Taxpayer Relief Act of 2011, a bill to reauthorize the Impact Aid program.

The majority of public school funding in America comes from local property taxes. However, in areas with military bases, Indian lands, national parks, federal low-rent housing, or other federal property, local school districts cannot collect needed revenue.

Without relief: taxpayers in these federally impacted areas would need to pay more in local taxes to support the same level of education as areas with no federal impact. This is patently unfair.

In 1950, Congress recognized the need to address this inequity and created Impact Aid, the original federal K-12 education law. Impact Aid helps local taxpayers by reimbursing

school districts for the costs of hosting federal property and educating federally connected children. Today, Impact Aid supports over 12 million children in more than 1,300 school districts in all 50 states, DC, and U.S. territories.

In Hawaii, we have Army, Navy, Air Force, and Marine bases where our brave men and women in uniform are stationed. Thousands of military-dependent children are students in Hawaii schools, but our state cannot collect local taxes from these bases. No matter what type of land you live on—and especially if your family serves our nation—all our children deserve a high-quality education.

Impact Aid is especially important now, as school districts nationwide continue to recover from the greatest recession since the Great Depression. Impact Aid funds come with few strings attached, helping districts support a wide range of vital services.

Impact Aid is currently Title 8 of the Elementary and Secondary Education Act, ESEA, also known as No Child Left Behind. As we work to reauthorize ESEA in the House Education and Workforce Committee this year, I am optimistic that we can improve Impact Aid in a bipartisan way.

My bill increases efficiency, eliminates subjectivity, and seeks funding equity. This bill has strong bipartisan support. The National Association of Federally Impacted Schools, NAFIS, worked tirelessly to develop this bill with the broad input of these impacted districts. The Impact Aid Coalition includes 105 Members of Congress.

The bill includes the following major improvements: maintains stability for school districts with military bases going through housing renovation and privatization; allows for an updated “current year count” when districts see a major influx of students due to troop deployment or other federal action; and expedites the U.S. Department of Education’s payments, which currently run up to four years behind.

I thank my principal co-sponsor Congresswoman KRISTI NOEM of South Dakota for her partnership. I urge my colleagues to support this bill to provide relief to local taxpayers and ensure that all our children receive the education they deserve.

IN REMEMBRANCE OF THE REV.
DR. MARTIN LUTHER KING, JR.
ON THE ANNIVERSARY OF HIS
DEATH

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Ms. JACKSON LEE of Texas. Mr. Speaker, today the nation takes pause to observe the 43rd anniversary of the death of Dr. Martin Luther King, Jr. As a Member of the Select Committee on Assassinations that reinvestigated the murder of Dr. King, this day reminds me of that horrible day in 1968. Forty-three years ago today, the man who dreamed of a “more perfect union” was gunned down by American terrorist in Memphis, Tennessee, but his dream continues to become reality today. One cannot observe this day without reflecting on

the life and legacy of a man who brought hope and healing to America. This anniversary reminds us that nothing is impossible when we are guided by the better angels of our nature.

The story of Dr. King is pressed upon me. I am reminded of my work with the Southern Christian Leadership Conference (SCLC) and hearing Dr. King’s inspiring words fill a great void in our Nation, and answered our collective longing to become a country that truly lived by its noblest principles. Yet, Dr. King knew that it wasn’t enough just to talk the talk, that he had to walk the walk for his words to be credible. And so we remember this man of action, who put his life on the line for freedom and justice every day.

We honor the courage of a man who endured harassment, threats and beatings, and even bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway.

Dr. King once said that we all have to decide whether we “will walk in the light of creative altruism or the darkness of destructive selfishness. Life’s most persistent and nagging question, he said, is ‘what are you doing for others?’”

And when Dr. King talked about the end of his mortal life in one of his last sermons, on February 4, 1968 in the pulpit of Ebenezer Baptist Church, even then he lifted up the value of service as the hallmark of a full life. “I’d like somebody to mention on that day Martin Luther King, Jr. tried to give his life serving others,” he said. “I want you to say on that day, that I did try in my life . . . to love and serve humanity.”

Mr. Speaker, these words were spoken by Dr. King two months to the day before his death. Thus it is 43 years after his death, Dr. King continues to teach us all.

Mr. Speaker, during these difficult days as we observe violence throughout the world, all should take pause to the message of non-violence and speak as Dr. King spoke truth to power.

Dr. King’s dream did not stop at racial equality, his ultimate dream was one of human equality. There is no doubt that Dr. King supported freedom and justice for every individual in America. We continue that fight today and forever, in the great spirit that inspired the Rev. Dr. Martin Luther King, Jr.

Mr. Speaker, I thank all my colleagues for being here and remembering Dr. King’s dream and for all that has been done to keep his dream alive.

PROTECT WORKERS RIGHTS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. FILNER. Mr. Speaker, I would like to discuss H.R. 807, a bill which would allow collective bargaining over compensation related labor-management disputes. Examples of such disputes include locality pay, overtime pay, shift differential pay, and performance pay.

I would like to emphasize that my bill continues to protect the basic rates of pay so that VA employees cannot bargain over the federal pay scales. However, I have heard stories where a VA nurse’s overtime pay is miscalculated but there is no recourse for addressing this inaccuracy.

H.R. 807 would also help VA with their recruitment and retention efforts since prospective employees would have the assurance that they will be treated fairly when it comes to the enforcement of pay laws and regulations.

I believe this bill is just the first step in protecting the employment rights of VA healthcare providers. It is the right thing to do for those hard-working men and women who care for our veterans every day.

I urge my colleagues to support this important legislation.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GARRETT HERINGTON

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

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privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I had the opportunity to help out a charitable organization called V.O.L.T, which stands for Vision of Light Team. The 'Vision of Light Team' is an eyeglass mission. They have been to Cameroon twice and recently to Guatemala. They hold vision clinics and distribute used eyeglasses to those in need. They have also trained a team in Cameroon to do vision clinics. V.O.L.T. regularly sends both eyeglasses and money to support this ongoing mission. I worked directly with the head of the charity to clean, organize and label the operational items so the charity is ready for future missions. The project was done over the course of 4 weeks and the main project was preparing, cleaning and labeling eyeglass donations for a future trip to Cameroon, Africa. The charity receives eyeglass donations from across the country. Once received, these glasses have to be sorted, evaluated, cleaned, tagged, and then sorted and re-packaged so they can be tested by an ophthalmologist for prescription strength. After this process, they are then shipped or accompanied by missionaries to Africa for free distribution through the United Methodist Church to those in need.

—Garrett Herington

HONORING THE ST. LOUIS SOCIETY FOR THE BLIND AND VISUALLY IMPAIRED

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today to honor and acknowledge the St. Louis Society for the Blind and Visually Impaired. Founded in 1911, the St. Louis Society for the Blind has served the St. Louis community for the past 100 years. In those 100 years, they have been an asset to our city's blind and visually impaired citizens. They serve over 1500 individuals each year, providing them with training, vision rehabilitation, and educational and support services; not just at home, but in their community and place of employment.

The Society does not limit their assistance to adults with visual impairments. They are also invaluable to the education of our visually impaired youth. Working within our public schools, the society facilitates learning, not just at an academic level, but at a personal level as well. They give our children the skills they need to have the independence and self-esteem that is so vital to the development of a child.

I want to thank the Society for all of its contributions to the people of St. Louis, and its continued efforts to make St. Louis a great place to live for the visually impaired. I know that the first 100 years were just the beginning, and that the next 100 will be just as successful.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 5, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 6

9:15 a.m.
Environment and Public Works
To hold hearings to examine state and local perspectives on transportation. SD-406

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine the role of the accounting profession in preventing another financial crisis. SD-538

10 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine Department of Defense Health Programs. SD-192

Foreign Relations
To hold hearings to examine perspectives on the crisis in Libya. SD-419

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Rafael Borrás, of Maryland, to be Under Secretary of Homeland Security for Management. SD-342

Judiciary
To hold hearings to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age. SD-226

Veterans' Affairs
To hold hearings to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs. SR-418

1:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the census, focusing on learning lessons from 2010 and planning for 2020. SD-342

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State. SD-419

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine strategic systems in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SR-232A

United States Senate Caucus on International Narcotics Control
To hold hearings to examine the dangers of synthetic cannabinoids and stimulants. SD-138

3 p.m.
Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee
To hold hearings to examine the state of community banking, focusing on opportunities and challenges. SD-538

APRIL 7

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Transportation Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-106

Energy and Natural Resources
To hold hearings to examine Department of Energy biofuel programs and biofuel infrastructure issues, including S. 187, to provide for the expansion of the biofuels market. SD-366

Appropriations
Transportation and Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine an overview of the Federal Housing Administration and the future of housing finance. SD-138

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Federal Bureau of Investigation; to

be followed by a closed session in SH-219 at approximately 11:15 a.m.	APRIL 11 4 p.m.	possibility of a closed session in SVC-217 following the open session.
<p>Finance</p> <p>To hold hearings to examine the nominations of David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes, and Jenni Rane LeCompte, of the District of Columbia, to be Assistant Secretary, both of the Department of the Treasury.</p>	<p>SD-192</p> <p>Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee</p> <p>To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA).</p> <p>SD-192</p>	<p>SR-232A</p> <p>APRIL 14</p> <p>10 a.m.</p> <p>Energy and Natural Resources</p> <p>To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.</p> <p>SD-366</p>
<p>Judiciary</p> <p>Business meeting to consider S. 410, to provide for media coverage of Federal court proceedings, S. 627, to establish the Commission on Freedom of Information Act Processing Delays, S. 394, to amend the Sherman Act to make oil-producing and exporting cartels illegal, and the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Esther Salas, to be United States District Judge for the District of New Jersey, J. Paul Oetken, and Paul A. Engelmayer, both to be United States District Judge for the Southern District of New York, and Ramona Villagomez Manglona, to be Judge for the District Court for the Northern Mariana Islands.</p>	<p>APRIL 12</p> <p>10 a.m.</p> <p>Armed Services</p> <p>To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.</p> <p>SD-106</p> <p>10:30 a.m.</p> <p>Homeland Security and Governmental Affairs</p> <p>Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee</p> <p>To hold hearings to examine the President's plan for eliminating wasteful spending in information technology.</p> <p>SD-342</p>	<p>MAY 4</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To receive a closed briefing on Intel.</p> <p>SVC-217</p>
<p>Small Business and Entrepreneurship</p> <p>To hold hearings to examine Small Business Administration programs, focusing on eliminating inefficiencies, duplications, and fraud and abuse.</p>	<p>SD-226</p> <p>2:30 p.m.</p> <p>Judiciary Crime and Drugs Subcommittee</p> <p>To hold hearings to examine cyber security, focusing on responding to the threat of cyber crime and terrorism.</p> <p>SD-226</p> <p>Homeland Security and Governmental Affairs</p> <p>Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee</p> <p>To hold hearings to examine financial literacy, focusing on empowering Americans to make informed financial decisions.</p> <p>SD-628</p>	<p>MAY 11</p> <p>10 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.</p> <p>SD-192</p>
<p>2 p.m.</p> <p>Appropriations Military Construction and Veterans Affairs, and Related Agencies Subcommittee</p> <p>To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Defense and the Department of Navy.</p>	<p>SD-124</p> <p>APRIL 13</p> <p>10 a.m.</p> <p>Armed Services Readiness and Management Support Subcommittee</p> <p>To hold hearings to examine the current materiel readiness of U.S. Forces in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.</p> <p>SR-232A</p> <p>Veterans' Affairs</p> <p>To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce.</p> <p>SR-418</p>	<p>MAY 12</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).</p> <p>SVC-217</p>
<p>2:15 p.m.</p> <p>Foreign Relations East Asian and Pacific Affairs Subcommittee</p> <p>To hold hearings to examine combating human trafficking in Asia.</p>	<p>SD-419</p> <p>Indian Affairs</p> <p>Business meeting to consider S. 675, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and S. 676, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to be immediately followed by an oversight hearing to examine the role of SBA 8(a) Program in enhancing economic development in Indian Country.</p>	<p>MAY 17</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM).</p> <p>SVC-217</p>
<p>2:30 p.m.</p> <p>Homeland Security and Governmental Affairs</p> <p>To hold hearings to examine securing the border, focusing on progress at the local level.</p>	<p>SD-628</p> <p>APRIL 13</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To receive a closed briefing on the United States Pacific Command (PACOM).</p> <p>SVC-217</p> <p>2:30 p.m.</p> <p>Armed Services Strategic Forces Subcommittee</p> <p>To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the</p>	<p>MAY 25</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.</p> <p>SD-192</p>
<p>Intelligence</p> <p>To hold closed hearings to examine certain intelligence matters.</p>	<p>SD-342</p> <p>SH-219</p>	<p>MAY 26</p> <p>10:30 a.m.</p> <p>Appropriations Department of Defense Subcommittee</p> <p>To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM).</p> <p>SVC-217</p>

JUNE 15

POSTPONEMENTS

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD-192

APRIL 7

10 a.m.

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Education.

SD-124

HOUSE OF REPRESENTATIVES—Tuesday, April 5, 2011

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 5, 2011.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

UPPER BIG BRANCH MINE TRAGEDY

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

Mr. GEORGE MILLER of California. Mr. Speaker, 1 year ago today, a massive explosion ripped through the 2-mile area of the Upper Big Branch Mine in Montcoal, West Virginia. The explosion bent railroad tracks like pretzels and killed 29 miners.

This disaster laid bare the loopholes that riddle our mine safety laws. These loopholes allowed dubious mine operators, like Massey Energy, to violate mine safety rules repeatedly and with impunity. In fact, the Upper Big Branch Mine was allowed to remain open even though it had been ordered to stop operations 51 times in the previous year because of severe safety hazards.

After the disaster, there were proclamations made from both sides of the aisle about taking meaningful action to honor the victims so that something like this would never happen again. However, standing here a year later, miners still face many of the same dan-

gers as they did the morning before the tragedy in West Virginia.

Unscrupulous mine operators are still gaming the system by clogging it with thousands of appeals as a way to avoid paying strong penalties. Miners are still paralyzed with the fear of being fired for speaking out because of weak whistleblower protections. Decisions made in the boardrooms to maximize coal production at the expense of miners' safety remain unchallenged. Management practices of illegally giving advance warning of pending inspections are still a mere misdemeanor.

Shortly after the Upper Big Branch tragedy, the Education and Labor Committee held the only hearings where Congress heard from families and miners affected by this tragedy. Many were reluctant to testify because they feared retaliation. For others, there was a strong desire to tell their stories to prevent another tragedy in the coal mines of America.

Eddie Cook told us about the dangerous practices he heard from the miners at the Upper Big Branch Mine after the explosion. He lost his 21-year-old nephew, Adam Morgan.

Adam's father, Steve Morgan, said that when he spoke to his son about the unsafe conditions, management told him that he might just have to find another job. They did nothing about the unsafe conditions.

Gary Quarles lost his only son at Upper Big Branch. Gary asked us to make a commitment to make sure that it doesn't happen again.

Alice Peters testified about how her son-in-law, Dean Jones, was afraid to work in the mine because of the ventilation problems, but Dean needed the job in order to keep health insurance coverage for his special-needs son.

Clay Mullins lost his brother Rex at Upper Big Branch. Clay testified how the management would give advance warning of an impending mine safety inspection so that they could quickly cover up any violations before the Federal inspectors got to that part of the mine.

And Stanley "Goose" Stewart was working at the Upper Big Branch Mine the day it exploded. He testified twice before the committee about the persistent fear and intimidation faced by workers from Massey management.

Every mine law has been written with the blood of miners; and savvy political interests know that, as attention to the tragedy fades, so does the willingness of the Congress to act decisively. Families and miners also ex-

pressed their concern about this skepticism. Looking back now, a year later, their skepticism was entirely justified.

Congress has utterly failed to respond to the real problems that miners, themselves, have identified as safety hazards in their workplace. A toxic political environment has failed these families. The pay-to-play nature of our politics has failed these families.

While congressional action was stymied, the Mine Safety and Health Administration has been working hard to make adjustments in the limited ways it can to help prevent rogue mine operators from recklessly putting lives at risk; but even with these measures, we are hearing the familiar cries from Big Coal to maintain the status quo while they continue to game a legal system designed to protect the miners who go to work in those mines every day.

They cry about their so-called "due process"; but what about the due process for the 29 miners who died in the Upper Big Branch Mine explosion—and their families? What about the miners who went to work today in the coal mines of America—and their families?

Is Congress just going to sit here and simply wait for the next explosion? the next tragedy? the next loss of life? Are we going to let the special interests continue to paralyze this institution?

These should not be hard questions for the Congress of the United States. Our ability to respond goes to the heart of who we are as a Nation. There are things that Congress can and must do right now—and that only Congress can do—to better ensure that every coal miner who goes to work is able to return safely to their families at the end of their shifts. Congress has an obligation to make sure that that is the case.

It is long overdue to honor our promises to the families of the 29 miners who perished a year ago for doing the job that our Nation relies on to provide its energy, and it is also long overdue to give the rest of our Nation's miners modern health and safety protections.

CONGRATULATIONS TO THE LASALLE LANCERS AND THE TAFT SENATORS

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

Mr. CHABOT. Mr. Speaker, boxing legend Muhammad Ali once said, "Champions aren't made in gyms. Champions are made from something they have deep inside them—a desire, a dream, a vision."

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

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

I would like to recognize two high school basketball teams from my district which proved that they are, indeed, champions. They had the desire to make every practice count and to play every game as if it were their last. They shared a dream that was strong enough to overcome the many distractions all high school kids face, and their coaches gave them the vision that all their hard work and sacrifice would pay off in the end.

The schools? The LaSalle Lancers and the Taft Senators.

First, congratulations to the LaSalle Lancers on winning the 2011 Ohio Division I Basketball State Championship. LaSalle is a boys' Catholic high school in my district that is particularly special to me since it's my alma mater. Regardless of my personal attachments to the school, I'd like to recognize them on a job well-done and a season well-played. They represented themselves and our community with an outstanding display of athleticism, sportsmanship and class throughout the season—but especially in the playoffs.

The players and coaches stuck together in the face of adversity, especially when their head coach, Dan Fleming, suffered a heart attack, which placed sports and the tournament in perspective. The LaSalle family rallied around their coach, and the Lancers, led by their seniors and the assistant coaches, went on to win their first basketball State championship in 15 years and the second in school history.

□ 1010

I would also like to congratulate Coach Tom Grippa and the LaSalle Lancer football team for their tremendous season. You made us proud. Congratulations Lancers.

I also rise today to congratulate the Taft High School Senators, who won the Division 3 Basketball State Championship. Now I acknowledge that it's rare that a Member of this esteemed body, the House of Representatives, ever says anything positive about Senators, but I'd like to make an exception today.

Led by their head coach, Mark Mitchell, the Senators defeated Cleveland Central Catholic High School to win the first State championship in school history. The Senators went into the tournament ranked number 1 by the Associated Press. They not only made school history by winning their first State championship, but they also set a Division 3 boys basketball record for the most points scored in a championship game. Finishing the season at 26 and 1 is quite a feat. It is an honor to have them represent our district, and I congratulate them on their success.

I would be remiss if I didn't also commend former Cincinnati Bengal star Mike Martin for the tremendous effort

that he has made in turning around the Taft High School football program, mentoring his players to be successful in life as well as on the football field.

Let me conclude by once again congratulating the players, the coaches, the students, the faculty, and the fans of Cincinnati's LaSalle Lancers and Taft Senators for the inspirational seasons you've just completed. You've made all of us very proud. Your accomplishments will be long remembered. Go Lancers! And go Senators!

1-YEAR ANNIVERSARY OF UPPER BIG BRANCH MINE TRAGEDY

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

Mr. RAHALL. Mr. Speaker, it has been 1 year since the fatal explosion at Upper Big Branch Mine, 365 days since we lost 29 courageous coal miners—fathers and sons, brothers and friends. We vowed then that some good would come from this terrible tragedy. We can say that criminal investigations are almost complete, enforcement has toughened, the Congress has increased funding to target pattern violators, and yet coal miners are still dying in our coal fields.

It's easy to doubt. It's easy to question whether things can be made better. I find inspiration in the Biblical verse from Romans: "Glory in tribulations also, knowing that tribulations worketh patience; and patience, experience; and experience, hope." Never lose hope that we can improve the health and safety of miners in the coal fields. Never lose hope that we can pass tougher mine safety laws and that we can enforce those laws and save lives.

There are plenty of good coal companies in America, companies that put time and effort and money into making their workplaces safe in which they operate. They are forward-thinking coal companies, with strong safety records that have designed programs aimed at protecting the lives and preserving the health of their miners. They want to see those bad actors, those companies that have tarnished the reputation of an important industry, reined in. They do not accept a world in which they must compete against companies that would sacrifice the health and lives of their own employees for competitive advantage and blatant profit.

There are plenty of Members of Congress on both sides of the aisle who recognize that legislation is necessary. Congressman MILLER, Congresswoman LYNN WOOLSEY and I, along with many others, will continue fighting for reforms to give the agencies the tools they need to target the bad actors. We want to ensure that sound companies that have good records can continue to perform and produce, but we just as surely want to ensure that the worst

operators can be reined in and that lives can be saved. We can strike a balance, and we will.

Changes and improvements may come slowly, but they will come. As long as coal miners and these brave, courageous families continue to demand that the loss of their loved ones not be in vain, they will come.

The April 5 disaster of 1 year ago was a tragedy that never, ever should have occurred. We must provide accountability, and we have a duty to institute changes that will help prevent a repeat of that awful day. Those 29 coal miners should not have perished, and for them and all those miners on the job today, we must keep speaking out.

Tonight, I will be at the 1-year anniversary with the families of all of these perished coal miners. I will look in the eyes of their loved ones once again as I did that painful week following their tragedy 24 hours, 7 days a week. We will join and we will commemorate these good men and the people who came together to try to rescue them—to them we say thank you—and to provide comfort and a final closure to these families, which we have yet to do.

These families want accountability, they want the truth, and they want to ensure that no other families ever have to suffer the way they have. Chairman MILLER, LYNN WOOLSEY and I remain committed to their cause. I urge my colleagues to join us in this life-saving, important endeavor.

IT'S TIME TO BRING OUR TROOPS HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, last Tuesday, Congresswoman SUE MYRICK and I went to visit the wounded at Walter Reed. These trips are always a vivid reminder of the true cost of war. Seeing the men and women who have lost limbs for this country make we wonder how many more are going to be in that hospital, both at Walter Reed and Bethesda, with severe wounds.

After hearing Secretary Gates, and I have great respect for Secretary Gates, but he has made it clear that we will be in Afghanistan until 2014. He said it will be 2014 or 2015 before we can start substantially bringing down the number of troops in that country. Here we are in Washington battling right now about the 2011 budget, what should we do or not do and cut this and cut that, yet we seem to find \$8 billion a month for a corrupt leader in Afghanistan named Karzai. He's corrupt and his government is corrupt. Yet we're saying to the American people, if you're a senior, we can't be sure that you can get a sandwich at the senior citizen center in your county. We're saying to

the children that cannot afford milk at home, there will be no programs for you. But yet we can find \$8 billion a month for a corrupt leader in a country in a war that we cannot win.

Our troops have already won, but history says you will not change Afghanistan—and I won't go through the history because of time. One day Karzai likes American troops being over there and the next day he doesn't like American troops being there. In fact, in December 2010 in the Washington Post, and I will paraphrase this, Karzai said to General Petraeus:

I have three main enemies—the Taliban, the Americans, and the international community. If I had to choose a friend today—and again, this is the President of Afghanistan—I would choose the Taliban.

They're the ones killing Americans and blowing their legs off and their arms off. How much longer does this have to go on?

I say to my colleagues in both parties, join Representative KUCINICH, RON PAUL and myself—and many others—let's bring our troops home.

I have a photograph here, Mr. Speaker, that was in the Raleigh, North Carolina, paper about a year ago. This is a young Army sergeant. His legs are gone. They've been blown off. His right arm has been blown off and he has a left arm. He is what they call a triple amputee. His lovely wife is there pushing the wheelchair.

Mr. Speaker, it's time for the American people to say to those of us in Congress, do not keep our troops there until 2014, 2015, 2016 for a corrupt leader. It's time to bring our troops home.

I have the fortune of representing Camp Lejeune Marine Base in my district. I talk to the Marines, who are as brave as brave can be, that have been there three, four and five times. I've talked to the families as they're breaking up, the families when their loved one has committed suicide upon returning from Afghanistan. It's time to bring them home. How many more will be like this sergeant, without legs, without arms?

Mr. Speaker, last week on Tuesday, SUE MYRICK and I saw two young men, one from Florida and one from Nevada, that have no body parts below their waist. The body parts are gone. Everything is gone. Wake up, Congress, and let's bring our troops home from Afghanistan.

My close is this, Mr. Speaker: I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. Mr. Speaker, I ask God to bless the House and Senate, that we will do what is right in God's eyes. I will ask God to give wisdom, strength, and courage to President Obama that

he will do what is right in the eyes of God. And I will ask three times: God please, God please, God please continue to bless America.

IN MEMORY OF FORMER MEMBER
GERALDINE FERRARO

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

Mr. RANGEL. My colleagues, I rise to pay tribute to one of the great Americans that we have ever had in this body, Congresswoman Geraldine Ferraro. Most of the people remember her as an exciting Vice Presidential candidate, but those of us in the New York delegation remember her as just a great personality, a great legislator, and a great American.

We in the New York delegation have been fighting for time in which we could express ourselves, but the legislative calendar has not been very kind to us. So this morning we have two of our dear friends in Congresswoman MCCARTHY and Congresswoman MALONEY, and I suspect that every time a New York Member gets an opportunity, we will grab that time so that no one will ever say that she did not leave footprints here that all of us were just so proud.

□ 1020

She succeeded Jim Delaney, who was known to be a very conservative Democrat from Long Island. And we all awaited to see just who was going to succeed Jim. And to see this beautiful, intellectual former teacher, former assistant district attorney to come here, we all waited with breath held back to see just what type of woman she would be.

And even though she held closely those conservative views, it has never been presented to this body in a more eloquent, a more charming way as we found ourselves with this new exciting candidate who later became a Member and became a part of the leadership of the New York delegation. And once Tip O'Neill saw her, she became a part of the congressional Democratic delegation and just went on. Wherever she went, she excelled with her smile, with her brains and contributed so much in raising the standards of Members of Congress and those who would run for national office.

I worked pretty closely with Senator Fritz Mondale when he ran for President of the United States. And while he was looking for a Vice Presidential candidate, I was so pleased, much surprised that Tip O'Neill said that he thought that within our delegation the answer to Fritz Mondale's problem would be the nomination of Geraldine Ferraro. I was surprised but so excited that I could serve on the Mondale team and to be able to say not only do we have a New Yorker, but we have an exciting candidate that could provide

that shot in the arm that the Mondale campaign so badly needed.

And I felt so much like an American when we found out that her background was one of near poverty. Her dad had come here from Italy. She just made the Italian American community just so proud. She made women from all over the country proud. She made New Yorkers proud. And certainly while she did not succeed in becoming a Vice President, as Mondale did not get the numbers that he needed, she became a national figure, a compassionate figure serving in the United Nations, serving on television in terms of the expression of views of the Democratic Party, raising funds for candidates.

Then when she was stricken with this terrible disease that she died from, you would only hear her talking about her husband, John, her beautiful children, and how she can help to make it a better, more effective Democratic Party as well as what contributions can she make to this great country.

So we in the New York delegation feel extremely proud that she was a part of us. She had her own personal family that she loved, her own church, her own community. She had the respect and support of all Americans and the deep-seeded feelings Italian Americans have. She was so well respected in Democratic circles and congressional circles.

But most of all, we remember what a gentle lady she was. We have an expression in this House of Representatives, "the gentleman from Wisconsin," "the gentlewoman from New York." But anyone who had known Gerry, as we so affectionately called her, would know that she was indeed a strong leader but a gentle leader from Long Island and from New York.

PILL MILLS MUST GO

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

Mr. BUCHANAN. Mr. Speaker, in my home State of Florida, seven people die a day, each day, of prescription drug abuse. We had three teenagers a couple of weeks ago die in 1 week. A gentleman, a friend of mine, buried his daughter on a Saturday. I talked to him on Monday, and he pleaded with me to do something about killing these pill mills all across our State.

Florida prescribes 10 times more oxycodone pills than all other States combined. To put it simply, we have more pain clinics than McDonald's restaurants.

It's time to put these pill mills out of business. We have 1,300 pill mills in Florida. We need to shut them down now. Four thousand deaths in Florida in 2008.

I've introduced legislation to crack down on pill mills. My bill will stiffen

penalties and fines and use the seized assets to fund prescription drug databases. Forty-two States have databases. Florida does not. We need a database today.

The time to act is now. I urge my colleagues from both sides of the aisle to join me in this fight, to put these pill mills out of business and stop these needless deaths.

HONORING GERALDINE FERRARO

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

Mrs. MALONEY. Mr. Speaker, I rise with the New York delegation to honor the memory and many contributions of one of our favorite daughters, Geraldine Ferraro. Last Thursday, New Yorkers poured out in great numbers to honor her at her funeral. Her three children—Donna, Laura, and John, Jr.—spoke eloquently and movingly in support and love of their late mother. And at the funeral and speaking in a eulogy beautifully for her, Vice President Mondale, Secretary of State Madeleine Albright, Secretary of State Hillary Rodham Clinton, Congresswoman JANE HARMAN, Senator MIKULSKI, and former President Clinton.

It would have thrilled her to see four women precede a President in eulogizing and speaking about her, two of whom were Secretaries of State, because it was her life that helped inspire and move women forward in our national life, not only in politics but in every area—business, finance. All areas of American life, Geraldine Ferraro inspired with her life and her historic run for Vice President of the United States.

With her passing, America lost a leader who was as wise as she was warm; a trailblazer who broke down barriers for women. For women everywhere, not just in the United States but across the world, Geraldine Ferraro was a champion and a heroine. For me, personally, she was a dear, dear friend and a mentor.

What seemed to non-New Yorkers as a feisty and fast-talking woman seemed to us as just another mom from Queens. She inspired us with her personal story.

The daughter of Italian immigrants, raised by her seamstress mother after her father died at 8, she became a public school teacher, a lawyer—one of just two women in her law class—and a Member and leader of Congress, elected in 1978. She also, after her historic run, became a commentator on television, a delegate to the United Nations. She headed the World Conference in Beijing in 1995, and I was proud to be part of her delegation at the World Conference on Women.

Last August, on her 75th birthday, we renamed the Post Office in Long Island City in her honor. It used to be in her

district; it is now in mine. And I was honored to be able to author the legislation and work with my New York colleagues and others to pass it. And she was so thrilled at that naming to see so many of her friends, not only from New York and her district but across the country, come in one place to honor her.

Later that day, which happened to also be Women's Equality Day, she rang the bell at the New York Stock Exchange in honor of the progress for women.

I know that a post office is only the start of the memorials to this wonderful, charming, talented trailblazer who continued blazing trails her entire life. I met with her shortly before she died, and she had a list of constituents she wanted helped and causes she wanted completed.

We do stand on her shoulders and women like her who came before us.

I will never forget, as an eager, young delegate to the 1984 Democratic National Convention, and I can tell you firsthand that Geraldine Ferraro thrilled us when she took the stage as the first woman ever nominated by a major political party to be its candidate for Vice President of the United States.

□ 1030

It was absolutely electrifying. She changed my life, and she changed the lives of women everywhere. She changed the aspirations of women and how they view themselves.

I will never forget being on the floor. Many of the men gave their delegate card to the women delegates who were part-time delegates. So the floor was filled with women. People were handing out cigars saying, "It's a woman." And when she went to the floor, there was literally applause for over 10 minutes.

I shall miss her dearly and shall honor her passing by redoubling my efforts to complete her unfinished work to pass the ERA. It is time to enshrine in our Constitution the high principle of gender equality that Geraldine Ferraro so courageously stood for in her life.

Geraldine, we will miss you, we honor you, and we thank you for your many, many contributions to American life.

MEMORIAL FOR GERALDINE FERRARO

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

Mrs. MCCARTHY of New York. Mr. Speaker, I also am part of the New York delegation, and I want to talk about Geraldine Ferraro. My good colleague, CAROLYN MALONEY, basically laid out her life and all the good things

that she did. I guess I want to talk about what she meant to so many of us that weren't even in politics back then.

I think the first time that I ever saw Geraldine or heard of Geraldine was when she was announcing that she was going to be running for Vice President. So all these things from last week, when we were notified that Geraldine had passed away, many of us wanted to go back to New York for the funeral. Unfortunately, our business here kept us here so we couldn't go back. We're kind of used to that.

A lot of times it is said you can spend a lifetime here in Congress, but 2 minutes after you die they will say, "Who was that?" But that's not Geraldine. Geraldine was someone that was a force. Again I say in 1984, like most Americans, I took notice of Geraldine Ferraro when she did accept the Democratic nomination for Vice President at the national convention in San Francisco.

She struck me as a unique figure on TV, a woman in a male-dominated profession. She had a smile. She had confidence. When she got onto that stage, you just knew this radiance that came out of her. For myself, I was not in politics, didn't follow politics too well, but she certainly gave a strong impression to me.

Her message was also full of hope. I happen to believe that, especially when we say to people, "If we can do this, we can do anything." I am one of those people that believe that. I am here in Congress. Everybody said I couldn't do that. Somehow I got here. Somehow I have stayed here. Somehow I keep fighting for my constituents back at home.

She inspired women to get involved. She inspired them to get involved in politics, whether at the staff level or as a candidate. And while I understood the importance of the event, I had no idea that I would be standing here praising this woman that I first saw on TV. As I said, I had no political ambitions. I was a nurse, just several miles away from the city where Geraldine was. Like most Americans, I did vote and I followed the news, but I never thought I would get involved in politics.

Fast forward 12 years, it's mid 1996, and I'm still a nurse in Nassau County and still not thinking about politics whatsoever. Something happened to my life, as it does to so many other lives. An event happens, and all of a sudden you change and become an activist. Gun violence was unfortunately the issue that hit my family and many families on the Long Island Railroad. My husband was killed. My son was seriously wounded. I decided that I was going to do something about it. Geraldine Ferraro, the person that I saw on TV, called me. She said, "Carolyn, you should really think about running for Congress." There were other people

calling me, too. And I'm thinking, "I'm a nurse. What do I know about politics?"

But you know what? If I was going to try and do something, then I had to run. Everybody told me I was going to lose. Maybe I would have. But I didn't. I won. But Geraldine was always there to give advice. Just because you're a woman doesn't mean you can't be tough. Just because you're a woman, you can be tough and you can be gentle, and you have to use that to get legislation done.

Well, here I am in Congress, and I am proud to be following in the footsteps of Geraldine Ferraro. I wouldn't use the words, the kind words that people use for her on myself like "pioneer" or "trailblazer." I actually followed Geraldine and her advice to come to Washington and try to make a difference.

Like so many women in New York politics today, Geraldine helped me as I went through from private citizen to candidate to public official. She opened so many doors for me, introducing me to people that I needed to meet. She was well known for this, for spending as much energy helping lift up others and having another woman follow.

We will all remember you, Geraldine. I will always remember you. God bless you. We do remember you. Thank you.

Again I thank my colleagues, CHARLIE and CAROLYN and PETER, for arranging this moment we could pay tribute to Geraldine.

With only 17 percent of members of Congress being women, we still have a long way to go when it comes to equality in representation.

But certainly we couldn't be where we are today if it weren't for Geraldine.

I for one am looking forward to making a living tribute to Geraldine, to take her philosophy of helping others, of lifting people up the ladder behind you, as I continue my career here.

Thank you very much.

1-YEAR ANNIVERSARY OF UPPER BIG BRANCH MINE DISASTER

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

Ms. WOOLSEY. Mr. Speaker, it was exactly 1 year ago today that an explosion ripped through Upper Big Branch Mine in Montcoal, West Virginia, killing 29 workers. It was the deadliest mine accident in 40 years. But perhaps "accident" is the wrong word to characterize what happened in Montcoal, West Virginia, last year April 5. This wasn't a hurricane, it wasn't a tsunami or some other act of nature.

Although the Mine Safety and Health Agency, MSHA, has yet to complete their investigation, it is absolutely clear from the preliminary reports that this tragedy was avoidable but for negligence and carelessness on the part of Massey Energy.

When Chairman MILLER and I traveled to West Virginia with Congress-

man RAHALL, miners told us that Massey routinely cut corners on safety. And yet the miners were afraid—they told us this too—to come forward for fear of losing their jobs. That's why we need stronger Federal whistleblower protections, Mr. Speaker. MSHA inspectors can't be everywhere all the time. So we need to rely on the people who know best. We need to rely on the workers, those that can report safety violations, because they are living with them. We must ensure that these workers have job protection when they come forward.

The questions we need to be asking ourselves are what can we be doing to make sure this does not happen again to them? What can we do to ensure that our Nation's coal miners, some of the hardest working and courageous people you will ever meet, aren't descending into a potential death trap every time they clock in?

But the silence from the United States Congress has been positively deafening. It is incomprehensible to me that we still haven't passed the Robert C. Byrd Miner Safety and Health Act. How many miners have to die before we take action?

□ 1040

Worker safety, not just in mines, but in workplaces above ground and across the Nation, is under siege thanks to irresponsible cuts in the Republican continuing resolution. Fully half of OSHA's staff would be furloughed if H.R. 1 becomes law.

A weak economy like this one that we are living in right now also further undermines worker safety, because as workers who want to report violations know, there are dozens who would take their jobs in spite of unsafe conditions just to have work.

Mr. Speaker, last Congress I was chair and now this Congress I am the ranking minority member of the Workforce Protection Subcommittee, and in that role I am absolutely committed, along with Congressman GEORGE MILLER and NICKY RAHALL, to bringing OSHA and MSHA into the 21st century, strengthening regulations to protect people from injury, sickness, and possible death on the job.

Needless to say, the Upper Big Branch explosion has devastated a tight-knit community with so many families still coping with grief. Gary Quarles, who testified before the Education and Labor Committee last year, said "The life's been sucked right out of me" because he lost his only child in the explosion. Another man says of the death of his twin brother, "It's like part of me is gone." One woman lost her fiance, whom she met when they worked side-by-side in the mine. And I cannot imagine the ordeal of Timothy Blake, who survived the blast and tried in vain to save eight coworkers.

But on this one 1-year anniversary, Mr. Speaker, let's do more than look

back. Let's do more than remember and be sad. Let's use this tragedy as a call to action. In honor of the 29 fallen miners, let's give their coworkers the safety and protection they deserve.

CUTS TO THE BUDGET

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

Mr. DEFAZIO. A lot of talk around here about millions, billions, and trillions, but let's just try to put a face on some of the cuts the Republicans put in H.R. 1.

I think one of the meanest of their cuts and the stupidest of their cuts is to eliminate a program called YouthBuild. Now, I'm sure most of them don't know what it is. They have never met with the kids who come back here every year.

This is a program that started in 1992 under George H.W. Bush. It's a program that takes kids who have generally dropped out of high school, had problems with drugs, alcohol, other things, but at some point decide they want to get straight and they want to do something better with their lives.

So this program takes kids between 16 and 24, helps them get their GED, gets them some counseling, gets them involved in peer groups. They learn leadership skills, teaches them how to build houses and the houses they build are for low-income Americans.

In the long term we have found incredible results with this program. Last year—and these are almost 100 percent high school dropouts with problems—78 percent of the kids completed the program. That's pretty extraordinary. Now, after, when they leave the program, the longevity of the effect of this program, 7 years after completing the program, 75 percent of the YouthBuild kids, kids who had problems with drugs, alcohol, homelessness, dropped out of high school, everything else, are either in college or employed in jobs earning more than \$10 an hour.

That's a pretty darn good investment. And what does this cost, and why would the Republicans zero it out? Well, it cost \$102 million last year for 20,000 students.

Now, we could, I guess, instead leave them in the street without their high school degree, hopeless, maybe they would get back on drugs, maybe they will get in trouble, maybe we will put them in jail, and then we will spend \$30,000 a year to support them in prison. Twenty thousand bucks for 1 year to get these kids straight and have them become productive members of our society zeroed out by Republicans.

Now, it is a lot of money. That's almost 1 hour of spending for the Pentagon across the river, almost 1 hour. And there's no waste at the Pentagon, though. We are not allowed to look at

the Pentagon for waste. It's almost 2 days—that's a lot—of agriculture subsidies, paying people not to grow things.

So 2 days of paying people not to grow things or a year's funding for a program that takes kids who have been in trouble but want to do better, want to learn some skills, want to be productive members of society and helps them get a leg up. But, no, in the Republican world, that's wasteful spending. They have zeroed out this program.

I met with eight of these kids last week. I meet with them every year when they come back—I urge my Republican colleagues, for once. I asked if they had seen their Republican member of my delegation. They said no. They met with a staff person, maybe an intern. Republicans can't seem to be bothered.

But they should listen to these kids, there's a lot of wisdom there and, I think, future leaders there. They have gotten their lives straight and they have gone through some hard times, and we gave them a little help, yes, 1 year. They get \$500 a month while they are in the program, while they are building houses for low-income people, learning skills. And as taxpayers in the future, they will pay that back pretty darn quickly.

Now I wonder why they eliminated this program. First of all, I am sure they don't know what it is. They have never met with the kids, they don't care. These aren't people who go to the country club after all. But, secondly, probably because it's housed in the Department of Labor, and we hate anything on the Republican side of the aisle that has the word "labor" in it.

God forbid that America should do things for working people in this country or working people should be allowed the right to organize and have a better life. Well, this is a program that should be continued. It should, in fact, be enhanced. They had 19,000 kids who couldn't get in the program last year, on the waiting list, 19,000.

We should double the size of this program, maybe triple it. That would be a huge amount of money. That would be 3 hours of spending at the Pentagon, or almost a week of subsidies, paying corporations not to grow things on surplus lands.

Boy, I guess we can't afford that, can we? But we can't cut the subsidies, and we can't look for waste at the Pentagon, but we can stick it to these kids.

Good work, Republicans.

HONORING GERALDINE FERRARO

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise to recognize a great American and one

of the great political trailblazers in American history, Geraldine Ferraro. Many of us speaking today, myself included, would likely not have achieved our successes without her paving the way ahead of us.

Of course, her contributions did not benefit just those of us in the political sphere. Her life was an important symbol to girls and women who aspire to succeed in any field, particularly those who have struggled to break into professions traditionally dominated by men.

The 1984 Presidential campaign is remembered by many as a landslide for President Ronald Reagan. He was, in fact, a very popular President. But many of us who aspired to enter politics were electrified to see the first female on a Presidential ticket.

Of course, Gerry was more than just the first woman on a Presidential ticket. Those of us from the New York delegation remember her service to Queens and, really, to all five boroughs. Before coming to the House, her life had already been dedicated to the service of others in the district attorney's office and as an educator for our city's youth.

Perhaps most of all, she will be fondly remembered for her wit, kindness, and grace. Yet, despite her gentleness, she was not one to shirk from speaking her mind.

Mr. Speaker, women everywhere have lost an inspiration. New York has lost a public servant, and all of us have lost a great American.

Her legacy will be remembered, and I am proud to be on the House floor remembering her many contributions.

RECESS

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

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Rabbi Efrem Goldberg, Boca Raton Synagogue, Boca Raton, Florida, offered the following prayer:

Our Father in Heaven, guard the Members of our esteemed House of Representatives. Instill within them the wisdom, the courage and determination to provide for the physical, as well as the spiritual, well-being of the citizens of this great country.

May this body which hosts rigorous and robust debate continue to embrace

diversity without resulting in divisiveness. May it seek and celebrate unity without imposing uniformity. May this House of Representatives, together with Houses of Worship across the land, promote justice, moral clarity, ethical living, righteousness, and acts of kindness.

As a grandchild of immigrants who fled the Nazis and came to this country 72 years ago this month to find refuge, freedom, and opportunity, I join this House in a prayer of profound gratitude and deep appreciation for the blessings we, the people of the United States of America, are privileged to enjoy.

Master of the Universe, protect our courageous Armed Forces, watch over our elected leaders, grant peace and prosperity to these United States and the entire world, and let us respond, Amen.

THE JOURNAL

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

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

Mr. RUNYAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. RUNYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. DEUTCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI EFREM GOLDBERG

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

There was no objection.

Mr. DEUTCH. Mr. Speaker, I am honored to welcome Rabbi Efreim Goldberg to our Nation's Capitol and thank him for delivering such an insightful opening invocation.

Rabbi Goldberg's presence here today is especially significant to me, for I regularly study under his guidance. Since entering public life, I have become all the more grateful to have him as a spiritual mentor. His insights help me serve my constituents and work to better our world in a way that honors our Jewish tradition.

As Senior Rabbi of Boca Raton Synagogue, Rabbi Goldberg leads a wonderful congregation of over 700 families and 1,200 children. This February, after an extraordinary first 5 years as Senior Rabbi, it was announced that he will continue to lead the congregation for the next decade.

His energy, vision, and wisdom touch everyone he meets, just as it did for us here this morning when he provided us with his compelling and thoughtful invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING SHERIFF'S OFFICER DANIEL CHARLES MURPHY

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

Mr. RUNYAN. Mr. Speaker, I rise today in honor of Sheriff's Officer Daniel Charles Murphy, a fine public servant, who passed away on Saturday, April 24, 2010.

A lifelong resident of Toms River, New Jersey, Charles graduated from Toms River East High School in 2002, and went on to attend Montclair State University. After graduating in 2006, Charles began his career in public service at the Juvenile Justice Commission for the State of New Jersey. He was then named a dedicated sheriff's officer for the Ocean County Sheriff's Department and held this position for 3 years.

Charles' commitment to justice was honored by the Veterans of Foreign Wars Post 9503 on Sunday, March 20, 2011, where he was named the Sheriff's Officer of the Year at the VFW Citizenship Awards Ceremony.

Mr. Speaker, please join me in honoring Sheriff's Officer Daniel Charles Murphy, who dedicated his life to protecting the residents of Ocean County, New Jersey.

DEMOCRATS' ATTEMPT TO SHUT DOWN THE GOVERNMENT

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

Mr. BROUN of Georgia. Mr. Speaker, I rise today to again condemn my Democratic colleagues' attempts to shut down the Federal Government. Even with total control of spending, Democrats failed to pass a budget last year. In the meantime, we have been operating on short-term spending bills only so that they can use their ace in the hole now, the government shut-down card. This has been their game plan all along, to attempt to divide the Republican Party, back us into a corner, and to shut down the government for their own political purposes.

Mr. Speaker, our Democratic counterparts are gambling with the future of this Nation, and it's a bet I'm not willing to take. I implore my colleagues to pass a long-term bill that protects seniors, protects veterans, and funds our troops so we can move on to next year's budget and work to get it right this time.

DEFENDING OUR SENIORS

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

Mr. SIREs. Mr. Speaker, the majority's proposed budget for fiscal year 2012 undermines our Nation's values and priorities, attacking our middle class and in particular our Nation's seniors. Today's seniors have a median income of only \$19,000 a year. Both the Medicare and Medicaid program enables seniors to have health care coverage they would not otherwise be able to afford. The proposed budget will end the Medicare program as we know it under the disguise of reform, threatening to turn it into a voucher program that will shift more and more costs to seniors and their families.

The majority's budget also attacks seniors from another angle, by proposing deep cuts in Medicaid, which serves as our Nation's primary payer for long-term care services. Medicaid will be starved by shifting the costs of the programs from the Federal Government to the States, which in turn could force seniors out of their own homes and communities into nursing homes.

Before Medicaid and Medicare, nearly one-half of America's seniors were uninsured. Mr. Speaker, we cannot go back to the days of the past. We must be committed to strengthening Medicare and Medicaid for the well-being of our seniors and future generations.

GOVERNMENT SPENDING

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's been 45 days since the House passed our bill to keep the government open and cut spending for the

rest of this fiscal year. Forty-five days, and Senate Democrats still have not passed a bill or come up with a plan to reduce spending.

The American people have a right to know how we got here. For the first time since 1974, last year when the Democrats ran the House, the Senate, and the White House, the Democrat majorities failed to do their jobs, failed to pass a budget, failed to pass important spending bills.

To create a better and stronger America, we need to cut spending, balance the budget, pay down the debt, and slash the deficit. The American people want, need, and deserve better than trying to run a government deep into debt. A sign in my office sums it up well. It says, "It's the spending, stupid."

□ 1210

ON THE REPUBLICAN BUDGET

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

Mr. LUJÁN. Mr. Speaker, our Nation faces serious economic challenges that require solutions that will create jobs and strengthen our economy. At a time when our top priorities should be creating jobs for the American people, our Republican colleagues have lost focus on working families.

The House budget that Republicans introduced this morning fails to put our country on a path to prosperity. Budgets are about priorities and values, and the Republican budget makes wrong choices for hardworking families.

Let's talk the Republican dictionary: Premium support system. When they talk about a premium support system, they mean vouchers and privatization.

Pro-growth changes to the Tax Code. When they talk about pro-growth changes, in fact, when they talk about anything that's going to change the Tax Code, they mean more cuts for millionaires and billionaires.

The Republican plan ends Medicare and Medicaid as we know it. By privatizing Medicare, millions of seniors who rely on this program will be left out in the cold.

While it's critical that we tighten our belts, we have choices to make. Let's choose not to do it on the backs of our seniors.

HONORING CHATTANOOGA POLICE OFFICERS TIM CHAPIN AND LORIN JOHNSTON

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

Mr. FLEISCHMANN. Mr. Speaker, today I rise to honor two members of the Chattanooga Police Department

who were shot over the weekend, one of them fatally, while responding to a robbery in progress.

Sergeant Tim Chapin was a 26-year veteran of the Department. He lost his life in the line of duty on Saturday during a gun battle with an escaped convict who had robbed a local store. Throughout my law career, I had the chance to interact with Sergeant Chapin on many occasions. I found him to be an outstanding officer and an even better human being.

Officer Lorin Johnston, who a few years ago donated a kidney to a fellow officer, was wounded during the gun battle as well.

I ask everyone to join me in saying many prayers for Sergeant Chapin's family and his wife, Kelle, as she now has to raise two boys as a single mother.

Today we remember officers Chapin and Johnston and those who serve alongside of them keeping our community safe. They are our heroes.

PROTECT AMERICANS FROM BIG POLLUTERS

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

Ms. SPEIER. Mr. Speaker, this week the House will consider a misguided and dangerous bill to repeal the Clean Air Act standards that protect Americans from big polluters.

Republicans are calling this bill the Energy Tax Prevention Act, except there is nothing to do with preventing taxes in the bill. Instead, this Dirty Air Act is a giveaway to any company who wants to dump pollution into the air free of charge and is a big gimme to all the Members of Congress hoping to collect their share of dirty campaign contributions.

If my Republican colleagues want to write a bill to overturn a decision by the Supreme Court, turn science on its head, increase our dependence on foreign oil, and put the interests of big polluters above taxpayers, they should at least come up with a catchier title, like the "Make Smog in America Act" or the "National Hot Air Distribution Act."

If my Republican colleagues want to write a bill to guarantee that more American children get sick with asthma, maybe they could call it the "Take Your Child to the Emergency Room Act."

Really, anything else would do.

DEATH BY REGULATION

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

Mr. FARENTHOLD. To balance our budget, we have got to do more than

just cut spending. We've got to cut excessive government regulation that keeps businesses from growing, expanding and hiring more people. We have got to get rid of the culture of "no" that infects our regulatory agencies like a cancer.

A small business from south Texas that knows firsthand the detrimental impact of shortsighted and excessive regulation is Zarsky Lumber Company with its 135 employees. They survived the Great Depression and this economic downturn, and they now face another big threat—the EPA and its job-killing rules.

Another large business is considering locating a new plant in China instead of south Texas to avoid oppressive regulations. Our government has become too big and Federal regulations too onerous.

In a recent meeting with a Federal agency, I asked how long their permitting process took. They told me between 3 and 7 years. How do regulators sleep at night knowing that every day they delay is a day someone doesn't get a job they need to support their families?

Our job is to help create jobs. And we create jobs by getting the government out of the way. Cutting redtape is just as important as cutting spending to get our financial house in order.

IN OPPOSITION TO THE RYAN BUDGET

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

Ms. HIRONO. Mr. Speaker, today we are beginning to get some of Budget Chairman RYAN's proposals for so-called "fixing" our economy.

He doesn't propose eliminating tax breaks for the hugely profitable oil and gas industries. He doesn't consider asking multimillionaires to pay a fairer share. In fact, he wants to reduce the top corporate and individual tax rates so that middle class Americans can pay even more.

Instead, he is focused on cutting the safety net programs for our seniors and those less fortunate. He plans to turn Medicare into a voucher plan and to dramatically restrict eligibility for Medicaid.

Last week, Majority Leader CANTOR clearly explained Republicans' plans for Medicare, Medicaid and Social Security when he said, "Listen, we're going to have to come to grips with the fact that these programs cannot exist if we want America to be what we want America to be."

It is clear whose side Chairman RYAN and Majority Leader CANTOR are on. I stand with the Nation's seniors and the working people who are counting on Medicare and Social Security when they retire. When will these heartless attacks on the most vulnerable mem-

bers of our communities stop? How about a little aloha?

GET TO WORK AND PASS A BILL

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, it's been 45 days since House Republicans passed a bill to cut \$100 billion in Federal spending, spending that quite honestly the prior Congress didn't have to spend and should have never appropriated.

I want to remind you that we are here today because Senator REID, the Democrats in the House, and the President when they were in charge last year chose not to pass a budget. It was irresponsible of them then and it is irresponsible of them now to continue to do nothing.

House Republicans spent 72 hours debating spending bills. We held 107 votes on spending amendments. Senate Democrats, 4 hours, four votes—4 hours and four votes in 45 days, Mr. Speaker.

I want you to think about that. It's unacceptable.

Senator REID needs to get to work and pass a bill. The American people need it. American livelihoods are depending on it. Senator REID just needs to wake up in the morning, put on his big-boy britches, come to the Capitol, pass the bill, and help us reduce this big hairy deficit.

MEDICARE

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

Ms. CASTOR of Florida. Mr. Speaker, I rise to express my concern over my Republican colleagues' cheering the impending prospect of a government shutdown, as was reported in the press.

Then, this morning, we wake up to find out that the Republican proposal to address the deficit and debt is not to address major tax loopholes or tax earmarks, but it's to undermine Medicare and to end Medicare as we know it. Now, for decades and decades, we have had this wonderful Medicare program that ensured that our older neighbors live their retirement in dignity. They can see the doctor. If they have to go to the hospital, it is there for them. And a hospice benefit in their last days. This is all at risk now because the new Republican plan announced this morning will end Medicare as we know it by eliminating benefits.

We're not going to stand for it. We're going to stand on the side of our older neighbors to ensure that, yes, they can live their retirement years in dignity and financial security.

□ 1220

CONGRATULATING WHEELING HIGH SCHOOL

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

Mr. DOLD. Mr. Speaker, today I rise to congratulate Wheeling High School students Preston Riley and Rajarshi Roy, who were selected as finalists in Samsung's national Solve for Tomorrow contest. I'm particularly proud of these students for their energy and creativity in using STEM education to tackle real-world challenges. Strong STEM education is critical to ensuring that all of our young people have the skills and knowledge that they need for success in college and careers.

I would also like to recognize Wheeling High School science teacher Lisa del Muro and principal Lazaro Lopez for their commitment to STEM education, which focuses on the fields of science, technology, engineering and mathematics.

I recently visited Wheeling High School to get a firsthand look at their STEM for All program, where students of all backgrounds and academic achievement are challenged in the STEM subjects. This initiative incorporates all disciplines, including the arts, languages and humanities alongside a focus on career certifications, college partnerships and technology to prepare students for post-secondary opportunities.

Congratulations again to the students at Wheeling High School. They demonstrate what can be accomplished when we make STEM education a priority.

THE REPUBLICAN BUDGET

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

Ms. RICHARDSON. In 1935 when President Franklin Delano Roosevelt signed the Social Security Act into law and then again in 1965 when President Lyndon Johnson made Medicare a reality, these were programs that our seniors depended upon. In fact, that promise was backed by a lifetime of hard work that they have backed on their own sweat and tears, and yet now we need to back it up with our commitment.

Mr. Speaker, my Democratic colleagues and I favor a budget that recognizes our dual responsibility to, yes, reduce our deficit, but not on the backs of our seniors who have already paid into Social Security and have now received Medicare benefits, who oftentimes have limited means to really have the opportunities to increase their salary. In my district, 52,000 people are over the age of 65. Only 11.9 per-

cent of them are working. These are impossible odds.

Mr. Speaker, we need a budget, but we are not willing to do it on the backs of seniors. You make your choice. Democrats have a better way, and it's not called hurting seniors.

FANNIE MAE AND FREDDIE MAC CEOS GET HUGE SALARIES

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

Mr. STEARNS. Mr. Speaker, I rise today with some serious concerns with the continued egregious spending by Fannie Mae and Freddie Mac approving large executive salary compensations at the expense of our taxpayers. For example, the chief executive officer of Fannie Mae received \$9.3 million in compensation and salary for 2009 and 2010, while the chief executive of Freddie Mac received \$7.8 million for 2009 and 2010 together.

But it was a failure of these same types of company executives in the past that forced government intervention in the first place by then overstating past earnings and generating millions in improper bonuses. Now taxpayers, who have already spent \$153 billion to bail them out, which doesn't include legal fees that taxpayers have to pay to keep them afloat, may require more bailout money to counter the companies' mounting mortgage losses.

Mr. Speaker, allowing this gross mismanagement of public funds to pay for extravagant salaries is unconscionable.

REPUBLICAN BUDGET PROPOSAL

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

Ms. SCHAKOWSKY. Today, the Republicans released their budget. Budgets are really moral documents, and Republicans have made clear that their moral compass puts hedge fund managers and big corporations ahead of America's middle class and senior citizens. Republicans gut education programs and investments in job creation, privatize Medicare, slash Medicaid, but leaving plenty of money to help subsidize big oil companies and to give tax breaks to those companies that put our jobs overseas.

There is another way. I have a bill that would create new tax brackets for millionaires and billionaires, still lower than those under Ronald Reagan, and would raise \$74 billion in 2011.

We can bring down the deficit, and we can do it while protecting programs that create jobs and that don't further burden old people, the poor, and middle class Americans.

THE FAIR TAX

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

minute and to revise and extend his remarks.)

Mr. WOODALL. Mr. Speaker, I rise today as tax day is fast approaching. We've heard a lot about the budget that's being introduced today. I'm a proud supporter of this budget because in this country we don't have a revenue problem; we have a spending problem. But what we do have is a problem with the way that we contribute revenue to this country.

There is a better way, and it is called the Fair Tax. The Fair Tax will take the burden off American taxpayers paying on what they earn and change it to a burden on what they spend. The power to tax is the power to destroy, and when we tax income and productivity, we destroy that income and productivity.

Do you want to talk about jobs in this country? Do you want to talk about a magnet for jobs in this country? The Fair Tax is the only bill in Congress that abolishes every single corporate tax break, tax loophole and tax preference. It abolishes the corporate income tax rate and tells international businesses they can locate here with the most powerful, hardest working workers on this planet.

Folks, H.R. 25, the Fair Tax, is a better way. As you fill out your tax forms this year, think about how we could do it differently next time around.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommend.

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

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Colorado (Mr. POLIS), pending which I yield myself

such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Mr. Speaker, what we have today is a resolution that comes under the Congressional Review Act, an act passed by a Republican Congress and President Clinton that gives the Congress the opportunity to look at the regulatory burdens imposed by the executive branch and, in a simple up-or-down vote, say do we want this regulation on the books or do we not.

Today that regulation is the net neutrality regulation the FCC has promulgated. H.J. Res. 37, the underlying bill that this rule allows us to consider, disapproves of the December 21 FCC rule concerning net neutrality on the basis that Congress did not authorize the FCC to regulate in this area. According to a D.C. Circuit Court decision in April of last year, the FCC failed to demonstrate that it had the authority to regulate Internet network management. Until such time as the FCC is given that authority by this Congress, we must reject any rules that it promulgates in this area.

Now, we will hear a lot today in the underlying resolution about the effective compromise that was crafted by the FCC. We will hear a lot about the light touch that was used by the FCC to wade into this area.

□ 1230

But, Mr. Speaker, if you don't have the authority to do it, you don't have the authority to do it. It is Congress' responsibility to delegate that authority. If folks like the underlying rule proposed by the FCC, they are welcome to bring that back as a congressional resolution.

This bill today is about congressional prerogative: Will we or will we not stand up to an executive branch that does not have the authority to regulate? We have done a sad job in this Congress in years past, Mr. Speaker, of providing that oversight responsibility. Republicans had the responsibility of providing oversight to the Bush administration, and we didn't always live up to that measure. Democrats had the responsibility to provide oversight to the Obama administration, and they haven't always lived up to that example.

We have the opportunity today to begin that step forward. Until Congress acts to delegate that responsibility, the Internet should continue as the

Internet has grown and always continued as an area free of government interference, as an opportunity for entrepreneurs and investors and students and the elderly to be out there using the Internet as they see fit, free from the hand of government regulation.

I would also like to comment briefly on the nature of this rule. It is a closed rule. I came to this Congress to advocate in favor of an open process, Mr. Speaker, but it needs to be understood that the Congressional Review Act is a closed process by nature. What my constituents said to me is, ROB, if you are doing something complicated, I want you to open up the House floor and have as many amendments and as much discussion as you can because that is the right way to do things. But, what I would really prefer is you bring one bill with one idea and have an up-or-down vote for all the world to see.

Well, Mr. Speaker, that is exactly the call that we have responded to today: a simple bill, one page long that says the FCC does not have the delegated congressional authority to act in this area; and as such, their regulations shall be null and void.

With that, I reserve the balance of my time.

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

Mr. Speaker, this is indeed a simple bill, one page long. Nevertheless, it is a terrible bill, one page long, and I would like to tell you why.

Today with our economy only beginning to recover, I believe that this rule and the underlying bill will imperil one of the greatest sources of job creation and innovation in America: the Internet. Now over the past 15 years, the Internet has created more than 3 million jobs, according to a study by Hamilton Consultants. More than 600,000 Americans have part- or full-time businesses on eBay alone. And on average, new Internet firms have 3 million jobs.

Yet, the majority brings to the floor legislation that will harm the open Internet. I can speak to this with some degree of authority. Before I came to Congress, I created over 300 jobs myself through founding several Internet-related companies, including ProFlowers.com and BlueMountain.com. My first Internet company was an Internet service provider on the other end of this equation, so I have good experience from both the e-commerce side, as well as the access side which I bring to this debate. I have long supported open access to the Internet and continue to support net neutrality.

Let me bring this close to home. When I was starting a flower company, ProFlowers.com, back in the late 1990s, we offered a supply-chain solution. We brought fresher flowers to people at a better price by disintermediating the supply chain and allowing consumers to buy flowers directly from growers.

Now, we were up against several legacy companies, companies like FTD and 1-800-FLOWERS, that had a different distribution model that we believed and argued in the marketplace was a less efficient distribution model.

Now, had there not been a de facto net neutrality at that point, it would be very difficult for a new company to break in, because you would have had the incumbent leaders in the marketplace buying the access through the broadband connections, much as companies will pay slotting fees to get into grocery stores, some book publishers pay fees to be out on the open table. The big difference is that we have robust competition between grocery stores, robust competition between booksellers.

With regard to broadband access, over 70 percent of the residents of this country live in areas with only one or two broadband providers. All of the dynamism—and I have not heard this disputed even by the chairman of the subcommittee who testified before us yesterday—really, the dynamism and the job growth from the Internet comes from the content and applications side. Now, if there aren't legitimate economic considerations on the bandwidth side, clearly those who are providing both wireless and wire bandwidth need to have a return on investment calculus, but it is that very same dynamism around the content-driven Internet that drives the usage that then leads people to pay more for higher speed access to the Internet.

Now, the FCC has done an exemplary job with these rules, and they have actually received buy-in from all of the major players with regard to this matter: content providers, content aggregators, search engines. And, yes, even on the broadband access side, most of the major broadband providers have supported these regulations as well. So they have done an excellent job.

I realize that what they first put out there, many people were concerned with. And they then did their job, as they were told to by congressional statute, specifically, which authorized them to do this. They listened to all parties, and they revised their net neutrality regulations so they are something that I think we can all be proud of as Americans, and we can all be proud of as users of the Internet.

Now, just to be clear how they hit their mark, because I know yesterday the chairman of the subcommittee mentioned that he thought that some of the broadband providers were coerced into supporting the protocol standards before the FCC. I don't know enough to dispute that or not. But what I will tell you is that I have impartial third-party testimony that I think is very compelling from investment bankers who follow this sector. And the way the investment banking

sector works is they have analysts who really cover different stocks, cover different sectors, and they inform people about the impact of market regulations on that sector.

What I have from the Bank of America and Merrill Lynch analysts, it says: "The agreement"—the FCC's net neutrality provisions—"is consistent with our view that the net neutrality regulatory overhang has been eliminated from telecom and cable stocks."

Now, let me elaborate. What that means, "net neutrality regulatory overhang," is there was fear among the analysts covering the telecom and cable sectors that the Obama administration would do something overarching with regard to net neutrality. There was fear based on some of the initial rules proposed. However, the FCC did their job and that fear has been eliminated. There is now no market overhang on companies in this sector, and they are no longer concerned that the regulations are overarching.

Let me go to the Goldman Sachs analyst from December of last year: The rules stuck largely to what was expected and will be viewed as a light touch.

Let me go to Raymond James: We are glad that the staff is making this innocuous by simply placing official rules around what is already being done by the industry under a no-regulation scenario.

So again, all these rules do is essentially preserve the status quo. Why is that important? Absent this, there would be a major shift in power on the Internet to the broadband providers from the content providers. The Internet historically—again, a wonderful innovation for mankind—allows anybody with a great idea to link up a server in their garage, and their product, their service, their content is available to everybody across the world, the very same as a major corporation that spends \$100 million launching a Web site, and they compete in the marketplace of ideas.

Now, some people ask: Has there ever been an instance where a provider has used tiered access or censored anything? And there are a number of instances. An example, in 2005, Madison River Communications blocked voiceover IP on its DSL network. That was eventually settled with the FCC.

In 2006, Cingular blocked PayPal after contracting with another online payment service. This is a perfect example of why we need competition on the provider side. The consumers would have access to presumably a less-efficient payment service that they would not select given their own prerogative because it is locked in through some sort of slotting fee or other arrangement, sometimes vertical integration itself under the same capital structure, as an access provider.

So this rule is actually critical to continue to operate a free and open

Internet. That is why the FCC moved forward, with explicit permission from Congress in the form of their statutory authority, with rules to address this issue. Their open process included input and got vast buy-in from all major parties, including Internet service providers.

Now, there are many on the left that wish that the rule went further. And, yes, there might be some in business that prefer that there were no rules at all. The vast majority of the business community strongly supports the consensus rules that the FCC came out with.

Of those commenting on the proposed rule before the FCC, well over 90 percent supported the Commission's effort, and over 130 organizations support the proposed rule and oppose this legislation, including groups like the American Library Association, the Free Press, League of Latin American Citizens, Communications Workers of America, and the vast majority of Internet-related companies.

I also want to emphasize that there has been a number of faith-based groups that have weighed in. One of the largest is the Conference of Catholic Bishops, representing millions of American Catholics, who weighed in in a letter opposing this legislation before us today: "The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic." The letter goes on to state how the Catholics have used the Internet as an outreach tool.

Now, there is legitimate fear here from two perspectives:

One, among the nonprofit and religious community in general, is that their content would receive a lower tier because they are not necessarily able to pay the same type of slotting fees or access that a for-profit commercial provider would do. So your Web page from Nike might load faster than your Web page from the Catholic Church because, if there was tiered access, who would be more likely to pay for the speed of the access.

The other fear, also legitimate, is of political or religious censorship of the Internet.

□ 1240

You could have a provider who would say, You know what? I like Obama, so I'm going to block access to tea party sites or slow them down through our broadband access.

Now, again, in a market with complete dynamism and where there was a lot of competition and where every American could choose broadband providers, that would be less problematic. But what we have is a situation where over 70 percent of Americans only have one or two choices for broadband access. There has historically been broad

support from both sides of the aisle for the "no blocking" rule, which simply states that broadband providers cannot block lawful content. It is the equivalent of telling the Postal Service they can deliver or not deliver your mail based on whether they agree or disagree with the content. The carriers—the Internet, itself—is one cohesive entity, and what a wonderful entity for mankind, the fact that you can plug in and have access to a wide breadth of information on the Internet.

I also want to refute the argument that there is no nor should there be any government regulation of the Internet. I, actually, have several pages listed here of government regulation of the Internet, including things like regulating child pornography, including, of course, the complex set of protocols around intellectual property and intellectual property enforcement to ensure that the Internet is not used as a medium to steal or to illegally profit from the creative works of others. We go on and on with regard to e-commerce, advertising, privacy laws—a number of laws designed to protect our privacy, to protect us from abuse, and to protect us from security breaches with regard to viruses.

This is another dimension. This is to protect us from the Internet being broken apart by a series of tiered pipelines rather than one cohesive Internet. The absence of any net neutrality regime would empower selective parts of corporate America to censor the Internet in the same way that Communist China censors the Internet. If you search for Tiananmen and you're in Mainland China, you will get pictures of happy people. You will not get pictures of their crackdown on the pro-democracy demonstrators.

We risk the same potential here. The broadband actors play a critical role, and I want to make sure their concerns are balanced and that they will get their return on investment. We actually have a quote from the AT&T executive, who did appear before the committee, who said that they can use the 10- to 15-year time frame to justify a return on investments with regard to broadband infrastructure. Even Comcast has called the new rules a workable balance between the needs of the marketplace and the certainty that carefully crafted and limited rules can provide to ensure that Internet freedom and openness are preserved.

I would further argue that a free and open Internet is in the interest of the broadband providers, themselves. So not only is it not necessarily the case that they only agreed to these under duress, I think many of the forward-looking broadband providers realize that what drives Internet access and what drives consumers to want a faster, better connection is that very vibrancy in the information marketplace that net neutrality helps preserve.

So the real question is: Why are we here? Why are we here debating something that was thoughtful, that has buy-in from all sides of the debate?

I really had a tough time figuring it out even through our committee examination of this yesterday. But I think that we're here because of a knee-jerk reaction of the opposition that might have been initially opposed to some of the more overarching rules that were initially proposed before the FCC, but we've come a long way since then. This feared takeover of the Internet didn't occur. Overarching rules didn't occur. Most of the broadband providers now support the direction of the FCC. Yet, under the legislation that we will consider today, the open Internet rule and the repeal of it will provide more uncertainty to investors. They will again not know what's going to occur. The investment bankers will, once again, say there was uncertainty and overhang, hurting the valuation of the very broadband stocks that the majority is claiming to do this for the benefit of. Market analyses have found that the new open Internet rule removed the regulatory overhang—it's a light touch—which throws a monkey wrench into the market mechanisms at a critical time for our recovery and job creation.

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS, DEPARTMENT
OF COMMUNICATIONS,

Washington, DC, February 14, 2011.

DEAR SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES: The United States Conference of Catholic Bishops ("USCCB") is committed to the concept that the Internet continue as it has developed, that is, as an open Internet. The Internet is an indispensable medium for Catholics—and others with principled values—to convey views on matters of public concern and religious teachings. USCCB is concerned that Congress is contemplating eliminating the Federal Communications Commission's authority to regulate how the companies controlling the infrastructure connecting people to the Internet will offer those connections. Without the FCC, the public has no effective recourse against those companies' interference with accessibility to content, and there will be uncertainty about how and whether those companies can block, speed up or slow down Internet content. Since public interest, noncommercial (including religious) programming is a low priority for broadcasters and cable companies, the Internet is one of the few mediums available to churches and religious groups to communicate their messages and the values fundamental to the fabric of our communities.

Without protections to prohibit Internet providers from tampering with content delivery on the Internet, the fundamental attributes of the Internet, in which users have unfettered access to content and capacity to provide content to others, are jeopardized. Those protections have particular importance for individuals and organizations committed to religious principles who must rely on the Internet to convey information on matters of faith and on the services they provide to the public. The Internet was constructed as a unique medium without the editorial control functions of broadcast tele-

vision, radio or cable television. The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic. These characteristics make the Internet critical to noncommercial religious speakers. Just as importantly, the Internet is increasingly the preferred method for the disenfranchised and vulnerable—the poor that the Church professes a fundamental preference toward—to access services, including educational and vocational opportunities to improve their lives and their children's lives. It is immoral for for-profit organizations to banish these individuals and the institutions who serve them to a second-class status on the Internet.

His Holiness, Pope Benedict XVI, has warned against the "distortion that occur[s] when the media industry becomes self-serving or solely profit-driven, losing the sense of accountability to the common good. . . . As a public service, social communication requires a spirit of cooperation and co-responsibility with vigorous accountability of the use of public resources and the performance of roles of public trust . . . including recourse to regulatory standards and other measures or structures designed to affect this goal."

(Message of the Holy Father Benedict XVI for the 40th World Communications Day, The Media: A Network for Communication, Communion and Cooperation, Jan. 24, 2006).

Lastly, Pope Benedict XVI recently stated, "Believers who bear witness to their most profound convictions greatly help prevent the web from becoming an instrument which . . . allows those who are powerful to monopolize the opinions of others." (Message of His Holiness Pope Benedict XVI for the 45th World Communications Day, January 24, 2011).

USCCB urges Congress not to use the Congressional Review Act to overturn the FCC's open Internet rules.

Sincerely,

HELEN OSMAN,

Secretary of Communications.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am proud to yield 2 minutes to a gentlelady from the committee of jurisdiction, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, if my colleague across the aisle is having a tough time figuring this out, I think we can probably help with that explanation.

First of all, if you like the Internet that you have, we are saying we want you to keep it. Mr. Speaker, there has been no market failure. Over 80 percent of all Americans are pleased with the Internet service that they have. What they do not want to see is the Obama administration step in in front of these Internet service providers and say, We the government are here to change your Internet. We are here to take control of your Internet.

That is exactly what net neutrality would do.

Net neutrality is the Federal Government stepping in and saying, We're going to come first. We're going to assign priority and value to content. It basically is the Fairness Doctrine for the Internet.

As I said, there has been no market failure, and there is no need for this government overreach. So many are saying, Why do this? It's one of those issues of power and control, of government wanting to dictate what speed you will have, how often you will be on, the type of Internet service that you will have, being able to control them.

What the FCC did after Congress left town, mind you, during Christmas week, was to step in and bring uncertainty to the marketplace. What they did was to say, We are going to put ourselves, the government, in control of the Internet. It is the first time ever this has happened.

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

Mr. WOODALL. I yield the gentlewoman an additional minute.

Mrs. BLACKBURN. Also, in their net neutrality order, if you read paragraph 84, what it does is to bring an incredible amount of uncertainty to the innovative community and to the creative economy that our jobs growth is going to be based on, because what it says to these innovators is, Look, if you want to innovate a new application, a new attachment, a new usage for a Web-based service or for the Internet, you'd better come apply to the FCC first because, if you don't, we can step in and require you to come make application to us.

Now, if you want to talk about a chilling effect—a chilling effect—on all of our high-tech innovation, on health care innovation with our telemedicine concepts, with our health IT concepts, I would encourage individuals to look at paragraph 84, which is found in the net neutrality order that was brought forward on a 3-2 vote by the Obama administration. It will do more to squelch jobs growth and to pull back innovation than any other action in this administration.

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

It's hard to know where to begin in refuting the arguments of my good friend from Tennessee.

There were several comparisons that I view as simply out of hand. One of them that was given was that this is somehow some sort of Fairness Doctrine for the Internet, that this is somehow some sort of government involvement with the Internet. Quite the contrary is true.

I want to be clear. I was an original cosponsor last session of the bill that proactively would have prevented the administration from moving forward with the Fairness Doctrine. I oppose the Fairness Doctrine. I believe in a dynamic marketplace of ideas. The FCC's rulemaking around net neutrality moved forward and fostered that very dynamic marketplace of ideas that the Fairness Doctrine is contrary to.

If we do not have some sort of net neutrality regime in place, there will be a selective censorship of the Internet, and we risk the Internet deteriorating into a series of tiered structures, whether they are tiered economically or ideologically. The great human accomplishment that is the one common Internet will simply cease to exist as such. It is, in fact, the proponents of net neutrality and the regulatory regime proposed by the FCC after receiving input from all stakeholders that will preserve the Internet as it is.

I would agree with my friend from Tennessee's argument. She said 80 percent of people are happy with their access. I hope it's even higher.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

Any time you allow the Federal Government to step in to a process where they have not been involved in a process—and we did this not once but twice. We did it not once but twice.

Mr. POLIS. Reclaiming my time, I would like to engage in a colloquy with the gentlelady.

With regards to the Postal Service, would the gentlelady oppose an effort to say that the Postal Service can, perhaps, decide which mail to deliver, maybe based on which political candidates their unions support? Would the gentlelady say that that would be okay for the Postal Service to do that?

Mrs. BLACKBURN. The gentleman knows that that is not relevant to the discussion that we are having here.

Mr. POLIS. Is the gentlelady going to answer?

Mrs. BLACKBURN. What we are talking about is that the application of this is the Fairness Doctrine of the Internet.

□ 1250

Mr. POLIS. Reclaiming my time, the Fairness Doctrine is something that I oppose, I will always oppose, and it is completely consistent. The Fairness Doctrine is consistent with the approach that the gentlelady is approaching with regard to the Internet. By having net neutrality in place, we prevent any type of fairness doctrine or selective allowance of certain content to consumers of the Internet. The whole net neutrality regulatory structure is to ensure that everybody has access to putting content on the Internet in the same way, and that that content will not be discriminated against based on its ideology, based on economic considerations.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. We all know that anytime you give the government the

ability to assign priority and value to content, you have inserted them into the decision-making process. They would precede the responsibility of the Internet service providers. And the gentleman knows there has been no market failure.

Mr. POLIS. Reclaiming my time, the absence of a net neutrality regime would be the government deliberately conveying value as gatekeepers to the broadband providers and allowing them to decide, based on religious or ideological or economic—or whatever criteria that they want—what kind of Internet they intend to serve up to their users.

I would like to add that, under the legislation we consider today, that this open Internet rule will add the very certainty to investors and companies that we need and predictability in our marketplace that allows companies to continue to grow and invest in job growth.

It strikes a balance, and it solves a real issue. Some on the other side will say, oh, this could be an issue in the future, but it hasn't arisen. Well, the rules that we are talking about do enshrine in place the very Internet, the dynamism, the fruitful discussion between different ideologies that the gentlelady from Tennessee said that she aspires to preserve. And we have already reached a point where ISPs have blocked, as a matter of fact, voice-over-IP services. And they have blocked peer-to-peer traffic, they have blocked PayPal in favor of other financial transaction companies that might have economic relationships with them.

I believe strongly in Internet, in Internet as an achievement for mankind, in Internet that net neutrality will help preserve for our generation and the next.

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

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to another gentleman from the committee, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in favor of this rule to block the FCC from regulating the Internet.

I thought the exchange between the gentleman from Colorado and the good lady from Tennessee was very telling because right now the marketplace controls the Internet. It is free—I call it wild, wild—in its applications.

Now, what the government is trying to do now, in the words of ED MARKEY during our hearing on this, was, "We need to regulate the Internet to keep it unregulated." I don't get that, but it is kind of the thought from the left side of the aisle that you have to regulate it in order to prevent anything that they may disagree with.

So what we have here is an instance where now the freedoms of the Internet and the marketplace that are driving it now have to be under a regulatory

scheme decided by a group of appointees of the President; not to be free, it has to be built in relation to their image. Listen to his words, it's going to be built on their image.

The analogy of Communist China regulating the content can't happen today. They talk about blocking, that these ISPs will stop us from going to our Web sites. There have been a handful of those situations; and every time, the public marketplace chastises them openly. There were a few times the FCC even called up and said, hey, you can't do that under the principles that were adopted.

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

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

Mr. TERRY. And so those were resolved by, yes, a little bit of involvement, but the marketplace.

Now the comparison to Communist China here from the gentleman is appropriate when you look at how this measure was implemented. The President campaigned on net neutrality. Congress would not authorize it because Congress as a whole bipartisanly disagreed with net neutrality, giving a regulatory bureaucratic agency control over the Internet versus free market.

So since Congress wouldn't pass it, *sua sponte* they just rose up and said we don't have the authority—well, they didn't say they don't have the authority, but Congress never gave them the authority to regulate the Internet, so they're just assuming that they're going to take that power away from the people and the marketplace and do it themselves. That is where the analogy to Communist China is appropriate.

Mr. POLIS. I would argue that, in Communist China, the residents there do not have access to the Internet. What they have access to is an Internet minus, and Internet minus are sites that their government deems inappropriate. We risk going down that same route if we don't enshrine, in rule or in law, net neutrality provisions that ensure that there is an open and free Internet and that American citizens have access to the Internet in its entirety, not with being sensitive because of economic or religious reasons.

One of the simple components of this rule is the no-blocking rule. This states very specifically, a broadband provider cannot block lawful content. A provider cannot say, I don't like Catholics; I'm not going to allow Catholic content through our broadband. A provider cannot say on my Internet we are blocking access to Tiananmen because I have business deals in China. We need to ensure that the Internet, as one entity, is available to all Americans who buy access.

And again, the broadband providers themselves, out of their own economic self-interests, endorse this concept because they truly understand, with the

fiduciary responsibility of their own shareholders, that the very dynamism that leads to the increase in popularity of the Internet relies on it being an open and free Internet. And without these protections that are afforded by the FCC's open Internet rules, the abuses that have already occurred are just a small sign of far worse things that will come.

In expressing support for killing the open Internet rule with this bill, a witness for the majority brought to Capitol Hill said that ISPs should be allowed to block lawful content and said, "It is appropriate because you block the source of the problem. If the person that is violating your acceptable use policy is Netflix, you block Netflix." In effect, you would empower broadband providers to bully around content providers—be it Netflix, be it Yahoo—and say, you know what? I don't like the fact that you are renting this movie; I don't like the fact that you are linking to this news. That's the direction that Communist China has gone, and that is the direction that America and the global Internet will go if we fail to preserve the net neutrality regime that is before us.

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

Mr. WOODALL. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentleman from the Rules Committee for his good work on this issue.

Mr. Speaker, there are a number of issues I would like to address as chairman of the Communications and Technology Subcommittee.

First of all, when it comes to the notion that the FCC—or let me back up—these carriers that give us the Internet might somehow regulate religious speech, it's interesting to note that the FCC, in its own order, threatens and pulls out specifically a threat to religious content. Paragraph 47, footnote 148, which I'm sure the gentleman from Colorado must know about, says that a religious organization would be prohibited from creating a specialized Internet-accessed service.

Now, there is an Internet provider out there called Koshernet that wanted to have a special service for those religious subscribers who happen to agree, if they don't want to be exposed to things on the Internet that they are bound to regarding their religion. So the issue that the FCC points out is that, oh, we're not going to allow that to happen under these rules. So you can't have a separate Internet provider that is just set up for its own subscribers that just wants to have a filter on the Internet, if you will, for those who want to subscribe to that because of their religious beliefs. So already you see a government getting involved at the head end.

Now, we've seen in Egypt where the government is involved and had a kill switch and just turned it off when opponents of the government got engaged. We've heard a lot about China, and we all know the various back doors to the Internet there that they tried to put in to regulate speech, to control access to content and all of that.

□ 1300

That's the government doing that.

We know this country for many years operated under the Fairness Doctrine. That was the government trying to regulate political speech on the broadcast airwaves. It wasn't until President Reagan's FCC after a couple of court decisions basically said that trips right up against the First Amendment that President Reagan's FCC repealed the Fairness Doctrine. Congress tried a couple of times to put it back in place. What we should be about is a free and open Internet.

And that's what we've had, and that's what's allowed this incredible explosion of technology and innovation to take place. And it has not taken place because the government picked winners and losers on the Internet, it's because the engineers and scientists and technicians and innovators and entrepreneurs did that on the existing Internet.

Now, along comes the government, the Federal Communications Commission, on a 3-to-2 partisan middle-of-the-night sort of decision, if you will, right over the holidays to say, We're going to seize control and regulate the Internet. Now, that's not been done before, although they tried in the Comcast BitTorrent case where they tried to regulate the Internet once before. But the court here in Washington, D.C. said they lacked the authority. They had not proven—they had failed to demonstrate that they had the authority.

And so the court struck them down pretty clearly in part because they relied on a statement of policy, and the court said a statement of policy does not constitute statutorily mandated responsibilities.

Previously, the FCC ruled, by the way, that section 706 did not constitute an independent grant of authority and has not overruled that prior decision. Now, that's important, because section 706 is part of the foundation upon which they think they have this authority, even though in a prior case they've said that didn't grant them an independent grant of authority.

Regulating otherwise unregulated information services is not reasonably ancillary to the section 257 obligation to issue reports on barriers to the provision of information services.

There are a number of issues here that bring us to the rule that we have today on the Congressional Review Act that would repeal the rule that the FCC put in place at the end of the year and notified us on.

Now, why are we using the Congressional Review Act? It is a very specific, very narrow, very targeted bipartisan-created process.

The current leader of the Senate, HARRY REID, was an advocate and supporter of the congressional review process because it allows Congress to step in when an agency has overstepped its bounds on a major rule and say, No, you don't have the authority, or, We disagree with the rule, and so we chose this CRA process to overturn this rule that a partisan group of unelected officials chose to enact exceeding their authority.

Now Congress, whether you're for net neutrality regulation under title I or title II or no title at all, you should not stand idly by when an agency exceeds its statutory authority.

I think, ultimately, this will be thrown out in court, once it's ripe for a court to review, as the court has slapped down the FCC in the past.

The long and the short of it, though, is that, in relying on section 706, they may have inadvertently opened the door for State regulation of the Internet, because section 706 says that the FCC and State commissions shall have certain authorities and goes on to explain that in the first title of that act.

I don't think any of us here wants that door to be opened, but the FCC, in its naked grab for power it does not have, chose to base part of their decision on section 706.

Now, I heard, as I was coming over here, a recitation of my comments last night in the Rules Committee by my friend and colleague from Colorado that all of the major companies support this, or virtually all, and, gee whiz, they did this voluntarily at the FCC. Well, come on. None of them will publicly admit to the fact that the FCC had, holding over their head, a title II proceeding that would have treated the Internet as a common carrier, as simple telephone service with a highly regulated environment.

And it's one of those Hobson's choices: either go with us with title I, which is "light regulation" but opens the door to government regulation for the first time of the Internet, or we may come after you on title II. Now, to back up that argument, I would point out that there's an open proceeding at the moment on title II. They have never closed their title II proceeding.

So these companies have a lot of other issues before the FCC, like mergers—has anybody ever heard of those?—and other things. They are their regulator.

I was regulated by the FCC for 22 years as a license holder in broadcast stations. The last thing you're going to do is poke your regulator. And when your regulator has you by your license or by your next merger, you're probably going to acquiesce to the lesser of two evils, which is what happened here.

So, Mr. Speaker, and to the ladies and gentlemen of the House, I would encourage you to support this rule. It's narrow. It's defined. It's closed for a reason, because the parliamentarians and others have told us basically there's no real way to amend this and carry out its lawful action. And so in a rare instance, this makes sense to have a closed rule.

Mr. POLIS. The gentleman from Oregon mentioned KoshNet and other sites that might want to provide proprietary content. I want to be clear that this rulemaking and rulemaking process has nothing to do with proprietary networks. It refers to the Internet.

I hold several patents with regard to Internet technologies. In those, as is common among Internet patents, we describe the Internet as an open-ended gateway network. To the extent that there are thriving proprietary networks, be they religiously affiliated or commercial, the FCC is not talking about those with regard to this matter.

Mr. WALDEN. Will the gentleman yield on that point? Because I don't believe that was the case.

Mr. POLIS. I will be happy to enter into a colloquy with you on your time.

An article from yesterday's StarTribune says, "Court rejects suit over Net-neutrality rules." This happened yesterday. A Federal appeals court rejected a lawsuit by Verizon and MetroPCS to challenge the Federal Government's communications rules, the FCC's communications rules.

Now, what I want to point out is, like many newspaper sites, this was a decision between me and the newspaper site, an economic decision about how I would get access. Now, some newspapers want to charge for access, others don't. I was happy the Minneapolis StarTribune allowed me access because I wasn't about to pay.

How do they pay for it? They have a couple ads in here. Apparently, Bill Maher is going to be at Mystic Lake Hotel and Casino, coming up. I won't be there, but maybe most of the folks who read the Minneapolis StarTribune would consider that.

And then there's something called License to Thrill, also at Mystic Lake Casino and Hotel. Now, I assume they did a survey and found that many of the viewers of the Minneapolis StarTribune might be interested in Mystic Lake. And again, it was their decision, the Minneapolis StarTribune's decision, Do we sell for access?

By the way, The New York Times, I think, is starting to charge for access. I'm going to have to decide whether I'm going to have to try to just make do with their free portion or somehow loop in an online subscription. I do pay for The Wall Street Journal online. It's worth every penny. It's a good publication. But it's hard to strike that balance.

What you are doing—what this body is considering by not having a net-neutrality regime in place is to add another party to this contract between me and the StarTribune. And you know what? It is not good enough, JARED POLIS and the StarTribune, that they're letting you access and you have to pay. There's also the provider. And you know what? You could have the provider say, You know what? We're not going to serve up these ads. We're going to serve up our own ads. You know what? We're not going give you access to the StarTribune unless you buy our newspaper plus service for an extra \$14.95 a month.

You're changing the value chain in a way that is unprecedented and conveying enormous value because you're putting them in charge of the whole Internet of the providers and the bandwidth and the pipelines. Yes, they are important to have and, yes, they need to have a return on investment and, yes, they support the FCC rules as a fair way to do that. Yes, given their druthers, would they rather have a reach and control of the Internet? Sure. They'd rather control all the ad space on every newspaper and every other Web site. But they know that's a reach. There's no serious market valuation that's given by investors or investment analysts to that reach scenario that would threaten and kill the very Internet itself by interspersing a third party on my private agreement with the Minneapolis StarTribune. That's why we need to have a free and open Internet for all to ensure that there's not another party that comes in and steals the intellectual property and the usage of others and conveys it to their own advantage. And that's exactly what the very reasonable FCC rules put into rule.

[From StarTribune.com, Apr. 4, 2011]

COURT REJECTS SUIT OVER NET-NEUTRALITY RULES

A federal appeals court on Monday rejected as "premature" a lawsuit by Verizon and MetroPCS challenging the Federal Communications Commission's pending rules aimed at keeping Internet service providers from blocking access to certain websites or applications. The decision, by the U.S. Court of Appeals for the District of Columbia circuit, is a first-round victory for the FCC and its chairman, Julius Genachowski. But the real battle over the agency's attempt to regulate broadband providers has barely begun. Several broadband companies, and some consumer advocacy and public interest groups, are likely to return to court this year to challenge aspects of the rules. Edward McFadden, a Verizon spokesman, said Monday that the company intended to refile its lawsuit this year. The House will take up a joint resolution condemning the new Internet access rules this week.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I would like to yield 2 minutes to the chairman of the subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I just want to point out that back on KoshNet, the Fed-

eral Communications basically singled that out and said, no, you can't, as an Internet service provider, have that kind of separate system. You can't filter out even if you want to. And I think that's different.

As for the court decisions the gentleman referenced, I don't necessarily know where he's going on that. But understand the court said the time is not ripe yet for the appeal by Verizon and MetroPCS on the Internet rules, not ripe because the Federal Communications Commission has not put these rules into the Federal register because they haven't completed some of their due diligence, apparently, on the effects on business.

□ 1310

So that will still be ripe to litigate later on. The other point I want to make is understand that while these rules promulgated, I believe, outside the authority of the FCC apply to the Internet service provider, the pipes if you will, they do not apply to the content providers on the other end. So in other words, once you get on the freeway, as we know the Internet, you want to get out into the neighborhoods eventually. And so a lot of people go to a particular search site let's say, a search engine, and that search engine is making enormous decisions about where you end up on the Internet.

Those search engines and other providers like that, they are not under these rules at all. And I would suggest I am not eager to have them under these rules. But I find it fascinating that they can block, they can tackle, they can hide, they can change their algorithms.

So you know, by the time you search for something, you may get moved from number one in your category to No. 71 because they make some decision in their algorithm. So there is a lot going on out there.

But I would say this: Most Americans have access to broadband, most of us are on the Internet, and we are a very powerful community when somebody misbehaves. And generally, the Internet has been successful because misbehavers have been punished by the consumers in an open and free marketplace effectively and quickly and much better than through a government regulatory regime.

Mr. WOODALL. Mr. Speaker, I yield myself 60 seconds just to say in this theme of folks with the best of intentions ending up with the tremendous burdens on small business, I have just been informed and would like to inform this body that the Senate has passed H.R. 4, the House's repeal of the burdensome 1099 regulation requirements in ObamaCare, by a vote of 87-12. The bill is now on its way to the President for his signature.

This represents a huge win for American small businesses, a huge win for

the abolition of burdensome government regulation, and the first official partial repeal of ObamaCare that will go to the President's desk and become law.

I reserve the balance of my time.

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

First with regard to the 1099 closing, I think again we can applaud this as a step forward for small business. Many of us wish that there could have been a different way of paying for it, and I did support it twice in the last session of Congress. While there are major winners, and small businesses are, and we needed to close the 1099 loophole, and I am glad we did, the losers under this are American families making about \$80,000, \$85,000 a year, who will be stuck with a large Republican tax increase.

Mr. Speaker, with regard to net neutrality, it is indeed a brave new world that we face on the Internet. And I have been an Internet user since the early 1990s. As I mentioned, my first company was an Internet service provider. So I have experience on that front. It is the very dynamism of the Internet itself that brings its value to humanity and to Americans. That is why it is important to protect under net neutrality and open Internet provisions.

Another critical provision that has generally had support from across the aisle in prior sessions has been a transparency requirement that would require broadband providers to inform consumers about how or whether they are tiering access. Part of the issue has been we only find out about these things after the fact, after a very technical analysis, and accusations are made and have to be discovered. We would like to know. And one of the reasons I oppose this rule is Ms. MATSUI offered an amendment that would have increased consumer confidence and led to greater investment in broadband infrastructure by supporting a simple transparency requirement with regard to this matter.

Net neutrality keeps the Internet free and open. It is that simple. Just as the postal service can't discriminate in delivering legal content, so too the Internet should not discriminate in delivering legal content. Proprietary networks can work their will. And the gentleman from Oregon mentioned Koshernet or people, users, that might only want certain access on their machines. They are empowered to do that under open Internet regulations.

They can have programs on their local machine that can say, you know what—many parents do this—they want to have parental controls or block certain sites. They can only have certain sites that are accessible and block down all other sites. Many people, they are empowered to do this not by their provider, no. They are empowered to do this by choosing the soft-

ware and the service that they use to be able to restrict the Internet for themselves or for a minor that lives in their home.

These decisions should not be made by large multinational corporations deciding which Internet you have your own access to. Seventy percent of American families only choose between one or two broadband providers. For them to have access to the Internet, not the Internet minus like they have in China, not the Internet minus that too many Americans could face if we don't encode open Internet regulations into rule or law, if we want to retain that access we need to make sure that the value of the Internet and the dynamism that is created by the content and application providers have unfettered access to consumers in America and across the world.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time I am pleased to yield 4 minutes to a thoughtful member of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Let me just bring to the attention of this side of the aisle that some of the issues you are talking about, transparency, moves into privacy. We hope in the near future we do have a privacy bill, but I think some of the things you are concerned about impacted with the privacy, and not necessarily in this debate dealing with House Joint Resolution 37.

As a former ranking member of the Telecommunications Technology Subcommittee, both the ranking member, JOE BARTON, and I have sent three letters to FCC Chairman Genachowski expressing simply our strong opposition to his plan to regulate the Internet. In fact, I have introduced legislation the past two Congresses to try to prevent the implementation of the net neutrality rules, and other Members have supported us. So there is a long record here, I would say to my colleague on that side of the aisle, of our side trying to prevent Genachowski, the chairman of the FCC, from regulating the Internet.

In fact, he went so far as to step out and try to do it. There was a Comcast case. In an April of 2010 decision, the court found that the FCC failed to demonstrate it had ancillary authority under title I. So under title I, the courts ruled they did not have the authority to regulate Internet network management.

So I think the courts themselves have corroborated what Mr. WALDEN has indicated. So, you know, what you are arguing is against a court case that actually occurred. And as far as the technicality that Verizon was involved with, they are going to continue their suit. They feel they have a strong argument, and as Mr. WALDEN pointed out, it was just by a technicality. They are going to continue to go forward.

I will also mention a little bit what the chairman, Mr. WALDEN, has indicated dealing with the 706 rule. The FCC claims it has authority to enact this under the 706 rule of the 1996 Telecommunications Act. I was one of the conferees on that act. And they are using this as a way to advance telecommunications capability, saying they have the authority. But they can't rely on 706 because as the agency has previously acknowledged, acknowledged themselves, section 706 is not an independent source of authority, because 706 talks of removing barriers to infrastructure investment, but the rules themselves will erect barriers to investment.

So the FCC's claim simply stretches the authority under these provisions. So I think between the Comcast case and the interpretation of 706, they don't have any authority do this. In a larger sense, what we are talking about is when the FCC moves out and starts to regulate the Internet, that creates uncertainty in the economy, uncertainty into people who are investing vast sums of money for fiber optics so that they can spread broadband. And heaven knows we don't need in this economy this uncertainty.

So I think the FCC was unwise just from a standpoint of the economy to strike this uncertainty. The Internet, as has been pointed out, exists. It has been open and thriving for all these years because of a deregulatory approach. If we step in and let the FCC start to regulate the Internet under title I, then it's going to create this uncertainty, and that's in fact why Verizon is moving forward.

As others have pointed out, a lot of people are fearful of the FCC. That's why they won't say anything. As many of us know, lots of times when you are in a situation where you have an empowering authority up there that can regulate you, you don't want to get those people upset with you. So you are very delicate in how you move. So the people are saying basically that, oh, we are not going to say anything; but silently they are telling us, certainly they are telling us on this side that they cannot see any reason for the FCC to start to regulate.

□ 1320

There is no crisis warranting them to do this. The example used with his newspaper in Minneapolis is not a crisis. So the FCC hangs its adoption of network neutrality rules based upon speculation and future harm.

I urge the passage of this rule.

Mr. POLIS. The net-neutrality rules are consistent with the D.C. circuit ruling in Comcast v. FCC and, in fact, that advances the congressional mandates. The rule fulfills the FCC's mandate from Congress and their mandate to encourage broadband deployment by supporting innovation and investment among their other duties.

And, in fact, last year Congress had a chance to advance legislation in the area around protecting Internet freedom, and that legislation was supported by many public interest organizations, high-tech companies and, yes, many broadband carriers. That would have put in statute a set of net neutrality rules and that would have definitively, through statute, removed the threat of title II classification. Unfortunately, that legislation was blocked by Republicans in the House.

So, again, I think when Mr. WALDEN mentioned that there were some folks on the broadband side that might have been coerced into supporting something, fearing that there would be a threat of title II reclassification, it was the activities of Republicans that specifically prevented the removal of that title II reclassification threat. And, again, I would like to point to remarks by many investment bankers that it has not been seen as any serious regulatory overhang with regard to the valuation of stocks in that area because there is no effort to move forward with title II regulation.

Obviously, with regard to this matter, if it's creating, somehow, this much controversy around what should be noncontroversial rules enshrined into place the current free and open Internet policies that have seldom been violated, but we fear might be violated more in the future, if that's provoking this kind of discussion, even though all the major stakeholders discuss it, you can imagine what type of discussion would ensue if there was a serious effort to reclassify under title II.

Mr. STEARNS also mentioned that maybe the committee will begin work on what type of statutes we might have. Certainly, specifically, I am curious. I asked Mr. WALDEN as well yesterday if the committee would consider no-blocking rules, would the committee consider transparency requirements, do they think that they, in fact, could do a better job than the FCC and that this body, with its vast knowledge of the Internet and DNS architecture, would do a better job than the FCC.

I think, you know, one of the clear things that I would like to see and I think this body would like to see, and why I oppose this rule, is if we are talking about repealing the FCC's rules, what is the work product of this body? What is the replace? It's repeal and replace.

I think there has been some acknowledgment. In fact, the gentleman from Florida (Mr. STEARNS) mentioned that the committee might work on some of these areas. What is that proposed body of work? Why are we not looking at repeal and replace and what we are replacing it with. Is it going to be similar to former Chairman WAXMAN's net neutrality bill of last year? Are there substantial changes that have—buy-in across the aisle?

Can we do better? Frankly, I'm skeptical. But if the gentleman would like to advance the work product of his committee and come forward with a clear decision between what we would be replacing it with, I would be certainly open to seeing if, in fact, the work product of the committee is better than the work product of the FCC with regard to this matter.

Mr. Speaker, the Internet has been of immense value to mankind, to America, to me personally and to all of us personally. It's contributed to our culture, our economic advancement, to the flow of free ideas.

We should not trade the freedom of the Internet, the freedom of the Internet has been an open, superhighway for a toll road controlled by and for Internet service providers alone. There is a balance to be struck, and the process of finding that balance is under way by thoughtful people in an open and inclusive process.

Today's action by the Republicans short circuits that process and imposes simplistic, highly ideological solutions on what is actually a complex issue that has shared ideals for preserving a free Internet, free of government involvement. We can find bipartisan consensus.

The FCC order came close to striking that correct balance, far closer than the status quo. That's why it's supported by Internet service providers themselves, consumers groups, the high-tech community, content providers, and faith-based organizations.

We must keep the Internet free by allowing the FCC to move forward with the open Internet role, and we should be debating this on an H.R. bill under an open rule. I encourage my colleagues to support the open Internet by opposing the previous question and this rule.

I have no further requests for time, and I yield back the balance of my time.

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

There is a promo out these days for a new television show that's coming on. It's about the CIA and chronicles the fellow's first day at the job at the CIA. He walks in and he looks around and he can't believe the disarray that he sees there. And his senior adviser there steps up and he says, son, have you ever walked into a post office and said, my gosh, I have stepped into the future?

And the answer is, no, the government is not the location where innovation thrives.

To hear this conversation today about how we need government regulation to protect the Internet, Mr. Speaker, we need to protect the Internet from government regulation, and that's why we are here today with this underlying resolution.

This FCC proposal is a solution to a problem that doesn't exist. To quote

my friend from Colorado, as he was quoting the investment banks, these official rules are around what is already being done in the private sector. It's a solution to a problem that doesn't exist.

Mr. Speaker, it's a solution to a problem that doesn't exist using authority that the FCC does not have. It's interesting being down here today, as my colleague from Colorado talks about all the big businesses that have bought in and all the investment banks that bought in.

I have to say I don't give two hoots that big business and investment banks have bought in. If the authority does not exist to do it, then it should not be done. Over and over again, Mr. Speaker, we hear from this administration about how they can help, how they can help to solve problems, problems that exist and apparently now problems that don't exist.

If the authority does not exist, they cannot be allowed to regulate in this area, and that's why the subcommittee has brought this forward.

So we have a solution to a problem that doesn't exist using authority that doesn't exist, and where does this lead us?

I want to read to you, Mr. Speaker, from the FCC order dated December 21 of last year: Finally, we decline to apply our rules directly to coffee shops, bookstores, airlines, and other entities that acquire their Internet service from a broadband provider.

Although broadband providers that offer such services are subject to these rules, we note that addressing traffic is a legitimate network management purpose for these premise operators.

Authority that does not exist and the FCC says, in its benevolence, in its benevolence, that at this time it chooses, it chooses, Mr. Speaker, not to regulate the way that coffee shops, bookstores, and airlines provide Internet service to their customers.

Folks, this is the camel's nose under the tent. That is why we have to be vigilant. It doesn't matter if we like the underlying rule. It doesn't matter if the authority does not exist, Mr. Speaker.

We are obligated as one of three branches of government, we are obligated to step in where regulatory authority exceeds its bounds. Now, as we have said, the courts have already looked at this decision and decided, as we have, that the FCC does not have authority to act in this area, solution to a problem that doesn't exist, using authority that it doesn't have that starts to pave the way to regulate coffee shops, airlines and bookstores.

Mr. Speaker, this is a simple rule for a simple bill. We have talked so much about 2,000-page bills with lots of hidden consequences. We have talked broadband section 1099 of the health care act now being repealed and passed

now by the Senate and going on to the President's desk. I want to read to you this bill in its entirety if you will permit me the time:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rules submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and such rule shall have no force or effect.”

□ 1330

That's it. That's it, eight lines, “no force or effect.”

Mr. Speaker, I urge strong support from my colleagues for this rule that will then bring to the floor H.J. Res. 37 and allow, in its brevity, its complete and total consideration.

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

The SPEAKER pro tempore (Mr. POE of Texas). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 175, not voting 16, as follows:

[Roll No. 226]

YEAS—241

Adams	Cantor	Foxx
Aderholt	Capito	Franks (AZ)
Akin	Carter	Galleghy
Alexander	Cassidy	Gardner
Amash	Chabot	Garrett
Austria	Chaffetz	Gerlach
Bachmann	Coble	Gibbs
Bachus	Coffman (CO)	Gibson
Barletta	Cole	Gingrey (GA)
Bartlett	Conaway	Gohmert
Barton (TX)	Costa	Goodlatte
Bass (NH)	Cravaack	Gosar
Benishek	Crawford	Gowdy
Berg	Crenshaw	Granger
Biggert	Culbertson	Graves (GA)
Bilbray	Davis (KY)	Graves (MO)
Bilirakis	Denham	Griffin (AR)
Bishop (UT)	Dent	Griffith (VA)
Black	DesJarlais	Grimm
Blackburn	Diaz-Balart	Guinta
Bonner	Dold	Guthrie
Bono Mack	Dreier	Hall
Boren	Duffy	Hanna
Boustany	Duncan (SC)	Harper
Brady (TX)	Duncan (TN)	Harris
Brooks	Ellmers	Hartzler
Brown (GA)	Emerson	Hastings (WA)
Buchanan	Farenthold	Hayworth
Bucshon	Fincher	Heck
Buerkle	Fitzpatrick	Heller
Burgess	Flake	Hensarling
Burton (IN)	Fleischmann	Herger
Calvert	Fleming	Herrera Beutler
Camp	Flores	Huelskamp
Campbell	Forbes	Huizenga (MI)
Canseco	Fortenberry	Hultgren

Hunter	Mica
Hurt	Miller (FL)
Issa	Miller (MI)
Jenkins	Miller, Gary
Johnson (IL)	Mulvaney
Johnson (OH)	Murphy (PA)
Johnson, Sam	Myrick
Jones	Neugebauer
Jordan	Noem
Kelly	Nugent
King (IA)	Nunes
King (NY)	Nunnelee
Kingston	Olson
Kinzinger (IL)	Palazzo
Kline	Paul
Labrador	Paulsen
Lamborn	Pearce
Lance	Pence
Landry	Peterson
Lankford	Petri
Latham	Pitts
LaTourette	Platts
Latta	Poe (TX)
Lewis (CA)	Pompeo
LoBiondo	Posey
Long	Price (GA)
Lucas	Quayle
Luetkemeyer	Reed
Lummis	Rehberg
Lungren, Daniel	Reichert
E.	Renacci
Mack	Ribble
Manzullo	Rigell
Marchant	Rivera
Marino	Roby
McCarthy (CA)	Roe (TN)
McCaul	Rogers (AL)
McClintock	Rogers (KY)
McCotter	Rogers (MI)
McHenry	Rohrabacher
McKeon	Rokita
McKinley	Rooney
McMorris	Ros-Lehtinen
Rodgers	Roskam
Meehan	Ross (FL)

NAYS—175

Ackerman	Doggett
Altmire	Donnelly (IN)
Andrews	Doyle
Baca	Edwards
Baldwin	Ellison
Barrow	Eshoo
Bass (CA)	Farr
Becerra	Fattah
Berkley	Filner
Berman	Frank (MA)
Bishop (GA)	Fudge
Bishop (NY)	Gonzalez
Blumenauer	Green, Al
Boswell	Green, Gene
Brady (PA)	Grijalva
Bralley (IA)	Gutierrez
Brown (FL)	Hanabusa
Butterfield	Hastings (FL)
Capps	Heinrich
Capuano	Higgins
Cardoza	Himes
Carnahan	Hinojosa
Carney	Hirono
Carson (IN)	Holt
Castor (FL)	Honda
Chandler	Hoyer
Chu	Inslee
Cicilline	Israel
Clarke (MI)	Jackson (IL)
Clarke (NY)	Jackson Lee
Clay	(TX)
Clyburn	Johnson (GA)
Cohen	Johnson, E. B.
Connolly (VA)	Kaptur
Conyers	Keating
Costello	Kildee
Critz	Kissell
Crowley	Kucinich
Cuellar	Langevin
Cummings	Larsen (WA)
Davis (CA)	Larson (CT)
Davis (IL)	Lee (CA)
DeFazio	Levin
DeGette	Lewis (GA)
DeLauro	Loeb sack
Deutsch	Lofgren, Zoe
Dicks	Lowey
Dingell	Lujan

Royce	Schiff
Ryunan	Schrader
Ryan (WI)	Scott (VA)
Scalise	Scott, David
Schilling	Serrano
Schmidt	Sewell
Schock	Sherman
Schweikert	Shuler
Scott (SC)	Sires
Scott, Austin	Slaughter
Sensenbrenner	Smith (WA)
Sessions	Speier
Shimkus	
Shuster	
Simpson	
Smith (NE)	
Smith (NJ)	
Smith (TX)	
Southerland	
Stearns	
Stivers	
Stutzman	
Sullivan	
Terry	
Thompson (PA)	
Thornberry	
Tiberi	
Tipton	
Turner	
Upton	
Walberg	
Walden	
Walsh (IL)	
Webster	
West	
Westmoreland	
Whitfield	
Wilson (SC)	
Wittman	
Wolf	
Womack	
Woodall	
Yoder	
Roskam	
Young (AK)	
Young (IN)	

Stark	Wasserman
Sutton	Schultz
Thompson (CA)	Waters
Thompson (MS)	Watt
Tierney	Waxman
Tonko	Weiner
Towns	Welch
Tsongas	Wilson (FL)
Velázquez	Woolsey
Visclosky	Wu
Walz (MN)	Yarmuth

NOT VOTING—16

Cleaver	Giffords	Sanchez, Loretta
Cooper	Hinchey	Schwartz
Courtney	Holden	Van Hollen
Engel	Kind	Young (FL)
Frelinghuysen	Lipinski	
Garamendi	Meeks	

□ 1355

Ms. TSONGAS, Ms. WOOLSEY, Messrs. CONYERS and GUTIERREZ changed their vote from “yea” to “nay.”

Mr. LATOURETTE changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted “nay.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan, and their families, and all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

Lynch	Maloney
Markey	Matheson
Matsui	McCarthy (NY)
McCollum	McDermott
McGovern	McIntyre
McNerney	Michaud
Miller (NC)	Miller, George
Moore	Moran
Murphy (CT)	Nadler
Napolitano	Neal
Olver	Owens
Pallone	Pascarella
Pastor (AZ)	Payne
Pelosi	Perlmutter
Peters	Pingree (ME)
Polis	Price (NC)
Quigley	Rahall
Rangel	Reyes
Richardson	Richmond
Ross (AR)	Rothman (NJ)
Roybal-Allard	Ruppersberger
Rush	Sánchez, Linda
Ryan (OH)	T.
Sarbanes	Schakowsky

[Roll No. 227]

YEAS—241

Adams Gohmert Nugent
 Aderholt Goodlatte Nunes
 Akin Gosar Nunnelee
 Alexander Gowdy Olson
 Amash Granger Palazzo
 Austria Graves (GA) Paul
 Bachmann Graves (MO) Paulsen
 Barletta Griffin (AR) Pearce
 Bartlett Griffith (VA) Pence
 Barton (TX) Grimm Peterson
 Bass (NH) Guinta Petri
 Benishek Guthrie Pitts
 Berg Hall Platts
 Biggert Hanna Poe (TX)
 Bilbray Harper Pompeo
 Bilirakis Harris Posey
 Bishop (UT) Hartzler Price (GA)
 Black Hastings (WA) Quayle
 Blackburn Hayworth Reed
 Bonner Heck Rehberg
 Bono Mack Heller Reichert
 Boren Hensarling Renacci
 Boustany Herger Ribble
 Brady (TX) Herrera Beutler Riggell
 Brooks Huelskamp Rivera
 Broun (GA) Huizenga (MI) Roby
 Buchanan Hultgren Roe (TN)
 Bucshon Hunter Rogers (AL)
 Buerkle Buerkle Hurt Rogers (KY)
 Burgess Issa Rogers (MI)
 Burton (IN) Jenkins Rohrabacher
 Calvert Johnson (IL) Rokita
 Camp Johnson (OH) Rooney
 Campbell Johnson, Sam Ros-Lehtinen
 Canseco Jones Roskam
 Cantor Jordan Ross (FL)
 Capito Kelly Royce
 Carter King (IA) Runyan
 Cassidy King (NY) Ryan (WI)
 Chabot Kingston Scalise
 Chaffetz Kinzinger (IL) Schilling
 Coble Kline Schmidt
 Coffman (CO) Labrador Schock
 Cole Lamborn Schweikert
 Conaway Lance Scott (SC)
 Conyers Landry Scott, Austin
 Costa Lankford Sensenbrenner
 Cravaack Latham Sessions
 Crawford LaTourette Shimkus
 Crenshaw Latta Shuler
 Culberson Lewis (CA) Shuster
 Davis (KY) LoBiondo Simpson
 Denham Long Smith (NE)
 Dent Lucas Smith (NJ)
 DesJarlais Luetkemeyer Smith (TX)
 Diaz-Balart Lummis Southerland
 Dold Lungren, Daniel
 Dreier E. Stearns
 Duffy Mack Stivers
 Duncan (SC) Stutzman
 Duncan (TN) Sullivan
 Ellmers Marchant Thompson (PA)
 Emerson Marino Thornberry
 Farenthold McCarthy (CA) Tiberi
 Fincher McCaul Tipton
 Fitzpatrick McClintock Turner
 Flake McCotter Upton
 Fleischmann McHenry Walberg
 Fleming McKeon Walden
 Flores McKinley Walsh (IL)
 Forbes McMorris Webster
 Fortenberry Rodgers West
 Foxx Meehan Westmoreland
 Franks (AZ) Mica Whitfield
 Gallegly Miller (MI) Wilson (SC)
 Gardner Miller, Gary Wittman
 Garrett Womack Wolf
 Gerlach Mulvaney Woodall
 Gibbs Murphy (PA) Yoder
 Gibson Myrick Young (AK)
 Gingrey (GA) Neugebauer Young (IN)
 Noem

NAYS—178

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

Cicilline Jackson Lee
 Clarke (MI) (TX)
 Clarke (NY) Johnson (GA)
 Clay Johnson, E. B.
 Cleaver Kaptur
 Clyburn Keating
 Cohen Kildee
 Connolly (VA) Kissell
 Costello Kucinich
 Courtney Langevin
 Critz Larsen (WA)
 Crowley Larson (CT)
 Cuellar Lee (CA)
 Cummings Levin
 Davis (CA) Lewis (GA)
 Davis (IL) Lipinski
 DeFazio Loeb sack
 DeGette Lofgren, Zoe
 DeLauro Lowey
 Lujan Luján
 Deutch Lynch
 Dicks Maloney
 Dingell Markey
 Doggett Matheson
 Donnelly (IN) Matsui
 Doyle McCarthy (NY)
 Edwards McColium
 Ellison McDermott
 Eshoo McGovern
 Farr McIntyre
 Fattah McMorris
 Finler Michaud
 Frank (MA) Miller (NC)
 Fudge Miller, George
 Gonzalez Moore
 Green, Al Moran
 Green, Gene Murphy (CT)
 Grijalva Nadler
 Gutierrez Napolitano
 Hanabusa Neal
 Hastings (FL) Olver
 Heinrich Owens
 Higgins Pallone
 Himes Pascrell
 Hinojosa Pastor (AZ)
 Hirono Payne
 Holt Pelosi
 Honda Perlmutter
 Hoyer Peters
 Inslee Pingree (ME)
 Israel Polis
 Jackson (IL) Price (NC)

Bachus
 Cooper
 Engel
 Frelinghuysen
 Garamendi

Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Richmond
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sánchez, Linda
 T.
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Weiner
 Welch
 Wilson (FL)
 Woolsey
 Wu
 Yarmuth

NOT VOTING—13
 Sanchez, Loretta
 Terry
 Young (FL)

□ 1403

So the resolution was agreed to.
 The result of the vote was announced
 as above recorded.

A motion to reconsider was laid on
 the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant
 to clause 8 of rule XX, the unfinished
 business is the question on agreeing
 to the Speaker's approval of the
 Journal, which the Chair will put de
 novo.

The question is on the Speaker's
 approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic de-
 vice, and there were—ayes 310, noes 104,
 answered “present” 1, not voting 17, as
 follows:

[Roll No. 228]

AYES—310

Flores
 Forbes
 Fortenberry
 Frank (MA)
 Franks (AZ)
 Gallegly
 Garrett
 Gibbs
 Gibson
 Gingrey (GA)
 Gonzalez
 Goodlatte
 Gosar
 Nadler
 Granger
 Graves (GA)
 Green, Al
 Griffin (AR)
 Grimm
 Guinta
 Guthrie
 Hanabusa
 Harper
 Hartzler
 Blumenaue
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Braley (IA)
 Brooks
 Broun (GA)
 Brown (FL)
 Buchanan
 Bucshon
 Buerkle
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Carnahan
 Carney
 Carson (IN)
 Cassidy
 Castor (FL)
 Chabot
 Chaffetz
 Chandler
 Cicilline
 Clay
 Cleaver
 Coble
 Coffman (CO)
 Cole
 Conaway
 Connolly (VA)
 Courtney
 Crawford
 Crenshaw
 Critz
 Crowley
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeGette
 DeLauro
 Denham
 DesJarlais
 Deutch
 Diaz-Balart
 Dingell
 Doggett
 Doyle
 Dreier
 Duncan (SC)
 Duncan (TN)
 Edwards
 Ellison
 Ellmers
 Emerson
 Eshoo
 Farenthold
 Fattah
 Fincher
 Flake
 Fleischmann
 Fleming

McMorris
 Rodgers
 McNeerney
 Meehan
 Mica
 Michaud
 Miller (FL)
 Miller, Gary
 Moran
 Mulvaney
 Murphy (CT)
 Murphy (PA)
 Myrick
 Neugebauer
 Noem

Paulsen
 Payne
 Pearce
 Pence
 Petri
 Pingree (ME)
 Pitts
 Platts
 Polis
 Pompeo
 Posey
 Price (GA)
 Price (NC)
 Quayle
 Quigley
 Rangel
 Rehberg
 Reichert
 Reyes
 Ribble
 Richardson
 Jones
 Richmond
 Riggell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Royce
 Runyan
 Ruppersberger
 Rush
 Scalise
 Schiff
 Schmidt
 Schock
 Schrader
 Schweikert
 Scott (SC)
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 E.
 Lynch
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Speier
 Stearns

Stutzman	Walberg	Westmoreland
Sullivan	Walden	Whitfield
Thompson (PA)	Walsh (IL)	Wilson (FL)
Thornberry	Walz (MN)	Wilson (SC)
Tiberi	Wasserman	Wittman
Tierney	Schultz	Wolf
Tonko	Waters	Womack
Towns	Watt	Woodall
Tsongas	Waxman	Woolsey
Turner	Webster	Yarmuth
Upton	Welch	Yoder
Van Hollen	West	Young (IN)

NOES—104

Altmire	Gerlach	Miller (NC)
Andrews	Graves (MO)	Miller, George
Baldwin	Green, Gene	Moore
Bass (CA)	Griffith (VA)	Napolitano
Becerra	Gutierrez	Olver
Bilbray	Hall	Pastor (AZ)
Bishop (NY)	Hanna	Pelosi
Boswell	Harris	Perlmutter
Brady (PA)	Hastings (FL)	Peters
Burgess	Heck	Peterson
Capps	Heller	Poe (TX)
Capuano	Herrera Beutler	Rahall
Cardoza	Hinojosa	Reed
Chu	Holt	Renacci
Clarke (MI)	Honda	Roybal-Allard
Clarke (NY)	Hoyer	Ryan (OH)
Clyburn	Hunter	Sánchez, Linda
Cohen	Inslie	T.
Costa	Israel	Sarbanes
Costello	Jackson (IL)	Schakowsky
Cravaack	Keating	Schilling
Cuellar	Kinzinger (IL)	Sires
Cummings	Kucinich	Slaughter
DeFazio	Lee (CA)	Stark
Dent	Lipinski	Stivers
Dicks	LoBiondo	Sutton
Dold	Loeb sack	Terry
Donnelly (IN)	Maloney	Thompson (CA)
Duffy	Marchant	Thompson (MS)
Farr	Matsui	Tipton
Filner	McCotter	Velázquez
Fitzpatrick	McDermott	Vislosky
Foxx	McGovern	Weiner
Fudge	McKinley	Wu
Gardner	Miller (MI)	Young (AK)

ANSWERED "PRESENT"—1

Amash

NOT VOTING—17

Carter	Giffords	Meeks
Cooper	Gohmert	Neal
Culberson	Grijalva	Ryan (WI)
Engel	Hinche y	Sanchez, Loretta
Frelinghuysen	Holden	Young (FL)
Garamendi	Kind	

1411

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I inadvertently voted "yes" on rollcall votes 226 and 227. It was my intention to vote "no" on both votes.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary and the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2011.

Speaker JOHN BOEHNER,
The United States Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER: I write to inform you that effective immediately I am resigning from the House Judiciary Committee and will be taking a leave of absence from the House Transportation and Infrastructure Committee to join the House Committee on Rules. If you have any questions please contact me directly or your staff can contact Steve Pfrang, my Legislative Director.

Sincerely,

TOM REED,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. ROSKAM. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 202

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON RULES.—Mr. Reed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HUNGER-FAST COALITION: GLOBAL FOOD SECURITY IS A NATIONAL PRIORITY

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

Mr. MCGOVERN. Mr. Speaker, last week USAID Administrator Raj Shah testified before the House Subcommittee on Foreign Operations. In his testimony he stated, and I quote, "We estimate, and I believe these are very conservative estimates, that H.R. 1 would lead to 70,000 kids dying." This means, conservatively speaking, that the GOP budget cuts could result in the deaths of 70,000 children around the world from disease, from hunger, from lack of basic immunizations, mosquito nets, and food.

These callous and brutal cuts are not only a stain on the moral conscience of this House; they directly undermine our national security and our economic future. Over 23,000 people from faith groups and other organizations are fasting in protest of these draconian cuts. Join them at www.hungerfast.org. I urge my colleagues to restore funding

for these humanitarian and development programs. The lives of 70,000 children are at stake.

SHAH: GOP BUDGET WOULD KILL 70,000 CHILDREN

(Posted by Josh Rogin, March 31, 2011)

As Congress struggles to negotiate a budget deal to keep the government running, the head of the U.S. Agency for International Development (USAID) told lawmakers Wednesday that the GOP version of the budget bill would result in the deaths of at least 70,000 children who depend on American food and health assistance around the world.

"We estimate, and I believe these are very conservative estimates, that H.R. 1 would lead to 70,000 kids dying," USAID Administrator Rajiv Shah testified before the House Appropriations State and Foreign Ops subcommittee.

"Of that 70,000, 30,000 would come from malaria control programs that would have to be scaled back specifically. The other 40,000 is broken out as 24,000 would die because of a lack of support for immunizations and other investments and 16,000 would be because of a lack of skilled attendants at birth," he said.

The Republican bill, known as H.R. 1, was passed by the House, and would fund the government for the rest of fiscal 2011. It would effectively cut 16 percent from the Obama administration's original fiscal 2011 request for the international affairs account.

Rep. Jesse Jackson Jr. (D-IL) pointed out that H.R. 1 would provide \$430 million for the International Disaster Assistance (IDA) account, which is 50 percent below the president's fiscal 2011 request and 67 percent below fiscal 2010 levels.

Shah said that such a cut "would be, really, the most dramatic stepping back away from our humanitarian responsibilities around the world in decades." The IDA account supports 1.6 million people in Darfur, so halving the account would place 800,000 people at risk, he said.

"[T]his would lead to a significant amount of reduction in feeding programs, medical programs and food and water programs for people who are incredibly vulnerable," he added.

Shah was also testifying in defense of the administration's fiscal 2012 budget request, which also faces the axe on Capitol Hill. Subcommittee Chairwoman Kay Granger (R-TX) opened the hearing by announcing that the administration's fiscal 2012 request was dead on arrival.

"While I understand the value of many of these important programs, the funding request for next year is—is truly unrealistic in today's budget environment," she said. "We simply cannot fund everything that has been funded in the past. And we certainly cannot continue to fund programs that are duplicative and wasteful."

Granger said she would support USAID programs that have national security implications or contribute to the ongoing missions in Iraq, Afghanistan, and Pakistan. Her Democratic counterpart, Rep. Nita Lowey (D-NY), said that national security is threatened by instability in other parts of the world as well.

"Drastic cuts to USAID would risk a great deal in stability and security around the world which could spawn the kinds of threats that cost this country the lives of men and women in uniform and billions in treasure," she said.

Shah argued that foreign assistance is crucial to the long term economic recovery because it helps develop markets for American goods.

“USAID’s work also strengthens America’s economic security. By establishing links to consumers at the bottom of the pyramid, we effectively position American countries to enter more markets and sell more goods in the economies of the future, promoting exports and creating American jobs,” he said.

FAREWELL TO MARK GAGE

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to express my appreciation to Mark Gage of our Foreign Affairs Committee staff for his guidance, his insight, and his counsel throughout the years.

After a distinguished career in the House, which started with Congressman Solomon’s office in 1981 as an intern and 5 years as a political appointee at the Department of State, Mark has decided to retire from government service.

Our committee will be losing an immense talent and a dedicated public servant, someone driven by an unwavering commitment to doing what is right for our Nation and by the Members that he has served throughout the last three decades. Mark’s expertise and sharp wit will be sorely missed.

I wish Mark a wonderful retirement with his lovely wife, Linda, and their three terrific dogs.

UCONN HUSKIES: 2011 NATIONAL CHAMPIONS

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

Mr. COURTNEY. Mr. Speaker, I rise to congratulate Coach Jim Calhoun and the UConn men’s basketball team for their win last night. That is the third national championship under Coach Calhoun, who hails from the Second Congressional District of eastern Connecticut.

This was a remarkable year. When the season started, they weren’t even on the top 68 by Sports Illustrated. But under the leadership of Kemba Walker, three freshmen and a sophomore, they defied the odds, won 11 consecutive single-elimination games over the last 20-some-odd days, and prevailed last night against a great Butler Bulldog team led by a great young coach, Coach Stevens.

Again, congratulations to Coach Calhoun, who is a great leader in the State of Connecticut and a great leader for student athletes.

Go Huskies.

OUR FISCAL PROBLEMS

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

Mr. LANKFORD. Mr. Speaker, I rise to discuss the debt we are dealing with as a Nation. It is time to stop ignoring the debt problem that we have in America.

The budget we released this morning is focused on solving our fiscal problems, not scoring political points. Key elements: fiscal responsibility; understanding this is not our money; it’s owned by the American people; finding common ground with the President’s debt commission and bipartisan CBO proposals. We have some areas where we’ve agreed, and those areas are included.

Shocking as it may seem, conservatives have also included some practical solutions to solve our long-term systemic issues with entitlements and welfare. Our focus was to protect programs that are working, encourage work for every person who’s able to work, and set a course for future economic stability.

It’s also focused on cutting spending. Raising taxes on Americans to fund more government would be like a family running up a huge credit card bill and then going to their boss at work to tell them they need a raise to pay off their credit card. Their boss would most likely respond, You don’t need a raise. You’ll just spend more. You need to get your family on a budget and you need to cut your spending to what’s absolutely necessary. That’s what we must do.

Some in Congress have already called this proposal extreme. Well, I’d have to tell you, I agree. I think this budget is extreme—extremely responsible, extremely forward-thinking, and extremely overdue.

WE CAN’T SPEND MONEY WE DON’T HAVE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, despite the heated rhetoric over the fiscal year 2011 budget and the failure to responsibly address our Nation’s \$14 trillion debt, there is one simple truth that we should all take away from this current budget standoff: Washington can no longer fail to deal with America’s looming debt crisis as Americans continue to tighten their belts and make ends meet.

Constitutionally, all spending bills must originate in the House. In February, the House performed its duty and passed a long-term spending bill that represents tough but necessary choices we must take. Even if we all agree a program is efficient and needed, we can’t spend money we don’t have. At a time when the Federal Government is borrowing 40 cents of every dollar, we must be responsible stewards of the taxpayers’ dollars in a manner

that ensures the long-term promises and commitments the government has made to the American people are met and fulfilled.

It’s time the Senate leadership do what’s right. We still have a government to run and cannot adequately deal with a 2012 budget if last year’s business is left hanging in the wind.

DRILLING FOR BRAZIL BUT NOT FOR US

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

Mr. POE of Texas. Mr. Speaker, the President says that he wants to cut the country’s oil imports by one-third over the next 10 years. Well, that’s fantastic and well-timed for the announcement of his reelection campaign yesterday. But let’s face reality. Gasoline is up to \$4 a gallon. Americans don’t want to hear about what’s going to happen 10 years from now.

The President’s answer to the energy crisis and \$4 gasoline is to give money to Brazil while at the same time stonewalling drilling in our gulf. Why are we doing that?

Instead of propping up energy companies in Brazil and letting them drill off their coast, let’s keep jobs and money in America and drill off of our coasts and on our land. Let’s develop our own domestic energy instead of developing Brazil’s.

Are you in for that, Mr. President? And that’s just the way it is.

REMEMBERING JOHN ADLER

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today in honor of our departed colleague, John Adler of New Jersey.

John Adler came into the Congress as part of our freshman class in 2009. He was an honorable public servant who served 17 years in the New Jersey State Senate and, before that, on the town council of Cherry Hill, New Jersey.

John brought a wealth of knowledge, legislative expertise, but good humor, compassion, and a respect for his colleagues on both sides of the aisle. His bipartisanship, his compassion, his commitment to his community and especially to his family will be sorely missed.

Our hearts go out to Shelley, his wife, and his four children at this difficult time.

COME TOGETHER FOR THE NEXT GENERATION

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

Mr. KINGSTON. Mr. Speaker, America is at a huge crossroads right now. We're in a situation that whenever we spend \$1, 40 cents of it is borrowed. Our national debt is about 95 percent of our GDP. We are losing our edge as a global leader. It hurts our job creation, it smothers the private sector, and it denies you and me of some of our basic freedoms; because the bigger the government gets, the smaller your personal freedom gets.

That's why the budget that has been introduced today is so worthy of a strong debate by both of us—both parties, that is. This is about the next generation, not about the next election. I urge my Democrat friends and my Republican friends to come together and do the best thing for the United States of America, not just for partisan politics of the day.

We are Americans. We can do better. We can get this job done, and we must get this job done.

□ 1420

REVERSE ROBIN HOOD

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

Ms. BROWN of Florida. Mr. Speaker, today in the VA we had a hearing on how would the shutdown affect the veterans. You know, you can tell something about a country or an organization as to how they spend their money.

In December, when we gave \$700 billion tax breaks to the richest people in the world, then we are worrying about in 2 or 3 months whether or not we are going to have money to pay for the veterans' pensions or their health care, it is unacceptable. It is unacceptable that we continue to practice what I call reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. Unacceptable, Mr. Speaker.

CATCH 'EM IF YOU CAN

The SPEAKER pro tempore (Mr. RIBBLE). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE of Texas. Mr. Speaker, I want to address the third front that the United States is engaged in, and I am not talking about the war in Libya. I am talking about the border war on our southern front between the United States and Mexico, the war with the narcoterrorist gangs that are coming into the United States daily, bringing their wares into this country.

Secretary of Homeland Security Janet Napolitano recently said that the border now is better than it ever has been. I take issue with that com-

ment for a lot of reasons. One, I have been to the southern border of the United States, primarily in Texas with the border with Mexico. Been there numerous times. I just recently got back from the border at Arizona and Mexico. What I saw does not look like a secure border. Of course, she said it was better than it ever has been, but that's not the question.

The question is, is the border of the United States secure? And the answer to that question, in my opinion, is, no, it is not secure. Let's talk about this issue. This issue has been around for a long time. There seems to be a lot said about it. But as my grandfather used to say, when all is said and done, more is said than done. And the border between the United States and Mexico is not secure. I don't know that it's better than it ever has been.

There are problems on both sides of the border. In my visits to the border, it is not just the people in Mexico who live in concern and fear for their own safety about the narcoterrorists running up and down the border with automatic weapons, but it is people on the American side as well.

The National Border Patrol Council, that's the group that represents the Border Patrol agents, recently made the comment if the border was better now than it ever has been, Agent Brian Terry would not have been brutally murdered by heavily armed Mexican criminals operating over 13 miles inside the United States. That makes quite the point.

Just recently, in the last 24 hours, two Americans that live in Mexico but work in the United States and have worked in the United States for some years were legally crossing at a regular port of entry, and they were gunned down in Mexico while they were waiting to cross into the United States. Two Americans murdered. Of course, when an American is murdered in Mexico the chances of anybody in Mexico being prosecuted are almost nonexistent.

Last year, 65 Americans were murdered in Mexico. I know of no case where anybody in Mexico was held accountable for those crimes, because the crimes are out of control in Mexico. And to think that it does not affect the United States is living in never-never land.

This map here, I want to show some statistics about the border counties in Texas with Mexico. There are 14 border counties in Texas that border Mexico. Every so often I will call the sheriffs of those 14 border counties and ask them this simple question: How many people in your jail are foreign nationals? I am not asking the question how many are legally or illegally in the United States. You know, we can't ask that question in States. We can only find out if the person is in the United States from a foreign country.

So recently, 2 weeks ago, I called the sheriffs, the 14 border sheriffs in Texas, and asked them that question: How many people in your jail are foreign nationals charged with crimes? That would be a State misdemeanor or a felony crime. This does not include immigration violations. That's a whole different group of people.

So how many people are in your jail, not people charged with immigration violations, but they are just charged with cross-border crime? And the answer is 34 percent are foreign nationals, 34.5 percent to be exact. Now, think about that number. Thirty-four percent of the people in a local jail are from foreign countries. And they are not just from Mexico; they are from all over. Because everybody in the world knows if you can get into Mexico, you can get into the United States.

You see, Mexico doesn't protect its border any better than the United States does. So people all over the world go into Mexico, and they sneak across into the United States. In these border county jails, 34 percent of those people are foreign nationals who have committed a crime and gotten caught and are locked up in local jails.

Now, to say that there is not a crime problem on the border is not reality because, you see, if the border was secure—and that is the Federal Government's job to secure the border—if the border was secure, you wouldn't have these people coming into the United States committing crimes because they couldn't get across, the ones that are illegally crossing into the United States. And these are not rich counties. These are poor counties. These counties don't have a lot of revenue. It's very difficult for these counties to house and feed and take care of the medical issues of cross-border crime. But they are saddled with that responsibility because the Federal Government does not protect the border of the United States in an adequate manner.

So the question is, is the border of the United States secure? The answer to that question is, no, it is not. The proof is in the statistics in this one area.

Let's spread it out a little bit further. Let's talk about the Federal prison system. Now, the Federal prison system is where people have been caught for a felony in the United States and tried in a Federal court and sent to a Federal penitentiary somewhere across the entire United States. The Federal Government keeps up with the number of people who are in Federal penitentiaries serving time that are criminal aliens.

Now, that's a different term. Foreign nationals, that term, I use that term as a person from a foreign country, legally or illegally in the United States. But the Federal Government keeps specific statistics on criminal aliens. A criminal alien is a person that is illegally in the United States, commits a

crime, gets caught, gets convicted, and goes to the Federal penitentiary.

So how many people have we got like that in the United States? The latest statistics show that the total number of criminal aliens in U.S. prisons is 27 percent. Now, we are talking about some real numbers. We are talking about all the Federal penitentiaries in the United States where people are charged with crimes and convicted; 27 percent of our population in the Federal penal system are people who are criminal aliens. Now, if the border was secure, people wouldn't come into the United States illegally, commit crimes, get caught, tried in Federal courts, and go to Federal penitentiaries.

□ 1430

Yet, over one-fourth of the people we house in the Federal prison system are in that category. So the question is, is the border secure? And the answer is no, it is not secure.

One-fourth of the people that are incarcerated in our prison system, in the Federal prison system, are called criminal aliens. It doesn't sound like it's a very secure border to me if those people are able to come into the United States.

While I am talking about the prison system, let me give another scenario that occurs, which is really frustrating. We have people who come into the United States, they commit crimes, they are foreign nationals, some are criminal aliens. They commit crimes, they get convicted in a court somewhere in the United States, either a State court or a Federal court. They are sent to the State penitentiary or the Federal penitentiary. While they are incarcerated, serving their time, the system works very well because ICE comes in, puts a detainer on them for deportation, they have a deportation hearing, so that as soon as they get out of the penitentiary, they are supposed to be deported back to the country that they came from. That's the way the system is supposed to work, and it works like that sometimes but not all the time. Because, you see, there are some countries who won't take back their criminal aliens.

What do you mean they won't take them back? Well, their criminal aliens come into our country, they commit a crime, they are sent to the penitentiary. While incarcerated, they are ordered to go back home as soon as they get out of the penitentiary.

And when we get ready to deport them back from whence they came, their country says, Don't send 'em back to us—we don't want 'em. I mean, you know, they've got enough criminals of their own, I guess. But they refuse to take back their criminal aliens.

Now, how many people are we talking about? The current number is

140,000 of those people, 140,000 people from foreign countries, committed crimes in the United States, ordered to be deported back and their countries refuse to take them back; 140,000.

So what happens to them? Well, under our Constitution we just can't keep them in jail after they've served their time. So after 6 months, where they are not deported after their time is served, they are released into the United States because their country won't take them back.

Who are those countries? Well, there are a whole lot of them. The top five, you would never guess this, but China is in the top five, you know, our good buddies, the Chinese, who own most of our debt, our great trading partners. They don't take back their criminal aliens.

Other countries, Cuba, Vietnam, Jamaica and India, those are the top five nations that refuse to take back their criminal aliens after being convicted. So those 140,000 people continue to be our problem because their countries don't take them back.

If the border were secure, those people would never have gotten in the United States to begin with to commit crimes, and now we are stuck with those individuals. We need to have a consequence for those countries that refuse to take their lawfully deported criminal aliens back.

Those countries should have some type of consequence for failure to take their lawfully deported individuals back. I am not sure what that would be, but we must consider all of our options, including if those countries receive any type of foreign aid, we shouldn't give them foreign aid. You don't get foreign aid if you don't take back your criminal aliens.

Those countries that don't get foreign aid, maybe we should reconsider their lawful visas for people that are coming into the United States. See, all these countries do get visas, except maybe Cuba, into the United States, and maybe we should reconsider that.

But it's a massive problem in the criminal justice system alone for the fact that the border remains unsecure. The border is a long way, just the Texas border, from El Paso down to Brownsville. I mean, if you are not from Texas you don't know how far that is, it's just a long way. But it's the same distance as from New Orleans to New York City. That's how long a border it is.

And the entire southern border of the United States is 1,957 miles long. Now we are talking about a lot of territory. So how much of that land is secure?

Well, recently, Richard Santana, who works for the Homeland Security Department, said that the United States only has 129 miles of that 1,957 mile border that is secure. Now, that doesn't seem like a very long amount; 129 miles is not very much of a border

when you have 1,957 miles of that border that is not secure.

Taking another organization, the GAO, that is the Government Accountability Office, that is the group of people that keep up with all the statistics that we, Members of Congress, ask them to keep up with.

They have released a report talking about that one question. How secure is the southern border of the United States? And their answer is this: 44 percent of the border is considered secure but, really, only 15 percent of the border is airtight. That means we will catch you if you come across 15 percent of this massive border.

So if 44 percent is somewhat secure, that means 56 percent of the border is controlled by somebody else. Who controls that portion of the border? It's not the United States. It's not Mexico. Who controls 56 percent of our southern border?

It seems like anybody who wants to cross controls it and, to my opinion, primarily it's those narcoterrorists, those people who bring drugs into the United States, those violent drug cartels who operate not only in Mexico but other parts of the continent, including South America.

So we need to make sure that we talk about what is correct, and the people who live on the border, you ask them. You go down there and you just pick somebody out and you ask them, whether it's in Texas or whether it's in Arizona, whether they feel secure on the border, and the ones I have talked to don't feel secure.

Now, recently, last weekend, weekend before last, I had the opportunity to go to Arizona. I was a guest of Congresswoman GABBY GIFFORDS' staff. GABBY GIFFORDS, as Members of Congress know, has been working on border security issues for a long time. Last year she sponsored a letter to the President, myself and others cosigned it, to put more National Guard troops on the border. The President responded with some National Guard troops on the border, and she has worked on that issue.

And before her tragic incident where she was shot, she and I had been talking about the fact that I had invited her to Texas to come down and look at the Texas border, and she had invited me to Arizona to go meet with the people on the southern border of Arizona.

And so last week, I had the opportunity, thanks to Ms. GIFFORDS' staff, to go down to the Arizona border. I will say this about her staff: They are a tremendous group of individuals. I am highly impressed with how informed Ms. GIFFORDS' staff was and appreciate the fact that they took me and part of my staff down there to see the way it is in Arizona.

But here is a map of Arizona, and the portions of Arizona where I was were in the southeastern portion of Arizona,

over here. Everybody has heard of Tombstone, but I was a little further south than Tombstone, all the way to the border and Douglas, Arizona, which is in the corner, the southwestern corner of Arizona and next to New Mexico, and along that portion of the southern border of the United States, visiting primarily with the people that were in charge of border security, the Border Patrol and the ranchers who live along the border.

Let me talk about the ranchers first. One of those ranchers, Mr. Krentz, a year ago was murdered on his ranch, apparently by illegals coming into the United States. He was gunned down and killed. The culprits that committed that crime, by the way, have not been brought to justice.

I met with other ranchers in the entire region and just asked them the question: Tell me what it's like to live on the border of the United States and Mexico as a ranch owner. And they went on forever and forever and told me things that I was just really somewhat surprised about, how they feel like the border is wide open, that people cross across their ranches.

People come in, they destroy their property, they destroy their water lines. All of this costs money to the ranchers and, of course, they have to be the ones that pick up the bill for the destruction on their property.

□ 1440

And they don't feel safe about the people that cross into the United States across their land. They feel like the Federal Government has really not protected them and their rights and seems to neglect them, even though the Border Patrol, who I also met with, I believe, is doing as good a job as they possibly can do. I want to make that clear. The Border Patrol is doing as good a job as they can do, as we will let them do as a nation. And they are trying to protect the border the best that they possibly can.

And so I talked to both groups. But in reality, the people who live there are very concerned about their own safety and the consequences they have to pay for people illegally coming into the United States.

I heard something that was kind of surprising to me. When illegals, not all, but when some come into the United States and they are captured by Border Patrol, some of them ask the question, are they in the 9th court or the 10th court? And I said, what are they talking about, the 9th court or the 10th court? Well, what they're talking about is the 9th Circuit Court of Appeals or the 10th Circuit Court of Appeals. You see, the Ninth Circuit Court of Appeals, that is a Federal appellate court, has jurisdiction that includes Arizona but goes up to the New Mexico border.

And so when illegals cross into the United States near New Mexico or Ari-

zona, some of them ask the question, am I in the 9th court, which would be in Arizona, or the 10th Circuit Court, of which the jurisdiction is New Mexico? And the reason for that, in my opinion, those two courts have different reputations about enforcing the rule of law on the border. And, of course, those that cross into the United States hope if they are caught the 9th Circuit Court of Appeals would eventually have jurisdiction over their case when in their perception it's a much more friendly court to folks who cross in illegally than the 10th Circuit. So I thought that was somewhat interesting.

They are also given, when they come into the United States, if captured, their property. Some of them, you will find a whole list of things and places they can go, the churches that give them sanctuary, places that they can go for medical help. And they are given, in a very organized way, what they can do when they come into the United States. That is provided in some cases by the coyotes that make money off those immigrants who come into the United States, because immigrants have to pay the coyote money. And sometimes the coyotes and the drug cartels all work together because, you see, drugs and people are going north, and money and guns are going south because, you see, Mexico doesn't protect its border any better than the United States does.

But in any event, while I was down there in the corner of Arizona, I learned firsthand about the seriousness to the ranchers, the people who live on the land, their concerns about the fact that they believe that the border is not secure. In reality, they have to worry about their own safety on a daily basis.

After visiting a corner of the southeastern corner of Arizona, we moved and traveled across Interstate 10 to Interstate 8 over here to San Luis, Arizona. So that travels, goes up to San Luis across Interstate 10, Interstate 10 turns into Interstate 8, comes all the way across Arizona into California, goes into Yuma, Arizona, and I went down here into the southwestern corner of the State of New Mexico to also see what that border was like.

Now, coming across Interstate 8, right here, Interstate 8, we pulled off the side of the road to the Sonora National Reserve, and that is a national reserve that the Federal Government controls, because I wanted to see the Sonora National Reserve.

Interestingly enough, you get about a quarter of a mile, almost a half-mile off of Interstate 8 right up here by the Sonora Desert, and you come across this sign. This sign is facing toward Mexico. So Interstate 8 would be to this direction, and Mexico would be behind the sign. How far behind the sign? It's 80 miles to the Mexican border. And here is a big sign that says, "Traveling Caution: Smuggling and Illegal

Immigration May Be Encountered in This Area."

So, it seems to me that the Federal Government's answer to border security is to warn people that it is a smuggling and illegal immigration area. Once again, this sign is not on the border. This sign is 80 miles this side of the border. So, what is the government saying? Are they just ceding that entire portion of Arizona to the drug cartels, saying it's a smuggling area and that you need to take care of yourself because we can't protect you? I don't know. But I was somewhat surprised to see that our Federal Government's answer to border security was to erect this sign and other signs that are similar to it. I don't believe, of course, that's the answer to border security. You wouldn't need these signs if the border were secure in reality, not in just political statements that seem to be made by different individuals.

The Texas Department of Public Safety has issued some statistics regarding cross-border crime. I have already mentioned about how the 34.5 percent of the people in local county jails on the border are foreign nationals. But just since 2010, January 2010, the Texas Department of Public Safety has identified 22 murders, 24 assaults, 15 shootings and 5 kidnappings, among other crimes, directly related to spill-over violence from Mexico.

Now sometimes we hear this comment: Well, the violence in Mexico isn't coming to the United States. The question is, is the crime from Mexico coming into the United States? We have already shown that that is occurring because 34 percent of the people in those local jails are committing crimes, and they're foreign nationals. But also the violence is coming into the United States because of the statistics that I just gave you.

And now we learn of another phenomenon that is taking place. You don't hear much about it because the victims of these crimes don't say much about it. People who live in border towns, the populous border towns in the United States, periodically would get somebody who would come to their front door, or they would get an email or a text from someone who says, we know your cousin who lives in Mexico, and unless you pay us so much protection money, your cousin in Mexico is going to disappear, something to that effect. So we hear reports of that, extortion on the American side of the border. This is primarily among Hispanic Americans.

And what do they do? Well, they may or may not report it. What they, I think, generally do is pay the extortion because they want their relative in Mexico on the other side of the border to be safe. So we have that extortion racket taking place. If the border were secure, that certainly would not have occurred. So it concerns me that we have that crime on the American side.

Going back to the southern border of Arizona, I was asking the Border Patrol, which was very gracious and explained a lot of their operations to me, how do they bring drugs into the United States? And they said every way they can bring them into the United States. One of the ways that they are using now is the concept of ultralights. An ultralight, for lack of a better description, is a kite that has a motor on it. One person can fly that at very low altitude, and they bring in 200 or 300 pounds of drugs into the United States. They never land the ultralight into the U.S.; they just fly across from Mexico into Arizona and they drop their load, 200, 300 pounds of drugs, and then they fly back to Mexico. Then there is someone at a rendezvous point who picks up those drugs.

□ 1450

I say that because the drug cartels are using every means necessary to exploit the open borders and do everything they can to make sure that they bring in those drugs. And they will continue to do so.

The Border Patrol is the agency that we have to protect the border of the United States. Like I said, I think they are doing as good a job as we will let them do. But primarily the Border Patrol patrols the border up to 25-35 miles inside the United States. That is their duty. That is their jurisdiction, the place that they are supposed to protect the U.S. Past that 35 miles or so, they don't patrol that. That is somebody else's responsibility.

Now, of course the bad guys know that is the duty of the Border Patrol, to patrol that section of the border. So when people are smuggled into the United States, when drugs are smuggled into the United States, the goal is to get past the Border Patrol demarcation line because once you do that, you are pretty much, in my opinion, home free to get into the United States with people or drugs. So that is the area of their primary concern, and it is certainly the area of the jurisdiction that they are trying to patrol the best they can.

I have asked the Border Patrol: Tell me how you do this. And I think they use as many different means as they can to patrol the border. They will have vehicles go up and down the border. They will have Border Patrol agents behind the border. They will have some use of the National Guard behind the border with the use of electronic equipment to view what takes place on the border. So they use the equipment that they can. But they obviously don't have enough Border Patrol agents to be directly on the border. So they have some on the border and some behind the border monitoring the activity of the people coming into the United States. And then they try to catch those that they can.

When I was visiting with one of the Border Patrol agents, this is a photograph of one of their vehicles. It is a typical Border Patrol vehicle that patrols near the border of the United States and Mexico. Now, Mr. Speaker, you notice that this vehicle has steel mesh on the windshield and on the side windows. It has steel mesh even above the lights, the red lights on top. So I asked the Border Patrol agent that drives this vehicle: Explain to me the steel enclosure you have on your vehicle.

He said here is what happens: we will drive close to the border. As we drive close to the border, there are people on the other side of the border who, when they see us, start throwing rocks at us. They throw them over the fence. If we don't have this protection—and they are not little bitty pebbles, these are rocks—they throw them over the fence and break the windshield. The Border Patrol agents are injured.

They do that for various reasons. One of those reasons is a diversion. They will try to divert the attention of a Border Patrol agent at one location so that other folks illegally can sneak into the United States.

Now, we don't hear much about assaults on Border Patrol agents unless somebody is murdered, which has occurred. But in the last couple of years, assaults on Border Patrol agents by people illegally coming into the United States is about 1,000 a year. A thousand assaults on Border Patrol agents a year in the last couple of years; and they are by every means necessary, including the rock throwers who try to injure Border Patrol agents.

So you can see the relentlessness of some people who want to come into the United States. They violate the law, of course, by coming here illegally. And they will continue to violate the law and take on our Border Patrol agents, even by assaulting them, so they can sneak into the United States.

So it seems to me, Mr. Speaker, maybe we need to refocus on the primary mission of the Federal Government and its responsibility. The Federal Government does have the responsibility under the Constitution to protect the American people, and the United States Government should do that.

Now, the United States protects the borders of other nations. We protect the border of Afghanistan with Pakistan. We are protecting the Korean border between the two Koreas. We protect the borders of other nations, and we use our military to do it. Why don't we have the same resolve to protect the American border, both borders, the southern border and the northern border? Because, in my opinion, we don't have the moral will to do so. We should make sure that we understand that people, and other people should understand, you don't come to

the United States without permission. It is the rule of law: you don't come to the United States without permission.

Now, we have to solve that immigration issue. That is a different issue, but you can't solve that issue until you solve the issue of people illegally coming into the United States. You know, we are getting everybody. We are getting the good, the bad, and the ugly. And right now, we're getting a lot of bad and ugly crossing into the United States. So the rule of law must be enforced by the Federal Government. That is their duty.

Now, many of us do not believe the Federal Government has secured the border. Obviously, people in Arizona feel that way because they have passed legislation to try to protect their own State using State law enforcement. Of course, the Federal Government's answer to that was rather than help Arizona, sue Arizona. Take them to court. You know, it's kind of like this sign. Their answer to border security is erect a few signs and sue States that try to protect themselves. Why don't we deal in reality and make sure that the border is secure and make sure that it is an area that is safe on both sides. By securing our side, we can protect the Mexican side as well. Of course, we need to work with the Mexican Government to do so. They are our neighbors to the south.

While the United States now has decided to go into Libya and spend \$100 million or \$200 million a week, I don't know, by bombing that country, maybe we should come back home and focus on national security in the United States and spend that money on border security and securing the United States at the border because it is not secure in spite of what the Secretary of Homeland Security has said.

Border Patrol, it seems to me, should have the mission to secure the border. I will say again, they are doing as good a job as we will let them do, but they cannot stop people from coming into the United States, although they are trying to. When they had those vehicles going up and down in front of the border, that keeps people from coming across. We have fences in some appropriate areas. We don't have fences everywhere, but we have some fencing.

Also, the Border Patrol knows they cannot stop people from crossing so they try to catch them if you can. That is the phrase that I think is our policy: catch them if you can. In other words, they cross into the United States. We see them, we try to catch them, but once we catch them, they become our problem. And then we have to send them through the entire legal process, as we should, but they are our problem. They become our medical problem. They become our prison problem if they go to prison if they have committed a felony. Then we have to deal with them, and we have to try to get

them back to the country they belong to, in spite of those countries that refuse to take back criminal aliens. So it is catch them if you can.

Why don't we rethink that and prevent people from crossing into the United States? If our policy was border security not behind the border security, but have security on the border, then people coming up to the border can't get across. Why, because there are more boots on the ground. And I think we should use whatever we have available.

We certainly should use the Border Patrol, but also maybe we should use the National Guard. We have a few National Guard troops that are down on the border, although they are being relieved; and their primary purpose is not to be on the border, but behind the border looking at cameras watching folks cross.

Now, that is great to watch people cross; but when they cross and they come into the United States, once again they become our problem once they have crossed. And we catch them if you can, and send them back home if we can.

So it would seem to me to be a better use of the National Guard to put them on the border. I have introduced legislation to put 10,000 National Guard troops on the 1,957-mile border between the United States and Mexico, and put them on the border to not allow people to cross into the United States.

It is the Federal Government's responsibility of national security to protect the people, so the Federal Government should pay for that and get the money out of the Department of Defense or somewhere, re-appropriate money to have the National Guard paid for, but put them under the supervision of the four State Governors so that the Governors can control their own border and protect them from entering the United States unlawfully no matter who it is.

I do not believe that we can say our border is secure when the Government Accountability Office, by their own statistics, say that only 15 percent of the border is airtight. That doesn't seem like a winning percentage to me. And when they say under the best circumstances, 44 percent partially secure. What does that mean? Well, it is sort of secure, but sort of not. But when you have 56 percent of the border is wide open spaces for anybody that wants to come back and forth, that is not protecting the dignity and the sovereignty of the United States.

So it is long past time we quit talking about border security and actually secure the border from people coming into the United States without permission. Everyone. And to say that the crime doesn't occur in the United States, well, it does. Not just to mention the border county jails that I mentioned, the 27 percent that are in Fed-

eral penitentiaries that are foreign nationals that are illegally in the United States, but all of the drugs that are sold throughout the United States, those are all criminal gangs, primarily, that are working with the drug cartels in Mexico and Colombia selling those drugs.

□ 1500

So the crime affects the United States. The insecurity of the border is something that all of us pay for. We pay for it in every way possible. Whether it's with health care, whether it's with education, we pay for it in the criminal justice system. Americans pay and legal immigrants pay.

The United States has the greatest, the most liberal immigration policy in the world. We let more people into our country legally every year than does any other country on its own. So we have to fix that immigration issue, but we have to secure the border first because, when all is said and done, so far more has been said and less has been done.

I urge my fellow Members of the House of Representatives that we come back home, that we come back to the United States, that we think about the security or insecurity of our borders, and that we make sure that the Federal Government under the Constitution fulfills its first obligation—to protect Americans.

And that's just the way it is.

A VOICE NO LONGER—SURRENDERING THE ROLES AND RIGHTS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Thank you, Mr. Speaker.

I rise today to address the House on issues that all of us may not be paying attention to but that all of us should feel are extraordinarily important. We have at this time in our Nation's history eased into constitutional concerns for our future. Those constitutional concerns arise in many different areas.

For instance, you might not be aware of it, but there is a policy to establish different things which Congress is supposed to establish. Yet, right now, agencies are taking over those responsibilities, agencies that are taking away the roles and the rights of this Congress. What that means to our citizens who vote is that they will not have a voice any longer in the policies of the United States. If they don't have access to unelected bureaucrats, they are not able to effect policy that comes from agencies because they can't elect or unelect those people. In the House of Representatives and the Senate, we are surrendering that capability to pass legislation.

A good example is that the Forest Service is closing roads in forests across the country. They are declaring these roadless rules that put off limits much of our Nation's forests. If you were to Google the words "forest" and "roadless," you would find that all of the articles deal with killing and doing away with timber jobs. The people who are in the agencies have adopted an extreme point of view regarding jobs in this country. They do not want any timber to be harvested, so they declare what sounds to be a friendly policy of roadless rules, but the offshoot is that we have no timber industry. In New Mexico alone, which I represent, we used to have 20,000 jobs in the timber industry, and today we have zero.

As we look at the problems of this Nation, we have to understand that the great pressure economically that we face is that our revenues to the government have diminished. That's because people are out of work. They're no longer receiving income and wages, and they're not paying taxes on those. So we're now at a deficit in our government where we're spending more than we bring in. Simultaneously, we're killing jobs in the forests.

You could say, Well, we like the wilderness. We like roadless rules. Our government has a process by which this body and the Senate are supposed to declare the wilderness areas. Now, instead, the head of the Forest Service can actually just declare that those areas are going to be roadless. They are then made into de facto wildernesses, which shut down jobs. Even more, they shut down near access.

Recently, the Forest Service decided they would simply declare 95 percent of the Gila National Forest off limits because they're closing the roads. If you aren't able to backpack in 35 miles, then you probably will never see parts of this forest. When the law was passed, the forests were created for "our enjoyment"—those are the words—and then it was also to use the resources in the forests. So with an agency that is allowed now to establish these rules without congressional oversight, you would say, Aha, that's a constitutional thing that we should be a little bit concerned about.

Simultaneous with that particular endeavor, there has then come along the wildlands. That's a policy just recently announced by Secretary Salazar. Secretary Salazar has created the wildlands policy that allows him to create a de facto wilderness in BLM lands. BLM lands are a source of great production of oil and gas. So for our voters, for the constituents, for the citizens of this country, they are seeing their gas prices now climb to \$4, and we are limiting access to lands where that price could be diminished and lowered. We have an agency that is killing the jobs and putting off limits the drilling for oil and gas on American soil.

I saw the President of the United States just recently travel to Brazil and encourage the oil and gas company there that is creating offshore jobs. While he is encouraging the leaders of Brazil to develop their offshore production, he is killing offshore production here. There is a disconnect that is causing great problems in our country. Those great problems in the country are basically this:

Our Nation is faced with a \$3.5 trillion budget, and we are bringing in \$2.2 trillion. Now, you cannot live that way in your home. You cannot live with this kind of disparity in your home budget, and neither can the Federal Government. It doesn't work. It's not going to work. We are having to borrow the money. When we run a deficit—and you can do the math here—of 3.5 trillion spending and 2.2 revenue, and those are taxes paid by citizens and by corporations—that gives us a deficit of \$1.3 trillion. As that deficit then is accumulated and as it goes into our debt barrel, we owe \$15 trillion worth of debt. That's the black barrel you can see there.

Since our Nation's inception, since George Washington, we've accumulated \$15 trillion in debt. You can see the green sludge running over the barrel because we have actually more debt than we're willing to count in Washington, so we absolutely just quit counting at \$15 trillion. Social Security, Medicare and Medicaid are the green sludge that has poured over the sludge of the barrel. We don't declare it as debt anymore. We are going to pay it; we owe it; we've made promises about it, so we just don't talk about it. It's so uncomfortable and it's so large. That's \$202 trillion we owe. We call that now the "fiscal gap." That's the difference between what we're bringing in and what we owe, \$202 trillion. That's 100 years' worth of revenue. That's 100 years to pay off what we have made promises for.

The U.S. Government is making promises for things that it cannot do. It is paying out money that it does not have, and it's doing it all on credit. The credit, itself, would be alarming enough except now there is a small wrinkle that's developing here. If you were running this sort of deficit and debt in your home, your banker would come to you and knock on the door and say, We need to visit. This is not sustainable. It's not workable.

Our banker is called China and Japan. They buy Treasury bills. Those Treasury bills are the way that our government borrows money to fund this deficit. As you have seen with the recent problems in Japan, Japan will not be buying Treasury bills from us anytime in the near future.

Also, China twice in the last year has knocked on the door and said, We really are alarmed at what you're doing here. We're alarmed at this situation.

We're alarmed that you're taking on more debt than you can pay out ever—ever—and we're afraid that your currency is not going to sustain itself. So when the Premier of China recently visited the White House about 3 weeks ago, you might have heard him say—maybe you missed it—that they're concerned about the currency. Since they're concerned about the currency, they do what your banker would do to you. They simply say, We're not going to lend you any more money. We're not going to do this anymore.

□ 1510

Now, then, we're in real trouble. But our government again, working outside the Constitution, is printing money to make up the difference for what we can't borrow overseas. So the Federal Reserve is in the process of buying the debt for the U.S. We here in Washington give the Federal Reserve money, and then they turn around and they lend the money back on this hand. Now, that would be cool if you could do it for long, and we all dream of the situation where we have an unlimited supply of money coming to us where we can lend it here and borrow it here, and that is what we are doing to ourselves.

This entire sequence, then, is made complete if you look at the chart in the upper right-hand corner, and we see that the whole game fails. Just as the Soviet Union collapsed economically, President Reagan viewed that if he could cause them to spend more than they brought in, he could collapse their economy. President Reagan assisted and helped, with the rest of the world, in the collapsing of the Soviet economy and the ultimate collapse of that entire country, the breakup of the Soviet Union.

And so now, then, we are doing it to ourselves. We are making those promises that we cannot keep. We're killing jobs that should not be killed on behalf of roadless rules and on wilderness, and we are accomplishing the funding of a government by the Federal Reserve which has basically no oversight by Congress. So you, as citizens and taxpayers, contemplate what that means for you.

When the government prints money, it begins to devalue the currency that you have in your pocket. If you have \$100 in your pocket and the government prints \$2.6 trillion, let's say, then the money in your pocket becomes worthless. That is: We have not created any more wealth in the country; all we created is more paper money. It's like in the Monopoly games when you suddenly start getting more and more properties, you know that is Monopoly. Well, this has become Monopoly money that our government is doing here.

You will notice, if you're watching, that the price of food is going up both in this Nation and worldwide. In fact, many of the disruptions in other coun-

tries—Egypt, Libya, other countries in Africa—those disruptions were caused by the shortages of food, and people were suddenly finding that the cost of food was outside their reach. All of us are going to demonstrate in the streets when we are not able to feed our kids, and that's what is happening there. The price of food is escalating because they're doing the same thing. They're living on borrowed money. They're living on money that no longer is available, and so they begin to print it. You're seeing the price of gasoline rise to \$4 a gallon. It's not because gasoline is worth more to you today than yesterday. It's that the dollars in your pocket are worth less.

Vegetables to you have no greater value today than yesterday. It's that the dollars in your pocket have less value, so it takes more of them to buy the food. The price of gold and silver are going up, skyrocketing. That's not because silver is used for any more manufacturing today than last week or the week before. It's because the dollars in your pocket have become worth less because we're doing this, because we're spending almost twice what we make, because we have a deficit each year of over \$1 trillion. It's going into an accumulated debt that we owe long term, and to solve the problem our government is printing money.

Now, you could object to it, but you can't object to anyone that listens, which takes us right back to the Constitution. The Constitution is very clear on who should create the money and the value of money. The Congress ceded that authority away, and when it ceded that authority away, they gave away the responsibility, then we have no control over it. There is no process by which I can ask Mr. Bernanke, Please, don't keep buying this debt.

This is taking away savings accounts for our seniors. This is taking away the ability for families to make ends meet. This printing of money is sustaining a problem that is not sustainable, and it's making believe that we can make it work and just passing the buck down the road one more week, one more month, one more year.

The real sadness is that if we begin to do the things that are within our reach, if we simply begin to allow the cutting of timber—and I do not diminish the need to protect our environment one bit. I don't think we should clear-cut. I don't think that the spotted owl should be allowed to go extinct, but I do believe that we should create jobs and simultaneously protect our environment and simultaneously protect the species.

It's a false choice that we've been given the last 30 or 40 years that says you've got to give up the jobs in order to protect the species. That's management of our entire country for a single species. I think that's a mistake. That mistake is playing out here as we export jobs overseas that traditionally

would have been here in this country. Oil and gas production is one. Timber production is another. If you read the quote above me, Daniel Webster, on the wall above us said, "Let us develop the resources of our land." That's a quote that is here on the wall of this House. They are visualizing, in an earlier period in our history, that our great resources are there to be developed, and that's what will make us jobs. That's what will make us be able to have homes, be able to move into new forms of transportation.

Whatever this country has done has been available because we had jobs and we had economic status in the country. And yet some believe that that economy should be diminished and given away around the world. I don't believe that we should average our standard of living down to the rest of the world. I believe that we should average the rest of the world's standard of living up toward ours.

But if we were simply to create jobs, then a magic thing happens—it's not magic at all. But every person that comes off of unemployment does not receive these government checks; instead, they're down here making a wage and paying taxes. So every time we hire one more person incrementally, we decrease the amount that our government is spending, and we increase the amount that our government is taking in. So employment, the creation of jobs, is not sort of a random possibility for us. It is an absolute necessity if we're to avoid this breakup of our economy that's projected down the road because of the way that we're living now.

The Constitution is the agreement between the people and the government. Our Founding Fathers came from Europe where they were living under monarchies. Our Founding Fathers came from Europe where they had seen the excesses. They had seen the monarchies rule every single aspect of their lives. When they got to this country, they were fearful of a government that was too strong, so they visualized this contract called our Constitution between the people and the government. The purpose of that contract was to keep the government in check, to keep the government's powers limited and small and to increase the powers of the individual that gave us the liberties that we have so well trumpeted and used as a guiding light for the rest of the world.

Liberty and freedom are the great assets of this country. It's not our wealth. It's not the houses that we live in. It's the ability to choose for ourselves. That is what our Founding Fathers wanted to protect in this contract called the Constitution, and that is what right now in Washington agencies are walking past that Constitution as if it has no meaning. When it has no meaning, the individual, the voter, the

person who just goes to work every day begins to have less and less rights and the government begins to take more and more rights away from them.

We see an alarming case in the issue of Libya. Now, I don't support Colonel Qadhafi at all in his reign, in his service, but I do wonder about a nation that will step aside from the rule of law and take the fight to Libya.

We have, in this country, an act called the War Powers Act, which describes circumstances that say there are issues when a President might be able to want to commit troops. But our Constitution doesn't quite give him the right without congressional approval, but we're going to allow it in certain instances and then he can come back to Congress for approval.

Just last week, we heard the administration, Secretary Clinton came and addressed Members of this body, and Secretary Clinton said that they had fully complied with the War Powers Act. Now, that's untrue because there are three very definite requirements for the War Powers Act, and we're not facing any of those. There were no U.S. soldiers that were attacked.

The President said, with all respect, that this country is different. Well, this country is different because we have a rule of law and we have a Constitution, and we abide by it and we transport freedom. And when we begin to walk away from that freedom, then we walk away from the essence of the country.

So he committed troops from the U.S. into actions in Libya with no clear and apparent reason, with no constitutional basis for doing it, and even the rule of law was simply ignored.

□ 1520

If they were using the War Powers agreement, which Secretary Clinton said that they were, in order to justify this action, then the War Powers Act actually says that they should come to Congress within 60 to 90 days, 60 days under one circumstance, but we could extend it for another 30. She said they have no intention of coming for a 60-day authority, that they are well within their rights to accomplish the actions.

So by itself, it would be alarming, but when you put it into context of agencies who are willing to create de facto wilderness and the roadless rules of our forests, the agencies that are willing to say we are going to create wildlands, that is de facto wilderness, without congressional approval in the BLM, and now we're going to go to war without complying with the Constitution or with the laws that are on the books of the land, now then that should be an alarming trend no matter which party you're in. Now, then, this is about America and that essential agreement between the people and the government called the Constitution.

The rule of law is what differentiates this country from other countries. The rule of law is what protects the rights of citizens. The rule of law is the essence of what made this Nation great because the government can not come in and take private property from individual citizens. They can't just go out on their own and begin to make rules. And yet that's what we're finding is happening at an alarming trend right now.

The downside to all of that is economic. You can say, Well, I'm not much interested in all of that constitutional stuff and the Founding Fathers. That might be possible. But you cannot ignore what is going on in the personal lives of individuals right now struggling with the economic situation that is cast on them by decades of spending in Washington that is beyond our ability to sustain.

If we're to look at this debt, this \$15 trillion in the barrel, it's instructive for us to consider how that debt originated. You could take the time from George Washington up to President Bush and we accumulated, you can say that we basically accrued about a \$5 trillion debt in that whole period of time from George Washington up until President Bush, II was sworn in.

President Bush, II, with the war in Afghanistan and Iraq and Katrina and those problems, ran up about \$5 trillion in his time in office. So almost the equivalent in 8 years to what we had done from the founding of the country. But then in the 2½ years since President Obama came in, we've now bumped it up almost another \$5 trillion.

So we see that this filling of the debt barrel is now accumulating at a much more rapid pace, which simply means that our economy is going to fail at a period closer to us, not one further away from us.

And all the while, Americans are saying, How does the Constitution affect this? The Constitution affects that because we're seeing different industries simply sent to other countries because it's too hard to do business in this country anymore. We make it against the law. We make the regulations too high. We make the circumstances too difficult. People would say, Now, in what ways do we make the circumstances too difficult?

One way that we should be creating jobs right now would be the medical field. Baby boomers are moving to retirement. Retirement is a very expensive age in anyone's life. And retirees are very expensive for governments to attend to. So baby boomers are moving to that area very quickly. They should be demanding tremendous amounts of medical service. And yet we find that those jobs that should be created in the medical field are frozen in place, unable to move forward because of uncertainty. And so rational people would say, What uncertainty?

That then leads us to another chart that shows the ability of government to make life more complex.

This is the medical system now since the passage of ObamaCare, since the passage of that 2,200-page bill. It created new agencies, new institutions. You can consider yourself at one end of the chart and your physician at the other end. And you have to make your way through and touch the appropriate agencies before you get to see your doctor.

Now, this is the reason this chart would cause anyone to sink back in horror and say, That's not what I wanted. I just wanted a checkup to see if I'm okay with my local doctor. It is this chart that has been creating uncertainty in the minds of the health care field, and they're saying, We're not sure how this chart affects us so we're simply not going to get into that new line of work. We're not going to expand and put money into research to create those jobs in the medical field because we have to go through so many pieces of this equation, and we are just going to let itself sort itself out. This is always the problem with government. Government will build in processes that just simply can't be overcome.

And so this country, which has been the source of so many good medical inventions and medical jobs, this country that has been outsourced now is being burdened down with regulatory agencies that simply say we're going to impose this in your life, and companies are saying okay, we're just going to wait it out.

Other companies are saying we're going to have to lay off other people. We've got 9½ percent unemployment—8 percent, whatever it is today. We've got unemployment, we need people to work, we're running at a deficit because we're spending more than we're bringing in. The last thing we need to do is put more people on welfare and unemployment and put them out of a job. And yet people in New Mexico, I'm hearing employers say, "Well, we've got to cut employees to get down below the caps required in this bill." So people are voluntarily terminating employees in order to comply with some aspect of this bill that says if you have more than this, then you have to jump through different hoops.

So we, in many ways, our government, again, is creating the distress. It is man-created distress. It's government-created distress that is causing this 3.5 and 2.2.

This is the root of the problems that we face economically.

As our government is then spending more than it brings in, as it kills jobs so that we are bringing in even less and driving more people to unemployment and to welfare, the disparity grows greater, the government has to print more money, the money in your pocket

becomes worth less, the uncertainty in the Nation increases, and uncertainty again causes business owners to say, "I don't believe I'll create jobs right now. I'm afraid they're going to go up on my taxes to try to make this balance.

When the government creates that mood on the part of employers, then they simply stop the creation of jobs, and that's what we're finding going on.

You would say, "Well, uncertainty is not really that big of a deal for a company." And I would simply ask you, do you put money in the stock market when you aren't pretty certain you're going to get a return? If you think it is just a roll of the dice to put your savings into the stock market, you would do that very hesitatingly. Well, companies are doing the same thing. They don't want to pour money into a venture and then have something regulated to end on them, to have the taxes go up, to have it made to where they can't get their money back. So companies are making the same decision that you would make personally.

Now, recently the President complained about 6 weeks ago about companies hoarding cash. He said it as an accusation. It is a true thing that companies have tremendous amounts of cash right now, but they're afraid because of the regulatory environment, they're afraid because of the prospect of taxes, they're afraid because of the prospect of new regulations to put money into industries. And so therefore jobs are being frozen again by the actions of our government.

Two things would cause this situation to begin to balance.

□ 1530

Number one is not raising the taxes, but lowering the taxes. There is a truism that says when you increase taxes you kill jobs, and when you decrease taxes you create jobs. So it is counter-intuitive that if we want to increase the 2.2 and lower the 3.5, then we need to lower taxes to where there is more certainty that the people can say, ah, I will invest in that. I am pretty sure I have got enough money for next year's tax bill. I'm sure that I have got enough money in the bank to pay for this new equipment to hire a new person. On the other side, then, the regulations have to match also.

A friend of mine in Artesia, New Mexico, Bill Sweatt, recently said to a group that was asking what does it take to create a job; there is all this speculation in Washington what does it take to create a job if we want to increase the 2.2. Mr. Sweatt says, I will tell you what it takes to create a job. He has a company that runs bulldozers. He said it takes \$340,000 for me to create a job. That's what new bulldozers cost. He said, by the way, I have to have a pickup truck because they just frown on me driving the bulldozer down through the main streets of Artesia to

get to the location, so I actually have to leave it out there on a truck and drive a pickup through town. So he said, basically \$400,000, I can put a new employee on.

As we tax away money from businesses, it takes longer to accumulate the \$340,000. It takes longer for jobs to be created when we tax that money away. So our tax policy will cause Mr. Sweatt not to hire a new worker as soon as he would otherwise. That causes our economy to be stagnant. That's happening to businesses across the country.

But then the bigger thing is if the government passes, say, a new regulatory framework that is similar to this, the regulatory framework again alarms him, and he says, I can't make my way through that government regulation. I believe I am just not going to do it. Those two aspects are creating the great imbalance here between jobs and between our economy. Those can be balanced and should be for the sake of our future.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title.

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

STOP INTRUDING IN D.C. LOCAL AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Mr. Speaker, I have come to the floor because in a very real sense I feel surrounded. Mr. Speaker, I was sent to Congress, like every other Member, to attend to the business of the Nation. But in fact, I have been surrounded. I have been surrounded by the new House majority that has decided to spend huge amounts of time, in the most autocratic fashion, trying to deprive the District of Columbia of its self-governing rights.

Mr. Speaker, Congress delegated home rule to the District of Columbia in 1973. Before that time, the District of Columbia had no mayor, city council, was ruled by the federal government without any democracy. That was mostly the work of Southern Democrats, whose reasons were, among others, but most definitely, racial. What is happening today is not the work of Southern Democrats. It is the work of the new Republican majority.

I am pulled off the Nation's business day after day after day because of yet

another zinger from Republicans to intrude into the local affairs and local spending of the District of Columbia. I had to call the administration and Majority Leader REID today, cautioning them that the District must not be used as a bargaining chip in the present battle over Federal spending underway here.

The latest intrusion is hard to bear. The District has decided to spend its local funds, among other things, on abortions for poor women. Dozens upon dozens of jurisdictions do that. No Federal funds. Funds raised by the taxpayers of the District of Columbia. What does that have to do with the Federal budget? What does that have to do with overspending or a deficit here? That has to do with somebody's, some majority's, ideological obsession with placing their autocratic desires on a jurisdiction that did not elect them, cannot put them out. It's the very definition of an autocracy.

So they pick on the jurisdiction that has no Senators and throw us into the pot because the far right social conservatives here want something in this CR. So give them the District of Columbia. You can't have us. Who do you think you are? The residents of the District of Columbia are free and equal citizens. We will not be traded off like we were slaves or a colony that can be thrown in by those who don't care. We care.

So whether it is the other body, or this body, or for that matter the President of the United States, get your hands off the local funds of the District of Columbia. You didn't raise a penny of it. We will spend it the way we please. And especially in this battle, which has to do with your deficit spending.

D.C. has a budget that is balanced. Why should that budget be over here in the first place? Our budget was approved last year. It came here and was approved by the House and the Senate before the lame duck. Yet last year's D.C. budget is still here, and we are now sitting on the possibility that when the Federal Government, which now looks like it's stupid enough to close down because the Republicans won't take the best deal anybody has had in the history of this body for what they wanted, that may shut down. And the American people will be shocked to know that would mean that the local government of the District of Columbia, which is not in this fight, will be shut down too.

This has gone much too far. It's one thing to start the session with your first act being to strip the District of Columbia of its vote in the Committee of the Whole, although two courts have said that that vote is constitutional.

□ 1540

Then to move on to intrusion after intrusion, reinsert riders that we just

got out, riders that have nothing to do with any Member of this body except me, who represents the citizens of the District of Columbia, a rider that would increase HIV/AIDS in D.C., the District of Columbia, by keeping the city from using its own funds to fund needle exchange.

Again, dozens upon dozens of jurisdictions have driven down their AIDS rate this way. We have the highest AIDS rate in the United States only because the Congress of the United States has killed—I use these words advisedly—killed men, women and children in the District of Columbia by keeping the District for 10 years from using needle exchange, so that AIDS spread throughout the city.

So we have a higher AIDS rate than Baltimore—poorer city—than New York, than Detroit, than Los Angeles because of the wishes of the Congress of the United States which is responsive to nobody in the District of Columbia.

They move to abortion. And if it wasn't enough to keep us from using our own local funds in this budget, as they still hope to do, they have put us in H.R. 3. H.R. 3 is a bill, and instead of a rider which lasts 1 year, they would permanently keep the District from spending its own funds on abortions for women. This is the majority that does not even want the Federal Government in Federal matters. What in the world are they doing in the matters of the local jurisdiction?

What kind of tea party Republicans are these who have just added to the deficit by voting \$300 million for private schools in the District of Columbia, adding to the deficit and not paying for it? How do you explain that back home? We didn't ask for these vouchers. Nobody even consulted with public officials in the District of Columbia before they put that voucher bill on the floor last week. That's the kind of contempt this majority has for the residents of the District of Columbia.

We are going to fight back each and every time, and we are going to say to this administration and to the Senate: Don't give in. Don't give us away because they want a chit and they have decided that chit is the District of Columbia.

I went to the Rules Committee from the very beginning when a shutdown looked like it was going to occur. I said, look, this is our money. We are not in this fight. We all agree on that. This is about Federal spending, the Federal deficit, not a deficit from the District of Columbia. Let us have a provision here that says the District can spend its own local money for the rest of the year. I don't think that there is a single American citizen that would have said that we shouldn't be able to spend our own local money for the rest of this year. The Rules Committee turned a deaf ear.

And so we have had a threat of shutdown after shutdown. And the only reason the District of Columbia is open is because the Federal Government hasn't shut down. Now it looks like these people are going to shut it down anyway because the tea party Republicans have tied the hands of the Speaker behind his very back and taken him prisoner.

Well, look, don't take us prisoner with him. We don't have anything to do with that fight. Imagine what it would mean to shut down a big city in America, and especially since that big city is the Nation's capital. Imagine what we look like to the world that we even shut down the Nation's capital when the Federal Government was shut down. Don't do it. Don't shut the Federal Government down. Speaker BOEHNER, himself, said that it would cost the government more to shut it down than to keep it open.

But if you do shut it down, for goodness sake, keep the District of Columbia open. That's what Speaker Gingrich did when the Federal Government shut down. He kept the District of Columbia open after the first time—because it shut down several times—because he recognized you can't do that to a big city, a very complex mechanism. You simply can't shut it down and expect that it can keep on moving.

It's a terrible thing to have H.R. 3 on the floor in the first place. That would strip women of a vital portion of their reproductive rights, but it would also go after the insurers to make it almost impossible for a woman to get comprehensive insurance, because the insurer would almost surely have to exclude abortion.

What kind of a place is this? I thought that the new majority came to town on a bandwagon that said let's create jobs. Where is the jobs bill? Why the obsession with a local jurisdiction that has nothing to do with jobs or even with the cutting of spending that you have been so successful in getting?

It's your battle, not ours. To pull us into your battle is tantamount to what bullies do in the schoolyard. Somebody is watching the fight or is passing by, they just get pulled into the fight. We are not even onlookers. We simply are not in it.

It's as if Republicans had a meeting: How many things that we haven't done can we do to the District of Columbia, and how many things that we have done can we do? Well, they have introduced a gun bill. The courts have already found the new gun law the District passed constitutional.

They have introduced a new one that, among other things, would say that you could carry guns in the streets of the Nation's capital and conceal them as well. How would you like 20 million visitors to see people walking around with guns that you can see, and what do you think that means for the many official delegations who frequent the streets of the District of Columbia?

You know, there have been so many things that the Republicans have thought of to do, I need to sit down and consider: Is there anything they haven't thought of to do?

One thing that occurs to me to show you how deep is their contempt for democracy in the District of Columbia, when they put the District of Columbia in their bill that goes after women and insurers nationwide, they tucked us in there, too, to make sure we could never spend local money for abortions for poor women. I mentioned that earlier.

So, of course, as you might imagine, since mine was the only district named in the bill that I would ask to testify—denied. Excuse given? Well, the Democrats already had their witness. I wasn't a witness for the Democrats against the bill.

I asked for common courtesy, the right to be heard on a section of the bill that involved my District. Somebody else needed to speak for the Democrats as the minority witness on the bill itself.

If they look for every attempt, every occasion to deny us democracy, they also look for every occasion to deny the Member who represents this city the rights that I am due simply as a courtesy as a colleague.

□ 1550

Nothing is more precious to Americans than the right to be able to spend their local funds the way they want to. I thought that the new tea party House Republicans would be the first to understand that. Remember what we are talking about. We are talking about local funds of a local jurisdiction.

Time and again, the Republicans use the fact that our budget comes here in order to attach, in the most undemocratic fashion, matters that are their pet projects. Vouchers is an example of a pet project of the Speaker, so that gets priority in coming to the floor. The District is the only jurisdiction that has ever had federally funded private vouchers. There was wholesale resentment and demonstrations against that when it was first put on our city.

Ultimately, we made some compromises. We let the law go 2 years past its expiration date. The Obama administration said anybody who is still in private school can remain until they graduate. You can never compromise enough with the House Republicans.

Now they want it all over again. They want to restart it. I particularly resent the voucher bill because the District of Columbia is one of the only jurisdictions that has allowed public charter schools, separate from our public schools, to flourish. Almost half of our children are educated in these independent, publicly accountable charter schools. You go to the jurisdiction of virtually every Member of this House, you will find that their local school board or their State school authorities

have kept charters out and kept them growing. We let them in as a home rule matter, and they flourished.

I have appointed students from the charter schools for service academies. We've got terrific charter schools. We've got a Latin charter school. We've got eight KIPP charter schools. Those are the top of the mark of public schools. I don't know what we can do. We're the last to claim that our public schools are what they should be. In fact, our public schools have improved because of competition from the charter schools. That's the kind of competition you want because the charter schools and the public schools are competing for the same dollar. The private schools are funded out of a separate pot.

Now, a budget resolution comes out today, and it would trade off perhaps the most valuable education program the city has ever had for this voucher program which is unpaid for and should never pass the House. So they want it in next year's bill, and this is how they do it.

They take D.C. TAG, which Congress in the most bipartisan fashion passed because the District of Columbia does not have a State university system where you can go to any one of usually dozens of colleges. So it funds youngsters to go to other States. It has doubled college attendance in the District of Columbia. In order to get a decent job in the District of Columbia, because we are the upscale Nation's Capital, you need some college.

And yet what the budget resolution does is trade off the few for the many. He would make the program means tested. That defeats the whole point. By sending our students to the public colleges of other States, we are trying to replicate what is available as a right in the States regardless of income. So if you are rich or poor, if you live in Maryland, Virginia, Ohio or California, you go to the State university. If it were means tested, of course, it would mean that many, many of the students could not go. After all, they've got to go out of the District of Columbia simply to take advantage of the program in the first place, and it pays only for tuition. They have to pay for their room and board and for their food. If they had to, if it is means tested, then, of course, what you are doing is killing the program.

Somebody had to sit down and think that one up. And they thought it up as a way to pay for vouchers we never asked for, neither I nor any other public official in the District of Columbia was consulted about. We are tired of it.

We are depending on the Senate to be a bulwark against madness because that's what we have here. We see it in the move to shut down the government. No, they don't want to shut down the government, but they don't have control of their own people.

There's no discipline on the other side of the aisle. There's no democracy there. They let a few Members who are the most extreme slice of America decide what their whole caucus will do.

We simply will not be hostages to the new House majority. If you can't get what you want on the floor when you control it, don't put it on the District of Columbia. You should be able, because of your majority, to do what you want to do. We are not the repository for every pet idea that you otherwise dare not put on the House floor. And that is what we have become.

We had hoped that the new majority would focus on the Nation's business, what it said it wanted to do. It has focused on the deficit as the Nation's business, although it's taking food out of the mouths of children in the process. But at least that's a focus on national business.

The average American would ask those who voted to increase the deficit by \$300 million last week for private schools in the District of Columbia, why in the world did you do that? Why did you want to give them this? I will tell you why. It was the pet idea of the Speaker, and they don't dare put a national voucher bill on the floor.

The way to do it, you wouldn't have to coerce anybody. You would say, we have vouchers available nationally. Let's have competitive grants. Anyone who wants vouchers can have them. You compete for them. That's how we do things in the Federal Government.

Why didn't they do that? They didn't do that because there's been referendum after referendum in the states, and not one private school voucher referendum has been won by private school voucher proponents. You go home and you tell any American that you are spending Federal money for private schools now, you will get your head handed to you. That's how it was when these referenda ran their course.

Imagine now when the Republicans are cutting billions of dollars from every public school district in the United States, imagine how it looks when they are spending money for private school vouchers on a district that never asked for it and doesn't want it because it's somebody's pet project. Take your pet projects and you know what you can do with them. Do that with them; don't do it here in the District of Columbia.

We ask the majority to stop your obsession with one jurisdiction, the District of Columbia. We ask you if you shut down the Federal Government, for goodness' sake, don't shut down one of America's big cities and a city on which you depend greatly. Many of you live here. Many of the services for the Federal Government are taken care of by the District of Columbia.

□ 1600

This is not something you want to do to the Nation's Capital. It makes us

look idiotic to the world at large. For myself, I want to go back to doing the Nation's business. I don't want to be taken off of that business every other day because some Republican or the Republican majority has decided to do something undemocratic to the district I represent.

I put forward an amendment that would get rid of the issue of who gets shut down when the Federal Government gets shut down once and for all. It simply says, look, when the Federal Government shuts down, if the District of Columbia budget is over here and it has gone through the process, the District of Columbia can spend its own local funds. Remember, the budget that comes over here was raised in the District of Columbia and should not be over here in the first place.

I had a budget autonomy bill last session that until the very last moment was going to get through this House and the Senate. It is the very essence of no democracy that somebody's own taxes that they raise in their own local jurisdiction would be subject to somebody else who didn't have anything to do with raising a cent of those taxes. That is what happens to the District of Columbia.

When the District of Columbia's budget comes here, they don't dare change anything in the complicated local budget of the District of Columbia. That is very complicated. You could throw everything out of kilter. So essentially they don't bother with the budget. They spend all of their time seeing what they can attach to the budget, substantive legislation that has no place in an appropriation in the first place and has no place in somebody else's budget above all.

Mr. Speaker, part of the problem may be that some Members either do not know because they are new or have forgotten, either because for 4 years of Democratic control these issues didn't come up, or because they want to forget. I come to the floor this afternoon to assure you I shall not let you forget, we will make sure that in your home districts, they know that you are attending not to the business of that district but to the business of the District of Columbia and that you are doing so in the most undemocratic and autocratic fashion. You who quote the Constitution ought to sit down and think for a moment what the Framers would have done had they seen the Federal Government, which they were afraid of, intervene into the local affairs of any district.

I ask you: hands off, lay off the District of Columbia.

RECESS

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

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REED) at 5 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-54) on the resolution (H. Res. 203) providing for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 6, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1034. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act-Interagency Uniformity [No. 2007-03] (RIN: 1550-AC08) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1035. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment [Docket No.: EERE-2010-BT-CE-0014] (RIN: 1904-AC23) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1036. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Human Reliability Program: Identification of Reviewing Official (RIN: 1992-AZ00) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1037. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No.: RM 11-5-000] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1038. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule) (RIN: 3084-AB15) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1039. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-136, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1040. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-002, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1041. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-012, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1042. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-006, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1043. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-023, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1044. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-007, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1045. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-118, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1046. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-021, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1047. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-010, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1048. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Presidential

Library Facilities; Correction [NARA-07-0005] (RIN: 3095-AA82) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1049. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's report entitled "Making the Right Connections: Targeting the Best Competencies for Training"; to the Committee on Oversight and Government Reform.

1050. A letter from the Chief Administrative Officer, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period January 1, 2011 through March 31, 2011, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112—15); to the Committee on House Administration and ordered to be printed.

1051. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Louisiana Regulatory Program/Abandoned Mine Land Reclamation Plan [SATS No. LA-023-FOR; Docket No. OSM-2010-0005] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1052. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-252-FOR; OSM-2009-0011] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1053. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No.: MT-031-FOR; Administrative Record No. OSM-2010-0010] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1054. A letter from the Ombudsman for the Energy Employees, Department of Labor, transmitting the Department's 2010 Annual Report of the Ombudsman for the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

1055. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Surety Bond Guarantee Program; Disaster and Miscellaneous Amendments (RIN: 3245-AF77) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1056. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Readily Tradable On An Established Securities Market [Notice 2011-19] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1057. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-22] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1058. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Field Guidance on the Planning and Examination of Sales-Based Royalty Payments and Sales-Based Vendor Allowances [LB&I-4-0211-002] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1059. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — Certain Amounts Paid in Connection with Insurance Contracts (Rev. Rul. 2011-9) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1060. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — State and Local Location Tax Incentives (I.R.C. Sec. 118 SALT) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1061. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock [TD: 9515] (RIN: 1545-BH20) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1062. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exclusion of Income: Non-Corporate Entities and Contributions to Capital [UIL: 118.01-02] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1063. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-21) received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1064. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Protecting the Public and our Employees in our Hearing Process [Docket No.: SSA-2011-0008] (RIN: 0960-AH29) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 203. Resolution providing for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes (Rept. 112-54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. POLIS):

H.R. 1364. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution of information on legitimate scientific research in connection with foods and dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 1365. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. LIPINSKI (for himself, Mr. MANZULLO, Mr. DINGELL, Mr. SHIMKUS, Mr. MICHAUD, Mr. SCHOCK, Mr. RYAN of Ohio, Mr. DUNCAN of Tennessee, Mr. MURPHY of Connecticut, Mr. JOHNSON of Illinois, Mr. LARSON of Connecticut, Mr. JONES, Ms. SUTTON, Mr. WOLF, Mr. VISCLOSKEY, Mr. KINZINGER of Illinois, Mr. BRALEY of Iowa, Mr. LATOURETTE, Mr. LYNCH, Mr. MCKINLEY, Mr. GENE GREEN of Texas, and Mr. CICILLINE):

H.R. 1366. A bill to require the President to prepare a quadrennial national manufacturing strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS (for himself, Mr. DINGELL, Ms. SUTTON, Mr. CONYERS, Mr. KILDEE, Mr. CLARKE of Michigan, Mr. LARSON of Connecticut, Mr. CONNOLLY of Virginia, Mr. KUCINICH, and Mr. LEVIN):

H.R. 1367. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy; to the Committee on Science, Space, and Technology.

By Mrs. DAVIS of California (for herself and Mr. POLIS):

H.R. 1368. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Education and the Workforce.

By Mr. BOREN (for himself, Mr. COLE, Mr. SULLIVAN, Mr. LANKFORD, and Mr. LUCAS):

H.R. 1369. A bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BOUSTANY:

H.R. 1370. A bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN:

H.R. 1371. A bill to amend SAFETEA-LU to ensure that projects that assist the establishment of aerotropolis transportation systems are eligible for certain grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself, Mr. RIGELL, Mr. WITTMAN, Mr. WOLF, Mr. FORBES, Mr. HURT, and Mr. GRIFFITH of Virginia):

H.R. 1372. A bill to authorize the Secretary of the Interior to conduct oil and natural gas exploration, leasing, and drilling activities on the outer Continental Shelf offshore the State of Virginia, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 1373. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself and Ms. ZOE LOFGREN of California):

H.R. 1374. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. REICHERT, Mr. YARMUTH, Mr. KISSELL, Mr. BERMAN, Mr. BLUMENAUER, Ms. CASTOR of Florida, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. STARK, Mr. GRIJALVA, Mr. CONNOLLY of Virginia, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. LEVIN, Ms. LEE of California, Ms. SPEIER, Mr. TONKO, Mr. SHULER, Mr. LYNCH, Ms. SLAUGHTER, Mr. POLIS, Mr. GEORGE MILLER of California, Mr. KUCNICH, Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. COOPER, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. MCGOVERN, Mr. MORAN, Mr. SARBANES, Ms. WOOLSEY, Mr. MCNERNEY, Mr. ACKERMAN, Ms. TSONGAS, Ms. SCHWARTZ, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. FILNER, Mr. HOLT, Mrs. LOWEY, Ms. RICHARDSON, Mr. QUIGLEY, Mr. HASTINGS of Florida, Mr. MICHAUD, Mr. KILDEE, Ms. PINGREE of Maine, Mr. ELLISON, Mr. CROWLEY, and Mr. CHANDLER):

H.R. 1375. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. POSEY:

H.R. 1376. A bill to require State governments to submit fiscal accounting reports as a condition to the receipt of Federal financial assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SUTTON (for herself, Mr. TURNER, Mr. MEEKS, Ms. LEE of California, Mr. HINCHEY, Mr. ISRAEL, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. YARMUTH, Mr. COURTNEY, Ms. RICHARDSON, Mr. RYAN of Ohio, Mrs. MALONEY, Ms. DELAURO, Mr. LOEBBACH, Ms. FUDGE, Mr. CUMMINGS, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. SABLAN, Mr. GRIJALVA, Ms. WILSON of Florida, Ms. SCHAKOWSKY, Mr. TONKO, Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. CHANDLER, Mrs. LOWEY, Mr. MICHAUD, Mr. KILDEE, Ms. DEGETTE, and Mr. COHEN):

H.R. 1377. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKEY:

H.R. 1378. A bill to prohibit business enterprises that lay off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Ms. FUDGE, Mr. TONKO, and Ms. WILSON of Florida):

H.R. 1379. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H. Res. 202. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. LEE of California:

H. Res. 204. A resolution supporting the goals and ideals of "National STD Awareness Month"; to the Committee on Energy and Commerce.

By Mr. WEST (for himself, Mr. ROSS of Florida, Mr. RIVERA, Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. ROONEY, Mr. HASTINGS of Florida, and Mr. DIAZ-BALART):

H. Res. 205. A resolution congratulating the Town of Palm Beach and its citizens on its 100 year anniversary; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CHAFFETZ:

H.R. 1364.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 and the 1st Amendment to the US Constitution.

By Mr. RAHALL:

H.R. 1365.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

By Mr. LIPINSKI:

H.R. 1366.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate foreign and interstate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. PETERS:

H.R. 1367.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 3246.

By Mrs. DAVIS of California:

H.R. 1368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BOREN:

H.R. 1369.

Congress has the power to enact this legislation pursuant to the following:

Clause 7, Section 8, Article I of the Constitution

By Mr. BOUSTANY:

H.R. 1370.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. COHEN:

H.R. 1371.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. GOODLATTE:

H.R. 1372.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Mr. ISRAEL:

H.R. 1373.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution

By Mr. DANIEL E. LUNGREN of California:

H.R. 1374.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Article 1 Section 8 of the Constitution.

By Mr. PALLONE:

H.R. 1375.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POSEY:

H.R. 1376.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. SUTTON:

H.R. 1377.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. VISCLOSKEY:

H.R. 1378.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. WU:

H.R. 1379.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. HALL and Mr. FLEISCHMANN.

H.R. 27: Mr. DAVIS of Kentucky.

H.R. 104: Mr. WU, Mr. HARPER, and Mr. COSTELLO.

H.R. 114: Mr. BUCHANAN, Mr. PLATTS, and Mr. WITTMAN.

H.R. 140: Mr. DAVIS of Kentucky.

H.R. 217: Mr. BERG.

H.R. 237: Ms. CASTOR of Florida.

H.R. 290: Mr. GARY G. MILLER of California.

H.R. 412: Mr. WALSH of Illinois.

- H.R. 420: Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. MURPHY of Pennsylvania, Mr. MARCHANT, Mr. OWENS, Mr. FLORES, Mr. KLINE, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. BROOKS, and Mr. BRADY of Texas.
 H.R. 440: Mr. MCGOVERN and Mr. MORAN.
 H.R. 459: Mr. TIPTON, Mr. SCHILLING, Mr. KLINE, and Mr. GRAVES of Missouri.
 H.R. 470: Mr. BECERRA and Mr. BILBRAY.
 H.R. 502: Ms. SUTTON.
 H.R. 515: Mr. POMPEO.
 H.R. 516: Mr. KISSELL.
 H.R. 575: Mr. HELLER.
 H.R. 595: Mr. WEST and Mr. SMITH of New Jersey.
 H.R. 615: Mr. CHAFFETZ, Mr. SIMPSON, Mr. BURTON of Indiana, Mr. GRIMM, Mrs. MILLER of Michigan, Mr. BROOKS, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. FLORES, Mr. WITTMAN, Mr. MARCHANT, Mr. THORNBERRY, Mr. YOUNG of Alaska, and Mr. OWENS.
 H.R. 616: Mr. MORAN.
 H.R. 645: Mr. ROGERS of Alabama, Mr. SCALISE, Mr. KISSELL, Mr. HELLER, Mr. CRITZ, Mr. GINGREY of Georgia, Mr. RAHALL, Mr. COFFMAN of Colorado, Mr. TIBERI, Mr. ROSS of Florida, Mr. CARTER, Mr. TERRY, Mr. SHULER, Mr. COLE, Mr. DENHAM, Mr. RYAN of Ohio, Mr. GARY G. MILLER of California, Mr. LUCAS, Mr. SIMPSON, Mr. BURTON of Indiana, Mr. BUCHANAN, Mrs. MILLER of Michigan, Mr. SAM JOHNSON of Texas, Mr. BROOKS, and Mr. OWENS.
 H.R. 651: Mr. CLARKE of Michigan, Ms. BALDWIN, Ms. DEGETTE, and Mr. WAXMAN.
 H.R. 678: Mr. ROSS of Arkansas.
 H.R. 679: Mr. SABLAN.
 H.R. 735: Mrs. MCMORRIS RODGERS, Mr. GARDNER, Mr. MCHENRY, Mr. ROGERS of Alabama, and Mr. BACHUS.
 H.R. 763: Mr. HALL and Mr. BENISHEK.
 H.R. 764: Mr. NUNNELEE.
 H.R. 765: Mrs. MCMORRIS RODGERS.
 H.R. 795: Mr. CARDOZA.
 H.R. 800: Mrs. HARTZLER and Mr. MCCAUL.
 H.R. 822: Mr. THOMPSON of Pennsylvania, Mr. GUINTA, Mr. BROOKS, Mrs. ELLMERS, Mr. CONAWAY, Mr. FLORES, Mr. MARCHANT, Mr. MURPHY of Pennsylvania, and Mr. BRADY of Texas.
 H.R. 827: Mr. HOLDEN.
 H.R. 883: Mr. LANGEVIN.
 H.R. 895: Mr. GIBSON.
 H.R. 904: Mr. DENHAM, Mr. SHIMKUS, Mr. KLINE, Mr. FORBES, and Mr. WALSH of Illinois.
 H.R. 930: Mr. MCDERMOTT.
 H.R. 959: Mr. PASCRELL.
 H.R. 965: Ms. NORTON and Mr. MCDERMOTT.
 H.R. 969: Mr. MCCLINTOCK.
 H.R. 977: Mr. LEVIN.
 H.R. 1040: Mr. WEST.
 H.R. 1085: Mr. QUIGLEY and Mr. DOGGETT.
 H.R. 1089: Mr. LARSEN of Washington and Ms. SCHAKOWSKY.
 H.R. 1110: Mr. CONYERS.
 H.R. 1113: Mr. HEINRICH, Ms. SUTTON, and Mr. LEWIS of Georgia.
 H.R. 1131: Ms. HIRONO.
 H.R. 1132: Ms. LEE of California, Mr. COSTA, and Mrs. CAPPS.
 H.R. 1140: Mr. FLEMING and Mrs. ADAMS.
 H.R. 1142: Mrs. MYRICK and Mr. YOUNG of Indiana.
 H.R. 1161: Mr. HOLT, Mr. STEARNS, Mr. KISSELL, Mr. CRAWFORD, and Mr. SMITH of Nebraska.
 H.R. 1182: Mr. JONES.
 H.R. 1186: Mr. HINOJOSA.
 H.R. 1195: Mr. WEST, Mr. LATHAM, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. ANDREWS, Mr. MORAN, Ms. ZOE LOFGREN of California, Ms. HIRONO, and Mr. ALEXANDER.
 H.R. 1211: Mr. LONG and Mr. WALBERG.
 H.R. 1219: Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. BROOKS, and Mr. LATHAM.
 H.R. 1221: Mr. MCCOTTER.
 H.R. 1222: Mrs. CAPITO.
 H.R. 1224: Mrs. CAPITO.
 H.R. 1225: Mrs. CAPITO.
 H.R. 1226: Mrs. CAPITO.
 H.R. 1227: Mrs. CAPITO.
 H.R. 1234: Mr. REHBERG.
 H.R. 1269: Ms. WOOLSEY.
 H.R. 1287: Mrs. MYRICK, Mr. LABRADOR, Ms. GRANGER, and Mr. WOODALL.
 H.R. 1288: Ms. BORDALLO.
 H.R. 1291: Mr. RAHALL.
 H.R. 1294: Mr. SCOTT of Virginia.
 H.R. 1319: Mr. OLVER and Ms. LEE of California.
 H.R. 1326: Mr. BERMAN.
 H.R. 1343: Mr. WALDEN, Mr. TERRY, Mr. GUTHRIE, Mr. ROGERS of Michigan, Mr. MURPHY of Pennsylvania, Mr. WHITFIELD, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BILBRAY, Mr. GINGREY of Georgia, Mr. SCALISE, Mrs. MCMORRIS RODGERS, Mr. LATTA, Mr. LANCE, Mr. POMPEO, Mr. OLSON, Mr. STEARNS, Mr. HARPER, Mr. KINZINGER of Illinois, Mr. CASSIDY, Mr. SHIMKUS, Mr. BARTON of Texas, Mr. UPTON, and Mr. PITTS.
 H.R. 1351: Mr. CONNOLLY of Virginia, Mr. KUCINICH, Mr. TIERNEY, Mr. TOWNS, Mr. DAVIS of Illinois, Ms. NORTON, and Mr. CLAY.
 H.R. 1361: Mr. COHEN.
 H.J. Res. 47: Ms. LEE of California.
 H. Res. 20: Mr. HIGGINS.
 H. Res. 95: Mr. WALDEN.
 H. Res. 134: Mr. FORTENBERRY.
 H. Res. 185: Ms. WOOLSEY.

SENATE—Tuesday, April 5, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, how great and wonderful are Your deeds.

Bless today the many people who help our Senators do their work. Lord, we thank You for the many members of their staffs who help them succeed. We thank You for our pages and the significant work they do. We are grateful for those who work without fanfare to keep the legislative process going. Keep these faithful servants of freedom from growing weary in their labors. Remind them that their harvest season will come. May they never forget that faithfulness is more important to You than success. Guide them with the light of Your truth until one day they will experience the joy of hearing You say, "Well done."

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DURBIN. Madam President, following any leader remarks, there will be a period of morning business until 11 a.m., with the Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will proceed to consideration of H.R. 4, 1099 repeal, with 1 hour of debate. Senators should expect two rollcall votes around noon on the Menendez amendment and passage of H.R. 4, as amended, if amended. We will recess following the votes until 2:15 p.m. for the weekly caucus meetings. We are working to reach an agreement on the small business bill and will notify Senators when additional votes are scheduled.

I am standing in for Majority Leader REID, who has been called to the White House for the meeting with the President and the leadership, the Speaker and the leadership of the House of Representatives. The object of this is obviously to avert a government shutdown.

I listened carefully to the prayer from the Chaplain this morning. I don't know if we will need divine inspiration or divine interjection into this matter, but whatever it will take, I hope people of good will can come to an agreement. We are close. I don't think it is good for us as a government or as a Nation to see a shutdown of basic services that may cause inconvenience and hardship across America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

PAUL RYAN BUDGET PLAN

Mr. MCCONNELL. Madam President, today the chairman of the House Budget Committee, Congressman PAUL RYAN, is releasing a serious and detailed plan for getting our Nation's fiscal house in order. Congressman RYAN's plan would put us on a path to

reducing the national debt, it would strengthen the social safety net so we can keep the promises made to the Nation's seniors, it proposes a way for Washington to start living within its means, and it will repeal last year's health care law which will raise health care costs, lead to fewer jobs, and which Americans have rejected. Congressman RYAN is presenting a plan, in other words, to address our most pressing problems head-on at a moment when the President and other Democratic leaders simply refuse to do so themselves. He is doing what his constituents have sent him here to do.

Anybody can say our Nation's problems need to be addressed, but history will show that Chairman RYAN is one of those who actually stepped up to do it. He should be applauded for that by people of good will on both sides. Unfortunately, we already know how many Democrats intend to respond to this plan. We have heard their spin already. In the absence of any solutions of their own to a looming entitlement fiasco and the testimony of countless experts on the fiscal perils we face, Democrats intend to use Congressman RYAN's plan against anyone who supports it—despite the facts. They will try to scare the public by claiming it says things that it does not. They will squander the golden opportunity we have right now to tackle the biggest problems we face in a bipartisan way, the way our predecessors did when the two parties shared power in Washington, all in the name of having an edge in the next election. Frankly, it is shameful.

Americans elect their President and Senators and Congressmen to lead. They don't expect us to agree on everything, but they expect us to work together when a problem becomes so pressing that cooperation across party lines is required. Now is such a moment. The debt is at crisis levels, posing a threat not just to businesses and families planning for the future but to our national security.

Since the President has taken office, nearly 3 million Americans have lost their jobs. As a result of the ongoing housing crisis, millions of homeowners are currently underwater on their mortgages. The only industry that seems to be growing is government, and the only city that seems to be isolated from problems most Americans face right now is Washington—all at taxpayers' expense.

The budget debate in which we have been engaged in the past several weeks is the direct result of the fact that Democrats in Congress failed to pass

one of their own for the current fiscal year. Republicans had to step in and do it for them. Now, 6 months into the current fiscal year, the President and current Members of Congress still have yet to produce a plan of their own. House Republicans have produced multiple plans, including one they will offer today which funds our troops through the end of the year, keeps the government running, and gets us one step closer to the level of spending cuts that even the senior Senator from New York has described as reasonable. Unfortunately, Democrats would rather take potshots at these proposals from the side lines, hoping they become unpopular with the public so they can benefit politically. They have completely and totally abdicated their responsibility.

I would like to applaud Congressman RYAN not only for the energy and creativity and seriousness which he has brought to these issues but also for his courage in doing so at a time when Democrats in Washington would rather sit on their hands. By stepping forward, he has forced a much needed debate about the many crises of the moment. It is my hope that our friends on the other side recognize this effort for what it is—a serious, good-will effort to do something good and necessary for the future of our Nation—and that for the good of the Nation, they will join this effort at some point before it is too late.

1099 PROVISION

Mr. McCONNELL. Madam President, as I have traveled across Kentucky over the past year, I have heard from countless small business owners who told me how burdensome the so-called 1099 provision in the Democrats' health care bill would be to implement and how it could hamper their ability to create good private sector jobs. I hope they are tuning in to the Senate floor today so they can watch the vote on its repeal.

This has been a hard-fought effort, and all of the credit should go to the junior Senator from Nebraska, my good friend Senator MIKE JOHANNNS. He has led this fight on behalf of the countless entrepreneurs and small business owners across the country who raised the alarm on this issue.

This is a big win for small business. Importantly, it is also the first of what I hope are many successful repeal votes related to the disastrous health spending bill the Democrats passed last year. The more Americans learn about this bill, the less they like it. We hope we can respond to their concerns with many repeal votes like the one we are going to have this morning right here in Congress. Then we will replace it with the kind of commonsense reforms that will actually lower costs and encourage job creation.

Once again, I thank Senator JOHANNNS for his leadership and hard work on repealing this onerous provision. This is a classic example of a Senator who listened to his constituents, developed a solution, won the support of his colleagues, and doggedly pursued a course of action that led to today's vote. America's small businesses can thank Senator JOHANNNS for pushing this initiative across the finish line. I call on the President to sign it into law.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Louisiana.

(The remarks of Mr. VITTER pertaining to the introduction of S. 723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

COTE D'IVOIRE

Mr. INHOFE. Madam President, we hear a lot about the disaster and things that are taking place and the loss of lives in Libya as well as many other places, particularly in the last few months. But going seemingly unnoticed is probably just as great a disaster that is happening in Cote D'Ivoire right now as we speak.

I came to the floor yesterday, and I talked about the fact that elections took place in Cote D'Ivoire last November. The President, the incumbent President, Laurent Gbagbo, was challenged by Alassane Ouattara. They claim Ouattara won the election. Ouattara comes from the north, the Muslim area up there.

We found so much voter fraud that we identified, and we specifically talked about on the Senate floor, that I have asked Secretary Clinton, by letter twice, to intervene and demand a new election.

When I say "voter fraud," I entered this in the RECORD yesterday, so I will not do it again today. But this shows how they miscalculated all those votes in the north. In just one precinct, 100,000 votes—well, actually 94,873. Obviously, if we have 100,000 or so votes in

that one precinct, it can happen that way.

But use logic. If all else fails, stop and think about this. How could it be possible that in the northern part of Cote D'Ivoire, when they had the election, what we would call the primary election, President Gbagbo got thousands, thousands of votes in each one of the precincts. Yet when the runoff came, he got zero. That is a statistical impossibility. I think for those of us—certainly, the United States thought the U.N. and perhaps France was accurate in their initial response to this thing that we were going to have to get something done.

Let me go ahead and finish what happened. I mentioned yesterday in the town of Duekoue, Ouattara's forces, along with the French, went in there, murdered about—we think something over 1,000 people. We get the reports from the Red Cross and from other sources.

But Ouattara has tried to deny his involvement in this slaughter. His forces took the town earlier, and this was the week after the Gbagbo forces had gone. I think we can just look at Guillaume Ngefa, who is the deputy head of the U.N. mission in Cote D'Ivoire.

He said Ouattara's forces had carried out the killings in Duekoue. "We have evidence. We have pictures. This was retaliation."

So we have all this evidence I mentioned yesterday which was part of it. I read yesterday from the Guardian, the British Guardian. The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue, which we now know is over 1,000 people. The International Committee of the Red Cross said at least 800 people. It goes on and on, which I made a part of the RECORD yesterday.

In addition to that, we have a statement that was made on the BBC yesterday. Keep in mind, they have, in Duekoue—they murdered all those people. They have mass graves. People are charred and burned. I am going to quote right now, so hold your stomach.

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if the dead are children. He nods and begins to sob quietly into his face mask.

So we know of this disaster that has taken place there, and we do nothing. We know about it. I just will say: America, wake up. The massacre could have been avoided if Ouattara had accepted the mediation effort from the African Union. President Gbagbo did accept, Ouattara did not. He rejected it, and I think we know why he rejected it—because he wants that power. He wants that job.

Anyway, where we are now—and I am going to try to get this all in—the

United States should call for a ceasefire and for a new election. I have also been told, within the last day, that the U.N. helicopters, U.S. peace-keeping helicopters are firing upon Gbagbo's military camp.

Lastly, I have sent a letter to the Foreign Relations Committee Chairman JOHN KERRY. Let me applaud JOHN KERRY. He has agreed to hold a hearing to look at this. I cannot tell you how much I appreciate it because it takes courage to stand up against the United Nations and France and our State Department and admit that we have to look into this. So that is exactly what we are going to do.

But that was yesterday on the floor. What has happened? What happened last night? Last night, the job was finished. They went in, and they massacred I do not know how many people.

President Gbagbo had young children who were surrounding his palace and his residence. They are willing to sacrifice their lives to save their country from the French influence they are getting with Ouattara.

They were armed with baseball bats and 2 by 4s. I do not know, there are hundreds of them out there. Last night, Sarkozy had gone to Secretary General Moon and said: Use my forces to end this, and they did. We know what happened last night.

Maybe you do not know what happened last night. They went in with helicopters and with rockets, and they destroyed most of a major city, Abidjan, the capital of Cote D'Ivoire. We have evidence. I hope people will take advantage of this, particularly those people—I know there are a lot of people out there who are opposed to any intervention we have. They do not truly care about Sub-Saharan Africa. No one cares about Sub-Saharan Africa.

I have stood on this floor time and time again, back when we were sending troops into Bosnia, and the excuse was ethnic cleansing. I said: For every 1 day in any town in any country in Sub-Saharan Africa, there are more people ethnically cleansed than in any day in Bosnia.

But nobody seemed to care. So we have hundreds of kids around there, and last night they were mowed down. If anyone questions this, you can access on my Internet, inhofe.senate.gov, and get the YouTube that shows graphically what they are doing. I do not know how many hundreds, how many thousands of people were brutally murdered last night by the French, supporting Ouattara. It is something we need to get involved in.

When I look at President Obiang, who is from Equatorial Guinea, he is the chairman of the African Union. He says he condemned the foreign intervention in the Ivory Coast. We stand by idly, and we don't do anything about it.

I renew my request to Secretary Clinton and to the State Department and to others who care about the loss of innocent life in sub-Saharan Africa, specifically in Abidjan and Cote d'Ivoire, to come forward and help us find justice. I hope President Gbagbo and his wife Simone are not dead today. They might be dying as we speak. They are raiding their residence, raiding the palace. It is a brutal mess. I don't think I have ever seen in the years I have been here, particularly coming from France, supported by Sarkozy, the raid on innocent lives in sub-Saharan Africa.

If no one else comes in, I will talk longer. I ask unanimous consent to speak until someone comes in to speak.

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

Mr. INHOFE. Madam President, I guess you might wonder why I am concerned. I have had an interest in sub-Saharan Africa for quite some time. After 9/11, finally the United States decided they would do something of concern in sub-Saharan Africa. So what we have had since that time is an interest in helping them to build African brigades, as the terrorists come down through the Horn of Africa and Djibouti and into the continent. We need to help the Africans build brigades so they can resist, not doing it for them, not doing it in place of the Africans, but to help them so they can defend themselves. That is exactly what we have been doing.

I have been honored to be the point man on the Armed Services Committee to go over and work with these guys. These countries in Africa are our friends. They participate in programs such as the IMET program that allows us to train their officers in the United States, such as the Train and Equip Program that allows us to work with them and train these individuals. When we see an atrocity such as this take place, when we visualize the young kids out there being brutally murdered, we should do something about it.

I praise someone who philosophically I have not agreed with most of the time, Senator JOHN KERRY, Chairman of the Foreign Relations Committee. I am on his committee as well as Armed Services. He is sympathetic to what is going on and has agreed to having a hearing. There is a man named Meltheodore. He was the mayor, when I first met him, mayor of Abidjan in Cote d'Ivoire. He is currently a member of Parliament in Cote d'Ivoire. He is the head of an opposing political party to President Gbagbo. He was a candidate against President Gbagbo when he ran successfully for President. Here is a guy who would have every reason to be opposed to President Gbagbo. Yet he is willing to testify before Senator KERRY's committee that not only did

they rig the election, but he showed the documentation on rigging the election, and we should be in a position where we could strongly recommend another election.

I have nothing against Alassane Ouattara except I do know that he has been an enemy of the Gbagbos since long before 2002, when he was opposed to him. This is, I guess, the final kill. But at what expense is this coming? It is coming at a high expense in terms of a number we can't quantify today. If colleagues don't believe it, look it up. They can get the YouTube site. They can watch what happened last night. They can get that off of my Web site, inhofe.senate.gov.

I see my friend Senator MANCHIN from West Virginia. Before yielding the floor, I wish to applaud him for his being courageous and standing up for doing something about the EPA taking over the regulation of greenhouse gases that would put coal and oil and gas out of our reach. I applaud Senator MANCHIN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. I thank my good friend for his hard work. We are working in a bipartisan manner.

WEST VIRGINIA COAL MINERS

Mr. MANCHIN. Madam President, I rise to mark the tragic occasion of the worst U.S. mining disaster in 40 years. A year ago today, 29 brave and patriotic men went underground to mine the coal that powers our great Nation. They didn't come back. Our entire Nation grieved with their families for their tremendous loss. I rise to honor their courage, sacrifice, and the extraordinary strength of their families.

I want to say a few words about the proud men and women today who go underground and go unrecognized and make sure that our great Nation can keep the lights on. When some people see a coal miner walk out from underground, they see some someone who is tired, wearing dust-covered overalls, steel boots, carrying a hard hat and a dinner bucket, and they make a few flawed assumptions about the amount of education they may or may not have or that they had nowhere else to turn, that was the only job available. I wish everyone to know that those assumptions are dead wrong.

West Virginia coal miners are the backbone of this country, providing the power for the lights in this Chamber, the steel and the machinery that built our country, the greatest industrial power in the world, the military that keeps us safe and free, and the energy for homes and businesses all over the country. West Virginia miners understand geology, mathematics and physics, the way a seam runs through the Earth and how to safely extract its

bounty to make our country stronger. Above all, West Virginia miners are the salt of the Earth—patriotic, God-fearing, family loving and family oriented, and proud of their hard work. In our State we have always done the heavy lifting. We are very proud of what we have contributed to this country time and again—in times of war, times of peace, in times of prosperity, and in times of need. At a time when our Nation's attention and misplaced pity will again focus on coal miners because of the first anniversary of the worst mining disaster in the last 40 years, we West Virginians want the world to know we are proud of our coal mining heritage and our future.

As West Virginia's former Governor, now U.S. Senator, I want to tell Americans not only about our sacrifice but also our dedication to our shared future. The miners of West Virginia and their families are the heart and soul of West Virginia and an inspiration for me and my family. We should all draw strength from the courage they have shown us.

Allow me to turn to the terrible day a year ago. In remembering the Upper Big Branch disaster, my thoughts turn first to the families of the 29 miners who went to work that day on April 5, 2010, and didn't come home. In the days following the violent explosion, which remains under investigation today, I spent all day and every day for 5 days waiting to find out with the families if their loved ones were alive or dead. Those families and I stayed together at midnight and dawn, through moments of hope and despair, on pins and needles in the early days and in shared grief when the full scope of the devastation hit us as the rescuers didn't find any more survivors. We prayed together before and after each briefing. We recited the Pledge of Allegiance. We held each other and cried together. Restaurant owners donated food. Our own WVU coach Bob Huggins visited. And one young man, Nick Helms, whom I remember so well, whose father was killed in the Sago mining disaster in 2006, came down personally and offered his moral support from his firsthand experiences.

In those days the unbreakable bonds of family became clear. One family alone lost three good men. I first told Charles and Linda Davis, the parents of Timmy and the grandparents of Cory and Josh. I told Tommy—and Tommy was another brother who had worked in the mine and just came off the shift. Tommy was the father of Cory. I also told Patty—large families—and Patty is the daughter of Linda and Charles, and she was Josh's mother. So in the mine we had Timmy, the uncle, and we had Josh and Cory. All three men had been found, but they perished. The first question I got from Tommy after I told his parents was: Were they all together?

I said: Yes, they were.

Tommy replied: I knew my brother Timmy would be taking care of the boys.

That was not my State's first mining disaster or mine. When I was a young man, my only family went through the tragedy of the Farmington No. 9 explosion in 1968. Seventy-eight miners were killed that day. It left a searing impression on me. Of course, we didn't know right away how bad it would get. Everyone camped out at the company store. We were all waiting for any word before the authorities finally came and told us all that the decision had been made to seal the mine which essentially meant entombing all of them. In that disaster I lost my uncle, my next-door neighbor, some of my high school classmates. One of my strongest lessons that has stayed with me to this day is that waiting families should be systematically updated on the progress of the rescue operation. I know firsthand that a minute seems like an hour, an hour seems like a day, and a day seems like eternity. With consistent updates, waiting becomes a little more bearable.

During my term as Governor, in the three tragedies we went through—Sago and Aracoma in 2006, and last year at Upper Big Branch—we briefed the families every 2 hours. It was a cycle. We received a briefing from our authorities, then we briefed the families, then we told the media. It was a cycle we continued until the fate of all miners was known.

We have learned a lot in West Virginia. After disasters at Sago and Aracoma, we enacted more safety measures in my term as Governor than in the 30 years before. We have become a leader in safety, and what we are implementing is being used across all types of mining, all over the country and around the world. The bottom line is that in our State, we won't tolerate intimidation from any person or company that puts profits ahead of safety. I truly believe that the single most important element in any mining operation is the men and women who work there every day. Under my watch, we empowered those individual miners and their families to take more ownership and control over their own safety without fear of retribution, with a 24-hour anonymous hotline to report unsafe conditions. Since May of last year we have had 86 calls. We responded.

At the end of the day, though, the families, the people of West Virginia and all Americans need to know how this tragedy happened and what we must do to prevent anything this terrible from ever happening again. We are still waiting for the results of the Federal and State investigations as well as an independent report from my special appointed investigator J. Davitt McAteer, a West Virginia native and assistant secretary for the Mine

Safety and Health Administration under President Bill Clinton. We will look at the results of their investigation to determine what happened, make certain it doesn't happen again, and determine whether anyone, through intimidation or otherwise, put profits ahead of safety and that the people responsible are held accountable.

In the meantime I am cosponsoring a piece of legislation with Senator JAY ROCKEFELLER, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. It is designed to improve compliance with existing mine and occupational safety and health laws, empowering workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish the rights of the families of victims of workplace accidents. Last week I spoke again to Tommy Davis, the man who lost his brother, his nephew, and his son at the Upper Big Branch mine. When I asked him what he was doing these days, Tommy gave me a simple answer: JOE, I am back in the mines. Tommy is proud to be a miner. And while he and all of us have much to mourn today, we also have the chance to honor the memories of the 29 dedicated men who died a year ago and their colleagues who continue their work with respect and dignity.

Finally, Gayle and I and all West Virginians pray for continued strength and courage for the families who lost loved ones on this sad day a year ago. May God bless each one of them. May God bless the great State of West Virginia, and may God continue to bless the United States of America.

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

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

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

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

AMENDMENT NO. 284

Mr. MENENDEZ. Madam President, I rise to call up amendment No. 284, co-sponsored by Senators KERRY and ROCKEFELLER, which is at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. KERRY, and Mr. ROCKEFELLER, proposes an amendment numbered 284.

Mr. MENENDEZ. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect small businesses from health insurance premium increases or losses of health insurance coverage)

On page 4, after line 3, insert the following:

(C) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from New Jersey.

Mr. MENENDEZ. Thank you, Madam President. I understand Senator BAUCUS is on his way from a meeting, and in the interim I will start off and recognize myself.

I offer this amendment on behalf of middle-class families and on behalf of small businesses. I support repealing the 1099 reporting requirement and have, in fact, voted no less than six times on this floor to repeal 1099 in this body. However, I strongly believe we

must do so in a manner that does not increase the burden on our small businesses and their employees, and that is exactly what I fear H.R. 4 does.

The broad bipartisan support for 1099 repeal comes from the fact that it provides relief to small businesses, but the only problem with this version of the repeal is that while it provides relief on the one hand, it may very well take it away with the other. It repeals the 1099 reporting requirements but, at the same time, I am concerned it increases the health care burden on the very same people to whom we are seeking to provide relief.

Some have argued we have already used this very same offset before. We have. Therefore, there is no reason to be concerned now.

The difference is, however, H.R. 4 is very different than what we did 4 months ago, and it risks driving up health insurance costs and cutting health insurance coverage for small businesses and middle-class families. It increases tax penalties—tax penalties. As we approach April 15, I know we are all very tax sensitive. It increases tax penalties on middle-class families, leaving some with a potential tax burden of \$10,000 or more.

How would most middle-class families deal with a tax bill of \$10,000 or more just because their income may have increased \$1 above the eligibility limit during the year for which they got a subsidy?

Some have also argued my amendment will block implementation of the 1099 repeal. That is just factually incorrect. It is an outright misstatement of the facts. My amendment simply directs the Secretary of Health and Human Services after—emphasize “after”—the 1099 repeal passes into law to study the offset in H.R. 4 and determine its effect on small businesses. If the study finds the offset increases health care costs or decreases coverage for small businesses, then current law on the repayment remains in effect. If the study says, no, it didn't do any of those things, then there is no harm.

Let me be clear. We all want 1099 repeal. My amendment does not in any way affect the repeal of 1099. My colleagues can vote for this amendment and for H.R. 4 because this would repeal 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment, and only if the study finds that it hurts small businesses after the repeal has taken place.

My colleagues on the other side of the aisle are trying to frame this debate as either for or against small business, but they are, in my mind, both helping and harming them at the same time under H.R. 4. With this amendment, we can have not only the ability to help small businesses and repeal the 1099 provision, but we can also ensure that small businesses and their em-

ployees will not get hurt at the end of the day.

For those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses and their employees, there is no harm in voting for it because you are saying the study will not show an impact and the offset will remain in place.

However, if you believe my amendment would have a revenue score, you are assuming that the offset hurts small businesses and their employees. Either option would argue for supporting my amendment. Either it has no impact, in which case there should be no problem supporting it, or it provides protections for small businesses and their workers, in which case you should want to support it.

I realize what I am concerned about is the harmful effect of this offset provision won't hit small businesses until 2015, and I know the voices for 1099 repeal are much louder than those against the payback tax. But I also know this is an issue that we will hear about when our constituents get those tax bills at that time, when this provision goes into effect and taxpayers get that first big \$10,000, or more, surprise on their tax bill.

Do you want to be on the record as having given them the tax bill or do you want to be on the record as trying to have saved them from it and saved rising costs for small businesses in their health insurance? I think you want to be on the side of this amendment and having saved them from it.

In closing, I ask, why in the world—especially during these fragile economic times—would we want to do anything that could raise the costs on small businesses? That is why my amendment is supported by entities such as the Main Street Alliance, a probusiness organization; Families USA; the American Cancer Society; Cancer Action Network; Health Care for America Now, to mention a few.

With my amendment, we can protect those who earn a living making our Nation's small businesses run and repeal 1099 without delay. To me, that is the ultimate show of support for small business.

Madam President, I urge support of my amendment. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am going to defer my remarks until after the Senator from Nebraska speaks. I want to defer to this wonderful Senator because he has done more than any other person in trying to repeal this awful tax provision, this 1099 tax increase provision, and he deserves the credit. I want him to lead off in our debate. Then I will probably speak after that. I yield for the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Madam President, I wish to start today by thanking the distinguished Senator from Utah for his courtesy. I appreciate it immensely. It has been a bit of a long and tortured process to get here today. I appreciate the opportunity to speak first.

All of us work across our States. In communities such as Kearney and Scottsbluff, NE—and I walk those streets often, whether it is in a parade or calling on people—I am struck by the number of small businesses that fill the storefronts.

These businesses are the heart and soul of the community. They contribute to the Little League, they give high school students their first jobs, and they ask “how are the kids doing” when you stop in to see them. They symbolize what it truly means to be a community. They also symbolize the single most powerful job creating force in our Nation.

Sixty-four percent of the new jobs in our Nation are created by small businesses as they expand and grow. So when their livelihood is threatened by an ill-advised policy, we all in the Senate agree that something must be done.

Shortly after the health care bill was passed, I, like my colleagues, began hearing from small business owners who were very concerned about a provision that was put into the health care bill on page 737. As the number of concerned job creators continued to mount, I knew, and others in the Senate knew, we had to do something about it.

Passing 1099 repeal exemplifies why I came to the Senate—taking an issue that is important to our State and our country and literally building support in this body to do the right thing.

I won't deny there have been some frustrations along the way. I certainly didn't expect to have to present the legislation seven times to get to the finish line. But it has been well worth the effort. I could not be more pleased by the bipartisan support that has built this effort.

Today presents an opportunity for Members of both parties to unite behind doing the right thing for our job creators.

If we pass H.R. 4 and send it on to the President's desk today, it won't be a victory for Republicans or Democrats. I certainly won't report it that way. It is not going to be a victory for a single Senator. It will be a victory for millions of small business owners who have been begging us to do something about this provision for a long time now, and it will be a victory for common sense.

That is why today is such an important day in the Senate. In a few short minutes, we will have an opportunity

to put to an end the looming 1099 paperwork mandate once and for all. Small businesses in my State and all across the country are depending upon us today to act.

One real-life example came from a Nebraska company called Hayneedle. It is an online retailer of home furnishings and other home products. With the new 1099 requirement, Hayneedle estimates that the annual cost of compliance is literally going to exceed \$100,000 for them—\$100,000. That would go a long way to hiring more people.

Adding insult to injury, the 1099 reporting requirement creates a perverse incentive to consolidate suppliers. Fewer suppliers means less 1099 paperwork. This leaves Main Street small suppliers—those businesses I was talking about—out in the cold as big suppliers win more and more business.

Dale Black, a Kentucky Fried Chicken franchise owner from Grand Island, told me:

... want to be a good corporate citizen in the communities I have restaurants, but the 1099 forces me not to hire local vendors and tradesmen in my community, instead giving work to a single regional contractor.

With 40 million businesses, non-profits, churches, and local governments bracing for the 1099 avalanche of paperwork, every Senator could come to the floor today and tell similar stories.

With all these Main Street businesses and their workers hanging in the balance, there is just one clear choice for our businesses: We must advance the House-passed version and, in all due respect to my colleague from New Jersey, reject the Menendez alternative, the Menendez amendment.

You see, only the House-passed version will quickly reach the President's desk and provide immediate relief to our job creators. Adding anything on, passing anything else will cause our job creators to wait on the sidelines yet again, because then, of course, we will have different versions—the House version and the Senate version—and I fear we will go off into never-never land. But you see, time has run out on our job creators.

When this debate began, the mandate seemed a long way away. It was out there on the horizon. We had a long time to work through these issues. But now 8 months has passed. We voted over and over again, and we never could quite get to the finish line.

It is decision time for businesses. They are feeling the pressure to set up the accounting systems they will need to comply with this tangled mess of tax forms that even the IRS doesn't support.

This mandate forces many to set aside money for software that could instead be spent on those new workers, and that is why it is so important that the Senate pass the House bill today.

Put simply, a vote for the House bill is a vote to actually solve the problem. Again, in all due respect to my colleague from New Jersey, the amendment tells our small businesses that they will have to wait longer. Our path actually gives our job creators some certainty they need to grow their businesses. But the other path, as I said, is a guaranteed sidetrack back into never-never land.

While one approach tells small businesses we are with them, the other says we are going to continue to work through this and wrangle back and forth, instead of enacting a bipartisan solution today.

The House of Representatives has already led by example. It is important to recognize that. They passed their 1099 repeal on March 3—more than a month ago—and it got great bipartisan support—314 to 112, and 76 Democrats voted for that repeal.

Not only does this legislation pay for the repeal of the 1099 mandate, it actually reduces the deficit by \$166 million over the next 10 years.

It requires repayment of improper health exchange subsidies—a concept the Senate passed unanimously in December to pay for the doc fix legislation.

If we fail to pass the House version today, well, the job creators are being told that they have to divert more of their resources to managing unnecessary paperwork.

Let's not vote for another alternative that is going to stall this out again. Let's cast a vote today that sends a clear message. Let's defeat the pending Menendez amendment, and then let's pass the bill so we can get it to the President and get it signed. I am hoping this gets strong bipartisan support. I want to say again that the victory today is not for either party or for a single Senator; it is for the job creators who are depending upon our action today.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana.

Mr. BAUCUS. Mr. President, my colleague from New Jersey proposed what I think is a very reasonable amendment to the revenue provision of the repeal of this 1099 provision. I plan to support that. It is a good amendment.

One of the key provisions in the Affordable Care Act is the tax credit that will be available to millions of low- and middle-income Americans to purchase health insurance if their employer doesn't make coverage available. That is a credit. It goes to middle- and low-income Americans. The provision that will pay for 1099 repeal will increase the amount that many Americans will have to pay at the end of the year if they receive a credit to purchase their health insurance and their income ends up being higher than the income on which their credit was based.

I share Senator MENENDEZ's concern that this will cause an undue burden.

This could increase premiums that people pay under health insurance, or reduce the benefits of their health insurance coverage, especially in the small business community, and he believes his amendment would reverse the provision—and it does in fact do that—if the HHS Secretary determines it will increase premiums or if it will reduce coverage, that is on health insurance coverage for small businesses.

The 1099 repeal is all about small businesses. That is primarily why we are going to repeal 1099. We don't want to turn around and hurt small businesses in the same bill. There is a real possibility that that would happen with a straight repeal, without the Menendez perfecting amendment.

I urge my colleagues to join me in supporting the Menendez amendment. In effect, that amendment would repeal 1099, which virtually every Member of the body wants to do, but also will make sure the consequences do not hurt small businesses, which will otherwise find their premiums increased or their coverage diminished.

Senator MENENDEZ very wisely anticipates that potential problem with his amendment by essentially providing that the increase would not occur as a premium—that is, the 1099 repeal would not occur if the HHS Secretary determines that it will increase premiums or also reduce coverage for small businesses. I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today we will vote on the Menendez amendment and then on Senator JOHANN'S amendment to repeal the 1099 tax increase provisions of the health spending law and the small business law. As you know, the health spending law was enacted a little over a year ago, and we are already here trying to undo some of the damage that this massive law has imposed on small businesses. We have heard from small business owner after small business owner who was shocked and frustrated to learn the 1099 provision in the health spending law would require small businesses to send out a much larger number of IRS Form 1099s.

This provision was a counterproductive assault on businesses, and it was unleashed for one reason: to provide the dollars to pay for ObamaCare's \$2.6 trillion in new spending; in other words, to try and back up that spending.

Just to be clear, this is what this provision requires: Starting on January 1, 2012, if a business pays at least \$600 in total in 1 year to a single payee, that business must send an IRS Form 1099 to the IRS as well as to that payee. Since businesses frequently pay at least \$600 in 1 year to all kinds of different payees, this means the health spending law has created an enormous paperwork burden on our businesses,

including many small businesses. This is exactly the kind of burden small businesses do not need to face at this time, when we are still facing unemployment at 8.8 percent, and small businesses create 70 percent of new jobs in this country.

The National Federation of Independent Business, whose membership is made up of small businesses, hit the nail on the head in its April 4, 2011, letter about this provision. This is what they had to say:

We are writing to urge you to support H.R. 4, the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, and to oppose the Menendez amendment. Passing H.R. 4 without any amendments is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act. Tax paperwork and compliance are already major expenses for small businesses, and the new reporting requirements included in PPACA will substantially increase these costs.

The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above \$600 in a calendar year. For many businesses this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

That is a pretty strong statement, and the message is clear. This provision will impose considerable hardship on American businesses. The result of this provision will be much more paperwork and much less job creation. I spoke this morning to the Tax Executives Institute, which is one of the most prestigious institutes in our country, especially on taxes. What I announced to them was that I think we are going to get rid of this provision, and I almost got a standing ovation. They went wild down there this morning.

This provision will impose considerable hardship on American businesses, especially small businesses. The result of this provision will be much more paperwork but a lot less job creation.

In addition, Monday, April 4, 2011, the U.S. Chamber of Commerce weighed in on this provision with a similar diagnosis. This is how the chamber put it:

The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all non-credit card purchases totaling \$600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new, complex recordkeeping, data collection, and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS. The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters from both the NFIB, the representative of small businesses in this country, and the Chamber of Congress.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 4, 2011.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 4, the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011" and strongly opposes an amendment by Sen. Menendez, which could leave intact the 1099 requirement.

The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all noncredit card purchases totaling \$600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new complex record-keeping, data collection and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS.

The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment. The Chamber may consider including votes on, or in relation to, these issues in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

APRIL 4, 2011.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to urge you to support H.R. 4, the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011," and to oppose the Menendez Amendment. Passing H.R. 4, without any amendments, is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act (PPACA).

Tax paperwork and compliance are already major expenses for small businesses and the new reporting requirements included in PPACA will substantially increase these costs. The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above \$600 in a calendar year. For many businesses, this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

According to an SBA study, the cost of complying with the tax code is 66 percent higher for small business as compared to a large business. Small businesses lack the compliance capabilities to track and report each new transaction, and in order to comply with this new requirement they will have to pull capital out of the business that could be better used to reinvest in the business and create jobs.

Passage of H.R. 4, without amendments, is the best way to remove the costly impact the 1099 requirement would have on millions of businesses.

Sincerely,

Aeronautical Repair Station Association; Agricultural Retailers Association; Air Conditioning Contractors of America; Alabama Nursery & Landscape Association; Alliance for Affordable Services; Alliance of Independent Store Owners and Professionals; American Association for Laboratory Accreditation; American Bakers Association; American Council of Engineering Companies; American Council of Independent Laboratories; American Farm Bureau Federation; American Foundry Society; American Hotel & Lodging Association; American Institute of Architects; American Nursery & Landscape Association; American Petroleum Institute; American Rental Association; American Road & Transportation Builders Association; American Society of Interior Designers; American Subcontractors Association, Inc.; American Supply Association; American Veterinary Distributors Association.

American Veterinary Medical Association; AMT—The Association For Manufacturing Technology; Arizona Nursery Association; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Associated Landscape Contractors of Colorado; Association of Free Community Papers; Association of Ship Brokers & Agents; Association of Small Business Development Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association; Bowling Proprietors Association of America; California Association of Nurseries and Garden Centers; California Landscape Contractors Association; Commercial Photographers International; Community Papers of Florida; Community Papers of Michigan; Community Papers of Ohio and West Virginia; Connecticut Nursery & Landscape Association; Direct Selling Association; Door and Hardware Institute.

Electronic Security Association; Electronics Representatives Association (ERA); Florida Nursery, Growers & Landscape Association; Free Community Papers of New York; Georgia Green Industry Association; Healthcare Distribution Management Association; Hearth, Patio & Barbecue Association; Idaho Nursery & Landscape Association; Illinois Green Industry Association; Illinois Landscape Contractors Association (ILCA); Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Office Products & Furniture Dealers Association; Indiana Nursery and Landscape Association; Industrial Supply Association; Industry Council for Tangible Assets; International Association of Refrigerated Warehouses; International Foodservice Distributors Association; International Franchise Association; International Housewares Association; International Sleep Products Association; Kentucky Nursery and Landscape Association.

Louisiana Nursery and Landscape Association; Maine Landscape and Nursery

Association; Manufacturers' Agents Association for the Foodservice Industry; Manufacturers' Agents National Association; Manufacturing Jewelers and Suppliers of America; Maryland Nursery and Landscape Association; Massachusetts Nursery & Landscape Association, Inc.; Michigan Nursery and Landscape Association; Mid-Atlantic Community Papers Association; Midwest Free Community Papers; Minnesota Nursery & Landscape Association; Motor & Equipment Manufacturers Association; NAMM, National Association of Music Merchants; National Apartment Association; National Association for Printing Leadership; National Association for the Self-Employed; National Association of Home Builders; National Association of Manufacturers; National Association of Mortgage Brokers; National Association of Mutual Insurance Companies; National Association of RV Parks & Campgrounds; National Association of Theatre Owners; National Association of Wholesaler-Distributors.

National Christmas Tree Association; National Club Association; National Community Pharmacists Association; National Council of Chain Restaurants; National Council of Farmer Cooperatives; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association; National Federation of Independent Business; National Home Furnishings Association; National Lumber and Building Material Dealers Association; National Multi Housing Council; National Newspaper Association; National Office Products Alliance; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Small Business Association; National Tooling and Machining Association; National Utility Contractors Association; Nationwide Insurance Independent Contractors Association; Nebraska Nursery and Landscape Association; New Mexico Family Business Alliance; New Mexico Nursery & Landscape Association.

New York State Nursery and Landscape Association; North American Die Casting Association; North Carolina Green Industry Council; North Carolina Nursery and Landscape Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing & Converting Technologies; OFA—An Association of Floriculture Professionals; Office Furniture Dealers Alliance; Ohio Nursery and Landscape Association; Oregon Association of Nurseries; Outdoor Power Equipment Institute; Pennsylvania Landscape and Nursery Association; Pet Industry Distributors Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Professional Golfers Association of America; Professional Landscape Network; Professional Photographers of America; Promotional Products Association International.

S Corp Association; Safety Equipment Distributors Association; Saturation Mailers Coalition; SBE Council; Sec-

ondary Materials and Recycled Textiles Association; Self-Insurance Institute of America (SIIA); Service Station Dealers of America and Allied Trades; SIGMA, the Society for Independent Gasoline Marketers of America; Small Business Council of America; Small Business Legislative Council; SMC Business Councils; Society of American Florists; Society of Independent Gasoline Marketers of America; Society of Sport & Event Photographers; South Carolina Nursery & Landscape Association; Southeastern Advertising Publishers Association; Specialty Equipment Market Association; Specialty Tools & Fasteners Distributors Association; SPI: The Plastics Industry Trade Association; Stock Artists Alliance; TechServe Alliance; Tennessee Nursery & Landscape Association.

Texas Community Newspaper Association; Texas Nursery & Landscape Association; Textile Care Allied Trades Association; Textile Rental Services Association of America; Tire Industry Association; Toy Industry Association, Inc.; Turfgrass Producers International; U.S. Black Chamber Inc.; U.S. Chamber of Commerce; Utah Nursery & Landscape Association; Virginia Christmas Tree Growers Association; Virginia Green Industry Council; Virginia Nursery & Landscape Association; Washington State Nursery & Landscape Association; Western Growers Association; Window and Door Manufacturers Association; Wisconsin Community Papers; Women Construction Owners & Executives; Women Impacting Public Policy; Wood Machinery Manufacturers of America.

Mr. HATCH. Mr. President, President Obama and congressional Democrats tried to sell the American people on their clunker of a health care law by saying it would bring down Federal health care spending. That would have been a miracle if it were true. But even the Obama administration's own actuary at the Centers for Medicare and Medicaid Services has confirmed that claim was false and that Federal spending on health care would actually increase as the result of the health spending law. Some estimate as much as \$2,100 per policy.

The Cash for Clunkers Program was bad enough, but Democrats managed to outdo themselves spending \$2.6 trillion in cash for this clunker of a health care law. This reminds me of a scene from the movie "Vacation." At the beginning of that film, Clark Griswold goes into a dealership to buy a new car before setting off with his family for a cross-country trip to Wally World. Yet instead of getting the new car he had ordered as part of a trade-in, the dealer gave him a pea green Family Truckster, as we can see in this beautiful photograph. Chevy Chase was, of course, Griswold. One only had to look at the Family Truckster to know that it was a lemon.

Clark told the dealer he wanted his old car back. Unfortunately for Clark—or the actor, in this case—his old car was crushed before he could get it

back. You can imagine the consternation Chevy Chase faced. You can see the Family Truckster in this picture behind me. There it is, with Chevy standing on top as Clark Griswold.

Clark's experience with the Family Truckster is a metaphor for Americans' experience with ObamaCare. Our Nation's health care system might have needed some work—there is no question about that—but the vast majority of Americans were satisfied with their health care. Yet Democrats gave Americans ObamaCare which, like the Family Truckster, is a true jalopy, and they did their best to crush our former health care system before we could stop them.

I also add that Americans, such as Clark Griswold, eventually reached their wits' end. The tea party, the gubernatorial elections in New Jersey and Virginia, the election of my colleague, the junior Senator from Massachusetts—all of these actions were the result of Americans standing up and letting it be known that they were sick and tired of Washington recklessly spending their money and recklessly regulating, and they were not going to take it anymore.

To borrow from Robert Daltrey, Americans made it clear that they are not going to get fooled again, but that did not stop the Democrats from trying.

At the time the health spending bill was being enacted, President Obama and congressional Democrats were raising taxes to make it appear they were partially paying for the \$2.6 trillion in new spending contained in the partisan health spending law. When the Democrats say this health law saved money, ask yourself this: If the law was actually going to reduce Federal spending on health care, would these massive tax increases have been necessary?

In the end, ObamaCare was more of the same—a tax-and-spend law that vastly increased the size of an already-bloated Federal Government.

President Obama and congressional Democrats should not have raised taxes and cut Medicare to fund a new entitlement program—an unsustainable entitlement program. After all, the three largest entitlement programs—Social Security, Medicare, and Medicaid—are already headed for a fiscal crisis. To create a fourth massive entitlement program when these three entitlement programs were already going broke was fiscal insanity. That is one reason we need to repeal the health spending bill in its entirety and start over.

Senator JOHANN'S amendment to repeal the 1099 provisions in the health spending law and small business law is a good first step in getting rid of the partisan health spending bill entirely.

I think a lot of people, including Members of Congress who voted for the small business bill last year, were sur-

prised to learn that Congress enacted a second 1099 provision last year. This is separate and apart from the 1099 provision enacted in the partisan health spending law. This new 1099 provision was enacted as part of the small business law last year. I voted against it. By the way, this provision is already in effect since it applies to payments made on or after January 1 of this year.

This 1099 provision causes landlords who are not even actively engaged in the rental real estate business to send in a Form 1099 to the IRS. It is required when they pay more than \$600 in 1 year to a vendor for goods or services. For example, suppose a landlord spends more than \$600 over the course of a year at a home improvement store. That landlord must send out a Form 1099 and send it to the IRS, as well as the provider of goods or services. In addition, that landlord must track down the vendor's taxpayer identification number, which is not necessarily an easy task to do.

This law creates a large and unexpected paperwork burden on these landlords. With the real estate market struggling, we should not impose new paperwork burdens on landlords which only hurt the real estate industry even more.

I urge my colleagues to vote yes on the Senator JOHANN'S amendment and vote no on the Menendez amendment. As I said, Senator JOHANN'S amendment is a downpayment on a total repeal of the onerous health care law that over time will wreck our Nation's health care system and lead to an explosion of new Federal spending.

I ask my colleagues to vote no on Senator MENENDEZ's amendment.

I personally wish to pay tribute to my colleague from Nebraska for his indefatigable efforts in trying to repeal these terrible paperwork burdens that nobody is going to look at anyway, that really are not going to make any difference and are just going to cost an arm and a leg over time. I thank him for the hard work he has done. He deserves credit for continuing to fight these battles.

I hope all of us on the Senate floor will get rid of this monstrosity today and hopefully work together to try and straighten out what is a very bad bill in ObamaCare.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The majority controls 19½ minutes; the minority controls 8 minutes.

Mr. BAUCUS. Mr. President, I first wish to correct the record. I stated earlier that if the Menendez provision is triggered, the 1099 repeal will not go into effect. That is not correct. What I meant to say is if the Menendez provi-

sion is triggered, then the new true-up rules in H.R. 4 will not go into effect. That is an important distinction. No matter what the result, 1099 will, in fact, be repealed. That is the main point.

I commend all Senators, including Senator JOHANN'S and others, who want to repeal 1099. It is very much the view of this body—I, myself, want to repeal 1099, but I also think the provision offered by Senator MENENDEZ is an improvement on repeal, even though repeal will actually go into effect.

I will also say that there are a lot of statistics bandied about regarding health care reform. The Fidelity company does an analysis of how much it costs people age 65 and older to pay for their health care. That is their premium cost as well as their insurance costs or out-of-pocket costs. Fidelity company has just concluded in the last week or so that as a consequence of health care reform, the number of dollars that seniors will have to pay for health care will actually be lower—not higher, but lower—than what it otherwise would be on account of passage of that bill.

BUDGET PROPOSAL

I want to say a couple words about the budget proposal offered by the House, the Ryan budget proposal. It is important for people to know what is in that budget. What is in it basically? Let me tell you. That budget cuts \$2.2 trillion in health care costs over 10 years—\$2.2 trillion in cuts in health care costs over 2 years. It repeals health care reform. That is what the Ryan resolution does. His budget resolution repeals health care reform.

What else does it do? It dismantles Medicare. It dismantles Medicare as we know it. Health care reform extends the life of the Medicare trust fund by another 12 years. The Ryan House Republican budget proposal repeals Medicare as we know it. It turns into a voucher program. Basically, it says this: There have been reports that it costs about \$15,000 to pay for seniors under Medicare for 1 year. There are reports that the Ryan proposal says we are just going to give people \$6,000 and give it to a health insurance company. First, that is a big cut, 15 down to 6 and, second, it is to a health insurance company. So the net effect of the Ryan proposal is very simple. It transfers wealth from seniors, from children—because of Medicaid and people in nursing homes—it transfers wealth from them to whom? Health insurance companies. The Medicare proposal is a transfer of wealth from seniors to health insurance companies.

Health care reform did the opposite. We extended the life of Medicare. How did we do it? In part, by cutting health insurance payments. So we helped seniors in health care reform and we cut health insurance companies. The Ryan House Republican budget proposal does

the opposite; it cuts benefits to seniors by a whopping amount and it takes that wealth and transfers it over to health insurance companies that will get higher premiums, higher bonus payments, their stock returns will go up, and their administrative expenses will go up. I don't think that is what we want to do. But make no mistake, that is the effect of the Ryan proposal.

Also, I might say, it reduces income taxes by about \$1.2 trillion. So the real net of the effect of the Ryan proposal is, take money away from people and give it to the health insurance companies and the wealthy. That is what the Ryan proposal does. That is exactly what it does. The Ryan proposal takes money, about \$5.8 trillion roughly, over 10 years—takes it away from people, especially seniors and kids on Medicaid, elderly who happen to be on Medicaid—there are big reductions further in discretionary spending—and lowers income taxes by about \$1.2 trillion. It lowers them. That is how it achieves budget savings of \$5.8 trillion. He cuts, cuts to the bone, and then cuts about \$1.2 trillion more than he has to because \$1.2 trillion is reductions in income tax.

I want the public to know what is in the Ryan budget. That is what it is. Let me say it one more time, clearly, simply. It is a transfer of money away from seniors and from kids on Medicaid and elderly on Medicaid over to health insurance companies—higher bonuses, higher salaries, stock goes up, and in addition it transfers money away from people to pay for tax cuts for the wealthy—not tax cuts for the unwealthy but tax cuts for the wealthy.

How did he do that? He lowers the top rate to 25 percent so the wealthy pay less taxes. He lowers the corporate down to 25 percent, so the bigger companies pay less taxes. That is how he does it. While we are talking about a short-term CR around here, and we are talking about a longer term CR around here, when we start talking about budgets, let's look closely at what is actually in that Ryan proposal.

Of course, we have to lower our budget deficits. Of course, we have to significantly lower our budget deficits. But, of course, we have to do it fairly, so all Americans are part of the solution, so health insurance companies are also part of the solution, so the most wealthy are also part of the solution. All Americans have to be part of the solution. The Ryan budget does not do that. It says only the seniors—we get the budget deficit reduction on the backs of seniors, on the backs of people who otherwise receive medical care under Medicaid and some other things, but also we shift income to the most wealthy by lowering their taxes.

I hope when we are voting on the Menendez amendment, which is important to do, also in the background we

understand what is going on in the other body. They may bring this up and try to pass it this week. They may try to pass it on the floor next week—I don't know. But we should recognize it for what it is and come up with a deficit reduction proposal that is fair, fair to all Americans, not on the backs of the seniors for the benefit of health insurance and not on the backs of average Americans for the benefit of the most wealthy, by lowering their income taxes by \$1.2 trillion over 10 years. That is not fair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are headed toward \$20 trillion in spending. The President's program, the Democrat's program, is maybe one-half of 1 percent, which is almost nothing. This is their program, a blank sheet of paper. That is what it is. At least Congressman RYAN, the Budget Committee chairman over in the House, is trying to do something that is worthwhile. By the way, just so everybody knows, the rich are not going to be treated tremendously respectfully in this matter. They are going to lose, on the top level, on entitlement programs. There is a cutback for those who reach a certain level of income. This is not as simple as it sounds, nor is it a desire to take anything away from senior citizens. It is trying to get our country's budget under control and it is out of control.

Mr. President, I yield up to 5 minutes to the distinguished Senator from Maine, if I can.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in support of H.R. 4, to repeal the mandate on small businesses throughout this country. The failure to repeal this onerous mandate of the 1099 requirement would have a profound impact on millions of businesses across this country and on the already stressed job market, as employers have to grapple with the enormity of this cost, not to mention the compliance with this regulation.

I certainly commend the author of this legislation, the Senator from Nebraska, Mr. JOHANNIS, for his tenacity, his perseverance, his relentlessness in bringing this to the forefront not only of the Senate but to the Congress and to the country. I hope we can join with our counterparts in the House of Representatives in an impressive, bipartisan vote because we do need to bring this to a conclusion.

I also appreciate that the Senator from Nebraska included in this repeal the provision I recommended, which was to repeal the provision that the mandate would be extended to rental property owners. This was a requirement that was included in the Small Business Jobs Tax Relief Act that be-

came law last fall—inexplicably, given the fact that the 1099 quagmire was already well known to everyone. Yet it was included in that legislation that became law—so those who are rental property owners will have to comply with this mandate as well. The big difference is, this requirement takes effect in January of this year so unsuspecting owners will already be subject to the burden of reporting to the Internal Revenue Service any business expenditures for goods and services that exceed \$600 per vendor, similar to all the other requirements under the law that will begin for 2012 for all small business owners.

As we all know, this new mandate on small businesses was imposed in the health care reform law. Yet it had nothing to do with reforming the health insurance industry. It had everything to do with raising revenues and placing inordinate burdens on small businesses. The rental real estate was added to this paperwork morass, and what is disconcerting is the fact that it directly affects those States that depend on tourism, such as my State of Maine, with respect to rental property.

I think it is going to be very important to make sure people understand this requirement will be repealed as part of this legislation. Failure to repeal this mandate will raise the compliance costs for small businesses astronomically. Already, as estimated by the NFIB, the major voice for small businesses in this country—they have estimated that small business compliance costs with respect to tax compliance alone is \$74 an hour. Tax compliance is the most expensive form of paperwork. So the burden on small businesses will be strenuous and inordinate. It is already disproportionate. Their costs are 67 percent higher than larger firms.

There is no question, given the ubiquitous nature of this requirement, that small businesses all across this country will come under the weight of these very stringent regulations, having to submit 1099 forms. In fact, I was talking to an individual the other day who heads up an organization which has 1,650 members and what did he say? He said every one of these members will have to file anywhere from 200 to 600 forms every day. That is 200 to 600 forms on a daily basis.

They didn't want to talk about taxes. They didn't want to talk about anything else. They wanted to talk about whether we were going to repeal the 1099 requirement. That is why there is so much support for this repeal. It is so important, during these difficult economic times, that we avoid imposing any tough regulations on our small business owners.

The other point to be made is, this 1099 requirement is vastly different from what is familiar to most Americans. For most Americans, 1099 forms

generally come from their financial institutions to report the interest they have earned on their savings accounts or to report the interest they pay on their mortgage to their lenders. That requirement is specific, to make sure they report directly their tax liability on the income earned in that specific tax year. Now we are reverting to a very different form by requiring businesses to report in the aggregate all their expenditures for goods and services to any vendor. That is a very different requirement.

My concern is one that has not been widely discussed. The fact is, by doing so, by making this conversion how we use the 1099 form, it is essentially putting in place an infrastructure, a system for a value-added tax, by requiring businesses to report all this information. So we could essentially have a system in place, where we could have a functioning value-added tax by taking the next step based on the information that is already required to be submitted by this requirement.

It is urgent we repeal this mandate. It is important to send that message. It is important to repeal this mandate in its entirety.

I yield the floor.

Mr. LEVIN. Mr. President, today we vote on a bill that would repeal the 1099 reporting expansion that was made into law under the Affordable Care Act. This reporting requirement was designed to improve tax compliance. However, many businesses fear this expansion could end up burdening not those who seek to evade their taxes, but those who innocently do business with those who do. This is why I support the repeal of this reporting requirement in the Affordable Care Act.

Unfortunately, I do not agree with how this bill would pay for this repeal. This bill would hurt individuals who receive modest pay increases or bonuses during the course of a year. The Affordable Care Act subsidizes insurance coverage for middle-class families making under 400 percent of the Federal poverty level who don't have access to employer provided coverage. Under current law, people close to 400 percent line are protected from substantial tax penalties if they receive a modest raise or bonus that bumps them into a higher income bracket. This bill would eliminate that protection and impose a retroactive penalty on those families that could amount to thousands of dollars. Those families, even if they end up over the line by \$1, would have to pay back the entire amount of their subsidies. For a family of four, for instance, this could mean owing more than \$5,900 on their taxes because of an unexpected increase in income from \$89,000 a year—398 percent of the FPL—to \$89,500—\$100 above the 400 percent FPL.

I support the amendment offered by Senator MENENDEZ that directs the

Secretary of the Department of Health and Human Services to study the impact of this bill on health care premiums and coverage for small businesses and their employees. If the HHS Secretary finds that the changes in repayment amounts under this bill would increase health insurance premiums for small businesses or their employees or increase the number of uninsured, the repayment amounts would revert to current law.

I look forward to continuing to improve the Affordable Care Act and will continue to fight for affordable and available health care for all Americans.

Mr. BINGAMAN. Mr. President, I rise today to raise serious concerns about the offset proposed for H.R. 4.

I am very supportive of the underlying intent of H.R. 4—repeal of the 1099 reporting requirements, which were created in Affordable Care Act. In fact, I have voted to repeal these requirements over the last few months.

However, I have deep concerns about the offset proposed in H.R. 4. The offset represents harmful policy and has been strongly objected to by President Obama in a Statement of Administrative Policy or "SAP" issued on March 1.

Specifically, H.R. 4 would increase the tax burden on American families seeking health insurance coverage in the new health insurance exchanges. The legislation does so by increasing the amount of repayment that must be made by families who receive health insurance premium subsidies. Note that these taxpayers could be reporting their income correctly to the exchange throughout the year but still owe substantial payment or "true-up" when they file their taxes simply because the look-back period for subsidy eligibility encompasses an entire year. For example, under H.R. 4, families that have no income for part of the year—for example because of the loss of a job—could owe \$12,000 in true-up payments because they secure employment midway through the year.

I am strongly supportive of ensuring that taxpayers receive accurate subsidies to help offset the cost of health insurance in the new State exchanges. Many experts throughout the Nation have told us, however, that it is critical to provide reasonable hold harmless levels for taxpayers given that subsidies are paid on a monthly basis and the look back period to determine income eligibility encompasses a year. These experts tell us that without such a hold harmless, taxpayers' willingness to participate in the new exchanges will be chilled resulting in only sicker, more costly populations coming to the exchange. This in turn, will drive up costs for individuals, families, and businesses purchasing coverage in the exchange. In fact, the Joint Committee on Taxation has confirmed to me that

they project hundreds of thousands of Americans will forgo the receipt of health insurance as a result of H.R. 4 and that a majority of the offsetting revenue from the amendment is generated by forgone health insurance coverage and subsidies, not the recouping of overpayments.

I ask unanimous consent that President Obama's March 1 SAP be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY
H.R. 4—COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

The Administration strongly supports efforts to repeal the provision in the Affordable Care Act that established information reporting requirements for tax purposes that place an unnecessary bookkeeping burden on small businesses. The Administration is committed to reducing the gap between taxes legally owed and taxes paid, but believes that the burden created on businesses by the new information reporting requirement on purchases of goods that exceed \$600, as included in Section 6041 of the Internal Revenue Code as modified by Section 9006 of the Affordable Care Act, is too great.

However, the Administration has serious concerns about the approach the Congress has taken to paying for the repeal. The Administration strongly opposes the House's offset to pay for this repeal in H.R. 4, which would undo an improvement enacted with nearly unanimous support in the Medicare and Medicaid Extenders Act that eliminated an egregious "cliff" in the tax system affecting middle income taxpayers. Specifically, H.R. 4 would result in tax increases on certain middle-class families that incur unexpected tax liabilities, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. The Administration also notes that a provision repealing the same information reporting requirements in the FAA Air Transportation Modernization and Safety Improvement Act would pay for the repeal with an unspecified rescission of \$44 billion that, in combination with other proposals currently under consideration in Congress, could cause serious disruption in a wide range of services provided by the Federal government.

The Administration looks forward to continuing to work with the Congress on the repeal of the information reporting requirements in the course of the legislative process, including finding an acceptable offset for the cost of the repeal.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Utah has 1 minute 20 seconds, the majority has 3½ minutes.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know we often read that Democrats and Republicans cannot agree. Here is a news flash: We agree on repealing 1099. I have listened to my three distinguished colleagues spend a lot of their

time talking about repeal of 1099. We absolutely agree. I have voted six times to do that. That is not an issue.

What is an issue, and my distinguished colleague from Nebraska—with whom I have worked with before in passing some important legislation, and I have a great deal of respect for him—talked about a victory for small business. I agree. But I want a total victory for small business, and a total victory for small business is not repealing 1099 and then giving them a bigger tax bill for their employees or raising the cost of insurance for that small business. A real victory is an opportunity to make sure we repeal 1099—my amendment clearly has 1099 repeal going forward—but then does a study that says if small businesses are going to face higher costs or their employees are going to face a \$10,000 tax bill, then that part of it should not proceed.

If I am wrong, nothing will happen. The study will come. They will say: No, small business is not going to have an increase; no, taxpayers are not going to get a surprise tax bill. Then the repeal will have already gone through and there is no foul, no harm. But if I am right, then voting against my amendment is voting for a tax bill for middle-class families, voting to increase insurance on small businesses.

The issue about going quickly to the President, first of all, is a priority. So if we pass this, this is not, as has been suggested, an alternative; it is just a single amendment to the existing bill on a provision that allows for the repeal to go through but makes sure small businesses and individuals do not get higher costs. That can go to the House. The House can pass it and send it to the President—away we go; we do not have a problem. Helping small businesses by reducing their paperwork while at the same time driving up health care costs and forcing coverage cuts for small businesses is simply not good policy.

In all fairness, I did not hear voices rise up when this bill was being delayed over the last week by some of my Republican colleagues trying to get their amendments considered, and those amendments were extraneous to small business. So we either have a double standard here or a desperate attempt to defeat what I think is a good amendment.

The House could have taken up the amendment, H.R. 4, and passed it into law by now. So I think it is somewhat disingenuous to have an argument that says we can't afford one amendment to proceed on this bill when our colleagues, at the beginning of this Congress, made a big production about a full debate and an open amendment process on all things considered on the Senate floor, but when there is one amendment that is meant to protect taxpayers and small businesses, oh, no, that is going to create an inordinate

delay, after we had well over a week of delays by Republican colleagues seeking extraneous amendments to a small business bill. Please.

Now, I love Senator HATCH's jalopy. I remember that movie, took my family to see it. But the worst jalopy would be taking away 1099 and then going ahead and giving small businesses higher costs and a higher tax bill for individuals. That is a real jalopy. That is a lemon.

So we have an opportunity to take away and undo and repeal the 1099. My amendment permits that to go forward but at the same time makes sure small businesses do not get hurt.

How will they get hurt? How may they get hurt? Well, a lot of States, for example, are considering whether to combine their small business and individual pools. For States that combine their pools, small businesses could see an increase in premium costs. The healthiest people with little to no health care costs will have the most flexibility to decide whether to purchase coverage, and they may simply pay the mandate penalty versus the potential for a \$10,000 to \$12,000 tax bill. With more healthy people opting out of buying insurance, the pool of people who ultimately enroll in the exchanges that would consist of, on average, less healthy individuals—that is going to push up the premiums for everybody else buying insurance in the exchanges, including small businesses and employees. That is only one example.

The other problem is, when you are facing your constituents, I hope you are ready to tell them that through no fault of their own—when they had a job, they lost their job, you know, 6 months into the year, and they face the fact that they are still over the amount, and now they are going to get a \$10,000 tax bill or, on the contrary, they didn't have a job when they got the subsidy, and then they got a job in the middle of the year and they are a dollar over the amount, and they are going to face a \$10,000 tax bill. Is that what we want to do, send that type of bill to families?

Finally, I appreciate hearing Senator HATCH say this is a downpayment on total repeal of the health care law. Well, you know, if we are going to do that, if that is what this is really all about, this is not helping small businesses. Helping small businesses means we repeal 1099 and don't increase their costs and don't send their employees a \$10,000 or higher tax bill.

So this is about, in my mind, making sure there is a win-win for small businesses because if we want to repeal the health care law, then that is about making sure we go back to preexisting conditions where a husband who had a heart attack on the job can no longer get insurance; where a child born at birth with a defect cannot get insurance; where a woman was facing 150-

percent higher premiums than a man simply because she was a woman; where, in fact, you couldn't keep your child, up to age 26, on your insurance as they are going through school; where, in fact, we could close the prescription drug coverage for seniors. If that is what we are talking about, that is a different subject, and we can have that debate. But this debate is about making sure we repeal 1099 and making sure small businesses do not get higher costs and their employees do not get a tax penalty. I think everybody should want to be for that. We can send it straight to the House. The House can pass this version and send it to the President. That is ultimately the opportunity here.

I urge my colleagues to support my amendment. That is why the Main Street Alliance, which also supports businesses, says: Our small business owners are very supportive of efforts to remove the imposition of the new 1099 reporting requirements. We cannot, however, accept a pay-for that undermines other important provisions of the law that helps small businesses and contains costs.

My amendment ensures that we do both—repeal 1099 and not put the burden on small businesses in terms of higher health insurance costs, and their employees. I urge passage of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 20 seconds, and the majority has 3½ minutes remaining.

Mr. HATCH. I ask unanimous consent that I give a minute to the distinguished Senator from Nebraska and then, if there is not enough time remaining, that I be given sufficient time, up to 2 minutes, with an equivalent amount of time given to the other side, to make my closing remarks.

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

The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, again with all due respect to my colleague from New Jersey, there have been over 200 business groups that have expressed opposition to the Menendez amendment, and that would include the NFIB, the National Association of Manufacturers, the Franchise Association, and the chamber of commerce. You see, requiring people to pay back what they should not have received in the first place is regarded as good government, not bad policy. That is what should be happening.

The second thing I would say about this is that this becomes a roadblock because we end up with a different House bill and a different Senate bill. If this is such a great idea, attach the amendment to some other bill that is

coming along, and we can get the study done.

So, again, I appreciate the opportunity to work with Senator MENENDEZ, but I do believe very strongly that we need to defeat this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, if you say you are for fiscal responsibility, you need to oppose the amendment of my friend from New Jersey. Here is why. The nonpartisan scorekeeper for tax legislation, the Joint Committee on Taxation, tells us that the Menendez amendment puts the savings on the House bill in doubt. That means that if the Menendez amendment is adopted, the House bill will add to the deficit by perhaps as much as \$25 billion. The Menendez amendment would maintain the risk of payment of billions in fraudulent, improper, or excessive health insurance exchange subsidies. What is more, the Senate unanimously agreed to a similar offset on the doc fix bill.

My friends, if you were against fraudulent, improper, or excessive health insurance payments before, stick to your guns—oppose the Menendez amendment.

I yield the floor, and I am prepared to yield back any time we have.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am compelled to answer because now I hear about fraud and \$25 billion. You cannot have it both ways. You cannot say this amendment costs money—what the Joint Committee on Taxation said is it could not determine a revenue score. And it is important to point out that this amendment does not spend an additional dime. And the only reason—the only reason—this amendment would have a revenue effect would be if the offset increases health insurance costs or cuts coverage for small businesses. Otherwise, there is no issue. So you can't have it both ways. Either there is an admission that it is going to cost small businesses more, cost taxpayers more, or it is not. That is No. 1.

No. 2, this is not about fraud. This is not about someone seeking something they did not have the right to receive. Fraud is individuals who are deliberately underreporting their income or fraudulently trying to get extra support. That is not what we do. Those enforcement provisions in the law to combat fraud and abuse are untouched by my amendment. This is simply about someone who honestly got a subsidy. And we have a provision in the law that deals with how they pay back, but it doesn't throw them over the cliff and send them a surprise \$10,000 tax bill. So that is simply not exactly quite the same thing.

Yes, the doc fix—we did use a provision to deal with the SGR with the doc fix, but we did not put small businesses and families at harm, as H.R. 4 does.

So the reality is that this amendment permits repeal to move forward. After the repeal, a study is done. If there is no harm, if it supposedly does not cost small businesses any more money, does not drive up insurance costs, does not cost the taxpayer maybe \$10,000 or \$12,000, fine. But if it does, then we would ultimately not have that harm come upon small businesses, come upon individual taxpayers with a surprise bill. And we could, of course, if that is the end result, which we don't know—that is why the Joint Tax Committee could not come up with a determination. We will not know until the study is done. Instead of having a risky venture, let's have the actual facts. Repeal will have gone through. We can protect small businesses and those taxpayers, and, if necessary, we can find a different offset. If they are wrong and I am right, that this concern about taxpayers getting a surprise bill and small businesses having greater insurance costs is true, then we will protect them and we can look for a different offset at the time. Repeal will have taken place no matter what.

Why would you not want to protect small businesses and taxpayers from getting a surprise bill? That is all my amendment does, and that is why I urge its passage.

Mr. HATCH. Mr. President, I would like to briefly respond to my friend from New Jersey's comments about the Joint Committee on Taxation's analysis of his amendment.

The Joint Committee on Taxation corresponded with Senator MCCONNELL's office on Senator MENENDEZ's amendment. I ask unanimous consent to have printed in the RECORD relevant portions of that e-mail discussion.

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

CORRESPONDENCE TO STAFF OF SENATOR MCCONNELL FROM TOM BARTHOLD, CHIEF OF STAFF, JOINT COMMITTEE ON TAXATION, DATED APRIL 5, 2011

You requested an estimate of the Menendez amendment (FRA11028).

The Johans amendment (which is essentially H.R. 4) increases maximum repayment caps for overpayment of health insurance exchange subsidies for taxpayers in certain income categories below 400 percent of the federal poverty level ("FPL"), and removes the caps for taxpayers above 400 percent FPL. We estimate that this portion of H.R. 4 raises \$24.9 billion relative to present law. The Menendez amendment (FRA11028) would amend this amendment to require that the Secretary of Health and Human Services conduct a study to determine if the new repayment caps in H.R. 4 will (A) increase health insurance premiums within Exchanges for employees or owners of small business, or (B) result in an increase in the number of individuals who do not have health insurance, a disproportionate share of which are employees or owners of small businesses. If the study determines that one or both of (A) or (B) would occur, the changes

to the caps in H.R. 4 would not be implemented.

We do not project an increase in health insurance premiums in the Exchanges for employees or owners of small businesses as a result of H.R. 4. We project that there would be an increase in the number of people who are uninsured as a result of the new caps in H.R. 4, because some people would avoid purchasing insurance through the Exchanges in order to avoid possible future increases in tax liability.

We would expect that about 1/3 of the adults who fail to enroll in the exchanges for this reason would be unemployed. Of those who are employed, we would expect that they would be roughly equally divided between being employees or owners of firms less than 50, and employees or owners of firms greater than 50. Thus, a larger share of small business employees would be affected than of large business employees, although small business employees and owners would comprise less than half of the newly uninsured.

Because it is unclear how the Secretary will interpret the terms "disproportionate share" and "small business," we cannot predict the findings of this study. If the study conducted by the Secretary reaches a similar conclusion to our estimate, and the Secretary deems that this would meet the criteria of a disproportionate share of employees or owners of small businesses among the newly uninsured, this amendment would result in failure to implement the new caps under H.R. 4, thus losing \$24.9 billion relative to the Johans amendment.

TOM BARTHOLD.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the Menendez amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted: "nay."

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—41

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murray
Begich	Franken	Reed
Bennet	Gillibrand	Reid
Bingaman	Harkin	Rockefeller
Blumenthal	Inouye	Sanders
Boxer	Johnson (SD)	Schumer
Brown (OH)	Kerry	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Whitehouse
Conrad	Menendez	Wyden
Coons	Merkley	

NAYS—58

Alexander	Burr	Corker
Ayotte	Chambliss	Cornyn
Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Ensign
Brown (MA)	Collins	Enzi

Graham	Lee	Roberts
Grassley	Lieberman	Rubio
Hagan	Lugar	Sessions
Hatch	Manchin	Shelby
Hoeven	McCain	Snowe
Hutchison	McCaskill	Tester
Inhofe	McConnell	Thune
Isakson	Moran	Toomey
Johanns	Murkowski	Vitter
Johnson (WI)	Nelson (NE)	Warner
Kirk	Nelson (FL)	Webb
Klobuchar	Paul	Wicker
Kyl	Portman	
Landrieu	Pryor	

NOT VOTING—1

Risch

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted "yea."

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

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—87

Alexander	Ensign	Menendez
Ayotte	Enzi	Merkley
Barrasso	Feinstein	Moran
Baucus	Franken	Murkowski
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Paul
Blumenthal	Hagan	Portman
Blunt	Hatch	Pryor
Boozman	Hoeven	Reed
Boxer	Hutchison	Roberts
Brown (MA)	Inhofe	Rockefeller
Brown (OH)	Isakson	Rubio
Burr	Johanns	Sessions
Cantwell	Johnson (SD)	Shaheen
Cardin	Johnson (WI)	Shelby
Carper	Kerry	Snowe
Casey	Kirk	Stabenow
Chambliss	Klobuchar	Tester
Coats	Kohl	Thune
Coburn	Kyl	Toomey
Cochran	Landrieu	Udall (CO)
Collins	Lee	Udall (NM)
Conrad	Lieberman	Vitter
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wicker
DeMint	McConnell	Wyden

NAYS—12

Akaka	Lautenberg	Murray
Durbin	Leahy	Reid
Harkin	Levin	Sanders
Inouye	Mikulski	Schumer

NOT VOTING—1

Risch

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage, the bill is passed.

The Senator from Colorado is recognized.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that at 2:15 p.m. the Senate proceed to a period of morning business with Senator COBURN being recognized for up to 20 minutes; that following Senator COBURN, Senator MIKULSKI be recognized for up to 15 minutes; and that following Senator MIKULSKI's remarks, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

STATUTORY DEBT LIMIT

Mr. COBURN. Mr. President, I want to speak on two or three topics, the first of which is the statutory debt limit.

We heard the Treasury Secretary today say that essentially early, late July would be the last time at which we could manipulate things to not surpass our debt limit. I wanted to ask the rhetorical question: What does the statutory debt limit mean? What it means is we put into law a limitation on ourselves on the amount of money we can borrow.

President Bush—I believe my facts are correct—asked for the debt limit to be extended seven times. This will be the second under President Obama's leadership. It has been extended multitudes of times prior to that. As a physician I am querying myself to ask the question: Why do we put a limit on our debt when every time it comes up, we raise the limit again? The answer to that question is the limit does not mean anything because we continue to disregard the difficulty we are in. If a debt limit meant something, we would make changes and take actions to

limit the amount of money we are spending so we would not break the debt limit or have to raise the debt limit.

As a physician, when I think about the debt limit, the debt limit is a symptom of simply another problem. That other problem is that we in Congress—this Congress, the Congress before this, and the 10, 20 Congresses before that—have not taken seriously the idea that this country has to live within its means. In fact, we are not living within our means. We were not living within our means before the housing crisis of 2008. We were not living within our means except one short period of time when we had a true net surplus of about \$36 billion, thanks to the tech bubble and the fact that in 1995, the 104th Congress did a rescission package of a significant amount, under \$30 billion, but the accumulated benefit of that allowed us to run those surpluses.

The question before our country today is: Is the Congress going to pass another debt limit? Are we going to raise the debt limit again and not do what every other family, every other business, and every other organization in this country has to do and, in fact, the rest of the world? And that is, they do not have the liberty of spending money they do not have on things they do not absolutely need.

I believe the question the American people ought to be asking of Congress and this President is: How dare you even consider raising the debt limit until you have done a thorough job of finding out whether the programs—the multitudes, hundreds of thousands of programs—we have actually function efficiently, actually do their intended purpose and, in fact, are a legitimate role for the Federal Government to be doing in the first place?

We are always going to have the partisan debate on whether taxes are not high enough or spending is not low enough. But all of those belie the real problem, which is this country cannot continue to live beyond its means.

In point of fact that this Congress does not want to do that, we have a small business bill on the floor about which we are all tied up in knots because we do not want to make votes that actually will cut \$20 billion worth of spending this year. We do not want to have those votes. We have had all these shenanigans to try to keep from coming to the floor amendments that actually do something.

The American people ought to look at us and say: What is going on? Do you not get it? Do you not understand that the country as a whole is now experiencing what a large number of our families did over the last 2 years, that the amount coming in is less than the amount going out and adjustments in how we spend and what we spend have to be made?

We have an ethanol amendment that I understand is controversial. The fact

is, it will be voted on after cloture is filed on this bill. But it is an amendment that will save a true \$4.9 billion this year alone. The money for that tax credit that goes to the international and national oil companies in this country to blend ethanol with fuel—they sent a letter and said they do not want the money. How does one justify voting to send money, \$4.9 billion, to ExxonMobil and Chevron and ConocoPhillips and all the rest of the big ones that are going to show tremendous profits with oil prices where they are today? When they say they do not want it, how does one justify continuing to send money to them? How does one vote against not sending that money back to the Treasury, not borrowing the money from the Chinese to pay the large oil companies to blend ethanol?

It is not a justification. The reason we are not having a vote is because they know it will be adopted. That amendment will be adopted. That is why we are not having a vote.

America ought to look at the Senate and say: You are not having a vote on something that will save America almost \$5 billion this year, before the end of this year that the people who are getting that money do not want and have written to the Congress and said, We do not want the money, and yet we are not going to be allowed to take that amendment up in regular order and not be able to have a vote on it because a small special interest group does not want that to happen?

Talk about dysfunctional. Talk about having our heads in the sand. Talk about not addressing the real problem with the debt limit when we cannot even do something that simple, of saving the American people \$5 billion on one amendment and we will not do it? Some real change has to happen, and not enough change has happened yet.

The Government Accountability Office issued a report a month ago outlining massive duplication throughout our government, the first third of it with massive amounts of duplication. The question on the other side is: Are these legitimate roles for the Federal Government? We are not even going to debate that issue. The fact is, they showed massive amounts of duplication in large areas across the government in which we have multiple programs to do the exact same thing.

We have an amendment that will save \$5 billion this year if we will vote on the amendment and say, Let's cut \$5 billion out of at least \$50 billion to \$100 billion we know is there, and let's do it this year, and let's have the administration mandate they have to do it.

That is another \$5 billion. In two amendments, we would have covered everything we would have cut with the CRs. They are common sense. They match what the American people want us to do. If we had true world bankers,

they would be telling us to do it as well. And yet we have not been able to achieve a vote on that amendment.

Then we have the fact that we have unemployed millionaires to the tune of taking, I believe the number is, \$20 million in unemployment checks—people earning \$1 million a year taking \$20 million from the taxpayers of this country for unemployment. We should not let that go on one second longer. Unemployment is for people who desperately need it. It is not for those who do not.

What we have also found is the tremendous cost, as we researched the data on the unemployment for millionaires, that we are spending almost \$5 billion a year to manage the unemployment program in this country at the Federal level, when 85 to 90 percent of the work is done at the State level. We did not even offer that amendment to downsize that activity.

The suggestion I have for my colleagues is let's go back to the debt extension, the statutory debt limit. I am of a mind—and I think the average American, regardless of what the consequences are and all the fear mongering we hear about, oh, you have to do this, you have to do this—I do not think we should do it until we have followed some of the commonsense prescriptions that the average family does in this country before we extend the debt limit. My knowledge of the functioning of this town says it is doubtful we will ever do that.

I call on my colleagues to start thinking about what the real disease is in Washington. The real disease is we do not have the courage to make the very hard choices that are in front of our country today and then live with the results of that in terms of how it is going to impact our political careers.

Everybody has a program they want to protect. The message for America today is every program is going to get hit. The Defense Department is going to get hit. Every program is going to get hit. My taxes are going to go up. Sorry, they are going to go up. This country cannot get out of this mess with the behavior we are exhibiting in this body. And if we fail to do what is necessary for our country at this critical time in our juncture, history will deem us absolutely incompetent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THE BUDGET

Ms. MIKULSKI. Mr. President, my colleague has talked about the disease in Washington, but I want to talk about another disease that seems to be running rampant in the House Republican caucus, and that is hypocrisy. Hypocrisy. The reason I say that is they say one thing and they mean another. They say one thing and they deceive the American public.

Ordinarily, I would not comment on the behavior or the tribal mores of the House Republican caucus, but they have had a field day on TV ridiculing the Senate, ridiculing the Democratic Senate, essentially doing a lot of name calling. I am not doing name calling. I am going to do fact describing.

The reason I call it hypocrisy is this: What they say they want to do, which is reduce government spending, they do not. They only do it on particular groups of people.

The other is something called the consequences of the shutdown. Let me say this: They want to cut spending, but they are unwilling to cut their own pay. Sure, I am for a government that is more frugal. I am for cuts. But I am not for their cuts. What they propose is reckless and radical, and when they do not get their own way, they say: Cut it or shut it.

However, I take this position: If there is a government shutdown, I do not think Members of Congress should be paid. If there is a government shutdown and we tell dedicated Federal employees that they are not going to get paid, that they are nonessential, the fact that we could not stop a shutdown shows we are not essential. I believe if there is a shutdown, Members of Congress should not get paid. I not only want to express that as a sentiment, I did that backing Senator BARBARA BOXER's bill which passed the Senate that said if there is a shutdown, Members of Congress do not get paid.

What did the House Republicans do? They passed a bill, I will not go through the details, but on this relevant section they said Members of Congress and the President do not get paid. But guess what. They allow for retroactive payment. The Senate bill does not do that. So they would be the only ones in a shutdown who can come back and pick up that little paycheck they have stuck in a corner. Talk about hypocrisy. That is called bait and switch. It ought to be under some kind of consumer protection law.

Even the title of their bill is wrong. Their bill is called the Government Shutdown Prevention Act. Their bill doesn't stop a shutdown. It doesn't even help with the sitdown. What is a sitdown? We would come to the table as grownup Americans, and we would try to arrive at how to pass a continuing resolution to fund the government that recognizes not only debt but that there are certain aspects of the government programs we need to be able to fund.

My constituents were outraged when Wall Street executives got hundreds of millions of dollars in bonuses. They should be outraged when, as Members of Congress, we are going to get paid when they do not.

Here is what I don't get. My home State is the home of the National Institutes of Health. Right now I have thousands of people working as a team to

find the cure for Alzheimer's, for AIDS, for autism, for cancer. We race for the cure, and we should, but we are going to tell those researchers they are non-essential.

Right now there are thousands of Federal employees processing the claims of Social Security, making sure someone who is disabled qualifies for their benefit. They are going to be told they are nonessential.

Let me tell you, on any given day, if somebody, in whatever town they live, goes to their Social Security office and finds it shuttered and they cannot apply for a benefit for which they believe they are eligible, I think they would rather shut us down than that Social Security office be shut down.

Ask anybody in the United States of America who they think is more essential, Members of Congress or the researchers working on a cure for cancer or those people working to defend our borders. I could give example after example; you know where they are.

It is very clear people know they depend, for the functioning of the Federal Government, on a civil service that is honest, that has integrity, counseling us to make sure we keep government doors open while we negotiate the numbers. Numbers do matter. I am ready to come to the table. I believe all Democrats are ready to come to the table. But we will not come to the table to engage in meaningless discussions and pursuing a way that is reckless.

I will discuss about the recklessness more, but I want everybody to understand Democrats in the Senate passed a bill that said if there is a shutdown, we don't get paid, no way, no day, and no backpay. So no way, no backpay. The House, in the meantime, did this sham scam that says: Yes, we will pretend we are not getting paid, but we are going to pick up a backpayment.

I don't get these guys. They want to take away Medicare and turn it into a voucher program, but they are sure happy picking up government health care. They love getting federally subsidized health care. They want to take away other people's pensions, but they sure like getting their Federal employee pensions. I am going to put an end to the hypocrisy, and I am going to put an end to the CR dangling.

I think we need to come to the table and pass a responsible budget that recognizes we are in a frugal era and we need to make sure the American people know we are on their side. At the same time, the American people need to know that many of us are willing to say if a shutdown comes and Federal employees get no pay and contractors get no pay, we get no pay and no backpay.

I will have more to say about this as this week unfolds, but before I sit down, please, let's sit down rather than shut down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have had a number of conversations over the last few days with my new friend, the junior Senator from Kentucky, Mr. PAUL. He feels very strongly about an issue, and he should have the right to talk about that.

I ask unanimous consent that there be 10 minutes for Senator PAUL to speak prior to my being recognized to have the bill called up; that is, the small business jobs bill, and that Senator PAUL be recognized as in morning business.

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

Mr. REID. During that morning business time, it will be for debate only by Senator PAUL.

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

The Senator from Kentucky is recognized.

WAR POWERS ACT

Mr. PAUL. Mr. President, I very much thank the majority leader for allowing this important debate to occur.

During his campaign, Candidate Barack Obama said no President should unilaterally initiate military conflict without Congressional authority. I agree with that statement. It is a very important constitutional principle and something that I think deserves debate.

I think the most important thing we do as representatives is voting on whether to go to war. If Congress does not vote to go to war or does not vote on the notion of going to war, we would have an unlimited Presidency, and this is a very dangerous notion.

I would take this position no matter what the party affiliation were of the President because I believe very strongly in the constitutional checks and balances. We will vote today on the President's own words verbatim. During the election, the President said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Clearly, the circumstances in Libya do not rise to this, and I think this vote is incredibly important. Madison wrote that:

The Constitution supposes what history demonstrates. That the executive is the branch most interested in war and most prone to it. Therefore, the Constitution has with studied care given that power to the legislature.

"Don't tread on me" was a motto and a rallying cry for our Founding Fathers. The motto of Congress appears to be: "Tread on me, please tread on me." The Congress has become not just a rubber stamp for an unlimited Presidency, but, worse, Congress has become a doormat to be stepped upon, to be ignored, and basically to be treated as irrelevant.

Some would say: We had no time. We had to go to war. There was no time for debate. When we were attacked in World War II on December 7, Pearl Harbor, within 24 hours this body came together and voted to declare war on Japan. There is no excuse for the Senate not to vote on going to war before we go to war.

The President had time to go to the United Nations, have a discussion, and a vote. The President had time to go to the Arab League, have a discussion, and a vote. The President had the time to go to NATO. But the President had no time to come to the people's house, to the Congress, and ask, as the Constitution dictates, for the approval of the American people and for the approval of Congress.

Why is this important? It is important because when our Nation was founded, we were founded as a constitutional Republic. We placed limitations not only on the President but on the Congress. We are supposed to obey the Constitution. These are important principles and we have gone beyond that. We have gotten to the point where my question is, Are we even obeying the Constitution in this body?

This is a sad day. This is a sad day for America. The thing is, we need to have checks and balances. Do we want an unlimited Presidency, a Presidency that could take us to war anywhere, anytime, without the approval of Congress?

Some have said: We are going to have a vote sometime, sometime in the next couple weeks. When we get around to it, we may have a debate about Libya. Had the President shown true leadership, the President would have, when he called the United Nations, when he called the Arab League, when he called NATO, the President would have called the leadership of the Senate and the leadership of the House, and we would have been here within 24 hours, having what should be the most momentous debate this body ever has on sending our young brave men and women to war.

We are currently engaged in two wars, and we are now going to be engaged in a third war. The interesting point is, when we went into Iraq and Afghanistan, we had votes in this body. President Bush came to Congress and there were votes.

The War Powers Act—some on the other side say: This is no big deal. The President can do whatever he wants as long as he notifies Congress within a certain period of time.

This is not a correct interpretation of the War Powers Act. The War Powers Act does say he needs to notify Congress. But the War Powers Act also says the President must meet three hurdles before taking our troops into harm's way.

No. 1, there should be a declaration of war or there should be an authorization of force from this body or there should be imminent danger to the Nation. None of those were adhered to. The law was not adhered to.

Some will say: The War Powers Act, no President recognizes it. Well, The War Powers Act is the law of the land, and the President needs to respect not only the statutory law of the land but the Constitution. I do not think these are trivial questions. But I am bemused, I am confused, I do not understand why your representatives are not down here debating such a momentous event as going to war.

I can think of no vote and no debate more important than sending our young men and women to war. It should be done reluctantly. We should go to war only when threatened as a nation. When engaged in two wars, we should debate the prudence of being involved in a third war. These are not trivial questions. I am amazed this body does not take the time to debate whether we should be in Libya.

Some have said: We will debate it next week. The problem is, the debate should occur before we go to war. At this point, we will have a vote. We will have a vote on the President's own words.

I will yield for a minute or two for a question, if that is OK. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, what we have with the situation with Libya presents us with a fundamental question, one we have wrestled with for a couple centuries as a nation. The founding era was a time that was fraught with wars. It was a time when we learned that executives sometimes abuse their power. Sometimes they will take us into wars in faraway nations without the support of the people, knowing full well it is the sons and the daughters of the people on the ground who are asked to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure these debates would always come to the forefront, that they would always be brought up by the elected representatives of the people in Congress. For that reason, although we give power to the President to be the Commander in Chief in article II of the Constitution,

in article I of the Constitution, we reserve that power, the power to declare war, to Congress.

This is how we guarantee that the people's voice will be heard and that people's sons and their daughters will not be sent off to war without some public debate and discussion by those who have been duly elected by the people and stand accountable to the people.

We have, over time, clarified the intent. We have made clear there are certain steps that have to be taken. We have also made clear that although there is, to be sure, a certain unknown continuum, a continuum that can be hard to define in every circumstance, between the President's plenary authority as Commander in Chief, on the one hand, and Congress's power to declare war on the other, there does come a point at which we can recognize that we are at war and that some authorization is required by Congress.

This very body, Congress, has, through the war powers resolution, attempted to distill some of these principles. In section 1541 of the War Powers Act—it is found at 50 United States Code section 1541—we are told there are circumstances, three circumstances to be precise—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, first of all, I wish to express my appreciation to the Senator from Kentucky. He is a gentleman. I know how sincere he feels about this issue. I admire him for feeling sincerely about issues, as he does on a number of them.

It has been good for me to get to know him better during the last 4 or 5 days.

I ask for the clerk to report the pending business.

SBIR/STTR REAUTHORIZATION ACT OF 2011—Resumed

The PRESIDING OFFICER. The clerk will report the pending business. The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of im-

proving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

Paul motion to commit the bill to the Committee on Foreign Relations with instructions to report the same back to the Senate forthwith with Paul amendment No. 276 (to the instructions on Paul motion to commit the bill), of a perfecting nature.

Mr. LEVIN. Mr. President, I rise to oppose the Paul amendment on the President's constitutional authority to order the use of military force. This amendment is flawed because it doesn't allow the President to respond militarily to a completed attack and only allows action to stop an actual or imminent threat to the Nation.

The amendment would in effect make it illegal for the President to unilaterally order the use of military force to protect U.S. interests except only in situations that involve preventing an actual threat to the United States or an imminent threat to the United States.

Numerous Presidential decisions to order the use of military force over the last 30 years would not meet the standard of the Paul amendment.

For example, under the Paul amendment President Ronald Reagan would have acted illegally in 1983 when he unilaterally ordered the invasion of Grenada, which did not involve an "actual" or "imminent" threat against the United States from Grenada.

Similarly President George H.W. Bush would have acted illegally under the Paul amendment when he ordered the 1989 invasion of Panama. President Bush justified the Panama invasion based on protecting the lives of U.S. citizens, defending democracy and human rights in Panama, and countering drug trafficking, not on an "actual or imminent threat to the nation."

Also, President Reagan's ordering airstrikes against Libya in 1986, 11 days after Libyan terrorist agents bombed the LaBelle discotheque and killed or wounded over 100 U.S. soldiers, might have been illegal under the Paul amendment. The President's response to Libya's sponsorship of terrorism arguably would not have met the standard of "stopping an actual or imminent

threat to the nation" because the tragic act of terrorism had already happened days earlier.

Finally, according to this amendment, President Obama acted beyond his constitutional authority when he authorized the use of deadly force by Navy SEALs to rescue Captain Richard Phillips from Somali pirates on April 10, 2010.

There are numerous other examples over the past decades when Presidents have ordered the use of military force to protect U.S. interests, but where such actions would not have met the standards of the Paul amendment.

I urge my colleagues to vote to table this amendment.

Mr. REID. Mr. President, it is my understanding that the Paul amendment is the pending business; is that right?

The PRESIDING OFFICER (Mr. FRANKEN). The motion to commit by Senator PAUL is pending.

Mr. REID. I move to table that and ask for the yeas and nays.

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

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—90

Akaka	Feinstein	Menendez
Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden

NAYS—10

Collins	Lee	Snowe
DeMint	Moran	Toomey
Ensign	Paul	
Johnson (WI)	Sessions	

The motion was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LIBYA

Mr. MCCONNELL. Mr. President, just a brief observation about the vote we just had. I would say to our colleague from Kentucky, Senator PAUL, the issue of the American effort in Libya is a legitimate discussion for debate, I think a legitimate issue for debate. That is a debate we need to have, and I will be talking to the majority leader about the appropriate time to do that.

A number of Senators are talking among themselves on a bipartisan basis about what kind of resolution would be appropriate, and certainly the Senate speaking on this issue is something we need to do in the very near future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET DIFFERENCES

Mr. HARKIN. Mr. President, the responsible leaders in Washington are working hard to find a compromise to fund the government through the end of the year. Regrettably, however, many Republicans in the House—spurred on by tea party radicals—are still threatening to throw a temper tantrum and shut down the government if they don't get all of their demands. This morning, the Washington Post reports that Speaker JOHN BOEHNER received an ovation from the Republican caucus when he told them he had directed the House Administration Committee to prepare for a shutdown, as Congressman MIKE PENCE, former head of the Republican Policy Committee, shouted at a tea party rally last week, "Shut it down!"

So it seems what we are confronting is kind of a monolithic House driven by

the tea party vigilantes, as I refer to them, to brook no compromise. They want it all their way or they are going to shut down the government.

Republicans are seizing on the budget crisis as a pretext for ramming through their longstanding ideological wishes. In Iowa, Wisconsin, Ohio, and elsewhere Republicans are using the budget crisis as the pretext for an assault on public sector unions and their hard-working teachers, firefighters, prison guards, and others. On Capitol Hill Republicans are using this crisis to try to defund health care reform, to gut Medicare and Medicaid and Social Security, and, yes, to cut tax rates even more deeply for the wealthiest in our society. This tea party budget is an unprecedented assault on the middle-class and working Americans. It would drive down our American standard of living, shred the economic safety net, reduce access to health care and higher education, and do grave damage to our public schools and our ability to prepare the next generation for the jobs of the future.

Let's be clear. This is not about reducing budget deficits. Republican Governors and Republicans in Congress are demanding budget cuts for the middle class. At the same time, they continue to push for tax cuts for large corporations and the wealthy. So call it what it is. Republicans are waging a class warfare in America. Republican Governors have the gall to attack teachers and firefighters, police officers, and other public employees.

In the words of Indiana Governor Daniels, he called them "the privileged elite." Think about that. Our teachers, our firefighters, prison guards, and others who are public union members are the privileged elite in our society according to Governor Daniels.

Why are they the privileged elite? Well, I guess because they actually have pensions. They actually have access to decent health care, and they are making decent wages with decent working conditions. That is the privileged elite. I guess now the middle class are people who are working for minimum wage at McDonald's, with no health care, no pensions, no retirement, and not enough to support their families. I guess that is the new middle class in America, but the privileged elite are those who have pensions, access to health care, and decent wages.

This is the worst kind of demagoguery against loyal and hard-working public servants, our friends, and our neighbors. We shouldn't be dragging people down because they have a middle-class life. We should be working every day to give every American that opportunity.

Meanwhile, as the Republicans at the State and national level go after the health care, retirement, and security of middle-class Americans, they are going all out to pass more tax cuts for the

wealthy. The Republican Governor in Michigan called for a \$1.8 billion cut in corporate taxes. Wisconsin Governor Walker has called for \$200 million in cuts. In Congress, just a few months ago, in December, Republicans demanded and got hundreds of billions of dollars in new tax cuts largely, again, for the wealthy.

Now, House Republicans—the tea party-driven House Republicans—are demanding we reduce the top tax rate for high earners. Get this, reduce the top tax rate for high earners from 35 percent down to 25 percent, preserving every penny of the tax breaks given to the wealthy back in 2001. All of these tax cut proposals will make deficits far worse. So, again, this whole battle we are talking about is not about deficits. Indeed, the tax cuts congressional Republicans secured in December will add, according to CBO, \$354 billion to the deficit just this year and even more next year.

Early this year House Republicans voted to repeal the health reform law which would add \$210 billion to the deficit over the next decade and over \$1 trillion in the decade to follow. Now, again, that is the savings CBO said would come about because of the health reform bill we passed. Yet these same Republican politicians in the House and around the country are claiming to be worried about the deficit.

Well, I think this demagoguery is not fooling anyone any longer. It is not about deficit reduction; it is about ideology. Republicans are taking a meat ax to programs for the middle class—everything from cancer research to Pell grants to health care. They are gutting the safety net started and built up over generations, starting with President Franklin Roosevelt. It is the same old Republican game plan: give huge, unaffordable tax cuts to the wealthy and give budget cuts to the middle class and the most vulnerable in our society, including seniors and people with disabilities.

This new tea party Republican budget proposal gives new meaning to the word “extreme.”

Look at what they have proposed. The new budget that has just come out on the House side would basically eliminate Medicare as we know it. It would create a new voucher program with seniors in the future paying out of pocket for many lifesaving health care costs. Estimates are that this would raise premiums and cut benefits of over 25 million seniors.

It is a massive giveaway to private insurers, a system that CBO—the Congressional Budget Office—tells us is much more expensive and, we know, less efficient than Medicare. By design these vouchers would not keep up with rising health care costs, so they would lose value every year with seniors paying the difference or ending up unin-

sured. Again, the assault on Medicare is a transfer of wealth from the middle class to insurance companies and their shareholders, their stockholders.

The House budget would reopen the prescription drug doughnut hole requiring seniors to pay \$3,600 a year more for prescription drugs. They propose to block grant Medicaid and cut \$1 trillion in health care services which would end vital services that seniors and disabled Americans depend on such as coverage for nursing homes or home health agencies by shifting the cost to the States. This would worsen State budget deficits and lead to higher property taxes. Seventeen Governors sent a letter to congressional leaders opposing this, saying it would shift costs and risks to States. States would be forced to bear all costs after hitting the annual cap just as the baby boom generation is entering the retirement years with likely steep increases in their health care and long-term care costs. The ensuing funding shortfall would leave States with an untenable choice between increasing taxes, cutting other State programs or cutting eligibility, benefits or provider payments.

That is a letter 17 Governors sent to the President.

I remind my colleagues that Republicans complained bitterly in the last Congress when we approved support for the States to maintain health programs for the poor in the recent recession—a level of support the Republicans are now trying to slash in the States. The House budget would put future seniors in the same budget fight, and the Republican budget proposal doesn't stop at dismantling the safety net and programs that the seniors rely on for a secure retirement. It makes profound and destructive cuts to the entire range of programs that underpin the American middle-class standard of living—everything from education, student grants, loans, law enforcement, clean air and clean water, food safety, biomedical research, highways, bridges, and other infrastructure—in short, all the programs and services Americans rely on for a decent way of life.

The Republican assault on the middle class is breathtaking, both in the scope and in its depth. It cannot come at a worse time for working Americans, who are already under enormous strain and fear that the American dream is slipping away.

It is no secret people are working longer and harder than ever before, but they still can't meet the cost of basic, everyday needs such as education, transportation, housing, and health care, let alone put away enough money to support themselves in old age.

Even before the great recession, during boom times, working people weren't sharing in our Nation's prosperity. Real wages peaked in the 1970s, and they have not moved since. Think

about this. Real wages, accounting for inflation, are about where they were in 1979. Think about that. The middle class in America has not made any headway since 1979. We wonder why people are upset. They see the middle class way of life slipping away from them and their children.

I don't think we can say the wealthiest 400 or 500 people in America are at the same place they were in 1979—not at all. In fact, in the mid-1970s, the top 1 percent of Americans, in terms of wealth, had about \$8 trillion in assets. Today, that same 1 percent has over \$40 trillion in assets. It is not the same as where they were in 1979.

The top 1 percent has seen their income soar. Last Friday, our colleague from Rhode Island, Senator WHITEHOUSE, was on the floor, and he had some very startling statistics. He pointed out that the 400 highest income earners in America earn an average of \$344 million a year. Got that? They earn an average of \$344 million a year, and they paid an effective tax of 16.7 percent. The average person working around here—the police we see here, the janitors, the food service workers, and others in the Capitol—do you know what they pay? They are probably paying 29, 30 percent of their income in taxes. But the 400 highest income earners only paid 16.7 percent. We wonder why people think things aren't quite on the up and up or quite fair.

Do you detect people who are just kind of feeling uneasy about where this country is headed? People are profoundly anxious about the future, but look at what the House Republicans are doing. They are going to make it worse on the middle class. People are worried they will not be able to have a decent house or enough food for their families or pay for their kids' college education. People are working harder, and they don't even take vacations any longer because they can't afford it.

If we learned anything from the great recession, it is that most families, even though solidly in the middle class, are one pink slip away from economic catastrophe. Everybody keeps talking about a recovery. Many of our friends and neighbors aren't seeing that. Corporate America is sitting on over \$1 trillion in cash, while 14 million Americans are out of work. That is just the official number. That is not counting another 15 million who are underemployed or who have quit looking for jobs because they have been shut out of the job market.

This doesn't look like a real recovery to me. It is a repeat of the last recession, when the recovery went to the wealthiest and the working people were left behind. Republicans have proposed a budget that will destroy the middle class in this country. That is what the Republican budget is about.

Many Republicans apparently believe that as public sector workers and others lose their jobs, it will be somehow

good for the economy. Two weeks ago, the Republican staff on the Joint Economic Committee released a report arguing that widespread layoffs would actually increase jobs. How about that for funny reasoning?

As Nobel Prize-winning economist Paul Krugman pointed out, this is a throwback to the thinking of Depression-era Treasury Secretary Andrew Mellon, the idea that by driving down wages and benefits, we will increase employment. This is now “the official doctrine of the GOP,” he points out. If we drive down wages and benefits, we will somehow increase employment. I suppose we could. I suppose if we got everybody down to working for \$1 an hour, there might be a lot of jobs out there.

The idea is not a job. It is not just having someone work. The idea is to have a good job. I have pointed out in speeches in the past that, when we think about it, in our sordid history of America, every slave had a job. Think about that. Every slave had a job. Were they free? Were they happy? Did they keep their families together? Were they able to build up a middle-class nest egg? Did they have decent retirement and health care? No. But they had a job. Is that all we are after is just a job? It seems to me that we are after jobs that pay decent wages, with decent working conditions, and allow people to have time with their kids and their families.

What is wrong with having a job that has a decent wage and decent working conditions and you get to take a decent vacation and you have health care coverage and you have a pension for your old age? What is wrong with that kind of a job? These are the kinds of jobs we want for Americans—not just a job. But the Republican philosophy seems to be just a job. Forget about the pension and your standard of living, just be thankful that you have a minimum-wage job. That is where this Republican budget is driving us.

I could not help but think about this in terms of what is happening in the world—in Libya and what happened in Egypt and in Syria and in Yemen and what is happening in other places around the globe. When stripped away from all of it, it seems to me that in all these countries, people are saying we have had enough of a system where a few at the top get everything and nobody else gets anything and we are all at the bottom. In so many of these countries, these revolutions are going on so people can have a more decent life, a better share, if you will, of the products of their own society. So they are going in the direction of trying to establish a better middle class, a stronger middle class.

What are we doing in America, the bastion of middle-class virtues. We are going in the other direction. We are destroying the middle class, taking away

the kinds of livelihoods that built the middle class. That is what this is about. The future of our Nation depends on our ability to ensure that the benefits from economic growth are widely shared. That means putting policies into place that build a strong and vibrant middle class, with good jobs, fair wages, and good benefits. That is the America I want to see, one where people who work hard and play by the rules can have a decent life.

Tragically, the tea party budget plan would take us in exactly the opposite direction. It would gut the whole range of programs that support the middle class in our country. It would dismantle the safety net that has been built for seniors, those with disabilities and the low income—a safety net created under President Roosevelt and has been strengthened since.

The Republican tea party budget is built on bad priorities, bad policies, and just plain bad values.

As columnist E.J. Dionne points out, Americans can now see “how radical the new conservatives in Washington are, and the extent to which some politicians would transfer even more resources from the have-nots and the have-a-littles to the have-a-lots.”

I don't believe the American people will stand for this unwise, unbalanced, unfair assault on their economic security and their way of life. We must stand strong and oppose these grossly misguided proposals in every way we possibly can. This is a battle that is joined and we cannot be faint of heart or weak in spirit. We must stand strong for middle-class values and what allowed America to become a strong middle-class nation. I believe the American people are definitely on our side in this battle.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, what is the order?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mrs. BOXER. Is there any time limit on Senators?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be given an additional 10 minutes.

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

Mrs. BOXER. Madam President, I come to the floor to talk about the pos-

sibility of a government shutdown and to say that such an alternative will be very hurtful for the people of this country. I was here when the government was shut down before by another Republican Speaker, and I can tell you that my small businesspeople around Yosemite National Park, for example, who count on tourism still remember the sting of losing over \$200 million because people had to cancel their trips. That is one example.

I know Superfund site cleanups were halted in their tracks. We had issues at the borders. We had a whole series of problems. It seems to me it is a reckless way to go, but it also seems to me the House Republicans want us to have a government shutdown.

Why do I say that? I say that because Republicans gave the Speaker of the House an ovation when he informed them “to begin preparing for a possible shutdown.” An ovation. I would hope we would reserve our ovations for our leaders when they tell us that because of our work in funding the National Institutes of Health, we now have a cure for cancer. I would like to have an ovation about that.

I would like to have an ovation for our firefighters and our first responders who are brave every single day. I would like to have an ovation for them.

I do not think having an ovation because we might have a government shutdown is appropriate, but it was an honest response. That is what they want. One has to ask why. Why do they want this? Because they want to cut \$100 billion from the President's budget, when Democrats have already agreed to meet them with \$73 billion in cuts?

There are three parties to these negotiations: the President, who is a Democrat; the Senate, which is Democratic; and the House, which is Republican. Since when does one-third represent a majority? Since when is one-third allowed to say: My way or the highway? Apparently, that is what they are doing.

They put H.R. 1 before the House that has all these cuts—but not just cuts, political vendettas attached, such as zeroing out funds for Planned Parenthood. Nothing to do with abortion funding because we cannot use Federal funds for that, but the other work of Planned Parenthood in preventing unwanted pregnancies, the work they do to ensure people can have contraception, the work they do to make sure there is not a spread of communicable diseases sexually transmitted. The work they do—and, yes, no matter what the rightwing says, to do breast cancer screenings.

There was a big article in the paper: Senator BOXER is spreading a big lie that Planned Parenthood does breast cancer screenings. They do breast cancer screenings. Although, I understand, one of their clinics does mammograms,

they definitely say to someone, if they find a suspicious lump in that breast cancer screening, they will help people get the help they need.

They do Pap smears. They make sure they talk about the dangerous spread of HIV/AIDS. Five million people go to those clinics. They want to shut them down.

They want to shut down title X—the whole program—which is family planning. On the one side, they do not want abortions. Nobody does. On the other side, they turn their backs on family planning. This does not make sense. That is what was in H.R. 1.

Also, in my State, \$700 million would have been cut in Pell grants, which meant 1 million California students who rely on these grants could no longer rely on them and, therefore, would have to drop out of college. That is what was in H.R. 1. That is what they want us to accept.

Head Start—everybody knows Head Start. It is a success story. The fact is, H.R. 1 would slash it by \$1.1 billion and would lay off 55,000 teachers and staff and more than 218,000 low-income children would be cut from the program. In my State, 24,000 low-income kids would lose access to Head Start. They are doing all this while they are giving huge tax breaks to the billionaires. It is wrong.

They would cut community health care centers—457,000 Californians. That is a big number. There are some States that have fewer than that. But 457,000 Californians would lose their health care if they went to community health care centers. Twelve centers would close. Why on Earth would anyone want to do it? They want to do it. We can figure out other ways to get to those cuts. There are other ways to do it.

What amazes me is that Democrats are the ones who balanced the budget with Bill Clinton. We took deficits as far as the eye could see and turned them around, balanced the budget, and created surpluses. Now we are being lectured that if we do not do it the exact way our friends want, which is to hurt children and education and environmental protection and, by the way, safety issues, such as making sure our airplanes do not develop holes in them, an important point, they go after all of this.

There are cuts to afterschool programs. That breaks my heart because I know 11,000 kids in California would be shut out. We all know kids need help after school. If they are alone, they get in trouble. If they get in trouble, it costs us money. These cuts are ridiculous.

We can sit together and work together and do it in a much more fair way, if people pay their fair share. If everybody takes a little bit of a nick, we can get there. We have shown them how to get to \$73 billion worth of cuts.

That is just for the next 6 months. They are demanding \$100 billion, their way or the highway. This is a ridiculous situation to be in.

I am going to say again, if you control one-third of the power in this trio where you have the President is a third, the Senate is a third, and the House is a third, and you are in the House and you are the only one run by the Republicans, by what measure do you have the right to say my way or the highway? I don't think the American people would think that is right. They want us to work together and that is the message of the President.

I have to tell you, this budget by the Republicans, H.R. 1, that we voted down here, would lead to nearly 900 fewer Border Patrol agents nationwide. Everyone wants to make sure our border is safe. Nine hundred would be gone. How about a \$1.3 billion cut in the National Institutes of Health, working as they are to develop new treatments and cures for cancer and Alzheimer's? If you ask the average family what they fear, they will mention we fear that somebody in our family is going to suffer from one of these diseases.

It is outrageous. They are going to kill an Energy Department loan program when we know we cannot be dependent on foreign oil. We need to find those alternatives. Energy research and development is slashed by almost \$2 billion. Transportation infrastructure is slashed. There are Draconian cuts at the Environmental Protection Agency.

And then all these riders. There are a whole bunch of them, as I know you are aware, on the Environmental Protection site. Here is the irony. The Republicans want to destroy the EPA, which was created by Richard Nixon, a Republican President. Former Administrators of the EPA Ruckelshaus and Whitman wrote a beautiful op-ed in the Washington Post—I believe it was the Washington Post, or the Times, I am not sure which—in which they clearly say this is a bipartisan matter. Yet the Republicans, in H.R. 1, want to stop the EPA from enforcing the clean air law, which will make our skies dirtier. Our kids will get asthma, premature deaths, and all the rest. Big surprise, we voted it down here. It only got 44 votes. It is radical. We can meet them way more than halfway—we already have—without hurting our people and still getting the budget cuts we need.

I am here to say it has now been 35 days, 35 days since the Senate passed S. 388. What is S. 388? S. 388 says, if there is a shutdown, Members of Congress and the President will not receive their pay. Why do I think this is important? Because most people do not know that, although our staffs will not get paid, although many Federal employees will not get paid, Members of Congress have a special protection built in because we

are paid under a statute and so is the President. So 35 days ago we sent over to the House a very simple bill. It said if there is a shutdown, basically that means failure on our part to keep the Government going—what could be more basic than that—we should not get paid and we should not get paid retroactively. Our colleagues over there have taken no action.

If you ask them, they will say: Yes, we did, we put that in another bill and passed it. You know what the other bill is? The other bill is an illegal bill. The other bill would make our Founders roll over in their graves. This is what the bill they embedded “no budget, no pay” in says. Follow me—and I especially hope the young people listening to this debate will follow me because you have learned how a bill becomes a law.

It goes through a committee usually. It doesn't have to. It goes to one House, they pass it; the other House passes it; so you get the House and the Senate, and then it goes to the President. He either signs it or vetoes it. If he signs it, it is law. If it is vetoed, two-thirds can override it.

Guess what, they put “no budget, no pay” into a bill that says the following: If the Senate has not acted by a date certain on H.R. 1, this horrible bill that I talked to you about, that bill will have been deemed to be the law. It is a new deal: “we deem.” In other words: I have 20 bills that I have introduced, today I deem them law. I have some great bills. One is a Violence Against Children Act, very important. Another would help many of my transportation folks. I deem them all law.

How is that legal? It is illegal. They are saying if we do not act on H.R. 1, again, it is deemed the law. It doesn't even pass the smell test, the laugh test, and they have embedded in it “no budget, no pay.” So, big surprise, we are not going to pass it over here in that form.

I am saying this is a maneuver, and a little dance by Speaker BOEHNER and ERIC CANTOR, who is the leader over there, to make it look as though they are not for them getting their pay but to do nothing about it.

Let me tell you what I have done. I have written a letter. It has many colleagues on it. I will read the letter. We are sending it by the end of business tonight.

Dear Speaker BOEHNER:

We write to discuss a meeting with you to discuss House passage of S. 388, legislation to prohibit Members of Congress and the President to prevent any Members of Congress from receiving pay. Over 1 month has passed since the Senate unanimously passed our bill. Despite written requests for immediate House consideration, you have failed to schedule a vote on stand-alone legislation that would treat Members of Congress and the President no differently from other Federal employees during a shutdown. Our bill is simple. If we cannot do our work and keep

the Government functioning, we should not receive a paycheck. If we can't compromise and meet each other halfway, then we should not get paid.

As we noted in a previous letter, while appearing on the CNN program "Crossfire" in 1995, Mr. BOEHNER offered his support for a bill identical to S. 388, so it is unclear why he has not scheduled a vote on stand-alone legislation. Embedding "no budget, no pay" in a bill that has no chance of passage isn't fooling anybody. We request a meeting with Speaker BOEHNER as soon as possible, whether in person or via conference call, to discuss how we can work together to immediately send this legislation to the President.

Here is a bill that passed here without a dissenting vote. It is basically 100 to nothing. In a time when we cannot agree on the color of that wall, we agreed to pass this "no budget, no pay" legislation. But Speaker BOEHNER, who got a standing ovation—maybe it was a sitting ovation; it didn't say standing ovation—but he got an ovation for talking about preparing for a shutdown, has not done one thing to make sure his Members and he do not get paid in case of a shutdown.

I think it is appalling. It is embarrassing. I am stunned. The reason I am pressing this is I believe that people should be treated equally. I believe that if they are cavalierly applauding and giving an ovation to Speaker BOEHNER when he talks about planning for a shutdown, I believe they want a shutdown and they have no skin in the game. They pay no price. They get paid.

We had one of them over there complaining he didn't get paid enough money. He gets paid over \$170,000. It wasn't enough money. Sorry, boo-hoo. There are people in this government who get paid \$60,000, \$40,000, \$30,000, and they are not going to get paid. Sorry.

I am going to keep coming to this floor, 36 days, 37, 38, 39, 40—this is just plain wrong.

I want to say who has signed our letter. You can see it is a good selection of the caucus, from liberal to conservative: JOE MANCHIN, CLAIRE McCASKILL, MICHAEL BENNET, BEN NELSON, BOB MENENDEZ, DEBBIE STABENOW, JAY ROCKEFELLER, KAY HAGAN, JEFF MERKLEY, RON WYDEN, MARK WARNER, SHERROD BROWN, TOM HARKIN, CHRIS COONS, JON TESTER, SHELDON WHITEHOUSE, and Senator MIKULSKI and Senator BEGICH. Myself and Senator CASEY are the first two names because it happens to be our bill. It is the Boxer-Casey bill.

In closing, I want to spread the word from here over to the House side that we are serious, those of us who signed this letter. We are keeping this issue in front of the American people because I assure you, if you walked out and asked anyone who happened to be walking down the street who was not

involved here, who didn't work for the Federal Government, and you said this: In case of a shutdown because the two sides fail to negotiate an agreement, the only people who are assured of their pay would be Members of Congress and the President, what do you think? I think the average person would say that is wrong; they should pay a price. This is a basic function of theirs, to keep this government running, to keep this country going.

I could tell, because I remember the last one, the pain and the hurt from people who wanted to get on Social Security, to veterans who trying to figure out their disability payments, frankly to everyone who calls your office or my office in deep trouble because they are having problems with a Federal agency, they need the help of a Federal agency, they want to make sure to get their Medicare taken care of, their Social Security taken care of, or they are contractors who have private employees and they are fixing the road or fixing a bridge. This is wrong.

We are trying to find out exactly who would be affected, but I can tell you right now is not the time to lose, for example, inspectors who are inspecting the safety of our aircraft. I hope they would stay on, but we do not know.

What about those who are inspecting our nuclear powerplants? You know, we have 23 reactors that are the same exact reactor as the ones that have these problems in Japan. We don't want to stop those inspections; they have to move forward. We don't want to have the USGS; that is, the U.S. Geological Survey, close down in the middle of making new earthquake maps. I care about this a lot. I have two nuclear powerplants that are on or near earthquake faults.

I say to my friends on the other side, I know my message is not pretty to you. It is not pretty to say you don't deserve to get paid in case of a shutdown, but that is my message. Once the American people wake up to this, that we are getting paid but our staffs are not getting paid, I think there is going to be an outcry. So I ask the Speaker on behalf of all those colleagues whose names I read to take up S. 388 without delay. It is sitting at the desk. What does it say? Members of Congress and the President should not be paid in case of a shutdown.

That is pretty simple.

I know my colleagues are on the Senate floor. Let me guess, Senator BLUMENTHAL and Senator LIEBERMAN, might you be here to discuss what happened last night? And I am going to—since my remarks were not happy, I am happy to give up the floor at this time and listen to their remarks. I congratulate both of them on a great victory.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT BASKETBALL TEAMS

Mr. LIEBERMAN. Madam President, I thank the Chair, and I thank my friend from California. One might say, in the context of the debates going on in Congress now, that Senator BLUMENTHAL and I have come to the floor of the Senate to talk about a governmental program that really works, that has inspired an entire State, perhaps a nation. I speak, of course, of the University of Connecticut baseball program.

It is with great joy that I come to the floor of the Senate today to congratulate the University of Connecticut men's basketball team and their great coach, Jim Calhoun, on winning the NCAA championship last night. This has been a remarkable season. A team that started unranked, a young team in a year that was supposed to be a rebuilding year came together in a magical way. They had their ups early in the season, they had their downs as time went on, but the run that began with the Big East tournament a few weeks ago has, for our State and I think anybody who follows and loves college basketball, really been inspirational.

I do want to say, in terms of inspiration and I suppose I might say in the spirit of bipartisanship or at least good sportsmanship, that I offer congratulations to the Butler Bulldogs on their great run in the tournament, which also was inspirational. I thank my Indiana colleagues for their good sportsmanship and for what they described as the best popcorn in America, made in Indiana—that is part of a friendly wager they made, Senators LUGAR and COATS, with Senator BLUMENTHAL and me—which we will be pleased to accept and devour.

This has been quite a year. Led by their floor leader, Kemba Walker, and assisted by an extraordinary group of young athletes, this group of student athletes demonstrated to all of us what a combination of hard work, dedication, commitment, and teamwork can achieve. Honestly, I tip my hat to these "top dogs" today of college basketball.

Of course, in my opinion, no matter how good and how much potential the players on this UConn men's basketball team had, they simply could not have done it without their great coach and a great man, Jim Calhoun. This is not the first time I have had the honor to come to the Senate floor to commend the performance of Coach Calhoun and the UConn Huskies. In fact, with last night's victory, Jim has etched his name in basketball glory by winning his third national title. He becomes only the fifth coach in history to win three national championships, and he joins the ranks of other greats such as John Wooden and Coach K, Mike

Krzyzewski. He is only one of 8 coaches to run up over 800 career wins.

Over the years, I have watched Jim build upon the athletic program at UConn, transforming it from an occasionally regional contender to a regular national powerhouse. His three national championships and seven Big East championships have put our team, the State team of a relatively small State, on the college basketball map and set a high standard of excellence. I think none of this would have happened without Coach Calhoun's vision, his drive, his caring for players, and his extraordinary basketball brains.

There is a larger lesson, as there often is in sports. But this was a team that came into the Big East tournament with most people thinking the season would end quickly for them. They had will, which is a word Coach Calhoun uses a lot. They always had the potential and the ability, but they had the will. I am looking at the Senate pages now, young people.

There are a lot of people who read these UConn Huskies out at different times of the season, but they didn't read themselves out of the competition, and their coach never did. He kept telling them they had what it took to be champions. They pulled together. They worked together. They developed their potential to the fullest. They played and lived like a family. And you might say Coach Calhoun is the loving father who employs a lot of tough love but draws greatness out of these players and gives all of us in Connecticut a tremendous sense of pride.

I do not want to finish my statement without also telling Coach Geno Auriemma and the great players on the UConn women's basketball team how proud we are of them and how much we thank them for another remarkable season that was also filled with historic accomplishments, including an impressive run to the Final Four and a recordbreaking 90-consecutive-wins streak. The Lady Huskies were led by the all-impressive Maya Moore, who achieved AP All American honors in each of her 4 seasons at UConn and scored over 3,000 career points. So I give my congratulations to Coach Geno Auriemma and to the players on the UConn Lady Huskies, who also made us proud.

I am going to yield the floor in a minute to my colleague, Senator BLUMENTHAL. It strikes me that this is the first time I have had the chance to celebrate here when my former colleague, Senator Chris Dodd, is not here. The first time we celebrated together on the floor, I ended my remarks with the UConn cheer. Afterward, Senator Dodd, then the senior Senator, gave me a hard time as to whether I would make a good cheerleader and whether it was a decorous thing to do on the floor of the Senate. I told him at the time that it could

have been worse—I could have just done the UConn Huskies' "woof."

But now I am the senior Senator, and may I conclude by simply saying U-C-O-N-N, UConn, UConn, UConn. National champs. I know my ending needs a little work, and I will be working on that from now until next year when we hopefully secure another championship.

I yield the floor to Senator BLUMENTHAL.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank the senior Senator from Connecticut for that very eloquent tribute to our team. I am not going to try to match the cheer this year but perhaps next. And I thank him for providing such a model of support for the University of Connecticut, truly a government program that works but also, obviously, one that is completely nonpolitical, bipartisan—perhaps providing another lesson for us here.

I am very honored to rise in celebrating this remarkable accomplishment. This majestic and momentous victory culminates a kind of magical journey for this team. They defied the odds. They disproved the doubt and the doubters, and they stared down adversity with real grit and grace. Remember that they rallied after losing 4 out of 5 of their last regular season games and then had an extraordinary streak of 11 straight wins to win the Big East and then the NCAA championship. They were relentless and courageous in believing in themselves throughout that very tough battle. At some point, as someone said, this team forgot how to lose—again, a life lesson for many of us.

As in every remarkable triumph, this one had a team effort and it had stars. Kemba Walker was perhaps the most notable among them, and he won awards that recognized his remarkable individual effort, but there were also freshmen who were important—I say that as a freshman Senator—Jeremy Lamb and Roscoe Smith.

As important as any player, as my colleague has recognized, was Coach Calhoun, who really demonstrated again the reason he is a champion and a hero to Huskies fans throughout the State of Connecticut and the Nation. He gave his team strength at the critical time, and he drew that strength from his own life experiences. Just last Sunday, he recalled his day, shortly after his father's death, when he was pumping gas and cutting stone and collecting metal in a shipyard in Massachusetts. He is a fighter, he is a leader, and the UConn basketball program has come a long way under his leadership.

Many recall the days when they had no championships and certainly no winning teams. The program began in 1901, with a season that consisted of a single game against Windham High

School, and it was 98 years until Coach Calhoun won them their first championship and now their third. He won that championship because of the great playing of those teams and the players who have gone on to performances that are remarkable in other leagues.

I also wish to join in paying tribute to Geno Auriemma and the Lady Huskies. They came very close, heartbreakingly close, to another championship. Maya Moore and every member of that team deserves our gratitude and admiration.

There is no doubt that both teams—both of them—have a bright future. I look forward to being here again next year and celebrating another Huskies victory, hopefully by both the women's and the men's teams.

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

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

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Madam President, PAUL RYAN is a Congressman from Janesville, WI. I know it because it is right across the border from Illinois. I have relatives and friends who live in the area. I like PAUL. I served with him on the Bowles-Simpson deficit commission. We spent a lot of time together. He is a very bright person, and he has been given a big assignment in the House of Representatives as chairman of the Budget Committee. He and I have different views of the world and of politics, but I respect him very much for his intelligence.

He has laid out a budget plan for House Republicans that is very specific in the goals he has set for America. There are some aspects on which PAUL and I agree. We agree on the fact that we are facing a deficit crisis. We cannot continue to borrow 40 cents for every dollar we spend. It is unsustainable. We borrow the money from countries such as China. China is a nation that is hard charging and competing with the United States, and they are one of our major creditors. That is a delicate position to be in, when a country that one is competing with for jobs and economic growth also happens to be its banker, its creditor. That is the case. We can't sustain that. As we watch our national debt increase, we understand we have to take serious measures to deal with it.

This morning, in a bipartisan meeting of Senators with the President, we had the chairman of the Senate Budget Committee, KENT CONRAD, describe our current situation. At this point in

time, about 14 percent of our gross domestic product is coming into the government in revenue, which is the lowest percentage in 60 years, and expenditures represent about 24 percent of our gross domestic product. That 10 percent difference between revenue and expenditure equals deficit. We have to reach a point where we are prepared to cut spending and make changes that will lead to a more stable economy and deal with our deficit honestly.

There were two State legislators who wrote a letter to the *New York Times* several weeks ago that caught my attention, a Democrat and Republican. They were talking about their State challenge, and they said: We have come to the conclusion that we can't cut our way out of it, and we can't tax our way out of it. We have to think our way out of it. We have to focus on changes in State government policy that reduce waste and inefficiency and move us toward a more solid position.

I think the same lesson applies in Washington. We have to be thinking about what we need to do to move forward so our children and grandchildren don't inherit the deficit we now face, a deficit which, of course, is growing by the day.

I always like to give a little historical perspective so people understand where we are and how we arrived. I ask people to think back to the year 2000, if they can. In the year 2000, President William Jefferson Clinton was leaving office, and President George W. Bush was coming into office. Snapshot: What was the state of America then? The snapshot would tell us that we had a national debt in the year 2000 of \$5 trillion. The accumulated net national debt of America when President Clinton left office was \$5 trillion. We were in our third year of generating a surplus; that is, more money coming into the government than being spent. The surplus was being put into the Social Security trust fund and buying more years of solvency for the trust fund.

President Clinton, as he left office, handed the keys to the White House to President Bush and said: This coming fiscal year, 2001, you will have a \$120 billion surplus. Welcome to Washington.

Now, fast-forward 8 years later. The year is 2008. President George W. Bush is leaving office, handing the keys to the White House to President Barack Obama. What was the national debt? It was \$5 trillion when President Bush came into office, and as he left the projected debt for the next year was \$11 trillion. In 8 years President Bush had more than doubled the national debt, and we were witnessing record deficits. He said to President Obama: Here is next year's budget. Incidentally, it is \$1.2 trillion in deficit.

How did this reversal occur in only 8 years? It occurred because the policies of the Bush administration called for

waging two wars and not paying for them and doing something that had never been done in U.S. history by any President: tax cuts in the middle of a war. A war is over and above the ordinary expenses of government. If we cut revenues at the same time, it makes it impossible to balance the budget. In fact, it drove us to record-high deficits. That is what President Obama inherited, an \$11 trillion national debt and a deficit for the first year in office of \$1.2 trillion and losing hundreds of thousands of jobs to unemployment as he was being sworn in.

Fortunately, the recession we face has slowed down and started to stabilize. As of last Friday, we are seeing the lowest unemployment rate in 2 years. We are coming out of this slowly, but we are coming out of it. We are making a recovery.

The point we made in the deficit commission—and it needs to be repeated—is, as we chart a glidepath to bring us out of deficit, let's get the recession behind us. Let's get the 14 million unemployed Americans back to work. We will not balance the budget with 14 million Americans unemployed. These are people who need the basic necessities of life and are not working and paying taxes. That creates a drain on the Treasury. We need to move toward restoring jobs, creating good-paying jobs as part of our overall agenda.

That is the lead-in to Congressman PAUL RYAN proposing a budget resolution on his side of the rotunda. He released it today. As we take a look at this resolution, where it leads, we see that Congressman RYAN claims that he will reduce the deficit by \$4 trillion over the next 10 years compared to the President's budget, but he achieves this solely through spending cuts. His cuts are focused. Instead of looking at all of the spending of government, he takes a small amount out of the Pentagon spending, some \$78 billion. In light of the Pentagon budget, that is a nick, a fractional amount. I want America to be safe. I want our security to never be in question, but we waste a lot of money at the Pentagon with contracting out and with things we should not buy. We could save a lot of money there.

Congressman RYAN's budget does not address that. He leaves, unfortunately, that aspect of the budget untouched, largely; \$78 billion over 5 years is hardly an effort to try to reduce waste and efficiency in the Department of Defense.

Then he turns to the domestic discretionary budget. That represents 12 percent of the overall budget. That has health care, education, medical research, things of that nature, in it. That is where he makes the biggest cuts in the coming 5 and 10 years.

When it comes to the revenue side of the equation, should, for example, those who are well off, millionaires,

pay higher taxes? No. The budget proposed by Congressman RYAN reduces the top marginal rate for individuals and corporations to 25 percent, from 39.6 percent, producing an enormous windfall with that reduction to the wealthiest individuals and corporations, even as spending for programs that benefit low-income families, such as Pell grants for students and low-income families to go to college, are being slashed under his budget. Because the tax plan is revenue neutral, the plan must by definition include tax increases for lower income Americans to pay for the tax cuts which Congressman RYAN's budget gives to the wealthiest 2 percent.

Is that the key to our future? Cutting taxes for the wealthiest people, raising taxes for lower and middle-income families? I don't think that is fair. Those of us who love this country and feel blessed that we were given a chance to live here and do well should accept the reality that we pay back something to this great country and keep it safe and growing in the right direction. Congressman RYAN's budget resolution goes in the opposite direction, cutting taxes for those who have been well off, those who are well-to-do.

What troubles me the most about the Ryan budget resolution is what it does to health care. We cannot seriously address the deficit and debt without addressing the cost of health care. As the Presiding Officer knows, we spent a lot of time debating that over the previous 2 years. We came up with a plan to try to at least reduce the rate of growth in health care costs. I think we achieved some good things. We tried to bring more people into coverage when it came to health care and fewer people showing up at hospitals with no insurance, no payment, actually having their medical bills transferred to everyone else.

Chairman RYAN released a budget proposal for fiscal year 2012 that would repeal the health reform law which we passed and was signed by the President. It would end the Medicare and Medicaid Programs as we know them today. His proposal balances the budget, unfortunately, at the expense of those who can least afford it: low-income families, seniors, and people with disabilities.

First, Chairman RYAN proposes repealing the entire Affordable Care Act. That means all the consumer protections and benefits put in place by that law would disappear. What does it mean to the average family? Right now we changed the law so young Americans can stay on their parents' health insurance policies until age 27. Having lived through this experience of putting kids through college, it is a real worry. One's son or daughter graduates from college, they no longer have health insurance through the ordinary means, either through college or

through the family, and now they are on their own looking for a job. If you are like most parents, you worry. They are one diagnosis, one accident away from serious medical bills. You want them to have the best care.

I can't tell my colleagues how many times I asked my son and daughter: Do you have health insurance now that you are finished with college?

Dad, I feel great. I am healthy.

I wish we could all be so confident. We changed the law so that young people could stay under their parents' health insurance plans until age 27. That is reasonable.

The Ryan Republican budget resolution would repeal that. I don't think that is helpful.

We also have what is called the doughnut hole in Medicare where seniors receive payments for prescription drugs. There is a gap in coverage called the doughnut hole. We start filling that in so seniors have seamless coverage so they can have the prescriptions they need to stay healthy, independent, and strong, out of the hospital, out of the nursing home, in the life they want to lead. Unfortunately, that effort would be repealed by the Ryan Republican budget resolution.

In addition, we put in the law a provision that people with preexisting conditions wouldn't be denied health insurance. Initially, we protect children. If you have a child who is diabetic, has a history of cancer or some other disease, it might be next to impossible to buy health insurance. We protect that family and say children under the age of 18 cannot be discriminated against because of a preexisting condition. The Ryan proposal would eliminate that protection as well.

It also means that health care delivery system reforms put in place by the law, things such as bundling payments to medical providers and reducing reimbursements to hospitals with high rates of infection would go away.

These changes are designed to lower health care costs, but the Ryan proposal would eliminate them. His plan is simply cost-shifting, not cost saving, because we had scored by the Congressional Budget Office—a bipartisan agency—a savings of \$120 billion in the first 10 years from our health care reform. So instead of reducing the deficit, Chairman RYAN's proposal will increase the deficit by at least \$210 billion by repealing health care reform.

Next, Chairman RYAN proposes converting Medicaid into a block grant program. He says this will help the States rein in costs with more flexibility. In fact, it just shifts the costs to States, low-income beneficiaries, and medical providers. When we look at the dollar amounts, he would be reducing Medicaid reimbursement back to the States by 28 percent.

Who are some of the beneficiaries of Medicaid in Illinois, in Pennsylvania,

and New Hampshire? Well, the beneficiaries include a lot of elderly people living in nursing homes. These are folks who no longer have a savings account to turn to. They have a Medicare payment and a Medicaid payment, and that is it. If we reduce the reimbursement under Medicaid, unfortunately, many of them cannot stay in the nursing homes and convalescent centers in which they now live. So we have to think carefully about the way we deal with Medicaid.

By my estimation, my staff's estimation, the \$770 billion cut in Medicaid with the Ryan budget proposal is about a 28-percent cut in reimbursement for Medicaid in the years to come.

That is not the worst part. The worst part, I am afraid, is Chairman RYAN proposes ending Medicare as we know it. Back in the 1960s, the creation of Medicare was the answer to the prayers of many senior citizens. They had Social Security, which provided them with a basic monthly payment that might help them maintain their independence and continue on if their pension or savings did not cover life's expenses, but then came medical expenses. With Medicare we said: If you will pay in through payroll taxes through a lifetime, when you retire you will be covered with Medicare insurance.

Story after story has been told in my family and others of people who found themselves not Medicare eligible but without health insurance. I had a brother—a late brother—who had heart issues. He retired as a member of management from Boeing aircraft and then had a massive heart attack and surgery, and then his health insurance was canceled before he reached age 65. He was worried, worried he would have to dip into savings if he ever had to go back to the hospital. Fortunately for him, he did not have another problem until he reached Medicare eligibility.

So Medicare ends up being a lifeline for many seniors; otherwise, they would see their savings exhausted which they planned to use for the rest of their lives and their security.

Chairman RYAN proposes ending Medicare as we know it and, instead, giving seniors subsidies to enroll in private health insurance plans. This might save some Federal funds, but that is because the Federal subsidy would not cover the full cost of private plans that are as good as Medicare.

I am glad to see Senator BILL NELSON of Florida on the Senate floor. My guess is, Medicare is a pretty important issue in Florida, and I think he probably has some strong feelings about this issue.

But what Chairman RYAN has proposed in the House budget resolution would mean seniors would lose the guaranteed benefits they have today. How much of a cut in benefits? Well, he is very explicit: 60 percent, a 60-percent

cut in Medicare benefits for senior citizens. How is that going to work? How are we going to find ourselves in a situation where private health insurance companies are somehow going to provide 60 percent more in services for the current cost? It is not likely to happen. This will not bring down overall health spending, incidentally. It just pushes the costs on to seniors and makes them sicker when they finally show up at the hospital.

In fact, Medicare provides health care for seniors at a price less than the same benefits cost in the private market. It is a popular program because it works.

The point I would like to make—and I see my colleague here; and I will yield the floor to him—is, I share Chairman RYAN's concern about the deficit and concern about health costs. But if we are going to be honest and deal with this, as I said at the outset, we cannot cut our way out of this problem. We cannot tax our way out of this problem. We have to think our way out of this problem. We have to find approaches that more effectively use the wonderful medical resources in this country at a savings.

We have to reward value when it comes to health care as opposed to volume. We have to make certain those who are ripping off current programs see that activity come to an end. If we work together on a bipartisan basis, we can achieve that. I hope we can do it on a bipartisan basis because it is the only way that will work. Trying to impose this by one party, whether it is in the continuing resolution or in the long-term budget resolution, is not likely to achieve the goals most Americans hope we achieve as Members of the Senate and Congress.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. NELSON of Florida. The Senator has pointed out very accurately the analysis of this most recent proposal by the chairman in the House of Representatives. If I recall, did we not address cutting some \$400 billion out of Medicare over the next decade in the health care reform bill that was passed last year?

Mr. DURBIN. That is exactly right, I say to the Senator from Florida, and there were people who were critical of us and said we were, unfortunately, cutting Medicare benefits, which we were not. The Senator may recall that one of the first amendments on the floor—it may have been from Senator BENNET of Colorado, if I am not mistaken—said we are going to protect Medicare benefits, but we are going to try to cut the waste out of the current Medicare Program—the duplication and the overcharging that is going on—so seniors will not pay in terms of health care, but the taxpayers will not be held responsible for something that is not serving them well.

Mr. NELSON of Florida. Will the Senator respond to another question?

Mr. DURBIN. I would be happy to.

Mr. NELSON of Florida. Is it true that in the proposal from the chairman in the House of Representatives, he would take the Medicaid Program—which, generally, is a split, something like 55 percent Federal money, with 45 percent State money, for the health care for the poor and the disabled—that his proposal is he would give this as a block grant to the States for the Governors and the State legislatures to decide how they were going to distribute it?

Mr. DURBIN. Yes, I say to the Senator from Florida, that is my understanding. But it also includes a 28-percent reduction in the amount of money the Federal Government is going to pay into this. So in your State, and mine, too, a lot of elderly people live in nursing homes and depend on Medicaid. Without Medicare and Medicaid, they could not stay there. If you cut by 28 percent the reimbursement under Medicaid, I wonder what is going to happen to those people.

Mr. NELSON of Florida. Would the Senator believe the experience of the State of Florida: When they tried to put all Medicaid into insurance companies—otherwise known as HMOs, health maintenance organizations—those organizations pulled out of serving the poor in rural counties, and yet that is a proposal in front of the State legislature of Florida at this very moment?

Mr. DURBIN. I would say to the Senator from Florida, representing a State as diverse as his, with rural areas and major urban centers, there are some areas where private health insurance companies are not going to do business because it is not profitable. So when Chairman RYAN says we will just try to shift all of this responsibility to the private health insurance market, I am afraid many Americans—those in rural areas, maybe some with preexisting conditions because he is repealing the Affordable Health Care Act too—are going to find themselves without health insurance coverage.

Mr. NELSON of Florida. And a further question to the Senator from Illinois: Would he characterize the proposal by the chairman in the House of Representatives on Medicare as not only cutting the payments to Medicare but the way Medicare is being delivered by altering that into the private sector?

Mr. DURBIN. I say in response—and this will be my last response because I have to run to a meeting—but the interesting point about Chairman RYAN's proposal is the money does not go to the senior citizens under Medicare; the money goes to the insurance company. Think about that: a voucher to an insurance company, and the hope is they would provide the coverage you need.

Medicare, I want to tell you, is like Social Security, one of those programs that people have confidence in. They know the coverage and they know what has happened. Since the 1960s, under President Johnson, when we initiated Medicare, seniors live longer, they are healthier, they are strong, and they are independent. That is what you get with good quality health care. When you start making 60 percent cuts in Medicare benefits, such as Chairman RYAN's House Republican budget proposal, you run the risk that a lot of people will not get the good coverage they have today in Medicaid and Medicare.

Mr. NELSON of Florida. I say in conclusion—and I thank the Senator for yielding—all you have to do is ask a senior citizen do they like their Medicare or would they prefer to have it done by an insurance company, and I think you will get a resounding answer.

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alaska.

USE IT OR LOSE IT

Ms. MURKOWSKI. Mr. President, I would like to take a few minutes this afternoon to perhaps switch the discussion from what my colleagues were referring to earlier in terms of the budget and speak a little bit about the issue of energy—obviously, a topic of great concern.

The President has addressed it as recently as last week in a major address at Georgetown. There have been a lot of discussions about what it is we need to do to respond to the higher prices families are paying at the pump and just how we deal with the issue of energy in general. There has been much discussion about this concept of “use it or lose it.” I want to speak to that proposal a little bit this afternoon.

It is a rather strange proposal that claims to address the rising cost of oil and gas for America's working families. The premise of this is, even with oil at more than \$100 a barrel, and even though lease terms are already limited by law to 5 to 10 years, energy companies somehow are hoarding Federal lands and refusing to produce the resources that are beneath them.

“Use it or lose it” has been presented by this administration and others as a way to increase our Nation's energy production. But even a cursory review will show this is fundamentally flawed in its premise. This proposal will not increase American production. It will not increase jobs or create jobs. It will not raise government revenues or bolster our security. Instead, I believe it is a diversion from our more critical need to produce more of our own resources and to streamline our burdensome regulatory processes.

Now, the idea behind “use it or lose it” is to simply punish companies for

not drilling on lands they have leased, so they either drill or they give back the acreage to the government which can then resell it to someone else. But, interestingly, this proposal has drawn some support from a number of Senators and from the President himself who, until recently, have claimed: Well, we can't drill our way out of this. We can't drill our way to lower gas prices. America's oil—and we have been repeatedly told this—has minimal impact on global prices and takes too long to bring online.

So I do not know, maybe this is a change of heart. If that is so, I am glad to see it. I do hope—I do hope—their proposal is a signal that, indeed, they would like to see drilling on every leased Federal acre onshore, offshore. That is certainly the premise of the proposal, even though it is perhaps a pretty major departure from the previous positions.

Now, the advocates of “use it or lose it” have pointed out correctly that there are millions of acres leased in this country that are not currently producing oil and gas, but they have misidentified the reason why. Chances are maybe there is just no oil present on that land. Perhaps exploration is ongoing or, in many cases, the Federal Government has simply blocked the drilling. To add a new penalty to this process and to add a new layer to existing bureaucracy will only backfire.

From the outset, I think it is important to understand what is involved in oil and gas production. This is an incredibly capital-intensive, labor-intensive business, and from a technological perspective, the process is extraordinarily complex. I think we saw, after the Deepwater Horizon, cameras trained a mile below the surface of the ocean, and it was described by many as, this is akin to how we deal with putting a man on the Moon. This is complicated stuff, and there is no “X marks the spot” as to where that oil is actually going to be found.

It can take years, not to mention tremendous amounts of money, to finally locate these commercial deposits. When there is resource present, it takes some teams of some pretty highly skilled and trained engineers to figure out how we are going to bring it to market. There are the entire legal departments that have to wade through the multitude of permits, the analysis, the plans that are required by our Federal Government. This process takes a considerable amount of patience and for lots of good reasons, but the government is certainly not in a hurry to provide leaseholders the approval they need to move forward.

Last week, the Interior Department had an opportunity to explain what goes on within the exploration process and show why not all Federal leases immediately produce oil and gas. Instead, the Interior Department issued a

report that attempts to portray many Federal leases as idle or unused. What could have been a very helpful and instructive process was instead hopelessly politicized, and that is unfortunate.

The findings of the Interior Department's report I believe defy common sense, general business principles, and what we know to be true about the Federal regulatory process. The definition of "inactive" purposely excludes many important development activities, and there is no acknowledgment that oftentimes it is the government itself that is causing the delays in drilling.

I guess one of the more telling examples of what is wrong with the Interior Department's new report is its depiction of what is happening in Alaska right now. Companies have been trying for years—trying for years—to bring their Federal leases in this State of Alaska into production. These efforts have been blocked. They have been delayed by the Federal Government, especially this administration, and they have been blocked at every turn. Despite this, the Interior Department's report claims that just 1 percent—1 percent—of Alaska's leases are producing and puts the blame on industry. But when I talk to folks back home, when I talk to those who are trying every single day, getting up and trying their hardest to advance so we can get to levels of production, they only find that there is yet one more hurdle, one more roadblock that is thrown up and thrown up by the government. It causes incredible frustration. It is hard to pick what would be described as the best example of companies trying to produce from their leases—which, I might add, they purchased at the invitation of the Federal Government—yet they are being forbidden by the administration from pursuing their exploratory operations. It is happening in the National Petroleum Reserve Alaska. Think about the name. This is the National Petroleum Reserve Alaska. That is pretty ironic. We can't get started there, and one of the biggest reasons we can't is we are being blocked—the producers are being blocked—from getting a permit to build a bridge over a river to get started.

As regrettable and as ironic as that example is, there is an even higher profile example that we see up North, and that is what Shell is attempting to do. They have set a record—and a record that is certainly not enviable but a record nonetheless—for both dollars invested and frustration experienced in return. This is a situation where a company has spent a little over \$4 billion—this is billion with a B—they spent \$4 billion to buy Federal acreage in Alaska's Outer Continental Shelf nearly 7 years ago. Since that time, Shell has done nothing but slog through an incredibly long and incred-

ibly arduous permitting process. Air permits that take 6 weeks to acquire in the Gulf of Mexico have now been delayed for over 5 years.

I ask my colleagues to put that in context. A company, at the invitation of the Federal Government, purchased leases over 7 years ago, has put more than \$4 billion into trying to get to exploration, has spent 5 years waiting on permits, where in other parts of the country permits can be turned around in 6 weeks, and they have yet the opportunity to even start. So can anyone honestly suggest we ought to punish Shell or any company that is going through this for the Federal Government's failure to allow even exploratory drilling to proceed? Is it fair that we demand Shell pay the price because the government has failed to issue a permit that even the EPA and even the Administrator of the EPA has acknowledged poses no human health risk? This is where we are sitting right now.

I was incredulous. I had an opportunity to ask the Secretary of the Interior, who is a friend of mine—most certainly a friend who I acknowledge has a very difficult job, a very challenging job—but he could not assure me that the so-called "use it or lose it" fee would not apply to the millions of acres of leased land in Alaska, both onshore and offshore, where the Federal Government has sold the leases but is not allowing drilling activity. It is similar to a commercial real estate company offering to rent some office space to you. We go ahead. You pay the rent. I never give you the key, so you can't access your commercial office space. Then I am going to go ahead and assess a fine. We are going to penalize you when you failed to open your doors for business. That is kind of what is happening up North. It is not a "use it or lose it" policy, it is "heads we win, tails you lose." My colleagues have to imagine: What would such a policy say about the way our government conducts its businesses and manages its resources?

"Use it or lose it" is drawn from a desire to do the right thing, which is to increase our domestic production, but I also believe it reveals a fundamental lack of understanding about how energy resources are developed and how they are brought to market. It risks very real consequences for our energy production here in America. Because instead of encouraging producers to find energy faster, it would actually discourage them from discovering it in the first place. Instead of creating jobs, it would likely end jobs. Instead of raising new revenues for the Federal Government, it would likely diminish taxpayers' returns from leasing and production.

It seems as though every time oil prices are on the rise, we come together and we debate how we are going

to respond to them and every time someone points out we should be producing far more of our own—frankly, very tremendous resource base—some steps forward with the potential scapegoat, perhaps to distract attention from our need to be leasing more new lands. It is like clockwork around here. Instead of making the hard choices about what we can do to better insulate ourselves from higher crude prices and geopolitical instability, we see proposals to impose windfall profit taxes, to pour unprecedented sums of money in unproven alternative technologies, to rein in speculators, to sue OPEC, to raise taxes and fees on production, and now to force companies to act faster or to face greater penalties.

Until we see some evidence that companies are refusing to develop their leases, I have to call it like I see it. "Use it or lose it" is a ploy to claim that we support increased domestic production, without doing anything to ensure that domestic production is the actual result of our Federal energy policies.

There has been a lot of discussion, when we are talking about energy, about Brazil and their potential—how that nation is set to significantly ramp up its oil production, and we commend the Brazilians. They have been able to make a number of very important discoveries, estimated at about 50 billion barrels of oil equivalent. According to the Wall Street Journal, Brazil's oil production rose by 876 percent over the past 20 years—876 percent over the past 20 years. They are now planning to double their current production in less than 10 years. So there are pretty remarkable things going on there. Even while Brazil is developing their current resource base, they are actively looking for more. They are working aggressively. They are pursuing that objective while expanding their production and their use of alternative energy sources. They are kind of pursuing the "all of the above" we talk about so often.

In the United States, we have technically recoverable oil resources estimated at 157 billion barrels, more than three times—more than three times—what Brazil has recently found. I don't understand. I don't understand why we refuse to set the same ambitious goals for increasing our production that Brazil has, even as we continue to pursue alternative energies that will diversify our supplies equally. When it comes to energy, we should strive to be our own best customer, not Brazil's.

As Federal policymakers, we need to think carefully about what we demand of any industry, including oil and gas. When we tax something, the fact is, we get less of it. I don't think we want to make ourselves even more dependent on foreign oil right now. We don't want to discourage domestic production, especially under the guise of promoting

it, and we have no reason to add yet another layer to an already daunting regulatory system.

I strongly urge us in the Senate, in the Congress, to recognize “use it or lose it” for what it is. It is an attempt to extract more money from the companies, not to extract more energy from the ground. It is not the right approach for America, and it will not move our energy policy in the right direction.

I do take comfort in one fact, and that is this: At least the debate is now about how to produce more oil and not whether to produce more oil. My work on the Energy Committee and certainly what goes on in the State of Alaska has taught me much about how and how not to achieve greater oil production if we want more domestic production—and I think we all recognize the President’s verbal commitment to this and the change of heart amongst some of my colleagues—it is time to eliminate the needless redtape and allow access to America’s huge resources that are still off-limits.

I thank the Presiding Officer for the time and the opportunity to speak this afternoon on yet another aspect of our country’s much needed energy policy and how we can continue to find ways that will move us toward a future where we do engage in energy sources that are clean and renewable while also harvesting our bountiful supply in this country as we find ways to produce more domestically.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Ms. MURKOWSKI. Yes.

Mr. NELSON of Florida. Mr. President, first of all, I wish to say to the Senator from Alaska that she knows of my respect for her and my personal friendship with her and my personal opinion that she is one of the finest Senators we have.

I do want to ask the Senator a question, and it is a circumstance that I happen to be here next in line to speak about a different subject than the Senator spoke about. This Senator is one of those sponsors of the “use it or lose it” legislation. I certainly will defer to the Senator from Alaska with regard to Alaska and the drilling offshore there.

My question is about the drilling of the Gulf of Mexico, which this Senator has some familiarity with, and that there are 37 million acres in the Gulf of Mexico under lease, where the oil is. But of the 37 million acres, there are only 7 million that are drilled. Thirty million acres are not drilled, and it has been that way for years and years. The Senator makes a compelling argument with regard to Alaska, but how can that argument apply to the 30 million acres in the Gulf of Mexico that are not drilled but, as the Senator has said, ought to be drilled?

Ms. MURKOWSKI. Mr. President, I appreciate the question of my colleague from Florida, as we recognize that coming from different parts of the country, where we have access in close proximity to the oil and gas resource, but we recognize that there are differences between where we are in our geography and perhaps the approach.

In the Gulf of Mexico, I think your climate allows for exploration and production probably 365 days out of the year, which is a little bit different than in our arctic environment. We respect that. To the Senator’s question, which is a very legitimate and fair question—this is why we had hoped so much that with this report from the Department of the Interior, it would have allowed for a breakdown so we could understand what is happening with these many thousands of leases that are out there and existing. What is the true status? To put it in idle or unuse is not very clear, quite honestly. What does that mean? Are we in the exploratory phase and so we are not in production? And what category is that? Is this an older lease about which perhaps they have determined there simply is not the—for instance, if you are drilling in some deep waters, it is extraordinarily costly. As I mentioned, these are complex, and the technologies are quite considerable. If you have done some exploration but you find very limited or perhaps nothing—as I mentioned, we don’t have that magic X that leads us right down to what we call in the north the “elephant find.”

So I think it is important to understand what it is that we have and the status of these leases. This information is critical to us, because if they are in the exploratory phase, and it is taking longer because, quite honestly, we have higher standards with the environmental permits, which are taking more time, and I think we realize after the Deepwater Horizon situation and a great deal of scrutiny on MMS, quite honestly, we didn’t have sufficient numbers issuing permits within that agency to keep up. So we need to understand where the issue is, where the problem is. There may, in fact—and I will concede on the floor that there may be some leases that are in existence where the producers have said: You know what, we only have so much ability to move forward with the financing of all of this, so we are going to explore and produce in wells 1, 2, and 3, but on 4 and 5 we are not prepared to advance on them as quickly. We think they may have potential, but we don’t know that. How can we help to facilitate that? Do we need more people within MMS to help expedite the permits? What does it mean to be an idle lease?

I will digress for a moment, if I may, because I think it is important for people to recognize that when we are talking about exploration in the Arctic, a

5-year or 10-year time period is simply not sufficient, because we cannot explore 365 days a year. Most times, the season is limited to about 60 days during the coldest, darkest, most difficult time of the year. But that is when the ground is frozen, when the permits are issued for exploration. So it takes multiple seasons to even get through the exploration phase.

I think it is important to recognize that not all leases are equal. Not every lease that a producer purchases from the government actually has anything worth developing. We need to know and understand a little bit more. We hoped to have learned that from the Department of the Interior report. Unfortunately, it didn’t give the detail we had hoped for. I appreciate my colleague’s question.

Mr. NELSON of Florida. Mr. President, as the Senator from Alaska is leaving the floor, I will say to her that I appreciate her point of view and what she has expressed. There is certainly an opportunity for working something out.

As I stated in my question to her at the outset, this Senator doesn’t know a lot about the leases in Alaska, but I certainly do know a lot about the leases in the Gulf of Mexico. For 30 million acres in the Gulf of Mexico to go undrilled for years and years, where out of a total of 37 million acres are leased but only 7 million acres are actually drilled and produced, it seems to me there is a wonderful opportunity for a lot more production, not just in 7 million acres but 30 million acres additionally. And if the company that holds that lease, and has held the lease for years, is not going to drill it and produce, then let somebody else do it. That was the theory behind this Senator’s sponsorship of that legislation.

As the Senator from Alaska has pointed out some differences in her State, it seems to me that this is, as the Good Book says, a place where people of good intentions can come and reason together.

Mr. President, I want to speak on another subject. I will tell my colleague that I am not going to be speaking very long. This will be short. I want to bring this to the attention of the Senate.

This is the Wall Street Journal from last weekend. Here is an article with the headline “Transocean Cites Safety in Bonuses.”

This is worth this Senator reading for the RECORD and calling to the attention of the Senate:

Transocean Ltd. had its “best year in safety performance” despite the explosion of its Deepwater Horizon rig that left 11 dead and oil gushing into the Gulf of Mexico, the world’s largest offshore-rig company said in a securities filing on Friday.

Accordingly, Transocean’s executives received two-thirds of their target safety bonus. Safety accounts for 25 percent of the equation that determines the yearly cash bonuses, along with financial factors including new rig contracts.

It is hard for me to believe that. Even if it were to meet some mathematical formula of awarding bonuses to executives at oil companies, why in the world that company would not have been sensitive enough to the families of 11 people who lost their lives as a result of what the President's task force investigating the Deepwater Horizon oil explosion and spill—the task force cochaired by our former colleague from Florida, Bob Graham—which said that the main responsibility for that explosion was the fact that the blowout preventer did not work as it was designed to. Who was the owner and operator of that? Transocean. We know there are lawsuits that are going on between BP, which had the lease, and Transocean, its subcontractor, which had the equipment that was supposed to work to prevent the spill that malfunctioned. Those lawsuits are going to be going on for some period of time, sorting it out. But the investigation, done by a highly respected investigative task force, came to that conclusion. And here that very same company, whose blowout preventer deep on the floor of the ocean malfunctioned, causing the explosion—11 lives were lost, and untold billions of dollars of damage was done to the economies of the Gulf States, and who knows how many billions of dollars of damage to the marine life and the ecology of the Gulf of Mexico, and safety is cited by this company as a reason for giving bonuses to its executives.

That defies common sense. It defies reason. I am sufficiently agitated about this—even with the company coming out and issuing some kind of retraction—that this Senator intends to ask the Secretary of the Interior, Secretary Salazar, what authority he has to regulate not only the leases of oil and gas tracts, such as BP, which held the lease, but also what authority he has to regulate the rig owners, such as Transocean and other subcontractors, which actually had the responsibility for the safety of the drilling operation, and that safety did not work.

I am going to ask our Committee on the Environment, chaired by Senator BOXER—I have already talked to her and her staff director—to hold hearings on the questionable response, the cleanup, the environmental and financial practices not only of Transocean but its contractor, BP. What in the world is going on?

Why do I bring BP into this? Well, it is not only that they held the lease. It was interesting. Last week, the head of the Washington office of BP came in to give me an update. We had a very good, amiable chat, and I asked a simple series of questions. One of the questions I asked was: With all of our people down there, many of them losing their businesses, losing their homes to foreclosure, because they don't have income as a result of the tourism trade

that was affected by the BP bill, what was all this about?

The first full payment was a \$10 million payment paid in full from the Gulf Coast Claims Facility to a BP partner. The head of BP in Washington said he did not know. It has been in the newspaper over and over. I have asked the question over and over. I have written to the Department of the Interior, as well as to BP, and I have written to the Gulf Coast Claims Facility and have received no answer to the question, why was the first payment paid in full in damages done to a business partner of BP? The representative of BP could not answer the question.

I think the Senate Committee on Environment and Public Works ought to get into that issue. I am going to also ask the Finance Committee in the Senate to hold hearings on the financial practices of BP and Transocean and other corporations such as those—a corporation such as Transocean that I think is domiciled in Switzerland and that holds a lot of its assets and earnings abroad, earnings that come as a result of doing business in the United States but of which those earnings are held abroad and taxes are not paid for the privilege of doing that business and earning profits in its business that is conducted in the United States.

We owe this to our taxpayers. This Senator certainly owes it to his constituents who have suffered mightily as a result of this BP oilspill, along with the malfunctions that went along in the procedures and in the equipment of that tremendous disaster that so many have suffered so long.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE BUDGET

Mr. THUNE. Mr. President, this Friday we run out of the current—which is now the sixth continuing resolution—short-term continuing resolution which we have been operating under since the end of the fiscal year, which was September 30 of last year. We started a new fiscal year October 1. Judging by some of the rhetoric we have been hearing around here, one would think somehow it is these big, bad, evil Republicans who are trying to shut the government down by trying to get a bill passed that actually would reduce spending for the remainder of this fiscal year, which ends on September 30.

I remind my colleagues—and I know sometimes it gets a bit redundant—it is a fact that the reason we are here is because last year the Democrats in the Congress failed to pass a budget and did not pass a single appropriations bill. There was no budget passed last year for this fiscal year and not a single appropriations bill passed before the fiscal year ended September 30. Be-

yond that, we had a lameduck session where we were here, we were here after November's election until the Christmas holiday, and never did we have a budget considered on the floor, nor did we consider a single appropriations bill. The reason we are here is to finish the unfinished business of last year. This is last year's mess we are now cleaning up.

We think the voters in the election spoke pretty clearly and sent an imperative to the Congress: We want you to reduce spending.

We have been trying, as we have attempted to fund the government through the end of this fiscal year—September 30—to achieve some level of spending reductions. It started in the House of Representatives. They passed a bill that reduced spending by \$61 billion over the previous year. It came over to the Senate. We had a vote on that bill to reduce and trim \$61 billion, and it failed. The Democrats put a bill on the floor which would trim \$4.7 billion from last year's spending level and which seemed to be completely divorced from reality as to how to seriously and meaningfully address the issue of spending and the debt and how to address the concern the American people have voiced this year over the \$1.5 trillion deficits we are seeing and now we are going to see even longer since the President submitted his 2012 budget.

The reason we are here is to do last year's unfinished business; that is, getting runaway spending in Washington under control, starting to live within our means—something every family in America has to do, something every small business in America has to do.

Here we are again coming up against this Friday deadline because there is resistance to reducing by \$61 billion the amount Congress spent the previous year. The \$61 billion, if one looks at the total budget, represents a little under 10 percent. Even if one looks at it in terms of discretionary spending, that amount we are actually appropriating annually that is the smaller part of the budget in Washington, it is a small percentage. We are not talking about, relatively speaking, a lot of money. I think it is reasonable. I think the American people believe it is reasonable. Yet we are having this huge meltdown around here because we do not have the political courage to do what the American people have asked us to do.

Frankly, if we were to reduce spending by the amount the Democrats propose and we had a vote in the Senate, it would be about the equivalent of 1 day of the debt. In other words, in this year, the amount of debt we are going to rack up—the amount they were talking about trimming from the budget was the equivalent of 1 single day of the Federal debt—a little over \$4 billion. It was not serious. Nobody can

take it seriously by any objective measurement.

To put it in perspective, in the last 2 years, spending has increased by about 24 percent. This is non-national security discretionary spending. It increased 24 percent at a time when inflation was only 2 percent in this country. Discretionary spending was growing at more than 10 times the rate of inflation. It seems reasonable that we could go back to those 2008 levels, indexed for inflation, which is what the proposal passed by the House that was defeated in the Senate would do.

We have had lots of testimony from the former Chairman of the Federal Reserve, Alan Greenspan, who said he expected we could face a debt crisis in the next 2 to 3 years. He said there is a 50-percent probability of that, in his opinion. We had the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, say that the biggest threat to America's national security is our national debt, which I think is a stunning statement coming from the highest ranking military official in this country. We have people saying there is the potential for a debt crisis, a 50-percent probability. We have this national security issue that is impacted by the level of spending and the level of debt. Then we have what I think, too, is an even more compelling argument because everybody talks about the need to grow the economy and create jobs, and yet this amount of spending and debt, according to most of the research that has been done, suggests we are costing ourselves as an economy about 1 percentage point of economic growth every year, which translates into about 1 million lost jobs. That is a significant, as I said, body of research that has been done that studied economies over the past half century or so and concluded there is a correlation between debt and economic growth when your debt-to-GDP ratio reaches 90 percent. We are there in the United States. We are well past 90 percent, and it is going to grow significantly more under the President's budget.

We cannot wait until tomorrow to do this. We have to attack this problem at every opportunity. Getting a vote on a continuing resolution that funds the government through the end of the year but does it at a reduced level of spending makes a lot of sense.

I do not know anybody who wants to see a government shutdown. We are here because there is unfinished business from last year. We have to get this budget passed, and we ought to do it in a way that is meaningful and serious and, I might add, reduces spending.

The President's budget, which he came out with a couple months ago and which starts the 2012 budget discussion, failed on every level to address the major challenges facing the country. Not only does he not deal with this issue of discretionary spending—and,

frankly, he has been missing in action in that debate entirely—we have not heard from the administration about this issue. More important, his budget does nothing to address the big part of the budget—Social Security, Medicare, and Medicaid—which constitutes today 55 percent of the Federal budget and will grow dramatically over time as the 80,000 baby boomers begin to retire. What he proposed in his budget is increased spending, increases in taxes, and about a \$12 trillion increase in the Federal debt over the next 10 years. Nothing serious is done in terms of addressing spending, debt, or taxes.

It is a colossal failure of leadership not to take on what is the most compelling and profound issue that faces this country right now; that is, this huge cloud of debt that hangs over our economy and over our children's future. The President said recently he did not want to take a machete to this; he thought we needed to use a scalpel. What he is talking about doing I suggest does not even constitute using a toothpick. There is not anything in here that does anything to reduce spending or get serious about trimming the size of the Federal Government.

What happened today? The House Republicans came out with a budget. Lo and behold, it is a budget that actually reduces spending by \$6.2 trillion over what the President's budget proposed or \$5.8 trillion over what the Congressional Budget Office baseline suggests we spend over the next decade. It reduces debt by \$4.4 trillion below the President's number, and it does it without raising taxes.

The first argument we heard from people coming to the floor of the Senate—and I heard some of my colleagues earlier talking about, oh, this is going to be so awful; just think of the senior citizens. I say to my colleagues, according to the House budget proposal, senior citizens are not impacted. Senior citizens are protected from any changes in Social Security or Medicare, as are people age 55 and older. If you are a senior citizen today or you are someone nearing retirement age, you are not impacted by this budget. What it does is it makes reforms in these programs so that future generations of Americans will have those programs available to them when it comes time for them to retire. The fact is—we all know this—if we do not deal with these parts of the Federal budget, we are not serious about dealing with the future.

This is a serious issue, it requires a serious solution, and it requires serious leadership. We have seen none of the above from the President or his administration or the Democratic leadership in Congress. So far, the only effort that has been made to address the issue of spending and debt and jobs and the economy is being done by the Republicans in the Congress.

Considering the fact there is only one body of the Congress that is controlled by the Republicans—the House of Representatives; the Democrats control the Senate and set the agenda, and we have a Democratic administration, a Democratic White House—one would think that to do something of this consequence and magnitude, it would take a bipartisan effort. One would assume this would be a bilateral discussion that would be occurring between the White House and the Congress and not just the Democrats in Congress but the Republicans. But none of that seems to be occurring, and there does not seem to be any interest on the part of the President in stepping forward and putting a plan forward that actually does reduce spending, that actually does deal with this massive debt, and that actually gets serious about putting people back to work, growing the economy, and creating jobs. His budget, as I said, increases spending by \$400 billion, increases taxes by \$1.5 trillion, and adds somewhere on the order of over \$12 trillion to the Federal debt. That is the President's budget.

The Republican budget that was put forward today—and I am sure we are not going to agree with every aspect of it, but at least it is a serious, meaningful effort—reduces spending by \$6.2 trillion over the President's number and \$5.8 trillion below what the Congressional Budget Office says it will spend over the next decade. It reduces debt \$4.4 trillion more than what the President has put forward, and it actually gets government spending as a percentage of our gross domestic product under 20 percent, which is where our historical average has been for the last 40 years. That is what we have been looking at. It takes on these issues.

Whether one likes the approach or not, please at least let's have a discussion about it. Let's have a debate and let's have a proposal put forward so that we have something we can actually have a discussion about because so far all we have is a one-sided discussion. The Republicans have led the debate about how to deal with the discretionary part of the budget we are dealing with in this continuing resolution, and the Republicans have the only proposal that has been put forward that deals with the long-term issues of Social Security, Medicare, Medicaid, and tax reform, which, by the way, is an important issue to our competitiveness and our ability to grow the economy and create jobs. All those issues are addressed in the budget put forward by the House.

What has been put forth by the administration is not serious. These are serious times that require serious leadership and serious solutions by the President of this country, and we are not getting that out of the White House, nor are we getting it out of the Democratic leadership in the Senate. I

hope that will change. I hope my colleagues here in the Senate will recognize and the President will recognize we can't afford to wait any longer.

We have added over \$3 trillion to the Federal debt in the first 2 years of this President's administration, and that number, as I said, will grow by about \$12 trillion over the next decade. The interest alone that we will pay by the year 2015 will exceed what we spend on national security. We will spend more on interest on the debt than we actually spend on the defense of this country. That is the trajectory we are on. We cannot afford for the future of our children and grandchildren to stay on that trajectory. We have to change the direction we are headed in this country and it starts now.

So I give great credit to our House colleagues. I hope we will be able to get to a meaningful discussion here in the Senate about how to get spending and debt under control, how to grow the economy and create jobs, and how to rein in the size of the Federal Government. It seems that, here at least, a lot of my colleagues must be very comfortable with spending over 25 percent of our GDP on the Federal Government because that is where we are today. As I said before, the 40-year average is down in the 20- to 21-percent range, which is where the House Republican budget would take us. I think it is a good starting point. It should trigger, I hope, a discussion in this country.

But I certainly hope as well that the other side, the Democrats here in the Congress and White House, would engage the debate, would enter this discussion. Please, put forward an alternative, instead of coming out here and attacking, and particularly attacking in a way that is misleading and misinforming. Senior citizens are not impacted by this proposal that was put forward today. If you are 55 years or older, you are not affected by this. You keep the programs you have today. What this does, in a meaningful way, is to reform those programs so that they are available to future generations of Americans. We have a moral obligation to them to take the steps necessary to provide a future that doesn't saddle them with a mountain of debt.

By the way, that debt has grown from about \$1,900 per person in 1970 to \$44,000 per person today. Under the President's budget, 10 years from now, it will be \$88,000 per person. That is what we are doing to the future of our children and grandchildren unless we take steps to change our direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Senator COATS pertaining to the introduction of S. 727 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HAGAN. Mr. President, I rise today to urge my colleagues on both sides of the aisle to join together to prevent an irresponsible government shutdown.

The American people did not elect us to shut down the government.

Democrats and Republicans in both the House and the Senate must tighten the Federal Government's belt, just like Americans are doing every day at their kitchen tables.

As we all know, our escalating national debt is our country's most pressing problem. Our country's current fiscal course is simply unsustainable.

In just the last 10 years, our Federal debt has risen from roughly a third of our gross domestic product to nearly two-thirds of GDP in 2010.

Based on the nonpartisan Congressional Budget Office estimates, without proactive action by Congress, that percentage will continue to increase over the next 10 years, with public debt expected to reach 90 percent of GDP in 2020.

Meanwhile, nearly half of our current debt is owned by China and other foreign creditors.

It is time for Congress to work together to chart a new bipartisan course that puts our fiscal house in order.

Before coming to the United States Senate I served for 10 years as a State senator in the North Carolina General Assembly.

I served as the cochair of the Budget Committee, and I can tell you that crafting a budget is never easy. There are always difficult choices, and both sides have to make sacrifices.

As a Budget cochair, I worked for 5 consecutive years to ensure that North Carolina's budget was balanced, that we still made critical investments in our communities while eliminating unnecessary spending.

It takes cooperation across party lines to meet fiscal challenges and to ensure government is both leaner and more effective.

We need bipartisan cooperation this week to prevent a Federal Government shutdown, which is an irresponsible outcome.

Keeping the government functioning for the American people is Congress's core responsibility.

We must come together to cut spending and support critical priorities, such as education, that strengthen our economy and support economic development in North Carolina communities and in communities across America.

And while I believe we all share the common goal of reducing our Nation's deficit, we should remember that our most troubling economic challenges cannot be solved in 1 year alone.

That is why I am concerned by some of the cuts passed by the House.

The House proposal would result in the loss of some 21,000 North Carolina jobs and decimate important education priorities, like Headstart and investments in historically Black colleges and universities.

Nearly one in five African Americans who earn an undergraduate degree has a diploma from a historically Black college or university. North Carolina has 10 4-year HBCUs, more than any other state in the country.

Funding through the Department of Education allows these institutions to strengthen programs and provide critical services for students who are often among the first in their families to attend college.

The House would cut funding for HBCUs by nearly a quarter below last year's level, a cut that would have a disastrous impact on these institutions and their students, while not even scratching the surface of our current deficit.

In addition, by insisting on dozens of divisive policy riders, House Republicans are disrupting our ability to chart a pragmatic and responsible fiscal course for the country. We cannot take our eyes off the ball.

The President's bipartisan fiscal commission, cochaired by North Carolina's own Erskine Bowles and former Senator Alan Simpson, made important progress in beginning to diagnose and attack the root causes of our Nation's fiscal crisis.

The bipartisan work of the fiscal commission is evidence that common ground is possible.

Reducing spending will absolutely be a part of any comprehensive solution, but we must begin to have a broader discussion to create meaningful deficit reduction.

For that reason, I am supporting S. 211, the Biennial Budgeting and Appropriations Act, which was introduced by my colleagues Senator ISAKSON and Senator SHAHEEN.

This bill would take the Washington-as-usual politics out of the budgeting process.

The bill changes the budget process from the current, annual spending debate to a 2-year, deliberative process that allows us to work together on commonsense cuts coupled with sensible investments, similar to what North Carolina, which balances its budget every year, already does.

Right now, Congress rarely passes the 12 government funding bills by the end of the fiscal year, and this year we have been operating on short-term fix after short-term fix. A biennial budgeting process is part of the long-term

solution we need to remove partisanship from the budget. The status quo is unacceptable.

I hope we can continue to work across party lines, this week and moving forward, on a bipartisan, comprehensive plan for the Nation's budget that tackles, head on, our mounting debt.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BENNET. Mr. President, I had the chance to sit in the chair this evening, before you came, and listened to people on both sides of the aisle talk a little bit about our debt and our deficit situation, the pending shutdown of the Federal Government. I shudder to think we might actually do that. But it may happen. I thought I might keep my senior Senator a little bit of company—the hour is late and the floor is empty—to have the chance to talk a little bit about how we see this from Colorado.

Like the Presiding Officer, I have had the chance to travel in one of the most beautiful States in the country over the last 2 years, 40,000 miles across the State of Colorado, having townhall meetings in red parts of the State and blue parts of the State and, believe it or not—and I know the Presiding Officer would believe it because he is talking to the same people I am talking to and, maybe more important than that, listening to the same people I am listening to—I think a fairly substantial consensus emerged out of those meetings.

By the way, in not a single one of those townhall meetings—not one in 2 years—no matter what part of the State I was in, would any self-respecting cable television producer want to put on cable TV at night. Because we do not scream at each other in Colorado. We have our differences. We have our disagreements. We have a lot of shared values, though, whether we are Democrats or Republicans, tea party members, Independents. We are about a third Republican, a third Democratic, a third Independent. That consensus that emerged from these meetings on our debt and our deficit is straightforward.

It is a three-part test for people in Colorado. The first is, they want us to come up with a comprehensive solution that materially addresses the fiscal challenges this country faces. They do not want a bunch of gimmicks. They do not want a bunch of talking points. And they do not want people in this Chamber or the Chamber on the other side of the Capitol spending their time

scoring political points at the expense of the American people.

So the question they are going to ask, first, when the Presiding Officer and I go back there, I think, is, did you get to a comprehensive solution—not, by the way, did you fix it overnight? Because they know it cannot be fixed overnight. But can we be secure in the idea that we are not going to leave our kids and our grandkids what is today \$15 trillion in debt and a \$1.5 trillion budget deficit. Because all things being equal, we wish to allow our kids and our grandkids to not have their choices constrained by our inability to get anything done here in Washington. So that is the first test for people in Colorado.

The second test is, they want to know that any solution we come up with is one where we are all in it together, that everybody in America has the chance to make a contribution to solving this fiscal nightmare we face. They are not interested in pitting one group of people against another group of people. In fact, that makes them feel suspicious about what we are doing. They want to know we are all in it together, which brings me to the third commonsense Colorado point of view on this issue, which is they would like this—in fact, they will insist—the solution be a bipartisan solution. Because they do not have confidence in one party's ideas on this question. That is a lucky thing because we have a Republican-controlled House and we have a Democratic-controlled Senate, and the President is a Democrat. We cannot solve this problem in these times without it being a bipartisan solution. That is it.

If I can go home and say, we materially addressed the problem, we are all in it together, and it was a bipartisan solution, I think people would say: You guys have finally done something. We feel patriotic, as if we have done something useful for our kids.

As the Presiding Officer knows, there are people all over our State—local government officials—who are Republicans and Democrats who are making tough decisions about their budgets. I have an incredible amount of sympathy for what they are dealing with.

I had the great fortune, earlier in my career, to serve as the Chief of Staff for our now Governor, John Hickenlooper, when he was mayor of Denver. When John went into that office, and I went in as his Chief of Staff, we faced a huge budget deficit by Denver standards and we had to cut 11 percent of our expenditures. We met with people living all throughout the city and county of Denver. We sought their advice. We established a set of priorities. We passed it through a city council. And do you know what. Denver lived to fight another day. Our economy grew, and things were pretty good there for a while, until this current recession.

When I became superintendent of the Denver Public Schools—as the Presiding Officer knows, a district that year after year after year, for almost a decade, maybe even longer than that, was the poster child for cutting every single year; every year, people at other school districts would say: Thank God we are not the Denver Public Schools—every year, the Denver Public Schools would lose teachers to other districts that could afford to pay them more, and every year we cut and we cut and we cut as a district. When I became superintendent, one of the cases I made to the school board was: We have profound structural problems in our budget, and instead of approaching the budget in a way that diminishes the academic environment for kids, what we ought to be figuring out how to do is establish a set of priorities and build a public case to deal with the structural problems that exist in our budget.

Because of the good work of the school board—I should say, the courageous work of the school board—we were able to get that done. We were able to close schools for the first time in a long time. That is hard work. Those meetings were harder than health care townhall meetings, I can tell you that. We were able to deal with the pension liability that our district had. And we were able, year after year, to invest more money, not less, in our schools and in our classrooms. And now, under the current leadership there—which I think is doing an exceptional job—the district no longer is the poster child for anything except fighting hard on behalf of the children in the Denver Public Schools.

Here is the thing that drives me crazy about what is going on in the conversation we are having now about this shutdown. There is no way any superintendent of schools in Colorado or any school board in Colorado or any city council or any mayor—from the biggest city to the smallest town—would show up to work and say: We might close the government 2 weeks from now. It is an option for us that we will not pick up your trash 2 weeks from now or plow the streets—we still get snow in Colorado at this time of year—or plow the streets 2 weeks from now. We are going to close down.

It would not occur to anybody working in a local government in our State to say they were going to do that. Do you know why? Because people would become unglued, unhinged. They would say: We hired you to do a job. Work it out. We are doing our jobs—or we are looking for jobs—we don't have time to solve these problems. You were hired to do this job. Work it out. Come to an agreement. Don't come home and tell us you are shutting the government down, you are not going to pick up the trash, you are not going to plow the snow, you are not going to educate our kids.

The idea that as a superintendent—I got in trouble when I closed school for snow once—once. It turned out to be a great decision because it was one of the worst blizzards we ever had, but it could have gone the other way, because people rely on us to do the work we are supposed to do. They have plans. The idea that at a time when we are fighting wars all across this globe, at a time when there are governments and countries that are trying to seek an economic advantage over the United States of America in a global economy that has shrunk the way ours has shrunk, that we would say to ourselves: We are going to pause, we can't even keep the government open in this democracy, I think would reflect terribly not on the American people and not on our democracy, but on this institution of government.

There is a reason why we are in the basement as an institution in terms of polling. Why should people have confidence in an institution that cannot actually even keep running in the short term? I think it is important, based on the conversation I heard tonight here on both sides of the aisle, for the American people to understand this debate about this government shutdown is not a debate about our deficit and our debt, not really. It has been about scoring political points.

What I want to say is I hope and I would encourage the leadership on both sides of the aisle here, the leadership in the House, and our President to find a way to work it out and to make sure we keep this government open. I think closing it sends entirely the wrong message. I know there are people on both sides of the aisle here who believe that. I hope people do absolutely everything they can do between now and the end of this week to make sure we send a message that we are not as dysfunctional as we appear to be. Because I think this place ought to meet the standard that people at the local level of government are held to in our State.

No business would say: I don't know, maybe we will close for 2 weeks or close for a month. They are figuring out how to invest and grow even in this challenging economy. We should be doing the same.

Mr. President, you and I were in a meeting this morning. We started today at 8 o'clock in the morning, with 33 Senators, Republicans and Democrats, who came together to hear some very thoughtful observations about how important it is we come to a comprehensive solution to deal with our deficit and to deal with our debt. We heard an important presentation about how there is no silver bullet here. There is no easy way to solve any of this. But perhaps the least painful way to think about it is with the most comprehensive plan—which, by the way, is the intuition of people in Colorado, as I said earlier today. It gave me great

confidence that there were a bunch of Republicans and a bunch of Democrats in a room listening to this message and willing to work together in a bipartisan way.

I was very fortunate to draft a letter that MIKE JOHANNIS from Nebraska, a Republican, cosigned with me that called on the President to engage—after this period we are having a discussion about right now with closing the government or keeping it open or whatever it is we are going to do—asking the President to engage in a conversation that is comprehensive that says: You know what. We know this is going to involve cuts to discretionary spending, both domestic and military. We know this is going to involve reform of our entitlements. We know it is going to involve reform of our Tax Code as well.

Senator COATS from Indiana was out here today with a lot of commonsense ideas around how our Tax Code doesn't drive innovation, competition and growth and he is right about that. There is a lot of work to be done, and I have every confidence it can happen. That letter we wrote turned out to have 64 signatures on it. Sixty-four people signed that letter. That is more than the 60 required to pass a piece of legislation. That is a majority of the Democrats in the Senate. It is a majority of the Republicans in the Senate. I know it is just a letter, but it reflects what I believe to be true about what people in this body believe, which is that we can solve this issue. We can solve this problem, but we are only going to be able to do it if we do it together. We are only going to be able to do it if we get to a place where we are no longer as concerned about winning political points as we are about actually addressing the problem. I have confidence we can do it.

Someone said to me today: You seem to be a guy who feels as though the Senate is dysfunctional. You have a reputation for believing the Senate is dysfunctional. I will confess there are days when I wonder, and there are days when I feel as though it is dysfunctional. But on this set of issues, I think the Senate can shine. On this set of issues, I think this is the place where leadership can take hold and where we can create a bipartisan solution. The people of Colorado, and I think the American people, expect us to do everything we can to get this done.

There are two conversations going on simultaneously, and I thought it was important to point out that one is about the very short-term issue—what we are going to do with this continuing budget. By the way, no one in Colorado would stand for the idea that you don't pass a budget in the year you are in, but that is another Washington cultural artifact we ought to get rid of. But that is distinct from the comprehensive discussion we need to have

around here on our deficit and our debt. At the end of the 2-year discussion I was having, and the beginning of a new discussion now with Colorado, it became pretty straightforward what people want, not just on the debt and deficit but other things they are concerned about, that we ought to be turning our attention to, instead of having this back and forth about whether we are going to keep the government open. It ought to be assumed we are going to keep the government open.

We just came off the first decade in the country's history when median family income fell. It was lower at the end of the decade than it was at the beginning of the decade. It has never been true before in the United States. For families in Colorado, that means they are actually earning less at the end of the decade than they were at the beginning. But their cost of higher education has gone up by more than 40 percent. Their cost of health care has gone up by more than 100 percent over that period of time. We have created no net new jobs in the United States or in Colorado since 1998. People would like to see that turned around.

People would like to see us working together on a Tax Code that drives innovation to make sure we don't have regulations that unnecessarily stifle economic growth. They would like to see that.

They would like us to break our reliance on foreign oil from the Persian Gulf. Even before what has happened in the Middle East and in Libya occurred in the last month or so—even before that—people were saying to me: Michael, we don't think it makes much sense for us to be buying oil from the Persian Gulf. We don't understand why we have an energy policy that requires us to ship billions of dollars a week to the Persian Gulf to buy oil when we could be investing that money developing our energy resources here in the United States. That is work we could be doing together in a bipartisan way.

As the President knows, I have a passion for public education, as do the people who are living in Colorado, and they know we are not getting the job done there either. We have before us the reauthorization of No Child Left Behind, but somehow we can't move that forward. Teachers and kids and principals and moms and dads all over our State are expecting us to get that work done. We have to find a way to educate our kids for the 21st century economy that hopefully we will build for them, and we are not getting the job done.

As I said on the floor the other day, if we look at this question from the perspective of poor children living in our home State of Colorado or all across the United States of America, and if we think about this room we are in right now and the fact that there are

100 desks that don't belong to 100 Senators because they belong to the American people but where 100 Senators sit and work, if these desks reflected the odds of poor children living in our country succeeding educationally, things would look pretty grim in here. Forty-two out of the one hundred chairs in this place would be occupied by a child living in poverty—42. By the time our children in poverty got to the eighth grade, only 16 kids would be reading at grade level. That is four and four, four—that is about 16 desks. The rest of this Senate Chamber would be full of children who couldn't read at grade level in the eighth grade today in the 21st century in the United States of America. By the time our poor children would be graduating from college, only nine would be graduating from college—these two rows and that chair right there. The rest of this Chamber would have no college degree. In a global economy requiring that as a pathway to the middle class, to meaningful participation in the democracy, to meaningful participation in this global economy, 91 people in this place would be shut out because they were born into a ZIP Code that is poor. Those odds look pretty wrong to the kids who are living in those neighborhoods.

I have spent a lot of time with our kids in those neighborhoods, not just in Colorado but all across the United States of America. They think we have already made a promise to them, that they live in a land of opportunity that is going to reward their hard work, and if they stick with it, they are going to end up with a college degree. That is what they believe. We may have made that promise, but we certainly haven't followed through on that commitment.

Why should that matter to us? Some people look at that and say: Well, it is someone else's problem. I don't need to worry about it. McKinsey has done a study that shows us that the effect of those outcomes is to create a permanent recession in the United States. The effect of that dropout rate creates a permanent recession in the United States. That actually is about the same as the recession we just went through, which means if we are concerned with economic growth in the United States, we need to concern ourselves with the educational outcomes our kids in poverty are facing. If we are concerned with income inequality in the United States, we need to be concerned with the outcomes I just described.

Last year, the top 1 percent of income earners in this country earned 23 percent of the income—almost one-quarter of the income. The last time that was true was 1928. That doesn't lead me to conclude that somehow we should redistribute it, but it does lead me to conclude that we ought to fix our education system so more people have the chance to put themselves and their families into the middle class.

We can't afford in this country to repeat the decade we just went through. We can't afford to have an economy where median income is falling. We can't afford to have an economy that is not creating jobs. We can't afford to carry a debt and deficit burden that at some point the capital markets are going to look at and say: We are not financing you anymore. We can't afford to fail to educate children in this country just because they are poor. I also think we can't afford to have an energy policy that commits us to a dependence on oil in the Persian Gulf. I think the people of Colorado and across this country are expecting us to do our jobs, just as they are doing their jobs.

I say again, I hope the leadership of both parties, working in good faith, can keep this government open, and I hope we can move on to a broader and more comprehensive conversation around debt, around deficit, around our economy, and around the education of our kids.

NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, I would like to briefly address the intelligence authorization bill for fiscal year 2011, which has now been reported by the Intelligence Committee. I filed additional views to the committee report accompanying the bill, and my remarks today will include a brief summary of those views.

I have now been a member of the Senate Intelligence Committee for over a decade—Senator FEINSTEIN, Senator ROCKEFELLER and I all began serving on the committee at the beginning of 2001, which I believe makes us the committee's longest-serving current members. In my time on the committee, I have become quite familiar with the intelligence authorization process.

It has now been almost 7 years since an intelligence authorization bill was signed into law during the fiscal year it was intended to cover, and although the 2011 fiscal year is now over halfway over, Congress still has an opportunity to provide useful guidance and direction regarding intelligence spending for this fiscal year. The fiscal year 2011 intelligence authorization bill is the product of substantial labor by both Chairman FEINSTEIN and Vice Chairman CHAMBLISS, as well as their respective staff, and I commend them both for their efforts and for the bipartisan manner in which they have worked to put it together.

Unfortunately, I have very serious concerns about one provision of this bill, and that is why I voted against it during the committee markup last month.

Section 403 of this bill would authorize the Director of National Intelligence, DNI, to establish an administrative process under which the DNI and the heads of the various intel-

ligence agencies would have the authority to take away the pension benefits of an intelligence agency employee, or a former employee, if they "determine" that the employee has knowingly violated his or her nondisclosure agreement and disclosed classified information.

I share my colleagues' frustration regarding unauthorized disclosures, or "leaks," of classified information. Leaks are a problem that has plagued intelligence agencies throughout modern history—they can undermine intelligence operations, jeopardize intelligence sources and methods, and have a terrible impact on the lives of covert agents who are publicly exposed. Every Member of Congress, myself included, wants to find new ways to identify and appropriately punish individuals who illegally disclose classified information. I personally spent 4 years working on legislation to increase the criminal penalty for people who are convicted of deliberately exposing covert agents. And I am proud to say that with help from a number of my Republican and Democratic colleagues, this legislation was finally signed into law last year. So I don't take a backseat to anybody when it comes to getting tough on leaks.

I agree that increasing penalties for particular offenses can sometimes have a deterrent effect on those who might otherwise be tempted to leak, so I support the creation of new consequences for individuals who have been convicted of illegally divulging classified information. But when it comes to leakers, the biggest challenge is not determining how to punish them as much as it is identifying who they are.

Given these challenges, my concern is that giving intelligence agency heads the authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, and particularly the rights of whistleblowers who report waste, fraud and abuse to Congress or inspectors general.

Section 403—as approved by the Select Committee on Intelligence—gives intelligence agency heads the power to take pension benefits away from any employee that an agency head "determines" has knowingly violated their nondisclosure agreement. But as I pointed out to my colleagues during the committee markup of this bill, neither the DNI nor any of the intelligence agency heads have asked Congress for this authority. Moreover, as of today none of the intelligence agencies have officially told Congress how they would interpret this language.

It is entirely unclear to me what standard agency heads would use to "determine" that a particular employee was guilty of disclosing information. It seems clear that section 403

gives agency heads the power to make this determination themselves, without going to a court of law, but the language of the provision provides virtually no guidance about what standard should be used, or even whether this standard could vary from one agency to the next. And no agency heads have yet told Congress what standard they believe they would be inclined or required to use. This means that if an agency head “determines” that a particular individual is responsible for a particular anonymous publication, he or she could conceivably take action to revoke that individual’s pension benefits even if the agency does not have enough proof to convict the employee in court.

Section 403 states that agency heads must act “in a manner consistent with the due process and appeal rights otherwise available to an individual who is subject to the same or similar disciplinary action under other law.” But federal agencies do not normally take away the pension benefits of former employees unless they are convicted of a crime or begin openly working for a foreign government. I do not believe that this “otherwise available” language is intended to require the government to get a criminal conviction, but beyond that I am not at all sure what impact this language is supposed to have and I am not sure that the various intelligence agency heads will know what it means either. This only increases my concern that this provision could be used to undermine or violate the due process rights of intelligence agency employees, with a corresponding impact on their family members and dependents.

I am also especially troubled that section 403 is silent regarding disclosures to Congress and inspectors general. Everyone hopes that intelligence agency managers and supervisors will act honorably and protect whistleblowers who come forward and go through proper channels to report waste, fraud and abuse in national security agencies, but this is unfortunately not always the reality. There are existing laws in place that are intended to protect whistleblowers who provide information to Congress and inspectors general—and I believe that these laws should be strengthened—but section 403 does not specify whether it would supersede these existing statutes or not. I know that none of my colleagues would deliberately do anything to undermine protections for legitimate whistleblowers, but I think it was a mistake for the Intelligence Committee to report this bill without hearing the intelligence agencies’ views on whether or not they believe that section 403 would impact existing whistleblower protections.

It is unfortunately entirely plausible to me that a given intelligence agency could conclude that a written submis-

sion to the congressional intelligence committees or an agency inspector general is an “unauthorized publication,” and that the whistleblower who submitted it is thereby subject to punishment under section 403, especially since there is no explicit language in the bill that contradicts this conclusion. Withholding pension benefits from a legitimate whistleblower would be highly inappropriate, but overzealous and even unscrupulous individuals have served in senior government positions in the past, and will undoubtedly do so again in the future. This is why it is essential to have strong protections for whistleblowers enshrined in law, and this is particularly true for intelligence whistleblowers, since, given the covert nature of intelligence operations and activities, there are limited opportunities for public oversight. But reporting fraud and abuse by one’s own colleagues takes courage, and no whistleblowers will come forward if they do not believe that they will be protected from retaliation.

Finally, I am somewhat perplexed by the fact that section 403 creates a special avenue of punishment that only applies to accused leakers who have worked directly for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive information. Some of the most serious leaks of the past few decades have undoubtedly been made by individuals working for these organizations. I do not see an obvious justification for singling out intelligence community employees, particularly in the absence of evidence that these employees are responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

Withholding pension benefits from individuals who are convicted of disclosing classified information will often be an appropriate punishment. This punishment is already established in existing laws, and I would be inclined to support efforts to clarify or strengthen these laws. But I am not inclined to give agency heads broad authority to take away the pensions of individuals who have not been convicted of wrongdoing, particularly when the agency heads themselves have not even told Congress how they would interpret and implement this authority. This is why I voted against this authorization bill. All of my colleagues and I agree that illegal leaks are a serious problem, but this does not mean that anything at all that is done in the name of stopping leaks is necessarily wise policy.

I look forward to working with my colleagues to amend this bill, and I am hopeful that they will be willing to modify or remove section 403 to address the concerns I have raised. In the meantime, I should be clear that it is my intention to object to any request to pass the current version of the bill by unanimous consent.

RECOLLECTIONS OF PRESIDENT RICHARD W. LARIVIERE, UNIVERSITY OF OREGON

Mr. WYDEN. Mr. President, recently, the president of the University of Oregon, Richard Lariviere, came to meet with me in my office. The University of Oregon is my law school alma mater, and I was commiserating with President Lariviere about the Ducks’ narrow loss in the BCS national championship football game. President Lariviere told me about a wonderful speech that Coach Chip Kelly gave to his players after the game. I asked President Lariviere to share the story with me in writing; and with his permission and that of Coach Kelly, I would like now to share that story with my colleagues:

Recollections of President Lariviere:

On January 10, 2011 when the final whistle ended the BCS national championship football championship game, the University of Oregon was behind by three points—three points scored by our friends from Auburn in the final two seconds of the game.

The UO players made their way to the locker room, disappointed needless-to-say. Coach Chip Kelly talked to his players, and his remarks were just what any university president would want to hear from a head coach, made more remarkable and emotional because of the magnitude and unprecedented nature of the moment.

With the team gathered around him, Coach Kelly told these student athletes that they had played a great game, that he was proud of them, and that he could not have asked for more. Then he said this:

“In ten minutes the media will come in here and they’re going to ask you how you feel. They’re going to tell you that this is a defining moment in your lives. I want you to know that this is not a defining moment in your lives. You are young men who play football, but football does not define you. A defining moment will be when you graduate, when you marry, when you have children. Those are the moments that define your lives.”

Then Coach Kelly turned to each of the seniors and reminded them of the promise they made to him that they would graduate.

In that locker room with a team that accomplished what no other Oregon football team had ever done, Coach Chip Kelly represented the very best values that have come to be associated with the University of Oregon: bold and audacious, hard working and high achieving, and a focus on what really matters.

March 2011

VOTE EXPLANATIONS

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No.

47, the confirmation of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit. Had I been present, I would have voted to confirm this nomination.

Ms. STABENOW. Mr. President, yesterday, because I had the flu, I was not able to attend rollcall vote No. 47, to confirm Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Mr. Reyna's nomination was given the highest possible rating by the American Bar Association, and his nomination was reported out of the Judiciary Committee unanimously. With over 30 years of private practice experience, I believe he will be an excellent addition to the Federal circuit. If I had been present, I would have voted aye on this nomination.

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1246. An act to reduce the amounts otherwise to be appropriated to the Department of Defense for printing and reproduction.

MEASURES REFERRED

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

H.R. 1246. An act to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1207. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Removal of the List of Ports of Embarkation and Export Inspection Facilities From the Regulations" ((RIN0579-AD25)(Docket No. APHS-2009-0078)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1208. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Ethiprole; Pesticide Tolerances" (FRL No. 8863-1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1209. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 8868-6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1210. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Transport Category Airplanes Equipped with Chemical Oxygen Generators Installed in a Lavatory" ((RIN2120-AA64)(Docket No. FAA-2011-0157)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1211. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace and Revocation of Class E Airspace; Easton, MD" ((RIN2120-AA66)(Docket No. FAA-2010-0936)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1212. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XA264) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1213. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces and Boilers Test Procedure Amendments" (RIN1904-AB89) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Energy and Natural Resources.

EC-1214. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of the Processing and Use of Stainless Steel" (Regulatory Guide 1.44, Revision 1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1215. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Alabama: Final Disapproval of Revisions to the Visible Emissions Rule" (FRL No. 9290-3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1216. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators" (FRL No. 9289-6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1217. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Issued to Chemical Waste Management in Kettleman Hills, CA" (FRL No. 9290-6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1218. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Alternative Fuel Vehicle and Engine Conversions" (FRL No. 9289-7) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1219. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry" (FRL No. 9291-3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1220. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Lithographic and Letterpress Printing in Cleveland" (FRL No. 9285-4) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1221. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9291-1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1222. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulations Related to Validity and Priority of Federal Tax Lien" (RIN1545-BG13) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1223. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price" (Notice 2011-30) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxpayer Assistance Orders" (RIN1545-BF33) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1225. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Puerto Rican Excise Tax" (Notice 2011-29) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1226. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Endocrine Disorders" (RIN0960-AD78) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1227. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 64th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-1228. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the LITENING Advanced Targeting Pod and Rafael RecceLite/RecceM Pods for the Commonwealth of Australia in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1229. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1230. A communication from the Director, Office of Equal Employment Opportunity and Diversity, U.S. Patent and Trademark Office, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1231. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 193, a bill to extend the sunset of certain provisions of the

USA PATRIOT Act, and for other purposes (Rept. No. 112-13).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service.

By Mr. CONRAD for the Committee on the Budget.

*Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Ms. SNOWE, Mr. INHOFE, Ms. MURKOWSKI, Mr. HOEVEN, and Mr. CASEY):

S. 724. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. ISAKSON:

S. 725. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharp container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Finance.

By Mr. RUBIO:

S. 726. A bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 728. A bill to grant a Federal charter to the National American Indian Veterans, In-

corporated; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. REID):

S. 729. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, and Mr. LEAHY):

S. 731. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself and Mrs. MURRAY):

S. Res. 130. A resolution designating April 5, 2011, as "Gold Star Wives Day"; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUE):

S. Res. 131. A resolution designating April 2011 as "Tsunami Awareness Month."; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 73, a bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 210

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 210, a bill to amend title 44,

United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 217

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 375

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 375, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 382

At the request of Mr. UDALL of Colorado, the names of the Senator from Idaho (Mr. RISCH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 520

At the request of Mr. COBURN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 552

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 552, a bill to reduce the Federal budget deficit by creating a surtax on high income individuals and eliminating big oil and gas company tax loopholes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 647

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 647, a bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 690

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 690, a bill to establish the Office of the Homeowner Advocate.

S. 712

At the request of Mr. DEMINT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. MORAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. JOHANNES), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Utah (Mr. LEE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

AMENDMENT NO. 206

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 206 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 264

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 264 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

Mr. VITTER. Mr. President, America's illegal immigration problem is clearly way out of control. We can all agree that we desperately need to better protect our borders, ensure that only citizens and legal residents can be hired for jobs in this country, and reverse misguided policies that serve as a magnet for further illegal immigration.

Today, I am introducing a bill that falls into that third category, to get rid of these magnets that encourage further illegal activity. The bill would amend the Immigration and Nationality Act in order to change our current practice of granting automatic citizenship to the children of illegal aliens born on American soil. When it comes to U.S. citizenship, it is not just where an individual is born that matters, at least it should not be. The circumstances of the person's birth and the nationality of his or her parents are of at least equal importance. I simply do not believe our Constitution confers citizenship on children who happen to be born on U.S. soil when both of their parents are foreign tourists or illegal aliens. The Constitution does not mandate or require that. Yet that is our policy.

Each year, 300,000 to 400,000 children are born in the United States to at least one parent who is an illegal alien or a foreign tourist. A significant subset of that number includes children born to two parents who are not U.S. citizens—the category my bill attacks. Despite the illegal status and foreign citizenship of the parent, the executive branch of our government now automatically recognizes these children as U.S. citizens upon birth. This practice is not mandated by Federal law or the Constitution. It is based on what I believe is a fundamental misunderstanding of the 14th amendment of the Constitution. As such, this policy is incompatible with both the text and legislative history of the citizenship clause. I don't think the 14th amendment grants this birthright citizenship to children of illegal aliens. In fact, all we have to do is look at history and the actual text of the Constitution as our guide.

The 14th amendment does not say all persons born in the United States are citizens, period, end of story. It states that citizenship extends to "all persons born or naturalized in the United States and subject to the jurisdiction thereof."

This latter phrase is important. It is conveniently ignored or misconstrued by advocates of birthright citizenship. But, of course, a fundamental rule in terms of constitutional interpretation is that words are assumed to be there for a purpose. If those words had no meaning, had no impact, then the Founders would not have written them into that part of the Constitution.

Its original meaning refers to the political allegiance of an individual and the jurisdiction a foreign government has over that person. That is why American Indians and their children did not become citizens until Congress actually passed the Indian Citizenship Act of 1924.

I am introducing today's legislation because it is apparent that Congress must reassert its plenary authority over naturalization and make clear that "subject to the jurisdiction thereof" does not include children born in this country to illegal aliens or foreign tourists. Those parents are clearly subject to the jurisdiction of foreign governments.

My bill limits birthright citizenship to individuals born in the United States to at least one parent who is a legal citizen, a green card holder, or an active member of the U.S. Armed Forces. Congress clearly has the power to determine that children born in the United States to illegal aliens are not subject to American jurisdiction.

As Judge Richard Posner, of the Seventh Circuit Court of Appeals, held in a 2003 case: "Congress would not be flouting the Constitution if it amended the Immigration and Nationality Act to put an end to this nonsense." That is

exactly what my bill would do, put an end to this nonsense.

Closing this loophole will not prevent anyone from becoming a naturalized citizen. Instead, it will ensure that he or she has to go through the same process as anyone else born of foreign national parents who wants to become a U.S. citizen.

Our practice of birthright citizenship is clearly an incentive to illegal immigration. It does a disservice to every would-be citizen who is actually following the rules, applying to be naturalized, standing in line, often for a very long time.

This misguided policy of birthright citizenship not only undermines the stability of our immigration system, but it has severe fiscal consequences as well as serious national security implications. Recent news reports have highlighted the growing popularity of what is known as birth tourism.

Web sites actually advertise birth packages for foreign visitors so pregnant women can give birth in the United States and ensure automatic citizenship, under current practice, for their newborn children. Of course, with that automatic citizenship comes the full benefits thereof, including unlimited travel to the United States, educational benefits, and the ability to settle here as an adult and eventually, down the line, the ability to grab back the parents and get them into U.S. citizenship.

One such agency that appeals to foreign mothers to be by describing the benefits of American-born children, pointing out that a one-time investment in a birth package will result in a lifetime of benefits for their family was in the news recently. Specifically, it says: Your children will be able to attend U.S. public elementary schools and they may apply for scholarships designated for U.S. citizens and they are entitled to welfare benefits—all of this explicitly spelled out in the advertising for this agency.

Just last month, authorities in California shut down a makeshift maternity clinic after discovering 10 newborns and one dozen Chinese women who paid as much as \$35,000 to travel to this country to give birth to children who would automatically be recognized as U.S. citizens.

Birth tourism, as amazing as this is, is not a new phenomenon, as women from other countries have long traveled to the United States legally, on tourist or student visas, and given birth while here. However, recent reports indicate that the practice is escalating. A new report by the Center for Immigration Studies finds that every year 200,000 children are born to women who were lawfully admitted to the United States on a temporary basis.

Each of these children receive U.S. citizenship, despite their mother's allegiance to a different country and even

if the father is not a U.S. citizen. Birth tourism is certainly a reprehensible practice, but it is not an illegal one. It is astounding that the U.S. Government allows individuals to exploit the loopholes of our immigration system in this manner. It is obvious that Congress has the authority and the obligation to put an end to it.

In addition to this birth tourism—and by that I refer to focusing on tourists here legally under a tourist visa. Of course, there are tens or hundreds of thousands of children born in this country to two illegal immigrant parents, and those children, under the same practice, automatically become U.S. citizens.

This, too, is a very dangerous practice, a magnet to attract more and more illegal activity across the border, when we say we want to do everything to stop that. Certainly, if we truly want to do everything we can to stop that, we need to unplug those magnets, stop that policy from attracting more and more illegal crossings across the border.

So I introduce this important legislation today, and I thank Senators PAUL and LEE and MORAN for joining me in addressing this critical issue. I invite all the Members of the Senate to join me in doing this.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. COATS. Mr. President, today, along with Senator WYDEN, we introduce bipartisan tax reform legislation, a piece of legislation that we believe, and hopefully we can gather a consensus in this body to believe, is necessary to be a component of addressing the current fiscal situation.

The Senator from South Dakota just articulated very well the plight we currently are facing with our current Federal deficit and accumulating debt. I don't think I could have said it better than he did. He laid out what I think most Americans are now realizing, and that is we have to get a grip on our current fiscal situation in this country if we are going to provide any kind of opportunity for the future—for prosperity, for opportunity for our young people to get good jobs, buy homes, raise a family, and send their kids to college. And even in a more current sense, we need to get our economy moving again to the point where we can get people back to work and become a prosperous leading nation in the world. We are gradually, and accelerating all the time, losing that position because of our fiscal situation.

This morning, a number of us met—both Republicans and Democrats—in

one of a series of meetings we have been having with outside experts. Dr. Carmen Reinhart and Ken Rogoff spoke to us this morning, both distinguished and respected economists, and others who have studied the situation, and they laid out the current status of our fiscal situation and the economic plight it is putting our country into. One of the things they said—and I think the reason I am on the floor this evening—is that unless we address all the aspects in dealing with our fiscal crisis, both in terms of excessive spending that is taking place, and has taken place over the last several years, as well as components for growth, we are not going to successfully address this.

We not only have to look at the spending which has accelerated dramatically in the last few years, and the amount of deficit we are accumulating every year, and the amount of debt we are rolling up, but we also have to look at ways of addressing that by cutting spending and also spurring the economy to growth. The component for growth pretty much falls along the lines of tax reform.

Senator WYDEN had worked for 2 years with former Senator Gregg. They spent a great deal of time putting together a very comprehensive plan. Senator Gregg, as everyone here knows, retired after many years of distinguished service. He was recognized as one of the, if not the, leading proponent of budget stability, of economic growth, and of all the aspects that go into dealing with economic situations. He is greatly missed. I had the privilege of being his friend, serving with him, and then having him encourage me to take his place in moving this legislation forward.

I have spent the last 3 months working with Senator WYDEN, who is co-author of that legislation, along with Senator Gregg. We have made some refinements to this and we are introducing it today. We will be doing a formal introduction of it together in the coming days, but the agreement and the growing consensus we hear from everyone is that comprehensive tax reform has to be a component of addressing our fiscal plight and getting us back into a period of sustained growth.

S. 727 is the bill that will be available for people to look at—the Bipartisan Tax Fairness and Simplification Act of 2011. It simplifies our current tax system, it holds down rates for individuals and families, it provides tax relief to the middle class, and creates incentives for businesses to grow and invest in the United States.

As we know, with any structure that is built, the first thing you do is build a solid foundation. What we are trying to do in our tax reform package is to build that foundation based on several basic principles. We believe that to bring forward legislation on a bipartisan basis we have to have a tax pack-

age that is revenue neutral, that is not stereotyped or characterized as a backdoor means of raising taxes or of cutting spending. Revenue neutrality means we can go forward knowing it is not used for that purpose but for the purpose of putting in place a tax system that will stimulate growth, provide for better competitiveness for our industries and businesses, and make us a more prosperous nation.

Simplification is a key foundational principle, as well as protection for the middle class and families—fairness across the board. And as I said earlier, economic growth. I want to address each of those.

First of all, achieving a revenue-neutral bill. This has been analyzed by the Joint Tax Committee, and basically we have information back that it is revenue neutral. This analysis is based on a static basis. As we all know, if you put in place policies that will encourage growth and stimulate growth, it becomes a dynamic scoring. But CBO doesn't do dynamic scoring, nor does the JTC—the Joint Tax Committee. But nevertheless, even at the static analysis of this bill, it achieves revenue neutrality. It is our goal to maintain that throughout, as adjustments might be made.

Simplifying the Tax Code has to be one of the very first things we do. Today, the U.S. Tax Code is 71,684 pages in length, and it includes a tangled web of over 10,000 exemptions, deductions, credits, and other preferences. I took three tax courses in law school, and I don't begin to understand the 10,000-plus exemptions and deductions and preferences that are in there. I turn it over to an accountant, who spends every working hour of his week, every day of the year trying to stay up with the complexity of this Tax Code.

It is no secret that Americans spend 6.1 billion hours each year filling out tax forms, and roughly \$163 billion a year is spent on tax compliance. It is a great benefit for accountants and tax lawyers, but the average person simply cannot begin to comprehend the complexity of this code, and we pay a significant price for that.

Along that line, people feel a real sense of unfairness in this. They are always wondering if their neighbor has a better accountant or a better tax attorney or has figured out a way to take advantage of a deduction or exclusion or a tax preference that they may not be aware of. You know: You are having coffee on April 16 and talking about filing your taxes yesterday and saying: Well, you did take the deduction for X, Y or Z, didn't you? Or how about that extra room in your house you use for business? Or did you know you can deduct the cost of pencils, but also driving down to pick up a latte, or whatever, if you are meeting somebody for business? This stuff goes on and on forever. And you think: Gosh, I didn't

know that. He got a better deal than I did.

We lose our sense of confidence in terms of the fairness of the tax system. So simplification is absolutely essential. And for a 71,000-plus page Tax Code, I think it is an absolute necessity.

We reduced the number of tax brackets for individuals, first of all, from six to three. We also eliminate the alternative minimum tax, which means you have to calculate your taxes twice, in many instances, to see which one is the higher and which one you pay. That doubles the amount of time, or it adds a lot to the amount of time.

I want to point to this chart here on my right, the Wyden-Coats Tax Reform Act of 2010. This is what a simplified U.S. individual tax return form will look like if this bill is passed. It is one page. It incorporates, obviously, the information about who you are and whether you are married, your spouse's Social Security number and yours, et cetera, et cetera; whether you are head of household, these very simple provisions here that are on the tax form now. We can all figure out how to work through to here.

Right here, you list your dependents and their relationship to you, and you get their Social Security numbers and then to see whether you qualify for a dependent's deduction, and then you check those off.

You list your capital gains and your dividends here. Your total income is added together, and then you adjust that by some very simple retained exemptions that we have not taken out, and deductions, and tax credits, all still on one page. You come down to the payment, and you either get a refund or you owe the government a little more money. And that is it. Then you send it in.

We also have a provision in there if you don't want to do this yourself or you have some confusion. It is basic enough. You can do it electronically or by telephone or whatever, and ask the IRS to do it for you. They will calculate it for you, send it to you, so you can review it and then certify that it is correct or that you have questions that can be answered.

Point No. 1: Simplification is absolutely necessary. It can be done, and we have structured it so with three brackets that allow us and allow individuals to fill out their taxes on the basis of this simple form.

Thirdly, after revenue neutrality and simplification, we are talking about how do we use this to grow the economy. Clearly, with the fiscal situation we are in today, we are not going to solve our problem just by cutting or by raising taxes. We need to have a growth component so we can achieve more revenue through the prosperity and growth of corporations and income levels of individuals and so forth. So we

are reforming our code in a way to help us get out of this fiscal situation by improving the prosperity and growth of the country.

Our current tax system places the employers and businesses at a disadvantage in the global marketplace. If you look at this chart on my left, the United States, out of the 36 most competitive countries competing for global business around the world, is 35th. We are 35th out of 36 in the highest rate of taxes paid by our corporations, and they are competing against countries such as Germany, France, Austria, Turkey, Chile, and all these that are listed here—Asian nations and so forth—that have much lower combined tax rates than the United States.

We want to lower this level of payment of taxes in the United States by U.S. businesses to 24 percent from the current rate of 35 percent. If we go by a combined rate, it ends up with numbers a little different than that, but we want to move the United States down here into the competitive area where we are competitive with all those countries that we compete with to sell products overseas in this global economy. We do that and pay for it by eliminating a lot of the credits, special preferences, exemptions, and deductions that are available in those 71,000 pages, resulting in 10,000 or more special exemptions. We eliminate a lot of those in return for a lower corporate rate.

I talked with a number of businesses—small, large, and medium—that were saying if we can just get the rate down where we are competitive, we do not need to dig into the Tax Code to try to find all these special exemptions. It has been called corporate welfare. It doesn't always fall into that category. Some of this is legitimate, but it is not across the board. While it addresses problems of a specific industry or a specific company, it does not address it across-the-board in a way for their competitors to be treated in the same way.

Under Wyden-Coats, we try to level the playing field and make investing in the United States more attractive to businesses of all sizes. We have a repatriation provision in there which at another time we will explain in more detail. But a number of organizations, including Heritage and the Manufacturers Alliance, have done studies and produced information that shows that a lowering of this rate is a job creator. It is a growth component. The Heritage Foundation found that the legislation could create up to 2.3 million new jobs a year, while cutting the Federal deficit by an average of \$61 billion, just through the changes we have made in the corporate structure of taxation. The Manufacturers Alliance published a paper that concluded such an approach would "create nearly 2 million jobs on a net basis and add an extra \$500 billion to GDP by 2015." The alli-

ance also estimated that the increase of economic activity from this legislation could reduce the debt by \$1.2 trillion over the coming decade.

I wish to repeat that. While CBO or the Joint Tax might score this on a static basis—meaning that from lowering tax rates they do not calculate in what the potential growth from that might be in a fluid way, a dynamic way—history shows us that every time taxes are lowered, there is an uptick in economic activity and more important an uptick in the hiring and a drop in the unemployment rate. Getting us more competitive with our competitors around the world will clearly bring a yet undetermined number of more revenue coming into the Government based on higher profits by our companies and resulting in more employment. That is a key component of this tax reform.

Protecting the middle class and families is also another key component of our tax reform and of the Wyden-Coats plan. Today a family of four in Indiana making \$90,000 and filing jointly would owe nearly \$13,000 in personal income taxes. Under Wyden-Coats that family would keep more of their hard-earned money and save approximately \$5,000 in personal income taxes.

We protect and extend important tax deductions for families. We do not eliminate all deductions to reach our simplified Tax Code with only three levels of taxation. Without increases, we retain the rates. We don't raise any of the rates that are currently in place. We keep the dependent tax credit, which is set to drop to \$2,400 in 2 years. Under the Wyden-Coats plan, we permanently set that credit at \$3,000, a benefit to families. The child tax credit is scheduled to revert to \$500 in 2013. Wyden-Coats eases the tax burden on families by permanently setting the child tax credit at \$1,000.

We promote personal saving and investment. We think it is important that we encourage saving and investment. Today we have three separate IRA or Individual Retirement Account plans for savings and investments available to individuals in the United States. Wyden-Coats promotes this by expanding tax-free saving opportunities and consolidating these three new accounts into one account that would allow a married couple to contribute up to \$14,000 a year to tax-favored retirement and savings accounts.

We take the three current plans in existence, we consolidate them into one. We increase the amount per year that can be, tax-free, donated to those savings and retirement accounts as another way of looking out for families and their need to save for the future.

We are making the Tax Code fairer. Today our current tax system picks winners and losers, with hundreds of specialized tax rates that benefit some but not all. These credits, specialized

earmarks within this Tax Code that we are working with today, total \$1.1 trillion. We want to eliminate, under Wyden-Coats, a number of those exemptions and end a number of specialized tax breaks that favor one sector of the economy or special interest group over another. We want to level this out.

I recognize and Senator WYDEN also recognizes that there will be issues with this bill, especially from groups that benefit from these special exemptions, but those special exemptions and tax earmarks often put other companies at a disadvantage, and it is time, as I said, to make our system fairer and more simple. Ronald Reagan once said: To put it simply, our tax system is unfair, it is inequitable, it is counterproductive and all but incomprehensible. Reagan went on to say that were he living at this time, even Albert Einstein would have to write to the IRS to help him fill out his 1040 form each year.

It is 25 years since we had any meaningful tax reform; 1986 was the last time. During that time, our Government has vastly expanded Tax Code reform into a complicated, tangled web of deductions and loopholes for tax lawyers to decipher. But if we can reform this Tax Code and encourage job investment here at home and, through doing this, create more American jobs and make our country more competitive in a global market, we will have taken a major step to moving forward in terms of addressing the fiscal plight we are currently in.

Senator WYDEN and I are open to suggestion. This is not set in concrete. This is not a be-all, end-all plan. We don't have all the answers to this complex problem. But we think this is an essential start to a debate that is necessary to be accompanied by other solutions that we have to bring to our current fiscal situation. We want to put this in as a starter, as a way of saying 2 years-plus of hard work by two people who are knowledgeable about this topic—and I do not begin to bring myself up to the speed Senator WYDEN and Senator Gregg achieved in the 2-plus years of very hard effort, but I am trying to learn as fast as I can. We want to bring forward a bipartisan, Democratic-Republican plan which we think is based on principles that are necessary to stimulate our growth and provide fairness and simplification of our Tax Code. We want to provide it. We are asking everybody to look at it, examine it, come to us with your questions. There will be a lot of things to like. There will be some constituents who will find some things they do not like because it takes away a special exemption that they perhaps depended on. But we want to explain the basis on which we have made these decisions. We are open to suggestions, as long as those suggestions allow us to retain

those basic principles and maintain us at revenue neutrality level and a fairness across-the-board to families and businesses and individuals throughout this country.

I urge my colleagues to take a look, to work with us. The door is open for us to sit down and talk, whether to colleagues in the Senate or families or businesses across the country who want to bring their special input to this particular effort. We look forward to working with them and, over time, incorporating this in the plan to make us a fiscally healthier country and a country that is growing and dynamic and can retain its place as a place of prosperity and opportunity for not only those of us today but for our future generations.

Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska Natives to organize for the purpose of asserting their aboriginal land claims. The Native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress. After decades of litigation, the Native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes there was a cash settlement of \$7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

When the Native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's Native people through the Alaska Native Claims Settlement Act, ANCSA, of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their

aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims.

The Claims Settlement Act imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claims. None of the other 11 Alaska-based regional Native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, to reintroduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections, it has asked the Congress for flexibility to receive title to slightly different lands that it was not permitted to select under the 1971 legislation.

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber or mineral related economic development. These lands are called "Futures" sites in the bill. Other lands referred to as "economic development lands" in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest, the original selection areas containing 112,000 acres of old-growth timber. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest, meaning that under this bill Sealaska likely will select roughly 39,000 fewer acres of old-growth than otherwise might be the case. In the process it will at most select 9 percent of the second-growth, leaving the U.S. Forest Service hundreds of thousands of the 428,972

acres of second-growth in the forest. It will be selecting about 28,570 acres of second-growth, leaving the Forest Service more than 88 percent of the second-growth in the forest for it to use to promote a “young”-growth strategy in our Nation’s largest national forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will necessarily end up in Sealaska’s ownership. Sealaska by this legislation will not receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement total, still to be finalized by the Bureau of Land Management.

Now this legislation has traveled a long path, one that has seen it change substantially to meet a variety of concerns. Early in the 110th Congress, Alaska Congressman DON YOUNG in 2007 introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to, but somewhat different from that bill to give all parties time to thoroughly review the measure. In 2009, I reintroduced the bill after Sealaska and the communities of Southeast Alaska worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied on for subsistence and recreation out of the Tongass National Forest and into Native corporation ownership. Throughout 2009 and into 2010, I and my staff held 12 town meetings in Alaska to collect comments on the bill, and made modifications to it in response to the comments we received. When the bill did not advance in 2010, my staff again held two town meetings and other briefings this winter to gain additional comments and suggested changes in the bill. It is after these comments, and following email and letter suggestions from a variety of sources, that I and Senator BEGICH now move to reintroduce a new version of this bill. It will be somewhat different than a new bill also being introduced today by Congressman YOUNG in the House, a bill more similar to his original bill from 2007.

The legislation we are introducing today in the 112th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill reduces the selection pool to about 79,000 acres. It allows for timber land selections in North Election Creek, Polk Inlet-McKenzie Inlet, near Keete, at 12 Mile Arm, at Calder, all on Prince of Wales Island, at several sites on Koscuisko Island and on northern Kuiu

Island. These sites are far different than in 2009 since following comments, all of the areas on northern Prince of Wales involving Red Bay, Buster Creek and Labouchere Bay have been deleted from the bill to meet the concerns of Port Protection and Point Baker residents. Also a large 12,462-acre parcel in the Keete area also was removed to accommodate environmentalist concerns. This bill also makes a series of map changes in these parcels, removing 745 acres at Karheen Lakes on Tuxekan Island to protect fisheries, and removes timber lands around Halibut Harbor and Cape Pole on Koscuisko Islands to also protect fishermen and boaters.

Concerning Future sites, this bill keeps 30 sites, specifically dropping the 30-acre Dog Cove site, near Naha, north of Ketchikan, as a result of State and community concerns and imposing a restriction against development for 15 years of a proposed geothermal site at Pegmatite Mountain, 25 miles north of Tenakee on Chichagof Island. That restriction allows the possibility of a renewable energy site to serve Hoonah and Pelican and perhaps Tenakee, if other projects can’t first be completed to provide lower-cost power to those communities. The bill already has removed several dozen Future sites that had been proposed since 2007.

The bill in a change from the 2009 version includes a number of conservation areas, totaling 151,650 acres, to help protect fisheries and karst formations on Prince of Wales, Kupreanof, Kuiu and Sukkwan and Goat Islands. The conservation areas, first proposed after public comment in spring 2010, remove no timber lands from the current timber base, but do provide added protections to key fishery habitats such as those around Sarkar Lakes, Eek Lake, Bay of Pillars and Lovelace Creeks. Further to protect fisheries, this bill, as sought by many fishermen, imposes an 100-foot setback requirement for any timber lands conveyed to Sealaska from timber operations around class 1-A fish streams for 5 years—plenty of time for the State of Alaska to consider whether it needs to make any changes in its current State Forest Practices Act setback requirements.

The bill retains a series of changes made in the bill in the past to solve concerns over any unintended consequences that the bill might cause concerning the definition of Indian country in Alaska. It removes all sites from possible conveyance in Glacier Bay National Park and Preserve. It removes any presumption that any site qualifies as a sacred, cultural, traditional or educational site in Southeast, returning the nomination process for all such selections to the regulations that covered such selections immediately following the 1971 act’s passage. And the bill incorporates a host of changes sought by governments, the state and a wide variety of groups and

individuals to clarify language and solve concerns over everything from public access guarantees to access rights by bear guides. The bill maintains public access rights to all 17(b) easements and guarantees public access to all timber lands.

Sealaska also has offered a series of commitments to ensure that the benefits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its Native shareholders. The biggest is that all revenues will need to be shared under Section 7(i) of ANCSA with all other Native shareholders statewide.

We all hope that after 40 years that this measure can advance to passage this Congress and resolve the last land entitlement that Southeast Alaska’s more than 20,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska’s Native corporations to provide meaningful assistance to Alaska’s Native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the Native peoples of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in December of this year. Justice delayed truly is justice denied.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 730

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION SYSTEM UNIT.—The term “conservation system unit” has the meaning given the term in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102).

(2) LAND USE DESIGNATION II.—The term “Land Use Designation II” has the meaning described in title V of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539 et seq.), as further amended by section 201 of the Tongass Timber Reform Act of 1990 (Public Law 101-626).

(3) SEALASKA.—The term “Sealaska” means the Sealaska Corporation, a Regional Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast

Alaska from each category described in subsections (b) and (c).

(2) TREATMENT OF LAND CONVEYED.—Land conveyed pursuant to this Act is to be treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) subject to, but not limited to—

(A) reservation of public easements across land pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); and

(C) the land bank protections of section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

(b) WITHDRAWAL OF LAND.—The following public land is withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85-508), and shall be available for selection by, and conveyance to, Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):

(1) Land identified on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”.

(2) Sites with traditional, recreational, and renewable energy use value, as identified on the map entitled “Sites with Traditional, Recreational, and Renewable Energy Use Value”, dated February 1, 2011, and labeled “Attachment D”, subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(3) Sites identified on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”, which includes an identification of—

(A) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled “Yakutat to Dry Bay Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”;

(B) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Bay of Pillars to Port Camden Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”; and

(C) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled “Portage Bay to Duncan Canal Trade and Migration Route” on the map entitled “Traditional and Customary Trade and Migration Routes”, dated February 1, 2011, and labeled “Attachment C”.

(c) SITES WITH SACRED, CULTURAL, TRADITIONAL, OR HISTORIC SIGNIFICANCE.—Subject to the criteria and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), except as otherwise provided in this Act—

(1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural, traditional, or historic significance, including archeological sites, cultural landscapes, and natural features having cultural significance; and

(2) on identification of the land by Sealaska under paragraph (1), the identified land shall be—

(A) withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85-508); and

(B) available for selection by, and conveyance to, Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), subject to the conditions that—

(i) no sites with sacred, cultural, traditional, or historic significance may be selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) FOREST DEVELOPMENT ROADS.—Sealaska shall receive from the United States, subject to such reasonable terms and conditions as the Forest Service may impose, nonexclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c), and (3)(d) of the patent numbered 50-85-0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50-92-0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50-94-0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”;

(5) a reservation of a right to construct a new road to connect to existing forest development roads, as generally identified on the maps described in paragraph (4); and

(6) access to, and reservation of a right to, construct a new log transfer facility and log storage area at the location identified on the maps described in paragraph (4).

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this Act.

(2) FINAL PRIORITIES.—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108-452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 3(b)(1).

(3) SUBSTANTIAL COMPLETION REQUIRED.—Not later than 2 years after the date of selection by Sealaska of land withdrawn under section 3(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this Act.

(4) EFFECT.—Nothing in this Act shall interfere with, or cause any delay in, the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85-508).

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8))—

(1) the right of Sealaska to receive any land under section 14(h)(8) of that Act from within a withdrawal area established under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be terminated;

(2) the withdrawal areas set aside for selection by Native Corporations in southeast Alaska under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be rescinded; and

(3) land located within a withdrawal area that is not conveyed to Sealaska or to a southeast Alaska Village Corporation or Urban Corporation shall be returned to the unencumbered management of the Forest Service as part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (2) of section 3(b) located within any conservation system unit.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land withdrawn pursuant to paragraphs (1) and (3) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”;

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the maps described in subparagraph (A);

(C) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access, without liability to Sealaska, subject to—

(i) the right of Sealaska to regulate access granted under this subparagraph to ensure public safety, to protect cultural or scientific resources, and to provide environmental protection; and

(ii) the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use; and

(D) the requirement that, with respect to the land conveyed to the corporation pursuant to section 3(b)(1), Sealaska shall continue to manage the land in accordance with the State of Alaska Forest Resources and Practices Act, Alaska Stat. 41.17, except that, for a period of 5 years beginning on the date of enactment of this Act, Alaska Stat. 41.17.116(1) shall apply to the harvest of timber within 100 feet of a water body defined in Alaska Stat. 41.17.950(31).

(2) SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.—The conveyance to Sealaska of land withdrawn pursuant to section 3(c)

that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the conveyances where no reasonable alternative access around the land is available without liability to Sealaska; and

(B) the right of Sealaska to regulate access granted under this paragraph across the conveyances to ensure public safety, to protect cultural or scientific resources, to provide environmental protection, or to prohibit activities incompatible with the use and enjoyment of the land by Sealaska, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use.

(3) **TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(3) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access across the conveyances if an adjacent landowner or the public has a legal right to use the adjacent private or public land.

(4) **SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.**—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(2) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the land without liability to Sealaska; and

(B) the condition that public access across the land would not be unreasonably restricted or impaired.

(5) **EFFECT.**—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest, other than an interest retained by the United States, of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska with respect to the management or development of the applicable land.

(e) **CONDITIONS ON SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—The conveyance to Sealaska of land withdrawn pursuant to sections 3(b)(3) and 3(c)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall be subject to a covenant allowing use of the land only as described in subsection (f); and

(3) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

(f) **USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—Any land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(3) and 3(c) may be used for—

(1) preservation of cultural knowledge and traditions associated with the site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of the site to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities—

(A) are consistent with the sacred, cultural, traditional, or historic nature of the site; and

(B) are not inconsistent with the management plans for adjacent public land.

(g) **TERMINATION OF RESTRICTIVE COVENANTS.**—

(1) **IN GENERAL.**—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), terminates as a matter of law on the date of enactment of this Act.

(2) **REMAINING CONDITIONS.**—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) **RECORDS.**—Sealaska shall be responsible for recording with the land title recorders of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) **CONDITIONS ON SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.**—Each conveyance of land to Sealaska from land withdrawn pursuant to section 3(b)(2) shall be subject to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the conveyance of the site identified as Pegmatite Mountain Geothermal #53 on the map labeled “Attachment D” and dated February 1, 2011, shall be subject to a covenant prohibiting commercial development of the site for a period of 15 years beginning on the date of enactment of this Act, provided that Sealaska shall have a right to engage in site evaluation and analysis during the period.

(i) **ESCROW FUNDS FOR WITHDRAWN LAND.**—On the withdrawal by this Act of land identified for selection by Sealaska, the escrow requirements of section 2 of Public Law 94-204 (43 U.S.C. 1613 note), shall thereafter apply to the withdrawn land.

(j) **GUIDING AND OUTFITTING SPECIAL USE PERMITS OR AUTHORIZATIONS.**—

(1) **IN GENERAL.**—Consistent with the provisions of section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), on land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(1) and 3(b)(2), an existing holder of a guiding or outfitting special use permit or authorization issued by the Forest Service shall be entitled to its rights and privileges on the land for the remaining term of the permit, as of the date of conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the condition that the rights shall be considered a valid existing right reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be managed accordingly.

(2) **NOTICE OF COMMERCIAL ACTIVITIES.**—Sealaska, with respect to the holder of a guiding or outfitting special use permit or authorization under this subsection, and a permit holder referenced in this subsection, with respect to Sealaska, shall have an obligation to inform the other party of their respective commercial activities before engaging in the activities on land, which has been conveyed to Sealaska under this Act, subject to the permit or authorization.

(3) **NEGOTIATION OF NEW TERMS.**—Nothing in this subsection precludes Sealaska and a permit holder under this subsection from negotiating new mutually agreeable permit terms that supersede the requirements of—

(A) this subsection;

(B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); or

(C) any deed covenant.

(4) **LIABILITY.**—Sealaska shall bear no liability regarding use and occupancy pursuant to special use permits or authorizations on land selected or conveyed pursuant to this Act.

SEC. 5. MISCELLANEOUS.

(a) **STATUS OF CONVEYED LAND.**—Each conveyance of Federal land to Sealaska pursuant to this Act, and each Federal action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) **ENVIRONMENTAL MITIGATION AND INCENTIVES.**—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) **NO MATERIAL EFFECT ON FOREST PLAN.**—

(1) **IN GENERAL.**—Except as required by paragraph (2) and the amendment made by section 6, implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) **BOUNDARY ADJUSTMENTS.**—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) **EFFECT ON ENTITLEMENT.**—Nothing in this Act shall have any effect upon the entitlement due to any Native Corporation, other than Sealaska, under—

(1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 6. CONSERVATION AREAS.

(a) **IN GENERAL.**—Section 508 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2381, 104 Stat. 4428) is amended—

(1) in the matter preceding paragraph (1), by striking “The following lands are hereby” and inserting the following:

“(a) IN GENERAL.—The following land is”;

and

(2) by adding at the end the following:

“(13) CONSERVATION AREAS.—Subject to valid existing rights, certain land for conservation purposes, comprising approximately 151,565 acres, as depicted on the map entitled “Conservation Areas”, dated February 1, 2011, and labeled “Attachment E”, which is more particularly described as follows:

“(A) BAY OF PILLARS.—Certain land, comprising approximately 21,146.5 acres, located on the southern shore of the Bay in Forest Service Value Comparison Unit 4030.

“(B) KUSHNEAHN CREEK.—Certain land, comprising approximately 36,703 acres, located on southwestern Kupreanof Island in the Forest Service Value Comparison Units 4300 and 4310.

“(C) SARKAR LAKES.—Certain land, comprising approximately 25,403.7 acres, located on Prince of Wales Island in Forest Service Value Comparison Unit 5541.

“(D) WESTERN KOSCUISKO.—Certain land, comprising approximately 7,416.5 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5410, 5430, and 5440.

“(E) HONKER DIVIDE.—Certain land, comprising approximately 15,586.2 acres, located on Prince of Wales Island in Forest Service Value Comparison Units 5740, 5750, 5760, 5780, and 5971.

“(F) EEK LAKE AND SUKKWAN ISLAND.—Certain land, comprising approximately 34,644.1 acres, located in Forest Service Value Comparison Units 6320, 6700, 6710 and 6720.

“(G) EASTERN KOSCUISKO.—Certain karst land, comprising approximately 1,663 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5430 and 5460.

“(H) NORTHERN PRINCE OF WALES.—Certain karst land, comprising approximately 10,888 acres, located in Forest Service Value Comparison Units 5280, 5290, 5311, 5313, 5330, 5360, and 5371.

“(b) MANAGEMENT OF CONSERVATION AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), the conservation areas designated by subsection (a)(13) shall be allocated to Land Use Designation II status (as defined in section 2 of the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act) and shall be managed by the Secretary of Agriculture to protect subsistence activities and unique biological and geological resources and to prohibit commercial timber harvests or new road construction, in accordance with management guidelines developed under the Tongass National Forest Land and Resource Management Plan.

“(2) REQUIREMENTS.—In managing the areas designated by subsection (a)(13)—

“(A) the Forest Service shall protect the traditional and cultural use, biological and geological value, and, where applicable, the roadless character of the areas;

“(B) industrial logging and associated road building shall be prohibited;

“(C) timber micro-sales in accessible areas shall be allowed;

“(D) restoration projects in young-growth stands and salmon streams shall be encouraged for meeting integrated resource objectives;

“(E) subsistence enhancement and low impact recreation and tourism development projects shall be encouraged;

“(F) sustainable, community-scaled economic development of forest and marine resources shall be allowed, including issuance of special use permits for non-timber forest products gathering, mariculture develop-

ment, and transportation and energy development; and

“(G) existing and future Transportation and Utility Systems shall be permitted in designated Transportation and Utility System Corridors under the Tongass National Forest Land and Resource Management Plan.

“(c) LIMITATION.—The establishment of the conservation areas by subsection (a)(13) shall not be used by the Secretary of Agriculture or a designee of the Secretary of Agriculture as a basis for any administrative management decisions to establish by administrative action any buffers, withdrawals, land-use designations, road closures, or other similar actions on any land, value comparison units, or adjacent land-use designations.”.

SEC. 7. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, cell phones today are becoming ubiquitous and more essential to our everyday lives. Americans today have over 300 million wireless phones.

We use these phones in new and innovative ways. Consumers today increasingly use their cell phones for much more than just talking. Mobile broadband services now allow us to surf the Internet, search for nearby shops or restaurants, and watch videos right on our wireless handsets.

Since we now use these devices in new ways, it can be more difficult for consumers to realize they have exceeded their monthly subscriptions for cell phone service. This can have dramatic consequences for consumers.

Consider the case of a Navy ROTC midshipman who mistakenly left his smartphone's roaming function turned on while he was abroad. His phone downloaded e-mail messages, and he was sent a bill for almost \$1,300. News outlets have highlighted other cases from across the country, including cases where children on family subscription plans racked up thousands of dollars in extra charges. A 13-year-old's cell phone data usage led to a bill for almost \$22,000.

Bob St. Germain of Massachusetts was billed \$18,000 for a 6-week period when his son used a cell phone to con-

nect a computer to the Internet. I am proud to have Mr. St. Germain's support for the legislation I am introducing today. Unfortunately, these stories we hear about in the media are certainly not isolated cases, just the most egregious.

In fact, a recent Federal Communications Commission, FCC, survey found that 30 million Americans, or 1 in 6 adult cell phone users, have experienced cases of “bill shock.” Cell phone bill shock occurs when a consumer's monthly bill increases when they have not changed their plan. In about one in four cases, the consumer's bill increased by more than \$100. According to a survey by Consumers Union, the publishers of Consumer Reports magazine, the median bill shock amount was \$83.

With new, advanced developments in technology, bill shock is a growing problem. The introduction of faster “4G” networks will make it easier than ever for customers to burn through data limits. Americans who have cell phone “family plans” with multiple phone lines may face even greater difficulty monitoring their usage. More and more cell phone companies are dropping their unlimited data plans, and the risk of bill shock only stands to get worse.

Although consumers can already access their phone usage by requesting this information from their cell phone provider, the FCC survey found that almost 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed voice minutes, text messages, or data downloads.

In many cases, a simple alert message would help consumers avoid bill shock. That is why today I am pleased to introduce the Cell Phone Bill Shock Act of 2011.

This legislation is similar to what I proposed in the last Congress. It would require that cell phone companies do two things: first, that they notify cell phone customers when they have used 80 percent of their limit of voice minutes, text messages, or data usage. This notification could be in the form of a text message or email, and should be free of charge. Second, this legislation would require cell phone companies to obtain a customer's consent before charging for services in excess of their limit of voice, text, or data usage. Customers could give such consent by calling or sending a free text message or email to their phone company.

In the European Union, wireless phone companies already provide similar notifications when wireless consumers are roaming and when they reach 80 percent of their monthly data roaming services.

Congress already approved legislation to help consumers avoid bank overdraft fees from debit card and ATM transactions. Banks must now obtain

their customer's permission before allowing debit card transactions which would incur overdraft fees. My legislation extends that same concept to cell phone customers, who should benefit from similar protections against "bill shock."

The texting and Internet capabilities that make today's cell phones more useful than ever should be applied to help consumers avoid bill shock. Sending an automatic text notification to one's phone or an email alert should not place a burden on cell phone companies. Passing my commonsense legislation will help prevent consumers from facing "bill shock" problems in the future.

I look forward to working with my colleagues to pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 732

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Bill Shock Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced "bill shock", which is the sudden increase in the monthly bill of a subscriber even though the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations "for or in connection with" interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.

SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) DEFINITION.—In this section, the term "commercial mobile service" has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) NOTIFICATION OF CELL PHONE USAGE LIMITS.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit of

voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(c) SUBSCRIBER CONSENT.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—

(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to address a health care concern that impacts all of us—access to health care.

When you or your loved one is sick—the most important thing on earth is to fight for the very best medical care possible. And when the diagnosis is cancer—a disease far too many of our friends and family have faced—it becomes all the more important and all the more time sensitive.

Unfortunately, in some cases, access to care—as well as the life-saving drugs needed to treat a variety of forms of this disease—are being negatively impacted by the current reimbursement structure for Medicare Part B drugs and biologicals. In layman's terms, it's one more hurdle that doctors have to fight for their patients.

That is why I am introducing today legislation that would end the hurdle. My bill would exclude customary prompt pay discounts from the manufacturer's average sales price for purposes of Medicare Part B drugs and biologicals.

In Hillsboro, Kansas we have already seen cancer clinics begin to close as a direct result of the current reimbursement structure which limits patient access to care that they desperately need. Currently the prompt pay discounts artificially reduce Medicare Part B drug reimbursement rates for community oncology clinics, jeopardizing the viability of these providers.

The closing of the clinic in Hillsboro can be directly attributed to this reimbursement structure. Additionally, prompt pay discounts also reduce the payment rates of private payers that use Average Sales Price. My legislation is a step forward in addressing problems with Medicare reimbursement for cancer drugs.

Primary Healthcare Distributors, PHDs, act as a middle man between providers and drug and product manufacturers. Most healthcare providers must receive daily deliveries of products from many different manufacturers. PHDs streamline the system and provide efficiencies by aggregating the ordering and shipping logistics. Some 80 percent of prescription medicines in the U.S. are stored, managed and delivered by PHDs. These PHDs receive prompt pay discounts from drug manufacturers in recognition of the efficiencies they provide.

However, these efficiencies are threatened by the Medicare Modernization Act's, MMA's, inappropriate inclusion of these prompt pay discounts in the calculation of the Average Sales Price for Medicare Part B drugs, those administered in a doctor's office. The inclusion of these discounts ultimately reduces reimbursements to providers, who are not the actual beneficiaries of the discounts. It provides a perverse incentive for manufacturers to go around the PHD to offer prompt pay discounts directly to the providers, thereby eliminating the efficiencies of the current system and potentially creating another burden for providers.

Congress has recognized the importance of excluding prompt pay discounts from providers' payment formulas in the Medicaid program. This bill would extend that exclusion to Medicare Part B.

I believe that the policy is right; that is why today I, along with Senator STABENOW, am introducing legislation to amend Part B of Title XVII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 733

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

SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DISCOUNTS FROM MANUFACTURERS TO WHOLESALERS FROM THE AVERAGE SALES PRICE FOR MEDICARE PAYMENTS FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w-3a(c)(3)) is amended—

(1) in the first sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “prompt pay discounts”; and

(2) in the second sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “other price concessions”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2012.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING APRIL 5, 2011, AS “GOLD STAR WIVES DAY”

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—
(1) designates April 5, 2011, as “Gold Star Wives Day”;

(2) honors and recognizes—
(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe “Gold Star Wives Day” to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 131—DESIGNATING APRIL 2011 AS “TSUNAMI AWARENESS MONTH”

Mr. AKAKA (for himself and Mr. INOUE) submitted the following resolution; which was considered and agreed to:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration’s National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—
(1) designates April 2011 as “Tsunami Awareness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

AMENDMENTS SUBMITTED AND PROPOSED

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 286. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

“(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—
“(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

“(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.”; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

“(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

“(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike “the waste,” and all that follows through “2011” on line 10 and insert “waste, fraud, and abuse prevention activities”.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

“(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than \$50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.”.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop the certification required under paragraph (2)(D) in cooperation with the Council of Inspectors General on Integrity and Efficiency and the Office of Advocacy of the Administration.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e) Each Inspector General of each establishment that is required to participate in the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

“(1) establishing fraud detection indicators;

“(2) reviewing regulations and operating procedures of the Federal agencies;

“(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

“(4) improving the education and training of, and outreach to—

“(A) administrators of the SBIR program and the STTR program of each Federal agency;

“(B) applicants to the SBIR program or the STTR program; and

“(C) recipients of awards under the SBIR program or the STTR program.”

On page 102, beginning on line 7, strike “, and every 3 years thereafter,” and insert “to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies.”

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after “STTR program” insert the following: “, at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program.”

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business

Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 286. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I want to advise that the Committee on Energy and Natural Resources will hold a business meeting on Tuesday, April 12, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation, and the nomination of Peter B. Lyons, to be an Assistant Secretary of Energy (Nuclear Energy).

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on

April 5, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Closing the Digital Divide: Connecting Native Nations and Communities to the 21st Century.”

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 5, 2011, at 12 p.m. in S-216.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 10:15 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Airland on the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 5, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Tourism in America: Removing Barriers and Promoting Growth.”

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

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on H.R. 4: Andrew Fishburn and Eric Roberts.

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

UNANIMOUS CONSENT
AGREEMENT—S. 493

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Wednesday, April 6, the Senate resume consideration of S. 493 and the pending amendments be set aside and Senator REID or a designee be recognized to call up the following amendments:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; Coburn No. 217; Coburn No. 223; Coburn No. 273; Inouye No. 286; that the pending Sanders amendment No. 207 be modified with the changes at the desk; that the Senate then proceed to a period of debate only until 4 p.m., with the time equally divided between the two leaders or their designees prior to votes in relation to the following amendments in the order listed below:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; McConnell No. 183; Coburn No. 223; Inouye No. 286; and Coburn No. 273; that there be no amendments in order to the amendments prior to the votes; the amendments not be divisible; the motions to reconsider be considered made and laid upon the table; there be 2 minutes equally divided in between the votes; all after the first vote be 10 minutes in duration; and the amendments be subject to a 60-vote threshold for adoption; that upon the disposition of the Coburn amendment No. 273, amendment Nos. 184 and 217 offered by Senator COBURN be agreed to; that no amendments be in order to the Coburn amendments Nos. 184 and 217 prior to their adoption; and all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate everyone's patience in regard to getting this consent agreement. None of these votes are easy, but the votes are necessary.

I would also say, in relation to the statement made by my friend from Colorado, that—I am trying to figure out who is the senior Senator between the Presiding Officer—the junior Senator from Colorado, the nice statement he made: We are doing our very best to work something out on the CR that will fund the government to the end of this fiscal year. As has been reported in the press, I had a meeting with the Speaker tonight at 4 o'clock. We are still negotiating in good faith. We are not that far apart. Hopefully, we can work something out. It is something we should be able to do and certainly we are trying. As we speak, our people are working. So I want everyone to know the government is not going to be shut down yet. There is still air in

the tire. We still have some miles to travel, but I hope there is enough air in it to get us where we need to go.

HONORING PERISHED WEST VIRGINIA AND OTHER COAL MINERS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 129, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 129) honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas West Virginia coal miners and their predecessors not only have a strong commitment to providing a good living for their families, but also take a deep and patriotic pride in the fact that their work and the energy they produce has made the United States strong and free;

Whereas coal mining has been, and remains, an important part of the economy of the United States;

Whereas coal accounts for nearly ½ of the electricity produced in the United States;

Whereas coal has been commercially mined in what is now the State of West Virginia since 1810;

Whereas since 1810, West Virginia miners and their families have sacrificed greatly to mine the coal that powers the economy of the United States;

Whereas, on April 5, 2010, 29 heroic and patriotic West Virginia miners tragically lost their lives in an explosion at the Upper Big Branch Mine in Montcoal, West Virginia;

Whereas a search and rescue effort was launched immediately following the explosion that involved dozens of courageous volunteers, first responders, and mine rescue teams who fearlessly risked their lives to rescue survivors and find lost miners;

Whereas Carl "Pee Wee" Acord, Jason Matthew Atkins, Christopher Lee Bell, Sr., Gregory Steven Brock, Kenneth A. Chapman, Sr., Robert Eugene Clark, Cory Davis, Charles Timothy Davis, Michael Lee Elswick, William Ildon Griffith, Steven J. "Smiley" Harrah, Edward "Dean" Jones,

Richard Keith Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, Nicolas D. McCroskey, James "Eddie" Moonney, Adam K. Morgan, Rex Lane Mullins, Joshua Scott Napper, Howard "Boone" Payne, Jr., Dillard Earl "Dewey" Persinger, Joel R. "Jody" Price, Gary Wayne Quarles, Deward Allan Scott, Grover Dale Skeens, Benny Ray Willingham, and Ricky L. Workman perished in the explosion at the Upper Big Branch Mine;

Whereas the terrible tragedy broke the hearts of the people of the United States;

Whereas since the beginning of 2010, 77 miners of coal and other resources have lost their lives on the job, and thousands more have been injured or diagnosed with occupational illnesses, such as Black Lung disease;

Whereas the families of the deceased continue to suffer, as do those miners who have become seriously injured or ill; and

Whereas Congress has long recognized the need to protect the safety and health of miners: Now, therefore, be it

Resolved, That the Senate—

(1) honors the coal miners who lost their lives in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010;

(2) extends its continued heartfelt condolences to the families of the deceased, who are still looking for answers to the tragedy;

(3) recognizes the hardships faced by survivors of the tragedy and fellow miners who worked side-by-side with the deceased;

(4) acknowledges the risks faced by all miners, as well as the important and often overlooked contributions that miners make to the United States;

(5) expresses its appreciation for the volunteers, first responders, and mine rescue teams who fearlessly risk their lives to save miners after tragedies; and

(6) reaffirms its commitment to keep miners safe and healthy on the job.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GOLD STAR WIVES DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 130, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 130) designating April 5, 2011, as "Gold Star Wives Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe “Gold Star Wives Day” to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

TSUNAMI AWARENESS MONTH

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 131, submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 131) designating April 2011 as “Tsunami Awareness Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, today I rise in support of my resolution designating

April 2011 as Tsunami Awareness Month.

The recent events in Japan serve as a reminder of the importance of tsunami preparedness and mitigation. As we recently saw, tsunamis can strike at any time, continue for hours, wash away homes, buildings, and roads, and claim thousands of lives. Deadly tsunamis have struck Hawaii, Alaska, California, Oregon, Washington, American Samoa, Puerto Rico, and the United States Virgin Islands within the last 150 years. All coastline communities in the United States are at risk of being impacted by tsunamis.

Sixty-five years ago, my home State of Hawaii experienced the most devastating and destructive tsunami in its history, which claimed the lives of 159 individuals. Hawaii’s geographic location in the middle of the Pacific Ocean makes us extremely vulnerable to tsunamis because 80 percent of all tsunamis occur in the Pacific.

To encourage citizens to educate themselves on tsunami preparedness, President Obama has designated March 20–26, 2011, as Tsunami Awareness Week. For the month of April, the National Oceanic and Atmospheric Administration’s (NOAA) National Weather Service in Hawaii will conduct activities to raise public awareness of the dangers of tsunamis and commemorate the lives lost to the April 1, 1946 tsunami. Additionally, Hawaii State and local officials have partnered with NOAA to develop a Tsunami Safety Booklet to educate school-aged children about the dangers of tsunamis, and they plan to distribute the booklets and other preparedness materials at sponsored events.

I encourage all citizens to observe Tsunami Awareness Month and prepare for tsunamis by finding out if their homes, schools, and workplaces are in areas likely to flood should a tsunami occur; identifying evacuation routes; and preparing portable disaster supply kits. Additional information about tsunami preparedness can be found at TsunamiReady (www.tsunamiready.noaa.gov).

As Congress continues debates about cuts to the Federal budget, I remind my colleagues of the importance of federal funding for tsunami programs.

Funding for NOAA tsunami program supports warning, mitigation, and research activities that are critical to our Nation’s safety and security. The NOAA operates two tsunami warning centers, the Pacific Tsunami Warning Center at Ewa Beach, Hawaii, and the West Coast and Alaska Tsunami Warning Center at Palmer, Alaska. Through Deep-Ocean Assessment and Reporting of Tsunamis stations, these Centers monitor an extensive network of deep sea buoys providing real-time information needed to detect and issue warnings for tsunamis generated in the Pacific Ocean.

Furthermore, NOAA, in coordination with the Federal Emergency Management Agency and the United States Geological Survey, partners with all 29 coastal States, Territories and Commonwealths in the United States to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program.

These programs save lives. The House-passed continuing resolution would decrease funding for NOAA by approximately \$450 million. Funding increases in recent years have allowed NOAA to strengthen our Nation’s tsunami warning capabilities by expanding the operating hours and geographic areas of responsibility for both tsunami warning centers. Making drastic cuts to the NOAA’s budget would severely impair our Nation’s ability to warn citizens of potential disasters. Maintaining this funding is critical.

As Japan recovers from the deadly earthquake and tsunami of March 11, 2011, I continue to pledge my support for the people of Japan and keep all those affected by this tragedy in my thoughts and prayers.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration’s National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the

West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as “Tsunami Awareness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

MEASURE READ THE FIRST TIME—H.R. 1255

Mr. BENNET. Mr. President, I understand that H.R. 1255 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes.

Mr. BENNET. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, APRIL 6, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Wednesday, April 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 12:40 p.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that at 10:40 a.m., Senator AYOTTE be recognized to deliver her maiden speech to the Senate; and that following morning business, the Senate resume consideration of S. 493, the small business jobs bill, as provided for under the previous order.

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

PROGRAM

Mr. BENNET. Mr. President, Senators should expect a series of up to seven rollcall votes to begin at approximately 4 p.m. in relation to amendments to the small business jobs bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:35 p.m., recessed until Wednesday, April 6, 2011, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination pursuant to the order of January 7, 2009 and the nomination was placed on the Executive Calendar pursuant to an order of January 7, 2009:

*JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JOSHUA MOTT

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I participated with my Boy Scout Troop in preparing over three hundred food boxes for the poor. We arrived at the headquarters of the "Food for the Families" around 8:30 in the morning. After re-arranging the boxes into three rows of seventy-five, we waited for the truck to deliver the food. Once the food

arrived, we stacked it according to type. Vegetables of each type in their own category, hams in another, and so on. Once all the items were stacked, a team was created for each pile to distribute the food in the boxes. Each box received a set number of each food. Twelve extra boxes, or "gleaning boxes" as they were called, were filled with the extra food. As soon as all the boxes were filled, the doors were opened and the people were allowed in. Each person who signed up for a box was also given a yellow ticket. Those waiting in line outside presented their ticket and were admitted in. A worker then escorted the individual with a box on a cart out of the building. Once their box was filled, the individual and worker walked to their car or house and delivered the box. This process continued until all the boxes were distributed. It was a wonderful experience.

—Joshua Mott

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. ANDREWS. Mr. Speaker, on rollcall No. 225 for H.R. 1246, I am not recorded because I was absent. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mrs. MALONEY. Mr. Speaker, on April 1, I missed rollcall vote numbered 213. Had I been present, I would have voted "nay" on rollcall vote 213, providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States.

RECOGNIZING THE 43RD ANNIVERSARY OF THE DEATH OF THE REV. DR. MARTIN LUTHER KING, JR.

HON. ELLJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. CUMMINGS. Mr. Speaker, I rise to honor the memory of the Rev. Dr. Martin Luther King, Jr. and to deliver a message from those of us who were young in Dr. King's time.

We cannot honor Dr. King without recalling the difficult and unfair world that he set out to change.

And we do not honor him by pretending that no civil rights challenges remain to be overcome.

It is also critical that we recall how well Dr. King understood that the challenges of civil rights and economic injustice are inextricably intertwined.

He understood that working people—of every background—are too often in a struggle just to survive.

Forty-three years after that tragic moment in Memphis, Tennessee, Americans of good conscience are still in an economic struggle for fundamental human dignity—and we are still in a national debate regarding what kind of nation ours will become.

And, in this ongoing struggle, Americans of Color are not alone in having our fundamental human rights denied.

According to an October 2010 report released by the Congressional Research Service, 3.7 million more persons fell below the poverty line in 2009 compared to the number below the poverty line in 2008.

These 3.7 million people were pushed into poverty and left to suffer the consequences of a recession they did not create.

As a result, in 2009, a total of 43.6 million people had incomes below the poverty line—more than at any time since we began tracking this measure in 1959—9 years before Dr. King's death.

Within that figure, one in every five children in this country lived in poverty in this nation in 2009. This is a staggering and shameful figure.

Mr. Speaker, far too many Americans are being subjected to the most crippling segregation of all: the segregation from hope that is the inevitable result of poverty.

On the anniversary of Dr. King's assassination, we recall that he was struck down in Memphis while he was supporting a sanitation union's struggle for a living wage.

Dr. King understood that the struggle of workers to win their rights is part of the continuing struggle of labor for opportunity.

More than 40 years after Dr. King's death, this struggle continues—and the victories won years ago are at risk perhaps as never before.

Many are seeking to tear down American workers' most fundamental rights and to undo the advances that paved the paths that have carried so many to the middle class.

As we see that struggle unfold, I urge us to remember what we are fighting for.

As Dr. King often observed, the civil rights objectives of our time are not limited to the struggles of Black people or of any minority group.

Rather, we are engaged in a peaceful struggle to advance the human and civil rights of ALL AMERICANS.

Our mission—Dr. King's vision transported into our time—is to transform the "human rights" of all Americans into civil rights protected by law.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

We are fighting, as our colleague and friend Congressman JOHN LEWIS has observed, for the rights that will enable all Americans to have jobs that provide them "the opportunity to realize their full potential as individual people."

At a time when many low-wage jobs do not pay enough to enable a family to make ends meet, and at a time when people can work 40 or even 50 hours a week and still fall behind, we honor Dr. King's struggle by continuing his fight to create a just society where every person can fulfill the potential God has given to them.

And we continue that fight by ensuring that the hard-won rights of working Americans are seen as inviolable and as essential to the success of our entire nation.

I urge every American to join this fight.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ERIC PARKER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to

the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

As a representative for Sam Johnson's CYAC of the 2010-2011 year I decided to volunteer in my community by participating with Habitat for Humanity. Habitat for Humanity is a global, non-profit organization that seeks to shelter the homeless and poor by building comfortable homes with the help of volunteers from the surrounding community. I volunteered several hours from what would have been just another "lazy" Saturday afternoon to go to Wylie in an effort to help the organization with building a home. The organizers were very friendly and helpful in pointing me in the right direction and very clear and concise on instructions for the work that I would be tasked with. I found a hands-on approach to be the best way to contribute to my community and learned a lot from one evening with fellow charity workers. I was able to make a difference in someone's life by helping build shelter and contributing to society. I learned that community service is an overlooked part of life that when performed can cause a person to feel good in a way that can't be accomplished by common means. I look forward to working with Habit for Humanity again in the future.

—Eric Parker

CONGRATULATING THE MAROON GIANTS OF KALAMAZOO CENTRAL HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. UPTON. Mr. Speaker, I rise today to congratulate the Maroon Giants of Kalamazoo Central High School on their second straight Michigan state championship win in men's basketball. These outstanding young men have worked hard for this accomplishment and have made their community very proud.

Winning a state championship is a remarkable achievement that few teams attain. Winning back-to-back championships is an incredible legacy that will live with Kalamazoo Central forever. The Maroon Giants and Coach Mike Thomas know what brought this second straight state title back to Kalamazoo—hard work. It was running that one extra sprint and shooting that extra free throw after practice that helped make the Maroon Giants champions. Nobody outworked the Giants, and nobody could beat them in the state tournament, and nobody had a greater following or more community support. The Giants truly lived up to their name on the court.

It is an honor to pay tribute to the entire Maroon Giants squad: Tyler Bell, Allie Buchanan, Tens Buchanan, TJ Buchanan, Jamaal Conger, Brandon Delk, Juwan Gamble, Lee Gardner, H'ian Hale, Quante Hill, JeRon Johnson, Mark Justice, Daquavion McCants-Wilson, De'tavia Moore, Darius Norman, Von Washington III, and Davarius Williams. I also want to recognize head coach Mike Thomas and assistant coaches Thomas Dillard, Anthony

Stuckey, Matt Price, Brandon Williams, Tim Gleeson, Alan Lee and team manager Aminder Sohi. We salute all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Maroon Giants, Coach Thomas, and the entire Kalamazoo community—you are an inspiration to us all. It is Giant pride at its finest. Go Giants!

IN CELEBRATION OF THE TOWN OF MONSON'S 250TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. NEAL. Mr. Speaker, I would like to acknowledge the yearlong celebration of the town of Monson, Massachusetts' 250th anniversary. The town was founded by a small group of residents from Brimfield, Massachusetts, who petitioned for a town of their own. The first town meeting of Monson was held in 1760. When it was founded, Monson was a center for manufacturing in Massachusetts, with an abundance of mills powered by the water found in the nearby hills. Today, Monson is known primarily for their involvement in the arts, especially the theater and festivals.

To honor this historic occasion, the town of Monson held a yearlong celebration with different events held by members of the Monson Steering Committee and several non-profit organizations located in the town.

This yearlong celebration of the town's anniversary began in April 2010, and will conclude on April 9, 2011. The inaugural event of the festival was a bonfire held at Veterans Field. Throughout the year there were family events and festivals, including the annual Summerfest held on the 4th of July, and the family ice cream social and concert sponsored by the Friends of the Keep Museum. Families also enjoyed the picnic held at Flynt Park. Other outdoor activities included a walk/run sponsored by the Peaked Mountain Committee and a motorcycle hill climb sponsored by the Quaboag Riders & Monson Lions Club. There were many cultural events as well, such as the Monson Arts Council's craft fair, the Monson Bellmen Antique Fire Apparatus Club and Museum's open house, and the Monson Rotary Club's concert at Dave Grieve Park.

A quilt show was held in which 50 Monson quilters donated a block to make a commemorative 250th anniversary quilt. This quilt will be on display continually in various buildings in the town. The concluding event of this festival will be the Monson 250th Gala Ball with the theme of "Remembering Monson." The ball will have a continuous slide show of all the old and new businesses and homes in Monson, as well as a display of Monson's non-profit organizations.

The town of Monson has been an important part of Massachusetts since well before the United States was founded. While this quintessential New England town is a place where families have lived for generations, Monson has also grown into a dynamic center for arts, culture and a thriving workplace. On its 250th anniversary, I am honored to represent the town of Monson and I look forward to celebrating many more anniversaries.

HONORING MARCH 25, 2011 AS THE
190TH ANNIVERSARY OF
GREECE'S INDEPENDENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in celebration of the 190th anniversary of Greek independence. It is an honor to recognize a nation whose rich and vibrant history not only laid the foundation for democracy, but whose immigrants and descendants have enriched the cultural landscape of our nation.

The warm friendship that America shares with Greece is rooted in the indelible mark of democracy and self-determination that Hellenic culture has left on our country. Just as our founding fathers were guided by these principles in their fight for independence from a foreign empire, so too were the founders of modern-day Greece, who declared their independence from the Ottoman Empire on March 25th, 190 years ago. Since the birth of both nations, we have striven together to uphold the values of freedom, equality, and justice championed by the Ancient Greeks. We have joined together to promote peace and stability in the world, and Greece has allied with the U.S. in every major international conflict throughout the 20th century.

From architecture to the democratic ideals we cherish, Greek culture has had a continued influence on the way Americans live their everyday lives. Illinois' Third District is fortunate to have one of the largest and most vibrant Greek-American communities in America. And just as Greek citizens were integral in transforming Ancient Greece into a beacon of democracy and culture, Greek-Americans in Oak Lawn, Palos Hills, and throughout Southwestern Chicagoland have proudly contributed their strong cultural heritage and values into the patchwork that makes the Third District so distinct.

It is with great gratitude and pride that I rise to honor the independence of a nation that, from ancient times, has bestowed upon its citizens the fundamental rights of liberty and participation in the democratic process. Though rooted in ancient ideals, our strong allegiance with Greece continues to this day through a shared belief that freedom and democracy are the building blocks of peace. At home, I have witnessed firsthand the positive cultural heritage Greek-Americans bring to our local communities, and I trust that the bonds between our two nations will remain strong for years to come.

RECOGNIZING THE 2010–2011 CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL FOR 500 HOURS OF OUT-
STANDING SERVICE TO THE
COMMUNITY—ZACH PALISCH

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

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A copy of each submitted student summary follows:

For the past three months, I have been volunteering my time weekly at the local elementary school by my house, Faith Lutheran. I am a volunteer basketball coach for a group of about eleven 5th and 6th graders who attend the school. We have a couple of games each week and have practices every Saturday morning at the school. The group of kids is very inexperienced as a whole so our practices are very important. We practice dribbling, passing, team building, team plays, and shooting for fun at the end. The practices were highly successful as I managed to teach the guys 8 plays total and everyone improved their skills individually as well over the year. The weekly games were always a fun and frustrating experience as I tried to coach a team to win as well as making it a fun learning experience for the kids. In the end all the hard work paid off as the boys had the first-ever undefeated season for the school and won the tournament at the end of the season. I can tell the kids learned a lot throughout the season, and I know I learned how rewarding an experience it can be to teach young children and watch them learn and grow.

—Zack Palisch

RECOGNIZING SERVICE OF DR.
RICHARD LINTON, VICE PRESI-
DENT OF RESEARCH AND GRAD-
UATE STUDIES AT THE UNIVER-
SITY OF OREGON

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. DEFAZIO. Mr. Speaker, I rise today to recognize a person who has made an important impact on the state of Oregon and the federal research enterprise through his work at the University of Oregon as Vice President for Research and Graduate Studies. Dr. Richard Linton is the longest serving vice president of research in the University of Oregon's history and among the longest-serving vice presidents of research within the Association of American Universities' membership.

He leaves the university after more than a decade of service. Dr. Linton's leadership has markedly improved the university's federal research enterprise, enabling university faculty and researchers to engage in discovery, innovation and scholarship that contribute to society's well-being and our understanding of our world.

Dr. Linton deserves special recognition for his guidance of sponsored programs, research initiatives, graduate education, technology transfer and the university's research park. Under his leadership, UO has seen sustained growth in federal research grants and technology transfer activities. He has guided the UO in growing and launching interdisciplinary centers and initiatives spanning the innovation cycle, from basic discovery to commercialization.

I am particularly pleased that companies directly derived from University of Oregon research currently employ more than 255 Oregonians and in 2010 generated more than \$32 million in revenue for Oregon's economy. A remarkable accomplishment.

At the core of Rich Linton's decade of accomplishment at the university is his ability to be collaborative and to establish important strategic partnerships that have contributed greatly to the region's economic security and future. Thank you, Dr. Linton!

TRIBUTE TO SENIOR MASTER SER-
GEANT JOSEPH F. GIANETTO II

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. BUERKLE. Mr. Speaker, I rise today to honor the career of Senior Master Sergeant Joseph F. Gianetto II. Originally from Oswego, NY, Sergeant Gianetto enlisted in 1971 and subsequently has spent over 39½ years with United States Air Force and the New York Air National Guard. Sergeant Gianetto has been decorated with numerous medals, awards and service distinctions. It is my honor to recognize such a distinguished citizen and airman.

Sergeant Gianetto began his military career in the Air Force on the delayed enlistment program in June 1971 and was called to active

duty in October 1971. Upon completion of basic training at Lackland Air Force Base, Texas, in November 1971, Sergeant Gianetto began technical school training as an Aircraft Maintenance Specialist at Sheppard Air Force Base, Texas. In March 1972, he was assigned to 314th Tactical Airlift Wing, Organizational Maintenance Branch, Flight-line Maintenance, Little Rock Air Force Base, Arkansas, and began on-the-job training for his five-skill level on the C-130E Hercules aircraft. He remained in that position until May 1973.

In May 1973, Sergeant Gianetto was reassigned to the 56th Special Operations Wing, Organizational Maintenance Squadron, Flight-line Branch, Nahkon Phanom Royal Thai Air Force Base, Thailand, in support of combat operations in Southeast Asia. While assigned with the 56th Organizational Maintenance Squadron he performed duties as Aircraft Crew Chief on the OV-10A Bronco aircraft and deployed to forward operating locations at Ubon Royal Thai Air Force Base, Takhli Royal Thai Air Force Base, and Korat Royal Thai Air Force Base.

After completion of his tour of duty in Southeast Asia, Sergeant Gianetto was reassigned to 314th Tactical Airlift Wing, Field Maintenance Branch, Little Rock AFB, Arkansas, where he worked in the Repair and Reclamation Shop as an Aircraft Maintenance Technician performing heavy maintenance on the C-130E aircraft. He was subsequently reassigned to the 314th Headquarters Squadron as an Aircraft Job Controller coordinating the maintenance efforts on a fleet of over 100 C-130E Hercules aircraft.

Sergeant Gianetto applied for a release from active duty under the Palace Chase Program. His release from active duty was granted in September 1979. He became a member of the 107th Fighter Interceptor Group, Organizational Maintenance Branch, Flight-line Maintenance, New York Air National Guard, Niagara Falls, New York, and was assigned as a Crew Chief on the RF-101 Voodoo aircraft. In January 1980, Sergeant Gianetto transferred to the 174th Fighter Wing, assigned to the 174th Maintenance Squadron as Crew Chief on the A-10A Thunderbolt aircraft, and subsequently held assignments in the 174th Maintenance Operations Flight, and the 174th Operations Group, supporting F-16C Fighting Falcon Maintenance Operations, and RC-26 Counterdrug Operations.

The 174th Fighter Wing was called mobilized and called to active duty on 29 December 1990. On 2 January 1991, Sergeant Gianetto deployed to Al Kharj Air Base, Kingdom of Saudi Arabia, in support of Operation Desert Shield/Desert Storm during the Persian Gulf War. He returned from the Persian Gulf on 20 May 1991 and was released from active duty on 13 June 1991. He also served in Operation Northern Watch from 23 August to 16 September 1997, and Operation Southern Watch from 28 February to 8 April 2000 and again from 28 July to 28 August 2001, all in support of contingency operations against Iraq. After the September 11th terrorist attacks, he performed over 40 days of active duty supporting Combat Air Patrol sorties in support of Operation Noble Eagle.

On 14 October 2003, Sergeant Gianetto volunteered for his fourth Air Expeditionary Force

deployment in Support of the Global War on Terrorism. He deployed to Al Udeid Air Base, Emirate of Qatar, and was attached to the 379th Expeditionary Maintenance Operations Squadron, from 17 October 2003 to 5 December 2003, in support of combat operations in Iraq and Afghanistan during Operation Enduring Freedom and Operation Iraqi Freedom.

On 28 November 2006, Sergeant Gianetto was again called to active duty deployed to Balad Air Base, Iraq in support of Operation Iraqi Freedom, where he was assigned to the 332d Expeditionary Maintenance Group. While there he worked as a Senior Weapon Systems Controller and Shift Supervisor, coordinating maintenance operations for three different active duty and Air National Guard assigned aircraft supporting contingency operations throughout the Iraqi theater of operations. Sergeant Gianetto redeployed after 96 days in-theater and was released from active duty on 1 April 2007.

Sergeant Gianetto had been employed as an Air National Guard Technician since June 1980, working as an A-10 Aircraft Mechanic; Aircraft Production Controller; Aircraft Production Control Supervisor; Aircraft Production Control Superintendent; and a Logistics Management Technician. He retired from his full-time technician position on 1 March 2008.

Militarily, he was assigned as the NCOIC for the 174th Fighter Wing RC-26 Counterdrug office on 23 June 2008, and is a former Maintenance Squadron First Sergeant. He has over 39½ years combined service, eight years of active duty in the United States Air Force, and the remainder with the New York Air National Guard.

During these times and throughout his career, Sergeant has displayed honorable character and service to the United States Air Force and 174th Fighter Wing, and our country. His military decorations include the Meritorious Service Medal; Air Force Commendation Medal, with one oak leaf cluster; and Air Force Achievement Medal; five oak leaf clusters. His military unit and achievement awards include the Joint Service Meritorious Unit Award; Meritorious Unit Award, with two oak leaf clusters; Air Force Outstanding Unit Award with Combat "V" device and nine oak leaf clusters; Air Force Good Conduct Medal, with one oak leaf cluster; Air Reserve Forces Meritorious Service Medal, with nine oak leaf clusters. His military campaign and service awards include the National Defense Service Medal, with two bronze service stars; Armed Forces Expeditionary Service Medal with one bronze service star; Viet Nam Service Medal with one bronze campaign star; Southwest Asia Service Medal, with three bronze campaign stars; Iraq Campaign Medal, with two bronze campaign stars; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Military Outstanding Volunteer Service Medal; Humanitarian Service Medal; Air Force Overseas Service Ribbon, with two oak leaf clusters; Air Force Expeditionary Service Ribbon, with gold combat frame and two oak leaf clusters; Air Force Longevity Service Ribbon, with eight oak leaf clusters; Armed Forces Reserve Medal with gold hourglass device, mobilization "M" device, and numeral "7"; Noncommissioned Officer Professional Military Education Ribbon,

with two oak leaf clusters; Small Arms Expert Marksmanship Ribbon; and Air Force Training Ribbon. Sergeant Gianetto's Foreign Service awards include the Republic of Viet Nam Gallantry Cross with palm device; Republic of Viet Nam Campaign Medal with date bar; Kuwait Liberation Medal-Saudi Arabia; and the Kuwait Liberation Medal-Kuwait.

Sergeant Gianetto also holds the following New York State awards and decorations: New York State Military Commendation Medal; New York State Long and Faithful Service Award, with one gold and one silver device; New York State Desert Storm Service Medal; New York State Defense of Liberty Medal; New York State Conspicuous Service Cross, with one silver device; New York State Conspicuous Service Star, with one gold and two silver devices; New York State Recruiting Medal; New York State Counterdrug Ribbon; New York State Exercise Support Ribbon, with three "E" devices; and the Medal for Humane Service to New York State; and the New York State Air Guard First Sergeant Ribbon.

He is also the recipient of the Air National Guard Noncommissioned Officer Academy Graduate Association, Outstanding Graduate of the Year Award for 1995; the 1999 Veterans of Foreign Wars Post #5885, All-State Commanders Award; and the 174th Fighter Wing Senior Noncommissioned Officer of the Year Award for 2001. In May 2004, Sergeant Gianetto received the American Red Cross Veterans award. He was also named the 174th Fighter Wing Base Honor Guard Senior Noncommissioned Officer of the Year for 2005.

His effective dates of promotion are: Airman—16 November 1971; Airman First Class—1 April 1972; Sergeant—1 November 1973; Staff Sergeant—1 November 1976; Technical Sergeant—1 October 1980; Master Sergeant—1 February 1986; Senior Master Sergeant—13 February 1990.

Sergeant Gianetto is a Past Post Commander and "Life" of the Veterans of Foreign Wars, Quatrini-Dehm Post No. 5885, located in Oswego, New York. He is also member the American Legion, James Harvey Spire Post No. 787, Cicero, New York. He is a member of the Air Force Association; the Air Force Sergeants Association; the Enlisted Association of the National Guard of the United States; the Enlisted Association of the New York National Guard; and the 174th Alumni Association. He is a member of the Air National Guard Noncommissioned Officer Academy Graduates Association; and the American Veterans (AmVets). He is also an active member of the 174th Fighter Wing Base Honor Guard, and a member of Bugles Across America.

Without question, Mr. Speaker, Sergeant Gianetto is a very special person. He willingly served his nation, exuding loyalty and pride. For his unrelenting service, Sergeant Gianetto can retire knowing he has earned such a status. I would like to wish him well in his retirement years, as he will now be able to spend more free time with his wife Dale, his three daughters, Christina Gianetto, Jennifer (Gianetto) Rowan, Brynn Leigh (Shattuck) Shamp, sons Ryan and Kegan Shattuck, and grandson Nehemiah Shamp. Sergeant Gianetto, thank you for all your years of hard work, dedication and service to our country.

CELEBRATING 110 YEARS OF THE
EAST TOLEDO FAMILY CENTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. KAPTUR. Mr. Speaker, I rise today to recognize a milestone on the long road of service of the East Toledo Family Center in my District. At this Sunday's annual Renaissance Gala, our community will pay tribute to this achievement. The East Toledo Family Center is an incredible community-building resource. Every year, its dedicated staff and volunteers touch the lives of thousands of citizens of all ages—for recreation, health care, meals, community activities, holiday gatherings and family support. Every neighborhood should be so fortunate as to have such a welcoming, caring, and effective community center. The East Toledo Family Center surely is the heart of East Toledo.

Nearly 110 years ago, according to the Center's historical records, on Sunday, August 4th, 1901, Rev. H.W. Hoover held a tent meeting on factory grounds owned by D.J. Nysewander in East Toledo. A list survives of those who contributed towards the "interest on loan, sidewalks, hymn books, lights and piano tuning" for this first Industrial Heights Mission Contributors included such well known East side names as Metzger, Rideout, Tracy, and Hirzel. The Mission lasted for several days and was enlarged into "settlement work" to help the many new immigrants in the area become adjusted to life in America.

A Baptist minister from Ontario, Canada, Rev. Hoover was just past the age of 40 when he began his mission work in Toledo's East Side. His efforts resulted in the formation of the Neighborhood House, where he spent the remaining years of his life until his passing at the age of 72. By the summer of 1902, property was obtained on Vinal Street, and adjoining lots were soon added through the generosity of East Toledoans Alexander Black, George Metzger, Isaac Gerson, and Mr. Nysewander.

The Center records its early years as the land on Vinal Street near East Broadway, which was originally a neglected dump, was quickly improved. Dirt from the streets was used as fill, grass was sown, East Side florists provided flowers, the Monroe Nurseries gave shrubs and the old dump was transformed. The Ohio Neighborhood Institute, commonly called the Neighborhood House, was incorporated and the property at 1019 and 1027 Vinal Street developed rapidly. M.J. Riggs, superintendent of the American Bridge Company in East Toledo, helped purchase playground equipment along with paint, fencing, and ornamental gates and posts.

A depression in 1908 led to what some families called the "slim winter." When no assistance was available to help the many families who were out of work, Mrs. Hoover and East Side businessmen stepped in to provide food and aid through the Neighborhood House. During the years of World War I there was a need for classes in English for both children and adults as more and more immigrants came to work in the factories of America. Be-

fore Oakdale School opened, school classes were held at the Neighborhood House for small children of various grades.

By 1916 the Neighborhood House had a large playground. It featured a merry-go-round, basket swing, May pole and an enormous sand box. A "Sunshine House" donated by Dorothy Kimball was used to help children learn how to keep house. Tea parties were held to teach the children "proper manners" when entertaining and of course there were sports of all kinds, including boxing matches.

Attendance records from 1916 show just how important the work of the Neighborhood House was to the community. The Vinal Street playground was used by five thousand children that year and almost thirty-five hundred people attended American Citizenship classes. Over two thousand people came to other lectures while a "School of Conduct" attracted nearly twenty-seven hundred people. A satellite ministry of the Neighborhood House, the Ironville Neighborhood Settlement, called Lincoln Place, had seventy-eight hundred participants during 1916. For the year, 28,766 people were involved in all the activities of this important East Side ministry.

The importance of the Neighborhood House to the community is apparent by the number of companies and individuals who contributed to its support. A list of hundreds of donors includes the names of some of Toledo's most prominent citizens. Here can be found the names Ernest Tiedtke, Thomas DeVilbiss, Edward Ford, General Sherwood, Mr. Walbridge, Mr. Detwiler and Mr. LaSalle, along with such East Side names as Winchester, Hoeflinger, Eggleston, Gardner and Tucker. Edward Drummond Libbey was also an important early benefactor.

By 1927 there were three buildings on the Vinal Street property. During the dark days of the Great Depression the bad times began to take their toll on the working class families of East Toledo and the Neighborhood House lost its founder when the Rev. Hoover passed away in early 1932. An article by Isabel Toppin of the East Side Sun family records that "how many are losing the houses they tried hard to maintain." she continues "the streams of little wagons and push carts headed for the city's dole measures the depression into which we have fallen." It would be during these times that the Neighborhood House would be needed all the more. Ms. Toppin goes on to say "In the midst of the general unhappiness, the Neighborhood House has striven to relieve the drab hopelessness of the situation." During these hard times the Neighborhood House was often a last resort for people.

Volunteers would bring in clothing, a baker would send surplus stock and mothers, as it was recorded, would "accomplish wonders with a yard of goods and a button. The Neighborhood House became a clearing house for the needs of the community and the human spirit would not be extinguished by these hard times. By the 1940's as the economic times began to improve and the Neighborhood House continued to provide a place for people of all ages in the community to grow and become better citizens and better Americans.

The Neighborhood House kept growing following the post-World War II boom years until

a new building was needed in the early 1970's. The Center stood as a bulwark through neighborhood changes in the 1980s and 1990s and adapted to the changing needs of East Side residents. Now as the 21st century progresses and it is into its twelfth decade of service, The East Toledo Family Center serves more people and provides more services than at any other time in its long history. Tradition has been maintained even as services develop and grow so that efforts continue to be directed toward providing educational, economic, social and recreational opportunities for working class families and children.

Through more than a century of careful stewardship, the leaders of the East Toledo Family Center have carried forth the vision of Rev. Hoover and the founding members. It remains a beacon of light, shining on into a new century of service.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ZACH RALSTIN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my

privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

Beginning last semester, one of my best friends and I started visiting Frankford Middle School to partake in their Friday Night Academy event, where high school volunteers such as ourselves tutor younger students. We made a habit of going to many of these sessions to help several students with assignments and homework that they had missed or fallen behind on. I continued to incorporate this as a part of my service project for CYAC. As I have volunteered at my old school over these past few months, I have come to realize that it is extremely important for us to give back to the generations behind us and provide them with an even better education than we had received before them. If younger students do not fully comprehend their math or other lessons before reaching high school, chances are they will be less inclined to do as well as those with a more solid educational foundation, something that every good student deserves. I hope that I have been able to help teach or reinforce some of those concepts with the students I have spent time working with at Frankford, and that I will continue to do so to help them with and prepare them for high school and the rest of their academic career.

—Zach Ralstin

HUMAN RIGHTS IN IRAN

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. REED. Mr. Speaker, I rise today to speak out against the atrocious record of human rights in Iran. Across the Middle East, we have seen a growing pressure for change, with individuals standing up for their right to live free. Yet, Iran remains a theocratic and violently repressive dictatorship.

Iran's opposition Green Movement—reinvigorated by recent protests in the Middle East—has faced brutal suppression, including beatings and arrests. A recent response by the Iranian leadership to a weekly Tuesday protest calling for reforms included a brutal assault on demonstrators. More disturbing, there has been a spike in executions—with the International Campaign for Human Rights estimating more than 90 individuals including political prisoners have been executed over the past two months.

Clearly, any facade of Presidential and Parliamentary elections is exposed through this record of appalling religious and military control and abuse of the Iranian people.

In Iran, there is no freedom of speech, no freedom of the press, no freedom of religion—with life imprisonment or death meted out as punishments for these “crimes.”

As Americans, we—along with our international allies—must speak out against these abuses. The United Nations Human Rights Council should appoint a special expert to monitor and document the deterioration of human rights in Iran and I urge this Congress

and our Administration to continue to impose and broaden strict U.S. sanctions, including on the companies that provide the technology that enables government monitoring and suppression of dissent.

As a nation, we must support the desire of any people to live free and stand strong against abusive regimes.

SHIRLEY ATENCIO TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. TIPTON. Mr. Speaker, today I recognize Shirley Atencio, of Center, Colorado. Ms. Atencio was recently named Center Teacher of the Year for her outstanding efforts in the classroom. As a veteran teacher of 33 years, she has had a profound effect on the students and parents of her community.

Ms. Atencio earned Teacher of the Year honors this year because of her increased role in curriculum planning around the district. She is a leader among the teaching community in modernizing and streamlining lesson strategies. Largely due to her efforts, students have access to a clearer and more focused education. One of her primary goals is teaching self respect and reliance to her students and to ensure that they have a strong affluence in the English language.

Mr. Speaker it is an honor to recognize Shirley Atencio today. Her leadership within the community is an important part of the area's success. I have no doubt she will continue to be an excellent teacher for many years.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GRANT POWELL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my CYAC community service project, I volunteered as an attorney at the Collin County Teen Court, providing 30 hours of service between October 2010 and January 2011. The mission of Teen Court is to teach first-time juvenile misdemeanor offenders a lesson by sentencing the defendants with service hours and jury duty. The jury at Teen Court hears the testimony of the defendants and the arguments of the attorneys in order to come to a decision. A judge presides over the court proceeding and makes the court session formal and official. Teen Court is vital to the lives of young people in the Collin County community. Not only do the defendants in Teen Court begin to strive for better character; the jury members that hear the testimony of the defendants make sound changes in their own lives also. Through my work at Teen Court I have helped the teens who have made poor judgment. My job as an attorney has been crucial to bring the facts of the cases to the jury so that they can deliver fair verdicts. In addition, my experience in the Teen Court has inspired me to consider law as a potential career choice.

—Grant Powell

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 225. Had I been present, I would have voted “yea” on rollcall No. 225.

OPPOSITION TO EFFORTS TO EXPAND A FEDERALLY-FUNDED SCHOOL VOUCHER PROGRAM IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. NORTON. I submit the following letters:

COUNCIL OF THE DISTRICT
OF COLUMBIA,
Washington, DC, March 30, 2011.

Senator HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: We write to express our opposition to renewed efforts to expand a federally-funded school voucher program in the District of Columbia. We appreciate your interest in providing support to public education in the District. We strongly believe, however, that federal funds should be invested in the existing public education program—both the public schools and the public charter schools—rather than diverted to private schools.

We support the decision by Congress and the President several years ago to phase out the voucher program. Multiple US Department of Education reports of the program indicate that the program has not lived up to the promises made by proponents. Moreover, a Government Accountability Office report revealed that many of the voucher students attend private schools with fewer resources and lower standards than our public schools. The evidence is clear that the use of vouchers has had no statistically significant impact on overall student achievement in math or reading, or for students from schools in need of improvement.

We have serious concerns about using government funds to send our students to private schools that do not have to adhere to the same standards and accountability as do public and public charter schools. For example, private religious schools, which 80% of voucher students attend, operate outside the anti-discrimination provisions of the District's Human Rights Act. Moreover, the voucher proposal is inequitable: if fully funded, the authorization would provide at least \$8,000 per student for vouchers, but only about \$723 per public charter school student, and even less—about \$437 per public school student.

Although we believe that students who are already receiving a voucher should have the opportunity to maintain and use that voucher through graduation from high school, we do not support expansion of the program to new students. The District has devoted considerable funds to public education. As a result, parents in the District have both public school choice and access to the most extensive set of alternatives to traditional public schools in the country.

We appreciate your willingness to take into account the wishes of the District's elected officials on the quintessentially local matter of education as you consider this issue.

Sincerely,

MICHAEL A. BROWN,
Councilmember, At-Large.

MARY M. CHEH,
Councilmember, Ward 3.

JIM GRAHAM,
Councilmember, Ward 1.

PHIL MENDELSON,
Councilmember, At-Large.

TOMMY WELLS,
Councilmember,
Ward 6.

COUNCIL OF
THE DISTRICT OF COLUMBIA,
Washington, DC, March 30, 2011.

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

DEAR CONGRESSWOMAN PELOSI: We write to express our opposition to renewed efforts to expand a federally-funded school voucher program in the District of Columbia. We appreciate your interest in providing support to public education in the District. We strongly believe, however, that federal funds should be invested in the existing public education program—both the public schools and the public charter schools—rather than diverted to private schools.

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Councilmember, Ward 1.

PHIL MENDELSON,
Councilmember, At-Large.

TOMMY WELLS,

Councilmember, Ward 6.

COREY LAUGHLIN TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. TIPTON. Mr. Speaker it brings me great pleasure to pay tribute to a young man who has exhibited a level of caring and selflessness well beyond his years. Corey Laughlin of Pueblo, Colorado, has taken it upon himself to bring the sport of baseball to underprivileged children who play in the Runyan Field Baseball Program.

Corey, a member of East High School's baseball team, has loved baseball for as long he can remember, and thinks that America's pastime has taught him some invaluable life lessons. Earlier this year he was going through his own baseball gear in anticipation of the upcoming season, and discovered he had an excess supply of lightly used baseball equipment; then he realized that many others would also have extra baseball bats, cleats and mitts. Corey then took it upon himself to rally the community in support of the Runyan Field Baseball Program, a youth league in Pueblo. Corey solicited teammates, neighbors and community members to donate used baseball gear. Corey organized a sale of the equipment, and announced all profits would go towards helping the underprivileged members of the Runyan Program.

Corey Laughlin's desire to share the game he loves with the less fortunate members of his community shows an incredible level of maturity, a deep sense of thoughtfulness, and gives me faith in future generations of Americans. Mr. Speaker, it has been an honor to stand and pay tribute to the charitable efforts of Corey Laughlin.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GINU SCARIA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Through community service and involvement, I have learned to view matters in a whole new perspective. When I look at my goals now of changing the world one step at a time, I know I am getting a step closer by taking part in service activities and events. Helping out is now part of who I am and my definition. It is definitely going to part of future in college as well as afterwards when earning a career. Gandhi once said to, "be the change you wish to see in the world." I believe the world gets a positive change every time someone steps up to the plate to make a difference, whether is it through community service or starting a charity. It is through generous hands that we learn a better role of ourselves and gain a better knowledge of viewing matters in a whole new angle. As Student Council President, helping out becomes an everyday routine, and I am very proud to have the opportunity. As a member of the Congressional Youth Advisory Council, I am happy to take part in community involvement, and because of it I have learned a life lesson. I cannot forget.

—Ginu Scaria

COMMENDING JOHN TWITTY OF
SPRINGFIELD, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. LONG. Mr. Speaker, I rise today to honor the service of one of Missouri's finest leaders and my personal friend, John Twitty.

John is an icon in the 7th District. He's provided Springfield, Missouri with affordable electricity, inexpensive natural gas, and clean drinking water for almost a decade as the General Manager and Chief Executive Officer of City Utilities. You would be hard-pressed to

find a better leader with more integrity, which is evidenced by the high regard in which he is held throughout the city of Springfield, the State of Missouri, and across the country.

Whether he is dealing with employees, the general public, or community leaders, John maintains his professionalism and character. He sincerely cares for each one of the employees at City Utilities and for the entire Springfield community.

I am just one of many in the community that recognizes John as an outstanding leader. For his national leadership, he received the American Public Power Association's Alex Radin Distinguished Service Award—its top honor. He has also served as their Chairman. For his statewide leadership, he received the Missouri Association of Municipal Utilities Distinguished Service Award. For his contribution to Missouri and the nation, he received the Missourian Award and the Outstanding Missourian Award from the Missouri House of Representatives and the Missouri Senate.

John has also been very active in the Springfield community. Although he would be the last to say so himself, John has given much to Springfield through his outreach and involvement in community organizations. He has worked with the United Way of the Ozarks, the Springfield Business and Development Corporation, the Partnership Industrial Center West Administrative Council, St. John's Health System, Empire Bank, the Rotary Club of Springfield Southeast, the Boys & Girls Town of Missouri, and other local organizations.

John will retire this June. No doubt, he will enjoy spending more time playing golf and with his family. John's family includes his wife, Jean, a retired Greene Country Assessor and current member of the Springfield Public Schools Board of Education, and his daughter, Dr. Anne S. Twitty, an Assistant Professor of History at the University of Mississippi.

Although John is about to embark on a much-deserved leave of absence, his legacy will live on whenever a family cooks dinner using low-cost electricity or when children drink clean water from a school water fountain. He has faithfully performed the duty shared by all public servants; he left the institutions in his care stronger and better for the next generation. Let us all draw humility and purpose from his example.

A TRIBUTE TO ALBERT B.
WASHKO

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in honor of Mr. Albert B. Washko. Al concluded 21 years of dedicated service to the Department of Veterans Affairs when he retired on March 31, 2011.

Ensuring our nation's veterans were provided with the world-class benefits and services they earned was not a mission Al took lightly as evidenced by his dedication to serving the men and women who served in uniform.

Over the course of his time with the Department of Veterans Affairs, Al held positions which took him from coast to coast. Before he was named the Director of the V.A. Nebraska-Western Iowa Health Care System in 2003, Al oversaw 23 medical centers in New York, New England, and Puerto Rico as Director of V.A. Northeast Region. He also worked at V.A. Medical centers in Albany, New York; Palo Alto, California; and Albuquerque, New Mexico. Al has served on numerous hospital, social service agency, and community boards which demonstrated his commitment to public service both on and off the job.

Over the course of his career, Al helped fulfill President Abraham Lincoln's promise "to care for him who shall have borne the battle, and for his widow, and his orphan." While the V.A. loses a valued member of its team with Al's retirement, his impact on our nation's veterans will be felt for years.

I ask my colleagues to join me today in commending the career of Mr. Albert B. Washko as he begins his well-deserved retirement.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—DALLAS RODRIGUEZ

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

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A copy of each submitted student summary follows:

For this project I wanted to focus specifically on what I could do in five hours to make a difference in my community. I decided to focus my CYAC community service on helping The North Texas Food Bank with their current event called “The Souper Bowl of Caring”. This event is done in conjunction with local grocery stores and allows shoppers to buy pre-packed bags of non-perishable food items to donate for distribution to the local food banks and shelters. I walked my neighborhood distributing flyers informing people about the event and solicited cash donations to help me pre-purchase bags for the event. I was able to collect enough money to buy 23 bags of groceries. Because I will volunteer for the event on Sunday, February 6th, several others I talked to promised to go in to Market Street and purchase bags on Sunday. This experience has shown me how much one person in a short amount of time can help several families survive for a couple of weeks. It confirmed to me that we can all make a difference in the lives of others by just taking a few hours out of our lives and focusing on helping others.

—Dallas Rodriguez

**IRENE PARSONS SHATTERED
MANY GLASS CEILINGS IN HER
YEARS OF SERVICE**

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. FOXX. Mr. Speaker, I rise today to honor the late Irene Parsons, of Wilkes County, North Carolina, who passed away last week.

Parsons was a woman who knew a thing or two about shattering glass ceilings. After she graduated from the Women’s College of the University of North Carolina in 1941, she then went on to graduate with the first class of the Women’s Reserve of the Coast Guard, known as SPARS. She then served at the Coast Guard Headquarters in Washington.

After the war Parsons worked at the Veterans Administration. She was eventually appointed by President Johnson as director of personnel at the Veterans Administration. At the time, the VA was the second largest government agency with over 200,000 employees and Parsons was the only female director of personnel for a major government agency.

Later, in 1972, Parsons was honored with a Career Service Award from President Nixon for her many years of service to our nation. She was also the first woman to receive the VA’s coveted Silver Helmet award. Parson’s also received the Federal Women’s Award during her service in the federal government.

After retirement from government service she returned to her home in Wilkes County

where she remained very active in the community. Irene Parsons made many strides for women during a time in which men still filled most leadership roles in government and business. Her life is an inspiring example for today’s generation of young female leaders. She will be greatly missed and my thoughts and prayers are with her family and loved ones who mourn this great loss.

PROTECTING OUR SENIORS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. RAHALL. Mr. Speaker, Social Security and Medicare bring economic security within reach of working American families, regardless of income. Workers deserve the benefits they are owed after a lifetime of paying into these programs.

And, yet, there are some, driven by blind ideology and partisanship, who aim to chip away at those guarantees, bit by bit. There are budget proposals—reducing the operating expenses for the Social Security program, and curtailing the ability of Social Security to pay benefits—that hint of a radical restructuring of the program. There are budget proposals that are unabashed in their radicalism toward Medicare.

In the name of fixing deficits in other areas of the budget, some will try to point fingers at seniors programs as the culprit, but don’t you believe it. We must be extremely cautious and jealous in protecting Social Security and Medicare, or we may find that they will be taken away forever.

DENNIS MANN WILL BE MISSED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, on Friday, April 8th, the Town of Sharon and many others will be honoring Dennis Mann on the occasion of his retirement as the Fire Chief of Sharon, Massachusetts. Sharon is a town very well represented in this body—it has been, since 1982, in the district I am privileged to represent, and it is the hometown of my colleague from Massachusetts, Mr. KEATING, who served Sharon as a State Representative and State Senator before moving on to become the District Attorney for the county in which it is located and, most recently, our colleague here in the House.

Mr. Speaker, Dennis Mann exemplifies public service at its best, and at a time when too many people are prone to denigrate public servants, I am very proud to hold him up as an example of the kind of dedication, integrity, and commitment from which the public benefits. Dennis Mann has been a member of the Sharon Fire Department for over 30 years, and he was Chief for 13. In addition to the difficult job of running a fire department, with all that that entails, Dennis Mann’s commitment

to others has led him to teach CPR and also serve as an instructor in karate.

Mr. Speaker, we are as a society very lucky to have people who are prepared to risk their lives in the fire service, one of the most dangerous occupations in the world, and we too often take for granted the safety that they provide for us. I very much regret that there are those who would deny them the resources we need—and I say we and not they—for them to do their job on our behalf.

Mr. Speaker, to Dennis Mann, his wife Kathy, and their children Jamie and Carissa, I send my very best wishes; my congratulations on a job well done; and gratitude for the example Mr. Mann has set for public service at its best.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. LEE. Mr. Speaker, I missed rollcall vote No. 225 on H.R. 1246. Had I been present, I would have voted “aye” on this vote.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ALEX ROBINSON

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do

not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Since I have been a competitive swimmer for over ten years, I thought that it would be a good idea to volunteer at the Plano Special Olympics Swim Team. Not only did I help these kids with their swimming, I made friendships that mean the world to the kids. I worked for about three months with them, and most of my swimmers achieved their goal at the championship meet, which was a gold medal. One swimmer was constantly afraid of getting in the water, but I eventually got him to conquer his fear and jump into the pool. Often, especially at schools, the mentally challenged kids are written off and no one pays attention to them, but that is just wrong. These are some of the nicest people that you will ever meet, and they are especially eager to learn. Not only is this a great opportunity to make these kids better swimmers, it is a chance to make these kids feel like they fit in and it makes them feel very good about themselves. I was very apprehensive about volunteering at first, but it was one of the most rewarding decisions that I have ever made. The Special Olympics is often short on volunteers, and I really recommend volunteering.

—Alex Robinson

HONORING THE 50TH ANNIVERSARY OF THE AIR FORCE SERGEANTS ASSOCIATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the Air Force Sergeants Association's 50th anniversary, which will be celebrated at its 2011 Professional Airmen's Conference and International Convention in San Antonio, July 23 through 27, 2011.

The Air Force Sergeants Association is a not-for-profit organization serving the professional and personal interests of its 110,000 association members, made up of active duty, veteran, and retired enlisted members of the Air Force, as well as the Air National Guard and Reserve. The AFSA advocates for 955,873 active duty and retired Airmen, whether they are an association member or not. Including family members, who also “serve,” the number of enlisted “Airmen” represented by AFSA is huge. The association has an auxiliary to which family members of Air Force enlisted members can belong.

The association began in 1961, and has earned the respect of Congressional, Pentagon, and Veterans Affairs leaders for its re-

lentless role as a voice of the Air Force enlisted. The association was instrumental in the establishment of the Survivor Benefit Plan for surviving spouses of retired veterans. They played a major role in the recent passage of the Post-9/11 GI Bill, a comprehensive overhaul of the previous education benefits that will ensure Air Force members and their families are provided with improved educational opportunities. The association has ensured that many military family issues have been brought to the forefront, including the need to construct additional child development centers for child care needs and the establishment of an oversight office in the Office of the Secretary of Defense for the Exceptional Family Members Program to better manage special needs across all military services.

The association also played a significant role to assure veterans of Operation Enduring Freedom, Operation Iraqi Freedom, and other Overseas Contingency Operations receive the proper and well-earned benefits, care, and treatment for their selfless and heroic service to a grateful nation.

At the vanguard of the effort to achieve cost-of-living adjustments for all those in uniform and those who have retired, the association was a main force in implementing TRICARE for Life medical benefits for retirees over 65 and the implementation of “concurrent receipt” of retirement and disability pay for disabled veterans, rated over 50% disabled.

Additionally, the Air Force Sergeants Association has been a reliable source of information for the legislative process in support of military members and their families.

This well-known and highly respected veteran's organization has been dedicated to serving the total Air Force enlisted corps and their families for 50 years. For 2011, they have adopted “The Air Force Sergeants Association—A Global Voice for over 50 years” as the theme for their Professional Airmen's Conference and AFSA International Convention. May the association continue its good work for many years to come.

RECOGNIZING CHRISTOPHER S. HAMILTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Christopher S. Hamilton for his outstanding service to the Tall Pine Council, Boy Scouts of America. Christopher will be honored at a luncheon on Thursday, April 7, sponsored jointly by the Tall Pine Council and the Burton Rotary Club, where he will be presented with the Jack A. Hamady Good Scout Award.

Christopher S. Hamilton grew up in the Flint area, earning the Eagle Scout distinction from Troop 120 in Linden Michigan. He went on to play football for Purdue University and was a member of the only Purdue team to win the Rose Bowl. After graduation he returned to the Flint area and worked for AC Spark Plug until his retirement in 2007. During this time he was an avid promoter of Scouting. Christopher was

an Explorer Advisor for Post 651, a volunteer committee member of the Tall Pine Council Golf Tournament for over 20 years, and a Friends of Scouting Captain for the Tall Pine Council. In 1999 he received the Silver Beaver Award, the highest award given to an adult volunteer in Scouting.

In 2008 Christopher became the Executive Director of the Old Newsboys of Flint. This was the culmination of several years working as a member of the Old Newsboys of Flint Board of Directors. He served as President of the Board and Secretary/Treasurer before assuming the duties of Executive Director. He has been active with Easter Seals, the United Way, the Burton Rotary Club, F&AM Lodge Number 23, Flint Elks Number 222, Burton Eagles, and several local Chambers of Commerce.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Christopher S. Hamilton as he is honored by the Tall Pine Council, Boy Scouts of America for his work on behalf of the children in the Flint community. He has touched numerous lives and I wish him the best in the future.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—MICHAEL ROBERTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USQ, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I greeted the troops at DFW Airport. My schedule only allowed me to go on the weekends, but I took advantage of any plane coming into Dallas. I called the Welcome Home a Hero hotline and found out when the planes would arrive each day. In order to never miss the greeting, I would get to the appropriate terminal and wait there for sometimes up to an hour for the troops to come out. I will one day be one of those soldiers walking through those doors, and I seem to already appreciate the fact that there were so many people there. The administrators make sure the troops are directed towards different terminals or gates if they have connecting flights. Also they have people bring snacks and water which the troops seem to like for obvious reasons. This event only takes a few hours including driving, but every second is worth it when you see the smiles on their faces. They are so happy to be home and ready to see the relatives that they miss so deeply. God Bless those soldiers, God Bless America.

—Michael Roberts

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, April 1, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted “yes” on rollcall vote No. 223 (on the motion to recommit H.R. 1255 with instructions), and “no” on rollcall vote No. 224 (on passage of H.R. 1255).

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately I was unable to cast my votes on Monday, April 4, 2011 due to a scheduled meeting in my District with constituents in St. Joseph and Ogden, Illinois and wish the RECORD to reflect my intentions had I been present to vote on H.R. 1246.

Had I been present to vote on rollcall No. 225 on H.R. 1246, to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction, I would have voted in favor of this bill. It is imperative in these times of rising deficit and debt levels that we take a fine tooth comb to every budget and find wasteful spending. This bill, sponsored by an ex-member of our

military, is a prime example of the types of bills we should continue to pursue as we tackle the overall levels of spending through the annual budget and appropriations process. Had I been present to vote on this bill, I would have voted, “aye.”

INTRODUCTION OF THE VIRGINIA ACCESS TO ENERGY ACT (VA ENERGY ACT)

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. GOODLATTE. Mr. Speaker, each week, folks across Virginia and the nation are confronted with the rising cost of energy. However, Virginians understand that a major component in lessening energy costs is to produce more energy.

I believe that Virginia should have every tool available to access their energy supplies. For many years, the Commonwealth of Virginia has seriously been considering the potential positive impact that Outer Continental Shelf (OCS) development off Virginia’s coast would have on the Commonwealth. In fact, there has been wide support for environmentally responsible energy production by the Governor of Virginia, the Virginia General Assembly and by many local governments in the Commonwealth.

The Commonwealth of Virginia has made it clear that they want to access their energy resources. I believe that we should access these resources and we can do it while being environmentally responsible. Therefore, I rise today, with the majority of the Virginia Congressional Delegation, to introduce the “Virginia Access to Energy Act,” to give the Commonwealth access to these energy supplies. This legislation would start energy production off of Virginia’s coast based on the Department of Interior’s own proposal. This legislation simply requires that the Department of Interior proceed with their proposed Virginia lease sale no later than one year after passage of this legislation.

Passage of this legislation and development of VA’s OCS will significantly boost the economy of the Commonwealth of Virginia. It has been estimated by the U.S. Department of Interior that Virginia’s OCS has 130 million barrels of recoverable oil and 1.14 trillion cubic feet of recoverable natural gas. This translates into a significant boost to the economy of the Commonwealth of Virginia. In fact, some estimates have shown that development of Virginia’s OCS will create 2,578 full-time equivalent positions on an annual basis, induce capital investment of \$7.84 billion, yield \$644 million in direct and indirect payroll, and result in \$271 million in state and local taxes. While exploration activities alone will infuse the Virginia economy with a significant amount of new capital, this legislation will also authorize any qualified revenues generated by the lease sales to be shared between the federal government and the Commonwealth of Virginia. Additionally, the legislation sets up revenue-sharing for the Commonwealth for any future lease sales off of Virginia’s coast.

My legislation, the Virginia Access to Energy Act, is an important component to any long-term strategy to reduce our dangerous dependence on foreign oil. This legislation ensures that Virginia has every tool available to access its energy supplies, while at the same time creating thousands of jobs for Virginians and infusing the Commonwealth with new capital growth. I urge Congress to pass this legislation to allow Virginia to move towards a path of energy independence.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,251,174,516,308.48.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,605,505,817,922.70 since then.

This debt and its interest payments we are passing to our children and all future Americans.

PASSING OF FORMER REP. JOHN ADLER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. CONYERS. Mr. Speaker, I rise today to mourn the passing of a dear friend and colleague, former Congressman John Adler. It was truly an honor and a privilege to serve with John during the 111th Congress, where we worked together on legislation such as the Paycheck Fairness Act and the Employee Free Choice Act. John always put the interests of his constituents first, and I can confidently say that the people of New Jersey’s 3rd Congressional District were privileged to have a representative as dedicated and committed to his job as John.

John and I also shared a particular interest in Veteran’s issues. As a member of the Veterans’ Affairs Committee, he worked tirelessly to ensure that our Nation’s veterans received the benefits they deserved as a result of their tremendous sacrifice and service to this country. As a veteran myself, I take particular pride in saluting John’s accomplishments in this field.

Again, I join with my colleagues in expressing my sincerest condolences on the passing of Congressman Adler. My thoughts and prayers are with his wife, Shelley, and his four sons. I hope that my colleagues will take this time to reflect on his life and his work, and may he serve as an example to all of us of a life well lived.

IN RECOGNITION OF THE CAREER
AND ACHIEVEMENTS OF SUSAN
BENDER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. ACKERMAN. Mr. Speaker, I rise to seek Congressional recognition of the exceptional achievements and outstanding career of Susan Bender. Over the course of her almost 40-year professional career with Jewish Community Centers (JCC) in New York City and Long Island, Susan worked tirelessly to ensure that families and individuals living in New York City and Long Island had access to mental-health and social-service programs. She has not only been an innovative leader and unyielding advocate for individuals with disabilities, but also a dedicated leader in her community.

After graduating from Brooklyn College with a degree in speech pathology, Susan began working at JCCs with distinction. She started her career at the Staten Island Jewish Community Center as the Director of Early Childhood Development. In 1988, she moved to be the Executive Director at the Young Men's—Young Women's Hebrew Association in Westchester, New York. Then, in 1992, Susan became the Executive Director of the Sid Jacobson Jewish Community Center in East Hills, New York, in my congressional district.

Under Susan's enthusiastic direction, Sid Jacobson has flourished. The Center dramatically expanded its facility in East Hills and also added the Bernice Jacobson Day School and Camp in Old Westbury, New York. Susan developed the Center's noted innovative programs for autistic children, single parents, and the bereaved. She helped found a first-of-its-kind program for adults with early-onset Alzheimer's and their families.

Today, the Center has a staff of over 250, an annual budget of \$12 million, and offers an extensive catalog of dynamic programs for people of all ages and abilities. The success of the Center is a direct testament to the strength of Susan's leadership and her dedication to providing community members with the best possible services.

In addition to her work at Sid Jacobson, Susan has applied her energy and vision in a variety of leadership roles in the national JCC movement. She served as a member of the Jewish Community Center Association's board of directors, was president of the Association of Jewish Center Professionals (AJCP) for the Eastern Region, and, in 2002, was named the national president of the AJCP.

Mr. Speaker, this year Susan Bender will retire having contributed immeasurably to her community. I am proud to recognize Susan and I ask my colleagues to join me in thanking her for her lifetime of tremendous work for others.

RECOGNIZING THE 2010–2011 CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL FOR 500 HOURS OF OUT-
STANDING SERVICE TO THE
COMMUNITY—MADELINE MIN-
CHILLO

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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A copy of each submitted student summary follows:

An average teenager might have spent 6 hours on a Saturday sleeping, playing infamous video games, or hanging with friends. I spent my 6 hours building a ramp through The Dallas Ramp Project. That morning and afternoon I learned how to construct a ramp so that a 96 year old woman, Lovey, could be freed from her home. I, a teenager, who could have been doing all the things listed above like a "normal" teenager, but I didn't. I decided to make a difference in someone else's life for the better. I learned how important and how valuable time really is. 6 hours to some is 3 movies. 6 hours to another person is giving back a person's freedom. I strive

not to be a success but to be a value. I now have a better understanding of life. Not only did I build a ramp, I built relationships with my team members. I encourage you to do something with your 6 hours because you too are able; able to change the world, able to be a blessing to others, and able to make an impact. So the next time you have 6 hours what will you do?

—Madeline Minchillo

IN HONOR OF STAFF SERGEANT
FRANK E. ADAMSKI III

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. COURTNEY. Mr. Speaker, it is with profound sadness that I rise today to honor Staff Sergeant Frank E. Adamski III of Moosup, Connecticut. Staff Sergeant Adamski was killed on March 29, 2011, by small arms fire during combat operations in Kunar Province, Afghanistan. More than a hundred people gathered in Plainfield today to honor him and his service to our nation.

Frank graduated from Plainfield High School in 2002 where he was a well-known and well-liked student athlete who played on the Panthers football team. Following graduation, Frank enlisted in the Army and served a combat tour in Iraq from January 2006 to February 2007. Most recently, he deployed to Afghanistan as a member of the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division at Fort Campbell in Kentucky.

Friends describe Frank as a bright young man who loved his country and was passionate about serving in the military. Moreover, he was a great family man as husband to Danielle Lee Adamski, also of Plainfield, and a father to Victoria, his one-year-old daughter. Sadly, he would have celebrated his 27th birthday last week as well as his 4th wedding anniversary.

These milestones, as well as the countless memories, make his passing all the more difficult for the family, friends and community who mourn his passing.

Sergeant Frank Adamski served his country bravely, and his dedication and patriotism serve as an inspiration to us all. My thoughts and prayers are with his wife and family in this difficult time. I ask my colleagues to join me and so many across eastern Connecticut in honoring the service and sacrifice of this young man.

CONGRATULATING THE EAGLES
OF SCHOOLCRAFT HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. UPTON. Mr. Speaker, I rise today to congratulate the Eagles of Schoolcraft High School on their men's basketball state championship title. These outstanding young men have worked hard for this accomplishment and

have made their community very proud. Their 73–59 victory is an achievement that will be remembered forever.

Winning a state championship is a remarkable achievement that few teams ever experience. This championship is a legacy that the 2010–2011 Eagles will remember forever. The Eagles and Coach Randy Small, along with assistant coaches Bob Saxman, Derrick Small, Lee Ingram, Jon Tone, and Aaron Beery, know that success comes through teamwork and dedication. The Eagles’ commitment to the game and their drive to go the extra mile, led them to victory.

It is an honor to pay tribute to the entire Eagles squad: Jon Cakmakci, Kody Chandler, Benny Clark, Zac Decker, Tyler Dow, Bryan Jones, Blake Krum, Jonathan Lawrence, Jacob Lenning, Jacob Marshall, Luke

Ryskamp, Joe Savage, Cam Schwartz, Jeffrey Scott, and Trent Skippers. We salute all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Schoolcraft Eagles, Coach Small, and the entire Schoolcraft community—you are an inspiration to us all. Go Eagles!

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mrs. MALONEY. Mr. Speaker, on March 31, I attended the service and funeral of my dear

friend and mentor, Geraldine Ferraro, and missed rollcall votes Number 205 and 206. Had I been present, I would have voted “nay” on rollcall votes 205, providing for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014 and 206, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify congressional intent regarding the regulation of the use of pesticides in or near navigable waters.

SENATE—Wednesday, April 6, 2011*(Legislative day of Tuesday, April 5, 2011)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful Father, who put into our hearts such deep desires that we cannot be at peace until we rest in You, remove from our lives anything that would seek to separate us from You.

Lord, lead our lawmakers to make courageous decisions based upon conscience and duty. May they refuse to do anything that threatens the long-term security of this Nation, as they strive to follow the right path as You give them the light to see it. Give them wisdom and courage for the living of these days. Impart Your wisdom so they will know what to do and bestow Your courage so they will possess the resolve to act on what they believe.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, last night we were finally able to arrive at an agreement on the small business jobs bill—or at least a way to get rid of some very important amendments that we will vote on around 4 o'clock this afternoon. There will be seven rollcall votes.

This morning, there will be a period of morning business until 11 a.m., with the time until 10:40 a.m. equally divided and controlled between the majority and the Republicans. The majority will control the first half and the Republicans will control the final half. At 10:40 a.m., Senator AYOTTE will give her maiden speech to the Senate.

BUDGET NEGOTIATIONS

Mr. REID. Madam President, as the deadline looms, our budget negotiations continue nonstop. The Speaker and I met with the President yesterday morning, and we met with one another yesterday afternoon. As in any ongoing negotiation, the status of those talks is constantly evolving, but I will give the Senate a snapshot of where we stand at this moment in time.

The bottom line has always been the same, and it is this: We want to avoid a shutdown. We want to pass a budget that makes smart cuts—cuts that save money but that don't cost jobs. This has been our bottom line throughout this process. So we have made some tough choices. We have made those choices because we know at this late stage of the game reality is more important than ideology. We know sacrifices are the cost of consensus, and we think they are worth it. Our bottom line hasn't changed because our objective hasn't changed. We want to keep the country running and keep the momentum of an economic recovery that is creating jobs.

I wish I could say the same about those on the other side of the negotiating table. The Republicans' bottom line has changed at almost every turn. First, Republicans refused to negotiate until we tried it their way. We gave the reckless House-passed proposal a vote. The Senate resoundingly rejected it. Then, once talks began, Republicans staked out their position. They asked for \$73 billion in cuts. When we said: Let's meet in the middle, they said no. Then we said: In the interest of getting this done, we will agree to your number, and they still said no. Republicans refused to take yes for an answer.

Every time we have agreed to meet in the middle, they have moved where the middle is. They said no when we met them halfway, and now they say: It is our way or the highway.

That is no way to move forward.

People ask: Why is this so difficult? They ask: Can't you just get it done? I understand how they feel, and I share their frustrations, but this is why it is so tough. It is like trying to kick a field goal and the goalposts keep moving.

The Democrats' bottom line has not changed. The Republicans' bottom line hasn't stayed still. Our bottom line hasn't changed because our priorities have not changed. We all want to lower the deficit. But Democrats will not sacrifice seniors' retirement security, women's health, our children's education, or our Nation's veterans. The cuts we make have to be smart cuts, and those aren't smart. They are radical. We want an agreement that is reasonable and responsible.

I wish I could say the same about those on the other side of the negotiating table. They forget that not one of those people led us into a recession, and punishing seniors, women, children, and veterans will not lead us to a recovery. Their budget would cost 700,000 jobs and slow economic growth. It would take us backward, not forward. That is as counterproductive as it comes. The point of this entire exercise is to help the economy. Democrats won't stand for a budget that weakens it.

Our bottom line—our strongest desire to reach an agreement—hasn't changed because our willingness to compromise hasn't changed. We long ago accepted the reality that getting something done means not getting 100 percent of what we want. We long ago accepted the fact that the only way to reach consensus between a Democratic Senate and a Republican House is to compromise.

I wish I could say the same about those on the other side of the negotiating table. The Republicans have demanded a budget that can pass with only Republican votes. Instead of seeking a bipartisan budget, they are actively seeking the opposite.

The Republican leadership has the tea party screaming so loudly in their right ear that they can't hear what the vast majority of the country demands. The country demands that we get this done. As I have said before, the biggest gap in these negotiations isn't between Democrats and Republicans; it is between Republicans and Republicans. So

the Speaker has a choice to make and not much time to make it. He can either do what the tea party wants or what the country needs.

Madam President, I will close with two pieces of advice that we would be wise to heed today, one from American history and one from ancient history.

Henry Clay served in both Houses of Congress, in the House and in the Senate. He actually held the same seat the Republican leader now holds. He was a Senator from Kentucky. He also held the same gavel Speaker BOEHNER now holds at three different times. Henry Clay served as Speaker of the House, I repeat, on three separate occasions. In his esteemed career, he earned the nickname "The Great Compromiser." So Henry Clay knew what he was talking about when he said:

All legislation is founded upon the principle of mutual concession.

This legislation—this budget—is no exception. But it is important to remember that the most important word in that quote isn't "concession," it is "mutual."

We all have a responsibility to be reasonable, which brings me to the second piece of advice: To everything there is a season. To paraphrase a passage we all know well, a passage much older than the old statesman Henry Clay, there is a time to campaign and a time to govern. There is a time to be partisans and a time to be partners. We stand here with less than 72 hours on the clock. It is time to get to work. It is time to get the job done. This is the season for action.

Will the Chair now announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10:40 a.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with the Senator from New Hampshire, Ms. AYOTTE, recognized at 10:40 a.m.

The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that the Democrats have the first half of morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

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

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of Wall Street reform, which I know is near and dear to the Senator from New York, who represents Wall Street.

I do believe what Congress achieved last year on Wall Street reform was wise not only for our Nation but also to avoid the possibility of another recession. There are many financial institutions across the United States, including New York, but the fact is, many of their practices led us into the recession we are now experiencing.

It was quite a battle last year. Senator Chris Dodd of Connecticut, now retired, led the battle on the floor of the Senate to try to make sure we had the necessary oversight and balance when it came to our financial institutions to avoid the likelihood of another recession. The banks fought back, but in the end we prevailed and Senator Dodd passed the measure here in the Senate, and it was passed in the House of Representatives under the leadership of Congressman BARNEY FRANK of Massachusetts and signed by the President. It really gave us a chance to move forward with oversight, regulation and reform on Wall Street.

It was signed last July by the President, but many of the most important elements of the Dodd-Frank bill will not go into effect until July 21 of this year. Several of them are very important to America and important to me as an individual because as a Senator I offered an amendment to this bill. It was a controversial amendment and, for the banks, an expensive amendment. For the Wall Street banks and credit card companies, the interchange fee amendment, which I introduced and passed with 64 votes—17 Republicans and 47 Democrats—was an amendment which will cost the biggest banks and credit card companies in this country a portion of the up to \$1.3 billion a month they collect in debit interchange fees. Imagine that. In any given year, \$15 billion or \$16 billion is being collected by these banks through credit cards from merchants, retailers, and consumers all across America.

From the moment that bill was signed into law, these Wall Street banks and credit card companies have been involved in an all-out, nonstop campaign to repeal the law. Now, they can't just flat-out repeal it because they know that looks a little too obvious. So instead, what they are calling for is postponement—just postpone it for 2 years while they study it. That is their argument. They believe we need to look into this a little more closely. Well, the record suggests they are not after a study. They are after \$1.3 bil-

lion a month in profit. It turns out it is actually 30 months that the delay would take place, so that is about a \$40 billion postponement that the Wall Street banks and credit card companies are asking for. And who pays the \$40 billion? Merchants and retailers and customers all across America. That is why leading consumer advocacy groups support my amendment and oppose this \$40 billion delay which has been suggested in the amendment that is being offered.

Last year, when we passed landmark legislation to reform the debit card swipe fees that are enriching Wall Street banks and crushing businesses and consumers on Main Street, they started organizing to repeal.

For years, the banking industry has been engaged in a collusive practice. Banks have let the Visa and MasterCard monopoly credit card companies fix the interchange fee rates that banks receive from merchants each time a debit card is swiped. The so-called swipe fee is the fee the banks get, but they don't set the fees, the credit card companies set them. This is unregulated price fixing by the VISA and MasterCard duopoly on behalf of thousands of banks, primarily the biggest banks in America. The same banks we bailed out are now coming back here and saying don't cut into our profits, don't in any way reform or change the interchange fee that affects merchants, retailers, or consumers.

Incidentally, when the Federal Reserve took a look at the interchange fee that we pay every time we use a debit card, for example, it averages about 40 cents. The actual cost of using the debit card: less than 12 cents. So what they are doing is imposing this fee on every transaction in every place across America. This is unregulated price fixing by VISA and MasterCard. It is a sweetheart deal for the banks, too. According to the Federal Reserve, banks make about \$1.3 billion each month, as I mentioned, in debit interchange fees and the fee rates keep going up even though the cost of processing continues to drop.

Last year, Congress decided we should place some reasonable limits on VISA and MasterCard. We did this to ensure that they cannot use their market power and price-fixing ability to funnel excessive fees to the Nation's biggest banks. Congress said if VISA and MasterCard are going to continue fixing interchange rates that merchants pay banks, the rates ought to be reasonable and proportional to the actual cost of processing the transaction. It is a narrowly targeted reform and we made a major exemption of small banks and credit unions. If they had assets of less than \$10 billion, they were exempt. You wouldn't know that. They are acting as if this is going to apply to them. I recommend they read the law, which specifically exempts them.

There are two arguments which have been raised recently in opposition to interchange reform. The first is we need more studies. I know banks and credit card companies believe that interchange reform needs to be studied to death but many studies have already been done. There were at least seven congressional hearings specifically on interchange fees before we passed the amendment. I chaired one of them. Another two hearings on interchange fees have been held since the amendment became law. There were also at least three different GAO studies on interchange fees prior to the amendment's passage. It is not as if this matter has not been studied; it has been.

That is not all. Economists and payment systems experts at the Federal Reserve have been studying interchange fees for years. They have put out at least 10 significant reports. Do we need another study?

One of them was the January of 2010 study by Fumiko Hayashi, a senior economist at the Federal Reserve Bank in Kansas City. She did an international comparison of interchange fees in the United States and 12 other countries. Listen to what she found: "In general, the United States has the highest debit card interchange fees" and that "the United States has the highest interchange fees for both credit and debit cards among the 13 countries where adoption and usage of payment cards are well advanced."

I can see why the banks and credit card companies want to ignore that study. Americans are paying more every time they use plastic than any other of 13 of the largest nations in the world that use credit and debit cards. Do you know what the debit fee is in Canada, from VISA and MasterCard? Zero—40 cents a transaction for the United States of America, God bless them for treating us so kindly; zero for Canada. Why? Because the Canadian Government spoke up for retailers, merchants, and consumers, and said stop this. It is price fixing. Now we have done the same and the Wall Street lobby and the credit card lobby are coming down here hitting hard to repeal this interchange fee reform.

There was another comprehensive study, a 2009 paper put forward by the Federal Reserve's Divisions of Research and Statistics entitled "Interchange Fees and Payment Card Networks: Economics, Industry Developments, and Policy Issues." This study analyzed the structure and economic theory behind the interchange system and discussed various ways of reforming the system.

Then there was a 2008 paper by James McAndrews and Zhu Wang of the Kansas City Fed on the economics of the payment card markets. Their study found, incidentally, that "privately determined card pricing, adoption and usage tend to deviate from the social

optimum, and imposing a ceiling on interchange fees may improve consumer welfare." The Kansas City Federal Reserve came up with this finding but the credit card companies ignore it. They want another study. They don't like a study that says interchange fee reform is good for consumers.

The Boston Federal Reserve did a study in 2010 and found on average every year, each cash-using household pays \$149 to card-using households.

The studies go on and on. I will put them in the RECORD. I see several of my colleagues on the floor, but I want to make one other point as well. Whenever I talk about Wall Street banks and the credit card companies and the costs associated with debit card fees charged to American consumers and retailers, the first thing I hear is: There he goes again, defending Walmart.

There is no question about it, Walmart is the largest retailer in America. When it comes to the use of credit and debit cards, I am certain they have a larger volume of sales from that than any other. But let's do some comparison here for a moment. According to Forbes.com, in 2010, Walmart, the largest retailer in America, had \$17 billion in profits.

I ask unanimous consent for 2 additional minutes.

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

Mr. DURBIN. They had \$17 billion in profits and a 4-percent profit margin. That sounds like a lot and it is, but not compared to the big banks. JPMorgan Chase, one of the largest issuers of debit cards, had \$17.4 billion in profits last year. That is more than Walmart, incidentally. And their profit margin wasn't 4 percent like Walmart, it was 15 percent.

This is the same Chase that has said any regulation of interchange fees will force them to raise fees on consumers. One of the most profitable banks in America threatens consumers that if they cannot charge the interchange fees they want to charge, they are going to raise fees on consumers. Isn't that great? "Your money or your life," when it comes to Chase. Chase has more profits than Walmart and a 15-percent profit margin.

For the record, let me go back and discuss a few more of the studies that have already been done on interchange fees. For example, Terri Bradford of the Kansas City Fed published a report entitled "Developments in Interchange Fees in the United States and Abroad."

This report, which was published in 2008, said the following:

While regulation of interchange fees is still just a point of discussion in the United States, regulation abroad is a reality. In about 20 countries, public authorities have taken actions that limit the level of interchange fees or merchant discount fees. Many of these actions require interchange fees to

be set according to cost-based benchmarks, although the cost categories that are eligible for the benchmarks vary by country. In several countries, interchange fees are set at zero.

Federal Reserve researchers are not the only ones who have studied interchange fees.

In 2006 the Antitrust Law Journal published an article by Alan Frankel and Allan Shampine called "The Economic Effects of Interchange Fees."

This article found that the interchange fee "acts much like a sales tax, but it is privately imposed and collected by banks, not the government. It significantly and arbitrarily raises prices based not on technologically and competitively determined costs, but through a collective process."

And in March 2010, Albert Foer, president of the American Antitrust Institute, published a study that found the following:

Governments around the world have been taking actions to eliminate or severely reduce interchange fees based on studies and investigations that clearly establish that these fees are abuses of market power. Moreover, the results demonstrate that interchange fee regulation works. Despite the protests of MasterCard and Visa and their giant card-issuing banks, mandated interchange fee reductions have increased competition in foreign payment card markets and have benefitted consumers through lower prices.

In short, there have been a large number of studies done about interchange fees. And this does not count the enormous amount of research, information collection, and analysis that the Fed has done since my amendment was enacted last July.

The problem from the perspective of Visa, MasterCard and the big banks is that they simply don't like what these studies have found. So they pretend these studies never happened and call for new ones where they are guaranteed a more industry-friendly outcome. It is obvious that their calls for more study are an effort to delay reform indefinitely. The big banks will do anything to prolong the status quo and to keep collecting \$1.3 billion per month in excessive debit swipe fees.

I want to further address another argument that has been raised recently.

Some have argued that we should not follow through with interchange reform because it will only benefit big box retailers. Of course, this is not true. Swipe fees impact retailers of all sizes, from the smallest mom-and-pop stores to the largest retail chains. They also affect universities, charities, government agencies—everyone who accepts plastic as a form of payment. And they affect all consumers, who pay higher prices at retail because of the cost that swipe fees add to every transaction.

But many still like to portray this debate as a struggle between the banks and card companies versus the big box

retailers. Well, let's look at those big box retailers and compare them to the big banks and credit card companies. Some of my colleagues may be surprised to learn that the big banks and card companies are significantly more profitable than the big retailers.

According to Forbes.com, in 2010, Wal-Mart, the largest retailer in the country, had \$17 billion in profits and a 4 percent profit margin.

Sounds like a lot, right? Well, not compared to the big banks. Last year, according to Forbes.com, JP Morgan Chase, one of the largest issuers of debit cards, had \$17.4 billion in profits—more than Wal-Mart. And Chase's profit margin was a robust 15 percent.

This is the same Chase that has said that any regulation of interchange fees will force them to jack up fees on consumers. Chase has more profits than Wal-Mart and a 15 percent profit margin. Why are they pleading poverty and threatening their customers with higher fees?

Well, what about other giant retailers? How are they doing? Target, the well-known retail chain, had profits of \$2.9 billion and a 4.3 percent profit margin last year. Let's compare that to Wells Fargo, another giant debit card-issuing bank. Wells Fargo last year had \$12.4 billion in profits and a 13.3 percent profit margin.

Large retailers would love to have the profit margins of the big banks. But they don't. Last year the largest drug store chain, CVS Caremark, had profits of \$3.4 billion and a 3.6 percent profit margin. The largest grocery store company, Kroger, had profits of \$1.1 billion and only a 1.4 percent profit margin.

Historically we have seen low profit margins and intense competition in the retail sector. According to a June 8, 2009, article in Fortune Magazine, Wal-Mart has only an 11 percent market share of the retail market, and Target has only a 2.3 percent market share. This shows that retail is an intensely competitive sector.

Let's compare that level of competition to the debit card industry. This past Monday, an article on CNBC.com reported that the Visa and MasterCard duopoly now control around 90 percent of the debit card market.

It is pretty profitable to be a duopoly. According to Forbes.com, in 2010: Visa had \$3.1 billion in profits and a 37 percent profit margin, and MasterCard had \$1.8 billion in profits and a 33 percent profit margin.

It must be nice to be a big bank or a credit card company these days. Big banks and their card network allies are making money hand-over-fist these days while retailers of all sizes are struggling to turn a profit. Rising interchange fees are a key part of this equation.

It doesn't have to be this way. If we can constrain Visa's and MasterCard's

price-fixing on behalf of the 1 percent of biggest card-issuing banks, we will reduce the cost of interchange for every merchant and other entity that accepts debit cards. Competition in the retail sector will mean consumers will benefit through discounts and lower prices. Given the large profit margins at the nation's biggest banks, they will be able to stay in business once swipe reform is completed.

In fact, we know that banks and card companies can continue to offer debit cards profitably with lower interchange rates.

They did it before—up until the mid-1990s, banks used to offer debit cards with minimal or no interchange in the United States.

And they are doing it right now in other countries around the world, where there are thriving debit card industries with very low or nonexistent interchange rates.

I am going to reserve the remainder of my time and let my colleagues take the floor. I will return on the subject but I remind my colleagues, this amendment, this effort by the Wall Street banks and credit card companies to repeal interchange fee reform, is a \$40 billion amendment—\$40 billion that will be transferred to the biggest banks in America and credit card companies from consumers across America. We did the right thing with interchange fee reform. Let's stand by it and say to Wall Street, major card issuers, VISA and MasterCard, they have had enough. They can get a reasonable fee, but not an unreasonable amount out of our economy.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. I will proceed on my leader time.

THE CONTINUING RESOLUTION

Mr. MCCONNELL. Madam President, across the country this morning, Americans are wondering what is going on in Washington this week. They want to know why it is taking so long to fund the government. Americans want to know how we got to this point, and they deserve an answer, so here goes.

Each year, the majority party in Congress is responsible for coming up with a budget plan that explains how they are going to pay for all the things that government does. It is not just a good idea—it is the law. Congress has been required to do it since 1974.

Last year, Democrat leaders in Congress decided they didn't want to do it. They didn't want to have to publicly defend their bloated spending and the debt it is creating. So Republicans have had to come up with temporary

spending bills to keep the government running in the absence of any alternatives—and leadership—from Democrats.

Republicans even passed a bill in the House that would keep the government funded through the rest of the current fiscal year, and which takes an important first step toward a smaller, more efficient government that helps improve the conditions for private sector job growth.

This House bill would save us billions of dollars on our way to a conversation about trillions. And Congressman RYAN has done a service this week by setting the terms of that larger debate—by outlining a plan that puts us back on a path to stability and prosperity.

Unfortunately, Democrats have made a calculated decision that they didn't want to have either debate—so they have taken a pass on both.

Frankly, it is hard not to be struck by the contrasting approaches to our Nation's fiscal problems that we have seen in Washington this week. On the one hand, you have a plan by Congressman RYAN that every serious person has described as honest and courageous. On the other hand, you have people like the new chairwoman of the Democratic National Committee and the previous Speaker of the House dismissing that plan in the most cartoonish language imaginable.

While thinking people have seen in the Ryan plan an honest attempt to tackle our problems head on, ideologues on the left have seen a target to distort while offering no vision of their own to prevent a fiscal nightmare that we all know is approaching.

And they still haven't come up with an alternative to the various Republican proposals we have seen to keep the government up and running in the current fiscal year. They have just sat on the sidelines taking potshots at everything Republicans have proposed while rooting for a shutdown.

That is why the Republicans in the House have now proposed another bill this week that will fund the military for the rest of the year, keep the government operating, and which gets us a little closer to a level of spending that even the senior Senator from New York has called "reasonable."

The fact that Democrats are now rejecting this offer, which even members of their own leadership have described as "reasonable" is all the evidence you need that Democrats are more concerned about the politics of this debate than keeping the government running.

Let's be clear about something this morning: throughout this entire debate, Republicans have not only said that we would prefer a bipartisan agreement that funds the government and protects defense spending at a time when we have American troops fighting in two wars. There is a Republican plan on the table right now that would do just that.

Democrats can accept that proposal, or they can reject it. But they can't blame anyone but themselves if a shutdown does occur. Because they have done nothing to prevent it.

With the clock ticking, I would once again encourage our Democratic friends to get on board with this proposal, and to support the kind of spending cuts that the American people have asked for—and that their own leadership has already endorsed.

THE EPA AMENDMENT

Mr. MCCONNELL. Madam President, later today, the Senate will vote on an amendment that one leading newspaper described last week as one of the best proposals for growth and job creation to make it onto the Senate docket in years. More specifically, this amendment, which is based on legislation proposed by Senator INHOFE, would prevent unelected bureaucrats at the Environmental Protection Agency from imposing a new national energy tax on American job creators.

Everyone knows that this attempt to handcuff American businesses with new costs and regulations is the last thing these job-creators need right now. That is why even Democrats in Congress have sought to secure the same kind of exemptions from the law for favored industries in their own States that we saw others from their party trying to secure for favored constituencies in the health care law.

Democrats from auto States tried to have the auto industry exempted. And Democrats from farming States tried to have farmers exempted.

What these efforts show, is that Democrats themselves recognize the dangers of these EPA regulations. Yet instead of just voting for the one amendment that solves the problem, they are hiding behind sham amendments designed to give them political cover.

Republicans have a better idea—let's try to make sure everybody is exempted. Let's not pick winners and losers. Let's let America's small businesses and entrepreneurs compete and grow on a level playing field without any more burdensome government regulations, costs, or redtape.

The amendment I have offered on behalf of Senator INHOFE would do that.

The amendment would give businesses the certainty that no unelected bureaucrat at the EPA is going to make their efforts to create jobs even more difficult than the administration already has. So once again, I thank Senator INHOFE for his strong leadership on this issue. He has led the way in protecting American jobs from this burdensome proposal with determination and common sense. He deserves the credit.

I also want to thank Chairman UPTON and my good friend, Congress-

man WHITFIELD, for fighting against this effort by the EPA and moving legislation to prevent it in the House.

COLOMBIA TRADE AGREEMENT

Mr. MCCONNELL. Madam President, there are some signs today the administration is beginning to take seriously a pending trade agreement with Colombia. Republicans have been urging the administration to act on this critical trade deal for months. This agreement would help American businesses compete on a level playing field with businesses overseas. It would help create American jobs. And it would help our relationship with an important ally in Latin America.

Hopefully these reports are true, and the President will send this agreement, along with similar agreements related to Panama and South Korea to Congress soon. This would be some very good news for an economy that needs it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

THE BUDGET

Ms. MIKULSKI. Madam President, I rise to the floor to speak in morning business and to comment on the terrible situation we find ourselves in. We are in a terrible situation. The Republican leader is exactly right, the clock is ticking on a shutdown.

But I have a couple principles as we head into the midnight witching hour on Friday. First of all, my first principle is no shutdown. Let's have a sitdown. Let's not shut down government and cut off the funding for private sector contractors that do business with the government. Let's have a congressional sitdown and arrive at an orderly, rational agreement that does create a more frugal government but does not torpedo our economy.

But my second principle is, if we shut down the government and Federal employees and contractors do not get paid, Congress should not get paid. Not only should Congress not get paid, no back pay, no way. I spoke about the congressional no-pay position yesterday.

Today, I wish to talk about the consequences of the shutdown. I am against a government shutdown. Shutting down the government breaks faith with Federal employees, jeopardizes our economic recovery, threatens the viability of small- and medium-sized businesses that do business with the Federal Government and even threatens the safety of our families and our economy.

That is why I am for a congressional sitdown, not a shutdown of the Federal Government. Democrats and Republicans should negotiate over spending

cuts. But what is not open for negotiation is whether the Federal Government is worth keeping open. Parties must come together.

There is a belief that a shutdown will occur only in Washington. Oh, the lights will go out in the Washington Monument, maybe a museum will be closed here or there, maybe even a national park will be closed here or there. Both on the Senate floor, the House floor, and even in the media, it is followed by kind of a snicker or even a snarl. How foolish, how they do not understand the functioning of the Government of the United States of America.

I am afraid the lights will go out. I am afraid the government agencies will be shuttered. I am concerned that people who work on behalf of the Federal Government as those contractors, small- and medium-sized contractors, disabled veteran contractors will not get paid.

I am for cuts. I voted for the Democratic package with over \$51 billion in cuts. In my own appropriations bill, I reduced agency overhead by 10 percent. I cut out lavish conferences and so on by 25 percent. I could eliminate that year by year. But cuts alone are not a strategy to reduce the deficit.

What I do not want is to make sure our government will not be funded. There are other ways of doing it, and I will talk about that more tomorrow, about how we can actually pay for this, but today I wish to talk about the consequences of what we are doing. There is nobody on the Senate floor talking about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

A possible government shutdown creates uncertainty in consumer confidence and further damages the economy. Mark Zandi, the chief economist of Moody's, says it will damage the confidence in the economy and could result in the loss of 700,000 jobs. Well, let me tell you—and everybody says: Oh, well, that is government. I am going to talk about: Oh, well, that is government in a minute.

But let's take the private sector. Let's take that snickering and snarling over national parks. Do you know the national parks—we have 365 of them, 49 States, 300 million visitors. Do you know those national parks generate 270,000 private sector jobs in campgrounds, restaurants, gas stations, vendors to the national parks.

Oh, yes, you can laugh about closing down Yellowstone, and maybe that is not the explosive thing—270,000 jobs, mostly in the West. I did not hear that the West had such a low unemployment rate that they do not give a darn. Local communities near national parks will lose \$14 million a day. That is the national park argument.

Let me go to the contractors. I represent the State of Maryland, where we

have a lot of contractors. Take the Goddard Space Agency, 3,000 civil servants who do everything from help run the Hubble telescope and green science, to figuring out how we can fix the satellites through robots in the sky. But there are 6,000 contractors—6,000 contractors. Some of them are small business, 8(a) contractors working their way up.

Many of them—some of them are women. Many of them are veterans who started small- to medium-sized businesses. These people, if there is a government shutdown, will not get paid. Hello, colleagues. This is not only going to happen in my State, this is going to happen in your State.

There was a major article in the Wall Street Journal yesterday about what the shutdown means to the private sector. Well, let's wake up and let's move more quickly to this sitdown.

I wish to talk about essential versus nonessential. In my State, I represent over 100,000 Federal employees. Three of them are Nobel Prize winners I will talk about in a minute—Nobel Prize winners who are civil servants. Those are not even the gangs at Hopkins and the University of Maryland. Those are three Nobel Prize winners who are actual civil servants.

Under this shutdown we are headed for, they are going to be told they are nonessential. We have a Nobel Prize winner at NIST who works on the development of new work on laser light. Secretary Chu was his partner.

We have a Nobel Prize winner at NIH who won the Nobel Prize for proteins and cellular communication that could lead to a cure for cancer and a Nobel Prize winner at Goddard in physics. I am not going to call their names; I do not want to feel awkward. But what am I going to do midnight Friday? Am I going to call these three Nobel Prize winners and say: Hey, guys, you are nonessential. We know you could be in the private sector making millions of dollars, but you are staying here to do research to save lives, save the planet, and lead to saving our economy. But, hey, I guess you are nonessential.

In other countries, they carry you around on their shoulders and so on. But here, no, we are told they are nonessential. It is not only Nobel Prize winners, it is all the other people who are working. We are going to turn out the lights at the National Institutes of Health. We are going to say to a researcher: I know you are working on that cure for cancer. I know you are working on that cure for Alzheimer's or autism or arthritis—sticking just with the "A" words. But you know what, Washington, the Congress says, you are not essential.

What about Social Security? I have over 10,000 people who work at the Social Security Administration. You say: Well, my God, that is a lot. That is 24/7 to make sure it all functions properly

and efficiently. We have the lowest overhead of any "insurance company" in America. But these lights are going to be shuttered at Social Security, not only in Senator BARB's and Senator BEN CARDIN's State, but it is also going to be shuttered, Madam President, in your State. When people want to come to apply for benefits they are eligible for, when people who are disabled want to apply for those benefits, they are going to come to a shuttered Social Security office. They are going to be told they are not essential.

Well, then, let's wait until Monday morning. Are they not going to come to work fired up, ready to work for America, ready to help America be great again? They are America's essential employees doing the work that goes on at NIH, Social Security, the National Institutes of Standards. They come up with new ideas.

Then look at commerce. I represent the great Port of Baltimore. Ships are going to come into the port. Who is going to inspect their cargo? Traffic coming into airports, who is going to inspect their cargo?

But, oh, no, we are going to tell them they are nonessential. Well, I am telling you, this is not going to be good. But you know what is not good, not only the consequences but the way we are functioning.

Madam President—hello? Madam President. I do not know if my speech is not that attention-getting, but can I have your attention?

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Ms. MIKULSKI. Well, then, my time is up. Well, maybe the Senate is not paying attention, but the American people are paying attention. I am telling you, this is a situation of enormous negative consequence. I think we are going to rue the day at the way we are functioning. We need to come to the table, and we need to sit around and act like rational human beings.

I yield the floor.

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

STEM FIELDS

Mrs. SHAHEEN. Madam President, as Congress and the Obama administration grapples with how to responsibly address our long-term deficit, we need to remember why it is so important to get on a path to balanced budgets. We need to address the long-term deficit because it is a threat to America's future prosperity. It is about economic growth and jobs. That is why the deficit matters. The deficit is not just some math problem where it is solved if the numbers add up right. The choices we make, which spending programs we cut which tax expenditures we eliminate, where we continue to boost investment, matter.

The overarching challenge facing our country is how we keep our economy competitive.

We cannot compete with India and China for low-wage manufacturing jobs. That is not our future.

America's future is in continuing to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

But we are in danger of losing that edge. Science, technology, engineering and math, what we call the STEM fields, are the skills that drive innovation.

And jobs in the STEM fields are expected to be the fastest-growing occupations of the next decade. However, not enough students in our country are pursuing an education in STEM subjects to keep up with the increased demand.

For those students that do pursue education in STEM fields, they are being outperformed by international competitors. Studies show that by the end of eighth grade, students in the U.S. are 2 years behind their international peers in math. American students rank 21st in science and 25th in math among industrialized countries. In addition, the U.S. has produced a declining number of Ph.Ds in science and engineering compared to the European Union and China over the past 3 decades. It is clear that to remain competitive internationally, we must encourage and strengthen the supply of STEM-trained graduates.

That is why this week Leader REID and Senators KLOBUCHAR, KERRY, BEGICH, COONS and I introduced legislation, the Innovation Inspiration School Grant Program, which will bolster our Nation's ability to compete in the global economy.

My legislation will provide new incentives for our schools to think outside the box and embrace extra-curricular and nontraditional STEM education programs. It establishes a competitive grant program that will encourage schools to partner with the private sector, both for financial support and to provide mentors who can serve as guides and role models to students.

I am proud that New Hampshire is the home to the FIRST Robotics program. For over a decade, teams of students have been designing robots to compete against one another in regional, then national, competitions. On Monday we hosted FIRST teams from Maryland and Virginia who demonstrated in the Dirksen building how the robots they designed and built actually work. It is these kinds of non-traditional STEM programs that make a difference in the students' lives and inspire them to continue in STEM careers or postsecondary education.

In fact, research shows that 99 percent of students who participate in FIRST Robotics graduate high school and almost 90 percent go on the college. And once in college, these students are nearly seven times more likely to major in engineering and twice as likely to major in computer science. They are also significantly more likely to attain a postgraduate degree. The data speaks for itself: investments in these sorts of programs matter and make a difference.

I urge colleagues to join me in supporting this important legislation that will inspire our students to become scientists, engineers, computer programmers and mathematicians. Our country's economic future depends on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am going to speak for approximately 4 minutes during morning business. I had originally intended on 15, but I am going to do that tomorrow on another subject. If I could be recognized for 4 minutes, that is my intention.

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

Mr. ROBERTS. I thank the Chair.

WICHITA STATE UNIVERSITY SHOCKERS

Mr. ROBERTS. Madam President, I know it is pretty serious business talking about a government shutdown and things of this nature that affect all Americans. I certainly hope we can reach some accommodation. I wish to do a little bragging on behalf of my home State.

We are pretty proud of our basketball heritage in Kansas, but I note that we have not received national recognition to the extent I think we should in regards to the recent accomplishment I wish to highlight.

I rise to congratulate the Wichita State University Shockers. The Shockers won the 2011 Men's National Invitation Tournament in the Big Apple, the championship in New York City. In claiming the championship trophy, Wichita State set the school record with 29 victories in the season. Wichita State advanced to the NIT championship with four straight wins in the tournament. They beat the University of Nebraska in the first round, Virginia Tech in the second round, the College of Charleston in the quarter finals, Washington State University in the semifinal, and, finally, the University of Alabama in the championship game. All of these schools have good basketball teams, and Wichita State came out on top.

Graham Hatch was named the NIT's most outstanding player and a member of the All-Tournament Team, while Garret Stutz was named to the All-Tournament Team as well.

Wichita State and head coach Gregg Marshall were not only successful on the court but in the classroom as well. Earlier this year, Coach Hatch and Garrett Stutz were named to the 2011 Missouri Valley Conference Scholar Athlete first and honorable mention teams, respectively. I congratulate the Wichita State University Shockers, their head coach Gregg Marshall, the athletic director Eric Sexton, a good friend of mine, and Wichita State University president Don Beggs. Don, you are back again, and you certainly did us proud.

Specifically, I congratulate each member of the team for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker, and Demitric Williams.

If I mispronounced any name, I am terribly sorry. They did not do anything wrong with the tournament in terms of winning the NIT. Congratulations to all Shockers basketball fans. The coach has made the decision to stay at Wichita State. Good news for Kansas. Good news for Wichita State, an exemplary action on the part of the coach after a very successful team effort and winning the NIT and then staying at Wichita State University. Good news for Kansas, good news for Wichita State, and good news all the way around.

By the way, we will not shut down the team. They are going to keep on fighting.

I think the signal there was not four quarters and let's go play hard, but the 4 minutes are up.

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

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

The bill clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

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

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as a doctor who has practiced medicine in Wyoming for about 25 years. During that time I was medical director of something called Wyoming Health Fairs where we provide employees low-cost blood screening for early detection and early treatment of medical problems. We know one of the things that was attempted to be solved with the discussion on health care was to have people involved in their own health care decisions and early detection, as well as prevention of disease.

I attended a health fair last weekend in Worland, Washakie County, WY, where I had a chance to meet with a number of folks, including people from small businesses. First, I wish to congratulate this body, and specifically Senator JOHANNIS from Nebraska, for the repeal of the 1099 form regulations which significantly burden small businesses all around the country.

I also come to the floor as someone who has practiced medicine and has been watching the health care law closely. It is one that I believe is bad for patients, bad for providers and nurses and doctors who take care of the patients, and bad for the American taxpayers because I think this is going to add significantly to our growing debt problem. These are things that need to be addressed.

One part of the health care law, the 2,700-page law that was passed, dealt with something called accountable care organizations. Those are intended to help people coordinate care and have that coordinated care increase people's health by early detection of problems and to help minimize problems but also attempt to save money.

The six pages of the health care law that dealt with accountable care organizations has resulted in the release of regulations on March 31, 429 pages of regulations which have a significant impact on restructuring the way medicine is practiced.

As I look at this in terms of our growing debt, my concern is that the administration is bragging that the regulations save Medicare money, about \$960 million total, best care scenario, over a 3-year period. So savings of less than \$1 billion, a restructuring of the way medicine is being practiced, a savings of less than \$1 billion, at a time when Medicare will be spending over those 3 years over \$1.5 trillion, a savings of less than \$1 billion on an expenditure of over \$1.5 trillion.

The other aspect that was so interesting in watching this administration is they have come out with a statement about regulations.

The small businesspeople I talked to in Worland last weekend at the health fair told me that increased government regulations add to the cost of doing business and make it harder for them to hire more people. Specifically, it is related to increased costs.

It was interesting to see the administration saying that an increase in labor demand due to regulations may have a stimulative effect that results in a net increase in overall employment. The administration apparently believes if we increase the rules and regulations on businesses, it will make it better for them, when they will tell us universally that it will make it worse.

Additionally, last Friday night the Department of Health and Human Services released their new next round of ObamaCare waivers. We have talked

about those in the past on this floor as part of a doctor's second opinion. If this health care law is so good, why do millions and millions of Americans say: We can't live under this, and the administration agrees and grants them waivers?

So this past weekend, Secretary Sebelius added another 128 waivers covering another 300,000 Americans to say: No, for the next year, you get a 1-year waiver, you do not have to live under the mandates of ObamaCare.

So now we are at a point where the total number of waivers granted has been over 1,000, covering 2,930,000 people. So, wow, what is the breakdown of those people? Who are they? How can they get those waivers?

Well, it is interesting. In this country, where union workers are just a small percentage of the total workforce, 49 percent—almost half—of all of the waivers have been granted to people who get their insurance through the unions.

I just looked at this list that came out, and it is interesting because one of the waivers that had been granted for 13,000 employees, enrollees, is for the United Food and Commercial Workers Union. So let's see what we can find out about them. If we go to their Web site and go to the area that deals with health care, what it says is this:

Thanks to your hard work—

This is to people in the union—

Thanks to your hard work over the last year, Congress passed a health care reform bill that was signed into law by President Obama. This landmark reform is a hard-fought victory for [the United Food and Commercial Workers Union]. . . .

Well, wait a second, these are the same people who went in and asked for and got a waiver from the Secretary of Health and Human Services—a waiver so they do not have to live under it.

Now, it is interesting, if you go to this Web site, you can click to other things, and what you can find is that you can actually watch a video on the Web site of the people who just got a waiver—a video of the members of this union “rally and talk about health care reform.” Oh, the health care they are rallying for, but they do not want it to apply to them. The Secretary of Health and Human Services says: That is fine, you can have a waiver. Oh, you can actually “see the pictures of [union] members taking action on health care reform.” But it is not the action of applying for the waiver—a waiver they have just been granted by the Secretary of Health and Human Services.

Now it says:

Call your members of Congress to thank them for passing real reform.

Oh, you are supposed to thank the Members of this body for passing something, but then they applied for a waiver that has been granted for over 13,000 members who get insurance through this program?

They say you can also check an area to read the background information on this union's “advocacy of health care reform”—advocacy for a program they wanted to force down the throats of the American people but yet do not want to live under themselves.

This health care law is bad for this country, it is bad for our patients, it is bad for our health care providers, and it is bad for taxpayers. The union members who absolutely lobbied for it are now saying—now that they have read the bill, now that they know what is in the law, they are saying they do not want it to apply to them, so much so that one of the unions that has gotten a waiver, on their recent Web site, said: . . . we are . . . challenged by how to implement the law under prevailing circumstances.

Well, the prevailing circumstances are the law they wanted passed.

It says:

The Trustees of the Fund have no ability to secure additional contributions needed to cover the increased costs of providing these required—

Required by the people on the other side of the aisle who voted for this—additional benefits.

It says:

The Trustees are requesting a waiver from HHS to preserve the annual benefit limitation now in place for the part-time plan of benefits to minimize the cost impact of transitioning to the requirements of the reform act. . . .

Well, what it basically says is that these folks who want the waiver are saying what I have been saying on this floor since the beginning of the debate: that this is going to be bad for taxpayers, it is going to drive up the cost of care, it is going to drive up the cost of insurance, in spite of the President's promise that if we pass this, families will see premiums drop by \$2,100, in spite of the President's promise that if you like your plan, you can keep it. What we are seeing, for the people who proudly lobbied for this, is that they do not want it to apply to them. They realize now it is going to cause their plans to have significant problems.

I believe every American ought to be able to have a waiver, every American ought to not have to live under this health care law. To me, it is unaffordable, it is unmanageable, and I believe it is unconstitutional. That is why I come to the floor, as I have every week, with a doctor's second opinion that we must repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

ENSURING PAY FOR OUR MILITARY ACT

Mrs. HUTCHISON. Madam President, I wish to speak about the urgent fiscal crisis that is facing our Nation. We know the Congress right now is in negotiation for a resolution that will take us until the end of the fiscal year, and it is in an atmosphere in which so many people are worried about our overwhelming debt and the deficit that would be in the budget that was submitted by the President. We now are trying to cut that budget responsibly.

The United States is averaging \$4 billion a day in debt. A \$1.6 trillion deficit is projected by the end of this year. That is just the deficit. That is adding to the debt. Federal spending in 2010 was 23.8 percent of gross domestic product. The CBO, the Congressional Budget Office, predicts it will be 24.7 percent of GDP in 2011.

As a nation, we must remain competitive by reducing Federal spending and spurring economic growth in the private sector. It is jobs in the private sector that will take our economy out of the doldrums where it is now.

For the sake of the American people, I hope we can come together to stop the reckless Federal spending. Continuing the spending, the borrowing, and the taxing in Washington will halt job creation and triple the debt by the end of this decade. That is what is predicted.

We must make bold cuts where we can by carefully also prioritizing investment in areas of strategic national importance. What we need now is for the President, the Senate majority leader, and the House Speaker to sit in a room and not come out until a deal is made that has the votes to pass.

I do not want a government shutdown. The consequence of a government shutdown will be enormous, and so many people who are talking about that as an option, as if it is not a big deal, just do not realize how many lives it will touch and how hard it is going to make life for so many people—people who have depended on benefits, such as veterans.

We do not know what will happen in a government shutdown. We do not know what will happen to our military because that is not clear. That is what I want to talk about today.

A government shutdown will put people in peril in many areas, but now we have a situation in which our military, our Active-Duty military—almost 90,000 are in Afghanistan, 47,000 in Iraq—is put in a position today of now also wondering if their spouses at home with children are going to get their paychecks. If we have a government shutdown that will affect their ability to pay their mortgages.

Madam President, let me ask, are there time limits in place?

The ACTING PRESIDENT pro tempore. There is an order to recognize

Senator AYOTTE for her first speech at 10:40 a.m.

Mrs. HUTCHISON. Thank you, Madam President.

Let me just say that I have introduced legislation. I have cosponsors—CASEY, INHOFE, SNOWE, MURKOWSKI, COLLINS, AYOTTE, and HOEVEN. It is the Ensuring Pay for our Military Act of 2011. It is very simple. It just ensures that in the event of a Federal Government shutdown—which I do not want to happen and do not support—our military will be paid. It also will allow anyone who is serving our military—civilian defense employees or contractors who do the food services—to also be able to go to work and not have to worry about what is going to be happening back home, especially for those who are serving in harsh conditions overseas.

I so hope we will be able to pass this bill. I do not want 1 more minute of stress on our military. The bill is very simple, and it is very short and very clear: Our military personnel and their support will not be affected by a government shutdown.

I hope I can have more colleagues signing up. We have introduced this bill, S. 724, and I hope we can get a vote on this bill in very short order so this is off the table.

Madam President, I yield the floor.

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

FACING ENORMOUS CHALLENGES

Ms. AYOTTE. Madam President, with humility and a deep sense of reverence for this body, I rise today to address my colleagues in the Senate. Serving in this historic Chamber is truly an honor. On this floor, men and women of strong character gather together to continue the unfinished work of building a more perfect union.

It is an even greater privilege to stand here representing the people of New Hampshire. A place of distinct beauty that places a premium on self-governance and informed public discourse, New Hampshire reflects the very best of our Nation.

As America faces enormous challenges, I am reminded of the words of wisdom from one of New Hampshire's revered statesmen, GEN John Stark. After fighting bravely and heroically in the Revolutionary War, General Stark gave New Hampshire its treasured State motto: "Live Free or Die." This famous quote perfectly captures the spirit and character of the people of the Granite State. Fiercely independent and strongly protective of our personal freedoms, we place a high premium on self-reliance, personal initiative, and individual liberty. We believe strongly that government cannot and should not be allowed to get in the way of each of us reaching our full poten-

tial. That is what "live free or die" means. Yet, as I stand here today and as I have heard from so many of my fellow Granite Staters, we are at a time when our government has grown so large and we have become so indebted that the size of our debt threatens the full potential and future of the greatest people and country on Earth.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, has said that America's debt is the greatest national security threat we face. That debt now stands at a historic level of over \$14 trillion, about half of which is held by other countries. The single biggest foreign holder of our debt is China, a country which does not share our values. We are borrowing \$4 billion a day, or 40 cents of every single dollar, to fund our ever-expanding government.

In the month of February alone, we ran a record monthly deficit of \$223 billion. That \$223 billion shortfall—accumulated in just 1 month—puts into perspective the current spending debate we are having in Congress. House Republicans came up with a plan to cut \$61 billion for the rest of this fiscal year, which is an important start. But those cuts only cover a little more than a quarter of the deficit we accumulated in just 1 month.

Yet all I hear from my colleagues on the other side of the aisle is that \$61 billion in cuts is extreme. In my view, the only thing that is extreme is failing to confront the endless flood of red ink that threatens our economic strength and threatens our national security.

The debt we owe is so much more than just numbers. This is about us—who we are as Americans—and what kind of country we want to leave behind for our children. My husband Joe and I are the proud parents of two children—Kate, who is 6 years old, and Jacob, who is 3 years old. I am determined to keep alive the American dream for my children and for all of our children and for future generations in this country. But our addiction to spending in Washington threatens that dream. I, for one, will not sit by while our children become beholden to China.

Hollow words paying lip service to fiscal responsibility have been used by too many in Congress for far too long. New Hampshire families sit around their kitchen tables and find ways to make their family budget work. With limited resources, they make hard choices to distinguish between wants and needs. It is time for our Federal Government to do the same.

That is why the first step we should take is to pass a balanced budget amendment to the Constitution. Almost every State in the Nation is required to balance its budget, and our Federal Government should be no different. Last week, I was proud to join with all 46 of my Republican colleagues in supporting such an amendment that

caps spending, requires the budget to balance, and makes it more difficult to raise taxes. I ask my colleagues on the other side of the aisle to join us in passing this important measure and to put this vote to the States for ratification.

I appreciate that amending the Constitution is no light matter, but our Founding Fathers could not have anticipated how unwilling Members of Congress would be to actually pass a balanced budget and to make fiscally responsible decisions. Our Founding Fathers were well aware of the threat posed by debt. It was Thomas Jefferson who wrote:

To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

In 1997, the Senate came close to getting its arms around the debt when a balanced budget amendment failed to pass this Chamber by just one vote. At that time, our national debt was a little over \$5 trillion. It has nearly tripled since then. Imagine how much stronger our Nation would be today had the Senate approved a balanced budget amendment back then and the States adopted it.

A constitutional amendment requiring a balanced budget is a key first step, but getting spending under control will take a multipronged approach. That is why we must also move quickly to pass serious statutory limits on spending.

One of my honorable predecessors from New Hampshire, Warren Rudman, helped author the Gramm-Rudman-Hollings Act to require sequestration of funds if Congress failed to act to cut spending within deficit targets. Unfortunately, Congress circumvented the law's provisions by finding loopholes. While that effort may not have ultimately succeeded, we should take the lessons learned from that experience. We need statutory spending caps with teeth that Congress cannot easily undermine.

While I realize that this week we are working to pass funding for the rest of fiscal year 2011, Congress must do something this year that it failed to do last year: Pass a budget. Back home in New Hampshire, people—especially small business owners—are astounded to learn that our Federal Government is operating right now outside the confines of a strict budget. Frankly, it is shameful the last Congress did not approve a budget for fiscal year 2011. Their failure to act is why we are in the difficult place we find ourselves today. Here we are, trying to fund government through a series of patchwork, short-term funding bills.

We need a fiscally responsible budget that cuts Federal spending and puts us on a path to eliminating our debt altogether. State governments operate within a budget, families operate within a budget, small businesses operate

within a budget, and the Senate should not be working on any other legislation until we resolve funding for the rest of this fiscal year and pass a responsible budget for 2012.

We have to begin by reviewing every program in our government and eliminating the waste, fraud, and duplication we all know is there. We know there is so much more we can do to streamline our Federal Government. A GAO report released in March identified hundreds of redundant programs costing us billions of dollars.

Finally, it is clear we cannot address our country's fiscal crisis while continuing to focus on only 12 percent of spending. That is certainly an important start—and there is plenty to cut—but in order to truly get our fiscal house in order, we must look at the entire budget. We must repair our entitlement programs—Medicaid, Medicare, and Social Security.

Entitlement reform should be an issue that brings us all together—Republicans, Democrats, Independents—to ensure we keep our promises to those who are relying on those programs, while making sure future generations don't pay for our failure to address the fiscal reality of these programs right now. This is certainly an issue that requires Presidential leadership, and I join others in my party in inviting the President to work across party lines to address this urgent priority. The American people deserve a substantive, responsible debate on how we can preserve these programs in a fiscally sustainable way. We simply cannot continue to put off making the difficult decisions today and passing them on to the next generation.

With our trillion dollar-plus deficits and rapidly accelerating debt, we are again closing in on our debt ceiling. Having to repeatedly increase the debt limit represents a broad failure of leadership by politicians from both parties. As a new Member of the Senate, I refuse to perpetuate that cycle. We cannot let this moment pass us by, and I cannot in good conscience raise our debt ceiling without Congress passing real and meaningful reforms to reduce spending. That plan should include a balanced budget amendment, statutory spending caps, spending cuts, and entitlement reform.

We can no longer afford the status quo or business as usual in Washington. The days of spending as though there is no tomorrow to bring home the bacon must end. The fiscal crisis that threatens our Union threatens all of us. We will have to make sacrifices. There will be times when we have to put aside our parochial interests and appreciate that the only way we will be able to cut spending is for all of us to take shared responsibility and to make shared sacrifices for the great country we love.

Make no mistake, out-of-control spending jeopardizes our Nation's eco-

nomical strength and costs us jobs. One thing is for sure: We cannot spend our way to prosperity. We need look no further than the stimulus package to prove that stubborn fact.

The reality is that government doesn't create jobs. Small businesses and entrepreneurs create jobs. What we can do in the Senate is to help create the right tax and regulatory conditions to allow our businesses to thrive and grow.

Despite the circumstances we face, we are blessed to live in the greatest country in the world. There has never been a challenge we have not faced and met and overcome and been better for.

When I think of what it will take to address the challenges before us, I am reminded of my 95-year-old grandfather, John Sullivan, who is a World War II veteran and what his generation went through and what he did. My grandfather landed on the beaches of Normandy, and he is part of what is known as the "greatest generation" of our country.

Every generation is called upon anew to preserve our country. In my view, this generation's greatest challenge is having the courage and the will to take on and fix our fiscal crisis and get our fiscal house in order once and for all. This is our time to show we have the fortitude and the courage to do what is right to preserve the greatest Nation on Earth.

I know we can do this, and it is truly humbling to have the opportunity to serve in this body at a time when I know leadership and courage will make all the difference. On behalf of the people of New Hampshire, I stand ready to fight for our great country and to work with my colleagues on both sides of the aisle to address our fiscal crisis. I remain confident that America's best days still lie ahead of us.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I wish to congratulate our new colleague on her initial speech related to the twin problems we have in this country of spending and debt, as well as to say to her that it is pretty clear to all of us that she is a worthy successor to our good friend Judd Gregg whose seat she now occupies and who was also a leader in this body—some would argue the leader in this body—on the questions of our Nation's fiscal crisis and how to get it in order. So on behalf of all of our colleagues, I congratulate Senator AYOTTE.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also wish to congratulate my colleague from New Hampshire. It is an extraordinary privilege to serve in this Chamber and it is a long tradition of the Chamber to utilize one's first speech or

maiden speech as an opportunity to address something that is close to one's heart. I extend a warm welcome to her and to her voice, her intellect, and her passion on issues that we must, on both sides of the aisle, work to resolve in order to build a better America and put America back on track.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Coburn amendment No. 281 replace amendment No. 223 in the agreement we reached last evening. This is an updated version of Senator COBURN's amendment.

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

Ms. LANDRIEU. Madam President, under the previous agreement that was reached last evening—and I want to thank both leaders, Senators REID and MCCONNELL, for working so hard with Senator SNOWE and me to try to bring our caucuses to conclusion points on this very important bill, the small business innovation bill, that we have been negotiating now for almost 2 weeks. It is a very important program that deserves to be reauthorized.

This bill will reauthorize this important program for 8 years. We have been operating the last 4 years with 3 months at a time and 6 months at a time. Madam President, representing New York, you know that many of your small businesses have accessed this program, many of your universities, to acquire or to reach cutting-edge technologies that not only our Federal agencies need but taxpayers benefit from directly.

This program is a job creator. It is an innovative program, and it is a job creator. So I appreciate the work our two leaders have done with Senator SNOWE and myself to get us to this agreement.

We will be having seven votes this afternoon. Just to recap, they will be Baucus No. 236, Stabenow No. 277, Rockefeller No. 215, Coburn No. 217, Coburn No. 281, Coburn No. 273, which is a side-by-side, I think, and Inouye No. 286. Those have already been agreed to, but, Madam President, our challenge is that we have 124 additional amendments that have been filed, most of which have nothing to do with either the Small Business Administration or this program. We understand Senators are frustrated and want floor time for their issues, but taxpayers need this program that works.

We are eliminating some programs at the Federal level that don't work, but this one does. So we need to try to find a way to get it authorized and continue the good economic numbers we are hearing coming out of Treasury and other independent think tanks that are saying jobs are being created.

The recession looks as though it is potentially coming to an end. We are creating net new jobs every month. This is a program that supports that. It is a great foundation program based on cutting-edge research and innovation that helps small businesses in the country who are the job creators.

So I ask Members on both sides to work cooperatively throughout the day today. We are going to have a vote on these seven amendments this afternoon, as previously agreed to, and we will be considering and trying to work with Members on some of their other issues. If we could get a good, strong small business bill agreed to this week and sent over to the House as we resolve these very tough negotiations on

the budget, we can be proud to, at some point very soon, send this bill with a few attached amendments, hopefully—not many but a few—to the President's desk for signature.

So, again, I thank the Members for their cooperation, and I suggest the absence of a quorum.

I am sorry, Madam President. Let me take back that request.

AMENDMENTS NOS. 236, 277, 215, 217, 281, 273, AND
286

Ms. LANDRIEU. Madam President, under the previous agreement we were able to get to last evening, I call up the amendments I previously cited.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 236, 277, 215, 217, 281, 273, and 286.

The amendments are as follows:

AMENDMENT NO. 236

(Purpose: To prohibit the regulation of greenhouse gases from certain sources)

At the end, add the following:

SEC. ____ GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

“(a) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means any of the following:

- “(1) Carbon dioxide.
- “(2) Methane.
- “(3) Nitrous oxide.
- “(4) Sulfur hexafluoride.
- “(5) Hydrofluorocarbons.
- “(6) Perfluorocarbons.
- “(7) Nitrogen trifluoride.

“(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

“(b) NEW SOURCE REVIEW.—

“(1) MODIFICATION OF DEFINITION OF AIR POLLUTANT.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term ‘air pollutant’ shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

“(2) THRESHOLDS FOR EXCLUSIONS FROM PERMIT PROVISIONS.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

“(A) that is—

“(i) a new major emitting facility that will emit, or have the potential to emit, green-

house gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or

“(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

“(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

“(3) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

“(A) changes in land use;

“(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or

“(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

“(c) TITLE V OPERATING PERMITS.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.”.

AMENDMENT NO. 277

(Purpose: To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program)

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term “greenhouse gas” means—

- (1) water vapor;
- (2) carbon dioxide;
- (3) methane;
- (4) nitrous oxide;
- (5) sulfur hexafluoride;
- (6) hydrofluorocarbons;
- (7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period

beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled “Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled “Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles” published at 75 Fed. Reg. 74152 (November 30, 2010);

(3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(4) any action relating to the provision of technical support at the request of a State.

SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

- (1) changes in land use;
- (2) the growing of commodities, biomass, fruits, vegetables, or other crops;
- (3) the raising of stock, dairy, poultry, or fur-bearing animals; or
- (4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) ADDITIONAL 2011 ALLOCATIONS.—
“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.
“(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).
“(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—
“(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary es-

tablishes such program to submit applications.

“(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term ‘domestic job creation (both direct and indirect)’ means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

“(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

“(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term ‘2011 allocation amount’ means \$5,000,000,000.

“(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.”

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting “(increased by so much of the 2011 allocation amount (not in excess of \$1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))” after “\$2,300,000,000”.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “48C(d)(6)(E),” after “36C.”

AMENDMENT NO. 215

(Purpose: To suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions)

At the end, add the following:

TITLE VI—BUSINESS INCUBATOR PROMOTION

SEC. 601. SHORT TITLE.

This title may be cited as the “EPA Stationary Source Regulations Suspension Act”.

SEC. 602. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), until the end of the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsections (a) and (c) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) (including any action taken before the date of enactment of this Act) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

AMENDMENT NO. 217

(Purpose: To save at least \$8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges)

At the end of title V add the following:

SEC. ELIMINATING THE NATIONAL HISTORIC COVERED BRIDGE PRESERVATION PROGRAM.

(a) REPEAL.—Section 1224 of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 225; 112 Stat. 837) is repealed.

(b) FUNDING.—Notwithstanding any other provision of law—

(1) no Federal funds may be expended on or after the date of enactment of this Act for the National Historic Covered Bridge Preservation Program under the section repealed by subsection (a); and

(2) any funds made available for that program that remain unobligated as of the date of enactment of this Act shall be rescinded and returned to the Treasury.

AMENDMENT NO. 281

(Purpose: To save at least \$20 million annually by ending federal unemployment payments to jobless millionaires and billionaires)

At the end of title V, add the following:

SEC. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than \$1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual’s adjusted gross income was not equal to or greater than \$1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual’s eligibility under this Act. Effective Date.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 273

(Purpose: To save at least \$5 billion by consolidating some duplicative and overlapping government programs)

At the end of title V, add the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

AMENDMENT NO. 286

(Purpose: To provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions)

At the end of title V, add the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

AMENDMENT NO. 207, AS MODIFIED

Ms. LANDRIEU. Madam President, I ask unanimous consent that Senator SANDERS’ amendment No. 207 now be modified with the changes at the desk. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Social Security is the most successful and reliable social program in our Nation’s history.

(2) For 75 years, through good times and bad, Social Security has reliably kept millions of senior citizens, individuals with disabilities, and children out of poverty.

(3) Before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in the United States lived in poverty; less than 10 percent of seniors live in poverty today.

(4) Social Security has succeeded in protecting working Americans and their families from devastating drops in household income due to lost wages resulting from retirement, disability, or the death of a spouse or parent.

(5) More than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 9,200,000 veterans, 8,200,000 disabled individuals and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children.

(6) According to the Social Security Administration, the Social Security Trust Funds currently maintain a \$2,600,000,000,000 surplus that is project to grow to \$4,200,000,000,000 by 2023.

(7) According to the Social Security Administration, even if no changes are made to the Social Security program, full benefits will be available to every recipient until 2037, with enough funding remaining after that date to pay about 78 percent of promised benefits.

(8) According to the Social Security Administration, “money flowing into the [Social Security] trust funds is invested in U.S. Government securities . . . the investments held by the trust funds are backed by the full faith and credit of the U.S. Government. The Government has always repaid Social Security, with interest.”

(9) Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security.

(10) Overall, Social Security benefits for retirees currently average a modest \$14,000 a year, with the average for women receiving benefits being less than \$12,000 per year.

(11) Nearly 1 out of every 4 adult Social Security beneficiaries has served in the United States military.

(12) Proposals to privatize the Social Security program would jeopardize the security of millions of Americans by subjecting them to the ups-and-downs of the volatile stock market as the source of their retirement benefits.

(13) Social Security is a promise that this Nation cannot afford to break.

(b) PROTECTION OF SOCIAL SECURITY BENEFITS.—It is the sense of the Senate that, as part of any legislation to reduce the Federal deficit—

(1) Social Security benefits for current and future beneficiaries should not be cut; and

(2) the Social Security program should not be privatized.

Ms. LANDRIEU. Madam President, I ask unanimous consent that any time spent in a quorum call prior to the votes at 4 p.m. be equally divided.

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

Ms. LANDRIEU. Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. SANDERS. Madam President, we are at a unique and enormously important moment in American history. The decisions that will be made by the Congress and the President in the coming days, weeks, and months, will in many ways determine how we go forward as a nation and will impact the lives of virtually every one of our 300-plus million citizens.

The reality today, as I think most Americans know, is that within our economy we have a middle class which is collapsing. In the last 10 years, median family income has declined by \$2,500. Millions of American workers are working longer hours for lower wages. If you look at real unemployment rather than the official unemployment, we are talking about 16 percent of our people unemployed or underemployed. Numbers may be even higher for certain blue collar workers and for young workers. The middle class is in very dire straits.

Poverty in America is increasing. Since 2000, nearly 12 million Americans have slipped out of the middle class and into poverty. As a nation we have 50 million Americans today who have no health insurance and that number has increased. In recent years we have the highest rate of child poverty of any major country on Earth. We are deindustrializing at a rapid rate. In the last 10 years we have lost 50,000 of our largest manufacturing plants as many of our largest corporations have decided it is more profitable to do business in China and other low-wage countries rather than invest in America.

That is one reality. Then there is another reality that we don’t talk about too much. It is while the middle class disappears and poverty increases, people on the top are doing phenomenally well. Today, about 1 percent of top income earners earn about 23 percent of all income. That is more than the bottom 50 percent—the top 1 percent earn more income than the bottom 50 percent and the gap between the very rich and everybody else is growing wider.

Not widely discussed but true, in America today the wealthiest 400 families own more wealth than the bottom 150 million Americans—400 families, 150 million Americans. That is an unbelievable gap in terms of wealth, between a handful of families and the vast majority of the American people. That gap is growing wider.

In 2007, the wealthiest 1 percent took in 23.5 percent of all the income earned in the United States; the top 0.1 percent took in 11 percent of total income. The percentage of income going to the top 1 percent has nearly tripled since the 1970s, and between 1980 and 2005, 80 percent of all new income generated in this country went to the top 1 percent.

We are living in a society where the very wealthiest people are becoming wealthier; the middle class is disappearing; poverty is increasing. That takes us to the budget situation our Republican friends are pushing.

At a time when the richest people are becoming richer, what the Republicans say is the answer is let us give millionaires and billionaires even more in tax breaks. At a time when the middle class is in decline, poverty is increasing, what our Republicans are saying is let us attack virtually every significant program that improves lives for low-income or moderate-income people. The rich get richer, they get more. The middle class gets poorer, they get less. Maybe that sense of morality makes sense to some people. It does not make sense to this Senator and I do not believe it makes sense to the vast majority of the American people.

Our Republican friends outlined their immediate budget proposals for 2011, for the CR, in their bill H.R. 1. Let me briefly review it because I want everybody in America to understand what these folks want to see happen and it is important that we discuss it. Fifty million Americans have no health insurance today. The Republican solution is slash \$1.3 billion for community health care centers that provide primary health care to 11 million patients.

What happens when you are sick, you have no insurance, you don't have any money, you can't go to a doctor—what happens? Perhaps you die, perhaps you suffer, perhaps you are lucky enough to get into a hospital. We spend huge sums of money treating you when you could have been treated a lot more cost effectively through a community health center.

Today, in my office and I suspect in your office, people will tell you that it takes too long for them to get their claims from the Social Security Administration, the disability claims—the waiting line is too long. The Republican solution is slash \$1.7 billion from the Social Security Administration, making seniors and the disabled wait even longer. Everybody in America knows how hard it is for a middle-class family to send their kids to college. The most significant Federal programs, such as the Pell grant program, make it easier for low and moderate-income families to afford college. The Republican solution is slash \$5.7 billion from Pell grants which means that over 9 million American students will lose some or all of their Pell grants. Many of them will not be able to go to college.

Everybody, every working family in America, knows how hard it is today to find quality, affordable childcare. In most American middle-class families the husband works, the wife works—they want to know their kids are in a safe, good-quality childcare center. For decades now, Head Start has done an excellent job in providing quality early childhood education for low-income kids. In the midst of that childcare crisis, the Republican solution is slash Head Start by 20 percent, throw 218,000 children off of Head Start, lay off 55,000 Head Start instructors.

On and on it goes. In my State it gets cold in the winter, 20 below zero. Many seniors living on Social Security cannot afford the escalating costs of home heating oil. The Republican solution: Slash \$400 million in funding for LIHEAP, making it harder for seniors and other low-income people to stay warm in the wintertime.

What we should be very clear about as we discuss the budget is the Republican proposals for the continuing resolution for the remainder of fiscal year 2011 are only the first step in their long-term plan for America. Yesterday what we saw is the real vision of the Republican Party, for where they want to take this country into the future. While I applaud them for being straightforward about that vision, I think the more the American people take a hard look at where they want this country to go, the more outraged will be millions and millions of citizens as they understand the Republican proposal for the future.

Right now, if you are a senior citizen and you get sick and you need to go to the hospital, you have a health insurance program called Medicare, which has been lifesaving for millions of seniors. The Republican budget as outlined by Congressman RYAN yesterday essentially ends Medicare as we know it and converts it into a voucher-type program that will leave seniors paying out of pocket for many lifesaving health care costs.

In other words, if you end up, at the age of 75, with cancer or another illness, what the Republican proposal does is give a voucher to a private insurance company—\$6,000, \$8,000, we are not exactly sure—and after that, good luck, you are on your own. You have an income of \$15,000, you have cancer, how are you going to pay for that? The Republicans say there will be a voucher, ending Medicare as we know it right now.

The Republican proposal would force seniors to pay \$3,500 more for prescription drugs. The proposal would reopen the prescription drug doughnut hole, requiring that seniors pay full price for prescription drugs. At a time when so many of our people have no health insurance, the Republican budget contains \$1.4 trillion in Medicaid cuts over 10 years by turning it into a block

grant program. We are now reading in various States that have budget problems that their solution to the budget problems is simply to throw people off of Medicaid, including children. What happens if you have no health insurance and you get sick?

We are beginning to talk about death panels. That is what we are talking about. If you are sick, you have no health insurance, what do you do? My guess—we have options—you die, you get sicker, you suffer in ways that you did not have to suffer.

The Republican proposal, as outlined by Congressman RYAN yesterday, also includes over \$1.6 trillion in cuts over the next decade for education, Pell grants, infrastructure, affordable housing, food stamps, food safety, and other vital programs for the middle class, the elderly, the sick, and the children.

What is also interesting—it is literally beyond belief to me—is while Republicans are slashing programs for low- and middle-income people, what they are also doing—I think people will think I am not serious, but I am—at the same time as the rich are getting richer and they are slashing programs for low- and moderate-income people, the Republican budget plan would significantly lower taxes for millionaires and billionaires.

So we cut Head Start, we cut Pell grants, we cut community health centers, but at the same time we give huge tax breaks for millionaires and billionaires. Furthermore, the Republican proposal would also lower taxes for the largest corporations in this country. My point is, we all do understand that this country has a serious deficit problem and a \$14 trillion national debt. I think every Member of the Senate is concerned about the issue and wants to address it.

The question is, Do we move toward a balanced budget on the backs of the weakest, most vulnerable people in our country, on the backs of the poor, the children, the elderly, the disabled? That is one way we can do it or do we ask for shared sacrifice? Do we say to the wealthiest people in the country, do we say to the largest corporations in this country: You are part of America, too, and you have to help us get out of this deficit crisis.

Last week, I issued a list of 10 major corporations—10 major corporations that paid nothing in taxes in recent years, and, in some cases, actually got a rebate from the Federal Government after making huge profits. To my mind, instead of cutting back on Head Start and Pell grants and community health centers—which will have a devastating impact on low- and moderate-income Americans—maybe we might want to ask General Electric, which made \$26 billion in profits over the last 5 years and received a \$4.1 billion refund from the IRS, maybe we might want to ask them to pay something in taxes.

I think it is a bit absurd that the average middle-class person pays more in Federal income taxes than does General Electric. Maybe we want to change that. Maybe we want to ask Chevron, which made \$10 billion in profits in 2009, which got a \$19 million dollar refund from the IRS, maybe to pay something in taxes so we can move toward deficit reduction in a way that is fair.

Here is the bottom line: corporate profits are at an alltime high. The richest people in this country are doing phenomenally well. The middle class is in decline. Poverty is increasing. Republican answer: More tax breaks for the very rich, lower corporate taxes, but stick it to working families in a horrendous way, which will cause massive pain.

We are at a fork in the road in terms of public policy. Do we develop public policy which protects all our people, which expands the middle class, or are we at a moment in history which moves this country aggressively toward oligarchy, in which we have a small number of people at the top with incredible wealth and incredible power, while the middle class continues to disappear.

Now is the time, in my view, for working families all over this country to stand and say: Enough is enough. We need shared sacrifice as we go forward. We do not need to see the middle class in this country further disappear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 236

Mr. BAUCUS. Madam President, I rise today to speak to amendment No. 236 to exempt farmers, ranchers, and small businesses from EPA regulation of greenhouse gases.

The science is clear: greenhouse gas pollution is causing climate change. Climate change is here, it is real, it is human caused, and it will hurt our economy and the health of our kids and grandkids.

In Montana we are already seeing the effects. According to Dr. Steve Running at the University of Montana, the duration of the wildlife season in the western United States has increased by 78 days since the 1970s. This trend is driven by earlier snowpack melt and less summer precipitation due to climate change. And this trend costs jobs in Montana's tourism and timber industry.

Climate change also endangers our national security. According to a report recently authored by retired Navy ADM Frank Bowman, "Even the most moderate predicted trends in climate change will present new national security challenges." That is why the Pentagon included climate change among the security threats identified in its Quadrennial Defense Review.

I believe that we all have a moral responsibility to leave this world to our

kids and grandkids in better shape than we found it. That means we ought to deal with climate change by reducing our emissions of greenhouse gas pollution. But we must do so in a manner that does not hurt the economic recovery.

Small businesses and agriculture are the drivers of our economic recovery and job creation. Of the 200,000 jobs added in March, over half were created by businesses with 50 or fewer employees. And over 90 percent of the 200,000 jobs created last month were created by businesses with 500 or fewer employees. My amendment ensures that these businesses can continue to add jobs.

My amendment is very simple. It exempts farmers, ranchers, and small businesses from EPA's greenhouse gas pollution regulations.

Under my amendment only about 15,000 of the more than 6 million stationary sources that emit greenhouse gases in the country would be regulated by EPA. These 15,000 sources are large plants run by big corporations. And over 96 percent of these 15,000 sources already have to get permits under the Clean Air Act for emissions of criteria pollutants. Moreover, these 15,000 polluters account for 70 percent of greenhouse gas emissions from stationary sources in the country. So under the Baucus amendment, small businesses would be protected, while the biggest polluters that account for the vast majority of emissions would have to comply with the law.

EPA is going forward with regulations to reduce greenhouse gas pollution. We ought to ensure these regulations preserve our outdoor heritage, protect our children's health, promote our national security, and protect small businesses, farmers, and ranchers. My amendment does just that, and I urge my colleagues to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PRYOR. I ask unanimous consent to speak as in morning business for 10 minutes.

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

FISCAL CHALLENGES

Mr. PRYOR. Mr. President, we find ourselves in dangerous territory. While Republicans and Democrats continue to point fingers and hold fiery press conferences, a government shutdown is quickly approaching. The blame game is like quicksand: it has the ability to drag down not only the Senate and the House but the entire economy and our country. No matter how one looks at it, a shutdown would be reckless and irresponsible.

We can get this short-term budget problem resolved if all parties would turn off the rhetoric and stop the campaigning. A few extreme partisans stand in the way of progress, blocking a good-faith effort of many others seeking common ground. I ask them to take to heart what it says in the book of Isaiah: Come now, let us reason together.

We need to overcome this budget impasse and live up to the oath we took and to the people we represent. Larger challenges await our attention. It is not in our best interest to see the government shut down. I don't think it is in the best interest of the Nation to continue on this deficit-spending cycle we have been on. We owe it to the American people and the world that is watching us to show American leadership on both our short-term and long-term fiscal challenges.

I would like to see us turn our effort to the blueprint provided by the debt commission. I commend the bipartisan group of Senators who have begun to turn part of this plan into legislation.

We must find ways to reduce spending, address entitlement programs, and reform the Tax Code. Now, with all the momentum and opportunity built up over the last few months, is the time to lead. We must make the serious decisions to get our Nation out of the red so we can be competitive in the future. Again, I say let's turn off the rhetoric and be part of the solution, not part of the problem.

In Washington, the blame game has become par for the course. It has become politics as usual. In fact, it is one thing that people in my State are sick and tired of and one of the reasons why they have lost confidence in the Congress and in our government. Besides that, how in the world does holding press conferences and pointing fingers at others help resolve anything? Besides that, it is not true because the truth is that we are in this fiscal situation we are in today because of decisions all of us have made over the last decades. In fact, I saw yesterday in the paper where Speaker BOEHNER was talking to some of his caucus about getting ready for the shutdown, and there were ovations over there. There are no ovations over here for a government shutdown. We do not want to see it. I am not only talking about Democrats. I don't know of any Republicans in the Senate who want to see a shutdown. In fact, from my standpoint, one of the tests I use when I look at politicians is, the louder they are and the more often they have press conferences to blame other people, that probably means the more they are to blame for the problems we have today.

I certainly hope that as the elections roll around next year, the American people will remember many of the politicians' attempts in Washington to avoid responsibility for this terrible fiscal crisis.

One thing we need to keep in mind is that what we are talking about this week in terms of shutting down the government—and I hope that doesn't happen—is really only important for the next 6 months. We are only talking about for the rest of this fiscal year. The real battle, the more meaningful discussion and debate and fight, even, that we need to have is over long-term fiscal policies. The next 6 months—I don't want to say that is not important, because it is—is a time for us to demonstrate to the American people, to the markets, and to the world that we can come up with political solutions to the very challenging problems we face.

I am also concerned in this fragile economy that if we do shut down the government, that might be something that would shake this economy and actually, possibly, stop it in its tracks. I hope it will not reverse it, but I do have a concern about an abrupt cutoff of government spending, what that might do to the economy.

Our fiscal challenges that the debt commission focused on and many of us have focused on are beyond politics. They are bigger than politics. They are more important than the next election. In fact, they are more important than our own personal political fortunes. This fiscal situation we are in is not about the next election; it is about the next generation.

If we look back at the time that we call the Battle of Britain, one of the things Winston Churchill said that always stuck with me is, "Never in the field of human conflict was so much owed by so many to so few." He was talking about those brave men who flew the airplanes over Great Britain to protect the skies and the British people and to win the war, to stop Nazi Germany from invading and defeating the British Empire.

The "so few" we have today are TOM COBURN, DICK DURBIN, MARK WARNER, SAXBY CHAMBLISS, MIKE CRAPO, and KENT CONRAD. Those few have been meeting for weeks, even months, to try to come up with a comprehensive budget agreement based on the blueprint of the debt commission. These six Senators are not politicians; they are statesmen. They are trying to do what is right for the country. They are trying to do what is in the country's best interest, not their own. I guarantee my colleagues, each one of the six will face tremendous criticism from their own parties and from other quarters about what they are trying to accomplish. To me, that is courage, leadership; that is what being a Senator is all about.

I know right now there are six of them meeting. I know that at some point, once they come out and once they are ready to announce what they want to do, many others will join that effort. But we need to cheer them on and encourage them to finish the hard task they have begun.

I am reminded, when I think about those six sitting in the Capitol and in various rooms around the Capitol, of that phrase in the Declaration of Independence right before our Founding Fathers signed that great document where they say: "We mutually pledge to each other our lives, our fortunes, and our sacred honor." This is our time to put it all on the line. We need to put our political lives on the line, our political fortunes on the line, and our honor. We need to honor the commitment we have made to this country when all 100 of us stood up—in fact, when all 535 of us stood up—and took the oath of office that we were going to do what was right for the country.

I mentioned the Book of Isaiah a few moments ago. I am reminded that many times in the Old Testament, whether in the prophets or Proverbs, we are always encouraged to do right, to do justice, to show mercy. We want to really be upright and true. That is what they call us to do and what they want us to do.

I am also reminded that in the New Testament, when Jesus is talking to the political and religious leadership of his day, he says: Are you so blind?

Are we so blind that we cannot see the forest for the trees, that we can't understand how important it is for this country to get our debt and deficit where it needs to be? Are we so blind that we are not able to see that we need to put everything on the table, that this is a time for great leadership and shared sacrifice, and we all have to give up something to get this done?

It is our time to lead. This may be the greatest challenge of our generation, of any of us who are serving either in the House or Senate right now. This may be our one moment in history for greatness. I sincerely hope we rise to the challenge because I believe the future of the Republic depends on it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

PESTICIDE REGULATION

Mr. JOHANNIS. Mr. President, I rise today to talk about another example of an EPA that, I believe, is out of step with American agriculture.

EPA continues to pursue regulations that would require farmers to file for an additional permit if they want to apply pesticides, while just last month

EPA Administrator Jackson mentioned "the critical work that farmers are doing to protect our soil, air, and water resources." Yet the EPA continues, I believe, to handcuff our farmers and our ranchers with very stringent new regulations but still expects them to do all they can to feed a hungry world.

Time and time again, farmers have consistently proven to be excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining and protecting and improving it. I speak from experience. I grew up on a farm.

Unfortunately, we have watched organizations use the courts to twist laws against American agricultural production. A Democratic Congressman from California recently noted that EPA "often pursues a course of agency activism." He points out that EPA is using the settlement of lawsuits to give them jurisdiction over issues that may not be allowed under existing law.

More and more we are seeing important policy decisions that impact agriculture arise not from the legislative process, where it should arise from, but from the litigation process where a lawsuit settlement results in policy decisions being made.

In January 2009 a court overturned the normal practice of allowing farmers to apply pesticides as long as they complied with labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act, which is known as FIFRA.

The Sixth Circuit Court ruled that EPA doubly regulate pesticide applications under FIFRA and the Clean Water Act. Well, at least 25 Senate and House Members, including myself, supported an amicus brief urging review of the court's very ill-advised decision. But, instead, the Obama administration chose to wave the white flag, ignoring the science and caving to activists. They urged the Supreme Court not to hear the case and to let the ruling stand.

For years EPA managed pesticide permitting within established environmental and safety requirements. Yet the administration refused to defend what was a very established, long-standing approach. The EPA asked for a 2-year delay to write the permit and set up a compliance regime. They moved forward with onerous permitting requirements for our producers that will provide no environmental gain. This would subject the pesticide applicators to new and duplicative requirements—a distinct shift in how the EPA regulates pesticides. It created a whole new world. This additional permitting is now inefficient, it is unnecessary, and I would argue it is inappropriate for agriculture.

EPA's permitting requirements also present a challenge to local public

health officials who work to control mosquitoes and prevent the spread of disease. The American Mosquito Control Association estimates that complying with the additional regulation could cost each pesticide user at least \$200,000 and potentially \$600,000 in California alone. The dual permit requirement may reduce the availability of pesticides proven to control mosquito populations. Thus, the ability of public health officials to control mosquitoes and the spread of disease will be hindered.

We all know bugs and weeds won't wait on another additional permit from EPA, and I surely don't think farmers and public officials should have to go through this additional process. Last week, the House of Representatives passed the Reducing Regulatory Burdens Act—H.R. 872. It passed with overwhelming support. I am very pleased to report it was a bipartisan vote of 292 to 130. Democratic Congressman COLLIN PETERSON, with whom I worked when I was Secretary of Agriculture and whom I have a lot of respect for, said this:

It was never the intent of Congress to burden producers with additional permit requirements that would have little to no environmental benefit.

I could not agree more with the former chair of the House Agriculture Committee. But he is not alone. Fifty-seven of his Democratic colleagues supported this bipartisan legislation to set the record straight and send a clear message to the EPA.

Here in the Senate, I am a cosponsor of a similar bill Senator ROBERTS introduced this week. I am pleased to stand here today and support his bill. Both of these bills are designed to eliminate this burdensome, costly, redundant permit requirement for pesticide applications. I commend his efforts here. He is trying to do something to solve this problem while protecting farmers and ranchers from additional regulation, but also very mindful of our environment.

I urge the majority leader to act quickly on the legislation to address the EPA's redundant and costly double-permitting requirements. We can address this in the Senate. If we don't find a solution, our producers will continue being told how to operate in a very difficult environment. Our producers already deal with the uncertainty of Mother Nature. We should not infuse even more uncertainty into their lives in the form of these regulations that duplicate with no discernible benefit.

President Obama recently promised to eliminate programs that duplicate each other. In fact, he issued an Executive order calling for a government-wide review to identify programs that either duplicated or, as he said at the time, were just plain dumb. I submit to my colleagues that this pesticide dou-

ble regulation is unnecessary and as dumb as it gets.

We should support our farmers and ranchers as they produce safe, affordable food. They are working to protect the land. American agriculture can continue to feed the world, and our farmers will continue to care for the land, unless we set up unnecessary roadblocks.

This redundant pesticide permitting requirement is another example of overreach. I hope the Senate will follow the example of the House which voted resoundingly in a very bipartisan way to correct this situation. We cannot afford to delay, with the compliance date right around the corner. It is a deadline we simply cannot ignore.

Mr. President, thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 183

Mrs. MURRAY. Mr. President, I come to the floor today to express my strong opposition to any attempt to prevent the Environmental Protection Agency from doing its job and protecting our families and our environment. The amendments being considered here in the Senate would hurt our environment and harm our national security by increasing our dependence on foreign oil. They would devastate our public health efforts, and take us in the wrong direction as we fight to compete and win and create jobs in the 21st century clean energy economy.

The positions of leading scientists and doctors and public health experts are clear. Global climate change is real, it is harmful, and it has to be addressed. Rolling back EPA's standards would be devastating to the health of our families, and especially our children. These are settled issues in the scientific world. We shouldn't be spending time debating them over and over on the Senate floor.

By the way, with the price of oil spiking and families paying more and more at the pump, we ought to be focused on ways to move our country away from our dependence on foreign oil. These amendments would do exactly the opposite. They will disrupt efficiency standards that sacrifice billions of gallons of fuel savings and increasing our foreign imports. They will derail the cooperative efforts of automakers and autoworkers and EPA and States to develop these unified, national standards that provide certainty for businesses to invest in new technologies. Frankly, they would be harmful to our national security. Every dollar we spend overseas to pay for oil is more money in the pockets of countries that are too often far from friendly to our national security interests, and that doesn't make any sense to me.

But this debate isn't just about health and the environment, and it is not just about our national security

dependence on foreign oil. It is also about jobs and the economy, which is exactly what we ought to be focused on right now.

We are currently working on legislation on the floor to help small business owners to innovate and grow, to give them the resources they need so they can expand and add jobs and compete in a global economy. These amendments being considered to that bill will move our country in the opposite direction.

First of all, they are going to cause massive uncertainty and upheaval for clean energy companies such as the McKinstry Company in my home State of Washington that is working right now to create jobs and grow and create a clean energy economy. If the rules of the game keep changing, businesses are never going to have the confidence they need to invest and add workers.

Second of all, we all know America needs to move quickly into the 21st century clean energy economy. Other countries such as China and India are pouring resources into investments that are creating jobs and building infrastructure. We need to make sure we position ourselves to compete and win in this critical sector.

That is why instead of harmful legislation and amendments that would take us in the wrong direction—instead of doing that—we should be talking about policies that reduce our dependence on foreign oil, support our national security objectives, and unshackle our economy, so we can tap the creative energy of our Nation's workers and support good family wage jobs, and make sure our workers continue leading the way in this 21st century economy. That is the direction our country needs to be moving—toward a healthy and clean environment and toward the clean energy jobs of the future. We can't bury our heads in the sand and expect our energy and our environmental problems to somehow disappear.

The longer we put off dealing with these issues, the more it is going to cost us in the future, and that is exactly what the amendments on the floor today will do. They are bad for the environment, they are bad for the economy, and they are dangerous to our family's health.

The science on these issues is very clear and it is something the people in my home State of Washington take very seriously. Because when families across America go outside for some fresh air or turn on their tap and hope to have a clean glass of water, they expect these resources to be just that: clean.

Once again, I strongly oppose any attempt to take away the EPA's ability to do their job, and I hope we can work together to find real solutions to the critical problems that face our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

Mr. BARRASSO. Mr. President, today the President is heading to Philadelphia to talk about energy. Well, the President talks a good game but, unlike energy, talk is cheap.

The President plans to host a town-hall meeting about his new energy policy. I think it is time the rhetoric face the reality of what the country is seeing, experiencing, and dealing with. If the President truly wants to get a handle on energy costs, he needs to start by immediately stopping his Environmental Protection Agency from attempting to enact backdoor cap-and-trade regulation.

That is exactly what the EPA is doing. The only effect that can have is to increase energy costs on American families. The President himself admitted as much in 2008. At that time, in an interview with a San Francisco newspaper, he said: "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket."

Is the President serious about decreasing U.S. dependency on foreign oil? If so, he should then rescind his veto threat against today's congressional legislation regarding the policies of the EPA.

That is why I am here in support of the McConnell amendment. The McConnell amendment keeps energy prices low. It prevents the EPA from blocking the development of domestic energy. It restores the Clean Air Act to its original congressional intent. I support the McConnell commonsense amendment.

Most likely, today we will hear more of the same from the President in his speech and townhall meeting in Philadelphia, and more of the same is the last thing the American people need right now. American families are facing increasing gas prices. Our national security is being jeopardized by dependence on foreign sources of energy. Unrest in the Middle East and North Africa is driving high prices even higher.

The Department of Energy has made an estimate that families all across this country will spend \$700 more on gasoline this year than they did last year. Meanwhile, the President will most likely deliver another speech with great goals but limited action.

With gasoline at over \$3.50 a gallon, the President fails to appreciate the ef-

fect his administration's policies have on families with bills, with kids, and with mortgages to pay.

In 2008, President Obama, then a candidate for President, said that the problem wasn't that gas prices were too high but that they had risen too fast. In his words, he said he "would have preferred a more gradual adjustment." This may explain why the President spent his first 2 years in the White House undermining and abandoning an all-of-the-above approach to energy. It is no wonder that he is now trying to cast blame on those who are offering a responsible alternative.

The President says he wants to cut our imports of foreign oil by a third by 2025. Well, to me, he doesn't appear to have the right vision or political will to get there. The United States has the most combined energy resources on Earth, but when faced with new sources of U.S. energy, the administration's automatic response has been to regulate, delay, or to shut down.

The President's "say one thing, do another" policy is making the pain at the pump even worse. His approach is long on making promises, short on taking responsibility. He talks of his concern for the people affected by the gulf oilspill. Yet his drilling shutdown in the Gulf of Mexico killed their jobs and strangles energy production even today. U.S. offshore oil production is expected to drop 15 percent this year thanks to the policies of this administration.

The President's claim that blaming his administration for "shutting down oil production"—he says it doesn't track with reality. But I will tell you that the administration's stalling on gulf oil and gas drilling permits is so antibusiness that even former President Bill Clinton called it "ridiculous." Even as the President says he wants to cut oil imports, he told an audience in Brazil a week or two ago that he wants the United States to become "one of Brazil's best customers" for oil. He said he would expedite new drilling permits. He claims oil companies are "sitting on supplies of American energy just waiting to be tapped." But the biggest thing standing in the way is redtape from his own Interior Department and EPA. While "use it or lose it" makes for a nice sound bite, it ignores the reality that the Obama administration's own policies are the most significant roadblock we have to drilling and exploring for American energy.

The President also claims to support alternative fuels. Yet he didn't once mention converting coal into fuel or tapping oil shale. Oil shale production could produce an estimated 800 billion barrels of recoverable oil. That is three times the amount of Saudi Arabia's oil reserves.

The way we can address our economic and national security needs is

by producing more American energy. We can't afford to pick and choose our energy at a time of uncertainty. We do need it all. This means allowing more U.S. exploration and lifting the burdensome regulations that make it harder for Americans to produce more energy.

Renewable energy is part of it, it is important, but there is no way green energy and green jobs can replace the red, white, and blue energy and jobs that have continued to power our country for over a century. Until the administration acknowledges this, the administration's policies will continue to make the pain at the pump even worse. That is why I urge the Members of this body to adopt the McConnell amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong opposition to the McConnell amendment. I listened to my distinguished colleague from Wyoming, and I enjoy working with him, but this is one subject on which we fundamentally disagree.

This isn't about energy production; this is about clean air. This amendment is a blatant attack on the Clean Air Act, and, from my perspective in New Jersey, any attack on the Clean Air Act is an attack on New Jersey.

Primarily because of dirty, old, out-of-State coal plants, every county in New Jersey is noncompliant with the Clean Air Act—not by what we do but what other States do. One of those coal powerplants is the aging Portland Generating Station, located just across the Delaware River. This plant emitted 30,000 tons of sulfur dioxide in 2009. That is almost three times the amount of all seven of New Jersey's coal plants combined. So we have cleaned up our act. Others need to do it for the collective air we breathe as Americans. Its pollutants waft across the Delaware River into numerous New Jersey counties, causing and exacerbating a whole host of respiratory illnesses, from asthma to heart disease. If not for the Clean Air Act, my State or any other State similarly situated would not have been able to petition the Federal Government to stop the pollution this Pennsylvania plant spews into New Jersey's air.

Just last week, New Jerseyans received some good news. Under the authority of the Clean Air Act, the Federal Government proposed a rule that would grant my State's petition. If finalized in coming months, the rule would lead to an over 80 percent reduction in the Portland coal plant's sickening sulfur dioxide emissions. If not for the Clean Air Act, my State would not have this victory within its grasp. It wouldn't have the opportunity to protect its citizens. We simply cannot gut the one piece of Federal legislation that protects the air we breathe.

Imagine having to tell your children they cannot go outside to play because the wind is not blowing quite the right way, because the air they will breathe will damage their lungs. The McCloskeys from Delran, NJ, don't have to imagine that scenario; they know it. Let me tell you about Erin McCloskey. On poor air quality days in the summer, their daughter Erin could not even make it to the family car, much less go outside and play, without starting to wheeze. Family activity began to revolve around trips to the doctor, treatments, and stays at the hospital. It was a severe economic hardship on the family not just because of costs but also because all of these trips made it difficult for Erin's mother Natalie to hold down a job.

The McCloskeys are not alone. Four-year-old Christian Aquino, from Camden, NJ, suffers from severe asthma. He takes six different medications a day to control asthma attacks, but still his mother, Iris Valerio, lives with the constant fear that an attack is around the corner. On bad air days, they avoid going outside, and when on the highway in traffic, the windows are kept closed.

Fourteen-year-old Samaad Bethea, of Elizabeth, NJ, also suffers from severe asthma. He has been on daily steroid medication to control his asthma for 3 years. If he skips a day, his lungs start to falter and he can't catch his breath. His mother Sharon realized that pollution in their old neighborhood was triggering attacks and had an opportunity to move the family. Since that move, Samaad has been doing much better, but he still requires daily steroid medication.

These children are part of a sobering national reality, a New Jersey reality. Their days revolve around inhalers, steroids, and constant anxiety over when air pollution will trigger another severe asthma attack.

According to the National Centers for Disease Control and Prevention, each year over 10,000 New Jerseyans are hospitalized due to asthma attacks triggered by air quality problems. Thousands of sick days are taken each day in New Jersey by either asthmatics or parents of asthmatics, with huge consequences for the New Jersey economy. Asthma attacks triggered by air pollution cause scores of premature deaths in my State each year.

Erin McCloskey, Christian Aquino, and Samaad Bethea bring these statistics to life. While the causes of their asthma are many, air pollution is a common trigger. The Clean Air Act directly impacts their health, their quality of life, and even the ability of their parents to get or keep a job. For them and for thousands of children like them, weakening the Clean Air Act will mean more days sequestered in their homes and more emergency room visits.

The McConnell amendment—the one I call the dirty air amendment—is the first of many amendments we can expect to see that are aimed at preventing the Federal Government from regulating polluters under the Clean Air Act.

Caring about children's health means not allowing polluters to place profits ahead of people, ahead of the well-being of our children—and I mean all children, no matter their race, ethnicity, or class. Low-income and minority Americans continue to be disproportionately exposed to pollution that is harmful to their health. A recent analysis showed, for example, that two-thirds of U.S. Latinos—about 25.6 million Americans—live in areas that do not meet the air quality standards under the Clean Air Act. Perhaps this begins to explain why Hispanic Americans are three times more likely than Whites to die from asthma attacks, why Latino children are 60 percent more likely than Whites to have asthma.

Low-income and minority Americans will also be disproportionately affected by the impacts of climate change. Let's be clear. The scientific consensus is overwhelming. Climate change will increasingly create more frequent and more extreme storms, more violent and sustained heat waves, meaning more costly and dangerous floods and droughts. Hotter summer days will mean more ozone formation and more bad air quality days. In this way, climate change directly endangers all of us, our children, and our children's children. But changes in weather patterns and increasingly extreme weather events also result in indirect effects. The security of our food supply will be at risk due to more frequent heat stress. The security of water supplies will be at risk due to droughts.

For all of these reasons, scientists agree that climate pollution endangers public health and welfare. That is well understood, and we can curtail these risks by regulating climate pollution. But, no, big polluters want to kick the can down the road. They want to pretend they aren't polluting. Big polluters want to pretend these risks aren't real. They want the McConnell amendment to pass so they can continue business as usual.

This is not about energy because if the New Jersey coal-fired plants ultimately reduced their emissions by 80 percent, it is a question of an investment. They are still producing energy. There are 9.3 million people in the State. They are producing energy, but the reality is that they are doing it in a cleaner way. That is what this issue is about.

We must not allow polluters to set our priorities. How many children in New Jersey or in other parts of the country face the reality of dirty air? How many children are we willing to

have deathly ill in order to allow polluters to continue to spew toxins into the air we collectively breathe? Doing so risks not only our health and that of future generations, it risks the promise of a green economy built on clean energy jobs, energy-efficiency innovations, and reduced waste and pollution.

I urge my colleagues to stop the effort to gut the Clean Air Act and to defeat this amendment. Let's make sure we bequeath to future generations the ability to have air that, ultimately, we can collectively breathe, that doesn't sicken our families and undermine our collective health.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I rise to express my strong support for the McConnell amendment. This amendment prevents EPA from continuing to reach beyond Congress's clear intent under the Clean Air Act.

Congress did not authorize greenhouse gas regulation under the Clean Air Act. This amendment is an appropriate response to clarify the law that is being misinterpreted. The EPA should not be making policy decisions beyond the authority clearly granted to the Agency by Congress.

Let us remember, last year, Congress rejected the cap-and-trade agenda on a bipartisan basis. The EPA's agenda is a job-destroying agenda. It will raise the price of energy, food, and gasoline. The cost of this policy will be transferred to the people of Arkansas and all Americans every time they shop at the store.

The EPA's agenda will not lead to a cleaner environment. American manufacturing will be hurt, and our manufacturing capacity will be replaced by foreign competitors with weak environmental standards. This amendment will allow individual States to keep existing policies in place by permitting them to regulate emissions as they see fit.

This amendment also enables the EPA to focus on the important purposes of the Clean Air Act, which I strongly support. The Clean Air Act must be used to protect the public from harmful pollution. The Clean Air Act was not intended to address climate change concerns.

Finally, let me address a myth we keep hearing. Some have stated the Supreme Court is forcing the EPA to take this heavy-handed, backdoor, cap-and-tax approach. This is wrong. The Supreme Court stated that the EPA can

decide whether greenhouse gases endanger public health and welfare. Many Senators believe the Supreme Court's interpretation of the law is wrong. Yet EPA made a political decision based on the Court's ruling to expand their jurisdiction far beyond what Congress intended. This amendment will correct that action.

Others have stated this amendment would permanently eliminate the EPA's authority to regulate greenhouse gases. This is also wrong. No policy is permanent unless it is part of our Constitution, and even the Constitution can be amended. We can enact this amendment and still have a debate in this body about needed policy changes in the future.

Finally, let me quickly address some of the alternatives to this amendment that are being suggested. Some of my colleagues have suggested delaying the EPA's actions by 2 years. Others have suggested that one sector of the economy or another should be exempted from EPA's unnecessary and burdensome rules.

I would suggest these proposals do not provide the cover some Senators want. Bad policy is bad policy whether carried out this year or 2 years from now. Our job creators need certainty. Restraining the EPA for 2 years will not provide the certainty they need to invest and create more jobs. Exempting one sector of the economy is also not enough. There is no excuse for protecting just one sector while watching Americans in other sectors lose their jobs to foreign competitors.

At the moment, our priority must be job creation, protecting our industrial and manufacturing sectors, and keeping gas and food prices low. We must make sure the EPA avoids politically driven initiatives and becomes focused on its core mission: protecting air and water quality and preventing exposure to toxic contamination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the submission of S. Res. 133 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on behalf of the McConnell-Inhofe amendment. I thank them for their leadership in dealing with governmental regulation of carbon dioxide and other greenhouse gases, amendment No. 183. I want to share a few thoughts about a matter that is important to me. I served several years as ranking Republican on the Judiciary Committee. I am interested in our legal system and how it works. I have to say that the Supreme Court ruling that resulted in the situa-

tion we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American Founders, and in a manner that is contrary to the ideals on which this country was founded, ideals that require accountability, that require responsibility and that allow the American people to hold their officials responsible and accountable for what they do.

For this reason alone I believe the McConnell-Inhofe amendment should be agreed to, because we are talking about a situation in which unelected governmental employees are systematically going about regulating emission of CO₂ in the country under a very attenuated theory. They were never given the explicit authority to do so.

They will, under the power they have asserted, have the ability to regulate your automobile, the heating unit in your home, hospitals, businesses, cities, and anything else that utilizes carbon fuels to produce energy. This is what it is all about.

How did it happen? What occurred here? Well over forty years ago, Congress passed the first Clean Air Act, and since then, Congress has amended the Act several times. Congress was focused on cleaning up the air and dealing with smog, particulates, nitrogen dioxide, sulfur dioxide—all of these pollutants were being emitted into our atmosphere and were affecting the health and well-being of Americans, particularly in cities, and Congress took action to contain that, and it has helped produce a much cleaner environment. Pollution was far worse 40 years ago than it is today. Our atmosphere has far fewer dangerous pollutants in it and, in that regard, the Clean Air Act has been very successful.

But since this Earth was created we have had a marvelous balance. Human beings and animals breathe in air. They take in oxygen out of that air and they breathe out carbon dioxide. Carbon dioxide is not a pollutant. We have never considered it to be a pollutant. Plants, as you know from your basic high school classes, take in carbon dioxide and emit oxygen as part of a life cycle process that is marvelous and wonderful beyond our ability to express.

Over the course of centuries and millennia, plants in the world took in carbon dioxide and, eventually, were buried in the earth. As a result, the carbon dioxide in those plants was trapped underground and developed into coal, oil, and other fuels. In recent years we have been taking those fuels out of the ground and burning it and, as a result, releasing the carbon dioxide.

When the Clean Air Act was passed, there was no discussion or thought about any potential danger of a warming planet. Congress did not have the slightest idea at that time that thou-

sands of bureaucrats would be able to one day take the Clean Air Act that they passed and control every home, every business, every city, every car, and every hospital in America.

What happened? The concern over global warming arose. Whatever people believe about that, the concern certainly is out there. Many people believe it is a serious threat. Others think it is not so serious. But at any rate, a lawsuit was filed. That is what we have so much of in this country. People file lawsuits, especially on environmental issues. They said: The planet is warming, and one reason it is warming is because there is a global warming gas, CO₂, that is being emitted more today, and this is a danger to us and we believe it is a pollutant now. So, they would call CO₂, which naturally occurs in our atmosphere and is used by plants and vegetation, a pollutant because the planet is warming. What do you say, Supreme Court? The Court responds: We say it is a pollutant, and the EPA should be allowed to regulate it. By a 5-to-4 decision, the Supreme Court seems to say, but not with much clarity, that EPA should look at regulating CO₂ because that is what they said the Clean Air Act meant to allow.

First of all, I don't think the statute meant that. I agree with the four judges who dissented. I believe Congress never had any intent whatsoever to give EPA the ability to control the emission of CO₂ all over America. I have no doubt of that. It is not in the statute in a way that would clearly enable the Supreme Court to say that. I suspect it was a product of activism. Judges got excited about the claim several years ago regarding the danger of CO₂ and global warming. Never mind that there seems to be actually less concern today about global warming. In any event, those judges wanted to see CO₂ regulated and they interpreted the statute in a manner that would allow for it. Now the Environmental Protection Agency is setting about to do so. It is a major intervention by the U.S. Government in every aspect of American life.

EPA regulation of carbon dioxide has the potential to drive up costs for individual Americans as they heat their homes and drive their cars and will place a real burden economically on the American economy. It will put us in a bad situation economically.

So the McConnell-Inhofe amendment says: Wait a minute. Congress did not approve that. We do not want to do that yet. We do not want EPA regulating CO₂ all over the country unless we direct them to do so—unless we, the elected representatives, decide it ought to be done. This important decision should not be made by five out of the nine members of the Supreme Court with lifetime appointments, totally unaccountable to the American people, or

tens of thousands of governmental employees—public servants, bureaucrats—in the Environmental Protection Agency. They do not get to do it either.

It is our responsibility. If we are going to impose a massive regulatory burden on every American in this Nation, this Congress ought to decide when and how and under what circumstances it should be done. We have people in this Congress and in this government who act like Congress has no control over it. They think: The Supreme Court rules, and EPA issues its regulations.

Well, why do you not do something about it? They say: Oh, that just happens. We do not have any responsibility. It is not our responsibility. Do not blame me. You do not like it. Well, it was not my fault. I did not pass the Clean Air Act over 40 years ago. I was not on the Supreme Court. I am not an EPA bureaucrat.

But we are the United States Congress, and we are accountable to the American people. It is a question of constitutionalism. It is a question of separation of powers. This a question of responsibility. If we were to decide that the emission of CO₂ is a significant danger to our environment and it ought to be regulated, let's vote to say so.

At this point in time, we are not able financially and there is not enough scientific evidence or justification for going forward with the regulation of CO₂. And I am constrained to believe massive regulation is not the appropriate thing to do today—but that is a decision Congress ought to make.

We ought to be held accountable for the decisions we make. That is the way our country was set up to conduct issues of importance. I have to tell you, this is a big issue that is before the Senate. We should have tremendous debate, weeks of debate, because federal regulation of these kinds of emissions could result in hundreds of billions of dollars in cost—or even trillions of dollars in cost, if we set about to regulate all CO₂ in America. It just is.

I do not see how it can be disputed. Unfortunately, we act like we are washing our hands of it. The Supreme Court did not make a policy decision that this was the right thing to do. That is not their role. In fact, they will deny that is what they did. They would say: All we did was take a statute passed long ago, before global warming was even considered an issue to be confronted by the Congress, and decided that the statute Congress passed then allows EPA to regulate CO₂ now. And because of five justices, an unelected group of American employees are setting about to regulate carbon dioxide and other greenhouse gases. We do not need to do that.

The American people should not allow this to happen. They should demand that their Congress be respon-

sible for what it does when it imposes such a monumental cost on the economy and the American people. That is our responsibility. The McConnell-Inhofe Amendment before the Senate today faces up to that squarely. It says we are not going to allow this circuitous route of interpretation of statutes to result in one of the most massive governmental intrusions in American life to occur. It ought to be a matter of intense public debate and national discussion before such a thing happens.

I salute my colleagues for offering their amendment. I urge my colleagues to support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 215

Mr. ROCKEFELLER. Mr. President, we are going to be voting this afternoon on a number of EPA amendments, one of which is mine, which calls for a short 2-year waiting period but does not shut down in any way the EPA, particularly on CAFE standards.

So I have two messages: One is that I hope but doubt—but nevertheless hope—people will vote for my amendment. As of last December, I would have gotten every Republican vote, but when they broke away from the omnibus reconciliation agreement those votes all went out the window. I think they will all vote for the McConnell amendment, which I think is a mistake. So let me explain.

First of all, I am very opposed to the McConnell amendment. I think it is foolish. It overreaches. It is briefly satisfying and devastating on a long-term basis. A case in point: It undermines the ability—because it obliterates the EPA—to set CAFE standards. Too few people in this body understand that 31 percent of all carbon emissions come out of the rear end of trucks and cars and other vehicles and that the right and the power and the science to set CAFE standards is an incredibly—important mission of the EPA.

Under the McConnell amendment, that, along with everything else EPA does, is out the window on a permanent basis. It is goodbye EPA forever. That strikes me as not a mature approach to legislation.

I understand the frustration. We have that in West Virginia. The EPA does not understand necessarily the nuances of economic situations, that there is a more exacting way to present legislation. So I call for a 2-year timeout period, but I do not abolish EPA. I just say for a period of 2 years they should

not do regulations on power stations, manufacturing plants, or oil refineries. That strikes me as not being fatal; it strikes me as something that could become law.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. He shuts the EPA down permanently, in all respects, forever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts.

So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

What I think we do need is a timeout just to stop the imposition of EPA regulations that do not allow for development of clean technologies—and that would hurt the economy at a very critical point in our still slowly moving recovery—but to do it in a way that keeps us all focused and working on a long-term energy policy.

Yes, we have had problems with the EPA in West Virginia, but the answer is not to get rid of the agency forever. It is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which should not affect CAFE standards. Then all of a sudden nine Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any votes from the Republican Party and not many from my own party, which I regret but I understand.

I believe in clean coal. People say “coal.” I much like it better if they say “clean coal” because if it is just coal the way it is in the ground, we are not going anywhere, and natural gas will overtake coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are

already doing in West Virginia, which is taking 90 percent of the carbon out of coal as it comes out of the ground.

It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even prepared to be for nuclear, which is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are.

So all I can say is, I am for keeping our eye on the ball. I am not for making us sort of feel good on a very temporary basis. Everybody gets mad at the EPA. It is just sort of like an opening day in American baseball. You just do it and people cheer. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill. I just could not be for that. Morally I could not be for that.

I am strongly for West Virginia coal miners. I just came back last night from the first anniversary of the 29 coal miners who died. It was not an anniversary; it was a memorial. It is a powerful, powerful life being a coal miner. It is unknown to most people what it is like, what the dangers are, but they do it and they are strong. But what they produce could be cleaned up. The technology is there. That is what my amendment would do: give a 2-year timeout to let us work the technology, try to be convincing to Wall Street, and then we could be on our way to have not only natural gas but every single alternative energy that you and I could possibly think of—perhaps minus ethanol, but that is a different story—and we would be on our way.

In any event, it is a clear choice. Clean coal has to play a role in meeting our energy needs. It is abundant. It can be clean. The technology is there. More is on the way. So I hope people will vote for my amendment, and I hope very strongly they will vote against the McConnell amendment.

In the final analysis, I guess if they do not, and they vote for the McConnell amendment, they are going to lose anyway because it is never going to get anywhere. It is a guaranteed loser in the legislative process. I think mine could be helpful.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 183

Mr. THUNE. Mr. President, in a couple of hours from now the Senate will vote on the Inhofe-McConnell amendment which would prevent the EPA from moving forward with dangerous—I said “dangerous,” but certainly harmful to business and certainly costly—greenhouse gas regulations. I would hope my colleagues in the Senate will support that amendment for a number of reasons because it bears heavily on one of the great debates we are having in the country today. I think the American people must find it confusing—I certainly do—when you get all these mixed signals coming from the elected leaders in Washington, DC.

The American people must be incredibly confused because the President has said—rhetorically, at least, he has talked about the need to reduce our dependence, our dangerous dependence, upon foreign energy. He talked recently about getting the number of barrels of oil we import every day down by one-third at the end of this decade. The fact is, we do spend \$1 billion every single day on foreign oil. There is \$1 billion we export from this country because of the addiction we have to foreign sources of energy.

The problem is, everything this administration is doing is contrary to that goal. If we look at policies that are coming out of Washington, DC, right now, today, they completely contradict this idea that we ought to be moving toward energy independence and getting away from this dangerous dependence we have on foreign sources of energy.

I will make a couple of points.

We have, of course, in the Gulf of Mexico the so-called permitorium. We have not been issuing permits to explore, to continue the work that is being done down there in terms of energy exploration. The Outer Continental Shelf has been put off limits by this administration, and many Federal lands where there are abundant energy resources have also been placed off limits. In fact, there were some areas that had been developed or where there were going to be permits issued for exploration in some of the States in the West where we know we have abundant energy resources that have now been repealed or pulled back by the administration—just recently, 77 in the State of Utah, 1 in the State of Montana. We have enormous resources right here in our own country we could be developing that would get us away from sending this \$1 billion a day, every single day, to countries around the world because of our addiction to energy.

The other thing tried in the Congress last year was a cap-and-trade bill. It passed the House of Representatives. It

passed narrowly. It was never voted upon in the Senate because there wasn't political support for it. That legislation would have also dramatically increased the cost of energy in this country, making it more expensive for our small businesses to run their operations, and imposed dramatically higher electricity and fuel costs on American consumers. That was a given. I think everybody conceded that was the case. But because there wasn't political support for it on Capitol Hill, it ended up not becoming law.

What we have now coming out of the EPA is essentially a cap-and-trade bill through the back door. The EPA has decided they will do by regulation what they could not get done—the administration could not get done—through the political process in Congress.

The point I wish to make about that is the cap-and-trade bill, which was widely debated and discussed at the time, would have driven up energy costs for people in this country. This proposal by the EPA would have the exact same impact and effect. In fact, if one is concerned about economic growth and job creation, which we all should be—Lord knows, when we have almost 9 percent unemployment and lots of people in this country looking for work, that ought to be our No. 1 priority—the fact that we would be putting policies in place that would be counter to creating jobs and getting capital deployed out there in our economy probably defies explanation, at least for most Americans.

In fact, the American Council for Capital Formation projects that the uncertainty created by the EPA's climate change regulations would increase the risk premium of capital by 30 to 40 percent.

The additional uncertainty is projected to reduce U.S. capital investment by as much as \$400 billion per year.

So I would argue that if we are serious about creating jobs, if we are serious about growing the economy, why would we want to sideline hundreds of billions of dollars of capital every single year because of these onerous and costly regulations?

This is a major reason why there is \$2 trillion today sitting on the sidelines. It is talked about a lot, but nobody seems to be concerned about changing that. What I hear repeatedly from those who are able to invest and have capital to put to work is, they don't like the economic uncertainty coming out of Washington. In most cases, if not in every case, it is focused on these regulations, on regulatory agencies, particularly the EPA, that continue to come up with new proposals to drive up the cost of doing business in this country.

There was a Charles River Associates study which projected the EPA's cap-and-trade regulations could increase

wholesale electricity costs by 35 to 45 percent and reduce average worker compensation by \$700 per year.

What is unfortunate about this whole situation is that the regulations will drive up energy and gasoline prices the most for middle- and low-income families. That is where the impact is going to be most felt.

Roger Bezdek, who is the former Director of the Bureau of Economic Analysis at the U.S. Department of Commerce, concluded recently that EPA's regulations:

. . . will impact low income groups, the elderly, and minorities disproportionately, both because they have lower incomes to begin with, but also because they have to spend proportionately more of their income on energy, and rising energy costs inflict great harm on these groups.

I would go on to point out that perhaps the greatest burden of increased energy costs resulting from these new greenhouse gas regulations will fall upon the elderly Social Security recipients who represent 20 percent of all households in this country and who depend primarily on fixed incomes. They have limited opportunity to increase their earnings from employment. They get hit the hardest. What these regulations are going to do is target and hit the people who can least afford to deal with them.

So we have an opportunity to do something about that. I think what we are seeing with the EPA and many of these government agencies is an example of overreach, which is a function, in my view, of bureaucracies that have gotten too big. We all talk about government. There is going to be, I think—I hope, at least—a great debate over the next couple years as we address this issue of spending and debt, about the size of government and how much government intervention we ought to have, and I think most Americans have concluded that government has gotten too big and it has grown too fast. Perhaps the greatest example is these Federal agencies that have this tremendous propensity to want to regulate everything they can out there, to the detriment of many of our small businesses and those who are trying to create jobs.

As an example of how much our government has grown, the historical average for this country and what we spend on the Federal Government as a percentage of our total economy, as a percentage of our GDP, is about 20.6 percent. This year, it is over 25 percent. So the government continues to expand, continues to grow relative to the economy. The private economy continues, by virtue of comparison, to shrink. We ought to be looking at what we can do to grow the private economy, what we can do to create jobs, what we can do to create economic growth in this country as opposed to the things that are being done to expand government.

The solution we have put forward today, the Inhofe-McConnell amendment, is—there has been a lot of discussion about what it would or wouldn't do, but I wish to point out for my colleagues some things it would not do because it does get at the heart of this issue, which is preventing the EPA from moving forward with these costly and burdensome regulations.

There are a number of things it does not do. It does not prohibit States from regulating greenhouse gases and addressing climate change. The amendment expressly allows States to keep existing policies in place and allows States to regulate greenhouse gas emissions as they see fit. The bill also makes clear that any changes States have adopted in their State implementation programs and title V operating permit programs pertaining to greenhouse gases are not federally enforceable.

The McConnell amendment does not overturn the agreement between the White House, California, the automakers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars. A lot has been made out of that issue. That is something the McConnell amendment does not do. In fact, the amendment expressly preserves the auto agreement and the most recently enacted fuel efficiency standards.

In 2017 and beyond, the amendment ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress, which, frankly, is where it should be decided, which is why this overreach is such an example of big government gone bad.

The McConnell amendment does not overturn clean air and public health protections under the Clean Air Act. The amendment maintains all the Clean Air Act's provisions to protect the public from harmful pollution. Thousands of Clean Air Act regulations would remain untouched by this amendment. Certainly, this amendment does not, as has been suggested, gut the Clean Air Act. In fact, it is the contrary.

The amendment does, however, clarify that Congress never gave the EPA the authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility, as I said before, lies and should lie with the Congress.

Finally, the McConnell amendment does not stop the U.S. Government from taking any action to address climate change. The amendment puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves Federal research development and demonstration programs addressing climate change.

So if Democrats in Congress want to enact climate change regulations, I would encourage them to bring a cli-

mate change bill to the floor. This is where it should be debated, by the people's representatives, not decided by bureaucrats in some Federal agency, which is what the EPA regulations would, in effect, do.

There are a number of amendments that have been offered by our Democratic colleagues which I would describe as political cover amendments. They are hearing the same thing we are from their small businesses, from agricultural groups, and from consumers across this country about what these regulations would do and how they would adversely impact electricity and fuel costs in this country. So they are trying to give themselves some cover to be able to vote for something.

I wish to point out that all these other amendments being offered by our Democratic colleagues as alternatives to the Inhofe-McConnell amendment don't get the job done. We talked a little bit and we heard a little bit earlier today about the Rockefeller amendment, which has the 2-year delay in it. But, again, there is a very limited scope to that amendment. The temporary nature of the amendment is going to provide very little relief for businesses and consumers across this country. If it is enacted, permits for new projects and the jobs associated with those projects could be stalled until after the 2-year period. There is no assurance that any of these permits would be issued during this 2-year period when this amendment would be in effect.

The Rockefeller amendment would not stop or delay other EPA methods for increasing energy prices, such as the national ambient air quality standard for CO₂. The Rockefeller amendment does not prevent climate change nuisance suits sponsored by environmental activist groups hostile to energy development.

I can say the same thing essentially about some of the other proposals out there. The Stabenow amendment also has a 2-year delay, but it allows EPA to continue moving forward with rule-making. It just wouldn't allow them to finalize those rules until the end of the 2-year period. If the amendment is enacted, permits for new projects and the jobs associated with those projects could again be stalled until the end of that 2-year period.

There are a number of flaws in all these amendments, none of which are designed to do the job. If we are serious about doing something to address what the consumer groups, the farm organizations, and the business organizations are asking us to do; that is, to prevent the EPA from moving forward with something they don't have the statutory authority to do and should be reserved for the Congress, but they are going to move forward with it anyway—if we are serious about addressing

that issue, the only alternative is to support the Inhofe-McConnell amendment. It is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are simply that. They are cover amendments and they don't get at the heart of the issue.

I would again go back to where I started; that is, to say we ought to, in this country, be seriously debating policies that will move us away from the dangerous dependence we have on foreign energy. As I said earlier, every policy coming out of Washington, in my view, is designed to make it more difficult to develop the very energy sources that will create a domestic energy supply in this country that would release us from this grip that foreign countries have on us with regard to energy.

I hope the Inhofe-McConnell amendment will pass today and will have bipartisan support. It has already been talked about that perhaps none of these will reach the 60-vote threshold. What I would say to my colleagues is, again, if we are serious about trying to solve this issue, if we are serious about trying to make sure electricity and fuel costs don't go up dramatically for our constituents, then this is the amendment we need to be for. The other amendments don't get at the issue. They are political cover amendments.

I think it is pretty straightforward when we look at the number of groups that have come out opposed to those amendments and in favor of the Inhofe-McConnell amendment. I will just mention briefly, again, the American Farm Bureau and the Chamber of Commerce and other small business organizations that have come out in support of the Inhofe-McConnell amendment and opposed to the amendments offered by our colleagues.

I wish to read a quote from one of those letters:

Congress, not the EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs in the United States, let alone double U.S. exports in 5 years, which is what our goal has been, as President Obama has pledged.

This letter is signed by a number of organizations, including the National Association of Manufacturers, the National Association of Wholesaler Distributors, the National Association of Independent Business, and the U.S. Chamber of Commerce. As I said before, I have other letters from major farm organizations, including the American Farm Bureau, in support of the Inhofe-McConnell amendment and opposed to the other political cover amendments that are being offered by our Democratic colleagues.

Let's get this done right. Let's send a message to the EPA and to the admin-

istration that this is the job for the Congress to deal with. This is something the people's representatives should be dealing with, not unelected bureaucrats and Federal agencies that clearly have an agenda but an agenda that is completely contrary to capital formation, to competitiveness, to job creation, and to economic growth. That is what this Congress should be focused on, and that is why a vote in support of the Inhofe-McConnell amendment is so important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, we have heard a lot of rhetoric on the floor of the Chamber today defending why air pollution is just fine, explaining why dismantling air pollution regulations is really in the interest of our economy and our families. Indeed, my colleague from South Dakota has listed a little shop of horrors—that the status quo creates economic uncertainty, that the air pollution regulations increase the risk rate of capital, that they destroy jobs, that they even hurt the elderly, that they are an abuse of power, unauthorized by Congress. I am wondering what else is left on the list of reasons to defend the dismantling of air pollution regulations that protect the American people, that are popular in the eyes of American citizens because they want to live in a world where they can enjoy breathing the air throughout our Nation.

Let's start by recognizing that the truth about the McConnell amendment is that it increases our dependence on foreign oil. We have heard something about it driving up the cost of oil. Is that right? Well, no, it is not. Repealing the endangerment finding and taking away EPA's part of the regulation of mileage standards is estimated to increase our consumption of oil by 455 million barrels.

Gas prices are about \$3.50 a gallon right now. So the McConnell-Inhofe amendment represents a \$68 billion expenditure on additional oil. It means importing \$68 billion more of oil. It means exporting \$68 billion in additional American dollars overseas to strengthen the economies in the Middle East, Nigeria, or Venezuela. That energy tax—the McConnell-Inhofe tax—is one that goes out of our country and hurts us in the worst way. It goes directly to oil companies—out of the pockets of working families, to some of the most profitable corporations in the history of human civilization. Gasoline prices are set by the law of supply and demand. If you increase demand for oil, you also drive up the price. So, if anything, the McConnell-Inhofe amendment doesn't decrease the cost of gasoline; it increases the cost of gasoline.

Politifact.com took on this issue because Members of Congress backing this amendment were arguing that it

keeps gas prices from increasing. Politifact.com—that independent evaluator of claims made on the floor of the Senate, House, and other places—ranks that claim as false.

I can tell you that it is in our interest as a nation to decrease our dependence on oil, not to increase it. We need to decrease that dependence because it is important for our national security. We need to decrease that dependence because millions of dollars that are sent overseas often end up in the hands of those who don't share our national interests. We need to decrease our dependence on foreign oil because when those dollars leave our economy, they leave our family's finances. They don't end up in the retail stores or circulate here in America. Indeed, our purchase of foreign oil accounts for about 50 percent of our foreign trade shortfall.

At a time when both parties should be working together to put America's interests first on energy, the McConnell-Inhofe amendment increases our addiction to oil—foreign oil—and creates a supply impulse that raises the price of oil. Isn't that context completely misguided?

Perhaps the real issue is public health. This McConnell attack on the Clean Air Act asks Congress to vote in lockstep against the scientific judgment of EPA's scientists and to tell the agency charged with protecting the public health and the health of our children to ignore dangerous carbon pollution.

In 2010 alone, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits because clean air isn't just pleasant, it is, in fact, healthy. It is great for the American quality of life to be healthy. You know, that is amazing progress that has been made over the last 20 years under the bipartisan Clean Air Act of 1990.

Instead, this amendment would yield to those short-term impulses that have come up on all sorts of aspects of the Clean Air Act. Each time the agency has moved to say that this is a concern, there are those who say: No, no, in the short-term, that might cost me to adjust and we might have to do things slightly differently. Ten years later, everybody says: You know, it is good that we thought about mercury in the air, it is good that we took on lead in the air, and so on and so forth. Taking a longer term view, we need to stay together and resist these short-term impulses to take and dismantle the Clean Air Act.

The American Lung Association has specifically said the McConnell amendment is "a reckless and irresponsible attempt to once again put special interests ahead of public health. The American Lung Association, the American Public Health Association, and the Asthma and Allergy Foundation of America have urged that we resist the

temptation to dismantle the Clean Air Act, which the McConnell-Inhofe amendment does. There is a very simple reason for that: Each of these amendments would have EPA put aside the practice of using science to set commonsense standards to protect public health. Instead, these amendments would have the science world put their head in the sand about these problems.

Indeed, I am not just concerned about the McConnell amendment; I am concerned about all of the amendments we are considering today that are designed to deflect, delay, and dismantle the protection of clean air. The Baucus amendment would take away EPA's ability to use the best science to continue to modify and tailor the standards they are setting for carbon pollution and their ability to make sure major polluters are all covered. The Stabenow and Rockefeller amendments would put a 2-year delay on pollution standards. It is tempting to think that a 2-year delay might be an acceptable middle ground, but a 2-year delay in protecting public health is 2 years too long.

Let me be very clear about this debate. The McConnell amendment and other associated amendments we will consider are wrong because we should not increase our reliance for energy on the most unstable regions of the world. We should not ship American dollars overseas for energy. We should not tolerate more pollution in our air and water. We should not decrease our ability to build on America's foundation of ingenuity and its inventiveness and respond to air pollution challenges and make those environmental decisions in clear partnership with a stronger economy.

I think that all of our constituents across this country, as they think, as parents, about the future of their children, know clean air is the right course. But our children probably understand better than we do another key aspect of this, because this conversation today is largely about carbon pollution.

We need to wrestle with the fact that carbon pollution has a very substantial impact on the temperature across this planet. Before the Industrial Revolution, we had a carbon dioxide level of about 270 parts per million. The basic scientific consensus is that the level of carbon dioxide in the atmosphere needs to be kept somewhere below 350 parts per million. I would be pleased to report to you today that before we get to that point of 350, we are going to be able to make the adjustments necessary so that we don't end up in a situation where we are creating long-term adverse consequences for our planet. Indeed, we crossed that 350 boundary long ago. We are at 390 now, headed for 400. Ten to 15 years ago, it was going up one part per million per year; now it is going up two parts per million. So the

curve is getting steeper, the pace is getting steeper. We are seeing this reverberating from coral reefs, to Arctic tundra; we are seeing it in ice sheets, in glaciers; and we are seeing it in insect populations that are thriving and decimating the forests of the Northwest, where I come from, that weren't there a few years ago. We are seeing it in all kinds of patterns across this planet.

When I visit university campuses, as students talk about the issues nearest to their hearts, the top issue is that we must address this threat to our planet. This conversation goes to the heart of it. My generation isn't as up to speed as our college students are about this, but the planet cannot wait for them to graduate, pursue their careers, run for office, and arrive here on the floor of the Senate. So it is our responsibility as Americans who are concerned about our dependence on energy, as Americans who are concerned about keeping our dollars in our economy and creating jobs, and as Americans who are concerned about the sustainability of our practices, to say no to McConnell-Inhofe and no to the other amendments being brought forward to delay or destroy or dismantle the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 281

Mr. COBURN. Mr. President, we are going to have a series of stacked votes at 4 o'clock. I want to spend a few minutes on three or four amendments and clarify some of the things I have heard rumbling.

One is that we have an amendment that will, in fact, take away unemployment insurance for millionaires. Mr. President, 2,840 households who reported an income of greater than \$1 million or more on tax returns were paid \$18.6 million in unemployment insurance benefits in 2008. That number is higher in 2009. We don't have the final numbers yet. This included over 800 earning over \$2 million and 17 with excess income of \$10 million collecting unemployment benefits. We have an amendment that will prohibit that.

There has been some concern to say that the costs associated with that, the way it was scored by CBO, would neutralize it; the savings versus the cost to eliminate that would be even. Even if that is true—and we have done a calculation, and we think it costs about \$900,000 a year to have people applying for unemployment sign a statement that their income is not above \$1 million. But even if it costs the same as what we are spending, we should not be giving unemployment benefits to people who are earning \$1 million a year. It is foolish, and it exacerbates the tendency of enriching those who are already there versus what unemployment insurance is for—so those who are truly dependent on it can survive. I wanted to clarify that point.

Regarding the second amendment, in March the GAO, in response to an amendment I put on the last debt limit, issued a report listing what they think are billions of dollars in savings in terms of duplication. I would be remiss to not say that our President embraced that. In his State of the Union speech, one of the goals of his administration is to eliminate duplication and consolidate.

So we have two amendments that are going to be on the Senate floor. One is mine and one is the amendment of the chairman of the Appropriations Committee, Senator INOUE. They are both designed to save us \$5 billion, but there are two big differences between those amendments.

My amendment tells OMB to have the study, find the \$5 billion, report to us what they can do themselves and what they need us to do to help them. Senator INOUE's amendment waits 6 months from the time we pass the bill—5 months for the study to come back, and then for us to do it, which means we won't have any savings at all until we are well into fiscal year 2013. Every year we waste \$5 billion on something we shouldn't is a year we are borrowing \$2 billion of it just to pay the bill.

So I understand it is a cover vote, but what it means is we will never get the \$5 billion in savings, whereas my amendment will get us \$5 billion worth of savings this year. The way we get rid of a \$1.6 trillion deficit is \$1 billion or \$2 billion or \$5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 2½ years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn't TOM COBURN's report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly on the problems of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we spend \$18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it is not because in our legislation, where we pass these job-training programs, we didn't ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges

that are totally separate from the others. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioterrorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is \$6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and we don't even know what they cost. The GAO couldn't determine what they cost. So 56 different programs on financial literacy, and we are teaching people? We have a \$1.6 trillion deficit, and we are teaching Americans financial literacy? If we should teach them that, which is not a bad goal, why do we need 56 programs to do that?

We have 80 economic development programs across 4 different agencies. We are spending \$6.5 billion. Just consolidating administrative costs across those agencies could save \$100 million, \$200 million, \$300 million.

We have 15 agencies for more than 30 food-related laws. Even the President mentioned salmon. If they are in saltwater, they have one agency; if they are in fresh water, they have another agency. That is foolish. Why duplicate the work of one agency with another?

We have 18 nutrition programs—they are very important to our kids and those who are dependent on them—at \$62.5 billion. Do we need 18 programs to do that? Could we do it with 10, 8, 2, 3? The questions haven't been asked, but let's ask the OMB to look at the low-hanging fruit and to take the \$5 billion out and work with Congress to get it done in the next appropriations cycle.

There are 20 homeless programs across 7 agencies at \$2.9 billion; 82 teacher quality programs, 16 agencies and \$4 billion. Why would we have 82 teacher training programs? It just shows the magnitude of the problem that we have in terms of getting our budget under control, not managing effectively, and not doing the oversight we should.

We have 52 programs for entrepreneurial efforts. I don't have any problem with that, but why do we need 52? We have 35 programs to oversee infrastructure. Overseeing infrastructure is important, but why do we need that many programs? There are 28 programs to oversee new markets—28 different programs funded by the Federal Government across 6 different agencies to oversee new markets. We could consolidate a lot of that.

So the President has said he wants to do this. We ought to give him the tools that will help him do it more quickly because every day we wait it costs us more money.

Finally, we will have a vote ultimately on the ethanol blenders' credit. I have been remiss not to give the No.

1 leader on that—who has a bill of her own—Senator FEINSTEIN, credit because she has led on this for a long time. Her bill is slightly different than the one we are going to offer, but she has led on that issue. She understands the importance of the environmental impact of burning ethanol, when we are actually burning more fuel and putting out more CO₂ than we would with pure gasoline because of the inefficiency of ethanol.

So I wanted to recognize her, and when we come to the vote on the blenders' credit I will ask her to speak on that, if she would.

Finally, I would say in regards to that issue, for people who don't understand, we are going to spend \$5 billion this year paying the major oil companies 45 cents a gallon to blend ethanol into gasoline. There is a Federal law that requires a mandate. It is called the renewable fuels mandate. Last year it was 12.5 billion gallons; this year it is 13.2. It is over 22 billion gallons 5 years from now that have to be blended.

We have a letter from the people who receive this tax credit—who are going to receive this \$5 billion—who say they do not want the \$5 billion; they do not need the \$5 billion. Yet we are going to have some resistance around here of not stopping a payment to those who receive it, and who don't want it, for something that is already mandated by law. They have put it in a letter saying they do not want it. It is already in the record.

Now, why would we continue to spend \$5 billion of our kids' money on something they do not want, that isn't going to change the outcome, and that we will have to borrow 40 percent of to make the payment? It is beyond me that we would do that, and so it is my hope we will be successful in overturning that.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Before the Senator from Oklahoma leaves the floor, I wanted to join him in supporting the commonsense amendment he just outlined. The Coburn-Udall amendment would fix what I think most Americans, if not every single American, would be shocked to discover; that is, millionaires and billionaires have been drawing unemployment benefits.

Now, unemployment insurance is a critical temporary safety net for Americans who need help to get by when they fall on tough times, but providing

unemployment insurance for millionaires, much less billionaires, who do not need it for their basic necessities is fiscally irresponsible, to put it mildly. Frankly, it doesn't make much sense.

I think Senator COBURN put it best when he said it is foolish. We all recall that for months last year we struggled to find ways to put unemployment benefits in the hands of Americans who were really struggling in the face of this tough economic downturn. It was controversial and we worked hard on that in the Senate. It was drawn out because unemployment benefits are expensive, but I supported extending those benefits for out-of-work Americans because they help. We found a way, ultimately, to pay for them. But little did we know, in taking care of these good Americans, it was made even harder because literally—and this number astonishes me—thousands of millionaires and billionaires were abusing the system to draw extra payments for themselves. So it increased the price tag for all the rest.

In the end, we are talking about values. We are talking about hard work and playing by the rules. That is how most Americans operate. But there are a few folks always looking to game the system, and I can't believe that some of the most well-off among us have been asking for a government paycheck while out-of-work Americans, day in and day out, look for jobs. They want to provide for themselves, and they want to do it in an honest way. They don't want to draw those unemployment benefits. That is a decision and action of last resort.

We have had 13 straight months of private sector growth. We have added almost 2 million jobs. But our economy is still fragile, and too many Coloradans and too many Americans are looking for work. Families in my State, and I know in the neighboring State of Oklahoma, are working to balance their budgets and find a way to set aside money for college, taking care of their kids. Asking them to pay for unemployment insurance for millionaires is unbelievable.

So I am truly honored to work with my colleague from Oklahoma. This would save \$100 million. As the Senator said, every day we wait, we waste money. Every day we don't take an opportunity to save money, we are doing a disservice to the taxpayers.

So I ask my colleagues to support this amendment. It is a smart change, and it avoids tarnishing an otherwise worthy and critical way to temporarily assist Americans who have fallen on tough times.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. I will be glad to yield.

Mr. COBURN. I thank the Senator for his cosponsorship and support on this amendment. I haven't had a chance to

share this with the Senator—because I just received it—but I have a breakdown from the IRS of the 22 States that don't have any millionaires because they screen for it. Actually, it is not millionaires, it is those earning more than \$1 million a year. In other words, these are people who actually have incomes of greater than \$1 million a year in terms of adjusted gross income.

There are probably many more who have less than that, but we are saying here is a cutoff. It is a legitimate cutoff. So there are 22 States that don't allow this right now in their process.

I was wrong in my statement on the \$600,000 or \$800,000. The calculation of the cost of putting this in is \$200,000 a year. So for a very minimal cost, we will save \$20 million a year, at minimum. We are also going to create a system that will do what it is designed to do—not to help those who are already very comfortable but to help those struggling to make ends meet and find themselves out of a job.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of unemployment compensation and adjusted gross income of \$1 million or more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF \$1M OR MORE

State reported on F1040	Tax year			
	2006	2007	2008	2009
Alabama	*	*	*	*
Alaska	*	*	*	*
Arizona	17	*	15	12
Arkansas	*	*	*	*
California	454	526	569	494
Colorado	20	18	18	19
Connecticut	72	79	143	148
Delaware	*	*	*	*
District of Columbia	*	*	*	*
Florida	87	87	72	90
Georgia	13	20	18	17
Hawaii	*	*	*	*
Idaho	*	*	*	*
Illinois	91	136	161	141
Indiana	14	15	16	14
Iowa	*	13	*	*
Kansas	*	*	11	13
Kentucky	*	10	*	*
Louisiana	14	*	*	*
Maine	*	*	*	*
Maryland	28	19	21	19
Massachusetts	114	130	110	143
Michigan	19	32	22	26
Minnesota	22	22	25	25
Mississippi	10	*	*	*
Missouri	*	*	21	*
Montana	*	*	*	*
Nebraska	*	*	*	*
Nevada	11	17	21	12
New Hampshire	*	*	*	10
New Jersey	164	217	328	251
New Mexico	*	*	*	*
New York	263	375	661	493
North Carolina	11	32	20	19
North Dakota	*	*	*	*
Ohio	21	21	37	12
Oklahoma	*	*	*	*
Oregon	13	12	18	17
Pennsylvania	100	114	126	125
Rhode Island	21	17	*	12
South Carolina	*	*	10	10
South Dakota	*	*	*	*
Tennessee	14	19	10	20
Texas	70	67	60	74
Utah	*	*	*	12
Vermont	*	*	*	*
Virginia	20	16	13	18
Washington	34	42	46	42
West Virginia	*	*	*	*
Wisconsin	44	21	27	16

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF \$1M OR MORE—Continued

State reported on F1040	Tax year			
	2006	2007	2008	2009
Wyoming	*	*	*	*
Other/Blank	*	*	11	12
Total Number of Filers	1,850	2,182	2,695	2,383

Notes: IRS does not report data where the number of Taxpayers is less than 10. Cells with less than 10 observations are represented with an asterisk. The above data are for taxpayers filing a Tax Year 2009 Tax Return.

Mr. UDALL of Colorado. Mr. President, the Senator makes important points, and it is a small investment, if you will, the \$200,000, in saving the taxpayers significant amounts of money. As the Senator points out, the important outcome is that the integrity of the unemployment insurance system is maintained.

I also would note, as the Senator from Oklahoma did, the point that it is \$1 million in income or more, not whether an individual has assets or something in that amount—in other words, a rancher who is fortunate enough to have lands valued at significant enough levels but who is illiquid and may be struggling to make ends meet. This applies to people, as the Senator points out, who have incomes of over \$1 million annually. That makes sense.

This is an important amendment. I urge all our colleagues to support it. We have a chance to vote for it later today.

Mr. President, it is my understanding that I was speaking on Senator COBURN's time, and I ask unanimous consent that the agreement reflect such allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this afternoon, this Chamber is going to face a clear question: What matters more, children's health or polluters' profits? We will be voting on amendments that would cripple the government's ability to enforce the Clean Air Act.

This is a landmark law that protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. In 2010, the Clean Air Act prevented 1.7 million cases of childhood asthma and more than 160,000 premature deaths. The numbers are big, but numbers do not mean much unless it is your child. If it is your child, there is no number that is

too large to take care of that child's health.

If you want to know the real value of clean air to American families, talk to parents who live in fear of their child's next asthma attack. It is a fear my family knows very well. I have a grandson who is a terrific athlete, who is very energetic. He suffers from asthma. He is an athletic child. Every time he goes to play soccer, my daughter—his mother—will check first to see where the nearest emergency room is. She knows very well that if he starts wheezing, she has to get him to a clinic in a hurry. No parent should have to worry about letting their children play outside.

The fact is, the Clean Air Act has improved life for millions of young people. The Supreme Court and scientists agree that the Clean Air Act is a tool we must use to stop dangerous pollution.

This picture demonstrates so clearly what it is like with smog in the air, and it permits us to imagine what it looks like inside a child's lung. This picture shows what toxic skies look like. It is an ugly scene, but it is much uglier when it is inside the child's lungs or a child's body or anybody who is sensitive to polluted air. That is the picture coming out of the smokestacks, and the picture turns into reality when it is in the lungs or the body of an individual.

Allowing companies to reduce pollution, they say, would cost too much for polluters. Too bad. What is a life worth? What does it mean to someone who is sensitive to polluted air not to be able to get out or stop coughing or stop wheezing?

Allowing companies to continue polluting does not eliminate the costs. It simply shifts the costs to our families, our children, and all of us who breathe that air.

The American Lung Association and five other health groups sent a letter opposing all of these amendments. They say:

The Clean Air Act protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency room visits, hospitalizations, and premature deaths.

I am aware of the threat asthma can be. I had a sister who was a victim of asthma. If our families traveled together, she would have a little respirator that could be plugged into the cigarette lighter hole and enable her to breathe more comfortably. One day she was at a school board meeting in Rye, NY, where she was a member of the school board. She felt an attack coming on. Her instinct was to try to run to her car so she could plug in the machine to the lighter hole. She collapsed in the parking lot, and she died 3 days later. We saw it upfront and personal. It was a terrible family tragedy. She had four children at the time.

When we hear talk about how threatening it is to control pollution, we say, no, the threat is to family health and to our well-being. That is what we are about in families with young people across this country and across the world.

It does not matter what the cost is. There is not a family in the world that would not dispose of all of their assets to protect and continue the life of a child.

History shows that the cost of cleaner air is very low compared to its enormous benefits. Thanks to the Clean Air Act, fewer parents miss work to take care of children suffering from asthma. More families avoid the crushing health care costs associated with a heart attack or stroke. People live longer, more comfortably, and have more productive lives. Simply put, weakening the Clean Air Act puts the profits of polluters ahead of the health of our children.

To see what the United States would look like without the Clean Air Act, we only need to look at China. On a visit there, I was scolded by the minister of environment that the United States was using too much of the world's oil, creating difficulties in the air. When I was in the minister's office, I invited him to join me at the window 23 stories up in the air. We looked outside and we could not see the sidewalk. That is how thick the polluted air was. The air in China is so polluted that many people wear masks when they walk outside. We do not want to be doing that in America.

This poison must not be the future. I do not want it for my grandchildren, and I do not want it for anybody else's children or grandchildren.

In our Senate, in our Congress, our goal must be to take care of our obligations to protect our families. And the strongest obligation anyone has, anybody we know who has children does not want to endanger their health. I ask all of my colleagues: Stand up. Vote down these dangerous efforts to destroy the Clean Air Act. It belongs as part of our environment. It protects our children, it protects the environment, and we must not let this opportunity be misunderstood and say: We have to vote no to give polluters a preference before our children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 183

Ms. CANTWELL. Mr. President, I rise today to speak against the radical McConnell-Inhofe amendment and in

opposition to the efforts to overturn the Supreme Court. We should not be gutting the Clean Air Act and public health and environmental protections that are important to every American.

These anti-environmental, anti-public health, anti-economic riders, I believe, do not belong on a small business bill. When we boil it down, what is at stake is pretty straightforward. It is about the common good versus the special interests. The facts speak for themselves. According to some comprehensive reports, the Clean Air Act will save our economy \$2 trillion through the year 2020. And even more importantly, the Clean Air Act will cumulatively save 4.2 million lives by 2020.

Those are striking numbers, and that is why it is so important that we protect the Clean Air Act and turn down these radical amendments that would effectively overturn it.

Congress has stopped other radical attempts to overturn laws that are about protecting our environment and protecting the safety of American people. I remember the debate on MTBE, in 2003, on the Senate floor. MTBE was a highly toxic fuel additive, and very small amounts of it could severely contaminate water supplies. Yet MTBE manufacturers who were on the hook for billions of dollars of cleanup wanted a free pass. They wanted immunity. They came to the Senate hoping to get that. Yet a bipartisan group of Senators stood up to that proposal, and the proposal to let MTBE manufacturers off the hook was turned down.

There have been other attempts to overturn the Clean Water Act, the Endangered Species Act, the Superfund Cleanup Act. Sometimes they get only as far as draft bills or a committee hearing. Sometimes we have votes on them. But these issues all have one thing in common—it is about the greater good versus special interests. Time and time again, Congress has wisely come down on the correct side of the issue and has rejected these proposals by special interests.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAFE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as \$3,000 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign

oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and sometimes it seems like the backers of those interests would like us to do just that—but in response to these calls, I would suggest you look at a recent letter Senator BINGAMAN and I received from the Energy Information Administration.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, Mar. 25, 2011.

Hon. MARIA CANTWELL,
Chairman, Subcommittee on Energy, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CANTWELL: This is in response to your letter of March 15, 2011, which seeks a better understanding of some of the long term impacts of the Energy Independence and Security Act of 2007 (EISA).

As noted in your letter, the long-term energy outlook which the Energy Information Administration (EIA) released just before EISA was signed into law (Annual Energy Outlook 2008 Early Release) projected a significant increase in U.S. dependence on imported petroleum through 2030. This finding is reversed in EIA's latest Annual Energy Outlook (AEO2011 Early Release), which projects a decline in U.S. dependence on imported petroleum over a forecast horizon that extends through 2035. Furthermore, over the 2008 to 2030 period, the cumulative reduction in net petroleum imports between the two sets of projections is about 26 billion barrels.

The policies enacted in EISA are responsible for much of the change in projected U.S. oil use. In particular, EISA mandated significant strengthening of both the corporate average fuel economy (CAFE) standards for cars and light trucks and the Renewable Fuel Standard (RFS) that was first enacted in the Energy Policy Act of 2005. However, other changes that have occurred since the AEO2008 Early Release was issued, including the outlook for oil prices and economic growth, have also influenced the more recent projections presented in the AEO2011 Early Release.

Following enactment of EISA, EIA conducted sensitivity analyses starting from the AEO2008 Reference case to estimate the effect of its key provisions. From these calculations, it is clear that EISA alone is responsible for a major reduction in projected oil consumption, which in turn reduces oil imports on an almost 1-for-1 basis. By 2030, the fuel economy standards provisions in EISA were estimated to reduce light-duty vehicle gasoline-equivalent fuel consumption by between 2.1 and 2.2 million barrels per day relative to a scenario where vehicle efficiency did not improve above the floor set by standards in effect at the time of enactment. Relative to a baseline that included projected market-driven improvements in fuel economy, the savings in fuel consumption due to the fuel economy provisions were still estimated at 1.2 to 1.4 million barrels per day. Furthermore, the RFS provisions of EISA were estimated to further reduce petroleum consumption by 0.3 to 0.6 million barrels per day in 2030.

The AEO2011 Early Release, which reflects current laws and regulations, does not include a further increase in fuel economy

standards for model years 2017 through 2025 that is now under consideration in the regulatory process. The forthcoming release of the full AEO2011 will include alternative scenarios of increased light-duty vehicle fuel efficiency to illustrate how further actions by policymakers in this area could affect projected U.S. oil use and imports over the next 25 years.

Finally, while there are a variety of ways to place the major change in projected net petroleum imports resulting from EISA into perspective, comparisons to the level of U.S. proven crude oil reserves can be clarified by explicitly recognizing that reserves are only a subset of available domestic resources. As discussed in my recent testimony before the House Committee on Natural Resources, additions to crude oil reserves replaced over 93 percent of cumulative U.S. crude oil production of 19.6 billion barrels from 2000 through 2009. For this reason, total U.S. crude oil reserves declined only modestly over that decade, decreasing from 22.0 billion barrels at the start of 2000 to 20.7 billion barrels at the start of 2010.

I hope that this information is responsive to your inquiry. Please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,

RICHARD G. NEWELL,
Administrator, Energy Information
Administration.

Ms. CANTWELL. In 2007, the Energy Information Administration was predicting that our foreign dependency was going to continue to increase in the coming decades. I should note that after the 2005 Energy bill, I heard some of my colleagues on the other side say that that EIA forecast was the great predictor and that it was going to help us reduce our dependence on foreign oil. But the truth is, the subsequent EIA analysis made after we passed the 2007 Energy bill says just two policies in that landmark bill—the increase in CAFE standards and the renewable fuel standards—are responsible for a downward revision of projected U.S. dependence on foreign oil.

So the things that have made us less dependent on foreign oil are the very things people are trying to gut from important legislation that is already on the books. It is not the case that additional drilling, drilling, drilling and saying to the EPA: “Ignore the Supreme Court on the Clean Air Act,” is going to help us. Reducing demand is going to reduce prices at the pump. Look at the example of the U.K., which produces almost all of its own oil from the North Sea. They still got hammered in 2008 when oil prices peaked at \$147 a barrel because there is a world market price for oil. So to refute the notion that we should skirt our environmental responsibilities and drill, drill, drill to protect ourselves from high oil prices, we need to look no further than the U.K. example.

I don't understand why the minority leader wants us to increase our Nation's reliance on foreign oil. I think we should be getting off foreign oil and not allowing polluters to addict another generation to that product. I

think we should be getting off foreign oil, rather than have future U.S. generations compete with the Chinese for every last remaining supply of ever more expensive oil.

I agree it would be better if Congress acted to address our need to diversify our Nation's energy sources. I am anxious to work with my colleagues on the other side of the aisle to develop legislation that would use the power of the free market to do that and protect consumers at the same time. I am certain there is a bipartisan solution we can all agree to. But we can do this and solve our carbon pollution problem by working together, not by burying our heads in the sand and saying we can ignore the Supreme Court's edict to enforce the Clean Air Act.

There is a way to reduce carbon pollution and transition to a 21st century economy and we can and should work together to achieve these goals. It does not have to be about picking winners and losers, and we can protect consumers in the process. I want to work with my colleagues on a framework that embodies these principles. But, until then, I urge my colleagues to vote against these amendments that will undermine our Clean Air Act; that will actually increase our dependence on foreign oil, force consumers to buy more gasoline, and make our air dirtier.

We can do better and I hope we will.

Mr. President, I ask unanimous consent that Senator BOXER, the chair of the Environment and Public Works Committee, be the next Democratic speaker and that she have up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of Senator BOXER, who I understand wants to speak for 10 minutes, I be recognized for about 10 minutes. That will be about the timeframe we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under “Morning Business.”)

Mrs. HUTCHISON. Mr. President, I wanted to speak on the McConnell amendment that Senator INHOFE has worked so hard to bring up, and also LISA MURKOWSKI from Alaska. We all know what is happening to gasoline prices in the United States right now. They have gone up now and the average is about \$3.60 a gallon. What we are looking at are more increases in those gasoline prices if the EPA is allowed to take an authority it does not have and regulate greenhouse gasses.

Some of the other amendments offered on this subject are well intentioned, but they do fall short of actually making a difference. The amendment before us repeals EPA's effort. It is very simple and very clean. Small businesses are struggling to survive, struggling to keep workers, and trying to make it in very small margins in this economic time.

Families are facing higher energy costs. We are all suffering. I have a pickup truck which I love to drive. I filled it up a couple of weekends ago. It was about \$60. That is a pickup truck. That is a basic form of transportation for many Americans. Farmers depend on affordable energy prices. They must put gasoline in their trucks, diesel in their harvesters, use energy-intensive fertilizer.

Higher costs for farmers means higher costs for food. You are talking about now an inflation we cannot afford in this kind of economic environment. During all of this, the EPA now wants to impose a new gas tax on America in the form of greenhouse gas regulation.

Last Congress I issued a report that documented how the Kerry-Lieberman climate legislation would impose a \$3.6 trillion gas tax on the American people. Using the data from EPA and the Energy Information Administration, we calculated that climate legislation would impose a \$2 trillion gasoline tax, a \$1.3 trillion diesel fuel tax, and a \$330 billion jet fuel tax.

According to the EPA and the senior Obama administration officials, regulations would be even worse than legislation. That was one of the main arguments they used in support of climate legislation, that the regulations would be even worse than cap-and-trade legislation.

But that is exactly what we are getting with the EPA now trying to regulate what we could not pass in the legislature, for good reason. The Baucus amendment could shield small businesses and farmers from EPA permit requirements, but it codifies the requirements for energy and fuel producers, meaning everyone in America will still pay higher energy prices.

The Stabenow and Rockefeller amendment only delays the higher energy costs and job losses for 2 years.

That is not good enough. I hope my colleagues will see that this is our time to tell the EPA we will determine what we want them to regulate. That is the responsibility of the Congress. We are to make the laws, they are to implement them. They are not to reinvent them in their own model of what they have the authority to do, and we have not given them the authority to regulate greenhouse gases. The refineries say this added amount of regulation is going to cost so much that they will have to raise their prices in their factories, and that assuredly will raise the price of oil and gasoline through its use in our country.

This is an amendment. There is only one amendment of all the amendments on this subject that will do the job. It is simple and clear. It would eliminate the EPA's ability to make regulations in an area that Congress has not authorized it to do. That is what we need to do. Congress needs to take the reins and halt the overregulation that is hurting our small businesses and hurting our economic recovery.

I hope my colleagues will join me in supporting the McConnell-Inhofe-Murkowski amendment.

Mr. REED. Mr. President, today, we are in the midst of another rapid increase in the price of oil and gas at the pump faced by our constituents. Rather than address this issue in a positive manner, we are once again debating an amendment whose authors believe that they have the expertise to determine that the EPA was wrong to conclude that greenhouse gases are pollutants, despite the preponderance of scientific evidence.

The McConnell amendment disregards the advice of leading scientists, doctors, and public health experts by not only overturning EPA's scientific endangerment finding but also telling EPA that it must continue to ignore what America's science experts are telling us about the dangerous impacts of carbon pollution.

The Supreme Court concluded in 2007 that the Clean Air Act's definition of air pollutant includes greenhouse gas emissions, rejecting the Bush administration's refusal to determine whether that pollution endangers Americans' health and welfare. The Senate should similarly reject this amendment, which would overturn that science-based decision.

There are many far-reaching consequences of this amendment, but I want to focus my attention on how it will disrupt the broadly supported and partnership-driven fuel efficiency standards for new cars and light trucks, thereby forfeiting many hundreds of millions of barrels of oil savings, including savings for the American consumer, and potentially reopening the debate to contentious litigation.

This would be a major step backwards in our efforts to decrease the

cost of fueling at the pump. The price of gas weighs heavily on the budgets of American families, currently \$3.56 per gallon in Rhode Island and an increase of 27 percent over the same time last year. The cheapest gallon of gas is the one that you do not need to buy, which is why I have long championed improved fuel efficiency.

Last year's vehicle efficiency and emissions standards will save consumers more than \$3,000 in fuel costs over the lifetime of new vehicles. Increasing the standard to 60 mpg by 2025 could result in \$7,000 in savings. Our competitors in China and Europe already have higher efficiency standards. It is time that we create manufacturing jobs here in America by producing cars that save consumers money at the pump. I have been heartened to see our auto industry begin to do just that, but we need to go further.

The McConnell amendment would accomplish the opposite by creating business uncertainty for our existing standards and stopping the development of future efforts to save more oil and money.

This amendment is part of the ongoing concern over how we will reduce carbon pollution, and there will always be the need to balance the needs for business development and environmental protection. But it does not have to be an either/or position. A healthy environment is important for a strong economy, and the 40-year track record of the Clean Air Act has shown us that the two can work well in concert.

We need to define our energy future, one that ends our dependence on foreign oil and confronts the challenges of climate change. This amendment accomplishes neither and I urge my colleagues to reject it.

Mr. LEVIN. Mr. President, there are various proposals before us that would impact efforts by the U.S. Environmental Protection Agency to address greenhouse gas emissions that contribute to global climate change.

While I have concerns regarding EPA's regulatory efforts in this regard, Senator MCCONNELL's amendment not only restricts EPA's regulatory work, but it would explicitly overturn an important science based EPA finding that greenhouse gas emissions may endanger the public health and welfare of current and future generations. Further, the McConnell amendment would repeal the mandatory reporting of emission levels of greenhouse gases, which began in 2009. The results of that reporting will help inform important policy decisions regarding how to reduce greenhouse gas emissions.

Senator ROCKEFELLER's amendment would establish a 2-year delay on any EPA action pertaining to greenhouse gas emissions from stationary sources, with the hope that Congress will act to reach a legislative solution to reduce greenhouse gas emissions economy-

wide. I could support that because I prefer comprehensive climate legislation with targets and timetables that are technologically achievable instead of a regulatory regime administered by the EPA to address greenhouse gas emissions.

However, I cannot support the Rockefeller amendment because of its impact on the regulation of vehicle greenhouse gas emissions. The amendment would explicitly allow regulation of vehicle greenhouse gas emissions by EPA to go forward under the Clean Air Act, which leaves intact the authority for the EPA to grant a waiver to the State of California to regulate vehicle greenhouse gas emissions. The stated goal of the Obama administration, one I strongly support and have fought for, is to have a single national standard for vehicle fuel economy and greenhouse gas emissions, as is currently the case for model years 2012–2016. That goal is defeated, however, if states can individually regulate these emissions, because the result is a patchwork of overlapping and conflicting regulations.

Senator STABENOW's amendment has many provisions I support. For instance, unlike the McConnell amendment, it would not nullify the EPA finding based on science that greenhouse gas emissions may endanger public health and the environment. It would also allow EPA to move forward with its reporting requirements, which will help inform policy makers as to how to best reduce greenhouse gas emissions. The Stabenow amendment would also allow the EPA to move forward with its planning to reduce greenhouse gases from stationary sources. Emissions of greenhouse gas emissions from agricultural sources would also be excluded from EPA regulation related to global climate change.

However, the Stabenow amendment would also leave intact EPA's authority under the Clean Air Act to issue vehicle greenhouse gas emissions standards and authority for EPA to grant a waiver to the State of California. I support the EPA and the Department of Transportation together developing a single national standard. If there is going to be a single national standard for 2017–2025, then logically there must also be preemption of state authority in this area. I cannot support an amendment that addresses EPA authority but leaves in place its authority to grant a waiver that is so problematic for our manufacturing sector.

I particularly regret that I cannot support the Stabenow amendment because it also includes an extension of the so-called section 48C advanced energy manufacturing tax credit, which I support. This tax credit—enacted as part of the American Recovery and Reinvestment Act—provides an important incentive for energy manufacturers to continue to invest in facilities in the

U.S. I very much support extension of this tax credit and will work with my colleagues to try to extend it.

Mr. LEAHY. Mr. President, I urge rejection of all of the amendments offered today that would gut the Environmental Protection Agency's ability to enforce our Clean Air Act.

It has been proven time and time again that we can have both a clean environment and grow our economy. In fact without a clean environment, it is more difficult for us to grow the economy. Without the Clean Air Act we would be spending trillions of dollars more on health care costs and lost work days. Over its 40 years the Clean Air Act has been one of the world's most successful environmental and health protection laws reducing exposure to pollutants such as lead, ozone, sulfur dioxide, smog-forming gases, and mercury and other heavy metals and toxics.

Thanks to the Clean Air Act millions of lives have been saved by preventing premature deaths, heart attacks, cancer, asthma, and other life-threatening illnesses. But even after 40 years of action, pollution in many areas of the country still violates basic health standards, putting tens of millions of Americans' lives at risk.

In Vermont, while we don't have any coal-fired powerplants, we are still the victims of their pollution as it travels by wind across our borders into the Green Mountain State. Throughout the Nation, hundreds of thousands of Americans suffer every year from illnesses linked to emissions from powerplants, refineries and other large sources of air pollution and greenhouse gases.

Yet there are some powerful special interests and some Members of this body who would like to strip the EPA of its authorities to enforce the Clean Air Act because they reject the notion that greenhouse gases are air pollutants and harmful to public health, or they believe that we just cannot afford clean air. Methane, nitrous oxide, carbon dioxide, hydrofluorocarbons and other compounds are the ingredients of a pollutant cocktail forced on many millions of Americans.

The Supreme Court has determined that the Clean Air Act is "unambiguous" and that greenhouse gases, such as those I just mentioned, are "without a doubt" air pollutants under the Clean Air Act. As such, EPA is required to regulate these emissions since they endanger public health. The Supreme Court has given the EPA little choice, and the science is clear they must act.

The McConnell amendment would have politics, not science, decide which pollutants are hazardous and which pollutants should be regulated. If politics had been allowed to trump the compelling scientific evidence, we may have never phased lead out of gasoline, or reduced ozone-depleting chemicals,

or tackled acid rain. Over the years powerful special interests have sought to block EPA's actions on all of these issues, arguing that the science was weak and the costs unjustified. Once again they are crying wolf and trotting out the same discredited arguments to fight greenhouse gas regulations today.

In enforcing the Clean Air Act, EPA is doing the job that Congress mandated decades ago. These amendments that attack the Clean Air Act would force the EPA to turn a blind eye toward polluters, the same polluters that are spending millions of dollars to lobby against the Clean Air Act.

I urge every Senator to talk to the parents and grandparents of children in their home States who suffer from asthma. Take the time to hear about the trips they have had to take to the emergency room and about the countless hospital stays because of the air they breathe, something so many of us take for granted. These attacks on the Clean Air Act would also lead to more heart attacks, more strokes, more cancer, and shorter lives.

I arrived in the Senate just 5 years after the Clean Air Act of 1970 was introduced and unanimously passed by the Senate. I have supported efforts to reduce life-threatening pollutants, such as lead and mercury. And I will support efforts to reduce hazardous greenhouse gases, just as a majority of Americans do.

The truth is that the McConnell amendment and the other EPA amendments we will vote on today would hurt public health, cost consumers more, stifle the invention of new pollution prevention technologies which grow the U.S. economy and jobs, and further slow our transition to renewable energy sources. Since passage of the Clean Air Act, the benefits have proved to be 42 times greater than the estimated costs of cleaning our air. Our GDP has tripled since the Clean Air Act was passed.

In Vermont we are fortunate to have two of the preeminent innovation companies in the world, IBM and GE. These corporations and others like them rely on regulatory certainty when deciding what investments to make in research, technology, and expansion into new markets. These attempts to strip EPA of its authority under the Clean Air Act to regulate greenhouse gas emissions would send the wrong market signals to our innovators.

Myths are myths and facts are facts, and the fact is that pollution standards are by law both achievable and affordable.

They encourage energy efficiency, which reduces energy demand, reduces fuel consumption, drives down our dependency on fossil fuels and foreign oil, reduces operating costs, and lowers energy prices. In fact the most prevalent compliance response to EPA's carbon regulations will be using current and

newly developed technologies to increase a plant's energy efficiency.

The McConnell amendment would render meaningless the progress that we have already made to invent new products that consume less fuel, pollute less, and create American jobs—jobs that cannot be sent overseas. The McConnell amendment would penalize those pioneering facilities that have already taken steps to clean up industry, and reward those who have seen these new standards coming for years, but have chosen to do nothing to protect the public. Instead they now pressure Congress to let them off the hook and to pass the long term health costs along to the public.

The evidence in favor of embracing a cleaner future is clear. We have an opportunity to encourage our innovative companies to be global leaders in new clean energy technologies that will create jobs here in America. We must stop supporting the dirty, outdated and inefficient technologies of the past.

By eliminating EPA's ability to impose scientific, health-based limits on carbon pollution from the Nation's largest polluters, the McConnell amendment and the other amendments that attack the EPA would only end up taking a hefty toll in Americans' health and costing consumers more by increasing oil consumption and forcing them to pay higher fuel costs.

We need to support efforts for clean air and to reduce our dependence on fossil fuels. Lives are at stake. In 2010, in just 1 year, the Clean Air Act prevented 160,000 cases of premature death. By 2020, that number is projected to rise to 230,000.

The air we breathe is the heritage of the American people, not the property of the big polluters.

The people of this great country deserve better, and they want clean air as well for their children and grandchildren. That is why I urge defeat of these amendments to gut enforcement of the Clean Air Act. Stand up for a future with clean energy and economic growth that depends on a clean environment. Take a stand for the American innovation that will create more American jobs and technology to protect the public's health and the environment. And help more Americans live longer lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am here because I want to urge a no vote on all these amendments that essentially stop the Environmental Protection Agency from doing their work as it relates to air pollution.

I am here to do that because never before have we ever interfered in the enforcement of the Clean Air Act. It has worked because we have seen tremendous advances in our clean air. Pollutants cause or contribute to asthma, emphysema, heart disease, and

other potentially lethal respiratory ailments.

We know from the work of the Bush administration and that of the Obama administration that the endangerment finding that said greenhouse gases were dangerous for our health predicted that ground-level ozone would increase if we did nothing, and we would have more cases of asthma and coughing, and people staying home from school, and staying home from work.

The EPA's endangerment finding is key. Here is what they told us:

Severe heat waves are projected to intensify, which can increase heat-related deaths and sickness.

Remember, this is relating to carbon pollution, greenhouse gases, exactly what my colleagues are trying to either slow down cleaning up or stop cleaning up, in an unprecedented assault on our nation's health—unprecedented assault on our nation's health.

We even had a Senator stand up here and say, EPA does not have the right to regulate carbon pollution, greenhouse gas emissions. I would urge that person, and everyone else saying it, to read the Clean Air Act. It is so clear. And, by the way, the Bush administration did not want to enforce the Clean Air Act, and they went all the way to the Supreme Court, and the Supreme Court said no.

It is very clear in the Clean Air Act that, yes, Congress meant we should control this type of dangerous pollution once an endangerment finding is made. And that was made. What the McConnell amendment does—and my friend Senator INHOFE was actually the author of the full bill, the same thing—is essentially say that the EPA is overriden. They repeal the endangerment finding. That is like my coming here and saying, I want to repeal science that says that smoking causes lung cancer. Okay? I want to play doctor. I want to play scientist. It is absolutely a dangerous precedent because it involves our people. Climate change is expected to worsen regional smog pollution, which can cause decreased lung function, aggravated asthma, increased emergency room visits, and premature deaths.

Why on Earth do my colleagues want to repeal an endangerment finding—by the way, Senator MURKOWSKI tried and it failed, and it is going to fail here today. But the fact is, why should we play doctor? I know some of us have a great elevation of ourselves; a couple have doctorate degrees, but most of us are not scientists and doctors. We act as if we are. I am too humble to repeal science. That is what they do here.

Let's look at the health successes of the Clean Air Act. In 2010 alone, the act prevented 160,000 premature deaths, 1.7 million asthma attacks, 130,000 heart attacks, and 3.2 million lost days of school. I am telling you, the Clean Air Act has been a great success. The

number of smog-related health advisories in Southern California has dropped from 166 days in 1976 to zero days in 2010.

Why on Earth would we want to mess with a law that has been working? It has been working. I defy anyone to point out a law that has worked as well as this one. We went from 166 days in Los Angeles, where people were told not to go outdoors, to zero days in 2010, because the EPA—by the way, created by a Republican President, Richard Nixon—does its job.

Look at the bipartisan support for the Clean Air Act. First of all, it passed the Senate 73 to 0, the House 375 to 1. The conference report was approved unanimously, and now, suddenly, I cannot find a Republican to say they fully support the Clean Air Act. What has happened to my friends on the other side of the aisle? This was a bipartisan issue. It certainly is with the people.

In 1990, we had a bipartisan vote signed by President George Herbert Walker Bush: Senate, 89 to 10; House, 401 to 25. That is why so many people in this country still support the Clean Air Act. Let's look at the results of that bipartisan poll we have. Bipartisan support.

It was created, the EPA, by Richard Nixon. Republican President George Herbert Walker Bush signed the reauthorization, and 60 percent of the people in this Nation—and this is a poll that was taken February 14 of this year—say that the Environmental Protection Agency should update Clean Air Act standards with stricter air pollution limits. Listen. Stricter air pollution limits.

The polluters do not like it. They are crying all the way to the bank. They had the biggest profits they ever had, the oil companies. They do not want the EPA enforcing the law. By the way, my colleagues name this amendment something like The Gas Reduction Price Act or something like that.

They say this is going to help us stop gas prices from rising. It has nothing to do with that. Every time we move forward with Clean Air Act authorities, there are predictions from all the polluters about how horrible it will be, and we never had such a period of prosperity since Richard Nixon signed the Clean Air Act.

Sixty-eight percent say: Congress, stay out of the Clean Air Act standards. Leave them alone. Don't change them. The McConnell amendment and the others, all interfere.

Sixty-nine percent say EPA scientists, not Congress, should set pollution standards. This McConnell amendment and the others all put Congress in the middle.

The people are smart. They don't want politicians deciding what to do about their health. They don't come to us when they have asthma. They don't

come to us when they get cancer. They rely on physicians. They rely on scientists. But we are playing doctor today. We are going to repeal or try to repeal the endangerment finding that went along with the EPA deciding to move forward and enforce decreases in carbon pollution.

On March 14 the Washington Post had a very interesting article, an op-ed piece signed by Christie Todd Whitman, EPA Administrator from 2001 and 2003, and William Ruckelshaus, EPA Administrator from 1970 to 1973, two Republican former heads of the EPA. They wrote:

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, disapprove of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare.

This is signed by two Republican former heads of the Environmental Protection Agency. The McConnell amendment is radical in the extreme. We have never before played doctor around here and repealed a scientific finding that said a certain type of pollution is a problem.

They also said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all the progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America's health and environment.

If we are interested in bipartisanship, why don't we look at the facts. The fact is, the American public supports EPA and the Clean Air Act. The fact is, Richard Nixon created the EPA. The fact is, George Herbert Walker Bush signed the Clean Air Act amendments. The fact is, it is very clear in the Clean Air Act that carbon pollution, any pollution related to climate change, is covered.

This is a reality check from someone who believes we should not go down this dangerous path of playing doctor, playing scientist, overturning the Environmental Protection Agency, which enjoys almost 70 percent support among the people of this greatest of all nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree in one respect with the Senator from California. Actually, we agree on a lot of points. We agree on infrastructure and things that we know the country needs. But in the area of the Clean Air Act, she said: Show me one Republican who supported it. I supported the Clean Air Act. It has been a tremendous success.

Stop and look at the real pollution. I am not talking about greenhouse gases. I am talking about the six real pollutants and what has happened. It is

amazing the success of the Clean Air Act. I agree with that.

I remind everyone, though, that the Clean Air Act would not be regulating CO₂ except the court said: If you want to do it, you can. They did not mandate that it be done. That is worth considering.

Since I have the time until we will be voting on the first of three cover votes before they get to my amendment, I wish to correct my good friend from California. She referred to it as the McConnell amendment. It is the McConnell-Inhofe amendment. In fact, it came from my bill that I introduced with FRED UPTON sometime ago, a bill that is going to be voted on in the House Representatives today. So it is appropriate that we take it up now. This amendment has been postponed six or seven times. I applaud the majority leader for letting us have these votes. It is important that we do this.

This is what I believe is important. People need to understand a couple of things: First, this is all about, starting in the 1990s when they had the Kyoto convention that we were supposed to ratify, President Clinton never did submit it to the Senate for ratification. Nonetheless, it was one that regulated greenhouse gases. I remember at that time the Wharton School did an analysis that asked: What if the United States were to ratify the Kyoto treaty and live by its requirements? What would the costs be?

It came out somewhere in the neighborhood of between \$300 and \$400 billion. We never ratified it because the President never submitted it for ratification. Then in 2003, there came a number of votes. Almost every year we had legislation introduced that would do essentially what the Kyoto treaty would have done, which would have been cap and trade. We had MIT and others look at it to see what in fact would be the cost if we were to do this.

I can remember when my good friend, the junior Senator from California, Mrs. BOXER, and I talked on the Senate floor the last time we defeated her bill—I think this might have been the Waxman-Markey bill, but it doesn't matter because they are all the same—I stipulated to the science. I said: All right. Let's assume the science is right. It isn't, but let's assume it is so we don't have to talk about that. Assuming it is, let's talk about the economics. That is where we developed what it would cost.

In my State of Oklahoma, I have a policy that when we talk about billions and trillions of dollars I try to put it into context as to how it will affect taxpayers in my State. I have a very simple thing I do. I take the total number of families who file tax returns and then I do the math. If I divide that, say, \$350 billion a year, that means the average taxpayer in my State would have to pay \$3,100 a year in additional

taxes in order to pay for the cap-and-trade regime that comes with any type of legislation. We talked about that. Continually, we defeated each bill that came along.

This is the key. The Obama administration is very beholden to some of the far leftwing people. He had a commitment to try to pass some kind of cap and trade. He said: If we can't do it legislatively, we will do it through regulation. So we had all these regulations that EPA started coming down with.

I have to mention, of these regulations, one was very significant because I remember when she was before our Environment and Public Works Committee, I said to her—this is right before going to the big U.N. party in Copenhagen about 18 months ago—I have a feeling, Madam Director, that you are going to come up with an endangerment finding. When you do, it has to be based on science. What science will you base it on?

She said: Primarily on the IPCC.

To make sure everybody understands, the IPCC is the United Nations. They are the ones who came up with this whole thing and said this is what the end of the world is going to be.

I said: If you are going to have an endangerment finding that CO₂ is an endangerment to health, then it has to be based on science. What science will it be based on?

The answer was, the United Nations. It is going to be based on the science of the IPCC, the Intergovernmental Panel on Climate Change. That is the United Nations.

Coincidentally, right after that is when climatagate came, and they found that they had been cooking the science for about 10 years and that the legitimate interests and input of real scientists were rejected. So the science just flat wasn't there.

That is why I said at the time that we had this bill up, I will stipulate to the science, even though the science is not there. I know it is not there, but what is there is the economics.

Here we were, faced with a situation where we were looking at the possibility of the Environmental Protection Agency regulating CO₂. I contend that they can do it if they have an endangerment finding, but they don't have to do it. The economic punishment to America would be tremendous. However, it wouldn't do any good.

Here is the big question: What if I am wrong? People have asked me: INHOFE, what if you are wrong? You have been leading this fight for 9 years. What if CO₂ does endanger health and cause global warming and all these scary stories we hear?

My response to that is, if that is the case, it is not going to make any difference because even the EPA director admits if we unilaterally pass some type of regulation that stops the regulation of greenhouse gases, it is not

going to affect the overall release of CO₂ emissions.

The reason is simple. If we do it only in the United States, we would argue that is not where the problem is. The problem is in China, Mexico, India, and Third World countries that don't have any emission controls at all. So I think everyone agrees if we pass something like these regulations of the EPA unilaterally, it would not reduce emissions at all. Consequently, we would be incurring economic punishment to achieve nothing.

I would take it one step further. As we chase away our manufacturing base, as they say would happen, we would be in a position where they would go to countries where there is no emission controls. It would actually have the result of increasing emissions.

Even if Senator BOXER is right in everything she says, she is wrong in the respect that if we pass it, it will not lower emissions. That is the fact.

We are running out of time, but I have the time right up to 4 o'clock. I will go over four things that will happen, finalizing the vote that is going to be at 4.

Mr. BAUCUS. Will the Senator yield?

Mr. INHOFE. Let me finish because I am going to need all the time.

Mr. BAUCUS. I ask unanimous consent to speak for 2 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, is the Senator talking about doing it after 4 o'clock?

Mr. BAUCUS. Before the vote, yes.

Mr. INHOFE. If he would include me to speak for 1 minute at that time, I have no objection.

Mr. BAUCUS. That would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Senator BAUCUS will have an amendment up. I think it is interesting. I refer to these three amendments as cover amendments. In other words, there are a lot of Democrats who don't want to vote to take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases, so they have offered other amendments. The Baucus amendment is one that is going to exempt certain small people, some small farmers and all that. But that doesn't exempt them from having their electricity rates escalate.

The American Farm Bureau says: We don't want any of the cover votes. We don't want the Baucus bill. We don't want Stabenow, and we don't want Rockefeller. Stabenow would also have a delay in certain parts of the regulation. The Rockefeller vote, which is going to be the third vote, is one that would have a 2-year delay. In other words, it says we can go ahead and do the regulation, but we will kind of put it off for 2 years.

The real vote and the one that is critical—and if there is anyone out there who doesn't want to go home and say: I am responsible for passing the largest tax increase in the history of America by defeating the Inhofe-McConnell amendment, then go ahead and vote that way. That is going to be a serious problem—not for me but for the Senators who might vote the wrong way.

The McConnell-Inhofe amendment will be the fourth vote. This is the critical one. The rest are cover votes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that in addition to my being able to speak for 2 minutes and Senator INHOFE 1 minute, that Senator BOXER also be allowed to speak for 1 minute on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 236

Mr. BAUCUS. Mr. President, I have a very commonsense amendment. It basically says: The general rule makes sense, but there should be a couple exceptions. The general rule is that we should have regulations on greenhouse gas emissions, but not for agriculture. I am talking about agricultural producers, not processors, the regulations which would still apply to processors.

We are talking about producers, agricultural producers. They should be exempt. Currently, there are not regulations. EPA may or may not pass regulations that affect agricultural producers. I think we should make clear to agriculture they are exempt. They are not the big greenhouse gas polluters.

Second, this amendment puts in place and codifies EPA's attempt to deal with small business with its tailoring rule. It may or may not be upheld in the courts. Passage of this amendment would allow this to be upheld in the courts.

Essentially, there are 15,000 emitters of greenhouse gas emissions that are the big ones. The other 6 million basically are the very small ones. What about the big ones, the 15,000? Those are large plants run by big corporations. They essentially produce most of the greenhouse gas emissions. Ninety-six percent of these 15,000—the big ones—are already subject to EPA criteria. They have to get permits. Moreover, they emit 70 percent of the greenhouse gas emissions.

So I am just saying, for small businesses—there are a lot of them—it is very important they be exempt from EPA regulations. It is common sense. In general, it is OK, but it exempts agriculture and it exempts small business.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana has consumed his 2 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, a point of inquiry, not to be taken from the time I have. The inquiry is, When we get into the four votes, are we going to have additional time arguing for and against the amendments?

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided, between the stacked votes.

Mr. INHOFE. OK. I would ask the Chair, these 2 minutes are having to do with the Baucus amendment, the first one we will vote on; is that correct?

The PRESIDING OFFICER. Senator BOXER and Senator INHOFE each have 1 minute.

Mr. INHOFE. On the Baucus amendment?

The PRESIDING OFFICER. Yes.

Mr. INHOFE. OK. I thank the Chair very much.

Let me go first. In deference to my good friend, Senator BOXER, I said I would go first and she can go last.

Let me mention, this is only on the Baucus amendment. Yes, the Senator is right in presenting his amendment that it does exempt farmers and some small businesses from the higher costs and all that. But here is the problem with that: All we have to do is read the statement by the American Farm Bureau where they say: Look, all of our farmers across America—even if this only affects the refiners and the manufacturers, that increases the cost of fuel and the cost of fuel is going to go higher and we do not get anything for it. For that reason, they oppose the Baucus amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when Senator BAUCUS talked to me about his amendment, it sounded quite reasonable to make sure we codify the tailoring rule of the EPA, which exempts broad swaths of American businesses from their work on enforcing carbon pollution reductions. But as it came out—and I discussed this with him—it goes further. It harms the promotion of clean, renewable biomass, effectively stopping EPA's ability to use the Clean Air Act to encourage this kind of alternative energy.

It also undermines the Clean Air Act's New Source Review Program for carbon pollution, which ensures that the biggest polluters use modern pollution control technologies. It basically says the EPA cannot go and enforce it using the New Source Review unless there is another pollutant involved.

So as the chairman of the Environment and Public Works Committee, I have deep concerns. The Baucus amendment is opposed by leading public health organizations: the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for

Social Responsibility, and the Trust for America's Health, as well as clean energy business, environment, and conservation organizations.

For that reason—although I fully understood the initial intent, and I thought it was laudable—this has transformed into an amendment that I do not support and the leading public health organizations do not support. So I would urge a “no” vote on the Baucus amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Baucus amendment No. 236.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—7

Baucus	Hagan	Levin
Begich	Johnson (SD)	
Conrad	Klobuchar	

NAYS—93

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Hoeben	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Lieberman	Thune
Coons	Lugar	Toomey
Corker	Manchin	Udall (CO)
Cornyn	McCain	Udall (NM)
Crapo	McCaskill	Vitter
DeMint	McConnell	Warner
Durbin	Menendez	Webb
Ensign	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feinstein	Moran	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 7, the nays are 93. Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 277

There will now be 2 minutes of debate on the Stabenow amendment. Who yields time?

The Senator from Michigan.

Ms. STABENOW. For years, I have consistently and repeatedly said that we need to have a balanced and comprehensive American energy policy.

We can't just impose regulations; we need smart incentives to create the technology for a clean energy economy.

The Stabenow-Brown amendment is based on the framework developed on a bipartisan basis for the past 2 years to develop a truly comprehensive policy that would allow us to phase in regulations.

This amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advanced energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

We have put the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

Our amendment also follows what the EPA has indicated is its intention toward agriculture by giving our producers the certainty they need.

This amendment is a commonsense approach to addressing the issue of clean energy.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, parliamentary inquiry: Senator INHOFE and I will speak for 30 seconds each. Is that in compliance?

The PRESIDING OFFICER. The Senators have that right. The Senator from California.

Mrs. BOXER. Madam President, the Stabenow amendment suspends full implementation of the Clean Air Act as it relates to carbon pollution for 2 years, which is going to cost jobs and harm America's competitiveness. Worse than that, I think around here "delay" is sometimes a code word for "never."

A 2-year delay could become a long-term delay. It becomes more expensive, and in the meantime our air gets dirtier.

I will close with this: 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Yet this amendment, and all of the others, do just that.

Let's stand with the people, with the American Lung Association, with the physicians who have taken a stand against all of these amendments, and allow EPA to do its job.

I yield to the Senator from Oklahoma.

Mr. INHOFE. Madam President, let me join my friend from California and say that the Stabenow amendment is similar to the one we voted on before. It admits that the EPA will harm manufacturers, but it doesn't do anything to protect anybody from the higher price of energy. The farmers will tell you that, and everybody else will. With the 2-year delay, EPA can drop its regulatory hammer on farmers and businesses. I urge your vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 277.

Mr. INOUE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OH)	Johnson (SD)	Stabenow
Casey	Klobuchar	
Conrad	Pryor	

NAYS—93

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Chambliss	Kyl	Shaheen
Coats	Landrieu	Shelby
Coburn	Lautenberg	Snowe
Cochran	Leahy	Tester
Collins	Lee	Thune
Cooms	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCain	Warner
Durbin	McCaskill	Webb
Ensign	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden

The PRESIDING OFFICER. The yeas are 7, the nays are 93. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

AMENDMENT NO. 215

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 215, offered by the Senator from West Virginia.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, my plan would put EPA on hold for 2 years and no more, but not on hold from many of its other duties, for example, CAFE standards.

Many of our colleagues do not realize—and certainly the ones who are going to support the McConnell amendment do not realize—that 31 percent of all greenhouse gas emissions in this country come from the backs of trucks and cars. I do not stop them from going ahead and doing that. But I want breathing space so we can take 2 years—yes, there is a lot of frustration in my State about EPA and permits, and I understand that very well. But I want to take 2 years so we can think as a body and actually come up with an energy policy. I am ready for that.

I am not the same person I was 2 or 3 years ago on this subject. But we need that time. I ask my colleagues respectfully to support my amendment. It stops at the end of 2 years, which

continues the use of CAFE standards, allowing EPA to set those standards. I ask my colleagues to vote against the McConnell amendment, which I think is truly a stunning aberration.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I will take 30 seconds and yield to my friend Senator INHOFE.

For the reasons we already said about public health or the protection of our Clean Air Act, I urge my colleagues to defeat the Rockefeller amendment.

Let me add one other point. The American renewable energy industry has written to us and told us that the uncertainty of a 2-year delay is more than 2 years. It causes American renewable energy companies to be at a disadvantage with foreign energy companies, costing Americans jobs. Uncertainty adds to job loss in America.

For the sake of the public health of Americans, for the sake of our economy, I urge my colleagues to reject the Rockefeller amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the 2-year delay encourages bureaucrats to stall new permits. It does not accomplish anything. It delays new construction, and it delays new jobs.

One of the interesting points about all three of these amendments is that everyone agrees EPA should not be regulating greenhouse gases. If you are going to have a root canal, does it help to wait 2 years?

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 215.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 12, nays 88, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—12

Brown (MA)	Johnson (SD)	Nelson (NE)
Collins	Landrieu	Pryor
Conrad	Manchin	Rockefeller
Graham	McCaskill	Webb

NAYS—88

Akaka	Burr	DeMint
Alexander	Cantwell	Durbin
Ayotte	Cardin	Ensign
Barrasso	Carper	Enzi
Baucus	Casey	Feinstein
Begich	Chambliss	Franken
Bennet	Coats	Gillibrand
Bingaman	Coburn	Grassley
Blumenthal	Cochran	Hagan
Blunt	Cooms	Harkin
Boozman	Corker	Hatch
Boxer	Cornyn	Hoeven
Brown (OH)	Crapo	Hutchison

Inhofe	McConnell	Sessions
Inouye	Menendez	Shaheen
Isakson	Merkley	Shelby
Johanns	Mikulski	Snowe
Johnson (WI)	Moran	Stabenow
Kerry	Murkowski	Tester
Kirk	Murray	Thune
Klobuchar	Nelson (FL)	Toomey
Kohl	Paul	Udall (CO)
Kyl	Portman	Udall (NM)
Lautenberg	Reed	Vitter
Leahy	Reid	Warner
Lee	Risch	Whitehouse
Levin	Roberts	Wicker
Lieberman	Rubio	Wyden
Lugar	Sanders	
McCain	Schumer	

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President and colleagues, the question is simple: Can we protect our environment and grow our economy? And the answer is yes.

Forty years ago, naysayers claimed the Clean Air Act, signed into law by then-President Richard Nixon, was too costly and would doom our economy. They were wrong. We heard the same doom-and-gloom predictions in 1990 when President George Herbert Walker Bush led the effort to strengthen the Clean Air Act. They were wrong again. Since 1970, the efforts of the Clean Air Act have outweighed the cost 30 to 1, and the GDP has grown by more than 200 percent. The Clean Air Act has saved hundreds of thousands of lives, trillions in health care costs, and grown our economy. Now the naysayers warn that reducing carbon pollution will doom our economy. Ronald Reagan might say: Well, there they go again. But history and science say they are wrong.

If we don't take action, here is what it will mean: higher health care costs in America, destroyed coastlines, and an ever-growing dependence on foreign oil. That is not a recipe for economic success; it is a recipe for failure.

Let's keep America on the right course—one that saves lives and grows our economy. Please join me in voting against the McConnell amendment.

I thank my colleagues.

Mr. WICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 183. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—50

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Corker	Landrieu	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Ensign	McCain	Wicker
Enzi	McConnell	

NAYS—50

Akaka	Cardin	Gillibrand
Baucus	Carper	Hagan
Begich	Casey	Harkin
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson (SD)
Blumenthal	Coons	Kerry
Boxer	Durbin	Klobuchar
Brown (OH)	Feinstein	Kohl
Cantwell	Franken	Lautenberg

Leahy	Nelson (FL)	Tester
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
McCaskill	Rockefeller	Warner
Menendez	Sanders	Webb
Merkley	Schumer	Whitehouse
Mikulski	Shaheen	Wyden
Murray	Stabenow	

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 50, the nays are 50. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 281

Under the previous order there are now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 281, offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is a straightforward amendment that eliminates individuals who have adjusted gross incomes of greater than \$1 million per year from receiving unemployment benefits. Last year, we had 2,383 people who received unemployment benefits and also had an income tax return that had adjusted gross incomes above \$1 million. We had 40 that had adjusted gross incomes above \$10 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending \$100 million a year providing unemployment insurance for people who make over 1 million a year. It doesn't make any sense. It undercuts the integrity of the unemployment insurance program and it would save \$100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let's save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—100

Akaka	Brown (MA)	Conrad
Alexander	Brown (OH)	Coons
Ayotte	Burr	Corker
Barrasso	Cantwell	Cornyn
Baucus	Cardin	Crapo
Begich	Carper	DeMint
Bennet	Casey	Durbin
Bingaman	Chambliss	Ensign
Blumenthal	Coats	Enzi
Blunt	Coburn	Feinstein
Boozman	Cochran	Franken
Boxer	Collins	Gillibrand

The PRESIDING OFFICER. On this vote, the yeas are 12, the nays are 88. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

The Senator from Delaware.

AMENDMENTS NOS. 244 AND 161 WITHDRAWN

Mr. CARPER. Madam President, I ask unanimous consent to withdraw the pending Landrieu second-degree amendment No. 244 and the Johannis amendment No. 161.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 183

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 183 authored by the Senator from Kentucky.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we learned something just in the last half hour, and that is that 90 percent of the Members of this body, of the Senate, do not think the EPA is qualified to regulate greenhouse gases. They voted against the Baucus amendment, the Stabenow amendment, and the Rockefeller amendment. I have referred to those as cover amendments. You don't get much cover when they get less than 10 percent of the vote.

So now is the chance to really do something. If you really want to do something that is going to stop the overregulation we get that is so offensive to the majority of people, we can do it with the Inhofe-McConnell amendment.

First of all, we know what the cost of this will be. The cost will be somewhere in the neighborhood of \$300 billion a year. It will be the largest tax increase in the history of this country.

Secondly, what do you get? People have asked: INHOFE, what if you are wrong? What if these greenhouse gases are going to destroy this country?

If we are wrong, let's look at the response we received from the Administrator of the Environmental Protection Agency, Lisa Jackson. When we asked her at a public meeting, if we were to pass these regulations or any of these cap-and-trade bills, would this have the effect of lowering the greenhouse gases, the answer was no because it would only affect the United States of America.

This is your chance to vote against a major tax increase to the American people.

Graham	Levin	Rockefeller
Grassley	Lieberman	Rubio
Hagan	Lugar	Sanders
Harkin	Manchin	Schumer
Hatch	McCain	Sessions
Hoeven	McCaskill	Shaheen
Hutchison	McConnell	Shelby
Inhofe	Menendez	Snowe
Inouye	Merkley	Stabenow
Isakson	Mikulski	Tester
Johanns	Moran	Thune
Johnson (SD)	Murkowski	Toomey
Johnson (WI)	Murray	Udall (CO)
Kerry	Nelson (NE)	Udall (NM)
Kirk	Nelson (FL)	Vitter
Klobuchar	Paul	Warner
Kohl	Portman	Webb
Kyl	Pryor	Whitehouse
Landrieu	Reed	Wicker
Lautenberg	Reid	Wyden
Leahy	Risch	
Lee	Roberts	

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Hutchison	Nelson (NE)
Blumenthal	Inouye	Nelson (FL)
Boxer	Johnson (SD)	Pryor
Brown (MA)	Kerry	Reed
Brown (OH)	Kirk	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (NM)
Cooms	Manchin	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—43

Alexander	Graham	Portman
Ayotte	Grassley	Risch
Barrasso	Hatch	Roberts
Blunt	Hoeven	Rubio
Boozman	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johanns	Snowe
Coats	Johnson (WI)	Thune
Coburn	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
DeMint	McConnell	Wicker
Ensign	Moran	
Enzi	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are zero. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

AMENDMENT NO. 286

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to Amendment No. 286 offered by the Senator from Hawaii, Mr. INOUE.

Mr. INOUE. Mr. President, my amendment addresses the concerns raised by the Coburn amendment, but it does so by using existing authorities established by the Impoundment Control Act of 1974. My amendment accomplishes the same objectives, but it maintains the proper deference to Congress on matters of appropriations.

The Coburn amendment simply duplicates that existing authority but removes the checks and balances. I urge a yes vote on the Inouye amendment and a no vote on the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. I was looking for Senator WARNER in the Chamber.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to urge adoption of the Coburn amendment. I believe the Coburn amendment actually adds teeth. We have a study here of duplicative programs from GAO. We have got to make sure we are, as we debate closing down the Federal Government, attacking real programs.

We ought to be able to save \$5 billion of administrative duplication within the 82 programs that were given in this guideline in the GAO report. I would urge adoption of the Coburn amendment after the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the Inouye amendment.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

find, in moments of tough times, savings at the administrative level. This is a guideline. If we cannot find \$5 billion in administrative savings from this guidepost, then this study will go, along with many others, to sit on a shelf.

So I urge my colleagues to vote in favor of the Coburn-Warner amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, since 1974, there has been a law on our books that does exactly what this amendment proposes to do. It does so without taking away the checks and balances we have in the government. It also does so in a proper way. It goes through the Congress of the United States.

This is an appropriations matter. So, therefore, I hope all of us can vote no on the Coburn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—64

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Hatch	Paul
Bennet	Hoeven	Portman
Blumenthal	Hutchison	Risch
Blunt	Inhofe	Roberts
Boozman	Isakson	Rubio
Brown (MA)	Johanns	Sessions
Burr	Johnson (WI)	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Tester
Coats	Kohl	Thune
Coburn	Kyl	Toomey
Collins	Lee	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Wicker
DeMint	McCaskill	
Ensign	McConnell	

NAYS—36

Akaka	Gillibrand	Murray
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson (SD)	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Cochran	Leahy	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Udall (NM)
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 64, the nays are 36. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NOS. 184 AND 217

Under the previous order, amendments Nos. 217 and 184 offered by the Senator from Oklahoma are agreed to.

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote in favor of amendment No. 273, offered by Senator COBURN. The amendment seeks to save at least \$5 billion by consolidating duplicative and overlapping government programs. I wholeheartedly support efforts to save taxpayer money by eliminating waste, fraud, abuse and inefficiency within the Federal Government. A congressional responsibility that I take very seriously is our day to conduct oversight of Federal agencies.

I recognize that Senator COBURN's amendment is based on a Government Accountability Office report to Congress which identified programs and initiatives that have duplicative goals or activities. The report included 34 areas where billions of dollars could be saved. It included seven areas within Defense Department programs. It proposes saving millions by consolidating Federal data centers that today are spread across 24 Federal agencies. It identifies duplication in 44 separate employment and training programs, which could save millions of dollars. I also understand that the blender's credit for ethanol was singled out in the report.

In voting in favor of the amendment, I want to make clear that I do not consider the ethanol blender's credit to be a duplicative program, nor do I believe it should simply be eliminated. I would also like to make clear that the GAO report suggested a number of policy options that Congress could consider when revising the tax incentive. My colleagues should know that I, along with other Members of the Senate, are currently working to reform and restructure the tax incentives for ethanol production and consumption. Many of the reforms we are exploring are the same options suggested by the GAO report.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator COBURN with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking

about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can't get 100 percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement finished. We want it completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another diversion, and avoid another tough choice. Instead of solving the crisis the way we should, instead of saying yes, they say, in fact, what they are going to do is pass what they will call another short-term stopgap measure. They will say it is short term, but what that really means is it is a short cut—a short cut around doing our jobs. Instead of solving problems, they are stalling. They are procrastinating. That is not just bad policy, it is a fantasy.

We all heard the President of the United States say yesterday that he won't accept anything short of a full solution. And why should he? We are 6 months into the fiscal year now. President Obama is right. We can't keep funding our great country with one stopgap after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck. We are not going to give up. We are going to keep talking and keep trying to find middle ground. The Speaker and I will go back to the White House tonight in 2 hours and 20 minutes to meet with him again to continue the conversation we have been having for weeks with this administration.

We know the Republicans are afraid of the tea party. That has been established. Now it looks as though they are also afraid of making the tough choices we have to make. But tough choices are what governing is all about. They are what leadership is all about. It is

time for my friends in the House of Representatives to stop campaigning and start governing.

And remember what one of the greatest Speakers of all time said. In fact, he was Speaker three times. He was from the State of Kentucky. Henry Clay. He was known as the "great compromiser." He said that all legislation is based on mutual consensus. That is what this is all about. But remember, let's focus on the word "mutual." It takes both of us.

Mr. President, it is time to lead.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD FAITH NEGOTIATIONS

Mr. CARDIN. Mr. President, I wish to spend a moment or two talking about how devastating it would be for our country and for the people of our country if, in fact, we have a government shutdown.

I represent Maryland, and there are a lot of Federal workers in Maryland. They are very concerned because it will affect them. A government shutdown will affect everyone in this country. It will affect people who depend upon their government being there to serve them.

If you are depending upon a timely IRS refund check and the government is shut down and you need that money and are counting on it—it is your money—you may find out, if the government is shut down, there is no one to talk to and that check will be delayed.

If you are a person who is entitled to Social Security disability payments and you have a case that is pending, there will not be people there to resolve that case and you will have to wait. That could also very well affect your ability to literally pay your bills.

If you are doing research at NIH—cutting-edge research—which depends upon the continuity of the work in order to discover the answers to many of the problems we face in health care, that will be disrupted if we have a shutdown of the government.

The bottom line is, everyone loses if we have a shutdown of our governmental body. The taxpayers lose. Study after study shows that a shutdown of the government will actually cost the taxpayers more money. It makes no sense at all. Yet there are some in the House who say: Look, bring on a shutdown. They are not negotiating in good faith. They are saying it is our way or the highway. Basically, they want to shut down the government.

We need to negotiate in good faith. It is not going to be what the Democrats or the Republicans want. That is how the system works. You have to negotiate in good faith. I know our leaders are doing that. I urge all of us to understand the consequences of a shutdown and make sure we take steps to negotiate in good faith and have a budget agreement completed by Friday of this week.

I want my colleagues to understand why people in my State should be very concerned about the budget that passed the House of Representatives—the Republican budget. It would hurt children on Head Start. In Maryland, 1,795 children who are on Head Start would lose their ability to go to that program. You know how important that is. For students in Maryland, they would find that their Pell grants would be reduced by almost \$700. Women would be hurt by the loss of essential preventive health services. Families would be at risk with the lack of enforcement of our regulatory bills that protect us on public health issues. The list goes on.

It has been estimated that 700,000 jobs would be lost if the House budget became real. That would jeopardize our recovery. As you know, we are just starting to see job growth. We certainly don't want to take counterproductive steps in that recovery.

As we pointed out many times, the budget the House sent over is concentrating on 12 percent of Federal spending. We need to broaden this discussion, and we all understand that. It starts with allowing the political system to work and for us to get together and reach an agreement for the budget that is already 6 months—we are talking about the last 6 month's budget.

In Maryland, if the House budget were to pass, Metro would lose \$150 million. This is the Nation's transit system. People would find that if the transit system can't operate, the roads will be more congested and it will take a lot longer to commute.

My point is this: The House budget—the Republican budget—is not going to become law. It is not what the Republicans want or what the Democrats want. We have to come together, and we are doing that. But let's not allow a minority in the House to tell us we are not going to let the system work for the best interests of the American people.

I think, though, we should be very concerned about whether this is part of a plan with the Republicans, when we look at their budget for next year, the 2012 budget, which was released this week. There are disturbing signs as to what their intentions are. We saw it with the budget for this year and now we see that continued for their budget for next year. They literally want to turn the Medicare system into a voucher program, where seniors have to rely on private insurance companies. We

tried that before Medicare. In the early 1960s, the number of seniors who could not get health care insurance was staggering. Why? Because private insurance companies are not interested in insuring people who make claims. The older you are, the more you will make claims on our health care system. If seniors are at the mercy of private insurance companies, it will be much more expensive for them, and they will not get adequate protection.

We should all be concerned about the budget that was brought out this week. The Medicaid system that protects our most vulnerable, our seniors, who rely, in large part, on the Medicare system to deal with long-term care and nursing care—the Republican budget would transfer that to the States with a block grant, making it unlikely to see the continuation of the program that is critically important, not just to people who are vulnerable, but if they have to rely on the use of emergency rooms to get care, it will be more expensive for all of us.

These short-term so-called budget savings will turn into long-term costs for our country. The Republican budget continues to do these domestic discretionary cuts—well beyond what we need as a nation to grow—taking, again, our most vulnerable, those who depend on government, making a college education more expensive and denying young people the opportunities they need.

Guess what is missing in the Republican budget. There is no effort to deal with the revenue problems of America. I say there is a better way to do this, and there are 64 Senators who have come together and said: Look, we have to deal with our national debt with a credible budget plan—a credible budget plan that starts with discretionary spending cuts, and we all agree to that. We have to reduce military spending and deal with mandatory spending, but we have to also deal with the revenue side. Thirty-two Democrats and 32 Republican Senators said that.

The Republican budget in the House doesn't take us down that path. It is not a credible plan for dealing with the budget deficit that can pass and be enacted and give confidence not only to the financial markets in America but around the world and tell the American people it puts their interests first.

I want my colleagues to understand we don't want to jeopardize the recovery. We want to get our budget into balance, and we have to get this year's budget behind us. We have to deal with that. President Obama is right when he said in the State of the Union Address that we have to beat our competition. We have to outeducate, outinnovate and outbuild them and we have to do it in a fiscally responsible way. We can do that now if we work together and deal with the budget we are currently in, which ends September 30 of this year,

in a fiscally responsible way. Let's get this done and move on and work together for the sake of our Nation.

I am convinced that if we work together, we can have a responsible plan and we certainly should not allow a minority in the House to block a budget resolution for this year, causing the government shutdown. That is the worst case for the American people.

I urge my colleagues to continue to work together so we can keep the government operating, reduce the deficit, and allow America to grow and compete and meet the challenges of the future.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

AMENDMENTS NOS. 240 AND 253

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 493 and set aside the pending amendments so that I may call up the following two amendments en bloc. They are Cardin amendment No. 240 and Snowe amendment No. 253.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes en bloc amendments numbered 240 and 253.

The amendments are as follows:

AMENDMENT NO. 240

(Purpose: To reinstate the increase in the surety bond guarantee limits for the Small Business Administration)

At the end, add the following:

SEC. ____ . SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “(1)” and all that follows and inserting the following: “(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed \$5,000,000.

“(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

“(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

“(2) the total contract amount at the time of execution of the bond or bonds exceeds \$5,000,000;

“(3) the surety has breached a material term or condition of such guarantee agreement; or

“(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).”;

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

“(j) DENIAL OF LIABILITY.—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.”.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term ‘small business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”.

AMENDMENT NO. 253

(Purpose: To prevent fraud in small business contracting)

(The amendment is printed in the RECORD of March 28, 2011, under “Text of Amendments.”)

Ms. LANDRIEU. Mr. President, I thank Senator CARDIN for his patience and Senator SNOWE as we have worked up through the last hour or two on their two proposals. Both have to do with perfecting our contracting programs. While not specific to the SBIR Program and STTR Program, they are very relevant to the work we do on the Small Business Committee.

I appreciate all the Members who allowed these two amendments to go forward. They are pending and hopefully tomorrow we can get some agreement on some additional votes. We have had a very busy day today on the underlying bill, the SBIR bill. We voted on seven amendments. We had heated discussions on issues that are not related to this bill but are very important to this body.

I thank the Senators for working in good faith as we try to move through the many amendments that have been filed, most of which are not germane to the issue at hand but are important to

be discussed on the floor of the Senate and in Congress.

I thank particularly Senator CARDIN. I notice he is on the floor. He may want to say a word now about his amendment briefly. I commit to the Senator that we will discuss his amendment and Senator SNOWE’s amendment as soon as we can tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator LANDRIEU for her extraordinary work and patience. She gives us credit. We give her credit for patience in the manner this legislation has been considered.

This bill is very important not just to the small business community but to our economy. We are talking about providing the wherewithal for innovation in America. Small businesses will produce the largest amount of innovation in this country and the largest job growth. This bill gives them some degree of predictability on getting the types of resources so they can innovate.

I do applaud the Senator. I am proud to be part of the committee. This has been a very bipartisan bill. I thank her. I thank her for accommodating the amendment that she was helpful in getting passed initially, along with Senator SNOWE, that increases the size of surety bonds from \$2 million to \$5 million, which makes a difference for a small construction company getting government procurement. It is critically important. It has worked much more successfully than we thought when we first put the increase into effect. We actually had a lot more contracts than we thought when we originally suggested this.

I am pleased to tell the chairman that it has no scores as far as cost. There is no taxpayer cost involved. This is a win-win situation to help small businesses get construction work, adding to our economy and job growth.

I look forward to talking about this amendment tomorrow. Hopefully, we will be able to get a vote. I again thank the Senator for her attention.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to speak for 2 minutes in general wrapup. There may be other Senators coming to the floor. I am hopeful we can lock in a time to vote on Cardin amendment No. 240 and the Snowe amendment No. 253. There are other amendments, a few amendments that are pending. Many others have been filed. The Senators are working together to see what kind of accommodations we can make.

Again I remind everyone, while we are working hard behind the scenes in many rooms and meetings today to try to keep our government open and oper-

ating while reducing spending where we can in an effective and a smart and constructive way, I remind our Senators how important this bill is because it will be reauthorizing a program that actually creates jobs in America by the small businesses that are represented on all of our Main Streets in our States and our communities.

This is the Federal Government’s largest program for research and development. We do not believe that only big business, only international corporations have the best technology, the best approaches, or the best methods. We actually believe there are small businesses, some quite tiny, just one scientist and an assistant who can come up with cutting-edge technology, an engineer or an assistant, or a doctor and an assistant, who can come up with cutting-edge technologies that can cure a disease of the time or create a new mechanical system or technology system that helps not only our Federal agencies to cut spending, operate more efficiently, but can be commercialized in a way that creates manufacturing jobs and service jobs in America.

There are many ways to get to a balanced budget. We have heard a lot about cutting spending. Yes, we need to do that. But we also need to create jobs which generate income to close that budget gap. If we can get a more robust economy underway, this program most certainly is one of the ones.

I am proud of the new economic data that has come out. We are not where we need to be. Unemployment is still too high, but it is coming down. We are not creating enough jobs, but we are creating more and more every month. In large measure, it is because of some of the work our Committee on Small Business has done, both in the stimulus package and in our last small business bill opening up lending, getting credit lines started in partnership with community banks. Part of it is smart programs such as this. There are some government programs that do not work. This is not one of them.

I thank our Members for being patient. We now have the Cardin-Snowe amendments pending. We will hopefully lock in a time to vote on those and a few others we are considering as well.

Tomorrow, hopefully, we will start at an early hour and will continue to work on this important bill.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I yield the floor.

INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I continue to receive letters weighing in on the issue of interchange fee reform. I ask unanimous consent to have printed in the RECORD letters or statements from the following organizations: the Rainbow PUSH Coalition, the Main Street Alliance, Consumer Federation of America, and the National Black Church Initiative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 1, 2011.

DEAR SENATOR: The Rainbow PUSH Coalition expresses its views on the Durbin swipe fee reform amendment now being debated in the Congress. Rainbow PUSH is a strong advocate of the Dodd-Frank financial reform legislation which provides critical consumer protections and safeguards against predatory lending.

The Durbin swipe fee reform amendment should be implemented as scheduled. It will usher in needed reform to bring competition, transparency and choice to the interchange system, and provide incentives for the retail sector to pass on interchange savings to lower the price of products for consumers. Numerous consumer rights organizations, civil rights groups, universities, unions, and other constituencies have weighed in to support swipe fee reform.

We respect the concerns that some groups have raised about the provision, but are unconvinced that a delay in its implementation as proposed by Sen. Tester and the American Banking Association (representing the financial services industry) will be beneficial to consumers and students, and small businesses. It appears that their interest is to maintain a deregulated environment to continue the virtual monopoly status of the credit card transaction process, and to protect their massive profits derived from debit interchange fees.

Deregulation, greed and lack of congressional oversight led to the most severe economic collapse since the great depression. But Wall Street got billions in public funds because they were deemed too big to fail—they've been bailed out and are once again recording record profits and issuing millions in executive bonuses, while homeowners and working families are still left out. The big banks are already charging consumers higher interest rates and raising consumer fees to record levels in virtually every dimension of banking and credit card use. We stand ready to meet with all concerned to ensure the implementation of a sustainable debit card system going forward.

The Durbin credit card swipe fee amendment will afford the protections and regulations that consumers need.

Sincerely,

REVEREND JESSE L. JACKSON, SR.,
President and Founder,
Rainbow PUSH Coalition.

MARCH 31, 2011.

Senator DICK DURBIN,
Assistant Majority Leader, Hart Senate Bldg.,
Washington, DC.

DEAR SENATOR DURBIN: We write to express the National Black Church Initiative's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive,

non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, NBCI does not support Congressional delay of implementation of the new law.

As you may know, The National Black Church Initiative (NBCI) is a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans committed to eradicating racial disparities and improving the lives of African Americans nationwide.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services. We know that there are banks, like BB&T for example, who would like to delay this process. Their continued profit off the backs of low income African Americans will no longer be tolerated and we will continue to advocate on behalf of laws that support our agenda.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. Please contact us directly to discuss these important issues.

Sincerely,

REV. ANTHONY EVANS,
President, National Black Church Initiative.

MARCH 31, 2011.

To: U.S. Senators and Representatives.
Re Main Street Alliance support for implementing debit interchange protections for small businesses in the Restoring American Financial Stability Act of 2010.

DEAR SENATOR DURBIN: The Main Street Alliance, a national network of small business coalitions representing small business owners across America, writes to express our strong support for the provision of the Restoring American Financial Stability Act of 2010 that set out to ensure that debit card interchange fees are reasonable and proportional. This provision is an important step toward putting small businesses back on stable footing by limiting burdensome fees on small businesses when we process debit transactions.

Small businesses have faced ever-rising fees on debit card transactions over the years. For some businesses, these interchange fees have grown to the point that they represent some of the highest operating costs, rivaling the costs of labor and utilities. There is no such thing as fair competition in this market: the card companies have a duopoly. Limiting fees to twelve cents per transaction, as proposed in new rules, will free small businesses from disproportionate and burdensome costs, allowing economic growth.

The new rules are a step forward, a step toward parity and a reasonable balance. We ask that these rules not be delayed further. Implementing them as planned this summer will provide a shot in the arm for small businesses and our local economies. Small busi-

nesses are better off with these protections; we urge you not to allow the lobbying tactics of the big banks deter the enactment of rules that protect small business.

The country is counting on small businesses to serve as an engine of economic recovery and create the jobs we need to get people back to work across America. The debit interchange provisions enacted in the financial overhaul last year and codified in the new rules support these aims. We urge you to fight efforts to delay or derail the implementation of these rules.

Mike Craighill, Soup and Such, Billings, MT; Garry Owen Ault, All Makes Vacuum, Boise, ID; Nancie Koerber, Champions Real Time Training, Central Point, OR; David Borris, Hel's Kitchen Catering, Northbrook, IL; Carson Lynch, Gorham Grind, Gorham, ME; Tammy Rostov, Rostov's Coffee & Tea, Richmond, VA.

Kelly Conklin, Foley-Waite Associates, Bloomfield, NJ; Melanie Collins, Melanie's Home Childcare, Falmouth, ME; Rashonda Young, Alpha Express, Inc., Waterloo, IA; Jose Gozalez, Tu Casa Real Estate, Salem, OR; Rosario Reyes, Las Americas Business Center, Lynnwood, WA.

CONSUMER FEDERATION OF AMERICA,
Washington, DC.

POSITION OF THE CONSUMER FEDERATION OF AMERICA ON DEBIT CARD "INTERCHANGE" FEE LEGISLATION AND RULES

NO POSITION ON DEBIT INTERCHANGE LAW OR ON LEGISLATION TO DELAY IT

CFA did not take a position on the "Durbin Amendment" to the Dodd-Frank Wall Street Reform and Consumer Protection Act and has also not supported or opposed legislation introduced in Congress to delay the interchange law.

FEDERAL RESERVE SHOULD ALTER PROPOSED RULE IMPLEMENTING DEBIT INTERCHANGE LAW

CFA filed comments with the Federal Reserve in February (<http://www.consumerfed.org/pdfs/debit-cards-FRB-interchange-rule-comments-2-22-11.pdf>) that came to the following conclusions:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card system to pay excessive fees that are passed through to the cost of goods and services.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules that implement the new interchange requirements. In particular, the Federal Reserve should increase proposed interchange price standards as allowed under law to include several specific expenses incurred by financial institutions when processing debit card transactions. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low-to-moderate income account holders.

Once it is implemented, the Federal Reserve should pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial services to millions of Americans.

The Federal Reserve should launch a broad, balanced study upon implementation of the effects of the rule on consumers.

CONGRATULATION TEXAS A&M
LADY AGGIES

Mrs. HUTCHISON. Mr. President, something happened last night, and I feel compelled to say on the floor of the Senate that I am very proud of the Texas Aggies women who won the NCAA national basketball championship.

It is so important, I want to say a couple of words about that, because this is the first national championship that the Lady Aggies have ever won. It was a great game last night. I certainly congratulate the Notre Dame Fighting Irish as well. But the Texas Aggies played with spirit. They came from behind at the half, and 76 to 70, they defeated Notre Dame.

I congratulate the Texas Aggie ladies, but I also want to say that Texas A&M's coach, Gary Blair, became the oldest coach to ever win a national women's championship. He has turned the Lady Aggies basketball team into this national championship team.

I mention Danielle Adams. Her All American performance last night was incredible. It is a great day. I am a Texas Longhorn, and most days I am for all of our Texas teams, and I love to say "Gig 'Em Aggies." There is one day that I cannot say that. That is Thanksgiving Day. But 364 days a year, I am all for the Aggies when they are playing. And when they played like they did last night in any sport, all America should recognize it.

With that, I wish to say that my colleague Senator CORNYN and I are going to ask unanimous consent to offer a resolution congratulating the Lady Aggies of Texas A&M on winning the 2011 National Collegiate Athletic Association women's basketball championship.

Mr. CORNYN. Mr. President, congratulations to the Texas A&M Women's Basketball team for their NCAA Women's Division I Basketball Championship victory against Notre Dame. The game was an exciting and hard fought victory, and a fitting end to a championship season.

Thanks to the Aggies's hard work, determination and tireless work ethic, they have finished out the 2010-2011 season with a strong 33-5 record, second place finish in the Big 12 Conference and a National Championship title.

I salute head coach Gary Blair for coaching the Aggies to their first NCAA Women's Division I Basketball Championship after 38 years of helping young women compete and reach their full potential. Associate head coaches Vic Schaefer and Kelly Bond, and assistant coach Johnnie Harris also worked to lead the team to this fine

achievement. And the Lady Aggies's success would be incomplete without great athletes such as MVP and All-American, Danielle Adams and her teammates: Kelsey Assarian, Maryann Baker, Kristi Bellock, Kelsey Bone, Sydney Carter, Skylar Collins, Sydney Colson, Adaora Elonu, Karla Gilbert, Kristen Grant, Adrienne Pratcher, Catherine Snow, Tyra White, and Cierra Windham.

Today, it is my honor to join with the entire Texas A&M University family and the State of Texas to honor the Aggies. This team has learned what it takes to become national leaders. The experience that each of these athletes has gained in this endeavor is invaluable, and it will surely lead to future success in life.

The following article written by Dawn Lee Wakefield for the Examiner.com describes Coach Blair's and the Aggies's persistent and positive approach to the game and this exciting championship series:

[From the Texas A&M University Arts
Examiner, Apr. 6, 2011]

TEXAS A&M WOMEN'S BASKETBALL, NCAA
CHAMPIONS WIN IT FOR THE AGGIE FAMILY

(By Dawn Lee Wakefield)

BRYAN-COLLEGE STATION.—Texas A&M University sports fans around the world celebrated another important first tonight, their very first NCAA Women's Basketball Championship. For almost as long as TAMU Women have been competing in NCAA athletic competition, the road has been long, and the ability to gain respect for the team has been tough. A real battleground in fact. Even as recently as four months ago, you couldn't get a crowd into Reed Arena to see the Lady Aggies play basketball. But that all changed tonight, in 40 short minutes of play, in the heart of Indianapolis, Indiana, seen around the world on ESPN.

On-campus support for TAMU Athletic teams, by the Aggie student body is legendary, for that trademarked 12th Man Spirit. Even more in the forefront of all sports is the 12th Man Foundation (formerly the Aggie Club), whose mission it is to garner funds and endowments by which to support Texas A&M Athletics. And yet, it was not all that long ago that a few hundred stalwart fans would arrive at Reed Arena (there was no charge to park as in men's games, because they really didn't expect much of a crowd), that Coach Blair himself would walk up and down the steps of Reed Arena, carrying bags of candy, tossing them to fans and thanking them for coming.

Never one to be subtle, Coach Blair would work the crowd by saying, "bring a friend next time, bring two friends; let's fill this place!" After each game, the Lady Aggies didn't head to the locker rooms to rest after a hard-fought game right away. Instead, they would come up into the stands and thank people for coming. Week after week, game by game, it simply mystified the Aggie faithful in attendance as to "what are they thinking" about why the TAMU Athletic Ticket office wasn't being pushed for ticket sales. Every game the Lady Aggies gained style, grace, accuracy, and stature and yet, the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men's games.

They didn't know what they were missing, the ones who weren't there. They were miss-

ing the faithful Aggie Yell Leaders leading the crowd, the Hullabaloo band doing a rendition of "Sweet Caroline" that would make Neil Diamond proud, and the crowd responding, "Aggies Ball!" every time PA announcer Mark Edwards would identify ball possession for the team. Mike Wright and Tap Bentz, with their radio play-by-play, kept those in touch who couldn't get there in person, and local TV KBTX did their best to show highlights. And yet, the second deck of Reed was filled only once, when Baylor came calling. With a solid loss at the hands of the Greiner-Mulkey-driven offense, those who'd come to see the game left, and some didn't come back. That didn't faze the Lady Aggies or the coaching staff.

As part of Coach Blair's and Coach Schaefer's mandate, the Lady Aggies participate in a multitude of community charity events. One night last October, the starting players and waiting-in-line players crowded into a Double Dave's to participate in a pepperoni-roll making contest against the men's team, and then stayed to visit with the crowd, thank them for coming out to support them, by contributing to United Way, and once again, they went home to study. They're some of the hardest-working kids in town, and yet the words "national champions" were never spoken, or expected by those who loved them 'anyway'.

It is surreal to some to think that, the newly crowned national champions, Texas Aggie Women's Basketball, has for years remained the best kept secret on campus. Until tonight.

Throughout the NCAA championship series, the Lady Aggie basketball team overcame naysayers, doubters, and brutal physical competition in the most exciting display of Aggie spirit shown in years. They did it by creating a sense of family, with whomever embraced their love of basketball, the coaching staff, and Texas A&M University. Never was the spirit of Aggieland greater than after each game, seeing President Loftin (easily recognizable in his signature bow tie) in the middle of a long line of Aggies, "sawing varsity's horns off" as they sang the Texas Aggie fight song after each victory. Local business sponsors paid countless thousands of dollars to create "jewelry cam", "kiss cam", "know your Aggie players—what's on their iPod", "the berney cam" and flying blimps to make each game an event, an exciting event, and share the love of family Aggie basketball style.

The prelude to the national championship was nothing short of high-octane spectacular. Almost 500 Aggie fans waited in the basement of Reed Arena in the Aggie practice room 3 weeks ago, to find out what the NCAA draw would be, and where they were to begin their journey to the Sweet Sixteen. When the announcement came on ESPN, "Shreveport", the cheers were deafening as Aggie fans knew they were within driving distance to watch the first, and hopefully second, round of play as the bracket opened, and the race was on, the only goal at the time, to make the Sweet 16, out of the Superb 64.

Just being in the NCAA championship was enough, almost, for most Aggie fans. It was an unprecedented thrill to think that this year's team had the perfect combination of talent, strategy, coaching staff, and the hearts and minds of players who refused to let go of one goal, and one goal only: Victory. Getting that W. The girls studied in buses, on planes, at 2 a.m. when the rest of Aggieland was fast asleep. The Lady Aggies knew how important it was to stay true to the title "student-athletes".

On March 20th in Shreveport, the CenturyTel Center still had plenty of room in the stands for Aggie fans, but the faithful alumni, friends, and fans of the Lady Aggies made the pilgrimage with joy and great expectation to watch them defeat McNeese State by the score of 87 to 47. The crowd reaction was joyful, and yet people were just thrilled to be there, not thinking much about the next game to come against Rutgers. When the Lady Aggies made short work of Rutgers with a score of 70 to 48, the Aggie family was again surprised, if not thrilled, to be going to the Sweet 16, at last.

Advancing to the NCAA 3rd round on March 27th, again, Aggie fans picked up numbers, if not their speed, as they gassed up their cars and planes for the short hop to Dallas, to the American Airlines center to watch their team face Georgia's Lady Bulldogs. Georgia was at first an 'unknown quantity with potential and power,' but the Lady Aggies came to play, making short work of their solid opponent, 79 to 38, in a game that looked much like a 3-point shooting clinic. The work of the Big D, defense, proved to be a powerful force meeting an immovable object.

Not only was Tuesday, March 29th the occasion of the 4th round of the NCAA finals, that Elite 8 night, it marked the 4th matchup between Texas A&M and the highly advertised Baylor Bears. Three times, the Aggies had met them; three times they had fallen, as hard as Kim Mulkey's snakeskin jacket hit the ground in disgust one night when she didn't like the referee calls.

Although 11,000+ fans crowded into Dallas' American Airlines Center to watch "The 4th time's (hopefully) a Charm" matchup, the gold and green far outweighed the maroon and white in the seats. And yet, the Aggies gathered, the faithful, were loud, proud, and the happiest people in the state of Texas with a victory that was hard fought, in a night where the Lady Aggies refused, again, to give in to negative expectations. Instead, they focused mentally on the "+" sign that Coach Blair draws on the back of his left hand, self-created to remind him to stay positive throughout the game.

"They're kids, 18-22, and this is just a game" as he announced as a reminder to all that sports were about sportsmen and sports-women, in the spirit of competition. Lessons well taught. Lessons well learned. Every after-game interview, you'd hear one word above the rest. "TEAM". No stars, even among the player of the game. It was "my team, our team, this team". The class possessed by the Lady Aggies spoke for itself, loud and clear.

The chant went up, "Final Four, Final Four" after the Lady Aggies stunned Baylor, 58 to 46. The Aggie faithful didn't want to leave the American Airlines center as they stood and swayed to the Aggie war hymn, and watched each member of the team, the yell leaders, Lady Aggie Dance Team, Hullabaloo band, staff, and the sports announcers each cut down a piece of the winning game net. Coach Blair thanked everyone for coming and encouraged people who could to make that trip to Indianapolis to root on their team in the Final Four.

Outside the arena in the hallways of the American Airlines center, Aggie faithful made new friends among those who'd lingered to absorb the joy of the Elite Eight to Final Four pathway. With tears in their eyes and joy shining from their countenance, three women introduced themselves to the BCS fans, saying "that's our Coach, that's our Coach" about Blair. Turns out they'd

been his players at South Oak Cliff High School. And, true to form, Coach Blair had mentioned each and every team he'd been a part of in his thank-you speech following the game. A man who's never forgotten who brought him to the dance, was now "going to the dance" in Indianapolis.

Though the distance was longer, those who could afford the charter planes, the buses, or the time and gas to drive made their plans to attend the Final Four in Indianapolis. The Final Four was in store, and all eyes were only on the prize of eliminating the Stanford Cardinal. No other goal was announced. Stanford was considered in the same light as the Aggies. A number 2 seed. Overlooked. Relegated to the category of "nice, but not a contender".

How wrong the rankings can be in predicting who is the champion of the day. The oft-used expression, "any given day" was never more true than when the Lady Aggies went back to work, and walked out of Conoco Field House with a 63 to 62 win, thanks to Sydney Colson's pass to Tyra White for the layup, and 39 minutes and 45 seconds of defense, defense, defense, and the hot shooting arms of every player who made their play a key play. Fans were stunned. It seemed too good to be true.

The Championship game was in sight, and the Championship title was at stake. Could it be, that same team, who 16 short weeks ago couldn't find a crowd had emerged as a national powerhouse, a force to be reckoned with, was now the darling of ESPN up-close interviews, sound bites by Blair, and the contemplation of Vic Schaefer's 'drawing board' where he'd drive that defense to excellence each and every game of the way. Blair and Schaefer, together with Associate Head Coach Kelly Bond and Assistant Head Coach, Johnnie Harris, are not to be overlooked. Team. Family. United. Aggies. Spirit personified filled each player with a sense of family such that even the motto printed on the tickets at the beginning of the season read, "This is Home".

So, tonight, as Texas A&M set out to prove their worth outside the walls of their hometown, they were taking on a first-class team with a second-tier rating in Notre Dame. It was the Fighting Texas Aggies vs. the Fighting Irish. How appropriate. For 40 minutes of regulation play, all these players did was fight, not against each other as much as against misperceptions, being overlooked, disregarded, and essentially underappreciated as the true champions each team came to be realized before the game started.

Aggie fans throughout the Brazos Valley jammed the restaurants, bars, and homes of their friends, anywhere there was a TV powered 'on', it was tuned to ESPN from 6 p.m. central until at least midnight, as the Women's Basketball team pulled out all the stops on offense and defense.

With a "never-say-die" spirit, the can-do Aggies, led by America's favorite new coach, Gary Blair, and King of Defense, Vic Schaefer, let loose and held forth as the Aggies pulled out a 76-70 victory that still seems unreal, unless you saw it yourself. Never. Say. Die. The Lady Aggies, per Coach Blair's pre-game speech, stayed on the bus, to come out winners. Said Blair, "if you don't plan on winning tonight, then get off the bus. There's only one thing that counts. Winning". Taking his words to heed, each team member committed to that outcome, and emerged the first national champions in Texas A&M Women's basketball. History was made.

Throughout the NCAA series the team: MVP Danielle Adams, Tyra White, Sydney

Carter, Sydney Colson, Adora Elonu, Maryann Baker, Adrienne Pratcher, Kelsey Assarian, Karla Gilbert, Kristi Bellock—battered, bruised, in visible pain, tossed and slammed onto the floors of field houses, arenas, and stadiums, play after play, time after time, just got back up and showed America what it meant to be a proud 'Fightin' Texas Aggie'.

"Some may boast of prowess bold, of the school they think so grand, but there's a spirit that's ne'er been told. It's the Spirit of Aggieland. We are the Aggies, the Aggies are We, true to each other as Aggies can be. We've got to fight boys (old traditions die hard), we've got to fight, we've got to fight for maroon and white. After they've boosted all the rest, they will come and join the best, for we are the Aggies, the Aggies are we. We're from Texas AMC". The words to the school song never sounded sweeter as they did to those who witnessed history in the making, in a fieldhouse in Indianapolis.

Wednesday, April 6th at 2 p.m., history will be made once again. The Lady Aggies will be at Reed Arena to be greeted by their Texas Aggie family, the Aggie Nation, and at last their time has come. Word to the wise: get there early if you're going. For the first time in the history of Women's basketball, there's going to be a parking problem to welcome home the champions.

The Lady Aggies have brought honor, dignity, and joy to those who call TAMU their team. Sunday night, TV audiences were treated to a one-shot of a little fellow holding up a cardboard sign saying, "Coach Blair is my hero". That went viral across Facebook and Twitter. Turns out, it was the coach's grandson, Logan. His sign tonight, shown to the nation, said, "after we win Coach Blair is taking me to Disneyland". That only seems fair, as Coach Blair took Aggies everywhere to the top of the college sports world tonight. And it was the ride of a lifetime, and sheer joy every minute of every game of every season. Gig em, Aggies, for tonight you are indeed the NCAA Champions.

NONPROLIFERATION BUDGET

Mr. CASEY. Mr. President, I rise today to discuss the proposed cuts to nuclear nonproliferation programs in the continuing resolution, which I believe seriously endangers our Nation's security. When the Senate was presented with H.R. 1, the House's fiscal year 2011 appropriations bill, we all knew that sacrifices were needed. We knew that we needed to examine programs and determine which were broken, which were redundant, and which needed to be eliminated. Likewise, we also had a responsibility to determine which programs worked and provided positive returns on investments for our security and economic stability.

I would assert that the National Nuclear Security Administration's, NNSA, nonproliferation programs fall into this category. For the past decade, one threat has dominated our national security agenda: the threat of a nuclear weapon in the hands of a terrorist.

Yet when H.R. 1 passed in February, the House proposed a 24-percent cut to the President's request for NNSA nonproliferation programs. These cuts

would endanger programs that have removed a total of 120 bombs' worth of highly enriched uranium, HEU, and nuclear material from six countries since April 2009. This past November, enough HEU to make 775 nuclear weapons was removed from Kazakhstan. I would consider these outcomes an under-reported, yet remarkable success. I question why such highly effective programs, vital to our national security interests, were targeted in the first place.

I would contend that should a terrorist set off a nuclear or radiological explosion, the physical, psychological and economic consequences would far exceed the money saved by these shortsighted cuts.

The Congressional Commission on the Strategic Posture of the United States stated that "the surest way to prevent nuclear terrorism is to deny acquisitions of nuclear weapons or fissile material," and that the United States should "accelerate" not decelerate the process of securing nuclear material. In the Commission's opinion this should be "the top priority" for the United States, especially in light of al-Qaida's expressed desire to obtain nuclear material or weapons.

H.R. 1 cuts more than \$600 million from the Global Threat Reduction Initiative, which seeks to secure nuclear material before it ends up in terrorist hands. These program cuts are not only irresponsible, they are negligent.

Nonproliferation programs are a vital part of our Nation's security and should be treated as such. This view is shared by former Presidents and national security experts and has been included in our National Security Strategy that was developed by various agencies, including the Departments of Defense, State and Energy, as well as the National Security Council. In a July 14, 2010 letter to the chairman and ranking member of the Senate Foreign Relations Committee, former Secretary of State George Shultz and former Chair of the Senate Armed Services Committee Sam Nunn wrote that they "believe the threat of nuclear terrorism remains urgent, fueled by the spread of nuclear weapons, materials and technology around the world." They further concluded that it "is absolutely essential" for the United States and Russia to lead these efforts.

I urge my colleagues today for their support in ensuring that we do all we can to limit the ability of terrorists to get their hands on fissile material. We all recognize and have referred to this threat. And now we have an opportunity to do something about it. Nuclear proliferation is a top concern and we as a nation can effectively lead the world in nuclear security and decrease the threat posed by nuclear terrorism.

ADDITIONAL STATEMENTS

FREDDIE AND ERNEST TAVARES

• Mr. AKAKA. Mr. President, I congratulate Hawaiian music legends Frederick "Freddie" and Ernest Tavares for receiving the Lifetime Achievement Award from the Hawaii Academy of Recording Arts in recognition of their contributions to the music industry.

Born and raised on the island of Maui, Freddie and Ernest Tavares exhibited musical talent at an early age. Both men enjoyed long careers in music and played important roles in popularizing Hawaiian music across the United States.

As a musician, Ernest did it all. He was a singer-songwriter, arranger, and inventor. His innovations led to the creation of the modern pedal steel guitar, which he played with the Harry Owens Royal Hawaiian Orchestra, Paul Page's South Sea Serenade, and T. Texas Tyler & His Western Dance Band. He also played the electric bass, ukulele, flute, clarinet, saxophone, piano, and Hawaiian & Tahitian drums.

Freddie Tavares, Ernest's younger brother, shared this love of music and innovation. Collaborating with guitar legend Leo Fender, Freddie played an important role in designing the Fender Stratocaster, a guitar that is the standard for many rock musicians. His work and dedication earned him induction into the Steel Guitar Hall of Fame and the Fender Hall of Fame. Freddie also performed with many notable artists, such as Bing Crosby, Elvis Presley, Dean Martin, the Andrews Sisters, and Henry Mancini.

Throughout their musical careers, Freddie and Ernest Tavares performed in many record albums and movie soundtracks. Both brothers also collaborated in numerous performances and shows. Their many talents and innovations had a great impact on the music industry and made Hawaii proud.

Long before being elected to Congress, I taught music and band in Hawaii's schools, and I am honored to recognize Freddie and Ernest for their numerous and invaluable accomplishments in the music business. Although both brothers are no longer with us, I extend my aloha and sincere thanks to the Tavares family for keeping the legacy of Freddie and Ernest Tavares alive. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW:

S. 734. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Education; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 735. A bill to reauthorize the Belarus Democracy Act of 2004; to the Committee on Foreign Relations.

By Mr. BROWN of Ohio:

S. 736. A bill to improve the Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. CRAPO):

S. 737. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Ms. COLLINS):

S. 738. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Ms. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial

Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. BENNET, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 741. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 742. A bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 745. A bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 746. A bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. KOHL, Ms. COLLINS, and Mr. PORTMAN):

S. 747. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. BINGAMAN, and Mr. KERRY):

S. 748. A bill to amend the Internal Revenue Code of 1986 to expand the definition of

cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWN of Ohio (for himself and Mr. KIRK):

S. 751. A bill to require the Secretary of Commerce to develop a comprehensive national manufacturing strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 753. A bill to require the Assistant Secretary of Commerce for Economic Development to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY):

S. Res. 132. A resolution recognizing and honoring the zoos and aquariums of the United States; to the Committee on Environment and Public Works.

By Mr. FRANKEN:

S. Res. 133. A resolution to require that new war funding be offset; to the Committee on the Budget.

By Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNIS, and Mrs. HUTCHISON):

S. Res. 134. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. INHOFE:

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 578

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 578, a bill to amend title V of the Social Security Act to eliminate the abstinence-only education program.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 691

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 691, a bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes.

S. 705

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 712

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Ohio (Mr. PORTMAN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. JOHANNES), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DEMINT), the

Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. LEE), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Con-

vention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

AMENDMENT NO. 207

At the request of Mr. SANDERS, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 207 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. COBURN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 281 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 285

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 285 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Mrs. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

Mr. LEVIN. Mr. President, today a bipartisan group of Senators has introduced legislation that would allow the Senate to continue its leadership of our country toward a clean-energy future. Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, BINGAMAN, and I have introduced a bill that would authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas

under the jurisdiction of the Senate at no net cost to the Federal Government.

Among the most successful job-creation efforts we have undertaken since the financial crisis devastated our economy is our attempt to help American manufacturers create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job creation. Given a choice between watching our global competitors create those jobs and creating them in the United States, we have chosen the wiser course.

This has been part of a larger, and largely successful, effort to support the electric revolution in transportation. President Obama's goal of 1 million electric vehicles on the road by 2015 is one part of that effort. He announced last week that by 2015, the government will buy only alternative-energy vehicles for its fleets as part of a strategy to cut U.S. oil imports by 1/3. Such a strategy would help our country economically, protect our environment and enhance our national security.

The legislation we introduce today is another, though smaller, part of that effort. It would ensure that the Senate leads by example as we transition to a clean-energy future. It would establish—at no net cost to the taxpayer—charging stations to power plug-in hybrid electric vehicles. While these vehicles are an important part of our future, they will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need charging stations where they can replenish the batteries that power their vehicles.

The President and others have proposed plans to help encourage the creation of that infrastructure in communities around the country. So should the Senate. This bill would ensure that Senate employees have available the infrastructure to support next-generation vehicles. It would be an important statement of leadership from the Senate. It would provide an example to other employers of how they can support both the needs of their employees and our national interest in energy security.

I am thankful for the support of Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, and BINGAMAN on this bill, and for the assistance of the staffs of Senators SCHUMER and ALEXANDER on the Rules Committee. These Senators have recognized the value of Senate leadership in moving our nation toward a future liberated from imported oil, and I hope our other colleagues will as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term “covered employee” means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading “CAPITOL POWER PLANT” under the heading “ARCHITECT OF THE CAPITOL” in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(c) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(f) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined by Senators MURKOWSKI, DURBIN, and TOM UDALL in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation continues the important work of my former colleague Senator Gordon Smith, who authored the original law, which was named for his 22-year old son, Garrett, who was a student at Utah Valley University when he took his own life. I want to once again recognize Gordon Smith for his work to champion suicide prevention and mental health initiatives.

Currently, this law supports 35 States, 16 Tribes and Tribal organizations, and 38 colleges and universities in their efforts to prevent youth suicide. Indeed, with the help of these important programs, we have made real progress since the 2004 passage of this law in identifying at-risk youth and young adults, providing proven mental health and substance use disorder treatments, and educating the public about youth suicide prevention efforts.

Unfortunately, suicide remains the third leading cause of death for adolescents and young adults age 10 to 24, and results in 4,400 lives lost each year. According to the Centers for Disease Control and Prevention, approximately 150,000 individuals in this age group annually receive medical care for self-inflicted injuries at Emergency Departments across the U.S.

Suicide is particularly prevalent among college-age students as it is the second leading cause of death, resulting in approximately 1,100 deaths each year. The 2010 National Survey of Counseling Center Directors at colleges and universities found that 10.8 percent of students seek counseling each year, an increase of nearly 1 percent from 2009. At the same time, the average ratio of counselors to students has remained constant at one to 1,786.

Many young people who commit suicide have a treatable mental illness, but they don't get the help they need. The legislation we introduced today provides critical resources for prevention and outreach programs to reach at risk youth before it is too late.

It would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental health and wellness and reduce youth suicide.

Additionally, I am particularly pleased that the bill would enable college counseling centers to have greater

flexibility in their use of Federal resources. Counseling centers will continue to be able to apply for funds to operate suicide prevention hotlines and organize educational and awareness efforts about youth suicide prevention; however, with this bill they will also be able to use funds for the provision of counseling services to students and the hiring of appropriately trained personnel. These two components are integral to identifying and treating students who may be at risk with the goal of preventing suicide and attempted suicide on campuses.

Our bipartisan legislation is supported by 43 coalition members of the Mental Health Liaison Group and the American Council on Education.

Mr. President, I unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Garrett Lee Smith Memorial Act Reauthorization of 2011”.

SEC. 2. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) REPEAL.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is repealed.

(b) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by subsection (a)) is amended by inserting after section 520B the following:

“SEC. 520C. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

“(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

“(b) RESPONSIBILITIES OF THE CENTER.—The center established under subsection (a) shall—

“(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

“(2) ensure the surveillance of suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

“(3) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

“(4) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

“(5) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

“(6) ensure the surveillance of suicidal behaviors and nonfatal suicidal attempts;

“(7) study the effectiveness of State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

“(8) promote the sharing of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide among all ages particularly among groups that are at high risk for suicide;

“(9) evaluate and disseminate outcomes and best practices of mental health and substance use disorder services at institutions of higher education; and

“(10) conduct other activities determined appropriate by the Secretary.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$5,000,000 for each of the fiscal years 2012 through 2016.”

SEC. 3. YOUTH SUICIDE INTERVENTION AND PREVENTION STRATEGIES.

Section 520E of the Public Health Service Act (42 U.S.C. 290bb-36) is amended to read as follows:

“SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

“(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

“(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

“(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

“(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

“(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

“(b) ELIGIBLE ENTITY.—

“(1) DEFINITION.—In this section, the term ‘eligible entity’ means—

“(A) a State;

“(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

“(C) a federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

“(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentence, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be constructed to apply to entities described in paragraph (1)(C).

“(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

“(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

“(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

“(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

“(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

“(5) provide immediate support and information resources to families of youth who are at risk for suicide;

“(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

“(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

“(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

“(9) ensure that information and awareness campaigns on youth suicide risk factors, and

early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

“(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

“(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

“(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

“(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

“(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

“(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

“(e) CONSULTATION AND POLICY DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

“(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

“(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

“(B) local and national organizations that serve youth at risk for suicide and their families;

“(C) relevant national medical and other health and education specialty organizations;

“(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

“(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

“(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

“(G) third-party payers, managed care organizations, and related commercial industries.

“(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

“(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies and suicide working groups; and

“(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

“(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

“(g) EVALUATIONS AND REPORT.—

“(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

“(A) the evaluations conducted under paragraph (1); and

“(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

“(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

“(i) PROHIBITION.—Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.

“(j) PARENTAL CONSENT.—States and entities receiving funding under this section shall obtain prior written, informed consent from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

“(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

“(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

“(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107-110).

“(1) DEFINITIONS.—In this section:

“(1) EARLY INTERVENTION.—The term ‘early intervention’ means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

“(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

“(A) ‘educational institution’ means a school or institution of higher education;

“(B) ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965; and

“(C) ‘school’ means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

“(3) PREVENTION.—The term ‘prevention’ means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

“(4) YOUTH.—The term ‘youth’ means individuals who are between 10 and 24 years of age.

“(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$32,000,000 for each of the fiscal years 2012 through 2016.”.

SEC. 4. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES AND OUTREACH ON CAMPUS.

Section 520E-2 of the Public Health Service Act (42 U.S.C. 290bb-36b) is amended to read as follows:

“SEC. 520E-2. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES ON CAMPUS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services and in consultation with the Secretary of Education, shall award grants on a competitive basis to institutions of higher education to enhance services for students with mental health or substance use disorders and to develop best practices for the delivery of such services.

“(b) USES OF FUNDS.—Amounts received under a grant under this section shall be used for 1 or more of the following activities:

“(1) The provision of mental health and substance use disorder services to students, including prevention, promotion of mental health, voluntary screening, early intervention, voluntary assessment, treatment, and management of mental health and substance abuse disorder issues.

“(2) The provision of outreach services to notify students about the existence of mental health and substance use disorder services.

“(3) Educating students, families, faculty, staff, and communities to increase awareness of mental health and substance use disorders.

“(4) The employment of appropriately trained staff, including administrative staff.

“(5) The provision of training to students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

“(6) The creation of a networking infrastructure to link colleges and universities with providers who can treat mental health and substance use disorders.

“(7) Developing, supporting, evaluating, and disseminating evidence-based and emerging best practices.

“(c) IMPLEMENTATION OF ACTIVITIES USING GRANT FUNDS.—An institution of higher education that receives a grant under this section may carry out activities under the grant through—

“(1) college counseling centers;

“(2) college and university psychological service centers;

“(3) mental health centers;

“(4) psychology training clinics;

“(5) institution of higher education supported, evidence-based, mental health and substance use disorder programs; or

“(6) any other entity that provides mental health and substance use disorder services at an institution of higher education.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an institution of higher education shall prepare and submit to the Secretary an application at such time and in such manner as the Secretary may require. At a minimum, such application shall include the following:

“(1) A description of identified mental health and substance use disorder needs of students at the institution of higher education.

“(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

“(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

“(4) A plan, when applicable, to meet the specific mental health and substance use disorder needs of veterans attending institutions of higher education.

“(5) A plan to seek input from community mental health providers, when available, community groups and other public and private entities in carrying out the program under the grant.

“(6) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

“(7) An assurance that the institution will submit a report to the Secretary each fiscal year concerning the activities carried out with the grant and the results achieved through those activities.

“(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

“(1) demonstrate the greatest need for new or additional mental and substance use disorder services, in part by providing information on current ratios of students to mental health and substance use disorder health professionals and

“(2) demonstrate the greatest potential for replication.

“(f) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for each \$1 of Federal funds provided under the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental health and substance use disorders.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(3) WAIVER.—The Secretary may waive the application of paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

“(g) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Con-

gress a report on such results that includes the following:

“(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

“(2) Recommendations on how to improve access to mental health and substance use disorder services at institutions of higher education, including efforts to reduce the incidence of suicide and substance use disorders.

“(h) DEFINITIONS.—In this section, the term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965.

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$7,000,000 for each of the fiscal years 2012 through 2016.”

MENTAL HEALTH LIAISON GROUP,
APRIL 5, 2011.

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. RICHARD J. DURBIN,
U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.
Hon. TOM UDALL,
U.S. Senate, Washington, DC.

DEAR SENATORS: The undersigned organizations in the Mental Health Liaison Group are pleased to write in support of the legislation you will soon introduce, the Garrett Lee Smith Memorial Act Reauthorization of 2011. This legislation renews the commitment to critically important youth and college suicide prevention programs administered by the Substance Abuse and Mental Health Services Administration, as well as strengthens those programs, ensuring they are best designed to meet the needs of those they are intended to serve.

The Garrett Lee Smith Memorial Act (GLSMA) currently supports grants in 35 States and 16 Tribes or Tribal organizations as part of the State/Tribal Youth Suicide Prevention and Early Intervention Program as well as funds programs at 38 institutions of higher education through the Campus Suicide Prevention program. While much has been achieved thanks to the successful grants supported by the GLSMA, there remains much to do. In 2007, suicide was the third leading cause of death for young people ages 15–24 years and the second leading cause of death among college students. According to the Center for Disease Control and Prevention, “a nationwide survey of youth in grades 9–12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reporting trying to take their own life in the 12 months preceding the survey.” The 2010 American College Health Association’s National College Health Assessment II noted that 45.6% of students surveyed reported feeling that things were hopeless and 30.7% reported feeling so depressed it was difficult to function during the past 12 months.

Since its creation in 2004, the Garrett Lee Smith Memorial Act has provided resources to communities and college campuses all across the country, and supported needed technical assistance to develop and disseminate effective strategies and best practices related to youth suicide prevention.

Our organizations support all three elements of the GLSMA, which provide a comprehensive approach to addressing the national problem of youth suicide. Specifically,

the State and Tribal program fosters the creation of public-private collaborations and the development of critically needed prevention and early intervention strategies. Next, the Campus Suicide Prevention Program enhances services, outreach and education for students with mental health or substance use disorders and calls for the development of best practice for the delivery of such services. Finally, the Suicide Prevention Resource Center provides information and training to States, Tribes, and tribal organizations, institutions of higher education, and public organizations or private non-profit groups in an effort to prevent suicide among all ages, particularly among high risk groups, such as youth.

We are especially pleased that you have included modest but needed growth in the authorization levels for these programs. This measured increase acknowledges the important efforts that have come from the development of these programs as well as the significant work that remains to build suicide prevention capacity across the country.

Our organizations are grateful to you and your colleagues for your strong bipartisan approach regarding this program. We thank Senators Murkowski, Durbin and Tom Udall for joining with you in support of this effort and demonstrating extraordinary leadership on youth suicide prevention.

We are most grateful to you and your staff for your tireless work on this legislation over the past years. Your unwavering leadership and commitment to youth suicide prevention undoubtedly has important implications for the current and future health and wellbeing of our nation’s youth. We welcome the opportunity to work with you and your staff to ensure that the Garrett Lee Smith Memorial Act is promptly reauthorized.

Sincerely,

American Academy of Child and Adolescent Psychiatry, American Art Therapy Association, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Association for Psychoanalysis in Clinical Social Work, American Association of Pastoral Counselors, American Association on Health and Disability*, American Counseling Association, American Dance Therapy Association, American Foundation for Suicide Prevention/SPAN USA, American Group Psychotherapy Association, American Orthopsychiatric Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association.

American Psychotherapy Association, Association for Ambulatory Behavioral Healthcare, Association for the Advancement of Psychology, American Psychiatric Nurses Association, Anxiety Disorders Association of America, Bazelon Center for Mental Health Law, Center for Clinical Social Work, Clinical Social Work Association, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research, Policy & Action, Mental Health America, NAADAC, the Association for Addiction Professionals, National Association of County Behavioral Health and Developmental Disability Directors, National Association of State Mental Health Program Directors, National Alliance on Mental Illness.

National Association for Children’s Behavioral Health, National Association for Rural Mental Health, National Association of Mental Health Planning & Advisory Councils, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition for Mental

Health Recovery, National Council for Community Behavioral Healthcare, National Council on Problem Gambling, School Social Work Association of America, Therapeutic Communities of America, Tourette Syndrome Association, U.S. Psychiatric Rehabilitation Association, Witness Justice.

* not a MHLG member

Mr. DURBIN. Mr. President, three years ago, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University and shot 22 students, killing 5 of them. Northern Illinois University is not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech in 2007 where 32 lives were taken by a gunman.

In the aftermath of these shootings, we asked what could have been done to prevent it. And years later, we are still trying to make sense of it. Some believe nothing can be done to stop a disturbed person from committing acts of violence. But I believe we can and should do more.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Suicide remains the third leading cause of death for adolescents and young adults between ages 10-24. Suicide takes the lives of more young adults than AIDS, cancer, heart disease, pneumonia, birth defects, and influenza combined. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. There are over 1,000 suicides on college campus each year. These heartbreaking and traumatic incidents demonstrate the tragic consequences of mental instability and help us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are six times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 20,000 students. That is 1 counselor for every 2,500 students. The recommended ratio is 1 counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,900. Although interest in mental health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the crosshairs. Ten percent of survey respondents said their budgets were cut during the 2007-8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but don't ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show warning signs before attempting suicide. But faculty and students don't always know how or where to express their concerns. Outreach efforts by campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the

resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that is why I am an original cosponsor of the Garrett Lee Smith Memorial Act Reauthorization. This bill includes an important provision of the Mental Health on Campus Improvement Act, which I introduced last Congress that would increase funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The Garrett Lee Smith Memorial Act Reauthorization would provide States, tribes/tribal organizations, and universities with much needed resources to prevent suicide.

Reflecting on the loss of his own son, the well-known minister Rev. William Sloan Coffin once said, "When parents die, they take with them a portion of the past. But when children die, they take away the future as well." I hope the Garrett Lee Smith Memorial Act will help prevent the unnecessary loss of more young lives and bright futures.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the whistleblower Protection Enhancement Act. I am pleased that Senators COLLINS, GRASSLEY, LIEBERMAN, LEVIN, CARPER, LEAHY, HARKIN, PRYOR, LANDRIEU, MCCASKILL, TESTER, BEGICH, and CARDIN have joined as cosponsors of this bill.

The need for stronger whistleblower protections is clear. As we slowly recover from the deepest recession since the Great Depression, and grapple with unsustainable budget deficits, we cannot wait to act on measures to make sure the government uses taxpayer money efficiently and effectively.

This legislation will help us hold those who manage the public's dollars accountable by strengthening protections for Federal employees who shed light on government waste, fraud, and abuse. Studies have shown that employee whistleblowers are responsible

for uncovering more fraud than auditors, internal compliance officers, and law enforcement officials combined. As an example of the type of disclosures we need to encourage, in one of the few cases in which a whistleblower prevailed, an Internal Revenue Service manager disclosed alleged fraud and preferential treatment of certain wealthy and influential taxpayers. The Merit Systems Protection Board denied his claim, but five years after the whistleblower retaliation occurred, the Court of Appeals reversed. Ensuring that dedicated civil servants can come forward and report wrongdoing without facing retaliation is an important step for saving taxpayer dollars, reducing the deficit, and improving our country's long-term economic health.

Our bill also will contribute to public health and safety, civil rights and civil liberties, national security, and other critical interests. Federal employees may be the only people in the position to observe a problem with a drug safety trial, a cover up of violations during a food inspection, overreach in Federal law enforcement, or safety concerns at a nuclear plant. But few employees will have the courage to disclose Federal Government wrongdoing, which can affect every aspect of government operations, without meaningful whistleblower protections.

The Whistleblower Protection Act, WPA, was intended to shield Federal whistleblowers from retaliation, but the Court of Appeals or the Federal Circuit and the Merit Systems Protection Board repeatedly have issued decisions that misconstrue the WPA and scale back its protections. Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit which has sole jurisdiction over Federal employee whistleblower appeals, only three times in hundreds of cases since 1994. Correction is urgently needed.

Our bill would eliminate a number of restrictions that the Federal Circuit has read into the law regarding when disclosures are covered by the WPA. Because of the Federal Circuit's restrictive reading of the WPA, it would establish a pilot program to allow multi-circuit review for 5 years, and would require a Government Accountability Office review of that change 40 months after enactment. This bill would also bar agencies from revoking an employee's security clearance in retaliation for whistleblowing.

Additionally, this bill expands coverage to new groups of whistleblowers. This bill would expand the coverage of the Whistleblower Protection Act to include employees of the Transportation Security Administration, Intelligence Community employees for the first time would be protected as well, with an administrative process modeled on the protections for Federal Bureau of Investigations employees.

Moreover, it would make clear that whistleblowers who disclose censorship of scientific information that could lead to gross government waste or mismanagement, danger to public health or safety, or a violation of law are protected.

I have been a long-time proponent of strengthening oversight by protecting Federal whistleblowers. Last Congress, my Whistleblower Protection Enhancement Act, S. 372, passed both the Senate and the House of Representatives by unanimous consent in December 2010. In the 110th Congress, my bill, the Federal Employee Protection of Disclosures Act, S. 274, passed the Senate by unanimous consent in December 2007, and a similar bill, H.R. 985, also passed in the House of Representatives in March 2008. Unfortunately, both times, we were not able to reconcile the two bills and enact whistleblower protections before the Congress adjourned. I intend to finish the job this Congress. Whistleblowers simply cannot wait any longer.

Congress has a duty to provide strong protections for Federal whistleblowers. Only when Federal employees are confident that they will not face retaliation will they feel comfortable coming forward to disclose information that can be used to improve government operations, our national security, and the health of our citizens. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Protection Enhancement Act of 2011".

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking "a violation" and inserting "any violation"; and

(2) in subparagraph (B)(i), by striking "a violation" and inserting "any violation (other than a violation of this section)".

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting "or section 2302(b)(9) (A)(i), (B), (C), or (D)" after "section 2302(b)(8)" or "(b)(8)" each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection

(e)(1) of section 1221, by inserting "or protected activity" after "disclosure" each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

"(i) with regard to remedying a violation of paragraph (8); or

"(ii) with regard to remedying a violation of any other law, rule, or regulation;" and

(ii) in subparagraph (B), by inserting "(i) or (ii)" after "subparagraph (A)".

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

"(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

"(B) the disclosure revealed information that had been previously disclosed;

"(C) of the employee's or applicant's motive for making the disclosure;

"(D) the disclosure was not made in writing;

"(E) the disclosure was made while the employee was off duty; or

"(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

"(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure."

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes

of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) **PERSONNEL ACTION.**—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking “and” after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and”

(b) **PROHIBITED PERSONNEL PRACTICE.**—

(1) **IN GENERAL.**—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.’”

(2) **NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.**—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(B) may continue to be enforced after the effective date of this Act with regard to a

former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(c) **RETALIATORY INVESTIGATIONS.**—

(1) **AGENCY INVESTIGATION.**—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

“(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”

(2) **DAMAGES.**—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

“(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

“(3)(A) A final order of the Board may impose—

“(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(ii) an assessment of a civil penalty not to exceed \$1,000; or

“(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

“(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee’s decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”

SEC. 107. REMEDIES.

(a) **ATTORNEY FEES.**—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party was em-

ployed or had applied for employment at the time of the events giving rise to the case”.

(b) **DAMAGES.**—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after “travel expenses,” and inserting “any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs)” each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) **IN GENERAL.**—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

“(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, a petition to review a final order or final decision of the Board that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).”

(b) **REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.**—Section 7703(d) of title 5, United States Code, is amended to read as follows:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of

any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals."

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

"§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

"(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

"(1) the provisions of section 2302(b) (1), (8), and (9);

"(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

"(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

"2304. Prohibited personnel practices affecting the Transportation Security Administration.

"2305. Responsibility of the Government Accountability Office.

"2306. Coordination with certain other provisions of law."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term "agency" has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term "applicant" means an applicant for a covered position;

(3) the term "censorship related to research, analysis, or technical information" means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term "covered position" has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term "employee" means an employee in a covered position in an agency; and

(6) the term "disclosure" has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code."

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting "including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a)."

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting "after a finding that a protected disclosure was a contributing factor," after "ordered if".

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting "after a finding that a protected disclosure was a contributing factor," after "ordered if".

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling."

(2) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) In this subsection, the term ‘appropriate United States district court’, as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

“(A) the prohibited personnel practice is alleged to have been committed; or

“(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

“(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

“(3) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

“(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

“(4) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section

1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a)(1) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

“(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and

“(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

“(i) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

“(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or

“(II) the case—

“(aa) consists of multiple claims;

“(bb) requires complex or extensive discovery;

“(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

“(dd) involves a novel question of law.

“(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

“(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

“(i) a motion requesting a certification was denied; and

“(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

“(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

“(C) The reviewing court’s decision shall not be considered evidence of any determination by the Board, any administrative law

judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(7) In any action filed under this subsection—

“(A) the district court shall have jurisdiction without regard to the amount in controversy;

“(B) at the request of either party, such action shall be tried by the court with a jury;

“(C) the court—

“(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

“(ii) may award any relief which the court considers appropriate under subsection (g), except—

“(I) relief for compensatory damages may not exceed \$300,000; and

“(II) relief may not include punitive damages; and

“(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

“(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

“(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

“(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

“(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this

section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by adding “or” after the semicolon; and

(3) by adding at the end the following:

“(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);”.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which that employee is employed.”;

(2) in subsection (c), by striking “intelligence committees” and inserting “appropriate committees”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “either or both of the intelligence committees” and inserting “any of the appropriate committees”;

(B) in paragraphs (2) and (3), by striking “intelligence committees” each place that term appears and inserting “appropriate committees”;

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “intelligence”;

(ii) in subparagraph (B), by inserting “or an activity involving classified information” after “an intelligence activity”;

(B) by striking paragraph (2), and inserting the following:

“(2) The term ‘appropriate committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term ‘appropriate committees’ means the committees of appropriate jurisdiction.”.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

“(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

“(i) about prohibitions on retaliation for protected disclosures; and

“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

“(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “section 3(d)(1)” and inserting “section 3(d)(1)(A)”;

(2) by striking “section 3(d)(2)” and inserting “section 3(d)(1)(B)”.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

“§ 2303A. Prohibited personnel practices in the intelligence community

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

“(2) the term ‘intelligence community element’—

“(A) means—

“(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

“(B) does not include the Federal Bureau of Investigation; and

“(3) the term ‘personnel action’ means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

“(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

“(1) a violation of any law, rule, or regulation, except for an alleged violation that occurs during the conscientious carrying out of official duties; or

“(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

“(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

“(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

“(2) repeal section 2303; or

“(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

“2303A. Prohibited personnel practices in the intelligence community.”

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Not” and inserting “Except as otherwise provided, not”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting “; and”; and

(4) by inserting after paragraph (6) the following:

“(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

“(A) developing policies and procedures that permit, to the extent practicable, individuals who challenge in good faith a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

“(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspen-

sion lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

“Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

“(A) for an independent and impartial fact-finder;

“(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

“(C) that the employee or former employee may be represented by counsel;

“(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

“(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

“(i) the employee and the agency concerned agree to an extension; or

“(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

“(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

“(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).”

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

“(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

“(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee’s security clearance or access determination because of—

“(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(C) any communication that complies with—

“(i) subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

“(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

“(iii) subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h);

“(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

“(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

“(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General, if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs.

“(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

“(3) DISCLOSURES.—

“(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

“(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

“(ii) the disclosure revealed information that had been previously disclosed;

“(iii) of the employee’s motive for making the disclosure;

“(iv) the disclosure was not made in writing;

“(v) the disclosure was made while the employee was off duty; or

“(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

“(4) AGENCY ADJUDICATION.—

“(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

“(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000.

“(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency’s assessment of the particular threat to the national security interests of the United States in the instant matter.

“(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) DEFINITION.—In this paragraph, the term ‘Board’ means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

“(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

“(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

“(D) REVIEW.—The Board’s review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

“(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further

fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

“(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder’s opportunity to see and hear the witnesses.

“(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

“(H) REMEDIES.—

“(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

“(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee’s security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

“(I) CONGRESSIONAL NOTIFICATION.—

“(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

“(I) the Committee on Homeland Security and Government Affairs of the Senate;

“(II) the Select Committee on Intelligence of the Senate;

“(III) the Committee on Oversight and Government Reform of the House of Representatives;

“(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

“(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board’s recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

“(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

“(A) agency action under this section; or

“(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

“(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.”

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

“(9) The term ‘access determination’ means the process for determining whether an employee—

“(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

“(B) possesses a need to know under that Order.”

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following:

“(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment

shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this section for the head of the establishment apply to the recipient of the Inspector General's transmission. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Review Act of 2011 regarding all transmissions under this paragraph.”;

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

“(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.”.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting “(i)” after “(B)”;

(B) by adding at the end the following:

“(i) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case the requirements of this subsection for the Director apply to the recipient of the Inspector General's submission; and”;

(2) by adding at the end the following:

“(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term “congressional oversight committees” means the—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term “intelligence community element” —

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403-1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403-4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that au-

thorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, this weekend I know that Marylanders will be taking advantage of Passport Day this Saturday, April 9. During these weekend hours at our passport acceptance facilities in Maryland, my constituents will have the ability to renew their passports or apply for a new passport, as we get ready for the summer travel season.

When Marylanders apply for and ultimately receive their passports, I want them to continue to have confidence that the U.S. passport is the gold standard for identification. It certifies an individual's identity and U.S. citizenship, and allows the passport holder to travel in and out of the United States and to foreign countries. It allows the passport holder to obtain further identification documents, and to set up bank accounts.

The U.S. Government simply cannot allow U.S. passports to be issued in this country on the basis of fraudulent documents. There is too much at stake. Unfortunately, hearings that I have chaired in the last Congress have convinced me that we have serious vulnerabilities in our passport issuance process that need to be closed quickly.

Nearly two years ago, on May 5, 2009, I chaired a Judiciary Terrorism Subcommittee hearing entitled “The Passport Issuance Process: Closing the Door to Fraud.” During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that “terrorists or criminals could steal an American citizen’s identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.” But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, also revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud. A Judiciary Terrorism Subcommittee hearing that I chaired in July of 2010 revealed that the State Department issued five additional passports on the basis of fraudulent identity documents that had been submitted by undercover GAO agents.

As a result, today I am reintroducing the Passport Identity Verification Act, or PIVA. This legislation is co-sponsored by Senators FEINSTEIN, LIEBERMAN, and KERRY. It is a common-sense solution that will give the State Department the legal authorities that it needs to access relevant information contained in federal, state, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. My legislation would not lengthen the average amount of time it takes U.S. citizens to obtain passports. We have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We already have much of the technology and the information to prevent such issuance of genuine U.S. passports based on fraudulent documents or information. The Passport Identity Verification Act will dramatically improve the State Department’s ability to detect passport fraud, and strengthen the integrity of every American’s passport.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill by printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Elections Revenue Act of 2011”.

SEC. 2. FAIR ELECTIONS FUND REVENUE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

“Sec. 4501. Imposition of tax.

“SEC. 4501. IMPOSITION OF TAX.

“(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

“(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed \$500,000.

“(c) QUALIFIED PERSON.—For purposes of this section, the term ‘qualified person’ means any person which—

“(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from taxation under section 501(a), and

“(2) has contracts with the Government of the United States with a value in excess of \$10,000,000.

“(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

“(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.”.

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fair Elections Now Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.

“TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

“Subtitle A—General Provisions

“Sec. 501. Definitions.

“Sec. 502. Fair Elections Fund.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying contribution requirement.

“Sec. 513. Contribution and expenditure requirements.

“Sec. 514. Debate requirement.

“Sec. 515. Certification.

“Subtitle C—Benefits

“Sec. 521. Benefits for participating candidates.

“Sec. 522. Allocations from the Fund.

“Sec. 523. Matching payments for qualified small dollar contributions.

“Sec. 524. Political advertising vouchers.

“Subtitle D—Administrative Provisions

“Sec. 531. Fair Elections Oversight Board.

“Sec. 532. Administration provisions.

“Sec. 533. Violations and penalties.

Sec. 103. Prohibition on joint fundraising committees.

Sec. 104. Exception to limitation on coordinated expenditures with political party committees with participating candidates.

TITLE II—IMPROVING VOTER INFORMATION

Sec. 201. Broadcasts relating to all Senate candidates.

Sec. 202. Broadcast rates for participating candidates.

Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by Senate candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.

Sec. 402. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators' accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging competitive elections; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution limits for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them, which derives from the program's qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;

(3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen's influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;

(4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;

(6) encouraging participation in the electoral process by citizens of every level of wealth; and

(7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

“TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

“Subtitle A—General Provisions

“SEC. 501. DEFINITIONS.

“In this title:

“(1) ALLOCATION FROM THE FUND.—The term ‘allocation from the Fund’ means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.

“(2) BOARD.—The term ‘Board’ means the Fair Elections Oversight Board established under section 531.

“(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term ‘Fair Elections qualifying period’ means, with respect to any candidate for Senator, the period—

“(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and

“(B) ending on the date that is 30 days before—

“(i) the date of the primary election; or

“(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

“(4) FAIR ELECTIONS START DATE.—The term ‘Fair Elections start date’ means, with respect to any candidate, the date that is 180 days before—

“(A) the date of the primary election; or

“(B) in the case of a State that does not hold a primary election, the date prescribed

by State law as the last day to qualify for a position on the general election ballot.

“(5) FUND.—The term ‘Fund’ means the Fair Elections Fund established by section 502.

“(6) IMMEDIATE FAMILY.—The term ‘immediate family’ means, with respect to any candidate—

“(A) the candidate's spouse;

“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

“(C) the spouse of any person described in subparagraph (B).

“(7) MATCHING CONTRIBUTION.—The term ‘matching contribution’ means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.

“(8) NONPARTICIPATING CANDIDATE.—The term ‘nonparticipating candidate’ means a candidate for Senator who is not a participating candidate.

“(9) PARTICIPATING CANDIDATE.—The term ‘participating candidate’ means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.

“(10) QUALIFYING CONTRIBUTION.—The term ‘qualifying contribution’ means, with respect to a candidate, a contribution that—

“(A) is in an amount that is—

“(i) not less than the greater of \$5 or the amount determined by the Commission under section 531; and

“(ii) not more than the greater of \$100 or the amount determined by the Commission under section 531;

“(B) is made by an individual—

“(i) who is a resident of the State in which such Candidate is seeking election; and

“(ii) who is not otherwise prohibited from making a contribution under this Act;

“(C) is made during the Fair Elections qualifying period; and

“(D) meets the requirements of section 512(b).

“(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term ‘qualified small dollar contribution’ means, with respect to a candidate, any contribution (or series of contributions)—

“(A) which is not a qualifying contribution (or does not include a qualifying contribution);

“(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

“(C) the aggregate amount of which does not exceed the greater of—

“(i) \$100 per election; or

“(ii) the amount per election determined by the Commission under section 531.

“SEC. 502. FAIR ELECTIONS FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ‘Fair Elections Fund’.

“(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

“(1) APPROPRIATED AMOUNTS.—

“(A) IN GENERAL.—Amounts appropriated to the Fund.

“(B) SENSE OF THE SENATE REGARDING APPROPRIATIONS.—It is the sense of the Senate that—

“(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of \$10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed \$500,000; and

“(ii) the revenue from such tax should be appropriated to the Fund.

“(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

“(3) OTHER DEPOSITS.—Amounts deposited into the Fund under—

“(A) section 513(c) (relating to exceptions to contribution requirements);

“(B) section 521(c) (relating to remittance of allocations from the Fund);

“(C) section 533 (relating to violations); and

“(D) any other section of this Act.

“(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

“(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

“(d) USE OF FUND.—

“(1) IN GENERAL.—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

“(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

“Subtitle B—Eligibility and Certification

“SEC. 511. ELIGIBILITY.

“(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

“(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

“(2) The candidate meets the qualifying contribution requirements of section 512.

“(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

“(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

“(B) if certified, will comply with the debate requirements of section 514;

“(C) if certified, will not run as a non-participating candidate during such year in any election for the office that such candidate is seeking; and

“(D) has either qualified or will take steps to qualify under State law to be on the ballot.

“(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.

“(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

“(1) a number of qualifying contributions equal to the greater of—

“(A) the sum of—

“(i) 2,000; plus

“(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531; and

“(2) a total dollar amount of qualifying contributions equal to the greater of—

“(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under section 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

“(B) the amount determined by the Commission under section 531.

“(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

“(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

“(2) shall be accompanied by a signed statement containing—

“(A) the contributor's name and the contributor's address in the State in which the contributor is registered to vote; and

“(B) an oath declaring that the contributor—

“(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

“(ii) is making the contribution in his or her own name and from his or her own funds;

“(iii) has made the contribution willingly; and

“(iv) has not received any thing of value in return for the contribution; and

“(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

“(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

“(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

“(1) except as provided in subsection (b), accepts no contributions other than—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524;

“(2) makes no expenditures from any amounts other than from—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524; and

“(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

“(1) the aggregate contributions from such person for any calendar year do not exceed \$100; and

“(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

“(c) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

“(1) returned to the contributor; or

“(2) submitted to the Commission for deposit in the Fund.

“SEC. 514. DEBATE REQUIREMENT.

“A candidate for Senator meets the requirements of this section if the candidate participates in at least—

“(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

“(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

“SEC. 515. CERTIFICATION.

“(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

“(1) certify whether or not the candidate is a participating candidate; and

“(2) notify the candidate of the Commission's determination.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

“(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

“(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

“Subtitle C—Benefits

“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

“(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

“(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

“(2) matching contributions, as provided in section 523; and

“(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

“(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund

received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

“(c) REMITTING ALLOCATIONS FROM THE FUND.—

“(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit to the Commission for deposit in the Fund an amount equal to the lesser of—

“(A) the amount of money in the candidate’s campaign account; or

“(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

“(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

“SEC. 522. ALLOCATIONS FROM THE FUND.

“(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

“(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

“(2) in the case of a general election, not later than 48 hours after—

“(A) the date of the certification of the results of the primary election or the primary runoff election; or

“(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

“(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

“(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

“(c) AMOUNTS.—

“(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

“(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

“(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

“(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

“(5) UNCONTESTED ELECTIONS.—

“(A) IN GENERAL.—In the case of a primary or general election that is an uncontested

election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

“(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

“(d) BASE AMOUNT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

“(A) the sum of—

“(i) \$750,000; plus

“(ii) \$150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531.

“(2) INDEXING.—In each even-numbered year after 2013—

“(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2012;

“(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

“(C) if any amount after adjustment under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.

“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.

“(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 500 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

“(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

“(1) 300 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

“(2) the percentage of such allocation determined by the Commission under section 531.

“(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

“(d) REPORTS.—

“(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

“(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

“(A) the amount of each qualified small dollar contribution received by the candidate;

“(B) the amount of each qualified small dollar contribution received by the can-

didate from a resident of the State in which the candidate is seeking election; and

“(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

“(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

“(A) once every month until the date that is 90 days before the date of the election;

“(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

“(C) once every day after the period described in subparagraph (B).

“(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

“(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

“SEC. 524. POLITICAL ADVERTISING VOUCHERS.

“(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

“(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

“(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

“(1) \$100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

“(2) the amount determined by the Commission under section 531.

“(d) USE.—

“(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

“(A) a candidate may exchange vouchers with a political party under paragraph (2); and

“(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

“(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

“(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate (or, in the case of a participating candidate who is not a member of any political party, to a committee of the political party of that candidate’s choice) in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

“(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

“(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

“(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

“(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

“(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

“(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

“(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

“(iii) the amount, if identified as a ‘voucher exchange’, shall not be considered a contribution for the purposes of sections 315 and 513.

“(e) VALUE; ACCEPTANCE; REDEMPTION.—

“(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

“(4) EXPIRATION.—

“(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

“(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

“(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

“(f) DEFINITIONS.—In this section:

“(1) BROADCASTING STATION.—The term ‘broadcasting station’ has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

“(2) POLITICAL PARTY.—The term ‘political party’ means a major party or a minor party

as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

“Subtitle D—Administrative Provisions

“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

“(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the ‘Fair Elections Oversight Board’.

“(b) STRUCTURE AND MEMBERSHIP.—

“(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

“(A) 2 shall be appointed after consultation with the majority leader of the Senate;

“(B) 2 shall be appointed after consultation with the minority leader of the Senate; and

“(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

“(2) QUALIFICATIONS.—

“(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

“(B) PROHIBITION.—No member of the Board may be—

“(i) an employee of the Federal Government;

“(ii) a registered lobbyist; or

“(iii) an officer or employee of a political party or political campaign.

“(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

“(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

“(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

“(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

“(c) DUTIES AND POWERS.—

“(1) ADMINISTRATION.—

“(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

“(2) REVIEW OF FAIR ELECTIONS FINANCING.—

“(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

“(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

“(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

“(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

“(iv) the amount of allocations from the Fund that candidates may receive under section 522;

“(v) the maximum amount of matching contributions a candidate may receive under section 523;

“(vi) the amount and usage of vouchers under section 524;

“(vii) the overall satisfaction of participating candidates and the American public with the program; and

“(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

“(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

“(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

“(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

“(C) ADJUSTMENT OF AMOUNTS.—

“(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

“(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

“(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

“(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

“(IV) the base amount for candidates under section 522(d);

“(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

“(VI) the dollar amount for vouchers under section 524(c).

“(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

“(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

“(d) MEETINGS AND HEARINGS.—

“(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

“(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

“(e) REPORTS.—Not later than March 30, 2012, and every 2 years thereafter, the Board shall submit to the Senate Committee on

Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(f) ADMINISTRATION.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) PERSONNEL.—

“(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

“(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

“SEC. 532. ADMINISTRATION PROVISIONS.

“The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

“(1) to establish procedures for—

“(A) verifying the amount of valid qualifying contributions with respect to a candidate;

“(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

“(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

“(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

“(E) the administration of the voucher program under section 524; and

“(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

“SEC. 533. VIOLATIONS AND PENALTIES.

“(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIRE-

MENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

“(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

“(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

“(A) the amount of benefits so used or not remitted, as appropriate; and

“(B) interest on any such amounts (at a rate determined by the Commission).

“(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.”

SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

“(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.”

SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 411a(d)) is amended—

(1) in paragraph (3)(A), by striking “in the case of” and inserting “except as provided in paragraph (5), in the case of” and

(2) by adding at the end the following new paragraph:

“(5)(A) The limitation under paragraph (3)(A) shall not apply with respect to any expenditure from a qualified political party-participating candidate coordinated expenditure fund.

“(B) In this paragraph, the term ‘qualified political party-participating candidate coordinated expenditure fund’ means a fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, for purposes of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), that only accepts qualified coordinated expenditure contributions.

“(C) In this paragraph, the term ‘qualified coordinated expenditure contribution’ means, with respect to the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), any contribution (or series of contributions)—

“(i) which is made by an individual who is not prohibited from making a contribution under this Act; and

“(ii) the aggregate amount of which does not exceed \$500 per election.”

TITLE II—IMPROVING VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking “to such office” in paragraph (1) and inserting “to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign;” and

(2) by inserting “for pre-emptible use thereof” after “station” in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

“(d) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

“(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

“(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.”

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking “or repeated”;

(2) by inserting “or cable system” after “broadcasting station”; and

(3) by striking “his candidacy” and inserting “the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee”.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking “the” in subsection (e)(1), as redesignated by subsection (b)(1), and inserting “BROADCASTING STATION.—”;

(2) by striking “the” in subsection (e)(2), as redesignated by subsection (b)(1), and inserting “LICENSEE; STATION LICENSEE.—”;

(3) by inserting “REGULATIONS.—” in subsection (f), as redesignated by subsection (b)(1), before “The Commission”.

SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following:

“(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

“(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

“(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

“(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

“(A) the rate charged under this subsection; and

“(B) the method that the licensee uses to determine the rate charged under this subsection.”.

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station’s sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting “(including a proceeding before the Supreme Court on certiorari)” after “appeal”.

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

“(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”.

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking “under this Act—” and all that follows and inserting “under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.”;

(2) in subparagraph (B), by striking “48 hours” and all that follows through “filed electronically)” and inserting “24 hours”; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2012.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to call for a new effort to combat an often deadly form of cancer—by reintroducing the Lung Cancer Mortality Reduction Act. I am pleased to be joined by my cosponsors, Senator ISAKSON and Senator KERRY on this very important bill.

This bill will renew and improve Federal government’s efforts to combat lung cancer. It will: set a goal to reduce lung cancer mortality by 50 percent by 2020; establish a Lung Cancer Mortality Reduction Program, with comprehensive interagency coordination, to develop and implement a plan to meet this goal; improve disparity programs to ensure that the burdens of lung cancer on minority populations are addressed; create a computed tomography screening demonstration project based on recent science; and establish a Lung Cancer Advisory Board, which will provide an annual report to Congress on the progress of the Mortality Reduction Program.

We have made great strides against many types of cancer in the last several decades. However, these gains are uneven.

When the National Cancer Act was passed in 1971, lung cancer had a 5-year survival rate of only 12 percent. After decades of research efforts and scientific advances, this survival rate remains only 15 percent.

In contrast, the 5 year survival rates of breast, prostate, and colon cancer have risen to 89, 99 and 65 percent respectively.

Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

Lung cancer causes more deaths annually than: colon cancer, breast cancer, prostate cancer, and pancreatic cancer combined.

A National Cancer Institute study in 2009 indicated that the value of life lost to lung cancer will exceed \$433 billion annually by 2020.

A four percent annual decline in mortality would reduce this amount by more than half.

A lung cancer diagnosis can be devastating. The average life expectancy following a lung cancer diagnosis is only 9 months.

This is because far too many patients are not diagnosed with lung cancer until it has progressed to the later stages. Lung cancer can be hard to diagnose, and symptoms may at first appear to be other illnesses, such as bronchitis, chronic obstructive pulmonary disease, or asthma.

As a result, only 16 percent of lung cancer patients are diagnosed when their cancer is still localized, and is the most treatable.

When I introduced this legislation in 2009, lung cancer lacked early detection technology, to find the cancer when it was most treatable. Now, however, preliminary results show a screening method with a demonstrated reduction in mortality for lung cancer.

In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale study of screening methods to detect lung cancers at earlier stages.

The National Lung Screening Trial found a 20 percent reduction in lung cancer mortality among participants screened with the computed tomography screening versus a traditional X-ray.

This is the first time that researchers have seen evidence of a significant reduction in lung cancer mortality with a screening test.

This is why this legislation also includes the creation of a computed tomography screening demonstration project, to assess public health needs of screening for lung cancer, and develop the most effective, safe, equitable, and efficient process to maximize the benefit of screening.

Efforts to fight lung cancer lag behind other cancers, in part, due to stigma from smoking. Make no mistake, tobacco use causes the majority of lung cancer cases.

Tobacco cessation is a critical component of reducing lung cancer mortality. Less smoking means less lung cancer. Period.

But tobacco use does not fully explain lung cancer. Approximately 20

percent of lung cancer patients never smoked.

Two-thirds of individuals diagnosed with lung cancer who have never smoked are women.

60 percent of lung cancer patients are former smokers who quit, often decades ago.

These patients may have been exposed to second hand smoke, or they may have been exposed to radon, asbestos, chromium, or other chemicals. There could be other causes and associations that have not yet been discovered, genetic predispositions or other environmental exposures.

The President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer after smoking and listed 15 other environmental contaminants strongly associated with lung cancer.

I believe that we have the expertise and technology to make serious progress against this deadly cancer, and to reach the goal of halving lung cancer mortality by 2020.

We need this legislation to ensure that our government's resources are focused on this mission in the most efficient way possible.

Agency efforts must be coordinated, and all sectors of the federal government that may have some ideas to lend should be participating. That is what the Lung Cancer Mortality Reduction Program will accomplish.

In this bill the Secretary of Health and Human Services is tasked to work in consultation with Secretaries and Directors from the Department of Defense, Veterans Affairs, the National Institutes of Health, the Centers for Disease Control and Prevention, and Food and Drug Administration, the Centers for Medicare and Medicaid, and the National Center on Minority Health and Health Disparities.

This means that each agency with an expertise on lungs, imaging, and cancer will be included in this long overdue process.

We can do better for Americans diagnosed with lung cancer. I ask my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lung Cancer Mortality Reduction Act of 2011".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) The National Cancer Institute estimates that in 2010, there were 222,520 new diagnosis of lung cancer and 157,300 deaths attributed to the disease.

(3) According to projections published in the Journal of Clinical Oncology in 2009, between 2010 and 2030, the incidence of lung cancer will increase by 46 percent for women and by 58 percent for men. The increase in the incidence of lung cancer among minority communities during that time period will range from 74 percent to 191 percent.

(4) Lung cancer causes more deaths annually than the next 4 leading causes of cancer deaths, colon cancer, breast cancer, prostate cancer, and pancreatic cancer, combined.

(5) The 5-year survival rate for lung cancer is only 15 percent, while the 5-year survival rate for breast cancer is 89 percent, for prostate cancer 99 percent, and for colon cancer 65 percent. Yet in research dollars per death, lung cancer is the least funded of the major cancers.

(6) In 2001, the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact" and it gave the "highest priority" to the creation of an integrated multidisciplinary, multi-institutional research program. No comprehensive plan has been developed.

(7) While smoking is the leading risk factor for lung cancer, the President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer and listed 15 other environmental contaminants strongly associated with lung cancer, and there is accumulating evidence that hormonal and genetic factors may influence the onset.

(8) Lung cancer is the most stigmatized of all the cancers and the only cancer blamed on patients, whether they smoked or not.

(9) Nearly 20 percent of lung cancer patients have never smoked. Sixty percent of individuals diagnosed with lung cancer are former smokers who quit, often decades ago.

(10) Lung cancer in men and women who never smoked is the sixth leading cause of cancer death. Of individuals diagnosed with lung cancer who have never smoked, 2/3 are women.

(11) Lung cancer is the leading cause of cancer death in the overall population and in every major ethnic grouping, including white, African American, Hispanic, Asian and Pacific Islander, American Indian, and Alaskan Native, with an even disproportionately higher impact on African American males that has not been addressed.

(12) Military personnel, veterans, and munitions workers exposed to carcinogens such as Agent Orange, crystalline forms of silica, arsenic, uranium, beryllium, and battlefield fuel emissions have increased risk for lung cancer.

(13) Only 16 percent of lung cancer is being diagnosed at an early stage and there were no targets for the early detection or treatment of lung cancer included in the Department of Health and Human Services's "Healthy People 2010" or "Healthy People 2020".

(14) An actuarial analysis carried out by Milliman Inc. and published in Population Health Management Journal in 2009 indicated that early detection of lung cancer could save more than 70,000 lives a year in the United States.

(15) A National Cancer Institute study in 2009 indicated that while the value of life lost to lung cancer will exceed \$433,000,000,000 a year by 2020, a 4 percent annual decline in lung cancer mortality would reduce that amount by more than half.

(16) In 2010, the National Cancer Institute released initial results from the National

Lung Screening Trial, a large-scale randomized national trial that compared the effect of low-dose helical computed tomography ("CT") and a standard chest x-ray on lung cancer mortality. The study found 20 percent fewer lung cancer deaths among study participants screened with the CT scan.

SEC. 3. SENSE OF THE SENATE CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.

It is the sense of the Senate that—

(1) lung cancer mortality reduction should be made a national public health priority; and

(2) a comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to adequately address all aspects of lung cancer and reduce lung cancer mortality among current smokers, former smokers, and non-smokers.

SEC. 4. LUNG CANCER MORTALITY REDUCTION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V-6. LUNG CANCER MORTALITY REDUCTION PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Lung Cancer Mortality Reduction Act of 2011, the Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Center on Minority Health and Health Disparities, and other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020.

"(b) REQUIREMENTS.—The program implemented under subsection (a) shall include at least the following:

"(1) With respect to the National Institutes of Health—

"(A) a strategic review and prioritization by the National Cancer Institute of research grants to achieve the goal of the lung cancer mortality reduction program in reducing lung cancer mortality;

"(B) the provision of funds to enable the Airway Biology and Disease Branch of the National Heart, Lung, and Blood Institute to expand its research programs to include predispositions to lung cancer, the interrelationship between lung cancer and other pulmonary and cardiac disease, and the diagnosis and treatment of these interrelationships;

"(C) the provision of funds to enable the National Institute of Biomedical Imaging and Bioengineering to expedite the development of screening, diagnostic, surgical, treatment, and drug testing innovations to facilitate the potential of imaging as a biomarker and reduce lung cancer mortality, such as through expansion of the Quantum Grant Program and Image-Guided Interventions programs of the National Institute of Biomedical Imaging and Bioengineering;

"(D) the provision of funds to enable the National Institute of Environmental Health Sciences to implement research programs relative to lung cancer incidence; and

"(E) the provision of funds to enable the National Institute on Minority Health and

Health Disparities to collaborate on prevention, early detection, and disease management research, and to conduct outreach programs in order to address the impact of lung cancer on minority populations.

“(2) With respect to the Food and Drug Administration, the provision of funds to enable the Center for Devices and Radiologic Health to—

“(A) establish quality standards and guidelines for hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer;

“(B) provide for the expedited revision of standards and guidelines, as required to accommodate technological advances in imaging; and

“(C) conduct an annual random sample survey to review compliance and evaluate dose and accuracy performance.

“(3) With respect to the Centers for Disease Control and Prevention—

“(A) the provision of funds to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services;

“(B) the provision of funds to enable the National Institute for Occupational Safety and Health to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

“(C) a requirement that State, tribal, and territorial plans developed under the National Comprehensive Cancer Control Program include lung cancer mortality reduction measures commensurate with the public health impact of lung cancer.

“(4) With respect to the Agency for Healthcare Research and Quality, the annual review of lung cancer early detection methods, diagnostic and treatment protocols, and the issuance of updated guidelines.

“(5) The cooperation and coordination of all programs for women, minorities, and health disparities within the Department of Health and Human Services to ensure that all aspects of the Lung Cancer Mortality Reduction Program adequately address the burden of lung cancer on women and minority, rural, and underserved populations.

“(6) The cooperation and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.”

SEC. 5. DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services—

(1) in developing the Lung Cancer Mortality Reduction Program under section 399V-6 of the Public Health Service Act, as added by section 4;

(2) in implementing the demonstration project under section 6 within the Department of Defense and the Department of Veterans Affairs with respect to military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer.

SEC. 6. LUNG CANCER SCREENING DEMONSTRATION PROJECT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that a national computed tomography lung cancer screening demonstration project should be carried out expeditiously in order to assess the public health infrastructure needs and to develop the most effective, safe, equitable, and efficient process that will maximize the public health benefits of screening.

(b) DEMONSTRATION PROJECT IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”), in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall establish a demonstration project, to be known as the Lung Cancer Computed Tomography Screening and Treatment Demonstration Project (referred to in this section as the “demonstration project”).

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that the demonstration project—

(1) identifies the optimal risk populations that would benefit from screening;

(2) develops the most effective, safe, equitable and cost-efficient process for screening and early disease management;

(3) allows for continuous improvements in quality controls for the process; and

(4) serves as a model for the integration of health information technology and the concept of a rapid learning into the health care system.

(d) PARTICIPATION.—The Secretary shall select not less than 5 National Cancer Institute Centers, 5 Department of Defense Medical Treatment Centers, 5 sites within the Veterans Affairs Healthcare Network, 5 International Early Lung Cancer Action Program sites, 10 community health centers for minority and underserved populations, and additional sites as the Secretary determines appropriate, as sites to carry out the demonstration project described under this section.

(e) QUALITY STANDARDS AND GUIDELINES FOR LICENSING OF TOMOGRAPHY SCREENING FACILITIES.—The Secretary shall establish quality standards and guidelines for the licensing of hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer through the demonstration project, that will require the establishment and maintenance of a quality assurance and quality control program at each such facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the equipment and interpretation of the screening scan and set appropriate standards to control the levels of radiation dose.

(f) TIMEFRAME.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on

the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 7. LUNG CANCER ADVISORY BOARD.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a Lung Cancer Advisory Board (referred to in this section as the “Board”) to monitor the programs established under this Act (and the amendments made by this Act), and provide annual reports to Congress concerning benchmarks, expenditures, lung cancer statistics, and the public health impact of such programs.

(b) COMPOSITION.—The Board shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Defense;

(3) the Secretary of Veterans Affairs;

(4) the Director of the Occupational Safety and Health Administration;

(5) the Director of the National Institute of Standards and Technology; and

(6) one representative each from the fields of clinical medicine focused on lung cancer, lung cancer research, radiology, imaging research, drug development, minority health advocacy, veterans service organizations, lung cancer advocacy, and occupational medicine to be appointed by the Secretary of Health and Human Services.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act (and the amendments made by this Act), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2012 through 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—RECOGNIZING AND HONORING THE ZOOS AND AQUARIUMS OF THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than \$15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and

aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than \$90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

SENATE RESOLUTION 133—TO REQUIRE THAT NEW WAR FUNDING BE OFFSET

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 133

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Pay for War Resolution”.

SEC. 2. DEFICIT-NEUTRAL WAR SPENDING.

(a) IN GENERAL.—For purposes of budget enforcement and except as provided in this section, it shall not be in order for the Senate to consider budget authority for overseas contingency operations if it increases the on-budget deficit over the period of the budget year and the ensuing 9 fiscal years following the budget year.

(b) OFFSETS.—Budget authority provided for overseas contingency operations in a bill, resolution, amendment, motion, or conference report shall be considered deficit neutral for the purpose of this section if such authority—

(1) is considered subsequent to an Act of Congress that raises revenue for the designated purpose of paying for such overseas contingency operations; or

(2) includes new reductions in spending authority.

(c) IRAQ AND AFGHANISTAN.—For purposes of this section, the following amounts are not required to be offset with respect to the overseas contingency operations in Iraq and Afghanistan:

(1) For fiscal year 2012, \$118,000,000,000.

(2) For fiscal years 2013 through 2016, an amount equal to the President’s budget request for that fiscal year for overseas contingency operations funds for Iraq and Afghanistan.

(d) BUDGET DETERMINATIONS.—Compliance with this section shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) WAIVER AND APPEAL.—

(1) WAIVER.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. FRANKEN. Mr. President, I rise to speak on my pay-for-war resolution, which I am submitting today. This resolution would change the way we pay for war spending, and it would change the way we deliberate about going to war.

This is not a symbolic resolution. It would return us to the traditional American way of paying for wars, where the Congress and the Nation confront head-on the financial cost, commitment, and sacrifice of going to war. This is something I believe in strongly. It is an issue I have been working on for months. This did not start with Libya, though Libya certainly gives it a new urgency.

A number of my friends on both sides of the aisle have expressed concerns about the potential costs of the war in Libya, but this resolution is broader than Libya. It is about how we are going to pay for any wars in the future. The resolution seeks to reestablish a fiscally responsible way of paying for our wars.

It is fiscally responsible because it would require that war spending be paid for or offset, as we say in the Senate. It is also morally and politically responsible because it would reestablish the connection between the citizenry of the United States and the cost of going to war—a burden that is now shared solely by the men and women of the military and their families, while the rest is passed on to future generations in the form of debt.

Over the last 10 years, our wars have been paid for by borrowing, mostly from China and other countries willing to finance our debt, and by giant emergency spending bills. That is unusual in American history and, frankly, my resolution is aimed at making sure it stays unusual. Iraq and Afghanistan have cost us well over \$1 trillion. In fact, the Congressional Research Service’s most recent estimate is that, including this fiscal year, Congress will have approved \$1 ¼ trillion for Iraq and

Afghanistan—\$806 billion for Iraq and \$444 billion for Afghanistan.

That is a staggering sum of money, and it has been financed through debt, through borrowing from other countries, and emergency supplemental spending bills which go on our debt. What is more, the Iraq war was accompanied by a massive tax cut. That failed fiscal experiment created the impression that going to war requires no financial sacrifice. We know that is not true.

The question is, Who will bear the financial sacrifice, the generation that has decided to go to war or its children and grandchildren? The Iraq and Afghanistan wars drove up our deficit. They didn’t single-handedly create our deficit problem, but they made it much worse. If we are going to fix our deficit problem, rejecting how we finance those wars must be part of the solution.

We have to ensure that the manner of funding—by borrowing—the Iraq and Afghanistan wars remains an anomaly in American history. That is exactly what my resolution seeks to do. It will ensure that future wars don’t make our deficit and debt problem worse. It will ensure that Congress and the American people face the financial sacrifice of going to war, and it will force us to decide whether a war is worth that sacrifice.

A huge gap has grown between the majority of the American people and the small proportion who serve in the military. So much sacrifice has been asked of them and their families, yet so little of the rest of us. My resolution will reconnect those who serve and our larger society.

The Obama administration is taking an important step in seeking to reduce reliance on emergency spending bills and, instead, budget for war through the regular budget process. They have included an overseas contingency operations account over and above the budget for the day-to-day operations of the Defense Department. That account is where we now find our war funding. But the improvements the Obama administration has made are not enough. The momentous decision to go to war deserves a way of paying for those wars that matches the seriousness of that decision.

Overseas contingency operations should be paid for. Thus, my resolution simply says that if there is a new overseas contingency operation requiring new funding beyond the Defense base budget, that funding must be offset. It does not specify how that offset is to be found, leaving it up to Congress to decide. Different people have different ideas. Some may propose spending cuts, others may propose revenue increases or a combination of the two. But the bottom line is, Congress must find a way to pay for the cost of new wars we decide to undertake.

More specifically, this pay-for-war resolution creates a point of order so any Senator can object to a legislative proposal that allows for spending on new overseas contingency operations that is not deficit neutral. But it has some flexibilities. First, it allows the cost for war in a given year to be offset over 10 years. Because of how the budgeting process works now, spending cuts must be found in the same year of funding as the war spending. But if there is any offset on the revenue side, it can be spread out over 10 years.

My resolution also allows the offset requirement to be overridden by a vote of 60 Senators. So if three-fifths of us deem it important enough to spend on an overseas contingency operation without paying for it ourselves, that can happen. I believe this fully addresses any concern people might have about unduly tying the hands of the President or of the Congress, for that matter. If there were a genuine emergency that required immediate military response in the short term, and that could not be covered by the base defense budget, my resolution would not tie our hands. Any true emergency would certainly motivate enough of us to vote to waive the point of order.

Similarly, if at a particular time our economic circumstances make it especially ill-advised to offset the spending on a war, we would be able to waive or override the offset requirement with 60 votes here in the Senate.

Let me talk briefly about how this resolution handles Iraq and Afghanistan. Unfortunately, we are where we are on Iraq and Afghanistan. This resolution is not meant to drive policy on those wars. It is forward looking. Earlier I mentioned the Obama administration's praiseworthy effort to reduce reliance on emergency supplemental spending bills. My resolution would strengthen that effort by exempting the spending on those wars from this offset requirement but only up to the amount of the President's regular budget request. Anything above that cap would be subject to the offset requirement. For example, for fiscal year 2012 the President requested \$118 billion for Iraq and Afghanistan. Any costs over and above that request would need to be offset. That number should go down as we draw down from Iraq and Afghanistan. This idea is derived, by the way, from a recommendation of the President's fiscal commission.

The idea that we should pay for our wars is not a Democratic idea. It is not a Republican idea. It is not left or right, it is not antiwar, it is not prowar—it is common sense. That is why my resolution has garnered expressions of support from a diverse range of organizations and defense and budget experts. It is supported by the Center for American Progress Action Fund, by the Bipartisan Policy Center, and by

the Committee for a Responsible Federal Budget. Noted fiscal hawk David Walker, the former Comptroller General of the United States, has expressed his support. So has Maya MacGuineas of the Committee for a Responsible Federal Budget.

A number of experts have stated the rationale for the bill very powerfully. Here is what Michael O'Hanlon of the Brookings Institution said:

Senator Franken's proposal is serious and smart. It seeks to remedy a major problem of the last decade—fighting wars while not asking the broader nation for sacrifice and commitment and meanwhile racking up Federal debt in a way that endangers the economic progress of future generations.

Here is what William Niskanen and Ben Friedman of the Cato Institute said:

Democracies cannot accurately evaluate policies with hidden costs. Deficit financing sends war bills to future taxpayers. That limits the extent to which voters and their Representatives weigh the wars' costs against other priorities. The effect is to make war feel cheaper than it is.

Here is what Dean Baker of the Center for Economic and Policy Research said:

The vast majority of people in the country have no direct connection to the people serving in the military. If we think that a situation requires the men and women in our military to risk their own lives, then the rest of us should at least be willing to pay for the costs of this adventure with our tax dollars.

My resolution makes budgetary sense and it makes moral and political sense. That is why I am confident my resolution will garner the support of my colleagues and of the American people. I think Americans understand that the way we have gone about paying for the wars in Iraq and Afghanistan—by borrowing and putting the financial burden on later generations instead of taking it on ourselves—is not good budgeting and, frankly, it is not good decisionmaking about war. Right now we are hiding the costs of war by shifting their financial burden to future generations and we are refusing to consider the real sacrifices that war requires of a nation—not just the members of the military. That has to change. We need to start paying for war and it needs to be part of the larger conversation about how we address our Nation's deficit and debt.

SENATE RESOLUTION 134—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNIS, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in

the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it
Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE OBAMA ADMINISTRATION'S DISCONTINUING TO DEFEND THE DEFENSE OF MARRIAGE ACT

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 11

Whereas on February 23, 2011, President Barack Obama ordered the Department of Justice to drop its defense of a central part of the 1996 law that bars the Federal Government from recognizing same-sex unions, the Defense of Marriage Act (adding section 7 of title 1, United States Code), and both President Obama and Attorney General Eric Holder concluded the law is unconstitutional;

Whereas President Obama himself has said that marriage is something sanctified between a man and a woman;

Whereas, passed by significant majorities in both chambers of Congress and signed into law by President Bill Clinton, the Defense of Marriage Act has never been overturned in any Federal lawsuit challenging that Act's constitutionality by a Federal court, yet the Department of Justice has decided not to defend that Act in Federal court;

Whereas, on the contrary, the Department of Justice is vigorously defending in numerous Federal courts across the country President Obama's signature health care reform law, the Patient Protection and Affordable Care Act (Public Law 111-148), and the related Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), after the bills involved barely passed both chambers of Congress on party line votes, and whose critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of *Florida v. United States Department of Health and Human Services*, Case No.: 3:10-cv-91-RV/EMT (N.D. Fla., Jan. 31, 2011), and *Virginia ex rel. Cuccinelli v. Sebelius*, 728 F. Supp. 2d 768 (E.D. Va. 2010); and

Whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Obama administration's direction that the Department of Justice should discontinue defending the Defense of Marriage Act; and

(2) demands that the Department of Justice continue to defend the Defense of Marriage Act in all instances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 6, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 9:30 a.m., to conduct a hearing entitled "The Role of the Accounting Profession in Preventing Another Financial Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 6, 2011, at 9:15 a.m. in Dirksen 406 to hold a hearing entitled, "State and Local Perspectives on Transportation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m., to hold a hearing entitled, "Perspectives on the Crisis in Libya."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 6, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 6, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 6, 2011, at 1:30 p.m. to conduct a hearing entitled "Census: Learning Lessons from 2010, Planning for 2020."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on April 6, 2011, at 3 p.m., to conduct a hearing entitled "The State of Community Banking: Opportunities and Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Robyn Varner, have floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PARKINSON'S AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 134, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 134) supporting the designation of April as Parkinson's Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, Dr. James Parkinson first identified the symptoms of this debilitating disease in 1817, and now an estimated 1.5 million Americans are currently living with Parkinson's. Despite major advances in modern technology and the establishment of the Parkinson's Disease Research Agenda more than 10 years ago, we regrettably still do not know the cause, and we are still looking for a cure.

Parkinson's disease is a degenerative brain disorder with major symptoms such as tremors, trouble walking, and speech difficulties. The number of people being diagnosed with Parkinson's continues to rise. The newest treatments are coming from cutting edge medical innovations, like deep brain stimulation. However, we can and must do more to keep pushing the boundaries to find better therapies and hopefully, very soon, a cure. This requires a continued national commitment to biomedical research.

The National Institutes of Health is the largest contributor to Parkinson's

research, along with the Department of Veteran Affairs and the Department of Defense. Texas has committed to leading the way in Parkinson's disease research and has received more than \$2.7 million in Federal funds. These dollars are being put to use at some of our top university and medical research facilities across the State, including: the University of Texas, Baylor College of Medicine, Texas Tech University Health Science Center, and the Audie L. Murphy VA Medical Center in San Antonio.

Today, I am proud to recognize April as Parkinson's Awareness Month, and I hope that this will not only raise awareness of this devastating disease, but will also renew focus and vigor to the fight to treat and ultimately eliminate Parkinson's disease.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

ORDERS FOR THURSDAY, APRIL 7, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent when the Senate completes its business today, it recess until 10 a.m. on Thursday, April 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that Senator HOEVEN be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we continue to work to complete action on the small business bill. We also hope to deal with the continuing resolution by the end of the week. Senators will be notified when votes are scheduled.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate recess until 10 a.m. tomorrow.

There being no objection, the Senate, at 7:10 p.m., recessed until Thursday, April 7, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

D. BRENT HARDT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DONALD W. KORAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JOHN W. SEDWICK, RETIRED.

SUSAN OWENS HICKEY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE HARRY F. BARNES, RETIRED.

DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. TIMOTHY J. LEAHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID S. FADOK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

LT. GEN. THOMAS P. BOSTICK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM H. MCRAVEN

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

PATRICIA M. AGUILLO, OF NEW HAMPSHIRE
 CHRISTINA PAULA ALMEIDA, OF RHODE ISLAND
 MARIA C. ALVARADO, OF NEW MEXICO
 RYAN DAVID BALLOW, OF ALASKA
 JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND
 CANDACE L. BATES, OF ALABAMA
 OSBORNE DAVIS BURKS III, OF TENNESSEE
 G. WARREN CHANE, JR., OF ARIZONA
 PIERCE MICHAEL DAVIS, OF FLORIDA
 KIMBERLY A. DURAND-PROUD, OF MASSACHUSETTS
 ALICE H. EASTER, OF NEW YORK
 RAMON JAMES ESCOBAR, OF WISCONSIN
 CANDACE LYNN FABER, OF WASHINGTON
 ELLIOT C. FERTIK, OF VIRGINIA
 MICHAEL RODNEY FRASER, OF NEW YORK
 ANGELA SAGER GIRARD, OF TEXAS
 RACHEL C. GRACIANO, OF WASHINGTON
 BREANNA LENORE GREEN, OF MINNESOTA
 ALAMANDA LAVERNE GRIBBIN, OF FLORIDA
 RUBEN HARUTUNIAN, OF MARYLAND
 EMILY JEANETTE HICKS, OF TEXAS
 AJANI BARCLAY HUSBANDS, OF TEXAS
 TIM HUSON, OF CALIFORNIA
 STEVEN J. JACOB, OF VIRGINIA
 ANTHONY M. JONES, OF VIRGINIA
 KELLY CHRISTINE LANDRY, OF GEORGIA
 DAVID ANTOAINE LEWIS, OF NEW MEXICO
 PHILLIP L. LOOSLI, OF CALIFORNIA
 CHRISTEN CLAIRE MACHAK, OF OHIO
 JONATHAN JAMES NELLIS, OF MARYLAND
 JENNIFER LORAIN ORRICO, OF WISCONSIN
 ANGELA J. PALAZZOLO, OF VIRGINIA
 CLARENCE JASEN PETERSON, OF MICHIGAN
 DOMINIC PETER RANDAZZO, OF TEXAS
 JANE RHEE, OF TEXAS
 RACHAEL SCHMITT, OF ILLINOIS
 HEIDY SERVIN-BAEZ, OF OREGON
 DIONANDREA FRANCINE SHORTS, OF COLORADO
 HYUN BO SIM, OF TENNESSEE
 SARAH ANNEMARIE SIMONS, OF CALIFORNIA
 MICHELLE BERNADETTE TAYLOR, OF CALIFORNIA
 JAMI JELENA THOMPSON, OF INDIANA
 DALEYA S. UDDIN, OF TEXAS
 ANNY HONG AN TRINH VU, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRIDGETTE CLARK, OF ALABAMA

DEPARTMENT OF STATE

JONATHAN DANIEL ADAMS, OF NEW YORK

BRANDON BARON, OF FLORIDA
 TANYA R. BROTHEN, OF VIRGINIA
 ELIZABETH S. CHAN, OF CALIFORNIA
 GEOFFREY CHANIN, OF PENNSYLVANIA
 HOWARD H. CHYUNG, OF NEW YORK
 D. BRENT CORBY, OF VIRGINIA
 SANDRA PATRICIA CORTINA, OF THE DISTRICT OF COLUMBIA
 ROBERT J. CROTTY, OF VIRGINIA
 EDWARD E. DAIZOVI, OF INDIANA
 CHRISTOPHER J. DOSTAL, OF PENNSYLVANIA
 BENJAMIN J. GIBSON, OF MICHIGAN
 ARIEL MICHAEL GORE, OF ILLINOIS
 TRAVIS J. HALL, OF COLORADO
 KRISTIN KARIN HAWKINS, OF VIRGINIA
 HEIDI HERSCHDE, OF WISCONSIN
 JONATHAN P. HERZOG, OF OREGON
 SHARLINA HUSSAIN, OF NEW YORK
 MEGAN R. IHRIE, OF NORTH CAROLINA
 RYAN SCOTT INGRASSIA, OF CALIFORNIA
 ANDREW WINDSOR JENKINS, OF TEXAS
 LISA SCHUYLER JEWELL, OF ILLINOIS
 HEATHER LYNNE JOHNSTON, OF WASHINGTON
 E. CAMERON JONES, OF MASSACHUSETTS

SALMAN KHAN, OF MISSOURI
 SPENCER ADAM MAGUIRE, OF THE DISTRICT OF COLUMBIA
 FLORENCE MADALYN MAHER, OF NEVADA
 REBECCA E. MARQUEZ, OF MINNESOTA
 JACQUELINE DENISE MOUROT, OF TEXAS
 VINCENT M. MUT-TRACY, OF MASSACHUSETTS
 MARK L. NEIGHBORS, OF VIRGINIA
 DANIEL WESLEY NEWMAN, OF NEW YORK
 JAMES P. NUSSBAUMER, OF OREGON
 LAWRENCE DAVID PIXA, OF WASHINGTON
 CHRISTINE ANANDA PRINCE, OF VIRGINIA
 AJAY SHASHIKANT RAO, OF NEW MEXICO
 CAROLYN JOY RATZLAFF, OF MICHIGAN
 ABIGAIL ELIZABETH RICHEY-ALLEN, OF MINNESOTA
 ANNA ELIZABETH RICHEY-ALLEN, OF MINNESOTA
 INNA ROTENBERG, OF MARYLAND
 SARAH SAPERSTEIN, OF VIRGINIA
 MARK JOSEPH SCHLINK, OF THE DISTRICT OF COLUMBIA
 SCOTT EVAN SCHLOSSBERG, OF CALIFORNIA
 HILLEARY CARTER SMITH, OF MASSACHUSETTS
 MATTHEW STEPHENSON, OF THE DISTRICT OF COLUMBIA
 KATHERINE LINDSAY SUPLICK, OF MINNESOTA
 MARY G. SWARTZ, OF MARYLAND

SARAH J. TALALAY, OF FLORIDA
 EDWARD CORNELIOUS THOMPSON, OF ILLINOIS
 MAUREEN PATRICIA VAHEY, OF DELAWARE
 HELEN HOUSTON VAN WAGONER, OF VIRGINIA
 ANNA WANG, OF VIRGINIA
 HERMEN Y. YEE, OF MASSACHUSETTS
 MICHELLE ZJHRA, OF WASHINGTON

 WITHDRAWAL

Executive message transmitted by the President to the Senate on April 6, 2011 withdrawing from further Senate consideration the following nomination:

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MARCH 14, 2011.

HOUSE OF REPRESENTATIVES—*Wednesday, April 6, 2011*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

April 6, 2011.

I hereby appoint the Honorable RENEE ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

RECOGNIZING FIFTH ANNIVERSARY OF JOSHUA'S HEART FOUNDATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to recognize an extraordinary young man from my congressional district, Mr. Joshua Williams, on the fifth anniversary of his outstanding organization called Joshua's Heart Foundation.

At the age of 5, while watching "Feed the Children" one evening, a question arose in Joshua's head: What else can I do to help? In the weeks following, Joshua would create the basis to what has now become a great charity in our community.

Today, Joshua's Heart Foundation has grown from feeding a handful of families to over 1,000 throughout south Florida in just a few years. Later this month, Madam Speaker, on April 30, from 12 to 4 p.m. at Palm Island Park in Miami Beach, in my congressional district, Joshua's Heart Foundation will be holding a celebration of its 5-year anniversary, and, yes, they will be feeding the hungry.

I encourage all in south Florida to join Joshua at this amazing event and again congratulate him on his many years of service to our community, even at such a young age.

RAPE IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise today to speak about an abomination, and I vow to speak about it every week until this Congress and this administration does something more than offer lip service.

Read my lips: The military must end rape in this country, and those who commit such crimes must be brought to justice. The fact that women in the military are being raped and our government is turning a blind eye is disturbing enough. Even worse, it is not our enemies abroad who are committing these horrific crimes. It's American soldiers abusing many of our own, often with nothing more than a slap on the wrist and sometimes with an unbelievable promotion.

We have a military culture that condones, and in some cases rewards, this type of abusive and violent behavior against female soldiers, who are now more likely to be raped by fellow soldiers than killed by enemy fire. This is a national disgrace, and the longer it goes unaddressed, Congress becomes an accomplice in these crimes.

You know, we in Congress do something really well—we hold hearings, and then we do nothing. Congress has held 18 hearings in the last 16 years on this issue, and nothing has changed. The Department of Defense estimates that over 19,000 servicemembers were raped or sexually assaulted in 2010; but due to fear of retribution and a failure to prosecute these crimes, only 13.5 percent are reported. These are Department of Defense figures: 19,000 soldiers raped in the military every year.

So beginning today, I am going to tell these women's stories on the House floor, and I'm going to keep telling them and keep telling them until something is done about it.

Earlier this year, 17 servicemembers, 15 of them women, filed a lawsuit against the Federal Government accusing the Pentagon of ignoring their own cases of sexual assault. Today, I want to tell you about one of those, Technical Sergeant Mary Gallagher. She deployed to Iraq in 2009 as a member of the Air National Guard. Her allega-

tions are as follows. Now I'm warning you, some of the language is graphic.

On November 5, 2009, while she was deployed in Iraq, a coworker offered her a ride home to her living quarters. When she accepted, instead of driving her home, he drove her to a remote area and tried to kiss her. Technical Sergeant Gallagher threatened to report him. He became angry and verbally assaulted her. She reported the incident to command, but they claimed that they could do nothing about it.

On November 7, the coworker began to stalk Technical Sergeant Gallagher. He tried to break into her room, claiming she didn't know what she was missing. He telephoned her repeatedly. She again reported her coworker's threatening behavior to command but was advised that they could do nothing because it was a "he said, she said" situation.

Five days later, on November 12, the coworker sexually assaulted her in the restroom. He pushed her up against the left side of the wall, took his right hand and pulled her pants and underwear down and then used his hand to rub her vagina. He simultaneously ground his penis against her and talked about how much he was enjoying the assault.

Technical Sergeant Gallagher described the incident this way to NBC: "I thought he was going to kill me that night. I felt completely isolated and alone and really scared. Here I was in the middle of a foreign country in the middle of a war."

Sergeant Gallagher did not report the violent assault immediately because command had advised her that nothing could be done after she had reported the coworker's threatening behavior before. Two weeks later, when she was asked for more details of the events on November 5 and 7, at that point she reported the violent assault. Command's only response was to reassign the assailant and order him to refrain from any contact with her. She was then lectured by the base chaplain, who claimed that 96 percent of sexual assaults on women occur when drinking is involved. Technical Sergeant Gallagher had not been drinking during any of the assaults.

This is a harrowing story, and it's one of 19,000 that must be heard. Technical Sergeant Gallagher fought for us. It's now time for us to fight for her.

VOTE "NO" ON THE "DIRTY AIR ACT"

The SPEAKER pro tempore. The Chair recognizes the gentleman from

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

New Mexico (Mr. HEINRICH) for 5 minutes.

Mr. HEINRICH. Madam Speaker, 14 weeks have gone by and the Republican majority has still not offered a single jobs package. Instead, we continue to see radical attacks on everything from Medicare to vital clean air protections.

The dirty air act that we're considering today destroys the EPA's ability to limit air pollution under the Clean Air Act, an unprecedented move that ignores scientific consensus and public health. Instead of creating jobs, the Republicans are asking us to pass legislation that would put our Nation's health and safety at risk.

This radical bill also halts a measure that would save American families thousands of dollars a year in fuel costs and make America more energy independent. We must make our policy decisions based on science, not on politics.

I would urge my colleagues to vote against this dirty air act today.

□ 1010

SUPPORT THE BATFE REFORM ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ALTMIRE) for 5 minutes.

Mr. ALTMIRE. Madam Speaker, I rise today to ask my colleagues to support a legislative effort to modernize the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I have joined with Congressman STEVE KING to introduce the BATFE Reform Act, which will safeguard American citizens' Second Amendment rights by bringing commonsense reform to the BATFE so that it can do a better job of punishing lawbreakers and keeping guns out of the hands of criminals, without placing undue restrictions on local businesses in this difficult economy.

Our proposed legislation would make sure that federally licensed firearms dealers are not subject to poorly formulated and unnecessary regulations by updating the rules and potential penalties governing individuals and businesses that hold a Federal firearms license so they are clear and fair.

Our goal is to create a fair system under which firearms dealers with minor paperwork errors are no longer threatened with the loss of their livelihoods. Defining a willful violation is an important step in clarifying the way Federal firearms license holders are punished by the BATFE. Currently, the Bureau is limited in most cases to either giving a warning or totally revoking a license, no matter how minor or severe the violation. That's the current law. But I believe that these small business owners and law-abiding citizens should not be so harshly punished for small or even insignificant book-keeping errors.

Our legislation would create a new system of penalties for Federal firearms license holders who commit minor violations, and prevent the Bureau from revoking Federal firearms licenses for minor technical violations such as improperly using abbreviations or filing records in the wrong order. Revocation of a license could still be an option for the BATFE to punish willful violation of the law, but it would not be the only option.

The BATFE Reform Act would also make commonsense reforms to help small businesses that sell firearms. For example, it would provide a Federal firearms license holder with the time to liquidate their inventory if they are going out of business. It would also allow a grace period for people taking over an existing firearms business in which they can correct preexisting record-keeping violations from the previous owner and make necessary updates to the license application procedures.

Our bill would permanently ban the creation of a centralized electronic index of dealers' records to protect gun owners' privacy and ensure that law-abiding gun owners will not unknowingly end up in a Federal gun registration database. Congress has included this language in its annual appropriations bills banning the creation of an index for more than a decade. This time we want to give it the weight of law so we can give gun owners certainty and make this policy part of the existing law.

The NRA has endorsed this legislation, and I would ask my fellow Representatives to show their support for the Second Amendment and small businesses nationwide by cosponsoring the BATFE Reform Act.

REMEMBERING APRIL 10 IN POLISH HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise to honor the memory today of the victims of the April 10, 2010, plane crash in Smolensk, Russia, that 1 year ago killed much of the Nation of Poland's national leadership. Last year, the House and Senate overwhelmingly passed resolutions to express America's unwavering support for the people and Government of Poland, and to offer our heartfelt sympathies for the families and loved ones of those who perished.

April 10 has long been a day of memory for the Polish people and those of Polish descent, because on that day 71 years ago the Soviets carried out a horrific act against the Polish people. I am talking about the Katyn Forest massacre. Last year, Polish President Lech Kaczynski was leading a Polish delegation to Russia for the 70th commemoration of that massacre. This was

to be an historic event because it was also to be the first time that a Russian leader was to attend the commemoration.

The truth of the Katyn Forest massacre was hidden and lied about for decades. And today, the entire world knows that in 1940 the Soviet secret police were ordered by Joseph Stalin to systematically round up and murder all of Poland's officers, intellectuals, national leaders, teachers, university presidents. As many as 22,000 people were killed in that heinous crime.

For decades, the Soviets tried to cover up their guilt by blaming this atrocity on the Nazis. There is plenty of blame for them too, but the truth of Katyn was never told.

I am proud that this country and this House have long demanded that the truth about the Katyn massacre be exposed. In 1951, it was this House of Representatives that established a select committee to conduct and investigate the facts, evidence, and circumstances of the Katyn Forest massacre. One year later, the committee unanimously concluded that the Soviets had been responsible. Unconscionably, the Soviets continued to deny their actions until President Mikhail Gorbachev made a statement on April 13, 1990.

We knew that the 70th commemoration of this atrocity was to be historic. But the world was further shocked that this tragic day was to witness yet another obliteration of the leaders of the Polish Nation. Last April 10, the Polish President's airliner, a Russian Tupelov TU-154M that had been recently overhauled in Russia, crashed as it was landing near Smolensk. Everyone on board, all 96 people, were killed, including Poland's President, its first lady, the deputy foreign minister, the deputy defense minister, the director of national intelligence, dozens of members of Parliament, the chiefs of staff of the Army and Navy, along with the president of the Polish bank.

Also on board the plane was Anna Walentynowicz, the former dock worker whose firing in 1980 sparked Poland's heroic Solidarity strike that ultimately overthrew the Communist Government of Poland. Ryszard Kaczorowski, who served as Poland's final President in exile before the country's return to democracy, was killed, as well as Wojciech Seweryn, a Chicago artist whose father was killed in Katyn.

I want to honor their memory today and the memory of all those who were killed at Katyn. And I want to express our support for the Polish people and the Polish Government as it seeks full answers surrounding the plane crash, particularly access to the black boxes that were taken by Russia, and the government's other physical materials held related to this tragedy.

Poland is a strong U.S. ally. Polish leaders like Thaddeus Kosciuszko

helped fight for our country's freedom when our Republic was founded over 200 years ago. And America stood with Poland's Solidarity movement as it fought against the oppression of the Communists. In the face of these dual tragedies, at Smolensk April 10, 2010, and Katyn in 1940, America stands with the liberty-loving people of Poland.

U.S. MANUFACTURING AND CHINA'S CURRENCY MANIPULATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maine (Mr. MICHAUD) for 5 minutes.

Mr. MICHAUD. Madam Speaker, I rise today to express my concern about the decline in U.S. manufacturing and China's currency manipulation. It is time our government responded to these issues by developing a national manufacturing strategy and bringing to the floor immediately H.R. 639, the Currency Reform for Fair Trade Act.

This chart here shows a significant drop in manufacturing employment in the United States. We have lost nearly 6 million manufacturing jobs in the last decade alone. At our current rate, it will take us 24 years to get back the U.S. manufacturing jobs that we have lost between the year 2000 and 2010. Just last month, a report revealed that United States manufacturing is now in second place behind China. Making things here at home is critical for our economic diversity, our national security, and just makes common sense. China's enormous growth in manufacturing has come at America's expense, and it is bad for American businesses and American jobs.

There are many reasons for our manufacturing sector's decline. I want to highlight two that the Obama administration and Congress can act upon today. First, we need to develop, adopt, and adhere to a comprehensive national manufacturing strategy. Second, we need to address China's currency manipulation and stop giving our manufacturing jobs to Beijing.

A national manufacturing strategy makes sense. Many developed economies and many of our competitors, including China, have them. If China is going to implement nationwide policies designed to boost specific sectors, so should we. Our strategy should not involve illegal trade practices like China, but it should involve clear objectives. We should ask ourselves the question, what should the American manufacturing sector look like? I believe a diverse, robust manufacturing sector is key to a strong American economy and critical to our national security.

□ 1020

The strategy should also evaluate what policy changes are needed to promote more domestic production. We should seek the input from companies that currently choose to make their

products in the U.S., and we should also consider ways to incentivize U.S. production through our tax structure.

And, finally, the manufacturing strategy should establish clear metrics of success over the short, medium and long term. Our manufacturing sector has declined over the last several decades, and it won't be rebuilt overnight. But if we are going to reclaim our spot as a leader in manufacturing, we are going to have to have our own roadmap for the United States manufacturing industry.

The second thing we should do to help U.S. manufacturing is address China's currency manipulation. By devaluing the yuan, China makes their exports cheaper and U.S. imports more expensive.

This is unfair, and it creates an unlevel playing field that forces U.S. businesses to close their doors here in the United States. We cannot wait any longer to take action. Diplomacy has not worked, so we must seek legislative action.

Congress must pass the Currency Reform for Fair Trade Act immediately, and President Obama must sign it. In addition, the United States should bring a WTO case against China for undervaluing its currency. We have to fight this blatant violation of trade law through every step available to do that.

China's currency manipulations put Americans out of work and force American businesses to close their doors. We must act with urgency to stop that.

I urge my colleagues to support a national manufacturing strategy and urge the House leadership to bring H.R. 639 to the floor for a vote immediately.

ONE-WEEK CONTINUING RESOLUTION/2012 BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Madam Speaker, budgets are not simply about dollars and cents. They are about values and priorities. And the debate over spending has revealed Republican priorities, in my opinion, in the worst possible light.

First, Republicans passed a spending plan for the remainder of the fiscal year that would cripple America's ability to out-innovate, out-educate, and out-build its competitors. That spending plan would cut billions in medical and energy research, cut out support for 20,000 research scientists, kick 200,000 children out of Head Start, put college out of reach for millions of middle class students, and end vital infrastructure projects in 40 States, infrastructure projects which provide American jobs.

A consensus of nonpartisan economists has found that the plan will cost us hundreds of thousands of jobs. And Mark Zandi, Moody's Analytics chief

economist and an adviser to Senator MCCAIN's Presidential campaign, said that it would cost almost 700,000 jobs.

In addition to these skewed priorities, Republicans are insisting that any bill, any bill to keep the government open must also include controversial social policy provisions that have little, if anything, to do with the deficit, even though their own Pledge to America promised to "end the practice of packaging unpopular bills with 'must-pass' legislation," bills that should pass on their merits, not as related to some extraneous issue.

Rather than compromise with President Obama, with the Democrats in the Senate and the House, Republicans are threatening, once again, to shut down government as they did in 1995.

Now they tell us that they will back off on their threat but only if we pass a partisan, 1-week spending bill that triples the ransom to keep the government open. In other words, this bill contains three times the weekly cuts as the last week-to-week bill did. It also takes all cuts from only a small slice of the budget.

Frankly, Madam Speaker, that makes this latest bill a mockery of fiscal responsibility, especially because it leaves entirely untouched for the rest of the year what the Secretary of Defense himself has called the Pentagon's "culture of endless money." This partisan patch contradicts Republicans' own promises to put everything on the table, defense spending included.

Listen to their own words, as reported by the Associated Press on January 23: "The House's new majority leader, Representative ERIC CANTOR of Virginia, has said defense programs could join others on the cutting board." But, of course, they haven't done that.

New York Times, January 27: "Representative CHRIS GIBSON, a tea party-endorsed freshman republican and retired Army colonel, made it clear that no part of the Pentagon's \$550 billion budget, some \$700 billion including the wars in Iraq and Afghanistan, was immune. 'This deficit that we have threatens our very way of life, and everything needs to be on the table.'" However, they have not done that.

Congressman MIKE PENCE, on January 7, said: "If we are going to put our fiscal house in order, we have to be able to look at defense." We need a strong defense. I am a supporter of a strong defense. But to take those dollars off the table is irresponsible and inconsistent with the representations that our Republican friends have made.

Those words are sounding very hollow, however, today. Why are Republicans breaking their word, Madam Speaker? Because, in my opinion, they know that the only way to get their conference to support this spending bill is to bribe it with a year of defense spending left untouched and a divisive

social policy provision as well, which is what they said they would not do.

What we need to do is sit down and over the next 72 hours, now over the next 48 hours, frankly, come to compromise. That's our job. "My way or the highway" is never going to get it done.

Finally, Republicans showed their priorities in their budget for the upcoming fiscal year. We will have a lot to say about that in the days ahead.

Their budget ends Medicare as we know it. Seniors thought that they were going to protect Medicare. Well, their way of protecting it is ending it. It dismantles Medicaid and other vital programs for our seniors. We will talk a lot about that in the coming days.

And on top of that, it includes yet trillions more in tax cuts for the wealthiest Americans.

We can do better. Rather than using our debt as an excuse to pass a nakedly partisan agenda, we need to take a bipartisan approach that puts everything on the table:

Keeping our entitlement programs solvent; scrutinizing our spending, defense and non-defense, for waste and low priorities; and passing deficit-reducing tax reform.

Those are the hard choices and shared sacrifices that Americans have a right to expect.

NO JOBS AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the Republicans ran on a jobs agenda; but so far this Congress, they have not done one thing to help Americans find jobs. For 14 weeks, they have been running the House with not one mention of jobs.

The Republicans have put their budget proposal out now, and now we have their real agenda: a radically ideological plan to protect giveaways to corporations and to attack the elderly, the poor, women and children of the country. Reaganomics drove this country to the brink of bankruptcy in the 1980s. Reaganomics drove the world economy to the brink again in the Bush years, and now the Republicans are trying for a third time to impose their intolerance and everyone-for-themselves economics on the American people.

We need to be fiscally responsible. I think there are things moderate Republicans and Democrats can agree on, but the Republican plan is to dismantle the social safety net of this country.

□ 1030

This is a debate we should have.

Republicans often chuckle that winning at politics is worth the cost to their conscience of being straight with the public. I think we need to let citizens come to their own conclusions by giving them some facts. And here are some indisputable facts about the Republican budget plan:

First, the Republican budget has mostly fictitious numbers. The media has picked up on the Republican number of "\$6 trillion in savings" like catnip, but the Republicans made up most of the numbers of the plan to get there. To create this big number, the Republicans ignored the Congressional Budget Office. That's quite a strategy. If the nonpartisan budget scorekeepers don't say what the Republicans want, the Republicans just ignore it and make up their own numbers.

Secondly, the Republicans' answer to the people in need is to dismantle Medicaid and leave health care for the poor to the States. The Republicans will drop millions of low-income people, children, seniors, disabled, and pregnant women off their rolls. Not only that, those patients that are left on the rolls will get a different kind of care from State to State, and some of that care is very bare bones. You shouldn't have to care about where you live if you are poor, elderly or a child in this country. There are some States that you don't want to live in.

Third, the Republican plan does nothing, not one thing, about the hundreds of billions of dollars of tax breaks American people give corporations every single year. The Republican plan even cuts more for the superrich in this country.

Republicans say they don't like to pick winners and losers. But they pick winners and losers all the time when they give money to oil companies and Wall Street and then push the disabled people living in poverty off the Medicaid health insurance.

And the Republican Party does nothing, not one thing, about the defense budget. Iraq is winding down, Afghanistan is winding down, and Libya will be over shortly, but they don't take one thin dime out of the defense budget. They can't find anything to save anywhere.

Now, the American people need to know the facts. The fact is that if we restored the fair Clinton-era tax rates, what we had in effect before 2000, and kept all other spending at the same point, our deficit drops by two-thirds. That's where we are today. In 10 years, it drops by two-thirds. That's a simple plan that is very doable without destroying the safety net in this country, without going after all the poor and the dispossessed in this country.

We still have to work to lower the deficit even more. We need the right priorities. And the right priorities should be figuring out more ways to save on health care spending. We spend too much for too little results. If we don't deal with health care costs, this deficit is going to be very tough to deal with.

But the Republican plan is to demonize poor people and union workers. Take a good look at Wisconsin. You'd think all the problem in Wisconsin was

because of school teachers. Now, that blaming everyone else for the economic disaster is simply to avoid the admission of what they have done. The Republicans take zero responsibility for their disastrous policies and then say the situation they created is the reason why we need to implement every form of their radically failed philosophy. It's cynical. It's ugly politics. And it's the Republican strategy.

Consider what they're doing to seniors. They're saying to seniors: Now you have a set of guaranteed benefits. We're going to take it away and give you a voucher. Go look for some health insurance. And good luck.

CUT AFGHANISTAN, NOT SUPPORT FOR SENIORS, SCHOOLCHILDREN, AND WORKING FAMILIES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, my friends on other side of the aisle released their budget blueprint for 2012 yesterday. Let's leave aside for the moment that they're prepared to shut down the government rather than fund it at acceptable levels for the rest of fiscal year 2011. If you thought H.R. 1 was bad, wait until you see what they have in store for 2012 and the decade to come.

It's an appalling, radical, and reckless proposal. They want to shred the social safety net and decimate the programs for the most vulnerable Americans, the programs that they depend on to get through day-to-day life. They demand sacrifice from working families and the middle class, but none, no sacrifice from special interests and the big oil companies.

I saw a lot of words in their budget proposal. But one that I don't believe was mentioned a single time is "Afghanistan." The war in Afghanistan, in addition to having cost us more than 1,500 American lives, is costing the taxpayers nearly \$7 billion a month and is proving to be a crashing failure. This war is in its 10th year, and we still haven't vanquished the Taliban. We still haven't brought a stable democracy to Afghanistan. And we still haven't trained the Afghans to take responsibility for their own security.

The Republicans want to cut wasteful, ineffective government programs. Well, if that is true, I suggest the majority start with Afghanistan before going after American seniors, schoolchildren, and working people. My Republican colleagues believe in limited government as long as the things they're limiting are taxes paid by special interests and investments in people who need a helping hand. When it comes to foreign invasions and decade-long military occupations, Republicans are the biggest spenders of all.

With these priorities, not only have they lost their moral compass, they've lost the American people as well. Recent polling shows that overwhelming majorities want to see spending on Medicare, Medicaid, and education increased or stay the same. By contrast, nearly two-thirds of Americans are fed up with the war in Afghanistan and don't think it's worth fighting.

It's impossible, Madam Speaker, to take seriously any budget proposal that doesn't even mention Afghanistan or Iraq and doesn't cut billions and billions in wasteful war spending from the budget.

It's time to bring our troops home. It's the right thing to do. It's what the people want. It's a sensible, humane, and compassionate path to fiscal responsibility.

THE FIRST AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, earlier this year, an irresponsible bigot burned a Koran in Florida. That was a despicable act. But unfortunately, a number of far worse acts eventuated; that is, the murder, calculated and deliberate murder, of a number of innocent people in Afghanistan by people purporting to be defending their religion against the burning of a book in Florida by massacring innocent civilians in Afghanistan.

And I am pleased that people, including General Petraeus and others, condemned the irresponsibility of the Koran burning, but there needs to be even greater condemnation of the notion that that in any way justifies murder. That includes a kind of condemnation, in my judgment, of the President of Afghanistan, our increasingly unimpressive ally Mr. Karzai, who, I believe, added to the furor there by insisting that the man who burned the Koran should have been prosecuted. Well, under American law, he was not prosecuted. He should not have been. The right to do obnoxious things is a very important part of the First Amendment.

But what is most appalling is that people purported, in the name of religion, then not even to do anything against that individual, and that would have been unjustified. I am not suggesting that there is any justification for any violence against him. But violence against people in Afghanistan, employees of the United Nations there for humanitarian reasons, other citizens of Western countries, for them to have been assaulted and murdered by people purporting to be acting in the name of religion, that is the true outrage.

And I hope people will resist any temptation even to equate the two. An

act of stupid and offensive bigotry against a book should be criticized. Murder of innocent people in the name of a religion—and it's particularly ironic that people who committed these murders claim to be vindicating their religion. Indeed, no denigration of a religion could be greater than to murder innocent people in its name. If I were to be asked what did I think more detracted from the image of Islam, this irresponsible publicity seeker in Florida burning a Koran or people in the name of the religion murdering innocent people including those who went to Afghanistan only to help, it is clearly the latter.

So, Madam Speaker, let's be very clear that nothing in what happened with the burning of a Koran comes close to justifying the outrageous, murderous behavior of people in Afghanistan. And I am pleased that there is attention given to this, but the condemnation should be of this kind of attack on innocent citizens, and we ought to keep this in some perspective.

□ 1040

CONGRESSMAN PAUL RYAN'S PRIVATIZED FISCAL FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Yesterday, PAUL RYAN of Wisconsin, Republican chair of the Budget Committee, revealed his projected future for seniors in America and their health insurance coverage. It's very interesting.

What he says is, starting with people who are age 55 and younger, there would be no traditional Medicare. That's a pretty radical departure. But he says don't worry. What we will do, what in the Republican vision we will do, is the government will take money and it will give it to private health insurance companies. Seniors would be forced to go to those private health insurance companies and buy a policy from them, and it would be offset by the amount of money that the Federal Government gave to the private health insurance industry. And market discipline would prevail in the PAUL RYAN view of the world. Isn't that a wonderful thing?

Well, guess what? We've got that today. We have an unregulated health insurance industry in this country exempt from anti-trust law, unlike any other business in America. And over the last 10 years, premiums for people who buy health insurance have doubled in my State, pretty much the same all around the country. Some places more than doubled, other places a little bit less. But that's over 10 years.

But in PAUL RYAN's view of the world, that's a success. Why is it a success? Well, because insurance company profits are up very dramatically. So

what if people are paying twice as much for their policies and they have more and more exclusions every year?

There's another little problem with his proposal. Other than the fact that this is not a competitive industry, they are allowed to collude, red-line people. They are allowed to get together and collude and drive up prices. They are allowed to get together and collude and decide which States they will go into or get out of to help their sister and brother companies make more profits. He would do nothing about that. That system would continue.

Then there's the little problem that he would repeal so-called ObamaCare. Well, one of the things I think most Americans liked about that legislation was it prohibits insurance companies from refusing to sell you a policy because you were sick once. That's called a preexisting condition. It also prohibits insurance companies from taking away your policy the day you get sick, something called a rescission.

In PAUL RYAN's world, those things are back, preexisting condition exclusions.

Guess what. Aging is a preexisting condition. Go out today, if you're 55 years old and you've been sick once in your life, and try to buy at any reasonable price a private health insurance policy. In PAUL RYAN's world, market discipline will take care of that. No.

What he's doing is a massive shifting of costs onto seniors, the kind of thing that drove seniors into bankruptcy back in the 1950s and 1960s and had their poverty rate at 20 percent. That's why we adopted Medicare in this country, so that seniors wouldn't be driven out of their homes and into bankruptcy in their later years when most people require more health care. In PAUL RYAN's world, the heck with that.

In fact, the Congressional Budget Office—which some days he likes when they give him answers he likes, and some days he doesn't like when they give him answers he doesn't like, but it's an impartial group, bipartisan group, and at this point controlled by the Republicans—has said that under PAUL RYAN's world, seniors, instead of paying 25 percent of the costs of their health care, which they do today and they would in the future if we continue Medicare, will pay 68 percent of the costs of their health care.

Now, how many people, how many seniors in this country—other than the people he pals around with on Wall Street and at the country club—but other than them, how many of them can afford to pay 68 percent of their health care costs? What middle class American can afford that in retirement no matter how prudent they've been their whole life, no matter how much money they've saved in their whole life? Very, very, very few.

So we have here a plan to enrich the private health insurance industry,

allow them to return to all of their bad old ways—recisions, pre-existing condition exclusions and all of that—so that the government can give them money. And he says this will save the government a lot of money. Well, it might, but it's going to kill a lot of seniors or drive them into bankruptcy, just like the days before we had Medicare.

If one looks at the other Republican creation of the last decade, Medicare Part D—you know, that thing where we helped seniors with their pharmaceutical costs, with their drug prescriptions—that wasn't done through Medicare; it was done through the private insurance industry. It cost three-quarters of a trillion dollars, \$650 billion—650 thousand million dollars—over 10 years. Borrowed money. That's PAUL RYAN's world. Give all the money to the insurance companies.

Good work, PAUL.

CONGRESSMAN PAUL RYAN'S BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. Yesterday, Congressman PAUL RYAN introduced the Republican Party's fiscal year 2012 road-to-ruin budget.

We have been back to work in the House for 14 weeks. And for 14 straight weeks, the Republican majority has done nothing to create jobs. They haven't even put a single jobs bill on the House floor. In fact, their proposed spending bill for 2011 actually costs America 700,000 jobs.

Now, Congressman RYAN and the Republican leadership want to extend their job-killing policies and permanently eliminate the middle class. The Republicans' road to ruin is nothing short of an attack on working families, seniors, students, and children.

It attacks America's seniors by ending the Medicare guarantee and putting your fate in the hands of private insurance companies. It attacks America's workers by not doing anything to create jobs and by gutting job training. It attacks America's students by cutting education and raising college costs for nearly 10 million students.

Now, no matter what side of the aisle we are on, we can all agree that deficit reduction is important. But the question is how do we do it. What we can't do is balance the budget on the backs of America's middle class, our seniors, our students, and our children.

But I do know some things we can't afford. At a time when middle class families can't pay their bills, we can't afford to keep spending billions in subsidies for Big Oil and giveaways for special interests. At a time when our senior population is growing, we can't afford to slash funding for nursing homes and put health insurance companies back in control of health care.

At a time when our economy needs an infusion of the best and brightest workers, we can't afford to cut public education while protecting tax breaks for companies who ship jobs overseas and spending billions of dollars in tax breaks on people already making upward of half a million dollars.

A budget isn't just about dollars and cents; it's about priorities and values. And as representatives of the American people, our priorities and values should reflect their values: Jobs, a secure retirement, the promise of educational opportunity, and the certainty that if your child is sick then you will be able to afford to see the doctor.

If you vote for this bill, then who amongst us could go home and look senior citizens in the eye knowing we ended Medicare as we know it? Who could look an unemployed worker in the eye knowing we didn't do anything to create jobs? Who could look a student in the eye knowing we took away their opportunity to succeed with a quality education?

I want to reduce our deficit. I know it's vital for our fiscal future. But I also want to look my constituents in the eye and tell them I stood up for their priorities and not those of Big Oil, international corporations, and special interests.

The truth is we can do both. We can get our deficit under control. And we can do it without cuts that hurt hard-working families.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Bishop Henry Fernandez, The Faith Center, Sunrise, Florida, offered the following prayer:

Heavenly Father, we thank You for this day, for truly this is the day that the Lord has made, and we will rejoice and be glad in it.

I pray that our government will seek Your divine will in the affairs of this great Nation, the United States of America. I ask for Your lead in everything this 112th Congress will work on. Give them wisdom to make the right decisions that will cause all of us to be progressive and successful.

May each Member of this House remember the words spoken by Paul:

“Let no one seek his own good, but the good of his neighbor.”

Bless them and their families with good health and long life.

And let Your peace rest upon them and this great Nation, as we continue to live out the words written over the chair of the Speaker of the House: “In God we trust.”

In Jesus' name, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Missouri (Mrs. HARTZLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. HARTZLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING BISHOP HENRY FERNANDEZ

The SPEAKER. Without objection, the gentleman from Florida (Mr. HASTINGS) is recognized for 1 minute.

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it is with great privilege that I welcome my dear friend, Bishop Henry Fernandez, as our guest chaplain for today's opening prayer.

He is an anointed speaker, educator, accomplished author, and entrepreneur. Henry B. Fernandez answered the call of God on his life in 1985 and later became an ordained minister in 1988.

In July 1991, Bishop Fernandez began to demonstrate his faith in God and a commitment to “walk by faith” in every area of life when, along with his wife, Carol, he founded the Plantation

Worship Center in the cafeteria of a local elementary school in south Florida with only 11 members. Now known as The Faith Center Ministries, the church makes its home in the former Sunrise Theater, where its more than 8,000 members embrace a mission of "Reaching the World for Jesus."

Bishop Fernandez is an amazing inspirational speaker, author, community servant, and business person whose work continues to manifest the freedom of worship enjoyed across our Nation. Through his work, he has encouraged us all to exercise faith and live victoriously.

He and his wife, Carol, have two sons, Seion-Zane and Elijah-Zane.

I am truly honored to welcome my friend and inspirational leader, Bishop Henry Fernandez.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

PAY OUR TROOPS; DON'T SHUT DOWN GOVERNMENT

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HARTZLER. Madam Speaker, I rise today on behalf of men and women in uniform who won't get paid if Senator HARRY REID continues to refuse to pass the continuing resolution and shuts down the government later this week. They deserve better.

We have warriors fighting on our behalf in two theatres, bravely standing strong for our ideals of freedom and liberty. Meanwhile at home, their families are sacrificing too. Spouses are bravely running the household and being both mom and dad to their children.

While they are fighting for us, the Senate and the President are AWOL, doing nothing to make sure our soldiers are getting paid, even as the President takes us into a third war. In fact, they're actively promoting a shutdown because they believe it will benefit them politically.

I say, shame on them.

The House has proposed a CR which funds the Defense Department for the rest of the year, ensuring our men and women in uniform and their families receive their well-deserved paychecks and our country is defended.

We need to pass this bill and move forward and stop playing politics. Our military deserves nothing less.

GOVERNMENT SHUTDOWN

(Mr. MCGOVERN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, we are 1 day closer to a government shutdown, and the Republican leadership continues their obstinate crusade against everyday Americans.

If their insistence on draconian cuts and their blind allegiance to a government shutdown weren't bad enough, their 2012 budget decimates SNAP and Medicaid, food and health care assistance programs for the most vulnerable people in America.

Republicans continue their efforts to balance the budget on the backs of the poor, and we must not stand for that.

But Americans from all walks of life are saying enough. Over 23,000 people—members of churches, mosques, and synagogues; union members and white collar workers; clergy and lay people—are fasting in opposition to the draconian Republican budget cuts.

Democrats stand with those fasting in opposition to cuts to programs that make up the circle of protection, the programs that protect the hungry and the most vulnerable both here at home and around the world. We can and we should and we must do better.

I urge my Republican colleagues, stop your assault on the poor. Stop your assault against the poor.

You could read more about their efforts at www.hungerfast.org.

□ 1210

LEGAL AUTHORITY FOR WAR IN THE NAME OF HUMANITY?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the United States is engaged in a new concept of war. No longer will the United States go to war only when it is in our national security interest. The Obama Doctrine is "war in the name of humanity."

Secretary Gates said military intervention in Libya is not necessary for our national interest. So now we drop bombs in countries when we self-righteously decide the ruler is mean to his people. Is this a lawful reason, a legal reason for war in Libya?

My concern is that the Constitution does not give the President unilateral authority to commit our military to foreign entanglements in the vague philosophy of humanity. There has been no prior consulting and consent of Congress. The War Powers Act only gives the President authority to enter into war without consulting Congress when a national emergency is created by an attack on the United States, its territories or possessions, or its Armed Forces.

There is no such national emergency. So what is the legal authority for military intervention in Libya? We need

some answers. Are you in, Mr. President? And that's just the way it is.

GOVERNMENT SHUTDOWN

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, we stand today on the verge of a government shutdown. Without quick action, we will leave our seniors, our veterans, and vulnerable Americans everywhere out in the cold. But instead of working on a compromise, I state, Republicans have introduced a budget that will devastate seniors while protecting tax breaks for the richest.

Under the Republican budget, seniors in my district would lose their guaranteed benefit under Medicare and face devastating cuts to Medicaid benefits for nursing home care, which now pays over 48 million elderly and disabled Americans.

Seniors live on a fixed income. I state, seniors live on a fixed income. They cannot afford to pay more for health care or see cuts in their Social Security or have their Medicare privatized. We must not cut their benefits in order to protect and enlarge tax breaks for the rich and for companies that ship jobs overseas or for the oil industry.

We must control our deficit. It is wrong to balance the budget on the backs of American seniors. This is not about power; it's about what's good for the American people.

SAN RAMON VALLEY HIGH SCHOOL

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the importance of improving our Nation's schools. I recently visited the San Ramon Valley High School and heard from many students on this important issue. I told the students then and there that I would bring their message back to Washington, D.C., and share it in our Nation's Capital.

Today's young people face an increasingly competitive world, and their education is the foundation of our country's economic success. The students at San Ramon Valley High School shared with me the importance of high quality education and teaching young people not only how to take a test, but also how to apply their skills in real life situations.

The students also asked that when Congress makes decisions about the Federal budget, that funding for schools and education should be a top priority. After all, investing in the education of our young people is an investment in our future.

I urge my colleagues to listen to the thoughts and ideas of the students at San Ramon Valley High School and the young people throughout our country.

THE REPUBLICAN BUDGET

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, my Republican colleagues have put forth spending proposals that they assert promise savings. But deep cuts to Medicare, Medicaid, and the discretionary budget really just shift those costs onto seniors and children. I have heard from hundreds of constituents urging opposition because, to quote a constituent from my hometown of Lowell, the impact would be "devastating." This dangerous game has already cost private sector jobs in my district as contractors wait for Congress to pass a long-term budget.

Many in this body have proven willing to compromise to solve our debt crisis. We have already enacted \$10 billion in spending cuts as a show of good faith. But House Republicans continue to insist upon ideological policy changes that even some Senate Republicans say "go too far."

It is time for this body to listen to the American public and reject ideological policies that would destroy Medicare as we know it, eliminate women's health services like breast and cervical cancer screenings, and make it easier for polluters to contaminate our drinking water.

HONORING AND REMEMBERING CONNECTICUT'S HEROES

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to honor and remember three brave men from my State who recently lost their lives in Afghanistan. PFC David Fahey of Norwalk was killed by an IED on February 28. Sergeant 1st Class Daehan Park of Watertown was killed by an IED on March 12. And Sergeant Frank Adamski of Moosup was killed in a firefight on March 29. March 29 was his 26th birthday.

These three men and 1,500 others have made the ultimate sacrifice in the battlefields of Afghanistan. And these three losses over 30 days is a big price to pay for a small State like Connecticut. These brave soldiers volunteered to put themselves in harm's way, and they die heroes. I join my friends and neighbors in Connecticut in mourning the loss of these three men. I wish to extend my heartfelt thanks, respect, and sympathies to their families during this difficult time.

PROTECTING COMPENSATION FOR MILITARY FAMILIES

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Madam Speaker, I rise today to express the great concern that many of us have over the potential impact a government shutdown will have on our men and women serving overseas. Recent Department of Defense memos have stated that in the event of a shutdown, our troops will be required to continue to serve our country, but they and their families will receive no compensation.

Madam Speaker, the House has passed H.R. 1, which would protect these military families from being left in the cold and would keep the government operating while making reductions in spending. As we wait for action on that legislation from the Senate, our troops and their families hang in the balance.

We cannot allow this Washington process to threaten the operational readiness of our military and dishonor the service of our soldiers. Our men and women in uniform are bravely putting themselves in harm's way in service to our country. We cannot let them down. We owe this to our troops.

THE REPUBLICAN BUDGET

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Madam Speaker, both sides here have agreed to serious budget cuts. The choice is between responsible cuts and extreme cuts that endanger our fragile recovery, cost jobs, and hurt seniors. And because Democrats are fighting to stop the Republican extreme cuts, Republicans are threatening to shut the government down.

Their proposal cuts investments in projects like high-speed rail by \$1.5 billion, which could have a serious impact on jobs in the St. Louis region I represent. And their proposal lacks the common sense and courage to end taxpayer giveaways to Big Oil, millionaires, and companies sending jobs overseas. But most shockingly, as the Wall Street Journal has noted, the proposed budget would drastically cut Medicare and Medicaid, throwing our seniors into crisis. The AARP has said the proposal would "deny vulnerable seniors access to long-term care and force deep cuts in quality and safety in nursing homes, leaving more seniors at risk."

The Republican extreme cuts are not the solution. I urge my Republican colleagues to get serious. It's time to roll our sleeves up and work together to solve the Nation's problems, not create more problems by shutting the government down.

NOTES FROM THE "WARSHINGTON" UNDERGROUND

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Here is a formula for the collapse of both our economy and our democracy: increase spending for the Pentagon by \$7 billion and ensure its budget for the rest of the fiscal year. Everything else gets cut \$13 billion and gets a budget for just 1 week.

Money for war in Iraq, war in Afghanistan, war over Pakistan, war in Libya—so many wars going on at the same time you could rename our town "Warshington." Money for bombs; no money for books. Money for missiles; no money for new moms. Money for jet fighters; no money for crime fighters. Money for an empire that is as broad as our fears; no money for an America that is as large as our hopes. Just money for unnecessary wars.

We don't want apocalypse now; we want peace now. We want jobs now. We want prosperity now. And we want the leadership to provide it now.

COMMEMORATING TWO POLISH ANNIVERSARIES

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, today I rise to stand with the Polish people as they commemorate two horrific events on this Saturday, April 10.

First, the 71st anniversary of the Katyn Forest massacre, and the second, the first anniversary of the tragic airplane crash that killed 96 people, including the Polish President and top Polish officials.

The Katyn Forest massacre occurred during World War II in April and in May of 1940 while Poland was fighting a war on two fronts. The Soviet secret police brutally killed over 20,000 Poles whose bodies were later recovered in a mass grave at Katyn. Tragically, last year, as a delegation of Polish officials were en route to Katyn to commemorate the massacre, their plane unexpectedly crashed in western Russia, killing all aboard.

It was with great sadness that I heard the news after having had the great honor of meeting the Polish President Kaczynski in the past. His devotion to the Polish nation and the people were immeasurable.

Madam Speaker, the Polish people over the past year and through the course of history have been unwavering in their resilience and patriotism in the face of adversity. Their courage is admirable and inspiring. On this day, we stand in solidarity as they commemorate two occasions of great loss.

□ 1220

REPUBLICANS SHOULD BE ASHAMED

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHMOND. Madam Speaker, you can tell a lot about a person by how they treat our seniors and how they treat our children. According to the 2012 budget, House Republicans do not value our seniors nor our children. They want to privatize Medicare and undo Medicaid. They will burden already cash-strapped States, and place it in the hands of Governors. Under their plan, Governors will decide whether or not you will receive health care. They are telling 50 million seniors to cough up the money or get off the health care rolls. They are telling the 1.5 million Medicare and Medicaid recipients in Louisiana that they are on their own.

According to the nonpartisan Congressional Budget Office, most beneficiaries would spend more for health care under the new proposal and could get reduced quality care under the GOP proposal that we are fighting here today.

Grandparents and their grandchildren will have less access to doctors when they are sick. Through this budget, we see the Republican future; and it ain't a pretty one. To use my grandmother's words, Madam Speaker: Republicans, you should be ashamed of yourselves for picking on our seniors and our children.

HONORING BOB YOUNG

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, I speak today to honor one of Vermont's outstanding civic and corporate leaders. Bob Young is retiring as president of Central Vermont Public Service Company, one of Vermont's largest and most respected companies.

When Bob Young became president, that utility faced many challenges. He faced them directly: rising costs, transmission system upgrades, a customer base that wanted reliable power but green power. Bob Young succeeded in making CVPS an award-winning company. He focused on customer service and environmental concern and stewardship, proving that green power could be reliable and affordable. It was a team effort. His valued employees, his diligent board of directors and his shareholders, all were part of it. But the best part was wife, Vicky, who was not only at his side but oftentimes a step ahead.

You served Vermont well, and on behalf of a grateful Vermont, Bob and Vicky, thank you for your service.

GOVERNMENT SHUTDOWN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, our soldiers on the front lines all over this world understand what a fight is about. If you have ever visited them in Iraq and Afghanistan, they have values. They know about their grandmothers and grandfathers, and they know about their families back home with their children. They know what they are fighting for. They will understand that we are here fighting for values.

This government shutdown is not the blame or the fault of the President of the United States or the Democrats in the House or in the Senate. There has been an offer of \$73 billion. It is a question of whether or not you want to solve this problem on the backs of grandmothers and granddads, on the backs of the families of the military persons who are on the front lines in Iraq and Afghanistan.

Do you want to throw college students right out on their rear that are right in the middle of their school term by canceling their Pell Grants? Do you want to tell mothers taking their children to the clinic that there is no more Medicaid for them? Do you want to turn the lights out and close the door and say: America, we don't have any more values.

I do not want to shut this government down. You are not going to shut it down on my watch, if we can work together. I am going to stand and fight for values, and we're going to pull together. We will stand and we will survive. However, let them shut the government down, if the Republicans refuse to compromise. Shut it down. Shut it down. But the Democrats are going to stand for the values of protecting the most vulnerable in America, and we will win.

REPUBLICANS NOT SENDING THE RIGHT MESSAGE

(Ms. HANABUSA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HANABUSA. Madam Speaker, there is no question the policy statement of any legislative body, including ours, is the budget. And what are we saying? I can tell you what the Republicans are saying. The Republicans are saying they haven't learned what caused the crash in 2008. They haven't learned because they still want to continue to give the tax breaks to the super wealthy, and they still refuse to address the costs of the wars and what the defense budget is all about.

Instead, the Republicans want to balance this budget on the backs of our kapuna, our elderly. And they want to

take away from those who receive Medicaid, those who need the help of government.

You know, this is not how a great Nation should act. This is not what the United States of America stands for. All I can say is we should be ashamed because we are better and we are not sending the right message.

DEVASTATING ANTI-CHOICE BILL

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Madam Speaker, I rise today because in a few short days this body will consider an extreme and devastating anti-choice bill. H.R. 3 attempted to redefine rape, aims to ban private insurance coverage of reproductive health care, and imposes tax penalties on plans that include care.

These unprecedented provisions have been widely debated, and it is my hope that the American people will realize the severity of this bill and that their Representatives will stop it. But my fear is throughout this debate, a dangerous provision of H.R. 3 has been overlooked, making permanent the Medicaid abortion ban, or the Hyde amendment. It is dangerous because if the extreme provisions are stripped out as a "compromise," we are left with a ban that permanently bars poor women from accessing care, and we have still lost.

Let's call the abortion ban what it really is: a ban on constitutionally protected health care that poor women cannot afford on their own. I encourage my colleagues to stand with poor women struggling to make ends meet around the Nation, in staunch opposition to any Medicaid abortion ban and H.R. 3.

MISPLACED PRIORITIES IN CONTINUING RESOLUTION

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Madam Speaker, what we've elected to do is to balance priorities, and the most important are the priorities within the budget process.

The Republican budget proposal introduced today is a collection of misplaced priorities because it cuts hundreds of thousands of jobs, it weakens our economy, and it punishes poor people. That's not what we are about.

Today, the wealthiest Americans in this country have 40 percent of our Nation's wealth and are making more than a quarter of our national income. But this budget will cut their top tax rate by 15 percent. In other words, if you're making a million dollars, you're going to get a tax break of up to \$150,000. If you're making a billion dollars a year, which more than two dozen

of the hedge fund managers in this country do make, you will get a \$150 million tax break per year. That's not what we should be about.

Let's look at the misplaced priorities in the continuing resolution in front of us. The amount saved by cutting education, health care, environmental regulation, child care, cancer, and Alzheimer's research and all of the other cuts in domestic, nondefense, discretionary spending, is equal to the cost of continuing the Bush tax cuts to the wealthiest Americans. Those are not the priorities of America; that shouldn't be the priority of this Congress. We can do better. We must do better.

NO GOVERNMENT SHUTDOWN

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, yesterday my Republican colleagues introduced a continuing resolution that would increase the defense budget for the entire year while funding the rest of the government for just 1 week and drastically cutting just about every other vital program. That's no compromise.

For months the Republicans have said that as we reduce spending everyone has to take a haircut, including the Defense Department. But now the Republicans propose increasing military spending. The Republicans claim they want to fund the government for the rest of the year. But this bill is for 1 week with drastic cuts to programs that serve our most vulnerable.

Madam Speaker, if you say one thing and then you do another, that is not negotiating in good faith. That's not a real compromise.

In fact, The Washington Post reported that in the Republican caucus this week, the possibility of the government shutdown was greeted with cheers and with applause. They want a shutdown.

Over 13 million Americans are unemployed. They don't have time for this, and they don't have any more time to waste; and we shouldn't be wasting the time and the resources that they gave us. So if the Republicans won't compromise at the negotiating table, maybe we should get everyone down here to the floor to discuss this, to discuss the condition of the unemployed and to discuss why a government of, for, and by the people should remain open.

MOTION TO ADJOURN

Mr. JACKSON of Illinois. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. JACKSON of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 36, nays 367, not voting 29, as follows:

[Roll No. 229]

YEAS—36

Ackerman
Capps
Capuano
Carson (IN)
Clarke (NY)
Clay
Conyers
Cooper
Crowley
Cummings
Doggett
Ellison
Filner

Frank (MA)
Fudge
Hastings (FL)
Hinojosa
Jackson (IL)
Johnson (GA)
Lee (CA)
Lowey
Maloney
Markey
McGovern
Miller (NC)
Moran

Nadler
Napolitano
Neal
Pastor (AZ)
Peters
Quigley
Sánchez, Linda
T.
Schrader
Towns
Velázquez

NAYS—367

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishak
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Bralley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline

Clarke (MI)
Cleaver
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Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte

Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslie
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry

Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris
Rogers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Paul
Paulsen
Payne

Pearce
Pelosi
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
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Renacci
Reyes
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Richardson
Richmond
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell

NOT VOTING—29

Andrews
Boswell
Dingell
Doyle
Emerson
Frelinghuysen
Giffords
Granger
Grijalva
Hinche

Jordan
King (IA)
Langevin
LaTourette
Long
Matsui
McCaul
Meeks
Murphy (PA)
Nunes

Sherman
Shimkus
Shuler
Shuster
Simpson
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Smith (NE)
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Smith (TX)
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Stark
Stearns
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Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Vislosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (IN)

□ 1254

Messrs. GEORGE MILLER of California and CRITZ, Mrs. DAVIS of California, Messrs. JOHNSON of Illinois, HUIZENGA of Michigan, HUNTER, and HOYER, Ms. BASS of California, Messrs. LARSON of Connecticut, FLEMING, and SARBANES changed their vote from "yea" to "nay."

Mr. HINOJOSA, Mrs. CAPPS, and Ms. VELÁZQUEZ changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LONG. Madam Speaker, on rollcall No. 229, had I been present, I would have voted "nay."

Mr. JORDAN. Madam Speaker, I was absent from the House Floor during rollcall 229 earlier today. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman, my friend from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, House Resolution 203 provides for a structured rule designated by the Rules Committee for consideration of H.R. 910. This rule allows for 12 amendments—that is, 12 amendments, Madam Speaker—submitted to the Rules Committee to be made in order.

Madam Speaker, I rise today in support of this rule and the underlying bill, including the open process that is taking place, not just in the Rules Committee, but also on the floor, where Members will be allowed to come and debate these 12 amendments, as opposed to a closed rule with no amendments.

This legislation, introduced by the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON), has gone through regular order. There were hearings held on this issue. H.R. 910 was marked up in the Energy and Commerce Committee, and the chairman of the Rules Committee, the gentleman, Mr. DREIER, provided for a structured amendment process for 12 additional Democrat amendments to be considered.

The bill we are discussing today, the Energy Tax Prevention Act, would stop the Environmental Protection Agency—also known as EPA—from imposing a national energy tax in the form of carbon emission regulations.

Today, I will explain what the underlying bill does, and I will discuss the EPA's agenda, what this agenda would do to the Nation's job market and economy, the need for a stronger energy policy from not just our President, but also from the administration and also, as the guidepost that begins with this legislation today, from the United States Congress on behalf of the American people.

H.R. 910 prohibits the EPA from regulating greenhouse gases under the Clean Air Act and repeals the steps the agency has already taken to begin this process. In this bill, we only focus on greenhouse gases and we leave EPA's authority to monitor and regulate pollutants intact.

In short, the underlying bill clarifies that the Clean Air Act is not a vehicle for regulatory taxing. The decision

about whether and how to regulate greenhouse gases should be made by Congress and only by Congress, not the regulatory body of a President who wishes to place his overriding answers on unelected bureaucrats to fulfill this role.

□ 1300

The EPA has been aggressively pursuing a national cap-and-tax energy agenda through regulation and legislation for years.

After cap-and-trade failed in Congress last year, the EPA accelerated its efforts to regulate this controversial policy through a series of new rules on hundreds of thousands of buildings all across the United States. In other words, because the President couldn't get his political agenda through Congress, he's taking his political agenda in the administration to overlay the American people.

We disagree with that, and that is why we are on the floor of the House of Representatives today.

Regulating greenhouse gas emissions—primarily the carbon dioxide emissions that come from coal, oil, and natural gas—will increase the cost of everything from gasoline to household utilities and, of course, groceries.

Additionally, regulating and taxing emissions will ship American jobs overseas to countries that understand and recognize stable, affordable and energy policies that are vital for their economic growth.

According to a letter from the Chamber of Commerce on March 9 of last year to the Energy and Commerce Committee: "These regulations will impose significant burden across the United States economy, including sectors that will create jobs and lead us in our economic recovery."

Additionally, the letter references that the American Council for Capital Formation has "estimated that EPA's greenhouse gas regulations could reduce business investment between \$97 billion and \$290 billion in 2011 and as much as \$309 billion in 2014," a tremendous hit on the economy when it comes from the President of the United States, Barack Obama, and his administration. This is not a way for America or our future to be successful.

The American Coalition for Clean Coal Electricity also references the American Council for Capital Formation in a press release just last month that estimates that a greenhouse gas tax "could result in the loss of between 476,000 to 1.4 million jobs."

Republicans are committed to putting Americans back to work, and our Democratic colleagues continue to pursue a reckless agenda that puts more Americans out of work, drives business overseas—all the while limiting U.S. energy production and use.

So, Madam Speaker, today the Republican Party is on the floor of the

House of Representatives with good news not just for the taxpayers but for the American people, in particular, not just consumers, but those who have lost their job or who are underemployed. We believe that what we're doing today is a jobs-saver bill.

The House Natural Resources Committee reported last month that the Obama administration policies have caused domestic oil production to drop by 16 percent versus projected levels and future projections show continued decreases in domestic production and more foreign imports to make up for this difference.

A recent Rasmussen poll from March 3, 2011, shows that three-quarters of Americans believe this country does not do enough to develop its own oil and gas resources.

So whether through greenhouse gas regulation permit delays or permitting moratoriums, which the President stands behind in his administration, this administration should change their policies and their direction.

We must find new sources of energy and not tax those that exist for the freedom of this country.

So while energy prices soar and continue to soar and projections estimate a \$5-a-gallon gasoline by summertime, this administration wants to inflict more costs on consumers.

The bill today would help to ease the cost of energy prices. It would assist in the global competitiveness of America. It would help ensure that this Nation does not lose millions of more jobs and does not threaten the intent of the Clean Air Act.

No, Madam Speaker, the Republican Party is here because this is yet another opportunity at a jobs bill that is pro-consumer and pro the American people who want and need to be able to help in a desperate time when we're losing our jobs and things are tough back home to do something positive on behalf of the American public.

This is a bipartisan bill that provides good policy for our Nation, and we're asking every single Member of Congress to understand clearly and see this for what it is. It is a jobs-protection bill.

Madam Speaker, I encourage my colleagues to vote "yes" on the rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my friend from Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, it has been a remarkable April in the House of Representatives. Last week, the majority rewrote the Constitution with a bill stating that one House of Congress can deem a law made all by itself regardless of what the Senate or the President of the United States might think. And if that wasn't enough, today the majority is proposing to rewrite the

laws of science itself, the definition of taxes, and the laws of economics.

Despite indisputable scientific evidence, the Republicans are seeking to bar the Environmental Protection Agency from protecting Americans' health and safety from what the scientific consensus agrees is the worst environmental threat in the world's history: global climate change.

It's akin to telling Homeland Security to stop protecting the homeland. It denies scientific proof and logic. Even the Supreme Court stated that the EPA has a responsibility to act to keep the public safe. We're witnessing nothing less today than a full assault on four decades of progress in protecting Americans from environmental dangers.

Madam Speaker, for nearly 40 years the EPA and the Clean Air Act have protected the health of Americans from dangers both seen and unseen. Over the last 20 years, the Clean Air Act prevented an estimated 843,000 asthma attacks, 18 million cases of respiratory illness among children, 672,000 cases of chronic bronchitis, 21,000 cases of heart disease, and 200,000 premature deaths—not only saving people from the human toll of dealing with illness among themselves and their family, but saving the economic costs to society and individuals from all of these conditions.

Yet my colleagues on the other side of the aisle want to ignore this progress and prevent the EPA by handcuffing it and preventing it from protecting us in the future.

Repealing the EPA's authority to limit pollution would have devastating consequences. It would increase the number of children and adults who suffer from asthma. It would increase the number of individuals with emphysema, lung cancer, bronchitis, and many other respiratory diseases driving up health care costs for all Americans significantly.

For this reason, 280 groups—including the American Heart Association, the American Public Health Association and many others—sent a letter to Congress urging us to reject measures that would block or delay the U.S. Environmental Protection Agency from doing its job to protect all Americans from life-threatening air pollution.

Madam Speaker, my friend from Texas mentioned the word "tax" six times in his remarks, to my count. It's possible I missed a couple of instances of that word as well. And yet yesterday in committee, both Chairman UPTON and Ranking Member WAXMAN agreed that the EPA does not have the statutory authority to confer any taxes whatsoever.

Therefore, the name of this bill, the Energy Tax Prevention Act, is a complete misnomer. This bill has not even originated in or been passed out of the committee in Congress that has juris-

diction in tax matters, namely, the Ways and Means Committee. It's a completely inappropriate and misleading way to convey what this bill does.

Madam Speaker, America's science and environmental policy should be driven by science and science alone. The EPA should be allowed to move forward. And I urge my colleagues to reject the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I would like to yield 3 minutes to the distinguished gentleman from Beaumont, Texas, Judge POE.

□ 1310

Mr. POE of Texas. I thank the gentleman for yielding.

Madam Speaker, the EPA is on a mission to destroy American industry. Their damaging plan to regulate the so-called carbon emissions will cost every household in America at least \$1,600 per year. These unnecessary regulations will strangle the economy by driving up the cost of energy. Gasoline is \$4 a gallon, will soon be \$5 a gallon. It will put more Americans out of work, especially in the energy industry.

Congress must take immediate action to stop the EPA and its out-of-control concepts from ruining American industry. Earlier this year, I introduced similar legislation to what we are considering today. I introduced it during the first CR. It passed this House with bipartisan support. And what it would do is similar to what this legislation is going to do: that would be to prevent the EPA's attempt to regulate so-called greenhouse gases.

I support this rule and the underlying legislation.

Madam Speaker, in my opinion, when regulators, especially those at the EPA, go to work every day, they go down the street here to one of these marble palaces, they get in a big room with a big oak table, they drink their lattes, and they sit around and say, "Who can we regulate today?" because that's what regulators do. Regulators regulate. And they figure out new ways to regulate the entire United States, all on the so-called premise of protecting us from ourselves.

In my opinion, it has nothing really to do about protection, but it has to do about power. EPA has a power agenda and they have a political agenda, and they are trying to claim it is an agenda to protect all of us from ourselves. The EPA's regulation of greenhouse gases, in my opinion, lacks proven scientific basis. And the EPA is out of control.

You know, the EPA overregulates, and it's driving energy businesses out of this country. It's hammering the American energy industry, and I doubt whether or not it is doing so with scientific basis.

The United States is in an energy crisis. It's a national security issue. And

what is the administration's energy plan? Let's not drill here. Let's not drill there. We can't drill in ANWR. We can't drill in any new lands in the United States. We are certainly not going to promote permitting in the Gulf of Mexico at a rapid pace so that we can drill there. But our energy plan, sayeth the administration, is to send money down to Brazil and let the Brazilians drill off of their coast so we can buy their crude oil. Now, that doesn't make any sense to me.

It's time for us to drill in the United States safely. It's time for America to take care of America.

And that's just the way it is.

Mr. POLIS. Madam Speaker, it is my honor to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

PARLIAMENTARY INQUIRIES

Mr. BLUMENAUER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BLUMENAUER. Madam Speaker, when making decisions on a bill referral, is the bill title a consideration?

The SPEAKER pro tempore. The Chair will not render an advisory opinion on that at this time.

Mr. BLUMENAUER. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLUMENAUER. Is it true that anyone can put the word "tax" in the title of a bill even though it has nothing to do with taxes?

The SPEAKER pro tempore. The gentleman's point has not been stated as a parliamentary inquiry.

Mr. BLUMENAUER. Madam Speaker, let me turn, if I could, to my good friend on the Rules Committee for purposes of yielding to a question, if he would.

I was just curious. I had an amendment before the Rules Committee. I noticed you waived germaneness on other questions. I had an amendment submitted that would simply ensure that the bill accurately accomplished what its title described. My amendment would have struck everything in the bill except the title, Energy Tax Prevention Act, and replaced it with language that actually prevented the EPA from imposing an energy tax.

Do you have any guidance as to why this amendment was not in order?

I yield to the gentleman from Texas.

Mr. SESSIONS. I appreciate the gentleman engaging me in a colloquy, and I will just give him a straight answer.

We did not offer any waivers. All 12 amendments offered by Democrats were germane. This, and perhaps others that were submitted to the Rules Committee, were not germane to the House rules, so we did not offer any waiver. But the others that we did, the 12, were all germane and did not have to have a waiver.

Mr. BLUMENAUER. Reclaiming my time, I would just note that the committee did deal with germaneness in terms of allowing things to go through from the Energy and Commerce Committee. It's unfortunate that you would not allow an amendment to at least have an accurate title before the Chamber for its debate.

It's clear that H.R. 910 has nothing to do with energy taxes. The bill is designed to confuse Members of Congress and mislead the public. As a member of the Ways and Means Committee, I would strongly object to EPA imposing a tax on energy. But we all know that the EPA has no intention of imposing a tax on energy. Instead, this bill will overrule the scientific consensus on climate change, ignore a Supreme Court decision.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. It would ignore a Supreme Court decision and endanger the future of the planet.

I would strongly urge a "no" vote on the rule and the underlying bill.

I would add, Madam Speaker, that a statement from the Joint Committee on Taxation indicates that this bill has nothing to do with taxation.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC.

Hon. EARL BLUMENAUER,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR MR. BLUMENAUER: This letter is in response to your request dated April 5, 2011, for an estimate of H.R. 910, the "Energy Tax Prevention Act of 2011." That bill limits the ability of the Administrator of the Environmental Protection Agency to use authority granted under the Clean Air Act to promulgate regulations or take other actions relating to the emission of greenhouse gases to address climate change.

While the bill does not reference anything in the Internal Revenue Code, there are at least half a dozen places in the Internal Revenue Code (the "Code") that cross reference the Environmental Protection Agency and the Clean Air Act. For example, Code section 40(b)(6)(E) defines cellulosic biofuel in part as a liquid that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act.

There are also additional instances in the Code that do not reference the Clean Air Act but do require consultation with the EPA Administrator. For example, section 45Q, which provides a credit for carbon dioxide permanently sequestered in secure geological storage provides that "the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of the Interior, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide . . . such that the carbon dioxide does not escape into the atmosphere."

Notwithstanding these and similar Code provisions that cross reference certain Clean Air Act rules or require consultation with

the EPA Administrator, we do not think it likely that H.R. 910 will have an effect on Federal fiscal year budget receipts.

I hope that this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,
THOMAS A. BARTHOLD,
Chief of Staff.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to one of our brand-new freshmen, a gentleman who is not only on what is called an A committee but an exclusive committee of the United States Congress, who has had a distinguished career as a sheriff in Florida and who is a distinguished member of the Rules Committee, the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I thank the gentleman from Dallas, Mr. SESSIONS.

Madam Speaker, today I rise in support of House Resolution 203 and the underlying legislation, H.R. 910.

When I talk to people in Florida's Fifth District about what we are doing here in the House of Representatives to cut spending, reduce the size and scope of the Federal Government, I always stress that we are just one part of the process. The House can only do so much. We still need the Senate and the President to sign off on any legislation we pass before it becomes law. This is one of the most basic building blocks of our government and one we're reminded of as we continue to wait on the Senate to pass a budget for this fiscal year and to prevent a government shutdown.

But the Obama administration has decided to bypass Congress on the issue of greenhouse gas. Can't pass cap-and-tax? Push the greenhouse agenda on the American people another way. So now unelected bureaucrats in the EPA are trying to regulate greenhouse gases.

Among the gases the EPA is trying to regulate is methane. According to EPA, 28 percent of the global methane emissions they classify as coming from human-related activities actually come from livestock. I don't think it's a coincidence that the EPA's move to regulate methane, including cow flatulence, comes on the heels of a report from the United Nations Food and Agriculture Organization that states: "Livestock are one of the most significant contributors to today's most serious environmental problems. Urgent action is required to remedy the situation."

Now, I am pretty sure if you asked the ranchers of Florida's Fifth District, as much as they would like to regulate cows from passing gas for plenty of reasons, some smellier than others, we just don't have that capacity. Nevertheless, EPA wants to follow the U.N.'s lead and regulate methane. And the cost of that will inevitably fall upon the backs of America's families.

Madam Speaker, H.R. 910 is a good and important bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman 1 additional minute.

Mr. NUGENT. Similarly, the rule provided by H. Res. 203 gives us time for a full, comprehensive debate on the issue, and I encourage my colleagues to support them both.

□ 1320

Mr. POLIS. I yield myself 1 minute to respond.

I know the gentleman from Florida mentioned the cow flatulence in our committee meeting last night, and it sounded like a topic that bore looking into. I did have a chance to look it up in the interim, and Fox News had reported the prospect of EPA regulating cow and livestock gas.

However, it never existed. FactCheck.org, which I looked it up on, dispelled the myth and EPA itself actually came out with a statement that said not only is there no such regulation that it discussed or was in the works, but even EPA admitted it's not under their authority to regulate that in any way, shape or form.

So it is a false accusation with regard to the issue regarding livestock.

Madam Speaker, it's my honor to yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a former member of the Rules Committee and a former member of the Energy and Commerce Committee. He has racked up quite a few former memberships.

Mr. WELCH. I thank the gentleman.

Madam Speaker, today's legislation is essentially about the very simple sounding act of abolishing the Clean Air Act.

Why? How is it that we are going to do this? The authors in support of this legislation have come to the legislative conclusion that global warming is a hoax. Give him credit. Coming to that conclusion was a big lift. It flies in the face of the unanimous conclusion of American scientists, 97 percent, that global warming is real and it's man-made.

And, you know, when you are going to get to that conclusion, you have to follow a long-established tradition we humans have, and that's the ability to disregard the obvious and the proven when that conflicts with what our ideology says we want.

You know, Aristotle was the EPA of his day. He was attacked when he said that the Earth was round. The world at that time thought the world was flat, and people argued with Aristotle and about Aristotle for 1,500 years.

Galileo became the EPA of his day when he said that the Earth revolved around the sun. He too was attacked for centuries for being "wrong."

Today we have unanimous, near unanimous, scientific conclusion that global warming exists, it's a threat to our planet, it's a threat to our health and, yet, as the folks who attacked Aristotle when he said the Earth was

round, as the folks who attacked Galileo when he said the Earth revolved around the sun, the authors, in support of this legislation, deny the proven fact of global warming and wave it away by abolishing the Clean Air Act. This is the wrong step to be taking.

Mr. SESSIONS. Madam Speaker, there was a dialogue back and forth about cows, cattle, and that the EPA really is not after that issue. But if you go to the EPA Web site, epa.gov, and you look under the portion called "Frequent Questions" where it deals with livestock, in fact, the EPA is trying to talk about methane produced by livestock. And it ends up saying, as I read from my BlackBerry, that essentially 20 percent of all the methane content in the air comes from livestock.

Well, that's what they want to regulate, which means they would get in the business whether we said this or not.

Mr. POLIS. Will the gentleman yield?

Mr. SESSIONS. The gentleman will have his own time in a minute, and I'm sure he will be very effective.

But I encourage the gentleman to get on his BlackBerry and go to the Web site and look this up. They're going to blame it on cattle. They're going to tax cattle. They're going to tax the output because that's what they are proposing.

Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from Ennis, Texas (Mr. BARTON).

Mr. BARTON of Texas. Madam Speaker, I rise in strong support of this rule and in strong support of the underlying bill.

I have been a member of the Energy and Commerce Committee for 26, now 27 years. I'm a past chairman. I'm a past subcommittee chairman. I currently have the title of chairman emeritus.

I participated under former Chairman JOHN DINGELL, former Chairman Billy Tauzin, former Chairman Tom Bliley, former Chairman HENRY WAXMAN and now current Chairman FRED UPTON, dozens of hearings on the Clean Air Act, markups, amendments, dozens of hearings on climate change, global warming and all of those issues.

The bill before us, if the rule passes, does not change the Clean Air Act. It does not gut the Clean Air Act. It does not in any way prevent enforcement of the criteria pollutants that are regulated by the Clean Air Act. It simply says that greenhouse gases are not to be regulated under the Clean Air Act.

And the reason it says that is that greenhouse gases are different than the criteria pollutants that are regulated under the Clean Air Act. First of all, greenhouse gases by definition are necessary for life.

As I stand here, Madam Speaker, and speak, I am creating, as I breathe in

and out through the respiratory process, CO₂. So under the dictates of today's EPA, I am a mobile source polluter, because I am breathing. I am creating CO₂.

CO₂, carbon dioxide, is necessary for life. Greenhouse gases are necessary to protect the environment. They have the ability to prevent heat from escaping into outer space, and that is what creates the temperature zone that allows life to exist.

The radical environmentalists who think CO₂ is a pollutant have decided amongst themselves—I don't know how they have done it—but they have decided that the magic number for CO₂ in the atmosphere should be about 350 parts per billion. We are currently at about 380 parts per billion.

We know from records and from ice samples and tree rings and things like this of the past that we have had CO₂ up in the thousands parts per billion in the past. So how 350 has become the magic number is beyond me.

In any event, let me simply say, the bill before us doesn't change one sentence in the Clean Air Act. It does say that the endangerment finding was flawed, and the decision by the Obama administration to regulate CO₂ under the Clean Air Act is wrong, and it should not be allowed to stand.

If this Congress or future Congresses want to regulate CO₂, want to regulate greenhouse gases, let them bring a bill forward through the normal regulatory process and do it.

Please vote for the rule. Please vote for the bill.

Mr. POLIS. I yield myself 1 minute.

Madam Speaker, it's hard to figure out where to start with regard to refuting some of the statements that were made.

First of all, again, with regard to the information regarding methane emissions on the EPA Web site, there is a difference between a statement of fact and an action, and part of what the EPA does is it provides good scientific facts.

They, EPA itself, concedes and says they don't have the authority, nor should they have the authority, to monitor emissions from livestock. So they will publish good information. I don't refute the information the gentleman said, and I hope they publish more useful information about the impact of livestock, but they are not seeking to regulate it.

The gentleman said they are going to tax cattle. Again, very clearly, Chairman UPTON, Ranking Member WAXMAN, said the EPA does not have the ability to impose a tax.

I would ask my colleague from Texas a simple "yes" or "no" question: Does the EPA have the ability to impose a tax?

Mr. BARTON of Texas. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman.

Mr. BARTON of Texas. A tax is a burden.

Mr. POLIS. Reclaiming my time, it's a simple "yes" or "no" question. If there is an additional statement the gentleman would like to make, I would be happy to have him explain it on his own time. My time is limited and I have many speakers.

But I would be happy to enter into a dialogue with him on his time or allow him to respond to whether or not the EPA has the ability to impose a tax.

I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, we spend a lot of time these days talking about costs—costs of regulation, costs of repeal, costs of implementation.

Conveniently missing from this discussion are the human costs: lives lost, those altered by heart attacks, asthma, and brain damage due to fine particulate matter in our air and mercury in our water.

My hometown of Chicago knows this all too well. Chicago ranks second of all cities in the country adversely affected by power plant pollution.

□ 1330

Two particularly egregious emitters, the Fisk and Crawford power plants, emit fine particulate matter that directly contribute to 41 deaths, 550 ER visits, and 2,800 asthma attacks annually. EPA estimates that fine particle pollution from power plants shortens the lives of 1,356 people from my home State each year.

Talk about costs.

In 2001, the Harvard School of Public Health put out an Illinois power plant study. In the 8 years since these harms were modeled and publicized, the Environmental Law and Policy Center estimates the continued Fisk and Crawford coal plant pollution has caused from \$750 million to \$1 billion in health and environmental-related damages.

Even if you don't care about global warming and you don't believe climate change is manmade, you can't argue with these numbers. So if you want to talk costs, let's talk costs. Fisk and Crawford power plants cost Chicagoans 550 ER visits per year. They cost Chicagoans 2,800 asthma attacks per year. And Fisk and Crawford power plants cost Chicagoans \$750 million to \$1 billion in only 8 of the 50 plus years we've been collecting data on these pollutants.

The answer to these costs is not to repeal the law that cleans our air, that protects our children and allows us to remain competitive in a global market. The answer instead is to transition away from the antiquated and outdated industry that pollutes and toward green infrastructure that encourages domestic economic development.

I urge my colleagues to oppose the rule and H.R. 910, the dirty air act.

Mr. SESSIONS. Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts, a colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Madam Speaker, I rise in strong opposition to this rule and to the underlying legislation which is an assault on science and reason. Indeed, it is an assault on the very air we breathe. My Republican friends continue to bury their heads in the sand.

Last night in the Rules Committee, along with my colleagues EARL BLUMENAUER and PETER WELCH, I offered an amendment to end taxpayer subsidies to Big Oil, something the Republican leadership has refused to do. These subsidies have helped BP, Chevron, ConocoPhillips, ExxonMobil, and Shell make a combined profit of nearly \$1 trillion over the past decade. That is trillion with a "t." Give me a break.

Our amendment would have raised \$40 billion that would have gone straight toward deficit reduction. Unfortunately, but not surprisingly, our amendment was defeated on a party-line vote. That shows exactly where the Republican priorities are, Madam Speaker, a radical redistribution of wealth from the middle class and the poor to the wealthiest people and corporations in the country.

Yesterday, our Republican friends unveiled their budget proposal. That budget takes extreme, right-wing trickle-down economics to new levels. They want to destroy Medicare as we know it and impose a huge tax increase on middle class seniors through higher health care costs. They want to eviscerate Medicaid by turning it into a block grant program. They want to cut food stamps, education, infrastructure, environmental protection, and medical research, programs which actually create jobs and improve the lives of American working families.

And at the same time, my Republican friends want to provide massive tax cuts to the very wealthiest Americans and corporations, including Big Oil companies that are reaping billions and billions and billions of dollars in profits each year. The Republican Party wants to increase health care costs for seniors in order to pay for their tax breaks for the rich. Those are wrong priorities, Madam Speaker.

As Harold Meyerson wrote today in the Washington Post, "If it does nothing else, the budget that House Republicans unveiled Tuesday provides the first real Republican program for the 21st century, and it is this: Repeal the 20th century."

For the life of me, I can't understand why the people who caused the recession be allowed to keep everything while innocent workers get the bill.

We all want to reduce the deficit, Madam Speaker. How about ending our occupation in Afghanistan? How about ending subsidies for multinational oil companies and agribusiness? How

about asking hedge fund managers to pay a fair tax rate?

The Republican leadership has made it clear that they are willing to shut the government down in order to achieve their right-wing, radical agenda. And if that happens, Madam Speaker—and I hope it doesn't, and I pray it doesn't—the American people need to know that the responsibility lies at the feet of the Republican Members of this House.

Again, I urge my colleagues to reject this—again, another restrictive rule—and reject the underlying legislation.

Mr. SESSIONS. Madam Speaker, my, oh my, we've heard this tirade before. If it wasn't just Republicans and the House, which we've had now for about 4 months, it was something else. The Democrats are looking for somebody to blame their woes on, their tax increases, their overregulation, all the big spending and the debt. Madam Speaker, we know what it is. If they search quickly enough, they can find out what the American people know: It is pin the tail on the donkey. We know how this happened.

Madam Speaker, I yield 3 minutes to the gentleman from Grandfather Community, North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from Texas for yielding time.

Madam Speaker, our colleagues on our side of the aisle have made it abundantly clear that this bill does not affect the Clean Air Act. What it does is help us rein in unelected bureaucrats who are arrogant and who believe that they have all the answers to what needs to be done in this country.

After listening to the debate over this issue, it's clear to me that nary a liberal here has read a book entitled "Heaven and Earth" by Ian Plimer, a renowned Australian geologist who takes a science-based approach to disproving so many of the myths underlying the manmade global warming theories. It is a unique, gripping, and powerful book that would undoubtedly leave a deep impression on any independent thinker. And I also want to mention, Madam Speaker, another book, the Heartland Institute book review of a book called "The Politically Incorrect Guide to Global Warming and Environmentalism" by Christopher Horner, which highlights some of the motivations for liberals to persist with the manmade global warming theory.

Horner tells us, "Global warming hysteria is truly the environmentalist's dream come true. It is the perfect storm of demons and perils, and the ideal scare campaign for those who would establish global governance." And he goes on, "We are daily told of an alleged 'consensus' on the issue—a concept actually foreign to science—and global warming alarmists want to put disbelievers on trial. They want to control our lifestyles without anyone being allowed to question their cause."

And he says, “Nowhere is Horner more brilliant than in convincing the reader of the odious concept of consensus taking root regarding climate science, where alarmists and the rest of the global warming industry assail scientists and other experts with ad hominem campaigns to discredit them. History is ‘full of efforts to stifle innovation by reference to unchallengeable authority of consensus.’ Galileo and Copernicus come quickly to mind.”

Madam Speaker, this shows the arrogance of our colleagues across the aisle and the arrogance of the bureaucrats. They think that we human beings have more impact on the climate and the world than God does. And we don’t.

□ 1340

Mr. POLIS. Madam Speaker, I yield myself 1 minute.

The gentlelady mentioned science. One of the expert witnesses the Republicans called for last week’s congressional hearing on climate science was Professor Richard Muller of Berkeley. Now, this was a physicist who had gotten into the climate skeptic game. And I have to say, the climate skeptic game is a very lucrative one for people. Anybody who finds a way to deny climate change sells lots of books, gets booked on the conservative talk show circuit, and does very well for themselves. And yet, despite the intensive economic pressure for climate scientists to deny climate change, 99 percent have stayed true to the scientific method; and the conclusion of the vast majority is that climate change exists.

Now, Professor Muller reported that his group’s preliminary findings were that the global warming trend is very similar to that reported by prior groups. Now, this took some courage. Because of his belief in science, no doubt it hurts his own earning potential. I think he had been doing very well as a climate skeptic. Now he is somebody who has put his scientific principles above his own economic need.

What science tells us is not always convenient. Every climate scientist that I know wishes that they could say that there is no danger from climate change, wishes there was no danger from carbon emissions. Nobody wants to be a harbinger of disaster—what a terrible thing to be—and yet they value the integrity of the scientific process.

[From the New York Times, Apr. 3, 2011]

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What’s the punch line? They were three of the five “expert witnesses” Republicans called for last week’s Congressional hearing on climate science.

But the joke actually ended up being on the Republicans, when one of the two actual scientists they invited to testify went off script.

Prof. Richard Muller of Berkeley, a physicist who has gotten into the climate skeptic game, has been leading the Berkeley Earth Surface Temperature project, an effort partially financed by none other than the Koch foundation. And climate deniers—who claim that researchers at NASA and other groups analyzing climate trends have massaged and distorted the data—had been hoping that the Berkeley project would conclude that global warming is a myth.

Instead, however, Professor Muller reported that his group’s preliminary results find a global warming trend “very similar to that reported by the prior groups.”

The deniers’ response was both predictable and revealing; more on that shortly. But first, let’s talk a bit more about that list of witnesses, which raised the same question I and others have had about a number of committee hearings held since the G.O.P. retook control of the House—namely, where do they find these people?

My favorite, still, was RON PAUL’s first hearing on monetary policy, in which the lead witness was someone best known for writing a book denouncing Abraham Lincoln as a “horrific tyrant”—and for advocating a new secessionist movement as the appropriate response to the “new American fascialistic state.”

The ringers (i.e., nonscientists) at last week’s hearing weren’t of quite the same caliber, but their prepared testimony still had some memorable moments. One was the lawyer’s declaration that the E.P.A. can’t declare that greenhouse gas emissions are a health threat, because these emissions have been rising for a century, but public health has improved over the same period. I am not making this up.

Oh, and the marketing professor, in providing a list of past cases of “analogies to the alarm over dangerous manmade global warming”—presumably intended to show why we should ignore the worriers—included problems such as acid rain and the ozone hole that have been contained precisely thanks to environmental regulation.

But back to Professor Muller. His climate-skeptic credentials are pretty strong: he has denounced both Al Gore and my colleague Tom Friedman as “exaggerators,” and he has participated in a number of attacks on climate research, including the witch hunt over innocuous e-mails from British climate researchers. Not surprisingly, then, climate deniers had high hopes that his new project would support their case.

You can guess what happened when those hopes were dashed.

Just a few weeks ago Anthony Watts, who runs a prominent climate denialist Web site, praised the Berkeley project and piously declared himself “prepared to accept whatever result they produce, even if it proves my premise wrong.” But never mind: once he knew that Professor Muller was going to present those preliminary results, Mr. Watts dismissed the hearing as “post normal science political theater.” And one of the regular contributors on his site dismissed Professor Muller as “a man driven by a very serious agenda.”

Of course, it’s actually the climate deniers who have the agenda, and nobody who’s been following this discussion believed for a moment that they would accept a result confirming global warming. But it’s worth stepping back for a moment and thinking not just about the science here, but about the morality.

For years now, large numbers of prominent scientists have been warning, with increas-

ing urgency, that if we continue with business as usual, the results will be very bad, perhaps catastrophic. They could be wrong. But if you’re going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness and an open mind. After all, if the scientists are right, you’ll be doing a great deal of damage.

But what we had, instead of high seriousness, was a farce: a supposedly crucial hearing stacked with people who had no business being there and instant ostracism for a climate skeptic who was actually willing to change his mind in the face of evidence. As I said, no surprise: as Upton Sinclair pointed out long ago, it’s difficult to get a man to understand something when his salary depends on his not understanding it.

But it’s terrifying to realize that this kind of cynical careerism—for that’s what it is—has probably ensured that we won’t do anything about climate change until catastrophe is already upon us.

So on second thought, I was wrong when I said that the joke was on the G.O.P.; actually, the joke is on the human race.

Madam Speaker, I am proud to yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Speaker, I thank the gentleman from Colorado for yielding me this time.

I rise in opposition to this rule and to the underlying legislation, H.R. 910, the Energy Tax Prevention Act. In spite of the title of this bill, it has absolutely nothing to do with limiting taxes on energy or taxes from the get-go. This bill should be called the Dirty Air Act because it turns back the clock by erasing years of advances that we have made in fighting air pollution and curbing greenhouse gas emissions.

This bill ignores the clear-cut scientific evidence: carbon pollution is endangering our health and the environment and that the need for urgent action to address climate change is indisputable.

This bill prevents the Environmental Protection Agency, EPA, from acting under the Clean Air Act to reduce greenhouse gas emissions unequivocally linked to climate change. Under this bill, EPA will be prohibited from enforcing common sense, and I want to repeat that word, commonsense protections against carbon dioxide pollution and other greenhouse gases.

Since its enactment in 1970, the health benefits of the Clean Air Act have far outweighed industry’s compliance costs. Toxic and health-threatening air pollutants have been reduced by 60 percent, and the world did not come to an end for corporations. In fact, during this time the economy grew by 200 percent.

This legislation guts the Clean Air Act pollution standards and repeals EPA’s authority to limit health-threatening pollution. And for what? For what, to protect the profits of the big polluters; and in so doing, this bill repeals important safeguards that are needed to create American clean energy jobs, reduce energy costs, reduce

our dependence on foreign oil, and increase our economic competitiveness.

We cannot pass this Republican majority's anti-science, anti-innovation bill. And let's not forget one of their top goals: continuing multi-billion dollar tax breaks for the oil and gas solution.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. HIRONO. In my book, clean air and the health of the American people trump profits for polluters every time. I urge my colleagues to vote against this rule and against this bill.

Mr. SESSIONS. Madam Speaker, we are talking about 1.4 million jobs, a lot of cattle, and a lot of bull.

Madam Speaker, at this time I would like to yield 1 minute to the gentleman from Melbourne, Florida (Mr. POSEY).

Mr. POSEY. Madam Speaker, Congressman WEBSTER and I were walking past the rear of the Chamber, and we looked at each other kind of funny after some former comments and thought we were walking by a set for comedy hour.

I mean, I think I really heard somebody allude to the fact that we need more government regulation and for sure we need more taxes on the oil companies, those evil oil companies, and the answer to all of our problems is to tax them more—as if the Members of this body and the public are stupid enough to think that at the end of the year, those big oil companies are just going to write a check for an extra zillion dollars.

Let's say we tax those evil oil companies another dollar a gallon. They're not going to write the check. We know what's going to happen: They're going to raise the price a dollar a gallon, or, given the corporate greed we sometimes see, round it off to 2 bucks a gallon.

Corporations don't pay taxes. Corporations collect taxes. They collect taxes from consumers who ultimately pay the tax. You add a tax to a product, and the consumer is going to pay more.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. POSEY. I wish we would, as the gentleman from Texas said, quit trying to play "Pin the Tail on the Donkey." We know corporations don't pay taxes. Consumers pay taxes; corporations just collect it.

Mr. POLIS. Madam Speaker, when we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up Senate bill 388, a bill that prohibits Members of Congress and the President from receiving pay during government shutdowns.

It is my honor to yield 3 minutes to the gentleman from Virginia, a sponsor of a bill to do the same, Mr. MORAN.

Mr. MORAN. I thank my very good friend from Colorado.

Madam Speaker, I rise in opposition to this rule. The Federal Government is now 6 months into fiscal year 2011 without a budget. We've created no new jobs and, in fact, have put tens of thousands of people out of work.

All we've done is to stumble along from continuing resolution to continuing resolution. That's no way to run a government, let alone the most powerful Nation in the world.

Sadly, with the clock running, ticking toward the midnight hour of a government shutdown on Friday, agreement on a full-year budget is nowhere to be found. We have no consensus. We can't get together. We can't do our job.

And instead, the Republicans in this House continue to serve up far right ideological proposals such as this which pretends that global warming isn't really happening. It will block EPA's modest attempts to limit the growth of greenhouse gas emissions that are endangering the public's health and our children's future.

Instead of such sham political posturing, this body would be far wiser to bring up a bill that has already been passed in the Senate and sits ready for consideration in the House today. That is the Moran-Tester Government Shutdown Fairness Act. On the eve of a government shutdown, with hundreds of thousands of government employees facing furloughs, and millions of Americans having to forgo the essential services that the Federal Government provides on a daily basis, it is unconscionable that Members of Congress will continue to receive their pay.

Having abdicated our responsibility to do our job, to pass a budget, we should not continue to receive a paycheck. It is simply a matter of fairness, Madam Speaker. If all Americans are going to feel the pain of a government shutdown, then we should make sacrifices, too. The Moran-Tester bill would suspend Members' pay in the event of a shutdown. The Senate passed it unanimously, and so should we. It's the one thing we could agree on now and have signed by the President immediately. That's the vote we should be taking today.

Now, some have argued for self-centered reasons that the Moran-Tester bill is unconstitutional, but that's simply a smokescreen, Madam Speaker. They know perfectly well that the courts decide matters of constitutionality. Further, we know that the only individuals with standing before the court would be the very Members of Congress who would be voting to shut down the government.

So just consider the scene where Members of Congress would be arguing—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. So I ask, Madam Speaker, just to consider the scene where Members of Congress would be arguing before the courts their right to be paid while millions forgo their pay.

Madam Speaker, this body is wasting its time with the legislation we are considering today. Let's demonstrate to the public that we are willing to make the same sacrifice we are asking of others. If we are going to put 800,000 Federal employees and our staff out on the street, then we ought to be out there with them. Take up the Moran-Tester bill instead of this expression of ideological extremism that is dead on arrival in the Senate. That's what we should be doing.

Mr. SESSIONS. Madam Speaker, there was a discussion a few minutes ago about Republicans and oil companies and a lot of very interesting comments. Yet many on our side have alluded to President Obama supporting the Brazilian Government and people by supporting their oil drilling, drilling for natural resources that they have. The President is willing to go down and back up a 2009 commitment to proposing \$2 billion from the Export-Import Bank to the Brazilian company that is their energy company.

And I would like to quote what he said, if I can, because I think it's very interesting: "At a time when we've been reminded how easily instability in other parts of the world can affect prices, the United States could not be happier for a new, stable source of energy."

Madam Speaker, what he just spoke of was the United States' ability to produce our own oil so we don't have to look to foreigners to get that done.

[From The Hill, Mar. 21, 2011]

OVERNIGHT ENERGY: REPUBLICANS POUNCE ON OBAMA'S BRAZILIAN OIL SUPPORT

(By Andrew Restuccia and Ben Geman)

State of Play: Republicans and the oil industry are working to translate President Obama's weekend comments in support of Brazilian oil development into political ammunition in their battle against the White House's U.S. drilling policies.

The American Petroleum Institute, the country's most powerful oil and gas trade association, and Republicans, including House Speaker John Boehner (R-Ohio), said Monday that the administration should be doing more to develop U.S. oil-and-gas reserves.

Here's Sen. David Vitter (R-La.), who is among the lawmakers pushing for wider U.S. offshore drilling: "It's ridiculous to ignore our own resources and continue going hat-in-hand to countries like Saudi Arabia and Brazil to beg them to produce more oil," Vitter said in a statement. "We need to get serious about developing our resources here at home and working toward lower gas prices and long-term energy independence."

But President Obama said Saturday during his visit to Brazil that an energy partnership with the nation will offer major benefits for

the United States. Obama, in announcing a “Strategic Energy Dialogue” with Brazil, noted that the country has nearly twice the oil reserves as the United States and lauded its stability compared to some other oil-exporting countries.

“We want to work with you. We want to help with technology and support to develop these oil reserves safely, and when you’re ready to start selling, we want to be one of your best customers,” Obama told a group of business leaders Saturday. “At a time when we’ve been reminded how easily instability in other parts of the world can affect the price of oil, the United States could not be happier with the potential for a new, stable source of energy.”

Under the Strategic Energy Dialogue, the United States will work with Brazil “in the environmentally responsible and technologically advanced development” of Brazilian oil resources, according to a White House summary of the plan.

Administration officials also say they are working diligently to expand U.S. oil-and-gas development. The Interior Department has recently issued three deepwater drilling permits for the type of projects halted after last year’s Gulf oil spill. And the department on Monday approved an exploration plan that paves the way to expanded Gulf drilling.

Still, it’s not the first time Republicans have criticized the administration for its oil dealings with Brazil. Vitter and others railed against a 2009 proposed \$2 billion commitment from the U.S. Export-Import Bank to the Brazilian oil company Petrobras to ensure the purchase of U.S. goods as the company explores for oil.

Many Republican claims about the Export-Import proposal have been shown to be overblown.

Forbes ran a handy fact-check Monday on Republicans’ claims about the proposed Petrobras loans. And the Export-Import Bank takes on Republican charges here.

□ 1350

I reserve the balance of my time.

Mr. POLIS. I yield myself 1 minute.

Madam Speaker, I want to be clear that we can in this body take up and pass Senate bill 388 if we can defeat the previous question, and this will go directly to the President’s desk. There is still time.

I think the American people don’t know that if government shuts down at the end of the day Friday as it might—it seems increasingly likely—Members of Congress will still continue to receive their paycheck. I had a tweet from one of my constituents that said, “If there is a government shutdown, are Congressmen and Senators considered essential employees?”

I responded that we had a bill, Senate bill 388, that would make sure that Members of Congress don’t get paid in the event of a shutdown, but Speaker BOEHNER refuses to bring it to the floor of the House in spite of passing the Senate unanimously.

My constituent responded, “Maybe if the rulemakers had to live by the same rules they created, a solution would come faster. Gridlock is not governance.”

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. The next sad chapter in Republican Fantasyland is being written here today. Last month, they couldn’t tell the difference between Big Bird and big government. Now they insist that dirty air is really good for us. They live in a fact-free zone when the facts don’t support their point of view, insisting that big polluters know best and that good science should be ignored.

The Clean Air Act for the last 40 years has improved air quality and saved hundreds of thousands of lives. Unfortunately, my home State of Texas is one of the world’s leading carbon polluters, and it is also one of the leaders in condoning lawlessness by those polluters. Foul air fouls lives and especially young lungs. For my three granddaughters and their generation, particularly for the more than 23,000 children in my home county who are suffering from asthma, we need to ensure clean air, and that ought to be a given, not just a goal.

Science-based decisions, not ideologically driven nonsense, should guide us. I stand with the American Lung Association and with a large number of scientists across many disciplines who call for this bill’s rejection. And in its drive to interfere with our health, this same Republican proposal creates the very type of uncertainty that stands in the way of more job creation throughout Texas, and Texas moving to become the leading wind provider in the country. Those wind turbines could be built in our State. Solar energy could be expanding in our State. But a climate of uncertainty to which this bill adds even more will interfere with the start-ups, with the new ideas that keep us at the forefront of creating clean jobs instead of sending all those jobs over to China and other parts of the world.

This is a bad bill for our economy, and it is a bad bill for the future health of our country. I urge its rejection.

Mr. SESSIONS. Madam Speaker, at this time I would like to notify the gentleman that I have no further speakers on this side.

I reserve the balance of my time.

Mr. POLIS. I thank the gentleman. I am the last speaker for my side, and I yield myself the balance of my time.

I would like to submit into the RECORD a Nature editorial entitled, “Into Ignorance: Vote to Overturn an Aspect of Climate Science Marks a Worrying Trend in U.S. Congress.”

Madam Speaker, time and time again we’ve heard our colleagues cry wolf and make outlandish claims about what the Environmental Protection Agency is attempting to do. But the American people aren’t fools. They know that every time the EPA stands up to big polluters, big polluters claim the sky is falling.

That’s exactly what happened when the EPA tackled the acid rain problem.

Polluters claimed new safeguards would end their industries, increase the price of consumer goods, and cause massive job loss. In reality, acid rain has been dramatically reduced and the limits on pollution were met faster and at roughly a tenth of the cost that industry estimated—all without driving consumer prices up.

A recent MIT study even suggests that implementing the EPA safeguards we are debating today would create 1.4 million jobs as companies invent, build and install newer and cheaper pollution control tools and renewable energy.

Rather than discussing ridiculous and already disreputable and refuted claims of cow flatulence and other elements that aren’t even considered by the EPA, let’s discuss science and the facts.

Republicans have claimed that the EPA has found carbon dioxide to be dangerous, the same gas we exhale. They say, how can carbon dioxide be dangerous? In reality, the endangerment finding was based on sound science and found that as climate change increases, so does ground-level ozone, longer pollen seasons, and more mold allergies. These affect health problems like asthma and heart disease. Once again, Republicans were oversimplifying a serious problem to support their big polluter buddies at the cost of public health.

Science will guide us in the right direction, and science is a blind goddess. It doesn’t care what we want science to say. What matters is what good science done actually says.

The supporters of this legislation want to present a false dichotomy that somehow protecting the environment would hurt job creation. Instead, the exact opposite has been proven to be true.

Since 1970, the economic benefits of the Clean Air Act have been shown to outweigh all costs associated with the law, and the economic benefits of the Clean Air Act are expected to reach nearly \$2 trillion in 2020—exceeding costs by more than 30 to 1.

That’s why a number of business organizations representing over 60,000 firms wrote to President Obama and congressional leaders urging them to support the EPA’s mission and to reject efforts to block, delay or weaken implementation of the Clean Air Act. In their letters, the groups note that studies consistently show that the economic benefits of implementing the act far exceed the costs of controlling air pollutant emissions.

The EPA’s rule is strictly tailored to only the country’s biggest power plants and industrial polluters. These safeguards apply to about 700 of the top polluting power plants and oil refineries, facilities that need new permits, anyway, under current law.

It’s been proven countless times that we can protect the environment and

public health and grow and strengthen our economy at the same time. To say otherwise simply ignores the facts.

Madam Speaker, I want to make sure that no one is misled by the title of the bill we're considering, the Energy Tax Prevention Act. The only amendment that would have actually prevented energy taxes was offered by my friend from Oregon (Mr. BLUMENAUER) and was denied even a floor discussion and debate or a vote under this rule. The only thing this bill is taxing is our patience. As serious issues confront America, including the government shutdown, the majority seems intent on legislating by false bumper-sticker slogans.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to consider Senate bill 388.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass a bill that actually does something useful, ensures Members of Congress don't get paid during a shutdown of government and has a real chance of being enacted into law and signed by President Obama, and I urge a "no" vote on the rule.

[From Nature]

INTO IGNORANCE

VOTE TO OVERTURN AN ASPECT OF CLIMATE SCIENCE MARKS A WORRYING TREND IN US CONGRESS

As Nature went to press, a committee of the US Congress was poised to pass legislation that would overturn a scientific finding on the dangers of global warming. The Republican-sponsored bill is intended to prevent the US Environmental Protection Agency (EPA) from regulating greenhouse-gas emissions, which the agency declared a threat to public welfare in 2009. That assessment serves as the EPA's legal basis for regulation, so repealing the 'endangerment finding' would eliminate its authority over greenhouse gases.

That this finding is scientifically sound had no bearing on the decision to push the legislation, and Republicans on the House of Representatives' energy and commerce committee have made clear their disdain for climate science. At a subcommittee hearing on 14 March, anger and distrust were directed at scientists and respected scientific societies. Misinformation was presented as fact, truth was twisted and nobody showed any inclination to listen to scientists, let alone learn from them. It has been an embarrassing display, not just for the Republican Party but also for Congress and the US citizens it represents.

It is tempting to write all of this off as petty partisanship, a populist knee-jerk reaction to lost jobs and rising energy prices by a well-organized minority of Republican

voters. After all, US polling data has consistently shown that, in general, the public accepts climate science. At a hearing last week, even Ed Whitfield (Republican, Kentucky), who chairs the subcommittee, seemed to distance himself from the rhetoric by focusing not on the science but on the economic effects of greenhouse-gas regulation. "One need not be a sceptic of global warming to be a sceptic of the EPA's regulatory agenda," said Whitfield.

"The US Congress has entered the intellectual wilderness."

Perhaps, but the legislation is fundamentally anti-science, just as the rhetoric that supports it is grounded in wilful ignorance. One lawmaker last week described scientists as "elitist" and "arrogant" creatures who hide behind "discredited" institutions. Another propagated the myth that in the 1970s the scientific community warned of an imminent ice age. Melting ice caps on Mars served to counter evidence of anthropogenic warming on Earth, and Antarctica was falsely said to be gaining ice. Several scientists were on hand—at the behest of Democrats on the subcommittee—to answer questions and clear things up, but many lawmakers weren't interested in answers, only in prejudice.

It is hard to escape the conclusion that the US Congress has entered the intellectual wilderness, a sad state of affairs in a country that has led the world in many scientific arenas for so long. Global warming is a thorny problem, and disagreement about how to deal with it is understandable. It is not always clear how to interpret data or address legitimate questions. Nor is the scientific process, or any given scientist, perfect. But to deny that there is reason to be concerned, given the decades of work by countless scientists, is irresponsible.

That this legislation is unlikely to become law doesn't make it any less dangerous. It is the attitude and ideas behind the bill that are troublesome, and they seem to be spreading. Fred Upton, the Michigan Republican who chairs the full energy and commerce committee, once endorsed climate science, but last month said—after being pinned down by a determined journalist—that he is not convinced that greenhouse-gas emissions contribute to global warming. It was yet another blow to the shrinking minority of moderate centrists in both parties.

One can only assume that Congress will find its way at some point, pressured by voters who expect more from their public servants. In the meantime, as long as it can fend off this and other attacks on the EPA, President Barack Obama's administration should push forward with its entirely reasonable regulatory programme for reducing greenhouse-gas emissions where it can, while looking for ways to work with Congress in other areas. Rising oil prices should increase interest in energy security, a co-benefit of the greenhouse-gas and fuel-efficiency standards for vehicles that were announced by the administration last year. The same advice applies to the rest of the world. Work with the United States where possible, but don't wait for a sudden change of tenor in Washington, DC.

One of the scientists testifying before Whitfield's subcommittee was Christopher Field, director of the Carnegie Institution's global ecology department in Stanford, California. Field generously hoped that his testimony at last week's hearing took place "in the spirit of a genuine dialogue that is in the best interests of the country". Maybe one day that hope will be justified.

[From the New York Times, Apr. 3, 2011]

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What's the punch line? They were three of the five "expert witnesses" Republicans called for last week's Congressional hearing on climate science.

But the joke actually ended up being on the Republicans, when one of the two actual scientists they invited to testify went off script.

Prof. Richard Muller of Berkeley, a physicist who has gotten into the climate skeptic game, has been leading the Berkeley Earth Surface Temperature project, an effort partially financed by none other than the Koch foundation. And climate deniers—who claim that researchers at NASA and other groups analyzing climate trends have massaged and distorted the data—had been hoping that the Berkeley project would conclude that global warming is a myth.

Instead, however, Professor Muller reported that his group's preliminary results find a global warming trend "very similar to that reported by the prior groups."

The deniers' response was both predictable and revealing; more on that shortly. But first, let's talk a bit more about that list of witnesses, which raised the same question I and others have had about a number of committee hearings held since the G.O.P. retook control of the House—namely, where do they find these people?

My favorite, still, was Ron Paul's first hearing on monetary policy, in which the lead witness was someone best known for writing a book denouncing Abraham Lincoln as a "horrific tyrant"—and for advocating a new secessionist movement as the appropriate response to the "new American fascialistic state."

The ringers (i.e., nonscientists) at last week's hearing weren't of quite the same caliber, but their prepared testimony still had some memorable moments. One was the lawyer's declaration that the E.P.A. can't declare that greenhouse gas emissions are a health threat, because these emissions have been rising for a century, but public health has improved over the same period. I am not making this up.

Oh, and the marketing professor, in providing a list of past cases of "analogies to the alarm over dangerous manmade global warming"—presumably intended to show why we should ignore the worriers—included problems such as acid rain and the ozone hole that have been contained precisely thanks to environmental regulation.

But back to Professor Muller. His climate-skeptic credentials are pretty strong: he has denounced both Al Gore and my colleague Tom Friedman as "exaggerators," and he has participated in a number of attacks on climate research, including the witch hunt over innocuous e-mails from British climate researchers. Not surprisingly, then, climate deniers had high hopes that his new project would support their case.

You can guess what happened when those hopes were dashed.

Just a few weeks ago Anthony Watts, who runs a prominent climate denialist Web site, praised the Berkeley project and piously declared himself "prepared to accept whatever result they produce, even if it proves my premise wrong." But never mind: once he knew that Professor Muller was going to present those preliminary results, Mr. Watts dismissed the hearing as "post normal science political theater." And one of the

regular contributors on his site dismissed Professor Muller as “a man driven by a very serious agenda.”

Of course, it's actually the climate deniers who have the agenda, and nobody who's been following this discussion believed for a moment that they would accept a result confirming global warming. But it's worth stepping back for a moment and thinking not just about the science here, but about the morality.

For years now, large numbers of prominent scientists have been warning, with increasing urgency, that if we continue with business as usual, the results will be very bad, perhaps catastrophic. They could be wrong. But if you're going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness and an open mind. After all, if the scientists are right, you'll be doing a great deal of damage.

But what we had, instead of high seriousness, was a farce: a supposedly crucial hearing stacked with people who had no business being there and instant ostracism for a climate skeptic who was actually willing to change his mind in the face of evidence. As I said, no surprise: as Upton Sinclair pointed out long ago, it's difficult to get a man to understand something when his salary depends on his not understanding it.

But it's terrifying to realize that this kind of cynical careerism—for that's what it is—has probably ensured that we won't do anything about climate change until catastrophe is already upon us.

So on second thought, I was wrong when I said that the joke was on the G.O.P.; actually, the joke is on the human race.

I yield back the balance of my time.
Mr. SESSIONS. I yield myself the balance of my time.

Madam Speaker, I appreciate the gentleman from Colorado for this wonderful discussion and debate that we've had here today.

Madam Speaker, the bill we're discussing today does not weaken the Clean Air Act or the regulation of air pollution. It does not interfere with the EPA's longstanding authority to protect the environment. In fact, as I stated in the very beginning, it simply clarifies that the Clean Air Act was never designated, designed or shown to be for regulating greenhouse gas emissions. Thus, we would be removing authority that the EPA has not had, should not have, and would not have because this Congress will not pass what is called cap-and-tax regulations.

By gaining control of government spending and eliminating government regulations, the private sector believes that the Republican Congress can be here for the interests of not only the taxpayer but also to make sure that jobs and investment in this economy in the future are very bright.

I applaud my colleagues for coming down to help debate this bill. I encourage a “yes” vote on the rule.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 203 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution it shall be in order to consider in the House the bill (S. 388) to prohibit Members of Congress and the President from receiving pay during Government shutdowns, if called up by the Minority Leader or her designee. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommend.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of S. 388.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amend-

ment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote will be followed by 5-minute votes on adoption of House Resolution 203, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 266, nays 158, not voting 8, as follows:

[Roll No. 230]

YEAS—266

Adams	Butterfield	Duncan (SC)
Aderholt	Calvert	Duncan (TN)
Akin	Camp	Edwards
Alexander	Campbell	Ellmers
Altmire	Canseco	Emerson
Amash	Cantor	Farenthold
Austria	Capito	Fincher
Bachmann	Carson (IN)	Fitzpatrick
Bachus	Carter	Flake
Barletta	Cassidy	Fleischmann
Bartlett	Chabot	Fleming
Barton (TX)	Chaffetz	Flores
Bass (CA)	Chu	Forbes
Bass (NH)	Clarke (NY)	Fortenberry
Benishek	Clay	Fox
Berg	Cleaver	Franks (AZ)
Biggart	Clyburn	Fudge
Bilbray	Coble	Gallely
Bilirakis	Coffman (CO)	Gardner
Bishop (GA)	Cole	Garrett
Bishop (UT)	Conaway	Gerlach
Black	Conyers	Gibbs
Blackburn	Cravaack	Gibson
Bonner	Crawford	Gingrey (GA)
Bono Mack	Crenshaw	Gohmert
Boren	Culberson	Goodlatte
Boustany	Cummings	Gosar
Brady (TX)	Davis (KY)	Gowdy
Brooks	Denham	Granger
Brown (GA)	Dent	Graves (GA)
Buchanan	DesJarlais	Graves (MO)
Bucshon	Diaz-Balart	Griffin (AR)
Buerkle	Dold	Griffith (VA)
Burgess	Dreier	Grimm
Burton (IN)	Duffy	Guinta

Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hinchey
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)

NAYS—158

Ackerman
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell

Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Waters
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Levin
Lewis (GA)
Akin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters

Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff

Andrews
Baca
Frelinghuysen

□ 1423

Messrs. CRITZ, INSLEE, Ms. MOORE, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. CLEAVER, RUSH, WATT, SCOTT of Virginia, JACKSON of Illinois, RICHMOND, CUMMINGS, Ms. CHU, and Ms. BASS of California changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WOMACK). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 10, as follows:

[Roll No. 231]

AYES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)

Schrader
Schwartz
Scott, David
Serrano
Sell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko

Giffords
Meeks
Oliver

Messrs. CRITZ, INSLEE, Ms. MOORE, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. CLEAVER, RUSH, WATT, SCOTT of Virginia, JACKSON of Illinois, RICHMOND, CUMMINGS, Ms. CHU, and Ms. BASS of California changed their vote from “nay” to “yea.”

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The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 10, as follows:

[Roll No. 231]

AYES—250

Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravayack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
Dobson
Duncan (SC)
Duncan (TN)
Elliott
Emerson
Farenthold
Fincher

Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Sanchez, Loretta
Young (FL)

Messrs. CRITZ, INSLEE, Ms. MOORE, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. CLEAVER, RUSH, WATT, SCOTT of Virginia, JACKSON of Illinois, RICHMOND, CUMMINGS, Ms. CHU, and Ms. BASS of California changed their vote from “nay” to “yea.”

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The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 10, as follows:

[Roll No. 231]

AYES—250

Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)

McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney

NOES—172

Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchesy
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich

Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes

Richardson	Serrano	Velázquez	Eshoo	Lipinski	Rogers (MI)	Israel	McKinley	Schakowsky
Richmond	Sewell	Visclosky	Farenthold	Long	Rohrabacher	Jackson (IL)	Moore	Schock
Rothman (NJ)	Sherman	Walz (MN)	Fattah	Lowey	Rokita	Jackson Lee	Napolitano	Sires
Roybal-Allard	Sires	Wasserman	Fincher	Lucas	Ros-Lehtinen	(TX)	Pallone	Slaughter
Ruppersberger	Slaughter	Schultz	Flake	Luetkemeyer	Roskam	Keating	Pastor (AZ)	Stark
Rush	Smith (WA)	Waters	Fleischmann	Luján	Ross (AR)	Kinzinger (IL)	Pelosi	Sutton
Ryan (OH)	Speier	Watt	Fleming	Lummis	Ross (FL)	Kucinich	Perlmutter	Terry
Sánchez, Linda T.	Stark	Waxman	Flores	Lungren, Daniel E.	Rothman (NJ)	Lee (CA)	Peters	Thompson (CA)
T.	Sutton	Weiner	Forbes	Mack	Roybal-Allard	Lewis (GA)	Peterson	Thompson (MS)
Sarbanes	Thompson (CA)	Welch	Fortenberry	Manzullo	Royce	LoBiondo	Platts	Tipton
Schakowsky	Thompson (MS)	Wilson (FL)	Franks (AZ)	Marino	Runyan	Loeb sack	Rahall	Towns
Schiff	Tierney	Woolsey	Galleghy	Markey	Ruppersberger	Lofgren, Zoe	Reed	Visclosky
Schrader	Tonko	Wu	Garamendi	Matheson	Rush	Lynch	Renacci	Walden
Schwartz	Towns	Yarmuth	Gonzalez	Goodlatte	Ryan (WI)	Maloney	Rooney	Weiner
Scott (VA)	Tsongas		Goodlatte	McCarthy (CA)	Scalise	Matsui	Ryan (OH)	Wu
Scott, David	Van Hollen		Gosar	McCarthy (NY)	Schiff	McCotter	Sánchez, Linda T.	Young (AK)
			Gowdy	McCauley	Schilling	McDermott	Sarbanes	
			Granger	McClintock	Schmidt	McGovern		

NOT VOTING—10

Andrews	Giffords	Sanchez, Loretta
Baca	Meeks	Young (FL)
Berman	Murphy (CT)	
Frelinghuysen	Olver	

□ 1431

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 98, answered "present" 1, not voting 12, as follows:

[Roll No. 232]

YEAS—321

Adams	Braley (IA)	Conaway
Aderholt	Brooks	Connolly (VA)
Akin	Broun (GA)	Cooper
Alexander	Brown (FL)	Costello
Austria	Buchanan	Courtney
Baca	Bucshon	Crawford
Bachmann	Buerkle	Crenshaw
Bachus	Burton (IN)	Critz
Barletta	Butterfield	Cuellar
Barrow	Calvert	Culberson
Bartlett	Camp	Davis (CA)
Barton (TX)	Campbell	Davis (IL)
Bass (NH)	Canseco	Davis (KY)
Becerra	Cantor	DeGette
Benishek	Capito	DeLauro
Berg	Capps	Denham
Berkley	Carmahan	DesJarlais
Berman	Carney	Deutch
Biggert	Carson (IN)	Diaz-Balart
Bilbray	Carter	Dicks
Bilirakis	Cassidy	Dingell
Bishop (GA)	Castor (FL)	Doggett
Bishop (UT)	Chabot	Doyle
Black	Chaffetz	Dreier
Blackburn	Chandler	Duncan (SC)
Blumenauer	Cicilline	Duncan (TN)
Bonner	Clay	Edwards
Bono Mack	Coble	Ellison
Boren	Coffman (CO)	Ellmers
Boustany	Cohen	Emerson
Brady (TX)	Cole	Engel

Shulz	Woolsey	Wu	Yarmuth
Graves (GA)	Graves (MO)	Green, Al	Green, Gene
Griffin (AR)	Griffith (VA)	Grimm	Guinta
Guthrie	Hall	Hanabusa	Harper
Hartzler	Hastings (WA)	Hayworth	Heinrich
Hensarling	Herger	Herrera Beutler	Higgins
Hinojosa	Holden	Holt	Hoyer
Huelskamp	Huizenga (MI)	Hultgren	Hunter
Hurt	Issa	Jenkins	Johnson (IL)
Johnson (OH)	Johnson, E. B.	Johnson, Sam	Jones
Jordan	Kaptur	Kelly	Kildee
Kind	King (IA)	King (NY)	Kingston
Kissell	Kline	Labrador	Lamborn
Lance	Landry	Langevin	Lankford
Larsen (WA)	Larson (CT)	Latham	LaTourrette
Latta	Levin	Lewis (CA)	Ackerman
Altmire	Baldwin	Bass (CA)	Bishop (NY)
Boswell	Bradley (PA)	Burgess	Capuano
Cardoza	Chu	Clarke (MI)	Clarke (NY)
Cleaver	Clyburn	Conyers	Costa
Cravaack	Crowley	Cummings	DeFazio
Dent	Dold	Donnelly (IN)	Duffy
Farr	Filner	Fitzpatrick	Foxo
Frank (MA)	Fudge	Gardner	Garrett
Gerlach	Gibbs	Gibson	Grijalva
Gutierrez	Hanna	Harris	Hastings (FL)
Heck	Heller	Himes	Hinchee
Hirono	Honda	Inslie	Garrett

NAYS—98

ANSWERED "PRESENT"—1

Amash

NOT VOTING—12

Andrews	Gohmert	Olver
Frelinghuysen	Johnson (GA)	Owens
Giffords	Marchant	Sanchez, Loretta
Gingrey (GA)	Meeks	Young (FL)

□ 1439

Mr. DOLD changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, on rollcall No. 229 on a motion to adjourn, I am not recorded because I was absent. Had I been present, I would have voted "aye."

Mr. Speaker on rollcall No. 230 on ordering the previous question (H.R. 910), I am not recorded because I was absent. Had I been present, I would have voted "nay."

Mr. Speaker on rollcall No. 231 on H. Res. 203, I am not recorded because I was absent. Had I been present, I would have voted, "nay."

Mr. Speaker on rollcall No. 232 on the Journal, I am not recorded because I was absent. Had I been present, I would have voted, "nay."

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation that we are about to take up, H.R. 910, and to insert extraneous material on the bill.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

ENERGY TAX PREVENTION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 203 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 910.

□ 1441

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last November, Americans spoke with a very clear voice. They told us that we needed to get the country working again. They told us that Big Government was not the solution. They told us to lead or get out of the way on the economy, and our side got it, particularly with the cap-and-trade vote in the last Congress.

Well, Mr. Chairman, today the House has a chance again to vote for a bill that directly responds to the demands of the American people. This legislation will remove the biggest regulatory threat to the American economy. This is a threat imposed not by Congress, but entirely by the Obama Environmental Protection Agency.

We all know that this administration wanted a cap-and-trade system to regulate greenhouse gases, but Congress said no. So beginning in early 2009, EPA began putting together a house of cards to regulate emissions of carbon dioxide. The agency began with automobiles, declaring that their emissions endangered public health and welfare.

That single endangerment finding has since been used by EPA to launch an unparalleled onslaught. The result, 2 years later, is a series of regulations that will ultimately affect every citizen, every job creator, every industry, really every aspect of our economy and way of life.

Mr. Chairman, this bill is about protecting jobs. EPA regulations will hit our manufacturing sector hard, with direct limits on factory emissions, indirect costs from the higher prices to power their facilities.

It will hit small businesses hard too, because when the electricity to power your business and the gasoline to fuel your vehicles is more expensive, your profit is less and you hire fewer new employees. That's why the NFIB, the Farm Bureau, NAM, Chamber of Commerce, and others, have endorsed H.R. 910. This is a key vote with many of those different groups.

Mr. Chairman, this bill is also about energy prices for working families.

Power plants will be forced to comply with strict new emission caps. You will have to purchase expensive new equipment to retrofit their facilities. We all know the costs have nowhere to go except on families' and businesses' monthly utility bills.

And it is about gas prices. The refiners that turn oil into gasoline will also be caught into the web of costly regs. When it costs more to make gasoline, it costs more to buy gasoline. And with prices already at \$4 a gallon across much of the country, the last thing that our families need is government policies designed to make the price at the pump even higher.

I am from Michigan. I know what a struggling economy, indeed, looks like. And I think that it is a travesty that this government is deliberately imposing policies that are going to harm job creators and working families.

And for what, Mr. Chairman, for what? EPA Administrator Lisa Jackson herself admits that U.S. regulation of greenhouse gases will not affect global climate conditions. The only environmental impact may be to ship our jobs to countries with no environmental protections at all, so, Mr. Chairman, at the end of the day the EPA climate regime is all economic pain and no environmental gain.

So let's pass this bill today and get the American economy back on track.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 3 minutes.

Since the Clean Air Act was adopted 40 years ago, we have made steady progress in cleaning our air and protecting the public health and welfare.

Today, however, the Clean Air Act is under attack and progress is threatened.

The Upton-Inhofe bill is a direct assault on the Clean Air Act. Its premise is that climate change is a hoax and carbon pollution does not endanger health and welfare.

But climate change is real. It is caused by pollution, and it is a serious threat to our health and welfare. We need to confront these realities, not put our heads in the sands.

American families count on the Environmental Protection Agency to keep our air and water clean. But this bill has politicians overruling the experts at the Environmental Protection Agency, and it exempts our biggest polluters from regulation.

If Upton-Inhofe is enacted, the Environmental Protection Agency's ability to control dangerous carbon pollution will be gutted.

That's why health experts like the American Lung Association are opposed to this legislation. They know it is a polluters' protection act. It is anti-science, anti-environment, and anti-health.

The Environmental Protection Agency made a scientific determination

that carbon pollution endangers health and the environment. Our Nation's top scientists at the National Academy of Sciences agree with this finding and so do scientists around the world.

Yet this legislation repeals that scientific finding. That's something no Congress has ever done.

We need an energy policy based on science, not science fiction. With oil at \$100 per barrel and rising, the Middle East in turmoil and a nuclear crisis in Japan, we urgently need clean energy policies. We need more vehicles that run on electricity, natural gas, and renewable fuels. We need more wind and solar power, and we need more energy efficiency.

What we need is to work together to develop energy policies that reduce our dependence on foreign oil and protect the health of American families. Instead, we are pursuing a divisive, partisan bill that takes us in exactly the wrong direction.

This extreme legislation won't pass in the Senate and, if it did, it would be vetoed by President Obama.

It is a distraction from the imperative of developing new sources of energy that will break our dependence on foreign oil, protect our health and preserve our environment.

Americans want clean air to breathe and sensible, science-based limits on carbon pollution.

I urge all Members to oppose this legislation.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished chairman.

I rise in strong support of this bill.

I would like to make a few comments. First of all, the bill before us doesn't change one sentence or one paragraph in the Clean Air Act. It doesn't change anything.

What it does do is prevent the EPA from using the Clean Air Act to regulate CO₂ as a criteria pollutant under the Clean Air Act. I was in Congress when we passed the Clean Air Act amendments back in 1991. I was a co-sponsor of the bill. I worked on the bill in committee, voted for it on the floor. So I am a supporter of a strong Clean Air Act.

CO₂ is not a criteria pollutant under the Clean Air Act. It was never intended to be. It's only because of a 5-4 Supreme Court decision that said the EPA had to make a decision whether it should be, and then a very flawed EPA endangerment finding, when President Obama became the President, that we have an EPA authority, tenuous as it is, to regulate CO₂ under the Clean Air Act.

□ 1450

What this bill does is take us back to the original Clean Air Act and say

we're going to regulate the criteria pollutants. But greenhouse gases and CO₂, which is a greenhouse gas, are not one of those criteria pollutants.

What are the purported benefits of regulating CO₂? According to numerous studies, in terms of the amount of reduction in CO₂, by the year 2100, which is 90 years away, 89 years away, we would see a reduction of about 3 parts better per billion if we regulated CO₂ from the current 380 to 390 parts per billion. We would see a reduction in temperature by about 0.006 to 0.015 of a degree centigrade, and we would see a reduction in sea-level rise by about 0.007 of a centimeter. In other words, if we spend up to \$100 billion a year to regulate CO₂, we get no reduction in parts per billion, we get no reduction in temperature, and we get no reduction in sea level. But we do get a huge cost to the economy every year.

This bill is a commonsense bill that simply says the Clean Air Act is the Clean Air Act, and let's use it to regulate sulfur dioxide, and let's use it to regulate lead and particulate matter and ozone, but let's not use it to regulate a naturally-occurring compound which is necessary for life and which helps us all.

Please vote against all the amendments, and please vote for this very commonsense bill when we get to final passage.

The Environmental Protection Agency (EPA) is proposing to regulate carbon dioxide emissions under the Clean Air Act. Reports from the U.S. Chamber of Commerce and even the Senate Committee on Environment and Public Works estimate that the cost of these proposed regulations will be about \$78 billion per year. The regulations will affect industries, farms, hospitals, office buildings, and hotels to name just a few. The regulations will adversely affect our ability to produce energy and structural materials.

According to the EPA, the regulations will have this estimated effect: "Based on the reanalysis the results for projected atmospheric CO₂ concentrations are estimated to be reduced by an average of 2.9 ppm (previously 3.0 ppm), global mean temperature is estimated to be reduced by 0.006 to 0.015 °C by 2100 (previously 0.007 to 0.016 °C and sea-level rise is projected to be reduced by approximately 0.06–0.14cm by 2100 (previously 0.06–0.15cm)."—Federal Register 75, page 25,495.

If we add up the yearly costs, then by the year 2100, we will have spent about \$7 trillion to possibly make us cooler by 0.015 degrees Centigrade. This doesn't seem to be much of a benefit as a result of such a high cost.

The Clean Air Act was never designed to regulate GHGs. It is time for us to come to our senses and statutorily forbid the EPA to regulate greenhouse gases.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the ranking member on the Energy Subcommittee of the Energy and Commerce Committee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman from California for yielding this time and recognizing me for this discussion.

Mr. Chairman, I am opposed to H.R. 910, the Upton-Inhofe dirty air act, because this bill is an extreme and excessive piece of legislation, and it is simply bad public policy. This bill would ignore the warnings from the respected scientific community simply because policymakers do not like what that science is telling us, and it will place earnings and profits above protecting the American public.

I applaud the Obama administration for making a clear and unequivocal statement yesterday that the President would veto this bill if it ever made it to his desk.

Mr. Chairman, every respected and every notable scientific organization, including the National Academy of Sciences, the American Association for the Advancement of Science, the American Geophysical Union, the American Meteorological Society, the U.S. Global Change Research Program, as well as the Intergovernmental Panel on Climate Change, are all in agreement that manmade greenhouse gases do contribute to climate change, and that these impacts can be mitigated through policy to curb these emissions.

Additionally, Mr. Chairman, many of the Nation's top public health advocacy groups, including the American Lung Association and the American Public Health Association, as well as leading civil rights groups, such as the NAACP and the Environmental Law and Poverty Center, have all come out strongly against this bill saying that it would leave our most vulnerable citizens and our most vulnerable communities unprotected if this bill were to become law.

As this USA Today poster here highlights, Mr. Chairman, there are so many more benefits in acting to address climate change, as the science tells us we must do—including energy independence, sustainability, cleaner air and water, and a healthier, more vibrant, more robust populace, just to name a few—than the option, which is living with the status quo and hoping beyond hope that the majority of the world's scientists are just plain wrong.

Mr. Chairman, I am opposed to this bill because the science compels me to be opposed to this bill. And I urge all of my colleagues, every one of you all, to vote against this bill.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I am delighted that we have this opportunity today to debate this important legislation.

Over the last 2 years, the Environmental Protection Agency has been the most aggressive agency representing

environmental causes in many, many years. Today, we have an opportunity to try to stop their unprecedented power grab. Even the longest-serving Member of this House, the distinguished Democrat from Michigan, Mr. JOHN DINGELL, whom we all respect and admire, said it would be a glorious mess if EPA ever tried to regulate greenhouse gases. Carbon dioxide, one of the things they are trying to regulate, is necessary for human life.

When we had hearings on this issue, Lisa Jackson, the administrator of EPA, came to the Congress. And she said, when asked the question, what kind of impact would their regulations have, she said it would have negligible impact on solving global warming unless other nations were willing to act as well.

Now, what this really gets down to is about coal, because coal in America produces 52 percent of our electricity. In China, coal produces about 80 percent of their electricity. Electricity is produced at the lowest rate with coal. And that is necessary if America is going to be competitive in the global marketplace. That's why today you see China expanding its coal marketing and coal utilities to produce electricity. That's why in China you see so many jobs being produced because they produce at a very low cost.

This legislation will stop EPA from driving up electricity costs in America. It will make it less likely that we are going to continue to lose jobs to China if we stop EPA. And I would remind all of you that when Gina McCarthy, the air quality director of EPA, came to Congress, she said herself that trying to regulate greenhouse gases in America just for the enforcing arms of the greenhouse gas bill, which would be every State in America, would cost the enforcing agencies \$24 billion, not including the additional cost to all of the utility companies, those people who have boilers, farmers, others, the additional costs that it would provide for them.

So if we want America to be competitive, to create jobs, to compete with China, we must stop this out-of-control EPA. And that is precisely what this legislation is designed to do. We're not changing the Clean Air Act in any way. Ambient air quality, all of those things, will still be in force.

So I would urge passage of this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

I rise in opposition to the dirty air act, which overturns the scientific finding that pollution is harming our people and our planet. But as long as Republicans are making an ideological decision to overturn scientific reality,

I wonder if the Republicans could offer an amendment overturning inconvenient geological reality as well. Let's tell the United States Geological Survey that Congress doesn't believe that the United States only has 2 percent of the world's oil as well. What the Republican majority is bringing to the House floor today is almost as absurd.

Republicans want our only weapon against OPEC to be a bumper sticker slogan, "Drill, Baby, Drill." Well, I have news for my Republican friends. We are drilling, baby. U.S. oil production is at its highest level in nearly a decade. Domestic natural gas production is at an all-time high. But we will never be able to drill our way out of this problem.

What Republicans fail to acknowledge is that a clean energy revolution is already underway. Take a look at the new electrical generating capacity we've been installing in the United States in the last 4 years—the last 4 years. Eighty percent of all new electrical-generating capacity has been natural gas, 33,000 new megawatts; and wind, 28,000 new megawatts.

□ 1500

This is the last 4 years, ladies and gentlemen. Coal is down to 10,000, but rising very quickly. Solar at nearly 2,000 megawatts; biomass at nearly 1,000 megawatts. In other words, there is a revolution that is already under way. The only problem is, there is no long-term policy or certainty that has been put on the books. All we have are the Republicans fighting as hard as they can to prevent this revolution from coming to fruition so that we can dramatically reduce the amount of greenhouse gases that warm our planet, back out the oil that OPEC wants to send us, and create a new, clean energy revolution here in America that produces jobs for Americans.

This arbitrary rejection of scientific fact will not cause the gross domestic product to rise or for unemployment to fall. But here is what their bill will do: it will lead to higher pollution levels, which will rise; oil imports, which will rise; temperatures, which will rise; job creation domestically, which will actually go down.

Vote "no" on this assault on science, on public health, and on the American economic competitiveness that allows a revolution to take off, which makes it possible for us to solve the problems of employment, national security, and a dangerously warming planet.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Environment and the Economy Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, it is great that we have this chance to be on the floor today to really address one of the most important job-creating pieces of legislation we have brought to the floor, and that is this legislation today.

For the climate change believers, their plan is simple: price carbon fuels so we drive this new world of peace, security, and green energy. But they have forgotten one thing: they destroy jobs in doing that. These are well-known miners who lost their jobs the last time we did it. Thousands of coal miners in Illinois lost their jobs. Even in the greenhouse gas debate, it would add 50 cents to a gallon of gas. Does that create jobs? That destroys jobs. We are trying to price energy, and all costs go up.

So if you are concerned about the economy and you are concerned about jobs, this is the perfect bill to support.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to my colleague, the gentlewoman from California (Mrs. CAPPES).

Mrs. CAPPES. Mr. Chairman, I rise in strong opposition to the dirty air bill.

Once again the House is considering legislation that has little to no chance of becoming law. Meanwhile, the public wants us to focus on job creation. But the leadership of this House isn't listening. The only job they seem interested in is the one they want EPA not to do: protect the public's health. It is not surprising that many of our Nation's biggest polluters have asked for this bill. It lets them keep polluting.

But what is surprising is with this bill we are rejecting scientific consensus. Even George W. Bush's EPA agreed that carbon pollution threatens the public's health.

Mr. Chair, H.R. 910 will increase the pollution that triggers asthma attacks, respiratory illness, and premature deaths. It will hobble America's efforts to compete in the global energy marketplace.

Earlier this year, the President stood on this House floor and talked about winning the future, about tapping into America's genius for innovation, and he used clean energy as a central example because it will help our economy grow. It will help America compete globally and protect the health and quality of life for all Americans.

Let's not obstruct the EPA from doing its job of protecting the public's health. Let's not stick our heads in the sand about the dangers of climate change. Let's not turn away from meeting this challenge, rather, use it to build dominance in the global industry of clean energy.

I urge my colleagues to vote "no" on this terrible bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act. Without this bill, the EPA is going to outsource jobs and business with greenhouse gas regulations, not to mention placing huge financial burdens on consumers who will see energy prices skyrocket as a result

of compliance costs to utilities, refineries and more.

However, what I want to talk about today is how it relates to rural America and agriculture, particularly in Colorado. The EPA has time and time again said agriculture is exempt. If agriculture is exempt, then why did the Rural Electric Association in my district write to me and say it will cost farmers and ranchers in my State an additional \$1,700 a year to irrigate their land, if the carbon bill were to pass this Congress last year and be signed into law by the President; \$1,700 a year, that carbon legislation would have cost farmers and ranchers in my State. By 2030, it would have cost them an additional \$7,000 a year for one meter to run their irrigation. That's costing agriculture. That's costing jobs.

Instead of becoming the Environmental Protection Agency, the EPA is becoming the "Everyone Pays a Lot Agency."

Mr. WAXMAN. Mr. Chairman, that information is incorrect. I would like to see a letter that pertains to this EPA action. I think it might have been a letter related to a different piece of legislation.

I am now pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the very distinguished ranking member of the House Energy and Commerce Committee.

Mr. Chairman, I rise in very, very strong opposition to this bill, H.R. 910.

I can't help but think as I listen to what is being said on the other side that they are sitting in a car looking in the rearview mirror, and they think they see the future. There is a reason why people on this side of the aisle are opposed to this bill and call it the dirty air bill, because that's exactly what it is. And so instead of helping to create jobs for the American people, which is their top priority, their very, very top priority, what is the gift of the new majority, dirty air. That's why the American Lung Association is vehemently opposed to this bill. The American Public Health Association is vehemently opposed to this bill. Former senior military officers, environmental organizations, and scientists all strongly oppose the bill.

Now, guess who is for it. Guess who is for it, America. Big Oil because it will increase the demand for oil and do nothing to reduce what consumers spend on gasoline. This bill would put an end to future cost savings because both the EPA and States would be prohibited from updating the standards that they have already set.

One would think that during this time of rising gas prices and the turmoil in the Middle East, that we would be voting on legislation to decrease our dependence on foreign oil, voting to

drive innovation in clean energy industries, and voting to ensure future security and energy independence and leave the next generation of Americans with a healthy world. Instead, we are voting on a bill to gut the Clean Air Act. I think this is all heavy evidence for Members of the House to oppose the dirty air act.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the former chairman of the Natural Resources Committee and the current ranking member on the Transportation Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the chairman for yielding the time to me, and I appreciate his and his committee's work on this legislation.

Mr. Chairman, I don't think anybody in this body is for dirty air or dirty water or any of the adjectives that have been used to describe the supporters of this legislation. Certainly the Clean Water Act and Clean Air Act and other worthy pieces of legislation that Congress has passed over the decades have worthy goals and have achieved tremendous progress for this country. And there is not a person in this country, I dare say, that would want to renege on a lot of the positive initiatives that have been achieved under these pieces of legislation.

□ 1510

No singular government agency, however, is sufficiently positioned to tackle the complex solution required to address carbon emissions. The answer has to be multipronged. It must involve innovation and investment in addition to reductions. It must be crafted taking into account the realities of the effect that emission reductions will have on the economic recovery this country is currently experiencing and on jobs, especially in the heartland of America. These are not matters that the EPA is required to consider or equipped to address.

To simply allow the EPA to move ahead on its own in crafting a national strategy on climate change is a recipe for disaster. It assures a lopsided solution to a broad and cumbersome challenge. And, what may be worse, it does not provide for the kind of transparency and the kind of public input that is needed for a viable, long-term solution.

It is one of the eternal truths of our form of government, Mr. Chairman, that the public has to be involved, it has to be informed, and the public must be engaged. This legislation is crystal clear in its message that the EPA has gotten ahead of public opinion and that the Congress now has a responsibility to pull it back.

I support this legislation, and I urge its passage today.

Mr. WAXMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, we should oppose this dirty air act because it would suggest that we are a nation in a deep and dangerous sleep, dozing in the face of disastrous pollution, slumbering while our children are riddled with asthma. It's time for America to wake up, get up out of our comfortable beds of denial, and get to work building a new, clean economy.

It's time to wake up, America. The Chinese are not sleeping while they build five times more wind turbines than us. The Germans are not sleeping building more solar panels. The Indians are not sleeping who are restricting carbon pollution. It is time to wake up. Nobody in human history has ever won a race while asleep. And that's why it's time for a national awakening by rejecting this bill. It's a time to put engineers to work on clean energy. It's a time to help businesspeople to grow businesses. It's a time to help students learn new technology.

It is an irony, but it's true: You can only dream while you're asleep, but you can only realize a dream when you're awake.

We should believe in American exceptionalism. We are exceptional in innovation, exceptional in entrepreneurship, exceptional in pioneering technology. And if we do these things, the sun we see on the horizon will be a sunrise, not a sunset. It will be a sign of an awakening nation. We'll do this because we will know and America can know the profound satisfaction of building a clean energy economy and producing children free of asthma rather than increasing it like this dirty air act.

Vote "no" against this small-minded exercise in pessimism. Vote "no" and embrace the optimism that is inherent in our national character.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the legislation and thank our chairman, the gentleman from Michigan, for bringing it forth and bringing forth a bill that will limit the EPA's regulatory overreach. It is important that we do. This is an issue that has been going on since 2007, when the Supreme Court gave the EPA permission to regulate greenhouse gases. At that point, I introduced a bill that would have stopped the EPA. Unfortunately, Congress didn't act and the EPA has now issued a final rule, and there will be more rules and regulations on the way if Congress does not step in and take action to stop this.

I am grateful that we are stepping forward and making certain that this authority returns to Congress. I urge my colleagues to vote for H.R. 910 and reassert Congress's authority over this issue, as it should be, and take it away from unelected bureaucrats.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to a distinguished member of our committee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Chairman, as the representative of a district that has one of the highest greenhouse gas emission levels per square mile in the United States and the Caribbean, I rise in strong opposition to H.R. 910, appropriately known as the Dirty Air Act.

As a physician and as a person who has been trained to make decisions on sound science, I have to reject this legislation that is based wrongly on the premise that there is no science that supports the court's decision that greenhouse gases are injurious to the public health. That premise is wrong. Once again, our Republican colleagues deny sound science in their attempt to achieve misguided and, in this case, harmful political ends. Leading scientific academies, associations, and think tanks have all clearly documented a clear connection between these gases and poorer health. They make just as clear a connection of these gases to the acceleration of climate change, which adds another dimension of health challenges, some of which we are already facing today.

My colleagues on the other side of the aisle tend to attribute the findings to the EPA administrator, but it is not she who has determined that these harm the public health. It was the scientific community, respected experts in the field.

Mr. Chairman, the reduction of greenhouse gases is particularly important to the poor and racial and ethnic minorities, as it has been shown that polluting industries are more often located in or near our communities.

In committee, and I suppose today, you will hear a lot of talk about CO₂, but that is not the only greenhouse gas that we're concerned about. This harmful group of gases also includes methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The Virgin Islands have seen dramatic increases in asthma and cancers as the presence of these gases has increased. There is no way I can support this bill. No one should support it. We have a responsibility to protect the health of the American public. I urge my colleagues to reject H.R. 910 and to vote "no" to dirty air.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,

March 23, 2011.

MEMBERS,
House of Representatives,
Washington, DC.

Re: NAACP Opposes H.R. 910, the Energy Tax
Prevention Act of 2011

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely recognized grassroots-based

civil rights organization, I am writing in opposition to H.R. 910, the Energy Tax Prevention Act of 2011. If enacted as written, H.R. 910 would block the ability of the U.S. Environmental Protection Agency (EPA) to reduce greenhouse gases under the authority of the Clean Air Act.

For more than 40 years, the EPA has used the authority granted to it by the Clean Air Act to protect our health and our environment. EPA actions to reduce greenhouse gas emissions are therefore appropriate, and should in fact be supported. If successful the reduction of greenhouse gases will help slow global warming, improve Americans' health and create new jobs.

The reduction of greenhouse gas emissions is especially important to racial and ethnic minorities, as we are disproportionately affected by the negative consequences of global warming socially, economically, and through our health and well-being. One need look no further than Hurricane Katrina and its tragic aftermath to see that African Americans and other communities of color are disproportionately affected by severe weather and other negative consequences of global warming. More recently, we can look to the extreme weather patterns experienced by much of the United States this past winter, with unseasonable snow, ice and temperatures well below freezing in Atlanta, GA, and points south.

Rather than focus on legislative initiatives which would hinder our nation's progress in addressing the dangers of climate change and the resulting social, health and economic consequences, the NAACP urges the U.S. Congress to work toward the enactment of comprehensive climate protection and clean energy legislation that reduces global warming pollution. As such, the NAACP looks forward to working with you to ensure that effective actions are taken. In that vein, I hope that you will feel free to contact me should you have any questions or comments on the NAACP position.

Sincerely,

HILARY O. SHELTON,

Director, NAACP Washington Bureau & Senior Vice President, Advocacy and Policy.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. Mr. Chairman, this bill is a starting point to lowering energy costs. This bill encourages private sector investment and will grow jobs.

North Dakota is a leader in energy development. However, overreaching EPA regulations threaten not only energy producers but consumers as well.

The EPA's efforts to impose a cap-and-trade tax threaten to increase the price of energy for American families. These higher energy costs will also impact small business, threatening them and preventing them from growing the economy and creating jobs.

Our economy is suffering, and heaping more taxes on American families and imposing new regulations that will hurt job creation is not what our country needs to get back on track.

I firmly support the Energy Tax Prevention Act.

Mr. WAXMAN. For the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 910.

On April 2, 2007, the Supreme Court in *Massachusetts v. EPA* held that greenhouse gases, including carbon dioxide, are "air pollutants" under the Clean Air Act. As a result, the EPA was legally obligated to determine whether greenhouse gas emissions from motor vehicles could be reasonably anticipated to endanger public health or welfare. If the EPA made a positive finding, then it would also have to issue regulations to reduce such emissions.

On December 7, 2009, the EPA issued its endangerment finding. The finding was based on a 200-page synthesis of major scientific assessments authored by not only the Inter-governmental Panel on Climate Change, but also by the U.S. Global Change Research Program, the U.S. Navy, the U.S. Department of Agriculture, the National Research Council, NOAA, NASA, the U.S. Fish and Wildlife Service, the CDC, the U.S. Geological Survey, the National Snow and Ice Data Center, and others. The EPA's scientific basis for the finding was extensively reviewed by, among others, a group of leading scientists from federal agencies.

In order to limit the number of industrial sources that would be subject to regulation, the EPA issued its "Tailoring Rule" last May which raised the Clean Air Act statutory thresholds to require greenhouse gas permitting only for the largest industrial sources of greenhouse gas emissions from 100/250 tons to 100,000 tons per year.

In response to these actions, House Energy and Commerce Chairman FRED UPTON introduced the Energy Tax Prevention Act to strip the EPA of its authority to regulate carbon under the Clean Air Act.

My two largest concerns with the bill is that it overturns both the Supreme Court's finding that the EPA has the authority to regulate greenhouse gases under the Clean Air Act and the EPA's scientific determination that greenhouse gases endanger human health and the environment.

By doing this, the Energy Tax Prevention Act could also: prohibit EPA from enforcing existing greenhouse gas reporting requirements; prevent EPA from taking impacts on climate change into consideration when approving alternatives to ozone depleting substances under Title VI of the Clean Air Act and the Montreal Protocol; create legal uncertainty about the status of the recent motor vehicle standards adopted by EPA; and call into question EPA's authority to implement voluntary programs to reduce greenhouse gas emissions.

I must emphasize that I am opposed to the EPA moving forward with regulations on large utilities and refineries in our country, because I believe that the Congress should be the decision maker on carbon control issues. However, we cannot discount the Supreme Court decision, say climate change is not an issue and move on with it, which is the approach the Energy Tax Prevention Act takes. Instead, we should pass a bill that would delay the EPA from moving forward with these regulations so that the Congress has time to address this issue with input from Members that represent diverse constituencies nationwide.

So I ask my colleagues on the other side of the aisle to provide leadership on this front.

Let's address carbon so that we don't have to worry about what the EPA is doing and whether they will be sued by outside groups to further regulate these industries or move up already announced dates for rulemaking. This Congress has the power to be 100% in control of giving our manufacturing base the regulatory certainty it needs. Cap and Trade legislation will not pass this Congress, but I believe a solution can be found for controlling carbon emissions by using nuclear and natural gas to generate electricity.

As such, I encourage my colleagues to vote against this bill and instead, let us pass into law a bipartisan, comprehensive carbon control program that regulates emissions with the least disruption to our economy.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I rise in strong opposition to this legislation, which makes a mockery of science, public health, international cooperation, the environment, the Supreme Court, and Congress.

The problems with this bill start with its title, the "Energy Tax Prevention Act." The bill has nothing to do with taxes. I had an amendment to actually prevent the EPA from imposing an energy tax that the Rules Committee would not allow.

□ 1520

During the rules debate, my colleague Mr. SESSIONS from Texas indicated the committee did not because my amendment was "not germane", because the bill doesn't have anything to do with taxes.

Welcome to another journey down the legislative rabbit hole. Last week, the majority pretended that you didn't have to have both Chambers of Congress to enact a law. This week, we have purposely misleading bill titles.

The rule, by the way, did waive a point of order on germaneness for a provision added in committee, but the Rules Committee refused to make in order an amendment that would actually prevent energy taxes. That's because there is no threat that the EPA will impose taxes. Instead, the agency's measured and reasonable approach to update the Clean Air Act to deal with carbon pollution will reduce health and economic costs.

The tax moniker is not the only falsehood being floated about the EPA. Supporters have also claimed this bill will prevent rising gas prices. The Pulitzer Prize-winning PolitiFact has rated this claim false.

My colleagues on the other side of the aisle understand that. They're taking a page from Frank Luntz' approach to environmental policymaking. They don't want to have a fact-based debate about the EPA's authority to limit carbon pollution. Instead, they're working to perfect the use of poll-tested, wildly

inaccurate language to attack sound science and to undermine confidence in laws that keep us safe.

I hope my colleagues will join me in rejecting this unfortunate piece of legislation and the tactic that is being used to advance it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the House Ag Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in support of H.R. 910.

Mr. Chairman, for more than 2 years, we have watched Obama's Environmental Protection Agency try to expand its authority over American agriculture. Most telling of the EPA's irrational regulatory approach is how it has concluded that the breath we exhale and the gas that livestock expels are dangerous pollutants and should be regulated under the Clean Air Act.

During a recent Agriculture Committee hearing, the EPA Administrator said agriculture is currently exempt from the proposed regulations because the EPA has targeted only the largest greenhouse gas emitters. This doesn't provide any certainty to our farmers and ranchers, especially since, in a recent interview, Lisa Jackson was quoted as saying that the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013, which counters her own remarks at that hearing.

Additionally, a mythical exemption doesn't insulate farmers, ranchers and rural businesses from the higher energy and operating costs they'll face from other industries hit by these regulations. Whether it's the fuel in the tractor, the fertilizer for the crops or the delivery of food to the grocery store, this backdoor energy tax will increase the cost of doing business in rural America.

I urge my colleagues to join me in passing H.R. 910, the Energy Tax Prevention Act, and protect agriculture from EPA's overreach. This bill will prevent the EPA from running wild across America's farms and from subjecting our producers to more burdensome regulations that threaten to put them out of business. Rural America has never stopped being a good place to live; so it's our job to make sure it's a good place to make a living, too.

Mr. WAXMAN. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from California for his leadership.

Mr. Chairman, I rise today in opposition to H.R. 910.

My friend Mr. BLUMENAUER made the point that there is a deliberate misleading title to this bill somehow cynically allowing voters to believe that this is about taxes. I had an amendment before the Rules Committee that, unfortunately, was not accepted. How

about we be intellectually honest about this? Let's rename the bill the Koch Brothers Appreciation Act of 2011. At least then we could clear the air and be honest; but then again, that's what this bill is all about, not clearing the air but ensuring that it stays polluted.

Today, sadly, the other party will attempt to pass a bill that denies decades of science in order to protect the profits of a few favored corporations. Next, we may hear claims that the Earth is, indeed, flat.

When Congress passed the Clean Air Act in 1970, it directed the EPA to protect the public health and welfare from pollution that would alter weather and climate. In the last 40 years, hundreds of peer-reviewed scientific papers have found that global warming is caused by humans, is becoming worse, and poses a dire threat to our public health, national security and economic vitality.

This bill makes Congress the final arbiter of science. That is a perilous path, Mr. Chairman, to go down, and it repudiates 100 years of bipartisan efforts to craft public health legislation according to science. Not since the Scopes trial has a division of government waged such an outlandish assault on science. With H.R. 910, Republicans, sadly, have aligned themselves with that school board in Tennessee and with the Pope who excommunicated Galileo.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding me the time and for his leadership on this issue.

I rise in strong support of this legislation.

Despite President Obama stating that he would prefer Congress to take the lead in determining how to handle greenhouse gases, what do you know? The Environmental Protection Agency has begun their own plan to regulate greenhouse gases.

American voters spoke in November, and they clearly rejected the cap-and-trade agenda that was offered in this Congress last year and that was not taken up in the United States Senate. Now we, ourselves, are faced with the need to act. So unless Congress acts to stop the EPA, this administration and the Environmental Protection Agency will enact their own cap-and-trade-like agenda.

Without action, the EPA will add more regulatory red tape onto American businesses and manufacturers, hampering the ability of companies to operate competitively in the United States. These businesses could be forced to move those jobs overseas, to locations with fewer regulatory burdens, or they could simply pass these increased costs on to American consumers. Either choice is not good for jobs in America. Without action, these

regulations will be paid by anyone who turns on a light switch or who plugs in an appliance.

We must stop the EPA from continuing their spree of overregulating our economy. During this economic slow-down, we should be adopting policies that seek to rebuild our economy and create more jobs. We should be producing more energy, an all-of-the-above energy plan that I know the Energy and Commerce Committee is working on, to increase the domestic production of oil and natural gas and coal and safe nuclear power and to encourage new productions from new sources of energy.

Let's make America energy independent. Let's not raise the cost of energy and ship jobs overseas, which will cost millions of American jobs. We should be doing just the opposite. This legislation starts us on that path, and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from California has 10 minutes remaining. The gentleman from Michigan has 1½ minutes remaining.

Mr. WAXMAN. I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to a cosponsor of the bill, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of Chairman UPTON's bill, H.R. 910, a bill to prevent the EPA from regulating greenhouse gases. By passing this bill, Congress will rein in the EPA and save thousands of American jobs.

This is a very sensitive issue to me. Georgia-Pacific, a subsidiary of Koch Industries, is the largest employer in my hometown of Muskogee, Oklahoma, employing almost 1,000 Oklahomans. I am proud of the work Koch Industries brings to my district and of its record of environmental stewardship. I want to make sure that Georgia-Pacific employees keep their jobs and that Koch can continue to invest in Oklahoma.

Every Member of Congress understands the delicate balance between creating jobs and preserving the environment, but I ask my colleagues to see that the answer to America's economic and environmental challenges is not a more powerful EPA. Let's pass the Upton bill and put an end to this job-killing idea.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

□ 1530

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), the former chairman of the House Ag Committee and now ranking member of that committee.

Mr. PETERSON. Mr. Chairman, I rise today in support of H.R. 910.

We recently held a hearing in the Agriculture Committee with folks from the EPA and from people in agriculture, and the message that we heard was pretty clear from agriculture that they believe the EPA needs to be reined in, not only as regards this bill, but other measures that are being considered within the EPA as well. What this bill will do is hit a pause button on the EPA's current efforts to regulate greenhouse gases, and that's exactly what people in agriculture think we need.

I have traveled the country, all over the country, talking to agriculture producers both in my district and other places, and they are concerned about what they see coming out of this agency, the regulations that they are seeing. And what really concerns them is that the agency does not seem to understand agriculture and, frankly, doesn't seem to want to understand agriculture.

These proposed regulations we're seeing from EPA could potentially get in the way of what agriculture producers are already doing when it comes to conservation of our natural resources. American farmers and ranchers rely on these resources to provide the world's food supply and are committed to preserving them for the next generation.

The EPA claims to be operating in an open and transparent manner, but the agency is sending mixed messages. At the recent hearing that I mentioned earlier, we were told that agriculture is currently exempt from proposed regulations, yet press reports have quoted the administrator since as saying the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013.

If Congress doesn't do something about the regulations being imposed on our farmers, ranchers and rural communities, the economic effects are going to affect everybody in America. We are being asked to feed more and more people not only in this country, but around the world. This kind of legislation, the effect is going to be to make it harder to do that and also to raise the cost on all of the consumers in this country at a time when that's the last thing that we need.

I encourage my colleagues to support H.R. 910.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague from California.

For 40 years, the Clean Air Act has been successful in reducing emissions in the atmosphere, pollution that kills people. Thousands of people are alive today because of the Clean Air Act. None of them know who they are. It might be people in this Chamber, some of us. And the success of the Clean Air

Act is due in large part to being enacted and strengthened based on the best science available to find effective ways to remove the worst pollutants from our air. The legislation before us today—appropriately nicknamed the "dirty air act"—would gut the Clean Air Act and prevent EPA scientists from doing their jobs.

The Clean Air Act was written wisely to allow the safeguards to grow with the scientific understanding of the dangers proposed by various chemicals in the air and with the technological means for controlling those pollutants. Carbon pollution, a couple of years ago, was determined by EPA scientists to endanger the health and welfare of the American people. EPA scientists should be allowed to continue their work. Air pollution is costly in lives and in dollars.

The Clean Air Act is successful. The legislation must be protected.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act, which would prohibit the EPA from using the Clean Air Act to regulate greenhouse gases.

Congress has already said no to a cap-and-trade tax, yet the EPA is intent on taking matters into their own hands, which will result in a bleeding of jobs. If the EPA is allowed to continue to pick winners and losers in this country, we will be seeing higher prices at the gas pump, higher utility bills, and job loss.

We should be making it easier, not harder, for small businesses to expand and hire. However, the EPA's assault on fossil fuels will result in higher domestic energy costs and push American jobs overseas.

At home in West Virginia, the EPA is making it much more expensive to turn on our lights and drive to work; that's not the way to get our economy back on track.

This legislation is of particular importance to my constituents in West Virginia. The EPA's regulations will disproportionately affect our State's economy. West Virginia powers the Nation. Our energy providers provide thousands of good-paying jobs, and coal alone provides over half of our Nation's electricity and over 95 percent of the power in my State.

I strongly urge my colleagues to vote in favor of H.R. 910 to stop the EPA's regulatory overreach and job-killing strategies.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to clarify some statements that have been made that are absolutely inaccurate.

There may be Members who are unhappy about EPA regulations as they hear from their constituents, but that is not what is involved in this bill today.

This bill would stop EPA from regulating as it relates to carbon emissions; and EPA has undertaken this because of a scientific finding that carbon emissions are causing a danger to public health and the environment.

EPA, under the Clean Air Act, has a wide range of possible regulations, but EPA has decided that they would restrict their regulations only to large new sources or expansion of existing sources of pollution of 100,000 tons per year, and that is all.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield myself another 30 seconds.

So we heard these claims that they are going to come in and regulate in areas where they're not seeking to regulate, nor have they in fact done it. A new source, emitting 100,000 tons of pollution, is equivalent to burning a train car load of coal per day.

We hear concern from people from the coal-burning States, but they're not threatened unless there are new sources of that magnitude. The oil companies are not going to be regulated unless they are going to build a new source of that magnitude. Maybe they are fearful about other regulations, but that is no reason to support this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. On this tailoring rule that was adopted by EPA saying that they would regulate only those emitters of 100,000 tons or more per year, that is in direct violation of the language of the Clean Air Act, which says they have to regulate anything 150 to 250 tons per year.

Lawsuits have already been filed against the EPA of violating the Clean Air Act, and there is a strong sense that the tailoring act would be ruled illegal. And if it is, as Gina McCarthy said, they would have to regulate everything in society, including small farms, small businesses, everyone. They do not have the manpower to do it; and as she stated, it would cost the enforcing agencies alone \$24 billion, and that's not including the money that industries and others would have to spend to comply with the new regulations. So the statement that they will not be impacted is certainly not settled.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to refute the statements that have just been made.

There is a court doctrine allowing EPA to design regulations that are tailored according to administrative necessity, and they need not go beyond that.

The complaint on the other side is that there is a wide-ranging regulation,

but there is not. And there will be an amendment offered by Representatives KIND and OWENS to restrict the regulations by law to what the EPA is implementing.

□ 1540

And I hope the gentleman that spoke just now will vote for that amendment. But whether it passes or not, EPA can tailor its regulation, and they ought not complain about a regulation that's not being proposed. They don't want even the minimal one that EPA is implementing.

If we don't legislate and we don't regulate, we are ignoring the problem and we're going to make it much, much worse and costlier to correct later on.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I rise in support of this legislation.

For me, this debate is not about whether or not climate change is occurring, nor is it about preventing the congressionally directed policies that Congress should have to reduce greenhouse gas emissions and allow us to have a low-carbon producing economy.

I, for one, think that climate change is real and a problem that needs to be addressed with practical solutions that have attainable goals to reduce emissions and provide certainty in our economy. I also believe that the Clean Air Act has truly benefited our Nation and should never be weakened—rather, strengthened.

However, agencies should not be able to regulate what has not been legislated. Doing so does not solve problems. It creates even more uncertainty as it opens up the agency's rules to countless legal challenges.

And I am committed to finding a workable solution to achieve clean air, help address global warming, and preserve the economic competitiveness of the United States in the global marketplace. With my friend, Congressman MATHESON of Utah, we offered an amendment during markup that is now in the bill that states that there is established scientific concern over warming of the climate system and Congress should fulfill its role in developing policies to control greenhouse gas emissions.

I rise in support of this legislation, but I also support a meaningful solution to the carbon crisis.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3 minutes to the Democratic whip in the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Briefly, in response to the gentleman's assertion, of course the court has said EPA does, in fact, have this authority. This is not a new authority they're making up. Rather

than invest in new energy technologies, address carbon pollution, and create clean energy jobs, our friends on the other side are choosing instead to deny the problem and take away America's tools for responding to it.

This bill would overturn auto emission standards that are making our cars and trucks cheaper to drive and breaking our independence on foreign oil. This bill would not do a single thing to bring down the price of gas, but it would keep America from saving 1.8 billion barrels of oil over the lifetime of our new cars. We would not have gotten there, frankly, if some of the proponents of this bill who opposed getting to those standards had prevailed. And it would do so at a time when the turmoil in the Middle East should serve as an energy independence wake-up call.

I'm for using all of our energy that we can do so in a healthy, safe way. This bill, however, would significantly weaken the Clean Air Act over its 40-year span.

The benefits of the act: longer lives, healthier kids, greater workforce productivity, and protected ecosystems have outweighed the costs by more than 30-1. That's a pretty good return, ladies and gentlemen. Last year, according to the EPA, just one part of the Clean Air Act prevented someone 160,000 premature deaths, 130,000 heart attacks, and 100,000 hospital visits. That is a pretty good return on our investment.

And according to the American Medical Association, "If physicians want evidence of climate change, they may well find it in their own offices. Patients are presenting with illnesses that once happened only in warmer areas. Chronic conditions are becoming aggravated by more frequent and extended heat waves. Allergy and asthma seasons are getting longer."

The gentleman from New Hampshire said he doesn't doubt global warming. I agree with that conclusion. It is a shame this bill doesn't take that perspective. The Republican response is to make pollution easier, frankly.

Finally, this bill overturns scientific findings that carbon pollution endangers the environment and human health, which has been confirmed by all of the world's leading scientists.

A partisan majority can pass whatever bill it wants. I understand that. But it cannot legislate the facts out of existence, facts that as recently as a few years ago were accepted in both parties. What changed? The science or the politics?

Mr. Chairman, I urge my colleagues to oppose this bill, which recklessly endangers our air, our health, our climate, and our energy independence.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. MURPHY of Pennsylvania. Okay. Here we go.

When we discussed the cap-and-trade bill, it worked sort of like the Seinfeld show. George Costanza comes to Jerry and says, "You know what we should do with this show, what it should be about?" Jerry says, "What?" George says, "It's about nothing."

Here's how cap-and-trade works: Factory A has something coming out of its smokestack; Factory B doesn't. So Factory B sells their "nothing" to Factory A. Factory A adds that cost to the cost of their products. Sooner or later, they raise costs of electricity, raise costs of their products. They can't make it in America any more.

America figured this out long ago, and they said we're going to see energy prices go up, we're going to see jobs and income go down. We don't want it to work this way. We want clean air, clean land, and clean water. But the way these things are working is not what's going to make it happen.

So the American people say don't export our jobs, don't export our factories, don't export our manufacturing and then end up importing emissions from other countries. It's a global problem. It's something we have to deal with. But having the EPA do this without working through Congress isn't the way to make this happen.

Let's come up with a real solution here but not continue on down this road of exporting our jobs to other countries.

Mr. WAXMAN. I continue to reserve my time.

Mr. UPTON. Mr. Chairman, if I might just enter in a brief colloquy with my friend, the gentleman from California.

Each of us has about the same amount of time left. I have allocated my time; I presume you have as well. My remaining speakers are meeting someplace, and I'm prepared to close and yield back if you are, unless somebody comes to the floor awfully fast.

Is it the same for you?

Mr. WAXMAN. I find myself in the same position. I am prepared to close and yield back my time, unless one of our Members shows up unexpectedly.

Mr. UPTON. Fine.

Mr. WAXMAN. Mr. Chairman and my colleagues, I have before me a letter from the United States Environmental Protection Agency. We asked them very specific questions, and one was whether this would establish a backdoor cap-and-trade program. They said, one, EPA has not adopted a cap-and-trade program to address greenhouse gas emissions; two, EPA is not considering or evaluating a cap-and-trade program to address these emissions under existing Clean Air Act authority; and they further went on to say they do not anticipate that they will do a cap-and-trade program. None of the five programs that they have adopted or are considering adopting to limit

harmful pollutions are cap-and-trade programs.

So when we hear Members get up and say, oh, they're about to adopt a cap-and-trade program because Jerry Seinfeld's show might lead you to that conclusion, it is not, according to Lisa Jackson, the head of EPA, their intent.

EPA, under the law, is required to look at the science. Once they determined that carbon is a pollutant that causes harm to public health and the environment, they must regulate. They could, under their powers, fashion the regulation in a modest way, which is exactly what they've done. The regulations that they are implementing can be met through greater efficiency in these new sources that would emit such large amounts of carbon. That is a reasonable thing to do because it is beneficial for the industries to be more efficient.

We have found over the years, under the Clean Air Act, when sources of pollution, industries, reduce their pollution, they become more efficient and more competitive. That's what will happen as a result of the regulations that are being implemented. Let us not tie EPA's hands and say they cannot deal with this subject.

For those who deny the science, I disagree with you. But if you're wrong, it will take a long time before any strategy will come into effect to reduce these emissions. Buy at least an insurance policy to reduce these dangerous pollutants so that we can avoid some of the terrible consequences of greenhouse gas emissions and climate change, which are already evident in this country and around the world.

I urge my colleagues to oppose this bill. Vote "no."

I yield back the balance of my time.

□ 1550

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we followed regular order on this bill. We had plenty of hearings. We issued a discussion draft. We had markups in both full and the subcommittee. We sought bipartisan support. In fact, we received it. Mr. PETERSON, who spoke earlier, the former chairman of the House Ag Committee, Mr. RAHALL, the former chairman of the Natural Resources Committee, are both original cosponsors.

We have different rules than the other body, the Senate. They are debating this same issue today in fact. They have been debating it now for a couple of weeks. And it's interesting to me that a number of the amendments on the amendment tree in the Senate by different Democratic sponsors—in fact, I would confess that the EPA has run amok because they, too, though they might not be fully supportive of this legislation, they too are supporting a 2-year time-out to the EPA, to tell them to stop. They're not ready for this.

I supported, I voted for the Clean Air Act back in 1990. And I think most of my colleagues then, it was a strong majority that supported that. It allows the EPA to regulate 188 different contaminants. They do that. This bill does not weaken that work by the EPA.

There was an issue then that the Senate included in their version of the bill something that did regulate greenhouse gases. And when it went to conference with the House, JOHN DINGELL was then chairman of the conference committee, the House did not accept the Senate language. The Senate receded to the House, as the lingo goes, and in fact the Clean Air Act then ended up without regulating greenhouse gases.

We had a huge debate in the last Congress on cap-and-trade. Speaker PELOSI had an 86-vote margin here in the House. Cap-and-trade, yes, it did pass in the House. It passed by seven votes. So you switch four votes, it goes the other way. But despite that passage in June of 2009, the Senate did not take that legislation up. Didn't go through subcommittee, full committee, never got to the Senate floor, and it died with the conclusion of the 110th Congress.

What we are saying is that the Congress, elected leaders here, should decide what is regulated. We know from the testimony that we had in committee we may lose as many as 1.5 million jobs. We heard from the refineries. They know that it's going to increase costs because they're going to have additional regulation. They're going to pass those costs on. And, in fact, it will raise the price of gasoline by 20 cents to 50 cents over the next number of years. That's not what we want to see in this country.

And what's going to happen? What's going to happen to those jobs? They're going to leave this country, and they're not going to come back. And they're going to go to other places like, let's face it, India and China, where neither country has nearly the environmental laws that we have today. We are going to continue to enforce, to see the Clean Air Act enforced. This does not weaken that act. We just say we're not ready to regulate greenhouse gases, not when we have an unemployment rate where it is today—Michigan much higher than the national average—knowing that it's going to cost a lot of jobs.

So I would urge my colleagues to support this legislation. It tells the EPA, no, you are not going to do this. We will see what happens with the Senate, as they debate this issue the rest of the day and perhaps into tomorrow. But I would urge all of my colleagues to support H.R. 910, particularly now as we get into the amendments.

Mr. CAMPBELL. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act.

In 2009, the Administration announced their "National Program" to regulate fuel economy.

But if you read beyond the press releases touting the "National Program" you'd find that it wasn't one program at all. In reality, the so-called "National Program" is made up of three different fuel economy programs, administered by three different agencies—NHTSA, EPA, and the California Air Resources Board—under three different sets of rules, pursuant to three different laws.

Why on earth do we need three different agencies regulating the same thing? The truth is, we don't. H.R. 910 would end the regulatory duplication, and the millions in taxpayer dollars wasted on such redundancy by EPA.

Mr. Chair, as the old Beatles song goes, "one and one and one is three." The CAFE program plus an EPA program plus a California program adds up to three different programs. That's what we have now, but we must do better for consumers, who will ultimately have to bear the cost of all this unnecessary regulation. H.R. 910 returns the regulation of fuel economy back to one standard, with rules written by Congress, not unelected bureaucrats. I urge a "yes" vote on this important legislation.

Mr. LANGEVIN. Mr. Chair, I rise in strong opposition to H.R. 910, the Energy Tax Prevention Act or "Dirty Air Act" which will end the Environmental Protection Agency's (EPA's) ability to regulate harmful carbon pollution.

I will vote against this bill for many reasons, but one that is particularly concerning to me is related to my strong support for Science, Technology, Engineering, and Mathematics (STEM) education. I believe that STEM education is critically important to our recovering economy and to our future competitiveness and innovation. I support programs, such as the Cyber Foundations Competition, to encourage more students to pursue careers in science and technology and I believe that many of my colleagues on both sides of the aisle share this goal. But how can we ask our students to pursue careers in science and then ignore scientists when their findings are not politically convenient? This bill sets science aside and sends a dangerous message to our students pursuing studies in STEM fields.

In addition to an attack on science, this bill will stop and reverse the public health, environmental, and economic protections that have been achieved since the passage of the Clean Air Act 40 years ago. In 2010 alone, the Clean Air Act contributed to the prevention of 160,000 premature deaths, 130,000 heart attacks, and more than 100,000 hospital visits. This bill will also prevent the EPA from setting pollution standards for cars and trucks, increasing carbon emissions in our communities, and continuing our nation's addiction to foreign oil. Further, a return to outdated technology will limit new innovations in renewable and more efficient technologies and limit the job growth opportunities in these emerging manufacturing industries.

Rhode Islanders have great respect for their environment and they deserve the right to step outside and feel safe breathing the air around them. By preventing the EPA from regulating greenhouse gas emissions, we are turning back the progress we have made to protect our health under the Clean Air Act and we are

halting important economic opportunities that will help make our nation a world leader in new technologies. I urge my colleagues to join me in opposing this bill and supporting responsible regulations that will keep our nation moving forward and keep our environment safe for future generations.

Mr. LEVIN. Mr. Chair, I rise in opposition to the legislation before the House, which would weaken the Clean Air Act and the ability of the Environmental Protection Agency to protect public health and the environment from carbon pollution.

The scientific community has been telling us for years, with growing urgency, that greenhouse gas emissions are contributing to changes in the climate and that the impact of these changes will be overwhelmingly negative going forward. There is a lot of room for a constructive debate on what the U.S. response should be to the buildup of heat-trapping gases in the atmosphere. Our response cannot be to simply deny the existence of the problem.

But that is exactly what the bill before the House does. This legislation rejects the scientific consensus that climate change is occurring and overturns EPA's scientific finding that carbon pollution endangers public health and the environment. In a word, this bill would take a fundamentally anti-science dogma and enshrine it into public law. It is the legislative equivalent of sticking our heads in the sand.

We've heard a lot of overheated rhetoric by the proponents of this bill that protecting the American people from carbon pollution amounts to some kind of job-killing tax increase that will make gasoline and electricity cost more. In fact, the rules EPA is developing seek to curb carbon pollution by the very largest emitters in this country over a period of many years. We're talking about facilities that emit more than 75,000 tons of carbon into the air each year. In most cases, the new rules will simply require these facilities to make energy efficiency improvements. As we've seen in so many other areas, investments in energy efficiency often pay for themselves and actually create jobs.

H.R. 910 is opposed by scientists, public health groups, environmentalists, sporting organizations like Trout Unlimited, as well as the UAW and the Blue/Green Alliance. This legislation should be rejected.

Mr. TERRY. Mr. Chair, I rise today in support of H.R. 910, The Energy Tax Prevention Act of 2011. This legislation will amend provisions of the Clean Air Act, to establish general rules prohibiting the Administrator of the Environmental Protection Agency (EPA) from regulating greenhouse gas emissions to address the issue of climate change.

Being from Nebraska, I meet with a number of agriculture interests, all of them very concerned about the activism that the EPA has and is demonstrating these last few years. Folks joke about greenhouse gas emissions that come from farm animals, especially cows and cattle. While on the one hand it is funny to think that this is a problem; however, on the other hand, it just demonstrates the kind of people who are working in today's EPA and this is really serious.

When Administrator Jackson testified before the House Agriculture Committee she stated,

"One notion is that EPA intends to regulate the emissions from cows—what is commonly referred to as a 'cow tax.'" "The truth is—the EPA is proposing to reduce greenhouse gas emission in a responsible, careful manner and we have even exempted agricultural sources from regulation." When the Administrator testified before the Energy and Power Subcommittee of the Energy and Commerce Committee, as a member, I asked her to clarify if she would exempt agriculture from these regulations and she said she would—twice over. I appreciate her willingness to exempt this very important industry, because not exempting agriculture would have a dramatic impact on the Nebraska economy. My concern is that Administrator Jackson does not have the legal authority to unilaterally exempt agriculture; and even if she does, that industry is only one law suit away from being regulated, due to citizen law suits. I have no doubt that the Sierra Club, PETA, the Natural Resource Defense Council, the U.S. Humane Society, or some other group will sue either individually or together with regards to greenhouse gases on farms.

The EPA's own figures on agriculture state that 37,000 farms are above the threshold of being a major source of greenhouse gas emissions. The Clean Air Act explicitly states that "major sources" must obtain a Title V operating permit. This could have a direct impact on many operations within agriculture, including corn, wheat, grain, cattle, and hog operations. This overzealous regulation will cause the cost of food production to rise and will also cause an indirect impact on bringing goods to market by helping to increase energy costs.

While I appreciate Administrator Jackson's willingness to exempt us from the cow tax, I think it is more important that we pass H.R. 910 and get it to the President for his signature, in order to guarantee that none of our energy is taxed.

Only with the passage of H.R. 910 will we end EPA's over reach on this issue.

Mr. MORAN. Mr. Chair, emboldened by their electoral victories last fall, my Republican colleagues have embarked on a campaign to weaken or repeal many of the landmark laws that have protected the public's health and the environment.

The first opening shots at the Environmental Protection Agency (EPA) were fired through amendments to legislation (H.R. 1) to complete the fiscal 2011 budget.

More than 22 anti-environmental and anti-conservation riders, that suspend agencies from taking action to implement provisions in Federal law, were added to bill on the House floor during the week of February 13th.

Fortunately, the Senate rejected the House bill, bringing us down a path to where we are today in a high stakes showdown whose outcome looks even more likely to result in a government-wide shutdown.

But, instead of sitting down to try to work out a budget, we are here on the House floor debating a bill to overturn a scientific finding.

EPA determined through its December 2009 endangerment finding that greenhouse gases endanger the public's health.

Today's House floor action is reminiscent of the Catholic Church's response to Galileo Galilei's publication of his famous work, Dialogue Concerning the Two Chief World Sys-

tems, which stated that the sun was the center of the universe.

It was not until October 31, 1992 when Pope John Paul II expressed his regret for how the Galileo affair was handled by the Catholic Church.

Unfortunately, climate change does not afford us the luxury of time to amend our policies decades from now.

Climate change is upon us and the longer we delay, question the science and fail to take even modest action to curb future growth, the costlier the consequences will be.

Today's legislation is a cynical attempt to pretend climate change is not occurring and restrict the one agency authorized by law to do something about it.

History will neither reflect kindly on those who reject science in the pursuit of short-term economic and political gain.

I urge my colleagues to oppose this bill.

Mr. PRICE of North Carolina. Mr. Chair, I rise in opposition to H.R. 910. While cynically called the Energy Tax Prevention Act by its sponsors, the bill could more aptly be named the "Dirty Air Act".

This legislation would overturn EPA's scientific finding that greenhouse gases endanger human health and welfare, which stemmed from a landmark 2007 Supreme Court decision, and prevent the EPA from using the Clean Air Act—now or in the future—to limit greenhouse gas pollution from power plants and other industrial sources. This reckless and misguided attack on our environment and public health will allow more pollution into the air we breathe and threaten the health of Americans across the country.

Supporters of the bill claim that setting standards for greenhouse gases under the Clean Air Act will cost jobs and undermine the competitiveness of America's manufacturers. But the argument that clean air somehow poses a hazard to the economy is as ridiculous now as it was in the 1970s, when the major polluters used it to try and stop enactment of landmark environmental laws. Rolling back the EPA's authority to limit pollution—whether it be carbon or lead—won't create a single job. It will simply undo 40 years of progress toward a cleaner environment and better public health.

In fact, the very provisions of the Clean Air Act that this bill attacks have a forty-year track record of delivering cleaner air and improved health, along with the benefits of enormous growth in the economy. In its first 20 years, the Clean Air Act prevented an estimated 200,000 premature deaths. Some 1.7 million tons of toxic emissions have been removed from our air each year since 1990. Innovations spurred by the Act have made our cars up to 95 percent cleaner today than they were in the past. EPA economists estimate that the total benefits of the Clean Air Act amount to 30 times its costs.

Passage of this bill would also mark the first time in history that Congress has approved legislation to overrule an objective scientific finding. Congress enacted the Clean Air Act precisely to require the EPA to make science-based decisions about the threats to health and welfare presented by air pollution instead of allowing such decisions to be driven by political ideology or special interests. And that is

exactly what EPA's scientists have done: under both the Bush and Obama administrations, objective scientific studies have found that greenhouse gases pose a real and indisputable threat.

Recently, more than 2,500 scientists—from all 50 states—sent a letter to Congress calling on Members to support EPA's updated carbon pollution standards under the Clean Air Act, noting that the "science-based law has prevented 400,000 premature deaths and hundreds of millions of cases of respiratory and cardiovascular disease during the 40 years since it was first passed—all without diminishing economic growth."

Rather than heeding the science and letting the EPA and the states do their job to protect public health and our environment, this bill would give the nation's biggest polluters a free pass to keep polluting and place the health of our nation—particularly our children, elderly citizens and other vulnerable populations—at risk. A vote for this bill is a vote against the commonsense Clean Air Act provisions that keep our air clean and protect our public health. I urge my colleagues to support science and the Clean Air Act and oppose H.R. 910.

Mr. COSTELLO. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act of 2011.

Based on the physical evidence and forecasts of most scientists, it is clear climate change is happening, man-made causes are a significant factor, and that left unaddressed, climate change poses a public health risk. I believe we must move forward from debating the science of climate change to developing balanced policies that combat its impacts.

However, I oppose the Environmental Protection Agency's (EPA's) attempt to regulate greenhouse gas emissions. I believe Congress must retain the authority to develop a climate change policy that reduces emissions, improves energy efficiency, and encourages clean energy technology, including clean coal, while also protecting and creating jobs, keeping energy costs affordable, and preserving our economic recovery. I am not convinced EPA's current path will achieve those goals.

While I do not agree with all aspects of this legislation, I support H.R. 910, to ensure Congress has the ability to develop a practical climate change policy at the appropriate time. I ask my colleagues to join me in supporting this legislation.

Mr. PENCE. Mr. Chair, I rise in support of the Energy Tax Prevention Act of 2011, which would prohibit the EPA from regulating greenhouse gas emissions under the Clean Air Act.

With gas prices averaging \$3.70 per gallon, up from \$3.50 a month ago, up nearly a dollar from a year ago, and with unemployment rates continuing at heartbreaking levels, the last thing the American people need is a national energy tax.

Yet the Obama EPA seems intent on implementing policies that will not only drive up the price at the pump, but drive even more American jobs to places like India and China. According to a study conducted by the Heritage Foundation, annual job losses will exceed 800,000 should the Congress fail to act in preventing the EPA from moving ahead with their global warming agenda.

In this difficult economy, the federal government must make affordable, domestic energy production a top priority and House Republicans are doing just that.

I applaud the work of my colleagues in developing an all-of-the-above energy solution that will create jobs and end our dependence on foreign sources of energy.

But Congress first must stop the EPA's assault on working families, small businesses and family farms by rejecting this backdoor national energy tax.

Mr. STARK. Mr. Chair, I rise today in strong opposition to weakening the Clean Air Act and ignoring the very real threat posed by global warming. Republicans might like to teach creationism in schools and demonize science, but the fact is that climate change is man-made, is happening, and threatens our way of life. Failure to act is unacceptable.

The Obama Administration is taking small but important steps toward regulating only the largest sources of greenhouse gases. This legislation would end that progress. The Environmental Protection Agency (EPA) is exercising its Clean Air Act authority as recognized by the conservative Supreme Court in *Massachusetts v. EPA*. The Upton-Inhofe bill (H.R. 910) would not only undermine the Clean Air Act, it would also take the unprecedented step of overturning a scientific finding by the EPA that carbon pollution endangers America's health and environment.

At a time of rising gas prices and oil related conflicts around the world, this legislation would further increase our dependence on oil and other fossil fuels. This bill would take us back to a failed energy policy that has made our country addicted to fossil fuels and imported oil.

Rather than sticking our heads in the sand, Congress needs to implement a comprehensive energy policy that puts a price on carbon pollution and invests in the energy sources of the future. We could start by ending taxpayer subsidies for giant oil companies and corn ethanol, but I doubt that bill will be on the floor anytime soon.

The Republican attack on science and logic will not create a single job or protect a single American's health. All it will do is appease the radical fringe of their party. I urge all my colleagues to vote no.

Mr. SENSENBRENNER. Mr. Chair, I rise today in strong support of H.R. 910, the Energy Tax Prevention Act, which is commonsense legislation that will help economic recovery efforts and reduce energy prices.

It is troubling to see the Obama Administration continue to advocate for policies that will inhibit job creation in this country, and also raise prices of goods and services for every American. We should not move forward with imposing regulations that will slow the current economic recovery.

Over the last few months, my colleagues on the other side of the aisle have borrowed the Republican mantra from the past couple of years when the Democrats had control and asked, "Where are the jobs?" I have found this quite humorous considering that since Republicans have taken over leadership of the House, we have been actively working to rein in excess government waste and pass legislation to make it more affordable to do business

in this country. But, setting that aside, we should all be able to agree that without passage of the Energy Tax Prevention Act, the answer to their question will be: not in the U.S.

We must not continue to allow the EPA to move forward in regulating all sectors of our economy. It is a simple fact that by imposing costly regulations on American businesses, it will ultimately force these companies to reduce jobs, or in the worst case scenario, move operations overseas. Additionally, while some may feel that industries can afford to pay more to comply with the slew of EPA regulations that have already been implemented, or will soon be implemented, these extra costs will ultimately be passed onto the American consumer.

The EPA's reliance on the Intergovernmental Panel on Climate Change (IPCC) assessment reports should be cause for alarm. Given the climategate e-mail scandal, and other information that has come to light, there are many serious questions as to the legitimacy of the process used by the IPCC to base their conclusions. It would seem to me that since the EPA relied heavily on questionable conclusions by the IPCC, it is essential for Congress to pass H.R. 910 so we may go back and reexamine our greenhouse gas policy.

Like most Americans, I believe that there can and should be a proper balance between economic prosperity and environmental sustainability. Everyone wants clean air and clean water, and no one wants sky-high electric and tax bills. I have long argued that the key to our energy independence is through technological innovation. The best way for the federal government to support technological innovation is to incentivize it through research and development grants and tax credits. Excessive regulations cannot assure technological breakthroughs, especially expensive and onerous mandates like the cap-and-tax proposals in the previous Congress.

With the recent spike in gas prices, we need to do all we can to decrease the cost of doing business. H.R. 910 is the first in a series of legislative proposals that Republicans are planning on putting forward to cut energy prices and reduce the regulatory burdens that businesses and consumers face. I strongly support passage of this important legislation, and urge a "yes" vote.

Mr. CONYERS. Mr. Chair, today I rise in strong opposition to H.R. 910, the Republican Majority's so-called "Energy Tax Prevention Act." I think a more accurate title would be the "Science Ignorance Appreciation Act" or "Foreign Energy Dependence Act."

Today's measure would unilaterally invalidate the Environment Protection Agency's findings that carbon dioxide and other air pollutants pose a threat to public health and environment. Even more egregiously, the bill prohibits the EPA to regulate man-made greenhouse gases in spite of verified independent scientific research that shows that climate change poses an existential threat to our way of life.

The proposal is nothing more than censorship of government scientists who simply want to protect human and environmental health. There is an overwhelming scientific consensus

that global warming is directly due to man-made behavior. In recent years we have begun to witness this science first hand, as extreme weather such as floods, droughts, blizzards, hurricanes and other natural disasters have begun to affect areas unaccustomed to such events. We cannot ignore the science and evidence.

If we pass this flawed legislation, we will lose an incredible opportunity to create the market forces necessary to stimulate innovation in clean energy technology such as wind, solar, and other clean energy programs.

The Energy Tax Prevention Act deliberately delays the day that America will be freed from its addiction to foreign oil. As we have seen with the recent instability in the Middle East, there are dramatic downsides to our current energy dependence strategy.

A “yes” vote today is a vote for unchecked pollution and global warming. It is a vote against scientific consensus and a clean energy future.

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to H.R. 910, the Dirty Air Act. That this bill is taken seriously enough to receive a vote in the United States House of Representatives is embarrassing. This bill not only requires Members of Congress to ignore thousands of the world’s best scientists and over four decades of peer reviewed research, but it requires Congress to assert that it is more qualified to judge the entire body of science. It is an assault on science, on reason, and on common sense. Americans expect better from their elected leaders.

No amount of fossil fuel company spin, lobbying and campaign contributions can change the fact that global warming is happening. But they can make important changes to global warming; The longer we wait to substantively and aggressively act, the faster global warming will happen, the more fiercely it will happen, and the less control we will be able to exert over it.

We are also throwing away badly needed opportunities. Failing to control global warming pollution means we fail to provide needed impetus to make the transition to clean energy. We are voting to turn our back on the opportunity to reclaim the mantle of global leader on clean energy from China and now, Germany. We are voting to turn our back on the opportunity to revitalize our manufacturing sector which has been ailing in cities like Cleveland for decades. We are voting to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people every year, who are disproportionately from communities of color and are of low income. We are voting to turn our back on the opportunity to strengthen our national security, which, according to the Pentagon, is threatened by global warming. We are voting to turn our back on the opportunity to inspire and lead with alternatives that would build a stronger America.

It is time for us to cast a vote in favor of future generations instead of merely invoking them to try to justify inhumane budget cuts. I urge my colleagues to vote “no” on this bill.

Mrs. MALONEY. Mr. Chair, the bill before us today is bad for America’s health and re-

duces progress in our nation’s energy independence. I oppose this ‘dirty air act’ that would eliminate the ability of the EPA to address the very serious public health threats from carbon pollution.

The Clean Air Act requires that if the EPA finds carbon pollution to be detrimental to our health, then the EPA must regulate greenhouse gas emissions. Despite the U.S. Supreme Court upholding this authority, today’s legislation would exempt our nation’s largest polluters from regulation, eliminate public health protections, and push back efforts to reduce our dependence on foreign energy resources. By preventing the EPA from setting carbon pollution national automobile standards, this bill does nothing to reduce consumption and reliance on foreign oil.

The EPA helps protect our nation’s most vulnerable—including children, seniors and those suffering from respiratory ailments—by guaranteeing the air we breathe is safe and healthy. Dirty air has been linked to an increase in asthma rates, especially among young people, an increase in emergency room visits and hospitalizations, and an increase in heart attacks and strokes. In New York, pediatric asthma affects an estimated half million children and an additional estimated 1.5 million adults 18 and over have asthma, based on 2009 rates.

All across the country, Americans overwhelmingly support EPA protections for the air we breathe and the water we drink. Supporting this bill disregards science, ignores public health concerns, and does nothing to curb carbon emissions. I urge a no vote.

Mr. VAN HOLLEN. Mr. Chair, over forty years after the passage of the Clean Air Act, there are apparently still Members of this House who think you can’t have jobs unless you have a polluted environment. Nothing could be further from the truth.

Over the past 40 years, the Clean Air Act has reduced smog-producing sulfur dioxide and particulate pollution by 60% while our economy has nearly tripled. Since the Clean Air Act Amendments of 1990, electricity production has increased and prices have remained stable. A rigorous, peer-reviewed analysis of the Benefits and Costs of the Clean Air Act from 1990–2020 conducted by the EPA found that air quality improvements under the Clean Air Act will save \$2 trillion and prevent at least 230,000 deaths annually.

The record is clear: a healthy environment and a strong economy are not mutually exclusive. They go hand in hand. Which is why this attempt to gut the Clean Air Act by preventing EPA from regulating carbon pollution is so misplaced. Given our 40-year history with the Clean Air Act, the last thing Americans want is a bunch of politicians substituting their own ideological agenda for sound science and telling EPA it can’t do its job.

I urge a no vote.

Mr. ROTHMAN of New Jersey. Mr. Chair, I rise today to voice my opposition to the Upton-Inhofe bill.

Clean air should be a priority that we all can agree on, but some in Washington, D.C. are playing dangerous games with public health. Today, the U.S. House of Representatives passed the Upton-Inhofe bill, an extreme measure that will eliminate the Environmental

Protection Agency’s (EPA) authority to address carbon dioxide, methane, nitrous oxide, fluorinated gases and other harmful emissions. This legislation, which I opposed, reverses EPA’s scientific finding that these pollutants are harmful to public health and the environment. The bill means that even with strong state-level environmental regulations New Jersey will suffer. Since the movement of air pollution isn’t restricted by state borders, wind currents from neighboring states will push harmful pollution into the air that we breathe here at home.

As a father and a strong advocate for the environment, I am proud of New Jersey’s leadership in keeping our air clean. In New Jersey, we’ve implemented laws to reduce toxic emissions and mercury pollution from power plants, increase clean energy from solar power, and speed up production of offshore wind along the Atlantic seaboard. These regulations improve the quality of the air we breathe, but we should still be doing more and New Jersey cannot do it alone. Federal regulation of dangerous pollutants is necessary to make sure that states with tough emissions standards aren’t unfairly subject to dirty air from neighboring states that have lenient emission laws. Some in Washington, D.C. may want to secure an extreme ideological “victory” by undermining the EPA, but the families, children, and elderly in New Jersey cannot afford the consequences of the Upton-Inhofe bill.

For many New Jerseyans, the impact of this bill could be deadly. For example, in the Ninth Congressional District—which includes sections of Bergen, Hudson, and Passaic Counties—there are an estimated 80,000 people, including nearly 20,000 children, who live with asthma. Lower air quality standards will lead to more pollutants in our air and raise the risk of life-threatening asthma attacks. In fact, the National Institute of Health estimates that 5,000 asthma-related deaths occur each year in the United States. And those who suffer from asthma are just one group who will face drastic consequences from the Upton-Inhofe bill. Fully enforcing the Clean Air Act and a strong EPA will improve the lives of countless Americans (including New Jerseyans)—especially those who already have compromised health.

The Upton-Inhofe bill is harmful to New Jersey and our entire nation. Specifically, this legislation would weaken the Clean Air Act, overturn the Supreme Court ruling that gave the EPA authority to regulate dangerous air pollutants, and derail efforts to move toward energy independence by reducing emissions from cars and trucks. It is for these reasons and many others that health advocacy and environmental groups—from the American Lung Association and the Union of Concerned Scientists to Environment New Jersey and the Asthma and Allergy Foundation of America—oppose this harmful legislation. In opposition to the Clean Air Act and the EPA, and supporting the Upton-Inhofe bill, are groups like big oil companies and billion-dollar corporations with vested interests in avoiding the costs of cleaning up the environmental messes they make. I and many of my constituents and people throughout our state choose to stand with those who want to keep

New Jersey's air clean, not those who put profit over public health.

There is a clear path forward to keeping our air clear in New Jersey. With the strengthening of the Clean Air Act in 1970, our country took a stand for the quality of our health, our air and our future. The EPA is planning to update the Clean Air Act to implement long-overdue federal limits on soot, smog, mercury, and carbon pollution. This solution makes sense—the Clean Air Act has proven to be one of the greatest tools we have to cost-effectively protect the health of Americans and our environment. We must stand up against efforts to weaken the Clean Air Act and work with the EPA to implement strong limits on pollution to protect the air we all breathe in New Jersey and throughout our country.

Mr. BURGESS. Mr. Chair, I rise today to discuss my unwavering support for legislation this body considered on this week, and passed by large margin yesterday on this floor. Unfortunately I was yestered during the final passage vote for H.R. 910, and was unable to record my support for this legislation. I wish to do so now.

For the last two years, Lisa Jackson's Environmental Protection Agency, EPA, has waged a war on the state of Texas that is destroying jobs and hampering economic growth. Texas was one of the last states hit by the recession in 2008, in large part due to its robust energy industry, with thousands of jobs connected to oil and gas exploration and production. Since taking office in 2009, President Obama has made it clear that he will do everything he can to interfere with any state using its own initiative to grow the economy and create jobs. In Mr. Obama's America, only the federal government can create jobs. We know this to be a failed experiment, yet he is still intent on doing all he can to continue to hamper the efforts of Texans to create jobs and grow the economy.

From the "flex-permitting" plan that Texas' Council on Environmental Quality (TCEQ) has had implemented for over two decades, to greenhouse gas permitting, which will destroy industry all over the state and the country, the EPA is holding up permits and stifling growth at every turn.

For these reasons, and many others, I wholeheartedly support H.R. 910. I was a co-sponsor of this legislation from the very beginning. Twice during its consideration in the House Energy & Commerce Committee, I voiced my support, and was pleased to vote to pass it out of committee and have it considered on the House floor.

I regret circumstances detained me from the vote on final passage yesterday evening. I hope, however, there is no doubt that, had I been able to be present during the vote, I would have voted in the affirmative, and continue to support his legislation without reservation.

Ms. MCCOLLUM. Mr. Chair, I rise today to oppose H.R. 910, the so-called Energy Tax Prevention Act. H.R. 910 would permanently ban the Environmental Protection Agency, EPA, from protecting human health and the environment by enforcing the Clean Air Act and confronting the threat of climate change.

This radical, anti-environmental legislation is a distraction from the number one issue facing

Congress: promoting job creation and economic growth. Instead of focusing on the economy, the House Republican majority is trying to legislate science by overriding the established scientific consensus on climate change and the threat posed by greenhouse gases. H.R. 910 endangers public health and will cost American jobs by slowing our economy's transition to cleaner, more secure energy sources. A recent EPA report revealed that reducing greenhouse gas emissions will prevent the early deaths of 230,000 Americans in 2020 and produce \$2 trillion in economic benefits by that same year.

I published an editorial with climate science expert John Abraham of the University of St. Thomas to voice my strong opposition to H.R. 910. I ask that a copy of this editorial be included in the CONGRESSIONAL RECORD.

[Published in The Hill blog on Apr. 6, 2011]

CONGRESS ON WRONG SIDE OF HISTORY IN DENYING CLIMATE CHANGE

(By Rep. Betty McCollum (D-MN) and John Abraham)

Right now in our hometown of St. Paul, Minnesota, we are preparing for what might possibly be record-breaking floods due to winter's heavy snowfall and the threat of heavier spring downpours. Minnesota has already experienced two 100-year floods in the Red River Valley within the past 13 years. Local doctors report an increase in cases of children with asthma and other respiratory conditions. Lake Superior has seen record low water levels in recent years, threatening not only drinking water supplies but the Duluth-Superior port that receives more than 1,200 ships and 48 million tons of cargo.

All of these public health, economic, and environmental trends have been strongly linked to climate change. Multiple studies have shown that 97 percent of the most qualified climate scientists are in agreement that humans are causing the planet to warm. If this was an illness, and 97 percent of doctors recommended a certain treatment, we would take appropriate action.

Instead, the majority party in the House of Representatives is choosing to willfully defy the diagnosis and overturn established science by voting on a bill (H.R. 910) that will gut the Clean Air Act and prohibit the Environmental Protection Agency (EPA) from ever protecting the American people from the disastrous impacts of climate change.

During the committee markup of H.R. 910, not a single Republican voted to even acknowledge the validity of EPA's scientific finding that "warming of the climate system is unequivocal," caused by human activities, and a threat to public health. The rejection of those amendments is shocking to scientists who understand the serious risks Americans face from global climate change.

This places the climate deniers on the same side as those fringe extremists who denied the harmful impacts of cigarette smoking and DDT, and the causes of acid rain and ozone depletion. Proponents of H.R. 910 are denying science and dangerously on the wrong side of history.

We believe now is the time to confront climate change. If we act wisely, we can simultaneously protect the environment, create jobs, diversify our energy supplies, and improve national security.

A recent report by Pew Environment Group shows the U.S. has now fallen to number three behind China and Germany for clean energy private investment. Passage of

H.R. 910 will guarantee America loses out on the jobs of the future by obstructing efforts to build the new clean energy economy. It will deepen America's dependence on dirty coal and imported oil instead of creating American jobs through investments in renewable resources and energy efficiency.

Our country must turn the problems presented by climate change into an opportunity. Instead of devoting its time to discrediting scientists and undermining the EPA, Congress should put more faith in the genius of the American spirit to protect our environment and human health while creating economic growth. With the right clean energy incentives and framework, we believe America can out-innovate and out-build anyone in the world. The proponents of H.R. 910 not only deny climate change, they undermine America's ability to find solutions that benefit consumers, workers and the environment.

Every single member of Congress has a choice: deny the science of climate change or take real steps to confront a changing climate. Congress must accept scientific reality and act on climate change.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Tax Prevention Act of 2011".

SEC. 2. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

"(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

- "(1) Water vapor.*
- "(2) Carbon dioxide.*
- "(3) Methane.*
- "(4) Nitrous oxide.*
- "(5) Sulfur hexafluoride.*
- "(6) Hydrofluorocarbons.*
- "(7) Perfluorocarbons.*

"(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

"(b) LIMITATION ON AGENCY ACTION.—

"(1) LIMITATION.—

"(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

"(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

"(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

"(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel

Economy Standards' (as published at 75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

"(B) Implementation and enforcement of section 211(o).

"(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

"(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

"(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

"(3) **INAPPLICABILITY OF PROVISIONS.**—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

"(4) **CERTAIN PRIOR AGENCY ACTIONS.**—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

"(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

"(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).

"(C) 'Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs', published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations That Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (December 18, 2008).

"(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

"(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

"(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

"(G) 'Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

"(H) 'Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

"(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

"(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning

Greenhouse Gas Emitting-Sources in State Implementation Plans', published at 75 Fed. Reg. 82536 (December 30, 2010).

"(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

"(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

"(5) **STATE ACTION.**—

"(A) **NO LIMITATION.**—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

"(B) **EXCEPTION.**—

"(i) **RULE.**—Notwithstanding subparagraph (A), any provision described in clause (ii)—

"(I) is not federally enforceable;

"(II) is not deemed to be a part of Federal law; and

"(III) is deemed to be stricken from the plan described in clause (i)(I) or the program or permit described in clause (ii)(II), as applicable.

"(ii) **PROVISION DEFINED.**—For purposes of clause (i), the term 'provision' means any provision that—

"(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

"(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

"(C) **ACTION BY ADMINISTRATOR.**—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii)."

SEC. 3. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

"(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

"(A) the Administrator may not waive application of subsection (a); and

"(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a)."

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level;

(2) addressing climate change is an international issue, involving complex scientific and economic considerations;

(3) the United States has a role to play in resolving global climate change matters on an international basis; and

(4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-

54. Each such amendment may be offered only in the order printed in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3 of the bill, redesignate section 4 of the bill as section 3, and insert after section 1 of the bill the following section:

SEC. 2. STUDY AND REPORT.

(a) **STUDY.**—In the interest of protecting national security, the Administrator of the Environmental Protection Agency shall conduct a study to determine—

(1) the long term impacts of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases;

(2) if there are alternatives to ensure compliance with the Clean Air Act; and

(3) best practices with respect to greenhouse gas regulation under the Clean Air Act.

(b) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study under subsection (a), including any findings and recommendations.

The CHAIR. Pursuant to House Resolution 203, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I want to thank the ranking member of the full committee for reading a very important letter into the RECORD that the EPA has no intention to manipulate or to utilize cap-and-trade as part of their responsibilities. This is not a cap-and-trade initiative or legislation. It has nothing to do with cap-and-trade.

In fact, I think the whole concept of this Energy Tax Prevention Act is muddled and befuddled. I don't understand it. I practiced oil and gas law for almost 15 or 20 years. I come from Houston, and I recognize the difficulties that we have in the industry and understanding the industry. But I also am cognizant that this majority, my good friend on the other side that represents that, they are interested in adhering to the Constitution.

And I don't know why they have not studied the Supreme Court decision in Massachusetts versus EPA that clearly indicates, even though this was motor

vehicle emissions that they were talking about, but it held that greenhouse gases, widely viewed as contributing to climate change, constitute air pollutants, and therefore that phrase as utilized under the Clean Air Act and the EPA has jurisdiction to regulate under the Clean Air Act.

I assume what we are doing is trying to bash a long-standing process rather than coming up with better ideas. I think my amendment brings about a better idea, because energy is a national security issue. And what my amendment poses to do is to ask serious questions about the impact of eliminating the EPA authority, finding a way to work through this question: What would be the long-term impact? Because the legislation that is now written by my friends on the other side of the aisle is telling the United States of America, in conflict with the United States Supreme Court decision—and let me just hold up a visual, the Constitution, which is what this majority says that they are basing their whole legislative agenda on.

Well, we have constitutional authority. And they are now telling us that we should not regulate water vapor, carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and any other substance. I don't hear a scream and cry of the industry. I do hear the idea that there are burdens that will come upon the industry that we should address.

So the amendment that I have that I am asking for real consideration on the basis of a national security question, How will we provide for resources that will provide for the engine economy of this Nation, the long-term impact of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases? Also, if there are alternatives to ensure compliance with the Clean Air Act, if you have a better alternative. And best practices with respect to greenhouse gas regulation under the Clean Air Act, which the Supreme Court decision clearly dictates that it has the authority to regulate it. But we need to collaborate and cooperate and understand how we balance the needs of an energy policy.

Might I also say that energy recognizes all forms of energy. And energy companies that are in oil and gas are looking at alternatives. They have whole sections that are addressing the question of alternative fuels. Why are we raising a bill that has no sense of direction in what it is trying to do and to eliminate an oversight that is protecting the American public in their quality of life and also doesn't speak to how we work with the industry to actually make sure that we check these emissions but as well provide the opportunity for domestic growth and domestic energy growth?

I ask my colleagues to support this amendment.

I reserve the balance of my time.
Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. I just want to say to my friend from Texas that with regard to the hue and cry of folks that support this legislation, not a lot of business folks, I have a whole series of letters of support for our legislation from the American Electric Power to the Farm Bureau, the Iron and Steel Institute, Americans for Tax Reform, American Public Power, Business Roundtable, Chamber of Commerce, Metalcasters Alliance, Multi-Traders Letters, auto dealers, Realtors, manufacturers, National Association of Manufacturers, cattlemen, Mining Association, petrochemical, Rural Electrical Cooperative, and on and on.

LETTERS OF SUPPORT

- AF&PA Press Statement
- American Coalition for Clean Coal Electricity Press Statement
- American Electric Power
- American Farm Bureau Federation
- American Iron and Steel Institute
- Americans for Prosperity Press Statement
- Americans for Tax Reform
- API-ACC Coalition Letter
- American Public Power Association
- Business Roundtable Letter
- Chamber of Commerce
- Cornwall Alliance
- Freedom Action Press Release
- Industrial Energy Consumers of America Press Statement
- Metalcasters Alliance
- Midwest Power Coalition
- Multi-Traders Letters
- NACS
- National Automobile Dealers Association
- National Association of Realtors
- National Association of Manufacturers
- National Association of Manufacturers Press Statement
- National Cattleman's Beef Association
- National Center for Public Policy Research
- National Mining Association Press Statement
- National Petrochemical & Refiners Association
- National Rural Electric Cooperative Association
- NRECA Press Statement
- Nucor Letter
- Southern Company
- Steelgram—Support H.R. 910
- Tesoro Corporation
- The Brick Industry
- The Fertilizer Institute
- Valero Energy Corporation

AMERICAN FOREST & PAPER ASSOCIATION, Washington, DC.

AF&PA STATEMENT ON THE ENERGY TAX PREVENTION ACT (H.R. 910)

WASHINGTON.—American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Energy Tax Prevention Act (H.R. 910) as introduced in the U.S. House of Representatives by Energy and Commerce Committee Chairman Fred Upton (R-MI), Agriculture Committee Ranking Member

Collin Peterson (D-MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D-WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R-KY).

"I applaud the introduction of this bipartisan legislation to bring a halt to regulation of greenhouse gases through the Clean Air Act. There is broad agreement that the Clean Air Act is the wrong tool to regulate greenhouse gases. The rule serves to impose high costs and business uncertainty related to new investments in the manufacturing sector. Congress, not EPA, should decide energy policy; in particular, issues related to investments in renewable energy, including biomass.

"The Greenhouse Gas regulations are the latest example of those that would hamper job growth and put obstacles in the way of American business to compete in the global marketplace. Inexplicably, this is happening as other parts of the Administration are promoting the need for more exports and job creation.

"I commend Energy and Commerce Committee Chairman Fred Upton (R-MI), Agriculture Committee Ranking Member Collin Peterson (D-MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D-WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R-KY) for introducing this legislation. We look forward to working with Congress on this very important issue."

AMERICAN COALITION FOR CLEAN COAL ELECTRICITY, Alexandria, VA.

HOUSE, SENATE INTRODUCE LEGISLATION TO STOP EPA REGULATIONS

ALEXANDRIA, VA.—The American Coalition for Clean Coal Electricity today praised the introduction in the U.S. House and Senate of bipartisan legislation that would ensure the authority to regulate emissions of greenhouse gases rests with Congress, and not the EPA. The bills were introduced by House Energy and Commerce Committee Chairman Fred Upton and Senate Environment and Public Works Ranking Member James Inhofe.

"The EPA's sweeping regulations will affect the lives of millions of Americans, from their electricity bills to the economy as a whole. Given this wide-ranging impact, it is important that Congress—not the EPA—address greenhouse gas emissions in a manner that takes into consideration both environmental and economic impacts," said Steve Miller, president and CEO of ACCCE.

The bills would eliminate EPA's authority to regulate greenhouse gas emissions under the Clean Air Act, which is ill-suited for that task. The legislation introduced today would leave in place all of the essential provisions of the Clean Air Act.

EPA's proposed regulations on greenhouse gas emissions could have a dramatic impact on jobs and the economy. A recent analysis by the American Council for Capital Formation concluded that uncertainty caused by these regulations could, by 2014, result in the loss of between \$25 billion to \$75 billion in investment in the economy and that this could result in the loss of between 476,000 and 1.4 million jobs.

"At a time when Americans are struggling with high energy costs, the EPA's proposed regulations could make electricity more expensive. The affordability of coal-fueled electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and

American businesses to compete globally," said Miller. "We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill."

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express my strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that this Act be applied to greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, among other matters. Moreover, the regulation of greenhouse gases was not mandated by the Supreme Court ruling and therefore is not necessarily required by the Clean Air Act.

It is clear to us at American Electric Power that the issue of climate change policy should be addressed exclusively through the legislative process. The Congress of the United States is better equipped to holistically evaluate not only the environmental impacts of greenhouse gases but also the impacts of greenhouse regulation on the economy, employment, energy and international trade. I firmly believe that this approach is crucial to ensuring a sound national policy.

I again thank you for your leadership on this important matter, and AEP looks forward to working with you to enact this legislation.

Sincerely,

MICHAEL J. MORRIS,
Chairman of the Board,
President and Chief Executive Officer.

AMERICAN
FARM BUREAU FEDERATION,
Washington, DC, March 3, 2011.

Hon. FRED UPTON,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome permit requirements on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations will be passed along to their customers, including farmers and ranchers, increasing their fuel, fertilizer and energy costs. Unlike other types of businesses, farmers and ranchers have much less ability to pass along such costs. Addition-

ally, under the thresholds set by the Clean Air Act, many farmers and ranchers would eventually be required to obtain costly and burdensome Title V operating permits or New Source Review/Prevention of Significant Deterioration permits. EPA itself estimates that more than 37,000 farms will be subject to Title V permits, at a cost of more than \$866 million.

While the costs of compliance may be high, the environmental benefits from EPA regulation are marginal at best. Unless and until an international agreement is reached, unilateral action by EPA will have little or no environmental impact. EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president has stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this as well and places the responsibility for regulating GHGs where it belongs—with Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,

BOB STALLMAN,
President.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

□ 1600

Mr. BARTON of Texas. I thank the distinguished chairman for the time.

Well, let me say something positive about my good friend from Houston, Texas's amendment before I say something negative. If it were to pass, it would at least force the EPA to do a real study, which is more than I can say they did before they issued their endangerment finding.

If you look at the endangerment finding that they actually did to satisfy the requirement of the Supreme Court, they didn't do any scientific analysis. They didn't do any independent analysis. They basically took regurgitated research and press clippings and apparently some student's thesis as the justification for coming up with their endangerment finding.

If we accept the gentelady from Houston's amendment, you do really gut this bill, which, if you are opposed to it, that's probably a good outcome. But if you are supportive of it, it's not a good outcome.

We don't need to do a study. CO₂ is not a pollutant under the definitions of the Clean Air Act. It's not harmful to health, as I keep pointing out.

As I speak, I create CO₂, and so you need CO₂ for life. Manmade CO₂ does not significantly contribute to climate change. We do have climate change, as we always have and always will.

But to say that CO₂ emissions made by man somehow are causing all these catastrophic changes is simply not true. What the bill before us does is say we protect the Clean Air Act, we want to enforce the Clean Air Act, but we want it to be in force for the criteria pollutants that it was intended for, and we do not believe that CO₂ is one of the pollutants that it was intended to regulate.

So we don't need a study, and I would oppose my good friend from Houston's amendment and encourage all Members to also oppose it.

Mr. UPTON. May I ask how much time remains.

The Acting CHAIR (Mrs. EMERSON). The gentleman from Michigan has 2¾ minutes remaining.

Mr. UPTON. I yield the balance of my time to the gentleman from California (Mr. BILBRAY), a member of the committee.

Mr. BILBRAY. I appreciate that.

Let's talk science, ladies and gentlemen. Everyone wants to talk about the threat of climate change, but no one wants to address the fact that what EPA has proposed, by the admission of the administrator, cannot even indicate what percentage of greenhouse gases those regulations could reduce. And not one scientist, not one expert in our committee, or I have seen anywhere else, has ever said what is being proposed by EPA, that is going to cost at least \$200 million, will not avoid the problem of climate change. So the question is this, what are the American people getting for their \$200 million.

Now, I'm sorry, some of us have worked on air pollution issues. I know the precursors to ozone. If they are saying that the problem is it's a precursor to ozone, believe me, it is so small and minute that those of us that are working in non-attainment areas never even gave a second glance at CO₂. So don't talk about it being a health risk based on a precursor to ozone. Look at what we are getting for the money.

What we are actually talking about here is not allowing EPA to go out and implement programs that the administrator admits that she cannot tell us what the American people are going to get for their dollars.

If you want to do a study, then let's do a study on what would have to be done to address this issue the way that some of us think it should be addressed. But let's not say that somehow that by holding up a program that is admitted not to be able to deliver any tangible benefits, that holding up that program is somehow going to be a threat to public health.

So let's just get back down to the real science, and that is no one in this establishment is talking about addressing the climate change issue. Some people are saying it doesn't exist and others are trying to sell an environmental placebo that makes you look good because you are doing something, but spends huge amounts of money, has a great impact, and does not address the problem and would not avoid the problem.

One thing we have got to make clear. Don't talk to me about incrementalism when we talk about climate change. You talked to the same scientists that you say are telling us about climate

change, and they say if we don't get the job done within the next decade or two, forget about it. It's over with.

The fact is that climate change will happen. And, sadly, what I have seen in the last 2 years about this issue, I have come to the conclusion this body really should be talking about what we need to do to mitigate the impact, because you are not doing anything to avoid it, and we shouldn't tell the American people that we are.

Ms. JACKSON LEE of Texas. May I ask the remaining time.

The Acting CHAIR. The gentlewoman from Texas has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield 30 seconds to my good friend from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much.

I just want to point out, Mr. BARTON, my very good friend who used to be chairman of the committee and was ranking member when I asked him to work with us on a bipartisan energy bill policy, he said, I don't believe there is such a thing as global warming. It doesn't exist, it's not a problem. Why spend any effort or money to find the solution?

And now, while the gentlelady's amendment is saying at least study what will happen if you don't do anything in this area, and he said that's not needed either. I think at least we ought to know what the gentlelady is suggesting, and that is, what would be the long-term impact if we do nothing.

I support the Jackson Lee amendment.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman for all of his work.

I come as a peacemaker, Madam Chair. Houston, by the American Lung Association, is the seventh most ozone-polluted city in the Nation. The Supreme Court clearly said under the Clean Air Act that it authorized the EPA to regulate greenhouse gases as it makes a judgment that it impacts on climate change. At the same time there are industries that happen to be oil and gas that can sit down and benefit from a real study that will talk about best practices and also have the engagement that we need to have.

It is reckless to talk about what scientists have said. The Members are not scientists, and I believe you cannot rid the EPA of its jurisdiction.

I would ask my colleagues to be thoughtful, along with the industry, and let's have a reasonable study. This impacts national security.

I ask my colleagues to support my amendment.

Madam Chair, I rise today to offer an amendment to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would require an assessment of the industry by the Environ-

mental Protection Agency (EPA) to ensure accurate consideration of how proposed regulations would affect energy production levels, feasibility of implementation on the industry, as well as the adverse environmental effects of delaying implementation of proposed regulations. My amendment would also ensure the Environmental Protection Agency retains its ability to regulate greenhouse gas emissions under the authority provided by the Clean House Act.

I cannot envision any American living in a polluted area wanting to support a permanent ban on the Environmental Protection Agency's ability to regulate greenhouse gases. The potential negative impact of greenhouse gases is supported by the scientific community. The National Academy of Sciences reported in 2010: "Climate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases already affecting—a broad range of human and natural systems." It is clear that quality of our air impacts the quality of our health. The Clean Air Scientific Advisory Committee, EPA's independent science advisors, reviewed evidence from roughly 1,700 studies in the scientific research of the health impact of ozone. They unanimously concluded that the EPA needs ozone standards. This would ensure an adequate margin of safety for the public as required by law. This is about protecting our nation's health, industry, and our environment.

As a Houstonian the affects of H.R. 910 are of particular concern to me. A study conducted by the American Lung Association ranked Houston as the 7th most ozone-polluted city in the country. Children, teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema and others are particularly vulnerable to poor air quality and are at risk for developing irreversible lung damage. A rise in poor air quality has the potential to increase emergency room visits and hospital admissions for respiratory problems which increases the cost of healthcare to tax payers.

In Houston-Baytown-Huntsville, TX, over a million children under the age of 18 will be negatively impacted if air quality continues to decline. Children exposed to air pollution suffer stunted long growth, as well as development of asthma, and increased respiratory infections.

According to the American Lung Association, researchers have also concluded that prenatal exposure to air pollution harms children, and increase the risk of babies being born with low birth weight.

We owe it to our children to provide clean, healthy air. We have an agency that is charged with regulating our air quality. My amendment would ensure the EPA can continue to protect our nation's health by regulating greenhouse emissions.

This amendment will ensure that the EPA reports to Congress its findings on the long term negative impacts of greenhouse gases. Findings from a recent EPA study titled "Assessment of the Impacts of Global Change on Regional U.W. Air Quality: A Synthesis of Climate Change Impacts on Ground-Level Ozone" suggest that climate change may lead to higher concentrations of ground-level ozone, a harmful pollutant. Additional impacts

of climate change include, but are not limited to: increase drought; more heavy downpours and flooding, and harm to water resources, agriculture, wildfire and ecosystems."

Not only would the deregulation of greenhouse gases impact the health of our citizens, it will also, have a negative impact on our ability to maintain and create new jobs. Poor health and low air quality only discourages industries from coming to an area. New industries will not be willing to move into areas that are polluted which negatively impacts job growth in those communities.

Currently there are programs in Houston such as the Energy Efficiency Incentive Program which aims to significantly reduce Houston's emissions of greenhouse gases and criteria air pollutants. The oil and gas industry is also investing alternative energy sources and improving air quality standards; such initiatives look towards the future, ensures job creation, and protects our nation's health.

I believe the Environmental Protection Agency plays an essential role in providing appropriate and balanced guidance to the industry, which in turn encourages them to have a workable timeframe to determine the appropriate measures to improve our nation's air quality. The EPA ensures that energy industries have a reasonable standard to base their operations.

My amendment requires the EPA to carefully study this issue and to determine the long term impact on health, the industry and the environment. I strongly urge my colleagues to support a reasonable, fair and measured response to addressing regulation of greenhouse gases.

Under current law, The Clean Air Act provides the EPA with the authority to take steps that will reduce greenhouse gas emissions. On April 2, 2007, the Supreme Court ruled in *Massachusetts v. EPA* that greenhouse gas, constitute "air pollutants" as the phrased is used in the Clean Air Act. Such pollutants may reasonably be anticipated to endanger public health or welfare. As a result, the government has the legal authority to issue standards for greenhouse gas emissions. As the Clean Air Act falls under the authority of the Environmental Protection Agency, it is therefore legitimate for the EPA to regulate greenhouse gases. My amendment ensures compliance with a U.S. Supreme Court ruling. As written, H.R. 910 would overturn *Massachusetts v. EPA*. As written H.R. 910 would overturns a ruling by the Supreme Court. Such an action is too extreme when there are other more tenable solutions available.

We cannot allow a total eradication/elimination of the responsibilities of the EPA to regulate greenhouse gases. This would impact the health of our nation, negatively impact industries, and overturns a Supreme Court ruling. The present version of H.R. 910, without amendment fails to provide a studied and measured approach when trying to find a balance between the need for our nation to maintain quality air levels and the need for our nation to continue job growth. This bill takes a sledge hammer approach that is too extreme.

The purpose behind my amendment is to reach a compromise. To ensure that fair and reasonable regulations can be implemented without adverse effects to our nation's air and our nations industry.

Madam Chair, I believe it is very important to provide the EPA with the opportunity to carefully study this matter and report back to Congress within 60 days and urge my colleagues to join me in supporting this amendment.

HOUSTON MAYOR'S TASK FORCE ON THE HEALTH EFFECTS OF AIR POLLUTION

Thousands of tons of potentially harmful chemicals are discharged each day into Houston's atmosphere as a result of human activities, substances, and technologies. Consequently, people living in Houston are exposed routinely to a myriad of pollutants in the air they breathe. Estimated and/or measured concentrations of some of these airborne chemicals in ambient air are high enough to cause illness or injury in exposed individuals, especially those in our society who are most vulnerable, such as children and seniors. Although the available data are incomplete and uneven, the Task Force surveyed information on 179 air pollutants and identified 12 substances in Houston's air that are definite risks to human health, 9 that are probable risks, and 24 that are possible risks. Sixteen substances were found to be unlikely risks to Houstonians at current ambient levels, and 118 substances were labeled uncertain risks because there was inadequate or insufficient information to determine whether they presently pose a health threat to Houston residents.

MASSACHUSETTS V. ENVIRONMENTAL PROTECTION AGENCY

THE U.S. SUPREME COURT SYNOPSIS

SUPREME COURT OF THE UNITED STATES

MASSACHUSETTS ET AL., PETITIONERS, V. ENVIRONMENTAL PROTECTION AGENCY ET AL.

Background: States, local governments, and environmental organizations petitioned for review of an order of the Environmental Protection Agency (EPA) denying a petition for rulemaking to regulate greenhouse gas emissions from motor vehicles under the Clean Air Act. The Court of Appeals for the District of Columbia Circuit, 415 F.3d 50, dismissed or denied the petitions. Certiorari was granted.

Holdings: The Supreme Court, Justice Stevens, held that:

(1) state of Massachusetts had standing to petition for review;

(2) Clean Air Act authorizes the EPA to regulate greenhouse gas emissions from new motor vehicles in the event that it forms a "judgment" that such emissions contribute to climate change; and

(3) EPA can avoid taking regulatory action with respect to greenhouse gas emissions from new motor vehicles only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.

Background: On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a peti-

tion for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

On April 17, 2009, the Administrator signed proposed endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written comments as well as testimony at two public hearings in Arlington, Virginia and Seattle, Washington. EPA carefully reviewed, considered, and incorporated public comments and has now issued these final Findings.

Ms. JACKSON LEE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3, redesignate section 4 as section 3, and insert after section 1 the following:

SEC. 2. CONSIDERATIONS AND PROCEDURES IN FINALIZING GREENHOUSE GAS REGULATIONS.

In the interest of properly considering the importance of energy to the national security of the United States, before finalizing any greenhouse gas regulation the Administrator of the Environmental Protection Agency—

(1) shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers proposed to be regulated and allow industry-specific comments to be submitted to the Administrator regarding the economic impact of the proposed regulation on the regulated industry; and

(2) provide an opportunity for the regulated industry to request and receive a 60-day extension of such comment period during which the Administrator shall conduct a study to be submitted to Congress regarding—

(A) the effect of the proposed regulation on the level of greenhouse gas reduction;

(B) the effect of the proposed regulation on energy production levels;

(C) the feasibility of implementation of the regulation on the entities being regulated;

(D) the effect of the proposed regulation on the availability of energy to consumers; and

(E) the adverse environmental effects of delaying implementation of the proposed regulation.

The Acting CHAIR. Pursuant to House Resolution 203, the gentlewoman

from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I am going to take a slightly different perspective and ask my colleagues to support this amendment.

Again, I am hoping, I know there are a lot of letters that my good friend from Michigan says that he has, and any time you put forward legislation that trade groups send word out to membership and say, this is going to save you a bucket full of money, and you better jump on the bandwagon, and there is no alternative or there is no basis of understanding the underpinnings of what we are doing, then you get that kind of praise.

I hope that many people who are with the industry, having practiced the law, and I have seen some of the mountains that all industries have to climb, I think we can find a reasonable way of functioning.

I just want to put in the RECORD that the industry, which is part of the drive of my friends on the other side, the oil and gas industry does generate 9.237 million jobs, \$1 trillion contributed to the economy, \$178 billion paid to the U.S. Treasury or to the government in royalties and bonus payments, and \$95.6 billion in taxes, income taxes, \$194 billion invested to improve the environmental performance of its products, and \$58.4 billion invested in low- and zero-carbon emission technologies from 2000 to 2008.

□ 1610

I encourage them to keep going. But the way that you keep going is not to eliminate the oversight body, but you work with it. And my amendment is very clear. I create a pathway for the industry to be engaged on any rulemaking. It shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers—and this is a sort of pipeline for the industry—proposed to be regulated and allow industry-specific comments to be submitted to the administrator separate and apart from the public comment period and to discuss the economic impact of the proposed regulation; provide for an opportunity for the regulated industry to request and receive a 60-day extension. And we should take into consideration the effect of the proposed regulation on greenhouse gas emissions.

These companies have employees living in our community. And it is noted that Houston, the Houston area to Huntsville has some of the largest pollutants in the air. We should also consider the effect of the proposed regulation has on energy production, the feasibility of the implementation of the regulation on the entities being regulated, the effect of the proposed regulation on the availability of energy to

consumers, and the adverse environmental effects of delaying implementation of the proposed regulation.

It allows a discussion that may not be at the level that we would like it today. I can't imagine, and I guess my friend on the other side of the aisle will come up and show me all the letters that he's saying that are supporting legislation that completely obliterates the opportunity for any governmental oversight. I disagree. I want to know the question of whether or not we have had the kinds of discussions that warrant a deliberative process and to bring about a concept of listening to industry and industry listening on the question of air pollutants.

I hold up the mayor's task force on the health effectiveness. It talks about Houston. But I'm not going to narrow this to Houston. Wherever there are companies that are refineries, as they so discussed, we are not trying to undermine that work. But does anyone want to live in China with the air pollutants that they have?

Let me just say that what we are addressing is a question of balance. My amendment provides input by the industry and by the EPA collaborating on how this will impact going forward. I would like you to support my amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the chairman of the Environment and the Economy Subcommittee.

The Acting CHAIR. The gentleman from Illinois is recognized for up to 5 minutes.

Mr. SHIMKUS. I would like to thank my colleague from Kentucky for the time, and I appreciate this opportunity to really talk about this.

I rise reluctantly to oppose my friend from Houston. I know she has a lot of her constituents who work in the fossil fuel industry and the refining industry and the refinery section, but parts of the amendment do some disastrous things to the bill.

First of all, it strikes most of the base text. We are here today—and I understand her position of wanting industry to listen, we want EPA to listen. The whole debate, why we're down here, is we want EPA to listen. And so as we address this debate, her amendment would strike most of the base text. And the whole reason why we're here is to get the attention of the EPA and respond to the people who sent us here to not hurt and harm job creation.

My friends, Ranking Member WAXMAN and MARKEY, their bill did not pass the legislative process. It didn't get through both Chambers and did not get

signed by the President. Why? Because we understood what would have happened. We successfully argued the debate that energy costs go up. If you price carbon, you raise the cost of electricity. If you price carbon, you raise the cost of manufacturing. If you price carbon, you raise the cost of gasoline. Now in this recessionary economy, do we want to do that? And do we want to give the Environmental Protection Agency the sole authority without our doing the process that I think the legislative process allows us to do, to talk about the winners and the losers, the give and take?

What was decided in the last Congress was the legislative process could not pass this because it was too controversial and it would affect jobs. It would affect jobs. And this is what we are all concerned about.

The last round of the Clean Air Act where you could really talk about toxic emittents cost thousands of jobs in southern Illinois, cost thousands of jobs in Kentucky and cost thousands of jobs in the Ohio Valley. Again, you go back to the basic premise if you price carbon.

So what my colleague's amendment does is it says let's keep the EPA pricing of emittents that are not toxic—carbon dioxide is not a toxic emittent. It's not nitrous oxide, it's not sulfur dioxide, it's not a particulate matter, and it's not a criteria pollutant under the EPA and the Clean Air Act. So we're saying, don't regulate emittents that aren't toxic; don't put a price on carbon that will cost jobs. So that's why we need to reject this.

Now, in debates on the other amendments, this isn't the only attack on the fossil fuel industry. Greenhouse gas is just one rule coming down. Then we've got boiler MCH, we've got mercury MCH, we've got cooling towers, we've got coal ash, we've got the transport rule, all separate rules, and these will affect the refining industry. Most of these regulations are new regulations coming down from the EPA to destroy the fossil fuel sector that raises costs and destroys jobs.

So my colleague's amendment, what it does is it doesn't change the reason why we're here. The reason why we're here is saying, EPA, stop. If it's a good enough policy, it can pass the legislative body. But do you know what? It wasn't a good enough policy to pass a Democrat-controlled Senate. And it wasn't good enough policy to get a bill to the President to sign into law.

So why is it a good policy to let unelected bureaucrats in the Environmental Protection Agency move on a process to destroy jobs? Let's be held accountable. If we want to do that, let's cast our votes. What we're casting our votes today for is to keep the cost of power low and save jobs, create jobs and grow jobs. If you want job creation, we support the underlying bill.

We do not support any amendment that puts off telling the EPA to stop and desist and do no more.

Again, the basic premise of the climate debate is putting a price on carbon emission that is not toxic. And by putting a price on there, you raise the cost of energy that everybody uses. You raise the cost of home heating, automobiles, electricity and the like.

Ms. JACKSON LEE of Texas. I yield 15 seconds to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you for yielding to me.

This bill, the EPA does not put a price on carbon. The EPA is not setting up a cap-and-trade program. The EPA is only saying, in new facilities with large amounts of carbon emissions, put in efficiency standards so that you can reduce those emissions. That's all.

Ms. JACKSON LEE of Texas. I thank the gentleman.

My friend from Illinois, have I got an amendment for you. I'm answering your concern.

My amendment says it requires, before finalizing emission regulations on greenhouse gas producers, the EPA must provide the producer with adequate notice of at least 30 days. The provision would also allow for industry input, encouraging collaboration between EPA and energy providers during the regulation process.

Currently, the EPA does not have a minimum time requirement. It also gives another 60-day extension. This is about national security because air pollutants and then no energy, bad on one side and bad on the other. Let's get together. Because we can't dismiss any of these energy sources, but they need to be better. And how can we, since this is supposed to be the Supreme Court Constitution side, how can you dismiss the constitutional right that EPA has to regulate?

I ask my colleagues to support this amendment. This is an amendment for them.

Madam Chair, I rise today in support of my amendment No. 37 to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would protect our national security by considering industry specific energy providers that are uniquely connected to our national security. This measure would expand the opportunity to garner industry input during the rulemaking process, and would provide the Environmental Protection Agency with a timeframe to engage with the industry during the process.

Madam Chair, this amendment requires that before finalizing emissions regulations on greenhouse gas producers, the Environmental Protection Agency (EPA) must provide the producer with adequate notice of at least 30 days. This provision would also allow for industry input, encouraging collaboration between the EPA and energy providers during

the regulation process. Currently, the EPA does not have a minimum time requirement.

By mandating industry engagement during the rule making process We will ensure that the proposed regulations do not negatively impact industry jobs and domestic energy. This amendment would force a discussion between the government and the industry during We rule making process so that jobs can be maintained, U.S. dependence on foreign oil can be decrease, and the Supreme Court's confirmed responsibilities of the Environmental Protection Agency will not be extinguished by short sighted legislation.

As the Representative for Houston, the nation's energy capital, I am committed to finding a balance that will support continued growth in the energy industry while protecting the environment.

My amendment to H.R. 910 provides emissions producers in the energy industry the ability to engage in discussions and studies with the EPA. The provisions in this amendment will encourage communication between the EPA and energy providers throughout the regulation process.

Americans should not have to risk living with highly polluted air. We must not shy away from the importance of the Clean Air Act and the role of the Environmental Protection Agency. This country needs energy. We utilize on and off shore drilling exploration. We must ensure that the industries impacted are engaged in the process while simultaneously regulating the affects of green house gas. This is crucial to the daily lives of Americans.

The Clean Air Act provides the EPA with the authority to regulate emissions reduction. This authority was upheld by the Supreme Court's decision in Massachusetts v. EPA. Any attempt to strip the EPA of this responsibility would undermine the Clean Air Act and exacerbate global warming.

The EPA must be allowed to regulate the emission of greenhouse gases. The climate change caused by these emissions affects temperature, causes extreme weather and dramatically reduces air quality, resulting in asthma, respiratory disease and lung cancer. The EPA projects that continued improvements in air quality under the Clean Air Act will save more than a trillion dollars by 2020, and prevent 230,000 deaths per year. By allowing the EPA to protect our environment now, we provide security for future generations.

Prohibiting the EPA from regulating greenhouse gas emissions to ensure clean air and slow the rate of climate change will have lasting consequences. We must, however, also consider the consequence to the energy industry.

H.R. 910 simply takes the wrong approach. Instead of focusing on developing standards upon which both the Environmental Protection Agency and the affected industries agree, it attempts to remove the Environmental Protection Agency from the process. Thereby baring the industry from developing standards upon which they can all agree. It is a matter of fairness. The EPA would ensure that industries would have a minimum standard to follow. This measure would ensure the industry would be involved when determining the best practices to ensure that reasonableness of those regulations.

Madam Chair, my amendment is essential to provide greater consideration to this sensitive issue by affording an opportunity for energy providers to state the impact that the proposed rule would have on their industry. This amendment will forge important compromises between the EPA and the energy industry. I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-54.

Mr. MCNERNEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330(b)(2)(C) of the Clean Air Act, as added by section 2 of the bill, after "demonstration programs" insert "and voluntary programs".

□ 1620

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Madam Chair, I rise to offer an amendment to H.R. 910.

Let's be crystal clear about two things. The bill we are considering today, which I will call the dirty air act, is an attack on science, and it's bad policy that will harm the American people. The world's scientific experts overwhelmingly agree that climate change is happening, it's primarily caused by human activities, and it has harmful consequences.

However, despite our disagreements about the merits of H.R. 910, I am offering an amendment that I think we can all support. My amendment is pro-environment, pro-consumer, and pro-business to make sure that our country can continue to administer voluntary programs to reduce pollution, improve public health, and address climate change.

Mr. UPTON. Madam Chair, will the gentleman yield?

Mr. MCNERNEY. I yield to the gentleman from Michigan.

Mr. UPTON. We are prepared to accept the agreement.

Mr. MCNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions. However, the bill provides a few narrow exceptions, such as allowing for the continuation of statutorily authorized research, development, and demonstration programs meant to combat climate change. My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill's prohibitions and can continue to take place.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-54.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330 of the Clean Air Act, as added by section 2 of the bill, amend subsection (a) to read as follows:

"(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

- "(1) Carbon dioxide.
- "(2) Methane.
- "(3) Nitrous oxide.
- "(4) Hydrofluorocarbons.
- "(5) Perfluorocarbons.
- "(6) Sulfur hexafluoride.

In section 330(b) of the Clean Air Act, as added by section 2 of the bill—

(1) in paragraph (1)—

(A) in subparagraph (A), strike "under this Act" and insert "under title I or title V of this Act"; and

(B) in subparagraph (B), strike "The definition" and insert "For purposes of title I and title V only, the definition";

(2) in paragraph (2)(A), strike "Notwithstanding paragraph (4)(B), implementation" and insert "Implementation"; and

(3) strike paragraph (4) and redesignate paragraph (5) accordingly.

Strike section 3 of the bill (and redesignate section 4 of the bill as section 3).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the

efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards. This amendment does not remove any enforcement power the EPA has previously exercised since enactment of the Clean Air Act.

At the same time, this amendment does not authorize new regulatory initiatives beyond what the agency has done for decades. For example, the agency is in no way authorized by the amendment to undertake low carbon fuel standards or new emission guidelines for permitting obligations for stationary sources.

Finally, my amendment refines the definition of H.R. 910 by removing water vapor. This is consistent with the legislation we have considered in the past of what is and isn't greenhouse gas. Water vapor is not a long-term harmful warming cause.

In short, this amendment makes the underlying legislation a question of the EPA's authority granted under the Clean Air Act.

Madam Chair, I thank you for the consideration of this amendment. I urge all of my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. I rise in opposition to my good friend from Texas, Mr. CUELLAR's amendment. It may be well intentioned, but it is poorly drafted. He may not have intended it, but if we were to accept it, by allowing the EPA to regulate anything under title 2, he would give the EPA authority not only to regulate tailpipe emissions from cars and trucks, but also authority to regulate trains, planes, and any other mobile source. I don't know that that was his intent, but that is certainly the effect of the amendment.

We oppose the amendment for that reason, for the drafting reason. We also oppose the amendment because it is the majority's opinion that we need, after 2017, to have one regulator for mobile sources, and that regulator is NHTSA, the National Highway Transportation Safety Administration. This amendment would have three regulators: NHTSA, EPA, and the State of California.

We have been very careful in the drafting of the underlying bill to make sure that the existing standards for tailpipe emissions stay in place. This bill does not change that. It would prevent EPA from issuing regulations for CO₂ emissions for tailpipes, but the underlying bill does not prohibit regulating the various emissions under NHTSA and the State of California for tailpipe emissions that actually affect fuel economy.

The only thing even without this bill that the EPA would have the ability to regulate are the emissions out of the coolant of the air conditioning systems. They have absolutely no effect on fuel economy. So we oppose the amendment.

With that, I yield the balance of my time to the gentleman from Texas (Mr. OLSON), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 3 minutes.

There was no objection.

Mr. OLSON. I thank the chairman of the committee.

Madam Chair, I rise in opposition to this amendment. H.R. 910 was carefully written to provide the auto industry with greater certainty by streamlining the regulatory process with only one fuel economy regulator—NHTSA—from 2017 onward.

This amendment would remove that provision by requiring that we continue to have three separate regulators—the EPA, NHTSA, and California—setting fuel economy standards. This is wasteful and duplicative spending at a time when government should be more efficient and providing greater certainty for customers.

This amendment would allow the EPA to set low carbon fuel standards that would equate to nothing more than a carbon tax at the pump. In a weak economy, this administration has disregarded studies which have concluded that greenhouse gas regulations will increase energy costs and destroy jobs.

An AP headline today read: "Rising Oil Prices Beginning to Hurt U.S. Economy." These regulations will only force Americans to pay more. Furthermore, it is Congress, not the EPA, that has constitutional authority to decide if or how greenhouse gases should be regulated.

My home State of Texas has improved its air quality and increased its energy production even as we are having the largest population growth in America.

Our legislation allows America to find commonsense solutions that provide an affordable, reliable energy supply for our Nation, as well as providing much-needed certainty to an unstable job market.

I urge my colleagues to oppose this amendment and support the underlying bill, H.R. 910.

I reserve the balance of my time.

Mr. CUELLAR. Madam Chair, I thank my colleague from Houston and my colleague from Dallas also. Just because we drafted this doesn't mean it was poor drafting. With all due respect, if they have a problem with whether they want to put language there on science, that is one thing. My amendment is on the same page as what they

are trying to do. My amendment just strikes the findings. What we want to do is H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether EPA can or cannot regulate greenhouse gas.

This should not be a question of science. I think this should be a question of authority. We are on the same page, but I see that the majority wants to keep the findings, and I can understand that. I just ask, Madam Chairwoman, the support of this particular amendment.

I reserve the balance of my time.

Mr. UPTON. Madam Chair, I think we have the right to close. How much time is remaining on each side?

The Acting CHAIR. The gentleman from Texas (Mr. OLSON) does have the right to close and has 1 minute remaining, and the gentleman from Texas (Mr. CUELLAR) has 2½ minutes remaining.

□ 1630

Mr. CUELLAR. I yield myself the balance of my time.

Madam Chair, again, my amendment is just about saying that H.R. 910 should be article I of the Constitution. The question is, does Congress have the right to regulate or do we let the bureaucrats decide? This is what my amendment does. It just says that we, the Members of Congress, should decide whether the EPA can or cannot regulate greenhouse gas. Again, this is a question of authority and should not be a question of science.

With that, Madam Chair, I yield back the balance of my time.

Mr. OLSON. I yield the balance of my time to my colleague from Michigan (Mr. UPTON).

Mr. UPTON. Madam Chair, I would just urge again my colleagues to vote "no" on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-54.

Mr. MURPHY of Connecticut. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 6, after subparagraph (C), insert the following new subparagraph:

"(D) TECHNICAL ASSISTANCE.—Nothing in this section shall be construed to limit the authority of the Administrator to provide technical assistance to States or groups of States for the implementation of regulations those States have adopted or may adopt concerning the limitation of greenhouse gas emissions, including providing any data developed in accordance with the rules or actions repealed by subsection (b)."

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman

from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Madam Chair, this amendment is fairly simple. While the underlying bill, though, I think very wrongly prevents the EPA from going forward on regulating greenhouse gases, my amendment affirms that state-run greenhouse gas programs will not be affected by the underlying legislation.

My amendment simply clarifies that language, by keeping in practice the longstanding tradition whereby the EPA will be able to continue providing technical assistance for States like mine who have taken action on their own to combat climate change. I think this is a good and perfecting amendment. Unfortunately, it doesn't do enough to allow me to support this legislation.

I can't support this legislation, because, as many have said before, it is simply an affront, an attack on science, on 99 percent of peer reviewed articles which have supported the idea that the United States needs to do something as 5 percent of the world's population and 25 percent of the world's pollution. We have 230,000 deaths that have been prevented by the Clean Air Act, and the economic benefits outweigh the costs of it by a 3-to-1 margin.

But even if you set aside the scientific debate, there are dozens of other reasons why we should be supportive of the United States and the EPA taking a strong role on the issue of regulating greenhouse gases. It is an affront to the millions of unemployed workers in this country who are asking for leadership from this Congress on developing a new economy in the area of clean energy, to allow the EPA the ability to join other nations around the world in putting a downward pressure on carbon emissions so that we can have an upward pressure on the number of new clean energy jobs that this country can create. But even if you set aside that argument, even if you set aside the science, set aside the jobs argument, from a national security perspective, we need to go forward with these EPA regulations, or, in the absence, we need to be passing legislation here in the United States Congress.

We continue to send abroad American dollars to petro-dictators who use it to funnel money to the very people that are seeking to attack this nation. From a national security standpoint, we need to be moving forward with a greenhouse gas strategy.

I am proposing this amendment, though, because for all of the naysayers, for all of the people who talk about doomsday and Armageddon if these EPA regulations are to go into

effect, I'd like them to come to Connecticut, I'd like them to come to the 10 States that are part of the RGGI carbon emissions regime in which we have seen what smart regulation of carbon can do. We have set an aggressive standard in our RGGI system whereby we are seeking a 10 percent reduction in carbon, and we're doing it through the dreaded cap-and-trade regime that many on the other side have talked about for years.

What have we seen in Connecticut? The jury is in, the results are in, and we have in the 10 RGGI States saved enough energy to equal the cumulative input of 442,000 homes. We've saved an immense amount of energy. Now by doing that, what's happened to cost? Well, guess what? Cost has plummeted. We have saved \$744 million for consumers in Connecticut. Why? We've decreased demand for energy, and so we have decreased cost. We have saved energy and we have decreased cost through a system of carbon control not dissimilar to ones we've talked about in this Congress and not dissimilar to what we are looking at at the EPA today. I propose this amendment as a way of simply allowing States to move forward with what I think have been very beneficial carbon reduction regimes in the absence of Federal control.

I think it's a sad day that we're here talking about this today. It used to be that Republicans and Democrats could at the very least agree on clean air. We could at the very least agree on the fact that pollution was an issue which we should address. And the fact that that is now a subject of disagreement, I think, is a grave statement on how far the Republican Party has come over the last decade.

I reserve the balance of my time.

Mr. SCALISE. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. I yield 2½ minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Madam Chairman, I rise in opposition to the Murphy amendment.

I heard my colleague speak. He talked about it being a sad day, a day when Republicans and Democrats cannot agree about the importance of environmental safety and clean air. I could not disagree more. Those of us on our side care deeply to make sure we've got clean air and clean water and safe drinking water. We care deeply about that. It is not a sad day.

I've been here in Congress for 90 days. Yesterday marked 3 months on station. The Democrats have been talking about jobs bills. Where are the jobs bills? Well, here's one. Here's the first of many. If we can begin to peel away the burden and the disaster that are

the regulations that EPA is beginning to place on our country, then we will once again create an environment where the private sector can create jobs, where we can once again create manufacturing jobs.

Until January 5 of this year, I was in the manufacturing sector. I was making things in the private sector. And I watched as government got in the way and made it expensive, drove up the cost of energy so that our products were not competitive. We are now, beginning with H.R. 910, to peel that back, to take on the task of restoring opportunity for Americans once again to manufacture here in our country, for those folks who are struggling to begin once again to afford energy for themselves, for their families, and for our small businesses.

I oppose the Murphy amendment because it guts what we're trying to do in H.R. 910, which is to once again put America back on a course that says we're going to have safe air, we're going to have clean drinking water, but we're going to do it in a way where the private sector can create jobs, we can grow our economy, and we will not have to have the unemployment rate that we have struggled through for the last 2½ years.

Mr. MURPHY of Connecticut. May I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining, and the gentleman from Louisiana has 3 minutes remaining.

Mr. MURPHY of Connecticut. I yield myself the balance of my time.

I would inquire of the gentleman as to how he thinks this amendment guts the underlying legislation. All this amendment does is simply allow for the EPA to continue working with States on their own systems. I think the hyperbole has gotten a little out of control from the Republican side. This is simply seeking to assist States in the work that they are continuing to do today. It does absolutely nothing to gut the underlying legislation, and it just adds clarifying language to allow States to move forward with their own systems of controlling greenhouse gases.

I yield back the balance of my time.

□ 1640

Mr. SCALISE. Madam Chair, we are here today because the EPA has continued to push this effort to pass a national energy tax. It was tried through cap-and-trade over the last year and a half. That bill went through the legislative process and was defeated in a bipartisan way. This is not a Republican or a Democrat issue when we're talking about preventing the EPA from running millions of jobs out of our country, and that is literally what's at stake here.

Believe me, as people look through the letters of support and as we comb

through the days of testimony that we've had on this over the last 2 years with regard to this concept of the EPA's regulating greenhouse gases, Madam Chair, we are talking about a proposal by the EPA that, according to the National Association of Manufacturers, would run 3 million jobs out of our country.

Now, we should all be here working feverishly to create jobs. In fact, our legislation, the National Energy Tax Prevention Act, will create jobs because it will remove the uncertainty that exists today where so many employers, so many of our job creators, are scared to death of the threat now of regulation coming over; because, again, Congress rejected their proposal for the national energy tax through cap-and-trade in a bipartisan way.

Mr. WAXMAN. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. Does the gentleman from Louisiana yield to the gentleman from California for that purpose?

Mr. SCALISE. If the gentleman has a parliamentary inquiry, I don't think that comes out of my time.

Mr. WAXMAN. Parliamentary inquiry.

The Acting CHAIR. If the gentleman from Louisiana yields for the parliamentary inquiry it will come out of his time.

Mr. SCALISE. I yield for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Madam Chair, my inquiry is: Must the debate be on the pending amendment or can the debate be on a broader bill?

Mr. SCALISE. I reclaim my time, Madam Chair, because I am talking specifically about the amendment. If I am allowed the opportunity to continue with my comments, I have to finish a thought first before we talk specifically about the amendment.

First of all, if you look at what happened by legislation, they tried legislation, and the legislation failed. A bipartisan vote defeated that legislation. Then they came back with regulation. So this proposed regulation is being addressed by our bill, the underlying bill.

The amendment by the gentleman from Connecticut proposes to create a loophole to continue to allow the EPA to get their nose back under that tent to regulate greenhouse gases. You can just look at the language to see that it allows for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, Well, we'll just do it through regulation, a de facto cap-and-trade energy tax, because they

couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, No, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate greenhouse gases through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes.

Mr. UPTON. We're working against the clock a little bit; so I would prefer that we just do one and one and end it there on this amendment.

Madam Chair, I ask unanimous consent that each side have 1 additional minute on this amendment.

Mr. WAXMAN. I ask unanimous consent that each side have 1½ minutes.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan for 1 minute for each side?

There was no objection.

The Acting CHAIR. The gentleman from Louisiana (Mr. SCALISE) and the

gentleman from Connecticut (Mr. MURPHY) each will control 1 extra minute.

Mr. MURPHY of Connecticut. I yield the balance of my time to the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman from California is recognized for 1 minute.

Mr. WAXMAN. I thank the majority for their graciousness in allowing for a clarification.

This amendment simply says all that you suggest in your bill would become law, if it were passed, with the exception that we would continue to allow the EPA to give technical information to the States. It does not replace the other restrictions on EPA. It only allows them to give technical information to the States, which they do already without regulating greenhouse gases, under the United Nations Framework Convention on Climate Change, which was ratified by the Senate in 1992 after submittal by President Bush. Because of this international agreement, we try to keep track of what's going on, and the States should be able to talk to the EPA and to get expert advice from the EPA unless you think the States should not be allowed to do anything on their own, which would be something beyond the scope of this amendment.

So I would urge my colleagues who support their bill not to be against this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCALISE. I appreciate the offer of the gentleman from California, but I cannot adhere to a United Nations framework. I cannot adhere to the ability for the EPA to continue to keep their nose under the tent to provide whether it's called "technical assistance" or whether they try to continue to push things, because the EPA does interact with States on other issues, and I surely would not want to see some kind of situation where the EPA is going to try to hold something else over a State's head and use this threat, because they really do want the chance to regulate greenhouse gases and impose an energy tax.

So I think we've debated it very thoroughly. I understand your position, and I respect the gentleman from Connecticut's position. I just don't agree. I think we need to preserve American jobs and let the States do what they already do such a good job of doing; but we need to tell the EPA that "no" means "no." They've got their own role to play, and it's not regulating greenhouse gases.

AMERICAN IRON AND STEEL INSTITUTE,
Washington, DC, March 9, 2011.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: On behalf of the American Iron and Steel Institute (AISI), I am pleased to offer our support for H.R. 910,

the Energy Tax Prevention Act (EPTA). This legislation is necessary to prevent EPA from regulating greenhouse gases (GHGs) from stationary sources under the Clean Air Act, thereby removing a regulatory uncertainty that is impeding domestic economic growth and job creation.

AISI is comprised of 25 member companies, including integrated and electric furnace steelmakers, and 140 associate and affiliate members who are suppliers to or customers of the steel industry. AISI's member companies represent approximately 80 percent of both U.S. and North American steel capacity. The steel industry in the U.S. has substantially reduced its GHG emissions over the past two decades. The industry has reduced its energy-intensity by 30% since 1990, and reduced while GHG emissions by 35% over the same time period. The industry has well exceeded the Kyoto Protocol targets, is committed to continued improvement, and hasn't waited for Congress or EPA to act.

The domestic steel industry is both energy-intensive and subject to substantial international competition. In particular, this competition comes from nations such as China, where no similar CO₂-reduction legislation or regulatory policies exist. In the absence of an international agreement on GHG emissions reductions, EPA regulation of stationary sources will only transfer emissions—and high-value manufacturing jobs—overseas. This will have a negative impact on domestic industry and will not result in a net emissions reduction worldwide.

As you know, the Clean Air Act was not written to regulate greenhouse gas emissions, and is therefore the wrong mechanism for EPA to use in this case. No policies have been proposed to accompany the EPA regulations to address competitiveness concerns of energy-intensive, trade-exposed industries, such as steel. The result will be the "leakage" of emissions and manufacturing jobs to competitor nations without comparable regulations, which is problematic from both the economic and environmental perspectives.

If the EPA is allowed to proceed with its GHG regulations from stationary sources, plants in the steel industry will be forced to adhere to yet another level of new strict regulations and be required to obtain costly permits. This would be a devastating blow to investment and growth in the industry, not to mention the implications of coupling these regulations with the recession that has hit the country and the manufacturing economy.

Sincerely,

THOMAS J. GIBSON,
President and Chief Executive Officer.

[From Americans for Prosperity, March 3, 2011]

AMERICANS FOR PROSPERITY APPLAUDS REPRESENTATIVES COLLIN PETERSON, DAN BOREN AND NICK RAHALL FOR SUPPORTING EPA PREEMPTION

AFP today commended three senior Democratic representatives—Collin Peterson of Minnesota, Dan Boren of Oklahoma and Nick Rahall of West Virginia—for cosponsoring the Inhofe-Upton bill to clarify that the Environmental Protection Agency (EPA) has no authority to regulate greenhouse gases under the Clean Air Act (CAA).

"It's great to see three leading Democratic congressmen speak with such a clear voice that EPA should not be allowed to go around Congress to adopt job-killing global warming regulations," said AFP vice President for Policy Phil Kerpen. "These regulations amount to a backdoor effort to adopt restric-

tions similar to the cap-and-trade bill Congress and the American people already rejected."

"AFP commends free market heroes like Senator Inhofe and Congressman Upton for challenging unelected bureaucracies like the EPA when they try to bypass the American people," said president of AFP, Tim Phillips.

The Clean Air Act is so ill-suited to being twisted as a global warming bill that EPA resorted to disregarded statutory thresholds and demanding that states amend their laws to conform. This so-called Tailoring Rule is being contested in court and experts predict it is unlikely to survive the legal challenge.

"Kudos to Boren, Peterson, and Rahall for standing up to the EPA and doing what's right," Kerpen concluded. "I hope more Democrats will put jobs, the economy, and legitimate legislative process ahead of environmental extremism and join them."

AMERICANS FOR TAX REFORM,
Washington, DC, March 7, 2011.

DEAR REPRESENTATIVE: On behalf of Americans for Tax Reform (ATR) and millions of taxpayers nationwide, I urge you to support Rep. Fred Upton's (R-Mich.) Energy Tax Prevention Act of 2011. If passed, this legislation will return the obligation of setting America's climate policy to Congress from the Environmental Protection Agency (EPA).

Since losing the Cap-and-Trade debate, Democrats have turned to the EPA to impose their radical environmental agenda on this country. The impetus behind Cap-and-Trade was to force Americans to move towards less efficient, more expensive sources of energy. Similarly, the EPA is attempting to achieve this end through the regulation of greenhouse gases.

Standing on legally precarious ground, the EPA is citing the Clean Air Act as justification for its dubious agenda. Employing the Clean Air Act for objectives it was never intended to realize, the EPA has infringed on the legislative responsibilities of Congress.

The Energy Tax Prevention Act has been introduced to put a stop to such regulatory overreach and abuse. Addressing one of the most pressing problems facing this country, the Energy Tax Prevention Act bars federal regulators from co-opting the Clean Air Act to regulate greenhouse gases.

If the EPA continues on its current course, unelected federal bureaucrats will continue to unilaterally dictate ruinous economic policies. We should hold President Obama to his stated commitment to reassess America's regulatory system in the name of economic growth and fiscal responsibility. The President should be reminded that the EPA's initiatives to regulate greenhouse gases would raise energy prices, destroy businesses, and ship jobs overseas. These policies are motivated not by science, and not out of concern for American industry, but by ideology alone.

Rep. Upton seeks to restore the role of the U.S. congress in the development and implementation of the nation's climate and energy policy. Their bill is not a referendum on climate change or greenhouse gases but rather who will set our country's energy policy—elected Representatives or unaccountable political appointees.

In the interest of preserving our economic freedom, and the proper authority of congress, please join me in supporting the Energy Tax Prevention Act of 2011.

Onward,

GROVER G. NORQUIST.

MARCH 9, 2011.

Re Upton-Inhofe Bill a Key Step Toward Stopping EPA's GHG Regulations.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On January 2, 2011, the U.S. Environmental Protection Agency (EPA) began regulating greenhouse gas (GHG) emissions from stationary sources. EPA's rules require industrial sites, power plants and other businesses that emit GHGs above certain thresholds to apply for a permit whenever they want to build or modernize their facilities. In today's fragile economy, when we need American businesses to be expanding at full speed, these rules create uncertainty and delay.

We welcome the efforts of lawmakers from both parties to stop the EPA's harmful regulations so that business growth and hiring can continue. We applaud the leadership that you and Senator Inhofe are providing on this issue through the introduction of The Energy Tax Prevention Act of 2011 (H.R. 910). This bipartisan legislation is helping to keep attention squarely focused on the issue and building momentum toward a solution.

Congress, not EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs to the United States, let alone double U.S. exports in five years, as President Obama has pledged. Moving your legislation forward is a critical first step.

We look forward to working with you to stop harmful regulations and in doing so, strengthen the economic recovery, support American manufacturing and create jobs.

Sincerely,

American Chemistry Council, American Coalition for Clean Coal Electricity, American Forest & Paper Association, American Iron and Steel Institute, American Petroleum Institute, Brick Industry Association, CropLife America, Industrial Minerals Association, National Association of Manufacturers.

National Association of Wholesaler-Distributors, National Lime Association, National Mining Association, National Oilseed Processors Association, National Petrochemical and Refiners Association, The Aluminum Association, The Fertilizer Institute, U.S. Chamber of Commerce.

AMERICAN PUBLIC POWER
ASSOCIATION,
Washington, DC March 9, 2011.

Hon. FRED UPTON,
Chairman, House Energy & Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. ED WHITFIELD,
Chairman, House Energy & Power Subcommittee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On behalf of the American Public Power Association, I am writing to express our support for the Energy Tax Prevention Act. APPA is the national service organization representing the interests of over 2,000 community-owned, non-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide electricity and other services to over 46 million Americans.

APPAA believes that the Clean Air Act (CAA) is not appropriately designed to address greenhouse gas (GHG) emissions and that the Environmental Protection Agency's (EPA) efforts to regulate such gases under the statute are causing undue uncertainty

for the electric utility sector and are likely to result in unnecessarily high costs. In particular, APPA members are concerned with the application of Best Available Control Technologies (BACT) for GHG emissions under New Source Review (NSR) and the planned establishment of Section 111 New Source Performance Standards for GHGs for new, modified, and existing electric power plants. No commercially available technologies currently exist to reduce GHG emissions. APPA also believes that many states will find that they need additional time in order to implement any final EPA regulatory action given state budget cuts, staff reductions, and other administrative issues. For these reasons, APPA supports congressional action to preempt EPA's authority to regulate GHG emissions under the CAA.

Instead, APPA believes Congress should address the issue of climate change through new legislation and supports efforts to do so on an economy-wide basis that properly balances environmental goals with impacts on consumers and the economy. Such legislation should create a new regime for reducing GHG emissions that is separate and apart from the CAA, which was created to address criteria pollutants for human health protection.

Thank you for your leadership on this important issue affecting electric utilities. I hope you will feel free to contact me or the APPA government relations staff with any questions.

Sincerely,

MARK CRISSON,
President & CEO.

Mr. SCALISE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MURPHY of Connecticut. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-54.

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.

Congress accepts the scientific findings of the Environmental Protection Agency that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chair, I rise to offer an amendment, with my colleagues Representatives DEGETTE and INSLEE, that recognizes the scientific reality of climate change.

Our amendment states that Congress accepts EPA's scientific finding that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare. This simple recognition is far from enough, but it is crucially important. As long as Congress pretends that climate change isn't occurring, we can justify not addressing it.

Last month, the eminent scientific journal *Nature* wrote an editorial entitled, "Into Ignorance."

□ 1650

And I want to read from this editorial: "Republicans on the Energy and Commerce Committee have made clear their disdain for climate science. At a subcommittee hearing, misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists. There has been an embarrassing display, not just for the Republican Party, but also for Congress and the U.S. citizens it represents."

The U.S. Congress has entered the intellectual wilderness. This amendment is a step out of that wilderness. It says we accept the scientific findings of EPA—and the best scientists in our country and around the world—that climate change is a serious threat to our health and welfare. And it recognizes that while we have the power to change the laws of our Nation, we cannot rewrite the laws of nature.

It may be difficult for us to agree on a solution to climate change, but at least we should be able to agree that it is a real problem and one we need to address.

I hope my colleagues will support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Madam Chair, I believe in science. I also know that the Earth has been warming for some time. In fact, the underlying bill, H.R. 910, concludes by acknowledging there is scientific concern over the warming of the climate system and that addressing the climate change is an international issue.

I believe that human activity is also playing a role. The question is how big a role. This amendment would have Congress adopt intentionally vague language on human involvement and

the risks associated with climate change without defining the size and scope of human behavior and the risk to the environment.

Madam Chair, I believe that we must reduce our dependence on foreign oil and expand research and development of clean energy sources and ensure that future generations of Americans have a clean and healthy environment. But I do not believe in the notion that the Waxman amendment puts forward that states that Congress shall only accept the scientific findings of the EPA. We should encourage open, transparent scientific studies, not limit our scientific findings to one government agency.

We must work together in a bipartisan manner to promote clean energy and encourage greater energy efficiencies to guarantee that our children and grandchildren have a cleaner environment than we have today.

I urge a "no" vote on this amendment.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I appreciate my Republican colleague's statement, but the clear fact of this bill is, if it passes, what does it do? It basically says that Sir Isaac Newton, Albert Einstein, and Thomas Edison didn't know what they were talking about because this bill, in rather clear form, caters to a narrow sector of a narrow political interest to ignore clear science. And there is no way you can get around this or sweet-talk your way around this clear rejection of science.

Now, this isn't just us. Who has cleared and said this statement that we seek to put in this bill is correct? Only the National Academy of Sciences, NOAA, the Department of Defense, the Centers for Disease Control, the American Meteorological Society, the American Geophysical Union, the Geological Society of America, the American Association for the Advancement of Science, the American Institute of Physics, and the American Chemical Society. But one side of the aisle thinks that the tea party has greater scientific credibility, and that's who you are catering to when you refuse to adopt this amendment.

Let's have a bipartisan statement of the problem so that we can have a bipartisan statement of the solution.

Mr. SENSENBRENNER. Madam Chair, I am the only speaker left, and I believe that I have the right to close. So if the gentleman from California could use the remainder of his time.

The Acting CHAIR. The gentleman from California has the right to close.

The gentleman from Wisconsin has 3½ minutes remaining; the gentleman from California has 2 minutes remaining.

Mr. SENSENBRENNER. Madam Chair, I yield myself the balance of my time.

Madam Chair, this is an amendment that attempts to reverse the entire thrust of this legislation. In effect, it gives the proxy to the EPA to make determinations that will have vast impact on our economy without going through the usual legislative process. This is our job to make a determination on whether the Clean Air Act is the proper vehicle to deal with issues related to greenhouse gases.

This is not a debate on the underlying science of climate change, and I think that has to be made clear. But if we do want to talk about the EPA's ability to mitigate climate change, let's focus on their own projections.

EPA's analysis of the current rule states that it will only result in 1/100 of a degree of lowering of the Earth's average temperature by the year 2100. Administrator Jackson herself stated before the Energy and Commerce Committee that EPA regulation will not ultimately be able to change the amount of CO₂ that is accumulating in the atmosphere if other nations do not agree also to limit emissions. And they aren't, and they won't.

So, regardless of whether or not Congress issues a scientific finding based upon a 10-minute amendment debate, we are faced with the indisputable fact that EPA greenhouse gas regulations will lead to billions upon billions of dollars leaving our economy with absolutely zero environmental benefit. This amendment flunks the cost-benefit analysis. It ought to be rejected.

We are here today about protecting the economy, job creation, and stopping energy prices from skyrocketing. That's what will happen if this amendment is adopted. It should be rejected in the name of jobs and a healthy economy.

Madam Chair, I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, to close, I yield the balance of my time to my colleague, who is a cosponsor of this legislation along with myself and Mr. INSLEE, the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I thank the ranking member for allowing me to close.

This amendment gives Members of the House what should be a very simple choice: recognize the overwhelming science or vote to deny the overwhelming science.

We in Congress can certainly change the laws of this country, but last I heard we cannot change the laws of nature. There is no serious disagreement on the science of climate change. In fact, the findings have been confirmed by all leading scientific academies around the world. The National Academy of Sciences last year issued a series of comprehensive reports that are unambiguous. It says, for example, "Climate change is occurring. It is caused largely by human activities, and in many cases it is already affect-

ing a broad range of human and natural systems." And even a team of scientists from UC Berkeley, who were told to try to disprove global climate change, just reported last week to a congressional committee that in fact global climate change is occurring.

This is simple. This is clear. H.R. 910 represents an effort to deny and run away from science and reality. It ignores one of the chief drivers behind our need for a clean and modernized energy policy: massive and growing human consumption of carbon-based fuels.

Last Congress, and again today, I chose to be on the side of those who acted to address a climate disaster and put into place the framework for an energy policy which this country so painfully goes without and so little can afford. I urge my colleagues to do the same.

Vote "yes" on this amendment. Vote "no" on the underlying bill and stand with science.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1700

AMENDMENT NO. 7 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-54.

Mr. QUIGLEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 5. GAO REPORT.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study of health care costs in the United States as affected by the elimination of Environmental Protection Agency regulation under this Act, as compared to health care costs in the United States as would be affected by the Environmental Protection Agency proceeding with regulation in its role as determined in *Massachusetts v. EPA* (549 U.S. 497 (2007)).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Madam Chair, my amendment would require that the GAO report to Congress the results of a study of health care costs in the U.S.

as affected by the elimination of EPA regulation under this act. Further, the report would also detail health care costs in the U.S. proceeding under the EPA's current regulatory authority as determined in 2007 in *Massachusetts v. EPA*.

It is science, hard facts, and figures that have led hundreds of scientists to confirm that global warming is real. Despite the other numbers you may have heard, the most convincing one is that there are over 200 peer reviewed scientific studies that have determined that global warming is real and that man contributes to that, and exactly zero that have proved or shown evidence to the contrary.

It was science that led the Congress to pass the Clean Air Act, the act which designated the EPA as the body charged with overseeing, adapting, and implementing these regulations. It was science that led the Supreme Court to rule in 2007 that the Environmental Protection Agency does in fact have the authority to regulate greenhouse gases.

My amendment is simple. It directs the GAO to report the cost of health care under the Clean Air Act, and then to report the costs of health care with this bill passing as it modifies the amendment.

In 2010 alone, the EPA reported the reduction in fine particulate and ozone pollution from the Clean Air Act prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks. These are serious health issues that burden the government with serious bills.

We face serious budgetary times. We may be out of a recession, but we are far from recovered. If we are committed to making the government more efficient and effective to cutting waste, fraud, and abuse, we must acknowledge that spending a smart dollar up front saves many dollars on the back end.

I encourage my colleagues to support this amendment that will allow the experts at the GAO to show us a world with the Clean Air Act and a world without. My estimation is that a world with less mercury in our water and less ozone in our air will cost far less in dollars and deaths than the opposite, but I will defer to the experts and look forward to their report on this subject.

I reserve the balance of my time.

Mr. HARPER. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. HARPER. This amendment filed by the gentleman from Illinois would require a GAO study to be completed, 1 year, analyzing how health care costs are affected if EPA does not proceed with regulation in its role as determined in *Massachusetts v. EPA*.

You know, this case did not determine whether or how EPA should regulate greenhouse gases. To the contrary, it did not mandate that EPA move forward with global warming regulations, and it certainly did not direct the EPA to begin regulating tens of thousands or millions of stationary sources across the United States economy.

In any event, no GAO study is needed because the EPA, itself, has already concluded that greenhouse gases pose no direct adverse health effects.

Here's what the EPA has stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects."

So even if the EPA had concluded that there were direct health impacts, EPA's own administrators concluded that the agency's greenhouse gas rules are not going to be effective in appreciably reducing temperatures or global emissions.

Administrator Jackson has said: "We will not ultimately be able to change the amount of CO₂ that is accumulating in the atmosphere alone." If anything, EPA's global warming rules will cause global emissions to increase as U.S. manufacturing and industry goes to countries with much less stringent environmental laws.

I urge my colleagues to vote "no" on this amendment.

I reserve the balance of my time.

Mr. QUIGLEY. Madam Chair, I guess my response is, with all due respect, prove me wrong. If there is no health care risk, let the GAO independent analysis prove us wrong.

But there's a lot at stake here, and I would defy anyone to say that greenhouse gases are not in and of themselves—putting aside the issue of global warming—dangerous because many of them are precursors to ozone. I live in Chicago, which is the morbidity and mortality capital of the United States for people who are afflicted with asthma, and there is a dramatic and direct impact of what ozone does to those people suffering from asthma.

So prove me wrong. Show me how we're wrong on this. Let there be a study which goes to this, because if I'm wrong, no damage done. But if there is some danger here and we have decided that it is not worth our study, then we have done a grave disservice to the American public and put their lives at risk.

I yield back the balance of my time.

Mr. HARPER. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I want to thank the chairman of the Energy and Commerce Committee, Mr. UPTON, and the gentleman from Mississippi (Mr. HARPER) for yielding time for me to speak on this amendment.

I rise in strong opposition to the Quigley amendment because it represents an unnecessary use of case law in Massachusetts v. EPA. Some of what I say is repetitive. Mr. HARPER has just said it, but it bears repeating, Madam Chair.

This amendment requires the GAO to conduct a study analyzing how health care costs will be affected if the EPA does not proceed with regulation in its role as determined in Massachusetts v. EPA.

Madam Chair, I would like to remind the author of the amendment, Mr. QUIGLEY, that Massachusetts v. EPA did not determine whether or how the EPA should regulate greenhouse gases. Furthermore, a GAO study on this matter is not necessary because the EPA has already concluded that greenhouse gases have no adverse health effect.

Specifically, the EPA has stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects."

Opponents of this legislation have tried unsuccessfully to assert that the underlying bill will block the EPA from safeguarding public health from the effects of air pollution and will result in increased asthma attacks or other respiratory illnesses. Nothing could be further from the truth.

Madam Chair, H.R. 910 does not affect the EPA's ability and responsibility to protect the public from hazardous air pollution. Regardless of whether or not EPA imposes these cap-and-trade regulations, the agency will continue to have the authority to regulate all of the high-priority pollutants that raise public health concerns.

As an original cosponsor of H.R. 910, I strongly support the underlying bill to prohibit the Environmental Protection Agency from using the Clean Air Act to regulate greenhouse gases.

By avoiding these harmful regulations, H.R. 910 will save countless numbers of jobs and prevent the implementation of an energy tax that would cost our economy literally tens of billions of dollars when we can least afford it.

Madam Chair, I urge my colleagues to reject this amendment and support the underlying bill.

Mr. BILBRAY. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from California.

Mr. BILBRAY. Madam Chair, I want to point out the comment was made about the precursor to ozone. Thirty years of air pollution regulations. Ask the South Coast Air Basin in Los Angeles. It never regulated CO₂ as a precursor to ozone because it was so miniscule that there are so many other issues that are absolutely essential to address that you didn't even look at that.

And if you didn't think those of us in California, that we're working on air pollution, air quality, our county in San Diego went from "severe" down to "serious" because we were successful. And it wasn't chasing ozone. I mean, not chasing CO₂. It was tracing true toxic emissions.

So when you talk about implementing these plans, understand you're talking about sacrificing efforts that are at true risk.

The Acting CHAIR. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

□ 1710

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-54.

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330 of the Clean Air Act, as proposed to be added by section 2 of the bill, insert after subsection (a) the following (and redesignate the subsequent subsections accordingly):

"(b) TEMPORARY SUSPENSION FOR PUBLIC HEALTH EMERGENCIES.—The Administrator may by rule, after public notice and comment, temporarily suspend the provisions of this section if—

"(1) a detailed analysis and review by the Administrator of the latest credible and peer-reviewed science shows ground level ozone will pose significant dangers to public health;

"(2) extreme weather events pose significant danger to public health;

"(3) an increase in food and waterborne pathogens pose significant danger to public health; or

"(4) there are other significant threats to public health.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, this amendment is simple, and I appreciate the rule making it in order. It allows the Environmental Protection Agency to continue protecting the American people from the greatest public health and environmental challenge in global history, global climate change.

The overwhelming scientific evidence suggests that greenhouse gases and carbon pollution, if left unchecked, pose a significant threat to public health. This is not a scientific conclusion that anybody in the investigative community desires or wants. It is an unfortunate reality. I simply want the administrator to have the ability to temporarily unlock the handcuffs on

the bill if there is a significant threat to the public health.

Let's walk ourselves through what this bill does. The bill tells the EPA, EPA, you have done your homework just like the Supreme Court told you to do, and every inch of credible science is telling you there is a danger to America's health. Yet, we here in Congress know better. We will pretend like there is not a danger to the American health. We won't allow you, the EPA, that we set up and charged with this, to pay attention to the warnings or protect Americans from the dangers.

To me, that's a very dangerous directive, telling the EPA they can't act even though they know we are in danger. If there was a meteor hurtling towards us, I would hope that this body wouldn't pass a bill that tells NASA to ignore it, to step away from the telescope, specifically forbids them from telling people to get out of the way. Yet that's exactly what this bill does with the very real and present danger.

I, for one, want the EPA to be able to protect me, and my family and my constituents and all American families when the overwhelming warning signs say they should do just that. But if this body sends a message to the contrary, at the very least we should be smart enough to include a temporary escape hatch, a safety valve that my amendment provides.

Madam Chair, I am going to vote today to put America's health before big polluters. The other side of the aisle likes to skew the facts. And instead of paying attention to the warning signs, they protect their big polluter friends by confusing the facts. It's critical that we provide a safety valve that when there is a clear and present danger to the health of the American people we don't hamstring the very agency that we have set up to protect the health of the American people, and enable them to move forward to protect us.

This endangerment finding, the title of the EPA's research on dangers to our health, was based on sound science and found that as climate change increases, so does ground ozone level, air- and water-borne pathogens, and mold and pollen allergens that affect and make health problems worse like asthma, respiratory irritation, and heart disease. We cannot oversimplify a very serious problem with no easy answers.

[From the Federal Register, Tuesday, Dec. 15, 2009]

PART V—ENVIRONMENTAL PROTECTION AGENCY

40 CFR CHAPTER I—ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(a) OF THE CLEAN AIR ACT; FINAL RULE

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Chapter I
[EPA-HQ-OAR-2009-0171; FRL-9091-8]
RIN 2060-ZA14

Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a). These Findings are based on careful consideration of the full weight of scientific evidence and a thorough review of numerous public comments received on the Proposed Findings published April 24, 2009.

DATES: These Findings are effective on January 14, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2009-0171. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at EPA's Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Jeremy Martinich, Climate Change Division, Office of Atmospheric Programs (MC-6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9927; fax number: (202) 343-2202; e-mail address: ghgendangerment@epa.gov. For additional information regarding these Findings, please go to the Web site <http://www.epa.gov/climatechange/endangerment.html>.

SUPPLEMENTARY INFORMATION:
Judicial Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 16, 2010. Under CAA section 307(d)(7)(B), only an objection to this final action that was raised with reasonable specificity during the period for public comment can be raised during judicial review. This section also provides a mechanism for us to convene a proceeding for reconsideration, “[i]f the person raising an objection can

demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of this rule.” Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, Environmental Protection Agency, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20004, with a copy to the person listed in the preceding FOR FURTHER INFORMATION CONTACT section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

ACUS Administrative Conference of the United States
ANPR Advance Notice of Proposed Rulemaking
APA Administrative Procedure Act
CAA Clean Air Act
CAFE Corporate Average Fuel Economy
CAIT Climate Analysis Indicators Tool
CASAC Clean Air Scientific Advisory Committee
CBI Confidential Business Information
CCSP Climate Change Science Program
CFCs chlorofluorocarbons
CFR Code of Federal Regulations
CH₄ methane
CO₂ carbon dioxide
CO₂e CO₂-equivalent
CRU Climate Research Unit
DOT U.S. Department of Transportation
EO Executive Order
EPA U.S. Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GWP global warming potential
HadCRUT Hadley Centre/Climate Research Unit (CRU) temperature record
HCFCs hydrochlorofluorocarbons
HFCs hydrofluorocarbons
IA Interim Assessment report
IPCC Intergovernmental Panel on Climate Change
MPG miles per gallon
MWP Medieval Warm Period
N₂O nitrous oxide
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NASA National Aeronautics and Space Administration
NF₃ nitrogen trifluoride
NHTSA National Highway Traffic Safety Administration
NOAA National Oceanic and Atmospheric Administration
NOI Notice of Intent
NO_x nitrogen oxides
NRC National Research Council
NSPS new source performance standards
NTAA National Technology Transfer and Advancement Act of 1995
OMB Office of Management and Budget
PFCs perfluorocarbons
PM particulate matter
PSD Prevention of Significant Deterioration
RFA Regulatory Flexibility Act
SF₆ sulfur hexafluoride
SIP State Implementation Plan
TSD technical support document
U.S. United States

UMRA Unfunded Mandates Reform Act of 1995
 UNFCCC United Nations Framework Convention on Climate Change
 USGCRP U.S. Global Climate Research Program
 VOC volatile organic compound(s)
 WCI Western Climate Initiative
 WRI World Resources Institute
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I. Introduction
 A. Overview
 Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.
 Specifically, the Administrator is defining the "air pollution" referred to in CAA section 202(a) to be the mix of six long-lived and directly-emitted greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). In this document, these six greenhouse gases are referred to as "well-mixed greenhouse gases" in this document (with more precise meanings of "long lived" and "well mixed" provided in Section IV.A).
 The Administrator has determined that the body of scientific evidence compellingly supports this finding. The major assessments by the U.S. Global Climate Research Program (USGCRP), the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council (NRC) serve as the primary scientific basis supporting the Administrator's endangerment finding. The Administrator reached her determination by considering both observed and projected effects of greenhouse gases in the atmosphere, their effect on climate, and the public health and welfare risks and impacts associated with such climate change. The Administrator's assessment focused on public health and public welfare impacts within the United States. She also examined the evidence with respect to impacts in other world regions, and she concluded that these impacts strengthen the case for endangerment to public health and welfare because impacts in other world regions can in turn adversely affect the United States.
 The Administrator recognizes that human-induced climate change has the potential to be far-reaching and multidimensional, and in

light of existing knowledge, that not all risks and potential impacts can be quantified or characterized with uniform metrics. There is variety not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each of the identifiable risks, to weigh the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.
 The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food- and water-borne pathogens, and changes in aeroallergens. The evidence concerning adverse air quality impacts provides strong and clear support for an endangerment finding. Increases in ambient ozone are expected to occur over broad areas of the country, and they are expected to increase serious adverse health effects in large population areas that are and may continue to be in nonattainment. The evaluation of the potential risks associated with increases in ozone in attainment areas also supports such a finding.
 The impact on mortality and morbidity associated with increases in average temperatures, which increase the likelihood of heat waves, also provides support for a public health endangerment finding. There are uncertainties over the net health impacts of a temperature increase due to decreases in cold-related mortality, but some recent evidence suggests that the net impact on mortality is more likely to be adverse, in a context where heat is already the leading cause of weather-related deaths in the United States.
 The evidence concerning how human-induced climate change may alter extreme weather events also clearly supports a finding of endangerment, given the serious adverse impacts that can result from such events and the increase in risk, even if small, of the occurrence and intensity of events such as hurricanes and floods. Additionally, public health is expected to be adversely affected by an increase in the severity of coastal storm events due to rising sea levels.
 There is some evidence that elevated carbon dioxide concentrations and climate changes can lead to changes in aeroallergens that could increase the potential for allergic illnesses. The evidence on pathogen borne disease vectors provides directional support for an endangerment finding. The Administrator acknowledges the many uncertainties in these areas. Although these adverse effects provide some support for an endangerment finding, the Administrator is not placing primary weight on these factors.
 Finally, the Administrator places weight on the fact that certain groups, including children, the elderly, and the poor, are most vulnerable to these climate-related health effects.
 The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public welfare by evaluating numerous and far-ranging risks to food production and agriculture, forestry, water resources, sea level rise and coastal areas, energy, infrastructure, and settlements, and ecosystems and wildlife. For each of these sectors, the evidence provides support for a

finding of endangerment to public welfare. The evidence concerning adverse impacts in the areas of water resources and sea level rise and coastal areas provides the clearest and strongest support for an endangerment finding, both for current and future generations. Strong support is also found in the evidence concerning infrastructure and settlements, as well as ecosystems and wildlife. Across the sectors, the potential serious adverse impacts of extreme events, such as wildfires, flooding, drought, and extreme weather conditions, provide strong support for such a finding.

Water resources across large areas of the country are at serious risk from climate change, with effects on water supplies, water quality, and adverse effects from extreme events such as floods and droughts. Even areas of the country where an increase in water flow is projected could face water resource problems from the supply and water quality problems associated with temperature increases and precipitation variability, as well as the increased risk of serious adverse effects from extreme events, such as floods and drought. The severity of risks and impacts is likely to increase over time with accumulating greenhouse gas concentrations and associated temperature increases and precipitation changes.

Overall, the evidence on risk of adverse impacts for coastal areas provides clear support for a finding that greenhouse gas air pollution endangers the welfare of current and future generations. The most serious potential adverse effects are the increased risk of storm surge and flooding in coastal areas from sea level rise and more intense storms. Observed sea level rise is already increasing the risk of storm surge and flooding in some coastal areas. The conclusion in the assessment literature that there is the potential for hurricanes to become more intense (and even some evidence that Atlantic hurricanes have already become more intense) reinforces the judgment that coastal communities are now endangered by human-induced climate change, and may face substantially greater risk in the future. Even if there is a low probability of raising the destructive power of hurricanes, this threat is enough to support a finding that coastal communities are endangered by greenhouse gas air pollution. In addition, coastal areas face other adverse impacts from sea level rise such as land loss due to inundation, erosion, wetland submergence, and habitat loss. The increased risk associated with these adverse impacts also endangers public welfare, with an increasing risk of greater adverse impacts in the future.

Strong support for an endangerment finding is also found in the evidence concerning energy, infrastructure, and settlements, as well as ecosystems and wildlife. While the impacts on net energy demand may be viewed as generally neutral for purposes of making an endangerment determination, climate change is expected to result in an increase in electricity production, especially supply for peak demand. This may be exacerbated by the potential for adverse impacts from climate change on hydropower resources as well as the potential risk of serious adverse effects on energy infrastructure from extreme events. Changes in extreme weather events threaten energy, transportation, and water resource infrastructure. Vulnerabilities of industry, infrastructure, and settlements to climate change are generally greater in high-risk locations, particularly coastal and riverine areas, and areas whose economies are closely linked

with climate-sensitive resources. Climate change will likely interact with and possibly exacerbate ongoing environmental change and environmental pressures in settlements, particularly in Alaska where indigenous communities are facing major environmental and cultural impacts on their historic lifestyles. Over the 21st century, changes in climate will cause some species to shift north and to higher elevations and fundamentally rearrange U.S. ecosystems. Differential capacities for range shifts and constraints from development, habitat fragmentation, invasive species, and broken ecological connections will likely alter ecosystem structure, function, and services, leading to predominantly negative consequences for biodiversity and the provision of ecosystem goods and services.

There is a potential for a net benefit in the near term for certain crops, but there is significant uncertainty about whether this benefit will be achieved given the various potential adverse impacts of climate change on crop yield, such as the increasing risk of extreme weather events. Other aspects of this sector may be adversely affected by climate change, including livestock management and irrigation requirements, and there is a risk of adverse effect on a large segment of the total crop market. For the near term, the concern over the potential for adverse effects in certain parts of the agriculture sector appears generally comparable to the potential for benefits for certain crops. However, The body of evidence points towards increasing risk of net adverse impacts on U.S. food production and agriculture over time, with the potential for significant disruptions and crop failure in the future.

For the near term, the Administrator finds the beneficial impact on forest growth and productivity in certain parts of the country from elevated carbon dioxide concentrations and temperature increases to date is offset by the clear risk from the observed increases in wildfires, combined with risks from the spread of destructive pests and disease. For the longer term, the risk from adverse effects increases over time, such that overall climate change presents serious adverse risks for forest productivity. There is compelling reason to find that the support for a positive endangerment finding increases as one considers expected future conditions where temperatures continue to rise.

Looking across all of the sectors discussed above, the evidence provides compelling support for finding that greenhouse gas air pollution endangers the public welfare of both current and . . .

I reserve the balance of my time.

Mr. BURGESS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. At this point, I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. GINGREY of Georgia. I want to thank my friend from Texas (Mr. BURGESS) for yielding and again thank the chairman of the Energy and Commerce Committee and the chairman of the Energy and Power Subcommittee, Messrs. Upton and Whitfield, for again

allowing me to speak on this amendment.

Much like the previous amendment, I rise again in strong opposition, opposition at this time to the Polis amendment because it seeks to give a duplicative authority to the EPA. This amendment would temporarily suspend H.R. 910 if the EPA administrator has ruled that ground-level ozone, extreme weather events, or an increase in food- and water-borne pathogens presents a significant danger to the public health, or that there are other significant threats to public health.

Madam Chair, under section 303 of the Clean Air Act, the EPA already has the authority to respond to any imminent and substantial endangerment to public health or welfare, or the environment. Therefore, this amendment is wholly unnecessary. Furthermore, the Polis amendment would give the EPA administrator the authority to move forward with a cap-and-trade agenda if the administrator believed that there were threats to public health from ozone, extreme weather, pathogens, or there are other significant threats to public health, which could be completely unrelated to greenhouse gases.

I wholeheartedly believe that this amendment is literally a hammer in search of a nail. The EPA already has the authority to address the concerns raised by this amendment and my friend from Colorado. I would urge my friend from Colorado to consider withdrawing this amendment; but if he doesn't, I would urge all of my colleagues to oppose it and continue to support the underlying legislation.

I reserve the balance of my time, Madam Chair.

Mr. POLIS. I thank the gentleman from Georgia. My concern is that the underlying bill removes some of the authority under these conditions that this amendment would reinstate. If this amendment merely restates this, I would hope that we can clarify the bill by specifically allowing the EPA the authority to suspend the prohibitions in the bill if a detailed analysis demonstrates that ground-level ozone, or extreme weather events, or food- and water-borne pathogens are a significant threat to public health. And, of course, we would hope that under their charge the EPA would then proceed if given this authority with regard to protecting the public health.

To the extent that this clarifies something that was consistent with the intent of the original bill, I would hope that the gentleman would accept it. If it is contrary to a small element of the bill, we would hope to reestablish that authority in the case of a significant threat to public health, again, with the additional burden and requirement of a detailed analysis under the law.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I want to point out to my colleague that the EPA, as I think I previously said, but just let me repeat it, the EPA has already concluded that greenhouse gases pose no public health emergency. And they stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effect such as respiratory or toxic effects."

I yield such time as he may consume, Madam Chair, to the gentleman from California (Mr. BILBRAY).

The Acting CHAIR. The gentleman from California is recognized for up to 2½ minutes.

Mr. BILBRAY. Let's be clear: We are not talking about greenhouse gases here because the regulations that have been proposed by the EPA do not address climate change. They don't address climate change. We are not talking about climate change here. We are talking about EPA proposing regulations that admitted by the administrator does not have any projections of what reductions you will have here. Remember, the minimum that we need to do to address the threat of climate change is 17 percent within 9 years. So let's be up front. This is not about climate change.

This is about proposed regulations by a bureaucracy in a field of law that was never meant to address this issue at all. And I say that as somebody who worked for over a decade at implementation of the Clean Air Act. All I have to say to the colleague, with the problems that you are pointing out, they are legitimate issues. But what is being proposed as an answer to a problem has not only nothing to do with and will not affect climate change, but it also will not affect the issues that you have raised.

So in reality, your amendment is not germane because the issues that you are concerned about don't exist. Because when you do nothing, you can't change anything.

□ 1720

And the fact that it is keeping somebody from selling a placebo does not solve the problem, or it does not aggravate the problem. The fact is what has been proposed by EPA is a placebo under a law that was never meant to administer this.

So let's not be concerned about if the placebo is not available to the public somehow there may be a concern with these items. They are legitimate items. But the EPA and the underlying bill does not affect those issues.

PARLIAMENTARY INQUIRY

Mr. POLIS. Madam Chair, I have a point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. POLIS. Is the amendment germane to the bill?

The Acting CHAIR. Under the circumstances that calls for an advisory opinion, which the Chair will not render.

The gentleman from Colorado has 1 minute remaining.

Mr. POLIS. Well, again, the Rules Committee found, and I believe the Parliamentarian advised, that the amendment was germane, and I have not been informed otherwise other than by the gentleman from California.

Does the gentleman want to appeal the ruling of the Parliamentarian? I believe that it is germane.

The Acting CHAIR. The amendment is pending. There is no occasion for a ruling on whether it is germane.

Mr. POLIS. The amendment is pending; that's correct. Well, again, if the rule does waive this, we discussed in Rules Committee yesterday, and I believe that all the non-germane amendments were not included under this rule.

Mr. BILBRAY. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. BILBRAY. As I said, it's not germane to the issue.

Mr. POLIS. Reclaiming my time, there might be a different use of the word "germane" by the gentleman. I would encourage all of us to try to be on the same page with regard to the word "germane."

It is germane to the bill, the topic.

Again, all my amendment does is say that if the EPA sees the danger they should act. It's a safety valve. The amendment respects the finding of the Supreme Court in the Massachusetts vs. EPA case that ensures that the Clean Air Act still has the ability to protect the public and that it is not removed under the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. The underlying bill tells the EPA in this case to perhaps ignore some science. My amendment says that the science shouldn't be ignored if it means you are risking people's lives.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. It's an important clarification and I urge support of the amendment.

The Acting CHAIR. The gentleman from Georgia has 45 seconds remaining.

Mr. GINGREY of Georgia. Madam Chair, this amendment would, in short, be an avenue for the EPA to move forward with back-door global warming regulations regardless of any relevant facts and circumventing the will of Congress and the public.

EPA should not be authorized to move forward with back-door global warming regulations. I urge my colleagues to vote against this amendment.

I yield the balance of my time to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. Just finally, I do want to underscore that greenhouse gases do not have a health impact. But in the odd event that someone were sprayed in the face with a greenhouse gas such as methane, the emergency powers exist under section 303 of the Clean Air Act to respond to the imminent and substantial endangerment of public health.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-54.

Mr. MARKEY. Madam Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. REDUCING DEMAND FOR OIL.

Notwithstanding any limitation on agency action contained in the amendment made by section 2 of this Act, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will reduce demand for oil.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chair, I rise in support of my amendment.

My amendment is quite simple. It just says that nothing, nothing that the Republicans are proposing today should put a limitation on the ability of the EPA to reduce the demand for importing oil from OPEC, which should be the number one objective in our country.

You know, we only have 2 percent of the world's oil reserves, and we consume 25 percent on a daily basis. That is our Achilles' heel, and there is nothing we can do about it.

So the only way in which we can solve the problem is if we reduce consumption by increasing the efficiency of the vehicles which we drive, of the boats which we use, of the planes that

we ride in, of the other sources that consume the oil that we use in our country.

And what they are going to do, the Republicans, is tie the hands of the EPA to back out the 5 million barrels of oil that we import from OPEC on a daily basis.

OPEC is not afraid of the Foreign Affairs Committee. OPEC is not afraid of the Armed Services Committee. It is the Energy Committee that they are afraid of.

They are afraid that one day we will actually have a policy that backs out their imported oil, that denies them the \$150 billion or \$200 billion a year that we send over to them that allows them to continue their dictatorships. That's what they are afraid of.

And what the Republicans are doing today is tying the hands of our country to be able to tell OPEC we don't need their oil anymore than we need their sands. That's the message that they are sending here today. That's the message the Republicans are sending to OPEC.

Have a good night's sleep. Don't worry. We are going to tie the hands of the EPA to back out that imported oil. That's why this amendment goes right to the heart of the national security of our country, right to the heart of our economic independence, as well as reducing greenhouse gases. The national security of our country is at stake in this amendment.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, my colleague just said the only way is to reduce demand. Well, that is not the only way.

Republicans continue to move on all-of-the-above energy strategies that increase supply. You know what happens when you increase supply? You increase jobs.

I brought this down numerous times over the past couple of years. Look what we could do. We could open up the OCS. Thousands and thousands of jobs could be created by oil and gas exploration. Look what we could do. We could take hundreds of years of supply of coal and turn it into liquid fuel.

Look what we could do. We could open up the pipelines and bring oil sands from Canada down.

We can be independent on transportation fuels. We cannot be, based upon allowing the EPA to price carbon.

The only way my colleagues want to get us to driving less is to make gasoline so high that no one can drive.

Now, that's okay when you live in major metropolitan areas, but when you live in rural southern Illinois, where you have got to drive long distances to get to school, to get to hos-

pitals, to get to church, every time you raise the price of gasoline, it hurts the poor and the middle class of rural America. So my colleague is just wrong.

I reserve the balance of my time.

Mr. MARKEY. I yield 1 minute to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. The important thing about this amendment is that we reduce the demand for oil, which is the primary area where we are dependent upon OPEC countries. And to do that, we have tighter fuel efficiency standards.

Without the Markey amendment, the EPA would not be able to continue with those tight fuel efficiency standards for motor vehicles, planes, et cetera.

According to Lisa Jackson from the EPA, who testified before our committee, this bill "would forfeit many hundreds of millions of barrels of oil savings at a time when gas prices are rising yet again." I cannot for the life of me understand why anyone would vote to massively increase America's oil independence.

I urge all Members to support the Markey amendment so we don't massively increase our oil dependence.

Mr. SHIMKUS. Madam Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Illinois has 3½ minutes remaining, and the gentleman from Massachusetts has 2 minutes remaining.

Mr. SHIMKUS. I yield 1½ minutes to the chairman of the Energy and Air Quality Committee, the gentleman from Kentucky (Mr. WHITFIELD).

□ 1730

Mr. WHITFIELD. I'm actually surprised the gentleman has offered an amendment related to oil because our bill that we have on the floor today completely preserves in every way the car rule under which EPA sets greenhouse gas emission standards for passenger cars and trucks for model year 2012 through 2016. That was agreed to by the Obama administration, the automobile industry, environmentalists, EPA and everyone; and that is preserved in this bill.

But let's talk about the electricity side. If we allow EPA to regulate greenhouse gases, we're going to skyrocket the cost of electricity which is going to make us less competitive in the global marketplace; we're going to lose more jobs to China and more jobs to India because those two countries are burning more coal because coal produces the lowest-cost electricity. And that's why we are opposed to this amendment of the gentleman because we've already preserved the car rule that the gentleman is concerned about.

Mr. MARKEY. I yield myself 1 minute.

And let me say this to you, the Republicans: I had an amendment out here to increase fuel economy standards from 25 to 35 miles per gallon in 2001, 2003, 2005. You voted against it every time. You said that it will ruin the auto industry if we improve the fuel economy standards. Do you know who ruined the auto industry? You did. In 2009, General Motors had to declare bankruptcy.

Now we have fuel economy standards at 35 miles per gallon. Do you want to know what they are reporting? Record profits. Do you know what Ford is reporting? Record profits and record hiring. Do you know who is opposed to your bill here today? The United Auto Workers oppose you. They believe it's going to undermine the efficiency and the job creation which is now possible. The United Auto Workers oppose you.

So, ladies and gentlemen, if you're looking for jobs or national security in this bill, make sure you vote for the Markey amendment because they are so historically so far off base with this bill that it cannot begin to be measured.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I now yield 1½ minutes to the former chairman, the gentleman from Texas, JOE BARTON.

Mr. BARTON of Texas. I rise in opposition to my good friend, Mr. MARKEY's, amendment. He must think EPA stands for "Energy Punishment Agency" as opposed to "Environmental Protection Agency." EPA's role is not to regulate the oil and gas industry. It's not to set an oil import fee. It's not to set quotas. It's to protect the environment. And the bill before us today does that. It restricts the Clean Air Act to its original intention, which is to regulate the criteria pollutants for which it was intended when it was passed in the early 1990s.

We are trying to segregate greenhouse gases from regulation under the Clean Air Act. That's all this bill does. It's not affecting fuel efficiency standards that NHTSA regulates and will continue to regulate. It doesn't have anything to do with that. We are simply saying that greenhouse gases should not be regulated under the existing Clean Air Act. We disagree with the Supreme Court decision that gave the EPA the authority to make a decision, and we definitely disagree with the endangerment finding, which I think was fatally flawed.

We can do a lot on decreasing oil imports both by supply increases in the United States and letting the market operate in an efficient fashion. We don't need the EPA to have some sort of a stranglehold on oil production in the United States of America.

Mr. MARKEY. I yield myself the balance of my time.

What the Republicans are doing in their bill is stripping the EPA of their

authority to regulate the fuel efficiency of vehicles that we drive in our country, of the planes, the trains and the boats where we put the petroleum. That's what their bill does. That's what the Supreme Court gave them as authority.

The gentleman says, EPA is misnamed. Well, let me just tell you under the Republicans, EPA stands for "Every Polluter's Ally." Under the Democrats, it stands for "End Petroleum Addiction." That's what the Markey amendment does. It gives the EPA the authority to back out this imported oil and to tell them that we're going to use the Oklahoma oil, the Texas oil and the Louisiana oil; but we don't need that oil coming out of the Persian Gulf any more than we need to send 100,000 young men and women over there.

Let's set a new policy path here today, ladies and gentlemen. Let's give those OPEC ministers a few sleepless nights. Let's not allow them to look at the Congress, once again ignoring the strength of our country, which is our technological genius, to be able to invent the new technologies that make us less dependent. And what did the Republicans do one month ago? They zeroed out all of the loan guarantees for solar and wind. They zeroed them out of the legislation. That's their all-of-the-above legislation.

Mr. SHIMKUS. I yield myself the balance of my time.

Madam Chairman, just to put things back on the table, H.R. 910 completely preserves the car rule under the EPA, emissions standards for passenger cars and trucks for model years 2012 to 2016. We had this debate in the committee, the subcommittee and the full committee. It's still there. And, unfortunately, you are acting as if it doesn't.

This is a really simple debate. This is a debate about whether we want more supply or less supply, whether we want more jobs or less jobs, whether we want higher energy prices or less energy prices. When you allow the EPA to regulate greenhouse gases, which is not a toxic emission, they do it by setting a price; and that price will drive our country into slowing economic growth, more job loss and higher costs.

So that's why we're here today. We're very excited about this debate today. It's about time we got to the floor and had a chance to vote on whether we want the EPA without legislative language to raise the cost of energy in this country. We say, no, reject the Markey amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

The Acting CHAIR. It's now in order to consider amendment No. 10 printed in House Report 112-54.

Mr. RUSH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 5. LIMITATION ON APPLICABILITY.

The provisions of this Act, and the amendments made by this Act, shall not apply until the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Defense, certifies that the consequences of climate change, including its potential to create sustained natural and humanitarian disasters and its ability to foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize security interests of the United States at home or abroad.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Madam Chair, my amendment revokes the provisions of this act from going into effect until the EPA administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad.

Madam Chair, the overwhelming majority of respected scientists and scientific organizations worldwide all agree that manmade greenhouse gases do contribute to climate change, and these impacts can be mitigated through policy to curb these emissions.

Just recently, a study by the National Academy of Science, conducted at the request of the U.S. Navy, concluded that climate change will pose a major challenge for the United States Navy in the emerging Arctic frontier.

One of the most serious threat analyses was done by a dozen of the country's most respected retired generals and admirals, in the 2007 CNA report, the "National Security and the Threat of Climate Change Report." In this study, Madam Chair, these retired generals and admirals concluded that climate change poses a serious threat to America's national security and that the national security consequences of climate change should be fully inte-

grated into national security and national defense strategies. The report goes on to say that climate change, national security, and energy independence all pose a related set of challenges for our military; and these threats should not be ignored or pushed down the road for future action.

□ 1740

Unfortunately, this Upton-Inhofe bill does exactly that. It pushes the challenges of regulating greenhouse gases, which contribute to climate change, further down the road for action at some later date far into the future.

I do not believe it is in America's best interest to delay acting on these threats that we know are currently endangering our health and way of life.

Madam Chair, I encourage all of my colleagues to support this amendment so we are not ignoring the warnings from our most esteemed military men, and we are proactive in fighting the threat of climate change before we are past the tipping point.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Michigan. Madam Chair, I can't think of anything more disconnected from national security than this amendment.

To speak on that, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I regretfully rise in opposition, not because the intention of this amendment isn't appropriately placed, but the science doesn't reflect the concern that the gentleman has pointed out. I say that with the understanding that the science, not talking about the concern about climate change, but the lack of science behind the proposed regulations that EPA has even discussed. There is no one who has been before our committee, as the gentleman knows, that has said that the proposed changes that EPA is bringing forth today or in the future is going to address or solve the problem.

The fact is that the problems that the gentleman is concerned about may be out there somewhere, but no one is saying that what the EPA is doing is going to avoid those problems. So by not having the EPA implement a program that nobody in the scientific community says will address the problem doesn't mean that somehow this will de facto cause the problem to be implemented or not avoided.

Basically I guess it says, again, what is being proposed by the EPA is an agency that was not designed to address climate change, with plans that not only were not designed, and using a vehicle that was not designed regarding this problem, but by the own admission of the administrator does not

even know, and can't give us even a slight percentage of what reduction we would have.

So I just have to say to my dear colleague from Illinois that I appreciate his concern, but his concern should not be us telling EPA not to implement rules that they admit will not address the problem and will not solve the problem. Our issue ought to be talking about how do we address those problems down the pike, because let's be very frank about it. The problems you are talking about are going to happen, and it is not because anyone on this side is denying the science; it is because people are trying to take advantage and exploit a crisis rather than address it.

I ask the gentleman again to be concerned but make sure that when you propose an action, let's make sure that those actions have a possibility of addressing the issues that you so sincerely are concerned about.

Mr. RUSH. Madam Chair, I yield myself 30 seconds.

Madam Chair, I am really astounded by the remarks of my friend from California. It seems that first of all they deny the scientists that have come before the committee, the many scientific organizations throughout the world who say that climate change is a reality. They deny this science and these scientists saying we are reaching a tipping point. Now, Madam Chair, they are denying the opinion and the warnings from the command shelter of our American military. I just don't know who will convince them.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I yield myself 2 minutes.

I appreciate the gentleman's passion for the issue, but I think when amendments like this hit the floor, it does a huge disservice to even the basis of their argument. You know, getting ready for World War II, we had a truck company in Ypsilanti, Michigan, that went from building pickup trucks with several thousand parts—in about 8 weeks, they converted it to building bomber airplanes with over a million parts. Only in America could that have happened to win the war. The great industrial arsenal of democracy happened in the great State of Michigan.

If you want to talk about national security issues, when you try to do this on cap and trade, what you are doing is wholesale departing manufacturing jobs and our ability to produce things in this country to places like China and India, who have laughed at cap and trade and said, we welcome those jobs.

We lost a million manufacturing jobs in our State alone. A million. Cap and trade. What you seek to do will lose 1.4 million more jobs.

Admiral Mullen said the greatest threat to our national security is our debt. When people aren't working, when America can't produce things, I

am telling you, we will do more to harm our national security than anything I can think of.

We are going to lose just in Michigan over 100,000 jobs in the next 25 years. So guess what? You want to talk about national security, someone who is unemployed and not paying taxes to help solve the debt problem is a national security threat, when you want to make unreasonable expectations.

I want clean water, and I want clean air. I don't want the EPA shutting down factories that produce and actually produced the largest middle class in the history of the world. Why we would attack that and label that as a national security interest defies even the greatest of imaginations, Madam Chair.

I reserve the balance of my time.

Mr. RUSH. Madam Chair, I yield the balance of my time to the gentleman from California (Mr. WAXMAN) to close.

Mr. WAXMAN. I rise in support of the Rush amendment.

The problem of national security is threatened in two ways by the Inhofe-Upton bill. It increases our oil dependence because we take away the tools for addressing this oil dependence by not allowing EPA to set tighter efficiency standards which reduce our demand for oil.

Secondly, it takes away our tools to deal with the problem of climate change itself.

Former senior military officers wrote to us and asked that we not undermine the Clean Air Act. They are concerned this will increase our dependence on oil, and that such dependence is truly dangerous. In 2009, 10 retired general and admirals described how our oil dependence funds terrorism. It puts large sums of money in the hands of unfriendly regimes like Iran and Venezuela. Iran provides weapons to Hezbollah and supports insurgents in Iraq.

And climate change itself, according to the State Department, is going to bring about more migrant and refugee flows, more conflicts over resources, drought and famine, and catastrophic natural disasters. That is a threat to our national security, and the Rush amendment will allow EPA to address it.

Mr. ROGERS of Michigan. Madam Chair, I thank the gentleman for making our point for us. When you shut down production of oil and natural gas into the United States, we have to import more because we are still driving more. We have absolutely put ourselves at the mercy of a whole region of the world that is inflamed in trying to figure out who they are. And it has raised our prices. It went from \$1.83 2 years ago to \$4 a gallon.

If you want to be serious about getting this right, let the EPA do what it does best—clean air, clean water—and let the national security folks keep us

safe and increase production so that for goodness sake, somebody can afford to drive to work.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

□ 1750

AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-54.

Mr. DOYLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following:

SEC. 5. STUDY ON EFFECT OF EPA CLIMATE CHANGE REGULATIONS ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES PRODUCERS OF ENERGY-INTENSIVE PRODUCTS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study to determine, with respect to the period beginning on such date of enactment and ending on December 31, 2016, the extent to which the regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of this Act, would—

(A) cause greenhouse gas leakage; and

(B) reduce the international competitiveness of United States producers of energy-intensive products; and

(2) submit a report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term “energy-intensive product” means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(i) is sold in bulk for purposes of further manufacture; and

(ii) generates, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions generated in the manufacture or production of products identified in subparagraph (A).

(2) The term “greenhouse gas leakage” means an increase in greenhouse gas emissions abroad because of the movement of the

production of economic goods from the United States to other countries.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Pennsylvania (Mr. DOYLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DOYLE. I yield myself 2 minutes.

Madam Chair, I sit on the Energy and Commerce Committee and on the Energy and Power Subcommittee, which has primary jurisdiction of H.R. 910. As such, I have been at several hearings on this bill where my colleagues on the Republican side of the aisle have claimed that the pending EPA regulations on greenhouse gases will cause our industries to pack up and move overseas, taking with them our jobs and our carbon emissions.

At a committee hearing on this bill held in March of this year, our chairman told us, "We live in a global economy with global competition, and nations like China absolutely have no intention of similarly burdening their industries. Manufacturing will leave this country unless the EPA is stopped."

Madam Chair, unfortunately, my colleagues on the Republican side of the aisle have forgotten to check with the Chinese. Just 2 days ago, a report came out saying China will impose a tax on energy usage of eight industrial sectors, including iron and steel, aluminum and cement. Xie Zhenhua, vice chairman of National Development and Reform, said that China has launched pilot carbon emission trading schemes in some of their provinces. So much for this idea that all these jobs are going to China because there's no taxing there or that they're not looking at a trading scheme.

While I dispute the claims of my colleagues that China has no intention of addressing climate change, what I am more concerned about is the varying claims that these regulations will ship jobs overseas. What we have as an amendment here is to address that very question: Are these industries here in America that utilize energy-intensive processes and have special trade pressures, what will the effect of these regulations be on those types of industries?

In the last Congress, I worked with Congressman INSLEE to develop and address job and carbon leakage issues when we did the American Clean Energy Security Act. We were able to develop a fair system of distributing these allowances. This amendment proposes to do the same thing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DOYLE. Thank you.

I will reserve the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Madam Chairman, this is an interesting amendment. This is an amendment to a bill to study the cost of regulations that if this bill goes through, regulations won't exist. I don't get it, but okay.

We don't need another study. We need jobs. I come from the 11th Congressional District in Illinois. We have high unemployment. Where I come from is an industry base, a manufacturing base. Americans are hurting. We have high unemployment. Statistics show that jobs are leaving at a record pace.

There is no longer any question about whether the EPA's climate change regulations would actually hurt international competitiveness and affect American companies. We already know they would. We already know that. I talked to a factory in my district that said when cap-and-trade was going to be passed, or this de facto cap-and-trade that's being looked at, if that passes, that will definitely result in them leaving. There's no benefit. It's a higher cost of doing business. It makes us uncompetitive in the free world, especially in areas affected where we have an ability to trade with other countries.

Now here's the very interesting part about that, though. We're concerned about the environment, and we're very concerned about the environment. When you add cost to doing business in a country that already well regulates what is put out of an industry's smokestack and you add cost to that, you drive those businesses overseas into areas where they have far less environmental regulation. So not only are we losing jobs here in the United States, not only is the middle class continuing to be squeezed again by not having their manufacturing jobs, but now we've hurt the environment.

This is backwards. This isn't what we want to do. This isn't the kind of America that we strive to come back to, to get a middle class that's vibrant and producing things and exporting them overseas and people are getting a good paycheck. This amendment studies something that will not exist if we pass this bill.

We heard from a wide cross-section of energy producers and manufacturers on the Energy and Commerce Committee who testified as to the harm these regulations will do in steel and chemical and refineries. The fact that China, India and other industrial competitors have no intention of imposing similar regulations is further evidence that such regulations are costly and economically damaging.

I reserve the balance of my time.

Mr. DOYLE. Madam Chair, I yield myself 15 seconds to say to the gentleman that maybe he wasn't here

when I just read the fact that China is imposing a tax on their industries, is looking at cap-and-trade.

I would also say to the gentleman who says why we want a study for a bill that is going to abolish these regulations, your bill is never going to become law. This bill has a veto threat. We need to do a study to see what the implications are on our industries.

I would now like to yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman from Pittsburgh.

I would just like to lend my voice to taking this and studying this, because there are issues here. There will be a transition. We want our businesses to be aware of what the actual statistics are, to study these regs, what they're going to be and what the effects are going to be. But in no way, shape or form does this diminish mine or I don't think anyone else's support for a green energy future that we need in the United States.

I have been sitting here listening and you have several Members over there saying, "China isn't going to do cap-and-trade." The fact is they're starting to do it. "China is never going to tax carbon." The fact is they're starting to do it. And now we have dropped from first place in leading the green revolution to second, now to third, behind China, Germany, and now the United States.

These are manufacturing jobs. Tons and tons of steel go into a windmill; 8,000 component parts. They manufacture them in Illinois, in Ohio, in Pennsylvania. These are jobs for our people. Why else would the United Steelworkers of America be against this and be for the green revolution? We're making this happen, and we have to get out of our own way while we do it.

Mr. KINZINGER of Illinois. I yield myself 15 seconds to say that China is not the only other country. There are hundreds of countries, hundreds of opportunities for American companies to go overseas if they are forced and squeezed out of this. I think green energy future is a code word for a no manufacturing jobs future.

With that, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I always enjoy my colleague MIKE DOYLE because I have a good friend, Mike Doyle, who was actually the first world champion surfer; so I always remind him of that connection.

But let me just say to my colleagues, I hope you're not under some illusion that China is even considering reducing their greenhouse gas emissions by 17 percent within this decade. I hope you don't have that illusion.

But let's point out what we really need to address with this issue. You do not need a study, Congressman, about the impacts. Your State is sitting at 8

percent. My State is sitting at 12 percent unemployment. If you really want to see what happens if you're not careful about the impacts and the costs of going green, which we have, we've had a great breakthrough. Our air has been cleaned up a lot more. But there are challenges of going beyond that and going into things that are not cost effective.

Let me remind you, the great successes we've had with cleaning up our air in California is we always gave priority to those emissions that had the greatest health risk. We didn't go after one that wasn't even on the scale. CO₂ is not even on the health risk scale.

Let me just give you a good example. I'm a big supporter of algae. Our scientists in California developed algae fuel. Our State institutions and our educational institutions had the scientists that developed the technology to be able to make fuel out of algae. But when it came time to produce it, when it came time to create the jobs, I hope the gentleman understands that our scientists had to leave the State and go to New Mexico, because our environmental regulations were such that it didn't allow us to implement our green revolution.

So, I hope all of those that are talking about a green revolution today are willing to take on the environmental, regulatory, and oversight problems that exist in implementation, because without casting those aside, you'll never see that revolution.

□ 1800

Mr. DOYLE. Madam Chair, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining, and the gentleman from Illinois has 15 seconds remaining.

Mr. DOYLE. I yield 1 minute to my good friend, the gentleman from Washington, JAY INSLEE.

Mr. INSLEE. It is deeply disappointing that our Republican colleagues are so willing, able—and apparently eager—to shut down the government. This bill fundamentally shuts down the government. It shuts down the ability of the Environmental Protection Agency to help lead us into a clean energy future.

Why shut down an agency that can help develop these biofuels that we were just talking about? Why do they want to shut down the engine of innovation? Why do they want to shut down our effort to find a solution for energy-intensive industries? The steel industry, the aluminum industry, the cement industry, the paper pulp industry need solutions to this. We offered one. Yet the Republicans have no solutions.

Shutting down the government is not a solution. Shutting down the EPA is not a solution. Shutting down American innovation is not a solution. This

is an amendment that makes a statement that we ought to study science and economics and come up with a solution in a bipartisan way.

Mr. KINZINGER of Illinois. I yield myself the balance of my time.

I only have 15 seconds.

I heard two crazy things. Number one, this doesn't change the Clean Air Act at all. This prevents them from going outside of the legislative will of the American people and implementing a legislative idea. By the way, if we're looking at a government shutdown, it's not because we haven't tried on this side; it's because no budget was passed last year.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DOYLE. I would like to yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I just want to make two points because we hear a lot from the other side about Ronald Reagan, and I know they burn incense and light candles for Ronald Reagan. In the 1980s, it was President Reagan who used cap-and-trade for leaded gasoline, and it was George Herbert Walker Bush who used cap-and-trade for sulfur.

This is something that can be done if we put a price on this stuff. Lead the world, not be led.

Mr. DOYLE. Madam Chair, let me just close by saying to my colleagues that all we're asking for is to put some good data behind this. Let's study it. Let's have the EPA take a look at this. Let's see what the effects are on our energy-intensive industries, because this is an issue we're going to have to deal with eventually, and we want to have good data behind it. Let's not have all the stories be anecdotal. Let's have the agency study this, and let's work together to find solutions to protect our industries while we clean up our environment for our kids and our grandkids.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DOYLE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. KIND

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-54.

Mr. KIND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.

The Clean Air Act (42 U.S.C. 7401 and following) is amended by adding the following new section after section 329:

“SEC. 330. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.

“(a) NEW SOURCE REVIEW.—

“(1) GENERAL RULE.—

“(A) EXCLUDING GREENHOUSE GAS EMISSIONS FROM PERMITTING APPLICABILITY DETERMINATIONS.—

“(i) For purposes of determining whether a stationary source is a ‘major emitting facility’ pursuant to section 169(1), such determination shall not be based on emissions of any air pollutant subject to regulation solely on the basis of such pollutant’s contribution to global climate change.

“(ii) For purposes of determining whether a stationary source has undertaken ‘construction’ pursuant to section 165(a), such determination shall not be based on an increase in the amount of any air pollutant subject to regulation solely on the basis of such pollutant’s contribution to global climate change, nor be based on resulting emissions of such an air pollutant not previously emitted.

“(B) EXCLUDING SMALL GREENHOUSE GAS SOURCES FROM PERMITTING REQUIREMENTS.— No requirement of sections 160 through 169 shall apply with respect to any greenhouse gas unless such gas is subject to regulation under this Act for reasons independent of its effects on global climate change or the gas is emitted by a source that is—

“(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in an amount of at least 75,000 tons carbon dioxide equivalent per year; or

“(ii) an existing major emitting facility that undertakes construction which increases the amount of greenhouse gases, or which results in emission of greenhouse gases not previously emitted, on a mass basis and by at least 75,000 tons carbon dioxide equivalent per year.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), as of July 1, 2011, for purposes of section 160 through 169, the term ‘major emitting facility’ shall include a stationary source—

“(A) that is—

“(i) a new stationary source that will emit, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); or

“(ii) an existing stationary source that emits greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013) and that undertakes a physical change or change in the method of operation that will result in an emissions increase of greenhouse gases of at least 75,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 75,000 set by the Administrator by regulation effective no earlier than July 1, 2013); and

“(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year mass emissions.

“(3) NONPROFIT INSTITUTIONS.—For purposes of section 169(1), no provision in this

subsection shall include within the term 'major emitting facility' any new or modified facility which is a nonprofit health or educational institution which has been exempted by the state in which it is located.

“(b) TITLE V OPERATING PERMITS.—

“(1) GENERAL RULE.—Notwithstanding any provision of this title or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely due to its status as a major source of greenhouse gases that are subject to regulation under this Act solely on the basis of their effect on global climate change.

“(2) SPECIAL RULE.—As of July 1, 2011, the provisions of paragraph (1) of this subsection shall not apply to any stationary source that emits or has the potential to emit at least 100,000 tons per year carbon dioxide equivalent (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013).

“(c) DEFINITION OF GREENHOUSE GAS.—For purposes of this section, the term ‘greenhouse gas’ means the following:

“(1) Carbon dioxide.

“(2) Methane

“(3) Nitrous oxide.

“(4) Sulfur hexafluoride.

“(5) Hydrofluorocarbons.

“(6) Perfluorocarbons.

“(7) Nitrogen trifluoride.

“(8) Any other anthropogenic gas if the Administrator determines that one ton of such gas has the same or greater effect on global climate change as does one ton of carbon dioxide.”.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I may consume.

Madam Chair, the bill that we are debating today just goes too far. It repeals a scientific finding and represents an aggressive assault on the Clean Air Act, a bipartisan law originally implemented by President Nixon that has successfully protected the public health for over 40 years.

I represent a rural district in western Wisconsin that has approximately 180,000 rural electric co-op members that are concerned about possible new EPA regulations and their impact on them. I share their concerns, and I agree that we have to approach this issue reasonably. Still, the approach under H.R. 910 isn't the right one. There is a middle ground that can be found, which is why I, along with my friend and colleague from New York (Mr. OWENS), am offering, really, an amendment in the nature of a substitute today. This amendment would permanently protect farms, small businesses and small- and medium-sized stationary sources from greenhouse gas regulation by codifying the Environmental Protection Agency's Tailoring Rule.

The Tailoring Rule, itself, represents a compromise. Despite being court-ordered to regulate greenhouse gases, the EPA took into account our fragile

economy, and proposed a narrow rule that would exempt the vast majority of stationary sources from any regulation. Through the rule, the EPA takes the appropriate approach to regulating greenhouse gases by only requiring very large, new and expanded emitters to seek permits. My friends on the other side of the aisle, however, believe that the EPA intends to go even further than the Tailoring Rule, and will ultimately implement a tax on energy just as China is beginning to today; but voting for this amendment will prevent the EPA from doing this.

Some fear that farms or businesses will be regulated under this rule. Our amendment prevents this from ever occurring. Under the Tailoring Rule, the EPA has not identified even one farm that would meet the regulation threshold. That's because you'd have to have over 116,000 beef cattle or 152 million broiler chickens on a single farm to trigger the regulation. There isn't a farm in the United States, let alone western Wisconsin, that fits that definition. Further, this amendment will provide the utility industry with the certainty that they have requested. Industry will know precisely what will trigger permit requirements, and will be able to plan accordingly.

H.R. 910 takes an extreme approach to the EPA regulation of these carbon emissions by repealing a scientific finding so compelling that even the Bush administration determined that they were unable to ignore it. The science is clear: Climate change is real, and greenhouse gases pose a serious threat to human health.

I think we can all agree that we'd rather have Congress act to curb greenhouse gas emissions, and I would certainly prefer that approach, but we haven't been able to get our act together in this body. What we can do is protect public health and local economies by codifying the Tailoring Rule.

I urge my colleagues to support this amendment because it is a common-sense solution that accepts the scientific evidence that greenhouse gases are dangerous to human health, and it enacts a workable solution that will protect human health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements.

I reserve the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called “Tailoring Rule” without there being any authority in the Clean

Air Act to do so. The proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA.

There is a button that was very popular in my district—and still is—which reads, “Who elected the EPA?” The answer is no one; but we know who elects us. The people of the United States elect us, and they elect us to make the laws. This amendment makes it clear that this is where it belongs; thus, we should pass the bill. The amendment should be defeated. The bill should be passed.

It also makes clear that the EPA is overreaching and that they had to come up with a Tailoring Rule because, as they say, without it, it creates an absurd result, but those absurd results flow from the EPA's determination to reach these greenhouse gases as if they were harmful pollutants.

Now, ladies and gentlemen, this amendment, contrary to its patron's assertions, does not shield small businesses or farms, because it does not block the avalanche of additional greenhouse gas rules that come under various clean air programs. The EPA's greenhouse gas regulations will drive up the prices of gasoline, electricity, food, goods and services; and the cost of these regulations will be passed on to everyone, including to small businesses.

That's why the National Federation of Independent Business supports H.R. 910. A vote in favor of H.R. 910 will be scored as a major vote for the NFIB. The NFIB has said that using the Clean Air Act as a framework will trigger an avalanche of regulatory requirements that will burden hundreds of thousands of previously unregulated sources, including many small entities.

I ask that you reject the amendment.

Mr. KIND. Madam Chair, I would like to yield 1½ minutes to the coauthor of this amendment, my friend from New York (Mr. OWENS).

□ 1810

Mr. OWENS. I thank the gentleman.

I would like to point out that my predecessor, a respected Member of the other side of the aisle, Mr. McHugh, was very supportive of regulation of mercury and acid rain because it negatively impacted the New York 23rd. I think we need to act responsibly in each of these situations, and we need to make sure that we are working off, not the science of proponents, but the science of understanding of the issues.

When we look at my district, it has taken great strides in terms of moving forward with green and renewable energy. We have wood—which we have plenty of in the Adirondacks—we have wind energy, and we have hydro, all of which are contributing to jobs and making our economy a green and sustainable economy.

I think it is very important to understand that what this legislation does

is, in fact, eliminate regulation for the small businesses and farms in my district. I urge my colleagues to support this amendment and to reject the underlying legislation.

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining; the gentleman from Wisconsin has 30 seconds remaining.

Mr. WHITFIELD. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I apologize, but I have to say to the gentleman, you know, wood burning, under oxygen-deprived environment, is a terrible particulate pollutant. So I don't think anybody involved in air pollution issues would ever point out that wood burning is something we want to point to. It may be renewable—and I appreciate you saying that, and I think it's very good that you said that because I think we mix renewable with clean all the time. But there are those renewable sources that are very, very bad for the air pollution issue. I just wanted to make sure we went by and didn't point at that.

In California, we have actually tried to outlaw wood-burning stoves because of the problems with the air pollution and the toxin emissions that are caused by the particulate problem with it.

Mr. KIND. Madam Chair, I yield the balance of my time to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. WAXMAN. The advocates of the underlying bill have said that EPA is going to regulate a lot of other sources. What this Kind-Owens amendment does is says that EPA will not be allowed to regulate farms, small businesses, and other small and medium-size sources of pollution. This makes sense, and it deals with the problem that has been raised about EPA. It is a commonsense solution. We ought to support it and make sure that the tailoring rule is all that would be applicable for EPA to do.

Mr. WHITFIELD. I yield myself the balance of my time.

Well, I would say to you that EPA adopted this tailoring act because they bit off more than they could chew, initially. That's why a lawsuit has been filed against them, because they violated the clear language of the Clean Air Act that says if anything emits more than 150 tons per year, or 250 tons per year, it must be regulated if they've had an endangerment finding, as they did in this case.

And so this amendment would simply gut the entire bill and place the tailoring law there in its place. Under this tailoring rule, they would be able to go down to 50-tons-per-year emissions. But the question becomes, what happens after the year 2013? You have two

conflicting parts of this Clean Air Act as a result if we adopt this amendment.

One thing we know for certain, EPA is already involved in too many lawsuits. In fact, we're trying to find out now exactly how many lawsuits. We feel like this bill that we are trying to pass in the Congress today, H.R. 910, is simply Congress reasserting itself into the Clean Air Act because for too long decisions have been made by unelected bureaucrats at EPA; lawsuits are being filed. Almost every time anyone applies for a permit EPA runs and enters into a consent decree, and then the Federal judge will award legal fees to the plaintiffs. We think it's time to reassert ourselves into this process.

This is a good bill, H.R. 910. It says that it was never the intent of Congress for EPA to regulate greenhouse gases. We do not in any way interfere with their ability to regulate ambient air quality standards, particulate matter, the hazardous air pollutants—we have about 200 or so of those listed—acid rain, any of those things.

This is a great bill. Let's defeat this amendment. I urge passage of H.R. 910.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KIND. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-54 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. MURPHY of Connecticut.

Amendment No. 6 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. POLIS of Colorado.

Amendment No. 9 by Mr. MARKEY of Massachusetts.

Amendment No. 10 by Mr. RUSH of Illinois.

Amendment No. 11 by Mr. DOYLE of Pennsylvania.

Amendment No. 12 by Mr. KIND of Wisconsin.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the

gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 233]

AYES—161

Ackerman	Gonzalez	Neal
Andrews	Green, Al	Owens
Baca	Green, Gene	Pallone
Baldwin	Grijalva	Pascarell
Bass (CA)	Gutierrez	Pastor (AZ)
Becerra	Hanabusa	Payne
Berkley	Hastings (FL)	Pelosi
Berman	Heinrich	Peters
Bishop (NY)	Higgins	Polis
Blumenauer	Himes	Price (NC)
Boswell	Hinchee	Quigley
Brady (PA)	Hinojosa	Reyes
Bralley (IA)	Hirono	Richardson
Brown (FL)	Holt	Richmond
Butterfield	Hoyer	Rothman (NJ)
Capps	Inslee	Roybal-Allard
Capuano	Israel	Ruppersberger
Carnahan	Jackson (IL)	Rush
Carney	Jackson Lee	Ryan (OH)
Carson (IN)	(TX)	Sánchez, Linda
Castor (FL)	Johnson (GA)	T.
Chu	Johnson, E. B.	Sarbanes
Ciilline	Kaptur	Schakowsky
Clarke (MI)	Keating	Schiff
Clarke (NY)	Kildee	Schwartz
Clay	Kind	Scott (VA)
Cleaver	Kissell	Scott, David
Clyburn	Kucinich	Serrano
Cohen	Langevin	Sherman
Connolly (VA)	Larsen (WA)	Sires
Conyers	Larson (CT)	Slaughter
Cooper	Lee (CA)	Speier
Courtney	Levin	Stark
Crowley	Lewis (GA)	Sutton
Cummings	Lipinski	Thompson (CA)
Davis (CA)	Loeb sack	Thompson (MS)
Davis (IL)	Lofgren, Zoe	Tierney
DeFazio	Lowey	Tonko
DeGette	Lujan	Towns
DeLauro	Lynch	Tsongas
Deutch	Maloney	Van Hollen
Dicks	Markey	Velázquez
Dingell	Matsui	Walz (MN)
Doggett	McCarthy (NY)	Wasserman
Doyle	McCollum	Schultz
Edwards	McDermott	Waters
Ellison	McGovern	Watt
Engel	McNerney	Waxman
Eshoo	Michaud	Weiner
Farr	Miller (NC)	Welch
Fattah	Miller, George	Wilson (FL)
Filner	Moran	Woolsey
Frank (MA)	Murphy (CT)	Wu
Fudge	Nadler	Yarmuth
Garamendi	Napolitano	
	NOES—259	
Adams	Biggert	Buerkle
Aderholt	Bilbray	Burgess
Akin	Bilirakis	Burton (IN)
Alexander	Bishop (GA)	Calvert
Altmire	Bishop (UT)	Camp
Amash	Black	Campbell
Austria	Blackburn	Canseco
Bachmann	Bonner	Capito
Bachus	Bono Mack	Cardoza
Barletta	Boren	Carter
Barrow	Boustany	Cassidy
Bartlett	Brady (TX)	Chabot
Barton (TX)	Brooks	Chaffetz
Bass (NH)	Broun (GA)	Chandler
Benishek	Buchanan	Coble
Berg	Bucshon	Coffman (CO)

Cole Johnson (IL) Rahall
 Conaway Johnson (OH) Reed
 Costello Johnson, Sam Rehberg
 Cravaack Jones Reichert
 Crawford Jordan Renacci
 Crenshaw Kelly Ribble
 Cuellar King (IA) Rigell
 Culberson King (NY) Rivera
 Davis (KY) Kingston Roby
 Denham Kinzinger (IL) Roe (TN)
 Dent Kline Rogers (AL)
 DesJarlais Labrador Rogers (KY)
 Diaz-Balart Lamborn Rogers (MI)
 Dold Lance Rohrabacher
 Donnelly (IN) Landry Rokita
 Dreier Lankford Rooney
 Duffy Latham Ros-Lehtinen
 Duncan (SC) LaTourette Roskam
 Duncan (TN) Latta Ross (AR)
 Ellmers Lewis (CA) Ross (FL)
 Emerson LoBiondo Royce
 Farenthold Long Runyan
 Fincher Lucas Ryan (WI)
 Fitzpatrick Luetkemeyer Scalise
 Flake Lummis Schilling
 Fleischmann Lungren, Daniel Schmidt
 Fleming E. Schock
 Flores Mack Schrader
 Forbes Manzullo Schweikert
 Fortenberry Marchant Scott (SC)
 Foxx Marino Scott, Austin
 Franks (AZ) Matheson Sensenbrenner
 Gallegly McCarthy (CA) Sessions
 Gardner McCaul Sewell
 Garrett McClintock Shimkus
 Gerlach McCotter Shuler
 Gibbs McHenry Shuster
 Gibson McIntyre Simpson
 Gingrey (GA) McKeon Smith (NE)
 Gohmert McKinley Smith (NJ)
 Goodlatte McMorris Smith (TX)
 Gosar Rodgers Smith (WA)
 Gowdy Meehan Southerland
 Granger Mica Stearns
 Graves (GA) Miller (FL) Stivers
 Graves (MO) Miller (MI) Stutzman
 Griffin (AR) Miller, Gary Sullivan
 Griffith (VA) Mulvaney Terry
 Grimm Murphy (PA) Thompson (PA)
 Guinta Myrick Thornberry
 Guthrie Neugebauer Tiberi
 Hall Noem Tipton
 Hanna Nugent Turner
 Harper Nunes Upton
 Harris Nunnelee Vislosky
 Hartzler Olson Walberg
 Hastings (WA) Palazzo Walden
 Hayworth Paul Walsh (IL)
 Heck Paulsen Webster
 Heller Pearce West
 Hensarling Pence Westmoreland
 Herger Perlmutter Whitfield
 Herrera Beutler Peterson Wilson (SC)
 Holden Petri Wittman
 Huelskamp Pitts Wolf
 Huizenga (MI) Platts Womack
 Hultgren Poe (TX) Woodall
 Hunter Pompeo Yoder
 Hurt Posey Young (AK)
 Issa Price (GA) Young (FL)
 Jenkins Quayle Young (IN)

NOT VOTING—12

Cantor Giffords Oliver
 Costa Honda Pingree (ME)
 Critz Meeks Rangel
 Frelinghuysen Moore Sanchez, Loretta

□ 1843

Mr. MEEHAN changed his vote from "aye" to "no."

Ms. BALDWIN, Messrs. CARNEY, BERMAN, Ms. SCHAKOWSKY and Mr. CLEAVER changed their vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR (Mr. WESTMORELAND). The unfinished business is the

demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 266, not voting 9, as follows:

[Roll No. 234]

AYES—157

Ackerman Green, Gene Pascrell
 Andrews Grijalva Pastor (AZ)
 Baca Hanabusa Payne
 Baldwin Hastings (FL) Pelosi
 Bass (CA) Heinrich Perlmutter
 Becerra Higgins Peters
 Berkeley Himes Polis
 Berman Hinchey Price (NC)
 Bishop (GA) Hinojosa Reyes
 Bishop (NY) Holt Richardson
 Blumenauer Honda Richmond
 Hoyer Hoyer Rothman (NJ)
 Inslee Inslee Roybal-Allard
 Israel Israel Ruppertsberger
 Butterfield Jackson (IL) Rush
 Capps Jackson Lee Ryan (OH)
 Capuano (TX) Sánchez, Linda
 Carnahan Johnson (GA) T.
 Carney Johnson, E. B. Sarbanes
 Carson (IN) Kaptur Schakowsky
 Castor (FL) Keating Schiff
 Chu Kildee Schwartz
 Ciulline Kind Scott (VA)
 Clarke (MI) Kissell Scott, David
 Clarke (NY) Kucinich Serrano
 Clay Langevin Sherman
 Cleaver Larson (CT) Sires
 Lee (CA) Levin Slaughter
 Cohen Lewis (GA) Smith (WA)
 Conyers Lipinski Speier
 Cooper Lipinski Speier
 Courtney Loeb sack Stark
 Crowley Lowey Sutton
 Cummings Luján Thompson (CA)
 Davis (CA) Lynch Thompson (MS)
 Davis (IL) Maloney Tierney
 DeFazio Markey Tonko
 DeGette Matsui Towns
 DeLauro McCarthy (NY) Tsongas
 Deuch McCollum Van Hollen
 Dingell McDermott Velázquez
 Doggett McGovern Walz (MN)
 Doyle McNerney Wasserman
 Edwards Michaud Schultz
 Ellison Miller (NC) Schultz
 Engel Miller, George Waters
 Eshoo Moore Watt
 Fattah Moran Waxman
 Filner Murphy (CT) Weiner
 Frank (MA) Nadler Welch
 Fudge Napolitano Wilson (FL)
 Garamendi Neal Woolsey
 Gonzalez Owens Wu
 Green, Al Pallone Yarmuth

NOES—266

Bartlett Bonner
 Aderholt Barton (TX) Bono Mack
 Akin Bass (NH) Boren
 Alexander Benishek Boswell
 Altmire Berg Boustany
 Amash Biggert Brady (TX)
 Austria Bilbray Brooks
 Bachmann Billirakis Broun (GA)
 Bachus Bishop (UT) Buchanan
 Barletta Black Buchson
 Barrow Blackburn Buerkle

Heller Platts
 Hensarling Poe (TX)
 Herger Pompeo
 Herrera Beutler Posey
 Hirono Price (GA)
 Holden Quayle
 Cantor Huelskamp Quigley
 Capito Huizenga (MI) Rahall
 Cardoza Hultgren Reed
 Carter Hunter Rehberg
 Cassidy Hurt Reichert
 Chabot Issa Renacci
 Chaffetz Jenkins Ribble
 Chandler Johnson (IL) Rigell
 Coble Johnson (OH) Rivera
 Coffman (CO) Johnson, Sam Roby
 Cole Jones Roe (TN)
 Conaway Jordan Rogers (AL)
 Connolly (VA) Kelly Rogers (KY)
 Costello King (IA) Rogers (MI)
 Cravaack King (NY) Rohrabacher
 Crawford Kingston Rokita
 Crenshaw Kinzinger (IL) Rooney
 Critz Kline Luetkemeyer
 Cuellar Labrador Ros-Lehtinen
 Culberson Lamborn Roskam
 Davis (KY) Lance Ross (AR)
 Denham Landry Ross (FL)
 Dent Lankford Royce
 DesJarlais Larsen (WA) Runyan
 Diaz-Balart Ryan (WI) Latham
 Dicks LaTourette Scalise
 Dold Latta Schilling
 Donnelly (IN) Lewis (CA) Schmidt
 Dreier LoBiondo Schock
 Duffy Lofgren, Zoe Schrader
 Duncan (SC) Long Schweikert
 Duncan (TN) Lucas Scott (SC)
 Ellmers Luetkemeyer Scott, Austin
 Emerson Lummis Sensenbrenner
 Farenthold Lungren, Daniel Sessions
 Farr E. Sewell
 Fincher Mack Shimkus
 Fitzpatrick Shuler Shuler
 Flake Fleischmann Simpson
 Fleming Marino Matheson
 Flores McCarthy (CA) Smith (NE)
 Forbes McHenry Smith (NJ)
 Fortenberry McCotter Smith (TX)
 Foxx McCotter Southerland
 Franks (AZ) Franks (AZ) Stivers
 Gallegly Gohmert Stutzman
 Gardner Gardner Stutzman
 Garrett Karrett Sullivan
 Gerlach Gerlach Terry
 Gibbs Gibbs Thompson (PA)
 Gibson Meehan Thornberry
 Gingrey (GA) Mica Tiberi
 Gohmert Miller (FL) Tipton
 Goodlatte Miller (MI) Turner
 Gosar Miller, Gary Upton
 Gowdy Mulvaney Vislosky
 Granger Murphy (PA) Walberg
 Graves (GA) Myrick Walden
 Graves (MO) Neugebauer Walsh (IL)
 Griffin (AR) Noem Webster
 Griffith (VA) Nugent West
 Grimm Nunes Westmoreland
 Guinta Nunnelee Whitfield
 Guthrie Olson Wilson (SC)
 Hall Palazzo Wittman
 Hanna Paul Wolf
 Harper Paulsen Womack
 Harris Pearce Woodall
 Hartzler Pence Yoder
 Hastings (WA) Peterson Young (AK)
 Heck Heck Petri Young (FL)
 Pitts Pitts Young (IN)

NOT VOTING—9

Costa Gutierrez Pingree (ME)
 Frelinghuysen Meeks Rangel
 Giffords Olver Sanchez, Loretta

□ 1847

ANNOUNCEMENT BY THE ACTING CHAIR
 The Acting CHAIR (during the vote).
 There is 1 minute remaining in the vote.

Ms. CHU and Mr. YARMUTH changed their vote from "no" to "aye."
 So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 240, not voting 10, as follows:

[Roll No. 235]

AYES—182

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Bralley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummins
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rahall
Reichert
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Vislosky
Walz (MN)
Wasserman
Wasserman
Schultz
Watt
Waxman

Weiner
Welch
Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cansco
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Akin
Costa
Frelinghuysen
Giffords

Wilson (FL)
Woolsey
NOES—240
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Brooks
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Mees
Oliver
Pingree (ME)
Rangel

Wu
Yarmuth
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)
Sanchez, Loretta
Waters

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining on this vote.

□ 1850

Mr. McINTYRE changed his vote from “aye” to “no.”

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated against:
Mr. POE of Texas. Mr. Chair, on rollcall No. 235, I voted “aye” and I intended to vote “no.” (By unanimous consent, Mr. DINGELL was allowed to speak out of order.)

RAHALL CASTS 20,000TH VOTE

Mr. DINGELL. Mr. Chairman, I rise to pay tribute to our good friend from West Virginia, Representative NICKY JOE RAHALL, who will cast in this next vote his 20,000th vote in this House of Representatives.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the great work done by our distinguished friend and colleague from Beckley, West Virginia. He is always serving his constituents and doing so well. He also strives to work across the aisle, and he is the kind of Member I believe we all feel we should be.

Mr. Chairman, I ask my colleague, Mr. RAHALL, to rise so that we may all join together in paying tribute to our friend and colleague on the occasion of his 20,000th vote.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN
The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 8, as follows:

[Roll No. 236]

AYES—184

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Bralley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello

NOT VOTING—10

Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.

Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reichert
Reyes

Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Vislosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble

Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)

Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
LaTourette
Latta

Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen

Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)

Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa
Hirono
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)

Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley

Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Vislosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—8

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining on this vote.

□ 1857

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. POLIS
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.
The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 257, not voting 7, as follows:

[Roll No. 237]

AYES—168

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz

Chandler
Coble
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar

Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford

NOES—257

Latham Paul
LaTourette Paulsen
Latta Pearce
Lewis (CA) Pence
LoBiondo Peterson
Long Petri
Lucas Pitts
Luetkemeyer Platts
Lummis Poe (TX)
Lungren, Daniel Pompeo
E. Posey
Mack Price (GA)
Manzullo Quayle
Marchant Rahall
Marino Reed
Matheson Rehberg
McCarthy (CA) Sullivan
McCaul Renacci
McClintock Ribble
McCotter Rigell
McHenry Rivera
McIntyre Roby
McKeon Roe (TN)
McKinley Rogers (AL)
McMorris Rogers (KY)
Rodgers Rogers (MI)
Meehan Rohrabacher
Mica Rokita
Miller (FL) Rooney
Miller (MI) Ros-Lehtinen
Miller, Gary Roskam
Mulvaney Ross (AR)
Murphy (PA) Ross (FL)
Myrick Royce
Neugebauer Runyan
Noem Ryan (WI)
Nugent Scalise
Nunes Schilling
Nunnelee Schmidt
Olson Schock
Palazzo Schrader

NOT VOTING—7

Frelinghuysen Olver Sanchez, Loretta
Giffords Pingree (ME)
Meeks Rangel

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in the
vote.

□ 1902

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on
rollcall No. 237 I inadvertently voted “yea”
when I intended to vote “nay.”

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Massachusetts (Mr.
MARKEY) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 156, noes 266,
not voting 10, as follows:

[Roll No. 238]
AYES—156
Ackerman Green, Al
Andrews Grijalva
Baldwin Hanabusa
Bass (CA) Hastings (FL)
Becerra Heinrich
Berkley Higgins
Bishop (NY) Hinchey
Blumenauer Hirono
Boswell Holt
Brady (PA) Honda
Braley (IA) Hoyer
Brown (FL) Insee
Butterfield Israel
Capps Jackson (IL)
Capuano Johnson (GA)
Carnahan Johnson, E. B.
Carney Johnson, E. B.
Carson (IN) Kaptur
Castor (FL) Keating
Chu Kind
Cicilline Kissell
Clarke (MI) Kucinich
Clarke (NY) Langevin
Clay Larsen (WA)
Cleaver Larson (CT)
Clyburn Lee (CA)
Cohen Lewis (GA)
Connolly (VA) Lipinski
Conyers Loeb sack
Cooper Lofgren, Zoe
Courtney Lowey
Crowley Luján
Cummings Lynch
Davis (CA) Maloney
Davis (IL) Markey
DeFazio Matsui
DeGette McCarthy (NY)
DeLauro McCollum
Deutch McDermott
Dicks McGovern
Doggett McNeerney
Doyle Michaud
Edwards Miller (NC)
Ellison Miller, George
Engel Moore
Eshoo Moran
Farr Murphy (CT)
Fattah Nadler
Filner Napolitano
Frank (MA) Neal
Fudge Owens
Garamendi Pallone

NOES—266

Adams Campbell
Aderholt Canseco
Alexander Cantor
Altmire Capito
Amash Cardoza
Austria Carter
Baca Cassidy
Bachmann Chabot
Bachus Chaffetz
Barletta Chandler
Barrow Coble
Bartlett Coffman (CO)
Barton (TX) Cole
Bass (NH) Conaway
Benishek Costa
Berg Costello
Biggart Cravaack
Bilbray Crawford
Bilirakis Crenshaw
Bishop (GA) Critz
Bishop (UT) Cuellar
Black Culberson
Blackburn Davis (KY)
Bonner Denham
Bono Mack Dent
Boren DesJarlais
Boustany Diaz-Balart
Brady (TX) Dingell
Brooks Dold
Broun (GA) Donnelly (IN)
Buchanan Dreier
Bucshon Duffy
Buerkle Duncan (SC)
Burgess Duncan (TN)
Burton (IN) Ellmers
Calvert Emerson
Camp Farenthold

Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Polis
Price (NC)
Quigley
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Vislosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock

McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney

NOT VOTING—10

Akin Meeks Sanchez, Loretta
Frelinghuysen Olver Wilson (FL)
Giffords Pingree (ME)
Gutierrez Rangel

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in the
vote.

□ 1905

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Illinois (Mr. RUSH) on
which further proceedings were post-
poned and on which the noes prevailed
by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

Hastings (WA)

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 7, as follows:

[Roll No. 239]

AYES—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hirono
Hinojosa
Hiro
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
T.
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Scott, David
Serrano
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townsend
Tsongas
Van Hollen
Velázquez
Vislousky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Frelinghuysen
Giffords
Meeks
Oliver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1909

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 250, not voting 9, as follows:

[Roll No. 240]

AYES—173

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hirono
Hinojosa
Hirono
Holt
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
T.
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Scott, David
Serrano
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townsend
Tsongas
Van Hollen
Velázquez
Vislousky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Doggett
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry

Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta

Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schakowsky
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 264, not voting 8, as follows:

[Roll No. 241]

AYES—160

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dingell
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al

NOES—264

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack

Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble

Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Petri
Polis
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Jones
Velázquez
Visclosky
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCaul
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble

NOT VOTING—8

Dicks
Frelinghuysen
Giffords

Meeks
Oliver
Pingree (ME)

Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schakowsky
Schilling
Schmidt
Schock
Schradner
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9
Brady (TX)
Frelinghuysen
Giffords

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1912
Mr. CONYERS changed his vote from "no" to "aye."
So the amendment was rejected.
The result of the vote was announced as above recorded.
AMENDMENT NO. 12 OFFERED BY MR. KIND
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.
The Clerk will redesignate the amendment.
The Clerk redesignated the amend-

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1917
Ms. WASSERMAN SCHULTZ changed her vote from "no" to "aye."
So the amendment was rejected.
The result of the vote was announced as above recorded.
The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.
The amendment was agreed to.
The Acting CHAIR. Under the rule, the Committee rises.
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIVERA) having assumed the chair, Mr.

WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, and, pursuant to House Resolution 203, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill will be postponed.

HR OF MEETING ON TOMORROW

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1920

H. RES. 187, NATIONAL PUBLIC HEALTH WEEK RESOLUTION

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, the first week of April is National Public Health Week.

This year's theme, "Safety is No Accident: Live Injury-Free," highlights the fact that, each year, nearly 30 million people in our country are injured severely enough to require emergency room treatment. Of those injured, 150,000 die from these unintentional and often preventable injuries, which are ranked among the top 10 causes of death of those between the ages of 1 and 44. In addition to the devastating impact on families and communities, these injuries account for 12 percent of annual medical spending in the United

States, totaling as much as \$65 billion each year.

These statistics highlight a critical public health challenge for the 21st century. For that reason, I introduced H. Res. 187, which recognizes the first week of April as National Public Health Week, and it calls on all Americans to take a proactive approach to addressing injuries in our country. I urge my colleagues to cosponsor H. Res. 187.

A REVERSE ROBIN HOOD

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, just yesterday, the Veterans Affairs' Committee held a hearing where the Deputy Secretary of the Department of Veterans Affairs stated, because of the budget cuts that the Republicans are advocating and a likely government shutdown, veterans' pension checks may not go out on time.

Believe it or not, this is not April Fool's.

At the same time that the veterans' checks may arrive late, my Republican colleagues want to extend tax breaks for millionaires and billionaires. Just last December, we were forced to vote on extending the Bush tax cuts for millionaires and billionaires, adding \$700 billion to the deficit. The Republican plan for the FY11 budget, as well as the new budget plan they just released, are nothing more than a reverse Robin Hood—taking from the poor and middle class people to give huge tax breaks to the rich.

You know, Mr. Speaker, you can fool some of the people some of the time, but you can't fool all of the people all of the time. The American people will wake up.

THE GOLDSTONE REPORT IS A LIE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, about a year ago, the United Nations passed the infamous Goldstone Report. Thankfully, this Congress on the floor of the House had a debate, and we rejected the Goldstone Report.

Well, guess what happened last week? Judge Goldstone said that his report was erroneous. What did the Goldstone Report say? The Goldstone Report said that Israel deliberately targeted civilians in Gaza.

That has now been proven not to be true. Of course, the people in the U.N. who bash Israel all the time will continue to pretend that Judge Goldstone didn't repudiate his own report, but the fact of the matter is he did.

The truth is that it is Hamas, the terrorist group, that took over the

Gaza Strip. They target Israeli civilians all the time. Israel tries to protect its own citizens in going and destroying the terrorist nests, but the terrorists of Hamas build their nests and their rockets and their munitions in heavily populated areas. So, if civilians die, it is their fault.

The Goldstone Report is a lie. The United Nations should kill it once and for all, and we should be leading the way.

NO APPROPRIATED FUNDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Thank you, Mr. Speaker.

These are interesting times we live in, and as we sit here this evening, we have a lot of things that are kind of up in the air about what's going to happen to our country and about what's going to happen to our ability to fund the government for the rest of our time. Unfortunately, we don't have answers to that question. I wish we did, but we don't. Yet there are some things that are happening that we ought to talk about because the American people are concerned about what's going on. In some ways, they're confused.

As we sit here today, we are looking at the possibility on Friday night, at midnight, of there being no more appropriated funds for the operation of the government. Some people call that shutting down the government, but that's the real term. We have no appropriated funds that are available for the operation of the government.

There's already the blame game going on up here. This blame game is confusing to most Americans, so I think it's kind of important that we start off by trying to explain what's going on up here. I'm going to give you a quick synopsis of what I think has gone on recently.

Let's start off with the fact that the Republicans fully funded the troops and the rest of the Federal Government through FY 2011, which would be the 1st of October of this year, with H.R. 1 in March. The Democrats refused that submission. The Republicans are ready again this week with a submission, that we will do today, to fully fund our troops through FY 2011, and we're ready to come back next week to debate the rest of the budget. It seems we're hearing a message that the Democrats will refuse. The House and Senate Republicans have a bill, H.R. 1297, that simply guarantees that our troops get their pay without any budget agreement. So far, the Democrats have refused. That's a bill that was put together by Congressman LOUIE GOHMERT and Congressman JACK KINGSTON.

So I guess we can say that—or I would at least offer this as a submission—it seems that the Democrats want to hold our fighting men and women's pay hostage so that they can continue their runaway Federal spending, because, really, the debate here in this House today and in the Senate, which is down the way from us, is:

Are we going to continue to spend like drunken sailors, as usual, or are we going to take a hard look at what this government is doing, and are we going to turn this ship of state to a ship of state that is moving in the direction of saving the American people from this runaway spending?

The President has submitted to us a budget proposal which carries in it almost \$1.5 trillion of deficit spending. What this House is trying to do is to change the mood and the attitude of where this Congress sits on the issue of spending, and it's time for us to take a long, hard look. I would argue, if people could have taken the time and watched the debate when we sent our first submission over to the Senate, which was H.R. 1, they would have seen an extensive debate that went on for hours and hours and hours on the floor of this House, with both sides participating, as to what we would and would not submit in the way of cutting certain amounts of spending, and there were multiple, multiple votes.

□ 1930

This was after this same idea had been vetted in other forms, like our committee system. And yet when it was sent to the Senate it was dead on arrival, and the only thing they could offer as an alternative to the submission we gave them was \$6 billion worth of cuts, which they even voted down. They didn't even pass that. They weren't even willing to take their meager little \$6 billion versus our \$60-plus billion that we proposed to them.

And everybody says, Where is the give-and-take? Why don't you work together, Congress? What's wrong with you people? Well, when one side does a whole bunch of work, sends it over to the other side, they say they don't like it, they reject it, and we wait and we wait and we wait and we wait for them to submit something back so we can discuss it, well, we've been waiting a long time now and we still haven't gotten it back. And we've gone through two short-term CRs to give them the opportunity to go vote on some things in the Senate. I know they're slow. I mean, we all know they're slow, but we don't even see the Democrat majority in the Senate even trying to bring things to the floor for a vote on giving us an idea where they would stand on cutting spending.

Now, they love to do press releases out of smoke-filled rooms and come back from White House meetings with the President and tell us, Oh, we've got

this deal—which our side certainly didn't agree to. And actually doing this so-called "democracy" inside of the press instead of doing it by sitting down across the table or passing a bill that we can look at and examine and see if we can't work out that bill and maybe get the comfort to do something under normal course of business here has not been available. Senator REID just says, Dead on arrival. Dead on arrival. Keep trying. Dead on arrival.

And what that requires is for the House Members to—first off, what they're really looking for us to do is to give up our principles because of threats of this government closing down. I want to make it very clear, I have heard this ever since this debate started. The leadership of the Republicans in the House of Representatives has stated consistently, every time JOHN BOEHNER steps up to the microphone, we do not want to shut down the government. And I will tell you, if people are listening with a tight ear, they will find out that any conversation about shutting down the government has always originated from the other side of the aisle where the Democrats tell us, Watch out, they're going to shut down the government. Watch out, they're going to shut down the government. And we're saying, No, we're not. We're trying to get you to respond to us and let us know what you think is the right thing for us to do to try to do something about this overwhelming debt, this overwhelming deficit, this gigantic leap in the debt that we're going to face in the future.

Just look at this chart. And you've seen it before. It's been here. I've had it here twice. Here's 2010. So 2011 is about right there. Look at 2051. Look, 300 percent plus. And right now we are bouncing around 100 percent here. That was during the Second World War, and this is where we've been ever since the Second World War. But all of a sudden, with the projections that President Obama has given us as to what he perceives is the right path for America, bam, that red line goes up and that red block comes there, and that's what our children and grandchildren are going to have to deal with. And we honestly believe that that takes this country and changes the very nature of what makes America great because it wipes out any opportunity that possibly our children and our grandchildren can look forward to when they are overwhelmed with debt.

Have you ever heard the debate that goes on among college parents and among college students when they graduate from college these days and they're faced with \$100,000 or \$200,000 worth of debt to pay for these expensive college educations we've got out there; and they've borrowed all the money and how they are overwhelmed with debt to the point where they look at the salaries that are being offered

them and they say, Holy cow. If this is what my revenues are going to be, my income is going to be, I will never pay off this student loan. I know that I heard it from hundreds of kids because I used to teach Sunday school at that age. And they came back from college saying, I can't believe I've got this much debt to pay off before I even start making a living. Well, that's meager compared to what this Congress, if we don't change the way we do business, is going to do to our children and our grandchildren. College debt is going to look like a walk in the park compared to that kind of accelerated debt that's going to be placed on every human being that calls themselves an American.

This is frightening. It's more frightening when you think what this Congress really needs to be about—and is about over here on our side, and I would hope on the other side, too—is finding jobs for the American people.

Now, what do the job creators think when they see this? People who run businesses, small businesses or large, they look at the projected future of the economy and they make decisions as to why they hire people for very simple reasons. You hire someone to advance your business. You don't hire them because you're a nice guy. You don't hire them because somebody gives you an incentive to hire them. You hire them because ultimately they are going to improve your productivity or your bottom line. That's why labor is infused into anything that people do. Most people who start out with their small business, it's all them and maybe their family. And then when they hire that first employee, they don't hire them just because they like that kid across the street. They hire them because that first employee is going to make their business do better.

Now, if they're looking at the accumulated debt being put upon them by this government and they look at what projected debt they have to deal with, what they have to handle, where they think their revenues are going to be, what solutions there are going to be for this debt in the way of tax increases, they have to say, Whoa. Until somebody gets a handle on this stuff, we're looking at a world that I'm not sure I want to hire anybody else in.

This is not rocket science, this is very simple. You hire to prosper. If you're afraid prosperity is not going to be a result of the hiring, you don't hire.

I would argue—and I think it's an argument that's made by many, many economists and many, many editorial writers—that the fear of the unknown and the known that you think you see by the way the government is proceeding keeps a lot of people from hiring other folks. I think that's common sense. I think anybody that knows anything about business can realize that. So this looms over everybody.

I saw a cartoon up here in Washington. Many of you may have seen it. It was a gigantic elephant's behind sitting on a scale, and it had written across the back of it, "National Debt." And then on the very top of the backside of that elephant was a Band-Aid about the size that would wrap around my little finger stuck on there, and it had an arrow right there that said, "Spending Cuts."

The reality is what the Republicans have proposed in terms of spending cuts as they relate to the gigantic mess that we're in is just that teeny, weensy little Band-Aid. And yet, this very meager proposal of changing the way we spend money has been rejected out of hand by the Harry Reid Democrats over in the Senate and by our colleagues in the House. And it is on every submission that we've made, on every attempt we've made to negotiate, on every time we have said, so and so, how about you all getting together and come up with an alternative? And it's just, no, you're dead on arrival. We'll talk at the White House behind closed doors or we'll talk in smoke-filled rooms or whatever—smoke-filled rooms probably dates me a little bit, but there are still some smokers around here.

□ 1940

Okay. Now, where are we tonight? I think where we are tonight, I am optimistic about where we are tonight. And the world may be sitting out there pessimistic, but I'm optimistic because, first and foremost, I honestly believe that we're going to do everything at least in our power to try to get us to come up with a solution for this small spending cut bill of \$60-plus billion that we put forward, which, compared to that elephant's behind, is nothing. And we're going to get it done before we run out of time and we run out of appropriations and the government starts to wind down.

But I'm more optimistic than that, because I am very optimistic that the fact that PAUL RYAN and the Budget Committee of this House have put forward a proposal that is like you ought to have the Hallelujah Chorus in the background when they introduced it, singing "Hallelujah." Because it was finally a budget that wasn't the same old budget—how can we jack every spending level up, and how can we figure out a way to raise some taxes to make that work? No. It's a budget that says this budget is going to be about prosperity and preserving the America we love for our generations to come.

If that's not something as we come up on this deadline—which should make us nervous, and it makes me nervous. But the big picture is our Budget Committee has put a revolutionary budget out for discussion. And that budget is worth joy on behalf of the American people, because what it

does is it says to the people around us that there are some good ideas we ought to try.

I'm joined with many of my colleagues here today, and I want to give them all an opportunity to talk. So let me finish up at least this short part of talking here and let some other folks talk.

Today where we are is a very simple place. Are we going to fund our Department of Defense and make sure our troops get paid or are we going to be so—with miniscule cuts and then continue this debate so we could probably try to get a resolution next week, or are we going to reject out of hand—as now HARRY REID is making public statements to say and the President, in Atlanta, supposedly said he would veto this proposal—reject out of hand to say we want our troops to suffer and we don't care whether they're getting shot at. We don't care. We're ready to let them get shot at and do without pay, men and women who have been risking their lives for over 10 years so that we can stand in this Chamber and talk. We ought to be ashamed of ourselves to even consider not doing something.

All of us ought to be wanting to do something to make sure that those folks get their paychecks so their spouses and children back home don't suffer while they suffer the possibility of being killed or maimed on our behalf. And that's what this vote, this day and tomorrow, is all about.

The deadline is Friday night at midnight. We're asking our Senators to reconsider rejecting out of hand what we are sending over and consider it in light of that momma back home with a child on her hip, telling the creditors, We have no money to pay you. And I'm sorry my husband can't talk to you. He's over in Afghanistan, in the mountains, trying to stay alive. Or he's flying missions into Libya, trying to stay alive. So I think we really need to know that's where we are in time, and the other is stuff we're going to be talking about.

Whoever would like to step up, grab the microphone, and let's talk.

My friend from Virginia, step up. Tell us what you've got to say.

Mr. WITTMAN. Well, thank you, Representative CARTER. I thank you and Representative GOHMERT for your leadership in putting forth a bill to make sure we address this issue of military pay for our men and women in uniform.

And, you know, Mr. Speaker, we shouldn't even be here tonight. We should be having before us a spending decision that doesn't call into question whether or not we can pay our men and women in uniform. Now, that's absolutely reprehensible. You know, it's clear that this spending discussion needs to be focused, and it needs to be focused on making sure that we're getting our troops paid, bottom line, period.

I had the opportunity a couple weeks ago to travel to Afghanistan, and I had the privilege there to visit with a young man who's a lieutenant colonel in the Air Force. And I had met his family earlier in the little town of Pocosin. And I was there for a pancake breakfast one morning there at a middle school, and I had a chance to see his family there, and I talked to his wife, and I met his children. And they told me that their father was deployed downrange. And I asked where he was, and they gave me the information. And I said, Well, listen. I'm going to be going there soon. I want to make sure that I have a chance to visit him.

So I was able to go downrange and visit this fine lieutenant colonel. He's doing a great job for this Nation. They are under very trying conditions there in Afghanistan. I had a chance to thank him for his service and had a chance to also, when I got back, to call his wife and to thank her and her family for their sacrifice and for them staying back home here in anxiety as their father and husband served downrange.

And folks, I cannot imagine being in a situation to look that lieutenant colonel in the eye and say, You know something? Thank you for your service. Thank you for your sacrifice. But we don't think enough about what you're doing to even have the backbone to stand and make sure that you get paid.

You know, how do you look at their family, that mother who's at home, those children whose father and husband are downrange being deployed, and look them in the eye and say, Hey, listen, thanks for your sacrifice, but, by the way, we're not going to be able to make a decision up here to make sure that you get the paycheck that supports your family in the weeks to come? I mean, I cannot imagine how we are letting ourselves get to that point.

Mr. Speaker, there is a lack of fortitude to make sure that we get this done and get it done now. Just as Representative CARTER said, the time is now. This needs to get done. We have a deadline of Friday. This Congress needs to act, get this done.

And also, as you pointed out, we have a spending problem here. It is clear that spending is absolutely out of control. As Mr. CARTER said, clearly there is a spending issue we need to address. We're on an unsustainable path. This has to be done. This decision has to be done on time.

The American people expect leadership out of this Congress. They expect leadership out of both sides. As the Speaker said, we can't continue to negotiate with ourselves. We have to have folks on the other side of the aisle that are willing and able to say yes, we're going to get these things done;

there's at least a counterproposal, instead of saying no, no, no. There has to be more to this than "no."

Our goal is to cut spending and reduce the size of government. It's not to shut it down. I know you hear out there people say, oh, you know, they want to shut it down. They want to shut it down. That's the last thing we want to do. We don't want to shut it down. We want to make sure that our military gets paid. That's the bottom line. And we have to get this thing done as soon as possible.

My question is: Is Congress in Washington, D.C., so out of touch that we don't get it, that we don't get what the American people have sent us here to do, what they want us to accomplish? Do they expect from us that we're going to forgo a budget and not ensure that our military families get paid? I think that's not the case.

They want to make sure we act, and I want to make sure that we act and make sure that we get things done. And I think we ought to bypass the 72-hour review rule and get this done out of respect for our men and women in uniform.

Again, I want to thank my colleagues, Mr. CARTER and Mr. GOHMERT, for their leadership in bringing this bill forward to ensure that our military get their pay.

□ 1950

I am a proud cosponsor of that act because I think it is the responsible way to go about getting things done. I was also eager to join 80 of my colleagues in signing a letter to Senator Majority Leader HARRY REID to let him know that this needs to get done: We need to pay our men and women in uniform.

You know, in my district, in what we call America's first district, we have a proud tradition of military there, with seven military installations and a number of people there that serve this country and are now retired or in active duty. We have a great military presence there.

I got a call the other day from a mother in Stafford County. And she said, "My husband is an active duty military officer. And if I understand the news correctly, if this budget isn't passed by April 8, 2011, the military will be expected to work and will not be paid until the budget has been passed. My family will struggle. And I am concerned about how I am going to pay my mortgage and feed my family. If the military is asked to work without pay, you will be causing severe stress on our families. As a spouse who has endured my husband's deployment in Iraq four times, I know the thought of not getting paid would be making me sick. I also know that I would not be able to talk to my husband about this concern because I wouldn't want him to worry. Please work hard and

pass the budget. I am counting on you."

Folks, there are so many people out there that are counting on us, counting on Congress to stand up and do what is needed to be done to make sure that our military families get paid, to make sure that we adopt a budget, to make sure that we get this country on the right track to reduce spending. The time has come for us to get that done.

You know, our military members out there do a fantastic job for this country. It is unconscionable to even think about them worrying about not getting paid, or for folks downrange to be thinking about what's happening here in Washington rather than being able to focus on their mission downrange. Folks, we need to get this done. Our military families serve this Nation with honor, with distinction, and without question. And they are there performing flawlessly. They don't have to, I think, be expected to have that uncertainty about what's going to happen here in the future.

So I want to make sure that this bill gets done and that we take away any worry from our military families or folks serving downrange. Our military families need to be worrying about the everyday necessities of life, and not have to worry about getting paid and to make sure they can meet those necessities. And our men and women downrange need to be focusing on the mission that they have at hand.

Just as Mr. CARTER said, our military and their families have been to war now for almost 10 years, some of them on their fifth, sixth, and seventh deployments. You know, we need to keep in mind the sacrifices that those families make and know the great job that they are doing, the hard work that they put forward. It's time for us to show the same resolve here and get this budget done and make sure that we without question assure that our military families are paid, that our men and women that serve downrange get the respect that they deserve from this body here in Congress.

So Mr. CARTER, I thank you for your leadership. Mr. GOHMERT, I thank him for his leadership in making sure that this is first and foremost in our minds about ensuring that our military gets paid.

With that, Mr. CARTER, I yield back.

Mr. CARTER. And I thank you very much for those comments. I want to point out that I have here the Ensuring Pay for Our Military Act of 2011. Mr. GOHMERT is the cosponsor of this, along with JACK KINGSTON. I was worried about LOUIE. He was here a minute ago. He left. I am going to recognize KRISTI NOEM to discuss with me, and I will yield whatever time she needs, and then we will get Mr. GOHMERT for a minute and hear what he has to say.

Mrs. NOEM. I appreciate that, and thank the gentleman for yielding to me.

I am one of the new Members of Congress that has first come here tonight, this is the first opportunity I have had to give a Special Order. And I cannot think of a better reason to be here tonight than to make sure that our military men and women have the opportunity to receive pay for their hard work and for their service to our country.

I think it's extremely important that we focus on all of the important things that this Congress is doing and the important things that this Republican Conference in the House is doing, because we recognized that from the very beginning we took every action possible to ensure that our military could get paid. We started with our first bill that addressed the spending problems that this country has, H.R. 1. We brought it to the House floor. We changed the way that this House does business by having an open process on the House floor. Hundreds of amendments were offered. And that bill ensured that paying our military was a priority from us. It got the job done. It did the work that the previous Congress did not do.

The previous Congress did not choose to make that a priority. They did not choose to wrap up the business of fiscal year 2011. They left that for us to do. Then they left us in a big hole as far as the debt that this country is accumulating. We came in as the adults at the table.

When our President talks about having adult conversations addressing the spending in this country and addressing the budget resolution that we need to come to, the only ones who have been doing that from the very beginning have been the Republicans in the House. We came with H.R. 1, with real spending cuts that would put us on a much better path, that funded our military. Because we wanted to take care of them. We recognized that their families were at home while their spouses and family members were at war, and they were trying to make ends meet while that was going on.

I will tell you that I feel that the Democrats are holding our troops hostage, that they truly are. Because they choose to do that so they can spend more money. They choose to hold them hostage and their pay hostage because they want to help this country accumulate more debt. And it's unacceptable. You know, we voted to fully fund their pay, to fund our troops through fiscal year 2011 through H.R. 1, and we are still dedicated to that, and still pursuing that because it's a very high priority for us.

I will tell you that the Department of Defense is allowed to continue operations without appropriations because of its authority to protect the national security. But I will also tell you the military personnel are scheduled to receive their paychecks on April 15. Now,

if this government truly does shut down, if it truly does shut down tomorrow night, they will only receive 1 week's pay instead of the 2 that they are owed. And that is not right.

When you look at people who are at war overseas, standing on that wall so we can sleep safely in our beds at night and we are telling them we are not going to pay them for doing that, then that is truly a travesty, and a travesty that we should not allow to happen. And if this shutdown were to continue and to continue on and on and they would not be paid, we cannot do that to their families.

People talk about the debt that this country accumulates. And they recognize the fact that it is a big deficit, that it continues to accumulate. The way that I talk about it back home in South Dakota is that months ago, when I was making the analogy and talking about the fact that our country borrows 40 cents out of every dollar that it spends, well just in the few short months since I was talking about that back in October and November, now it's we borrow 42 cents out of every dollar. I used to tell my son you owe \$42,000. You are responsible for that. That's the amount of our Federal debt that you are responsible for. Well, just in a few short months now he is responsible for almost \$46,000. You know, that boy is 8 years old. That boy is 8 years old, and he owes that kind of money because of the irresponsibility of this government and because of the irresponsibility of the previous Congress and the Congresses before that that did not get this spending under control.

That's what we are trying to address today. And that's why we are making sure we are addressing the spending cuts, we are being much more responsible in what we are proposing, and we are also making it a priority to make sure that our military gets funded. You know, I think that it is absolutely discouraging to see that we are even having to pursue the priority of funding our military during these times, and that it is being held hostage literally through these discussions that have gone on. It doesn't seem reasonable or fair to ask our military men and women to have to worry about the types of situations that they would be put in.

Many of them live paycheck to paycheck just like a lot of families are during this recession in America right now. They are having a tough time. How do they make their car payment? How do they make their housing payment? When they are out there standing and serving our country, we are telling their families that we are putting their ability to even pay their bills in jeopardy.

Then you look at the situation that we are accumulating more and more debt in this country. That is only going

to lead to higher inflation. It's only going to devalue the dollar. I was talking to someone last week about what that really means. When you talk to people on the street about what does it mean when the dollar is devalued? Well, what that means is that maybe that loaf of bread that that military wife needs to go buy next week when she only has half of a paycheck, well, someday instead of costing her \$2 it will cost her \$4. Maybe it will cost her \$6.

So we are telling her not only are we putting you in the situation where you are going to be faced with high inflation, that you are going to be faced with a dollar that's not worth as much as it used to be because people in Washington, D.C. couldn't have some discipline in their spending habits, couldn't make the tough decisions; well, on top of all of that, then we are going to keep your spouse's pay. On top of that we're not going to pay him even though he is risking his life for our country. It absolutely is wrong. And it absolutely needs to stop.

Mortgages don't stop. Bills don't stop. Car payments don't stop. How do we expect these men and women to continue paying for their everyday living expenses when they have no paycheck? In South Dakota we have an Air Force base, Ellsworth Air Force Base.

□ 2000

We have 1,000 civilians that work there and over 3,000 military personnel. Those people are extremely special to me. Not all of them grew up in South Dakota, but they are all living there in South Dakota, and they are all serving this country. And I think that a government shutdown not only affects these individuals, but it also is going to impact that local economy where they are trying to raise their children and raise their families.

Two Ellsworth Air Force Base B-1 bombers were recently involved in the Libyan military strikes. Missions like Odyssey Dawn are likely to continue whether the government shuts down or not. These missions are risky, they are costly, they are vital for our national security.

Doesn't it seem unreasonable that the Democrats here in Washington, D.C., would put those servicemen and -women in harm's way to protect our freedoms and then not compensate them for the work that they have done simply because they want to spend more money and they want to put this country further into debt?

These are all the reasons why I have fought on every CR to make sure our military men and women get paid, why we are continuing to do that, and I thank you for bringing this bill. It is critical if for no other reason I have had family members that have served, I have had friends that have served, friends that have been overseas and

have stood on that line so that we could continue to live the kind of freedom and have the kind of liberty that we have in this country today.

But even if I didn't, I am an American; and I recognize the importance of having them there to protect us and to protect our future, and I am grateful every single day for the sacrifice and service that they offer to us. It is completely inappropriate for us to play politics with military pay.

We owe these men and women at least some financial stability in return for all of their service that they provide to us, to our children and to our country.

Mr. CARTER. Thank you, Congresswoman.

I want to say that I agree with everything you have to say. As you were speaking, I was thinking our soldiers are not asking for somebody to excuse their mortgage, not asking for somebody to come bail them out. They are just asking to be paid for the dangerous blood, sweat and tears work that they are doing right as we speak today.

Right now, somebody is being fired on somewhere in the world in an American uniform. It's a frightening thing to think about, but it's true, and they just want to have the paycheck they earned. And their families back home want to be able to stay current on their bills, and they are not asking for these grandiose bailouts that this body has become famous for. They are just saying, give me my paycheck.

Now, this is not hard stuff. I want to recognize my good friend from Texas, Congressman GOHMERT. He was the author of this bill. I think we got it done well.

Soldiers, might even be some of mine, Fort Hood.

You started the ball rolling. We have been talking about this for a long time. If we are getting close to this deadline, we have got to get the soldiers paid.

I want to recognize LOUIE GOHMERT, who introduced this, along with JACK KINGSTON. I joined with them on this.

Now our leadership is offering an alternative submission, which would fund the entire DOD, which is an even better idea because of all the contract authority and all the things that go on that get hurt by not having an appropriations finished up with. And we are hopeful, although we are hearing signals, that it's going to be dead on arrival, and they are not going to tell us what they want us to do.

I will submit this to you, and then I will let you comment, LOUIE, and that is, I would submit, if anybody is shutting down the government, it's the Democrats in the Senate, not the Republicans in the House.

I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you.

Your comments also point to another aspect, not only your caring about

America, caring about those that are fighting for us and your desire to fight for those here in Washington who are fighting for us, but it also shows a great deal about your humility, because you and I both know you have been working on this issue just every bit as long and as hard as I have, and yet you are giving JACK and me great credit and I appreciate that.

But the truth is you have done every bit as much work, perhaps more, as JACK and I have and the cosponsors we have here.

But, you know, things here in Washington obviously don't get done in a vacuum, and it means so much when we have people like KRISTI, ROB, NAN, folks that are out here. We got over 100, I am not sure how many over 100 now, cosponsors on the bill. These are people that want to make sure that the military is not used as pawns in this game.

A lot of us haven't been thrilled about the short-term CRs, but it does point out one thing, that the leadership of the Republicans in the House are committed and have paid the price of being criticized by people like me for doing short-term CRs. They are so committed to trying to do everything they can, especially Speaker BOEHNER. He has really gone as far as humanly possible to do all that he could to avoid a shutdown, making it clear he doesn't want that.

Some folks have been critical that he needed to stand up and be ready to do so. He has made it clear he doesn't want one; he doesn't believe it's good for America.

And so I know my friend from Round Rock, Texas, sitting in Georgetown as a judge for so many years, often looked at things like I do, as another former district judge. You look at evidence to bear things out.

Who is at fault? The American people are going to be looking around. Who is at fault?

Well, you look at what's happened, and the evidence is quite clear. You have a group here, a majority in the House that has done absolutely everything possible to try to placate the Senate.

We passed lots of bills, trying to get the funding done. And why was that? Well, the evidence is clear. The Democratic majority last year refused to do what was required and pass a budget. No budget passed, no appropriation to fund things.

Why? You can only speculate about that. It was an election year. Perhaps there was concern that if people really saw the total amount that they were going to be appropriating in all these areas that it might have even been worse in the election in November.

The people saw through, and the majority switched here in the House. So here we are with these bills that have been filed, pushing another bill this

week here in the House. In response, there has been nothing passed in the Senate.

People that know the rules know that the Senators, any one of them—and of course it would have to be a Democrat that would have any chance of getting something passed, because the Democrats under HARRY REID are in the majority, so a Democrat, any Democrat down there, could take the bill, the bills that we have done, the CRs that we have done. They could take those and do as they did in ObamaCare.

You know, that was, boy, here again, it's the military.

The ObamaCare bill was a bill to assist with a tax credit for first-time homebuyers who were veterans. And what did the Senate do with that bill? Since it had to originate in the House under the Constitution, they took it, and in their bill they said they are taking the first-time homebuyer bill for veterans, stripping out every word and substituting, therefore, about 2,700 or 2,800 pages of their ObamaCare bill.

Well now, if they don't agree with what we have done, they could have taken any one of these CRs that we passed and said we don't like it; it's dead on arrival. They could have taken those, stripped out every word just like they did for the veterans, to count every word that helped the veterans and substituted, therefore, their disastrous bill in ObamaCare.

They could have done that with their own CR, what they were going to fund, what they wanted to see happen. Not one person down there in the majority of the Senate has taken the leadership to do that.

Some have said, well, why isn't the White House involved in what's going on in the Senate? Why aren't they showing some leadership down there?

I heard someone say, well, that's the White House. It's a separate branch.

The Vice President of the country is and has been the President of the Senate. He has not only a vested interest; he is the presiding officer of the Senate.

We have heard over and over from this President that JOE BIDEN is going to make sure things are done right. And yet what did he do when the going got tough? Maybe he is tough because he got going to Russia, and he disappeared.

□ 2010

When the going got tough for the President, he went to Brazil and played golf and then issued an order from down in South America sending troops into battle. And we had a former President Bush who quit playing golf. He said it just didn't feel right to know our troops were in harm's way and I would be out on some golf course.

This President not only doesn't have a problem playing golf with people in

harm's way, he takes time out of his golf round to send more people into Libya into harm's way. And to be assured today that, hey, we really are going to get around to turning everything over to NATO, and it won't be us—my friends, 65 percent of NATO is American military. It's not a lot of comfort to me. But the least we could do is to make sure that our military, and that includes Reserves, and so that the military knows it includes all pay, all allowances, you're not going to miss anything if the Senate will just do right by them. We have a standalone bill that could be passed in the next day or two. It is House bill 1297. It could be done.

But as my friend from Round Rock has pointed out, our leadership, Speaker BOEHNER, has brought a CR for 1 week. He didn't want to do that. We know he didn't. But he was concerned about the military. And it funds all aspects of the military through the end of the year. Then we have this fallback bill that if the Senate is doing as they're indicating—oh, it's dead on arrival. We're not even going to pick it up and put our ideas and pass it through the Senate—then obviously the evidence is clear, Judge. It seems to me the evidence is all in, and it's very clear: They want a shutdown. They think they win politically by forcing a shutdown and then blaming the Republicans in the House. It's not only not the Republicans in the House's fault. It's also clearly them playing games with our military, with the vital function in this country, and it isn't right.

I thank you for yielding. I do thank you so much. I know we've got several of our critical key sponsors here on the House floor. And I am so grateful for the leadership. We're talking freshmen. We're talking people that haven't been here all that long, and yet they have grabbed this issue and have shown such leadership. I appreciate you so much. Thank you, Judge.

Mr. CARTER. Reclaiming my time. Let me point out, as Mr. GOHMERT said, those of us who sat in a courtroom for years, in my case almost 21 years, you want to look at the evidence to see what the evidence shows. And just very quickly, the evidence shows first: How do we get to a shutdown for failing to fund the government? Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriations bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of Congress when it had already lost and knew how many of these wonderful people were going to be here replacing them the next time they showed up in

the House, so they put this thing all the way to March, which they knew was going to put us under a tremendous amount of pressure to get something to do to fund the government. And we made diligent attempts to fund the government. And it didn't even last long enough for HARRY REID to say "dead on arrival" when it got to the Senate.

So let's see. They didn't do their job. They didn't do their budget. They set up the CR deadline. We met the CR deadline with a way to fund the government for the rest of the year for all departments. They rejected it out of hand without even coming back with any alternative of any substance. They offered a \$6 billion cut and spending as usual under the Obama budget. And then now we've given two extensions to try to talk, and each time dead silence. No comment. If there's a comment, it's to the press. But to us, they're treating us like a stepchild. And then they're wanting to shut down the government when we say, at least let's protect our soldiers. Let's take care of our troops.

Before we've even got it over there tomorrow, HARRY REID and the President have both made a statement tonight. "Dead on arrival," HARRY REID says. The President says, "I will veto it." He would veto funds—that's what he supposedly said in Georgia. Now I may be out of school, I didn't hear it, but I was told he did, that he said, I won't accept what Mr. BOEHNER is going to send to us. I will reject it.

That's the bill that funds our troops. I think we've got other great people.

Mr. GOHMERT. Judge, would you yield for a question?

Mr. CARTER. Yes.

Mr. GOHMERT. Since we know it would do no good for a Republican in the Senate to take a CR and bring it to the floor of the Senate, or file it, but we also know that any Democrat in the majority down there could do that and at least try to get over some Democrats, Judge CARTER, what does it tell you that not a single person in the majority has bothered to usher forth and file a CR of any kind to respond or to take ours? modify it? What does it tell you?

Mr. CARTER. It tells me that they are marching in route step to the commands of the majority leader, HARRY REID. And unfortunately, we didn't get elected to march route step in that fashion. We got elected, Senators included, to make decisions that are good for the American people.

SCOTT, my friend from Virginia, I will recognize you for the amount of time you need. We have 9 minutes.

Mr. RIGELL. Thank you so much. I appreciate the gentleman yielding, Judge CARTER, for your leadership on this topic and also Representatives GOHMERT and KINGSTON for their leadership on this.

I will say this: As the son of an Iwo Jima veteran and as the proud father

of a third-generation marine, it is deeply troubling to me that we are even having to discuss how and if our men and women in uniform are going to be compensated.

A failure of leadership, Mr. Speaker, has left us in this precarious position, and it is deeply troubling to me that we are having to address it tonight, the confusion that's out there. Just today, the White House said that military personnel would not be paid.

Now, Mr. Speaker, this is failed leadership. How could it possibly be that the message from our Commander in Chief is that it's very likely if this shutdown occurs that our men and women in uniform would not be compensated?

This week, a senior Department of Defense official said that our troops would be paid for a week but not for 2 weeks. Just yesterday, the Pentagon spokesman said that the Department had not issued any direction to the services about implementing a shutdown. And he really skirted the question of how a shutdown would affect the pay of our servicemembers.

Mr. Speaker, this lack of clarity is not only unnecessary, it's unconscionable. Brave men and women—Americans—are around the globe, and they are putting their lives at risk fighting for our freedom and our way of life. I just got back from a trip to Afghanistan, and it's just unbelievable to think that a young corporal in Helmand province would have to speak or somehow communicate to his wife about whether he is going to get paid or not.

Our men and women in uniform deserve our unwavering support from this Congress. If our military is not paid, Mr. Speaker, I believe that Members of Congress and the Commander in Chief should not be paid, not one nickel. My office gets calls every day from spouses of our military. They are concerned and understandably so.

Let's be clear on this, Mr. Speaker. The genesis of this crisis that we're in is because the Democratic leadership last year had the Presidency, had the Senate and had the House, and failed to pass a budget. Not only was this a failure in leadership; I truly believe it's nothing less than an abdication of the responsibility that was entrusted to them by the American people.

So here we are debating last year's budget. And as a result, we have this climate of uncertainty. And as an entrepreneur, I know that it's holding back job creation. As a result, we are operating under a continuing resolution which each and every service chief has said is hurting the readiness of our military.

□ 2020

I truly believe we are a nation at serious and increasing risk because of our failure to manage our finances

properly. Indeed, that is why I ran for this office. I am proud to be a Republican tonight because we have proposed a path toward fiscal stability that would keep the government open.

It has been pointed out, rightfully so, the Senate has failed to move on that proposal, preferring apparently to allow the government to close and not pay our men and women in uniform. That is not acceptable. We must achieve stability and funding. I stand ready to work with any Member on the opposite side of the aisle here, and I know my colleagues do as well.

This is so important. We must do what is right. The Senate must act. I truly believe that the House has met its responsibilities, starting with H.R. 1. We have worked every day to resolve this. We must pass a defense appropriations bill for the sake of our troops and our national security.

I encourage every American to let their Senators and our President know that they want our troops paid on time. I thank the gentleman for this time. I appreciate it.

Mr. CARTER. Reclaiming my time, I now yield to the gentlewoman from New York (Ms. HAYWORTH).

Ms. HAYWORTH. I thank you for your commitment and dedication. I have the privilege of serving the 19th Congressional District in New York, and the U.S. Military Academy at West Point is in my district. We have sent, as we all know, thousands of young men and women to join and to sustain the long gray line. Their talents and their commitment are made to our Nation in order to defend us from threats from without. We owe them that same dedication and commitment and sacrifice and discipline here in the Congress, in the House, and in the Senate. And our President owes it to them and to the children of America whose future is at risk from within.

We were elected in that great wave in November 2010 because the American people told us we could no longer afford to continue on a path of enormous deficits and mounting debt. It is difficult to do what we are called on to do, and that presumably is why the Senate has so resisted the lead that we have offered them with the passage of a continuing resolution to compensate for a budget that was never passed for this fiscal year by the 111th Congress. It is difficult to say no to certain types of spending that have become the usual mode of behavior by the Federal Government, but that is what we are called on to do.

And what we do pales in comparison with what the men and women who put themselves in harm's way around the world must do every day. What they sacrifice must be emulated by us in this small way. We must join together in the House, and we must be joined by the Senate to pass this bill that will fund our troops through the end of fiscal year 2011 and will allow us the time

that we need to bring everyone together, to bring the Senate and the President on board so that they too will have that discipline that they need so that we can do what is right for America's future and so that we can get on to thinking, as we must, about the budget for 2012 and beyond.

I thank you, Judge CARTER, for your leadership in ensuring that our troops are properly cared for and for your leadership in this enormous and crucial fight for our Nation's future.

Mr. CARTER. I don't know how much time is left, but I yield to my good friend, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Speaker, I stand here tonight as a daughter, a wife, and a mother of veterans; and I am an ardent supporter of our Nation's military. These brave men and women can never be thanked enough for their service to our country, and this Congress must do everything that we can to stand up for those who defend America. That is why I urge my colleagues to protect the military paychecks and to ensure that if the government shutdown were to occur, that the members of our Armed Forces and their families will receive their salaries on time.

This is not an issue that we can play politics with, and my colleagues on the other side of the aisle who seek to use these paychecks of our military as part of their plan to force a government shutdown should absolutely be ashamed of themselves. Military families have already sacrificed so much for this country. Back in Tennessee, there are families who are worried right now about whether their loved ones are safe overseas in Iraq and Afghanistan and other places even around the country, and they are praying for their safe return home. Those military families should not, under any circumstances, have to worry about when and where the next paycheck is coming from.

Mr. CARTER. I apologize for the short time. Thank you, Mr. Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1363, DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 112-56) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration

of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

THE DEFICIT AND JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, we intend tonight to talk about the deficit, solutions to the deficit, where it came from and what can be done about it in the context of creating jobs here in America. But before we get into that, we just heard a whole hour of talk that really is based upon a fallacious foundation, that is, it is just not correct.

Last year in 2010, it was the Republican Senators that blocked every attempt to pass legislation by threatening a veto and denying the 60 votes that were necessary. So when it came time to do a budget, it was impossible to put a budget through the Senate because of the Republican blockade in the use of the filibuster.

Similarly, when it came time to fund the government, to appropriate the money, the same thing happened. It was impossible to get the 60 votes out of the Senate because of the Republican blockade. So everything that we have heard over the last hour about the process that is now under way, the continuing resolutions, began with the blockade in the Senate by the Republicans as they continually threatened a filibuster. That's why we are where we are today.

Now, with regard to the funding of the military, let's understand that the Democrats have always consistently voted to fund the military when it was a straight up-or-down vote. However, in the CR, the first CR that did have funding for the military, it also had extraordinary cuts that would destroy 700,000 jobs in the last 6 months of this fiscal year—March, April, May, June, July, August, September, and October—700,000 jobs lost.

The Democrats said no way, no way are we going to throw 700,000 employed Americans out of work, and we rejected that. Put a clean CR for the funding of the military on, and you'll have a 100 percent vote. But when you cobble together the kinds of foolish cuts, unwarranted cuts, 700,000 lost jobs, and then attach to it the military and expect support, you won't get it.

The Democrats want this government funded, and we fought for more than a year and a half to get the government funded. We were blocked along the way. And now, as the Republicans put out these pieces of legislation, the continuing resolution, and attach to it totally unacceptable lan-

guage and unacceptable cuts, to the American people, not to the Democrats, but to the American people, then we find this gridlock. What we want to do really is talk about jobs.

Joining me tonight are two wonderful legislators. One is imported from Detroit, and another one from the manufacturing capital of the world.

□ 2030

I want to start with an understanding of why we are where we are. I know my colleagues will help me on this.

First of all, the Democrats have been about creating jobs, from the stimulus to today. The GOP majority has been in power for 14 weeks. Zero, no, nada, nothing to create jobs. Not one jobs bill. In fact, the only bill that they have put on that has anything to do with jobs is one that destroys 700,000 jobs. So keep this in mind, American public. Fourteen weeks of GOP leadership in the House and not one piece of legislation that would create a job putting Americans to work this year and next year. That's the fact.

Now, another fact: Where did the deficit come from? In order to understand where we are, we need to know where we've been. Here is what the deficit is all about. Beginning with Ronald Reagan, the budget was not balanced. Ronald Reagan at the end of his term left for the American public a \$1.4 trillion deficit in the years ahead. At the end of each year and, therefore, at the end of a President's term, the Congressional Budget Office makes an estimate of what is going to happen over the next 5 to 10 years. At the end of Ronald Reagan's term, they said there would be a \$1.4 trillion deficit going forward.

George Walker Bush followed Reagan; and at the end of his administration, the estimate by the nonpartisan Congressional Budget Office was that there would be a \$3.3 trillion deficit going forward. That's the numbers provided by the Congressional Budget Office, nonpartisan group.

Bill Clinton came to office, established the pay-for program, established the balanced budget program; and at the end of his administration, it was projected going forward that there would be a \$5.6 trillion surplus, wiping out the American debt. That's what happened during the Clinton administration. So that in the years beyond the Clinton administration, had the same policies gone forward, the American debt would have been wiped out.

However, another gentleman was elected, George W. Bush. In his first year in office, the Bush tax cuts went into effect, the Afghanistan war started, and the deficit began to grow once again. So that in his second year, the second Bush tax cuts were added and the Iraq war was started. Never before in America's history has a war been

under way that was not paid for with tax increases. Instead, the Republicans and George W. Bush decided that they would start not one war, but two wars, and pay for it with borrowed money. The fourth piece was the unpaid-for Medicare drug benefit which didn't even require that the Federal Government force the insurance companies to compete for drugs.

The result was at the end—oh, did I forget the Great Recession? I did. You add the Great Recession to it, so at the end of the George W. Bush administration, the projection from the Congressional Budget Office was that the deficit would grow by an additional \$11.5 trillion.

The George W. Bush Republican period created the Great Recession, two wars unpaid for, a major increase in the Medicare program, and the result, the Great Recession and the great deficit. This is what Obama faced the day he came into office, the greatest recession since the Great Depression and an \$11.5 trillion deficit going forward. Those are the facts. That's where we started this.

Now, what are we going to do about this problem? The President has put forth a budget that would, in 8 years, significantly reduce the deficit so that it wouldn't grow and allow us to pay the interest, not removing it, not paying it all off—neither do the Republican proposals—but it would put us in a position where it would not grow. It takes time to solve the huge deficit problem that George W. Bush, Ronald Reagan, and Bush, Sr. put us into. We can do it. But we cannot do it unless we grow this economy. It's about growing the economy and creating jobs that we would now like to talk about.

I am going to turn now to my colleague from Ohio, BETTY SUTTON, who has been working on the issue of putting Americans to work for a long, long time. Please share with us where you are now with this proposal that you are putting forward.

Ms. SUTTON. I thank the gentleman. I thank you for your leadership. You gave us a little bit of background that I think is really, really important when we talk about where this deficit came from and how it came to be. I would just add a couple of other points that I think are significant.

At the end of last year, we will remember that the same people who are now cutting indiscriminately, cuts aimed at seniors, cuts aimed at middle class Americans, cuts aimed at Head Start, low-income housing, heating assistance, Community Development Block Grants that add to economic activities in our communities, those same folks, some of them, were over there fighting to make sure that we had super tax cuts for billionaires that were also going to add exponentially to the deficit.

Then they turn around and say, hey, we've got this horrible deficit, and so

now everyone has to sacrifice. But whenever the American people hear the words, "Everyone needs to sacrifice," chances are if you're in the 95 percent of the population that controls very little of the wealth in this country, they mean you. They don't mean that top 5 percent that controls most of the wealth in this country. They are all about protecting what they have and grabbing more power.

It's very interesting when we talk about where the policies coming out of the Republican House majority are these days, because all of the cuts seem to be targeted at the people back in the district where I live, hardworking, salt-of-the-Earth constituents whom I am so honored to serve.

Your point is well taken and very sad, that the one bill that they put out there—I mean, hey, you don't have to take our word for it—the bill that they put out there puts 700,000 jobs, more than at risk, it's been determined by their own Republican analysts that it would cost us 700,000 jobs. Frankly, our economic recovery, which is so fragile, is under threat.

A group of 300 economists, including two Nobel laureates, wrote a letter warning that the shortsighted budget cuts to, quote, human capital, our infrastructure and the next generation of scientific and technological advances would threaten future economic competitiveness as well as the current recovery.

So the path that the Republicans are on, and it's funny because we just saw the new budget proposal unveiled and they called it a path to prosperity. I think that the better name is a path to poverty. At any rate, the path that they are on is not a good one.

We know that the answer to what ails our economy is we need to put the American people back to work. We need to have jobs that will create opportunities for the people that we are so honored to represent, that will keep our communities running, will have the revenue that we need to pay for those services, those firefighters, those teachers, those police officers, those nurses, those public servants that make our world turn.

□ 2040

So everyone at all levels of government, regardless of party, should be focused on priority one—getting Americans back to work. That's where we come in with what we need to be focused on, which is: How do we make it in America? Manufacturing matters.

So we are working in this House, as you know, Congressman GARAMENDI, to make sure we put forth an agenda on the Democratic side of the aisle, and we hope that our Republican colleagues will stop being deflected and will start focusing on what will help the people we serve, which would be focusing on these jobs, giving people opportunity,

and creating real value by making things in this country. Not only will we make the products; we will then give a chance to the American people to make it in America, and America will make it again.

Mr. GARAMENDI. Thank you very much for laying out the thematics as well as the past history.

Our theme in the Democratic Caucus here in the House is one of making it in America—once again, going into Target, going down to the local automobile dealership, and finding products that are made in America. The great strength of America, historically for the last 150 years, has been its manufacturing strength, but we need to understand that, in the last decade, we have seen the hollowing out of the American manufacturing industry.

In 1999, there were 17,383,000 Americans working in manufacturing. In the decade that followed, more than 6 million of those jobs were lost, and we saw the hollowing out of American manufacturing. That's the strength. It also happens to be the middle class. So our theme is "make it in America." As you say, if America is going to make it, we must, once again, make it in America. Manufacturing matters.

Let me put up here on the board why it matters to the American public.

What has happened in the last decade has been a skewing of the economy, the great unshared prosperity of America. If we look at the bottom fifth of the population, these are the poor. They've seen a \$200 annual increase in their well-being. For the next fifth, 20 to 40 percent, they've seen just under \$10,000. As you go up, if you look at the top 10 percent, \$300,000. If you look at the top 1 percent of Americans, what has happened with them? Their wealth has grown by over \$5,978,870.

So what has happened as a result of the policies of the Bush administration is a push to the wealthy and the clampdown of the working class in America. The middle class in America is losing the race to wealth. It is losing it to the top 1 percent.

Let me put this another way.

There are, perhaps, some people you might recognize at the bottom, the poorest fifth, the folks who work for Wal-Mart. Eleven percent of the wealth went to them. For the second poorest—these are the teachers—it's the same thing. There was very little growth in their income. As you get to the millionaires and billionaires, the Donald Trumps of the world, they have seen a 256 percent—a 256 percent—increase in their wealth. At the bottom, an 11 percent. For the teachers, an 18, 20 percent. For manufacturing, maybe a 32 percent. Here is where the money is: It's with the super wealthy. They have seen a 256 percent.

Take a close look, America. Take a close look at what was proposed yesterday by the Republican caucus:

Yesterday, the Republican caucus proposed to take this skewing of wealth, the unshared prosperity, and push even more of it to the super wealthy of America. It is unconscionable, but that's what they've proposed to do, and they're going to do it with tax breaks for the wealthy, continuing on, indefinitely, increasing the deficit by \$1 trillion—a \$1 trillion increase—because they want even more wealth to go to the super wealthy.

At the same time, they're cutting the benefits that the working men and women rely upon. What are those benefits? Well, how about employment opportunities? How about educational opportunities? All of those are cut, and they're taking money out of the economy so that 700,000 men and women will lose their jobs this year, in the next 9 months. That's the Republican agenda.

For those who are not working, the seniors of America, the Republicans are proposing to end Medicare as we know it. It will be the privatization of Medicare, giving every senior in this Nation an \$11,000 voucher so that they can then go and negotiate with the rapacious greed of the health insurance companies. If you want to live to be 65 and finally have a health insurance policy that you can count on, don't look to the Republicans, because they intend to terminate Medicare as we know it and turn over the well-being—the health and, indeed, the life of every senior—to the vagrancies, to the rapacious profit orientation of the health insurance industry. That's what's going to happen if the Republicans get their way. We'll do everything we can to stop it, and we will also do everything we can to build the American middle class.

Ms. SUTTON. Will the gentleman yield?

Mr. GARAMENDI. I would be delighted to.

Ms. SUTTON. In addition to that, at the same time they're cutting Medicare and changing it and removing the guarantee that seniors have known, which is that they're going to have access to that care when they need it, isn't it also true that they're continuing to protect those subsidies to big oil companies, those billions of dollars in subsidies, and are continuing to protect tax breaks that ship those jobs overseas, which has led, in large part, to the decline of American manufacturing?

Mr. GARAMENDI. Precisely so.

Look at their budget proposal. Their budget proposal says that the oil companies in the last 10 years have earned a profit of \$947 billion. That would be \$53 billion less than \$1 trillion in profits, nearly \$1 trillion in profits. Yet our Republican colleagues say they need to continue to be subsidized by the American taxpayers. Hello? What's that all about? Do you want to balance the

budget? Remove those subsidies from the oil companies, and let them pay taxes. Why should we be subsidizing the wealthiest industry in the world, the oil industry? That's what they want to do—and you talk about tax breaks. Good heavens.

I want to turn now to our colleague from the great City of Detroit. We loved that advertisement in the Super Bowl. We now call HANSEN CLARKE the “imported from Detroit Representative.”

Please share with us your thoughts here.

Mr. CLARKE of Michigan. Thank you, the great gentleman from California, Congressman GARAMENDI.

You're right. I was born and raised in Detroit, and am very proud of it—imported from Detroit, as you say.

One reason why U.S. manufacturing has been so innovative is that we use the best research. As a matter of fact, U.S. manufacturing performs half of the research and development in the United States. It has been fantastic, and let me give you an example.

In Detroit, which is the district that I represent, General Motors Corporation is now manufacturing one of the best electric-powered vehicles around, the Chevy Volt. The cost of the Chevy Volt has dropped. It's very affordable now, which is, in large part, because of the Department of Energy's investment into research and development in the lithium-ion battery. The cost of that battery has now dropped down to just \$8,000 apiece.

□ 2050

So this car is not only a great car, saving gas, it's a good riding vehicle, but also it will be affordable.

But here's the problem: The problem is that many in the majority right now want to cut back on research and development that's going to be so essential for us not only to build the best products to be sold here, but also so that we can compete overseas. What's very disturbing is that, for the first time since 2008, the U.S. level of investment in clean energy technology has now dropped from first place in the world. We used to be number one in the world in clean energy technology research until recently. We have fallen now to number three, number three behind China and Germany. That's not acceptable.

Mr. GARAMENDI. Would the gentleman yield for a moment?

Mr. CLARKE of Michigan. I will yield to the gentleman.

Mr. GARAMENDI. In the Republican continuing resolution, H.R. 1, they reduce the research budget for energy research here in America, cutting out vital research at the Department of Energy, at the laboratories across this Nation. And what are they thinking?

Mr. CLARKE of Michigan. Well, you're right, this makes no sense at

all. And I'll tell you what's disturbing is that the British National Science Academy predicted that if we go on this path that we're going on right now—which we're going to ask the American people to back us up because we've got to put more research and development dollars into building these great manufacturing products. But if we don't do that, if we don't change, China could overtake us in scientific output in just a couple of years. That's not acceptable. We want to make sure that the best products are imported from Detroit, not from China.

Mr. GARAMENDI. Thank you so very much.

And how correct you are in laying out this strategy of how we can move the American manufacturing industry: Education, a well-educated workforce; research on fundamental issues like energy systems, batteries, transportation; and then making those things in America, importing from Detroit to American consumers and selling around the world. However, when the Republicans put together a proposal such as H.R. 1—their continuing resolution that would cut 700,000 jobs out—it also cut out the research budget for energy research, for battery research, for transportation research, and in addition to that, research for health. The National Institutes of Health budget was decimated. That's not good public policy. We need to make these financial investments. And if the Democratic strategy of making it in America is carried forward, Detroit will prosper and America will prosper.

Another part of our country in trouble for manufacturing, but a great manufacturing center of America, is Illinois. Our Representative from that great State is here to join us, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I am so happy to join you. And I thank you for coming down to the floor each week and making the point that we have choices in the United States of America.

We can put our people back to work. We can reduce our debt and our deficit, but we don't have to do it on the backs of middle class Americans, and we certainly don't have to do it on the backs of our elderly. That's exactly what the budget proposal by our Republican Budget Chairman PAUL RYAN says. He said, look, the country is broke. We've got to just show courage and we've got to cut that deficit—we agree with that—and the way that we think we ought to do it is by ending Medicare as we know it, by abolishing Medicare. Instead of that guaranteed benefit that all older Americans can aspire to now, can get when they're 65 years old, that persons with disabilities would get, they know that it's there—and I cannot imagine that there is not every single Member of this House, Republican or Democrat, where people come in and say, I hope I can make it until I'm 65

and get on Medicare because I can't get insurance, and even if I could, I can't afford it right now or I have a pre-existing condition. He wants to do it on the backs of senior citizens.

It's been said many times tonight that 700,000 jobs would be lost if H.R. 1—the top priority of the Republicans—were to pass, that the cuts that it would make, instead of spurring on jobs, creating jobs, putting the 15 million people that want to pay taxes—that's all they want is to go back to work and actually pay taxes, that that would be their dream come true, and it would also cut our deficit. But you know what the American people are thinking? They're thinking, We aren't broke—maybe we are, but not everyone is broke in America.

This is a sign that my staff made before I introduced a bill with an idea supported by 81 percent of Americans that it is time for millionaires and billionaires to pay their fair share; 81 percent of Americans. That means it's not just Democrats and it's not just Republicans. It's Independents, and I believe that it's Tea Party people, too. They know that they are not getting a fair shake and that the millionaires are.

Did you explain the chart?

Mr. GARAMENDI. Go ahead.

Ms. SCHAKOWSKY. Well, what it says is that from 1979, at that end, to 2005, this is the growth in income over certain income categories. And you can see way down at the end there is a little bracket—even if you can't, you get the idea. There is a little sign down there that says that the bottom 20 percent of Americans over that period, almost 30 years, their income increased \$200.

Let's go to the other end. The top 0.1 percent of Americans, their average income increased, actually increased, over \$6 million. Their average income right now is \$27 million. Get this: The bottom 90 percent of Americans—I was even shocked by this number—the average income is under \$32,000 a year. Top 0.1 percent, \$27 million; 90 percent of the rest of Americans, less than \$32,000. This is not good for our economy and it is not good for our democracy.

Mr. GARAMENDI. Would you yield for a moment?

Ms. SCHAKOWSKY. Yes.

Mr. GARAMENDI. The Republican budget proposal put out yesterday calls for a tax decrease for that 0.1 percent from 35 percent to 25 percent.

Ms. SCHAKOWSKY. Just the people who need it, right? Just the people who need a tax break. Isn't that astonishing that they should actually pay less?

Mr. GARAMENDI. We're talking about super trickle-down theory here.

Ms. SCHAKOWSKY. Yeah. Take it from Medicare and give them a tax break.

And, by the way, the top tax bracket in the United States of America right

now starts at \$375,000. So if you make \$27 million or \$375,000, you're still paying the same tax rate.

What I did was say, okay, let's make the taxes fairer. I said, starting at \$1 million—that's earning in 1 year—45 percent tax rate. And it would ratchet up, \$10 to \$20 million, \$20 to \$100 million, \$100 million to \$1 billion, and then a \$1 billion tax bracket. And you know what? There are Americans who have made \$1 billion last year. The top 20 hedge fund managers, an average of over \$1 billion a year. One guy made over \$5 billion in 1 year. I'm saying those billionaires, that top tax bracket, 49 percent taxes. And guess what? That is lower than the tax rate in all the Reagan years. I'm under Ronald Reagan's highest tax bracket. It's fair.

This is not about punishment. It's not about revenge. It's certainly not about jealousy. It is about fairness in our tax system. And we would have plenty of money here. We wouldn't have to cut Medicare, of course we wouldn't. We wouldn't have to cut Medicaid, the poorest people off their health care. We wouldn't have to threaten seniors with cuts in Social Security benefits. And we could fund those job training programs to put people back to work. We could even fund infrastructure programs that put people on the job, or green energy programs that make America a leader in the world. We could do all those things. We are not broke as a people.

□ 2100

So my Fairness in Taxation Act, I hope people will sign on as cosponsors. Eighty-one percent of Americans think it's a good idea. We have to have the courage to follow—listen to people out there, and follow.

Mr. GARAMENDI. Our Republican colleagues have consistently said we ought to listen. And apparently all that we know about tax policy, there's little or no support for reducing the taxes on the super wealthy but rather they go the other way. And we're wondering what they're thinking over on the other side of the aisle as they continue to skew to create the unshared prosperity by even reducing further the taxes on the super wealthy.

Ms. SCHAKOWSKY. One of the things that they say, that PAUL RYAN says, We all have to sacrifice. Shared sacrifice. I believe in that. I think that's a good idea. But some people have been sacrificing for a long time.

If you drew another line starting at the bottom left and going to the top right of productivity increases in the United States, that line would shoot way up because we have the most productive workers in the world. Productivity has soared. And yet where have the benefits gone for our more productive workers? Right here. And it has been deliberate, and it's been based on policies that have passed in the Con-

gress, a partnership between government that's been hand-in-hand with the wealthiest Americans. And the rest of America—and you know what, the other thing is if you started up here and tracked union membership, you would find that line going straight down.

When workers, as 62 percent of Americans agree is a good thing, have collective bargaining, they're able to help raise the middle class instead of having a disappearing middle class, which is what's happening now.

Mr. GARAMENDI. And yet we're seeing across this Nation a Republican attack on unions claiming that unions are bad. But the great history of this Nation is that the union movement, collective bargaining over these many, many decades did in fact create the middle class. And so that in the 1960s was the period of time when the middle class of America was at its peak. It had the greatest distribution of wealth. The greatest share of the income went to the middle class. It was also the time when the union movement was the strongest in America. Since that time through a variety of governmental policies, we have seen a decline in the union movement and a commensurate consistent decline in the middle class.

We're going to build the middle class. This is about making it in America. This is about rebuilding the middle class.

I want to now turn to our colleague from the great industrial—the once and future great industrial center of America, Ohio, and share with us—you've got some specific proposals that you've put forward. I'd like to talk about them. I know that our Congresslady from Illinois has, and I do, too, so we're going to talk about specific things that we're going to do to rebuild the middle class by making it in America.

Ms. SUTTON. I thank the gentleman and I thank the gentlewoman for her making the case about the fundamental unfairness about what is going on with the proposals coming from the other side of the aisle.

And I think that the point that the gentleman just made about the union movement in this country, helping to build the middle class and frankly, leading us to a place where we had a strong middle class in this country—you know, it's that middle class that makes America so great, that people have a chance to aspire to that American dream.

And so when you stand on this floor or you come here as we do, and you see attack after attack on those middle class families—from attacks on prevailing wage payments that are just living wages that are going to those folks who work in our trades. We see those attacks come up over and over again at the same time that those on the other side of the aisle are protecting that huge income disparity, it's

really, really hard to take, I know for us over here, and it's hard for the people who I represent who work hard for a living and are just looking for a chance to take care of their families and make their way.

We also see those attacks on collective bargaining to silence workers, to take away rights to even have a voice at the table, to be part of the solution, which they have been and will continue to be.

You know, those power grabs, those attempts to disempower ordinary Americans, we have to fight against. There is a better way, and this Make It in America agenda offers us that better way.

Manufacturing, we all know, is a multiplier in terms of jobs. We know that for every manufacturing job, it has a multiplier effect of four more jobs. And in some industries, the auto industries, it's as high as 10 additional jobs.

We know that where people manufacture, if we manufacture in America, we do research and development in America. We maintain our capacity to be strong as a Nation—both economically as well as in our sense of national security. What happens if we can't make it in America?

So here we are. We have a number of proposals, we know that we need a national manufacturing strategy in this country. Democrats are committed to making sure that we have one.

Another area that we need to work on that I think the American people—honestly I think that they expect this, and I'm hoping that our friends across the aisle will see fit to join us in the effort to make sure that when taxpayer money is used to build our infrastructure, which in and of itself puts people to work, we will use that taxpayer money to buy American iron and steel and manufactured goods and get that multiplier effect as we build our streets and our roads and our bridges and our sewer systems and our water systems and our alternative energy products.

Mr. GARAMENDI. Could you just yield for a moment?

Ms. SUTTON. I will yield to the gentleman.

Mr. GARAMENDI. There's a piece of legislation that someone introduced that's called Don't Let American Jobs Go Down the Drain. Do you know who that was who introduced that piece of legislation?

Ms. SUTTON. Absolutely. I introduced that legislation.

Mr. GARAMENDI. I thought you did.

Ms. SUTTON. I thank the gentleman for bringing it up. It is called Keep American Jobs from Going Down the Drain Act. And what it says is very simple. It says that as we do what we need to do in this country to rebuild our infrastructure, our water and sewer systems, that we will make sure we do it using American iron and steel and

manufactured goods because that puts the American people back to work.

Other countries have similar procurement policies, and it's way past time that this country also do what it can to keep these jobs right here in Ohio, right here in America.

Mr. GARAMENDI. Well, I love the title, but even more so, I love the purpose of your legislation. Using our tax dollars to build the infrastructure, the water, the sanitation systems that every city, every community needs, and using that money to buy American-made pumps and pipes and fittings and valves and all of the rest of the things that go into those kinds of systems.

It's not the only place where American taxpayers' money can be used.

Let me give you a couple of examples, and these are my pieces of my legislation that deal with a similar theme.

We all pay gasoline tax and a diesel tax—18½ cents on the Federal side and 25 cents for diesel on the Federal side. Where does that money go? It goes to build our streets, highways, and buy our buses and trains.

We need a firm policy that says if it is American taxpayer money, it's going to be used to buy American-made buses, trains, American-made steel, concrete. We need to use our tax money to build the American economy so that we are making those things in America.

I'm going to give you the poster child for the wrong policy. State of California going to rebuild the San Francisco-Oakland Bay Bridge, a multibillion dollar project. Bids went out. An American contractor came in with two bids. One bid was for steel in America, and the other bid was for steel made in China. The Chinese steel was 10 percent cheaper.

The State of California—wrong-headed, big mistake—went out and said, Well, we're going to save 10 percent. Turns out, the Chinese steel was defective, the welds were defective, the bridge was delayed. The 10 percent disappeared. The 10 percent was added. The American jobs were lost. Never ever, ever again should that happen in America. If it's American taxpayer money, then by golly, use American-made products. I love it. Don't let American jobs go down the drain. Make sure we are making it in America.

One more thing, and then I want to turn to our minority whip to talk about Make It in America.

□ 2110

We also use American taxpayer dollars to build the solar systems and the wind turbine systems in America. Are they made in America? They ought to be. There are American manufacturers that make wind turbines and make solar. Once again, our taxpayer money. Is it going to be used to buy solar panels from China, wind turbines from Eu-

rope, or is it going to be used to buy American-made wind turbines and American-made solar panels? We must pass legislation, and it ought to be Democrat and Republican alike, that says finally it's going to be American made. We are going to make it in America so that Americans can make it.

Let me now turn to STENY HOYER, our esteemed leader, the whip of the Democratic caucus. Mr. HOYER.

Mr. HOYER. Mr. GARAMENDI, I thank you not only for your yielding, but more importantly for the extraordinary time you have invested in educating all of the Members of this House on both sides of the aisle in what can truly be perceived I think as an absolutely nonpartisan, bipartisan, pro-American agenda that says we ought to make it in America. And if we do, we are going to make it in America. We're going to succeed in America.

You've got our logo up there, Manufacturing Matters. I want to congratulate you, and I want to congratulate Ms. SUTTON from Ohio, who has been such an extraordinary advocate. Her legislation in many respects took the automobile industry and put it back on track. That was an action that saved literally hundreds of thousands of jobs. Thousands of jobs in the automobile industry, but all the jobs that are related to the automobile industry. And I congratulate BETTY SUTTON for the leadership she showed. That legislation of course was passed in a bipartisan fashion. Not a partisan divide on that issue.

Mr. GARAMENDI has been not only educating the Members of this House, but as the American public watches the proceedings in this House, educating them as well. I go all over America and talk to groups, and there is not a group that I have talked to, no matter how liberal, how conservative, whether it's a Democratic group, a nonpartisan group, anywhere in this country, and I have talked to a number of the heads of major corporations, and I have talked to a lot of heads of small corporations, 200, 300, 400 members, and all of them are appreciative of the fact that we have focused the Congress of the United States and the administration and America on the importance of making things in America.

BETTY SUTTON, as I walked on the floor, was talking about the kinds of jobs that we create in manufacturing, which have on average a 22 percent higher salary. That middle income, middle class workers, working Americans can have the kind of quality of life that they deserve. And when you see Ford bringing jobs back to America, you see Whirlpool bringing jobs back to America, you see other corporations bringing jobs back to America, why are they bringing them back to America? Because they are finding out that they get better quality and higher productivity.

The gentleman from California mentioned the steel in the bridge that's being built. We make the best steel in America. I was visiting the president of U.S. Steel in Pittsburgh. Extraordinary technology. And we are the most productive producer of steel now. We frankly in the fifties sort of rested on our laurels. And then in the sixties and seventies, the Japanese, the Koreans, and others built new plants and they overtook us in technology. But it wasn't because we couldn't compete; it was that we weren't competing.

What Make It In America says is American workers can compete with anybody in the world. And we are prepared to do so. And this Congress hopefully is going to give them the incentives and the tools to do that. So I wanted to come on the floor and join you, as I have in evenings past, to thank you, because I believe this agenda, if it's known to our Republican colleagues fully and our Democratic colleagues, but much more importantly to the American people, it's an agenda that I have found has the support of 8 to 9 of every Americans who shake their head and say, yes, that's the deal. I don't mean that the 1 or 10 percent are against it. It's just that about 85 percent say, yes, that's what we need to do. America can compete. America can be again the center of manufacturing and growth and the creation of jobs.

We know that we've lost some 8 million jobs over the last few years, 3 or 4 years. We know that Americans are struggling to find employment. Well, if we want to find employment for them we need to create jobs for them. We need to focus on creating jobs. I am hopeful that as we move on in the coming months that we will in fact start focusing on jobs, on job creation. We have created, as you know, 1.75 million new private sector jobs over the last 13 months. But that's not enough. It's progress, but it's not enough.

So I congratulate the gentleman and thank him for his leadership. And I thank Ms. SUTTON for hers as well. Two giants in focusing on an agenda that we call Make It In America.

Mr. GARAMENDI. Your kind words are much appreciated. But you are very much a part of this. This logo itself and the theme Make It In America was one that you developed. And we appreciate that and value the leadership that you have put into this.

I want to turn back to our colleague from Ohio. We have about 7 minutes, I believe, and we are going to wrap this thing up. Mr. HOYER, thank you very much. We really appreciate your work here.

Ms. SUTTON, if you will carry on, I am going to find one more of these placards.

Ms. SUTTON. I thank the gentleman. You know, again, this Make It In America agenda, it really is something

that we believe that whether you are a Republican, a Democrat, that everybody can embrace, and frankly, everybody needs to embrace. We saw what happened when we had our economy relying on the financial sector, where you had a few people moving money around. And it wasn't real value that was being created. When that bubble burst, we had a big problem. But when you engage in manufacturing, you take something of lesser value and you turn it into something of greater value. That is something that we can rely on.

So one of the things that we have to do is we have to have a national manufacturing strategy. And in that national manufacturing strategy, like on the agenda, the Make It In America agenda, we need to look at a number of things and how they all work together so that they will support U.S. manufacturing and U.S. workers.

Why do we need a manufacturing strategy? Well, it's kind of obvious, but I do think it's worth noting that others have national manufacturing strategies. So Germany has one, South Korea has one. In fact, every other industrialized nation has a network of currency, trade, tax, investment, innovation, and skills policies that promote their domestic manufacturing. So right here in the House we encourage our colleagues on the other side of the aisle to join us in this Make It In America agenda, to promote a national manufacturing strategy that deals with trade policies that are fair, and that there will be a reciprocity of trade that will no longer leave our workers and our businesses at an unfair disadvantage, where others will be forced to play by the rules in the same way that our manufacturers and our workers play by the rules. A program that also promotes tax policies that encourage manufacturing in this country and stops the outsourcing of jobs overseas, which we have seen take place for decades now. That will be smart with respect to our energy policies, our labor policies.

We shouldn't be attacking workers. Workers are not the ones who drove our economy off the cliff. So that whole issue of disproportionate shared sacrifice, right? Just like we saw the disproportionate wealth accumulated in this country as it did with the help of the policies that were promoted by the last Republican administration. We need education policies as a part of that national manufacturing strategy to promote a workforce that will keep us competitive and on top. Policies that protect intellectual property and research and development right here. Because where you have research and development you have manufacturing, and vice versa.

□ 2120

Of course, we need to strengthen and rebuild this country by investing in

our infrastructure. It puts people to work, and it is what we need to do.

Smart cuts make sense, but so do smart investments, and infrastructure is a good way to go.

Mr. GARAMENDI. I am going to pick up right on the issues that you raised. These are the essential elements of a manufacturing strategy. So if we are going to make it in America, we need to make things in America and these are the essential things.

You talk about trade policy. We cannot continue just to give it all away and just expect to be importers of cheap products made elsewhere. So we need good trade policies that position America's manufacturing sector to be competitive.

We speak specifically here of China, a lot of issues involved in China, currency; and it goes on and on. But this is one of the areas where we must stand firmly or else we will lose it because somebody else is going to make it and ship it here.

Unfairly, taxes. The tax policy of the Nation needs to encourage manufacturing. I want to give two examples that were part of the Democratic agenda, and these are now in law. Last year, as part of our program, we provided a tax break for American manufacturers who invested in capital equipment. We said, don't worry about depreciation. You invest in capital equipment, that is grow your manufacturing capacity and you could write off against your taxes in 1 year, that investment. That's a tax policy.

The second tax policy we said is it's not right for American corporations to get a tax break when they offshore jobs. We said enough of that. No more, you are going to do that. On both of these policies, our Republican colleagues refuse to join us. So presumably they want to continue giving corporations tax breaks when they send jobs offshore, and they don't care whether American companies invest here in the United States with capital equipment.

Energy, crucial, crucial. We cannot any longer put our future to risk on international oil markets. We are seeing it today, the extraordinary rise in the cost of gasoline and diesel, energy policy, energy independence, advanced biofuels, conservation, electric cars, all of those things.

Labor, you talked about labor. Again, it was the labor movement that created the middle class in America by standing firm and saying the workers of America need to share in the great wealth of America. We have seen the decline of labor, and we have seen the equal decline of the middle class. They go together.

Labor, fair labor rules, what's going on in the Midwest, Wisconsin, your State of Ohio, other States, is wrong. The labor movement and collective

bargaining is crucial to America's middle class because that gives the foundation, education policy.

What in the world are our Republican colleagues thinking about when they cut education funding? If we are going to compete, we need a well-educated workforce, and you can't do it on the cheap. It requires an investment.

I use intellectual property here; we could just as easily use the word "research." It is from the research that the new products are created. It's in those new products that the great profits are, and it's where we must protect the research.

Again, my Republican colleagues, why are you reducing the research budget for America? Why are you doing that, when, in fact, that's where the future industries come from? Don't, don't cut there.

And, finally, infrastructure, the foundation upon which everything moves, including thought.

We used to think of infrastructure being roads, streets, water systems, sanitation systems, yes. And now it's the intellectual infrastructure, the intellectual highway. All of that infrastructure is crucial if we fail to invest. By the way, in terms of the Net highway, access to the Net, the United States falls behind virtually every other industrialized country in the world and in many cases behind developing countries.

This is a Make it in America strategy. These are the elements: trade policy, tax policy, energy policy, labor policy, education, research, intellectual property and infrastructure. This is the Democratic agenda. This is what we are putting forth. This is what we will fight for because this is how you build the American middle class, by making it in America.

I want to thank my colleagues Ms. SUTTON; Mr. CLARKE, who was here earlier; our minority leader. We use the words minority whip now. You were our majority leader just a few months ago, and you will once again be because this agenda, the Make it in America, is the American solution to our economy and to our economic growth and to rebuilding the great American middle class.

I yield back the balance of my time.

HONORING FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore (Mr. REED). Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. LANCE) is recognized for 17 minutes.

Mr. LANCE. Mr. Speaker, I rise this evening in a very sad moment for the people of the State of New Jersey. I want to thank Congressman PALLONE for joining with me this evening, as well as other Members of the House, as we pay tribute to our colleague, John

Adler, who served in this House in the last Congress, an extremely close personal friend of mine, he and I having served 17 years together in the New Jersey legislature.

Mr. Speaker, before I deliver my remarks, we are honored this evening to be joined by the minority whip, the former majority leader, who certainly knew Congressman Adler well.

I yield to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding.

I did not know that he was taking a Special Order, but I was here on the floor, went over to say hello to my dear friend and he indicated this Special Order was being taken for John Adler.

John Adler died too young. John Adler contributed extraordinarily to his family, to his community, to his State and to his Nation.

He served here too short a time. He was full of energy and of ideas, of intellect, of integrity; and he became a good friend in a short period of time. And I counted him as one of the assets of this Congress, not a Democratic asset or a Republican asset, but someone who cared about his country and who wanted to see it adopt policies that were productive for its people.

It is appropriate that we remember this too short a life that, notwithstanding its brevity, was filled with great productivity, service and commitment. I appreciate the fact that the members of the New Jersey delegation have allowed me to join them, Mr. Speaker, in paying tribute to this great American.

I want to say to his family, I called Shelley the other day and didn't get her but left a message, four children are missing their father tonight, a loving wife, whom I got to know as well, missing her husband. While our loss is certainly not as personal or as keen as their loss, we share that loss in a very real sense.

Not only have we lost an American public servant; we have lost a friend and a colleague. For that we will say a prayer for his family, and we will be there for his family whenever they need us.

So I thank the gentleman from New Jersey, my friend Mr. LANCE, for giving me this time to join him and Mr. PALLONE and Mr. HOLT in paying tribute to this wonderful human being whom we had the privilege of serving with, for too brief a time.

Mr. LANCE. Thank you very much, Mr. HOYER.

Mr. Speaker, I have known John Adler for 20 years.

□ 2130

He entered the New Jersey State Senate in January 1992, having been the only Democratic candidate to win an open seat that year, defeating an in-

cumbent in what was not a strong year for the Democratic Party, his party. It was a strong year for my party, the Republican Party. And so he came to Trenton as a phenomenon.

He was a very young man. He was born in 1959, so he would have been 32 years old when he became a member of the State Senate. I had been elected to an unexpired term in the General Assembly the year before, and I served in the 1990s in the General Assembly, the lower house of our legislature, and he served continually in our upper house, in our State Senate, having first been elected in 1991 and then reelected in 1993, 1997, 2001, 2003 and 2007.

He rose to a position of prominence in the New Jersey Senate. He eventually chaired the State Senate Judiciary Committee, which is an extremely important responsibility in the structure of our government in New Jersey. And he was always interested in public policy. The year before he was elected to the State Senate, he had run as an underdog in a congressional race. And although he did not win that race, I think that many took note of his candidacy, and I think that propelled him into our State Senate.

I moved from the lower house of the New Jersey legislature to the State Senate in the election of 2001 when we became direct colleagues, and we worked together on many different issues. And he always worked in a collegial and extremely competent fashion.

Indeed, we sat next to each other for a period of time of our service in the State Senate, divided only by the center aisle. To those who know our State Capitol in Trenton, the State Senate chamber is a very small room. It was designed originally for 21 members, one State Senator from each of our 21 counties, and when the State Senate was increased in population in the 1960s, based upon the principle of one person one vote, to 40 members, it became a place where it's really quite overcrowded. And so we really sat extremely close to each other in this small chamber of the State Senate.

John Adler's career in the legislature was one of distinction—for example, prohibiting smoking in indoor public places and workplaces. He also sponsored an act promoting lower vehicle emissions and an antipredatory lending act to protect consumers from unfair credit practices. And based on that and many other accomplishments when he came here, he was appointed to the Financial Services Committee, the committee to which I was appointed, as well, and so we became colleagues not only here in this Chamber, the House of Representatives, the people's House across the United States, but we became colleagues on the Financial Services Committee.

John was not raised in circumstances of affluence. He lost his father when he

was a young man, and for him and his mother, it was a struggle. And yet despite that, he went to Harvard. He was graduated from Harvard College in 1981, and from Harvard Law School in 1984. He was an excellent student. And at Harvard, he met the person who became his wife, Shelley, someone whom I know and who is known by my wife, Heidi, and we consider ourselves to be friends with the entire Adler family.

And together, John and Shelley brought into this world four wonderful sons, Jeff, Alex, Andrew and Oliver, all of whom I know. Jeff is at Harvard at the moment, Alex is at Cornell, and they have two younger brothers. And tonight on this sad day, the day when John's funeral took place at Temple Emanuel in Cherry Hill, we remember prayerfully his wife, Shelley, and their beautiful sons, Jeff, Alex, Andrew and Oliver.

In 2008, there were two open seats in the House of Representatives in New Jersey due to retirements: Jim Saxton in District 3 and Mike Ferguson in District 7. And John succeeded Jim Saxton, as I had the honor of succeeding Mike Ferguson. So we were the only freshmen in the class of 2008 from New Jersey. And I think that we shared that bond as, of course, every member of a freshman class shares a particular and special bond.

Certainly, it is exciting for someone to move from a State legislative chamber here to the House of Representatives, and I think we shared that excitement, for example, when we went together to the Harvard seminar that took place for new members, and of course the orientation that takes place here and when we would bump into each other in the Hall here during orientation sometimes we thought, what were we doing here? It was an exciting time for both of us.

John Adler was a person of enormous wit, a very dry, subtle, and sophisticated wit. And it really pierced the veil of much of what occurs in public life and in political life where in so many instances we take ourselves too seriously. That was not Congressman Adler.

He had been involved over the course of his life in many different charitable activities. He served on the Cherry Hill Township Council before he went to the State legislature, the boards of the Camden County Chapter of the American Red Cross, the Food Bank of South Jersey, the Virtua West Jersey Health and Hospital Foundation, and the Camden County Advisory Board on Children. And certainly his respect for the political process is something that we should all recall, especially those of us who had the honor of serving with him in Trenton and in Washington.

I believe that those who serve in public life do so out of a sense of responsibility. John Adler could have made a great fortune in the practice of law

given his native intelligence, given his academic training and given his ability as a speaker. He chose to be involved in public life in Cherry Hill, a great suburban community in Camden County in southern New Jersey, in the State legislature, where he was very much involved in making sure that the judges who were appointed to office in New Jersey were men and women of ability. We have a system in New Jersey, Mr. Speaker, where our judges are appointed, not elected; appointed by the Governor and confirmed by the State Senate. And as chairman of the State Senate Judiciary Committee, John was intimately involved in that.

The district he served was an interesting district. The only Camden County community in the district is his hometown of Cherry Hill, and he served vast portions of neighboring counties, Burlington County and Ocean County. And to those who are not familiar with the geography of the State of New Jersey, places in Ocean County are among the most beautiful beaches anywhere, not only in this country but in the entire world. And I know that he had a commitment to protecting our environment.

John Adler's life was ended by a bacterial infection in his heart at age 51. His father had died in his late 40s also based upon a heart condition. So perhaps John Adler had a weakened heart. But he had a very strong heart in his views on public policy, in his views on helping the people whom he represented, first in a municipal governing body for many distinguished years in our State senate, and in the 111th Congress, where he was my colleague and my friend. And where we, too, alone, were the freshmen from the State of New Jersey.

I'm pleased to yield to Congressman HOLT.

□ 2140

Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. LANCE) and my other colleague from New Jersey (Mr. PALLONE) for setting aside this time.

Too young, too soon, not fair, not explicable in a larger sense. It is with great sadness that we come to the floor tonight to honor the life of a fine colleague and a friend, a dedicated public servant to the State of New Jersey, John Adler.

John was dedicated to the service of the people of New Jersey. His devotion to New Jersey led him to run for and win a congressional seat in 2008, as you heard from our colleague, Mr. LANCE. While John ultimately was not returned to this body for this session of Congress, his legacy of public service will indeed live on. No doubt he would have continued to find ways to improve the lives of New Jerseyans.

Sharing not only a State but also a hallway in the Longworth Office Build-

ing with John, I had an opportunity to get to know him fairly well. He was a wonderful colleague. I will miss, as we all will, his cheerful demeanor and wonderful sense of humor that he brought to all of his work. A sense of humor, a good spirit in good times and in bad. And I will miss his wisdom and his sharp political insight and his policy knowledge.

Today, during a memorial at his funeral in New Jersey, there were several comments made, and I would like to read a few. His law school roommate and best man commented that John Adler really did believe that worrying was just a waste of time. He believed that any setback was an opportunity for something good to happen.

Friends remembered that after he had been defeated but Congress was still in session for another 2 months, he continued diligently to work here in Congress. As they said, he wanted to make sure that he made it to all of the caucus meetings on time. He wanted to continue to make the right votes for the people of New Jersey.

His brother-in-law commented that playing knowledge games against John was like playing against Google. He recalled John's near-brush with "Jeopardy" fame that fizzled after the former Congressman paid, out of his own pocket, to fly for a taping to the television program. He made it to the makeup room, and one of the functionaries asked in a formal sense whether John knew anyone who worked for ABC. And John said, Well, yes, he thought one of his law school classmates had taken a job with a station. And the producers said that was it; he couldn't participate.

Said his brother-in-law: You mean you flew all the way out to California on your own dime? Why on Earth would you tell them that? And John replied, because I didn't want to lie.

Shelley, John's wife, is an accomplished, lovely person. And there is every indication that their sons are as bright and public spirited as their parents. This is a real loss for many of us, as well as for the people of New Jersey.

I ask that the Members of the House join me in extending our sympathy and condolences to John's family and friends and his many admirers.

TRIBUTE TO FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. PALLONE) is recognized for 17 minutes.

Mr. PALLONE. Thank you, Mr. Speaker; and I want to continue making this tribute and joining my colleagues, Congressman LANCE and Congressman HOLT, in this tribute this evening to John Adler, a good friend and one of our colleagues.

I don't want to repeat some of the things that my colleagues have already said, but I would like to talk a little bit about some instances of my own life that also involved John.

I think Mr. LANCE mentioned how difficult his political life was in the sense that he was always running in areas that were primarily or historically Republican. When he was elected to the State senate back in the early 1990s, he won in an upset against an incumbent. Of course, when he ran for the congressional seat which adjoins mine in the south in Ocean County, he was very much running against the odds. That seat had been held by Congressman Saxton, who was also a good friend for many years, and was Republican as far back as anyone can remember. And he still won. I think he won by 51 or 52 percent of the vote. He just always faced challenges like that.

It was mentioned when he was growing up that his father died also of a heart condition at a young age, I think 47 years old; and I don't even know if John was in high school at that time. He would often talk on the campaign trail about growing up and having to depend on Social Security benefits, and he was able to relate to people because of his upbringing, those who were struggling and those who had a hard time because maybe they had lost a father or didn't have a parent or grew up in circumstances where they didn't have much money.

I think that the energy and the willingness to always take on the fight very much characterized John. As was mentioned, he really was one of the smartest people that I have ever met. I remember on another occasion when we were at a campaign event and I was introducing him, and I mentioned he graduated undergraduate from Harvard University and then went on to Harvard law school and how impressed I was with that. After the event was over, he came up to me and said, Frank, don't mention I went to Harvard; I have to be humble. And that certainly doesn't indicate any kind of humility if you mention Harvard. Not that he wasn't proud of it, he certainly was, and he had reason to be.

But he always wanted to relate to the average person, to the middle class person, to the little guy because that was his upbringing. That is what he was really all about. That is why he wanted to come to Congress.

As Mr. LANCE mentioned, anybody who graduates from Harvard undergraduate and law school could easily spend the rest of their life making money and doing well financially, but he decided he wanted to go into politics. He wanted to help people. And even if it meant he had to run in a district and work hard and raise a lot of money to campaign in order to win, he was determined to do that because he really believed that that is what life is

all about, giving back, giving to the public, giving back to his country.

I want to just mention a couple of other things that I thought were kind of interesting. John would always talk about his family. I don't know how long it takes to go back and forth to where he lived in Cherry Hill exactly, probably a couple of hours, maybe a little more, but he was always determined to go back and forth as much as possible. Even when he was here, in order to make sure that he was able to help his family and not spend a lot of money, he would spend the night in his office because he wanted to make sure that he had enough money to pay for his family.

He always talked about his kids; he talked about their education. He was so proud of the fact of where they were going to college and talked to me many times about them and their education and wanted to go back home so he could go to an athletic event with them or just be with them and his wife, Shelley.

The one thing that everyone comments about is not only John's humility but also his sense of humor. I have to tell you that many times I would come to the floor and sometimes I always remember him over in that set of chairs or standing up in that part of the House floor. I would always come up to him and ask him if he wanted to do a 1-minute Special Order or if he wanted to do this or that. I was always nagging him to do different things. And sometimes he would do, and sometimes he wouldn't; but he would always tell a joke. He always would make me laugh.

□ 2150

I have to be honest that oftentimes after a long day here in the House of Representatives, that's really what you need. You need someone to tell a joke or to make you laugh with his wit, with his sense of humor. It was a very special thing. I'm not sure that I can really describe it well.

Also, on the campaign trail, JON RUNYAN, his successor in Congress, was here speaking the other night. You couldn't help when you saw John Adler and JON RUNYAN together, Jon is this huge guy, a football player, big, tall, and, of course, John Adler was so slight. He always exercised. I don't even know how much he weighed, but he was very slight. The contrast between them was sort of interesting. John would always poke fun at that as well, the fact that he was a slight guy and that JON RUNYAN was such a big guy as a football player.

I heard Mr. LANCE talk about Ocean County and John representing Ocean County. I can't help but mention one aspect of that, and that is the fact that when he first was running in Ocean County, because I used to represent it at one time, he would remark to me about how beautiful it was, how won-

derful the beaches were, and he was very concerned to preserve the quality of the beaches, the quality of the ocean, and also protect the industries that used them, particularly the fishing industry. There was an organization called the Recreational Fishing Alliance that was very supportive of John because he was very concerned about the fishing industry. It was historically part of Ocean County and part of New Jersey going back to even Colonial times, and that he felt he had a special role to play in trying to protect the industry.

They appreciated it. Fishermen, maybe unlike some people, they can kind of see whether you're really on their side and whether you really are truly supportive of them and understand their concerns. They understood that John did, and they really appreciated all the help that he gave them.

I know our time is running out. I did want to first recognize my colleague, Mr. PASCRELL, and then after that, I wanted to read a statement from former Governor Jon Corzine into the record because he had asked that I do that this evening.

At this point I would yield to my colleague from New Jersey.

Mr. PASCRELL. I thank the gentleman for yielding.

I really am honored to be on the floor with two great congressmen, Congressman PALLONE and Congressman LANCE. I know the three of us served in the New Jersey legislature. John Adler was a great New Jersey Senator. He was everything but a Harvard man. In other words, he didn't act like a Harvard man. You could connect with him. He was a human being, above everything else. He was tenacious on the campaign trail, but he was more valuable as a public servant. He took what he did very seriously. He was sincere, very hardworking. He did his homework before each vote. He would never allow anyone to lead him by the nose to vote. Very independent thinker. Not unlike PALLONE and LANCE. He was not a Trenton guy. He was not a Washington guy. He came here to do a job.

I could not believe when I heard the news, a 51-year-old young man. Compared to me he's a young man. He had so much to give and he gave it. He really loved the public that he served. He will be greatly missed by Democrats and Republicans on this floor. To his wife, Shelley, and their four beautiful sons, Jeff, Alex, Andrew, and Oliver, you have friends here. This is by no means the end.

Growing up in Haddonfield and coming to Washington, it was no difference to John Adler. He truly loved his fellow man. He truly did what he was supposed to do here on his mission. Folks voted him here. Even when things didn't go well in the last election, he rose above. He was a winner in every sense of the word. God bless him. God

bless our beautiful State. God bless the best country in the world. We remember John Adler this evening with fond memory.

Thank you, FRANK.

Mr. PALLONE. Thank you, my colleague.

I mentioned, Mr. Speaker, that former Governor Corzine, who worked with John Adler for many years on judicial and law enforcement issues while Adler served in the State senate as chairman of the Judiciary Committee and Corzine, of course, was the Governor at the time, he asked that I read this statement on the passing of Congressman John Adler:

“Congressman John Adler was a dedicated public servant whose wit, intelligence, and drive enriched the public debate in both the New Jersey statehouse and in our Nation’s capital. For nearly half his life, Congressman Adler committed himself to the truly noble idea that our government and our great country can be a force for good in the lives of so many citizens.

“Today, we owe a debt of gratitude to Shelley Adler for sharing John with countless New Jerseyans who, whether they know it or not, are better off because of her loving and generous husband.

“John’s true legacy, however, as Shelley would certainly attest, is found in four wonderful boys who will undoubtedly enrich their communities with the same spirit of compassion and commitment to the greater good found in their father.

“While we mourn John’s passing, may we also celebrate him by remembering that our own lives are defined by those moments when we decide to stop and help someone else.”

Those are the comments by former Governor Corzine.

Mr. Speaker, I know that Congressman HOLT before mentioned some of the statements that were made by friends and relatives at John Adler’s funeral this afternoon in Cherry Hill. I did want to, if I could, just take a couple of excerpts here, as I know we only have a few minutes left, that I would like to enter into the RECORD, some parts of the narrative of the funeral that are mentioned in PolitickerNewJersey.com.

It starts out by saying:

They came Wednesday to honor the memory of John Adler, a New Jersey exemplar, a self-made man of Horatio Alger levels, a man of law, a family man, and a man of the people.

Rabbi Jerome David said, “John died—too soon, too young—after a 3-week battle in the hospital surrounded by his family, surrounded by a very dedicated circle of friends. But he died knowing he used his intelligence and skills to help people—to really make a difference.”

Another rabbi spoke of his humble leadership, reading a passage in Hebrew

and translating to English: “It is not the position that honors the man; rather it is the man who has honored the position. He saw himself as a public servant in the best sense.” The rabbi recalled a particular moment that exemplified John’s *joie de vivre*, when the Harvard-schooled pol would exit a stage—ignoring completely the half-stack of steps attached to the side—and he would bound off the front onto the people’s floor.

Two of his sons spoke at the funeral. The eldest, Andrew, emotionally recalled how much his father would get from doing the mundane family things, like attending soccer games, yelling some absurdity onto the field at tense moments. “I will always miss him,” his son said. “But I know he was always proud of the ones he loved.”

Lastly, Mr. Speaker, the rabbi concluded the ceremony with a poem that ends:

Perhaps my time seemed all too brief
Don’t lengthen it now with undue grief

Lift up your hearts and share with me

God wanted me now, he set me free.

With that, Mr. Speaker, I would yield back the balance of my time.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on March 30, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1079. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ADJOURNMENT

Mr. LANCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 7, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

1065. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — *Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8866-5] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1066. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1067. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Ownership or Control by a Foreign Government (DFARS Case 2010-D010) (RIN: 0750-AG78) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1068. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department’s final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1069. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department’s final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1070. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department’s final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1177] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1071. A letter from the Associate General Counsel for Legislation and Regulations Divisions, Department of Housing and Urban Development, transmitting the Department’s final rule — Public Housing Evaluation and Oversight: Changes to the Public Housing Assessment System (PHAS) and Determining and Remediating Substantial Default [Docket No.: FR-5094-I-02] (RIN: 2577-AC68) received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1072. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Standards Governing the Release of a Suspicious Activity Report [Docket ID: OTS-2010-0016] (RIN: 1550-AC28) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1073. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Stock Benefit Plans in Mutual-to-Stock Conversions and Mutual Holding Company Structures [No. OTS-2007-0014] (RIN: 1550-AC07) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1074. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Permissible Activities of Savings and Loan

Holding Companies [Docket ID: OTS-2007-0007] (RIN: 1550-AC10) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1075. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Personal Transactions in Securities [Docket ID: OTS-2007-0010] (RIN: 1550-AC16) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1076. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Prohibited Service at Savings and Loan Holding Companies [OTS-2007-0008] (RIN: 1550-AC14) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1077. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act-Community Development [No. 2006-16] (RIN: 1550-AB48) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1078. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Confidentiality of Suspicious Activity Reports [Docket ID: OTS-2010-0015] (RIN: 1550-AC26) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1079. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Department of Education Acquisition Regulation [Docket ID: ED-2010-OCFO-0015] (RIN: 1890-AA16) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1080. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens [Docket No.: EERE-2008-BT-TP-0011] (RIN: 1904-AB76) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 51 [EPA-HQ-SFUND-2010-0072, 0073, 0075, 0634, 0636, 0638, 0639, 0643, 0645, 0646; FRL-9277-8] (RIN: 2050-AD75) received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Source [EPA-HQ-OAR-2008-0334; FRL-9279-8] (RIN: 2060-AQ89) received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Non-attainment Area [EPA-R03-OAR-2010-0431; FRL-9278-8] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1084. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the Open Burning Regulations [EPA-R03-OAR-2010-0903 FRL-9278-7] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1085. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Brownwood and Early, Texas) [MB Docket No. 09-181] received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1086. A letter from the Chief, Satellite Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Telesat Canada Petitions for Reconsideration [IB Docket No.: 06-123] March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1087. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) table of Allotments, FM Broadcast Stations. (Willow Creek, California) (MB Docket No.: 10-189) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1088. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to the Export Administration Regulations: Part 750- Application Processing, Issuance, and Denial [Docket No.: 110224164-1168-02] (RIN: 0694-AF16) received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1089. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns [FAC 2005-50; FAR Case 2009-025; Item VIII: Docket 2010-0087, Sequence 1] (RIN: 9000-AL58) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1090. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Compensation for Personal Services [FAC 2005-50; FAR Case 2009-026; Item IX; Docket 2010-0088, Sequence 1] (RIN: 9000-AL54) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1091. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-50; Small Entity Compliance Guide [Docket: FAR 2011-0077, Sequence 2] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1092. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-50; Item X; Docket 2011-0078; Sequence 1] received March 16, 2011,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1093. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Trade Agreements Thresholds [FAC: 2005-50; FAR Case 2009-040; Item VII; Docket 2010-0092, Sequence 1] (RIN: 9000-AL57) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1094. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Use of Commercial Services Item Authority [FAC 2005-50; FAR Case 2008-034; Item VI; Docket 2009-0035, Sequence 1] (RIN: 9000-AL44) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1095. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Clarification of Countries and Geographic Areas Eligible for Participation in the Guam-Commonwealth of the Northern Mariana Islands Visa Waiver Program [USCBP-2011-0007; CBP Dec. 11-07] (RIN: 1651-AA81) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1096. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Sabine Bank Channel, Sabine Pass Channel and Sabine-Neches Waterway, TX [Docket No.: USCG-2009-0316] (RIN: 1625-AA87) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1097. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River [CGD05-05-079] (RIN: 1625-AA09) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1098. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 1000 yard radius from position 29 degrees 48.77 'N 091 degrees 3.02 'W, Charenton Drainage and Navigation Canal, St. Mary Parish, LA [Docket No.: USCG-2010-0979] (RIN: 1625-AA00) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1099. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Country of Origin of Textile and Apparel Products [USCBP-2005-0009] (RIN: 1515-AD57) (Formerly RIN: 1505-AB60) received March 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1100. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restriction Imposed on Certain Archaeological and Ethnological Materials from Colombia (RIN: 1515-AD73) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1101. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds: Minimum Interest Rate [Docket No.: BPD GSRS 11-01] received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1102. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information in Connection with Written Contracts Among the IRS, Whistleblowers, and Legal Representatives of Whistleblowers [TD 9516] (RIN: 1545-BG73) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1103. A letter from the Acting Protected Critical Infrastructure Information (PCII) Program Manager, Department of Homeland Security, transmitting the Department's final rule — Procedures for Handling Critical Infrastructure Information (RIN: 1601-AA14) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

1104. A letter from the Director, Office of SAFETY Act Implementation, Department of Homeland Security, transmitting the Department's final rule — Regulations Implementing the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) [USCG-2003-15425] (RIN: 1601-AA15) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

1105. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Reductions and Increases to Hospitals' FTE Resident Caps for Graduate Medical Education Payment Purposes [CMS-1430-IFC] (RIN: 0938-AQ92) received March 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion; with an amendment (Rept. 112-55). Referred to the Committee of the Whole House on the State of the Union.

Ms. FOXX: Committee on Rules. House Resolution 206. A resolution providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-56). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LARSON of Connecticut, Mr. BRADY of Texas, Mr. MCCAUL, Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. SHUSTER, Mr. SIMPSON, Mr. BACHUS, Mr. ALEXANDER, Mr. GRIMM, Mr. BURTON of Indiana, Mr. THOMPSON of Pennsylvania, Mr. LUJAN, Mr. CRITZ, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. DOYLE, Ms. KAPTUR, Mr. KISSELL, Mr. LIPINSKI, Mr. MATHESON, Mr. MURPHY of Connecticut, Mr. ROSS of Arkansas, Mr. LUCAS, Mr. WELCH, Mr. COLE, Mr. MCINTYRE, Mr. BILBRAY, Mr. CULBERSON, Mrs. BLACKBURN, Mr. DONNELLY of Indiana, Mr. BOUSTANY, Mr. FLEMING, Mr. CHANDLER, Mr. HALL, Mrs. CAPITO, Mr. JONES, Mr. MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. PERLMUTTER, Mr. ALTMIRE, Mr. GARDNER, Mr. CONAWAY, Mr. RYAN of Ohio, Mr. SESSIONS, Mr. HOLT, Mr. TONKO, Mr. SABLAN, Mr. PETERS, Ms. DEGETTE, Mr. CAPUANO, Mr. COURTNEY, Mr. CLAY, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. BARTON of Texas, Mr. ISSA, Mr. GALLEGLY, Mr. HARPER, Mr. BISHOP of Utah, Mr. TERRY, Mr. COSTA, Mr. BARROW, Ms. FUDGE, Mr. CLEAVER, Mr. SERRANO, Mr. WU, Mr. PASCRELL, Mr. SCALISE, Mrs. BONO MACK, Mr. BOSWELL, Mrs. LUMMIS, Mr. LANKFORD, Mr. REHBERG, and Mr. MARCHANT):

H.R. 1380. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Ways and Means, and in addition to the Committees on Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. LANGEVIN, Mr. POLIS, Mr. HOLT, Mr. HIMES, Mr. HARPER, Mr. SABLAN, Mr. KILDEE, Mr. GRIJALVA, Mr. LOEBSACK, Mr. HINCHAY, Mr. PAYNE, Mr. HINOJOSA, Mr. BISHOP of New York, Ms. WOOLSEY, Mrs. MCCARTHY of New York, Ms. HIRONO, and Mr. SCOTT of Virginia):

H.R. 1381. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 1382. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture.

By Mr. MILLER of Florida (for himself and Mr. STUTZMAN):

H.R. 1383. A bill to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself and Mr. BLUMENAUER):

H.R. 1384. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. DAVIS of Illinois):

H.R. 1385. A bill to repeal the sugar price support program and marketing allotments for sugar, and for other purposes; and the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. BURGESS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. PIERLUISI):

H.R. 1386. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHENRY (for himself, Mr. ISSA, and Mr. ROSS of Florida):

H.R. 1387. A bill to amend the Emergency Economic Stabilization Act of 2008 to give the Special Inspector General oversight over the Small Business Lending Fund; to the Committee on Financial Services.

By Mr. COFFMAN of Colorado (for himself, Mr. PETERS, Mr. LATTA, Mrs. LUMMIS, and Mrs. MCMORRIS RODGERS):

H.R. 1388. A bill to reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare-earth-based magnet production industry and supply chain in the Defense Logistics Agency of the Department of Defense; to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 1389. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOLDEN):

H.R. 1390. A bill to amend title 49, United States Code, to provide for enhanced motor-coach safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Mr. WHITFIELD, Mr. RAHALL, Mr. HOLDEN,

Mr. TERRY, Mrs. CAPITO, Mr. OLSON, Mr. BARTON of Texas, Mr. POMPEO, Mr. GIBBS, Mr. GUTHRIE, Mr. KINZINGER of Illinois, Mrs. McMORRIS RODGERS, Mr. CRITZ, Mr. MURPHY of Pennsylvania, and Mr. GRIFFITH of Virginia):

H.R. 1391. A bill to prohibit the Environmental Protection Agency from regulating fossil fuel combustion waste under subtitle C of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 1392. A bill to provide assistance to veterans and veteran-owned businesses with respect to contract opportunities, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BUCHANAN:

H.R. 1393. A bill to reform the Bureau of Ocean Energy Management, Regulation and Enforcement and offshore drilling for oil and gas, to repeal the limitation of liability of a responsible party for discharge of oil from an offshore facility, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself and Mr. LOBIONDO):

H.R. 1394. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. CLARKE of Michigan, and Ms. MOORE):

H.R. 1395. A bill to direct the Secretary of Transportation to establish a grant program to assist the development of aerotropolis transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ (for himself, Mr. HOLDEN, and Mr. MCKINLEY):

H.R. 1396. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Ms. ROS-LEHTINEN, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS, Mr. CICILLINE, Mr. NADLER, Mr. ANDREWS, Ms. RICHARDSON, Mr. DOYLE, Ms. SPEIER, Mr. HOLT, Mrs. LOWEY, Mr. PETERS, Mr. ISRAEL, Ms. CHU, Mr. WU, Ms. DEGETTE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. ACKERMAN, Ms. CLARKE of New York, Mr. TOWNS, Mr. McDERMOTT, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. MORAN, Ms. TSONGAS, Mr. SARBANES, Ms. LINDA T. SANCHEZ of California, Mr. KEATING, Mr. FILNER, Mr. COOPER, Ms. SUTTON, Mr. QUIGLEY, Mr. WAXMAN, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. MARKKEY, Mr. TIERNEY, Mr. OLVER, Mr. CAPUANO, Mr. FARR, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. DINGELL, Mr.

GUTIERREZ, Mr. STARK, Mr. SCOTT of Virginia, Mr. PLATTS, Mr. CROWLEY, Mr. SERRANO, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HONDA, Ms. SCHWARTZ, Ms. MOORE, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. BECERRA, Ms. ZOE LOFGREN of California, Ms. DELAURO, Mr. SCHIFF, Mr. HEINRICH, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. SIRE, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mr. LEVIN, Mr. MCGOVERN, Mr. FATTAH, Mr. HIGGINS, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. LUJÁN, Mr. MICHAUD, Mr. WEINER, Mr. HASTINGS of Florida, Ms. WOOLSEY, Ms. HIRONO, Mrs. BIGGERT, Ms. NORTON, Ms. MCCOLLUM, Mr. VAN HOLLEN, Ms. PINGREE of Maine, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. COHEN, Mr. DEUTCH, Mr. PASCRELL, Ms. WATERS, Mr. KILDEE, Mr. INSLEE, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. LYNCH, Mr. NEAL, Mr. CUMMINGS, Mr. LARSON of Connecticut, and Ms. FUDGE):

H.R. 1397. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself and Mr. KIND):

H.R. 1398. A bill to amend title XVIII of the Social Security Act to treat certain provider taxes as allowable costs for purposes of Medicare reimbursements to critical access hospitals; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. BISHOP of New York):

H.R. 1399. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. HECK):

H.R. 1400. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 1401. A bill to amend the Federal Reserve Act to alter the terms and conditions applicable to members of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Financial Services.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Mr. RYAN of Ohio, Mr. HINCHEY, and Mr. PETERS):

H.R. 1402. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government; to the Committee on House Administration.

By Mr. KINGSTON:

H.R. 1403. A bill to authorize the Secretary of the Interior to conduct a special resource study of Point Peter in St. Marys, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself, Ms. PINGREE of Maine, Mr.

JONES, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOYLE, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LUJÁN, Ms. MATSUI, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Mr. NADLER, Mr. OLVER, Mr. POLIS, Mr. ROTHMAN of New Jersey, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. STARK, Mr. TONKO, Ms. TSONGAS, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 1404. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration.

By Mr. LATTA:

H.R. 1405. A bill to prohibit the Environmental Protection Agency from regulating coal combustion byproducts as hazardous waste under subtitle C of the Solid Waste Disposal Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 1406. A bill to provide pet owners the ability to receive a copy of veterinary prescriptions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUNYAN (for himself and Mr. STUTZMAN):

H.R. 1407. A bill to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. PIERLUISI, Mr. FALOMAVAEGA, Mr. SABLAN, Ms. BORDALLO, Mr. BOREN, Mr. DENHAM, Mr. BENISHEK, Mr. LUJÁN, and Ms. HANABUSA):

H.R. 1408. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. WALSH of Illinois (for himself, Mr. BUCHANAN, Mr. HUELSKAMP, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. STUTZMAN, Mrs. HARTZLER, Mr. MARINO, Mr. REHBERG, Mrs. McMORRIS RODGERS, Mr. BROOKS, Mr. FRANKS of Arizona, Mr. LANCE, Mr. HELLER, and Mr. LABRADOR):

H.J. Res. 54. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

By Mr. ISRAEL:

H. Res. 207. A resolution recognizing the 150th anniversary of the start of the American Civil War; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SULLIVAN:

H.R. 1380.

Congress has the power to enact this legislation pursuant to the following:

Article(s) I, Section 8, Clause 1, Article I, Section 8, Clause 3 of the United States Constitution and the Sixteenth Amendment of the United States Constitution.

By Mr. GEORGE MILLER of California:

H.R. 1381.

Congress has the power to enact this legislation pursuant to the following:

Art. 1 sec. 1

Art. 1 sec. 3

Art. 1 sec. 8

By Mr. MCGOVERN:

H.R. 1382.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, of Article 1, which gives Congress the power to provide for the general welfare.

By Mr. MILLER of Florida:

H.R. 1383.

Congress has the power to enact this legislation pursuant to the following:

Clauses 12, 13, 14, and 18 of Section 8 of Article 1 of the Constitution

By Mr. HELLER:

H.R. 1384.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. PITTS:

H.R. 1385.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sect. 8

By Mr. MARKEY:

H.R. 1386.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MCHENRY:

H.R. 1387.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18.

By Mr. COFFMAN of Colorado:

H.R. 1388.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests are:

The power of Congress to make law regarding the raising and supporting of armies and to provide and maintain a navy, as enumerated in Article I, Section 8, Clause 12 and 13 of the United States Constitution;

And

The power of Congress to make law regarding the needful rules and regulations respecting the property of the United States, as enumerated in Article IV, Section 3, Clause 2 of the United States Constitution;

And

The power of Congress to make law regarding providing for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SMITH of New Jersey:

H.R. 1389.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. SHUSTER:

H.R. 1390.

Congress has the power to enact this legislation pursuant to the following:

Clause 3, of Section 8, of Article I of the Constitution.

By Mr. MCKINLEY:

H.R. 1391.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. FITZPATRICK:

H.R. 1392.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is pursuant to the Necessary and Proper Clause—Article 1, Section 8, Clause 18 of the Constitution.

By Mr. BUCHANAN:

H.R. 1393.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this resolution rests is the power of Congress as enumerated in Article 1 Section 8 of the United States Constitution.

By Mrs. CHRISTENSEN:

H.R. 1394.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to enact bills pursuant to clause 1 of section 8 of article I of the Constitution.

By Mr. COHEN:

H.R. 1395.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CRITZ:

H.R. 1396.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Mr. FRANK of Massachusetts:

H.R. 1397.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GRAVES of Missouri:

H.R. 1398.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; and including, but not solely limited to Article I, Section 8, Clause 14.

By Mr. GRIMM:

H.R. 1399.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I.

By Mr. HELLER:

H.R. 1400.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By Ms. KAPTUR:

H.R. 1401.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. KILDEE:

H.R. 1402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: [The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

By Mr. KINGSTON:

H.R. 1403.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. LARSON of Connecticut:

H.R. 1404.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of choosing Senators.

and

Article I, Section 8, Clause 3

The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LATTA:

H.R. 1405.

Congress has the power to enact this legislation pursuant to the following:

This resolution is enacted pursuant to Article I, Section 8, Clause of the United States Constitution.

By Mr. MATHESON:

H.R. 1406.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. RUNYAN:

H.R. 1407.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. YOUNG of Alaska:

H.R. 1408.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. WALSH of Illinois:

H.J. Res. 54.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. GUINTA, Mr. LEWIS of California and Mr. HOLDEN.

H.R. 23: Mr. WILSON of South Carolina and Mr. MURPHY of Connecticut.

H.R. 49: Mr. TERRY, Mr. WOLF, and Mr. SOUTHERLAND.

- H.R. 58: Mr. WESTMORELAND, Mr. FLORES, Mr. OWENS, Mr. YOUNG of Alaska, Mr. MARCHANT, Mr. BRADY of Texas, Mr. THORNBERRY, Mrs. LUMMIS, Mr. ALEXANDER, Mr. SESSIONS, Mr. CONAWAY, Mr. FRANKS of Arizona, and Mr. GRIFFITH of Virginia.
- H.R. 100: Mr. GARY G. MILLER of California and Mr. DAVIS of Kentucky.
- H.R. 104: Mr. FITZPATRICK, Mr. GRIFFIN of Arkansas, and Mr. YOUNG of Alaska.
- H.R. 110: Mr. HULTGREN.
- H.R. 111: Mr. GERLACH, Mr. FILNER, and Mr. MARKEY.
- H.R. 158: Mr. ROSS of Florida and Mr. FORBES.
- H.R. 178: Mr. RIGELL and Mr. MCNERNEY.
- H.R. 237: Mr. SIMPSON.
- H.R. 272: Mr. BACHUS.
- H.R. 303: Mr. MILLER of North Carolina.
- H.R. 308: Mr. LEWIS of Georgia and Mr. KEATING.
- H.R. 324: Mr. BILBRAY.
- H.R. 373: Mr. FORBES.
- H.R. 399: Mr. CAMPBELL.
- H.R. 420: Mr. SESSIONS, Mr. ALEXANDER, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, Ms. GRANGER, Mr. GRIFFITH of Virginia, Mr. FRANKS of Arizona, and Mr. CONAWAY.
- H.R. 431: Mr. BURGESS.
- H.R. 432: Ms. TSONGAS.
- H.R. 458: Mr. COHEN.
- H.R. 459: Mr. GRIFFIN of Arkansas and Mrs. BACHMANN.
- H.R. 469: Mr. KILDEE.
- H.R. 470: Mr. HUNTER.
- H.R. 498: Mr. HURT.
- H.R. 529: Mr. FORBES.
- H.R. 530: Mr. CONYERS.
- H.R. 531: Ms. NORTON.
- H.R. 546: Mr. PITTS, Mr. LABRADOR, Mr. SABLAN, Mr. WOLF, Mr. JOHNSON of Ohio, Mr. ALEXANDER, Ms. WOOLSEY, Mr. FORTENBERRY, Mr. HARPER, and Mr. MANZULLO.
- H.R. 547: Mr. POE of Texas.
- H.R. 563: Mr. BARLETTA.
- H.R. 593: Mr. MCKINLEY, Mr. PAUL, and Mr. MARCHANT.
- H.R. 602: Mr. HINCHEY.
- H.R. 607: Mr. CRAVAACK and Mr. SHULER.
- H.R. 609: Mr. POE of Texas.
- H.R. 615: Mr. CONAWAY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. ROHRBACHER.
- H.R. 623: Ms. WILSON of Florida.
- H.R. 645: Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mrs. ELLMERS, Mr. FLORES, Mr. THORNBERRY, Mrs. LUMMIS, and Mr. ALEXANDER.
- H.R. 651: Mr. HASTINGS of Florida.
- H.R. 664: Mr. TERRY.
- H.R. 673: Mr. WALBERG.
- H.R. 674: Mr. COSTA, Mr. HANNA, Mr. BISHOP of New York, and Mr. RUPPERSBERGER.
- H.R. 680: Mr. HUNTER, Mr. WALBERG, Mrs. HARTZLER, and Mrs. BLACK.
- H.R. 700: Mr. JOHNSON of Illinois.
- H.R. 718: Ms. LEE of California, Mr. LATOURETTE, and Mr. SCHIFF.
- H.R. 721: Mr. REED, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Mr. HOLDEN, Mr. REHBERG, Mr. BUCHSHON, and Mr. WALBERG.
- H.R. 745: Mr. CASSIDY, Mr. CHAFFETZ, Mr. WILSON of South Carolina, Mr. STEARNS, and Mr. HERGER.
- H.R. 790: Mr. BLUMENAUER.
- H.R. 812: Mr. WELCH and Mr. SMITH of New Jersey.
- H.R. 843: Mr. SCHILLING and Mr. MCINTYRE.
- H.R. 876: Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 890: Mr. WEST, Mr. SCHOCK, and Ms. BERKLEY.
- H.R. 895: Mrs. MYRICK, Mr. HERGER, Mr. GALLEGLY, and Mr. MARINO.
- H.R. 905: Mr. MCHENRY, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, and Mr. MILLER of North Carolina.
- H.R. 912: Mr. FILNER.
- H.R. 920: Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. DESJARLAIS, Mr. POSEY, Mr. ROONEY, Mr. KINGSTON, Mr. KING of Iowa, Mr. SOUTHERLAND, and Mr. FLORES.
- H.R. 926: Mr. COBLE.
- H.R. 942: Mr. RIBBLE.
- H.R. 943: Ms. MCCOLLUM.
- H.R. 964: Mr. ACKERMAN, Mr. RAHALL, Mr. HOLT, and Mr. JACKSON of Illinois.
- H.R. 969: Mr. BOUSTANY.
- H.R. 990: Mr. BROUN of Georgia.
- H.R. 991: Mr. FLORES and Mr. BROUN of Georgia.
- H.R. 993: Mr. REHBERG.
- H.R. 998: Mr. CLAY, Ms. FUDGE, and Mr. SABLAN.
- H.R. 1005: Mr. SCHOCK.
- H.R. 1014: Mr. LOEBSACK.
- H.R. 1023: Mr. GOODLATTE.
- H.R. 1040: Mr. NEUGEBAUER.
- H.R. 1041: Mr. WELCH, Mr. COSTELLO, Mr. QUIGLEY, Mr. GRIFFITH of Virginia, Mr. BISHOP of Utah, Mrs. MALONEY, Mrs. BLACKBURN, Mr. MANZULLO, Mr. NUGENT, Ms. GRANGER, and Mr. GRIMM.
- H.R. 1058: Mr. BOUSTANY, Mr. ROSS of Florida, and Mr. MILLER of Florida.
- H.R. 1061: Mr. FORBES.
- H.R. 1065: Mr. LIPINSKI.
- H.R. 1089: Mr. STARK and Mr. PALLONE.
- H.R. 1093: Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. STEARNS, Mr. HUNTER, Mr. ALEXANDER, Mr. CONAWAY, and Mr. BURGESS.
- H.R. 1113: Ms. CHU.
- H.R. 1116: Ms. SUTTON.
- H.R. 1159: Ms. EDDIE BERNICE JOHNSON of Texas.
- H.R. 1167: Mr. SOUTHERLAND and Ms. FOXX.
- H.R. 1169: Ms. SUTTON.
- H.R. 1182: Mr. JORDAN, Mr. PRICE of Georgia, Mr. WALBERG, Mr. WALSH of Illinois, Mr. BROOKS, Mr. MULVANEY, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KING of Iowa, Mr. FLAKE, Mr. BARTLETT, Mr. STUTZMAN, Mr. DESJARLAIS, Mr. RIGELL, Mr. GINGREY of Georgia, Mr. HUIZENGA of Michigan, Mr. GOHMERT, and Mrs. BLACKBURN.
- H.R. 1186: Ms. JENKINS.
- H.R. 1187: Ms. HANABUSA.
- H.R. 1211: Mr. MCCAUL and Mr. ROSS of Florida.
- H.R. 1212: Mr. DEFAZIO and Mr. GRIFFITH of Virginia.
- H.R. 1215: Mr. CHAFFETZ.
- H.R. 1219: Mr. WEST, Mr. SHERMAN, Mr. ROGERS of Alabama, and Mr. BRALEY of Iowa.
- H.R. 1229: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
- H.R. 1230: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
- H.R. 1231: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
- H.R. 1234: Mr. BLUMENAUER and Mrs. CHRISTENSEN.
- H.R. 1242: Mr. NADLER and Ms. BERKLEY.
- H.R. 1250: Mr. SARBANES, Mr. GARAMENDI, Ms. ZOE LOFGREN of California, and Mr. FRANK of Massachusetts.
- H.R. 1262: Mr. CLEAVER, Mr. FRANK of Massachusetts, and Mr. CARSON of Indiana.
- H.R. 1270: Mr. ROGERS of Alabama and Mr. CARTER.
- H.R. 1289: Mr. HASTINGS of Florida.
- H.R. 1291: Mrs. CHRISTENSEN, Mr. ALEXANDER, and Mr. REHBERG.
- H.R. 1297: Mr. BACHUS, Mr. BARLETTA, Mr. BENISHEK, Mr. BISHOP of Utah, Mrs. BLACK, Mr. BUCHSHON, Mr. BURTON of Indiana, Mr. DESJARLAIS, Mr. FORBES, Mr. GIBBS, Mr. GOSAR, Mr. HECK, Mr. HERGER, Mr. LOBIONDO, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mrs. NOEM, Mr. PALAZZO, Mr. PEARCE, Mr. PENCE, Mr. REHBERG, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. SCHILLING, Mrs. SCHMIDT, Mr. SCOTT of South Carolina, Mr. STUTZMAN, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. WALBERG, Mr. WITTMAN, and Mr. WOODALL.
- H.R. 1311: Ms. WASSERMAN SCHULTZ.
- H.R. 1317: Mr. MORAN.
- H.R. 1319: Mr. KUCINICH.
- H.R. 1323: Mr. DUNCAN of Tennessee, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. CHABOT, Mr. CAMPBELL, Mr. GOSAR, Mr. BROOKS, Mr. FRANKS of Arizona, Mr. TURNER, and Mr. AKIN.
- H.R. 1328: Ms. ROYBAL-ALLARD and Mr. KUCINICH.
- H.R. 1341: Mr. HALL and Mr. WEBSTER.
- H.R. 1352: Mr. SABLAN.
- H.R. 1371: Mr. CLARKE of Michigan and Ms. MOORE.
- H.J. Res. 1: Mr. LABRADOR and Mr. SCOTT of South Carolina.
- H.J. Res. 2: Mr. DOLD, Mr. FLEISCHMANN, and Mr. LABRADOR.
- H.J. Res. 13: Mr. HELLER, Mr. REED, Mr. MANZULLO, and Mr. RAHALL.
- H. Con. Res. 18: Mr. AUSTRIA.
- H. Con. Res. 31: Mr. GRIFFITH of Virginia.
- H. Res. 25: Mr. SENSENBRENNER, Mr. ANDREWS, Mr. WEST, Ms. HANABUSA, Ms. GRANGER, and Mr. ROGERS of Alabama.
- H. Res. 60: Mr. ALTMIRE and Mr. BURTON of Indiana.
- H. Res. 111: Mr. FILNER, Mr. HARPER, Mr. SARBANES, Mr. LAMBORN, and Mr. ELLISON.
- H. Res. 137: Mr. HOLT, Ms. BALDWIN, Ms. BROWN of Florida, Ms. HANABUSA, Mr. ROE of Tennessee, Mr. THOMPSON of Mississippi, Mr. ALTMIRE, Mr. SIREN, Mr. ROSS of Arkansas, Ms. DELAURO, Mr. LANGEVIN, Mr. PRICE of North Carolina, Mr. JONES, Mr. LOBIONDO, Mr. RYAN of Ohio, Mr. LUCAS, Mr. KUCINICH, Mr. CLEAVER, and Mr. FRANK of Massachusetts.
- H. Res. 164: Mr. FORBES.
- H. Res. 165: Mr. BRALEY of Iowa, Mr. PASCRELL, and Mr. CROWLEY.
- H. Res. 179: Mr. MCGOVERN.
- H. Res. 180: Mr. GARRETT and Mr. JONES.
- H. Res. 193: Mr. WOLF.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SAMANTHA TODD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Volunteering in my community has been one of the most rewarding experiences of my life. Each event provided me with a unique life experience and has added to my sense of community. One of the events I volunteered at was Matthews Elementary School's Fall Carnival. Seeing the interactions between

the families and friends was amazing and brought back memories from when I was that age. I also volunteered at Huffman Elementary School's Math Night where I supervised math oriented games. Another place I earned service hours was at Mustang Creek Nursing Home, where I played bingo and talked with the residents. I have sincerely enjoyed the time I have spent at Mustang Creek and I plan on continuing to visit the residents there. One of the longest events I have volunteered in was at my church's aide station in Dallas's Whiterock marathon. I spent six and a half hours helping set up and run the station. These volunteering experiences have changed my perspective and made me feel like a greater part of my community. In the future I plan on continuing to volunteer in my community and help other people.

—Samantha Todd

THE RESTART ACT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing a bipartisan bill to avert a U.S. rare earth supply crisis by restoring our nation's production of rare earth metals. This bill, the Rare Earths Supply-Chain Technology and Resources Transformation Act of 2011 (RESTART Act), would achieve this by reestablishing a domestic rare earth industry in the United States.

Currently, the world is nearly 100 percent reliant on Chinese exports for these critical materials and China's trade policies of restricting rare earth exports pose a serious threat to both the economic and national security of the United States. China supplies about 95 percent of the world's rare earth metals, used in everything from wind turbines, electric car batteries, television sets, smart phones, and advanced weapons systems. Chinese officials have announced a decision to cut exports of rare earth metals by 35 percent in the first half of 2011. The Chinese government-ordered reduction in rare earth metals exports demonstrates the urgent need for us to act to correct our rare earth supply chain vulnerability.

I became alarmed early in 2009 when I learned that many U.S. defense contractors rely heavily on Chinese exports of rare earth metals to make everything from night vision goggles, tanks, and fighter aircraft, to precision guided munitions. This reliance on China poses a key vulnerability.

My comprehensive, bipartisan legislation will put in place mechanisms to assist U.S. companies with meeting their needs for rare earth metals and ensure our national security needs are met in the near term.

The legislation does not waive environmental laws, but it directs appropriate federal

agencies to expedite the permitting process in order to increase the exploration and development of domestic rare earth elements, and the legislation establishes a multi-agency Task Force to carry out this process. The legislation makes federally-backed loans available to start rare earth production only when private capital is not available. The bill sets-up a Defense Logistics Agency rare earth domestic inventory to generate a domestic market and facilitate the domestic sourcing of rare earth alloys and magnets. It establishes a rare earth program at the U.S. Geological Survey, and it require the various cabinet Secretaries appoint Executive Agents for rare earths.

Our Nation must act to protect our security interests with regard to rare earth elements. China is neither an ally of the United States nor is it a reliable trade partner when it comes to these strategic metals.

My legislation has the support of the Coalition for a Prosperous America, CPA, the United States Magnet Materials Association, USMMA, and their members who are most affected by the disruption in the rare earth metals market.

HONORING STAFF SERGEANT JOSHUA S. GIRE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect us, I rise today on behalf of the constituents of Ohio's seventh congressional district to recognize and honor the life of Army Staff Sergeant Joshua S. Gire.

Gire, 28, lived a purposeful life. He served the United States with honor. Regrettably, it was Staff Sergeant Gire's duty as a soldier defending the interests of this great country of ours that lead to his death. He was killed in combat in Afghanistan on March 22, 2011. Staff Sgt. Gire showed exceptional courage and bravery while defending the United States.

Joshua S. Gire graduated from Huntington High School in 2000 and enlisted in the Army in 2001, just prior to the terrorist attacks of September 11th. This was Gire's second deployment to Afghanistan. He also served time in Iraq and Kosovo. Staff Sergeant Gire comes from a family dedicated to military service. He followed his grandfather, a World War II veteran, and father, a Vietnam veteran, into the Army.

He had recently been promoted to Staff Sergeant. Gire was based in Germany before his deployment to Afghanistan, where he lived with his immediate family. Staff Sergeant Gire is survived by his wife Jackie, as well as their

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5-year-old son Nicolas and their daughter Riley, who just turned 3.

Those who know Staff Sergeant Gire speak highly of him, saying he is a role model to young children, and that he did his job and he did it right. My heart goes out to his widow and their children. Joshua S. Gire is a true hero who will never be forgotten.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's seventh congressional district in honoring the life and memory of Staff Sergeant Joshua S. Gire.

A TRIBUTE TO MR. BILL
SAMUELS, JR.

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor a great Kentuckian, Mr. Bill Samuels Jr. On April 15, Mr. Samuels will retire as President of Maker's Mark Distillery in Loretto, Ky., leaving a legacy of old fashioned integrity and quality craftsmanship.

Our Commonwealth produces many incredible products. Along with Kentucky grown horses and tobacco, we are also known for our fine bourbon.

Samuels has dedicated his career to Kentucky's signature industry, helping to make Kentucky bourbon world renowned and contributing so much to such a vital part of the Commonwealth's heritage that provides thousands of jobs.

A seventh-generation distiller, Samuels took over the family business from his father, Bill Samuels, Sr., who invented the Maker's Mark recipe.

Samuels followed his father's lead in crafting a superior product by continuing the tradition of small, closely supervised production—keeping the bottling to about 600,000 cases per year, a fraction of most distilleries.

Though Samuels grew up around the bourbon industry, playing Lincoln Logs with an aged Col. Jim Beam, he had other ideas for his future. Samuels played basketball in high school; however, he realized he was not very good.

He then went to college at Case Western Reserve University where he studied rocket science and solid propellants. When solid propellants became obsolete, Samuels decided to attend law school at Vanderbilt University.

When he finished law school, he returned to Kentucky to work temporarily for his father, but 13 years later he was still with the company, and his father, Samuels, Sr., passed him the mantle of Maker's Mark.

Of the Nation's bourbon distilleries, Maker's Mark is the oldest distillery, continuously operating on its own site. I am proud to represent them here in Washington and look forward to their continued success.

I ask my colleagues to join me in honoring Mr. Bill Samuels, Jr., for his dedication and contributions to the Commonwealth of Kentucky.

RECOGNIZING THE 2010-2011 CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL FOR 500 HOURS OF OUT-
STANDING SERVICE TO THE
COMMUNITY—ZACHARY
STUBBLEFIELD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I assisted with an Eagle Scout project at the Heritage Farmstead in Plano, Texas. The project consisted of planting eight trees along a fence. This required digging holes about four feet deep and four feet wide. After placing the trees in the holes, we had to fill the holes back up with soil, then place mulch around each tree, and finally water the trees. I also played in the orchestra for the Christmas performance at the Custer Road Methodist Church. This allowed me to work with some of the professionals in our community. This opportunity allowed me to gain more experience as a musician, as well as contributing as a member of the orchestra for my

church. I played in the King's Players for the Church on two different occasions. This gave me an opportunity to give back to my church.

—Zachary Stubblefield

HONORING MAX POMERANC

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WEINER. Mr. Speaker, I rise today in recognition of Max Pomeranc. Mr. Pomeranc has been a member of my staff since 2007. For almost four years, he has served the United States Congress and the people of Brooklyn and Queens with honor and distinction.

Max is a native New Yorker who brought the characteristics associated with being a New Yorker to work with him every day: hard-nosed determination, a keen sense of justice and fairness, and a strong willed refusal to allow any of my constituents to get anything less than fierce advocacy and unyielding assistance from my office.

Over his many years of service, Mr. Pomeranc helped secure millions of dollars for the communities I represent. He worked with all levels of government to get the 9th district in New York as much funding as possible. Max oversaw the operations in my office that protected the elderly and disabled, give a voice in government to the disenfranchised, and honored the sense among citizens that elected officials are here to help people, first and foremost.

Max steered my district ship through many battles. There was an historic presidential election, budget battles with an all-time feverish pitch, and the passing of the most sweeping health care reform legislation since the creation of Medicare.

This chapter of Max's storied career gives way to his next adventure, and I rise to give him due recognition. He will be missed by his colleagues, my constituents, and by me.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor during the vote on H.R. 1246 on Monday, April 4, 2011 because of family commitments in Wisconsin. Had I been present, I would have voted in favor of H.R. 1246 (Roll no. 225).

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—TINA SHARMA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

"We make a living by what we do, but we make a life by what we give." This quote by Winston Churchill describes me and my life. Since the seventh grade, I have dedicated my time in volunteering for various organizations that bring the community together. As teenagers, there are times when we are all busy with homework or competition, but there is always a time where we have nothing scheduled. It's moments like these where I know that instead of watching television and being a couch potato, I could actually be helping my community. I have volunteered at numerous school events, programs held by the Salvation Army, as well as activities at retirement homes. Throughout my experiences with volunteering for these activities,

I have learned how to speak with the different age groups, which has improved my communication skills greatly. I also learned how many teenagers take basic necessities for granted and that we should think of those less fortunate. There is nothing better than the feeling of giving back to the community, not in one way, but in many! There is no better feeling than knowing that I helped the community by dedicating my time.

—Tina Sharma

HONORING STEPHEN M. BLOCK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor my constituent, Stephen M. Block, who is retiring as Legislative Director of the American Civil Liberties Union for the National Capital Area.

Steve has demonstrated outstanding leadership and integrity during his service with the ACLU. Throughout the past 17 years, Steve has worked tirelessly on a broad range of civil liberties matters in order to bring about a more fair and just society.

One of Steve's most noteworthy accomplishments was his work on the Sexual Offenders Registration Act (Megan's Law). Steve identified numerous objectionable features that would have discriminated against the lesbian, gay, bisexual, and transgender community. Thanks to his tireless efforts, the bill that was enacted was significantly improved. For his effective and determined work on this law, Steve received the Distinguished Service Award from the Gay and Lesbian Activists Alliance.

Steve also played an invaluable role in drafting and lobbying for the First Amendment Rights and Police Standards Act of 2004, which established a new regime for the exercise of First Amendment rights in the District. And he was integral to the passage of the statute establishing the Office of Police Complaints.

ACLU Executive Director Johnny Barnes puts it well:

Steve Block, in my view, cannot be replaced. A combination of intellect, wisdom, vision, grit, gnash, and tenacity, this is one gentle man with whom you don't want to tangle. Do not be deceived by his soft eyes, ready smile and grandfather-like persona, this is one tough cowboy. A former Navy officer and CIA and State Department employee, Steve reflects, in every respect, the highest honor, unblemished integrity, and flawless principle. Yet, while he is strong, he can be very sensitive. He has the capacity to address complex matters dispassionately, and at the same time demonstrate appropriate compassion. He is easy to work with, yet unafraid to stand alone. He hears the call of Ghandi and respects the legacy of King. Still, Steve happily follows, and readily leads. He is a brilliant thinker, a superb researcher, and a provocative and penetrating writer. He has been the sage on our staff, one who is always able to find a way to bring seemingly diametrically opposing forces to the same end. . . He cannot be replaced, his impact will be felt well into the future. Yet, at the same time, the imprint he leaves will

serve as a guidepost for the one who comes after him.

Steve will be sorely missed by the ACLU and the countless people for whom he has fought so hard, but his work for the advancement of civil liberties will continue to benefit us all for many years.

HONORING BOB YOUNG

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WELCH. Mr. Speaker, today I stand before you to honor Bob Young, the retiring president of Central Vermont Public Service.

In his time at CVPS, Bob led the company through a cultural, service and environmental transformation to the benefit of its customers and the Green Mountain State. He turned CVPS into a leaner, more responsive company that placed customer service, reliability and corporate citizenship as its cornerstones.

When Bob assumed the presidency in 1995, CVPS faced a host of challenges, from utility restructuring to rate pressures to low employee morale. CVPS was often perceived as out of touch with Vermont values, and regulatory conflicts were common.

Bob put an end to 'business as usual' and transformed CVPS into a world-class utility, recognized by Forbes as one of 100 most trustworthy companies in the U.S. Under Bob's leadership, CVPS won the Edison Electric Institute's Emergency Recovery Award three times. It is the nation's smallest utility to win it even once.

Bob focused the company on reducing environmental impacts, improving wildlife habitats and creating the nation's first manure-to-energy customer choice program. The Department of Energy subsequently awarded CVPS the 2009 Utility Green Power Program of the Year.

Bob made CVPS a model of corporate civic engagement, providing leadership on a host of community projects in Vermont, and organizing blood drives that have broken the New England record three years in a row.

Bob will leave a lasting legacy when he retires on May 3, 2011. Please join me today in thanking Bob Young for his leadership and in wishing him and his wife, Vicky, the very best in the next phase of their lives.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to have my votes recorded on the House floor on Tuesday, April 5, 2011 due to a flight delay caused by mechanical difficulties. Had I been present, I would have voted in against the previous question motion on H. Res. 200 (Roll no. 226), against H. Res. 200 (Roll no. 227), and in favor of approving the Journal (Roll no. 228).

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ANNA SHAPOVALOVA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

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A copy of each submitted student summary follows:

For the 2010–2011 Congressional Youth Advisory Council year I participated in the Plano Teen Court program. This program deals with underage teenagers who have committed class "C" misdemeanor, whether it is a traffic violation, disturbance of class, assault, or possession of drug paraphernalia. To be able to participate in the role that I am honored enough to have been able to land, that is, the role of one of the most loved (or the most ill despised) people in the court room (chiefly, rotating between the prosecuting and defense attorney positions), I had to undergo a training session. The training was aimed at making me acquainted

with the more simple aspects of the judicial system, with the proper way to carry myself in a court of law, and with oratory skills necessary for proper presentation of the circumstances. As a Teen Attorney I defended/prosecuted the defendants, in order to give them a punishment, consisting of simple court fees and community service. This community service, with specialized hour ranged being given for each offense. A panel of peers, teenagers who have volunteered their time to admonish a punishment that they feel is fair to the miscreants.

—Anna Shapovalova

HONORING RALPH M. BARUCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mrs. LOWEY. Mr. Speaker, I rise to pay tribute to Ralph M. Baruch, who will receive the WNET Distinguished Service Award, and to honor his pivotal role in American broadcast media.

Ralph Baruch has led a truly remarkable life. Born in Frankfurt, Germany, he fled as a young child from Nazi Germany to Paris. He again sought exile from France during the war and on a three-month journey through France he heroically transported his grandmother over the Pyrenees Mountains.

From an early age, Ralph understood the vital power of the free media to ensure a just and fair world. Following his immigration to the United States in 1940, Mr. Baruch began his long and distinguished career in communications in radio then joined the DuMont Television Network in 1950. As television became a force in the American lifestyle, he began a long stint at CBS in 1954, then co-founded Viacom International Inc. and served as President and CEO from 1971 to 1983. During his tenure, he played a role in establishing or acquiring some of the most popular cable networks in the nation including Lifetime, MTV, Nickelodeon, The Movie Channel, and VH-1.

Events during Ralph's formative years were perhaps the most poignant in history in demonstrating the influence of media and the suppression of information on society. Perhaps that is why he sought to ensure an open government and freedom of the press throughout his career, including by co-founding C-SPAN. He believed strongly in the public's right to a real-time connection to our government's proceedings and in the responsibility of our citizens to actively participate in our government. C-SPAN has grown to provide unprecedented unedited coverage of government events throughout the nation as well as cultural and educational opportunities, like literary discussions and materials for teachers and students.

Mr. Baruch has already been honored with numerous awards for his leadership including an induction into the Cable Hall of Fame in 2006, cable television industry's highest honor, the Vanguard Award, their Chairman of the Year Award, and the International Radio & Television Society's Gold Medal.

Mr. Baruch has also donated his time to a number of important positions in his community to support public television and to promote the history of broadcast media. He served as

vice chairman of Carnegie Hall, a Trustee of the Museum of Television and Radio, and a member of the New York City Cultural Affairs Advisory Commission under former Mayor Rudolph W. Giuliani. He currently serves on the board of Thirteen and as a Trustee of Lenox Hill Hospital.

Mr. Baruch has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife Jean have four daughters, Eve Baruch, Renee Baruch, Alice Baruch, M.D., and Michele Baruch Jeffery. Mr. Baruch is the author of an autobiography, *Television Tightrope—How I Escaped Hitler, Survived CBS and Fathered Viacom*, published in April 2007.

I urge my colleagues to join me in honoring a national broadcast media icon, Mr. Ralph Baruch.

HONORING CAPTAIN BRIAN RINGER

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana's Morgan County Sheriff's Department.

Captain Brian Ringer served the Morgan County Sheriff's Department with distinction, integrity, and dedication. He consistently demonstrated the highest standards of outstanding leadership and public service.

Captain Ringer has been a trusted member of the Morgan County Sheriff's Department for over 29 years and has played a central role in securing and protecting the citizens of Morgan County. He left the Department on January 20 of this year to begin work as a fulltime instructor with the Indiana Law Enforcement Academy and will continue his dedication to public service.

I am proud to honor Captain Brian Ringer in recognition of his accomplishments, exemplary leadership, and outstanding contributions to the Morgan County Sheriff's Department.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CAITLYN WOOLUM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

This year on CYAC we were required to have five hours of community service. Being a busy senior with a huge to do list, I wrote this off as yet another project and essay I was required to complete. Little did I know that I would be so impacted by my volunteering for CYAC. It started with me helping clean up the trash and mess at my school. Gross as it was, we made a difference at school by getting more people involved in cleaning up our campus and helping to prevent trash from being thrown everywhere so often. Then I decided to volunteer at Spring Creek Gardens, an assisted living home and memory care facility. I volunteered with the memory care patients, playing bingo, singing songs, helping a children's choir, reading, doing a bible study and mostly chatting with the patient's whom did not have many visitors because of their Alzheimer's disease. I was excited to see the growing smiles on their faces as I chatted and heard stories of their kids and their long lives. I decided to continue volunteering each Sunday and helping out as much as possible. Not only did this project help me to make a difference in my community, it made a difference in me as well.

—Caitlyn Woolum

TRIBUTE TO DR. LEROY DAVIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to one of South Carolina's outstanding academic leaders as he is honored

by his alma mater. On April 28, 2011, South Carolina State University is dedicating Leroy Davis Sr. Hall, a science and research complex, in honor of the former student who returned to S. C. State as a professor and went on to serve as its eighth President. I can think of no one more deserving of this honor.

Leroy Davis was born in Garden City, South Carolina, and is a graduate of the old Wilkinson High School in Orangeburg. He attended South Carolina State College (now University) and graduated in 1971 with a B.S. degree in Biology. The following year, he earned a master's degree in Microbiology from Purdue University. In 1979, Dr. Davis received his Ph.D. in Molecular Biology.

After earning his academic credentials, Dr. Davis returned to his roots and took a position as an assistant professor of biology at South Carolina State. He went on to become a full professor, and published numerous articles and papers in general and technical journals.

Dr. Davis continued to climb the professional ladder at South Carolina State, successively holding positions as Program Director for Talented and Gifted Workshops; Director of Academic Counseling and Tutorial Programs; Director of the Office of Institutional Self Studies; Vice Provost for Academic Administration; Vice President for Student Services; and Interim President.

On April 10, 1996, Dr. Davis became President of South Carolina State University by a unanimous vote of the Board of Trustees. He took over during a troubled time at the college, becoming the second president in just 3 years.

During his career at South Carolina State he accrued a number of honors, including Outstanding Young Men of America 1978, 1979 and 1980; "Teacher of the Year" in 1985 and South Carolina Business Visions Top 25 Influencers for 1997.

After 6 years as President, Dr. Davis retired from South Carolina State on June 30, 2002. The highlights of his tenure include securing \$10 million in federal funds for the James E. Clyburn Transportation Center, renovations to Lowman Hall, expansions of the Whittaker Library and Hodge Hall, improving Internet accessibility on campus and allowing students to register for classes by computer. He successfully completed construction of the 1890 building that had been mired in contractual disputes for years.

In addition, he secured \$9.5 million for a fine arts center, oversaw enhancements to the Smith-Hammond-Middleton Monument, and erected an SHM historical marker for the three students killed in the Orangeburg Massacre. He also led the effort to establish the Nuclear Engineering program at S. C. State, the first degree program of its kind at a historically black college.

Today, Dr. Davis serves as Executive Director of the Center of Excellence in Rural and Minority Health and Distinguished Professor of Biology at Voorhees College in Denmark, South Carolina. He is also a leading consultant with the Southern Education Foundation's Center to Serve HBCU Leadership Project.

He is also very active with the Southern Association of Colleges and Schools, SACS, and has chaired many visiting committees, presented workshops and symposia, and served on special committees. In 2002 he was award-

ed the SACS Distinguished Service Award for his long-term service and commitment to SACS.

Dr. Davis holds membership in numerous professional and civic organizations, including the American Council on Education, Sigma Pi Phi Fraternity, the New York Academy of Science, and Rotary International.

He also sits on a number of boards and commissions including the South Carolina Governor's School for Science and Mathematics Board of Trustees, the Jessie Ball Dupont Fund Board of Trustees, the Southeastern Council of Foundations Board of Trustees, the Mt. Calvary Baptist Church Board of Trustees (Chairman) and the Purdue University College of Science Advisory Board. He previously served on the boards of the National Collegiate Athletics Association, NCAA, the Southern Association of Colleges and Schools, SACS, the South Carolina Aquarium, and the National Association for Equal Opportunity in Higher Education, NAFEO.

Dr. Davis is the recipient of numerous honors and awards, including South Carolina's highest civilian award—the Order of the Palmetto—and honorary degrees from Tuskegee University, Francis Marion University, South Carolina State University, and Purdue University.

Dr. Davis is married to the former Christine McGill of Kingstree, South Carolina and they have two adult children—Tonya and Leroy, Jr.—and five grandchildren.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Leroy Davis on an extraordinarily distinguished career in academia. It is fitting that he is being recognized for his lifetime of contributions to South Carolina State University. I add my voice to those celebrating his commitment to his Alma Mater. It has been my honor to work closely with Dr. Davis, and I look forward to his continued contributions to academia and society as a whole.

HONORING ELIZABETH OKERSTROM MURGUIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Elizabeth Okerstrom Murguia of Eureka, California on the occasion of her retirement after more than 35 years of extraordinary public service for the people of California's North Coast.

Born and raised in beautiful rural Mendocino County, Liz's parents, Merle and Astrid Okerstrom, instilled in her a deep appreciation for the important things in life: family, community, and civic engagement. From age 10 and on, Liz was raising "Dollars for Democrats" and serving in student government, paving the way for a long career in public service.

Early visits to the Bookmobile growing up nurtured Liz's lifelong passion for books and reading. Graduating from Sonoma State University with a Bachelor of Arts degree in English Literature in 1972, Liz quickly became a committed and dynamic library advocate. She served on the Humboldt County Library

Construction Advisory Committee from 1979 through 1995, playing a central role in raising the funds to construct a new Main Library for the Humboldt County Public Library system. In 1991, she was appointed as a California Delegate to the White House Conference on Libraries in Washington, DC. As Co-Founder and President of the Humboldt Library Foundation since 1996, Liz was the recipient of its distinguished Helen Everett Award in 2006 in recognition of 25 years of tireless work on behalf of public libraries. In 2008, Liz was also appointed to serve on the Library of California Board to ensure that all Californians have access to library resources and services for life-long learning and enrichment.

Following her graduation from college, Liz worked for Zero Population Growth in Washington DC., after which she returned to California and began working for former State Senator and Assemblyman Barry Keene in 1975, where she remained for 18 years.

In 1993, I was honored that Liz joined my State Senate staff as District Representative and then my Congressional staff in 1998, serving as my representative for Humboldt and Del Norte Counties in the United States Congress. Throughout the past 18 years, Liz has proven herself to be an invaluable asset, trusted adviser, and cherished friend. She is a creative and effective problem solver with a breadth of knowledge of public policy and local issues relating to health care, education, community development, and working with Native American Tribes. Liz also has a developed expertise in understanding and solving the North Coast's wide range of natural resource issues, including public land management, timber, salmon restoration, and ocean resources.

Liz is a masterful writer and fundraiser, well known and deeply respected by the community. Her impact has been far-reaching through her service on many boards and committees such as the Open Door Community Health Clinics Board, Keep Eureka Beautiful Board, St. Joseph's Hospital Advocacy Committee, Humboldt County Democratic Central Committee, Aligning Forces 4 Quality Care Leadership Team, and Timber Heritage Museum Advisory Council. She has also previously served on the North Coast Regional Land Trust Advisory Council, Humboldt Child Care Council, Women's Resources For Work Board, and the North Coast Pro-Choice Pac Board. In 1988, Liz was selected as Democrat of the Year by the Humboldt County Democratic Central Committee.

Liz is fortunate to be surrounded by a large circle of loving family and lifelong friends. She shared 30 years with the great love of her life, her late husband Sef, with whom she shares four children, Todd, Dana, Adam, and Michael, and nine grandchildren. Liz has a deep appreciation for the arts and music, and is known for her warm and welcoming nature as a hostess of frequent dinner parties, as well as being a passionate gardener, how she spends much of her time.

Mr. Speaker, it is appropriate at this time that we acknowledge Elizabeth Okerstrom Murguia for her 35-plus years of dedicated service and extend our best wishes for a well-deserved retirement. She will be greatly missed.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SEAN WHITNEY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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A copy of each submitted student summary follows:

For my mandatory service project, "CYAC in the Community," I had the distinct privilege of serving my community both physically and intellectually. Specifically, I, on behalf of the Frisco Blackbird Squadron of The Civil Air Patrol, was a road guard for Frisco's annual Gary Burns Fun Run as well as a tutor for many of my fellow peers. My intellectual service presented itself in the form of tutoring. During what was, for many, the most stressful time academically of the whole year, I was repeatedly asked to help the struggling with certain tough concepts. I gladly agreed and spent time that I could have used to study for my tests in order to prepare them. My physical service was given in the name of the entire community in the

form of the City of Frisco's 11th Annual Gary Burns Fun Run. By setting up barriers, managing the obstruction-free race route, and controlling the restless spectators, I was able to contribute to Frisco's biggest event and one of the nation's largest "fun runs." Additionally, I learned that the nature of servant leadership necessitates actively looking for needs in the community or in an individual.

—Sean Whitney

PERSONAL EXPLANATION

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. LOEBSACK. Mr. Speaker, I mistakenly cast my vote on rollcall vote No. 209 on Representative DEFAZIO's Amendment No. 9 to H.R. 658 as a "no" vote. I intended to cast an "aye" vote on this measure.

RECOGNIZING ROGER KIRWIN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Mr. Roger Kirwin of Everett for being named Bedford County's Historian of the Year for 2011 by the Bedford County Historical Society.

Mr. Kirwin is commended for his efforts in preserving, protecting, and documenting the history and heritage of Bedford County and its people.

The Historian of the Year Committee selected Roger in recognition of his contributions to the historical programs at Old Bedford Village. Throughout his term as Executive Director he enhanced many of the already existing programs and added many new programs to the Village's calendar.

Roger has helped provide resources for educational programs for use by local schools. He also routinely takes educational materials to schools in the county to make presentations on various topics of interest in the county. Roger has often provided programs for senior citizens, civil groups, and organizations such as the Rotary Club, Lions, churches and Scouts.

These events have always been exceptional and well-received by locals and the many tourists who come to participate. Not only did he plan these events, but he has been a part of the many re-enactments and programs.

Roger's visits to the schools and youth organizations of Bedford County to educate young people on county history are greatly appreciated.

Mr. Kirwin's enthusiasm for the history and heritage of Bedford County is admirable and I commend him for his efforts.

HONORING FISHER/NIGHTINGALE
HOUSES

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and celebrate the grand opening of the new Fisher House located on Wright-Patterson Air Force Base Ohio.

Wright-Patterson Air Force Base is the birthplace, home, and future of aerospace, but most people are not aware that it is also the birthplace of compassionate care housing in the Department of Defense. The base opened the Nightingale house in May of 1990 by converting a base house, making it the first compassionate care house in all of DoD.

In 1991, Zach and Elizabeth Fisher were asked to build one Ronald McDonald type house at Bethesda Naval Medical Center, Maryland. What started as a request to build one house has blossomed into a network of 53 compassionate care locations world-wide. Although both Zach and Elizabeth have passed on, their legacy continues today through their nephews and grandnephews.

The Wright-Patterson AFB Fisher and Nightingale Houses provide an opportunity for wounded, injured, and ill military men and women and their families to stay together and support each other while undergoing medical treatment. Guests do not pay for their stay in one of the homes. Furthermore, each house has a wonderful staff and volunteers who provide loving support and ensure all of their needs are met. In 2010, the two Wright-Patterson AFB houses assisted more than 600 families from all branches and components of our Armed Forces, and more than 10,000 families since the opening of the first home nearly 22 years ago.

The new Fisher home opening today is a 10,000 square foot single story home, with 12 bedrooms, 12 handicapped accessible bathrooms, formal living room, large family room, large kitchen and dining room, and expanded laundry facilities. This new home will give Wright-Patterson an additional 1,460 bed nights a year, bringing the entire capacity to 7,665 bed nights a year.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's Seventh Congressional District in celebrating the grand opening of Wright-Patterson AFB's new Fisher House and Compassionate Care Facility.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JILL WALLER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the

Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my volunteer work, I went to Truett Elementary School on three occasions. During my time there, I got to work with underprivileged kids in their after-school program, because many of the children have working parents who cannot pick them up from school until 2 hours after the school day ends. Depending on the day and time, I would help with homework for the day, do arts and crafts, and play with the kids on the playground. Each time, I made friends with the kids and helped them in some way or another, whether it was walking with them to the bathroom or teaching them how to do their math homework. Much of the after-school program is run by volunteers, and without all of us the teachers would not be able to have as many activities for the children or be able to control all of them. This experience showed me how well I had it as a child, as well as how young children in our community need people to look up to and help them. I plan on going back to Truett at least once a week if I can, and continuing to help all of the children with their work.

—Jill Waller

RESTORING GI BILL FAIRNESS
ACT OF 2011

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. MILLER of Florida. Mr. Speaker, today, I have introduced the Restoring GI Bill Fairness Act of 2011.

This bill will temporarily authorize the Department of Veterans Affairs, VA, to pay tuition and fees on behalf of eligible veterans attending non-public education and training institutions in an amount that is the greater of \$17,500, or the maximum in-state rate for undergraduate tuition and fees in effect on October 27, 2010.

Mr. Speaker, this temporary change would prevent students who have already enrolled in non-public schools from experiencing a reduction in tuition and fees paid by VA on their behalf due to changes made under Public Law 111–377, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

Under the original Post 9/11 GI Bill passed in 2008, the maximum tuition and fees paid to any school—public or private—was equal to the highest in-state rate for undergraduate tuition and fees. Most students attending private institutions in a few states with high public school tuition and fees like New York, Michigan, and Texas receive more assistance under the state-based formula than they will beginning next August under the \$17,500 per year cap required by Public Law 111–377. Such was the expectation of those who enrolled in private schools before the changes were made. I believe it is only fair to "grandfather" those veterans who, through no fault of their own, were adversely affected.

I am pleased to note that this bill is fully paid for in compliance with House rules. The offsets required by this bill are preliminarily estimated to be about \$105 million and will be covered by a temporary, short-term freeze in the monthly Post 9/11 GI Bill housing stipend amounts at the current level for a period of 30 months beginning August 1, 2011. After that period, the monthly housing stipend will be restored to the full rate in effect at that time.

Mr. Speaker this is a temporary, but important fix to the GI Bill that will benefit hundreds of veterans in several states and I encourage all Members to cosponsor the bill.

IRAN'S NUCLEAR PROGRAM

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. REED. Mr. Speaker, I rise today because the threat posed by a nuclear armed Iran poses an unacceptable risk to the United States and our close ally Israel.

It is clear that Iran is not pursuing a purely civilian nuclear program, but rather one that is designed to further their ability to access and utilize nuclear weapons. This is supported by our country's military and intelligence leaders. Chairmen of the Joint Chiefs of Staff Adm. Michael Mullen said he doesn't believe "for a

second" that Iran's nuclear program is for civilian use. While Director of Intelligence James Clapper testified to Congress that Iran is developing "various nuclear capabilities that better position it to produce such weapons."

Yet, Iran's nuclear program continues unabated.

With enough low-enriched nuclear material to produce three nuclear bombs, Iran could be at most two or three years away from a nuclear weapon. They are also developing the capacity to stockpile highly enriched nuclear material.

Quite simply, United States policy must remain focused on preventing Iran from acquiring a nuclear weapon. I believe that sanctions remain the best tool at our disposal to peacefully persuade Iran to abandon its reckless defiance of international law.

While existing sanctions from the U.S. and the international community had achieved a crippling effect on the Iranian economy, I believe that our sanctions should be tougher to keep pressure on the Iranian leadership. This includes sanctioning foreign banks and energy companies.

The choice is ours: we must continue to engage the international community and do everything in our power to protect our vital ally Israel.

RECOGNIZING REV. CHARLES L.
CURRIE, S.J.

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to offer my heartfelt congratulations to a dear friend, Rev. Charles L. Currie, S.J., on his retirement from the presidency of the Association of Jesuit Colleges and Universities (AJCU).

For over four decades, Father Currie has served as a tireless advocate of independent higher education. His passion and dedication have had a tremendous influence on the lives of countless students through his multiple roles as an educator, spiritual leader, and humanitarian. A true renaissance man, Father Currie has personified the AJCU mission of leading a meaningful life of leadership and service.

A product of the Jesuit system, Father Currie earned degrees from Fordham University, Boston College, and Woodstock College, as well as a doctorate in physical chemistry from the Catholic University of America. Following his post-doctoral studies at Cambridge University, Father Currie went on to serve as a noted faculty member at Georgetown University before serving as president of Wheeling College (1972–1982) and Xavier University (1982–1986). At Wheeling and at Xavier, his vision and leadership placed an emphasis on the importance of academic quality, effective planning and management, active involvement and commitment to the community, and strong public-private and ecumenical partnerships.

Following his tenure at Wheeling and Xavier, Father Currie returned to Georgetown University to direct the University's Bicentennial

Celebration, which included over 90 academic, cultural and celebratory events from September of 1988 through September of 1989. Later in 1989, following the assassination of six Jesuit priests and two female coworkers by members of the El Salvadorian military, Father Currie was named special assistant to the President of Georgetown to coordinate the university's response to this tragedy. Working closely with congressional leaders and aides, Father Currie successfully organized a number of educational programs at Georgetown and participated in the extensive Congressional response to block military aid to El Salvador.

In 1997, following several years serving as Rector of the Jesuit Community at Saint Joseph's University in Philadelphia, Father Currie took the reins as president of the AJCU. Under his leadership, the AJCU has implemented numerous initiatives to increase the free flow of information and communication between the 28 member institutions of the Association. The development of the Jesuit Distance Education Network (JesuitNET) has earned national acclaim, receiving two federal grants and selection by the U.S. Department of Education to participate in the Distance Education Demonstration Program. Similarly, the creation of the AJCU Leadership Development Seminar, the promotion of mission and identity activities, and the concerted effort to promote the education of justice have combined to significantly enhance the coordination of Association goals among member institutions.

Perhaps Father Currie's greatest accomplishment as president of the AJCU arose out of tragedy. In 2005, following the Hurricane Katrina catastrophe, Father Currie organized a rapid response from the AJCU members to admit over 1,600 students from Loyola University New Orleans and other affected area universities. By allowing the affected students to continue their studies before returning to the Gulf area in the spring semester, the students were able to maintain uninterrupted instruction and remain on track for timely graduation.

Mr. Speaker, I applaud Father Currie for his immeasurable contributions to the cause of higher education and I congratulate him on his well earned retirement following a distinguished career of service and advocacy. In closing, I would be remiss if I did not include the following Ignatian prayer, dedicated to Father Currie and the devoted Jesuit educators like him:

Eternal Word, only begotten Son of God,
Teach me true generosity.
Teach me to serve you as you deserve.
To give without counting the cost,
To fight heedless of wounds,
To labor without seeking rest,
To sacrifice myself without thought of any reward,
Save the knowledge that I have done your will.
Amen.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ROSS VAN DE KOP

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Entering the North Texas Food Bank, I expected to find a small operation of a few dedicated volunteers working tirelessly towards helping as many people as they could. Yet this was not the case, as the facility that I arrived at was a massive testament to the human capacity for compassion. Over 200 workers in a warehouse that rivaled the size of an industrial plant, completely dedicated to helping the citizens of North Texas. Considering a society is measured on how we treat our worst citizens, I would go as far as to say the people at the food bank are bringing America to an even higher standard. The NTFB provided over 40 million meals for the citizens of North Texas in 2010, and are aiming to hit 50 million by the end of this year.

Had I only heard this number and not seen the facility, I would have called it far too ambitious. But from what I observed, we packed 21,155 pounds of usable food, creating a total of 16,227 meals, in under 5 hours. Thanks to the people at the North Texas Food Bank, I truly believe that we, as both Texans and Americans, are doing our best to help as many people as we can.

—Ross Van de Kop

INTRODUCTION OF THE HEALTH OUTCOMES, PLANNING AND EDUCATION ACT (HOPE) FOR ALZHEIMER'S

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. MARKEY. Mr. Speaker, I rise today along with my fellow co-chair of the bipartisan Alzheimer's Task Force Mr. SMITH (R-NJ) and colleagues Rep. McDERMOTT (D-WA), BURGESS (R-TX), BORDALLO (D-GU), CHRISTENSEN (D-VI), GRIJALVA (D-AZ) and PIERLUISI (D-PR) to introduce the bipartisan Health Outcomes, Planning and Education (HOPE) for Alzheimer's Act.

One in eight Americans over 65—or 5.4 million individuals—have Alzheimer's disease. Unless science finds a way to prevent or cure it, over 13 million Americans will have Alzheimer's disease by the year 2050.

The HOPE Act aims to improve the way we diagnosis Alzheimer's disease and other dementias and provide important information about care and treatment for patients and their families. The bill provides Medicare coverage for comprehensive diagnoses of Alzheimer's disease to guarantee that seniors who show signs of Alzheimer's can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record. The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer's disease and other dementias have not received an official diagnosis. Data from a report done by the Alzheimer's Association found only 19 percent of people over age 65 with dementia had a diagnosis documented in their medical record. African American and Hispanic populations, at higher risk for Alzheimer's disease than whites, are even less likely to have been diagnosed.

Early diagnoses can help individuals receive treatments early, when medications are more likely to be effective, and they allow patients to participate in clinical trials to benefit from cutting edge research. With an early diagnosis, patients can prepare for the oncoming symptoms of the disease with their doctors and caregivers. Ultimately, this can bring down Medicare costs by helping patients better manage other preexisting medical conditions and avoid crises.

Each year, the federal government spends \$93 billion out of Medicare, or almost 20% of the entire Medicare budget, to care for Alzheimer's patients. This money pays for hos-

pitalizations, doctor's visits, and drugs associated with the disease. Facilitating conversations with doctors and caregivers and providing resources for families can help mitigate the number of hospitalizations and complications for patients with the disease.

While we work here in Congress to invest more funding for Alzheimer's research to find a cure, we must continue to help the families who have been impacted by this devastating disease. This bipartisan legislation is a good step toward ensuring these important measures are taken.

The Alzheimer's Association, Alzheimer's Foundation, Cure Alzheimer's Fund, and UsAgainstAlzheimer's have endorsed our legislation, which will increase the likelihood that Alzheimer's will be diagnosed sooner and help families plan for the necessary treatments and care. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.

CONGRATULATING THE RESIDENTS OF PLUM LAKE, WI ON THEIR CENTENNIAL ANNIVERSARY

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. RIBBLE. Mr. Speaker, I rise to congratulate the residents of the Town of Plum Lake in Vilas County, Wisconsin, as they celebrate the 100th anniversary of their town's founding. Plum Lake comprises the communities of Sayner and Star Lake, which have long been vacation destinations for Wisconsin residents because of their friendly people, magnificent lakes and forests, and abundant fish and game. Folks looking to escape the daily grind can retire to this beautiful area year-round to hunt, fish, ski, and hike along lovely nature trails. Visitors are often surprised to discover that the Town's slogan, "Birthplace of the snowmobile," reflects its invention there by Carl Eliason in 1924.

The Town of Plum Lake was officially formed by an ordinance passed by the Vilas County Board on January 5, 1911. The ordinance went into effect on April 1, 1911, creating the new town from territory detached from the Town of Arbor Vitae. The first town meeting was held in Sayner on April 14, 1911.

In the 19th century, Plum Lake was the center of a vibrant lumber industry, which eventually gave way to tourism. Two years before the founding of the Town, in the summer of 1909, Herb Warner and others began construction on the Plum Lake Golf Club, which opened in 1912 and is today one of Wisconsin's oldest golf courses. Plum Lake also boasts one of Wisconsin's oldest summer camps, Camp Highlands, which began when Harry O. Gillette, a University of Chicago Laboratory School Headmaster, brought ten boys to a remote point on Plum Lake for a summer in the wilderness in 1904.

Today, Plum Lake maintains both its majestic landscape and its place as a prime vacation destination. I am very proud to represent this community and I congratulate the Town of

Plum Lake on this historic milestone. I join with all Wisconsinites in expressing pride in the treasures of our state.

PROTECT THE FAMILIES OF FALLEN SERVICEMEMBERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. FILNER. Mr. Speaker, today I am proud to introduce H.R. 1263, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures.

Protecting our veterans and service members is important, but their families are an extension of our military families and affording them equal mortgage foreclosure protection is just as important.

The death of a servicemember while in service, can be hard for a spouse as they adjust to a new life without their loved one, this includes a single family income, which in many instances is not enough to provide for a family and make their mortgage payments. Extending these protections would allow grieving spouses 9 months to work on a resolution with their lender or sell their home, if necessary.

Servicemembers currently receive foreclosure protections for 9 months after the end of military service. These protections under the Servicemembers Civil Relief Act (SCRA) are meant to allow a period of transition and adjustment after service. Unfortunately, this protection does not exist for spouses. That is why today I am introducing this legislation.

H.R. 1263 amends the SCRA by extending protection against mortgage foreclosure for 9 months to a surviving spouse of servicemember who died while in military service and their death is service connected and the individual is the successor of the servicemember's property. In conclusion, H.R. 1263 takes an important step toward protecting the families of our brave fallen heroes. I urge my colleagues to support H.R. 1263.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CALVIN TSAY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

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This year 46 students from public, private, and home schools in grades 10 through 12

made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

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A copy of each submitted student summary follows:

On the weekend of February 18–19th, I volunteered at the carnival at Shepard Elementary School. I spent time setting up the carnival, running the actual activities, and taking down all of the decorations. I had been to many school fairs when I was in elementary school, but I had never seen the behind-the-scenes action. Volunteering and working the carnival taught me to be more appreciative, as I learned of the efforts involved in running an event. The carnival benefited the community as children were allowed time to play with their families and enjoy time off school. As we finished up cleaning, I talked with many of the other volunteers and realized that many of them wished the carnival were not over. Many volunteers, including myself, enjoy spending their time helping others and having the satisfaction of bettering others' lives. More than two hundred volunteers were a part of the Shepard School Carnival, and I truly believe the carnival would have been impossible without their help. This experience taught me a valuable lesson in the importance of volunteering in the community, and I will definitely continue to serve my community to the best of my ability.

—Calvin Tsay

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,262,144,462,897.94.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,623,718,716,604.10 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING BARBARA ANN ZAJBEL

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional District to honor the life and memory of Barbara Ann Zajbel.

As a former Xenia business woman and Xenia Area Chamber of Commerce executive, Barbara Zajbel was known as one of Xenia's most loyal, positive and significant leaders. Those who met or knew Barbara benefited from her uplifting attitude and abundant warmth.

As a dedicated and faithful community servant, Barbara encouraged and motivated others through personal example. Over the years, she spearheaded countless community projects that required hundreds of hours of community service. She would not only organize the projects but would also work with volunteers to perform the necessary tasks in order to make the events successful. Both Barbara and her husband, Tom, are particularly remembered for their 15 years or so of commitment to and involvement with the annual Xenia Old Fashioned Days Festival.

From arriving to Xenia in the late 1970's, Barbara devoted her life to service organizations like Rotary, civic groups and boards, education committees and governmental projects. She served on boards of numerous organizations, such as Greene County Convention & Visitors Bureau, Xenia Educational Endowment Fund, Miami Valley Military Affairs Association, Greene County Economic Development Roundtable, Xenia Downtown Revitalization as well as many other commendable associations. She was also a member of St. Brigid Catholic Church.

One of Barbara's most favorite quotes was "I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do." Barbara exemplified this quote with her love and energy towards Xenia and the many different boards and organizations she served.

After a hard fought battle with cancer, Barbara Zajbel, 67, passed away on March 28, 2011, surrounded by her husband, Tom Zajbel; sons, Jim and Tom Zajbel; and daughter, Tracy Zajbel Palmer. Barbara's life will continue to be an inspiration to all those who loved her and to the community she served so well.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GRANT TOLLETTE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

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A copy of each submitted student summary follows:

I volunteered at Friday Nite Friends (FNF) located at the Custer Road United Methodist Church. Every other Friday, FNF provides nurses and volunteers to offer free childcare for special needs children and their siblings. As a volunteer, I was placed with a group of boy siblings to entertain and interact with for the evenings I volunteered. I would spend the evenings playing board games and watching movies with my group or playing tag or scooter races in the large rec room. By the end of the evenings, both the kids and the volunteers would be exhausted. When the parents came to pick up their families they would look so happy and refreshed. But they were always so happy to see their kids and be reunited with them. In some cases this

program provides the only opportunity for many of the moms to have any time away from their families to do chores, run errands or just have a quiet moment for themselves. I have come to realize how important this program is to the special needs community. I feel very blessed for my own family and feel fortunate that I am able to help other families.

—Grant Tollette

HONORING THE LIFE AND LEGACY OF MEMPHIS STATE BASKETBALL PLAYER AND COACH, LARRY FINCH

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to the life and legacy of former Memphis State basketball player and men's basketball coach, Larry Finch. Coach Finch was born on February 16, 1951 in Memphis, Tennessee. He grew up in the historic Orange Mound neighborhood and attended Melrose High School. Unaware of the impact his life and love for basketball would have on the city of Memphis, Larry Finch would help ease race relations during a sharply divided era and go on to lead the Memphis State Tigers to the NCAA Tournament finals then coach the team to its greatest number of wins.

Larry Finch joined the Memphis State Tigers in 1969. During a time of high racial upheaval in Memphis, he along with his teammate, Melrose graduate Ronnie Robinson, helped integrate the Tigers. Although he received much advice on schools to attend, he ultimately chose Memphis State because of his love and pride for his city. It was his love for both basketball and Memphis that united the city like never before. Blacks and whites came together, unconcerned about race, to cheer for the Tigers and for Larry Finch.

During Finch's college career, the Tigers had a 63–21 record and either won or tied for two Missouri Valley Conference championships. In 1972, Larry was the Missouri Valley Conference Player of the Year and was named All-America honorable mention by both the Associated Press and UPI. In his senior year, Larry Finch led his team to the 1973 NCAA Tournament championship game against the UCLA Bruins. He scored an impressive 29 points but the Tigers still fell to the Bruins, 87–66. It's reported that when asked why he helped UCLA lead Bill Walton off the court after sustaining an injury to his ankle, he replied with laughter, "Because he was kicking our butt." Bill Walton later noted that it was Larry Finch alone among all players on the court that helped the star when he was in need of assistance.

After helping lead his team to the 1973 finals, Larry's No. 21 jersey was retired. He was the Tiger's all-time leading scorer and currently ranks fourth with 1,869 points. The Tigers had never won an NCAA Tournament game before Larry Finch joined the team.

Larry Finch was drafted by the Los Angeles Lakers after graduating but instead decided to sign with the local American Basketball Asso-

ciation team, the Memphis Tams. From 1975 to 1979, Larry Finch was the assistant coach to his former coach Gene Bartow at the University of Alabama Birmingham and then the assistant coach at Memphis State from 1979 to 1986 before replacing Dana Kirk as head coach.

Larry Finch served as the first African American head coach for the Memphis State Tigers from 1986 to 1997. He was responsible for recruiting and training Memphis greats such as Elliot Perry, Arfernee "Penny" Hardaway, David Vaughn and the late Lorenzen Wright. During his tenure, Coach Finch amassed seven 20+ win seasons. He took the Tigers to the NCAA Tournament six times with the 1991–1992 team led by Hardaway going to the Elite Eight. At the end of his coaching career, Larry Finch had a 220–130 coaching record and was named University of Memphis' "all-time winningest coach," a title he still holds today. In 2000, the University of Memphis dedicated a world-class practice facility in his honor—the Larry O. Finch Center.

Larry loved playing against Louisville as either a player or a coach. He was proud of besting the Louisville Cardinals 16 out of 27 times throughout his basketball career. His 1987 Metro Conference Championship win over Louisville in Freedom Hall was perhaps his most memorable meeting against Louisville. The Tigers won that game 75–52, beating the Cardinals for the third time. The Tigers ended that season 26–8 and Finch was named Basketball Times Rookie Coach of the Year.

Larry was loved by many in the Memphis community. After suffering from a stroke in 2002, those close to him created the Friends of Larry Finch Foundation to help cover medical expenses. In 2006, the Foundation released a tribute CD called "Eye of the Tiger: A Tribute to Larry Finch." It featured songs by Memphis performers Al Green, The Bar-Kays, Gary Johns, John Kilzer and Al Kapone.

Larry Finch passed away on April 2, 2011 at the young age of 60. He will be missed by many in Memphis including two of his closest friends, Leonard Draper and Randy Wade, the many players whose lives he touched and hundreds of fans across Memphis and the Nation. He is survived by his wife Vickie, his daughter Shanae Deon Finch and two sons, Larry Finch, Jr. and James Finch. He is also survived by his sister, Gloria Finch, and four brothers, Barry, Gary, Greg and Ronald Finch. Larry Finch was predeceased by two beloved younger sisters, Gail and Gwendolyn Finch. Larry was a great American and we are lucky he came this way for the people of Memphis and our Nation. His was a life well lived.

HONORING SAM HANNA ON THE OCCASION OF HIS RETIREMENT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. PENCE. Mr. Speaker, I rise today to honor the long and storied career of Sam Hanna. Sam is not only a friend, but a man whom I greatly admire.

Sam has strength of character and a true servant's heart in his community. After graduating from Anderson High school, he went on to receive a degree in Administration of Criminal Justice from Anderson University and then graduated from the Indiana Law Enforcement Academy. He is a member of the Madison Park Church of God, and coached football in the Anderson community for thirty years. Never one to sit on the sidelines, Sam has boldly answered the call of duty even in the face of danger.

In 1978 Sam was shot six times in the line of duty—in the face, chest, and arm. Yet even after that tragedy, Sam remained dedicated to public service and only recently retired after 37 years of service with the Madison County Sheriff's Department.

Those who know Sam and worked with him on the sheriff's department recognize him for his dedication to helping others and willingness to do whatever it takes. He served selflessly day after day, and received the distinguished "Law Enforcement Officer of the Year" award five times. I know that his integrity and commitment to the cause will forever be an example to those who serve after him.

Though Sam has officially retired from the Madison County Sheriff's Department, he continues to serve as Investigator of Senior Protective Services for the Prosecutor of Madison County. He is a dedicated husband of more than thirty years to his bride Lori, and the father of three sons—Kris, Matt, and Andrew.

Today I honor Sam's legacy of service, and wish to express my sincere gratitude for his leadership. I am grateful for his friendship and look forward to his continued community impact. He is truly an inspiration.

RULES COMMITTEE RECORD VOTE NO. 65 AND NO. 66

HON. ROB WOODALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WOODALL. Mr. Speaker, the report (H. Rept. 112–53) accompanying H. Res. 200, filed last evening, inadvertently omitted the full descriptions of votes No. 65 and 66 of the Committee. The full descriptions and totals are as follows:

RULES COMMITTEE RECORD VOTE NO. 65

Motion by Mr. HASTINGS of Florida to amend the rule to make in order and provide the appropriate waivers for amendment #1, offered by Rep. DOYLE (PA), which would reinstate the ability of the FCC to guard against internet access providers from blocking a consumer's access to lawful internet content. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay	.....	.....
Mr. Scott of South Carolina	Nay	.....	.....
Mr. Webster	Nay	.....	.....
Mr. Dreier, Chairman	Nay	.....	.....

RULES COMMITTEE RECORD VOTE NO. 66

Motion by Mr. POLIS to amend the rule to make in order and provide the appropriate waivers for amendment #2, offered by Rep.

MATSUI (CA), which would preserve the “transparency rule” adopted by the FCC as part of the Open Internet Order requiring broadband providers to make available their network management practices as well as performance and commercial terms so that consumers can make informed choices. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay	.....	.....
Mr. Scott of South Carolina	Nay	.....	.....
Mr. Webster	Nay	.....	.....
Mr. Dreier, Chairman	Nay	.....	.....

HONORING BILL SAMUELS, JR.

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the career of Mr. Bill Samuels, Jr. After 40 years of working for his family’s company, Bill is retiring as President of Maker’s Mark Distillery in Loretto, Kentucky to become the company’s Chairman Emeritus.

As the seventh generation in a long line of Kentucky bourbon makers, Bill took over the family business in 1980. Through clever marketing and an unwavering commitment to the tradition and quality of his bourbon, he was able to make the company a global icon. In 1980, the Maker’s Mark Distillery became the first distillery in the country to be designated a National Historic Landmark.

All Kentuckians can be proud of the work that Bill has done to grow a family business into a successful brand. In doing so, he has represented and shared part of the spirit of the Commonwealth across the country and around the world.

I thank Bill for his contributions to Kentucky and our community and wish him the best of luck in his new endeavors. I ask my colleagues in the House of Representatives to join me in recognizing Bill’s significant accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 7, 2011 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 11

4 p.m.

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA).

SD-192

APRIL 12

10 a.m.

Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-106

Judiciary
Constitution Subcommittee
To hold hearings to examine the “Fair Elections Now Act”, focusing on a comprehensive response to Citizens United.

SD-226

Energy and Natural Resources
Business meeting to consider the nomination of Peter Bruce Lyons, of New Mexico, to be Assistant Secretary of Energy for Nuclear Energy.

SD-366

Environment and Public Works
Water and Wildlife Subcommittee
To hold joint hearings to examine natural gas drilling, focusing on public health and environmental impacts.

SD-406

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the U.S. Agency for International Development.

SD-138

10:30 a.m.

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the President’s plan for eliminating wasteful spending in information technology.

SD-342

2:15 p.m.

Foreign Relations
Business meeting to consider S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious, and the nominations of Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States on the Executive Board of the World Health Organization, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador,

and to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State.

S-116, Capitol

2:30 p.m.

Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine cyber security, focusing on responding to the threat of cyber crime and terrorism.

SD-226

Armed Services
Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Department of Defense plans and programs relating to counterterrorism, counternarcotics, and building partnership capacity; with the possibility of a closed session in SVC-217 following the open session.

SR-232A

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine financial literacy, focusing on empowering Americans to make informed financial decisions.

SD-628

Intelligence
To hold closed hearings to examine certain intelligence matters.

SH-219

2:45 p.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine building the new derivatives regulatory framework, focusing on oversight of Title VII of the “Dodd-Frank Act”.

SD-538

Environment and Public Works
Clean Air and Nuclear Safety Subcommittee

To hold joint hearings to examine a review of the nuclear emergency in Japan and implications for the U.S.

SD-406

APRIL 13

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.

Room to be announced

10 a.m.

Environment and Public Works
To hold an oversight hearing to examine domestic renewable fuels, focusing on ethanol and advanced biofuels.

SD-406

Finance
To hold hearings to examine perspectives on deficit reduction.

SD-215

Judiciary
To hold hearings to examine fulfilling our commitment to support victims of crime.

SD-226

<p>Armed Services Readiness and Management Support Subcommittee To hold hearings to examine the current materiel readiness of U.S. Forces in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program. SR-232A</p> <p>Rules and Administration Business meeting to consider the nomination of William J. Boarman, of Maryland, to be Public Printer, Government Printing Office. SR-301</p> <p>Veterans' Affairs To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce. SR-418</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the proposed budget estimates for fiscal year 2012 United States Pacific Command (PACOM). S-217, Capitol</p> <p>1 p.m. Homeland Security and Governmental Affairs Business meeting to consider any pending calendar business. SD-342</p> <p>1:30 p.m. Armed Services Personnel Subcommittee To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program. SR-222</p> <p>2 p.m. Appropriations Energy and Water Development Subcommittee To hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the Army Corps of Engineers and Bureau of Reclamation. SD-192</p> <p>Foreign Relations To hold hearings to examine international development policy priorities in the fiscal year 2012 budget. SD-419</p> <p>Aging To hold hearings to examine the Food and Drug Administration (FDA) and</p>	<p>the reform of the medical device approval process. SD-562</p> <p>2:30 p.m. Commerce, Science, and Transportation Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee To hold hearings to examine the President's proposed budget request and oversight for fiscal year 2012 for the National Oceanic and Atmospheric Administration (NOAA). SR-253</p> <p>Armed Services Strategic Forces Subcommittee To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SR-232A</p> <p>3 p.m. Judiciary To hold hearings to examine certain nominations. SD-226</p> <p style="text-align: center;">APRIL 14</p> <p>10 a.m. Energy and Natural Resources To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review. SD-366</p> <p>2:30 p.m. Intelligence To hold closed hearings to examine certain intelligence matters. SH-219</p> <p style="text-align: center;">MAY 4</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on Intel. SVC-217</p>	<p>MAY 11</p> <p>10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve. SD-192</p> <p style="text-align: center;">MAY 12</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM). SVC-217</p> <p style="text-align: center;">MAY 17</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM). SVC-217</p> <p style="text-align: center;">MAY 25</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency. SD-192</p> <p style="text-align: center;">MAY 26</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM). SVC-217</p> <p style="text-align: center;">JUNE 15</p> <p>10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. SD-192</p>
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SENATE—Thursday, April 7, 2011

(Legislative day of Tuesday, April 5, 2011)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Jeffrey W. Carter, senior pastor of Manassas Church of the Brethren in Manassas, VA.

PRAYER

The guest Chaplain offered the following prayer:

Please pray with me.

Gracious God, from whom all blessings do flow, we give thanks for the opportunity of this new day and the power and possibility within it to do what is noble, trustworthy, and true. We pause to center ourselves upon the importance of this present moment, upon our calling.

May Your spirit of wisdom and discernment descend upon this body as they seek to govern with justice and care. Grant them wisdom and courage as they meet the challenges of our time, knowing they are Your stewards of a democracy and servants of a people. May their decisions answer Your eternal call to guard the dignity of each person, to ensure freedom for all people, and to strive tirelessly for the common good, for it is in our living beyond ourselves that we find the greatest meaning and deepest expression of our faith.

Truly, on this day, may Your grace be upon this Senate, our Senators, their staffs, those who work tirelessly in support of this Chamber, as well as their families. And may Your grace be upon our Nation—diverse, gifted, and united in our affirmation of life and liberty, happiness and peace.

For this we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest Chaplain, the Reverend Dr. Jeffrey Carter of Manassas Church of the Brethren, located in Manassas, VA. I am pleased to welcome Dr. Carter, his wife Kim, and their three young daughters—Anna, Grace, and Julie—to the U.S. Senate today.

Dr. Carter is a 1992 graduate of Bridgewater College, located in Bridgewater, VA. He received his Master of Divinity from Bethany Theological Seminary in 1998, and his Doctor of Ministry from Princeton Theological Seminary in 2006. In 2003, at the age of 33, he was appointed senior pastor of Manassas Church of the Brethren. Since 2005, he has also served as lead chaplain for the Prince William County, VA, Fire and Rescue Squad. In addition to his duties with his home church, Dr. Carter also serves as the Church of the Brethren's representative to the World Council of Churches, and is a member of the board of directors for the Brethren Housing Corporation.

Manassas Church of the Brethren was established in 1895, and has served the greater Manassas community for the past 116 years. They offer a wide variety of fellowship opportunities and outreach ministries to their large congregation and residents of the Manassas community.

Through the dozens of missions and ministries at Manassas Church of the Brethren, Dr. Carter has made a profound impact on the lives of many members of my constituency. I am certain that he will continue to guide his congregation for many years to come, and I look forward to seeing the direction of Manassas Church of the Brethren under his leadership.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business, with the first hour equally divided, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. Senator HOEVEN will be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

We continue to work to complete action on the small business bill. We are hopeful we will be able to vote on a budget by the end of this week. Senators will be notified when votes are scheduled.

Mr. President, for Members of my caucus, the 12:30 luncheon we have every Thursday has been postponed until 3 o'clock today.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, approximately 1 hour ago, I was at the White House with Speaker BOEHNER. We had made a joint statement to the press during the nighttime there at the White House, and at that time I was cautiously optimistic that we could complete the work on the people's business to fund the government until the end of this fiscal year—October 1. Now we are 38 hours away from this deadline of the government shutting down, so it is clear from the math that in less than 2 days a decision must be made as to whether the government closes or stays open, whether we put the American people first and reach an agreement, or have, as I will explain in a few minutes, issues having nothing to do with government funding cause the government to shut down.

We met last night, the Speaker and I, with the President for quite a long time, 1½ or 2 hours. The meeting was initially one where the President, the Vice President, Speaker BOEHNER, and myself were present to try to work through these issues. We then went into a meeting with our staffs to try to work through these issues. The numbers are basically there. That is where we are. My staff, the President's staff, and the Speaker's staff worked through the night to try to come up with an appropriate way to end this impasse.

I repeat, the numbers are basically there, but I am not nearly as optimistic—and that is an understatement—as I was 11 hours ago. The numbers are extremely close. Our differences are no longer over how much savings we get on government spending. The only thing—the only thing—holding up an agreement is ideology. I am sorry to say that my friend, the Speaker, and the Republican leadership have drawn a line in the sand not dealing with the deficit—which we know we have to deal with and where we have made significant cuts—not with the numbers that would fund the government to the end of this fiscal year. That is not the issue. The issue is ideology, not numbers.

There are a number of issues, but the two main issues holding this matter up are reproductive rights for women and clean air. These matters have no place on the budget bill. This is a bill to keep the government running with dollars, and they want to roll back the Clean Air Act. The bottom line is this: If we are going to sit down at the negotiating table, as we have, and fund the government, it should be based on government funding.

I know there are some rambunctious new Members of the House of Representatives over there, and there are probably some who have been there a long time who are more senior and who believe, as Republicans, this is their time to shine. But they should do that on a legislative matter, not on a spending bill. They can send the stuff, and we will get to it when we can, to show we can get to things. We have done it on this clean air bill and the very difficult issues dealing with 1099—a government issue relating to the health care bill. It was tough, but we did it. We had a bunch of votes yesterday on EPA funding. We can legislate, and we can do that on issues that are difficult. We showed that this week in the Senate. But no one can realistically think we can walk out of a room and suddenly agree on or focus on an issue that has been around for four decades—this issue relating to women's choice. This is a legislative matter. We can't solve in one night a disagreement this country has been having for four decades. There are very definite sides that have been taken.

I served in the House of Representatives with Henry Hyde, where this all got started. Henry Hyde was the man who started, more than anyone else, the public debate on women's choice. He was dug in as to what he felt was right; others disagreed with him. But the Hyde amendment prevailed, and we have been basically working off that for four decades. For 40 years, we have been focused on that issue. We can't solve in one night a disagreement this country has been having for four decades. It is not realistic to shut down the government on a debate dealing

with abortion. It is not realistic, and it is not fair to the American people. We haven't solved the issue in 40 years, and we are not going to solve it in the next 38 hours.

Now is the time to be realistic. We should not be distracted by ideology. We have been distracted by ideology. This is a bill that funds the government. It isn't a bill that should deal with changing the Environmental Protection Agency's rules and regulations. That should be done legislatively. We can't now, on a bill that focuses on the spending of this country, suddenly decide there is going to be a big breakthrough on one side or the other on abortion. It can't happen. It won't happen.

Speaking of distractions, the House is now going to pass a short-term stopgap. It is a nonstarter over here. Doing that is a sure way to close the government. There are no more short-term extensions unless it is a clean continuing resolution to allow us a few more days to work on matters relating to funding the government. The President has told the Speaker that, I have told the Speaker that, and Republicans in the Senate have told the Speaker that we can't pass another short-term CR. It is not only bad policy, it is a fantasy. As I said last night, this is a nonstarter in the Senate. The President told the Speaker that last night. He called and talked to him 20 minutes ago, 30 minutes ago, and told him the same thing. I talked to the President at a quarter to 10, and he told me the same thing.

We have moved so far, and we have given everything we can give. The President is absolutely right, we can't keep funding this government one paycheck to the next, one stopgap measure after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck.

I repeat, this debate that is going on today deals with money; it doesn't deal with ideological issues where both sides have drawn a line in the sand. If the House of Representatives wants to send us matters regarding Wall Street reform, we can debate them here. If they want to send us measures dealing with health care, we can debate them here. If they want to send us measures dealing with EPA, we can debate them here, just as we did yesterday. If they want to send us something here on title X, which is reproductive health for women, we can debate that issue. But it should not be on a stopgap funding measure. So if this government shuts down—and it looks as if it is headed in that direction—it is going to be based on my friends in the House of Representatives, the leadership over there, focusing on ideological matters that have nothing to do with the funding of this government. I think that is a sad day.

As a predecessor of my friend the Republican leader said many years ago—the great Henry Clay—“All legislation is founded upon the principle of mutual concession.” He was known as the “great compromiser.” Henry Clay was. He served in this body and served three separate times as Speaker of the House of Representatives. That is what he said. Isn't this the time to do that? Remember the two words that are so important in what Henry Clay said: mutual concession. We have done far more than anyone ever thought we would do, and we have done it because we believe this government should not shut down.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONTINUING RESOLUTION

Mr. McCONNELL. Mr. President, my good friend mentioned Henry Clay. He would approve very much of the bill the House will be sending over later today. And the abortion provision my good friend refers to is one Democratic leaders have previously supported. It is a measure that has previously appeared in appropriations bills and a measure that has been previously signed by the President. So obviously that is not what this matter is about.

As the majority leader indicated, the talks are continuing. But two positions have emerged that are very clear. Throughout this debate, Republicans have consistently said that we prefer a bipartisan agreement that keeps the government running and provides critical funding and certainty for our troops. This is exactly what we have been working toward all along, and that is exactly what the bill the House Republicans are expected to pass today will do.

Importantly, this bill will also include a modest reduction in Washington spending—a reduction well within the range that even Democratic leaders have described as reasonable.

In fact, the bill House Republicans will send over to the Senate today is nothing more than a smaller version of the larger bill that Democrats say they want. So let's be specific, very specific.

The Obama administration and the Secretary of Defense have said they need an annual defense bill. The House bill we will get today does that. It passes the Defense appropriations bill. Senate Democrats have said they want the Government to keep running. The House bill we will get today does precisely that. Democratic leaders have identified a number of cuts they believe are reasonable. The spending cuts in the House bill we will get today go no farther than that. Democratic leaders have said they want no controversial policy riders. That is what we just

heard our majority leader talking about. But the policy provisions in the bill we will get today are provisions that members of the Democratic leadership have already voted for and that the President himself has previously signed into law. It will be pretty hard to argue that is controversial.

Here is the bottom line: The bill does everything Democrats have previously said they want. It cuts Washington spending by an amount that Democratic leaders believe is reasonable. The policy prescriptions it contains have been previously agreed to by Democratic leaders and signed by this President. Most important, this is the only proposal out there that keeps the government open, the only one that is coming over from the House.

In other words, if a shutdown does occur, our Democratic friends have no one to blame but themselves because they have done nothing whatsoever to prevent it, since they have produced no alternative to the bill the House is sending over today. This is the only proposal currently on the table that will keep the government open.

There are two options at this point. Democrats can either take up and pass this reasonable bill that falls well within the bounds of what their own leadership has defined as acceptable or shut down the government. That is it, that is the choice. So rather than talking about a shutdown, I hope our Democratic friends join us in actually preventing one. There is only one way to do that, by quickly passing the House bill and sending it to the President for his signature before tomorrow night.

COLOMBIA FTA

Mr. McCONNELL. Mr. President, the President will meet today with Colombia President Juan Manuel Santos. We understand they will announce agreement on a long overdue free-trade agreement with this important trading partner and our best ally in South America. Republicans have been urging the President to act on this and on other critical trade deals for over 2 years.

The U.S. Chamber of Commerce estimates that trade deals with Colombia, Panama, and South Korea can provide up to 380,000 U.S. jobs. We know this deal alone would create tens of thousands of new jobs here in this country. At a time when millions of Americans are out of work and businesses are looking for opportunities to hire, there was no excuse to slow walk these deals.

We hope today's meeting marks a real step forward in concluding this trade agreement with Colombia. We expect this announcement means the President will be submitting all three trade agreements—Korea, Colombia, and Panama—in the very near future. We look forward to working with him to clear them through the Congress.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, it is my understanding I was granted 20 minutes under the leader's time. If that is the case, I would like assurance.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

FINANCIAL SECTOR REGULATION

Mr. ROBERTS. Mr. President, I appreciate the leadership, as best they can, going into greater detail on the mutual effort to avoid a government shutdown. I know all Members are vitally interested in this, as is the American public. I do happen to agree—probably no surprise—with the Republican leader in his description of the situation, especially in regard to our national security, which I think is exceedingly important.

I have asked for this time now to discuss a related subject. Some may think it is not related but I think it is. It is related to a government—or an economic shutdown, if you will, on many businesses throughout the country, that is already occurring. This is something we hear about from time to time from various industries or businesses or occupations—almost everybody up and down Main Street. I would describe it as a shutdown by regulation or almost strangulation by regulation. That is what I wish to talk about for a moment.

I come to the floor to highlight another area where regulation is having a negative effect on business in my State and all across the country. To date, I have spoken about the impact of regulations on health care and on agriculture and on energy. Today I am here to talk about the regulation of our financial sector. I want to emphasize I am talking about the impact of regulation on our community banks, those banks in each of our towns, often home owned and operated.

Our community banks share the common concern I have heard from busi-

nesses in all industries all across my State. The volume and pace of regulations that are coming out of Washington are unmanageable and they add to the costs and divert resources that would otherwise be used to grow their businesses or serve their customers or help the economy in its recovery.

As I have noted in previous remarks, I was very encouraged that President Obama signed an Executive order. I credit him for that. He directed the administration to review, to modify, to streamline, expand, or repeal those significant regulatory actions that he called duplicative and unnecessary, overly burdensome, or that which would have had significant impact on Americans. He even, in an offhand remark, said some of these regulations are actually stupid. I agree with the President and I gave him credit for that.

I was originally encouraged by the President's commitment to a new regulatory strategy. But after reviewing the Executive order I was left with some concerns. Here is why. The Executive order states:

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

Nobody could possibly disagree with that. It is a good statement.

Where appropriate and permitted by law, each agency may consider (and discuss qualitatively)—

I am not sure if I understand that in very clear language, but at least I have been trying to figure that out, along with a lot of the people who are on the receiving end of regulations. Then this is the part which I defy anybody to comprehend. "values that are difficult or impossible to quantify, including equity, human dignity, fairness and distributive impacts."

As the Wall Street Journal captured in their response to the President's editorial, "these amorphous concepts are not measurable at all." How on Earth do you make such a determination? This language is, in fact, if anybody could understand it, a very large loophole. Coupled with an exception for the independent agencies such as the FDIC and the EPA, and the subagencies and other regulatory agencies, it has the potential to result in no changes at all.

Here you have an Executive order but you also have an Executive order that has a lot of loopholes in it. That is why I have introduced legislation to put teeth into this Executive order. My bill is called the Regulatory Responsibility For Our Economy Act, and it strengthens and codifies the President's order. Like the Executive order, my legislation ensures that the regulators review, modify, streamline, expand, or repeal the regulatory actions that are duplicative, unnecessary, overly burdensome, or would have significant impact on Americans. But it requires that

Federal regulations put forth do consider the economic burden on American businesses, ensure stakeholder input during the regulatory process, and promote innovation.

Today, 46 Members of this body have signed on as cosponsors. That is a testament to the concerns that my colleagues are hearing from their constituents about how the unrelenting tide of regulations now coming from Washington is harming their businesses and our economy. It could be described, actually, as another government shutdown, as I have indicated, by strangulation.

Today I want to call attention to the impact of regulations on the financial services sector, in particular the impact on our community banks. I might add, in discussing this before on agriculture, energy, and health care, we talked to the stakeholders involved in Kansas, the people who are actually involved. It is their suggestions I am repeating and that I have tried to encompass in my legislation.

The financial services sector of our economy is already the focus of substantial regulation. I think everybody understands that. We all support commonsense financial regulations. However, it is important that financial regulations do not become undue burdens, especially on our community banks that are the backbone of Main Street and finance the economic growth in our communities. While I appreciate that many of the agencies with responsibility for regulating the industry are independent of the executive branch, I am hopeful that these agencies are receptive to the President's effort.

While the economic crisis focused attention on the financial services industry leading to the passage of the Dodd-Frank bill, our Nation's community banks that are already shouldering an undue regulatory burden will now bear a greater burden when the hundreds of regulations from this law are implemented. Our Nation's community banks are often small businesses. On average a community bank has 37 employees and approximately \$154 million in loans and other assets. The majority of banks in Kansas have an average of fewer than 14 employees. However, they currently comply with 1,700 pages of consumer regulations alone. That is incredible. They must also comply with hundreds of additional pages of regulations regarding lending practices and other banking operations.

According to a summary of the Dodd-Frank act by Davis Polk, this legislation mandates that 11 different agencies now create at least 243 more regulations; issue 67 one-time reports or studies and 22 new periodic reports. Many of these new rules are required to be issued in the next year or two, and financial regulatory agencies have the discretion to issue additional rules on top of those and those required under Dodd-Frank.

This is incredible if not unbelievable. Regulators have already issued more than 1,400 pages of regulatory proposals. Up to 5,000 pages of regulations are expected.

Many will be proposed by a new bureaucracy that is created in the Dodd-Frank act, the Bureau of Consumer Financial Protection. Remember that name. The acronym is CFPB, and it will undoubtedly suffocate a lot of businesses. It will have broad authority to monitor, regulate, and direct the activity of banks. These actions will create additional and significant compliance costs that will impact the ability of every bank to serve its community. These actions have real costs to banks.

According to recent testimony before the House Oversight and Investigation Subcommittee, the CBO Director—the Congressional Budget Office Director—Douglas Elmendorf, said the Dodd-Frank act is expected to impose nearly \$27 billion in new private sector fees, assessments, and premiums. This amount includes more than \$14 billion in new fees on banks. Guess where that money is going to end up in regards to consumer costs. Our community bankers and their customers are worried about the impact of these new requirements. That has to be the understatement of my remarks. They are frustrated, they are angry, they are upset.

Now, while not every regulation will apply to the community banks, they tell me the rapid pace and volume of new regulations being put forth are placing a strain on many banks' compliance capabilities and are adding significantly to their operating costs. Many banks tell me they are reevaluating whether they can afford to offer some products and services such as mortgage lending. Yes, you have that right. If you live in a small community, and you go to your local bank and you would like to get a loan in regards to financing a mortgage, sorry, they may be out of the business.

It is important to understand that banks do not oppose commonsense regulations. They are necessary to ensure that banks are doing their jobs and that consumers receive the proper information and disclosures that are beneficial to them. The problem is that unlike bigger financial institutions, our community banks do not have a large staff of attorneys or compliance officers to help them navigate wave after wave of these new regulations.

By one estimate, for the typical small bank, more than one out of every four dollars—one out of four—of operating expenses is used to pay for the cost of complying with government regulations. With Dodd-Frank we can only expect that cost to go higher.

One community banker tells me they have five compliance officers out of a staff of less than 100 employees. In speaking with compliance officers, they tell me regulations that are being

put forth to implement a range of new requirements are being written too quickly, without sufficient specifics and guidance for banks to implement as intended.

They point to regulations that are duplicative or contradictory but which they must comply with, even if the banker or consumer does not view the regulation as having any value or benefit to the consumer—I might add, even if they can understand it.

Such compliance efforts cost time and money and it is vital that Federal regulators consider the total impact of all regulations, not merely each regulation in isolation, and work to reduce unnecessary regulatory burdens on an already heavily regulated industry.

With these concerns in mind, I would like to call attention to several regulations that highlight the impact of an overly burdensome regulatory environment. I encourage regulators to join the President's effort to pursue solutions to regulations that make it difficult for our community banks to serve their customers, support businesses in their communities, and help grow our economy.

The Dodd-Frank act requires the Federal Reserve to issue a rule for debit interchange fees. Basically, interchange fees are swipe fees that a merchant bank pays to a customer's bank when the customer uses their debit card. In December I joined a bipartisan group of Senators in writing to Federal Reserve Board Chairman Ben Bernanke expressing our concerns with the interchange provision and to encourage the Federal Reserve to ensure that our consumer interests are protected in rate standards that are set.

Our letter outlines "concerns with the consequences of replacing a market-based system for debit card acceptance with a government-controlled system," as well as concerns that the provision will make small banks and credit union debit cards more expensive for merchants to accept than those cards issued by larger banks, and it would likely put them at a disadvantage compared to the large banks that issue those other cards.

In addition, the rule does not consider all of the costs incurred by a bank in actually providing the service, such as all the costs for fraud control and prevention, network processing fees, card production, and issuance costs, and fixed costs, including capital investments. These are all significant costs for many banks and will be one of the factors they will have to look at when considering whether they even continue to offer any debit card service.

During debate on the debit interchange amendment, supporters presented it as a proconsumer provision, maintaining that the reduction in interchange fees would be passed on to the consumer. Yet there is nothing,

nothing in this Dodd-Frank act that requires retailers to pass on any savings from debit interchange fees to their customers. On the contrary, the debit interchange rule will likely result in higher bank fees, a loss of reward programs, or banks may ultimately, as I have said, decide not to offer debit cards to their customers. Some steps are already being considered.

Higher fees or limited choices as a result of such government price controls does not benefit any consumer. That is why legislation I am supporting calls for the Federal Reserve and other Federal financial regulators to slow down and fully study this issue, carefully evaluate the 11,000 comments that were received on this proposed rule.

I am particularly concerned about the estimated costs of the debit interchange rule for our community banks, which is not insignificant. Supporters of the interchange rule say our community banks will not be impacted. Well, I beg to differ.

Consider what I am hearing from the community banks in my State of Kansas. One community banker in a town of just 1,000, whose bank began offering debit cards a few years ago, tells me the interchange proposal will cost his bank \$19,000 a year. Two other banks that serve multiple rural communities will see increased costs per year of more than \$46,000 and \$100,000, respectively. Other banks, including banks in my State, estimate the cost to be in the millions. Ultimately, the loss of income for banks will mean less capital available to lend to borrowers.

I also want to mention the concerns I am hearing about the patchwork of mortgage disclosure requirements. Taken together, existing regulations and anticipated regulations as a result of Dodd-Frank may well have the effect of making it more difficult and costly to provide mortgages to qualified borrowers, reduce lending capacity, and may push some lenders to simply stop offering mortgages.

One example is the SAFE Act. It creates a nationwide mortgaging licensing system and registry for mortgage loan originators. This registry is intended for use by regulators to identify mortgage brokers or lenders who seek to work in a State after being banned from working in a different State. That sounds all right. However, each mortgage loan originator will be required to register with a national registry, obtain a unique identification number, and submit fingerprints for the FBI to conduct a criminal background check.

So if you are in the business of trying to be a mortgage loan originator, you are going to get fingerprinted. Our community bankers tell me their cost to meet the new requirements is roughly \$1,000 to \$2,000 per loan officer. I know that might not seem like a lot of money to Washington regulators, but it is a tidy sum in rural America.

The cost of compliance will take time and money away from the business of lending and may ultimately be passed on to the consumer in the form of higher prices for a mortgage loan. That is what will happen.

Finally, I want to mention the recent guidance on the overdraft payment programs put forth by the FDIC. At some point most of us have had experience with overdraft programs, perhaps when we forgot to balance our checkbook. In the guidance, the FDIC stated:

The guidance focuses on automated overdraft programs and encourages banks to offer less costly alternatives if, for example, a borrower overdraws his or her account on more than six occasions where a fee is charged in a rolling 12-month period. Additionally, to avoid reputational and other risks, the FDIC expects institutions to institute appropriate daily limits on customer costs and ensure that transactions are not processed in a manner designed to maximize the cost to consumers.

So while banks offer overdraft protection programs now and take other steps to aid customers in avoiding overdrafts, many are concerned that this guidance put forth by the FDIC is overly prescriptive and goes further than amendments on overdrafts put forth by the Federal Reserve.

Further, banks note that the guidance seems to contradict the intent of the President's Executive order that requires agencies to propose or adopt regulations only upon a reasoned determination that its benefits justify its cost, recognizing that some benefits and costs are difficult to quantify. Banks are concerned that the FDIC guidance is based on outdated information and that the impact of the Federal Reserve's rules on overdraft programs should be reviewed before moving forward with additional guidance in this area.

So while the FDIC is not subject to the Executive order, I certainly hope they would adopt the spirit of the order. In addition, when a customer has a pattern of excessive use of automated overdraft programs, the FDIC states that "(banks) should contact their customers about a more appropriate and lower-cost alternative that better suits their needs."

I can remember a bank scandal back in the House of Representatives. If only that bank would have had this protection from the FDIC, none of that scandal would have ever happened.

The FDIC recently provided additional clarification on this guidance that provides some flexibility about how banks reach out to customers and permits them to contact customers by mail as well as in person and by telephone. However, the requirement that banks contact customers who incur six overdrafts in a rolling 12-month period remains a broad overreach of the FDIC's authority, putting the burden on the banks rather than the customer who ultimately bears the responsibility

for ensuring that they have sufficient funds in their account to cover their transactions.

In fact, one study shows that 77 percent of customers paid no overdraft fees in the previous 12 months. That same study also showed that for those 21 percent of customers who paid an overdraft fee, 69 percent say they were glad the payment was covered.

Another survey found that 94 percent of those surveyed said they would want a transaction to be covered by their banks even if it resulted in an overdraft fee. This guidance seems to be a clear example of where an agency is overreaching, with little evidence of the need for or effectiveness of such additional guidance.

In closing, I thank, again, Obama for taking the step in the right direction to review Federal regulations that place undue burdens on our Nation's economic growth and recovery. I hope financial regulators will join in this effort to examine rules and regulations that pose significant barriers to our small community banks and their ability to serve their customers and contribute to the growth of their communities.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. The minority time has only 1 minute 30 seconds at this point and then the majority time has 30 minutes.

The Senator from Tennessee may proceed.

THE BUDGET

Mr. ALEXANDER. Mr. President, if another Senator wishes to speak, I will be succinct. I will try to do mine in a less period of time. I thank the Chair for its courtesy.

I wish to speak on two subjects. First, there has been a good deal of discussion in Washington about making sure we continue to operate the government over the weekend and on into next week while we get about the important business of reducing our debt. Our national debt is an urgent problem. Members on both sides of the aisle understand this, and have said this.

We have 64 Senators who have written the President to say we are ready to go to work on reducing the debt on the whole budget. We have a proposal from Congressman RYAN. We have a proposal from the Bowles commission.

We are ready to go to work. The House of Representatives has made a proposal to, for the time being, continue the government while we work on that, and that is eminently reasonable.

I ask unanimous consent to have printed in the RECORD a Wall Street Journal op-ed from April 4 by Gary Becker, George Shultz, and John Taylor that points out that the numbers in the House of Representatives proposal would have the Federal Government spend for the rest of the year basically what we spent in 2008, plus an allowance for inflation. There is no reason, the authors say, why government agencies, from Treasury and Commerce to the executive office of the President, cannot get by with the same amount of funding they spent in 2008 plus increases for inflation. This would be a reasonable first step as we get to the larger issue of how we reduce the debt over a longer period.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 4, 2011]

TIME FOR A BUDGET GAME-CHANGER

Assurance that current tax levels will remain in place would provide an immediate stimulus.

House Republican budget planners are on the right track.

(By Gary S. Becker, George P. Shultz and John B. Taylor)

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

When private investment is high, unemployment is low. In 2006, investment—business fixed investment plus residential investment—as a share of GDP was high, at 17%, and unemployment was low, at 5%. By 2010 private investment as a share of GDP was down to 12%, and unemployment was up to more than 9%. In the year 2000, investment as a share of GDP was 17% while unemployment averaged around 4%. This is a regular pattern.

In contrast, higher government spending is not associated with lower unemployment. For example, when government purchases of goods and services came down as a share of GDP in the 1990s, unemployment didn't rise. In fact it fell, and the higher level of government purchases as a share of GDP since 2000 has clearly not been associated with lower unemployment.

To the extent that government spending crowds out job-creating private investment, it can actually worsen unemployment. Indeed, extensive government efforts to stimulate the economy and reduce joblessness by spending more have failed to reduce joblessness.

Above all, the federal government needs a credible and transparent budget strategy. It's time for a game-changer—a budget action that will stop the recent discretionary spending binge before it gets entrenched in government agencies.

Second, we need to lay out a path for total federal government spending growth for next

year and later years that will gradually bring spending into balance with the amount of tax revenues generated in later years by the current tax system. Assurance that the current tax system will remain in place—pending genuine reform in corporate and personal income taxes—will be an immediate stimulus.

All this must be accompanied by an accurate and simple explanation of how the strategy will increase economic growth, an explanation that will counteract scare stories and also allow people outside of government to start making plans, including business plans, to invest and hire. In this respect the budget strategy should be seen in the context of a larger pro-growth, pro-employment government reform strategy.

We can see such a sensible budget strategy starting to emerge. The first step of the strategy is largely being addressed by the House budget plan for 2011, or H.R. 1. Though voted down in its entirety by the Senate, it is now being split up into “continuing” resolutions that add up to the same spending levels.

To see how H.R. 1 works, note that discretionary appropriations other than for defense and homeland security were \$460.1 billion in 2010, a sharp 22% increase over the \$378.4 billion a mere three years ago. H.R. 1 reverses this bulge by bringing these appropriations to \$394.5 billion, which is 4% higher than in 2008. Spending growth is greatly reduced under H.R. 1, but it is still enough to cover inflation over those three years.

There is no reason why government agencies—from Treasury and Commerce to the Executive Office of the President—cannot get by with the same amount of funding they had in 2008 plus increases for inflation. Anything less than H.R. 1 would not represent a credible first step. Changes in budget authority convert to government outlays slowly. According to the Congressional Budget Office, outlays will only be \$19 billion less in 2011 with H.R. 1, meaning it would take spending to 24% of GDP in 2011 from 24.1% today.

If H.R. 1 is the first step of the strategy, then the second step could come in the form of the budget resolution for 2012 also coming out of the House. We do not know what this will look like, but it is likely to entail a gradual reduction in spending as a share of GDP that would, in a reasonable number of years, lead to a balanced budget without tax rate increases.

To make the path credible, the budget resolution should include instructions to the appropriations subcommittees elaborating changes in government programs that will make the spending goals a reality. These instructions must include a requirement for reforms of the Social Security and health-care systems.

Health-care reform is particularly difficult politically, although absolutely necessary to get long-term government spending under control. This is not the place to go into various ways to make the health-care delivery system cheaper and at the same time much more effective in promoting health. However, it is absolutely essential to make wholesale changes in ObamaCare, and many of its approaches to health reform.

The nearby chart shows an example of a path that brings total federal outlays relative to GDP back to the level of 2007—19.5%. One line shows outlays as a share of GDP under the CBO baseline released on March 18. The other shows the spending path starting with H.R. 1 in 2011. With H.R. 1 federal outlays grow at 2.7% per year from 2010 to 2021

in nominal terms, while nominal GDP is expected to grow by 4.6% per year.

Faster GDP growth will bring a balanced budget more quickly by increasing the growth of tax revenues. Critics will argue that such a budget plan will decrease economic growth and job creation. Some, such as economists at Goldman Sachs and Moody's, have already said that H.R. 1 will lower economic growth by as much as 2% this quarter and the next and cost hundreds of thousands of jobs. But this is highly implausible given the small size of the change in outlays in 2011 under H.R. 1, as shown in the chart. The change in spending is not abrupt, as they claim, but quite gradual.

Those who predict that a gradual and credible plan to lower spending growth will reduce job creation disregard the private investment benefits that come from reducing the threats of higher taxes, higher interest rates and a fiscal crisis. This is the same thinking used to claim that the stimulus package worked. These economic models failed in the 1970s, failed in 2008, and they are still failing.

Control of federal spending and a strategy for ending the deficit will provide assurance that tax rates will not rise—pending tax reform—and that uncontrolled deficits will not recur. This assurance must be the foundation of strategy for a healthy economy.

PRIVATE SECTOR JOB CREATION

Mr. ALEXANDER. Mr. President, last month marked the 1-year anniversary of President Obama signing the health care bill into law. I believe it was an historic mistake. We have talked about the health care law in a variety of ways. One thing we have said is that at a time when our country needs to make it easier and cheaper to create private sector jobs, the health care law makes it harder and more expensive to do so. Someone might ask: How could that happen? This morning I wish to mention a few examples of how it actually is happening, how the health care law actually is making it harder and more expensive to create private sector jobs.

Last September I met with about 35 chief executive officers of chain restaurant companies. According to the Bureau of Labor Statistics, the retail and hospitality industries are the largest employers in the United States, second only to the U.S. Government. Food services and drinking places provide roughly 10 million jobs. Most of these are first-time job seekers and low-income employees—the young and the poor companies that provide a huge number of jobs to low-income Americans.

One of the chief executive officers I met with said his company had been operating with 90 employees on the average, and as a result of the health care law, their goal was to operate with 70 employees. That is fewer jobs. There were many other examples of that around the room.

Many of the attendees are on the National Council of Chain Restaurants. They have significant concerns about

the law, and they provided me with specific examples.

One restaurant chain based in Tennessee with worries about the law is a company called Ruby Tuesday. Ruby Tuesday has 24,000 full-time employees and 16,000 part-time employees.

According to Ruby Tuesday, the employer mandate will cost them roughly \$47.5 million—\$2000 penalty per employee/minus the first 30 employees—yet their annual net income last year was just over \$45 million. In other words, the cost of the health care law to them equals the entire profits of this multibillion dollar company. Ruby Tuesday says as a result, it will have to reduce its workforce by 18 percent in order to hold their profits even. The company will increase the hours for their full-time employees and reduce their overall workforce in order to reduce the number of people for which coverage would be required.

The problem we are talking about is that the new law requires employers who don't provide acceptable coverage to pay a "fair share" penalty of \$2,000 per full-time employee. A full-time employee is defined as someone who works 30 hours a week instead of 40. We can see that a company such as Ruby Tuesday, with that many employees, would have a big cost, \$47.5 million, which equaled its entire profits for the year.

Another restaurant chain, White Castle, is also concerned. It said that according to their internal estimates, the health care law's provision imposing penalties for employer-sponsored health plans, whose costs to the employee exceeds 9.5 percent of that employee's household income, would be particularly punishing. In its present form this provision alone would lead to an approximate increased cost of over 55 percent of what White Castle currently earns in net income. This devastating impact would cut future expansion and job creation by at least half. The impact would be predominantly felt in low-income areas where jobs are most needed.

A representative of the National Retail Federation testified in February about another large chain quick service restaurant—QSR—and its potential job loss. This company preferred to remain anonymous, but the chain estimates that the incremental cost to comply with the new law is \$10 to \$15,000 annually per affected restaurant which across the entire system could be \$50 to \$75 million in incremental costs a year. This would wipe out one-third of that system's profits per year, potentially eliminating 10 percent of its stores, which means hundreds of restaurants and the potential elimination of 12,500 jobs.

There was another example, a large franchise system with multiple casual dining restaurant concepts and projects.

They estimated the average cost per restaurant in their system of the new health care law would be \$237,000, which equates to a systemwide cost of providing health insurance benefits to full-time employees of almost \$806 million per year. If all of this chain's small business franchisee owners elected to pay the employer penalty instead of providing insurance, the cost would be reduced but to just over still \$84,000 per restaurant or a savings of \$286 million systemwide. So to cope with the increased costs of the health care law, the employers who are restaurant owners—and these are the largest employers in America, they employ the most people in America except for the U.S. Government—are seeing their costs go up and, as a result, there are fewer jobs for Americans.

Republicans believe it would be better to reduce health care costs step by step so more people can afford to buy insurance instead of expanding a system that costs too much, and we will continue to advocate that position.

The important thing to remember about the law—we have heard it said it hurts Medicare, it adds regulations, raises taxes, and individual premiums are going up—is that it makes it harder and more difficult and more expensive to create private sector jobs at a time when our country should be dedicated to making it easier and cheaper to create them.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alaska is recognized.

TAX SIMPLIFICATION

Mr. BEGICH. Mr. President, I rise to speak about the Wyden-Coats-Begich bipartisan Tax Fairness Simplification Act. It is that time of the year again, tax time. Across our Nation, small businesses and families are struggling to unravel the annual nightmare of paperwork required to file their taxes. Across our Nation, small businesses and families are struggling. My wife and I are small business owners so I especially understand how burdensome and expensive the Tax Code and filing process can be for folks at this time of year.

This process is costly and burdensome. The IRS estimates that Americans spend 6.1 billion hours each year filling out tax forms and roughly \$163 billion each year on tax compliance. Small businesses are the engine and the backbone of our still recovering economy. We should allow them to spend more time doing what they do best—creating jobs and growing the economy—not filling out burdensome paperwork. This is why I have joined my colleagues from both sides of the aisle, Senators WYDEN and COATS, to introduce the bipartisan Tax Fairness and Simplification Act.

Tax reform has been a long priority of mine. I am happy to be moving forward on this important piece of legislation today. In a nutshell, our legislation simplifies the Tax Code and alleviates many of the burdensome paperwork and costly requirements that are bogging down American families and businesses. Our legislation will allow most taxpayers to file their taxes using a straightforward and shortened 1-page 1040 IRS form. This is an example of exactly what it would look like. Also individuals and families will be able to request that the IRS prepare a tax return for them to review, modify, and sign.

The Wyden-Coats-Begich bill reduces the number of tax brackets for individuals from six to three: 15 percent, 25 percent, and 35 percent. It eliminates the alternative minimum tax which forces millions of taxpayers to calculate their taxes twice and pay the higher amount. In order to make capital investments more cost effective for small business owners, the Wyden-Coats-Begich bill will allow 95 percent of small businesses—those with gross receipts of up to a million dollars—to expense all equipment and inventory costs in a single year. These changes may seem simple and commonsense, but they make a world of difference to our middle-class families and small businesses.

Let's talk specifically about small businesses for a second, people who are keeping our economy going, such as my friend John Brower from Anchorage. John owns and operates Alaska Laser Printing in Anchorage. John works tirelessly, 365 days a year, and is proud of the business he built. When new technology is developing in the printing business, it is always bringing on needs for new equipment. This legislation would allow him to expense all those equipment costs and would truly make a world of difference for John and save him thousands and thousands of dollars in taxes.

I am here to speak for the John Browsers and the other small businesses all across Alaska and the country. My view is very simple: Let's quit giving tax breaks to multimillion-dollar corporations. Let's close the corporate loopholes and help small businesses such as John Brower's.

Right now we are facing a \$14.3 trillion deficit. We are hours away from a potential government shutdown rather than continuing on a path toward long-term economic recovery.

Our new bill actually promotes economic growth because it allows businesses to spend more time growing and less time worrying about the overly burdensome tax system which we all know only enables tax avoidance. As all of us around here know, tax avoidance means outsourcing jobs overseas. Instead, our legislation incentivizes and enables companies to invest in

America rather than incentivizing them to invest overseas.

The legislation also promotes responsible retirement savings and investments by expanding tax-free savings opportunities.

The American Dream Account, whether it is for a new home, education for your children, or health care, provides a unique opportunity to invest in the American dream. Families and individuals alike can make contributions to an account that functions much like a retirement savings account, an RSA, to work toward purchasing their American dream.

Right now the U.S. corporate income tax rate is the second highest in the world. That puts American corporations at a competitive disadvantage globally. To resolve that, the Wyden-Coats-Begich legislation cuts the top corporate rate from 35 percent to 24 percent. That means American corporations will pay a more competitive rate than corporations based in trading partner countries such as Canada, Germany, and France.

To make the Tax Code fairer and reduce opportunities for individuals and businesses to avoid paying their fair share of taxes, the Wyden-Coats-Begich bill ends a number of specialized tax breaks that favor one business sector or some special interest that has been fortunate to be here lobbying in years past and getting their special deals, making sure everyone is treated fairly but ensuring we are competitive in the global economy in which we now compete.

Our legislation protects and extends important tax deductions for families. The Wyden-Coats-Begich bill retains many of the most commonly claimed individual tax credits and deductions, including deductions for mortgage interest and charitable contributions, credits for children and earned income. Preferences for the Armed Forces, veterans, and the elderly and the disabled will be retained, as will those that help Americans pay for health care and higher education and save for retirement.

The Wyden-Coats-Begich bill also permanently extends the enhancements of the Child tax credit, the earned-income tax credit, and the dependent care credit. The legislation eliminates the current law phaseout of itemized deductions and personal exemptions, allowing all taxpayers to benefit fully from their deductions and exemptions.

Finally, our legislation requires banks to identify all individuals who benefit from foreign accounts by name and nationality and to withhold 30 percent of all passive income, such as interest on capital gains, sent to any individual who disguises his or her identity.

Tax reform is a bipartisan issue, hands down. Republicans, Democrats,

our President, the OMB Director, and many others all across this country have called for it. So let's do it. Let's stop punching holes in an outdated system and make real tax reform happen. Tax reform is about creating jobs, growing the economy, and supporting our families and businesses for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I commend my colleague from Alaska. I do not know the particulars of his bill, but as I listened to his description of it, it is long overdue. Simplifying this Tax Code so the average American believes it is fair and understandable is essential for the integrity of our tax system.

I have always said there is one law we can pass which would result in tax simplification overnight, and that would be a requirement that every Member of the Senate and House prepare and file their personal income tax returns. It is a humbling experience. A few years ago, in Springfield, IL, when my accountant passed away, I decided, as a lawyer and a Senator: I will do it myself. I spent the whole Sunday afternoon, and then Monday went begging for help. I thought to myself: Mine is not that complicated. It should be a system that is much simpler and more direct and fair.

I thank the Senator for stepping in to meet that challenge. The Bowles-Simpson Commission talked about tax reform as one of the central elements to dealing with our deficit and expanding our economy. I think I might add to that: fairness in the way our taxes are treated. So I thank the Senator for his leadership on that issue.

Mr. BEGICH. I thank the Senator.

BUDGET NEGOTIATIONS

Mr. DURBIN. Mr. President, we are now in the countdown phase as to whether this government of the United States of America—the most prosperous Nation in the world—is going to shut down, turn out the lights, close its doors, and walk away. That could happen tomorrow night at midnight. If it does, it is an unmitigated disaster. There is no winner. No political party can claim they come out ahead in this exercise. It makes us all look bad—deservedly so.

So this morning I called into a local radio station in downstate Illinois, and the host said: You ought to hear the phone calls, Senator.

I said: I can guess what they are saying. What is wrong with those people in Washington that they can't sit down and reach an agreement? They are supposed to be our leaders. They are supposed to work out our problems. They are not supposed to throw up their hands and throw a tantrum.

That is, frankly, what will happen if we close down this government. Now, I think there are ways for us to reach an agreement. There are certain issues on which we all agree. Let me tell you what they are.

Our deficit and debt are serious national problems. They threaten our future, and they leave a legacy to our children and grandchildren we cannot defend. In order to reduce our deficit and our debt, we need to change in Washington. We need to cut spending, we need to be honest about it, and we need to tell the American people, whom we represent, what it means. Some of it will require sacrifice, but on both sides of the aisle there is no argument over what I just said. We need to cut spending, and we need to reorder the priorities of government.

But there is something more we need to do, and I credit two Minnesota legislators who wrote a letter to the New York Times a few weeks ago, who, I thought, in a few words put it together. This Democrat and Republican wrote in and said: We are facing a fiscal crisis in our State, and what we have discovered is, we can't tax our way out of it. We can't cut our way out of it. We need to think our way out of it. We need to find ways to deliver essential services to the American people in a more cost-efficient way. We need to stop the duplication, waste, and inefficiency that are clearly part of our government today.

So where are we? We are involved in negotiations, primarily between the majority leader, HARRY REID of Nevada, and Speaker JOHN BOEHNER of Ohio. They are trying to work out an agreement so we can move forward and finish this year's funding. It is 6 months and a few days, but it is critically important we get it done. They are close. In fact, I would say—and I just asked Senator REID if this was a fair representation—the dollar amount of this negotiation is all but completed. The dollar amount is all but completed, meaning that both sides have agreed how much we will cut spending for the remainder of this year.

To give credit where it is due, to Speaker BOEHNER and the House Republicans, there are significant cuts in their initiative in this area they can point to as part of the agreement. On the other side of the ledger, I think at the end of the day we will be able to say, as Democrats: Yes, we supported spending cuts, but we drew the line where we thought it was important for the future of this country. We made sure the cuts were not too deep in job training programs for unemployed and new workers in America. We made certain the cuts were not too deep when it came to education, particularly for children from low- and middle-income families. We made certain the cuts were not too deep when it came to

medical research and the basic competitive research necessary for the American economy and businesses to expand—and a host of other things. But those three major areas of job creation, education, and research we fought for, and at the end of the day I think we can point with pride to the fact that most of those are going to be largely protected.

So we can both walk out of the room with some satisfaction that after all of this time, we have reached the point where the dollar amounts are in basic agreement—I am not going to say in total agreement but in basic agreement.

So why am I not standing here saying with certainty that the government will not shut down? Unfortunately, now the House Republicans have decided this is no longer a battle over the budget deficit; it is a battle over issues—issues that do not relate directly to the spending of our government or the size of our deficit.

One of the things they are insisting on is a group of riders that are part of H.R. 1, their budget bill, which restrict the authority of the Environmental Protection Agency in Washington to deal with environmental issues.

I totally disagree with the House Republican position on this, and they are insisting on it. I would commend to them to pick up that always scintillating volume, the CONGRESSIONAL RECORD, from yesterday and read what had happened on the Senate floor. Yesterday, on the Senate floor the Democratic majority agreed with the Republican minority, and we called four amendments on the EPA. In fact, we said to the Republican leader, Senator MCCONNELL: Write your own amendment. We will call it to the floor, and we will vote on it. It was a sweeping amendment which took the authority away from the EPA when it came to greenhouse gas emissions. I think that is the wrong position, but Senator MCCONNELL had his right to offer it.

He got 50 votes in favor, 50 votes against. It failed, but we had the debate. We are not ducking this issue, I say to Speaker BOEHNER. We have faced it. We have voted on it. This Chamber has spoken on that issue and had three other debates and votes yesterday on EPA. None of those proposals got more than a dozen votes, but we have had the debate. We are not running away from it.

So to insist now, as part of any budget agreement, we accept the House position on the EPA is to ignore the obvious. The Senate has spoken. The Senate has debated and voted, and it is clear where we stand.

The second issue Speaker BOEHNER insists has to be part of this package is one that troubles me because it goes to the heart of some basic health programs for people across America. It is the title X family planning program.

Speaker BOEHNER's approach would eliminate the entire title X family planning program. How big an expense is this? Mr. President, it is \$327 million.

Since 1970, title X funding has provided men and women in every State with basic primary and secondary health care, including annual exams, cancer screenings, family planning, and testing and treatment for sexually transmitted infections. In 2009, title X-funded providers performed 2.2 million pap tests, 2.3 million breast exams, and over 6 million tests for infections, including HIV. Title X services prevent nearly 1 million unintended, unplanned pregnancies each year, almost half of which would otherwise end up in an abortion.

Family planning programs such as title X not only give men and women command over their lives, they save us money. Every public dollar invested in family planning saves us almost \$4—\$3.74 to be exact—in Medicaid-related expenses. If we ended title X, as Speaker BOEHNER and the House Republicans insist, it would result in more unintended pregnancies and, sadly, more abortions, and it would result in more than 5 million women losing access to basic primary and preventive health care.

We are prepared to debate this. If the House Republican position is that we need to close these clinics across America and we need to eliminate access to basic primary health care to literally millions of women and men across America, I am ready for the debate. But to hold up this budget negotiation, to insist that unless the House Republican position of eliminating title X is accepted, we can't reach an agreement—we have to shut down the government? Does Speaker BOEHNER really propose we shut down the government of the United States of America unless we are willing to cut title X family planning programs and health clinics and close the doors of health clinics across America? Is that what the last election was about? I don't think so. I think the American people said in the last election: Get serious about the deficit and start working together and stop your squabbling. Those were the two basic messages I took out of it. Well, we are getting serious about the deficit because we are nearly in full agreement on the dollar cuts necessary for the remainder of this year.

I don't remember the last election being a referendum on whether poor people and children in America would have access to health care at title X clinics. H.R. 1 included an amendment from a Congressman from Indiana that barred Planned Parenthood from receiving any Federal funding, including Medicaid reimbursements, CDC grants, and teen pregnancy prevention program funding. Planned Parenthood health centers provide comprehensive

care to millions of low-income and uninsured individuals each year. Forty-eight percent—1.4 million—of their patients are on Medicaid and would lose access to their primary care.

This provision is presented as a means to prevent Planned Parenthood from using Federal funds for abortion. However, Federal law already prohibits the use of Federal dollars for abortion—that is not the issue—except, under the Hyde amendment, which goes back decades now, in cases of rape, incest, or if the life of the mother is threatened by the pregnancy.

Abortion counseling represents 3 percent of Planned Parenthood's services. Yet this amendment, this rider from Congressman PENCE, would ignore that. Ninety percent of the care provided at Planned Parenthood is preventive care—cervical and breast cancer screening, family planning, sex education, and the treatment of infection.

If this amendment were enacted, most of the 800 health centers in the United States and 23 centers in Illinois, including in my hometown of Springfield, would be forced to close.

This prohibition on Planned Parenthood funding is a rider on the House budget bill that is now the stumbling block for an agreement on deficit reduction for the remainder of the year and keeping the government open. It is ridiculous that Planned Parenthood, which receives title X funding, should be such a target and should be an obstacle to an agreement.

We understand the conscience clause restrictions that are in the law when it comes to the issue of abortion. That is not what this is about. This is about family planning. And those of us who personally oppose abortion believe women should be given the information and opportunity to take care of themselves and make their own family decisions. That is what Planned Parenthood is about. This amendment would close down those clinics across America. I believe that is a move in the wrong direction.

We can work together, and we should, to deal with this budget deficit.

PAUL RYAN is a Congressman from Janesville, WI. I know him. I like him. We worked together for almost a year on the deficit commission. He is a bright, hard-working young man and chairman of the House Budget Committee. He has proposed a plan for the budget for the next 5 to 10 years. It is not a plan I agree with, but I respect the fact that he put the time in to prepare it. The reason I don't agree with it is that, unlike the Bowles-Simpson commission, the budget plan Congressman RYAN has proposed does not really deal in a comprehensive and fair fashion with the challenge of the deficit. Here is what I think and the commission believed: If we are serious about the deficit, we need to put everything on the table—everything.

What Congressman RYAN has done on the Republican side is to say we are not going to put on the table any savings from the Pentagon over the next 10 years. That is hard to imagine—\$500 billion-plus a year we spend at the Pentagon and no savings? While we are cutting programs in every direction, we can't find a way to protect our men and women in uniform, keep America safe and secure, and eliminate the obvious waste of money that goes on with much of the contracting in the Pentagon? Of course we can. I am sorry Congressman RYAN doesn't see that. I do, and I believe it should be part of the conversation.

Secondly, there is no suggestion of any revenue at all as part of the solution. In fact, Congressman RYAN goes in the opposite direction and continues the Bush tax cuts for the wealthiest Americans. If we are worried about explaining to our children and grandchildren how we can leave them this debt, how can we explain Congressman RYAN's position that would have us borrow over \$1 trillion over the next 10 years to give tax cuts to the wealthiest people in America? How can we explain to our children that we are going to go to China to borrow money to give tax cuts to wealthy people in America as we cut our deficit? That is his approach. I don't think it is complete and balanced.

There is a better way. We need to look back to the Bowles-Simpson commission, the deficit commission, and we need to move forward, after we finish this debate on the budget for the rest of the year, in a comprehensive and bipartisan fashion.

For months—literally for months—I have been engaged in a bipartisan effort with some colleagues in the Senate. We are trying to come up with something. I don't think everyone will applaud it. I know some of my colleagues will hate it. But it is going to be an honest approach to dealing with the deficit for the next 10 years. It is going to have the same Bowles-Simpson goals of \$4 trillion in deficit reduction and will include all of the major elements of our government in the conversation. I think that is the only way to honestly approach this. We can reach that debate once we get this immediate problem resolved.

So the point I wish to close with is this: We are at a moment here where we can resolve this issue, keep our government open, and move into the larger debate about our deficit in the years to come. It is morally a historically imperative debate, but in order to get beyond it, I hope Speaker JOHN BOEHNER, whom I respect as well, will accept the obvious. His riders on the Environmental Protection Agency were debated and voted on in principle already in the Senate yesterday. It has happened. We are not avoiding it. Second, their rider relating to zeroing out

funding for Planned Parenthood under title X funding is one we will take up at some point. We are not running away from it. But it is one that shouldn't stop the function of this government. It would be impossible to defend closing down our government, and all of the hardship that would follow, over that one rider—or two riders—they are insisting on.

Let's move toward reducing the deficit, but let's also reduce the political rancor. Let's put some of these issues, which have been around for decades, off to another day. Let's make sure we consider them—and we will—but let's move forward now to keep this government open. Let the American people at the end of this week look at us and say: In the end, they got it right. We didn't like the way they reached this point, but they didn't do the irresponsible thing and walk away from their responsibilities. They accepted their duties, they kept the government functioning, and now they can roll up their sleeves and deal honestly with this deficit.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I wish to take a moment to describe to the American people and actually Members of both bodies of Congress what is going to happen to our troops and their families if the collapse of the budget negotiations forces the government to shut down. We look at charts and graphs and numbers, but let's talk about the reality.

While I am sure many understand that most government services will halt, it is also important to understand that some government operations will not shut down. In particular, our men and women on Active Duty and in the National Guard and Reserves will continue to serve, but they will do so without pay. At a time when we ask them to fight two wars, to help stay the slaughter in Libya, and to keep peace around the world, another burden is going to be added to their shoulders: They are going to be asked to do it without a paycheck.

Some of those in our Armed Forces—many of them—do not have savings to fall back on in hard times. Many family members are overseas fighting for America while their families are living back here. They are living paycheck to paycheck to pay for their groceries, to pay the car payments or the bills for a sick child or rent or a mortgage, while the other member of the family, the one who earns the paycheck, is over

facing the possibility of dying on the field of battle. And now we tell them: Oh, stay right out there and fight. By golly, we are proud of you for fighting. Sorry we can't pay you. Because Members of Congress and the White House can't come together and deal, we can't pay you.

You and your family may not be able to buy groceries, or your child may not get the medical care needed, but, boy, are we proud of you; if you get killed, we will give you a medal.

Come on. Like so many Americans, some of those who serve in the military live paycheck to paycheck. They depend on their pay each month to put food on the table and keep a roof over their families' heads. Certainly, mortgage lenders are not known for accepting excuses when the monthly payments come due. But excuses are all that some Members of Congress can offer for why they will not come to the table and make sure our men and women in uniform get the pay they have earned.

This is not bumper sticker sloganeering government. This is what happens. It is so easy for people to stand up and sanctimoniously state that we are doing this for the good of the country. You are doing it and you are harming the families of our men and women in harm's way.

It is especially disturbing that the hard times that now are in prospect for our troops have been completely avoidable. The possibility of a government shutdown is very real because a relative few are willing to play politics and brinkmanship at a time when the public wants basic, unadorned statesmen. They want Republicans and Democrats to act as though they also have a stake in the course of our government. The American people want Congress to do its job, and that is certainly not too much to ask. Those who are insisting on their way or no way should pause to reflect on what their intransigence means to our troops and their families and, in fact, to every American.

The decision to put politics ahead of the American people is reckless and imposes real hardship on real people. It is crueler still knowing that some of our troops, already facing fears of death or injury and sleepless nights in forward operating bases, must now add paying the electric bill and feeding their families to their list of daily worries.

I have been with some of those troops in Iraq and Afghanistan. They have enough on their minds. They have enough they face every single hour of every single day—especially every single night. They should not have the added worry of whether their families will be able to pay their bills.

Naturally, as cochair of the National Guard caucus, I worry especially for the Vermont National Guard troops

who are currently forward deployed to locations throughout the world. Many of them come from our small towns and cities in Vermont and they face these very fears.

In shutting down the government, an ideologically motivated faction in Congress is willing to breach our most fundamental pact with these men and women. We have always said, "protect our Nation overseas, and we will protect your loved ones at home." Who can justify violating that pact with the men and women in uniform?

Some in Congress are already seeking cover, claiming they have put forward plans to fund the Pentagon and our troops. But, of course, even these transparent political ploys would not pay many of our intelligence personnel, our brave and dedicated forward deployed consular staff and officers and others—many of whom work side by side with our troops. Not to mention the vast number of individuals working in communities across the Nation to support our overseas operations. Every one of these dedicated public servants and every one of our troops deserves to be paid for a day's work. Our troops, their families, and those supporting them have enough to worry about without needlessly being pushed to the brink of a costly government shutdown.

I hope that, as we sit here in our plush offices, with our staff and everything we ever want, being well paid as Members of Congress, we let the reality sink in. The distinguished Presiding Officer has spoken about this many times. The reality is that men and women—the families throughout our country—are being severely hurt. Let's not forget that.

Mr. President, we are seeing some in the other body, reacting to the ire of a minority of vocal, anti-government extremists who make no secret of their desire to shut down the government even while complaining that the government is not doing enough for them, proposing reckless cuts in programs that are vital to job creation and to national security.

Many in the other party are masters at blaming others for a budget deficit and debt they created during the last administration—self-proclaimed fiscal conservatives who, in a few short years, racked up a trillion dollar deficit by borrowing the money for two wars, something that was never done before in the history of this country. Their idea was to cut taxes for millionaires, cut taxes for companies that ship jobs overseas, cut corporate taxes, and borrow the money to pay for the wars while causing the debt to skyrocket. They burned through the Clinton era surpluses and embarked on a massive borrowing binge—and they think they can lecture us on fiscal conservatism.

Any mention of the consequences of what is being proposed is carefully

avoided, but the American people should know the facts.

There are many examples. The catastrophic earthquake and tsunami and the nuclear crisis in Japan, as well as the popular uprisings and violence in North Africa and the Middle East, demonstrate once again the essential role that our Embassies and consulates and our foreign assistance programs play in protecting the safety and security of American citizens and our allies.

Our Republican friends have been urging drastic cuts to our international operations and programs, even though they, in total, comprise a mere 1 percent of the Federal budget—1 percent—and have no appreciable impact on the deficit.

Yet when a natural or manmade disaster occurs overseas and Americans are affected or an American is arrested and locked in a foreign jail, those same critics of these programs immediately expect the State Department and the U.S. Agency for International Development to leap into action.

In Egypt alone, at least 75,000 Americans were living, working and studying when that country erupted in civic unrest and airports and train stations were jammed with throngs of frantic people trying to leave the country. Thousands of Americans turned to the U.S. Embassy in Cairo. Our consular officers worked around the clock to help them, including a group of Vermont students, one of whom had lost his passport.

Just last week, another Vermont student was released after 2 weeks in a Syrian jail, thanks to the persistent diplomacy of U.S. Ambassador Robert Ford and other U.S. Embassy officials, as well as the Syrian Ambassador to the United States, Imad Moustapha, who helped convince his government that a mistake had been made. My office worked closely with them, as is customary when a constituent is in trouble in a foreign land.

As every Member of Congress knows, there are countless examples such as these, involving Americans from every State, which are not reported in the press.

As the international affairs budget faces deep cuts in fiscal year 2011 and in the future, it is important to be reminded of the invaluable assistance provided by the State Department and USAID to American citizens abroad, their families in the United States, and others impacted by foreign crises.

It is also important to be reminded that Members of Congress and the American people cannot have it both ways. You cannot on the one hand support drastic budget cuts, and at the same time expect the agencies that are losing personnel and resources to be able to respond as needed to help Americans when disaster strikes.

Today the crushing demands on the State Department for American citizen

services are unprecedented. In the past month alone, the Department has issued travel warnings and alerts related to political unrest or natural disasters in six countries. Americans rely on their State Department for current, accurate travel information.

Since the earthquake and tsunami, U.S. consular officers in Japan and Washington have worked ceaselessly to assist Americans in Japan, and the U.S. Embassy in Tokyo deployed teams to the Tohoku region to locate American citizens and help them find transportation away from the devastated areas. USAID sent search and rescue teams and emergency response experts to Japan.

They were doing the same thing a little over 1 year ago in Haiti, after the catastrophic earthquake there.

As much of the world's attention has shifted to Libya, the State Department continues to closely monitor the situation in Japan, including the impact of the damage to the nuclear powerplant, and to provide updated detailed travel warnings and information for Americans considering travel to Japan.

Throughout North Africa and the Middle East, to prevent chaos and suffering at borders and surrounding areas, the State Department and the USAID have provided food, water, and other humanitarian aid to refugees and internally displaced persons.

It is regrettable that despite these realities, so many in Congress support reckless cuts in operations for the State Department and USAID. It makes no sense to wait until these agencies can no longer function effectively before we recognize that we cannot ignore events beyond our borders, and that the services Americans expect from their government cost money. In fact, the cost of everything—fuel, transport, rent, communications, and security—is going up, while budgets are being cut.

An unfortunate trend is taking hold here. Demand cuts in spending and in the taxes to pay for it, while expecting that it will not affect the government services you take for granted.

The world is a dangerous place and unanticipated disasters of every kind are occurring with remarkable frequency. American citizens are spread far and wide around the globe, and they rely on the State Department and USAID to protect their livelihoods and their security every day. For that, the people who serve in these agencies deserve our thanks and our support.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB CREATION

Mr. HOEVEN. Mr. President, I would like to speak this afternoon about an

issue that I believe is of paramount importance to our efforts to restore America's economic vitality and to control our debt and our deficit. I would like to talk about jobs.

I wish to begin, however, by telling you a little bit about my home State of North Dakota. That is because today, while much of the Nation is greatly challenged by recession and joblessness, North Dakota is strong—arguably the strongest we have been at any time in our history. The reason is jobs.

Last week, we learned that North Dakota—at 3.7 percent—once again has the lowest unemployment rate in the Nation, a distinction we have held since June of 2008. Nationally, the picture is much different. As I speak, nearly 14 million Americans are still out of work, and the rate of unemployment is hovering at nearly 9 percent, where it has been for many months. Another 8 million Americans are underemployed, working part-time because their hours have been cut or they haven't been able to find a full-time job. Sadly, 1 million more have stopped looking.

Make no mistake, America has a budget problem because of too much spending but also because America has a jobs problem. I ask you: How do we generate revenues to help balance our budget, pay down debt, and provide the essential services people need without raising taxes? Jobs. How do we empower people to access affordable health insurance and quality health care without intrusive government programs? Again, jobs. How do we help secure Social Security and Medicare for our seniors and future generations? Jobs.

If we put 10 million of those 14 million unemployed workers back on the job, at the average national wage of about \$45,000, it would generate more than \$50 billion in additional revenues for the Social Security trust fund and an additional \$13 billion for Medicare every year. Obviously, that would make a huge difference for both those programs.

Clearly, to fully address our current economic predicament, we need to create jobs and lots of them. Those jobs will be created by the private sector—not by government, by the private sector. But to help our entrepreneurs and businesses create them, we must build the best business climate possible.

Ten years ago, in North Dakota, we set a course to do that. Beginning in 2001, when I first took office as Governor of North Dakota, we made conscious policy decisions that would, over time, grow and diversify our economy and create thousands of jobs for our citizens. First, we set out to build the best business climate possible, forging a legal, tax, and regulatory climate that would attract investment and stimulate innovation.

Second, we developed a roadmap for success—an economic development

strategic plan that targeted industries where North Dakota holds natural advantages owing to our resources and our people.

As part of our larger strategy, we also developed a comprehensive energy policy, called Empower North Dakota, which worked aggressively to develop all of our State's natural resources and energy resources, both traditional and renewable. We even established a North Dakota Trade Office, a public sector-private sector partnership that helps market North Dakota products and services around the world to bring new dollars into our State.

As a result of these efforts, between 2000 and 2009, North Dakota's economy grew at an annual average GDP growth rate of 6.4 percent, so that by the end of the decade we had grown by 75 percent. That compares to a national growth rate over the same time period of 41 percent.

All that work to cultivate overseas markets worked too. Our exports of farm machinery, aircraft parts, biotech products, and other North Dakota goods grew by more than 300 percent in 10 years. That compares to a national growth rate of just over 60 percent. As a result, we balanced our budget year in and year out. Today, we have no general obligation debt, we have a substantial surplus, and strong reserves to secure our economic future.

Furthermore, to get there, we not only held the line on taxes, but we reduced them. We reduced property tax and we reduced income tax. Over the decade, we generated nearly 15 percent growth in total employment, encompassing almost every sector of our economy and every region of our State. At the same time, we boosted per capita income from 84 percent of the national average in 2000, well below the national average, and today we are above the national average—at 103 percent—in per capita income. We have moved up from 37th among all the States to 17th in terms of our ranking among the 50 States.

The Wall Street Journal, Newsweek, the New York Times, USA Today, the Economist, Forbes, Money magazine, even the London Times, all have written about North Dakota's progress. Joel Kotkin, in a recent Wall Street Journal piece, called North Dakota's approach "sensible thinking" about the economy. Last year, the U.S. Chamber of Commerce ranked North Dakota as No. 1 among all 50 States as the Nation's top overall economic growth performer and job creator and not for the year but for the decade.

The things we did in North Dakota are not unique to our State. The principles we used are based on common sense and a belief that the American economy is the engine that drives the car. We can create jobs and lift our Nation out of the financial quandary we are in if we have the will to act and if

we focus tirelessly on the kinds of things that create jobs and opportunity for our people.

To do that, I would like to propose a three-part strategy to get America working again. First, we need to create a legal tax and regulatory climate that gets business investment off the sidelines and gets people back to work. Second, we need to rein in spending and control our debt and deficit. Third, we need a comprehensive, pro-growth energy policy to fuel our economy, reduce our dependence on foreign energy, and create good jobs for American workers.

Let's go through each of these very straightforward recommendations, starting with the need to create a strong business climate for America with the kind of legal tax and regulatory certainty that investors need to create jobs. That means passing legislation that will eliminate or modify unwarranted or misguided regulations that are impeding business investment and stifling innovation in our country.

That effort is already underway in the Senate. Senator PAT ROBERTS of Kansas has offered a bill called the Regulatory Responsibility for Our Economy Act, which I am proud to be a cosponsor of. This bill will give the force of law to a Presidential Executive order issued earlier this year that proposes to review "rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand or repeal them," in some cases.

If passed, our bill will make sure we will take a clear-eyed look at the rules and help restore regulatory certainty to the markets.

When we talk about unwarranted laws and regulations, however, we don't need to look too far into the past; we need only look to recently enacted laws that impede job creation and sap economic vitality.

Last year's Federal health care bill, for example, included a 1099 reporting provision that introduced a new level of bureaucracy and expense for America's nearly 28 million small businesses—the very engines of job creation in this country. Small businesses have created 64 percent of all the new jobs in this country over the past 15 years, and they account for more than 97 percent of all employers.

If we expect them to create jobs and get our economic engine going again, we need to reduce their regulatory burden, not bury them under burdensome new mandates such as the 1099 reform. That is why I and a bipartisan group of Senators, led by MIKE JOHANNIS, signed on to a bill that just this week eliminated this onerous provision in last year's health care law and sent it off to the President for signature. I wish to commend my good friend, Senator JOHANNIS, for his leadership and his hard work on this important issue.

But that is not the only feature of last year's health care bill that is undermining our business climate, driving up health care costs, and limiting choice for consumers. Punitive lawsuits and defensive medicine are inflating the cost of health care for American consumers by as much as \$100 billion every year. Yet the health care bill that is now being implemented across our country doesn't reduce these costs. We need tort reform that will help make health care more available and reduce costs.

Similarly, we need to expand competition among health insurance companies. More competition will give consumers more choice and expand the pool of the insured, thus creating further downward pressure on the cost of premiums. Just as important, by reducing health care costs and the regulatory burden on American businesses, we can help them reduce costs and do what they do best—create jobs.

Competition works to our advantage not only in markets at home but in global markets as well. Another way to strengthen our economy and get job creation going again is by promoting more international trade. Smart trade agreements can restore America's competitive edge, create more income for American citizens, more opportunities for American entrepreneurs, and more foreign dollars to help balance our trade deficit and our budget.

They can also help us turn around our trade imbalances with countries such as China, South Korea, and the European Union. We have multibillion dollar trade deficits with all of them—\$23 billion with China in January alone.

We can start the process of turning these deficits around by ratifying impending trade agreements with South Korea, Colombia, and Panama that have been languishing for 3 years.

Our trade imbalance with South Korea alone last year was \$10 billion, but the agreement awaiting approval right now could create up to 250,000 American jobs. On the other hand, if we fail to act, we stand to lose 380,000 jobs to the European Union and Canada, which have already completed their own trade agreements with those countries.

With bipartisan support for these agreements, there is no reason for further delay. We need to act.

Empowering American businesses and entrepreneurs to do business around the world is just common sense, and that common sense is precisely what we need to apply to all our Nation's challenges. I can give you a good example in my home State of North Dakota. Right now, we are facing serious flooding in the Red River Valley, and for some time we have been working to fight chronic annual flooding in the Red River Valley, which includes the city of Fargo, one of our region's most dynamic economic engines.

Part of government's role in creating private investment and economic development is securing and protecting infrastructure so businesses can thrive. In the case of Fargo and the Valley, the Federal Emergency Management Agency—FEMA—has found it necessary to buy out houses in that area because it is more cost effective than protecting them year in and year out.

When the Agency buys out a property, however, it has a hard-and-fast rule prohibiting building structures on that property—even flood mitigation structures—to prevent development that might require future protection from flooding. It is a reasonable ban in some, maybe in many, cases but certainly not in all.

As a consequence of the rule, every year the Federal Government helps to pay to build temporary levees to protect homes along the Red River, and every year we are compelled to tear those levees down again after the flood, at great expense to the government and, ultimately, of course, great expense to the taxpayer. Everyone knows that permanent dikes would clearly be more cost effective and save money for the local, State, and Federal Government. Residents know it, FEMA knows it, local officials know it. But under current law, there is nothing they can do about it.

That is why I will be introducing legislation called the FEMA Common Sense and Cost-Effectiveness Act of 2011, to give the Agency the flexibility it needs to make commonsense decisions in these cases. Building those levees once and leaving them in place will provide better flood protection for people and for property, better fiscal stewardship, and save taxpayer dollars.

That is important. Because good fiscal stewardship is now a matter of pressing, decisive consequence for America's future. That is why the second thing we need to do, of no less importance than building a good business climate, is to reduce spending.

We need to control spending by the Federal Government. Here, the numbers speak more clearly than words. Revenues this year are projected to be—revenues, now—\$2.2 trillion. At the same time, current spending by the Federal Government is more than \$3.7 trillion, leaving a deficit of \$1.5 to \$1.6 trillion.

To meet that shortfall, we are borrowing 40 cents of every single dollar we spend, and our debt is growing at the rate of \$4 billion a day. Every dollar used to service the national debt is a dollar that will not be used to build America's infrastructure, that will not be used to keep Social Security solvent, that will not be used to reduce taxes on American businesses so they can create jobs and raise the standard of living for American workers. That is why I and 63 other Senators—32 Republicans and 32 Democrats—sent a letter

to President Barack Obama earlier this month urging him to show leadership in those efforts to achieve comprehensive deficit reduction.

It is also why I and 46 other U.S. Senators announced last week that we were cosponsoring a bill to create a balanced budget amendment to the U.S. Constitution. I thank our leader, Senator MCCONNELL, for leading that effort. Nearly all States have been bound for years by a constitutional provision to keep spending within their means. This amendment requires that the Federal Government do no less. It would cap spending and balance our budget, but it also allows an appropriate exception for times of war. At the same time, it provides a transitional pathway to implement the law and protect programs such as Social Security and Medicare for our seniors and future generations of Americans.

To put this into perspective, the cost of serving America's debt over the next 10 years under the President's proposed budget—\$992 billion—is more than the entire Social Security deficit for the decade, which is about \$600 billion. In fact, fixing our debt and deficit involves not only setting priorities and cutting discretionary spending, which we are already working hard to do and we need to work hard to do, but also addressing the three entitlement programs: Social Security, Medicare, and Medicaid, which account for more than 60 percent of Federal spending. We need to undertake a bipartisan effort to reform these important programs in a way that safeguards our seniors and other vulnerable individuals now while protecting the solvency of these programs for generations to come. We need our President to engage with us in this process. We can do it, we must do it, and we need to start now.

My third recommendation is that we begin the process of building a comprehensive energy policy for the Nation, an "empower America" plan, if you will, that promotes the development of all of our Nation's vast energy resources, both traditional and renewable. Creating a comprehensive energy policy is especially important because our entire country—our entire economy and consequently job growth—depends on affordable and abundant energy.

A few weeks ago, the U.S. Chamber of Commerce released a study identifying 351 stalled energy projects nationwide that are costing the American economy \$1.1 trillion in lost economic impact and, more importantly, nearly 2 million jobs annually. By impeding our energy industry, we are impeding one of the most potent areas of prospective job growth. Yet Congress has not passed a comprehensive energy policy in our country in years, and frankly I don't know that we can wait any longer for that single sweeping master plan that will do it all at once. We need to build it as expeditiously as we can.

In North Dakota, we built Empower North Dakota over a decade, piece by piece, and saw firsthand the power of energy development to boost our economy. By embracing Empower North Dakota, our State alone has realized \$12 billion in new energy-related investments since 2005. With the right kind of energy policy, imagine what the impact would be for our Nation.

To expedite the process of building that energy policy on a national level, I am working with Leader MCCONNELL and the entire Republican Conference to create the kind of legal and regulatory climate our country needs to jump-start America's energy sector and create jobs. For example, this week, I, along with other Senators, co-sponsored an amendment introduced by Senator MCCONNELL to the small business authorization bill. Based on legislation offered earlier this month by Senator INHOFE, which I and others co-sponsored, this legislation sought to curb the EPA's authority to regulate greenhouse gas and encourage domestic energy development. A permanent measure such as this is needed to provide the certainty businesses need to make billion-dollar investments in new energy projects and, more importantly, create the good-paying jobs a robust energy sector can provide our country. Our measure won 50 votes yesterday but failed to gain the 60 necessary for passage.

We need to continue to work with our colleagues across the aisle to pass this legislation or legislation like it because impeding the energy industry is not a Republican problem or a Democratic problem, it is an American problem. It is a challenge we need to step up to and solve. That is why, in a similar bipartisan effort, I am working with Senator JOE MANCHIN to support the EPA Fair Play Act to create more certainty and more energy investment for our country.

I have also asked the Energy Information Administration to conduct a focused analysis of regulations that could be impeding the development and growth of the Nation's domestic energy production in an effort to find more ways to create rules of the road that will encourage energy companies to invest billions and to build our energy future in America. Increased domestic energy production is a three-fer. We not only promote economic vitality, but we reduce our dependence on foreign sources of energy and we create jobs.

The reality is that we can do all of these and more. We can provide a commonsense legal and regulatory environment, a favorable business climate for our industries. We can build a comprehensive energy policy that leverages all of our vast energy resources together with good environmental stewardship. We can reduce spending, and we can live within our

means. We can pay down our debt and leave our children a strong financial legacy instead of a large debt. These are all things we can do and we must do for our Nation. We need to work together, my fellow Senators, to do just that, for the strength and financial well-being of our country today and for the benefit of future Americans for generations to come. The future is truly in our hands.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The minority leader.

Mr. MCCONNELL. Madam President, I congratulate the junior Senator from North Dakota for his initial speech here in the Senate and say to all of our colleagues that it should be no surprise that he was sent here by the people of North Dakota by an overwhelming margin. During his 10 years as Governor, the State enjoyed extraordinary success. At a time when many States were struggling financially, North Dakota had bulging surpluses and low unemployment, almost entirely as a result of the outstanding job then-Governor HOEVEN did in representing the people of North Dakota. So, as I say, it is no surprise that they sent him to join us here in the Senate by an overwhelmingly large majority, and I congratulate him on behalf of all of our colleagues on his initial speech.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I, too, rise in congratulating the Senator from North Dakota on his maiden speech. I have known then-Governor HOEVEN for quite some time. His wife and my wife have been very good friends.

What you heard is basically a background of the success he has had in the leadership of his great State. What you don't know is his ability to reach across the aisle in a bipartisan manner.

I can only say that JOHN is a dear friend, and JOHN is the type of personality we need in this body to mend this partisan gridlock in which we find ourselves. I cannot tell you how pleased I am to still be a colleague of his, and I look forward to many years of success working together, reaching out, finding the problems we have, addressing the problems, and then, like a good Governor, taking them on and making some good decisions, as he has done so well in North Dakota.

So, my good friend, it is so good to have you here. Congratulations.

Mr. HOEVEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. TESTER. Madam President, this week I got an e-mail from a first grader in Missoula, MT, 7 years old. Her note read:

Senator Tester, please pass a budget so that I can go to Yellowstone National Park this weekend, or at least wait until Monday to shut down the government.

I get a lot of letters and calls reminding me what is at stake. Yet some of our colleagues continue to put politics ahead of doing what is right. I will always remember that e-mail from Missoula. Even 7-year-olds expect us to get our job done. They expect us to work together to pass a budget. They expect us to work together to make responsible cuts. They expect us to make sure we don't put our government and the entire economy on life support. That is exactly what will happen if some in Congress let the government shut down. They will fail all of us.

If drawing a line in the sand becomes more important than working together, I think that is a shame. Of course, we can't afford the status quo either. We all know the problem. Everyone wants to point fingers. I could spend my time pointing at those who thought it was a good idea to put two wars we are fighting on the taxpayers' credit card or those who squandered a \$128 billion budget surplus in a matter of months about 10 years ago. But I will leave it at this: Our debt and spending problem is not something that we got into overnight, and it is not something we will get out of overnight.

It is not going to be fixed by slick talking points ginned up by Washington, DC, consultants. It will not be fixed by symbolic gimmicks. It certainly will not be fixed by irresponsible decisions such as ending Medicare as we know it. It will not be fixed by gutting student financial aid or physical infrastructure. Those create jobs now when our economy needs it the most.

Our spending and debt problem will be fixed by embracing a responsible, credible, long-term strategy to cut our debt; to cut spending, discretionary and mandatory—right now we are talking about cuts to only 12 percent of the budget known as discretionary spending—to strengthen our entitlement programs so they work for future generations; to reform our Tax Code so it is fair and sustainable; and to cut our defense where we can afford to cut.

We owe it to all Americans to get the job done. But we owe it to them to get the job done responsibly, and that is going to require some buy-in. But we have done it before.

During the Great Depression, people endured incredible sacrifice. But they had inspirational leadership to challenge them to grow their way to prosperity. In World War II, they worked together and made sacrifices at home to build the machinery that helped us

win victory. That momentum also created a powerful middle class. The attacks of September 11 brought us together again, and again we grew strong.

When we work together, we succeed. It is in our DNA. It is what makes us the strongest, most innovative nation in the world. Now we have to summon that strength and determination again, to lead our way out of our economic challenges. It will not happen with gimmicks. It is going to take responsible decisionmaking, compromise, and shared sacrifice.

Several of our colleagues in the Senate are already leading the way. I compliment Senators CHAMBLISS, COBURN, CONRAD, CRAPO, DURBIN, and WARNER. They are working on a bipartisan strategy to cut debt and cut spending. Their plan will include cuts to discretionary spending. It will make our entitlement programs stronger. It will propose cuts to defense spending. And it will include tax reform.

Last year, Senator Alan Simpson and Erskine Bowles led a bipartisan commission in outlining a smart, long-term, credible strategy for cutting debt and spending. Senator Simpson and Mr. Bowles say they had 14 reasons for volunteering their time on the Debt Commission. Between them, they have 14 grandkids.

While I may not embrace every component of their plan, I applaud their hard work, their leadership, their patriotism. Their hard work is a solid blueprint we are already building from. I am ready to join them, and so are many of us in this Chamber. We need to do it.

Montanans are patriots. They are ready and willing to follow our lead in providing a fair Tax Code that provides certainty and fairness. They are willing to share in the pain of responsible spending cuts that will not take our economy backwards. They know we can afford to make cuts in defense. They know we need to fix—but not dismantle or privatize—our entitlement programs.

What is the alternative? Well, we may find out the hard way if folks are not willing to work together to reach agreement by midnight tomorrow. Shutting down the government means our troops in Iraq and Afghanistan will not get their paychecks on time—even though they will still be serving us.

This week, I heard from a soldier deployed in Afghanistan. He said he would be OK in a short shutdown because he has some savings. But if their paychecks stop coming, a lot of his fellow soldiers will be hurt. Many have lower ranks. Many have pressing financial obligations such as mortgages and car payments, kids to take care of. They would get the short end of the stick.

We have a duty to make sure the people who fight for us in harm's way do

not have to worry about something as simple as getting a paycheck. That is why today I signed on to an important piece of legislation to ensure American troops on active duty continue getting paid if the government shuts down.

But Members of Congress are a different story. If the government shuts down, we do not deserve to get paid, plain and simple. I want to say thanks to my colleagues for unanimously approving our measure to prevent congressional pay during a shutdown. Now the House needs to follow our leadership. If they fail, and if I still get a paycheck, I am going to give it back.

A shutdown also means the government does not honor business contracts. That would cost jobs. It means the IRS suspends refunds. A Republican shutdown means new home loan guarantees will stop. It means the SBA stops approving business loans. Patent processing will be suspended. And it means Social Security, Medicare, and veterans' benefits checks could be delayed. Right now, in Montana, there are 1,240 veterans' benefits claims that are outstanding. If the government shuts down, those 1,240 veterans' claims cannot be addressed, and a 7-year-old in Missoula, MT, will not be able to see her national parks this weekend. We cannot afford that. Nobody deserves it. We can do better, and we will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, a few weeks ago, as we were debating whether to move to this bill now on the floor, I sent a letter to the distinguished majority leader, Senator REID, and I was joined by several of my colleagues. We made a real simple point. The simple point was this: We have a spending and a debt crisis. We need to act and we need to act now. So rather than continue to bring up various cats and dogs bills, various matters that aren't related to that crucial, central spending and debt question before us, we should focus on the task at hand. We should focus on our greatest challenge: meeting this spending and debt challenge.

Unfortunately, the distinguished majority leader did not heed that call. He proceeded with this bill. For the reasons I outlined, I and the other signatories of the letter voted against moving to this bill. Unfortunately, now, as we are on the eve of a potential government shutdown, I believe what has transpired has sort of made my point again. Why haven't we been fo-

cused on that crucial spending and debt challenge like a laser beam, to come together, to offer sensible solutions to avoid these eleventh or even twelfth hour negotiations? Because here we are and here we go again: Another crisis, another eleventh or twelfth hour negotiation; another potential government shutdown.

While I am sorry we didn't focus like a laser beam on this central challenge sooner, now that we are here, I come to the floor to urge my colleagues to do what is reasonable and sensible and adopt what the House of Representatives is about to adopt, which is a plan to at least keep the government functioning smoothly for another week as we try to resolve the situation for the entirety of the remainder of the fiscal year.

So I strongly support this 1-week continuing resolution that I believe will very soon pass the House. We all say we are against an unnecessary government shutdown. I certainly say that and mean it. If we all say it, and if we all mean it, I believe we will support this sensible measure as we try to come to an agreement—all of us—on a plan for the remainder of the fiscal year.

This 1-week CR would keep the government functioning smoothly. It would avoid those disruptions and threats that are concerning to many Americans. That sensible, common-sense plan would also offer significant cuts to the current level of spending, \$12 billion of cuts.

What is important is those cuts are not very controversial. They come out of proposals mostly from the Democratic side. They mostly come out of the President's own budget proposal or the Senate Democratic plan for cuts or a series of nonpartisan suggestions made by the Congressional Budget Office. So I think it is reasonable to look to those sources of proposed cuts and work from those lists, and that is what this proposal does.

The only other matter included in the proposal is two relatively non-controversial so-called riders: one about Guantanamo Bay, which is pretty much current law right now because of language in the Defense authorization bill, and a second regarding abortions performed in the District of Columbia.

With regard to that second rider, again, this should be relatively non-controversial, particularly since this very language was in full force and effect from 1996 until 2009. It was the law for that extended period of time. President Bill Clinton signed that ban into law six times. President Barack Obama signed that very language into law in 2009. Vice President JOE BIDEN voted for the legislation, including this DC abortion funding ban language, seven times since 1995. Even minority leader NANCY PELOSI on the House side voted

for legislation including this language 14 times. Here, the distinguished majority leader, Senator REID, voted for legislation including this language 10 times since 1995.

So, again, this is not extremely controversial, and it is certainly no reason to shut down the government. So, in summary, I am sorry we haven't been focused on this central challenge and this central issue for the last 2 weeks as I had urged along with my colleagues. I think we should focus like a laser beam on spending and debt, and I think we should have been doing that for the last several weeks rather than bringing the bill before us onto the floor. But we are where we are.

Given that, I hope we will do the reasonable, commonsense thing and continue negotiations for the rest of the fiscal year, but, in the meantime, pass the 1-week measure about to be passed by the House of Representatives. It continues the operations of the government. It also funds the Department of Defense for the entire fiscal year. It takes what should be beyond politics off the table. It protects our military. It gives full funding for our military men and women. It gives them certainty. We should all be for that. It cuts \$12 billion from current funding levels but takes the vast majority of those cuts, again, from the President's own list, from Senate Democrats' own list, and from a nonpartisan list from the Congressional Budget Office.

It only includes two so-called riders which have been granted wide acceptance in the past, including being passed, voted on, and supported by Senator REID, NANCY PELOSI, Barack Obama, JOE BIDEN, and others multiple times since 1996. That is a reasonable path forward. That is a responsible way to prevent a government shutdown as we continue to negotiate for an overall resolution of this matter for the remainder of the fiscal year.

I hope all of us, Democrats and Republicans, will listen to the American people and do the reasonable, commonsense thing and move forward in a reasonable way as we negotiate on broader issues in good faith. I hope we will pass this 1-week measure at a minimum right now as we continue to look for an overall resolution for the rest of the fiscal year.

Mr. President, with that I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

Mr. MENENDEZ. Mr. President, I rise to express my strong concerns about the direction Republicans and the tea party want to take our country, beginning with an irresponsible Government shutdown simply for the sake of pursuing a social agenda and continuing their reckless budget plan that will devastate seniors and those most vulnerable over the next decade while rewarding millionaires with even more tax breaks. I look at this Republican budget put out by Chairman RYAN and it is a proposal that takes \$1.5 trillion out of health care for seniors and children and gives it to the wealthiest, but it does not even limit subsidies for special corporate interests or big oil. In so doing, it fundamentally resets our values and turns back the clock on the progress we have made to protect our parents and grandparents, seniors and children in this country and keeps the playing field reasonably level.

But even before that discussion, I wish to make a few things clear about the implications of shutting down the Government and what we on this side have already cut from the President's budget to reach an agreement. We started this year with \$41 billion less in spending than the President requested. Plus, in March we cut another \$10 billion below last year's funding levels, including the complete elimination of 33 Federal programs. In total, we have offered \$33 billion in cuts for the remainder of the current funding year, which ends in September.

But the most radical elements of the Republican Party will not take yes for an answer. They say we have not come far enough, which in tea party terms means we have not given them everything they want. So they will shut down the Government rather than take yes for an answer.

I saw a picture on the front page of one of the papers with a tea party banner that said: "Shut her down. Shut her down."

I thought we were here to make sure we kept the Government going. It is clear their real reason for shutting down the Government is to promote a social agenda that is not acceptable to the broader part of the country. They are willing to shut down the Federal Government, put our economy, our small businesses, our veterans at risk and potentially delay tax refunds for millions of American families, all simply to make a political point and to try to impose the social agenda of a minority on the majority.

Shutting down the Federal Government over a woman's right to choose or the Federal Government's ability to enforce laws that protect our children's health, in my view, takes irresponsibility to a whole new level. Even the

Speaker of the House himself has said a shutdown will "end up costing more than we save." The Speaker is right. It would cost about \$8 billion every week or .2 percent of GDP every week the Government is shut down.

The Speaker is right on the substance, but he has not yet been willing to lead and deal with the tempest in the tea party on his right, threatening to cut this economic recovery short to satisfy a narrow, rightwing political agenda.

At a time when small businesses are just beginning to get access to capital they need to create jobs for American families, a shutdown will result in \$400 million in capital each week not going to small businesses through the SBA loan program and will throw the engine of small business job growth into neutral when we want it to be in overdrive.

In the last shutdown, more than \$1 billion in small business loans to 5,200 businesses were delayed, so we know what small businesses are in for if we have another shutdown. This is not the time in our recovery efforts to say no to helping small businesses put people to work.

In housing, the FHA loan process, which accounts for 30 percent of the housing market, will be interrupted just as we enter the height of the spring home-buying season in my State of New Jersey. With prices low and so many houses on the market, this is not the time to prevent 15,000 homeowners from getting a home loan every week, more than half of which are for new home purchases that would reduce the inventory of the surplus properties.

Now, because Social Security is a mandatory funding program, seniors and the disabled will continue to receive their checks. But if we let the tempest in the tea party shut down the government, interruptions at the Social Security Administration could delay changes in people's benefits and payments. In just 4 days of the last shutdown, 112,000 new claims for Social Security retirement and disability benefits were not taken and over 800,000 callers were unable to reach the Social Security Administration. Certainly in this economy, this is not a time to leave those who rely on Social Security with nothing.

With the tax season upon us, it is certainly not the right time to delay tax refunds families are anxiously awaiting in order to make ends meet, put into the economy, and help the recovery keep going.

It is not the time to shut down 368 National Park Service sites, the Smithsonian, the Statue of Liberty, the monuments, museums, and national parks across the country which, in the last shutdown, lost 9 million visitors and the tourism revenues to those communities. Given that our last shutdown occurred in the dead of winter, we can expect a shutdown in the

midst of spring breaks and high tourist season to have a much larger impact on tourism revenues and the wallets of families who have already booked trips to national parks and planned visits to national monuments and museums. To put it in context, if we shut down the government for 5 weeks, we could lose up to \$1.2 billion based on the \$12 billion visitors brought to the national park communities last year.

If the tea party continues to insist on a government shutdown, military paychecks would be delayed at a time when military families are struggling with multiple deployments and struggling like everyone else to make ends meet. They will ultimately get paid but only when the shutdown is finished. In the last shutdown, more than 400,000 veterans saw their disability checks delayed. Now, let's not repeat that mistake when more of our wounded sons and daughters are returning home from two wars raging abroad every day.

If the tea party continues to insist on a government shutdown, clinical trials of lifesaving drugs will be halted and new patients will not be accepted into clinical research programs at the National Institutes of Health.

If the tea party continues to insist on a government shutdown, they will put our entire economy at risk. As a matter of fact, business leaders have said that a shutdown could result in higher interest rates and chaos in the markets. Every week, 350 import licenses could be delayed, resulting in holding up billions of dollars in American exports at a time when we need those exports to help fuel the recovery. During the 1995 shutdown, \$2.2 billion in U.S. exports could not leave the country because thousands of export licenses could not be issued.

Ivan Seidenberg, the CEO of Verizon, who is also the chairman of the Business Roundtable, said:

I don't think any of the CEOs would welcome a government shutdown. Problems for business would run from contracts being postponed to disruptions in the supply chain.

John Engler, president of the Business Roundtable, said:

Business would face the danger of the law of unintended consequences. Interest rates could rise and there could be turmoil in financial markets.

This would all happen because Republicans, being held hostage by tea partiers, have rejected \$33 billion in spending cuts for this year because they did not get all they wanted, because they are not getting their way on unrelated, extraneous social issues such as women's reproductive rights and enforcing laws on our books to protect our children's health. They simply will not take yes for an answer because yes on spending cuts is not really their only goal. Spending cuts is not why they are trying to shut the government down.

I would remind our colleagues that democratic governments are not about total victory. Authoritarian governments do that, not democracies. In democracies, we are all fairly elected to represent our constituents. We all have a view. We all have a vote. We all have an obligation to govern and legislate for every American, not just for those who hold the views of the tea party. With all due respect, tea partiers claim to love our right to free speech and yet clearly do not believe anyone's views other than their own are acceptable.

I say to our colleagues, we all have deeply held beliefs. Defending them and shouting them from the rooftops is easy, but listening to those who disagree with us and working on the differences is the hard work of government.

I remind my colleagues on the other side that the word "congress" is derived from a Latin verb meaning "to walk together." We have already made cuts to the President's budget. We have already made real cuts in this year's spending. We have offered a reasonable compromise that seeks even more cuts but, more importantly, a compromise that seeks common ground, not capitulation, and neither should our colleagues expect capitulation. All we ask is that those on the other side do what is right and act in the broader interests of the Nation, not shut down the government, disrupt services, and put the economic recovery at risk, all to satisfy a narrow political agenda.

I know there was a lot of fanfare on the Republican budget proposal that was put out as we look to the next fiscal year. In my view, it is by far one of the most partisan, ideological, and fundamentally destructive budgets I have seen in my time in Congress—destructive of fundamental protections for every American and for what we have come to accept as fundamental protections that are uniquely American.

It fundamentally takes \$1.5 trillion out of health care for seniors and children, and it gives it to the wealthy. It would take health care from seniors and children rather than take subsidies from special corporate interests such as big oil companies. If Republicans got their way, New Jersey residents would lose \$34 billion in health benefits, and almost 400,000 New Jerseyans would see their coverage cut entirely.

The Republican proposal talks about cutting taxes, but in reading it, I find only two groups whose taxes would be cut: the rich and those who are even richer. Corporations and millionaires and those soon-to-be millionaires will keep all of their recent tax giveaways and would actually see their tax rates slashed by 30 percent. This proposal loses \$700 billion on the revenue side over the next 10 years by extending the Bush tax cuts, particularly to the wealthiest in the country, and trillions more by slashing tax rates for corpora-

tions and millionaires. Those making more than \$1 million a year will see tax cuts of \$125,000 each from the tax cuts and tens of thousands of dollars more from proposed rate cuts, while people in my State would lose \$34 billion in health benefits, and 400,000 New Jerseyans end up without health coverage at all.

This budget proposal shifts the balance to the wealthy and makes cuts that do not reflect our values as a people and as a nation. At the top of the list of Draconian Republican cuts is Medicare. Let's for a moment look at the logic of the Republican budget proposal when it comes to Medicare, a program that since 1965 has protected seniors and made sure no older American would be without health care when they need it the most.

In 1965, we passed Medicare. Why? Because senior citizens could not get health insurance. And the reason health insurance companies would not take the risk of insuring older Americans, who, logically, would need to see doctors and receive treatment more often than younger Americans, is rather clear. Even if there were such a plan, the cost would be prohibitive for a senior on a fixed income. So we created Medicare, and today it is one of our most successful programs. No senior is left without access to lifesaving, life-enhancing drugs or the care they need.

What are the Republicans proposing in this budget? They are proposing to end Medicare as we know it. In fact, they want to privatize Medicare, and they say their privatization plan is just a way of asking wealthier seniors to pay more. But let's ask ourselves, logically, how much do we think an insurance company will charge in premiums to a 65-year-old American male who may have had a heart attack or heart ailment or suffers from diabetes. How outrageous do we suppose the premium will be, and how much of a voucher will that 65-year-old American need to purchase even a minimal health care plan? That logic escapes me. Today, buying a private plan on the open market for a self-employed, middle-age couple can cost as much as \$18,000 a year. The average retiree in America is living on about \$19,000 a year. So, again, the logic escapes me. The fact is, this proposed privatization plan for Medicare completely overlooks the history of why we needed Medicare in the first place. It illogically assumes insurance companies will provide quality health care coverage at a huge discount to older Americans. If that is not wishful thinking, I don't know what is.

Let me close by simply saying that it is time to make sure this government stays open, it is time to make sure we don't thrust the economy backward, and it is time to ultimately ensure that those who have given service to this country, such as the men and women in uniform, don't get hurt, and

that we do by coming together on a reasonable budget.

EXTENSION OF MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that there be a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

BUDGET NEGOTIATIONS

Mr. LEE. Mr. President, I could not agree more that we should not have a government shutdown. I could not agree more that we need to take steps to protect and improve our economy. I could not agree more that we need to take steps to make sure our brave uniformed men and women are fairly compensated and otherwise treated. I must, however, express my profound, albeit respectful, disagreement with my colleague, the junior Senator from New Jersey.

This is not a possible shutdown that we are facing as a result of the Republican Party or as a result of the tea party. As a lifelong Republican and as a founding member of the Senate Tea Party Caucus, I can tell you unequivocally that there is not one member of this body, nor is there one member of the Senate Tea Party Caucus who wants a government shutdown, certainly no Republican. From the outset, Republicans have attempted to bring forward proposals to make sure we do not get into a shutdown.

The question we need to ask ourselves is, Why does the President of the United States, President Barack Obama, want a government shutdown? Let's ask a few questions.

Why was it that a few months ago, after the election but before the new Congress took over, when the President had both Houses of Congress under the control of his party, why did he opt not to pass a full budget for fiscal year 2011? That was the first seed he sowed in the direction of a government shutdown. I submit it was one that was either irresponsible on the one hand or deliberate and malicious on the other, intending to bring about a sequence of events that would culminate inevitably in a government shutdown.

No. 2. Even after the new Congress convened, after the balance of power shifted completely in the House of Representatives and after a number of seats in this body shifted and the new Congress convened in January of this year, the President did not bring forward something that could attract both Houses of Congress to approve and that he could fund the government with for the balance of the year. He instead chose to operate on a series of

continuing resolutions. We are now moving up against what I believe will be our seventh continuing resolution if it is passed. What we have from the President is radio silence in the direction of what we need to do to move forward.

A number of us have suggested all along in this process that at a point in time in America when we have a national debt approaching \$15 trillion, at a point in time when we are adding to that debt at a staggering rate approaching \$1.7 trillion a year, it does not make sense and it is not responsible to continue, even in small increments, perpetuating that degree of reckless, perpetual deficit spending.

What we want to see more than anything isn't any specific set of social issue legislation. It is not any specific degree of spending cuts. It is instead a plan, some plan that will move us in the direction of a balanced budget, that will put us on track so we might once again enjoy the benefits of a balanced budget, so we might again enjoy the day and age when we don't have a debt-to-GDP ratio well in excess of 90 percent. We know when we have a debt-to-GDP ratio in excess of 90 percent, it slows economic growth by as much as half every year, costing our economy as many as a million jobs every single year. This ultimately is about jobs. Our sprawling debt kills jobs and kills economic growth necessary to create jobs.

So, no, this is not a quixotic quest for perfection. This is a quest for that which will suffice to get us back on track toward fiscal responsibility.

I mentioned two seeds the President has planted to lead to a shutdown, the first being his refusal to push through a budget for the entire year, fiscal 2011; the second being his reliance on continuing resolutions. The third seed he sowed, one I am not sure we will be able to get around this time, much as we wish to, is his threat in the last hour or two, his promise to veto the continuing resolution the House is expected to pass this afternoon. It may have passed moments ago. He is threatening to veto that before it even gets over here. One must wonder, why does the President want a shutdown.

We have to remember, these are not drastic changes that have been proposed. In fact, they are not even sufficient to get us back on track so we can say this heads us in the direction of an eventual balanced budget. These are minor cuts. Yet the President insists on moving us inevitably, inexorably in the direction of a shutdown.

While we are on the subject of addressing a false blame placed on the Republican Party and the tea party, I care to address the accusation made by various of my colleagues, an accusation I believe made in ignorance and that, in any event, is manifestly incorrect with regard to the tea party. This

is a movement whose views are not extreme. What is extreme is a \$15 trillion debt we are adding to at a staggering rate of \$1.7 trillion a year. That is extreme, as is what has happened in the last few years, including the U.S. Government takeover of everything from our banking industry to auto manufacturing to our health care industry. Those things are extreme.

The tea party movement is something that is shared by many Americans, regardless of whether they appear at a rally of any kind. It is a spontaneous grassroots political phenomenon that simply recognizes our Federal Government has grown too big and has become too expensive.

We need to do something about that. Many of us who consider ourselves part of the tea party movement and believe the best solution, perhaps the only solution, is to return to that 223-year-old founding document we call the Constitution, look to those powers that are identified as something within the exclusive ability, the exclusive power and control of the Federal Government. The more we do that, the more we believe we can turn to constitutionally limited government of the sort that can operate on a balanced budget.

This is not necessarily even a politically conservative movement. It is neither conservative nor liberal. At the end of the day, it need not be Republican or Democratic. It is simply American. It recognizes this country was founded upon the principle that national governments, as they become large and powerful, have a certain tendency toward gaining an excess of power and spending an excess of money, and to prevent a form of tyranny. A national government can function best when it has limited enumerated powers of the sort we granted the Federal Government a couple of centuries ago, powers including things such as national defense, establishing a uniform system of weights and measures, regulating trademarks, copyrights, and patents, and so forth. Included in that list we won't find anything about a government takeover of health care or manufacturing industries or the banking industry.

This is neither liberal nor conservative, neither Republican nor Democratic, and it certainly isn't extreme. It is simply American. It is what makes us great. It is part of what has created the strongest economy and the greatest civilization the world has ever known. At the end of the day, as those who have planted quite deliberately the seeds for an inevitable shutdown seek to blame others, we have to remember the seeds they have sown, and we have to be willing to cast blame where blame is due.

The blame here cannot and, as long as I am standing, will not be placed at the feet of the Republicans or of the tea party. We do not want a shutdown.

We will do everything we can to fight against it. If we have one, it will be because the President of the United States and members of the other party in this august body have refused to put forward a palatable, defensible budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I associate myself with my colleague from Utah. I appreciate the clarity of his remarks. I wish to add to them.

I am glad we have some folks here today listening in. There is probably no other place in the country we can hear so much nonsense as we will hear on the Senate floor today. Unfortunately, we just heard that from the colleague before my colleague from Utah.

The House just passed another resolution to fund the government, fund the military for the rest of the year, pretty much at a figure we have all agreed on. It includes funding for 1 week to keep other aspects of the government open, and it makes some very modest cuts to our budget. Most of these have been agreed to in advance. But there seems to be one sticking point. This bill would prohibit using taxpayer money to fund abortions in DC.

My colleague who spoke a minute ago said this is an invasion of reproductive rights. I am here to tell colleagues that no one has a reproductive right to use somebody else's money for an abortion. That is all this is about. Not only taxpayers' money, but we are borrowing money to do something at a time when the country is nearly broke that Americans disagree on, and it violates the conscience of many Americans.

But my colleagues on the other side have decided to make this the crucial issue. Either Republicans agree to use taxpayer money for abortions or they are going to shut down the government. And they say we are emphasizing social issues. This is not just a social issue. It is an American issue. Even people who support abortion support the idea that taxpayers should not be forced to pay for it. It is a small request. The cuts are small. But it is clear, as the Senator from Utah just said, this shutdown has been planned by the President and the Democratic majority for a long time, believing they can win the PR battle, thinking that Americans are too stupid to figure it out. I am confident, as we go into this, that Americans are much smarter than my Democratic colleagues. I think they are going to figure out how irresponsible the President has been, how much lack of leadership there has been in the Senate, trying to blame Speaker BOEHNER in the House who controls one-half of one branch of government for a shutdown, when last year, when the President controlled the whole government, we didn't pass a

budget. We didn't fund any aspect of government. This landed in the lap of a new Congress which still includes a Democratic majority here in the Senate.

There has not been one bill from the Senate that the Democrats agree on. The President has not sent down one funding request we could vote for. We don't have a bill proposed by Senator HARRY REID today that we can vote for to keep the government open. Yet he is saying what the Republicans on the House side are sending over is not good enough.

The House just passed another bill. Fifteen Democrats voted for it. If we had 15 Democrats in the Senate who were reasonable, we wouldn't have to deal with this ridiculous, irresponsible government shutdown. I don't know what else Republicans in the House could do. They sent over, over 40 days ago, a bill that would have funded the government through the rest of the year with very nominal cuts. It was set up to fail in the Senate. We have yet to have hardly any debate on the issue. During all this time we have spent less than 3 hours of debate on the most important issue in the country. We spent the last couple of weeks on a small business bill. I bet no American could tell us what we are even talking about. Before that we spent a couple of weeks on a patent bill—anything we could do to avoid the responsibility of debating the most pressing issue in this country.

I also have to take issue with what the Democrats are trying to do with the tea party. I remind them that many tea party members are Democrats. They are Independents. They are Republicans. Many of them have never been involved with politics before. Many are Hispanic and African American. They are all Americans. But they are concerned about our country. They seem to be able to do something we can't do here. They add and subtract. They understand we can't keep spending more than we are bringing in and expect the country to survive. We even brought up a resolution—the Senator from Utah did—to have a sense of the Senate that we should balance our budget. Just about every Democrat voted against that. That means there is an intent to bankrupt our country. Because there is no way around it; if we keep spending more than we bring in, we will bankrupt the country.

That is the course this President has put us on. That is the course Senator REID and the Democratic majority want to keep us on. When we try to do even modest, nominal reductions in spending to change the trend line, they are coached, as Senator SCHUMER has said, to call it extreme and to blame it on the tea party. Americans are smarter than that. I think my colleagues are getting ready to figure that out.

We come down to the bottom line the Senator from Utah mentioned. Why are

they doing this? They look back to 1997, back in the 1990s, and they think they can win the PR battle. Even more importantly, the President needs a distraction. The focus on the President now is revealing a lack of leadership in domestic policy and foreign policy. He has led us into a mess in Libya. He has led us into a domestic mess and has us on a course to bankrupt the country. He is trying to take over health care. And all those unions and other people who were advocating for it are now asking for waivers. There have been over 1,000 waivers, people who want to get out of this health care bill. The financial reregulation Dodd-Frank bill is threatening to hurt the economy even more. The President needs a distraction. This is a choreographed distraction to close the government down, to draw attention, to try to shift the blame from a President who has been AWOL from leadership and has very little political courage.

That is what we need right now across America. That is what Americans are asking us to do, to keep fighting, be bold. This is not a matter of partisan politics as much as it is a matter of national survival. We have to make some hard decisions. We can't keep spending more than we are bringing in. We have to do what families do, tighten our belts, balance the checkbook.

These are not radical ideas. All we have to respond to is what the House has passed today. Senate Democrats who control this place have not offered any solution. The President has not offered a solution. I suspect we will not even be allowed to vote on the one option we have, what the House sends over here. Yet they think Americans are so stupid that they can come to the floor and blame Republicans who have no control over the situation except to send us what they think is best from the House.

That is what they are doing. They need to be applauded. Speaker BOEHNER has done everything he can to try to work with all parties here to responsibly keep the government going and at the same time to recognize we cannot keep this reckless spending the President has been doing the last couple of years. This is an urgent and serious matter that I am afraid is being played as a PR game by the other side.

The misrepresentations I heard just before about the budget being proposed on the House side are very difficult to swallow. The truth is very rare in this body. I hope all Americans will take the time to look at what is really going on because this is all a blame game, and the Democrats are counting on Americans not to pay attention, to take their cues from the national media.

We are going to do everything we can to keep the government open, to responsibly respond to what the voters

told us last November, and not to play the blame game with the other side. But this is being played as a game instead of a matter of serious national survival, a serious national issue. But the bill we will hopefully have a chance at least to debate that the House just passed will take our No. 1 responsibility, to defend our country, fund our troops, and make sure that is done for the balance of the year. We can argue about the rest next week, but let's fund our troops this week and do what we were sent here to do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add the following Senators as cosponsors to S. 724: Senator MANCHIN, Senator UDALL of Colorado, and Senator ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, that brings to 43 the number of bipartisan Senators, including the Presiding Officer, who are supporting the bill that will assure that our military personnel are paid even if there is a government shutdown.

We all realize the stress that a military person and a family are under if that military person, especially, is deployed overseas. We have troops in Afghanistan. I was talking to my staff a minute ago, and he heard from one of his friends in Afghanistan, on his ninth deployment, who had heard about our bill and he thanked us for realizing there might be a delay in the military pay and for trying to address it if, in fact, the government is shut down. His ninth deployment, and he is worried about whether he is going to be paid on time so his family, with a 1-year-old child, will be able to make sure and pay the mortgage on the first of the month. Oh, my gosh, what are we thinking here?

I think there are certainly legitimate disagreements about the spending and the budget. I am one who believes we should be cutting the spending. I think the ways to get there are certainly legitimate areas of disagreement. There should be one matter on which we do not disagree and that we would unanimously pass in this Senate; that is, in the event the government does shut down because the sides are still apart when the deadline comes Friday night, that our military get their paychecks, and those who are serving our military overseas or wherever with food service and the things that are done by civil-

ian employees serving the military, that they, too, would show up for work and they would be paid.

We cannot have somebody thinking: Oh, golly, now, I wonder if I am supposed to show up to serve the military meals in Afghanistan or in the base in Iraq or the police station where our troops are embedded. Are we going to ask those questions? I hope not. I hope that if there is one thing this Congress and this President can agree on, it is that there should be no question that the mother at home with the 1-year-old child whose husband is on his ninth deployment in Afghanistan will not worry that she will have that, hopefully, direct deposit so she can pay her mortgage on time.

S. 724 is very simple and very clear: that our military will be required to come to work, which will be no doubt for them, and they will be paid on time. The same goes for anybody serving the military where it is essential for the service of the military. We have almost 100,000 people in Afghanistan today. We have 47,000 in Iraq. There are a lot of people who are serving under great stress and doing a great job under very trying circumstances. I hope this Senate, if, in fact, the government shuts down, can speak very clearly.

I don't think we can wait until 11 o'clock Friday night to make that determination. The processing of the bills and the direct deposits and all that is right now because the paychecks are imminent. It is about 1 week until the paychecks come, but we have a process and we need to ensure the process is going forward.

We know the House, as we speak, is debating the 1-week continuing resolution. It does have the funding for the Department of Defense until the end of the fiscal year. The President has said he will veto that because of the riders in the bill, which means we could be facing a government shutdown. I don't want the government to shut down because I don't think we even know the real consequences to the thousands of people who are affected, to the veterans who get benefits and live benefit to benefit or the military personnel, of course, and those in the Department of Defense.

Many of us are trying to make the decisions as to who is essential in our offices. It is very hard to do the constituent services when we are involved in a government shutdown. I can't tell my colleagues the number of emergencies I get: people who have loved ones overseas who can't get visas, can't get back, who lost passports. We have so many calls where people need services. So we have to select what are the essential services. These are all things people are not aware of that will happen when there is a shutdown of government.

So I hope we can come to an agreement. If, in fact, we have an agree-

ment—and some people are saying we do for the top-line spending; I haven't heard it yet, so I don't know if that is the case—but if the leaders have made a decision that there is now an agreement on that, I hope we will be able to act and not have a government shutdown.

I also hope we will be able to pass a long-term continuing resolution. It is high time people know what they can contract for, what government services are going to be ongoing and at what price, at what funding level. Nobody would run a small business this way. Nobody would run a corporation this way: Well, we can't agree, so we will just have a week-to-week continuing resolution in a business. Nobody would do that.

I think we have to be focused on the big picture. We have 6 more months in this fiscal year, until October 1. We need to make sure we get this out of the way so we can focus on what is truly going to make a difference in terms of whether we can get this deficit down and get the debt off the plates of our children in the future, and those will be the reforms that will be tied to the debt ceiling. If we don't have reforms, that is when we should draw the line in the sand and say we are not going to have the debt ceiling lifted without the reforms in place that will allow us to not hit that \$14 trillion number in the future. I hope we will have a 10-year plan that would start lowering the deficit every year over 10 years so eventually we would have it down to a reasonable amount as compared to our gross domestic product. That would provide the credibility to the rest of the world that we are going to meet our obligations, that we will not default, and that we would be taking hold of our financial situation in this country. That would be the prudent thing to do. I hope we will all be able to work together to do it.

As of now, I think the important thing for this Senate to do is to pass S. 724 that now has 43 cosponsors. It is a bipartisan bill that says the military should not have to worry about a government shutdown. That should be the last thing on their minds. They should be protecting themselves from harm in Iraq and Afghanistan and their families should be able to do the best they can to support their families while their loved ones are overseas. I hope there will be a time going forward when we can pass this bill in short order—not at 11 o'clock Friday night but in the next day or so—if, in fact, we are not able to see our way to passing the 1-week continuing resolution that would prepare us, hopefully, for the long-term continuing resolution to get this fiscal year out of the way and let us focus on next year's budget, which starts October 1, and the long-term reform that is going to be necessary to start cutting our deficit significantly.

Thank you. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I understand our Democratic leader is meeting with the Republican Speaker of the House and the White House and working to try to establish the funding level we will have for the rest of this fiscal year that ends September 30.

Let me explain, briefly, how we got here. Our Democratic majority in the Senate failed to pass a spending level last year—failed to pass a single appropriations bill last year and, at the start of the fiscal year, voted a continuing resolution for 5 months. In the course of all that, there was a national election and the most driving force in that election was the American people's deep concern about reckless Washington spending and surging debt that they know is endangering the American economy, can reduce growth, cause a debt crisis and put us on an unsustainable path and burden our children and grandchildren with massive debt, the likes of which we have not seen before.

The continuing resolution that passed at the start of the fiscal year carried us 5 months of the 12-month fiscal year. I suppose, after the shellacking the big spenders took last fall—the biggest shellacking in 80 years—huge numbers of individuals got elected to the House and a large number to the Senate who are committed to containing spending—there should have been no doubt that when we came to decide how much spending we would have the last 7 months of the fiscal year, that there would be proposals to reduce spending. The House responsibly came forward with H.R. 1, which calls for a reduction of spending by \$61 billion over the last 7 months of the fiscal year, and it was sent to the Senate. The Senate has done nothing. We have a vote on the bill. Actually, more votes were obtained in the Democratic-controlled Senate for the Republican House bill than votes achieved for the Senate Democratic bill. Ten Democratic Senators were uneasy with the bill the Senate majority produced because it only reduced spending by \$4.6 billion. Have they forgotten what happened in November? Have they forgotten that projections continue to grow throughout the year, and instead of a \$1.3 trillion expected deficit this year, the numbers have grown to \$1.4 trillion in debt added to our country this fiscal year ending September 30?

Did not the American people expect us to do something? One would have

thought this \$61 billion reduction is somehow the end of the world. We have been fighting ever since.

We have had a series of short-term continuing resolutions so the government does not shut down. Why should the government shut down? Because under our Constitution, if the Congress does not fund a government entity, the entity does not have a right to exist. It can't go out and operate as a government entity if it has not been funded by the Congress. So we have a serious problem. I hope our colleagues reach an agreement. I hope Senator REID and Speaker BOEHNER can reach an agreement, but I am uneasy about it. Frankly, I am not happy about some of the things that have been occurring.

Let me read for my colleagues what Senator REID, our Democratic leader, has been saying. You know we want to have a compromise, they say. Why don't you guys all get together and be nice to one another? Well, we should, and we do, even though we sometimes are pretty aggressive in our debates. But it is a bit much when Senator REID says the tea party is trying to push through its extreme agenda—issues that have absolutely nothing to do with funding the government.

He goes on to say:

They have made a decision to shut down the government because they want to make it harder, for example, for a woman to get a cancer screening.

I have asked myself: What in the world could he be talking about there? My staff thinks the only thing he could be referring to is the proposal to reduce funding for Planned Parenthood, the largest abortion provider in America.

He goes on to say:

Do they really want to shut the government down because the tea party doesn't want scientists to make sure the air we breathe is clean and pure?

Give me a break.

He goes on to say:

This is a time we don't have to fight over the tea party's extreme social agenda.

They had a tape of my good friend, Senator SCHUMER, and he had to back down from it, but everyone agreed to use the word "extreme." So they called everybody "extreme." They had a press conference and it got picked up. One of our fine Democratic colleagues was talking about the extreme Republicans, and then he said the extreme Republicans, "my good friends." Good for him. Give me a break. There are other statements like that. The Democratic leader in the House, NANCY PELOSI, said:

The GOP Ryan budget is a path to poverty for America's seniors and children and a road to riches for big oil.

One of the Congressmen said that the Ryan budget "puts yet another brick in the wall between the haves and the have nots."

Senator CONRAD, chairman of the Budget Committee, of which I am the

ranking member, called that budget "unsustainable and unreasonable."

Well, we have a problem in America. The debt in this country is dangerous. We are coming out of the recession, and we need to continue growth. We need to continue job creation. It is not as good as a lot of people say, but it is improving. It has been slower than most recessions for us to recover. But Alan Greenspan, Erskine Bowles, Bill Gross at PIMCO bond company, the largest in the world, who has stopped buying U.S. Treasury bonds and sold all his U.S. Treasury bonds, and Moody's have all warned us that we could be facing a crisis in short order. We need to make some changes.

Also, all of this is being conducted under an atmosphere that is affected by the budget for fiscal year 2012.

Chairman RYAN and his fabulous Budget Committee in the House have produced a very good budget. It is a courageous and long-term budget which deals with the unsustainable course of Social Security and Medicare and Medicaid. He proposes solutions that save those programs and protect our seniors. They put us on the right trajectory. That is what has been hammered as some extreme document.

What has the Senate produced? Nothing. The Senate hasn't produced anything, nada. This is most troubling. But what has the other party, who is required to submit a budget—the Budget Act requires the Senate to produce a budget, and it requires the House to produce a budget, and it requires the President to submit a budget. The President, a week late, submitted a budget.

Mr. Erskine Bowles and Alan Simpson tell us we are facing the most predictable economic crisis in our Nation's history as a result of the debt we are running up. We cannot continue this. It is unsustainable. Mr. Bernanke says we are on an unsustainable course.

What did the President do? What kind of budget did he propose? His budget increases spending every year. It increases discretionary spending every year. It increases taxes by \$1.7 trillion. It doubles the debt in 5 years and triples it in 10 years. It is unsustainable. It is, in light of the circumstances we face today, unacceptable. He provides no suggestion whatsoever to save Social Security, which is moving into an unsustainable course, nothing whatsoever to fix or strengthen Medicare or Medicaid, all of which every expert in the country agrees are on dangerous paths that cannot be sustained. It is stunning.

Interest on our debt last year was \$200 billion. We borrow the money we don't have. Interest last year was \$200 billion. This year, we are going to spend \$3.6 trillion and we are going to take in \$2.2 trillion. Forty cents out of every dollar we spend is borrowed. This is the third straight year with a \$1 trillion-plus deficit. These last 3 years, we

are averaging \$1.4 trillion in deficits per year. The highest we ever had before that was \$450 billion.

The lowest budget deficit, projected by the President's own budget office, scored by the CBO, in 10 years would be \$740 billion. Worse, it is going up in the outyears. In the tenth year, under President Obama's budget, the deficit would be \$1.2 trillion. And the reason the numbers dropped was always there—based on the projection that our economy will continue to rebound, nothing that the President has done. His spending levels increased under the budget.

Therefore, I believe and I honestly think that the President's budget, in light of the warning and the danger this debt is posing to America, is the most irresponsible budget ever presented by a President of the United States. It is stunningly damaging. It is unacceptable. It accelerates the unsustainable path we are on. As Congressman RYAN, chairman of the House Budget Committee, said, it makes it worse than the unsustainable baseline numbers we are operating under now. It makes it worse.

The Republican House has produced a good budget, the President has produced a budget that is unacceptable, and our Democratic colleagues in the Senate have produced nothing. They just want to complain. They want to make these kinds of attacks: punishing working families; another brick in the wall between the haves and the have-nots; denying women the right to have breast exams and cancer screening; extreme social agenda—extreme, extreme, extreme. Be sure to use that word, "extreme." I don't believe the American people are going to buy this or that they are going to be taken in by the big spenders. They weren't last fall when 64 new House Members were elected who are committed to restrained spending, and I don't believe they will in the future.

Some think that Republicans will get blamed for shutting down the government if they don't have an agreement. Let's talk about that.

As a matter of compromise, the House has sent over another bill, H.R. 1363, that would extend funding for another week and allow the negotiations to continue for another week, and that will reduce spending by an additional \$12 billion. That bill also funds the Defense Department through the end of this fiscal year so that they are not hung out there with CR after CR, and so that the Defense Department, the people who defend our country can have confidence in the funding level for the rest of the year. H.R. 1363 is here in the Senate. The House passed that legislation so the Senate can pass a permanent fix for the rest of the fiscal year or it can do 1 more week and we can continue to talk. It is hard for me to imagine how the Republican House,

which has sent two good pieces of legislation over here, ought to be blamed when the Senate has passed nothing. They brought up nothing.

It is a bit odd to me also that the President said, "I am going to veto it." I saw a commentator this morning say that the President wants to act like a good daddy and try to get the Senate and the House together and put his arm around them and be the person who brings them all together. Maybe that would be good if it would happen. It looks as if he has taken that hat off and is threatening to veto even a 1-week extension of spending that funds the Defense Department.

Why? One experienced Senator told me: I will tell you why. Senator REID may not have the votes. He may not want to vote on the 1-week CR. A lot of his Members are getting tired of this. They know we have to reduce spending and we need to fund the Defense Department. If it came up on the floor, maybe a lot of Democratic Senators would vote for it and it would pass. Maybe they can work out some of these agreements if we have another week.

I am just saying that some people think all of this sound and fury is politics. I guess there is some politics in it; that is hard to deny. But this is not the normal political squabble between Republicans and Democrats. We really do face a debt crisis. We really have a responsibility.

President Obama's own debt commission pleaded with us to do something about the systemic threat we face from our surging debt that could knock down the growth and progress we are just beginning to feel a little bit here. It could kick us back. Alan Greenspan, former Chairman of the Federal Reserve, and as Erskine Bowles, a chairman of President Obama's debt commission and President Clinton's former chief of staff, have said that nothing could be more devastating to the country than if we had a debt crisis. They are warning us to do something now, not just a short-term spending level for the rest of this fiscal year but the budget for the next year. They tell us we have to deal with the entitlements, the long-term danger they present, as well as the short-term spending levels. I believe Congress knows that.

Some say the American people don't believe in cuts; they talk about cuts, but they don't believe in them. I don't think so. I believe Mr. Christie is hanging in there in New Jersey, and Governor Cuomo in New York is proposing serious reductions in spending. His popularity is strong. In Alabama, my State, Dr. Bentley, our new Governor, just announced that the discretionary spending levels would be cut by 15 percent the rest of this fiscal year. Nothing we are proposing is close to those kinds of spending reductions they are talking about in Alabama. We are going to have to do some spending re-

ductions. It is going to be meaningful, significant, and it will be difficult to deal with. We should do it carefully.

If we bring down this level of spending, it will have a transformative impact. For example, if you take the \$61 billion and you did what the House said—reduce the spending level \$61 billion—that reduces the baseline of Federal spending by \$61 billion, and over 10 years we will save \$860 billion. That is real money just from reducing baseline spending by \$61 billion. We have to think in terms of 10-, 20-, 30-year budgets because, as it gets in the outyears, the dangers are even worse.

I believe we can do this, and I believe the American people are ready to face up to these challenges.

I salute my colleagues in the House for presenting a budget that is honest. If you want to know what kind of challenges we face, look at that House budget because it deals with them. The budget the President submitted is filled with gimmicks. When the CBO analyzed the President's budget, it found over \$1 trillion in gimmicks. CBO found that his debt projections were off by over \$1 trillion because of gimmicks.

I think Congressman RYAN's budget is honest. Not only that, it deals with the long-term threats to our economy and our finances. It is something we ought to consider. If my colleagues have different ways to achieve some of the things he achieves in his plan, let's hear them, let's talk about them. Let's make sure seniors are not going to get hammered and unfairly treated in any way. We can do that. We ought to have an open and fair debate.

The only people who have stepped up and have shown leadership so far have been the members of the House Budget Committee. The President's budget is irresponsible, and the Senate has done nothing. It is time for us to get together, get our act together, finish the funding for this fiscal year, reduce spending every dollar we can, and do a budget for next year that puts us on a path to a sound economy where growth can occur and jobs will be created.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. HATCH. Madam President, earlier today the House of Representatives passed H.R. 1363, a 1 week continuing resolution that will pay our troops and keep the government running.

It is a pretty sad commentary on the willingness of the White House—and my colleagues on the other side of the

aisle—to get serious about spending, that we have even arrived at this point.

We need to be clear about a few things in this debate.

First, we are here because Democrats did not do their job last year. Among the most basic responsibilities of Congress—in fact its core constitutional responsibility—is to take up and pass a budget and fund the core functions of the government for the year.

Last year, Democrats had the majority in the House of Representatives. They had a filibuster proof majority in the Senate. And, of course, they had the White House.

But they were so tied up with pressing matters like passing a \$2.6 trillion health care bill that the American people did not want, that they never got around to passing a budget.

And then in the fall, as the bottom fell out of public support for the Democrats, they were too interested in salvaging their majorities and trying to spin ObamaCare that they never funded the government.

So that is why we are here.

We are debating a spending bill for fiscal year 2011.

It is April of 2011.

Fiscal year 2011 started in October of last year.

It is very simple.

Democrats did not do their job, and so they left it to the new Republican majority in the House to fund the government for fiscal year 2011.

The Republican-led House got to work. They passed H.R. 1.

Now I know that it is in the Democratic talking points to call this bill extreme, but what exactly did it do?

When you strip away the ideology and the rhetoric about this so-called dangerous and extreme bill, what exactly did it do?

Here's what it did.

It reduced non-defense discretionary spending by \$61 billion. That is a big number, but let's put this in perspective. This year we are scheduled to spend \$207 billion just on interest on the debt.

This year we have a projected budget deficit of \$1,600 billion.

And this year, the Federal Government is on pace to spend \$3,800 billion.

So H.R. 1 was proposing \$61 billion in reduced spending by a Federal Government on pace to spend \$3,800 billion.

You all have heard the old joke.

When someone is asked if they got a haircut, they respond I got them all cut.

In this case what the Republicans are proposing is like going to the barber and getting just one of the hairs on your head trimmed.

The Democrats call this bill draconian.

But as one person put it, the spending reductions in this bill are equivalent to ordering a Big Mac, a large Coke, and a large fry, and then eating

the whole Big Mac, drinking the whole Coke, eating 98 of the 100 fries in the bag, taking a bite of the 99th fry, and then leaving the rest. That is hardly a crash diet.

But to hear Democrats talk, Americans would starve if H.R. 1 passed. That is not an exaggeration. Former Speaker PELOSI suggested as much just yesterday.

To hear Democrats talk, this is Armageddon. To hear them talk, this \$61 billion in spending reductions is so onerous, America will never be the same.

Americans aren't buying it. The people of Utah, and people around the country, understand that if the Senate were to accept the full \$61 billion in spending reductions, life would not only go on, no one would notice any difference at all.

Let's look at this a different way. Nondefense discretionary appropriations have been hiked up by 24 percent in the last 2 years, and 84 percent if you count the stimulus bill. But to hear Democrats talk, even beginning to roll back this explosion in government spending is akin to shredding the Declaration of Independence. Give me a break. The bottom line is that the cuts in H.R. 1 are more than reasonable. People who are remotely serious about reducing the size of government should accept them in full.

But the White House, and their Capitol Hill allies, do not seem to have gotten the message that Americans want to roll back spending. Instead, they are playing politics. They have calculated that if the government shuts down—if Senate Democrats refuse to pass and the White House refuses to sign a bill to reduce spending—the Republicans will be left holding the bag. They think that history will repeat itself, and just as in 1995, the public will blame Republicans for a government shutdown.

Even the New York Times might not be able to carry that much water for the President and his Democratic allies.

The American people get this, and they are saying enough is enough. If the White House and its Capitol Hill allies think they can force a government shutdown and blame Republicans, they must have zero respect for their constituents. The last week of negotiations has proven yet again that big spending is in the Democrats' DNA.

They are congenitally incapable of reducing government spending, so much so that they are even willing to shut down the government.

In the words of John Bluntarsky, "when the going gets tough, the tough get going."

But when the going got tough on these negotiations, the Democrats were missing in action.

The President jetted off to a couple of fundraisers. And his Capitol Hill allies turned to the rankest of political smears.

The incoming chairwoman of the Democratic National Committee, who until about 5 minutes ago was scolding Republicans for their lack of civility, hit the ground running and claimed that the budget proposed by House Republicans for next year is a death trap for seniors and a tornado through nursing homes. So much for an adult conversation.

The Democratic Congressional Campaign Committee was quick to fundraise off of these spending fights.

In an e-mail to their dare-I-say extreme base, they claimed that Republican negotiators are engaged in blackmail and blamed tea party citizens for the shutdown, rather than the Democratic leadership that refuses to pass the fiscal year 2011 spending bill and move on.

I will tell you what. They might have an easy time raising money by smearing conservative Republicans and blaming them for this mess. But this is fool's gold, because they are going to have a heck of a time explaining to our men and women in uniform why it is that they refused to pass a bill that would make sure they are paid.

Because the Democrats in this chamber will not accept the modest spending reductions in H.R. 1, the House took up H.R. 1363 today. This is a continuing resolution that will fund the government for a week, prevent a shutdown, and fund the Department of Defense through the end of the year, making sure that our servicemen and women receive their paychecks and that our national security is not compromised.

The ball is in the court of this body's leadership.

The President has now made it clear that he is willing to shut down the government rather than pass this CR.

They have issued a Statement of Administration Policy suggesting that they will veto this continuing resolution if passed.

If the President wants to go off this cliff, I can not stop him.

But I would encourage my Democratic colleagues here that they do not need to follow him off that cliff.

Now, their leadership is saying that it will oppose H.R. 1363 because it eliminates taxpayer funding of abortions in the District of Columbia.

In the end, I cannot believe that they would shut down the entire Federal Government in order to appease the most radical pro-abortion members of their left-wing base.

We will see what happens.

Maybe the Senate will do the prudent thing and pass H.R. 1363.

But I am not holding my breath.

The \$61 billion in spending reductions passed by the House months ago is equivalent to 1.6 percent of total projected federal spending. Americans tighten their belts much more than this every day, but Democrats are acting like these cuts are the end of the world.

I would say that the leadership on display from the White House on this issue is pathetic, if there was any on display at all.

Because the White House has showed zero leadership on the issue of spending and government bloat, because it has refused to make the decisions that would force the Federal Government to live within its means, we are in this unacceptable situation of a potential government shutdown. Our Nation is broke. We have to stop spending money we do not have.

But on this most critical of issues the President has been missing in action.

His advisers seem to be treating this exercise like it is a no-stakes Harvard Law seminar in multiparty dispute resolution.

But the stakes could not be higher.

This situation calls for leadership, but we are getting nothing from the White House.

It is time for real leadership that keeps the government running while cutting spending.

I urge the Senate to adopt H.R. 1.

In the alternative, we should adopt the House-passed short-term CR.

There is no need for a government shutdown.

Democrats who think that clever strategists and professional politicians can spin the American people into thinking this is the Republicans' fault, even though it was the Democrats who walked away from the table, should remember last year's experience with ObamaCare.

Reluctant Democrats in the House and Senate were told by the same strategists and professional spinners that ObamaCare could be messaged in a way so that it would benefit them.

Today there are many former House and Senate Members who wish they had not bought that snake oil.

If the government shuts down, no amount of spinning is going to convince Americans that this was the fault of anyone other than the President and Democratic congressional leadership who have refused to make any meaningful reductions in Federal spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, have you ever noticed when someone points their finger and says "it is all your fault, it is all your fault," did you notice that there are three fingers pointing back at them?

Here we have the blame game going on. What we have is politics at its worst. In trying to govern a country that is large and diverse and complicated, as our country is, you have to have people of good will who will come together to build consensus, who will respect each other's opinion, who will respect each other, and realize that

their opinion may not be the only opinion.

That is what we have that is leading us to this point. We have folks who are saying, it is going to be my way or no way. And because of the vote structures, 60 votes required here in order to pass anything out of 100 Senators, we are coming to the precipice, and we are about to fall off.

It is not supposed to work this way. You can have people who sharply disagree about a particular issue, but when it is time to build a consensus and get it done, you have got to have that capability of coming together. Some people use the word "compromise." But compromise has a dirty connotation. It should not. It is the glue of solution making. And that is what this world's most deliberative body for over two centuries has done so well, is come together to build consensus to govern the country. Notice something else. You do not govern from the political extremes. If the political extreme says, it is my way or the highway, you cannot build that consensus in the middle. Thus, that is the situation we have gotten into. A radical, in this case—we have had it on the left end of the political spectrum in the past, but that is not what this is. This is a radical rightwing agenda that is saying, from the House of Representatives, it is going to be their way or no way or they are going to shut down the government.

That is a sad state of affairs. That is saying we cannot come together and agree and reach a solution. So what is going to be the consequence? Well, do you realize when the government is shut down and people are out of work, this does not just affect Federal employees? What about those employees in the private sector whose business depends on being frequented by Federal employees? For example, someone whose business suddenly goes down, are they going to be able to pay their rent?

What about the poor person who is suddenly not going to have a paycheck and they are not going to be able to pay their mortgage? Do you think their bank is going to work with them in order for them not to be in default?

Wait. Let's back up. Look at the experience of my State, Florida. How many banks have worked with people who have been unemployed who have not been able to pay their mortgage, and the banks are not working with them?

So if we go out of the government being functioning, and all of the activities of government, what about the airlines? Certain essential employees will have to operate the air control towers and TSA for security. But do you think the people who are not going to be able to work in the Federal Government in the hemisphere of aviation, do you not think that is going to ripple through the economy in this example of the airlines?

What happens if there is that lapse of safety and this time an airliner does not land safely as we have had where people have fallen asleep in the tower?

Let's talk about our military. At the end of the day the other side is saying, oh, is it not awful that those of us on this side are not going to pay the military? We are going to vote over and over to pay our military. Our leadership is going to make consent requests over and over to pay our military if we are going to be shut down.

What about our intelligence apparatus, the very apparatus that in far distant lands gets a snippet of information that is passed through the governmental centers that allows us to avert the terrorists from ever doing the attack in the first place? Is that going to be affected? Oh, essential personnel will be there. But what about some of those extended personnel we rely on for our intelligence apparatus?

Ladies and gentlemen, we are not only playing with fire, we are playing with superheated fire. What about GABBY GIFFORD's husband, the commander of the next space shuttle mission? They are supposed to launch April 29. Are all of those workers at the Kennedy Space Center who are preparing the next to the last space shuttle flight going to continue that preparation? Are they going to lay off the astronaut crew because they are not essential as they are training in split-second, very precise training?

Is CAPT Mark Kelly, United States Navy, going to be able to command that mission to take the final components up to low-earth orbit to connect those final components of the International Space Station? What kind of effect is that going to have and be felt throughout the NASA centers all over the country?

What about the Securities and Exchange Commission? What about the banking regulators? What about the Internal Revenue Service going after the people who are trying to defraud us? Do you know that we have prisoners in the State prison system in Florida—more than any other State—who have been putting in fake income tax returns and getting refunds? We have finally got the IRS working with the State prison system, and they are going to shut that off in the next week. Are we going to be able to stop that fraud upon the taxpayer? What about the fellow who just received a \$250,000 IRS refund check, and he has not even filed his income tax return, because somebody has stolen his identity and put in a fake return, and fortunately the check got to him, not to the shyster. Are we going to have those IRS personnel to continue to go after that? You can go on and on.

What about our court system? What about the administration of justice? This is what we are facing.

Rigid ideology, in some cases placed on top of excessive partisanship, is now

bringing us almost to our knees. If we shut down at midnight tomorrow night, and if we go through the weekend, guess what is going to happen to the Asian financial markets come Sunday afternoon, Sunday evening here, when it is Monday morning there, and those Asian markets open up. Oh, and by the way, have not the people of Japan suffered enough? The 20 or so ships we have over there trying to assist the people of Japan, are they going to have to go on furlough too?

This is the time, as the Good Book says, for people to come. Let us reason together. This is the time for people of good will—and there are plenty of those people who are Members of the Senate—on this side of the Capitol and on the other side of the Capitol to come together. Come, let us reason together.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Would the Chair be kind enough to announce, are we in a period of morning business?

The PRESIDING OFFICER. We are in morning business until 5 o'clock.

Mr. REID. I have cleared this with the Republican leader. I ask unanimous consent that the Senate extend the period of morning business until 9:30 p.m. tonight, with Senators permitted to speak for up to 10 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

BUDGET NEGOTIATIONS

Mr. DURBIN. Mr. President, like the majority leader, I was here the last time there was a government shutdown. I never believed it would reach that point. I certainly didn't believe it would be a long shutdown, but it turned out to be over 2 weeks before it was over. It was a period of profound embarrassment for all of both political parties who served in Congress that it had reached a point where our efforts to find common ground had failed, and we had basically failed by closing down the government and calling an end to basic government services.

The Senator from Florida went through a partial list. The list could go on and on. What about the Federal Bureau of Prisons. Men and women who risk their lives every day guarding the most dangerous people, what is to happen to them as we shut down the government? He raised questions about our efforts to monitor terrorist activities. Those efforts are not only exclusively among the military. He mentioned the intelligence-gathering oper-

ations of the United States. I don't think most people outside our walk of life have any idea how many men and women get up every single morning, monitoring transmissions of information, monitoring activity all around the world, looking for that one shred of evidence that there is something dangerous about to occur. These are Federal Government employees, subject in many respects, many of them, to a government shutdown.

In the Department of the Treasury is a foreign assets desk that monitors every single day the movement of money, looking for evidence of drug cartels and terrorist activities and criminal activity in the United States and around the world. They share that information with law enforcement at every level—State, local, and international—to keep us safe. These are Federal employees affected by a government shutdown. We just learned our Secretary of State is canceling a major conference on Tuesday, bringing in leaders from around Washington and the world to talk about critical issues, because of her fear that the Department of State will be shut down on Tuesday. We also know, in embassies all around the world, men and women literally risk their lives to be there representing the United States, offering their services for Americans and others in terrible circumstances, and they are going to be subject to a shutdown, skeleton crews.

We ask ourselves: Is this necessary? Have we reached a point where there is no alternative? The answer is there is an alternative. The alternative is for people of good will to come together and find common ground.

I am closer to the position of Senator REID because I know, I have followed his conversations, his reports on the negotiations. I am certain of what I say. When it comes to the dollar amount for budget deficit reduction, we are virtually in agreement. The differences are minuscule. We have agreed on the amount of spending to be cut. That is no longer a matter of debate.

What happened in the last 24 hours is a dramatic shift away from the budget deficit discussion. Now Speaker JOHN BOEHNER, who is my friend, on behalf of his caucus, is arguing it is no longer about the budget. It is no longer about the deficit. It is no longer about cutting spending. It is about a social agenda, some issues.

No. 1, Speaker BOEHNER insists we have to accept language from the House which says the Environmental Protection Agency will basically shut down its operations when it comes to certain environmental hazards such as greenhouse gas emissions. Some of us think that is a catastrophic decision, a disastrous decision. The House Republican caucus voted for it, the Republican majority. Now they are saying to us: Accept it.

Yesterday, we debated that issue. We debated it in the Senate for many hours. The Senator from Florida was here. We had four separate votes on the issue of taking the power away from the EPA. The first amendment offered received seven votes in the affirmative. The second one received seven votes in the affirmative. The third one received 12 votes in the affirmative. The fourth one failed with a 50-50 rollcall vote, offered by the Republican leader. Has the Senate spoken on this issue? It has. If I remember correctly, under the Constitution that both House and Senate Members are sworn to uphold, there are two Chambers. We disagree profoundly with the House Republican position. For Speaker BOEHNER to now insist that despite all the debate and activity, it is a "take it or leave it" on taking away the powers of the EPA is not only unreasonable, it is unfair and totally unrelated to the issue of budget deficit reduction.

But there is a second issue. The second issue, which I find hard to believe they are now making the fulcrum of the decision on whether we shut down the government, is whether we should shut down the access of people across America, particularly poor women and children, to primary health care in clinics. They have an amendment under title X which would basically stop the funding for access to private health clinics funded by that program. What kind of services do these clinics offer? They offer cancer screening, breast cancer screening, screening for infectious diseases. The basic care we provide to women and families across the country would be shut down by the provision the Republicans in the House insist we agree on if we want the government to stay open and do business. Is that what the last election was about? I missed that part. I missed the part where the tea party stood and said: We are for fiscal sanity, and we want to close down the access of women to basic health services. I don't remember that at all.

I welcome that debate. In the next hour or two or perhaps tomorrow morning, we are going to offer to the Republicans, if they want to debate on the floor that rider that is in the House approach, let's have the debate. Let's have the vote. It isn't as if we are ignoring it. We are prepared to face it and vote on it. I know what the outcome will be, and I think the Speaker knows as well. He is going to lose. So why are we allowing this ship of state to founder over two social issues, closing down the EPA's function and closing down women's access to health care?

That is where they are. It is no longer about the deficit. All the deficit hawks and all the speeches we have heard, that is over. I find it hard to believe there are actually people who think a government shutdown is a good

thing politically. There was a statement printed in the Washington Post this week on April 5:

Republicans gave the speaker an ovation when he informed them . . . to begin preparing for a possible shutdown.

An ovation? So some people in that caucus apparently believe a government shutdown is a good thing. Some of them, Congressman PENCE of Indiana, has been forthright and direct. Let's shut it down, he says.

How do we answer the basic question posed so many times: What does that do to the reputation of the United States around the world, that our government is going to shut down? What does it do in terms of the state of our economy which is coming out of a recession, trying to put people back to work? We know what the predictions are. Any government shutdown will reduce economic growth at a time when we desperately need more economic growth and more jobs. The longer the shutdown goes on, the worse it is in terms of unemployment and economic growth. We also know that even though some Republicans in their caucus were cheering on the idea of a shutdown, basic services essential to the operation of this government and the safety of our Nation will be in peril and danger. People who literally give their lives in service to the country will be wondering from day to day and hour to hour whether we will continue to finance the government.

The clock runs out at midnight tomorrow night. Between now and then, I hope Speaker BOEHNER comes to his senses and appeals to his Republican caucus and tells them we cannot have everything. Take what we have, this cut in spending, this reduction in spending, which is a step in the right direction. I hope he will say it to even those who are cheering the idea of a government shutdown. It is not the right thing for America.

It is time for men and women of both political parties to stand and to represent the best in this country, to make the concessions that keep us moving forward. We have plenty of work to do beyond this. I am leaving here to go to a meeting to discuss a bipartisan approach to dealing with our budget problems way beyond the next 6 months. If we are going to create an environment for bipartisan cooperation, it does not start with a government shutdown. If there are any Republicans who believe this is a sound strategy, that somehow this will endear them to the American people, I think they are making a mistake. A shutdown could cost the government dearly, and it could certainly cost the United States in its reputation around the world. I don't want to see that occur.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, sometimes when my constituents come to Washington I tell them: Welcome to the District of Columbia, 68 square miles of logic-free environment, where perception is reality.

I can't think of anything more surreal than the situation we find ourselves in with the House of Representatives having passed an appropriations bill that would keep the government open while negotiations continue and would fund our men and women fighting now three wars around the world to make sure they get paid.

I have also had occasion to tell my constituents that Washington, DC, is a lot like Disneyland. It is a fun place to visit, but it is not real. When we get in trouble, when Members of Congress get in trouble is when they think Washington is real because it is not. What is real is what is back home, where people have common sense, try to solve problems working together, rather than play endless political games.

I find it outrageous that Senator REID, the majority leader, and the President of the United States would refuse to fund pay to the men and women in uniform by threatening a veto to the House bill sent over here. We know that unless Senator REID and the President agree to keep the government open, they will be responsible for the shutdown of the Federal Government and all the disruption that goes along with it.

After the government shuts down, we are still going to have to pass an appropriations bill at some level to keep the government functioning. A shutdown doesn't solve anything, except cause disruption, concern, and heartburn among a lot of good people about whether they will get paid. First and foremost among those are our men and women in uniform.

The President has threatened to veto the troop funding bill, which is H.R. 1263, by saying: "This bill is a distraction." That is according to the President's own Statement of Administration Policy issued by the White House earlier today—"a distraction." An attempt by the U.S. House of Representatives to make sure our men and women in uniform are being paid while they are fighting three wars around the world is a distraction to the President of the United States. That is outrageous. That is irresponsible. That is an abdication of Presidential leadership, and I hope the President will reconsider because funding our troops is not a distraction, it is a responsibility. A veto threat is not what they deserve nor what they should be hearing from the Commander in Chief.

About 1 in 10 people who wear the uniform of the U.S. military calls Texas home. Those Texans are among the roughly 100,000 U.S. troops currently deployed in Afghanistan, many of whom are serving multiple deployments away from home and away from their families. Some of them are, for example, members of the Texas Army National Guard's 176th Engineer Brigade headquarters that is currently handling engineering projects for about one-half of the country. Other Texans are among the roughly 40,000 troops still deployed in Iraq. Some of these are members of the Texas Army National Guard's 36th Infantry Division headquarters that is currently providing command and control for about one-third of that country.

Texans are also supporting the mission in Libya, although many are perhaps unclear about what the mission is. Texans are onboard more than a dozen Navy vessels currently providing humanitarian assistance off the coast of Japan.

The President's threat to veto funding for these troops is irresponsible and shows his willingness to risk a shutdown of the government and deny them the pay they are entitled to rather than to accept responsibility and to face the fiscal facts.

For nearly 200 days, our Federal Government has operated without a budget because of an irresponsible approach to one of the most basic functions of the Federal Government: to keep the lights on, to keep the government operating, and to accept responsibility for those decisions.

We know Democrats, while they controlled the White House and both branches of the legislature, the House and the Senate, failed to pass even a budget last year—even a budget. Every family in America, every small business, everyone other than the Federal Government and Congress has to operate on a budget, but only Washington could continue to spend money it does not have—about 40 cents on every dollar. Yet I would say the President remains either oblivious to that fact or, I think probably more accurately, in denial about the fiscal crisis that is impending and is apparently unwilling to try to work across the aisle to try to address it.

I think it is imperative that the majority leader allow the Senate to vote on the House-passed measure, which we could do by unanimous consent if not today then tomorrow before the looming shutdown tomorrow night. It is clearly in Majority Leader REID's hands, and it is in the hands of the President of the United States if he would withhold his veto, allow negotiations to continue, and to make sure our troops were funded as they should be.

The troop funding bill would fund the Department of Defense through the end

of the fiscal year, and it represents a bicameral, bipartisan agreement that was reached last December on funding of the Department of Defense. It is past time for this legislation to be enacted, particularly given that in the months that have passed since December, America now finds itself engaged in a third war—entered into without congressional authorization, without any clear mission and, frankly, only 21 percent, according to a recent poll I saw, actually believe the mission is clear. Well, I am with the other 79 percent. I do not know what the mission is.

The President said it was a humanitarian mission, although when he obligated the U.S. military to go in he immediately outsourced the responsibility for it to NATO, which did not have the assets and the resources in order to protect the rebel forces who continue to be killed by Qadhafi's troops.

The President said Qadhafi must go. Yet he is doing nothing from a military perspective to accomplish that goal. What does that do to America's stature and reputation in the world community? What other tyrants are watching this President say Qadhafi must go, and yet have this President unwilling to do what is necessary to remove him from his office?

Well, I think it not only damages American prestige, it emboldens other tyrants like Qadhafi, and it does not solve the humanitarian crisis in Libya.

Well, some have said—and the majority whip was here talking about so-called riders that accompany this piece of legislation, but let me first say what this troop funding bill also does. It cuts \$12 billion in additional spending. When 40 cents out of every dollar the Federal Government has spent is borrowed money, and we are spending money we do not have, doesn't it make sense to cut Federal spending? Well, I think it does. I think anybody who thinks we can continue business as usual is just deluding themselves, living in a la-la land that has no bearing, has no semblance with reality.

This bill would also keep the government operating for another week. This would avoid the shutdown that would occur tomorrow night, and it would allow for more time for bipartisan negotiations to occur.

So far as the so-called policy riders go, prohibiting taxpayer funding of abortion in the District of Columbia, well, that has been supported by both Republicans and Democrats in the past. President Clinton signed similar legislation six times. Vice President JOE BIDEN and Senator HARRY REID have voted for it many times; and President Obama himself signed this same provision into law in 2009.

This troop funding bill also prevents Guantanamo Bay detainees from being transferred to the continental United States. I think if there ought to be a

consensus about anything, it is that we do not want dangerous terrorists detained at Guantanamo Bay, Cuba, transferred to the United States. This bill prevents that.

This language is virtually identical to existing law that was included in the National Defense Authorization Act. This bill also includes full funding for our commitment to the U.S.-Israel Memorandum of Understanding for fiscal year 2011 and was passed Thursday afternoon, this bill, by a vote of 247 to 181 in the House of Representatives.

I do not know what could be any clearer than if President Obama were to veto this legislation—after it was passed by the Senate—that closing the government would be on their hands.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CORNYN. Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. So this bill has been passed by a substantial majority in the House of Representatives. For Senator REID to say he will refuse to take this up or President Obama to say—if it were passed in the Senate—that he would veto it is irresponsible, and the shutdown of the government would clearly be on their hands.

This demonstrates a very disconcerting trend that we are seeing of a failure of leadership at the highest office in the land; that is, the President of the United States—a President who goes to Brazil and talks about, well, I am for free trade, yet has been sitting on the Colombia Free Trade Agreement, the South Korea Free Trade Agreement, the Panama Free Trade Agreement since he entered office, a President who says he is for bringing down the price of gasoline, for making America less dependent on imported energy from abroad, and goes to—believe it or not—Brazil and says: It is great you are going to be drilling for more oil offshore in Brazil. And do you know what. We are going to be one of your best customers—in other words, saying one thing in America and doing another thing abroad.

This is the same President who appointed a fiscal commission that reported in December of 2010, which documents the sobering reality of the debt crisis we are facing in this country and what we must do responsibly to deal with it on a bipartisan basis, but in his State of the Union Message, in his budget he has presented, it is not even mentioned.

We know we have important issues to deal with. This is the most immediate one ahead of us. But this is small compared to the bigger issues we are going to have to deal with in just a month or two, which is the debt ceiling. America

has maxed out its credit card, and the President is asking us, the Treasury Secretary is asking us to raise the credit limit to allow us to continue to borrow more money.

We know that is an unsustainable path. We know the American people are sick and tired of the typical gamesmanship and the "gotcha" politics in Washington, DC. What they want, I truly believe, is for us to work together on a bipartisan basis to solve the problems in front of us and not to kick the can down the road, not play a game of "gotcha," setting up our political adversaries for the next election in 2012. That is what this smells like. That is what this looks like.

This is irresponsible on the part of the President. It is irresponsible on the part of the majority leader to fail to take up this bill and to allow us to vote on it tomorrow to prevent the shutdown of the government. It is irresponsible to threaten our men and women in uniform, fighting three wars across the globe, with being deprived of their paycheck by our failure to act, by the President's commitment to veto any legislation that were to be passed on a temporary basis to stop this government shutdown.

I hope the American people will call, write, e-mail, I hope they will let their representatives know that is unacceptable and that Congress must act tomorrow in advance of the deadline; and if the Senate does pass the bill, that they communicate to the White House, by every means necessary, that, Mr. President, you shall not veto pay to our troops while we are fighting three wars. To do so not only is an abdication of your responsibility as Commander in Chief, but it is an abdication of the leadership people expect from the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know we are rotating back and forth. I am the only one on the Senate floor, I think, who is requesting time. I ask unanimous consent that I be recognized for, let's say, 15 minutes. I probably will not use that much time, but I ask that unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me, first of all, speak in response to what the Senator from Texas talked about. This is very significant. I happen to be maybe one of the few who voted against the last three extensions that were requested—these 1-week extensions. That is no way to run government. I understand that.

But this one is different, and I rejoiced when I saw we had an opportunity to pass a 1-week extension that would do three things: No. 1, substantial cuts—not these just imaginary things we have been talking about—No.

2, continue the funding for what we must do in Israel for the end of this fiscal year; but, most importantly—and I say this as the second ranking member of the Senate Armed Services Committee—this would be a huge help to our military so there would be certainty, they would know what we are going to be doing between now and the end of this fiscal year. That absolutely has to be done.

It is unimaginable to me that in the middle of what I call two, maybe three conflicts right now that we are not lining up and making sure we have the funding that is necessary for what is going on in Afghanistan and other places where we have our troops in harm's way. It is something that is inexcusable, and I just cannot believe there is going to be a veto.

In spite of the veto threat, this is our opportunity to have time to be fiscally responsible, and I hope we are.

COTE D'IVOIRE

Mr. INHOFE. That is not why I am here, however. I want to be sure that something I have been talking about over the last days has now come to a peak where we must do something.

I have been concerned about what is happening in Cote d'Ivoire, in west Africa. I am very close to the situation. I have had occasion to be there over the last few years nine different times. I know the President is there, the current President and his wife, Laurent and Simone Gbagbo. I was familiar with the election that came around, so I have been on the floor talking about what I believe should happen there, that we should call for a new election. Unfortunately, the United States and our State Department—I will be very critical of them—have joined with the United Nations and with France in taking the side of Alassane Ouattara from the north who was the challenger, who has been challenging this administration now for at least 10 years that I know of.

I got a scathing reply from the Ambassador to the United States from France. I am not going to read it. I am not going to enter it into the RECORD. It doesn't make any sense. I only wish to respond to a couple of things in that letter. First of all, they talk about the fact that this was a legitimate election and it was certified properly and it was in accordance with the Constitution of Cote d'Ivoire, and I don't believe that. I will respond to that by saying the independent electoral commission did not fulfill its constitutional mandate to announce the final provision vote tallies within 3 days. That is what the Constitution says in the country of Cote d'Ivoire and west Africa. It announced then, almost 16 hours after it was constitutionally mandated, to report them to the Constitutional Council. It is my understanding it is the

Constitutional Council of Cote d'Ivoire and not the electoral commission which certifies and declares the winner of Presidential elections.

On three occasions now I have talked about this election and the abuses that were taking place. In one case we had information that was given to me by members of the opposing party to President Gbagbo where they submitted that in one of the five regions in the north—let's keep in mind the challenger, Ouattara, is from the north, a Muslim area up there. They had, in five of these regions—in one of them—149,598—and I showed how it was calculated. I showed the actual results that were there from the electoral process, and this was just one of five northern cities. But when the total was officially reported in the total vote column, Ouattara received 244,000 votes, a difference of almost 95,000 votes.

If you do your math and you say this happened in all five of these areas in northern Cote d'Ivoire, that would be more than enough to declare—enough mistakes that would take the election away from the duly reelected President, President Gbagbo. If you don't want to get into the weeds that far, all you have to do is look at the results they had. In that election they came out with the results that said Gbagbo in those northern precincts—we call them precincts, they call them something else—that they actually had thousands and thousands of votes in what we would call the primary, but when the primary runoff came up, he got zero votes. That is a statistical impossibility. So I have given all those things to our State Department, and I haven't gotten any positive response.

In the accusations in the letter the French say he refused to accept—he being Gbagbo—refused to accept proposals by the African union, a high-level group, while these proposals have been formally accepted by President Ouattara. It is not true, just flat not true. As late as March 27 the African Union sent former Cape Verde Foreign Minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation, Ouattara didn't.

I have a whole list of the accusations that were made and my response to these accusations, and I am going to be submitting them at this portion in my presentation in lieu of reading them at this time. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INHOFE FACT CHECK ON FRENCH EMBASSY
"FACT SHEET"

(From the French Ambassador, April 6, 2011)

French say:

Fact Sheet on Côte d'Ivoire
(April 6, 2011)

"After many delays, including on the part of then-President Laurent Gbagbo, a presidential election was held in Côte d'Ivoire

last fall. Since then, its results have been certified by the local monitoring mission and acknowledged by the international community, including the United States, the European Union (EU), the Economic Community of West Africa States (ECOWAS), and the African Union (AU)."

Inhofe responds:

In fact the Independent Electoral Commission did not fulfill its constitutional mandate to announce the final provisional vote tallies within three days. It announced them almost 16 hours after it was constitutionally mandated to report them to the Constitutional Council. And it is my understanding, that it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. It seems that this election was not carried out in accordance with the constitution of Cote d'Ivoire.

In addition, there is evidence of massive electoral fraud in the rebel held north. I submitted this evidence in two letters to Secretary Clinton and am awaiting a response to these specific allegations.

I also submitted an electoral document showing official regional electoral returns, where it shows Ouattara receiving a total 149,598 from one of five northern cities. But when the total is officially reported in the total vote column, Ouattara receives 244,471; a difference of 94,873 votes!

The evidence submitted to Secretary Clinton includes tallies of precincts where, in the first round of voting, President Laurent Gbagbo received multiple thousands of votes, but in the second round he received zero votes. That is a statistical impossibility.

From all the evidence I now have gathered, I am convinced that it is mathematically impossible for President Gbagbo to have lost the election by several hundred thousand votes. And if a similar amount of fraud exists in the other four regions of the rebel-held north, Gbagbo is actually the winner of the presidential election.

French say:

"Since the results, former President Laurent Gbagbo has not only refused to acknowledge the results, and listen to the will of the people of Côte d'Ivoire, but actually dismissed several initiatives, including by the AU, ECOWAS and other African leaders, to avert any bloodshed and find a peaceful solution of the crisis. Most recently, he again refused to accept proposals by the AU High Level Group, while these proposals have been formally accepted by President Ouattara."

Inhofe responds:

Not true. As late as March 27, the African Union sent former Cape Verde foreign minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation, but Ouattara rejected it!

French say:

"This deadlock has precipitated a deterioration of the humanitarian situation. In addition, it has led to growing violence, of which the first victims have been civilians, in spite of the presence on the ground of the U.N. Operation in Côte d'Ivoire (UNOCI). It is in this context that the United Nations Security Council adopted its Resolution 1975 on March 30. This decision was adopted unanimously, including with a positive vote from the United States and the three African members of the Council (namely, Gabon, Nigeria and South Africa). It stresses the protection of civilians, and the need to prevent the use of heavy weapons in this regard, as a

key element of the impartial implementation of UNOCI's mandate."

Inhofe responds:

There is no evidence that President Gbagbo ordered the shelling or killing of civilians in Abidjan or throughout the country. He has repeatedly denied it, and it is in fact actions by forces under the control of Ouattara who have carried out military and terrorist actions. This consisted of attacks upon police and Army forces by "invisible commandos" and the outright offensive launched from the north that has led to the present crisis.

French say:

"In Côte d'Ivoire, French forces are acting on the basis of an international mandate given by U.N. Security Council, in support to the internationally constituted U.N. peacekeeping operation (UNOCI)."

Inhofe responds:

Focus should be on the word "peacekeeping". Unfortunately, the United Nations and French forces are not engaging in peacekeeping, but war-making.

French say:

"Most recently, their intervention has been strictly consistent with Resolution 1975, and responded to a request to President Sarkozy by UN Secretary-General Ban with a view to support UNOCI as it enforces its mandate. In particular, French forces' intervention in Abidjan has been strictly consistent with this goal, and designed to neutralize the heavy weapons used against civilian populations and UN personnel in Abidjan."

Inhofe responds:

Not true. Abidjan is a densely populated city of four million people. In this urban environment, the collateral damage caused by the attacks by UN and French attack helicopters and ground troops has caused hundreds if not thousands of civilian casualties. Specifically, hundreds of youths supportive of President Gbagbo formed a human shield around the presidential palace in an attempt to halt the Ouattara and French offensive. No one knows how many of these youths have been killed by UN and French forces.

French say:

"In the context of its commitment to the protection of civilians and the fight against impunity in Côte d'Ivoire, as in the rest of Africa and worldwide, France reiterated its calls for an immediate halt to all violence against civilians, and underscored that the perpetrators of these crimes must be held accountable before a court of law. France welcomes President Ouattara's pledge in this regard."

Inhofe responds:

The only reported slaughter of civilians has been perpetrated by Ouattara forces. This occurred in the western town of Duekoue where up to 1000 people were massacred by the Dozos, traditional hunters who fought alongside Ouattara forces. This has been confirmed by the United Nations and Human Rights Watch.

French say:

"France is looking forward to the end of the current violence, and hopes that the constitutional and democratic order will eventually prevail. It is for president Ouattara and the people of Côte d'Ivoire to find the political solutions that will favor a democratic, peaceful, prosperous and reconciled nation."

Inhofe responds:

Not true. President Gbagbo has called for an immediate cease-fire several times and

has been ignored by Ouattara, the UN and French forces. The killings can come to an immediate end if these forces agree to a cease-fire.

Conclusion:

This past Wednesday, April 6, marked the 17th anniversary of the 1994 Rwandan genocide. We now know that UN General Secretary Kofi Annan and others knew of the extent of this violence early on, but did nothing about it.

We all want to prevent another genocide from occurring.

That is why the United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing more mass slaughters of the Ivoirians.

Lastly, I renew my request to Senate Foreign Relations Committee Chairman Kerry requesting that he convene a hearing as soon as possible into the atrocities committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Mr. INHOFE. I came to the conclusion that on Wednesday, April 6—that marked the 17th anniversary of the terrible thing that happened in Rwanda, the genocide—and we have information that actually Secretary General Kofi Annan had knowledge of that. It wasn't shared. We didn't have warning, and we all know 800,000-plus people were brutally murdered in Rwanda during that genocide.

What I wish to do now is make sure we are on record in warning the United States, France, and the United Nations what is going on right now.

First of all, if we look—they say it is all decided, everyone has made up their minds, yet President Obiang—President Obiang of Equatorial Guinea. He is also the current President of the African Union, or the chief of the African Union. He is on record saying that Africa must be allowed to manage its own affairs, and this is a quote:

Africa does not need any external influence. Africa must manage its own affairs.

This is the President who is the head right now of the African Union.

President Sarkozy has said—so there is no doubt about whether he has authorized his troops to go in there and participate in these raids that have taken place, two of them that I will describe in a minute. French President—this is reported on BBC News—Nicolas Sarkozy said in a statement he had authorized 1,600 strong French Licorne forces in the country.

That shows definitely, and I don't think anyone is questioning that. Here is another one:

One source said soldiers from a 1,000-strong French Licorne force—

This is a very strong force—in the Ivory Coast has been deployed in Zone 4, in the south of the city.

I think also it is important to see that France has authorized its military—and I am reading now from the same report:

France has authorized its military to participate in a United Nations operation in the

Ivory Coast to protect civilians against escalating violence there. The Elysee Palace said the operation aimed to neutralize heavy weapons belonging to troops loyal to President Gbagbo.

So he is talking about sending them in. Of course, I think most of us—I will go ahead and read one more thing here that I think is significant: "French helicopters opened fire on a military camp in Abidjan on Monday."

That is going to go down in history as "Black Monday."

If anyone wants to see what was happening with helicopters and rockets firing on all kinds of targets near the palace in the residence in Abidjan of Ouattara, go to my Web site. We have pictures of that.

Earlier, French President Nicholas Sarkozy said he had authorized France's military to join a U.N. operation against forces loyal to Ivory Coast's Laurent Gbagbo.

So, clearly, they are the ones who had—I want to say this: There are two major assaults on Cote d'Ivoire. I mistakenly thought that the French were involved in the one in a city called Duekoue. I find out later that they weren't. They were supporting, of course, Ouattara—the forces that were there, but they did not have a direct participation in it. A man named Guillaume Ngefa, who is the head of the United Nations mission in Cote d'Ivoire, said that Ouattara's forces had carried out the killings in Duekoue, and we have pictures—I am quoting them now:

We have pictures. We have evidence. This is retaliation.

That is what the deputy head of the mission in Cote d'Ivoire of the United Nations mission said.

Then: "We have credible reports of serious abuses being committed by Ouattara's side." That came from Corinne Dufka, a Human Rights Watch researcher based in Dakar, Senegal. It is raising very serious concerns.

Then further quotes. It goes on and on. I will enter all of these quotes into the RECORD.

But the bottom line here is that Ouattara's forces are the ones that were involved in Duekoue when they—the estimate they have right here is that—it comes from Patrick Nicholson, a spokesman for the Catholic aid agency Caritas, saying that an agency team in town last week on a routine aid mission had found a lot of dead bodies. "We estimate between 800 and 1,000 dead," Nicholson said in a telephone interview from Rome.

They are primarily killed by gunshot, though some of the wounds were made by machetes. I don't think they were killed in crossfire.

It is interesting, because the forces of President Gbagbo had left that area of Duekoue a week before all of that happened. So that had to have happened with those forces that were Ouattara's.

Well, anyway, I am still quoting from this, which was printed in the Washington Post:

Quattara's forces have also been accused of carrying out reprisal killings and extrajudicial executions of prisoners during their march to the capital.

Gbagbo's forces had vacated a week before.

We have pictures showing the French flags that were on the major massacre that took place and that was the one that took place on Monday night. I have already said all of this on the floor. We have talked about this and the problems.

One thing I haven't mentioned is one of the first things Ouattara did when he marched on Cote d'Ivoire in the south and on Abidjan is to turn to release all of the prisoners in one of the major Abidjan prisons—that is some 5,000 prisoners—and military sources loyal to the incumbent leader Gbagbo said the doors of the MACA prison—that is the big prison in that area—were opened by forces loyal to the President, Presidential claimant Alassane Ouattara, in the midst of an offensive aimed at Gbagbo.

Afterwards, they go into detail as to hearing the gunfire; in other words, releasing prisoners to fight against the sitting President.

Residents near the jail said thousands of youths streamed out of the prison, which had the capacity of 3,000 prisoners, but was believed to be holding over 5,000, into the neighborhood in Abidjan.

We heard gun fire early this morning and afterwards the doors of the prison were opened and prisoners were left shouting for joy.

That is something I have not had in the RECORD before.

One of the things I have to repeat that I have stated before—let me ask the Chair how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. INHOFE. I request an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I wish to speak about one of the testimonials in Duekoue.

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a UN soldier from Morocco is choking with rage and grief. I asked him if any of the dead are children. He nods and begins to sob, quietly, into his facemask.

This is something that has been happening again. We talked about this before. I don't want to abuse the time we have, but a few minutes ago I got a notice from somebody I happen to know and he says:

I must admit that it was very difficult. This day too—

we are talking about in the last few hours—

has been very confusing with the rebels parading in the streets stealing and dis-

possessing people of their goods. This is what makes it very dangerous because it is a no law zone. Hundreds of people have started leaving town avoiding the danger in Abidjan.

That is what is happening right now. The report we have now recently is that the Ouattara rebel army is deploying death squads, and I will read from this because I think it is very important that we get this down right, because I am going to make some accusations here that maybe have never been made in recent history on this floor.

I have just received devastating news about the situation in Cote d'Ivoire.

I have been told that there are "death squads" roving around the streets of Abidjan "disappearing"—

they used the word "disappearing" supporters of President Gbagbo.

Do they kill the supporters of President Gbagbo? Probably so, but they use the word "disappearing" because there is no accounting of it.

These death squads are led by soldiers of Ouattara's rebel Army. They have already killed 400 people in the last few hours.

I am talking about contemporary, right now.

If we do nothing, this soon will include the murder of President Gbagbo and his wife Simone. Ouattara's armed rebels are supported militarily by the United Nations and the French government. I call on UN Secretary General Ban Ki-moon and French President Sarkozy to condemn and halt immediately these "death squads." If they do not, I charge that they are complicit in allowing these death squads to operate freely on the streets of Abidjan.

It also calls for immediate cease-fire.

I will conclude and say that I remember well, because I was around when this happened, and when we knew—some people knew, we didn't know in advance, what was going to happen in Rwanda. President Kagame didn't know what was going to happen in Rwanda. Kofi Annan of the United Nations apparently did know what was going to happen and elected not to say anything about it, so that they weren't warned and 800,000 mutilations later, we know what the genocide was all about. We know now. We know the death squads are there. The death squads have already killed, according to these reports, some 4,000 people in the last few hours.

If we don't do anything about it, I have in my own mind—I feel very certain that those death squads run by Ouattara's rebel army will reach the hiding place of President Gbagbo and his wife Simone and their family, and they, too, will be murdered. If we don't do anything, we have been warned that can happen. We can intervene and stop the death squads roaming around in Abidjan in the country of Cote D'Ivoire.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business until such time as somebody else comes in and wants the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. INHOFE. Mr. President, I didn't get a chance to elaborate on the subject that was covered by the Senator from Texas, Mr. CORNYN. I think it is very important when we are faced with the shutdown of the government. I happened to be here in 1995, and I remember, frankly, it wasn't as bad as everybody said it was going to be. This is something that is totally avoidable now. We have an opportunity to do a 7-day extension that would take care of the military's needs, and I think it is important to do so.

I wish to also mention the vote that took place yesterday—the last vote; we had four—having to do with the overregulation, I will call it, of the Environmental Protection Agency. The first three amendments before they came to mine were offered by Democrats for whom I have a great deal of respect. In each amendment, they made it clear that the author—all Democrats—thought it was not the place for the Environmental Protection Agency to do what Congress is supposed to be doing in terms of regulation of greenhouse gases.

The votes were overwhelming in terms of the fact that they didn't have Democrats supporting them because they were temporary fixes. The only real vote that took place was on mine.

I introduced legislation several weeks ago, in concert with my colleague over in the House of Representatives, FRED UPTON, to take out from the Environmental Protection Agency the jurisdiction of regulating greenhouse gases. We all know how it happened. We know that since 2003, Members of this Senate have introduced legislation to call for cap and trade under the assumption that catastrophic global warming is taking place from anthropogenic gases, and we have been able to defeat all of those.

So while there has been a real effort by this administration to regulate greenhouse gases and do it by legislation, when they finally realized that wasn't going to happen, that they were not going to be able to garner sufficient votes to pass a bill that would allow for a cap-and-trade system—by the way, the cap-and-trade system would have amounted to between \$300 billion and \$400 billion a year as a tax increase, which would have been the

largest one in the history of this country.

When President Obama decided—in the wisdom of both the House and Senate—we were not going to pass anything that would be a cap-and-trade bill, he said: That is fine, we will do it through regulation.

That is how this whole thing started. So the effort was for the EPA to come up with an endangerment finding which would say that greenhouse gases—anthropogenic gases, methane—were dangerous to health. Well, this has to be based on science.

I remember asking the Director of the EPA, Lisa Jackson, whom I respect—I said: If you are going to have an endangerment finding, it has to be based on science. What would that be? Well, it was the IPCC, which, for the edification of anybody who is not aware, is the United Nations. They are the ones who started this whole thing, and they are the ones who would be in a position to try to force the regulation.

Anyway, the time has gone by now, and since that time, we have almost unanimity in this body and in the other body, also, that we don't think the EPA has the ability or the authority to regulate greenhouse gases and to do administratively what we refuse to do through our own bills we pass.

That is where we are today. One of the things I am thankful for is that my amendment got 50 votes. It was 50–50, pretty much down party lines. But the people who are voting against my amendment are saying: We want to have the EPA have this authority—the authority of overregulation of not just the oil and gas industry but all other industries also. The primary target for them would be fossil fuels.

The fact that we have oil, gas, and coal—by the way, there is a fairly recent finding by the Congressional Research Service that we have the largest reserves in the United States—recoverable reserves—of oil, gas, and coal of any country in the world. This is not something you hear on the other side.

We have heard President Obama say several times that we only produce 3 percent of the oil and yet we use 25 percent or whatever it is. Those are proven reserves. The difference is that a proven reserve means you have to drill and prove it is there. But the government won't let us drill. I am talking about the east coast, the west coast, the gulf, the northern slope—83 percent of our public lands are off limits. If we were to open that up, we could be completely independent of the Middle East for our ability to run this machine called America. That is why this issue is very important.

I have already served notice, but I will do it again to make sure it is clear. While we needed 60 votes, we only had 50 votes. I am going to put that amendment on as many bills as

come up so we have an opportunity for people to know the seriousness of this problem.

I suggest to you—and I will not name names—that if people, prior to this vote, would have called different individuals, the staff would have responded: Well, we don't know how our Senator will vote, but he will certainly take your comments into consideration.

Now we know because we have the votes in so that we can say which ones did vote for it, and anybody who didn't vote for my amendment is saying they believe the EPA should have that total control that we refuse to give it through legislation.

Anyway, it is not over yet. In fact, I think that was a major milestone, a victory. We now know who is for it and who is against it. I know there will be another 10 Members who will see the light and realize that we still—it is fine, I am for all of the above, for the renewables—wind, sun, thermal—as well as the fossil fuels. We need all of the above to become totally independent and be able to run this machine called America. That is what is coming up. I am happy we have taken the next step, and I look forward to making another step after that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I rise at this late hour in the afternoon to join many of my colleagues who have come to the floor today to express growing frustration with the politics as usual in the Capitol. I say “politics” not “policy” because I think we should be focusing on policies that will get our country back on track.

I have to say, people who are watching the debate are witnessing potentially an impending government shutdown that I think is needlessly being forced on the American people. That is whom we are, after all, here to serve. I know the Presiding Officer feels that strongly. I am not the first person to highlight how disturbing our long-term fiscal picture has become, but what is equally frustrating is the disservice being done to the American public by this current debate on our budget—a budget, by the way, for the second half of 2011. It is not a budget debate we need to have on 2012 or the longer term challenge the Simpson-Bowles Commission pointed out.

We ought to be focusing on supporting economic development and job growth. While we are doing that, I be-

lieve the Senate and some Members of the House of Representatives continue to seek sustained confrontation and seem to me to be interested in shutting down the government as a misguided statement that they are serious about debt reduction. It seems they want to pick a fight for a fight's sake while our people, the U.S. citizens, will be left to pick up the pieces from a shutdown.

The latest demands have not been about funding the government at all. I think we have common ground on what the number ought to be. The fight now seems to be on controversial abortion and climate change issues. I do not understand it. We have this tentative agreement to cut billions from current spending levels, but the Speaker of the House seems to continue to demand we ought to focus on controversial climate change issues.

These are hot-button issues. Why we would insert them in an unrelated budget debate when there is so much at stake is beyond me. I understand we want to show the American people we are serious about deficit reduction. I am. I know the Presiding Officer is.

In Colorado, people see straight through this latest ploy. What do abortion and climate change have to do with finding a compromise on keeping our government running? Nothing. They have nothing to do with that. It strikes me the debate has become increasingly ideological and increasingly about sending a partisan political message, one that leaves the American people paying the price.

We have had 13 straight months of private sector job growth. We have added 1.8 million jobs in that time. But our economy is still fragile, and way too many Americans, way too many Minnesotans, way too many Coloradans are struggling. I have no doubt a government shutdown at this time would create a counterproductive effect on our economic recovery.

Do not just take my word for it. I am a Senator from Colorado. Listen to what top business leaders of all political persuasions are saying. The Business Roundtable president, John Engler, a former Republican Governor of Michigan, said businesses would face the dangerous “unintended consequences,” where interest rates could rise because of a shutdown, and there could be turmoil in our financial markets. Forecasters at Goldman Sachs have warned that a shutdown could shave off growth in our GDP every single week. CEOs of all stripes have warned about a shutdown's impact on confidence in the U.S. economic recovery. The Presiding Officer and I know and Senators from across the country know confidence is what we need to build. That is what is lacking in many respects.

A setback of this nature, a shutdown would actually prevent the growth we tangibly need to address our long-term

growth and fiscal balance—in other words, get the economy growing again. We will have more tax revenues and we will see the gap between what we are spending and bringing in narrow.

I cannot help but think, in the context of this debate, about my Uncle Stewart Udall, the father of Senator UDALL from New Mexico. He wrote a book called “The Forgotten Founders” that focused on the settling of the West. I should add he focused on the people who were there at the time the Europeans arrived.

The theme of the book was on how the West was settled, how it was built. It made the strong case that people coming out to the West—I think the Presiding Officer’s home State, which is in the near West, might fit this characterization—people coming to the West were not looking to get into gunfights or range wars. They were looking to start their lives over to pursue the American dream.

Stewart pointed out that in reality, particularly when we watch those Hollywood movies, people standing on the board sidewalks watching the gunfights were the people who built the West, and they built the West working together, solving problems, looking out for one another. It did not matter what your political party was. It seems to me the American people are standing on one of those board sidewalks watching the same senseless gunfights and range wars right here in Washington, DC.

I know I was sent to Washington to work together and solve shared problems. I suggest this spirit I described is in stark contrast to this new kind of divisive politics that is brewing away in America. It is the kind of politics that furthers disagreement. It draws ideological lines in the sand, and it sows disrespect at the expense of shared interest and collective prosperity. The American people are seeing a disappointing example of that this week.

While a vocal minority seems to favor acrimony and combativeness which, in the end, will further slow our economy, many of us are doing what we can to do the people’s business and try in good faith to prevent a government shutdown.

As the American people look on in amazement at this spectacle, I stand with them wondering if Members of Congress will finally settle down, act like adults, and work collaboratively toward a real budget solution.

Yes, we have to reduce our government deficit and debt. One would be hard-pressed to find a Senator more committed to that cause than I am. Let’s reach that goal. Let’s reach it in a way that protects our senior citizens, our students, our veterans, our border security—I could go on with a long list. Let’s do it in a way that slashes spending but does not harm our fragile eco-

nomie recovery or divert our attention on divisive social issues.

We cannot afford a government shutdown. I will be disappointed, to say the least, if the bipartisan deal that is before us is undercut by contentious, unrelated issues such as abortion and climate change.

I wrote a letter 2 days ago to the Speaker of the House, Mr. BOEHNER, whom I know well, in which a large number of my fellow Senators joined me to suggest to him and urge him to work with us to avoid a Federal Government shutdown. I will stay here all day, all night, whatever it takes. I am here to urge my colleagues in both Chambers—I served in the House and I now have the great privilege of serving in the Senate—let’s sit down together, let’s reason together, let’s be commonsensical together. Let’s find a compromise. That is the American way. I know that is what propelled me to the Senate, my willingness to work across party lines. I think the Senate of the United States could set an example. There are colleagues on both sides of the aisle who have worked together, and we know the stakes are high.

That is the reason I came to the floor, to urge Senators of both parties to work together to find a common-sense compromise to keep this government moving forward and make sure our economy is focused upon and we produce as many jobs as possible. That is job one.

Mr. President, I thank you for your attention and for your interest. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time because we are now only literally hours away from a potential shutdown of government. I must tell you that my constituents are angry about this, and I join them in saying this should never happen. There is no reason why we should have a government shutdown.

We know the financial issues, and there have been good-faith negotiations. It is my understanding we have pretty much resolved the financial issues. And, remember, we are dealing with 12 percent of the Federal budget. We need to get to the 2012 budget and get a credible plan to deal with the deficit. We all understand that. We are talking about the 2011 budget—the budget that started on October 1 of last year and will end on September 30 of this year. We are over halfway through that budget year.

There are differences between where the Democrats were and where the Republicans were. Everyone understood it couldn’t be what the Republicans wanted or the Democrats wanted; that we needed to have good-faith negotiations. Those negotiations have taken place, and it is my understanding we have pretty much agreed on the dollar amounts and we are prepared to move forward.

But let me talk a little about what will happen at midnight tomorrow night. I have the honor of representing the people of the State of Maryland. There are almost 150,000 active civilian—civilian—Federal employees who live in the State of Maryland. I happened to bump into one of those Federal employees today who asked me a question. She asked me: What am I supposed to do if we have a government shutdown and I don’t get a paycheck? I don’t have any savings. How am I going to pay for my mortgage?

We already have too many people whose mortgages are in jeopardy because of the weakness of our economy, and now 150,000 Marylanders are in jeopardy of losing their paycheck as a result of the inability to resolve this year’s budget.

I also happened to talk to people who run our Metro system here, and they told me if we have a government shutdown it will mean \$1 million less in the fare box, possibly every day, because of the number of people who won’t be taking the Metro because they are not going to be going to work. A lot of Federal workers are not going to be going to work.

Guess what. They are not going to stop at the coffee shop to buy coffee or buy that lunch. They won’t be patronizing the shops. It is going to hurt the small business owners who depend upon that business; depend upon the people who use their paychecks to do their cleaning or go to the different shops. It is going to hurt our economy. It is going to hurt innocent small business owners, just at a time that our economy is starting to recover.

I will give another example. A person contacted me today, one of my constituents in Maryland who happens to have an issue concerning the need for a passport to be issued. It needs to be issued rather quickly. We are going to try to accommodate that person to get it done by tomorrow. But suppose that call would have come in next week after there is a government shutdown and that person has travel plans that now may be disrupted because we cannot issue that passport. The list goes on and on of people who are going to be hurt as a result of a government shutdown.

We know a government shutdown will actually cost the taxpayers more money. A shutdown costs taxpayers money. More money than the differences in our negotiations in the last

couple of days will be lost. So don't tell the taxpayers of this country that we are having a government shutdown to save money. It will not save taxpayer money, it will cost them additional moneys. It will jeopardize our recovery, and individual people will get hurt as a result of the government shutdown.

What is the issue? We have already said the money issues—this is a budget debate—have been pretty well resolved. It is not the dollars. It is not the differences you heard—and the differences, frankly, were quite small compared to the size of our budget deficit and the gap between spending and revenues. The issue that is now being raised by the Republicans has nothing to do with dollars. It has to do with their social policies. It has to do with family planning. It has to do with the Environmental Protection Agency being able to enforce our environmental laws, the Clean Air Act. Does that sound familiar? It should because we debated those issues on the floor of the Senate yesterday, and we took votes on these environmental issues yesterday on the floor of the Senate, as we should do, debating these issues on their own individual merits.

It should not be included in the budget resolution for the remainder of this year. That is not the appropriate place for it. We are not here to debate the social agenda. Those issues should be done on the bills, the substantive bills that come forward.

You sort of get a little suspicious as these issues are being raised as to whether, in fact, those who are negotiating on the Republican side are sincere in trying to reach an agreement to prevent a government shutdown or whether they continuously move the goalposts and change the rules in order to bring about a government shutdown.

I must tell you, I was disappointed, as I heard Republican after Republican in the last couple of weeks talk about a shutdown might be good for the country; if we have a shutdown, so be it. Let's do it. Even some Republicans calling for a shutdown.

I understand there is a problem the Speaker of the House has in dealing with the members of the Republican caucus who belong to the tea party, and they are insisting he not compromise; they don't want to see any compromise. I understand that, but those Members do not control the process. We have a majority of the Members of the House and a majority of the Members of the Senate who are prepared to move forward with this compromise that will not only keep government functioning but will allow us to get on to the real issues of dealing with the deficit of this country by looking at the 2012 budget. There we will be considering more than just the discretionary domestic spending cuts, we also can take a look at the other

programs, including military and mandatory spending and revenues, and get a credible plan to deal with the deficit.

We have enough votes among the Democrats and Republicans to pass this compromise. We do not have to yield to the extremists on the Republican side in the House who do not want to see any compromise whatsoever, but what worries me is that perhaps the design is to close the government; that is what the Republicans want. I know Speaker BOEHNER got a standing ovation when he informed his caucus to begin preparing for a possible shutdown.

These are serious issues—like that Marylander I talked to today who may, in fact, lose her home if there is a government shutdown or that constituent who had planned a trip and found out that because their passport will expire shortly, they need to get it renewed before they are permitted to enter a foreign country and will need to get that passport tended to or lose the opportunity to travel, perhaps, for a family event or perhaps for business or the taxpayers of this country who are scratching their heads saying: What are you doing adding to the cost of government when I thought this was a debate about reducing the cost of government.

It is not about the dollars. If we have a shutdown of government—and I really hope we do not have a shutdown of government, but if we have a shutdown of government, it is not the dollar difference, it is the social agenda that the Republicans are trying to push through this document, that should not even be on this document, that they are now using as a reason to deny a compromise. It is the extreme elements within the Republican caucus who are saying let's have this government shutdown who will be getting their way.

There is still time remaining. I hope common sense will prevail. I hope people understand how serious a government shutdown is to our country, to our image internationally, to our ability to conduct business internationally, as well as our ability to provide the services to the people of this Nation who expect those services. We still have time. This is a democracy. Let the majority rule. I think we have the majority of Democrats and Republicans alike who want to bring this issue to conclusion, who know that we have a good compromise done right now that compromises the differences between what the Democrats would want and what the Republicans would want. That is how the process should work.

Yes, I am here—representing the people of Maryland, including a large number who work for the Federal Government and a large number who depend upon those who work for the Federal Government and a large number who depend upon the services of the Federal

Government—to say let's get this done, not yield to the few on the Republican side in the House. Let's get this job done for the people of Maryland and for the people of this Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, tomorrow night at midnight, unless steps are taken, we will be facing a government shutdown. When I say steps are taken, steps are taken to avoid that. That can happen one of two ways: That could be an agreement that funds the government through the end of the fiscal year, which would be September 30 of this year, and there are negotiations that continue on dealing with that issue, or there could be a short-term continuing resolution that would take us through the next week that would enable those who are negotiating a longer term agreement to continue their discussions and hopefully to conclude a successful outcome to those discussions.

I want to remind my colleagues—and I believe I have been on the Senate floor a number of times speaking to this issue, but I think it bears repeating—why we are here, why we are in the middle of the sixth continuing resolution. This is the sixth short-term continuing funding resolution that we have had to live with since the end of the fiscal year, which was September 30 of last year.

The reason we are here is because last year the Democratic majority in Congress failed to pass a budget and failed to pass a single appropriations bill. They didn't fulfill the most fundamental responsibility that we have to the American taxpayers; that is, put together a budget that funds their government. So we have funded the government through these successive continuing resolutions. As I said before, we are now in the middle of the sixth short-term funding resolution which expires tomorrow night at midnight.

My colleagues on the other side have been coming to the floor and attacking the Republicans for wanting to shut down the government. I would say to my colleagues that nothing could be further from the truth. I think everybody here recognizes that no one benefits from a government shutdown. Frankly, the effort has been made in the House of Representatives to pass a long-term funding resolution that would take us through the end of the fiscal year, through September 30 of this year, but that failed in the Senate. We had a vote on that. It failed and

there has not been, since that time, any meaningful effort made on the part of the Democrats in the Senate to put forward a proposal that might, in fact, be able to pass the Senate and ultimately pass in the House of Representatives.

So we triggered these discussions between the White House and the leadership in the House of Representatives and the leader of the Democrats in the Senate. My understanding is those discussions continue. I hope they will reach a conclusion, a successful conclusion, but until that time happens we need to do something to make sure the government stays open beyond tomorrow night at midnight. So we will receive from the House of Representatives a piece of legislation that they passed earlier today, a continuing resolution that actually reduces government spending by about \$13 billion, discretionary spending, all cuts that have been agreed to by both parties, and also extends funding for the military through the end of the fiscal year.

There has been a lot of discussion about we need to provide some certainty for our military so they can plan. I agree with that absolutely. I met with members of our military, with our military leadership. It is important that we take care of the funding needs that they have through the end of this fiscal year.

So what did the House of Representatives do? They took a series of spending reductions which had been agreed upon, as I said, by both parties; they funded the military through the end of the fiscal year, through September 30; and they added a couple of provisions to that legislation that had been widely supported by both parties in the Congress.

There is a ban on abortion funding in the District of Columbia which has been supported by the Democratic leader, the Democratic whip on countless occasions. They included a provision that would prevent funding being used to bring detainees here and try them in the United States instead of at Guantanamo Bay. That is something widely supported. In fact the last time it was supported was when the Defense authorization passed late last year in December, and it passed by unanimous consent. So many of my Democratic colleagues are on record supporting all the elements that are in this continuing resolution that will be coming over to us from the House of Representatives.

The question then becomes, Who is it that is trying to trigger a government shutdown?

I am not here this evening to play the blame game. I do not think that serves anybody's interest, nor do I believe a government shutdown serves anybody's interests very well. I think the American people expect us to find solutions. They expect us to work out

our differences but eventually to agree. I think that has certainly happened in the form of this continuing resolution that is coming over from the House of Representatives.

In fact, it passed the House today with 247 votes, including a number of Democrats. There were a number of Democrats who voted with the majority of Republicans in the House to pass a continuing resolution that takes on the issue of out-of-control Washington spending, which has been very clearly documented. We need to get spending under control.

We are adding to the Federal debt at a rate of \$4 billion every single day, which means by tomorrow night at 6:30—it is 6:30 tonight—tomorrow night 6:30 on Friday, we will have added another \$4 billion to the debt. That is the debt meter we are running. Every single day we add \$4 billion to the Federal debt that we pass on to future generations.

We are borrowing over 40 cents out of every single dollar the Federal Government spends. We cannot continue to do that. We will take in \$2.2 trillion this year, spend \$3.7 trillion. That is \$1.5 trillion in deficits in a single year. Add that up year after year after year and we end up with a \$14 trillion debt, which is where we are today. It is growing at \$1.5 trillion every single year.

So we have to get spending under control. I understand there is not a lot of appetite on the other side of the aisle for taking on Federal spending. In fact, many of my colleagues on the other side thought it was an ambitious proposal when they put forward an alternative to the Republican-passed bill that cut discretionary spending by \$61 billion. They put forward an alternative that cut \$4.7 billion.

That is the equivalent of the Federal debt we will add in the next 24 hours. That was their, I guess, idea about a serious effort to meaningfully address deficit spending and debts. The fact is, we have to deal with the issue of out-of-control spending.

Clearly, the continuing resolution, the short-term continuing resolution that passed the House, is coming to the Senate, takes on that issue, but does it in a way that cuts spending—spending cuts that, as I said, both sides have agreed to. It is a mystery to me as to why our colleagues on the other side would reject a proposal that includes spending cuts that have been agreed upon by both sides.

Frankly, if, in fact, it is true, in the reports I have read, that Democrats would accept somewhere on the order of \$43 billion in cuts for the balance of the fiscal year, this represents about \$12 or \$13 billion. So we are still considerably under what they have agreed to in terms of a total number, but with regard to the actual cuts that are suggested by the House-passed legislation,

they are, by and large, cuts the Democrats have agreed with.

So we have agreement on these reductions in spending, we have a general agreement that we ought to fund the troops through the end of the year, and we have an agreement on the so-called riders—at least there has been agreement in the past, broad bipartisan support. I would argue that the two particular provisions on this bill are provisions that are supported by probably 70 percent of people across this country.

So we have a piece of legislation that has broad bipartisan support, that has come over to us from the House of Representatives, and that would prevent a government shutdown at midnight tomorrow night. It is a great mystery as to why our Democratic colleagues would not accept that and do what I think is in the best interests of the American people; that is, at least get us into next week, where a final negotiation on the longer term continuing resolution can be concluded.

We have a problem in this country. We have a government that is spending way beyond its means. We have to start living within our means. We cannot continue to spend money we do not have. The efforts that are being made to reduce spending are long overdue. I hope they can conclude a successful agreement on a longer term resolution that would get us through the end of this fiscal year.

But I think it is important to point out, right here right now, that we have an opportunity to prevent a government shutdown, to fund our troops through the end of the fiscal year, and to reduce, in a meaningful way, spending, with spending cuts that have been agreed to by both sides in the form of this continuing resolution that was passed in the House this afternoon, with a large number, not a large number but a significant number of Democrats supporting it.

I would suggest to my colleagues on the other side, and I hope they will work with us to make sure we avoid a government shutdown, that we fund our troops and that we make a meaningful dent in out-of-control Washington spending. I would, again, as we approach that time tomorrow night at midnight, hope the leadership on the other side will take up that legislation that was passed by the House of Representatives, give us an opportunity to vote on it. I will submit there will be a large bipartisan vote in the Senate. If we do not have a large bipartisan vote, it will suggest that there are a lot of people who have changed their positions on the issues that are included in this piece of legislation because they are all things that many of us on both sides have supported and I suspect continue to support.

That will avoid that witching hour tomorrow night at midnight, where the government shuts down. They have

given us an opportunity to vote on legislation that would do that. I hope we will take them up on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri

Mrs. MCCASKILL. Mr. President, I think there are times around here that we lose sight about what real people are doing in our home States. I think we lose sight of the struggles, their daily struggles, how they live their lives with integrity and honor every day and go to work.

Yesterday, we got a call in my office from a young lady. She was on her cell phone. She is a nurse, a nurse's aide at the VA hospital in St. Louis. She was on her break, and she was on her cell phone.

She talked to the young lady who answers our phone and said: I want you to tell the Senator that I have got kids, and I bring home the paycheck. The way I feed my kids is with my paycheck I get working here at the VA hospital, and I am scared. I am scared about what is going to happen if all of a sudden I quit getting my paycheck. I have no place to turn. I am a single mom, and I am very worried.

Then, she said: Would you hold on a minute? Then she handed her cell phone to someone else in the break room at John Cochran VA Hospital, and then that woman handed the cell phone to another woman. By the time this conversation was over, the young lady who answers the phone in my office had talked to half a dozen women who do not make a lot of money, who go to work every day caring for our veterans in a veterans hospital.

You know what they all said? Why is this happening? Why is this happening? If Latonya and her friends were here right now, I would say: You know what, that is a darn good question, why this is happening. This is not a game. This is not a game of ping-pong, where we are hitting the ball up and down this hall from the House to the Senate, fighting over divisive social issues that, frankly, our country has struggled with for decades and will continue to struggle with.

This is about running our government and about the money it takes to run our government. That is all it should be about. It should not be a time for us to argue about Gitmo. It should not be a time for us to argue about women's reproductive health. It should be about funding our government. We have many other occasions we can debate those issues and disagree. And reasonable people do disagree.

But now is not the time to debate those issues at the 11th hour, when Latonya is not going to get a paycheck to feed her kids. I am for cuts. I have been the odd man out many times in caucus fighting for cuts. I worked on spending cuts last year with Senator

SESSIONS from Alabama. I continue to work with Senator CORKER about cuts.

I am somebody who said the original proposals that my caucus made were way too little. But you know what I am beginning to feel like? I am beginning to feel like I have been duped, because I thought that was what this was about. I thought it was about cuts.

Let's review the facts. The chairman of the House Republican Budget Committee and the Speaker of the Republican House said we need to cut \$32 billion out of the remaining budget this year. I have to tell you the truth. I did not think that was unreasonable. I will admit, I am to the right of much of my caucus on some of this cutting stuff. But I did not think that was unreasonable. So I was glad when we went to the Republicans and said: You know what, we will cut. We will cut what you wanted to cut. In fact, we will cut more than what the House Speaker and the chairman of the House Budget Committee wanted to cut. That is where we are today. We have put more cuts on the table than they initially recommended.

I am beginning to realize this is not about cuts. This is about a much more extreme agenda that has to do with social policy, not about money. They keep moving the goalpost. What is the number? They keep moving the goalpost. We have gone more than halfway. In my neck of the woods, that is called a compromise.

We have the Republicans controlling the House, the Democrats control the Senate. That is why compromise is so important. What is wrong with a compromise? Let's do the compromise, fund the government, and get on with it, so Latonya can get her paycheck and the other women who work with her at the VA hospital can get their paycheck.

They will not take yes for an answer on cuts at this point. They want to make it about something else. Was the CR today just about military pay? No. No, it was not. I did notice one thing they did not put in the CR today. Why will the House Republicans not pass the bill we had asked them to pass to cut our pay if the government shuts down?

I will certainly not take a paycheck, and no one should take a paycheck. Why is that not being passed by the Republican House of Representatives? Why was that not put on the CR today? They want to, once again, pass something about moving people out of Gitmo, which has nothing to do with the budget for the rest of the year. When they were doing the Gitmo thing, why did they not put the pay for Members in there? Why did that not occur? I know the talking point is that—this is one of the talking points we are hearing from the other side: Well, you should have gotten this done last year. We can get it done today—we can get it done today.

We have gone more than halfway on a compromise. This is no longer about the cuts. This is not about the money; this is about an extreme agenda.

Latonya's paycheck and the paychecks of her friends in the break room at the VA hospital hang in the balance. Let's review what happened last year on the budget. The Republican Party participated in every Appropriations Committee in the Senate, and every Appropriations Committee passed a bill.

At the end of the year, that bill was brought to the floor because the appropriators believed the Republican appropriators were supporting the bills they helped write. In fact, those Republican appropriators stuffed that bill full of earmarks for Republicans. Hundreds of earmarks for Republicans were stuffed in that bill.

It was brought to the floor. I remember the night it was brought to the floor. It was in the lameduck. Then the Republicans decided they did not want to support it anymore. By the way, it was not as if passing anything around here was easy last year. If anybody was paying attention, it was about: Let's drag this out. Let's be stubborn. Let's make sure they have to get 60 on everything.

Is there blame to go around that the budget did not get done last year? Sure. There is blame that can go on both sides of this aisle. I am not here to say it was the Republicans' fault or the Democrats' fault. But certainly it takes a lot of nerve to say the only reason we do not have a budget is because the Democrats were not willing to pass a budget last year.

It was a little more complicated than that, if people will remember the facts as they occurred at the time. So it appears to me now that there are certainly a lot of people down the hall who want the shutdown. I was interested when I saw in the paper that when Speaker BOEHNER announced to his caucus they were preparing for a shutdown, he got a standing ovation.

Well, I can assure you, there are no standing ovations in our caucus. There are no standing ovations. I will tell you what, when I go to sleep tonight, I am going to be thinking about Latonya. I am going to be thinking about her kids and what she is telling them tonight and what not getting one paycheck means to that family. Just one paycheck can make the difference, can send a family down the path of getting behind on the mortgage, behind on the bills, and then not having a way to catch up. That is what we should be thinking about right now, not about those social issues that we disagree on and that we can debate and disagree on for many years, as we have for the last 40. But really, can we get a number? Can we make the goalpost quit moving? Can we agree on the cuts and then get on to the hard work? How embarrassing is it that we are fighting over

literally a few billion dollars in difference.

If this is so much about cutting the debt—for another day, I want to talk about this, but, really, the Republican budget was released this week. Guess what it adds to the deficit over the next decade. The Ryan roadmap adds \$8.2 trillion to the deficit over the next decade. That is how serious they are getting about the deficit. It cuts taxes for a lot of wealthy people. It doesn't do much on the deficit.

I am all for cuts. I have stood for cuts. I will continue to stand for cuts. This government has to shrink. But what is going on right now is a political game. It is shameful. It should stop. We should make an agreement on the numbers, move on, and make sure Latonya gets paid.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise as someone who lives in a State where we balance our budget every year, where the citizens of Wyoming and families all across the State live within their means, balance their budgets. They know what it means to have to live within a budget. That is why our State is one that currently today does not have a deficit, does not have a debt, a State where every year, by constitutional mandate, we balance our budget. It is time for Washington to take a lesson from Wyoming and balance its budget. This irresponsible spending must stop.

Here we are, a day from when it looks as if we may be dealing with a government shutdown, and I am ready to vote. I am ready to vote for a bill that already passed the House of Representatives early today. I am ready to vote to keep the government open and functioning, to make sure services are there. The bill passed the House. People who have studied civics in school realize that is how we make a law in this country. It passes the House, the Senate, goes to the President, who signs it into law. The bill has already passed the House. It is coming to the Senate. I don't know where other Senators are, but I am ready to vote.

I heard my colleague talk about a shutdown and who was rooting for a shutdown. It is no surprise to people who may be watching at home that it is former Democratic National Committee chairman Howard Dean who is rooting for a shutdown. The former chairman of the Democratic National Committee says:

I think it would be the best thing in the world to have a shutdown. He is the spokesman for the party of the other side of the aisle. That may be what he wants. I don't want to do that. I want to vote for the bill that passed the House. It is the only proposal that is out there. I haven't seen the Democrats offer anything. Even the New York Times said of the President that he was "silent for too long."

We have heard our previous speaker talk about the social issues. Let's remember that it is convenient amnesia for Democrats to talk about that specific issue because the President voted for and signed into law spending bills that included similar—actually the identical social issue in the past, the one he is opposing today. So did 49 current Senate Democrats. They also voted for a spending bill that dealt with that social issue. Why all of a sudden today it is different? I believe it has to do with what the former chairman of the Democratic National Committee said:

I think it would be the best thing in the world to have a shutdown.

Republicans are proposing solutions. What do we see from the other side of the aisle? We see the senior Senator from New York saying, "I always use the word 'extreme.'" It doesn't matter what is proposed. He says, "I always use the word 'extreme.'" There are tape recordings of him saying this. He then said, "That is what the caucus instructed me to use this week." Regardless of how reasonable a proposal may be, regardless of the solutions that may be proposed, "I always use the word 'extreme.' That is what the caucus instructed me to use this week."

I travel back and forth to Wyoming every weekend, visit with people and sit around at different locations, sometimes a morning breakfast group, sometimes it is people at lunch, dinners, community meetings.

I ask them: How many of you believe you have a life that is better than your parents had?

Every hand goes up.

Then I ask: How many of you believe your children will have a better life than you have right now?

Very few hands go up. That is the problem.

I ask them: What is the concern? Why do you believe you have a better life than your parents did but your children will not have as good a life as you?

The answer they give is the debt, the reckless spending in Washington—reckless, irresponsible, unsustainable. Yet, when we want to go ahead today, do cuts in spending, keep the military going, deal with the issue at hand, keep the government functioning so we can come back and continue to work on the debt and the spending, this body is not ready to vote.

I am ready to vote. I am ready to vote for the only proposal on the table—the one the Republicans in the House of Representatives passed today. That is real leadership. It is a plan. It will work. It is what the American people are asking for.

I have people from Wyoming coming to Washington all the time. They say: We realize things are tough this year. They come and explain a program that is good for people in the community,

good for children, good for seniors—I met with six or seven groups like that today—good for students in school. They say: We know that all of us are going to have to deal with the realities of the facts, that we can't continue with this unsustainable spending where 40 cents out of every dollar we spend is borrowed, significant amounts from overseas. Our No. 1 lender is folks in China. I say: Is that your concern? That is absolutely the concern I hear around the State of Wyoming.

They see that the President of China comes over and tells America a few weeks ago that he wants the Chinese currency to be the currency of the future and the dollar to be the currency of the past. That is because he knows we have an addiction to spending, and it must stop. That is what I hear from people from Wyoming who come here as well. They say: We need to make sure we get the spending under control.

It seems reasonable to get back to the level of 2008 spending. That is the level many American families are living under. They balance their budgets. It is time for Washington to do the same.

I know the people in Wyoming. I have visited with a number through the week and in many communities last weekend—in Worland, Caspar, Laramie. What they are saying is, get the spending under control, and do it in a reasonable manner. But for someone to come from the other side of the aisle and say he thinks the best thing in the world to do is to have a shutdown and for another person to say he always uses the word "extreme" because that is what his caucus instructed him to use this week—that doesn't solve the problem. That doesn't let us find a solution. There is a solution on the table right now. It is a solution that has been proposed. This Senate ought to be voting on it tonight.

For the President to say he is going to veto it shows that the President is truly not engaged in this process. He has been silent too long, according to the New York Times. His budget that he has proposed, the Economist, a world-renowned, respected publication, called "dishonest." That is not the kind of leadership we need. We need someone in the White House fully engaged, taking an active role, and making sure we get back on a course that is responsible, that allows us to live within our means, as families know, because we have to stop spending money we do not have. Stop spending money we do not have. That is the way for Washington to behave in a responsible way, to make the difficult decisions necessary for the future of the country, to focus on the issues that affect families and their needs. Families who are trying to deal with kids and bills and a mortgage know what it means to have to live within their means.

When we see policies coming out of this administration that are ones making the pain at the pump even worse, as families are noticing they are paying \$700 on average more for gasoline this year than last year, that is money that is not available for other bills or for a mortgage or to help with their kids. Those are the issues they are facing, people trying to pay for their own health insurance, realizing the increased cost of the insurance because of the Obama health care law that passed way over the objections of the American people, crammed down the throats of the American people by the other side of the aisle.

The American people are saying: This is absolutely wrong. That is why I think we saw last November the election results we did across the country. That is why we see people continuing to stand up and speak out across the country. That is why people continue to go to townhall meetings and share their views about the problems happening in this country.

It is interesting. When I think of the great Presidents through the history of our country—we all have our favorites—I think of Ronald Reagan. He said that you can't be for big government and big spending and big taxes and still be for the little guy. We have on the other side of the aisle people who are for big government, big spending, and big taxes. They are not for the little guy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have been listening to the remarks of my friend from Wyoming. I noticed that he repeatedly indicated that what we needed to do in this building was to keep the military funded, to deal with the deficit, and to cut spending. It is my firm belief that if we were sent a bill that kept the military funded, that dealt with the deficit, and that cut spending, it would pass in the Senate very readily. Indeed, we have already agreed to \$73 billion in spending cuts. As Senator MCCASKILL said earlier, the problem is that the Republicans won't take yes for an answer.

The issue dividing us at this point is not the need to keep the military funded. We completely agree on that. It is not the need to deal with the deficit. We agree on that. Indeed, the last time we successfully dealt with the deficit, it was under the Democrats. Clearly, we have gone way more than halfway by agreeing to cut \$73 billion in spending. So as to those three points, the answers are yes, yes, and yes. So what is the problem?

The problem is two riders that are being insisted on in the negotiations, one of which would eliminate funding for Planned Parenthood and the second of which would gut the Clean Air Act—Planned Parenthood and the Clean Air

Act. I thought this was about the deficit. I thought this was about solving our fiscal situation. The facts are a little different.

Here we are, mere hours away from the first government shutdown since Newt Gingrich forced one during President Clinton's first term. We are facing some 800,000 Federal workers being furloughed; millions more, including men and women in uniform, who will begin working without pay. Projects will grind to a halt. People working under government contracts will stop. There will be a real danger to our fragile economic recovery that is just starting to gain steam. Why take that risk?

In front of cameras all week, Republicans have been saying that despite these dangers, they will threaten a government shutdown because we need to tackle the deficit. The story behind the scenes is quite different. Even though the tea party has focused 100 percent of its cost-cutting fury on only 12 percent of Federal spending—only the nonsecurity, so-called discretionary spending—we agreed to the level of cuts Republicans wanted. Nothing on the revenue side, everything on the spending side, and only from 12 percent of the budget, and yet we were still able to come far more than halfway to where the Republicans are, virtually within single-digit billions of dollars of agreement. Yet we still find ourselves without funding for the government beyond tomorrow night.

We have heard today that it has to do with the fact that we did not pass a budget last year. Well, we did not pass a budget last year, but we tried. As Senator MCCASKILL pointed out, she and I were on the floor when the omnibus spending bill came to the floor. It had been negotiated in a bipartisan fashion. It had come through all the different appropriating committees. It would have funded the government through September 30. We thought we had an agreement, and at the last minute all of the Republicans who had agreed to it changed their minds, literally while we were on the floor. The bill went down. One Republican Senator even took to the floor to gloat about the end of that bill.

So it is a little bit of crocodile tears to blame the Democrats for not having an appropriations and budget bill at this point from the side of the Chamber that took that bill down, that pulled their individuals who had participated in that bipartisan bill out of the deal, that filibustered it, and that shut it down. That is why we are here today. The minority party used its filibuster power, walked away from a deal it had already signed off on, and took down the spending bill. So here we are. It is important to stay somewhat close to the facts.

So now the Republicans are using the deficit concerns, which I think Senator BARRASSO said very clearly: Keep the

military funded, deal with the deficit, and cut spending. That is what we are prepared to agree to do. But the bill we are being asked to agree to now is a Trojan horse. It is a Trojan horse that looks like a deficit bill, but inside it is filled with tea party ideology. It is filled with an extremist rightwing political agenda to do things like eliminate Planned Parenthood and give America's polluters free reign in violation of the Clean Air Act as it has been determined by the U.S. Supreme Court to apply. This is no longer about the deficit; this is about trying to force a very radical agenda down America's throats in a Trojan horse that looks like it is about the deficit.

What is it really about? Well, you do not have to go very far from this building. Just a few days ago, outside, you had the tea party ralliers, and what were they chanting outside of the Capitol? They were chanting, "Shut it down. Shut it down. Shut it down." That is what the tea party wants. That is why we are here. And, sure enough, when the Speaker went to his caucus on the Republican side and announced to them—to the people who are actually here making decisions in this Congress—that he was notifying the administrative staff on the House side to prepare for a shutdown, what was the reaction? It was a standing ovation supporting the Speaker in that.

So on the outside of the building, you have the tea partiers chanting, "Shut it down. Shut it down. Shut it down." You have the extreme Members of the House Republican caucus out there with the tea partiers, egging them on, "Shut it down. Shut it down. Shut it down." They come back into the building. The Speaker says: We have to get ready to shut it down. They give him a standing ovation. They could not be happier about this. They load the bill up with things that have nothing to do with funding the military, nothing to do with cutting the deficit, nothing to do with bringing down spending, but instead accomplish ideological missions that the Republican Party has been on for years.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. WHITEHOUSE. Absolutely. I yield for a question.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, I thank him for his outstanding remarks. My question is this: Isn't it true we have had many, many Republicans in the House, Sarah Palin, Newt Gingrich, some Presidential candidates, erstwhile potential Presidential candidates, as well as even some of our colleagues here, Republicans, saying they want to shut down the government?

My question to the Senator is, I cannot recall a single Democratic elected official saying they want to shut the government down. My second question

is, Doesn't that show something about who is itching for a shutdown or at least thinks they can use the shutdown to accomplish an agenda?

Mr. WHITEHOUSE. I agree with the Senator from New York. I cannot recall a single Senator expressing any desire for a shutdown. I have been present in our caucus meetings. Not one person has once said there is anything good about a shutdown.

We are all gravely concerned about what a shutdown would do to our fragile economic recovery. This is still about jobs, ultimately. We still have to grow an economy in this country. And when we shut down every government contract and put those people out of work, when we shut down every government project and put those people out of work, when we take paychecks away from government workers and when we furlough government workers, what does that do to the economy? Any economist will tell you it strikes a terrible blow. We recognize that, and that is why no elected Democratic official has said one good word about a shutdown.

That is very different from what we are seeing from the other side, where standing ovations, where chanting mobs, egged on by sitting Members of Congress, where public statements by candidates for President and by Members of Congress have all said that the shutdown—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I thank my colleague.

Mr. WHITEHOUSE. My time has expired. I thank the Senator from New York for his question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Chair and would share a few things.

If my Democratic colleagues would prefer not to shut the government down, then do not do it. The House, the Republican House, has passed a bill to fund the government, to fund the Defense Department, and the Senate, the Democratic Senate, has passed nothing. Indeed, the Democratic leadership proposed a bill that they said was worthwhile that would have reduced spending by \$4.6 billion. Ten Democratic Senators defected from the leadership position—a pretty gutsy thing to do on an issue as important as this.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. SESSIONS. I will be glad to yield for a question, although my time is limited.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the Senator for his courtesy in yielding for a question.

Mr. SESSIONS. All right. Go ahead.

Mr. WHITEHOUSE. If, in fact, this is really about the deficit and if, in fact, this is really about reducing spending and if, in fact, this is really about ensuring the military remains funded, why is it necessary to have it be a non-negotiable condition of the bill that Planned Parenthood be zeroed out and that the EPA be prevented from enforcing the Clean Air Act? I do not see that there is any connection between those two requirements and the deficit, and I think, if the party were willing to give up those two demands, we could solve this very quickly. It is those two demands that are fouling things up and forcing a shutdown.

Mr. SESSIONS. Well, I appreciate the Senator's comment. I would like to respond to that. The House has sent over a bill that does not have those provisions in it—a 1-week extension, and it funds the military. It is available to be passed, also, and would allow further discussions and negotiations on how to complete the last of the year without affecting the military.

I just have to tell you, I have no desire to fund Planned Parenthood, the largest abortion provider in America. Maybe that is what you think Federal taxpayers ought to spend their money on, but I do not. But that is not the critical issue.

The critical issue is how much we spend. I certainly agree with that. The House has sent over legislation, both for the whole fiscal year and for a short term, to continue it. If this government is shut down, it will be because of the Democratic Senate and the threat of President Obama to veto this legislation if it were passed. Why don't they bring it up for a vote? Perhaps it is because a number of Democrats who are uneasy about this reckless spending might feel that voting for this would be a good way to continue the negotiations and work through it and it might pass. So the President has now jumped into the middle of it and proposed to shut the government down.

And I do not appreciate my colleague—who is fine; we serve on the Judiciary Committee together—talking about that this is all extremist right-wingers. Give me a break. He said: They really have this secret agenda. They pretend it is all about the deficits. It is not about the deficits. It is about some extremist rightwing agenda.

He then launches into a full-fledged attack, as has Senator SCHUMER, on the tea party, some of the best people in our country who got terribly afraid for our Nation and went out and marched all over America—millions, tens of millions—who had never before done anything like that. I talk to them all the time. Are these bad people?

And let me tell you, Erskine Bowles, former Chief of Staff to President Clinton, chosen by President Obama to head his debt commission, came before

the Budget Committee just 2 weeks ago, and he and Alan Simpson, his co-chairman, issued a written statement: We are facing the most predictable economic crisis in our Nation's history. "Predictable crisis" means we could be thrown back into another recession or a depression. When asked by Chairman CONRAD, our Democratic chairman, when this might happen, what did President Obama's chairman say? Two years, maybe a little before, maybe a little later. Alan Simpson piped up: I think 1 year.

Hopefully this is not so. Hopefully, we are not going to have a debt crisis in a year or 2 years. But these people who took testimony for weeks and months and provided their opinion on how to fix our debt, they say we are facing a debt crisis that could put us into a recession and surge unemployment, even though it is just beginning to come down a little bit. This is not a Republican-Democratic squabble. These are Democratic leaders who warned us.

Alice Rivlin headed the other commission with Pete Domenici, our former chairman of the Budget Committee. Pete Domenici, now retired from the Senate, said: I have never been more afraid for my country—one of the most eloquent orators I have ever heard in the Senate—never been more afraid for my country. When you have deficits—this year, we take in \$2.2 trillion and spend \$3.7 trillion—borrowing 40 cents of every dollar we spend, we are creating a nation at risk. That is what we are talking about.

So this past election, it was a big issue. All over America, candidates ran for office, and the ones who were the big spenders, who were in denial about the danger the Nation faces, got shelved. Sixty-four Republicans got elected to the House—the biggest Republican victory in 80 years—over one issue, really. Spending, that is what it was.

When we came into the Senate they had only passed, when they had this supermajority in the House and in the Senate, a 5-month continuing resolution. The Democrats didn't pass a budget nor did they pass a single appropriations bill. So everybody knew that after this election, the funding level was going to be reduced. The American people had spoken.

He walks in, our majority leader, HARRY REID, and says, We will cut spending by \$4.6 billion out of \$3,700 billion we spent. Give me a break: \$4.6 billion out of \$3,700 billion that we spent is somehow significant? The House only recommended \$61 billion in the last 7 months, but that makes a difference. When you reduce the baseline, \$61 billion—and the interest you save—\$61 billion plus interest, it adds up to \$860 billion saved over a 10-year period. That is coming close to \$1 trillion in savings, by that one act. But when you

spend on the upswing, likewise, you end up raising the baseline and surging spending and debt. That is why we have to get responsible, and when we do, we can make a bigger impact than a lot of people think.

I remain unhappy and stunned that my Democratic colleagues are in full-fledged attack on the good and decent people who stood up and complained about what was happening in Washington and now don't hesitate to attack the tea party as extremists. I object to that. I think it is wrong.

We are in a serious problem. I think many of my colleagues—I know many of my colleagues on the other side of the aisle have expressed to me that we need to do better, that we have to change the trajectory we are on. I think there is a real possibility for bipartisan action, but it is only a possibility. I actually have been fairly hopeful, but—we have had a lot of talk on the other side of the aisle, but I haven't seen anything moving—nothing—except the President's budget.

The Senator from Wyoming said "The Economist Magazine" called it dishonest. It is. What they said about it was it has been found false by five different fact checks. They say it calls on us to live within our means. The budget director said it will allow us to pay down our debt, when the lowest single deficit we are projected to have under the budget the President submitted to us is \$748 billion.

THE PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you very much, Mr. President. We are on the verge of a possible government shutdown, which is extraordinarily regrettable.

Controlling the deficit and paying down the debt is a critical priority of this country and must be done. It is a difficult challenge, but not insurmountable. We have done it before. In the 1990s I was a Member of the House of Representatives under President Clinton. We were able to push through an economic program that did not focus exclusively and entirely, as the Republican proposal does, on domestic discretionary spending. It looked across the board at not only domestic spending but defense spending. It looked on the revenue side. It also looked at some of our entitlement programs. The result from the 1993–1994 action of the Democratic Congress was that by 2000, when President Bush was sworn in with a Republican Congress, there was a projected multitrillion-dollar surplus. We were looking at robust employment.

I think it is sometimes difficult to listen to some of my colleagues talk about the deficit and President Obama when recognizing, under their leader-

ship, President Bush and a Republican Congress, a surplus was turned into a huge deficit. In fact, President Bush doubled the national debt in 8 years. It had taken almost more than 200 years to accumulate a debt he doubled.

So we are here and prepared to make those reasonable and responsible decisions that will lead us forward to a balanced budget and, hopefully, to what we accomplished under Democratic leadership and President Clinton in the 1990s—hopefully—even some surpluses going forward. But it can't be done in 2 weeks. We can't undo what has taken place since 2000 in 2 weeks or 2 months. It is going to take a concerted, collaborative effort.

One of the problems we have had, frankly, is that the goalpost has been continuously shifting in terms of Republican proposals. My recollection is that last year the Republicans on the Senate Appropriations Committee insisted on a cut of roughly \$20 billion from the President's budget request for fiscal year 2011. Then, this year, the House Appropriations Committee, under Republican leadership, proposed initial cuts of \$33 billion from the fiscal year 2010 level. Days later, the Republican leadership decided that was not enough, so then it became more than \$60 billion, with cuts in everything from EPA water and sewer grants to the Low Income Home Energy Assistance Program to Head Start—programs that are critical to working families and communities. Also, these investments are critical at a time when our economy is just beginning to regain some of the economic traction it had before. We are seeing some encouraging employment numbers. We are seeing some increase in consumer demand. This Draconian approach to cuts could very seriously undermine the emerging—not yet complete—but emerging recovery.

In addition to the numbers that keep moving around, the proposal of the Republican House is studded with special interest riders—social policies, not fiscal policy. In fact, there is the impression sometimes that the deficit reduction claims are an excuse to try to advance not through the legislative process but through the appropriations process—through the threat of a shutdown—very conservative social policies. These policies should be debated. They should be voted upon. But to try to present them as nonnegotiable demands with the penalty for failure to heed to their demands the shutdown of the entire U.S. Government is, I think, inappropriate.

The President and Leader REID have been meeting with House Republican leadership continuously. There was a sense that a proposal of about \$33 billion in cuts from the appropriate baseline could be accomplished, but then that seems to keep moving again. This is unlike 1995 when we saw the last

shutdown of this government by a Republican Congress. Again, this is becoming almost ritualistic. A Republican House is elected, and then within months there is a shutdown of the government. The 1995 shutdown lasted about 26 days. It cost about \$1.4 billion in essentially dead weight lost to the economy and to the government. We are on the verge of repeating that mistake.

Back in 1995, we weren't engaged in two conflicts with American service men and women engaged in Iraq and Afghanistan. We were not participating in a very volatile NATO operation involving Libya. We had yet to see the threat of international terrorism unleashed so dramatically on our shores as it was on 9/11. Again, if this government is shut down, there are thousands of civilians and civilian contractors who are part of our intelligence services that are at least in limbo as to whether they can continue to provide us the information and the insights we need to protect ourselves against a still existing and now clearly obvious threat. These are much more challenging times.

Indeed, for months now, in terms of a response to why the economy isn't growing, many of my colleagues have said, Well, it is the uncertainty of the Obama policies. That was the argument last year for the extension of the income tax cuts not only to middle-income Americans but to the wealthiest Americans. That uncertainty would breed a lack of investment, a lack of focus on job recovery. What could be more uncertain than shutting down the Government of the United States without any plan to bring it back and, indeed, without any clue as to what is the critical issue that must be addressed? At one point it is deficit; at another point it is social policy. That uncertainty I think could lead—I hope it does not—to a lack of confidence in our capacity to govern which will ripple through economic markets worldwide, and which also I think could challenge perception of the United States as a coherent world leader.

There are some things that would unfortunately result from such a shutdown. We know military Federal pay will be delayed. In fact, uniformed military will be required to come to work, as they do, so dedicated to the service of this Nation, but their pay will cease the moment we shut this government down. Literally, there will be soldiers on the ground—sailors, marines, airmen in Iraq and Afghanistan—fighting and they will not be paid and their families at home will not receive those benefits. The Federal Housing Administration will not be able to endorse any single-family mortgage loan. So if you are ready to close on your loan next week, you have the downpayment and you are ready to go, because the FHA will be out of business. SBA-

guaranteed loans for business working capital, real estate investment or job creation—for those things that are trying to move the economy—stopped, dead in their tracks. So if you are a small business man or woman, you are ready to expand your company and hire more people, sorry, the SBA is closed until further notice. The IRS cannot process tax refunds for those who are filing paper returns and are depending upon their tax refunds, as so many working families do, to get through the next several months.

We didn't get here overnight. In 1993, Democrats saw these same problems: a deficit that was prolonged and gnawing at the economic fabric of this country. We took deliberate action. It took several years, but within those several years, by the end of President Clinton's administration we saw a surplus, a robust employment situation, and the future looked very good to working families.

In 2001, as I indicated, President Bush came into office with a surplus, but after tax cuts that were unpaid for, two costly wars that were unpaid for, and an unpaid-for extension of our entitlement program in terms of Part D Medicare—the largest, by the way, expansion of government entitlements in many decades—we are now looking at a huge deficit.

President Obama came into office at a time when unemployment was, in my State, reaching beyond 12, almost to 14 percent. He was, I think, required to take appropriate action. With the Recovery Act, we were able to begin to restore some of the jobs. We have seen over the last year growth in civilian jobs, the private sector workforce, that we didn't see under President Bush. In fact, recent reports suggest over 200,000 jobs. Those are the kinds of numbers that have to be sustained, not undercut, and you don't sustain them by shutting down the government and shutting down agencies such as SBA and the Federal Housing Administration.

We are and have to work diligently. I hear my colleagues talking about reaching out, collaborating, and I hope that is the spirit we embraced in the last several hours. But we have heard many other statements coming, particularly from across the Capitol in the other Chamber, about how we have to shut this government down, how we have to go ahead and make a point, not make sound policy. That is not going to lead us to a better future for American families.

I believe we have to be responsible. We have to recognize the problems before us will take months, if not years, to fully resolve, because it took years, not days or weeks, to accumulate. We have to respond to the troops in the field, not only to order them into battle but to support their families at home.

We have to be responsible to families all across this country and give them a chance to use their talents to contribute to this country. I urge responsibility at this moment, not a shutdown of the U.S. Government.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that of the 10 minutes allotted to this side, I be allowed to have 3 minutes and Senator MORAN 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, on the question of funding the Defense Department, it is a very serious matter. We need to handle that correctly. I will just recall for my colleagues that the House has sent legislation to us that would fund the government for an additional week, with a reduction in spending of \$12 billion, but that would fund the Defense Department for the rest of the fiscal year and take that matter off the table, guaranteeing there would be no disruption of the Defense Department.

We should do that. We should have already done that. Senator MCCONNELL, our leader on the Republican side, has said he will not support any more CRs unless we do fund the Defense Department. I have to suggest, however, that it appears to me our colleagues are using the Defense Department as a hostage and as leverage to the threat of shutting down, or partially shutting down, the Defense Department; the threat of that is used to sort of say that we are not going to cut spending anymore. So that is a fight we are in.

We have heard the discussion about riders, but the new CR the House sent to us today doesn't have those riders on it, and it is not a problem in that regard. I do think it is irresponsible for the President of the United States—the Commander in Chief—to threaten to shut down the government.

The Republican House has sent a bill over that funds the government and funds the Department. The threat to shut down the government is coming from the Democratic side. I don't think the people are going to be fooled. I do believe the American people's voices will be heard. The amount of reduction in spending makes a difference in how much is saved over a decade.

Nobel Prize laureate Gary Becker; a superb economist, John Taylor; and former Secretary of State, George Schultz did a Wall Street Journal article recently, noting that under our spending—spending now is 24 percent of GDP—if the House bill that cuts spending by \$61 billion were passed, we would be spending 20.0 percent of GDP—a one-tenth of 1 percent reduction in spending from another calculation.

I yield to my colleague from Kansas. I am delighted to have him in the Senate.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. MORAN. I thank the Senator for yielding.

Mr. President, I come here tonight one more time. I am a very short term Member of the Senate—only about 3 months. Every time I have spoken on the Senate floor, I have talked about the importance of reining in spending. With the crippling nature of our national debt and the belief that if we don't resolve these issues, the future of our country is at stake, it is really one of the primary motivations I have for serving in this Congress: to see that we turn this country around for the benefit of our children and grandchildren.

I think Kansans would say it is time for all Members of Congress to come together and fund the government. A shutdown demonstrates once again how we lack the ability or the desire to just use some common sense and reach a common goal. A primary function of Congress is to see that we appropriate the necessary funds to provide for government.

Today, it seems to me we have come to the point at which this issue needs to be rapidly resolved. We are down to just a few billion dollars—and certainly a billion dollars is a lot of money to Kansans and to me, but we need to resolve this issue so we can move on to the more dramatic and important issue we face as Members of the Senate, as American citizens—that being next year's budget and the future of additional spending down the road.

Tonight, in addition to saying let's resolve this issue, let's continue to fund the government, let's not pursue the strategy of a shutdown, I am here to express my genuine concern about the tactics that seem to be ongoing today, in which we, as the Senator from Alabama suggests, are holding hostage our service men and women and their pay.

We have had a lot of discussion in Washington, DC, about who is an essential government employee. I will tell you there could be no questioning the fact that our service men and women are essential government employees, and they will be working regardless of the consequences, regardless of the decision made here about the so-called shutdown.

From my view, it makes absolutely no sense—in fact, it is immoral—to ask our service men and women to serve in harm's way and have to worry about the paycheck that feeds their families—and, in fact, most of them live month to month, live paycheck to paycheck. The idea that while they are serving and sacrificing away from family, they would have the additional concern about whether the paycheck is going to arrive and be deposited in their accounts seems to me to be something beyond the pale, something we could never expect from a Congress of the United States of America.

So I am here one more time to say, yes, absolutely; let's get spending under control. The idea that we cannot go back to 2008 spending levels plus inflation—we can do that. Nobody should believe that we cannot accomplish that goal, and nobody should be using the service men and women's paychecks and their service to our country as a hostage or the idea of whether this government is shut down. Resolve this issue now and make certain we resolve it in a way that no member of our Armed Services, or their families, is harmed by the decisions we make.

This is an important decision. It is about the future of our country. The immediate concern is whether our service men and women understand that we value their service and that we will take every step to make certain they are not harmed by political inaction—the inability of us in Washington, DC, to resolve the issue of the continuing resolution.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have a meeting at the White House. There will be no more votes tonight. We hope that we are able to have some good fortune at the White House. We are going through these issues.

As I indicated outside the door, I am not as confident as I was. The last 24 hours have not been kind to the American people. This is not a debate between Democrats and Republicans, it is a debate between Republicans and Republicans. They cannot determine how many social issues they want. The funding is pretty well taken care of, but that is not where we are.

We are here trying to fund the government at the end of the fiscal year based not on money but on social issues, some of which have been in this country for 40 years. We have not settled the issues in 40 years; we will not do it in a few hours. I am not optimistic. I hope things are better when I get to the White House and we can work it out.

What is going on is really too bad for the American people.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise to share my deep concern that we are careening toward a shutdown of the government. Just a little more than 24 hours from now—tomorrow night—our government will shut down if this Chamber and the House Chamber cannot come together and put a simple continuing resolution on the President's desk.

There is a lot that we should be proud of. One is to be a nation that has been a light for the world, presenting the ideals of democracy in action and advocating for and defending human rights. We should be deeply pleased that we have fought for fair working

conditions and economic opportunity for Americans across this great land. We should be proud of the tradition of public education that gives children an opportunity to fulfill their full potential. We should be deeply pleased of our history, advocating for freedom of speech, freedom of association, and freedom of liberty. All of these things are part of a legacy for our Nation, a part of what this Chamber has been about.

But we should not be pleased and we should not expect that this Chamber is now engaged not in those great and lofty ideals but in a very small argument over an extension of the budget for 6 months, and that we are so dysfunctional that we are risking shutting the American Government down for one of the few times in its history. That is not the model we wish to show to the world.

I am deeply frustrated by what has transpired since 2000. The first 11 years of this century—indeed, the first 11 years of this millennium—have not been kind ones for the United States of America. In 2000 we were running huge surpluses. I was back in Oregon as part of the legislature and very excited by the fact that we were paying down our national debt.

Economists were starting to debate whether we should pay it down in 3 years or 5 years; do we need to keep a substantial debt for some strange economic reason or should we pay the whole thing off. I was thinking, isn't that a great debate to have, because we are going to hand a debt-free nation to our children.

Mr. President, I think we all share the thought that there will be discussions tonight and we will not shut the government down. That is what this debate is about right now.

It goes back to the point that in 2000 we had a new President come in who decided that paying off the debt wasn't that important. No, President Bush said we should have bonus breaks, big giveaways to the wealthiest Americans, and he did so without paying for them in any other manner. Then we had a war launched in Afghanistan.

Instead of the President coming forward and saying we must sacrifice and pay for this war, it is important to our national security, he came forward and said: American citizens, please keep spending a lot of money in retail stores. That is the way you can participate in this. So the debt was greatly increased to pay for that war.

Then we had the President launch a war in Iraq—the same President, President Bush—and he proceeded to give away the Treasury to the wealthiest Americans. He decided not to pay for the war in Afghanistan. President Bush decided to launch a war in Iraq, on completely false premises, and to do so without paying for it.

Then we had Medicare Part D, which happened in that same 8-year period—a

huge expansion of a government program that has and will indeed help many Americans, but it was not paid for.

Those four decisions doubled the debt from \$5 trillion to \$10 trillion, but doubling it was not enough. Indeed, the Bush administration did something else; they created a house of cards out of the most important financial document for every American family, the home mortgage. By deregulating retail mortgages, they allowed liar loans, undocumented loans. They allowed teaser rates, 2-year really low rates that mortgage agents used to talk people into subprime loans when they qualified for prime loans—steering loans that were regarded as such for steering families from prime loans into subprime loans.

Then they took all of those faulty subprime mortgages and packaged them into securities and allowed a new, unregulated form of insurance to back up those securities. Those were called swaps or derivatives. A \$50 trillion unregulated industry came upon the American scene, and those securities ended up in every financial institution around this Nation. This great house of cards, which corrupted the fundamental value of primary wealth for most Americans, and the humble fully amortizing prime mortgage—subprime mortgage—was turned into an instrument of mass financial destruction.

That financial destruction that was brought down on our house in 2008 and 2009 added another \$4 trillion to the debt. We went from \$5 trillion to \$14 trillion. That process continued this last December with a compromise that added another \$500 billion to the debt, a compromise I could not support because it added \$500 billion additional to the debt.

I had a lot of hope in January, 3 months ago, that we had a new group come in and we had a new Congress, the 112th Congress, and we were going to proceed to create jobs and do so by ending some of those frivolous giveaways, those massive oil and gas giveaways that line the bottom line of some of the deepest pockets in our Nation, those rules that prevent us from negotiating drug prices which results in our seniors on Medicare paying higher prices for drugs than seniors anywhere in the world, even though those drugs were invented right here, a potential savings of \$6 billion per year; those bonus breaks for billionaires, on top of \$100,000 per taxpayer, up to a million more for many taxpayers. Taking those bonus breaks away is a savings of \$50 billion a year; ending duplicative Pentagon programs identified by the Secretary of Defense, a savings of \$75 billion—all of these opportunities, and so many more, to bring our financial house into order.

But those hopes were soon dashed because the new team in the other House

of the Congress did not decide to fight for jobs, did not decide to fight to get rid of frivolous programs. Instead they decided to lay out a plan that attacks the very communities that have been most hurt by the previous disasters because that meltdown, that mortgage meltdown that haunted us in 2008 and 2009, destroyed the wealth of basic Americans of their homes, homes lost enormous value, it proceeded to destroy jobs that those families counted on, huge job losses, it proceeded to wipe out their retirement savings. No wonder so many families today do not have confidence that their lives, the lives of their children will be better than their lives. For so many families—in fact, their current life is not better than their parents' life was because of these kinds of devastating decisions.

The new arrivals said: No, we are going to increase the harm. We are going to attack the community development grants that build community organizations. We are going to attack the heating programs that keep people from freezing. We are going to diminish the food programs that keep people from starving. We are going to attack women's health programs, programs that have nothing to do, by the way, with abortion, but preventive programs, screenings, Pap screenings, breast exams. We are going to wipe those out because of misguided ideological opinions. And now we find a bill that says we are going to dismantle Medicare. We find an attack on housing for veterans. These are not the things that will bring jobs to America. These are not the things that will rebuild America.

On top of all of these attacks on specific programs, my colleagues in the House decided to create a whole long list of ideological riders to add to the budget debate. I have a copy, 4 pages, of policy riders to H.R. 1. It goes on and on, everything one can imagine, from Job Corps centers to training for our unemployed Americans. It is a huge list. It defunds the Consumer Financial Protection Bureau that will guard against the corruption of mortgages I was discussing earlier. It attacks the EPA's ability to enforce the Clean Air Act. And so on. It is an unbelievable list all Americans should see to see what the true agenda is on the other side of Capitol Hill.

Now is the time to set aside these games, these ideological riders. Now is the time to set aside these attacks on the core programs that strengthen our communities. We are past the time to have the ability to do a simple 6-month extension of our programs in the United States of America so we can go on to debate fiscal year 2012. But not everybody is ready for that serious debate.

We have been hearing a lot of chanting at rallies that they do want to shut

down the government over these ideological riders. Indeed, on April 5, the Washington Post reported Republicans gave the Speaker—that is on the House side—an ovation when he informed them to begin preparations for a possible shutdown. They want the shutdown because they want this ideological fight.

After proceeding through devastating mistake after devastating mistake that increased our debt \$5 trillion in 2000—remember, it was heading down toward zero—to nearly \$15 trillion, we still cannot have a serious discussion. We have folks who want to shut down this government over these ideological riders.

We must return to understanding our role in the Senate and in the House in terms of the broad and challenging and important issues facing America—the issue of providing fundamental services, the issue of creating jobs, and the lofty goals of advancing democracy and human rights and civil rights around this planet.

Now is the time to set aside those shallow ideological games, focus on rebuilding our economy, and putting America back on track.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise first to salute my colleague from Oregon for his eloquent words and his passion. I know he has dedicated his life to making the lives of people better. That is why he feels strongly about how badly a government shutdown would affect average folks.

I agree with him. Simply put, there is no reason for a government shutdown—absolutely no reason at all. A genuine bipartisan compromise with significant and responsible cuts in government spending is in hand, but it is being vetoed by an extreme minority of the Republican Party. The tail is wagging the dog. The most extreme, the people least likely to compromise, the people, in general, with less experience in government and at least from their statements little respect for views not their own are dominating the House of Representatives.

Speaker BOEHNER is somebody for whom we all have a great deal of affection and sympathy. But the hour is nigh and leadership is called for. To allow this small group—relatively small group when we look at the expanse of our government—to dominate everything that is happening and hurt millions of innocent people is not leadership.

When the Speaker says there is no agreement on the numbers or the cuts, he means he is not ready to say so publicly. It is true I have not been inside the negotiating room, but I have heard all the details from my friend and colleague HARRY REID. I have heard the details from those who have been negotiating.

The bottom line is, the number and what composes that number of cuts is virtually agreed to. The only reason there is not a handshake is Speaker BOEHNER and his representatives do not want it to appear the numbers are signed off on, for two reasons, in my opinion. One, they are afraid what these hard-right colleagues would say, and two, then it would focus everything on their true *casus belli*, which is the riders.

This is no longer about spending. The hard right in the House of Representatives wants to make this about ideology, injecting last minute ideological add-ons, such as limiting preventive health for women. We have a fiscal crisis in this country, not a social crisis.

Let's not gloss over what is going on. Republicans do not care about reducing the deficit; otherwise, they would not have paraded out a budget this week that ends Medicare for our seniors but protects trillions in tax breaks for corporations and millionaires. Care about deficit reduction, yes, you would want to cut Medicare, but you would also want to make millionaires pay their fair share of taxes because every dollar from the millionaire goes just as much to reducing the deficit as a dollar from Medicare cuts. When you do one and not the other, you do not care about deficit reduction. You may care about shrinking the government. You may wish there is no government at all. That is a perspective of some. But you do not care about deficit reduction.

One of the things that has not been made apparent is cutting government programs to many on the other side of the aisle is not in sync with reducing the deficit, and those two are too often confused.

Why are we here? Why are we on the eve of a shutdown of government which will hurt millions? It is because this hard right in the House of Representatives—some of them members of the tea party, others allies of the tea party—want to satisfy the agenda of the extreme rightwing. And if they do not get everything they want, they have made their desire clear. We do not have to make this up.

Here is MIKE PENCE, one of the leading Republicans in the House of Representatives, one of the leaders of the tea party caucus. What does he say? "Shut it down." That is what he wants. Either he thinks he is going to get his way by shutting it down—I grew up on the streets in Brooklyn and there were people who thought that just by bullying they could get their way. Shut it down if you do not do it all my way. Bullying does not work, and we will not be bullied. We will not hurt millions of people. We will not abandon our principles because the other side believes we will do whatever they want—falsely believes we will do whatever they want—because otherwise they will shut the government down.

We do not want to shut the government down. I have not heard a single Democrat say what MIKE PENCE has said. But I have heard lots of Republicans—I heard Sarah Palin talk about the shutdown being a good thing. I heard Newt Gingrich talk about a shutdown being a good thing. I heard some of Mr. PENCE's colleagues, probably a dozen or so in the House of Representatives, saying "shut it down" is a good thing.

Have you heard a single Democratic elected official say it? No. That alone should tell you who wants to shut the government down or who is willing to shut the government down and who is fighting strongly against it.

They want to shut the government down if they do not get their way. As I said, I have seen people do things like that growing up on the streets of Brooklyn. You know what you learn? If you keep giving in and giving in, they ask for more and more. The way to deal with someone who is attempting to bully you is to stand up to them. We have gone so far in their direction. President Obama said to Speaker BOEHNER, it is reported: You have gotten three-quarters of what you want. Why don't you declare victory and go home?

We know why Speaker BOEHNER cannot do that. It is very simple. Because then there would be a rebellion among a key part of his constituency—the hard right, many of them, but not all of them freshmen in the House of Representatives. Most of them have very little experience in government. I dare say most of them do not know the consequences of a government shutdown or the kinds of cuts they are suggesting. But they come in with an ideological narrowness.

When either party lets the extremes dominate, they lose. When Republicans let the hard right dominate, they lose. Frankly, we learned our lesson as Democrats. When we let the hard left dominate, we will lose too because most Americans are somewhere in the middle.

This idea of shutting the government down or of applauding, a standing ovation when the Speaker informs them to begin preparing to shut the government down, I guarantee you it will backfire on the perpetrators, just as it did on Newt Gingrich in 1995. But that is political consolation, small consolation for the damage that will be done to individual people who will lose jobs, to the economy. Just one fact: FHA will not be able to issue any guarantees on new mortgages. FHA issues 80 percent—guarantees 80 percent—of our mortgages, including mortgages for the middle class, the bulk of mortgages. Middle-class people will not be able to take out mortgages. What does that do to our economy and the housing sector?

The Internal Revenue Service will not be able to mail out a good percent-

age of refunds. What does that do to the economy, when the money is stuck in Washington instead of going back to people who rightfully own it and who will spend it in the stores and shops and on vacation?

There are other irresponsibilities. We have American troops fighting abroad. We want to make sure they are fully funded. A government shutdown will not do that. Colleagues on the other side are coming up with an unbalanced, short-term extension that funds the troops. Well, I say to my colleagues, if you want to fund the troops—not for 1 week—don't shut the government down. That is the best way to support our troops.

It is time for Republicans to be responsible. It is time for the majority of Republicans—whom I don't agree with on so many issues, but whom I know are mainstream and don't like this government shutdown—to stand up to those on the hard right, to accept the compromise we are so close to working out and drop the ideological riders so we can move forward.

We are at a crucial time in this country. We have had a rough few years. We are beginning slowly to climb our way out of it. This is risky. A government shutdown is risky. The shame of it all is that it is so easily avoided. All we need, again, is a little bit of strength and courage from the Speaker to tell the hard right in his party, yes, he will try to accommodate some of their needs, but he will not shut the government down; tell them, yes, we do have to cut government spending. And we Democrats—the vast majority of us—agree with that. We don't believe in cutting things such as cancer research or loans that go to students who are going to college, but there is a lot of waste in the government, there is a lot of excess, and we can wring that out without hurting people and reduce our deficit. We agree.

The proposals we have made, including \$73 billion below the President's proposal for this year, show we have put our money where our mouth is. But every time we come close to an agreement, Speaker BOEHNER—not on his own, in my judgment, but pulled by the tea party—pulls the goalposts back. He pulls them back on the numbers. Although we have gone so far, it is hard for him to do that any longer. But he also does it with these ideological riders.

We are at a sad moment. We are at a time when the continuation of this government—with the hard-working people who compose it—is right on the edge of closing, with untold damage to innocent people. I would ask my colleagues on the other side of the aisle, and in the other body—I would plead with them—let's stop the political games, let's stop the ideological posturing, let's stop thinking it has to be only my way and no one else's. Let's

come meet in the middle with a reasonable agreement, keep the government going and move forward to do the things the American people have asked us to do.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I came to the floor the other night to talk about what I had learned in 2 years of townhall meetings in Colorado regarding our deficit and regarding our debt. What I said the other night was that people in our State, whether in red parts of the State or blue parts of the State, have a commonsense way of approaching this, and they have a three-part test they want to apply.

The first test is they want to make sure we actually come up with something that materially addresses the problem we face. They are tired of gimmicks. They are tired of tricks. They want us to sort this out. They know it will not be fixed overnight, but they want us to get started on it.

The second test is that we are all in it together. They are tired of the us-against-them conversation that happens in Washington. They are tired of hearing that one person's ox is going to be gored or one group of people's ox is going to be gored and everyone else will be left alone. Everybody wants to contribute to solving this problem.

The third test is they want it to be bipartisan. Because, frankly, they do not have confidence in either party on this issue and they want to see us working together.

That is it. We should be working toward that as a Senate and as a House. We should be having a serious conversation about how not to leave our children stuck with a bill of \$15 trillion in debt and a \$1.5 trillion deficit. I feel that keenly, as the father of three little girls myself.

But I think it is very important for the American people to understand the debate we are having right now. The threat that we are going to shut the government down has nothing to do with the broader conversation about our deficit and our debt. In fact, shutting the government down is going to make matters worse.

I said the other night that there is not a superintendent of schools—I used to be one in Colorado—there is not a city council or a mayor in Colorado, from the largest city to the smallest town, who would dream—who would dream—of saying to their constituents: We can't work this out, so we are going to close the government next week. We

can't work this out, so we are not going to plow your snow next week or pick up your trash next week or educate your kids next week, not one local official in our State. The Presiding Officer knows this. He was a mayor. He would never have gone to his constituents and said: Oh, by the way, we are closing next week because we have a disagreement.

It makes no sense. Nowhere on the planet would that make any sense. To say nothing of the fact we find ourselves at a moment in the country's history when we are engaged in wars all across the globe, when we are now involved in a multilateral effort in Libya, when we have thousands of people—government employees—trying to help the Japanese weather this unbelievable tragedy they are facing, when we have economic competitors all over the globe trying to seek an economic advantage against the United States in the 21st century. Yet we are saying: Well, we are going to take a time out because we can't agree. We are going to pause, take a rest, close the government. The American people must think, well, you guys must be very far apart. That is why I brought this chart. I don't know the exact details here. Nobody does. The reports on the news tonight were that several billion dollars separated the negotiators. I have heard it ranges from \$5 billion to \$10 billion, or somewhere in there, so I picked the number \$7 billion, which is more than several. But that appears to be what divides the parties—\$7 billion. Seven billion dollars.

That is a lot of money. It is a lot of money. But look at it in the context of our deficit and our operating budget. Here is this line. You can't even see it. This line is the \$7 billion, right here. This is our deficit, and this is our operating budget—\$1.5 trillion, \$3.6 trillion.

I apologize, Mr. President, but I couldn't fit it on one chart so I had to have two made in order to show what the order of magnitude of difference is between what we are squabbling over here in Washington, and what our deficit looks like and what our operating budget looks like. That is it. That is it. That is it.

Do you know, this difference, if this were the city of Alamosa—and the former mayor is the Presiding Officer—and my State—which has roughly a \$14 million operating budget in the San Luis Valley—if they were saying we were going to shut down our government based on this difference, that would be like Alamosa saying, we can't figure it out because \$27,000 is what we are apart.

Mr. President, if you and I went to Applebee's tonight and we had their \$20 dinner for two, and then we had a fight over the bill, we would be fighting over 4 cents. That is what would separate us—roughly .19 percent of our operating budget.

I could even understand if the parties were saying we disagree, we disagree, let's keep negotiating. But I can't for the life of me understand how on those terms anyone could threaten a government shutdown, especially when we confront the dangers we confront today.

And so the answer is, it is not about our budget. The time we have consumed here is taking time away from the conversations that the Presiding Officer and I have been part of, that people on the other side of the aisle have been part of, that the gang of six, a bipartisan group of Senators—three Democrats and three Republicans led by MARK WARNER and SAXBY CHAMBLISS—have been working on. That is what we should be doing. We shouldn't be threatening to close the government. I don't think we should be threatening to close the government under any circumstances, but certainly not when the economics are as thin as that.

I know there are people—and it is not all Republicans—there are some people in the House who feel the social issues they have attached to this piece of budget legislation are somehow more important than keeping government open or that litigating those issues in the context of trying to keep the government open is the right thing to do. I disagree. I think they should have a hearing. I think we ought to have a floor discussion about what we want to do with women's reproductive health or the other issues that are there. I am glad to have that debate. But don't threaten to shut the government down based on that.

So I will say again, as I said the other night, I encourage the leaders of both parties in both Chambers, and our President, to find a way to settle this, to find a way to work it out, to find a way to keep this government open at this moment when we have troops deployed all over the globe, and to live up to the standard of every single local elected official in my State, whether they are Democrats or whether they are Republicans, who are making tough choices in this budget situation but managing to respond to their constituents' priorities.

This week, in Colorado, they reached a budget agreement. The Governor is a Democrat, the Senate is a majority Democratic, the House is Republican. The Speaker of the House, who is a Republican, said this is the first budget I have been able to vote for in years because of the leadership of John Hickenlooper, our Governor, and the leadership of the Democratic and Republican Party there. That breeds confidence in people's work. I think if we can find a way to work together across the party lines in a bipartisan way and demonstrate that we can keep the government open, and much more important even than that, that we can create

a path toward fiscal sanity in this country, I think the American people would cheer. Right now we have not given them very much to cheer about.

I see the Senator from Texas is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have been talking for a long time today about this fiscal crisis. I don't think anyone is looking at the looming deadline tomorrow night as something that we want, to have government shut down. I hope so much that the President and Speaker BOEHNER and the Democratic leader of the Senate, Mr. REID, can come to terms because we are so close to having an agreement on a continuing resolution until the end of this fiscal year—which is what we need. If anyone would run a business the way this government is being run, in 2-week continuing resolutions and 1-week and 3-week—it is not a way to run anything. It is not organized and you cannot plan. Certainly, we know taxpayer dollars are not being the most efficiently spent if we are going in 1- and 2-week increments.

The stakes are very high. I look back at the year 2000, and we had balanced budgets. We had a balanced budget in the year 2000. We had a balanced budget up until 9/11. That was only 10 years ago, and we ought to be able, as the U.S. Congress, working with the President, to say if we had a balanced budget 10 years ago, we cannot possibly be so far over the line that we cannot bring it back into balance. But to bring it back into balance we are going to have to look long term. We cannot do it on \$30 billion of difference from now to the end of the fiscal year's spending. The fiscal year ends October 1. We cannot do it. We have to have a 10-year plan; we have to have clear cuts in spending; and we have to start working toward a balanced budget in a responsible way.

I cannot say I agree with everything in it, but the House Budget Committee chairman, one of the Republicans in the House, has proposed a budget that would do exactly that. It would get us to nearly a balanced budget. Now we need to start talking about the plans he has put forward. The President has not been; Congressman RYAN has. We are going to change some of it, I hope. We should have the same goal; that is, to get to a balanced budget over a period of time, 5 to 10 years. But we certainly are not going to do it in the next 24 hours, talking about \$30 billion or \$36 billion going for the next 6 months.

I hope we will settle this issue so we can go to the long-term issues. The long-term issue is going to come up in about 1½ months when we are going to be called on to raise the debt ceiling. The debt is \$14 trillion. We are looking at a deficit this year alone of \$1.6 trillion. If we go with the budget the

President submitted, \$3.7 trillion more, over \$14 trillion? No wonder the people of this country are up in arms. We need to listen to the people of this country who say stop doing business in Washington the way it has always been done. Stop it now and start cutting back on the appetite for spending so we will be able to have the balanced budget that we can see in our future.

What we are looking at now is the potential of a government shutdown. I hope it does not come to that, but there is one thing we ought to be able to do in this Congress, and that is at least protect our military who is serving in Afghanistan and Iraq and their families who are back home worried enough about them because of where they are and who most certainly should not have another burden put on them of not knowing if their paycheck is going to come at the normal time of the month—the 1st and the 15th.

I have introduced S. 724. I ask unanimous consent to add Senator SESSIONS as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I will say that makes our 46th cosponsor of S. 724. It is a very simple bill. It just says if there is a government shutdown, the military will be paid. The Secretary of Defense will have the discretion to also pay the civilians and those who are serving our military so the food service in Afghanistan and Iraq will not be stopped because we have a government shutdown and the paychecks are not going to come.

I want to alleviate any fear on the part of any member of our military or one whose family is watching the debate on the House and the Senate floor, watching this play out and thinking: Am I going to be able to pay the mortgage on time? I want to alleviate that fear right now.

I hope we will be able to pass this bill that is gaining sponsors about every 15 minutes, as people start looking at the looming shutdown of government that will happen a little later than this tomorrow night if we do not have an agreement. I think all of us should put our military in the front of the line and say: They are going to show up for work. Let's assure them their pay will not be delayed. That is not the message they are getting right now, but I think we can assure they will get it.

I have a letter we just received from the National Association of Uniformed Services, which says:

On behalf of the more than 180,000 members and supporters of the National Association for Uniformed Services, I offer our full support for your legislation, S. 724, the Ensuring Pay for Our Military Act of 2011.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR
UNIFORMED SERVICES,
Springfield, VA, April 7, 2011.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the more than 180,000 members and supporters of the National Association for Uniformed Services (NAUS), I would like to offer our full support for your legislation S. 724, the Ensuring Pay for Our Military Act of 2011, a bill to assure that, in the event of a federal government shutdown, our nation's men and women in uniform would continue to receive their military pay and allowances.

The Ensuring Pay for Our Military Act would make available the necessary funds to prevent an interruption in pay for members of the military if there is a funding gap resulting from a government shutdown. The bill also includes a provision to authorize the Secretary of Defense to allow those who serve as DOD civilians or contractors in support of our men and women in uniform to continue to be paid as well.

The National Association for Uniformed Services thanks you for introducing legislation that demonstrates our nation's appreciation for those who serve in our Armed Forces. We look forward to working with you and your staff and deeply appreciate your continued support of the American soldier and their families.

Sincerely,

RICHARD A. JONES,
Legislative Director.

Mrs. HUTCHISON. Mr. President, I hope we come to agreement and do not shut down the government. We are so close to getting this temporary fiscal year—which we are already halfway through—finished, and let's take this off the books. What we ought to be doing right now is focusing on the 2012 budget that starts October 1, where we are having our hearings, and we are asking our questions, and we are trying to set our priorities with a lower scale of government. We are going to cut back way below what we spent last year and the year before, but we are going to prioritize our spending.

We had FBI Director Mueller testify before our Commerce-Justice Subcommittee of Appropriations to talk about the law enforcement needs of our FBI. I want to spend my time talking about the needs of the FBI and the other necessary functions of government; certainly, our armed services bill. I do not want to be talking about shutting down government in the middle of the fiscal year because we are not coming together on \$6 billion or \$3 billion—I don't know exactly where they are now, but it is not very much in the scheme of things. What we need to do is get this behind us, alleviate the fears of our military personnel, alleviate the fears of their families that they might have a hiatus in their paychecks.

We need to start thinking about the big picture, the big picture of what we must focus on, which is cutting spending so we can go toward a balanced budget and agree on a 5- to 10-year trajectory that will put us back in a fis-

cally responsible position for our country to have the credibility in the world we should have, for our children to be free of the debt for what we have used in government in this country. We don't need to pass that debt to our children if we are responsible stewards of both their lives and our taxpayer dollars.

We need to be the leaders that people expect us to be. The people spoke in very loud terms last November, that they do not want more spending. I hear it everywhere I go. I hear it in the airports, on the streets, when I am talking to people in informal meetings, the grocery store—people are scared to death of a \$14 trillion debt. It has never been so high in our country before.

I don't want that to be the legacy of this Congress and our generation. That is not the legacy we should have as leaders of the greatest country in the free world.

I implore the leaders of Congress and the President to get the continuing resolution behind us so we can focus on the big picture; that is, the \$14 trillion debt that we are facing right now and doing the responsible cutting that will begin to cut back on the deficits, take down the debt, and address the issues that have not been addressed for all these years, once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I commend the Senator from Texas on her bill of which I am very proud to be a cosponsor, to make sure our men and women in harm's way continue to receive their compensation and support for their families if, in fact, there is a government shutdown. I am certainly going to continue to do everything I can to keep that from happening. I am unwilling to give up, and I know others are as well.

I commend the Senator, but I think this is very important. We need to send that message. We need to get this done and get the bill done.

Mrs. HUTCHISON. I say to the Senator from Michigan, she was one of the first to sign on as a cosponsor of this bill. I think that is the right thing to do. I appreciate her leadership.

I just got a note from my staff, and I also ask unanimous consent to add Senator SCOTT BROWN and Senator AMY KLOBUCHAR as cosponsors of S. 724.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Senator from Michigan. I think we can do this together if we will come together and focus on those great young men and women in Afghanistan and Iraq serving right now and do something that is right for them regardless of whether we have to face a government shutdown for all the rest of us.

Ms. STABENOW. Mr. President, I could not agree more that we need to

do this. I think it is important that the Senate take the lead as we did on another piece of legislation that our friend from California brought forward, and which was passed unanimously by the Senate, to set down a very important principle; that is, if we, those making decisions, cannot come together, then it should be Members of Congress not getting a paycheck. Our troops should be getting paid, but Members of Congress should see their paychecks stopped.

Unfortunately, under law right now Members of Congress would be the only ones whose paychecks don't stop. That is something we have passed in the Senate, to change that. Frankly, I found that to be pretty embarrassing. Then it became outrageous when we found out that the troops' paychecks might stop.

So it is important we send two messages: people who are responsible for making this decision take responsibility and their paychecks stop if it doesn't get done, but also we have to make sure the men and women in harm's way continue to have our support verbally and that we show it in our priorities as well.

I hope we are not going to see this happen. There is no reason for this to happen. We are talking about a shutdown that would not only affect many people around this country—families, small businesses—it would affect also the markets, our international standing. This is a very serious issue. People of good will can solve this.

We all know we have to be smart. We have to change the way Washington operates and cut the things that are not working and invest in the things that do. There is no question about that. We have to do that. In fact, we have agreed to major changes in that direction, but it is a challenge.

I just wanted to take a second because I think the toughest job in town today is the Speaker's. It is very clear that he has a very difficult job when people are giving a standing ovation for him when he is talking about preparing for a shutdown. We do not need this. That is not what we need.

What we need is to continue to have people of good will coming together, as we have just been talking about, in support of our troops and saying: We can complete this year's budget. We are halfway through the year. Let's just get it done.

What happens if it does not get done? It is not about us. It is not about us. We will be all right. It is not about us. It is about the people who are affected. We know, but let's just go through what happened back in 1995.

In 1995, there were 400,000 veterans who saw their disability benefits and pensions claims delayed—our veterans.

Again, we are talking about our troops. But in the last shutdown, 400,000 veterans had delays in their dis-

ability benefits and pensions. That ought to be a motivator for all of us to get this done. It would be outrageous if that were to happen again. There was approximately \$3 billion in U.S. exports that were delayed because they could not get the export licenses. That is jobs for us.

As we look at a time when we want to export our products, not our jobs, around the world, delaying that affects our jobs. We know hundreds of thousands of Medicare and Social Security requests were delayed the last time this happened.

For the first time in history, six States ran out of Federal unemployment insurance at the time, and small business loans, we know, could be stopped or delayed, as well as tax refunds for people who have been waiting for hard-earned dollars, stretching every penny to make ends meet.

So it makes no sense. It makes no sense to the economy, it makes no sense for families, for seniors, for veterans. We need to come together and get this done. We also need to make sure that whatever is done and what we have been fighting for, the majority has been fighting for, is that we not one more time ask middle-class families and small businesses to be the ones who have to sacrifice.

In my State, our families, middle-class families, people trying desperately to stay in the middle class or to get in the middle class have been the ones hurt over and over—their jobs, losing their jobs or losing their incomes, with their houses underwater, trying to make ends meet, not sure right now if they are going to be able to have the kids continue to go to college. With gas prices going up like crazy, are they going to be able to even just get back and forth to work? Those are not the folks who should be, one more time, sacrificing, carrying the load. The same with people sending their children, grandchildren to war. Our middle-class families should not be the ones continuing to be the only ones sacrificing in order to deal with what is a national debt and the need to balance the budget and change the way we fund Washington, reduce spending, change the priorities.

What I am concerned about is that middle-class families and small businesses not continue to be the ones who get the brunt over and over. I think about this struggle the last couple of years in Michigan and what we have had to go through with our automobile industry and how proud I am of where we are now, but also the sacrifice that it took to get there.

We are making the best automobiles. We are winning all the awards. Our people are smart and skilled. We have the best engineers and the best skilled workforce, but a couple of years ago we had a horrible crisis. It took sacrifice from everybody to turn that around and some smart thinking.

Workers had to sacrifice—beginning pay cut in half; retirees, the company, shareholders, communities—everybody had to sacrifice in order to turn this around. But we did something else. We then said: While you are cutting back, we are going to invest in the future. We are going to invest in innovation. We are going to invest in those things that are going to allow us to grow and create more jobs and be successful.

After 2 years of a tremendous amount of hard work and everybody sacrificing, with some smart decisions and investments, we are turning it around, making a profit for the first time—each of our companies—since 1999. We are turning things around because people were willing to be in it together. That is what I am fighting for, because we know we have to change the way we do business and we have to cut the things that do not work and invest in the things that do. But everybody has to be in on this—everybody—not just some people who are being asked to give over and over, not just small businesses that did not cause what happened on Wall Street but cannot get the loans because of what happened with the crisis, holding on, trying to make it, trying to get the capital they need to keep the doors open or to expand. They did not cause this, and yet we seem to find the same people over and over having to make the sacrifices. That does not make sense. I do not think it is American.

So what we are seeing now as we close in on the final decisions, people coming together, is a question of whether we are going to have everybody be a part of the solution or one more time asking the middle class and small businesses. We can come together and get this done if people want to do that. There is no question about it, that people of good will can get it done. I think that it is in everybody's best interests to do that on every single level.

But there is no question as well that we have very different priorities that are being debated today in our country. We saw that this last week in very stark terms, which goes to the whole question of, again, how do we solve our problems and is everybody in? Is every American going to be part of turning the ship around? That goes to the budget proposal this week that has added, in my opinion, insult to injury, which relates to the proposal coming from the House Budget chair to change Medicare as we know it; to change Medicare from an insurance plan for our retirees and people with disabilities to something that would be a voucher for insurance companies.

It is stunning to me, actually, in looking at this proposal, and extremely concerning to me, the ramifications of what is being proposed. Then what adds insult to injury is that the proposal is being made to unravel Medicare, do

away with Medicare as we know it, raise the costs, the premiums, and the medical costs for almost every senior in the country—according to the Congressional Budget Office.

At the same time this same budget document would give over \$1.8 trillion in new tax cuts for special interests and the millionaires of the country—not the folks who have been working hard to try to make it, who have not gotten the big breaks, but one more round of big breaks for the people who have not felt this recession, the people who have gotten the special breaks, who somehow have not had to go through their house underwater, their income go down, worry about the kids, worry about the car, worry about the gas. The folks who earn over \$1 million got the special tax breaks—those interests that are doing extremely well in this country.

That is not how I view shared sacrifice in order to be able to solve the country's problems and get us out of debt and grow the economy, cutting Medicare for seniors, dismantling it, at the same time giving one more round of tax breaks for millionaires and the major special interests of the country.

That is wrong in my judgment. It is the wrong set of priorities, and it is worth debating, and we will debate that. It is interesting; I remember when we were passing health care reform, and we were focused on the fact that we had to make sure Medicare was healthy for the future and make some tough decisions so that it would be strong and there for seniors.

We took a look at overpayments for for-profit insurance companies. There are major overpayments, and we decided to cut those back. It was actually causing the majority of beneficiaries, the majority of seniors, to see their premiums go up because of some overpayments to a few. We decided that we would cut back on those insurance company overpayments, and we would instead focus on quality in Medicare, making sure seniors could go to the doctor and get their cancer screenings, their wellness visits without out-of-pocket costs and bring down the cost of medicine; that we would focus on ways to streamline, focus on quality and streamlining the way that we cut costs.

According to the budget gurus, we were able to save, I believe, over 10 years, \$500 billion. It did not cut any benefits for seniors, but the other side of the aisle said this was terrible. It was terrible because we were focused on cutting overpayments to insurance companies.

Now we see this proposal that would dismantle Medicare, and it would cut what is the average amount a senior spends on medical care in a year, which is about \$15,000 a year. It would, instead, cut that amount down to \$6,000 a year and give it in a voucher to an in-

surance company. That is OK. That is a different set of priorities than I have and I know that you have, Mr. President.

So these are debates we are going to have, and they are important debates for our country. How do we go forward? How do we solve the budget deficit? How do we grow the economy? How do we create jobs? How do we make sure what we are doing is fair for everybody and keeps what works while cutting what does not?

Medicare is a great American success story. Do we need to make sure it is there for the next generation? Absolutely. Do we need to look at ways to streamline and cut costs? We have done that, and we need to continue to do that. Absolutely. We need to do that. But it is a great American success story. It has allowed a whole generation of older Americans to live healthy lives, play with their grandkids.

Now that I have two beautiful grandchildren who, by the way, are the most beautiful grandchildren in the world, just for the record—but now as I have my 3-year-old and 1-year-old and I look at the fact that I want to be healthy for a long time so I can be there for them, and what a wonderful gift as Americans we have given to seniors, that gift of Medicaid and Social Security so that they can be healthy and live in dignified ways in their own homes and be able to live long lives for their grandchildren and their great-grandchildren, that is something we should be proud of.

So as we go through this time, we have two kinds of debates. We have to deal with what is happening immediately, complete this 6-month—not 6-year, 6-month CR; I am talking about a 6-month budget—in a commonsense way, make sure that troops get paid, make sure we do not have any veterans losing their opportunity for disability benefits or pension benefits, and small businesses are not being delayed from getting their loans. In my judgment, we need to put down a marker saying if we cannot come together, that we are the ones who do not get paid, not the troops. Then the next step is to debate the vision of this country and where we go, what is important and what is not.

Should some Americans be asked to sacrifice in order to solve our problems and be stronger and compete in a global economy or should everybody be asked to do their part? People want to do their part, and they are willing to do their part. But we need to make that clear, that we expect everybody to be a part of the solution.

What I find most concerning today is that when we are in a global economy and we ought to be talking about the United States competing against China, the United States competing with Germany or India or Korea, we are not doing that. We are standing here on the Senate floor on a Thursday

night talking about whether people will come together to complete a 6-month budget and make sure our troops can get paid. That is not the debate we should be having. We have precious time available to us. The debate we should be having is about how as Americans we will compete in a global economy and win. That is what we need to be doing. That is the debate I am anxious to have.

I hope we are not going to give up. I will not give up on what we need to do right now, to come together, get this done, avoid a government shutdown, and get on to the real business of creating jobs and competing in a global economy.

I thank the Chair.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise to talk about the disastrous consequences if my colleagues on the other side of the aisle continue to prioritize politics and posturing over what is best for Americans and our fragile economic recovery. We have 27 hours to convince them that shutting down the government should not be treated as a gimmick, that shutting down the government is a serious matter with serious consequences for almost every American. But before I go into the consequences and their impact on my constituents, I want to take a moment to reflect on how we got here, how we are now in a position where a government shutdown is 27 hours away.

One thing is certain: There is a lot of misinformation and confusion out there. A number of my friends on the other side of the aisle have been saying that the Democrats and the President refused or failed to pass appropriations for fiscal year 2011. This is revisionist and confused history.

One of my colleagues, a new Member, said today:

Why was it that a few months ago, after the election but before the new Congress took over, when the President had both houses of Congress under control of his party, why did he opt not to pass a full budget for fiscal year 2011?

The Presiding Officer knows this is just not true. This isn't true. I have been hearing a lot of this.

We had appropriations legislation for the entire Federal Government ready to go. Democrats were in support of it. We were prepared to fund the government for the rest of the fiscal year. But, remember, it takes 60 votes to pass something like that in the Senate. There were 58 Democrats in the Senate last December, and there were 42 Republicans. So we needed some Republicans to pass a full budget for 2011—not many, but we needed two. We didn't get any. Not a single Republican agreed to support the bill. That is what happened.

For a while, we were told that a number of Republicans were going to support it. The bill had been negotiated on

a bipartisan basis. But then, by all accounts, arms were twisted, and they were turned against the bill.

The minority leader said:

I am actively working to defeat it.

And he did. He killed it. That is the truth. And my friends on the other side of the aisle celebrated.

After they made clear that there would not be enough votes to pass the omnibus bill, my friend from Illinois engaged in a colloquy with Senator MCCAIN, asking:

For those who don't understand what just happened, did we just win?

Senator MCCAIN responded:

I think there is very little doubt.

Senator KIRK concluded the colloquy by saying:

I congratulate the Senator.

We really do owe it in these serious times to engage in debate where we are being honest with the American people. There is little doubt about who opted not to pass a full budget for 2011. It was not the President or the Democrats in the majority; it was my friends on the other side.

My friends on the other side protest that they do not want to shut down the government, and then they point the finger at us.

Yesterday, there was a rally for the tea party on Capitol Hill. Part of my delegation, MICHELLE BACHMANN, whom I like very much, said:

Democrats are trying to make it look like we want to shut the government down. We don't. They are trying to do that.

Silence.

That same day at the same rally, MIKE PENCE said to them:

It looks like we're going to have to shut down the government.

And what did the tea party crowd do? They started chanting: "Shut it down. Shut it down. Shut it down. Shut it down."

According to his own account, when Speaker BOEHNER told Republican colleagues in his caucus that he had taken steps to prepare for a shutdown, "I got a standing ovation."

There have been no standing ovations on our side about a prospective shutdown. Come on. We are trying to keep the government working. We desperately want to keep the government working.

Republicans are busy fighting ideological battles. For them, this is not about the deficit. It is not about the budget. It is certainly not about jobs. This is about ideology.

I was presiding today, and I had the opportunity to hear some of my colleagues talking about the bill the House passed today to fund the troops. We want to fund the troops if there is a shutdown. We do. There was all this sanctimonious talk about how Republicans want the troops to be funded, and the House had passed a bill to fund it. Do you know what was left out?

That STENY HOYER, the minority whip in the House, the Democratic minority whip, had offered a bill to pay the troops if there was a shutdown, a clean bill, nothing attached to it other than that. It was voted down by Republicans in the House. What passed? A bill with a rider on it about abortion. I didn't hear that in all the sanctimonious talk.

Let's at least have an honest debate. Really, adding abortion? Look, I know there are people who have very strong, heartfelt feelings, obviously, on abortion on both sides. This is something we have been talking about for decades. Why put it a rider about abortion on legislation to pay for the troops and then go in front of this body and say: Democrats don't want to pay the troops.

This can't be about holding a gun to our heads and saying: You have to come down on this side of this issue that people feel so strongly about and have been debating for 40 years.

The Republicans in the House talk about the Constitution. They started this session by reading the Constitution. They left out some of the embarrassing parts, that a slave was three-fifths of a person. They left that out. But there are two Houses, and there is a President. But they don't want to compromise. They just want to put a gun to our heads. And it is in the form of abortion and in the form of global warming. Look, 99.6 percent of climate scientists in the world believe there is global warming and it is caused by human beings. The other .4 percent work for coal companies or oil companies or the Heritage Foundation. Then there might be another guy somewhere.

Why put a rider on this that is about ideology? This should not be an ideological debate. This is about getting the deficit down and about our economy. We had 216,000 new jobs last month. It is fragile, but we are beginning to come out of this. This is not the time to shut the government down.

What it is going to do to people in my State, to seniors—every week, there are hundreds of seniors—how many a day—170 a day applying for Social Security. They are not going to be able to do that, people who just turned 65. There are people who are going to try to get FHA loans and won't be able to. There are farmers who want to put seed in the ground who will not have the Farm Service open. This is not the time to do this. This is going to mean 800,000 Federal employees laid off. What is that going to do to the economy?

Look, there are things in this that I don't like, but I am willing to swallow and do it.

They want to cut hundreds of millions of dollars in hunger programs, \$700-plus million to cut food for women, infants, and children. It has

been analyzed, and because of that, the neediest kids will not get their allotted amount of fruits and vegetables that is recommended. And that is not just during the closing; that is what they want to do for the rest of the year and presumably beyond that.

At the same time, we were here last December, and they wanted to extend the Bush tax cuts. They insisted on it, not just to your first million dollars or your second million dollars, to your tenth million dollars, to your 13th million dollars, or to your 300th million dollars. The top 400 income earners in this country average over \$330 million a year in income. They would rather those women, infants, and children not get food, the food they need to be healthy. I don't like that. Boy, do I not like that. Boy, do I not like that. But I was willing to swallow that for whatever is in the compromise to keep the government going so we could go through the year, so we could keep the economy going, so we continue the job growth we have had.

They know how to keep the government going. Take the ideological stuff off. Let's not resolve abortion in 27 hours. We have had more than 27 years—37 years—since *Roe v. Wade*. Let's not put a gun to everyone's head and say we have to resolve *Roe v. Wade* in 27 hours. That is just plain inappropriate.

I think you know how I feel. I think we know which side gives standing ovations when it is announced the government may very well be shut down. I think we know which side's crowd cheers and chants when they hear there may be a shutdown. I wish it were not that way. I wish we were working together. I hope we are working together on Monday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the period for morning business be extended until 10:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and I ask that the time for morning business be for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. DURBIN. Madam President, I rise to speak in morning business, even

though it is the evening—the nature of the Senate rules and procedure. During the course of the day, we have had a number of colleagues coming to the floor and talking about the looming shutdown of the Federal Government.

During the last several hours, as we have spoken, Majority Leader REID and Speaker BOEHNER have been meeting with President Obama. It is my sincere hope that it has been a productive and fruitful meeting and that they will report that we have found a way out of this difficulty. I certainly hope that is the case. But if it is not, if we are destined to see this government shut down tomorrow night at midnight, it is a sad commentary—one that most American voters will resent and be disappointed with, and understandably so. It basically says the leaders have not been able to reach an agreement. Fingers of blame will be pointed in both directions, and the public can reach conclusions about who is responsible.

From my point of view, having worked with Senator HARRY REID on this from the beginning, I attended many meetings and heard many reports. It has been a frustrating experience because the Speaker's position in the House has changed so often. The amount of money they wanted to cut from the budget, where it would come from, and the policy riders that were part of this conversation have been changing with each meeting. I know Senator REID is a patient person. I have watched him as my friend since we were both elected to the House in 1982, and as my colleague in the Senate now—and this is my third term. He is patient, but he has been frustrated because of these changing scenarios.

The most recent change is one that I find most troubling, which is that it appears the debate is no longer over deficit reduction or spending cuts. It really isn't about how much money we are going to cut during the remainder of this year. Most Americans thought that was what we were debating and negotiating. It turns out now that it has devolved into a debate over policy questions that have nothing to do directly—maybe even indirectly—with the budget deficit we face and the money we are going to spend.

For example, Speaker BOEHNER has been insisting today that the Senate adopt a provision which removes the authority of the EPA when it comes to issues involving pollution. I disagree with that position, but I have to say to the Speaker that he should check the CONGRESSIONAL RECORD. It is not the most exciting publication, but if he looks at yesterday's CONGRESSIONAL RECORD, he will find that we spent most of yesterday debating this point.

Four different amendments were offered by Democrats and Republicans, including Senator MCCONNELL, the Republican minority leader, on this issue. We debated them for days and voted

yesterday on the question of the authority of the EPA. There were four votes.

On the first one, there were seven Senators voting in favor of the change in that amendment. On the second amendment, seven Senators again. On the third amendment, 12 Senators voted in favor of the change. The fourth, offered by Senator MCCONNELL, was 50-50. At the end of the day none of them passed.

For Speaker BOEHNER to insist now that we include in our bill a provision that has already been debated in the Senate and rejected is fundamentally unfair and goes way beyond any question about deficit reduction and cutting spending.

The second item he raised is one that is even more puzzling. For some reason the Republican majority in the House believes the last election was a referendum on whether we provide medical services to women in America. We have the title X program—primarily for low-income women—that gives them access to basic health care, to the type of cancer screening and infection screening that we want all of the women in America to have access to. The House Republicans decided we should eliminate that Federal commitment and close the clinics, denying access to millions of Americans to basic primary health care.

How can that be in the best interest of our country and the costs that we incur to provide medical services? How can it be fair to these people, the men and women who use these clinics because they are accessible and affordable? They want to close them down. I don't recall that debate in the last election. I don't remember any candidate for the House or Senate saying: I want to go to Washington to close down access to health care for women, children, and men across America. That is, in fact, what they are saying now is the reason we need to close down the government. They think it is better to close down the government than to continue to give access to medical care to women under title X.

Planned Parenthood, which has a clinic in my hometown of Springfield, IL—for the record, Planned Parenthood and any clinic operating under title X is prohibited from using any Federal funds for the purpose of abortion. The only exceptions are those that have been in the law and accepted by both political parties for decades—the so-called Hyde amendment for women who are victims of rape, incest, or their lives are at stake in a continued pregnancy.

This isn't an abortion issue. It is obviously a health care issue. For some reason, the House Republicans would rather close down the government than allow this kind of health service to continue. That is troublesome.

It is also troubling that the underlying House budget they passed has

been judged by economists to be a job killer—700,000 jobs would be lost if the Republicans passed their budget and the Senate approved it. At a time when we are celebrating the creation of over 200,000 new jobs last Friday, and the lowest unemployment rate in 24 months, here come the Republicans with a budget proposal that will cost 700,000 jobs, pushing us back toward recession instead of away from it. That isn't sensible.

I don't believe the American people ever considered that part of the bargain in the last election. It is true the American people focused on the deficit and cutting spending, and we are too—on both sides of the aisle. That is why we have reached an agreement on the amount of money to be cut from the remaining part of this budget. For us to now face a shutdown of the Federal Government over the question of women's access to health care or whether we are going to accept an EPA change, which has already been rejected on the floor of the Senate, shows the unreasonable level of this debate.

We had a meeting today of the Democratic Senators, and JOHN KERRY spoke. I told him afterward that what he said had a profound impact on me. He reminded us that what we are doing isn't just being observed by politicians on Capitol Hill or reporters and journalists in Washington; it is being watched by the world.

It is a sad commentary that this great Nation, the United States of America, with its government, has reached a point where we face closure. We know we can do better. It is unfortunate the House Republicans, with their new leadership facing growing pains, have brought us to this moment. I hope we can reach a point where we can find an agreement even now. I hope this evening there will be a breakthrough.

They said last week, when the Speaker announced to his Republican caucus in the House that there was going to be a shutdown of the government, there was a standing ovation. They were cheering the idea of shutting down the government.

I will not cheer that. That is a bad outcome. It is bad for taxpayers, bad for our Nation, and bad for the Federal employees who are performing essential services in North Carolina, Illinois, and across the country. These are men and women who are working to keep us safe. They are performing important duties, such as watching dangerous prisoners and making certain our planes take off and land safely. To even jeopardize for a minute the funding for these agencies is irresponsible to the extreme.

Let's hope there is an agreement. If not, let's hope we can extend somehow the functions of government and not close them down at midnight tomorrow evening. At this moment, there is no report. There is likely to be one later.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have just returned from the White House. We have narrowed the issues significantly; However, we have not yet reached an agreement. In 26 hours and 15 minutes the government will close if we don't get this resolved. We have not yet reached an agreement.

We are going to work throughout the night to attempt to resolve many issues. The remaining issues are extremely narrow. Having said that, I have been to this podium before, and I have spoken to the press before, and I said we have narrowed the issues—and we have. The sad part about it is that we never quite get to the finish line.

I hope we can work through the night and get this done. The President set an early morning deadline before we have to start notifying almost 1 million Federal employees that they will have to report to work and hear that they won't be there on Monday. It is a technical thing they have to do tomorrow before closing time. We need to work toward that deadline. I hope we can get that done. I am not really confident, but I am very hopeful.

FAIR ELECTIONS NOW ACT

Mr. DURBIN. Madam President, last year, the Supreme Court issued a decision in a case named *Citizens United v. FEC*. In this sweeping decision that ignored decades of precedent, the Supreme Court held that corporations and unions could spend as much money as they want to influence congressional elections.

At the time the Court issued this decision, I and others warned that *Citizen United* would have a negative impact on our democracy and open the floodgates to undisclosed private money in Federal elections.

The results of the first congressional elections after *Citizens United* have been analyzed. Those of us who sounded the alarm about this unfortunate decision were right.

In 2010, for the first time ever, spending on House and Senate races exceeded \$1.6 billion.

Outside groups, now freed from spending limits by *Citizens United*, spent 335 percent more on congressional campaigns than they did just 4 years earlier.

The amount of money that big corporations and special interest lobbyists are willing to spend to shape policy is expected to increase even more in 2012.

This dramatic increase in spending tells us that big business is not going to be shy about using its new power to say to Members of Congress: "If you vote against our business interests, we'll spend millions to make sure you never get the chance to vote against us again."

That is a terrible reality for Members of Congress evaluating policy options and it is an even worse statement about our democracy.

As bad as *Citizens United* was, the Supreme Court may very well be at it again. Last week, the Court heard oral arguments in the *McComish v. Bennett* case.

An adverse decision in the *McComish* case would hamstring jurisdictions that have implemented campaign finance measures in response to corruption and scandal.

Citizens United and its corrosive impact remind us of the urgent need to fundamentally reform the way we finance congressional elections.

It is time we had a system that allows candidates to focus on constituents instead of fundraising.

That is why I introduced the Fair Elections Now Act. The Fair Elections Now Act will dramatically change the way campaigns are funded.

This bill lets candidates focus on the people they represent, regardless of whether those people have the wealth to attend a big money fundraiser or donate thousands of dollars.

Fair Elections candidates would be in the policy business, regardless of what policies are preferred by big business and wealthy special interests.

The Fair Elections Now Act will help restore public confidence in the congressional election process by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists and other special interests.

In return, participating candidates would agree to limit their campaign spending to amounts raised from small-dollar donors plus the amounts provided from the Fair Elections Fund.

Fair Elections would have three stages for Senate candidates.

To participate, candidates would first need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Once a candidate qualifies, that candidate must limit the amount raised from each donor to \$100 per election.

For the primary, participants would receive a base grant that would vary in amount based on the population of the state that the candidate seeks to represent. Participants would also receive a 5-to-1 match for small-dollar donations up to a defined matching cap. The candidate could raise an unlimited amount of \$100 contributions if needed

to compete against high-spending opponents.

For the general election, qualified candidates would receive an additional grant, further small-dollar matching, and vouchers for purchasing television advertising. The candidate could continue to raise an unlimited amount of \$100 contributions if needed.

The Fair Elections approach frees candidates to spend more time with constituents and in policy debates and less time with wealthy donors and special interest lobbyists.

Our country faces major challenges. Everyone knows that we need to reduce the deficit, modernize our energy policy, and reform the Tax Code—among other things.

What many people may not know is that, at every turn, there are high-powered, special interest lobbyists ready to fight every proposal.

It is mighty hard for Members of Congress not to pay attention to the concerns of big money lobbyists and donors when Members of Congress may need to raise money from these same people during their next campaign.

This bill would dramatically reduce the influence of these lobbyists and corporations, because Fair Elections candidates would not need their money to run campaigns.

Let me be clear: I honestly believe that the overwhelming majority of the people serving in American politics are good, honest people, and I believe that Senators and Congressmen are guided by the best of intentions.

But we are nonetheless stuck in a terrible, corrupting system.

The perception is that politicians are corrupted by the big money interests . . . and whether that is true or not, that perception and the loss of trust that goes with it makes it incredibly difficult for the Senate to take on tough challenges and have the American public believe that what we are doing is right.

This problem—the perception of pervasive corruption—is fundamental to our democracy, and we must address it.

Fair Elections is not some farfetched idea.

Fair Election systems are already at work in cities and states around the country.

Similar programs exist and are working well in more than 12 jurisdictions, including Maine, Arizona, North Carolina, and Vermont.

These programs are bringing new faces and new ideas into politics, making more races more competitive, and dramatically reducing the influence of special interests.

The vast majority of Americans agree that it is time to fundamentally change our system of financing campaigns.

Recent polling shows that 75 percent of Democrats, 66 percent of independents, and 55 percent of Republicans support Fair Elections-style reform.

The Fair Elections Now Act is supported by several good government groups, former Members of Congress from both parties, prominent business leaders, and even . . . lobbyists.

Special interests lobbyists and big corporations are entitled to a seat at the table, but they shouldn't be able to buy every seat.

The Fair Elections Now Act will reform our campaign finance system so that Members of Congress can focus on implementing policies that benefit the people that sent them to Washington.

CENTENNIAL CELEBRATION OF PLATTE COUNTY, WYOMING

Mr. BARRASSO. Madam President, I am pleased to recognize the Centennial of Platte County, WY.

Although today's Platte County is vastly different than that of 100 years ago, its vibrant history connects the two. The early inhabitants, who were then part of Laramie County, campaigned passionately for the division of the county. They had distinguished themselves as functional communities, and they contributed to the State's economy by strengthening their ties to the railroad, agricultural development, and mining industries. They wanted an independent identity. On April 28, 1911, a headline in the Wheatland World jubilantly announced, "County division carries! Platte County a reality." Their success represents Wyoming's spirit of independence.

Platte County consists of 8,200 residents in the five communities of Wheatland, Guernsey, Hartville, Glendo, and Chugwater. Parts of Wheatland's unique irrigation system are still visible. In the early 1880s, engineers created a system of canals to transport water from manmade reservoirs through the mountains to the town below. Such foresight assisted in the taming of a small section of the great Wild West. A few miles outside of Guernsey stands Register Cliff, a sandstone outcropping upon which emigrants recorded their names and dates as they traveled the historic Oregon Trail. Wagon ruts from the trail are also visible and remind us of the grand journey people made. The Sunrise Mine, located just outside of Hartville, was one of the largest iron mines in the country, producing over 42 million tons of iron ore during its 80-year operation. Platte County is the only county in Wyoming with two State parks: Guernsey State Park and Glendo State Park. Both parks contribute to the area's irrigation systems, as well as provide excellent year-round recreational opportunities for Wyoming residents. Livestock production has always been a major enterprise in Wyoming; Chugwater earned distinction as the headquarters for Swan Land and Cattle Company, one of the largest cattle outfits in the United States. Now, new

generations of ranchers continue the cattle legacy.

Today, Platte County helps meet America's growing energy demands. The Laramie River Station powerplant, located northeast of Wheatland, delivers electricity to two separate power grids and is one of the largest consumer-operated, joint power supply ventures in the country. Strides have been made in developing renewable energy technology, including plans to harness Wyoming's wind. Also impressive is Platte County's proximity to the Niobrara Shale Formation, a shale rock formation that covers four States in the West. Drilling beneath this formation will provide numerous opportunities for oil and natural gas production.

Madam President, in celebration of the 100th anniversary of Platte County, I invite my colleagues to visit this historic place. This year, the Platte County Centennial Committee has planned several countywide celebrations and has announced its motto, "The People, the Land: Past, Present and Future." I applaud the citizens of Platte County in their efforts to celebrate such rich history and to present it to visitors from all over the world.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. CASS PENNINGTON

• Mr. COCHRAN. Madam President, I am pleased to commend Dr. Cass Pennington of Indianola, MS, for his service and contributions to the State of Mississippi while serving as the 76th president of Delta Council. Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the alluvial floodplain commonly known as the Mississippi Delta. The organization was formed in 1935 and is widely respected for its role in meeting the challenges which have historically been faced by the economy and quality of life for this region of our State.

Cass Pennington has served as president of Delta Council during a time when our Nation and the State of Mississippi have experienced enormous economic challenges at the local, State, and national levels. During his career, Dr. Pennington has been best known for his contributions to education and improved access to healthcare throughout the 18 Delta and part-Delta counties of northwest Mississippi. Prior to becoming the president of Delta Council, Dr. Pennington served as Superintendent of Education for school districts in Tallahatchie and Sunflower Counties, MS. He has served as a college sports referee and is a past chairman of the Board of Institutions of Higher Learning in the State of Mississippi, which oversees the operations

and management of the eight public universities in our State.

Upon retirement from the local public education system in Indianola, MS, Dr. Pennington served as executive assistant to the president of Delta State University. Later, he was asked to move into the position as the first chief executive officer of Delta Health Alliance, which has been a vitally successful program aimed at improving access to health care in the Mississippi Delta.

Cass Pennington is respected in all business and education circles throughout our State. Delta Council, itself, has been taken to a new level through the involvement of Dr. Pennington. He is a leader and a man of strong conviction, especially with regard to the future of the Mississippi Delta.

In Mississippi, we appreciate Cass Pennington, his wife Carolyn, and their daughter Athena for the sacrifices they have made to help improve the lives of all who live and do business in the Mississippi Delta.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EX- ECUTIVE ORDER 13536 ON APRIL 12, 2010 WITH RESPECT TO SOMA- LIA—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13536 of April 12, 2010, is to continue in effect beyond April 12, 2011.

The deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the Somalia arms embargo imposed by the United Nations Security Council, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to

Somalia and related measures blocking the property of certain persons contributing to the conflict in Somalia.

BARACK OBAMA.
THE WHITE HOUSE, April 7, 2011.

MESSAGE FROM THE HOUSE

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read twice and ordered to be placed on the calendar:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 768. A bill to provide for continuing operations of Government in a fiscally responsible manner.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1232. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Broadband Access Loans and Loan Guarantees" (RIN0572-AC06) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1233. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; New Haven, CT" (MB Docket No. 09-123; DA 11-501) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1234. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; El Paso, TX" (MB Docket No. 11-4; DA 11-530) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1235. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Jackson, MS" (MB Docket No. 11-8; DA 11-516) received in the Office of the President of the Senate on April

4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1236. A communication from the Chief Financial Officer, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services" (RIN0648-AX7) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1237. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reliability Standards for Interconnection Reliability Operating Limits" ((RIN1902-AE17) (Docket No. RM10-15-000)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Energy and Natural Resources.

EC-1238. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the New Zealand-Australia Distinct Population Segment of the Southern Rockhopper Penguin" (RIN1018-AV73) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1239. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of Preheat Temperature for Welding of Low-Alloy Steel" (Regulatory Guide 1.50, Revision 1) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Environment and Public Works.

EC-1240. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation Office, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Model Application and Safety Evaluation for Plant-Specific Adoption of TSTF-422, Revision 2 'Change in Technical Specifications End States (CE NPSD-1186)'" (NUREG-1432) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Environment and Public Works.

EC-1241. A communication from the Chief of the Publications and Regulations Branch, Joint Board for the Enrollment of the Actuaries, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974" (RIN1545-BC82) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1242. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Director's Directive No. 2—Employment Tax and the Employees on the U.S. Outer Continental Shelf" (LBandI-4-0211-005) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC-1243. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Administrative Exemptions to the Specified Tax Return Preparer Electronic Filing Requirement. . . ." (Notice 2011-26) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC-1244. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The Mailing of Individual Income Tax Returns by Specified Tax Return Preparers in Calendar Year 2011" (Notice 2011-27) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC-1245. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Undue Hardship Waivers and Taxpayers Choice Statement" (Rev. Proc. 2011-25) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC-1246. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia (OSS Control No. 2010-1895); to the Committee on Foreign Relations.

EC-1247. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture, maintenance and repair, and overhaul of GG1111 series gyroscopes for end use by the Ministry of Defense of Japan; to the Committee on Foreign Relations.

EC-1248. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services related to the manufacture and production of 7.62mm chain guns, in the amount of \$1,000,000 or more to the United Kingdom and Canada; to the Committee on Foreign Relations.

EC-1249. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including technical data, or defense services relative to the export of 9mm semi-automatic pistols in the amount of \$1,000,000 or more to Thailand; to the Committee on Foreign Relations.

EC-1250. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including technical data, or defense services relative to military electrical connectors, backplane assemblies and related parts/components for end use by U.S. customers, in the amount of \$50,000,000 or more to Mexico and Canada; to the Committee on Foreign Relations.

EC-1251. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting,

pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or defense services sold commercially under contract relative to the Proton rocket launch vehicle integration and launch of the Asiasat 7 commercial communications satellite, in the amount of \$50,000,000 or more to Hong Kong, Russia, France, and Sweden; to the Committee on Foreign Relations.

EC-1252. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed re-export of major defense equipment relative to the export of six C-130 E and H model aircraft, in the amount of \$25,000,000 or more from the Kingdom of Saudi Arabia to the Government of Turkey; to the Committee on Foreign Relations.

EC-1253. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including technical data, and defense services, relative to the repair and overhaul of AE 2100J gas turbine engines for use in US-2 search and rescue aircraft, in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-1254. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, technical data, and defense services relative to electrical generator products for various aircraft, in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-1255. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including technical data, or defense services to Japan relative to the production, integration, operation, overhaul, repair, calibration, maintenance, training, and logistics support of the Chukar Aerial Target System in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1256. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including technical data, and defense services, relative to Joint Strike Fighter airframe parts and components, in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-1257. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad relative to both the H-726 Dynamic Reference Unit (DRU) and the H-726 Dynamic Reference Unit Hybrid (DRUH) for Military Vehicles to Germany; to the Committee on Foreign Relations.

EC-1258. A communication from the Senior Procurement Executive, Office of Acquisi-

tion Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Clarification of Standard Form 26—Award/Contract" ((RIN9000—AL72) (FAC 2005—51)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1259. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005—51) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1260. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Women-Owned Small Business (WOSB) Program" ((RIN9000—AL97) (FAC 2005—51)) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1261. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1262. A communication from the Chairman, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1263. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures" (RIN0651—AC52) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on the Judiciary.

EC-1264. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "International Terrorism Victim Expense Reimbursement Program" (RIN1121—AA78) received in the Office of the President of the Senate on April 5, 2011; to the Committee on the Judiciary.

EC-1265. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2010 Freedom of Information Act Litigation and Compliance Report; to the Committee on the Judiciary.

EC-1266. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements" (Docket No. AMS—FV—10—0091; FV11—35—1 FR) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1267. A communication from the Administrator of the Fruit and Vegetable Pro-

grams, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures" (Docket No. AMS—FV—07—0091; FV—07—706—FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1268. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Energy for America Program" (RIN0570—AA76) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1269. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Geothermal Lease Revenues; to the Committee on Appropriations.

EC-1270. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-1271. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert E. Durbin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1272. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the procurement and use of munitions; to the Committee on Armed Services.

EC-1273. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to Special Duty Pay for Afghanistan; to the Committee on Armed Services.

EC-1274. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to person-to-person mental health assessments; to the Committee on Armed Services.

EC-1275. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Global Hawk program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC-1276. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled "Iraq—Forgotten Mission? The United States Needs to Sustain a Diplomatic Presence to Preserve Gains and Avoid Waste as the U.S. Military Leaves Iraq"; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 410. A bill to provide for media coverage of Federal court proceedings.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

J. Paul Oetken, of New York, to be United States District Judge for the Southern District of New York.

Paul A. Engelmayer, of New York, to be United States District Judge for the Southern District of New York.

Ramona Villagomez Manglona, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands for a term of ten years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. WICKER, Ms. SNOWE, and Mr. VITTER):

S. 754. A bill to amend title 49, United States Code, to require the Secretary of Transportation to establish and maintain a national clearinghouse for records relating to alcohol and controlled substance testing of commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, Mr. THUNE, Mrs. BOXER, and Mr. GRAHAM):

S. 755. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 756. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. BINGAMAN, and Mr. ENZI):

S. 757. A bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. LIEBERMAN, and Mrs. SHAHEEN):

S. 758. A bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 759. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-

22901, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. WEBB):

S. 760. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. AKAKA, and Mrs. MCCASKILL):

S. 761. A bill to improve the acquisition workforce through the establishment of an acquisition management fellows program and a leadership development training program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. AKAKA, Mrs. MCCASKILL, and Mr. BROWN of Massachusetts):

S. 762. A bill to improve the Federal Acquisition Institute; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 763. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 764. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 765. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 766. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 767. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL (for himself and Mr. DEMINT):

S. 768. A bill to provide for continuing operations of Government in a fiscally responsible manner; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 135. A resolution remembering the 1 year anniversary of the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and ci-

vilians who were massacred by the Soviet Union in 1940; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 136. A resolution to authorize document production in *United States v. Douglas D. Hampton* (D.D.C.); considered and agreed to.

By Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN):

S. Res. 137. A resolution supporting the goals and ideals of Take Our Daughters and Sons To Work Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. ISAKSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. KYL) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 254

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 254, a bill to reduce the rape kit backlog and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 501

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 520

At the request of Mr. COBURN, the names of the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Washington

(Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 662

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 662, a bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 712

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 716

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 716, a bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes.

S. 718

At the request of Mr. ROBERTS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from

Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. RISCH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 720

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. UDALL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. TESTER), the Senator from Louisiana (Mr. VITTER), the Senator from Tennessee (Mr. CORKER), the Senator from West Virginia (Mr. MANCHIN), the Senator from Colorado (Mr. UDALL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alabama (Mr. SHELBY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 726

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 726, a bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

AMENDMENT NO. 253

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 253 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, Mr. THUNE, Mrs. BOXER, and Mr. GRAHAM):

S. 755. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleagues Senators SESSIONS, MCCASKILL, THUNE, BOXER, and GRAHAM, I am introducing the Crime Victim Restitution and Court Fee Intercept Act. This bipartisan bill would help crime victims and state courts recover the restitution and fees that are owed to them. This bill would accomplish this worthy goal by intercepting tax refunds of deadbeat debtors who've failed to pay restitution or court fees. If enacted, this bill would essentially allow state courts to cross-reference outstanding debts with the IRS and use existing procedures to withhold tax refunds in order to satisfy past due debts.

This bill would not only deliver justice to crime victims who are owed restitution, but would also provide much-needed resources to help keep court

rooms open and court programs operating. At a time when our State and local governments are struggling to find funding for vital programs—including keeping courthouse doors open—unpaid court fees represent an important source of revenue that should be captured. This bill would help close budget gaps and provide additional revenue without raising taxes or imposing any new costs or burdens. In fact, participation in the program would be optional for States, but I expect most States to participate and to benefit greatly from this bill.

This bill would operate the same way as the very successful child support debt collection system. The bill will allow states to share information on outstanding restitution owed and court debts with the IRS, which would then be required to intercept any Federal tax refunds of debtors and send that money to the victim or court owed that debt.

It has been estimated by the National Center for State Courts that outstanding court debts across the country total approximately \$15 billion. In my home state of Oregon alone, the outstanding restitution and court fee debt amount is \$987 million. Only a portion of outstanding debts are owed by individuals who will receive Federal tax refunds, so a portion of court debts would not be collected immediately. Nonetheless, the state of Oregon estimates that passage of this bill would allow the State to collect \$30 million per year.

Without this straight-forward and efficient mechanism, the collection of victim restitution and court debts is a costly and time-consuming process. Enactment of this bill would reduce the fiscal cost and administrative burden that victims and courts bear in attempting to collect those debts. Again, in the midst of a challenging fiscal crisis, it only makes common sense to collect revenues that are already owed—through an efficient and convenient method.

Because this bill would benefit both the court system, and those who rely upon it, the Crime Victim Restitution and Court Fee Intercept Act is endorsed by a broad array of court, government, law enforcement, and crime victims' organizations. I would like to especially recognize the National Center for State Courts and the American Bar Association for their support in getting this bill introduced.

The bill is also supported by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Managers, the National Conference of State Legislatures, the National Association of Counties, the Government Finance Officers Association, the National District Attorneys Association, the American Probation and Parole Association, the National Crime Law In-

stitute, the National Center for Victims of Crime, the National Organization for Victim Assistance, the National Association of Crime Victim Compensation Boards, the National Association of VOCA Assistance Administrators, the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Organization of Parents of Murdered Children Inc., and Mothers Against Drunk Driving.

I urge all colleagues to support this bipartisan legislation and I yield the floor.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 756. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in March, I introduced S. 454, the Strengthening Program Integrity and Accountability in Health Care Act, to enhance the government's ability to combat Medicare and Medicaid fraud.

One of the provisions in that bill would require the Secretary of Health and Human Services to issue regulations to make Medicare claims and payment data available to the public similar to other federal spending disclosed on www.USAspending.gov.

That website was created by legislation sponsored by then-Senator Obama and Senator COBURN. It lists almost all federal spending, but it doesn't include Medicare payments made to physicians.

That means virtually every other government program, including some defense spending, is more transparent than spending by the Medicare program.

Medicare is funded by taxpayers, and in 2009, the federal government spent \$502 billion on Medicare.

Taxpayers should have a right to see how their hard-earned dollars are being spent.

Also, if doctors know their billing information is public, it might deter some wasteful practices and over-billing.

On the day that I introduced S. 454, I learned that Senator WYDEN was also working on legislation to make Medicare payments to physicians available to the public. We decided to work together.

Today, Senator WYDEN and I are introducing the Medicare Data Access for Transparency and Accountability Act, Medicare DATA Act.

This bill would require the Secretary of Health and Human Services to issue regulations to make available a searchable Medicare payment database that the public can access at no cost.

Our bill also clarifies that data on Medicare payments to physicians and suppliers do not fall under a Freedom of Information Act, FOIA, exemption.

Under a 1979 court decision, Medicare is prohibited from releasing physicians' billing information to the public.

But before that injunction, the Department of Health, Education, and Welfare—now the Department of Health and Human Services—was in the process of releasing reimbursement data for all Medicare providers.

Third parties that have tried to obtain physician specific data through the FOIA process have failed in the past because the courts held that physicians' privacy interests outweigh the public's interest in disclosure.

The nonprofit, consumer organization—Consumers' Checkbook—for example, had filed a lawsuit against the Department of Health and Human Services to compel disclosure of that data.

The organization made its FOIA request to determine whether or not Medicare paid physicians who had the qualifications to perform the services for which they sought federal reimbursement, especially those performing a high volume of difficult procedures.

In particular, the organization was looking for physicians with insufficient board certifications or histories of disciplinary actions.

My question is: why wouldn't we want individuals examining this data to ensure that the government is protecting taxpayer dollars by preventing improper billing to the Medicare program?

And why wouldn't we want public interest watchdog groups helping to look out for potential abuse or fraud?

In January, the Wall Street Journal reported the American Medical Association's, AMA, concerns about making Medicare claims data publicly available.

The AMA President said that physicians "should not suffer the consequences of having false or misleading conclusions drawn from complex Medicare data that has significant limitations."

But I would like to note the value of access to Medicare billing data.

Even with limited access, the Wall Street Journal was able to identify suspicious billing patterns and potential abuses of the Medicare system.

The Wall Street Journal found cases where Medicare paid millions to a physician, sometimes for several years, before those questionable payments stopped.

Volume alone doesn't automatically mean there's fraud, waste, or abuse.

More patients may be going to a specific physician for a particular service because that physician is a leader in his or her field.

Nonetheless, to alleviate the concerns raised by the American Medical Association, our bill would require a disclaimer that the data in the public database "does not reflect on the quality of the items of services furnished or

of the provider of services or supplier who furnished the items or services.”

I believe transparency in the health care system leads to more accountability and thus less waste and more efficient use of scarce resources.

I have often quoted Justice Brandeis, who said, “Sunlight is the best disinfectant.”

That is what Senator WYDEN and I are aiming to accomplish with the Medicare DATA Act.

When it comes to public programs like Medicare, the Federal Government needs all the help it can get to identify and combat fraud, waste and abuse.

Our bill will add to the reforms Congress passed last year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Data Access for Transparency and Accountability Act”.

SEC. 2. PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.

(a) IN GENERAL.—Section 1128J of the Social Security Act (42 U.S.C. 1320a-7k) is amended by adding at the end the following new subsection:

“(f) PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.—

“(1) IN GENERAL.—The Secretary shall, to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, make available to the public claims and payment data of the Department of Health and Human Services related to title XVIII, including data on payments made to any provider of services or supplier under such title.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—Not later than December 31, 2012, the Secretary shall promulgate regulations to carry out this subsection.

“(B) REQUIREMENTS.—The regulations promulgated under subparagraph (A) shall ensure that—

“(i) the data described in paragraph (1) is made available to the public through a searchable database that the public can access at no cost;

“(ii) such database—

“(I) includes the amount paid to each provider of services or supplier under title XVIII, the items or services for which such payment was made, and the location of the provider of services or supplier;

“(II) is organized based on the specialty or the type of provider of services or supplier involved;

“(III) is searchable based on the type of items or services furnished; and

“(IV) includes a disclaimer that the aggregate data in the database does not reflect on the quality of the items or services furnished or of the provider of services or supplier who furnished the items or services; and

“(iii) each provider of services or supplier in the database is identified by a unique

identifier that is available to the public (such as the National Provider Identifier of the provider of services or supplier).

“(C) SCOPE OF DATA.—The database shall include data for fiscal year 2012, and each year fiscal year thereafter.”

(b) INFORMATION NOT EXEMPT UNDER THE FREEDOM OF INFORMATION ACT.—The term “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”, as used in section 552(b)(6) of title 5, United States Code, does not include the information required to be made available to the public under section 1128J(f) of the Social Security Act, as added by subsection (a).

Mr. WYDEN. Mr. President, I rise today with Senator GRASSLEY to introduce the Medicare Data Access for Transparency and Accountability Act. I would like to begin by thanking my friend and esteemed colleague for his unwavering commitment to greater transparency and accountability in government. This Medicare DATA Act advances that goal.

Sunshine continues to be the greatest disinfectant. In that light, the Medicare DATA Act ensures all taxpayers have access to the Medicare Claims Database, both to aid them in making medical decisions, and in understanding what their money is paying for in this vital, yet enormous, health program. Making this information public will also help prevent wasteful spending and outright fraud in Medicare claims. The Medicare Claims Database is an important resource for public and private stakeholders as it captures healthcare provider payment and claims information for roughly 1/3 of the United States healthcare system. But why isn't this information already available?

In 1978, the Department of Health Education and Welfare attempted to release this information, upon request, under the premise that accessibility to the source data was in the public interest and therefore should be made available for public consumption. An injunction by a Florida court, however, successfully blocked that public disclosure of this information. As a result, this data has been—with limited exceptions made for government employees, contractors, and researchers willing to pay for partial access—off limits for the last three decades. Passage of the Medicare DATA Act puts an end to that practice.

I consider hiding information affecting the American taxpayer that clearly should be in the public domain, to be indefensible in a free society. With this principle in mind, I join with Senator GRASSLEY in changing “business as usual.”

I urge my colleagues to support this legislation so that Medicare data is finally fully transparent and available to Medicare beneficiaries and taxpayers alike. I look forward to working with my colleagues in this effort.

By Mrs. BOXER:

S. 759. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2011. This bill would resolve a 21-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After two decades of conflict and nearly a decade of litigation, the two parties announced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. Local land use authorities, such as the City of Victorville and County of San Bernardino, would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a 20-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, and help secure important lands for conservation. That's why it has won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I look forward to working with my colleagues to secure the passage of this important legislation.

By Ms. COLLINS (for herself, Mr. AKAKA, and Mrs. MCCASKILL):

S. 761. A bill to improve the acquisition workforce through the establishment of an acquisition management fellows program and a leadership development training program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce two bills that would lay a strong foundation to improve the Federal acquisition system.

The first bill, the Acquisition Workforce Improvement Act of 2011, S. 761, co-sponsored by Senators AKAKA and MCCASKILL, would create a Federal acquisition management fellows program to develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

The second bill, the Federal Acquisition Institute Improvement Act of 2011, S. 762, co-sponsored by Senators AKAKA, MCCASKILL and BROWN of Massachusetts, would provide much-needed organizational clarity to enable the Federal Acquisition Institute (FAI) to fulfill its mission of facilitating career development and better management of the federal acquisition workforce.

The Federal acquisition system is under tremendous stress. Between fiscal years 2000 and 2010, acquisition spending by the federal government expanded by 163 percent, from \$205 billion to \$535 billion. The necessary costs of military operations, natural disasters, homeland security precautions, and other vital programs will continue to strain the acquisition system in the years ahead.

This unprecedented level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting. The Secure Border Initiative Network, the Census Bureau's handheld computers for the 2010 Census, and the Marine Presidential Helicopter programs are among recent, notorious and costly acquisition failures, which we can ill afford.

These and other failures demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

As a long-time advocate for stronger competition, accountability, and transparency in government contracting, I recognize the actions the Administration has taken recently to improve federal contracting. Many of these initiatives originated from legislation I co-authored with Senator LIEBERMAN during the 110th Congress.

But, no matter how many laws we pass or guidance documents OMB issues, the effectiveness of our Federal acquisition system ultimately depends on a vital human component—the acquisition workforce.

While contract spending has risen dramatically, the number of acquisition professionals who help plan, award, and oversee these contracts has been stagnant. And with roughly half of the current acquisition workforce eligible to retire by 2018, the difficulties of strengthening that workforce are becoming increasingly acute. A well-trained and adequately sized acquisition workforce is critical to managing and overseeing federal spending and the increasingly complex procurements of services and goods.

The two pieces of legislation I am introducing today are designed to address these important long-term goals.

The Acquisition Workforce Improvement Act would create a centrally managed, Government-wide Acquisition Management Fellows Program that combines both a Master's degree-level academic curriculum and on-the-job training in multiple federal agencies. By partnering with leading universities that have specialized government acquisition programs, the government can attract top-caliber students and retain our best government employees who are interested in pursuing both academic advancement and public service.

Compared to the several existing, agency-specific intern programs, this government-wide program would provide a much-needed skill set that we currently do not have in sufficient number; that is, acquisition professionals with multi-agency and multi-disciplinary training who can understand and manage government-wide acquisition needs and perspectives.

Considering that interagency acquisition now accounts for approximately 40 percent of the Federal Government's entire contract spending, and that GAO has designated the management of interagency contracting a high-risk area since 2005, it is evident that we need to develop future acquisition leaders who understand government-wide needs and perspectives and are able to operate effectively outside of the traditional, single-agency environment.

Specifically, the Acquisition Management Fellows Program would include one academic year of full-time, on-campus training followed by 2 years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields; and a curriculum that would include rotational assignments at three or more executive agencies covering, among other issues, acquisition planning, cost-estimating, formation and post-award administration of "high risk" contract types, and interagency contracts.

Upon graduation, participants will have completed all required, non-agency-specific training courses necessary for a basic contracting officer warrant.

In addition, participants would be required to enter into a service commitment to ensure the Federal Government receives a proper return on its investment. The service commitment would be no less than 1 year for each year a participant is in the program, and would require reimbursement of funds for those who do not successfully complete the program or do not fulfill the minimum service requirements.

Our second bill, the Federal Acquisition Institute Improvement Act, would strengthen the Federal Acquisition Institute, FAI, whose key responsibilities are to promote career development and strategic human capital management for the entire civilian acquisition workforce.

The FAI has remained largely underutilized due to a lack of organizational

clarity, the disproportionate funding compared to its counterpart in the Department of Defense, and its intermittent use by a few Federal agencies.

The proposed legislation would establish a clear line of responsibility and accountability for the Institute by requiring that FAI, through its Board of Directors, report directly to the Office of Federal Procurement Policy, OFPP; the director of FAI be appointed by the OFPP Administrator, and report directly to the OFPP Associate Administrator for Acquisition Workforce; all existing civilian agency training programs follow guidelines issued by OFPP, which would ensure consistent training standards necessary to develop uniform core competencies; and the OFPP Administrator report annually to Congressional committees of jurisdiction projected FAI budget needs and expense plans to fulfill its statutory mandate.

With respect to its core government-wide functions, FAI would be required to provide and keep current government-wide training standards and certification requirements including ensuring effective agency implementation of government-wide training and certification standards; analyzing the curriculum to ascertain if all certification competencies are covered, or if adjustments are necessary; developing career-path information for certified professionals to encourage retention in government positions; and coordinating with the Office of Personnel Management for human capital efforts.

The administration has identified acquisition workforce development as a pillar for improving acquisition practices and contract performance. While I fully agree with this goal, we need specific and concrete action to solve this problem.

Our legislation would prompt the sustained effort necessary to rebuild the acquisition workforce. While this will take time and investment, I am confident this is a wise investment that will yield substantial returns. Just think about it: if our better-trained acquisition professionals can prevent one failed procurement, it can save the taxpayer hundreds of millions of dollars. If they can avoid overpaying one percent of our contract spending, it will save the taxpayer more than five billion dollars each year. The numbers speak for themselves.

The Acquisition Workforce Improvement Act and the Federal Acquisition Institute Improvement Act are critically needed and both enjoy bipartisan support. I encourage my colleagues to support them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Acquisition Workforce Improvement Act of 2011”.

SEC. 2. GOVERNMENT-WIDE ACQUISITION MANAGEMENT FELLOWS PROGRAM.

(a) ESTABLISHMENT OF ACQUISITION MANAGEMENT FELLOWS WORKFORCE PROGRAM.—

(1) IN GENERAL.—Chapter 17 of title 41, United States Code, is amended by adding at the end the following new section:

“§ 1714. Government-wide acquisition management fellows program

“(a) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of the Acquisition Workforce Improvement Act of 2011, the Administrator shall establish a government-wide acquisition management fellows program (in this section referred to as the ‘program’) for the purpose of investing in the long-term improvement and sustained excellence of the Federal acquisition workforce.

“(b) OBJECTIVES.—The objectives of the program shall be as follows:

“(1) To develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

“(2) To recruit individuals with the outstanding academic merit, ethical value, business acumen, and leadership skills to meet the acquisition needs of the Federal Government.

“(3) To offer, upon completion of the program, opportunities for advancement, competitive compensation, and leadership opportunities at various executive agencies.

“(c) STRUCTURE.—

“(1) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Office of Federal Procurement Policy shall enter into contracts, grants, or cooperative agreements with one or more qualified universities with demonstrated expertise in Federal Government acquisition.

“(2) TRAINING.—The program shall consist of one academic year of full-time, on-campus training followed by two years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields.

“(3) CURRICULUM.—The curriculum of the program shall include the following elements:

“(A) Rotational assignments at three or more executive agencies covering all phases of the contract life cycle, from acquisition planning to contract formation and post-award administration of contract types identified in part 16 of the Federal Acquisition Regulation, and including interagency contracts, contract cost and pricing, and negotiation techniques.

“(B) All required non-agency-specific training courses necessary for basic contracting officer warrant as established by the Office of Federal Procurement Policy.

“(C) Emphasis on transparency, accountability, and integrity in the public contracting process.

“(D) Other necessary courses and education as required by participating universities.

“(4) PRIORITY FOR EMPLOYMENT.—To the extent permitted by law, the head of each executive agency shall give priority to graduates of the program for purposes of hiring employees in the acquisition field, based on performance during the program and other qualifications, and shall compensate such graduates at an initial GS-12 level of the

General Schedule, or equivalent, with the potential for a GS-13 level of compensation, or equivalent, upon one year of satisfactory performance.

“(d) SIZE.—The total number of individuals entering the program each year may not exceed 200. There shall be at least 50 participants in the first year of the program, 100 participants in the second year, and 150 participants thereafter.

“(e) ELEMENTS.—In carrying out the program, the Administrator shall—

“(1) enter into one or more contracts, grants, or cooperative agreements with qualified universities having an expertise in Federal Government acquisition and the resources to administer the program independently;

“(2) be responsible for the management and oversight of the overall program and for placement of individuals upon graduation;

“(3) allow participating universities to select and to remove program participants in accordance with the established academic process for such graduate degree programs;

“(4) ensure that veterans (as that term is defined in section 101(2) of title 38) are given priority as candidates for participation in the program; and

“(5) periodically review the career development of the program participants upon placement and make necessary adjustments to the program to ensure the objectives are met.

“(f) SERVICE AGREEMENT.—

“(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator considers appropriate to ensure the Federal Government receives proper return on investment. Such employment shall be for a term of not less than one year for each year in the program.

“(2) REIMBURSEMENT OF FUNDS.—In cases of candidates who do not successfully complete the program or do not fulfill the minimum service requirements, the candidates shall be required to reimburse the Federal Government for funds received under the program.

“(g) OFPP ACQUISITION FELLOWS DEVELOPMENT FUND.—

“(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the ‘OFPP Acquisition Fellows Development Fund’ (in this section referred to as the ‘Fund’).

“(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

“(A) the establishment and operations of the program;

“(B) the award of contracts, grants, or cooperative agreements to cover expenses including—

“(i) tuition, books, materials, and other academic expenses;

“(ii) room and board of students during the time students are enrolled in the program;

“(iii) expenses for travel as required by the program;

“(iv) stipends; and

“(v) other necessary expenses the Administrator considers necessary.

“(3) DEPOSITS TO FUND.—

“(A) IN GENERAL.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

“(B) TRANSFER.—The Administrator may transfer necessary amounts from the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of this title to provide an initial deposit or to augment the Fund.

“(C) DEPARTMENT OF DEFENSE PARTICIPATION.—If the Department of Defense elects to participate in the program, it shall provide necessary funds, commensurate to the share of participants it sponsors, from proceeds available pursuant to section 1703(i)(5) of this title or section 1705 of title 10.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1714. Government-wide acquisition management fellows program.”

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a preliminary report on the program, including a description of the program and the five-year budget needed to carry out the government-wide acquisition management fellows program established under section 1714 of title 41, United States Code, as added by subsection (a).

(2) ANNUAL REPORT.—Not later than one year after the commencement of the program and annually thereafter, the Administrator shall submit to the appropriate congressional committees a report on the program. The report shall include—

(A) a description of the activities under the program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of each university administering the program; and

(C) any recommendations for additional legislative or administrative action that the Administrator considers appropriate in light of the program.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the OFPP Acquisition Fellows Development Fund the following amounts:

(1) For fiscal year 2012, \$16,000,000.

(2) For fiscal year 2013, \$32,000,000.

(3) For fiscal year 2014, and each fiscal year thereafter, \$48,000,000.

SEC. 3. LEADERSHIP DEVELOPMENT TRAINING PROGRAM.

(a) ESTABLISHMENT OF LEADERSHIP DEVELOPMENT TRAINING PROGRAM.—

(b) ESTABLISHMENT OF TRAINING PROGRAM.—Not later than 180 days after the date of the enactment of this Act, Administrator for Federal Procurement Policy shall establish a leadership development training program for Federal employees focused on core leadership and acquisition competencies. The purpose of the training program shall be to foster the development of high performing individuals in the three core acquisition disciplines of contracting, program management, and cost estimating to serve as future acquisition leaders.

(c) OBJECTIVES.—The objectives of the program shall be as follows:

(1) To develop a new generation of acquisition leaders in the three major acquisition

disciplines currently in the Federal workforce in order to expand and improve the quality of the acquisition workforce.

(2) To develop high performing Federal employees in the three major acquisition disciplines to provide opportunities for advancement into leadership positions.

(3) To enhance the ability to foster networking and understanding among the three major acquisition disciplines to achieve desired acquisition outcomes.

(d) STRUCTURE.—

(1) COOPERATIVE AGREEMENT.—The Office of Federal Procurement Policy shall enter into cooperative agreements with one or more institutions of higher learning as prescribed under Office of Management and Budget Circular A-102, “Grants and Cooperative Agreements with State and Local Governments” to develop and implement the training program.

(2) PARTICIPANTS.—The training program participants shall be composed of an equal distribution of the three targeted acquisition disciplines.

(3) PROGRAM SELECTION OFFICIAL.—The Director of the Federal Acquisition Institute shall be the program selection official.

(4) TRAINING.—The program shall consist of 18 months of academic classroom training. The participants shall complete the training during normal duty hours, and shall remain at their current duty station during any such hours not spent in training. Upon successful completion of the program, participants shall receive a Master’s Degree in Public Administration with a concentration in Federal acquisition.

(5) CURRICULUM.—The curriculum of the program shall be developed by the partnering institution or institutions of higher learning and approved by the Director of the Federal Acquisition Institute.

(e) SIZE.—The total number of individuals entering the pilot program shall be not less than 50. There shall be an equal composition of the three acquisition functions.

(f) ELEMENTS.—In carrying out the program, the Administrator for Federal Procurement Policy shall—

(1) enter into cooperative agreements with one or more institutions of higher learning to provide for the management and oversight of the training program; and

(2) collaborate with such institution or institutions to develop learning objectives and to design classroom training to best meet the program objectives.

(g) SERVICE AGREEMENT.—

(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment for not less than 2 years with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator for Federal Procurement Policy considers appropriate to ensure the Federal Government receives proper return on investment.

(2) REIMBURSEMENT OF FUNDS.—In cases where a participant does not complete the minimum employment commitment, the participant shall reimburse the Federal Government for a prorated share of the cost of the training, based on the proportion of the commitment that remains unfulfilled.

(h) USE OF FUNDS.—Amounts in the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of title 41, United States Code, may be made available for the program and may be used for—

(1) the establishment and operations of the program, including planning and administration;

(2) classroom training expenses, including—

(A) tuition;

(B) books; and

(C) other necessary expenses the Administrator for Federal Procurement Policy considers necessary.

(i) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the commencement of the training program, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on the program.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the activities under the training program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of the partnering institution or institutions of higher learning;

(C) recommendations for additional legislative or administrative action that the Administrator for Federal Procurement Policy considers appropriate in light of the program; and

(D) workforce data to support the return on investment, including retention rates and improvement in workforce quality.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Leadership Development Training Program the following amounts:

(1) For fiscal year 2012, \$500,000.

(2) For fiscal year 2013, \$250,000.

By Ms. COLLINS (for herself, Mr. AKAKA, Mrs. MCCASKILL, and Mr. BROWN of Massachusetts):

S. 762. A bill to improve the Federal Acquisition Institute; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Acquisition Institute Improvement Act of 2011”.

SEC. 2. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

(2) by striking “The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

(3) in paragraph (4), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

“(5) implementing workforce programs under subsections (f) through (k) of section 1703 of this title; and”.

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

“CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

“Sec.

“1201. Federal Acquisition Institute.

“§ 1201. Federal Acquisition Institute

“(a) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

“(1) foster and promote the development of a professional acquisition workforce government-wide;

“(2) promote and coordinate government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

“(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

“(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

“(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

“(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

“(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

“(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

“(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

“(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

“(11) assist civilian agencies with their acquisition human capital planning efforts; and

“(12) perform other career management or research functions as directed by the Administrator.

“(b) BUDGET RESOURCES AND AUTHORITY.—

“(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall recommend to the Administrator of the General Services Administration sufficient budget resources and authority for the Federal Acquisition Institute to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

“(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

“(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

“(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

“(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

“(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

“(A) meets its statutory requirements;

“(B) meets the needs of the Federal acquisition workforce;

“(C) implements appropriate programs;

“(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

“(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

“(F) works closely with the Defense Acquisition University.

“(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

“(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

“(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.”

(2) CONFORMING AMENDMENT.—Section 1122(a)(5) of such title is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.”

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of title 41, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking “The Administrator shall” and inserting the following:

“(A) IN GENERAL.—The Administrator shall”; and

(B) by adding at the end the following:

“(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

“(i) developing and modifying acquisition certification programs;

“(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

“(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

“(iv) developing career path information for certified professionals to encourage retention in government positions;

“(v) coordinating with the Office of Personnel Management for human capital efforts; and

“(vi) managing rotation assignments to support opportunities to apply skills included in certification.”; and

(2) by adding at the end the following new subsection:

“(1) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.”

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 1201(a) of this title”; and

(2) in paragraph (6), by striking “ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)” and inserting “ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title”.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

By Mr. LIEBERMAN (for himself,
Mr. BROWN of Massachusetts,
and Ms. LANDRIEU):

S. 763. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Securing Teacher Effectiveness, Leaders, Learning, and Results Act of 2011—the STELLAR Student Act, and I am honored to be joined in this bipartisan effort by my colleagues Senator SCOTT BROWN and Senator MARY LANDRIEU. The STELLAR Student Act will ensure that all students are taught by effective teachers and that all teachers are supported by effective principals.

Teacher and principal effectiveness are critical factors in improving student learning and achievement. Research shows that increasing teacher quality is one of the most effective and promising strategies for improving education in the United States. Some studies show that the differences in

achievement gains for students who had the most effective teachers versus those who had the least effective teachers were greater than any single influence of class-size, race, socio-economic status, or parent education. Estimates suggest that the difference between having a highly effective teacher versus a highly ineffective teacher can be as much as a full year's learning growth.

Imagine the dire situation for a student who has a highly ineffective teacher for multiple years in a row. It is a situation that many students experience and potentially never recover from. There are far too many ineffective teachers, especially in less affluent urban districts. In many cases, due to antiquated hiring and firing protocols and policies, those ineffective teachers are keeping innovative young teachers from teaching where they are needed most. It is essential that we begin to differentiate between those highly effective and highly ineffective teachers and principals, especially when it comes to making personnel decisions in these challenging economic times.

The STELLAR Student Act of 2011 aims to encourage States to do just that by directing States to develop evaluation systems that consider student achievement and classroom observation, and to use those evaluations for key personnel decisions including pay, tenure, lay-offs, and retention.

To further these goals, the STELLAR Student Act of 2011 would specifically direct States to implement a teacher assessment system that bases teacher effectiveness predominantly on student academic growth and other measures including classroom observations; direct States to implement a principal assessment system that bases effectiveness predominantly on student academic growth as well as improvement in graduation rates, leadership, and successful hiring, development, evaluation, and retention of teachers; tie Title 1 funding to teacher and principal evaluations that incorporate multiple measures, relying predominantly on measures of student academic growth and achievement, as well as classroom performance; require that evaluations be used to inform key personnel decisions including tenure, compensation, and layoffs in the event of any reduction in force; encourage input from teachers and principals in the development and improvement of evaluations; and encourage improved targeting of professional development based on these evaluations.

The STELLAR Student Act addresses the fact that current teacher and principal evaluation systems are inadequate. Evaluation measures for teachers are not strongly linked to their ability to teach. In fact, seniority, not effectiveness, is often the single indicator used for making teacher personnel decisions. Some studies show

that less than 1 percent of teachers are identified as unsatisfactory even though we know many more than 1 percent falls into this category. This also means that our most effective teachers are lumped together with less effective teachers and are not recognized for their exceptional work.

It is time to rethink conventional measures of teacher qualifications such as advanced degrees, traditional credentialing, and years of experience as measures of teacher quality, and focus instead on actual measures of teacher effectiveness, such as student academic growth. Indeed, many States are looking for ways to tie teacher performance to student achievement and then use this information to inform personnel decisions. The STELLAR Student Act will help States do just that.

Although we believe it is important to hold teachers and principals accountable for student achievement, teachers and principals are certainly not the problem—they are an essential part of the solution. This bill asks for input from teachers and principals in designing and improving assessment systems, recognizes the importance of observation and other ongoing formative assessments, highlights the need for meaningful professional development, and asks States to duly recognize those effective teachers and leaders. The STELLAR Student Act also encourages school districts to assist low performing teachers by setting up targeted remediation and improvement plans.

Many teachers and parents also recognize and support the need for effective teacher evaluation linked to student performance. In a recent survey, 69 percent of teachers and 92 percent of parents support measuring teacher effectiveness based on student growth. In addition, most teachers—approximately 80 percent—and parents—approximately 96 percent—also believe that giving schools more ability to remove teachers who are not serving students well should be another priority. From the same survey, teachers in schools with high proportions of low-income students, high proportions of minority students, and those in urban or rural schools are more likely than other teachers to say that using measurements of teacher effectiveness that are based in significant part on student growth is something that must be done. Those same teachers are also more likely to say that giving schools greater ability to remove teachers who are not serving students well is something that must be done.

The Administration and many States are already moving in the direction of increased accountability and effective teacher and principal assessments. As the President said in the State of the Union “we do want to reward good teachers and stop making excuses for

the bad ones.” A number of States, many of which are leaders in education reform, are exploring ways to hold teachers and principals more accountable along with rethinking ideas around tenure and the long standing last-in-first-out policies.

Whether your concern is that our students rank behind 30 other countries in math, that 1.2 million students drop out of school each year, or that an unacceptable achievement gap still persists for our low income and minority students, all of us must act on the urgent need to put forth a strong bipartisan effort to fix our education system. The reauthorization of the Elementary and Secondary Education Act, long overdue, affords us the opportunity. We must work across the aisle to fix what is broken in the current education law. We hope the STELLAR Student Act will be considered in the context of the ESEA rewrite, to ensure effective teachers and principals for every child and every school. Our colleagues in the House have introduced a similar bill, and I urge my colleagues in the Senate to support the STELLAR Student Act of 2011.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Teacher Effectiveness, Leaders, Learning, And Results Act” or the “STELLAR Student Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective teachers and principals are the backbone of our schools and the key to successful students.

(2) Teachers and principals deserve our full support as they take on one of the most important and most challenging responsibilities—educating our children.

(3) Research shows that high-quality and effective teaching is the single most important school-based factor impacting student learning.

(4) High-quality evaluations that provide meaningful feedback are a crucial element in giving educators the support they need to help students achieve at high levels.

(5) Teachers and principals also deserve access to high-quality professional development opportunities.

(6) Constructive feedback specifying areas for improvement could be useful to both teachers and principals.

(7) Although research also suggests that quality teacher evaluations are an important tool in improving teacher performance, for many teachers, the current evaluation systems do not provide useful feedback that would help the teachers improve and grow as instructors.

(8) In formal studies, including research highlighted in “The Widget Effect”, nearly 75 percent of teachers reported that they have not received specific suggestions on

how to improve classroom practices in annual evaluations.

(9) Across all local educational agencies, only 43 percent of teachers, including novice teachers who may benefit the most from suggestions, report that current evaluations systems help them.

(10) Research also shows that school leadership quality is second only to teacher quality among school-related factors that impact student learning.

(11) Strong school leadership is a key determinant of whether schools can attract and retain effective teachers. Principals set the direction and the vision for a school.

(12) Effective teachers and principals also deserve to be recognized for excellence and receive commendations in areas of strong performance and significant improvement.

(13) High-quality teacher and principal evaluations have the potential to be a powerful tool and should play a significant role in improving the public education system.

(14) Teachers and principals should provide input and contribute directly to designing, implementing, and improving evaluation systems in their school districts.

(15) Students and parents deserve effective teachers and inspirational principals who are performing to the best of their ability and who are helping to close achievement gaps and raise student achievement.

SEC. 3. ROBUST TEACHER AND PRINCIPAL EVALUATIONS.

(a) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(a)) is amended by adding at the end the following:

“(3) REPORT ON TEACHER AND PRINCIPAL EVALUATIONS.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary not later than 1 year after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, a report on—

“(A) the system in the State of evaluating teachers’ and principals’ performance; and

“(B) how such evaluation factors into decisions on tenure, compensation, promotion, and dismissals of teachers and principals.”.

(b) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

“(1) ROBUST TEACHER AND PRINCIPAL EVALUATIONS.—

“(A) IN GENERAL.—Not later than 4 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, each State shall carry out the following:

“(i) Establish, after taking input from teachers and principals, a statewide definition of teacher and principal effectiveness that includes not less than 4 levels of performance ratings for teachers and for principals, including an effective rating and a highly effective rating, based on such definitions.

“(ii) Demonstrate that the State has developed, after taking input from teachers and principals, a model teacher and principal evaluation program under which—

“(I) individuals in charge of administering teacher and principal evaluations within each local educational agency in the State are provided rigorous training on how to conduct the teacher and principal evaluations, including—

“(aa) how to provide specific feedback about improving teaching and principal practice based on evaluation results; and

“(bb) how to evaluate teachers and principals using the performance ratings described in clause (i) and established under subparagraphs (B)(iii) and (C)(viii);

“(II) a teacher or principal who is evaluated is provided, based on the evaluation results, professional development opportunities that meet the specific needs identified for the teacher or principal;

“(III) measures are taken to ensure that any personally identifiable information of teachers and principals is not publicly disclosed, except as required to comply with the reporting requirements of paragraph (1)(C)(ix), and clauses (i)(III) and (ii)(III) of paragraph (2)(B), of section 1111(h);

“(IV) regular monitoring and assessment of the quality, reliability, validity, fairness, consistency, and objectivity of the evaluation program and the evaluators’ judgments takes place within and across local educational agencies in the State;

“(V) each teacher’s performance is evaluated in accordance with subparagraph (B);

“(VI) each principal’s performance is evaluated in accordance with subparagraph (C);

“(VII) on the basis of the evaluation, each teacher or principal receives—

“(aa) a performance rating, as described in clause (i), that is based on multiple measures;

“(bb) in the case of a teacher—

“(AA) in a grade level and subject area with a statewide assessment, a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment; or

“(BB) in a grade level and subject area without a statewide assessment, a measure of student learning gains that is comparable across the local educational agency for all teachers in grade levels and subject areas without a statewide assessment;

“(cc) ongoing formative feedback and specific recommendations on areas for professional improvement, which includes an identification of areas in which the teacher or principal can strengthen practices to improve student learning;

“(dd) a measure of student academic growth with respect to the State’s academic standards of the school’s students, including students in each of the subgroups described in paragraph (2)(C)(v)(II);

“(ee) commendations for excellence in areas of strong performance and in areas of significant improvement; and

“(ff) in the case of a teacher or principal who is identified as being in 1 of the lowest 2 performance ratings described in clause (i), a 1-year comprehensive remediation plan;

“(VIII) evaluation results are used as the principal factor in informing all key personnel and staffing decisions, including retention, dismissal, promotion, compensation, and tenure;

“(IX) evaluation results are the primary factor used in determining layoffs during any reduction in force;

“(X) any teacher or principal who receives 1 of the lowest 2 performance ratings and does not successfully improve performance on an evaluation after completing the comprehensive remediation plan as required under subclause (VII)(ff) is prohibited from working in any elementary school or secondary school served under this part;

“(XI) any teacher or principal who receives the lowest performance rating for 3 consecutive years is subject to dismissal;

“(XII) evaluation results are used to ensure that low-income students and students of color are not assigned at higher rates than

other students to classes in core academic subjects taught by teachers who have received 1 of the 2 lowest evaluation rates in their most recent evaluation; and

“(XIII) a system is implemented under which each teacher and principal is evaluated at least annually.

“(iii) Demonstrate that each local educational agency in the State has adopted a local educational agency-wide teacher and principal evaluation program that—

“(I) was developed after seeking input from teachers and principals;

“(II) meets the standards for validity and reliability developed by the State; and

“(III) meets the minimum requirements set forth in clause (ii).

“(iv) Demonstrate that each local educational agency in the State is seeking input from teachers and principals to make improvements to the evaluation program on an annual basis.

“(v) Submit, on a regular basis, to the Secretary a review of the teacher and principal evaluation systems used by the local educational agencies in the State, including—

“(I) comparing the teacher and principal evaluation results, for each local educational agency and each such agency’s schools, against the student academic achievement and student academic growth in all local educational agencies in the State and all schools served by such local educational agencies;

“(II) assessing the extent to which each local educational agency’s existing system demonstrates meaningful differentiation among teacher performance levels and among principal performance levels; and

“(III) comparing implementation and results across local educational agencies’ evaluation systems to ensure—

“(aa) comparability across the State in implementation of such systems; and

“(bb) that such systems meet the State’s criteria or definitions for each of the terms described in clause (i).

“(vi) Provide technical assistance to improve an agency’s teacher and principal evaluation system so that the system provides meaningful differentiation and is aligned with student academic achievement and student growth results in the agency and in each of the agency’s schools.

“(vii) Establish a timeline for implementation that—

“(I) ensures that measures of student academic growth, as described in subparagraphs (B)(i) and (C)(i), are developed not later than 2 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, and Results Act;

“(II) ensures evaluation systems that meet the requirements of subparagraphs (B) and (C) are implemented statewide by not later than 3 years after the date of enactment of such Act, except that such systems shall not have to meet the requirements under subclauses (VIII) through (XII) of clause (ii); and

“(III) ensures evaluation systems that meet all the requirements of this paragraph are fully implemented statewide by not later than 4 years after the date of enactment of such Act.

“(viii) Submit to the Secretary an annual report on implementation of the State plan under this section and on meeting the timelines required under this section.

“(ix) Publish a report each year showing the average estimate of teacher impact on student growth for each of the performance ratings described in clause (i).

“(B) REQUIREMENTS FOR TEACHER EVALUATIONS.—The evaluation of a teacher’s per-

formance shall comply with the following minimum requirements:

“(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State’s academic standards, as measured by—

“(I) student learning gains on the State’s academic assessments established under paragraph (3) or, for grades and subjects not covered by the State’s academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency in which the teacher is employed for the grade or class for which the assessment is administered; and

“(II) if available, value-added measures that track individual student academic growth while under the instruction of the teacher.

“(ii) OBSERVATIONS OF TEACHER PERFORMANCE.—A portion of the evaluation is based on observations of the teacher’s performance in the classroom by not less than 1 trained and objective observer—

“(I) that take place on not less than 2 occasions during the school year the teacher is being evaluated; and

“(II) under which—

“(aa) a teacher is evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State’s professional standards for teachers; and

“(bb) observation ratings meaningfully differentiate among teachers’ performance and bear a relationship to evidence of student academic growth with respect to the State’s academic standards.

“(iii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among teacher performance using the performance ratings and levels described in subparagraph (A)(i).

“(iv) COMPARABILITY OF STUDENT GAINS.—The evaluation provides a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment.

“(v) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable, at a minimum, across all teachers within a grade level or subject area in the local educational agency in which the teacher is employed.

“(C) REQUIREMENTS FOR PRINCIPAL EVALUATIONS.—The evaluation of the performance of a principal of a school shall comply with the following minimum requirements:

“(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State’s academic standards of the school’s students, including students in each of the subgroups described in paragraph (2)(C)(v)(II).

“(ii) GRADUATING RATES.—For a principal of a secondary school, a portion of the evaluation is based on improvements in the school’s graduation rates.

“(iii) SUPPORT OF EFFECTIVE TEACHERS.—A portion of the evaluation is based on the recruitment, development, evaluation, and retention of effective teachers.

“(iv) LEADERSHIP ABILITIES.—A portion of the evaluation is based on the leadership abilities of the principal, as measured by observations of the principal and other relevant data evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State’s professional standards for principals.

“(v) STUDENT ATTENDANCE RATES.—A portion of the evaluation is based on student attendance rates, as calculated by the State or local educational agency.

“(vi) CONTENT OF OBSERVATION RATINGS.—The observations described in clause (iv) provide observation ratings that—

“(I) meaningfully differentiate among principals’ performance; and

“(II) bear a strong relationship to evidence of student academic growth with respect to the State’s academic standards.

“(vii) DESCRIPTION OF LEADERSHIP ABILITIES.—The leadership abilities referred to in clause (iv) include the ability of the principal to—

“(I) create a shared and coherent schoolwide direction and policy for achieving high levels of student academic growth and closing achievement gaps among students;

“(II) identify and implement the activities and rigorous curriculum necessary for achieving high levels of student academic growth;

“(III) create opportunities for the community and families of students to engage positively with school administrators and staff;

“(IV) support positive learning environments for students;

“(V) cultivate a positive and collaborative work environment for school faculty and staff;

“(VI) collect, analyze, and utilize data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

“(VII) effectively oversee and manage a teacher evaluation program that provides individualized feedback; and

“(VIII) have strong organizational management of a school, including sound budget and personnel practices.

“(viii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among principal performance using the performance ratings and levels described in subparagraph (A)(i).

“(ix) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable across all principals within the local educational agency in which the principal is employed.”

(c) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)(C)) is amended by inserting “or teachers who received a performance rating under the evaluation system described in paragraph (11) that is below the effective level” after “teachers”.

(d) EVALUATION CLEARINGHOUSE.—Section 1111(j) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(j)) is amended—

(1) by striking “ASSISTANCE.—The” and inserting the following: ASSISTANCE; CLEARINGHOUSE ON EVALUATION SYSTEMS—

“(1) TECHNICAL ASSISTANCE.— The”; and

(2) by adding at the end the following:

“(2) CLEARINGHOUSE.—The Secretary shall establish a clearinghouse in the Department to share the best practices relating to teacher and principal evaluation, including best practices and other information based on the reports described in subsection (a)(3), the evaluation reviews described in subsection (a)(11)(A)(v), and any other reports addressing teacher and principal evaluation that are required under this Act, with other educators.”

SEC. 4. PUBLIC REPORTING.

Section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking “and” after the semicolon;

(B) in clause (viii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(ix) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

“(I) the State overall;

“(II) the highest poverty and lowest poverty local educational agencies; and

“(III) the highest minority and lowest minority local educational agencies.”;

(2) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking “and” after the semicolon; and

(ii) by adding at the end the following:

“(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

“(aa) the local educational agency overall;

“(bb) the highest poverty and lowest poverty schools; and

“(cc) the highest minority and lowest minority schools; and”; and

(B) in clause (ii)—

(i) in subclause (I), by striking “and” after the semicolon;

(ii) in subclause (II), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers at the school that received such performance rating.”;

(3) in paragraph (4)—

(A) in subparagraph (F), by striking “and” after the semicolon;

(B) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(H) the information required to be reported under paragraphs (1)(C)(ix) and (2)(B)(i)(III).”; and

(4) by adding at the end the following:

“(7) DEFINITIONS.—For purposes of this subsection:

“(A) HIGHEST MINORITY.—The term ‘highest minority’ when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

“(B) HIGHEST POVERTY.—The term ‘highest poverty’ when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(C) LOWEST MINORITY.—The term ‘lowest minority’ when used in relation to a school or local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

“(D) LOWEST POVERTY.—The term ‘lowest poverty’ when used in relation to a school or

local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(E) STUDENT ACADEMIC GROWTH.—The term ‘student academic growth’ means the change in a student’s achievement between 2 or more points in time, as measured through an approach that is statistically rigorous and appropriate for the knowledge and skills being measured.”

SEC. 5. RECOGNITION OF LOCAL EDUCATIONAL AGENCIES.

The Secretary of Education shall, based on the information received from each local educational agency report card under section 1111(h)(2)(B)(i)(III) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)(B)(i)(III)), recognize and provide commendations to each local educational agency that implements or has implemented innovative, high-quality, and effective teacher or principal evaluation programs that lead to professional development and improved student performance.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report to Congress that—

(1) identifies any unnecessary or duplicative education-related reporting requirements and regulations facing States and local educational agencies as a result of the amendments made by this Act to section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(2) includes the Secretary’s recommendations regarding streamlining or eliminating the requirements regarding highly qualified teachers under sections 1119 and 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319, 7801(23)) after the teacher evaluation system required under section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, is fully implemented.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 764. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, part of my job as a Senator from a beautiful State like Oregon is to keep that beauty protected for the next generation of Oregonians. Today it is my pleasure to reintroduce three bills to better protect three of Oregon’s special natural resources, S. 764, 765, and 766. I have introduced all of these bills before, one of these in both of the last two Congresses. The Oregon Caves Revitalization Act of 2011 was first introduced in 2008, and again in the last Congress. It progressed out of the Energy and Natural Resources Committee in the last Congress but unfortunately there wasn’t an opportunity to vote on it on the Senate Floor. The Devil’s Staircase Wilderness Act of 2011 also moved out of the Committee but failed to get a vote in the full Senate. The Chetco River Protection Act of 2011 was also

introduced last session, but there was not enough time to get a hearing before the Senate adjourned. I am pleased to again introduce these bills with my colleague from Oregon, Senator MERKLEY. My colleague in the House of Representatives, Representative DEFAZIO, will also be introducing companion legislation today.

The first bill I am introducing, the Oregon Caves Revitalization Act of 2011, will expand the boundary of the National Park Service land to create the Oregon Caves National Monument and Preserve. Under this bill, the stunning majesty of both the underground and the aboveground treasures found at this National Monument site will be protected for future generations.

Established by a Presidential Proclamation in 1909, the Oregon Caves National Monument is a 480-acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the "River Styx"—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the National Monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared bats and several cave-adapted species of arthropods found only in only one place on Earth: the Oregon Caves. The caves possess a significant collection of Pleistocene aged fossils, including jaguar and grizzly bear. In 1995, grizzly bear bones found in the cave were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection for treasures such as these found within the Oregon Caves National Monument and that will increase public recreation opportunities by adding surrounding lands to the National Park Service site. My bill would expand the park site by 4,070 acres to include the entire Cave Creek Watershed, and transfer management of the land from the United States Forest Service to the National Park Service. The newly acquired lands will be designated as a Preserve so that hunters can still use them. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as Wild, Scenic, or Recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean Wild and Scenic River, the River Styx. This bill would also authorize the retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the

focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes. The current 480-acre boundary simply can't adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to again propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The Monument receives over 80,000 visitors annually and a larger Monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed Monument boundary. The Monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the Monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. The current grazing permittee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acre, since 1937. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, which my legislation will allow to proceed.

The second bill I am introducing is the Devil's Staircase Wilderness Act of 2011, which designates approximately 30,540 acres surrounding the Wasson Creek area as Wilderness. Devil's Staircase personifies what Wilderness in Oregon is all about. It is rugged, wild, pristine and remote. So rugged, in fact, that land managers have repeatedly withdrawn this landslide-prone forest from all timbering activity and intrepid hikers must follow elk and deer trails and keep a sharp eye on a compass. The proposed Devil's Staircase Wilderness is the finest old-growth forest remaining in Oregon's Coast Range,

boasting huge Douglas-fir, cedar and hemlock and a wealth of threatened and endangered species. Wildlife include threatened marbled murrelets and the highest density of Northern Spotted Owls in the coastal mountains.

My proposal would not only protect the forests surrounding Wasson Creek but would also designate approximately 4.5 miles of Franklin Creek and approximately 10.1 miles of Wasson Creek as Wild and Scenic Rivers. Franklin Creek, a critically important tributary to the Umpqua River, is one of the best examples of pristine salmon habitat left in Oregon. Together with Wasson Creek, these two streams in the Devil's Staircase area deserve Wild and Scenic River designation by Congress.

The ecological significance of this treasure is apparent. The land is protected as a Late-Successional Reserve by the Northwest Forest Plan, as critical habitat for the northern spotted owl, and as an Area of Critical Environmental Concern by the Bureau of Land Management. Preserving these majestic forests as Wilderness for their wildlife and spectacular scenery matches the goals of the existing land management plans. I look forward to protecting this gem for future generations.

For over a decade, I've advocated for protections for the Chetco and other threatened waterways in Southwest Oregon. I'm reintroducing a third piece of legislation today that would continue that effort. The Chetco River Protection Act of 2011 would withdraw about three miles of the Chetco River from mineral entry, while upgrading the designations for some portions.

This river is under immediate threat from out-of-state suction dredge miners. The group American Rivers said last year that the Chetco was the seventh most endangered river in the country because of those threats. This is a river that is hugely important for salmon habitat and local sport fishing. The passage of this legislation would mean protecting that habitat, and promoting the continued success of the fishing industry throughout the West Coast.

Withdrawing these portions of the river from future mineral entry will prevent future harmful mining claims and make sure that those claims that already exist are valid I am pleased the Obama administration has taken some steps to protect this area, but the passage of this legislation is needed to ensure long-term protection for this important river.

Finally, I want to express my thanks to the conservation, recreation and business communities of Southern and Coastal Oregon, and Phil Krouse for his strong conservation ethic. All of them have worked diligently to protect these special places. I look forward to working with Senator MERKLEY, Representative DEFAZIO, and other colleagues

and the bill's other supporters to keep up the fight for these unique places in Oregon and get these pieces of legislation to the President's desk for his signature.

By Mr. HARKIN:

S. 767. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in today's rapidly changing, global knowledge-based economy, making sure that all students graduate from high school is more important than ever. A high school diploma opens the doors to postsecondary education and workforce development programs, which lead to jobs that pay family-sustaining wages. The bottom line is that a high school diploma is no longer an option—it is an essential education credential that all Americans need to have in order to successfully compete in the workforce. Yet, for far too many, a high school diploma is still out of reach. According to researchers at Johns Hopkins University, one out of every three students who enters the ninth grade fails to graduate from high school within 4 years. An estimated 12 million students will drop out of school during the next decade, costing the Nation more than \$3 trillion in forgone revenues and increased social service costs.

When Congress passed the No Child Left Behind Act in 2001, we required that accountability determinations for high schools include graduation rates. However, the law did not require States to use a common formula for calculating graduation rates nor did it set graduation rate goals for high schools. As a result, states created different calculations that have led to inconsistent and inaccurate reporting of graduation rates. Without transparency, we cannot know the full extent of our Nation's dropout crisis, hold schools accountable, or design effective solutions.

That is why I am pleased to introduce the Every Student Counts Act, which my colleague Rep. BOBBY SCOTT will introduce in the House today. This legislation will ensure the accurate calculation and reporting of high school graduation rates, and will hold States, districts, and schools accountable for ensuring that all students graduate with a high school diploma.

The Every Student Counts Act builds upon steps taken by all 50 States and the Department of Education to ensure more accurate calculations of and reporting of high school graduation rates.

Four years into the implementation of the No Child Left Behind Act, State leaders recognized the need for consistent graduation rate calculations and governors from all 50 States joined

together in 2005 to call for a uniform graduation rate across the States. This leadership from the States was crucial in calling attention to the problem of inaccurate graduation rate calculations and formed the basis for action. In 2008, the U.S. Department of Education built on the governors' laudable work and issued regulations that require states to use a single, accurate graduation rate calculation and to set graduation rate goals and annual growth targets.

The 2008 regulations were an important step in the right direction, but they need to be improved and codified so that states, districts, and schools no longer have to rely solely on regulations that could be reversed. The Every Student Counts Act codifies key pieces of the regulations while making improvements where necessary. Specifically, this act sets a uniform graduation rate goal of 90 percent and requires schools that do not meet this goal to improve their graduation rate annually by three percentage points. Additionally, this act builds upon the States' and the Department of Education's graduation rate calculation work by giving credit to schools for students who graduate in more than 4 years through a cumulative graduation rate calculation, while maintaining the expectation that all students graduate within 4 years.

This legislation will bring transparency and accountability to schools across the Nation to help them provide all students with the high school diploma they need to have a chance to succeed in postsecondary education and the global economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Every Student Counts Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In order for the United States to retain a competitive edge in the world economy, it is essential that youth in the United States be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require postsecondary education, and according to a 2008 Department of Labor report, almost 90 percent of the fastest growing and best paying jobs require some postsecondary education.

(2) Individuals without a regular secondary school diploma experience higher rates of unemployment, incarceration, poverty, and receipt of public assistance than individuals with a regular secondary school diploma.

(3) According to the 2009 Center for Public Education report "Better late than never? Examining late high school graduates", on-time graduation with a regular secondary

school diploma leads to the best outcomes for students, but students who graduate late with a regular secondary school diploma are still more likely to earn an associate or a baccalaureate degree, to be employed full-time, and to obtain a job with retirement benefits and health insurance than are either students who drop out of secondary school or students who receive a GED.

(4) About 1,300,000 secondary school students, which is approximately 1/3 of all secondary school students in the United States, fail to graduate with their peers every year. According to the Department of Education, the United States secondary school graduation rate is only 75 percent.

(5) The graduation rates for historically disadvantaged minority groups are far lower than that of their White peers. Little more than half of all African-American and Hispanic students finish secondary school on time with a regular secondary school diploma, while more than 3/4 of White students finish secondary school on time with a regular secondary school diploma.

(6) Nearly 2,000 secondary schools (about 12 percent of all secondary schools in the United States) produce about half of the Nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen 3 years earlier. While 34 percent of the Nation's African-American students and nearly 28 percent of Latino students attend these "dropout factories", only 16 percent of White students do.

(7) The average gap between State-reported graduation rates and independently-reported graduation rates is approximately 11 percent.

(8) In 2005, all 50 of the Nation's Governors signed the National Governors Association's Graduation Rate Compact, pledging to use a common, accurate graduation rate.

(9) In 2008, the Secretary of Education released final regulations that also require States to report a common graduation rate calculation. However, since the Department of Education did not specify in the regulations what graduation rate goals and growth targets are appropriate and how States should include 4-year rates and extended year rates in calculating adequate yearly progress, it is necessary to clarify these goals, targets and rates in order to create a meaningful Federal accountability system for secondary schools.

(10) State-set targets to make adequate yearly progress under the Secretary of Education's 2008 regulations are numerous in type and varied in aggressiveness. Twenty-eight States have set a graduation rate goal of less than 90 percent. At least 8 States have set status targets that do not take into consideration progress toward the State-set goal. Furthermore, only 2 of the 9 States that include extended year rates in measures of adequate yearly progress do so in a way that places a priority on graduating students within 4 years.

(11) The most accurate graduation rate calculations rely on high-quality longitudinal data systems that track individual student data from the time a student enters kindergarten through the time such student finishes 12th grade. Forty-eight States plan to have data systems that will provide secondary school data that will allow such States to use the graduation rate formula specified in the Department of Education's 2008 final regulations not later than the 2011-2012 school year.

(12) An accountability system with meaningful graduation rate goals—

(A) holds schools, school districts, and States responsible for both student achievement and outcomes; and

(B) ensures that low-performing students are not unnecessarily held back or encouraged to leave school without a diploma.

(13) Prior to the 2008 regulations, the amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) made by the No Child Left Behind Act of 2001 (Public Law 107-110) did not require consistent calculations, meaningful goals, or disaggregation of graduation rates. Without clear guidance from the Department of Education, most secondary schools can continue to make adequate yearly progress by making as little as 0.1 percent improvement or less in secondary school graduation rates each year and can do so with a consistent, or even growing, secondary school graduation gap among subgroups of students.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to require consistent calculations and reporting of secondary school graduation rates across schools, school districts, and States;

(2) to provide educators with critical information about student progress toward secondary school graduation; and

(3) to ensure meaningful accountability for the improvement of secondary school graduation rates for all students, particularly for poor and minority students.

SEC. 4. SECONDARY SCHOOL GRADUATION RATES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1111 (20 U.S.C. 6311) the following:

“SEC. 1111A. SECONDARY SCHOOL GRADUATION RATES.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

“(A) ADJUSTED COHORT.—Subject to subparagraphs (D)(ii) through (G), the term ‘adjusted cohort’ means the difference of—

“(i) the sum of—

“(I) the entering cohort; plus

“(II) any students that transferred into the cohort in any of grades 9 through 12; minus

“(ii) any students that are removed from the cohort as described in subparagraph (E).

“(B) ENTERING COHORT.—The term ‘entering cohort’ means the number of first-time 9th graders enrolled in the secondary school 1 month after the start of the secondary school’s academic year.

“(C) TRANSFERRED INTO.—The term ‘transferred into’ when used with respect to a secondary school student, means a student who—

“(i) was a first-time 9th grader during the same school year as the entering cohort; and

“(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

“(D) TRANSFERRED OUT.—

“(i) IN GENERAL.—The term ‘transferred out’ when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

“(I) to another school from which the student is expected to receive a regular secondary school diploma; or

“(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

“(ii) CONFIRMATION REQUIREMENTS.—

“(I) DOCUMENTATION REQUIRED.—The confirmation of a student’s transfer to another school or educational program described in

clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

“(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a nongraduate for reporting and accountability purposes under this section.

“(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

“(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

“(F) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

“(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school’s academic year in the earliest secondary school grade at the secondary school.

“(2) ALTERNATIVE EDUCATIONAL SETTING.—The term ‘alternative educational setting’ means—

“(A) a secondary school or secondary school educational program that—

“(i) is designed for students who are under-credited or have dropped out of secondary school; and

“(ii) awards a regular secondary school diploma; or

“(B) a secondary school or secondary school educational program designed to issue a regular secondary school diploma concurrently with a postsecondary degree or not more than 2 years of postsecondary education credit.

“(3) CUMULATIVE GRADUATION RATE.—The term ‘cumulative graduation rate’ means, for each school year, the percent obtained by calculating the product of—

“(A) the result of—

“(i) the sum of—

“(I) the number of students who—

“(aa) form the adjusted cohort; and

“(bb) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); plus

“(II) the number of additional students from previous cohorts who graduate in more than 4 years with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

“(ii) the sum of—

“(I) the number of students who form the adjusted cohort for that year’s graduating class; plus

“(II) the number of additional student graduates described in clause (i)(II); multiplied by

“(B) 100.

“(4) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term ‘4-year adjusted cohort graduation rate’ means the percent obtained by calculating the product of—

“(A) the result of—

“(i) the number of students who—

“(I) formed the adjusted cohort 4 years earlier; and

“(II) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

“(ii) the number of students who formed the adjusted cohort for that year’s graduating class 4 years earlier; multiplied by

“(B) 100.

“(5) ON-TRACK STUDENT.—The term ‘on-track student’ means a student who—

“(A) has accumulated the number of credits necessary to be promoted to the next grade, in accordance with State and local educational agency policies;

“(B) has a 90 percent or higher school attendance rate;

“(C) has failed not more than 1 semester in English or language arts, mathematics, science, or social studies; and

“(D) has failed not more than any 2 credit-bearing courses.

“(6) REGULAR SECONDARY SCHOOL DIPLOMA.—

“(A) IN GENERAL.—The term ‘regular secondary school diploma’ means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GEDs, certificates of attendance, or any lesser diploma award.

“(B) SPECIAL RULE.—For a student who has a significant cognitive disability and is assessed using an alternate assessment aligned to an alternate achievement standard, receipt of a regular secondary school diploma or a State-defined alternate diploma aligned with completion of the student’s right to a free and appropriate public education under the Individuals with Disabilities Education Act shall be counted as graduating with a regular secondary school diploma for the purposes of this section, except that not more than 1 percent of students served by the State or local educational agency, as appropriate, shall be counted as graduates with a regular secondary school diploma under this subparagraph.

“(7) UNDER-CREDITED STUDENT.—The term ‘under-credited student’ means a secondary school student who is a year or more behind in the expected accumulation of credits or courses toward an on-time graduation as determined by the relevant local educational agency’s and State educational agency’s secondary school graduation requirements for an on-time graduation.

“(b) CALCULATING AND REPORTING ACCURATE GRADUATION RATES.—

“(1) CALCULATING GRADUATION RATES.—Not later than school year 2011-2012, and every school year thereafter, each State educational agency and local educational agency that is assisted under this part shall calculate, using a statewide longitudinal data system with individual student identifiers for each school served by the State or local educational agency, as the case may be—

“(A) the 4-year adjusted cohort graduation rate; and

“(B) the cumulative graduation rate.

“(2) CALCULATION AT SCHOOL, LEA, AND STATE LEVELS; DISAGGREGATION AND CROSS TABULATION.—The 4-year adjusted cohort graduation rate and the cumulative graduation rate shall be calculated at the school, local educational agency, and State levels in the aggregate and disaggregated and cross

tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and made public, except that such disaggregation or cross tabulation shall not be required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(3) STATEWIDE EXIT CODES.—Not later than 1 year after the enactment of the Every Student Counts Act, each State that receives funds under this subpart shall—

“(A) design a statewide exit code system, in consultation with local educational agencies;

“(B) require all local educational agencies to use the statewide exit code system; and

“(C) provide technical assistance and support to local educational agencies to assist such agencies with the implementation of the statewide exit code system.

“(4) REPORTING GRADUATION RATES.—Subject to paragraph (5), not later than school year 2011–2012, and every school year thereafter, each State that is assisted under this part shall ensure that the State, all local educational agencies in the State, and all secondary schools in the State report annually, as part of the State and local educational agency report cards required under section 1111(h), each of the following:

“(A) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The 4-year adjusted cohort graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

“(B) 4-YEAR ADJUSTED COHORT SIZE AND 4-YEAR GRADUATES.—The final number of students in the 4-year adjusted cohort and the total number of 4-year graduates in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

“(C) CUMULATIVE GRADUATION RATE.—The cumulative graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

“(D) NUMBER AND PERCENTAGE OF STUDENTS GRADUATING IN MORE THAN 4 YEARS.—The number and percentage of secondary school students graduating in more than 4 years with a regular secondary school diploma as described in subsection (a)(3)(A)(i)(II), disaggregated by the number of years it took the students to graduate and by each of the subgroups described in paragraph (2).

“(E) NUMBER AND PERCENTAGE OF STUDENTS REMOVED FROM COHORT.—The number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by exit code (as described in subsection (b)(3)), in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

“(F) NUMBER AND PERCENTAGE OF CONTINUING STUDENTS.—The number and percentage of students from each previous adjusted cohort that began 4 years or more earlier who have not graduated from and are still enrolled in secondary school.

“(5) USE OF INTERIM GRADUATION RATE.—In the case of a State that does not have an individual student identifier longitudinal data system, with respect to each graduation rate calculation or reporting requirement under this section, the State and local educational agencies and secondary schools in the State shall temporarily carry out this section by using an interim graduation rate calculation that meets the following conditions:

“(A) NUMBER OF GRADUATES COMPARED TO NUMBER OF STUDENTS.—The calculation shall

measure or estimate the number of secondary school graduates compared to the number of students in the secondary school's entering grade.

“(B) DROPOUT DATA.—The calculation shall not use dropout data.

“(C) REGULAR SECONDARY SCHOOL DIPLOMA.—The calculation shall count as graduates only those students who receive a regular secondary school diploma.

“(D) DISAGGREGATION.—The calculation shall be disaggregated by each of the subgroups described in paragraph (2).

“(E) ANNUAL BASIS AND RATE OF GROWTH.—The calculation shall be used on an annual basis to determine a rate of growth, as described in subsection (c).

“(F) TIMEFRAME LIMITATION.—The interim graduation rate calculation may only be used through the end of school year 2012–2013.

“(G) REPORTING USE OF INTERIM GRADUATION RATE.—Each State that receives assistance under this part and does not have an individual student identifier longitudinal data system shall describe in the State's plan submitted under section 1111 the interim graduation rate used in accordance with this paragraph.

“(6) REPORTING ON ALTERNATIVE SETTINGS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency and local educational agency that receives assistance under this part and contains an alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii), shall report annually as part of the State and local educational agency report cards required under section 1111(h), the following:

“(A) The name of each alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

“(B) A description of the program provided at each setting and the population served.

“(C) The enrollment of such settings in the aggregate and disaggregated by each of the subgroups described in paragraph (2), including as a percent of overall enrollment.

“(D) Whether the setting is a new school or setting.

“(E) The alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

“(7) REPORTING PERCENT OF ON-TRACK STUDENTS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency, local educational agency, and school that receives assistance under this part shall report annually, as part of the State and local educational agency report cards required under section 1111(h), the percent of on-track students for each secondary school grade served by the State educational agency, local educational agency, and school, respectively, other than the graduating grade for the secondary school, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

“(8) REPORTING ADDITIONAL INDICATORS.—

“(A) IN GENERAL.—A State may report additional complementary indicators of secondary school completion, such as—

“(i) a college-ready graduation rate;

“(ii) a dropout rate;

“(iii) in-grade retention rates;

“(iv) percentages of students receiving GEDs, certificates of completion, or alternatives to a diploma;

“(v) average attendance rates in the aggregate and disaggregated by each of the subgroups described in paragraph (2); and

“(vi) in the case of a State with exit examinations, students who have completed

course requirements but failed a State examination required for secondary school graduation.

“(B) DEFINITIONS FOR INDICATORS.—The Secretary shall promulgate and publish in the Federal Register regulations containing definitions for the indicators described in clauses (i), (ii), and (iii) of subparagraph (A) that are consistent with the definitions used by the National Center for Educational Statistics, in order to ensure that the indicators are comparable across schools and school districts within a State.

“(C) PROHIBITION.—For purposes of reporting or accountability under this section, the additional indicators shall not replace the 4-year adjusted cohort graduation rate or the cumulative graduation rate.

“(D) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State from reporting indicators of secondary school completion that are not described in subparagraph (A).

“(9) DATA ANOMALIES.—

“(A) IN GENERAL.—When an individual student record indicates a student was enrolled in more than 1 secondary school or a student record shows enrollment in a secondary school but no subsequent information, such student record shall be assigned to 1 adjusted cohort for the purposes of calculating and reporting school, local educational agency, and State 4-year adjusted cohort graduation rates and cumulative graduation rates under this subsection.

“(B) SPECIAL RULE.—A student who returns to secondary school after dropping out of secondary school, or receives a diploma from more than 1 school or educational program served by any 1 local educational agency, shall be counted—

“(i) only once for purposes of reporting and accountability under this section; and

“(ii) as part of the student's original adjusted cohort.

“(10) MONITORING OF DATA COLLECTION.—Each State that receives assistance under this part shall conduct regular audits of the data collection, use of exit codes (as described in subsection (b)(3)), reporting, and calculations that are carried out by local educational agencies in the State. The Secretary shall assist States in their efforts to develop and retain the capacity for collection, analysis, and public reporting of 4-year adjusted cohort graduation rate and cumulative graduation rate data.

“(c) SCHOOL, LOCAL EDUCATIONAL AGENCY, AND STATE ACCOUNTABILITY.—

“(1) GRADUATION RATE GOAL.—Each State that receives assistance under this part shall—

“(A) seek to have all students graduate from secondary school prepared for success in college and career; and

“(B) meet the graduation rate goal as described in this subsection.

“(2) GRADUATION RATE CALCULATION.—Each State that receives assistance under this part shall use aggregate and disaggregated 4-year adjusted cohort graduation rates or cumulative graduation rates as the additional indicator described in section 1111(b)(2)(C)(vi) for the purposes of determining each secondary school's and local educational agency's adequate yearly progress.

“(3) MEETING GRADUATION RATE GOAL.—In order to meet the graduation rate goal, a State, local educational agency, or school shall demonstrate that it has a 4-year adjusted cohort graduation rate or a cumulative graduation rate above 90 percent in the aggregate and for all subgroups described in subsection (b)(2).

“(4) ANNUAL MEASURABLE OBJECTIVES.—The Secretary shall require a State, local educational agency, or school that receives assistance under this part and that has not met the graduation rate goal in the aggregate or for any subgroup described in subsection (b)(2) to increase the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate or for such subgroup, respectively, in order to make adequate yearly progress under section 1111(b)(2), as follows:

“(A) BASELINE FOR 4-YEAR ADJUSTED COHORT AND CUMULATIVE GRADUATION RATES.—

“(i) IN GENERAL.—Subject to subparagraph (B), the 4-year adjusted cohort graduation rate calculated and reported in accordance with this section for the first school year that begins after the date of enactment of the Every Student Counts Act shall serve as the baseline 4-year adjusted cohort graduation rate and the cumulative graduation rate calculated and reported in accordance with this section for such first school year shall serve as the baseline cumulative graduation rate.

“(ii) ANNUAL GROWTH.—Each school year after the baseline year described in clause (i), 4-year adjusted cohort graduation rates and cumulative graduation rates calculated at the school, local educational agency, and State levels in the aggregate and disaggregated by each subgroup described in subsection (b)(2) shall be evaluated for annual growth in accordance with subparagraph (C).

“(B) BASELINE ADJUSTMENT.—In the case of a State that uses an interim graduation rate, after the State has implemented an individual student identifier longitudinal data system and can calculate the 4-year adjusted cohort graduation rate and the cumulative graduation rate, but not later than the 2013–2014 school year, the State shall use the cumulative graduation rate as the baseline graduation rate for reporting and accountability under this section.

“(C) ANNUAL GROWTH.—

“(i) IN GENERAL.—In order for a State, local educational agency, or school to make adequate yearly progress under section 1111(b)(2), the State, local educational agency, or school, respectively, shall demonstrate increases in the 4-year adjusted cohort graduation rate from the baseline 4 year adjusted cohort graduation rate or increases in the cumulative graduation rate from the baseline cumulative graduation rate, in the aggregate and for each subgroup described in subsection (b)(2), by an average of 3 percentage points per school year, until the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate and for each such subgroup, equals or exceeds 90 percent.

“(ii) AYP NOT MADE.—A secondary school shall not be considered to have made adequate yearly progress under section 1111(b)(2) if—

“(I) the school’s 4-year adjusted cohort graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), falls below the initial baseline 4-year adjusted cohort over a 4-year period; or

“(II) fewer than 90 percent of the students included in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years.

“(iii) ALTERNATIVE 4-YEAR COMPLETION REQUIREMENT.—Notwithstanding clause (ii), a secondary school or secondary school educational program that is an alternative educational setting may apply to the State for a

waiver of the requirement in clause (ii) that at least 90 percent of the students included in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years if—

“(I) the secondary school or educational program submits to the State—

“(aa) a description of the secondary school or educational program; and

“(bb) an alternative 4-year completion requirement; and

“(II) the State approves the use of the alternative 4-year completion requirement for such purposes.

“(5) DELAYED APPLICABILITY TO SCHOOLS.—Paragraphs (2), (3), and (4)(C) shall not apply to a secondary school until the beginning of school year 2012–2013 or, in the case of a State using an interim rate, shall not apply to a secondary school until the first school year after such State adjusts its baseline graduation rate as described in paragraph (4)(B).

“(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Every Student Counts Act, and annually thereafter, each State educational agency that receives assistance under this part shall submit to the Secretary, and make publicly available, a report on the implementation of this section. Such report shall include—

“(1) a description of each category, code, exit code, and the corresponding definition that the State has authorized for identifying, tracking, calculating, and publicly reporting student status;

“(2) if using an interim graduation rate pursuant to subsection (b)(5), a description of the efforts of the State to implement the 4-year adjusted cohort graduation rate and the cumulative graduation rate and the expected date of implementation, which date shall be not later than the school year 2013–2014; and

“(3) a description of waivers granted in the State under subsection (c)(4)(C)(iii), which shall include—

“(A) the total number of waivers granted in the State under subsection (c)(4)(C)(iii);

“(B) a description of each waiver granted;

“(C) the number of students who are enrolled in secondary schools or secondary school education programs receiving such waivers; and

“(D) the cumulative graduation rates of the secondary schools or secondary school education programs receiving such waivers.”

SEC. 5. AYP CONFORMING AMENDMENTS.

Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is amended—

(1) in clause (vi), by striking “and” after the semicolon;

(2) in clause (vii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(viii) complies with the requirements of section 1111A.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—REMEMBERING THE 1 YEAR ANNIVERSARY OF THE APRIL 10, 2010, PLANE CRASH THAT CLAIMED THE LIVES OF THE PRESIDENT OF POLAND LECH KACZYNSKI, HIS WIFE, AND 94 OTHERS, WHILE THEY WERE EN ROUTE TO MEMORIALIZE THOSE POLISH OFFICERS, OFFICIALS, AND CIVILIANS WHO WERE MASSACRED BY THE SOVIET UNION IN 1940

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, military officers, family members, and others departed Warsaw by plane to travel to the Russian region of Smolensk;

Whereas the purpose of the delegation’s visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the “NKVD”, between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims of such executions have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 such Polish victims have yet to be precisely located;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board;

Whereas Poland has been a leading member of the transatlantic community and the North Atlantic Treaty Organization (NATO), an Alliance vital to the interests of the United States, and Poland’s membership in the Alliance has strengthened NATO;

Whereas the Polish armed forces have stood shoulder-to-shoulder and sacrificed with airmen, marines, sailors, and soldiers of the United States in Iraq, Afghanistan, the Balkans, and around the world;

Whereas Poland has been a leader in the promotion of human rights, not just in Central Europe, but elsewhere around the world; and

Whereas the deep friendship between the governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw to Smolensk to memorialize the 1940 Katyn massacres, killing all 96 passengers;

(2) honors the memories of all Poles executed by the NKVD at Katyn, Miednoye, Kharkiv, and elsewhere and those who perished in the April 10, 2010, plane crash;

(3) expresses continuing sympathy for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(4) recognizes and respects the resilience of Poland's constitution, as demonstrated by the smooth and stable transfer of constitutional authority that occurred in the immediate aftermath of the April 10, 2010, tragedy; and

(5) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

SENATE RESOLUTION 136—TO AUTHORIZE DOCUMENT PRODUCTION IN UNITED STATES V. DOUGLAS D. HAMPTON (D.D.C.)

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of *United States v. Douglas D. Hampton*, Crim. No. 11-085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States v. Douglas D. Hampton* and any related proceedings.

SENATE RESOLUTION 137—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters and Sons To Work Day" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers

to reach their full potential", now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons to Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table.

SA 288. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, supra; which was ordered to lie on the table.

SA 289. Mr. CARPER (for himself, Mr. VITTER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Contracting with the Enemy Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term "element of the intelligence community" means an element of the intelligence community specified or designated in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) **ENEMY OF THE UNITED STATES.**—The term "enemy of the United States" means any person or organization determined by the Secretary of Defense or the Secretary of State to be hostile to United States forces or interests or providing support to any person or organization hostile to United States forces or interests during the time of a declared war, peacekeeping operation, or other military or contingency operation.

(3) **EXECUTIVE AGENCY.**—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

(4) **FEDERAL ACQUISITION REGULATION.**—The term "Federal Acquisition Regulation" means the regulation maintained under section 1303(a)(1) of title 41, United States Code.

(5) **FEDERAL CONTRACT.**—The term "Federal contract" means any contract, including any order under a multiple award or indefinite delivery or indefinite quality contract, entered into by an executive agency for the procurement of property or services (including construction).

(6) **COOPERATIVE AGREEMENT.**—The term "cooperative agreement" has the meaning given the term pursuant to section 6305 of title 31, United States Code.

(7) **GRANT.**—The term "grant" has the meaning given the term pursuant to section 6304 of title 31, United States Code.

SEC. 3. PROHIBITION ON CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS WITH ENEMIES.

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation and the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall prescribe regulations or other guidance, as appropriate—

(1) to provide the authority to restrict the award of Federal contracts, cooperative agreements, or grants to enemies of the United States;

(2) to void any Federal contract, cooperative agreement, or grant with an enemy of the United States immediately at no cost to the United States Government, including any settlement costs or equitable adjustments to the prime or subcontractor, or any other compensation under other contract provision or provision of law;

(3) to provide that the head of an executive agency may provide for an adjudication process to balance restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency;

(4) to require the contracting official or cooperative agreements or grants official, as the case may be to ensure no further payments, including previously approved payments and compensation, are made to the contractor or grantee; and

(5) to provide that the head of an executive agency shall have access to prime contractor and subcontractor records to facilitate Federal oversight of the obligation or expenditure of funds under contracts, cooperative agreements, and grants.

(b) PROHIBITION ON SUBCONTRACTS.—The regulations prescribed under subsection (a) shall prohibit the awarding of subcontracts under a Federal contract, cooperative agreement, or grant to enemies of the United States, and shall include the following requirements:

(1) Federal contracts, cooperative agreements, and grants shall include a contract clause prohibiting the use of a subcontractor at any tier under the contract, cooperative agreement, or grant that is an enemy of the United States.

(2) If the head of an executive agency determines that a prime contractor has subcontracted at any tier under a Federal contract, cooperative agreement, or grant with a contractor that is an enemy of the United States, the contracting official or cooperative agreements or grants official, as the case may be, shall—

(A) direct the prime contractor to terminate the subcontract immediately with no further payment or compensation to the subcontractor;

(B) notify the prime contractor that failure to terminate the subcontract shall be grounds for default on the prime contract, cooperative agreement, or grant; and

(C) take all necessary actions to ensure that no further payments, including previously approved payments and compensation are made to the subcontractor.

(c) INTELLIGENCE COMMUNITY AND NATIONAL SECURITY EXCEPTION.—The prohibitions under subsections (a) and (b) shall not apply to contracts, cooperative agreements, or grants entered into by elements of the intelligence community in support of intelligence activities or any other contract, cooperative agreement, or grant where national security may be compromised.

(d) MONITORING OF RESCINDED OR VOIDED CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall direct the Administrator of General Services to add a field to the Federal Award-ee Performance and Integrity Information System (“FAPIS”) to record contracts, grants, and cooperative agreements voided based on a determination that the contract, or any subcontract under the contract, was with an enemy of the United States as defined under section 2(2).

(e) DISSEMINATION.—The Administrator for Federal Procurement Policy, in coordination with the Secretary of Defense and the Secretary of State, shall ensure that the regulations implementing this Act are disseminated to all personnel affected and that all contractors are made aware of this policy prior to contract, cooperative agreement, or grant awards.

SEC. 4. DETERMINATION OF ENEMY STATUS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall prescribe regulations establishing a process for the heads of executive agencies to make a determination that a party to a contract, cooperative agreement, or grant is an enemy of the United States as defined under section 2(2).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall establish—

(A) a process for verifying the information on which a determination under such paragraph is sufficiently reliable;

(B) a process for protecting confidential sources;

(C) a process requiring the heads of executive agencies to document the basis for determinations under paragraph (1) and the information relied upon in making such determinations;

(D) a process for retaining such information for possible review under section 5; and

(E) a process that provides a balance between restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency.

SEC. 5. DUE PROCESS PROCEDURE.

(a) CONTRACTS.—Any contractor whose contract is voided under the procedures prescribed pursuant to sections 3 and 4 may utilize the procedures established under chapter 71 of title 41, United States Code, except that the only basis for a claim under these procedures is that the contractor is not an enemy of the United States as defined under section 2(2).

(b) GRANTS AND COOPERATIVE AGREEMENTS.—The Department of State, the Department of Defense, and the Agency for International Development shall establish internal administrative procedures for reviewing, in the case of a cooperative agreement or grant voided under the procedures prescribed pursuant to sections 3 and 4, the determination that a party to such cooperative agreement or grant is an enemy of the United States as defined under section 2(2).

(c) PROTECTION OF NATIONAL SECURITY.—The regulations established under chapter 71 of title 41, United States Code, as amended pursuant to subsection (a), and the regulations prescribed under subsection (b) shall provide for the protection of national security as appropriate when a claim is submitted pursuant to this section.

SEC. 6. APPLICABILITY.

This Act and the amendments made pursuant to this Act shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

SA 288. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table; as follows:

Amend the title so as to read: “A bill to restrict and void Federal contracts and subcontracts, cooperative agreements, and grants with enemies of the United States.”.

SA 289. Mr. CARPER (for himself, Mr. VITTER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . SALE OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) COUNCIL.—The term ‘Council’ means the Federal Real Property Council established by section 622(a).

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(3) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

“(4) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described in clause (i).

“(B) EXCLUSION.—The term ‘real property’ does not include—

“(i) any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100-526);

“(ii) any property that is excluded for reasons of national security by the Director;

“(iii) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

“(I) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, the Director of the National Park Service, or the Commissioner of Reclamation; or

“(II) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

“(iv) any Indian lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

“§ 622. Establishment of a Federal Real Property Council

“(a) ESTABLISHMENT.—There is established within the Office of Management and Budget a council to be known as the ‘Federal Real Property Council’.

“(b) PURPOSE.—The purpose of the Council shall be to develop guidance for the asset management program of each executive agency.

“(c) COMPOSITION.—

“(1) IN GENERAL.—The Council shall be composed exclusively of—

“(A) the senior real property officers of each executive agency;

“(B) the Deputy Director for Management of the Office of Management and Budget;

“(C) the Controller of the Office of Management and Budget;

“(D) the Administrator of General Services; and

“(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

“(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

“(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

“(d) DUTIES.—The Council shall—

“(1) in consultation with the heads of executive agencies, establish performance measures to determine the effectiveness of Federal real property management that are designed—

“(A) to enable Congress and heads of executive agencies to track progress in the

achievement of property management objectives on a governmentwide basis; and

“(B) allow for comparison of the performance of executive agencies against industry and other public sector agencies in terms of performance;

“(2) in developing and implementing the performance measures described in paragraph (1), use existing data sources and automated data collection tools;

“(3) not later than 180 days after the date of enactment of this subchapter, submit to the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a report that contains—

“(A) an evaluation of the leasing process in effect as of the date of submission of the report to identify and document inefficiencies in that process;

“(B) a suggested strategy to reduce the reliance of executive agencies on leased space for long-term needs if ownership would be less costly; and

“(C) an assessment of domestically held, federally leased space, including—

“(i) a description of the overall quantity and type of space leased by executive agencies; and

“(ii) an identification of current contracts for leased office space in which the leased space is not fully used or occupied (including a plan for subletting of unoccupied space); and

“(4)(A) review contracts for leased office space that are in effect as of the date of submission of the report; and

“(B) work with executive agencies to renegotiate leases having at least 2 years remaining in the term of the leases to recognize potential cost savings as quickly as practicable.

“§ 623. Duties of landholding agencies

“(a) IN GENERAL.—Each landholding agency shall—

“(1) maintain adequate inventory controls and accountability systems for property under the control of the agency;

“(2) continuously survey property under the control of the agency to identify excess property;

“(3) promptly report excess property to the Administrator;

“(4) establish goals that lead the agency to reduce excess real property in the inventory of the agency;

“(5) reassign property to another activity within the agency if the property is no longer required for purposes of the appropriation used to make the purchase;

“(6) transfer excess property under the control of the agency to other Federal agencies and to organizations specified in section 321(c)(2); and

“(7) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.

“(b) REPORT.—Not later than 90 days after the date of enactment of this subchapter, and annually thereafter, each landholding agency, in consultation with the Council, shall submit to Congress a report that describes, for the year covered by the report—

“(1) all surplus real property under the jurisdiction of the landholding agency;

“(2) an asset disposal plan, or an update of such a plan, that includes annual goals for the disposal of surplus real property; and

“(3) the number of real property disposals completed, including the disposal method used for each individual real property.

“§ 624. Database

“The Administrator shall—

“(1) establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security; and

“(2) shall collect from each executive agency such descriptive information (except for classified information) as the Administrator determines will best describe the nature, use, and extent of real property holdings for the Federal Government.

“§ 625. Disposal program

“(a) IN GENERAL.—

“(1) REQUIRED DISPOSAL.—

“(A) IN GENERAL.—The Director shall, by sale, demolition, or any other means of disposal, dispose of any real properties identified as of the date of enactment of this subchapter that, as determined by the Director, are surplus, are not being used, and will not be used to meet the needs of the Federal Government for the period of fiscal years 2012 through 2016.

“(B) CONVEYANCE.—Before taking any action to dispose of real property under subparagraph (A), the Director may consider whether the real property can be conveyed to State and local governments, nonprofit organizations, or the homeless for various public purposes or uses as allowed by applicable law.

“(2) WEBSITE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Director shall ensure that all real properties selected for disposal under this section are listed on a website that shall—

“(i) be updated routinely; and

“(ii) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

“(B) NATIONAL SECURITY EXEMPTION.—The Director may, for purposes of national security, exclude from listing on the website under subparagraph (A) any real property selected for disposal under this section.

“(b) USE OF PROCEEDS.—

“(1) IN GENERAL.—Proceeds received from the disposal of any real property shall be retained and distributed in accordance with paragraphs (2) and (3).

“(2) AGENCIES THAT MAY RETAIN PROCEEDS.—With respect to a landholding agency that, as of the date of enactment of this subchapter, has statutory authority to retain full monetary proceeds from the disposal of real property—

“(A) nothing in this subsection affects the authority of such a landholding agency to retain those full monetary proceeds; but

“(B) the proceeds so retained—

“(i) shall be used—

“(I) by not later than 1 year after the date of disposal of the real property; and

“(II) only for activities relating to Federal real property asset management and disposal; and

“(ii) if not used by the date described in clause (i)(I), shall be returned to the general fund of the Treasury for debt reduction purposes.

“(3) AGENCIES THAT DO NOT RETAIN PROCEEDS.—With respect to a landholding agency that, as of the date of enactment of this subchapter, does not have statutory authority to retain full monetary proceeds from the disposal of real property—

“(A) the landholding agency—

“(i) may retain not more than 25 percent of the proceeds from the disposal of real property under this subchapter;

“(ii) shall use those proceeds—

“(I) by not later than 1 year after the date of disposal of the real property; and

“(II) only for activities relating to Federal real property asset management and disposal; and

“(iii) shall return amounts remaining unexpended after the date described in clause (ii)(I) to the general fund of the Treasury for debt reduction purposes; and

“(B) the remainder of those proceeds shall be deposited in the Treasury for debt reduction purposes.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if the surplus real properties described in subsection (a) are not disposed of as required under this section by September 30, 2015, no landholding agency may acquire any real property not under the administrative jurisdiction of the Federal Government, by sale or lease, until the Director submits a certification to Congress of the disposal of all of those surplus real properties.

“(2) WAIVER.—Paragraph (1) shall not apply to a landholding agency until such date as—

“(A) the landholding agency submits to the Director and the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a written justification describing the reasons why the surplus real properties described in subsection (a) under the jurisdiction of the landholding agency were not disposed of; and

“(B) Congress enacts a law approving the waiver.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec.

“621. Definitions.

“622. Establishment of a Federal Real Property Council.

“623. Duties of executive agencies.

“624. Database.

“625. Disposal program.”

(c) REPORT OF THE COMPTROLLER GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the use by executive agencies of the authorities provided by this Act and amendments made by this Act.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to H.R. 1363, Department of Defense and Further Additional Continuing Appropriations Act, 2011.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in

writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 768, a bill to provide for continuing operations of Government in a fiscally responsible manner.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing scheduled before the Senate Committee on Energy and Natural Resources has been postponed. This hearing was scheduled to be held on Thursday, April 14, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing was to review S. 343 a bill to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review, to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, and to carry out the agreements resulting from that review.

For further information, please contact Al Stayman at (202) 224-7865 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 7, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011, AS AMENDED BY S. 223, THE FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT, AS PASSED BY THE SENATE ON FEBRUARY 17, 2011

[Millions of dollars, by fiscal year]

Table with 13 columns (2011-2021) and 1 row for 'Statutory Pay-As-You-Go Impact' showing net increase or decrease in the deficit.

Major provisions of H.R. 658 would: —Reauthorize programs administered by the Federal Aviation Administration; —Extend and modify certain aviation-related revenues; —Rescind \$44 billion in unobligated balances of discretionary budget authority (thereby reducing outlays by an estimated \$22 billion over the 2011–2020 period). Note: For this estimate, CBO assumes H.R. 658 will be enacted by June 1, 2011. Sources: Congressional Budget Office and Joint Committee on Taxation.

The PRESIDING OFFICER. Under the previous order, the bill, as amended, is passed, the motion to reconsider is considered made and laid upon the table, the Senate insists upon its amendment, requests a conference with

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 7, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 7, 2011, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 7, 2011, at 2:15 p.m., to hold a East Asian and Pacific Affairs subcommittee hearing entitled, "Combating Human Trafficking in Asia."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 7, 2011, at 1:30 p.m. to conduct a hearing entitled "Securing the Border: Progress at the Local Level."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate April 7, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate, on April 7, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TESTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 7, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. DURBIN. Madam President, I understand the Senate has received H.R. 658 from the House and, under the previous order, I ask that the Senate proceed to that measure.

The PRESIDING OFFICER. Pursuant to the order of February 17, 2011, all after the enacting clause is stricken, and the text of S. 223, as passed, is inserted in lieu thereof, and the bill, as amended, shall be read a third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk shall read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 658, as amended.

Total Budgetary Effects of H.R. 658 for the 5-year Statutory PAYGO Scorecard: net reduction in the deficit of \$17.796 billion.

Total Budgetary Effects of H.R. 658 for the 10-year Statutory PAYGO Scorecard: net reduction in the deficit of \$19.467 billion.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. ROCKEFELLER, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. HUTCHISON, Mr. ENSIGN, Mr. DEMINT, and from the Committee on Finance

Mr. BAUCUS and Mr. HATCH conferees on the part of the Senate.

UNITED STATES v. DOUGLAS D. HAMPTON

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 136) to authorize document production in *United States v. Douglas D. Hampton*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, this resolution concerns records that several offices of the Senate have provided to the Department of Justice in connection with a criminal investigation.

As those documents may be needed in a pending criminal case arising out of that investigation, *United States v. Douglas D. Hampton*, this resolution would authorize the use of these documents in connection with this case or any related proceedings.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas, in the case of *United States v. Douglas D. Hampton*, Crim. No. 11-085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by Permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States v. Douglas D. Hampton* and any related proceedings.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 137, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) supporting the goals and ideals of Take Our Daughters and Sons To Work Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters and Sons To Work Day" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential", now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons To Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for

the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

MEASURE PLACED ON THE CALENDAR—H.R. 1363

Mr. DURBIN. I ask unanimous consent the following bill be placed on the calendar: H.R. 1363.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 768

Mr. DURBIN. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 768) to provide for continuing operations of Government in a fiscally responsible manner.

Mr. DURBIN. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, APRIL 8, 2011

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Friday, April 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 4 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and any time spent in quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, we are hopeful we can reach an agreement on the budget tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 9:45 p.m. adjourned until Friday, April 8, 2011, at 11 a.m.

HOUSE OF REPRESENTATIVES—Thursday, April 7, 2011

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Creator of the earth and skies,
To Whom all truth and power belong,
Grant us Your truth to make us wise,
Grant us Your power to make us strong.

We have not known You:
To the skies our monuments of folly
soar,

And all our self-wrought miseries
Have made us trust ourselves the
more.

We have not loved You:
Far and wide the wreckage of our ha-
tred spreads,

And evils wrought by human pride
Recoil on unrepentant heads.

We long to end this worldwide strife:
How shall we follow in Your way?

Speak to mankind Your words of life,
Until our darkness turns to day.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BARROW) come forward and lead the House in the Pledge of Allegiance.

Mr. BARROW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

OUR NATION IS BROKE

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, we have a national debt of more than \$14.2 trillion, and our unfunded obligations dwarf even that number. Each American taxpayer's share of our national debt is \$128,000 and rising.

Our Nation is broke. The Federal Government has maxed out its credit card. This House is listening to the American people, and we've put forth multiple plans to try to get our fiscal house in order, but HARRY REID and President Obama are still not listening.

The clock is ticking; and because of their inaction, we are hours away from a potential government shutdown. Now, they'll deny that this fiscal crisis has been caused by their failed policies, but Americans are too smart to fall for that.

Americans want the tools to grow the economy instead of growing government. So when making spending decisions, we should ask two simple questions in this House: How much does it cost? And who's going to pay for it? If we can't afford it and the American taxpayers are going to foot the bill, gentlemen, ladies, let's vote "no."

KEEPING ALL STUDENTS SAFE ACT

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, 1 year ago this House overwhelmingly passed bipartisan legislation that would have prevented children from being abused in classrooms; but, unfortunately, it never became the law. In the year since then, children have suffered and have been abused in school, and parents have felt completely helpless.

In 2009, the Government Accountability Office told our committee of the shocking wave of abuse by untrained school staff who were misusing emergency interventions. Most of these victims were children with disabilities. Some were 3 and 4 years old. In some cases, children died.

Restraint and seclusion should be used only as a last resort and by trained professionals, but the GAO found that was not the case. This is unacceptable, and yet it is a reality for too many children across the country.

A media report out yesterday highlights that these horrific abuses continued through this past year. In Chicago, a 4-year-old boy's wrists were taped together with painter's tape and then duct tape because he refused to take a nap and he didn't wash his hands. In Fayetteville, North Carolina, a 5-year-old student's arm was broken when a teacher held him down. In New Orleans, a teacher handcuffed a male student by his ankle to a chair because he didn't follow the teacher's instructions.

This abuse of children and the death of children has got to stop.

LIBERALS CREATE POSSIBLE SHUTDOWN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats in Congress are still setting up roadblocks to prevent a budget for this fiscal year. Trying to conceal reckless spending, the liberal majority in the last Congress refused to pass a budget, threatening jobs.

Rather than mortgaging the future like the previous Congress, House Republicans sent a commonsense budget to the Senate 47 days ago. This plan limits spending in order to promote job growth. Now we have liberals in the Senate refusing to pass the budget. This is failed leadership.

Democrats in Washington are out of touch with everyday Americans and would rather play the blame game than offer real solutions. The liberal House majority last year failed to pass a budget. The new conservative House passed a budget, but the liberal Senate majority has failed to pass a budget.

Liberals are clearly risking government shutdown.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HUNGER SHOULD NOT BE A PARTISAN ISSUE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. McGOVERN. Mr. Speaker, of every 10 people going hungry today, six are women. They are hungry not only because they are the majority poor, with the least access to schools, land, and markets, but because every mother will go to bed hungry before her child does.

H.R. 1 cuts life-saving food aid, humanitarian and development programs almost in half. These programs make up less than 1 percent of the Federal budget. Slashing them does nothing to fix the deficit but will be devastating to millions of poor women and children.

When world food prices are at all-time highs and there are more hungry people in the world than ever before, this is unconscionable. Over 30,000 people—religious and social leaders—are fasting in opposition to these budget cuts.

Hunger should not be a partisan issue. I urge all my colleagues to join these brave citizens and reject these draconian cuts. Support programs that protect the hungry and the most vulnerable here at home and around the world.

Learn more at www.hungerfast.org.

□ 1010

RECONSIDERATION OF THE GOLDSTONE REPORT

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, the U.N. commissioned its infamous Goldstone Report following the 2008–2009 war between Hamas in Gaza and the State of Israel, a war which grew out of Hamas's ongoing rocket attacks, well over 4,000, intended to terrorize communities in southern Israel. This report alleged the sickening conclusion that Israel deliberately targeted civilians as a matter of policy, an accusation grossly offensive to me as an American, and to the only nation in the Middle East whose freedoms and commitment to humanitarian values we all recognize and admire as mirroring our own.

The Goldstone Report has been held high by those in the international community seeking to delegitimize the State of Israel's very own existence. Now Richard Goldstone has publicly distanced himself from the deeply flawed conclusions of his own report.

So, Mr. Speaker, I ask: Where does a nation go to get its reputation back?

I hope and urge that we can begin to talk to the administration to inform the U.N. and the members of the Goldstone Commission to reconsider its own report, to block U.N. actions based on its falsehoods, and to expeditiously introduce a measure properly exonerating Israel from this damaging libel.

GULFSTREAM TRIBUTE

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to express my deep sadness over the passing of four Gulfstream Aerospace employees who perished in a test flight crash in Roswell, New Mexico, this past Saturday.

Gulfstream is headquartered in my congressional district, and I know firsthand the hard work, discipline, and dedication that Gulfstream employees put into their work. Last week, four of those employees lost their lives in the line of duty.

Our thoughts and prayers are with the family, friends, and colleagues of Kent Crenshaw, Vivan Ragusa, David McCollum, and Reece Ollenburg. Today I want to honor their lives and their legacies. They will be missed by their families, colleagues, and communities, and they have our deepest respect and appreciation.

SPENDING AND THE GOVERNMENT SHUTDOWN

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Mr. Speaker, as we are all very well aware, we are on the verge of a potential government shutdown over the critical issue of spending. For those who are confused by the caterwauling that they hear from this Chamber as to where the parties stand in relation to spending your money and the future deficits and debt of this country, let me put it as clearly as I can.

The Democrats support shutting down the government for more spending. The Republicans support keeping open the government with less spending. I trust your wisdom to determine which you prefer and which you deem in the interests of this country.

REPUBLICAN BUDGET

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I stand here this morning very troubled because the Republican budget will end Medicare and eliminate the guaranteed coverage. This is un-American.

It slashes Medicaid for seniors in nursing homes, health care for children, and Americans with disabilities. This is un-American.

It increases the cost of college education for close to 10 million middle class students and their families. It gives away billions in subsidies to tax breaks for Big Oil, and it gives tax cuts

for the wealthy that will add \$1 trillion to the deficit. It gives tax breaks to corporations that send jobs overseas.

Yes, we must cut, but we must cut with common sense. We must not gut the future of America. It has to be sensible.

PROHIBIT EPA FROM REGULATING FLY ASH AS A HAZARDOUS MATERIAL

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Today, Mr. Speaker, I am introducing legislation that will prohibit the EPA from regulating fly ash as a hazardous material.

Fly ash is an unavoidable byproduct of burning coal to produce electricity. Fly ash has been repeatedly tested and approved by the EPA for use by America's customers. Recycling fly ash helps to keep electric generation costs down, which in turn keeps electricity affordable for all our consumers. But if the EPA persists with its plans to designate fly ash as a hazardous material, the expense of handling the material will increase logarithmically, and so will our energy costs.

Why would this administration want to increase the cost of electricity on our senior citizens, hospitals, schools, and American families?

President Obama's relentless war on coal has been an unmitigated job killer and will have a ripple effect on all industries, especially those that recycle fly ash. That's why I am proud to introduce this legislation, which has bipartisan support among my colleagues as well as over two dozen special groups.

THE PENDING GOVERNMENT SHUTDOWN

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this House is at an historic moment because we look at a possible shutdown of government, a shutdown of government that you have to look and ask: Why may it occur? It's going to occur because we don't have a budget. And why don't we have a budget? Because we've got a great deficit. Why do we have that great deficit? Because the Bush tax cuts got rid of the Clinton excess we had.

During Clinton's days, we had extra money. We balanced the budget. The Bush years: a deficit for the tax cuts, which have been extended with the majority of the Republicans and some Democrats, and two wars overseas in Iraq and Afghanistan that were off budget. And they have cost us much.

In the future, we are going to see a political Armageddon here about this continuing resolution and the budget

of this country. And the issue is going to be whether we deal with the superrich or we guarantee America's past and care for everybody to have opportunity and a chance; whether we care about the oil companies that make record profits and give them continued deductions or whether we care about people that need education and health care. Medicare is at risk, Social Security will be at risk, and there's no jobs plan been put forward by this Congress.

And that's just the way it is.

PROVIDING FOR CONSIDERATION OF H.R. 1363, DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported before April 11, 2011, providing for consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011.

The SPEAKER pro tempore (Mr. POE of Texas). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 206 provides for a closed rule providing for consideration of H.R. 1363, which is a bill providing 1 week of continuing appropriations, a full year of funding for the Department of Defense, and cuts \$12 billion in wasteful Federal spending.

Mr. Speaker, it's unfortunate that we are at this juncture nearly 7 months into fiscal year 2011, considering the bill that this House will soon consider. We are seeing a stunning lack of leadership on behalf of Washington Democrats, including Senate Majority Leader REID and President Obama, who have refused to do the work that Americans sent them here to do. They have exhibited willful disregard for our troops and their families, who are uncertain about their paychecks with a government shutdown looming.

The bill we will debate and pass funds the Department of Defense for the remainder of the year, while cutting another \$12 billion in wasteful Washington spending. Lest we forget, the reason this problem exists at all is because the liberal Democrat elites were so incapable of governing in the last Congress that they couldn't even pass a budget for the first time since modern congressional budgets were first created over 30 years ago.

□ 1020

They didn't do that because of their lack of leadership then and their apparent realization that the American people had tired of big spending, big government policies streaming out of Washington, which is why the Republicans now control the House of Representatives.

Today with real leadership in the House we have real solutions to these real problems. House Republicans have passed H.R. 1, which is a continuing resolution that takes us to the end of the fiscal year.

The Democrat response? In another display of their lack of leadership, Senator REID sits on his hands while Senator SCHUMER tinkers in his game of manipulating the liberal political message in a phone call with reporters.

House Republicans then took the lead in crafting two short-term continuing resolutions, H.J. Res. 44 and H.J. Res. 48, providing for an additional 5 weeks of funding authority while cutting \$10 billion in wasteful Federal spending along the way.

Realizing that the stubborn liberal elites in the Senate and White House are using the threat of a government shutdown to continue their failed wasteful spending policies, House Republicans last week passed H.R. 1255, the Government Shutdown Prevention Act, which provided for enactment of H.R. 1 in the event that the liberal malaise continues to stymie progress on fiscal 2011 appropriations.

After all of these gestures of good faith made by House Republicans, the

time has now come for the hapless liberal Democrat elites in the Senate and the White House to make a decision. It's time to decide between acting responsibly, abandoning favored political alliances, or continuing their failed Big Government policies as a solution to all earthly problems.

These points aside, there is one truth upon which everyone could probably agree: that the new Republican House leadership has changed the discussion in Washington, D.C., and across the country.

Whereas the previous discussion in Washington revolved solely around how much more money we should spend, today the discussion is how much more money we should cut.

Americans can now rest easy knowing that their message was received by responsible adults here in the House, and we will work to reflect their support for a leaner Federal Government focused on finding solutions to problems, rather than political gamesmanship and perpetual misguided adventures in social engineering.

Speaker BOEHNER has told the President that the House will not be put in a box and forced to choose between two options that are bad for the country, like accepting a bad deal that fails to make real spending cuts or accepting a government shutdown due to Senate inaction, and that is why House Republicans, in lieu of an agreement in which the White House and Senate agree to real spending cuts, are offering this third option: another good-faith gesture that funds our troops through the end of the fiscal year while cutting an additional \$12 billion in wasteful government spending and keeps the government running for another week.

Real leadership is long overdue in this Congress, Mr. Speaker, and it's refreshing to see the new House Republican majority step in and fill the void left by such a devastating lack of leadership that has resulted from liberal Democrat domination of this city for far too long.

Let's start by voting for this rule and the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. I thank the gentlewoman from North Carolina, my friend, Dr. FOXX, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this closed rule and to the misguided underlying legislation.

Mr. Speaker, enough is enough. Enough political posturing. Enough governing by press conference. Enough finger-pointing press releases, Facebook updates, and Tweets.

Democrats have already agreed, reluctantly, to tens of billions of dollars in cuts. Many of these cuts are from programs that are very near and dear to us. We have come more than halfway.

I am pleased that Speaker BOEHNER agreed to attend a negotiating session with President Obama and Senator REID last night. The truth, Mr. Speaker, is that it shouldn't be this hard to come up with a budget to finish this year. President Obama and Senator REID are trying to work with Speaker BOEHNER to come up with a bipartisan agreement that moves this country forward.

But that's what we see coming from the Republican Party in the House. Unfortunately, as of right now, the Republican leadership is continuing with their "my way or the highway" obstructionism.

Let's be clear about what's really going on here. Let's at least be straight with the American people. This impasse is not because of disputes between Democrats and Republicans; it's because of an intraparty feud between sensible, pragmatic Republican legislators and angry, take-no-prisoner Republican activists.

Now, I know that many of my friends on the other side of the aisle would like to accept the billions and billions of dollars in cuts that the Democrats have offered and declare a victory.

Unfortunately, their Republican Party has been hijacked by people who relish a shutdown of the Federal Government, people who refuse to take "yes" for an answer. They are more interested in making a point than in making law. And unless and until the Republican leadership in this House is willing to stand up to that radical element and stop moving the goalposts, we will not be able to move forward.

My friends on the other side of the aisle talk a good game about wanting to come up with a compromise. Unfortunately, this bill before us today does nothing to achieve that goal. In fact, it is a step backwards. This bill, like H.R. 1 before it, isn't going anywhere. The Senate leadership and the White House have already made it very clear that yet another short-term continuing resolution is not acceptable.

Further, this bill continues the misguided priorities that we have seen from the Republican leadership of the House for the last several months. It cuts vital domestic programs that families, communities, and States rely on during these difficult economic times.

Let me just give you a few examples of the cuts to programs that will directly affect the people in Massachusetts that I am honored to represent.

H.R. 1363 would cut the Land and Water Conservation Fund, which helps preserve open space, by another \$71.5 million. It cuts \$700 million from the Clean Water and Drinking Water Revolving Funds. I don't know of a community in this country that doesn't have infrastructure needs, and the State revolving fund is one of the few areas where they can get money to help repair sewers and deal with storm

water and a bunch of other issues, but they cut it by \$700 million more.

Most egregiously of all, it cuts \$390 million from the LIHEAP contingency fund. That's fuel assistance for poor people, mostly elderly, who need it as fuel prices continue to rise.

So there it is, Mr. Speaker. There is the clear difference of priorities between the two parties. The Republicans would rather shut down the government than provide heating assistance to some of the most vulnerable people in this country. I should also note that this bill would provide funding for the Department of Defense for the rest of the year, but nothing else.

Every Member of this House believes that making sure our troops get their paychecks is a top priority. The men and women who serve this country in uniform deserve our support.

But, Mr. Speaker, so do the seniors of this country. So do the children of this country. So do the poor and the hungry of this country. So do the people who can't afford hot-shot lobbyists and multimillion dollar ad campaigns. We are supposed to represent them too.

A couple of days ago we saw where the Republican priorities are. They made them crystal clear in their budget proposal. Eliminate Medicare as we know it. Eviscerate Medicaid. Cut funding for education. Cut funding for medical research, health care, environmental protection, and infrastructure in order to make sure that the wealthiest individuals and companies can keep their special interest tax breaks.

Oil companies continue to get their taxpayer subsidies. Why they need them, I don't know, but they continue to get them. And they are protected. Donald Trump continues to get his tax cut under their proposal, but they go after programs that impact working people and people who are the most vulnerable. That may fly on Wall Street, but it sure isn't going to fly on Main Street.

So, again, Mr. Speaker, I say that enough is enough. It is time for serious people to do some serious legislating. The bill before us is a million miles away from that.

I would urge my colleagues to reject this closed rule and to reject the underlying legislation.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, my colleague from Massachusetts and I are actually, I think, getting fairly fond of each other, spending so much time in the Rules Committee as we do. However, I really have to call into question a couple of comments that he has made.

Is this bill really a step backwards when we're funding our troops for the rest of the year, taking away the uncertainty that they have just in case the government votes to shut down or the Senate doesn't act as it should and allows the government to shut down?

□ 1030

Do we really need to continue all the appropriations for LIHEAP, the funding for helping people pay their heating bills, when we are in April this year? This is money that goes until the end of September. I hardly think that we're going to have people freezing to death in this country between now and September 30.

Do we need to be looking after seniors and children? Obviously, we do. Republicans are not heartless people. But we have to look after them in a responsible way. Cutting spending is the way to be responsible to them.

And, Mr. Speaker, I have to remind my colleague again that we are here to fix a problem that they left for us last year: funding the Federal Government for the rest of this year.

Yesterday in the Rules Committee, one of our colleagues said, Let's stop talking about the past and talk about the future, when we brought this up. Well, Mr. Speaker, Republicans would like nothing more than to do that, but we're doing all that we can to avoid a government shutdown, and that is what this rule and bill are all about this morning.

Republicans understand that unless we change course, higher taxes, inflation, interest rates and unemployment will cripple our economy and rob our children of the opportunity to pursue the American Dream. Let's be clear. We don't have deficits because Americans are taxed too little. We have deficits because Washington spends too much. We've got to stop spending money we don't have. Right now, we're borrowing 43 cents for every dollar that we spend.

I want to talk a little bit about the long-term effects of what we're planning to do in this Congress this spring under Republican majority. The budget resolution introduced by Budget Chairman PAUL RYAN and passed out of the Budget Committee last evening will spur job creation, stops spending money we don't have, and lifts the crushing burden of debt. It's a plan that puts the budget on a path to fiscal stability and our country on a path to prosperity by cutting \$6 trillion in Federal spending over 10 years and takes government spending below 20 percent of GDP.

Mr. Speaker, historically, our government spending has been between 18 and 20 percent of GDP. Once we go over that, we are endangering our country, and that's where our colleagues across the aisle have been for a long time. The White House predicts that their proposal will reduce the deficit by only \$1.1 trillion over the same period of time.

According to the nonpartisan Congressional Budget Office, President Obama's budget would generate more than \$9.5 trillion in additional deficits between fiscal years 2012 and 2021. I actually have a visual here, Mr. Speaker,

that shows exactly what is going to happen under President Obama's budget.

In contrast, the Republican budget resolution provides us with a path to prosperity by limiting the Federal Government to its core constitutional roles, keeping America's promises to seniors, and unleashing the genius of America's workers, investors and entrepreneurs. The Republican budget has a projected real GDP growth of \$1.5 trillion over the next 10 years.

With this budget resolution, we're taking direct aim at wasteful Washington spending as opposed to the Obama budget that spends more than \$46 trillion over the next decade.

Since January of 2009, there has been a 24 percent increase in non-discretionary spending, a number that jumps to 84 percent when stimulus funds are included, Mr. Speaker. Democrats promised if we paid for their stimulus, unemployment would stay below 8 percent. Then it soared to 10 percent. One trillion dollars in debt later, Americans know they didn't get what they paid for.

The 2009 stimulus law has gotten the most attention with considerable focus on the billions of dollars it wasted on dubious government projects as well as the many promises it broke with respect to job creation and economic growth. The Republican budget resolution projects an unemployment rate of 4 percent by 2015, Mr. Speaker.

If we continue on the wrong path that we're on now, Americans will not be able to rely on Medicare, Medicaid and Social Security in order to plan for retirement if we don't take action. Republicans want to serve as good stewards of the investment of millions of Americans paying into Social Security. Republicans will save \$750 billion through Medicaid reform in the form of block grants to States, giving Governors greater and much needed flexibility in their budgets.

As it stands, the share of the budget that goes to these entitlement programs is growing rapidly, and demographics, economics and skewed political incentives are driving Social Security, Medicaid and Medicare into bankruptcy. Alice Rivlin, the former Clinton OMB Director, has called Medicare's current policy "not sustainable."

Cutting spending is about ending wasteful spending, making the government leaner and more efficient, showing respect to hardworking taxpayers, and making the tough choices today that save our children and grandchildren from even tougher choices tomorrow. For hardworking Americans, this isn't about politics. It's about their life and putting our economy and our Nation first.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I have no disagreement with the gentlelady from North Carolina in terms of trying to eliminate waste, fraud and abuse in government. I think we're all for a leaner government. But what we're not for is a meaner government. And that is what the Republican policies are all about—a meaner government.

There's a story that I will submit to the RECORD here. It's talking about the Republican budget. It says the Budget Office claims the GOP Medicare plan could lead to rationing, making it more difficult for our senior citizens to get health care.

By basically obliterating Medicare, you may save a few bucks in the short term, but you're going to deny them care in the long term. I don't see how that is right.

Secondly, I didn't talk about the past in my opening statement; the gentlelady did. I just want the record to be clear about the past and how we got into this mess.

When Bill Clinton left office, we eliminated the deficit and we were paying down the debt. We had all-time high job growth. George Bush comes to office. His reckless tax cuts are not paid for and hundreds of billions of dollars are added to our debt. A Medicare prescription drug bill was not paid for—wasn't paid for—and was more expensive than the Republicans advertised. Add that on to our debt, plus two wars that weren't paid for.

When the first President George Bush went to war against Saddam Hussein when Iraq invaded Kuwait, he went around and he got member nations in the area to actually pitch in to help pay for the war so that the burden wasn't only on the United States. George Bush II comes into office—two wars, we don't pay for them. There's no tax on anybody. It gets onto our credit card. That is just not right.

Men and women in uniform are sacrificing, their families are sacrificing, and the rest of us have been asked to do nothing. They just put it on the credit card. That is not right.

So, Mr. Speaker, I have a disagreement with the gentlelady not over the issue of whether we need to reduce waste and abuse in government. I have an issue with her over the way they're doing it. They protect tax breaks for big oil companies, tax breaks for Donald Trump and subsidies for corn ethanol, a big waste of money. All that's protected. And the way they balance the budget is not by going after that. They go after programs that help poor people, LIHEAP, WIC—the Women, Infant and Children's program of all things—and Pell Grants. We all know that in order to have a strong economy in the 21st century, we need a well-educated workforce, and they cut Pell Grants. They just slash them. That's where they're cutting, cutting programs that help average people, reg-

ular people and people who are vulnerable.

What government should be about is making sure that those people are taken care of and not forgotten. Instead, their budget and their priorities are protecting those who have a lot of wealth who don't need government. And I think what they're doing is misguided.

Let me just read one final thing here. This is a story that just appeared on Politico, breaking news. President Obama is calling House Speaker JOHN BOEHNER and Senate Majority Leader HARRY REID back to the White House to negotiate on the budget at 1 p.m. Just before the announcement from the White House, Senator REID said on the Senate floor that the numbers are basically there, but that the only thing holding up an agreement is ideology. He said he was not nearly as optimistic about reaching a deal as he was last night.

So, in other words, Mr. Speaker, this is no longer about numbers. And I regret that so much has had to be cut in order to satisfy my friends on the other side of the aisle.

□ 1040

But now this is about ideology. They have all these riders on these bills, riders that deal with abortion, National Public Radio, and riders that undercut EPA's ability to ensure there is safe drinking water and clean air. They are insisting on all of these ideological riders to be attached to whatever budget deal before they sign it. It is not about the numbers anymore; it is about a rigid, right-wing ideology.

So enough is enough, Mr. Speaker. I urge my Republican colleagues to go back to the negotiating table and negotiate in good faith, let's get a deal, and let's move on to next year's business.

[From NPR, Apr. 5, 2011]

BUDGET OFFICE: GOP MEDICARE PLAN COULD LEAD TO RATIONING
(By Julie Rovner)

Excerpts:

Buried deep in the analysis of the proposal offered Tuesday by Budget Committee Chairman Paul Ryan (R-Wis.), the CBO suggested that moving Medicare beneficiaries from public to private insurance could actually end up slowing the introduction of new and potentially life-saving medical technology . . .

The key problem, according to CBO, is that private insurance is, well, likely to be more expensive than insurance that's run by the government, competition notwithstanding. "Under the proposal, most elderly people would pay more for their health care than they would pay under the current Medicare system," the CBO said.

And because those seniors would be paying more, those private plans would be looking for ways to bring health spending down . . .

The CBO acknowledges that private health insurance plans would have cost-reduction tools available that government-run Medicare does not—things like limiting benefits, changing co-payment amounts, managing how patients use services, and controlling

which doctors and hospitals are in their networks.

“(S)uch steps could serve as alternatives to limiting payments to providers in restraining health care costs and insurance premiums,” the report says.

But at the same time, it warns, the higher payments could affect care. Beneficiaries might be less likely to use “new, costly, but possibly beneficial, technologies and techniques” than they do under current law.

In other words, exactly the sort of rationing that so frightened Republicans when they were fighting the health law—the health law that Ryan’s proposal would repeal, by the way.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Massachusetts knows that every time he brags about what happened when Bill Clinton left office and we had a surplus, that he is going to get an answer to that because he knows full well that Republicans were in control of the Congress. Republicans came in control of the Congress in 1995, and they controlled the Congress the last 6 years of Bill Clinton’s Presidency, and it is Republicans who created the surplus, not Bill Clinton. We have to remind them every time that they are trying to rewrite history.

And then they blame George Bush. It is so convenient to do that. In January of 2007, the month Democrats took control of the Congress again, the CBO projected the Federal Government would run a surplus of \$800 billion over 10 years, covering the period 2008–2017. But they took the Congress that January and, guess what, the most recent CBO projections available project the Federal Government to run a deficit of \$7.4 trillion over the same period. This is an \$8.2 trillion deterioration of the budget outlook during Democrat control of Congress.

Mr. MCGOVERN. Will the gentlelady yield?

Ms. FOXX. You can speak on your time, Mr. MCGOVERN. I will let you do that.

My colleague on the other side of the aisle talks a lot about creating a nanny state, taking care of people from birth until death. That’s not what the American people want. We see that over in Europe, and it has failed. What the Federal Government does and what school children should learn, if they learn the Preamble to the Constitution and if they read the Declaration of Independence, is that we are here to secure the blessings of liberty for the people. Creating a nanny state does not secure the blessings of liberty for the people.

He talks about how we are not now talking about numbers, but we are talking about ideology. I am happy to debate ideology with my colleague from Massachusetts any day. The American people do not want taxpayer-funded abortions. That’s part of what we are talking about. That’s part of our ideology. No, we should not be tak-

ing money from hardworking Americans and using that money to fund the killing of unborn babies. That is our ideology. Again, the majority of the American people agree with us, and we are going to stand on that ideology every day.

The American people have, Mr. Speaker, the right to a fact-based conversation on the budget. We demand an end to budget gimmicks and accounting tricks used every year to make budgets look responsible when in fact they add to the debt. That is part of our problem with what President Obama is recommending. He wants us to take mythical numbers that he projects instead of real numbers that we have been using.

Passing a short-term measure is a step in the right direction to cut spending while keeping the government open, but it is far from being enough. Excessive government spending has economic consequences for all Americans: higher cost-of-living, higher interest rates, higher taxes. But, Mr. Speaker, we didn’t get into this overnight and we will not get out of it overnight. Investors in small businesses need confidence that Congress will use commonsense American principles to cut spending and ensure a secure economic future.

The Republican budget resolution can create 1 million private sector jobs over the next year. We are not going to create these high-paid government jobs that our colleagues have created. America’s solution for job creation won’t come by raising taxes to pay for even more wasteful Washington bureaucracy. Democrats tried that approach with the stimulus, and it failed.

Republicans, on the other hand, estimate that with the Path to Prosperity budget resolution introduced this week and passed out of the Budget Committee, wages will go up by \$1.1 trillion over the next 10 years, yielding an average increase in income of \$1,000 per year for each American family.

Mr. Speaker, we need to do in this House what the American people expect us to do: be reasonable stewards, responsible stewards of their money and adhere to the ideology which has made this the greatest country in the world.

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, just two points. One, on the issue of abortion. The law of the land under the Hyde language is that no Federal funds can be used to finance abortion. Introducing abortion into this budget debate is divisive and doesn’t belong there. But it is all about ideology, and I get it. So don’t say it is about numbers anymore. It is about this kind of right-wing ideology, going after National Public Radio, trying to undercut the EPA. You know, I get it. There is a time and place to do that; this is not it.

The other thing I would say, when I listen to my colleague from North Carolina, the question I was going to ask, if Republicans are responsible for deficit reduction under Bill Clinton, then who is responsible for the increase in deficit when they were in charge of the Presidency, the House and the Senate, when they had all three branches of government? At some point you have to take some responsibility, and at some point you have to live up to the fact that some of the policies that my colleagues pursued when they were in charge here drove this economy into a ditch and added significantly to our deficit.

At this time, Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I listened to what the gentlewoman on the other side said, and I was really amazed because she was harking back to when we had a Democratic President, Bill Clinton, and a Republican Congress and how we worked together to accomplish certain goals. Well, that is exactly what is missing now. If you listen to what my colleague from Massachusetts said, he said once again the President is calling the Speaker, the Republican Speaker, and the Democratic majority leader in the Senate back to the White House to try to work something out. That’s what is happening here. But it is the House Republicans and their leadership that refuse any kind of negotiation. They keep saying: Oh, yeah, they’re going to work it out. But they don’t. And they keep insisting on this draconian H.R. 1, this continuing resolution that really hurts Americans and kills jobs.

Mr. DREIER. Will the gentleman yield?

Mr. PALLONE. No, I will not yield at this time.

So I say to the gentlewoman, yes, let’s go back to those times. Let’s have the Republicans here in the House work together with the President and with Senator REID on the other side.

Now, you said before that this CR that is up now would prevent a government shutdown. Just the opposite is true. It is a step backward. It is going to lead directly toward a government shutdown because Republican leadership knows that this bill will not pass the Senate. It doesn’t have any cuts in defense. It actually says we will keep the level of funding for defense until the end of the year. Well, aren’t defense cuts on the table? And it continues with this ideological battle. There is actually abortion language in this CR, is my understanding. And the gentlewoman actually said: Well, that is an issue here that we need to resolve, that we should deal with. Well, no, that is not the case because if you continue on this path, no defense cuts,

bring up abortion, this bill will certainly not pass the Senate, the President will not sign it, and so we are just simply wasting our time.

What is happening here is the Republicans are ignoring the fact that there are Democrats in the majority in the Senate and there is a Democratic President. You can't have it my way or the highway, and that's what we have been hearing for the last 3 months: my way or the highway.

Now, I just want to mention another thing. I was glad that the gentlewoman brought up the budget, which is to follow, because we know that this bad CR, or spending bill, that we are dealing with now, is a precursor to an even worse budget bill that the Republicans have proposed.

And I want to tell you, you talked about a previous error. The problem with the Republican budget, there are so many, but the biggest problem is it is going to put an end to Medicare. I was here when Speaker Gingrich became Speaker, and he said he wanted Medicare to wither on the vine. And that is what the Republican budget will do. It will end Medicare as we know it because there will be no guarantee. Seniors will go back to the old days when they had to try to find their own private health insurance, and maybe the government will give them some help with it. But for the most part, they won't be able to find health insurance.

So there won't be Medicare; they won't be able to get health insurance. And what are they going to do? They're going to be out on the street; they're going to end up in the emergency room again, which is what happened with the elderly before we passed Medicare.

□ 1050

The gentlewoman went on to say that she's going to reform Medicaid. Well, she's reforming Medicaid by basically giving a block grant to the States. And what does that mean? The States won't have enough money to pay for seniors' nursing home care. So nursing homes will close or they won't provide quality services. We'll see seniors getting bedsores again, if they can even find a nursing home. So essentially we're also going to end Medicaid. Sixty-five percent of Medicaid goes towards seniors and the disabled.

You look at this Republican budget, and this is just a precursor to what we're going to see next week: It will end Medicare as we know it by eliminating its guaranteed coverage. It slashes Medicaid for seniors in nursing homes, health care for children, and Americans with disabilities. It increases the cost of a college education for close to 10 million middle class students. It gives away billions in subsidies and tax breaks to Big Oil.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distin-

guished gentleman from California (Mr. DREIER), the chair of the Rules Committee.

Mr. DREIER. I thank my friend from Grandfather Community, North Carolina, for her superb management of this rule.

Mr. Speaker, we are here with a couple of very important priorities:

Number one, we want to ensure that the government doesn't shut down, and that's why we have come forward with this continuing resolution that will provide funding to keep the government open for another week and, first and foremost, to ensure that our men and women in uniform have what they need and their families are not going to be victimized by what has taken place over the past several months.

Mr. Speaker, as I listened to my friend from New Jersey talk about this, I don't like to engage in finger-pointing. I really don't. But I think it's very key—and the reason I don't like to engage in finger-pointing, as my friend from Worcester laughs at that, is the moment you point your finger at someone, I was always taught that there are three pointing right back at you. And I think it's important for us to not point fingers, but I think it's instructive for us to look at what it is that got us here.

I suspect that my friend from Grandfather Community probably explained the fact that for the first time in our Nation's history since the Budget Act has existed, we went through a Congress without a budget having been passed. That's what happened last year. And for the first time ever, we had no appropriations bills passed. Now, I'm not pointing fingers, but I will say that there was not a Republican in the White House, there was not a Republican Senate, and there certainly was not a Republican United States House of Representatives.

So this was dumped onto the laps of the new majority here in the House of Representatives, which, as we all know, if we look at the challenges that are ahead of us, we still have a Democrat in the White House and we still have a Democrat-controlled United States Senate. So of the three levers of power legislatively, we have control of only one-third of those. And in light of that, we're trying to do the best that we can under somewhat challenging circumstances.

Now, last November 2, the American people sent a very strong and powerful message to Washington, D.C. My party happened to see the largest gain in nearly three-quarters of a century; 1938 was the last time we saw the kind of change in favor of the Republican Party that we did last November 2.

So in light of that, there is a powerful message, and I'm happy to say that that message has been heard by both Democrats and Republicans. Why? Because with the 82 percent increase in

non-defense discretionary spending that we saw under Speaker PELOSI, the American people said we need to bring an end to that nonsense. And guess what? We have Democrats and Republicans alike talking about the need for spending. Since we've passed H.R. 1, we have had \$2 billion in spending cuts every single week. But it is a drop in the bucket. It is a drop in the bucket.

Over the last 2 days, I have had the chance to meet with a very bright, dynamic, new member of the British Parliament, a man called Matthew Hancock. I've just had a chance to meet with "Facebook girl," who was one of the leaders of the tremendous, tremendous change and revolution that has taken place in Egypt. I'm going to be meeting in just a few minutes with leaders from Mongolia. And, Mr. Speaker, I have to say the world is looking at us as we deal with this terrible situation today, and it's critical for us to step up to the plate and provide strong leadership.

Now, what has happened is we have, as my friend from New Jersey underscored, come forward with a budget. It was just unveiled this week. Mr. RYAN, the chairman of the Budget Committee, is going to be bringing it to the Rules Committee, and we will consider it next week. And it is absolutely horrifying to hear the characterizations that have been provided.

Mr. Speaker, obviously encouraged by fear tactics, my constituents in California have been saying, Please, please, please don't support the Republican budget, which will abolish Medicare. That message over and over again has been coming: Don't support the Republican budget, which will abolish Medicare.

And, Mr. Speaker, the thing that's so disturbing is that there are senior citizens, elderly Americans, who are out there and they are very emotionally distraught over the fact that people are telling them from the other side of the aisle, and it's very close to the remarks that my friend from New Jersey just offered, that we are going to abolish Medicare.

Mr. Speaker, I think it's very important for the American people to understand that we are seeking to save Medicare. Saving Medicare is what this is all about.

We all know, if you look at the history of Medicare, it was established in 1965. In 1970, Mr. Speaker, the cost of Medicare was \$7 billion. In 1970 it was \$7 billion. Four decades later, last year, 2010, the cost of Medicare was \$528 billion.

Now, Mr. Speaker, in light of that, there is realization that since we've seen Medicare expand to address the needs of the disabled and so many other areas, there needs to be reform so that future generations will be able, since they're compelled to pay their FICA tax, to receive the benefits they deserve from Medicare.

But, Mr. Speaker, the idea of frightening senior citizens today by leading them to believe that our budget is going to abolish Medicare is outrageous. And I believe that the American people are smart enough, smart enough, to understand that these fear tactics can't stand. We have a responsibility, I believe now, an obligation, to counter the lies that are being put out there claiming that we're trying to abolish Medicare.

Mr. Speaker, the other thing that's important for us to note is that the American people are hurting all the way across the board. We have an unemployment rate, which we're all encouraged by the fact that it has dropped by a full percentage point, down to 8.8 percent, but it is still unacceptably high. And that's why we need to focus on job creation and economic growth. Mr. Speaker, if we had 2 percent more GDP growth in this country, we would be in a position where we would, in fact, not be having to anguish over the kind of spending that we see right now.

Obviously, it's important for us to recognize that the role of government has become way too big and needs to be dramatically reduced, not only because of spending but because of the encroachment on individual liberty that exists. But we need to realize that government does have things that it needs to do, and we need to generate an increase in the net flow of revenues. A \$1.6 trillion national deficit, which is in the President's budget, coupled with \$14 trillion in accumulated debt is unacceptable. That's why our goal is to focus on job creation, economic growth.

Our colleague DAVE CAMP of the Ways and Means Committee is focusing on reducing that rate on job creators in this country, the highest of any nation on the face of the Earth, now that Japan has reduced their rate, and that top rate on individuals.

□ 1100

Doing that, coupled with reducing the regulatory constraints that it has imposed, will address the needs of the poor.

Now, my friend from Worcester last night in the Rules Committee was talking about the fact that no one is focused on the plight of the poor in this country. Well, Mr. Speaker, that is our priority, to make sure that we have opportunity so that people who are truly in need have their needs met, but also to ensure that we have opportunity. Creating jobs for individuals is what we need to do.

And so, Mr. Speaker, we are committed to keeping the government open, supporting our troops, and bringing about, with this continuing resolution, a \$12 billion reduction in spending. It's something that, if we can pass it here, the Senate should pass it. Ev-

eryone is saying they know the Senate isn't going to pass it. The fact of the matter is the Senate should pass it. But we hope that it's not necessary. We hope that Speaker BOEHNER, Leader REID, and President Obama are able to come up with an agreement that will ensure that we don't go through what would be a very difficult thing, that is, shutting down the government.

So I urge my colleagues to support the rule, and I thank my friend for yielding.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California, the chairman of the Rules Committee, for giving us his itinerary for the day. I'm glad he's meeting with the leaders of Mongolia, because this is a budget only the people of Mongolia would love because it is a tough budget on the people of the United States of America.

He talks about their commitment to helping the poor in this country. I don't know how you do that when you cut WIC, when you go after Pell Grants, when you go after LIHEAP.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say, I mentioned the 82 percent increase in non-defense discretionary spending. If we look at the increases that have taken place in WIC, LIHEAP, and a wide range of other areas, the notion of slightly paring that back will in no way jeopardize the needs that need to be addressed.

Mr. MCGOVERN. Reclaiming my time, I will just remind my friend, as I did last night, right now there are 30,000 people in this country that are fasting in protest of the cuts that adversely impact the poor. A former colleague, Tony Hall from Ohio, Jim Wallis from Sojourners, David Beckmann from Bread for the World are highlighting the fact that the cuts in this budget are going to be devastating to the most vulnerable people in this country.

What I said in the Rules Committee last night is that sometimes we forget to understand that there are real people behind these cuts, and people are going to be hurt. And, unfortunately, the people who are sacrificing are the people who can least afford to sacrifice. You're not asking Donald Trump to sacrifice. You're not asking big oil companies to sacrifice or those big agri-businesses that receive corn ethanol subsidies. No. It's all focused on working people and poor people.

I don't know when, in the minds of the Republicans, that average working people and people who are vulnerable became the bad guys. It was reckless Wall Street behavior that created this financial crisis, and they get every-

thing, and everyday people get nothing except the bill. That's wrong.

At this point, Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, as we meet this morning, the top priority of the American people continues to be the jobs crisis in our country. There are too many people out of work and too many people worried that they are next.

Last week, the welcome news came that last month the economy had created about a quarter of a million new private sector jobs. That's a good start, but it's not nearly enough. Shutting the government down just when the economy is starting to get back on its feet would be the worst possible mistake, but we're on the verge of that.

It's important that people understand that the President has gone three-quarters of the way toward the majority party to settle this matter—didn't meet halfway; he has gone three-quarters of the way—but they won't go the full way because there is a fight here about values. This is a fight about what you value.

Ladies and gentlemen of the House, we value Medicare. We believe that after someone has worked their entire life and paid taxes into that Medicare fund that they should not have to worry that a trip to the radiologist will be followed by a trip to the bankruptcy court. This is what Medicare accomplished for our moms and our dads and our grandparents. It said that after a lifetime of hard work, if you have medical worries, they will just be medical worries, not financial worries, because Medicare will pay the bill.

The gentleman from California talked about how they're not destroying Medicare; they're saving it. Let's talk about what they're really doing. Here's what happens:

Today, if a senior goes to the radiologist of her choice, Medicare pays most of the bill and she pays a little bit of it. She decides what doctor to pick. She and the doctor decide what happens next, and no private insurance company gets in the way. Medicare pays the bill.

What they are proposing is to end that system. So now what will happen under their plan is that the taxes that we pay into the Medicare fund will all be paid to health insurance companies. So we will trust the good hands that so gently guide our health care in the health care industry. We will give them the money, all of it, and trust them to do the right thing with the health of America's senior citizens. That is the wrong thing to do with the health of America's senior citizens.

There is a fight here about values. It's a fight that shouldn't take place. We should settle the budget fight. The President has gone three-quarters of the way to the Republican proposal.

Settle it today on that basis. But by all means, we will never yield, we will never concede, we will never concede the point that Medicare should be replaced by private insurance companies.

The Congressional Budget Office has said, in analyzing Chairman RYAN's proposal, that the out-of-pocket health care costs for most retirees in America will go up. This isn't spending reform. This is having someone else pick up the tab. The hospitals aren't going to charge less. The doctors aren't going to charge less. The senior is going to pay more to get that coverage, and he or she is going to have to go ask permission from an insurance company as to what radiologist they can see. Then the radiologist will have to ask permission for what test he or she can order.

Medicare is not perfect, but it works. We should preserve it and defeat the underlying bill.

Ms. FOXX. Mr. Speaker, I yield 1 minute to Speaker BOEHNER, the gentleman from Ohio.

Mr. BOEHNER. I want to thank the gentlelady for yielding.

The House is preparing to pass a responsible troop funding bill that would fund the Department of Defense through September. It would also cut spending by an additional \$12 billion and keep the government running for an additional week.

There is no policy reason for the Senate to oppose this responsible troop funding bill that keeps the government running. It reflects a bicameral, bipartisan agreement that was reached in December regarding the troop funding bill, and no Senator has objected to the policy in this bill. I think it is past time that we get this responsible troop funding bill enacted, especially when the U.S. has become engaged in a third war.

To support job creation in America, we are working to make real spending cuts. We are also working on common-sense policy restrictions when it comes to how our taxpayer dollars are spent.

Talks to resolve last year's budget are progressing, but there is no agreement yet, no agreement on numbers, and no agreement on the underlying policies that were passed by this Chamber.

Now, I think we all know that no one wants a shutdown. There is absolutely no policy reason for the Senate not to follow the House in taking these responsible steps to support our troops and to keep our government open.

Mr. MCGOVERN. Mr. Speaker, I appreciate the words of the Speaker of the House, but I would remind my colleagues that when we talk about national security, it needs to include, as well, the health and well-being of our senior citizens here in the United States. It needs to include the health and well-being of our children here in the United States.

□ 1110

It needs to include our infrastructure, our education, the quality of our environment. All those things are part of our national security. We all support funding our troops. What we don't support are reckless policies that are aimed at undercutting programs like Medicare and putting our senior citizens at a disadvantage where they will pay more and get less.

I mean this is an ideological battle that we are, unfortunately, engaged in where my Republican friends believe that Medicare should be ended as we know it. Medicare as we know it they want to end. It is clear. If anyone doubts that, I will tell my colleagues to read the bill, to read the stuff that is coming out of the Budget Committee. Read the bill. For anybody who doubts that Republicans are targeting Medicare, look at what the Budget Committee is doing. It will be there in black and white when it's published, and it will state unequivocally that Medicare, as we know it, will be ended. Senior citizens, according to the CBO, will pay more and get less. That is not what, I think, the American people want. I will just remind my colleagues of a new poll that came out: 66 percent of seniors reject the plan to end Medicare as we know it.

So, if you interpreted the results of the last election as going after Medicare and seniors' health care, I think you misread the results of the last election. The last election was about jobs. We all need to come together and talk about how we protect jobs and help encourage the creation of more jobs in this country. If you want to end the deficit, put people back to work. Here we are in April, and you have yet to bring one single bill to this floor that deals with jobs, that helps create jobs and that helps protect jobs.

My friends on the other side of the aisle need to kind of reevaluate their priorities here. Let's get back to what the American people want—a strong economy and good jobs.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would like to ask the gentleman from Massachusetts if he is ready to close.

Mr. MCGOVERN. I am not. I have a couple of more speakers.

Ms. FOXX. Then I will reserve the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Yesterday, we met in the Rules Committee to discuss this potential CR.

The point I wanted to make was that I felt—and I wish the gentleman from California were here—that a clean CR

would be more appropriate at this time, especially if we get an agreement. Because, that way, the President can sign the clean CR, which would keep funding for the troops—I want to point that out as the ranking member on Defense Appropriations—this CR is troubled. I believe, the President will veto it. I also believe it won't be passed in the Senate.

So why are we doing this? Why are we wasting time here when we should be focused on getting a clean CR through, which the President said he would sign, which would allow a little more time for negotiations on this agreement?

Now, we have got to get an agreement. The idea of shutting down the Federal Government in the middle of this economic downturn is just the worst possible idea. Goldman Sachs says you'll lose two-tenths of 1 percent of economic growth. This will mean laying people off. Whether they will get reimbursed or not is a major question for those who are not considered to be vital—and I think all workers are vital, but it's regarding those who are not in essential kinds of jobs.

We talked yesterday to the FAA. They will keep operating. We have troops in the field. As I mentioned before, if we did a clean CR, they would be paid. I think this is a waste of time and that every ounce of effort should be taken in reaching this agreement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. DICKS. The administration has bent over backwards, and the Senate has bent over backwards to try to reach an agreement on this, but the leadership on the Republican side keeps changing the goalposts. First, it was \$33 billion. Now it's \$40 billion. They just can't take "yes" for an answer.

The most important thing is that this will hurt the economy. Also, it shows a kind of mean-spiritedness here. When you're going after Medicare and Medicaid in the budget resolution and, in this deal, you're going after women and infant care, this is not what we should be doing. We should be helping the poor people, not taking their safety net away.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. DICKS has the right idea.

What we ought to vote on today is a 1-week extension that's clean, that just gets that done and keeps everybody going in the government, including the military, and then we should resolve our differences. I think that's what we ought to be doing this morning, but what's standing in the way of that is

this values debate that I talked about earlier.

Look, it's a position that we understand, which is that the majority party does not want to continue Medicare as we've known it for all these years. We strongly disagree with them, and we are prepared to have the fight to say why America needs Medicare as it has always been; but that disagreement should not shut the government down; that disagreement over values should not mean that the functions that people have paid for in their taxes don't go forward. Let's not shut the government down over this values debate. Let's have the values debate as the government continues to operate, and by all means, let's protect Medicare.

Mr. MCGOVERN. I am the final speaker on our side.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. MCGOVERN. Well, here we go again—another closed rule, but this rule is different from others. It also includes martial law authority. This means that the Republican leadership can bring any spending bill to the floor at any time they want.

So much for “read the bill.”

This is not how the House Republicans said they were going to run the House. Open rules? Read the bill? Markups? Hearings? Their record, Mr. Speaker, is abysmal, and this bill is a perfect example of how they are doing things they said they wouldn't do—a closed rule with Martial law authority. I can't say I'm surprised. It's their way or the highway.

Yesterday, a group of tea partiers was protesting on the steps of the Capitol. It's a wonderful thing to be able to protest in the open without any threat of government violence or censorship. It's a very American thing to do. Yet, while they're entitled to their opinion, it's important to point out that they were protesting against keeping the government open.

Yes, Mr. Speaker, they want to shut the government down. Just look at the front page of CQ today. It's of a tea party member on the steps of the Capitol with a sign that says, “Shut 'er down”; and Republicans in the House are doing their bidding.

Enough is enough. It is time to act like adults and negotiate in good faith. It is time to come to a deal that keeps the government open—a deal without partisan, ideological riders that prevent health groups from providing important women's health information and health screenings, riders that prevent the EPA from keeping our air and water safe, riders that prevent independent, nonpartisan news agencies from reporting in places like Afghanistan, Egypt and Iraq.

Mr. Speaker, it's time that the Republican Party does the right thing for its country and not just for the extremist wing of its party.

At the end of this debate, I will oppose the previous question. If the previous question is defeated, I will offer an amendment to provide a clean CR for 1 week. No harmful cuts or ideological riders like those that are included in the Republican bill. The government stays open while President Obama, Speaker BOEHNER and Senator REID continue to negotiate. Now that they're at the table, it's time to let them do their jobs and come to a deal without a continual moving of the legislative goalposts that's going on under the Republican bill.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. I urge my colleagues to defeat the previous question and to defeat this closed rule.

My friends on the other side of the aisle need to get serious about negotiating an end to this impasse, and need to stop the ideological riders that are attached to this bill. Let's get serious, and let's get this passed so we can begin to deal with next year's budget.

With that, Mr. Speaker, I yield back the balance of my time.

□ 1120

Ms. FOXX. I yield myself the balance of my time.

As our colleague across the aisle said, “Here we go again.” Here we go again with the Democrats misleading the American people about what this rule is about, what this bill is about, the underlying bill. Mr. DICKS said he wanted the rule as it is. Our colleagues across the aisle don't want us to be able to take up another bill in case there is an agreement with the President on a long-term CR.

There is only one rider on this bill, Mr. Speaker, and that is to not allow taxpayer funding for abortions in Washington, DC. My colleague across the aisle says national security should include paying for all of these government programs. The Federal Government is the only branch of government that can handle national security, and that means funding our troops. That's exactly what this underlying bill does.

Mr. Speaker, also our colleague says, “It's time for people to read the bill.” How interesting that when they were in control, they didn't want anybody to read the bills, and they said you wouldn't be able to know what was going to be in the bill until after it was passed.

I'm sorry, Mr. Speaker. There are words for that, I'm afraid I should not use those on the floor today for fear it might slow down our debate here.

But I want to say that I am particularly concerned that our colleagues

have brought up the issue of values. I'm pleased they brought up the issue of values.

Our colleague from New Jersey says what this is, it's about the value of Medicare. Well, Mr. Speaker, it shows what they value are government programs. What we value are life and freedom. There is a distinct difference, Mr. Speaker, in the values of the two parties in this country—one wants more government funding, one wants government control of our lives; the other wants freedom for the American people and life for unborn children.

Mr. Speaker, they are misleading the American people. There's nothing about Medicare in this rule or in this underlying bill.

We've discussed at great length why America needs this rule and this bill. In the face of a government shutdown, our economy is struggling, people are looking for jobs, they demand accountability and belt-tightening in Washington, DC. They need the Federal Government to stop draining job-creating resources from the private sector to fund misguided adventures in social engineering. They demand action. They deserve answers.

It's for these reasons I urge my colleagues to vote for the rule and the underlying bill so we can begin to restore the trust Americans have in their Federal Government and restore this economy.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 206 TO BE OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

(1) In section 1, insert “and any amendment thereto” after “ordered on the bill”.

(2) In section 1, strike “and (2) one motion to recommit”, and insert:

“(2) the amendment printed in section 3, if offered by Representative Dicks of Washington or his designee, which shall be in order without intervention of any point of order and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions”.

(3) At the end of the resolution, add the following:

“SEC. 3. The amendment referred to in section 1 is as follows: . . .”.

Strike all after the enacting clause and insert the following:

That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended by striking the date specified in section 106(3) and inserting “April 15, 2011”.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for

the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 206, if ordered; and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 9, as follows:

[Roll No. 242]

YEAS—238

Adams	Gerlach	Miller (MI)
Aderholt	Gibbs	Miller, Gary
Akin	Gibson	Mulvaney
Alexander	Gingrey (GA)	Murphy (PA)
Amash	Gohmert	Myrick
Austria	Goodlatte	Neugebauer
Bachmann	Gosar	Noem
Bachus	Gowdy	Nugent
Barletta	Granger	Nunes
Bartlett	Graves (GA)	Nunnelee
Barton (TX)	Graves (MO)	Olson
Bass (NH)	Griffin (AR)	Owens
Benishek	Griffith (VA)	Palazzo
Berg	Grimm	Paul
Biggart	Guinta	Paulsen
Bilbray	Guthrie	Pearce
Bilirakis	Hall	Pence
Bishop (UT)	Hanna	Petri
Black	Harper	Pitts
Blackburn	Harris	Platts
Bonner	Hartzler	Poe (TX)
Bono Mack	Hastings (WA)	Pompeo
Boustany	Hayworth	Posey
Brady (TX)	Heck	Price (GA)
Brooks	Heller	Quayle
Broun (GA)	Hensarling	Reed
Buchanan	Herger	Rehberg
Bucshon	Herrera Beutler	Reichert
Buerkle	Huelskamp	Renacci
Burgess	Huizenga (MI)	Ribble
Burton (IN)	Hultgren	Rigell
Calvert	Hunter	Rivera
Camp	Hurt	Roby
Campbell	Issa	Roe (TN)
Canseco	Jenkins	Rogers (AL)
Cantor	Johnson (IL)	Rogers (KY)
Capito	Johnson (OH)	Rogers (MI)
Carter	Johnson, Sam	Rohrabacher
Cassidy	Jones	Rokita
Chabot	Jordan	Rooney
Chaffetz	Kelly	Ros-Lehtinen
Coble	King (IA)	Roskam
Coffman (CO)	King (NY)	Ross (FL)
Cole	Kingston	Royce
Conaway	Kinzinger (IL)	Runyan
Costa	Kline	Ryan (WI)
Cravaack	Labrador	Scalise
Crawford	Lamborn	Schilling
Crenshaw	Lance	Schmidt
Culberson	Landry	Schweikert
Davis (KY)	Lankford	Scott (SC)
Denham	Latham	Scott, Austin
Dent	LaTourette	Sensenbrenner
DesJarlais	Latta	Sessions
Diaz-Balart	Lewis (CA)	Shimkus
Dold	LoBiondo	Shuster
Dreier	Long	Simpson
Duffy	Lucas	Smith (NE)
Duncan (SC)	Luetkemeyer	Smith (NJ)
Duncan (TN)	Lummis	Smith (TX)
Ellmers	Lungren, Daniel	Southerland
Emerson	E.	Stearns
Farenthold	Mack	Stivers
Fincher	Manzullo	Stutzman
Fitzpatrick	Marchant	Sullivan
Flake	Marino	Terry
Fleischmann	McCarthy (CA)	Thompson (PA)
Fleming	McCaul	Thornberry
Flores	McClintock	Tiberi
Forbes	McCotter	Tipton
Fortenberry	McHenry	Turner
Fox	McKeon	Upton
Franks (AZ)	McKinley	Walberg
Galleghy	Meehan	Walden
Gardner	Mica	Walsh (IL)
Garrett	Miller (FL)	Webster

West
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall

Yoder
Young (FL)
Young (IN)

NAYS—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Blumenaer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge

Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Bishop (NY)
Frelinghuysen
Giffords

McMorris
Rodgers
Ruppersberger
Schock

Schwartz
Tonko
Young (AK)

□ 1145

Messrs. HIGGINS, CARDOZA and Ms. DEGETTE changed their vote from "yea" to "nay."

Mr. TERRY changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. TONKO. Mr. Speaker, on rollcall No. 242, had I been present, I would have voted "nay."

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 242, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 189, not voting 15, as follows:

[Roll No. 243]

AYES—228

- Adams, Gingrey (GA), Mulvaney, Aderholt, Gohmert, Murphy (PA), Akin, Goodlatte, Myrick, Alexander, Gosar, Neugebauer, Amash, Gowdy, Noem, Bachmann, Granger, Nugent, Bachus, Graves (GA), Nunes, Barletta, Graves (MO), Olson, Bartlett, Griffin (AR), Palazzo, Barton (TX), Griffith (VA), Paul, Bass (NH), Grimm, Paulsen, Benishek, Guinta, Pearce, Berg, Guthrie, Pence, Biggert, Hall, Petri, Bilbray, Hanna, Pitts, Bilirakis, Harris, Platts, Bishop (UT), Hartzler, Poe (TX), Black, Hastings (WA), Posey, Blackburn, Hayworth, Price (GA), Bonner, Heck, Quayle, Bono Mack, Heller, Reed, Boustany, Hensarling, Rehberg, Brady (TX), Herger, Reichert, Brooks, Herrera Beutler, Renacci, Broun (GA), Huelskamp, Ribble, Buchanan, Huizinga (MI), Rigell, Cummings, Bueshon, Hultgren, Rivera, Buerkle, Hunter, Roby, Burgess, Hurt, Roe (TN), Burton (IN), Issa, Rogers (AL), Calvert, Jenkins, Rogers (KY), Camp, Johnson (IL), Rohrabacher, Deutch, Campbell, Johnson (OH), Rokita, Dicks, Canseco, Johnson, Sam, Rooney, Cantor, Jones, Ros-Lehtinen, Dingell, Capito, Jordan, Roskam, Doggett, Carter, Kelly, Ross (FL), Donnelly (IN), Cassidy, King (IA), Royce, Doyle, Chabot, King (NY), Runyan, Ellison, Chaffetz, Kingston, Ryan (WI), Engel, Coble, Kinzinger (IL), Scallise, Eshoo, Coffman (CO), Kline, Schilling, Farr, Conaway, Labrador, Schmidt, Fattah, Cravaack, Lamborn, Schock, Filner, Crawford, Lance, Schweikert, Frank (MA), Crenshaw, Landry, Scott (SC), Fudge, Culberson, Lankford, Scott, Austin, Garamendi, Sensenbrenner, Sessions, Dent, Latta, Shimkus, DesJarlais, Lewis (CA), Shuster, Diaz-Balart, LoBiondo, Simpson, Cole, Dold, Long, Smith (NE), Courtney, Dreier, Lucas, Smith (NJ), Fortenberry, Duffy, Luetkemeyer, Smith (TX), Frelinghuysen, Lummis, Southerland, Stivers, Duncan (SC), Lungren, Daniel E., Stutzman, Ellmers, Mack, Sullivan, Emerson, Mack, Terry, Farenthold, Manzullo, Terry, Fincher, Marchant, Thompson (PA), Fitzpatrick, Marino, Thornberry, Flake, McCarthy (CA), Tiberi, Fleischmann, McCaul, Tipton, Fleming, McClintock, Turner, Flores, McCotter, Upton, Forbes, McHenry, Walberg, Foxx, McKeon, Walden, Franks (AZ), McKinley, Walsh (IL), Gallegly, Meehan, Webster, Gardner, Mica, West, Gerlach, Miller (FL), Westmoreland, Gibbs, Miller (MI), Whitfield, Gibson, Miller, Gary, Wilson (SC)

- Wittman, Wolf, Womack

- Woodall, Yoder, Young (FL)

NOES—189

- Ackerman, Altmire, Andrews, Baca, Baldwin, Barrow, Bass (CA), Becerra, Berkeley, Berman, Bishop (GA), Blumenauer, Boren, Boswell, Brady (PA), Braley (IA), Brown (FL), Butterfield, Capps, Capuano, Cardoza, Carnahan, Carney, Carson (IN), Castor (FL), Chandler, Cicilline, Clarke (MI), Clarke (NY), Clay, Cleaver, Clyburn, Cohen, Connolly (VA), Conyers, Cooper, Costa, Costello, Critz, Crowley, Cuellar, Cummings, Davis (CA), Davis (IL), DeFazio, DeGette, DeLauro, Deutch, Dicks, Dingell, Doggett, Donnelly (IN), Doyle, Edwards, Ellison, Engel, Eshoo, Farr, Fattah, Filner, Frank (MA), Fudge, Garamendi

- Gonzalez, Green, Al Green, Gene Grijalva, Gutierrez, Hanabusa, Hastings (FL), Heinrich, Higgins, Himes, Hinchey, Hinojosa, Hirono, Holden, Holt, Honda, Hoyer, Inslee, Israel, Jackson (IL), Jackson Lee (TX), Johnson (GA), Johnson, E. B., Kaptur, Keating, Kildee, Kind, Kissell, Kucinich, Langevin, Larsen (WA), Larson (CT), Lee (CA), Levin, Lewis (GA), Lipinski, Loeb sack, Lofgren, Zoe Lowey, Lujan, Lynch, Maloney, Markey, Matheson, Matsui, McCarthy (NY), McCollum, McDermott, McGovern, McIntyre, McNERNEY, Meeke, Michaud, Miller (NC), Miller, George Moore, Moran, Murphy (CT), Nadler, Napolitano, Neal, Oliver, Owens

- Young (IN), Pallone, Pascrell, Pastor (AZ), Payne, Pelosi, Perlmutter, Peters, Peterson, Pingree (ME), Polis, Price (NC), Quigley, Rahall, Rangel, Reyes, Richardson, Richmond, Ross (AR), Rothman (NJ), Roybal-Allard, Ruppersberger, Rush, Ryan (OH), Sanchez, Linda T., Sanchez, Loretta Sarbanes, Schakowsky, Schiff, Schrader, Schwartz, Scott (VA), Scott, David Serrano, Sewell, Sherman, Shuler, Sires, Slaughter, Smith (WA), Speier, Stark, Sutton, Thompson (CA), Thompson (MS), Tierney, Tonko, Towns, Tsongas, Van Hollen, Velazquez, Vislosky, Walz (MN), Wasserman, Schultz, Waters, Watt, Waxman, Weiner, Welch, Wilson (FL), Woolsey, Wu, Yarmuth

NOT VOTING—15

- Austria, Bishop (NY), Cole, Courtney, Fortenberry, Frelinghuysen

- Garrett, Giffords, Harper, McMorris, Rodgers, Nunnelee

- Pompeo, Rogers (MI), Stearns, Young (AK)

□ 1152

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HARPER. Mr. Speaker, on rollcall No. 243 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. COLE. Mr. Speaker, during rollcall vote No. 243 on agreeing to the Rule providing for consideration of H.R. 1363, making appropriations for the Department of Defense for the fis-

cal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, I had briefly stepped off the floor and was unintentionally delayed and missed the vote on the Rule. Had I been present, I would have voted "aye."

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I would like to inform our colleagues that the House will meet at 10 a.m. for morning hour and 12 p.m. for legislative business tomorrow. As the Members know, this is a change from the original calendar.

Due to ongoing negotiations, Mr. Speaker, surrounding continued appropriations for the remainder of fiscal year 2011, I believe it is both appropriate and necessary for this House to be in session tomorrow. I expect legislative business to include, but may not be limited to, H.J. Res. 37, a resolution of disapproval regarding the FCC's recent Internet and broadband industry practices regulation ruling.

Votes are possible at any time after noon tomorrow. At this point, it is too early to tell whether the House will need to be in session this weekend. In the case of lapse in appropriations, however, I fully expect the House to meet.

Mr. Speaker, we will not leave town until we have fulfilled our obligation to cut spending, to begin getting our fiscal house in order, and to keep the government functioning. Therefore, Members should keep their schedules for this weekend as flexible as possible.

Mr. HOYER. Will the majority leader yield?

Mr. CANTOR. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the majority leader for yielding, and I share his view that we ought to keep the government running for not only the sake of our economy, but for the sake of all those that rely on the Federal Government. My friend has made the observation in the past that shutting down the government, and I believe the Speaker has made the same observation, was not a rational policy for us to pursue.

I ask the gentleman, because I believe that the resolution that we will be considering will not either pass the Senate nor be signed by the President, in light of that, and in light of the fact that the majority leader of the Senate and the Speaker have both indicated that negotiations are ongoing, would the gentleman agree to a unanimous consent, as we have done so often in the past when the majority Democrats that were in control of the House and the Senate disagreed with President Bush, that we would have a hold-in-

place unanimous consent continuing resolution, not changing the status on either side of the negotiations, for 7 days, which would give the parties the opportunity to come to an agreement.

My understanding from the leader of the Senate is that we have agreed to some \$70 billion in cuts, which is a substantial way towards what you wanted and a show that we share the view that we need to have fiscal restraint.

So I ask my friend, if I made a unanimous consent request that we continue the government authority to stay running until next Friday without changing the status quo so that neither party would be disadvantaged and that our government would, in fact, as the gentleman observes is his objective, be able to stay in service to the American people?

Mr. CANTOR. Mr. Speaker, first of all, I'd respond to the gentleman to say that there is no indication in a definite way that the Senate would not take up and pass the piece of legislation that we would bring up today.

As a response to the second part of his inquiry regarding our going along with unanimous consent, I would say to the gentleman, no. We don't accept the status quo.

Mr. Speaker, America is broke. That is why we are trying to address our fiscal crisis and to get the debt under control.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from Maryland.

Mr. HOYER. I want to inform the gentleman that the White House has just issued an intent to veto the resolution that you are offering. I tell my friend that if, in fact, the gentleman wants to keep the government running while negotiations proceed, we have already agreed to substantial billions of dollars in reductions in spending for 2011. We did so, and we've agreed on that. As a matter of fact, as the gentleman knows, I have voted for both of the previous resolutions. I believed both of those could pass; and, in fact, I was correct. They did pass.

I tell my friend this resolution, in my view, will not pass. However, it is my understanding that both the Speaker and Mr. REID and the President are continuing to have discussions to try to overcome this impasse. That is the legislative process. We never shut down the government when we had the majority and President Bush was in power. And I tell my friend the reason we did not shut it down is because we agreed with the premise you have stated and the premise the Speaker has stated that shutting down the government was not a process that was useful for our economy, for jobs, for our people or for the services that are expected of us. What is useful is for us to rationally provide a context in which negotiations, which quite obviously have not yet been completed, are completed.

Now, you have heard me talk about the "perfectionist caucus." You can't get it all your way, and we can't get it all our way; but, in fact, the American public overwhelmingly elected President Obama for a 4-year term. He is in office.

□ 1200

Mr. Gingrich said that we were ignoring the 2010 election results. We observed that the 2008 election results were regularly ignored by your side of the aisle in the last 2 years. What I am saying to my friend, there is a rational way for us to proceed. And, very frankly, when we were in your shoes, we did so, when we couldn't reach agreement with President Bush.

Mr. CANTOR. Mr. Speaker, reclaiming my time, I would say let us look at why we are where we are to begin with.

Mr. HOYER. I tell my friend, we have little doubt on our side of the aisle why we are where we are today.

Mr. CANTOR. Reclaiming my time, Mr. Speaker, I would say, we are trying to do the business of the American people. We do not want to shut the government down. We don't accept the status quo. We don't want to bankrupt this Nation. We believe there is a fiscal crisis demanding urgent action.

With that, I yield back the balance of my time.

THE JOURNAL

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 307, nays 113, answered "present" 2, not voting 10, as follows:

[Roll No. 244]

YEAS—307

Adams
Aderholt
Akin
Alexander
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishak
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)

Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell

Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)

Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Culberson
Davis (IL)
Davis (KY)
DeGette
Denham
DesJarlais
Diaz-Balart
Dingell
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Gallegly
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind

King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsock
Long
Lowey
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marino
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Payne
Pearce
Pence
Petri
Pingree (ME)
Posey
Price (GA)
Quayle
Quigley
Rangel
Rehberg
Reichert
Kelly
Richardson
Richmond

Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—113

Cardoza
Carson (IN)
Chu
Clarke (NY)
Clay
Cleaver
Conyers
Costa
Cravaack
Crowley
Cuellar

Cummings
DeFazio
DeLauro
Dent
Deutch
Dicks
Doggett
Dold
Donnelly (IN)
Duffy
Ellison

Engel	Landry	Rahall
Filner	Larson (CT)	Reed
Fitzpatrick	Latham	Renacci
Fox	Lee (CA)	Reyes
Fudge	Lewis (GA)	Rooney
Gardner	LoBiondo	Rush
Gibson	Lofgren, Zoe	Ryan (OH)
Graves (MO)	Lujan	Sánchez, Linda
Grijalva	Maloney	T.
Gutierrez	Marchant	Sarbanes
Hanna	Matsui	Schakowsky
Harris	McCotter	Schock
Hastings (FL)	McDermott	Schrader
Heck	McGovern	Scott (VA)
Heller	McKinley	Sires
Hinche	Meeks	Slaughter
Hirono	Miller, George	Stark
Holt	Moore	Terry
Honda	Napolitano	Thompson (CA)
Hoyer	Oliver	Thompson (MS)
Inslee	Pallone	Tipton
Israel	Pascarell	Towns
Jackson (IL)	Pastor (AZ)	Velázquez
Jackson Lee	Pelosi	Visclosky
(TX)	Perlmutter	Weiner
Keating	Peters	Wu
Kinziger (IL)	Peterson	
Kucinich	Price (NC)	

ANSWERED "PRESENT"—2

Amash Gohmert

NOT VOTING—10

Davis (CA)	Giffords	McMorris
Farr	Hall	Rodgers
Frelinghuysen	Lucas	Whitfield
Garamendi		Young (AK)

□ 1209

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 244, had I been present, I would have voted "yea."

DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the rule, I call up the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. FOX). Pursuant to House Resolution 206, the bill is considered read.

The text of the bill is as follows:

H.R. 1363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Division A—Department of Defense Appropriations, 2011
- Division B—Further Continuing Appropriations, 2011

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I
MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,940,191,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$612,191,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,650,797,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,060,098,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$37,809,239,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,539,740,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$36,062,989,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$30,210,810,000: *Provided*, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time

period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,840,427,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,344,264,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$275,484,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,291,027,000.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,454,624,000.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals;

maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$14,068,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$502,653,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings

and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)**

For the Department of Defense, \$10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, FORMERLY
USED DEFENSE SITES**

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OVERSEAS HUMANITARIAN, DISASTER, AND
CIVIC AID**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$108,032,000, to remain available until September 30, 2012.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries out-

side of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than \$13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

**DEPARTMENT OF DEFENSE ACQUISITION
WORKFORCE DEVELOPMENT FUND**

For the Department of Defense Acquisition Workforce Development Fund, \$217,561,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,570,108,000, to remain available for obligation until September 30, 2013.

**PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY**

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,847,066,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$16,170,868,000, to remain available for obligation until September 30, 2013.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of

equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$1,721,969,000.

Carrier Replacement Program (AP), \$908,313,000.

NSSN, \$3,430,343,000.

NSSN (AP), \$1,691,236,000.

CVN Refueling, \$1,248,999,000.

CVN Refuelings (AP), \$408,037,000.

DDG-1000 Program, \$77,512,000.

DDG-51 Destroyer, \$2,868,454,000.

DDG-51 Destroyer (AP), \$47,984,000.

Littoral Combat Ship, \$1,168,984,000.

Littoral Combat Ship (AP), \$190,351,000.

LHA-R, \$942,837,000.

Joint High Speed Vessel, \$180,703,000.

Oceanographic Ships, \$88,561,000.

LCAC Service Life Extension Program, \$83,035,000.

Service Craft, \$13,770,000.

For outfitting, post delivery, conversions, and first destination transportation, \$295,570,000.

In all: \$15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and mate-

rials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,483,739,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C-17 aircraft, Global Hawk Unmanned Aerial Vehicle and F-22 aircraft may be obligated until all C-17, Global Hawk and F-22 contracts funded with prior year "Aircraft Procurement, Air Force" appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH-60 Operational Loss Replacement

program to meet the approved HH-60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,424,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$731,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,568,091,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts

therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,009,321,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$34,346,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,710,998,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,736,303,000, to remain available for obligation until September 30, 2012: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,517,405,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, \$3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$31,382,198,000; of which \$29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to \$16,212,121,000 may be available for contracts entered into under the TRICARE program; of which \$534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which \$1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises,

and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,467,307,000, of which \$1,067,364,000 shall be for operation and maintenance, of which no less than \$111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$35,130,000 for activities on military installations and \$76,048,000, to remain available until September 30, 2012, to assist State and local governments; \$7,132,000 shall be for procurement, to remain available until September 30, 2013; and \$392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which \$385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$306,794,000, of which \$305,794,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For necessary expenses of the Intelligence
Community Management Account,
\$649,732,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the

Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the

approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH-60R/S Helicopter Systems.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the

Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods

stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act: *Provided*, That subsection (j) of section 831 of the National Defense Authorization Act for Fiscal

Year 1991 is amended by striking "September 30, 2010" and inserting "September 30, 2011", and by striking "September 30, 2013" and inserting "September 30, 2014".

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any

contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than \$30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,048,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$2,424,000 shall be available from “Air-craft Procurement, Air Force”; and

(3) \$902,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years)

may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$125,000,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the

Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8036. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8037. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8038. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8039. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts,

the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011", \$86,300,000.

"Other Procurement, Army, 2009/2011", \$147,600,000.

"Aircraft Procurement, Navy, 2009/2011", \$26,100,000.

"Aircraft Procurement, Air Force, 2009/2011", \$116,900,000.

"Aircraft Procurement, Army, 2010/2012", \$14,000,000.

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012", \$36,000,000.

"Missile Procurement, Army, 2010/2012", \$9,171,000.

"Aircraft Procurement, Navy, 2010/2012", \$284,847,000.

"Procurement of Ammunition, Navy and Marine Corps, 2010/2012", \$11,576,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2010/2014": DDG-51 Destroyer, \$22,000,000.

"Other Procurement, Navy, 2010/2012", \$9,042,000.

"Aircraft Procurement, Air Force, 2010/2012", \$151,300,000.

"Other Procurement, Air Force, 2010/2012", \$36,600,000.

"Research, Development, Test and Evaluation, Army, 2010/2011", \$53,500,000.

"Research, Development, Test and Evaluation, Air Force, 2010/2011", \$198,600,000.

"Research, Development, Test and Evaluation, Defense-Wide, 2010/2011", \$10,000,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas

and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National

Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date

if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual

and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8064. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8065. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8066. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8067. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated

funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8068. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8070. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8071. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, \$415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this

amount, \$205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, \$84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, \$58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which \$12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8073. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. The budget of the President for fiscal year 2012 submitted to the Congress

pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations; \$24,000,000 to the Red Cross; \$1,200,000 to the Special Olympics; and \$20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8082. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any

case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8086. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8087. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8088. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the

current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8089. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8090. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8091. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8092. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8093. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8094. The Director of National Intelligence shall submit to Congress each year,

at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8095. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

SEC. 8097. The amounts appropriated in title II of this Act are hereby reduced by \$483,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From "Operation and Maintenance, Army", \$483,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8100. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8101. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8102. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000 unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8103. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) have been satisfactorily completed.

SEC. 8104. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

- (1) Business process reengineering.
- (2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.
- (3) Assurance the system is compatible with the enterprise-wide business architecture.
- (4) Performance measures.
- (5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, \$50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same

purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. In addition to funds made available elsewhere in this Act, there is hereby appropriated \$538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replacement Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Air-craft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8108. (a) Of the amounts made available in this Act under the heading "Operation and Maintenance, Navy", not less than \$2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading "Operation and Maintenance, Air Force", not less than \$2,000,000

shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8110. In addition to amounts provided elsewhere in this Act, there is appropriated \$300,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8111. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 124 Stat. 1871) is amended by striking "1 year" both places it appears and inserting "2 years".

SEC. 8112. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8113. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary

of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8114. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, \$20,000,000, is appropriated to the Department of Defense for "Operation and Maintenance, Defense-Wide" for energy security pilot projects under subsection (a).

SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8116. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C-130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as "MAFFS"), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C-130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C-130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C-130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C-130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C-130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C-130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8117. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by \$244,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$258,000,000, and the total amount appropriated in title IV of this Act is hereby reduced by \$175,000,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8118. The total amount available in this Act for pay for civilian personnel of the Department of Defense for fiscal year 2011 shall be the amount otherwise appropriated or made available by this Act for such pay reduced by \$723,000,000.

SEC. 8119. None of the funds appropriated or otherwise made available to the Department of Defense may be used for the disestablishment, closure, or realignment of the Joint Forces Command unless within 120 days of the enactment of this Act—

(1) the Secretary of Defense notifies the congressional defense committees of the proposed disestablishment, closure, or realignment of the Joint Forces Command; and

(2) the Secretary submits to the congressional defense committees a plan for the disestablishment, closure, or realignment of the Joint Forces Command, which plan shall contain at a minimum—

(A) an explanation of the projected savings of the proposed disestablishment, closure, or realignment;

(B) a cost-benefit analysis of the proposed disestablishment, closure, or realignment;

(C) the budgetary impact of the proposed disestablishment, closure, or realignment;

(D) the strategic and operational consequences of the proposed disestablishment, closure, or realignment; and

(E) an appropriate local economic assessment of the proposed disestablishment, closure, or realignment, which shall include at a minimum—

(i) a list of Federal, State, and local government departments and agencies that are required by statute or regulation to provide assistance and outreach for the community affected by the proposed disestablishment, closure, or realignment; and

(ii) a list of the contractors and businesses affected by the proposed disestablishment, closure, or realignment.

SEC. 8120. The explanatory statement regarding this Act, printed in the House of

Representatives section of the Congressional Record on or about April 6, 2011, by the Chairman of the Committee on Appropriations of the House of Representatives, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

SEC. 8121. None of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8122. (a)(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there

is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(I) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8123. (a) None of the funds appropriated or otherwise made available by this Act or any other appropriations Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$853,022,000: *Provided*, That each amount in this paragraph is

designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.

(2) Not to exceed \$1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$203,807,000: *Provided*, That each amount in this paragraph is designated as being for con-

tingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN INFRASTRUCTURE FUND
(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the "Afghanistan Infrastructure Fund". For the "Afghanistan Infrastructure Fund", \$400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds re-

turned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the "appropriate committees of Congress" are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to \$15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the "Iraq Security Forces Fund", \$1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Con-

gress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$1,269,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,589,119,000, to re-

main available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$850,000,000, to remain available for obligation until September 30, 2013, of which \$250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the

enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,422,092,000, of which \$1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which \$24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any

other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle; and

(b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$500,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National

Intelligence, \$3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to \$150,000,000 of the funds available for overseas contingency operations in "Operation and Maintenance, Army" for additional activities to carry out projects under paragraph (a).

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

SEC. 9014. From funds made available in this title to the Department of Defense for operation and maintenance, up to \$129,100,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support the United States Government transition activities in Iraq by undertaking facilities renovation and construction associated with establishing Office of Security Cooperation locations, at no more than four sites, in Iraq: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site and the source of funds.

SEC. 9015. Any reference to "this Act" in this division shall apply solely to this division.

This division may be cited as the “Department of Defense Appropriations Act, 2011”.

DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2011

SEC. 2001. The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting “April 15, 2011”; and

(2) by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (Public Law 112-6), the following new sections:

“SEC. 295. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—Agriculture Buildings and Facilities and Rental Payments’ at a rate for operations of \$262,093,000, of which \$178,812,000 shall be available for payments to the General Services Administration for rent and of which \$69,781,000 shall be for buildings operations and maintenance expenses.

“SEC. 296. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—Departmental Administration’ at a rate for operations of \$28,809,000: *Provided*, That the second proviso under such heading in Public Law 111-80 shall not apply to funds appropriated by this Act.

“SEC. 297. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—National Agricultural Statistics Service’ at a rate for operations of \$151,830,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this Act by substituting ‘\$33,494,000’ for ‘\$37,908,000’.

“SEC. 298. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—National Institute of Food and Agriculture—Integrated Activities’ at a rate for operations of \$24,874,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$15,044,000’ for ‘\$45,148,000’; by substituting ‘\$10,948,000’ for ‘\$12,649,000’; by substituting ‘\$0’ for ‘\$14,596,000’; by substituting ‘\$0’ for ‘\$4,388,000’; by substituting ‘\$0’ for ‘\$1,365,000’; by substituting ‘\$0’ for ‘\$3,054,000’; by substituting ‘\$0’ for ‘\$5,000,000’; by substituting ‘\$0’ for ‘\$3,000,000’; by substituting ‘\$0’ for ‘\$732,000’; and by substituting ‘\$0’ for ‘\$1,312,000’.

“SEC. 299. Notwithstanding sections 101 and 231, amounts are provided for ‘Agricultural Programs—Animal and Plant Health Inspection Service—Salaries and Expenses’ at a rate for operations of \$832,543,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this Act by substituting ‘\$45,219,000’ for ‘\$60,243,000’.

“SEC. 300. Notwithstanding section 101, amounts are provided for ‘Agricultural Programs—Farm Service Agency—Salaries and Expenses’ at a rate for operations of \$1,229,777,000.

“SEC. 301. Notwithstanding section 101, amounts are provided for ‘Conservation Programs—Natural Resources Conservation Service—Watershed Rehabilitation Program’ at a rate for operations of \$25,161,000.

“SEC. 302. Notwithstanding section 101, amounts are provided for ‘Conservation Programs—Natural Resources Conservation Service—Resource Conservation and Development’ at a rate for operations of \$24,730,000.

“SEC. 303. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Development Salaries and Expenses’ at a rate for operations of \$186,987,000.

“SEC. 304. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Housing Service—Rental Assistance Program’ at a rate for operations of \$956,570,000: *Provided*, That this section shall not apply to the amounts made available by section 101 for the liquidation of debts under such account.

“SEC. 305. Notwithstanding section 101, in connection with the ‘Rural Development Programs—Rural Business-Cooperative Service—Rural Economic Development Loans Program Account’, of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$102,463,000 shall not be obligated and \$102,463,000 is rescinded.

“SEC. 306. Notwithstanding section 101, amounts are provided for ‘Rural Development Programs—Rural Utilities Service—Rural Water and Waste Disposal Program Account’ at a rate for operations of \$551,230,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this Act by substituting ‘\$0’ for ‘\$17,500,000’.

“SEC. 307. Notwithstanding section 101, amounts are provided for ‘Domestic Food Programs—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)’ at a rate for operations of \$7,052,000,000.

“SEC. 308. Notwithstanding section 101, amounts are provided for ‘Foreign Assistance and Related Programs—Foreign Agricultural Service—Food for Peace Title II Grants’ at a rate for operations of \$1,455,000,000.

“SEC. 309. Notwithstanding section 101, amounts are provided for ‘Foreign Assistance and Related Programs—Foreign Agricultural Service—McGovern-Dole International Food for Education and Child Nutrition Program Grants’ at a rate for operations of \$199,500,000: *Provided*, That the first proviso under such heading in Public Law 111-80 shall not apply to funds appropriated by this Act.

“SEC. 310. Section 748 of Public Law 111-80 shall not apply for fiscal year 2011.

“SEC. 311. Subsections (g)(5)(A), (h)(1)(C)(i), (h)(2)(B)(i), (j)(5)(A), and (k)(8)(A) of section 749 of Public Law 111-80 shall be applied to funds appropriated by this Act by substituting ‘\$0’ for each of the dollar amounts specified in such subsections.

“SEC. 312. Of the unobligated balances available for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act of 1936, \$39,000,000 is rescinded.

“SEC. 313. Notwithstanding sections 101 and 117, amounts are provided for ‘Department of Commerce—Bureau of the Census—Periodic Censuses and Programs’ at a rate for operations of \$942,315,000.

“SEC. 314. Notwithstanding sections 101 and 240, amounts are provided for ‘Department of Commerce—National Institute of Standards and Technology—Construction of Research Facilities’ at a rate for operations of \$80,000,000: *Provided*, That the set-aside for a competitive construction grant program under such heading in division B of Public Law 111-117 shall not apply to funds appropriated by this Act.

“SEC. 315. Notwithstanding section 101, amounts are provided for ‘Department of Justice—General Administration—National Drug Intelligence Center’ at a rate for operations of \$34,023,000.

“SEC. 316. Notwithstanding section 101, amounts are provided for ‘Department of Justice—General Administration—Tactical

Law Enforcement Wireless Communications’ at a rate for operations of \$136,143,000.

“SEC. 317. Notwithstanding section 101, amounts are provided for ‘Department of Justice—United States Marshals Service—Construction’ at a rate for operations of \$16,625,000.

“SEC. 318. Notwithstanding section 101, amounts are provided for ‘Department of Justice—Federal Bureau of Investigation—Construction’ at a rate for operations of \$106,915,000.

“SEC. 319. Notwithstanding section 101, amounts are provided for ‘Department of Justice—Bureau of Alcohol, Tobacco, Firearms and Explosives—Construction’ at a rate for operations of \$0.

“SEC. 320. Notwithstanding section 101, amounts are provided for ‘Department of Justice—Office of Justice Programs—Weed and Seed Program Fund’ at a rate for operations of \$0.

“SEC. 321. Notwithstanding section 101, amounts are provided for ‘National Aeronautics and Space Administration—Space Operations’ at a rate for operations of \$6,047,800,000: *Provided*, That the proviso under such heading in division B of Public Law 111-117 shall not apply to funds appropriated by this Act.

“SEC. 322. Notwithstanding section 101, amounts are provided for ‘National Aeronautics and Space Administration—Construction and Environmental Compliance and Remediation’ at a rate for operations of \$408,300,000: *Provided*, That such rate shall not apply to amounts made available by section 101 from lease proceeds under such account: *Provided further*, That the first proviso under such heading in division B of Public Law 111-117 shall not apply to funds appropriated by this Act.

“SEC. 323. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Corps of Engineers—Civil—Construction’, \$100,000,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 324. Notwithstanding sections 101 and 172, amounts are provided for ‘Corps of Engineers—Civil—Mississippi River and Tributaries’ at a rate for operations of \$240,000,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act: *Provided further*, That of the unobligated balances of funds made available in prior appropriation Acts for ‘Corps of Engineers—Civil—Mississippi River and Tributaries’ or ‘Corps of Engineers—Civil—Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee’, \$22,000,000 is rescinded: *Provided further*, That such rescission shall be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 325. Of the unobligated balances of funds made available in prior appropriation Acts for ‘Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy’, \$11,243,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated

by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 326. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability', \$2,400,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 327. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Nuclear Energy', \$6,300,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 328. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Fossil Energy Research and Development', \$30,600,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 329. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Naval Petroleum and Oil Shale Reserves', \$2,100,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 330. Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Strategic Petroleum Reserve' at a rate for operations of \$209,414,000: *Provided*, That of the unobligated balances of funds made available under such heading in Public Law 110-161, \$14,493,000 is rescinded, to be derived from amounts made available for new site land acquisition activities: *Provided further*, That of the unobligated balances of funds made available under such heading in Public Law 110-329, \$31,507,000 is rescinded, to be derived from amounts made available for new site expansion activities, beyond land acquisition: *Provided further*, That of the unobligated balances of funds made available under such heading in Public Law 111-85, \$25,000,000 is rescinded: *Provided further*, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, in addition to the other amounts rescinded in this section, \$15,300,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 331. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Clean Coal Technology', \$18,000,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Con-

gress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 332. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Energy Information Administration', \$400,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 333. Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Non-Defense Environmental Cleanup' at a rate for operations of \$225,000,000.

"SEC. 334. Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund' at a rate for operations of \$514,000,000: *Provided*, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, \$10,000,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 335. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Science', \$7,200,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 336. Notwithstanding section 101, amounts are provided for 'Department of Energy—Energy Programs—Advanced Technology Vehicles Manufacturing Loan Program' at a rate for operations of \$9,998,000.

"SEC. 337. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Energy Programs—Departmental Administration', \$11,900,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 338. Of the unobligated balances of funds made available in prior appropriation Acts for 'Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors', \$1,200,000 is rescinded: *Provided*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 339. Notwithstanding sections 101 and 182, amounts are provided for 'Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator' at a rate for operations of \$399,793,000: *Provided*, That the last proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act: *Provided further*, That of the unobligated balances of funds made available under such heading in prior

appropriation Acts, \$4,400,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 340. Notwithstanding sections 101 and 183, amounts are provided for 'Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup' at a rate for operations of \$5,096,000,000, of which \$33,700,000 shall be transferred to the 'Uranium Enrichment Decontamination and Decommissioning Fund': *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act: *Provided further*, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, \$11,900,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 341. Notwithstanding sections 101 and 184, amounts are provided for 'Department of Energy—Environmental and Other Defense Activities—Other Defense Activities' at a rate for operations of \$823,000,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act: *Provided further*, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, \$3,400,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 342. Notwithstanding section 101, amounts are provided for 'Denali Commission' at a rate for operations of \$10,700,000: *Provided*, That of the unobligated balances of funds made available under such heading in prior appropriation Acts, \$15,000,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

"SEC. 343. Notwithstanding section 101, amounts are provided for 'Department of the Treasury—Departmental Offices—Department-Wide Systems and Capital Investments Programs' at a rate for operations of \$4,000,000, and the first proviso under such heading in division C of Public Law 111-117 shall not apply to funds appropriated by this Act.

"SEC. 344. Of the unobligated balances available under the heading 'Department of the Treasury—Treasury Forfeiture Fund', \$400,000,000 is rescinded.

"SEC. 345. Notwithstanding section 101, amounts are provided for 'Department of the Treasury—Financial Management Service—Salaries and Expenses' at a rate for operations of \$232,838,000.

"SEC. 346. Notwithstanding section 101, amounts are provided for 'Department of the Treasury—Alcohol and Tobacco Tax and Trade Bureau—Salaries and Expenses' at a rate for operations of \$99,831,000, and the proviso under such heading in division C of Public Law 111-117 shall not apply to funds appropriated by this Act.

“SEC. 347. Notwithstanding section 101, amounts are provided for ‘Department of the Treasury—Bureau of the Public Debt—Administering the Public Debt’ at a rate for operations of \$184,658,000.

“SEC. 348. Notwithstanding sections 101 and 250, amounts are provided for ‘Department of the Treasury—Community Development Financial Institutions Fund Program Account’ at a rate for operations of \$163,600,000, and the requirement to transfer funds to the Capital Magnet Fund and the funding designation of \$3,150,000 for an additional pilot project grant under such heading in division C of Public Law 111-117 shall not apply to funds appropriated by this Act.

“SEC. 349. Notwithstanding section 101, amounts are provided for ‘Executive Office of the President and Funds Appropriated to the President—Office of Management and Budget—Salaries and Expenses’ at a rate for operations of \$92,500,000.

“SEC. 350. Notwithstanding section 101, amounts are provided for ‘Executive Office of the President and Funds Appropriated to the President—Partnership Fund for Program Integrity Innovation’ at a rate for operations of \$0.

“SEC. 351. Notwithstanding section 101, amounts are provided for ‘Executive Office of the President and Funds Appropriated to the President—Office of National Drug Control Policy—Counterdrug Technology Assessment Center’ at a rate for operations of \$0.

“SEC. 352. Notwithstanding sections 101 and 251, amounts are provided for ‘Executive Office of the President and Funds Appropriated to the President—Office of National Drug Control Policy—Other Federal Drug Control Programs’ at a rate for operations of \$142,400,000, of which \$85,500,000 shall be for the Drug-Free Communities Program; and amounts included under such heading shall be applied to funds appropriated by this Act by substituting ‘\$0’ for ‘\$1,000,000’, ‘\$1,250,000’, and ‘\$250,000’.

“SEC. 353. Notwithstanding section 101, amounts are provided for ‘The Judiciary—Supreme Court of the United States—Care of the Building and Grounds’ at a rate for operations of \$8,175,000.

“SEC. 354. Notwithstanding section 101, amounts are provided for ‘The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners’ at a rate for operations of \$52,410,000.

“SEC. 355. Notwithstanding section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment to the District of Columbia Courts’ at a rate for operations of \$244,660,000, of which \$59,000,000 shall be for capital improvements.

“SEC. 356. Notwithstanding section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Consolidated Laboratory Facility’ at a rate for operations of \$0.

“SEC. 357. Notwithstanding section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Housing for the Homeless’ at a rate for operations of \$10,000,000.

“SEC. 358. Notwithstanding section 101, amounts are provided for ‘District of Columbia—Federal Funds—Federal Payment for Youth Services’ at a rate for operations of \$0.

“SEC. 359. Section 814 of division C of Public Law 111-117 shall be applied to funds appropriated by this Act by striking ‘Federal’.

“SEC. 360. Notwithstanding section 101, amounts are provided for ‘Election Assistance Commission—Salaries and Expenses’ at

a rate for operations of \$16,800,000, of which \$3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002 (Public Law 107-252).

“SEC. 361. Notwithstanding sections 101 and 253, the aggregate amount of new obligational authority provided under the heading ‘General Services Administration—Real Property Activities—Federal Buildings Fund—Limitations on Availability of Revenue’ for Federal buildings and courthouses and other purposes of the Fund shall be available at a rate for operations of \$7,504,272,000, of which: (1) \$0 is for ‘Construction and Acquisition’; and (2) \$284,000,000 is for ‘Repairs and Alterations’ for Special Emphasis Programs and Basic Repairs and Alterations.

“SEC. 362. Notwithstanding section 101, amounts are provided for ‘General Services Administration—Federal Citizen Services Fund’ at a rate for operations of \$34,689,000.

“SEC. 363. Notwithstanding section 101, amounts are provided for ‘General Services Administration—Electronic Government Fund’ at a rate for operations of \$17,000,000.

“SEC. 364. Notwithstanding section 101, amounts are provided for ‘National Archives and Records Administration—Electronic Records Archives’ at a rate for operations of \$72,000,000, of which \$52,500,000 shall remain available until September 30, 2013.

“SEC. 365. Notwithstanding section 101, amounts are provided for ‘National Archives and Records Administration—National Historical Publications and Records Commission—Grants Program’ at a rate for operations of \$6,000,000.

“SEC. 366. The amounts included under the heading ‘Office of Personnel Management—Salaries and Expenses’ in division C of Public Law 111-117 shall be applied to funds appropriated by this Act by substituting ‘\$101,270,000’ for ‘\$102,970,000’ and by substituting ‘\$111,038,000’ for ‘\$112,738,000’.

“SEC. 367. Notwithstanding section 156 of this Act and section 503 of Public Law 111-83, amounts made available by this Act for the Department of Homeland Security shall be available for reprogramming or transfer between and within appropriations to the extent necessary to address emergent circumstances, to meet critical operational requirements, to avoid furloughs or reduction in force, or to provide funding for critical programs and activities required by law: *Provided*, That such reprogrammings or transfers may not result in the termination or initiation of a program, project, or activity: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days in advance of such reprogramming or transfer of funds.

“SEC. 368. Notwithstanding sections 101 and 186, amounts are provided for ‘Department of Homeland Security—Office of the Under Secretary for Management’ at a rate for operations of \$239,933,000.

“SEC. 369. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of the Chief Financial Officer’ at a rate for operations of \$53,530,000.

“SEC. 370. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of the Federal Coordinator for Gulf Coast Rebuilding’ at a rate for operations of \$0.

“SEC. 371. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Bor-

der Protection—Automation Modernization’ at a rate for operations of \$341,575,000, of which \$153,090,000 shall be for the Automated Commercial Environment.

“SEC. 372. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology’ at a rate for operations of \$574,173,000.

“SEC. 373. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Border Protection—Air and Marine Interdiction, Operations, Maintenance, and Procurement’ at a rate for operations of \$516,326,000.

“SEC. 374. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Immigration and Customs Enforcement—Automation Modernization’ at a rate for operations of \$75,000,000.

“SEC. 375. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Immigration and Customs Enforcement—Construction’ at a rate for operations of \$0.

“SEC. 376. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Transportation Security Administration—Surface Transportation Security’ at a rate for operations of \$105,961,000.

“SEC. 377. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Transportation Security Administration—Transportation Threat Assessment and Credentialing’ at a rate for operations of \$162,999,000.

“SEC. 378. Notwithstanding sections 101 and 193, amounts are provided for ‘Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security’ at a rate for operations of \$859,000,000.

“SEC. 379. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—National Protection and Programs Directorate—United States Visitor and Immigrant Status Indicator Technology’ at a rate for operations of \$334,613,000.

“SEC. 380. Notwithstanding sections 101 and 195, amounts are provided for ‘Department of Homeland Security—Federal Emergency Management Agency—State and Local Programs’ at a rate for operations of \$2,417,500,000: *Provided*, That of the amount provided by this Act for the State Homeland Security Grant Program under such heading, \$50,000,000 shall be for the Driver’s License Security Grant Program and \$10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this Act for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this Act as follows: in paragraph (1), by substituting ‘\$788,000,000’ for ‘\$950,000,000’; in paragraph (2), by substituting ‘\$788,000,000’ for ‘\$887,000,000’; in paragraph (3), by substituting ‘\$17,500,000’ for ‘\$35,000,000’; in paragraph (4), by substituting ‘\$35,000,000’ for ‘\$41,000,000’; in paragraph (5), by substituting ‘\$0’ for ‘\$13,000,000’; in paragraph (6), by substituting ‘\$260,000,000’ for ‘\$300,000,000’; in paragraph (7), by substituting ‘\$260,000,000’ for ‘\$300,000,000’; in paragraph (8), by substituting ‘\$5,000,000’ for ‘\$12,000,000’; in paragraph (9), by substituting ‘\$0’ for ‘\$50,000,000’;

in paragraph (10), by substituting '\$0' for '\$50,000,000'; in paragraph (11), by substituting '\$0' for '\$50,000,000'; in paragraph (12), by substituting '\$20,000,000' for '\$60,000,000' and by substituting '\$0' for each subsequent amount in such paragraph; and in paragraph (13), by substituting '\$244,000,000' for '\$267,200,000': *Provided further*, That the directed obligation provisions in paragraphs 13(A), 13(B), and 13(C) under such heading in Public Law 111-83 shall not apply to funds appropriated by this Act: *Provided further*, That 5.5 percent of the amount provided for 'Federal Emergency Management Agency—State and Local Programs' by this Act shall be transferred to the 'Federal Emergency Management Agency—Management and Administration' account for program administration.

"SEC. 381. Notwithstanding section 101, amounts are provided for 'Department of Homeland Security—Federal Emergency Management Agency—Flood Map Modernization Fund' at a rate for operations of \$194,000,000.

"SEC. 382. Notwithstanding sections 101 and 196, amounts are provided for 'Department of Homeland Security—Federal Emergency Management Agency—National Predisaster Mitigation Fund' at a rate for operations of \$60,000,000: *Provided*, That the directed obligation provision under such heading in Public Law 111-83 shall not apply to funds appropriated by this Act.

"SEC. 383. Notwithstanding section 101, amounts are provided for 'Department of Homeland Security—Federal Law Enforcement Training Center—Salaries and Expenses' at a rate for operations of \$235,919,000.

"SEC. 384. Notwithstanding section 101, amounts are provided for 'Department of Homeland Security—Federal Law Enforcement Training Center—Acquisition, Construction, Improvements, and Related Expenses' at a rate for operations of \$38,456,000.

"SEC. 385. Notwithstanding sections 101 and 197, amounts are provided for 'Department of Homeland Security—Science and Technology—Research, Development, Acquisition, and Operations' at a rate for operations of \$690,000,000.

"SEC. 386. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following amounts are rescinded from the following accounts and programs:

"(1) 'Operations', \$1,692,000.

"(2) 'Violent Crime Reduction Program', \$4,871,492.

"(3) 'Office for Domestic Preparedness', \$10,568,934.

"SEC. 387. Of the unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Public Law 111-83, the following amounts are rescinded from the following accounts:

"(1) 'Office of the Secretary and Executive Management', \$1,437,015.

"(2) 'Office of the Under Secretary for Management', \$821,104.

"(3) 'U.S. Customs and Border Protection—Salaries and Expenses', \$8,500,000.

"(4) 'U.S. Immigration and Customs Enforcement—Salaries and Expenses', \$8,500,000.

"(5) 'Transportation Security Administration—Federal Air Marshals', \$2,429,978.

"(6) 'Coast Guard—Operating Expenses', \$13,508,196.

"(7) 'Coast Guard—Reserve Training', \$3,411,505.

"(8) 'National Protection and Programs Directorate—Infrastructure Protection and Information Security', \$861,290.

"(9) 'United States Secret Service—Salaries and Expenses', \$602,956.

"(10) 'Federal Emergency Management Agency—Management and Administration', \$814,153.

"(11) 'Office of Health Affairs', \$831,400.

"(12) 'United States Citizenship and Immigration Services', \$7,945,983.

"(13) 'Federal Law Enforcement Training Center—Salaries and Expenses', \$1,010,795.

"SEC. 388. Of the unobligated balances available for the following accounts of the Department of Homeland Security, the following amounts are rescinded:

"(1) 'U.S. Customs and Border Protection—Automation Modernization', \$10,000,000.

"(2) 'U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology', \$119,000,000.

"(3) 'Federal Emergency Management Agency—National Predisaster Mitigation Fund', \$19,603,000.

"(4) 'Science and Technology—Research, Development, Acquisition, and Operations', \$6,500,000.

"(5) 'Domestic Nuclear Detection Office—Research, Development, and Operations', \$15,700,000.

"(6) 'Coast Guard—Acquisition, Construction, and Improvements', \$1,122,000.

"SEC. 389. Of the unobligated balances made available under section 44945 of title 49, United States Code, \$800,000 is rescinded.

"SEC. 390. Of the unobligated balances available for accounts under the heading 'Department of Homeland Security—Transportation Security Administration', \$15,000,000 is rescinded (in addition to amounts otherwise rescinded by this Act): *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

"SEC. 391. Of the unobligated balances available for 'Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security', the following amounts are rescinded:

"(1) \$6,000,000, to be derived from amounts made available for Next Generation Networks.

"(2) \$9,600,000, to be derived from amounts which shall be specified by the Secretary of Homeland Security in a report submitted not later than 15 days after the date of the enactment of this Act to the Committees on Appropriations of the Senate and the House of Representatives, describing the amounts rescinded and the original purpose of such funds.

"SEC. 392. Of the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, as added by section 638 of Public Law 102-393, \$22,600,000 is rescinded.

"SEC. 393. Notwithstanding sections 101 and 258, amounts are provided for 'Department of the Interior—Bureau of Land Management—Management of Lands and Resources' at a rate for operations of \$927,523,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this Act by substituting '\$927,523,000' for '\$959,571,000' the second place it appears.

"SEC. 394. Notwithstanding sections 101 and 259, amounts are provided for 'Department of the Interior—Bureau of Land Management—Construction' at a rate for operations of \$3,590,000.

"SEC. 395. Notwithstanding sections 101 and 260, amounts are provided for 'Department of the Interior—Bureau of Land Management—Land Acquisition' at a rate for operations of \$22,212,000: *Provided*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this Act.

"SEC. 396. Notwithstanding sections 101 and 261, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Resource Management' at a rate for operations of \$1,235,052,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this Act as follows: by substituting '\$20,945,000' for '\$22,103,000'; and by substituting '\$10,474,000' for '\$11,632,000'.

"SEC. 397. Notwithstanding sections 101 and 262, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Construction' at a rate for operations of \$23,737,000.

"SEC. 398. Notwithstanding sections 101 and 263, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Land Acquisition' at a rate for operations of \$7,471,000.

"SEC. 399. Of the unobligated amounts available for 'Department of the Interior—United States Fish and Wildlife Service—Landowner Incentive Program' from prior year appropriations, all remaining amounts are rescinded.

"SEC. 400. Notwithstanding section 101, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Cooperative Endangered Species Conservation Fund' at a rate for operations of \$63,831,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this Act as follows: by substituting '\$24,835,000' for '\$29,000,000'; by substituting '\$4,987,297' for '\$5,145,706'; and by substituting '\$38,996,000' for '\$56,000,000'.

"SEC. 401. Notwithstanding section 101, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—North American Wetlands Conservation Fund' at a rate for operations of \$40,000,000.

"SEC. 402. Notwithstanding section 101, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Neotropical Migratory Bird Conservation' at a rate for operations of \$4,430,000.

"SEC. 403. Notwithstanding section 101, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—Multinational Species Conservation Fund' at a rate for operations of \$7,875,000.

"SEC. 404. Notwithstanding section 101, amounts are provided for 'Department of the Interior—United States Fish and Wildlife Service—State and Tribal Wildlife Grants' at a rate for operations of \$80,000,000.

"SEC. 405. Notwithstanding section 101, amounts are provided for 'Department of the Interior—National Park Service—Park Partnership Project Grants' at a rate for operations of \$0: *Provided*, That all of the provisos under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this Act.

"SEC. 406. Notwithstanding sections 101 and 266, amounts are provided for 'Department of the Interior—National Park Service—Construction' at a rate for operations of \$210,066,000: *Provided*, That the last proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this Act.

“SEC. 407. Notwithstanding sections 101 and 267, amounts are provided for ‘Department of the Interior—National Park Service—Land Acquisition and State Assistance’ at a rate for operations of \$90,846,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$31,000,000’ for ‘\$40,000,000’; and by substituting ‘\$6,000,000’ for ‘\$9,000,000’.

“SEC. 408. Of the unobligated amounts available for ‘Department of the Interior—National Park Service—Urban Park and Recreation Fund’, \$625,000 is rescinded.

“SEC. 409. Notwithstanding sections 101 and 268, amounts are provided for ‘Department of the Interior—United States Geological Survey—Surveys, Investigations, and Research’ at a rate for operations of \$1,076,355,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$53,500,000’ for ‘\$40,150,000’.

“SEC. 410. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Bureau of Indian Affairs—Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians’ at a rate for operations of \$46,480,000, of which \$0 shall be for the matter pertaining to Public Law 109–379.

“SEC. 411. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Bureau of Indian Affairs—Indian Land Consolidation’ at a rate for operations of \$0.

“SEC. 412. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Departmental Offices—Office of the Secretary—Salaries and Expenses’ at a rate for operations of \$117,336,000.

“SEC. 413. Notwithstanding sections 101 and 270, amounts are provided for ‘Department of the Interior—Departmental Offices—Insular Affairs—Assistance to Territories’ at a rate for operations of \$78,670,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$9,080,000’ for ‘\$9,280,000’.

“SEC. 414. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Departmental Offices—Insular Affairs—Compact of Free Association’ at a rate for operations of \$5,422,000, of which \$2,104,000 is for section 122 of division A of Public Law 111–88.

“SEC. 415. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Department-wide Programs—Wildland Fire Management’ at a rate for operations of \$919,897,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$0’ for ‘\$125,000,000’; *Provided further*, That of the unobligated balances available under such heading in division A of Public Law 111–88 and prior appropriations Acts, \$150,000,000 is rescinded: *Provided further*, That no amounts in this section may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 416. Notwithstanding sections 101 and 271, amounts are provided for ‘Environmental Protection Agency—Science and Technology’ at a rate for operations of \$826,370,000, of which \$0 shall be for the purposes specified in ‘Research/National Prior-

ities’ under the heading ‘Science and Technology’ in the joint explanatory statement of the managers accompanying Public Law 111–88 and \$51,297,000 shall be for ‘Homeland Security’ under the heading ‘Science and Technology’ in the table of detailed funding recommendations contained at the end of such joint explanatory statement.

“SEC. 417. Notwithstanding sections 101 and 272, amounts are provided for ‘Environmental Protection Agency—Environmental Programs and Management’ at a rate for operations of \$2,779,851,000: *Provided*, That of the amounts provided by this Act for such account, \$0 shall be for cap and trade technical assistance and \$0 shall be for the program specified in ‘Environmental Protection/National Priorities’ under the heading ‘Environmental Programs and Management’ in the joint explanatory statement of the managers accompanying Public Law 111–88: *Provided further*, That of the amounts provided by this Act for such account, amounts are provided for the Geographic Programs specified in such joint explanatory statement at a rate for operations of \$424,875,000: *Provided further*, That of such amount for Geographic Programs, \$300,000,000 shall be for the Great Lakes Restoration Initiative: *Provided further*, That of the amounts provided by this Act for such account, \$15,142,000 shall be for ‘Homeland Security’ under the heading ‘Environmental Programs and Management’ in the table of detailed funding recommendations contained at the end of such joint explanatory statement.

“SEC. 418. Notwithstanding section 101, amounts are provided for ‘Environmental Protection Agency—Hazardous Substance Superfund’ at a rate for operations of \$1,293,475,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$1,293,475,000’ for ‘\$1,306,541,000’ in the second place it appears; and by substituting ‘September 30, 2010’ for ‘September 30, 2009’; *Provided further*, That of the amounts provided by this Act for such account, \$43,468,000 shall be for ‘Homeland Security’ under the heading ‘Hazardous Substance Superfund’ in the table of detailed funding recommendations contained at the end of the joint explanatory statement of the managers accompanying Public Law 111–88.

“SEC. 419. Notwithstanding sections 101 and 274, amounts are provided for ‘Environmental Protection Agency—State and Tribal Assistance Grants’ at a rate for operations of \$4,077,946,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$1,700,000,000’ for ‘\$2,100,000,000’; by substituting ‘\$1,087,000,000’ for ‘\$1,387,000,000’; by substituting ‘\$14,500,000’ for ‘\$17,000,000’; by substituting ‘\$10,000,000’ for ‘\$13,000,000’; by substituting ‘\$0’ for ‘\$156,777,000’; by substituting ‘\$0’ for ‘\$20,000,000’; and by substituting ‘\$1,106,446,000’ for ‘\$1,116,446,000’.

“SEC. 420. Notwithstanding section 101, the amounts authorized to transfer under the heading ‘Environmental Protection Agency—Administrative Provisions, Environmental Protection Agency’ in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$300,000,000’ for ‘\$475,000,000’.

“SEC. 421. Notwithstanding sections 101 and 276, amounts are provided for ‘Department of Agriculture—Forest Service—Forest and Rangeland Research’ at a rate for operations of \$297,252,000.

“SEC. 422. Notwithstanding sections 101 and 277, amounts are provided for ‘Depart-

ment of Agriculture—Forest Service—State and Private Forestry’ at a rate for operations of \$272,797,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$52,317,000’ for ‘\$76,460,000’.

“SEC. 423. Notwithstanding sections 101 and 278, amounts are provided for ‘Department of Agriculture—Forest Service—National Forest System’ at a rate for operations of \$1,534,089,000.

“SEC. 424. Notwithstanding sections 101 and 279, amounts are provided for ‘Department of Agriculture—Forest Service—Capital Improvement and Maintenance’ at a rate for operations of \$499,618,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$50,731,000’ for ‘\$90,000,000’.

“SEC. 425. Notwithstanding sections 101 and 281, amounts are provided for ‘Department of Agriculture—Forest Service—Wildland Fire Management’ at a rate for operations of \$2,172,387,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$0’ for ‘\$75,000,000’.

“SEC. 426. Notwithstanding section 101, amounts are provided for ‘Department of Agriculture—Forest Service—FLAME Wildfire Suppression Reserve Fund’ at a rate for operations of \$291,000,000.

“SEC. 427. Notwithstanding section 101, amounts are provided for ‘National Gallery of Art—Repair, Restoration and Renovation of Buildings’ at a rate for operations of \$48,221,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ‘\$42,250,000’ for ‘\$40,000,000’.

“SEC. 428. Notwithstanding section 101, amounts are provided for ‘John F. Kennedy Center for the Performing Arts—Operations and Maintenance’ at a rate for operations of \$22,500,000: *Provided*, That the proviso under such heading in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

“SEC. 429. Notwithstanding section 101, amounts are provided for ‘John F. Kennedy Center for the Performing Arts—Capital Repair and Restoration’ at a rate for operations of \$13,920,000.

“SEC. 430. Notwithstanding section 101, amounts are provided for ‘Commission of Fine Arts—National Capital Arts and Cultural Affairs’ at a rate for operations of \$0.

“SEC. 431. Notwithstanding sections 101, 200, and 283, amounts are provided for ‘Department of Labor—Employment and Training Administration—Training and Employment Services’ at a rate for operations of \$3,636,148,000, of which \$196,661,000 shall be for national activities described in paragraph (3) under such heading in division D of Public Law 111–117: *Provided*, That the amounts included for national activities under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$44,561,000’ for ‘\$93,450,000’; by substituting ‘\$0’ for ‘\$48,889,000’; by substituting ‘\$90,000,000’ for ‘\$108,493,000’; by substituting ‘\$0’ for ‘\$125,000,000’; and by substituting ‘\$0’ for ‘\$65,000,000’.

“SEC. 432. Of the unobligated balances available in ‘Department of Labor—Working Capital Fund’, \$3,900,000 is permanently rescinded, to be derived solely from amounts available in the Investment in Reinvention

Fund (other than amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985).

“SEC. 433. Notwithstanding sections 101, 203, and 285, amounts are provided for ‘Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services’ at a rate for operations of \$6,982,520,000: *Provided*, That the eighteenth, nineteenth, twenty-second, and twenty-fifth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 434. Notwithstanding sections 101 and 204, amounts are provided for ‘Department of Health and Human Services—Centers for Disease Control and Prevention—Disease Control, Research, and Training’ at a rate for operations of \$6,044,273,000, of which \$750,000,000 shall be derived from funds transferred, pursuant to section 4002(c) of Public Law 111–148, from amounts appropriated by section 4002(b) of such Public Law: *Provided*, That for purposes of this section, section 4002(c) of Public Law 111–148 shall be applied as if ‘, over the fiscal year 2008 level,’ were stricken from such section: *Provided further*, That the amount included before the first proviso under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ‘0’ for ‘\$20,620,000’.

“SEC. 435. Notwithstanding section 101, amounts are provided for ‘Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance’ at a rate for operations of \$4,709,672,000, of which \$200,000,000 shall be for payments under section 2602(e) of the Low Income Home Energy Assistance Act of 1981.

“SEC. 436. Notwithstanding sections 101 and 208, amounts are provided for ‘Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs’ at a rate for operations of \$9,269,747,000: *Provided*, That the fifteenth proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 437. Notwithstanding sections 101 and 286, in addition to amounts otherwise made available by section 130, amounts are provided for ‘Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund’ at a rate for operations of \$546,109,000, of which \$65,578,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic (none of which shall be available past September 30, 2011), \$35,000,000 shall be for expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, and \$235,000,000 shall be for Hospital Preparedness Cooperative Agreement Grants.

“SEC. 438. Of the unobligated balances available for ‘Department of Education—Education for the Disadvantaged’ in division D of Public Law 111–117, \$186,500,000 is rescinded, to be derived from the amounts specified under such heading for availability under section 1502 of the ESEA.

“SEC. 439. Notwithstanding sections 101 and 212, amounts are provided for ‘Department of Education—School Improvement Programs’ at a rate for operations of

\$5,080,695,000, of which \$3,216,244,000 shall become available on July 1, 2011, and remain available through September 30, 2012: *Provided*, That of such amounts, no funds shall be available for activities authorized under subpart 1 of part D of title II of the ESEA or part Z of title VIII of the Higher Education Act of 1965: *Provided further*, That the second, third, and thirteenth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 440. Notwithstanding sections 101 and 213, amounts are provided for ‘Department of Education—Innovation and Improvement’ at a rate for operations of \$1,019,353,000, of which no funds shall be available for activities authorized under section 2151(c) of the ESEA, section 1504 of the ESEA, or part F of title VIII of the Higher Education Act of 1965, and \$477,047,000 shall be for part D of title V of the ESEA: *Provided*, That the first, second, third, fourth, fifth, seventeenth, and eighteenth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 441. Notwithstanding sections 101 and 214, amounts are provided for ‘Department of Education—Safe Schools and Citizenship Education’ at a rate for operations of \$341,053,000, of which, notwithstanding section 2343(b) of the ESEA, \$2,578,000 is for the continuation costs of awards made on a competitive basis under section 2345 of the ESEA and \$207,053,000 shall be for subpart 2 of part A of title IV of the ESEA: *Provided*, That the first and third provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 442. Notwithstanding sections 101 and 216, amounts are provided for ‘Department of Education—Rehabilitation Services and Disability Research’ at a rate for operations of \$3,478,026,000: *Provided*, That the second proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 443. Notwithstanding section 101, amounts are provided for ‘Department of Education—Special Institutions for Persons with Disabilities—National Technical Institute for the Deaf’ at a rate for operations of \$65,677,000, of which \$240,000 shall be available for construction.

“SEC. 444. Notwithstanding sections 101 and 217, amounts are provided for ‘Department of Education—Career, Technical, and Adult Education’ at a rate for operations of \$1,897,541,000, of which \$1,106,541,000 shall become available on July 1, 2011, and remain available through September 30, 2012 and no funds shall be available for activities authorized under subpart 4 of part D of title V of the ESEA: *Provided*, That the first, second, third, seventh, and eighth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 445. Notwithstanding sections 101 and 219, amounts are provided for ‘Department of Education—Higher Education’ at a rate for operations of \$2,094,985,000, of which no funds shall be available for activities authorized under section 428L of part B of title IV of the Higher Education Act of 1965, subpart 1 of part D of title VII of the Higher Education Act of 1965, part H of title VIII of the Higher Education Amendments of 1998, section 1543 of the Higher Education Amendments of 1992, or section 117 of the Carl D. Perkins Career and Technical Education Act of 2006: *Provided*, That the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth,

and fourteenth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

“SEC. 446. Notwithstanding section 101, amounts are provided for ‘Railroad Retirement Board—Dual Benefits Payments Account’ at a rate for operations of \$57,000,000.

“SEC. 447. Of the funds appropriated for ‘Social Security Administration—Limitation on Administrative Expenses’ for fiscal years 2010 and prior years (other than funds appropriated by Public Law 111–5) for investment in information technology and telecommunications hardware and software infrastructure, \$300,000,000 is rescinded (in addition to the amounts rescinded by section 288).

“SEC. 448. Of the funds made available for ‘Military Construction, Defense-Wide’ in title I of division E of Public Law 110–329, \$23,000,000 is rescinded.

“SEC. 449. Of the funds made available for ‘Military Construction, Defense-Wide’ in title I of division E of Public Law 111–117, \$125,500,000 is rescinded.

“SEC. 450. Of the funds made available for ‘Military Construction, Army’ in title I of division E of Public Law 111–117, \$160,000,000 is rescinded.

“SEC. 451. Of the funds made available for ‘Military Construction, Navy and Marine Corps’ in title I of division E of Public Law 111–117, \$34,000,000 is rescinded.

“SEC. 452. Of the funds made available for ‘Military Construction, Air Force’ in title I of division E of Public Law 111–117, \$87,000,000 is rescinded.

“SEC. 453. Of the unobligated balances available for ‘Department of Defense Base Closure Account 2005’ from prior appropriations (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$200,000,000 is rescinded.

“SEC. 454. Notwithstanding section 101, amounts are provided for ‘Department of Veterans Affairs—Departmental Administration—Information Technology Systems’ at a rate for operations of \$3,146,898,000: *Provided*, That of the funds made available under such heading in division E of Public Law 111–117, \$147,000,000 is rescinded.

“SEC. 455. Notwithstanding section 101, amounts are provided for ‘Department of Veterans Affairs—Departmental Administration—Construction, Major Projects’ at a rate for operations of \$1,151,036,000.

“SEC. 456. Notwithstanding sections 101 and 137, amounts are provided for ‘International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program’ at a rate for operations of \$5,385,000,000, of which not less than \$3,000,000,000 shall be available for grants only for Israel, \$1,300,000,000 shall be available for grants only for Egypt, and not less than \$300,000,000 shall be available for assistance for Jordan: *Provided*, That, for purposes of this Act, the dollar amount in the first paragraph of the fourth proviso under such heading in title IV of division F of Public Law 111–117 shall be deemed to be \$789,000,000.

“SEC. 457. Notwithstanding section 101, amounts are provided for ‘Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative’ at a rate for operations of \$40,000,000.

“SEC. 458. Notwithstanding section 101, amounts are provided for ‘United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative’ at a rate for operations of \$10,000,000.

“SEC. 459. Notwithstanding section 101, amounts are provided for ‘Department of

State—Administration of Foreign Affairs—Educational and Cultural Exchange Programs' at a rate for operations of \$625,000,000.

"SEC. 460. Notwithstanding section 101, amounts are provided for the following accounts at a rate for operations of \$0: 'Department of State—Administration of Foreign Affairs—Buying Power Maintenance Account' and 'Multilateral Assistance—Funds Appropriated to the President—Contribution to the Asian Development Fund'.

"SEC. 461. Notwithstanding section 101, amounts are provided for 'Department of State—International Organizations—Contributions to International Organizations' at a rate for operations of \$1,545,000,000.

"SEC. 462. Notwithstanding section 101, amounts are provided for 'Department of State—International Organizations—Contributions for International Peacekeeping Activities' at a rate for operations of \$2,095,000,000.

"SEC. 463. Notwithstanding section 101, amounts are provided for 'Related Programs—United States Institute of Peace' at a rate for operations of \$42,676,000.

"SEC. 464. Notwithstanding section 101, amounts are provided for 'Bilateral Economic Assistance—Funds Appropriated to the President—Economic Support Fund' at a rate for operations of \$6,284,000,000.

"SEC. 465. Notwithstanding section 101, amounts are provided for 'Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia' at a rate for operations of \$716,354,000.

"SEC. 466. Notwithstanding section 101, amounts are provided for 'Bilateral Economic Assistance—Independent Agencies—Millennium Challenge Corporation' at a rate for operations of \$900,000,000.

"SEC. 467. Notwithstanding section 101, amounts are provided for 'International Security Assistance—Department of State—Nonproliferation, Anti-terrorism, Demining and Related Programs' at a rate for operations of \$740,000,000.

"SEC. 468. Notwithstanding section 101, amounts are provided for 'International Security Assistance—Department of State—Peacekeeping Operations' at a rate for operations of \$305,000,000.

"SEC. 469. Notwithstanding section 101, amounts are provided for 'Multilateral Assistance—Funds Appropriated to the President—International Organizations and Programs' at a rate for operations of \$350,550,000.

"SEC. 470. Notwithstanding section 101, amounts are provided for 'Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the International Development Association' at a rate for operations of \$1,235,000,000.

"SEC. 471. Notwithstanding section 101, amounts are provided for 'Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the Clean Technology Fund' at a rate for operations of \$250,000,000.

"SEC. 472. Notwithstanding section 101, amounts are provided for 'Multilateral Assistance—Funds Appropriated to the President—International Financial Institutions—Contribution to the African Development Fund' at a rate for operations of \$125,000,000.

"SEC. 473. (a) Of the unobligated balances available from funds appropriated under the heading 'Export and Investment Assistance—Export-Import Bank of the United States—Subsidy Appropriation' in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of

Public Law 111-8) and under such heading in prior acts making appropriations for the Department of State, foreign operations, and related programs, \$150,000,000 is rescinded.

"(b) Of the unobligated balances from funds appropriated or otherwise made available for the Buying Power Maintenance Account, \$15,000,000 is rescinded.

"(c) Of the unobligated balances available for the Development Assistance account, as identified by Treasury Appropriation Fund Symbols 7206/111021, \$1,000,000 is rescinded.

"(d) Of the unobligated balances available for the Assistance for the Independent States of the Former Soviet Union account, as identified by Treasury Appropriation Fund Symbols 7206/111093, 7207/121093, and 72X1093, \$11,700,000 is rescinded.

"(e) Of the unobligated balances available for the International Narcotics Control and Law Enforcement account, as identified by Treasury Appropriation Fund Symbols 11X1022, 1106/121022, and 191105/111022, \$7,183,000 is rescinded.

"SEC. 474. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development' at a rate for operations of \$9,800,000.

"SEC. 475. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' at a rate for operations of \$2,927,500,000.

"SEC. 476. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development' at a rate for operations of \$187,000,000.

"SEC. 477. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service' at a rate for operations of \$1,000,000,000.

"SEC. 478. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Railroad Research and Development' at a rate for operations of \$35,100,000.

"SEC. 479. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Capital Investment Grants' at a rate for operations of \$1,720,000,000.

"SEC. 480. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Research and University Research Centers' at a rate for operations of \$64,200,000.

"SEC. 481. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund' at a rate for operations of \$4,626,000,000.

"SEC. 482. Notwithstanding sections 101 and 226, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: *Provided*, That the second and third paragraphs under such heading in title II of division A of Public Law 111-117

shall not apply to funds appropriated by this Act."

This division may be cited as the "Further Additional Continuing Appropriations Amendments, 2011".

This Act may be cited as the "Department of Defense and Further Additional Continuing Appropriations Act, 2011".

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1363 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Madam Speaker, I rise today to support H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act, 2011.

I ask my colleagues, Madam Speaker, to support this bill so that we can avoid a government shutdown and provide the necessary time to finally complete negotiations on a final funding agreement for the rest of the 2011 fiscal year.

This bill funds government operations for 1 week while reducing spending by \$12 billion. These cuts include funding rescissions, reductions, and program terminations from nearly all areas of the government. Virtually all of these cuts were also included in H.R. 1, and many were included in the President's budget requests, the Senate's alternative to H.R. 1, or the recent OMB CR proposal.

Most importantly, Madam Speaker, this bill supports our troops and our national security by providing funding for our national defense for the remainder of this fiscal year. Our troops and their families deserve to have the financial security we promised them while we continue to work towards a final budget agreement.

After months of uncertainty, it's high time we provide for our national security in a responsible way. This means commonsense funding that ensures the safety of our war fighters and the success of our missions abroad.

However, while this legislation points us in the right direction on security and spending cuts, what we all want right now is to wrap up these negotiations, complete the process for 2011, and move our many other important legislative items onto the table.

As I have said many times before, Madam Speaker, short-term measures like this are not the preferable way to

fund the government. So while no one wants to fund the government in 1- or 2-week bursts, this short-term CR is what we must do to prevent a government shutdown and allow time to pass a smart and thoughtful bill for the rest of the year.

Madam Speaker, coming into this Congress, the Democrats left us with a financial mess: soaring deficits, unchecked spending, and no budget, not a single appropriations bill for 2011. And now that we're 6 months into the fiscal year, the Senate Democrats have yet to produce any plan to help clean up this mess.

Despite all the roadblocks we've faced throughout this process, we must continue down the path to fiscal solvency, and this CR both affords us the time required to complete negotiations as well as makes the spending cuts needed to continue to help balance our budgets. We are committed to making real spending cuts like these to reduce our deficits both now and in the future. We are determined to complete this work where Democrats failed to do so.

While answering our constituents' calls to reduce excessive government spending, this bill provides time to negotiate in an honest way to do what is only right for our constituents, our Nation, and our financial future. Let's pass this bill and finally get this left-over work from last year behind us once and for all.

Madam Speaker, I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield 2 minutes to the distinguished former whip, the gentleman from South Carolina (Mr. CLYBURN), who is now the assistant minority leader.

Mr. CLYBURN. I thank my friend for yielding me the time.

Madam Speaker, my Republican friends bring to the floor today a transparent political ploy that's an insult to our men and women in uniform and their families.

It says that the Republican majority is willing to put up the funding to arm and equip our troops fighting overseas for the remainder of the year, but they won't find a way to fund the rest of the Federal programs that assist their spouses, children, and parents who are making significant sacrifices keeping the home front together while their loved ones give all that they have to keep all of us safe and free.

No, they're happy to submit them, their families, to the whims of a budget debate that I'm concerned is rapidly moving toward a shutdown that many of their supporters are clamoring for and seem pleased to have happen.

This is no peace of mind for a soldier fighting in the field to defend our freedoms and interests if his or her spouse or parents are being furloughed at home or their children are being denied essential services.

Is this bill going anywhere in the Senate? I don't think so and certainly

hope not. This kind of insensitivity should never be codified.

Madam Speaker, the VA's backlog is extensive and growing. Let's stop wasting time and raising anxieties. Let's get back to the negotiating table so we can avoid a government shutdown and the damage it will do to military families, working men and women, and our Nation's economy.

After all, it's two one-thousandth of 1 percent of the budget that's in dispute here.

Mr. ROGERS of Kentucky. I would point out, Madam Speaker, that this bill would prevent a shutdown. This keeps the government operating. That's one aspect of it.

I yield 3 minutes to the very distinguished chairman of the Defense Appropriations Subcommittee and former chairman of the full committee, the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, thank you very much.

Make no mistake about it: This is a national defense appropriations bill. This bill is based on one that was written under Chairman DICKS last year and should have been brought to this floor and passed into law last year. But for some reason, this one, along with every other appropriations bill, didn't see the light of day. This may not be the most perfect defense bill that we've ever produced here, but it is a good bill and it will keep the Defense Department functioning.

And here's the problem for those of us who work every day of our lives in national defense. We see what's happening. Under a continuing resolution, the Defense Department is getting terribly close, dangerously close, to affecting readiness, training, troops and their families. This is not something we can allow to continue.

Put away the politics. Understand the importance of taking care of our soldiers and our sailors and our airmen and our marines and their families.

□ 1220

Don't make them go without a paycheck because most of them live from paycheck to paycheck. That's just not right, but that's the way it is.

Let's pass this bill, put the politics aside. Let us get the Department of Defense away from a continuing resolution that is having a very, very negative effect on our readiness and on our training.

I want to compliment Chairman ROGERS for the good job that he has done to get us to this point today. Let's pass this bill, and let's get on with the business of the country, and especially defending our country and defending those who defend our country.

Mr. DICKS. Madam Speaker, I yield 4 minutes to the distinguished Democratic whip, Mr. HOYER, my good friend from Maryland.

Mr. HOYER. I thank the gentleman for yielding. How I miss my magic minute.

I want to say to the chairman of the Appropriations Committee, how often he and I have said, you know, when we have these impasses, we need a clean CR. This CR is unclean. This CR will not get us to where you say you want to get, Mr. Chairman, and that's not shutting down the government, because you know and I know the President will not sign this bill. Why? Because you put in poison pills that you know are unacceptable to him. Why? So you can get the votes on your side of the aisle to vote for your bill to keep the government open. Why is that difficult? Because so many of your folks, unless they get 100 percent, are prepared to shut down the government. You and I both know that, Mr. Chairman.

I have great respect for you. Very frankly, I think you and I could go in a room and solve this in the next 30 seconds, but you and I are not in that room. It is time, as the Speaker has said, to be adults.

Why is this viable piece of legislation on the floor? Because you think you can hold the government ransom for an additional \$12 billion. I said that I would not support, after supporting the first two—which I thought were reasonable to try to give us an opportunity to solve the differences that exist between us—that I would not vote for a third one, and I'm not going to vote for this one. It won't matter because it's dead anyway, and you all know it's dead. But you're banking on the fact that you know we don't want to shut down government. What's the proof in the pudding? We did not shut it down when we had disagreements with George Bush because we believed that reasonable people elected by a diverse community in America who had differences of opinion were expected by our public to come together, reason together, and act productively together.

Now very frankly, I don't take a back seat to anybody on this floor in my support of defense or the men and women in uniform, and Mr. YOUNG knows that, my dear friend, not a back seat to anyone. And yes, if we passed a unanimous consent request to fund at present levels, defense would continue. Should we have passed a defense bill last year? I think we should have. I'm sorry we didn't. I urged that we do it. But the Senate, as you might recall, would not allow any bills to come to the floor, any bills—that is, the Republicans in the United States Senate would not allow that to happen.

So now we are faced with not a let's-reason-together bill but an additional \$12 billion in cuts, which means that week by week by week you think you will get to what you want, not a compromise, not an agreement, but what you want. And you will do it \$5 billion a week, \$2 billion a week—this one is \$12 billion a week. And you have no expectation that that will pass or be

signed by the President, but you do it to pretend you want to keep government in operations. Newt Gingrich has said don't worry about shutting down the government, as he shut it down in 1995—and over Christmas—for 3 weeks, in '95 and '96.

Ladies and gentlemen on my side of the aisle, we ought to reject this specious political act which pretends that we want to keep the government open.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. We ought to do, Mr. Chairman, what you and I have done in the past as members of the Appropriations Committee: say we haven't reached an agreement, we will do a clean CR at present levels while we continue to negotiate on behalf of the American people to do what we all want to do.

Mr. DICKS. If the gentleman will yield on that point, if we did that, if we had a clean CR, the President would sign it into law.

Mr. HOYER. Absolutely. And that would pass the Senate as well.

I urge my colleagues to reject this CR and adopt a clean CR that will keep the government in operation and allow us to come together and reason together and pass a reasonable piece of legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the Members that remarks must be addressed to the Chair and not to others in the second person.

Mr. ROGERS of Kentucky. Madam Speaker, insofar as the military is concerned, this is not a CR. This funds the Department for the balance of the year. The rest of the bill, of course, is the CR.

I yield 3 minutes to the very hard-working chairman of the House Armed Services Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. I thank the gentleman for yielding.

I rise in strong support of the bill before us that will fund our troops through the end of the fiscal year, cut an additional \$12 billion in Federal spending, and prevent a government shutdown.

Failure to pass this resolution would intentionally harm those who have made great sacrifices in defense of our ideals and our values. We simply cannot have our fighting forces on the front lines in Iraq, Afghanistan, and Libya wondering if their families at home will be provided for. It would be a grave injustice and a gross affront to the civil-military relationship. Their pay cannot, should not be disrupted, not for a week, not for a few days, not for a second. Our men and women in uniform deserve better.

I don't even want to contemplate a government shutdown, but if it should

happen, people need to know that the pay to our military would be suspended. This means we would have our troops on the front lines risking their lives with their families at home, with bills to pay and mouths to feed, and they wouldn't get their paycheck.

As Secretary Gates has said, many of our youngest sailors, soldiers, airmen, and marines live from paycheck to paycheck. While wives and husbands are off fighting to keep this Nation safe, we cannot have them left wondering what's happening to their families.

I think we are mature enough to fix this problem. But if we don't, failing to properly resource the Defense Department during the difficult trials of war could arrest the momentum that has been achieved through the blood, sweat, and tears of our troops.

The military is already overstretched, over-deployed and over-worked. Should this resolution fail, they will also be underpaid. We have too much riding on these young men and women to sell them short. Let's work together to figure out this budget, but let's also get this military pay issue off the table first.

I encourage all Members to send a clear message to our military men and women by supporting this critical troop funding appropriations bill—this Congress believes in you, we support you, we honor your dedication.

Mr. DICKS. I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN), former chairman of Interior, now the ranking Democratic member of the Interior and Environment Subcommittee.

□ 1230

Mr. MORAN. I thank the very distinguished former chair of the Appropriations Committee and now ranking member of the committee as well as of Defense.

Madam Speaker, none of us want any of our soldiers to go unpaid for 1 day or for one moment—obviously, they should not—but there are also representatives of virtually every agency in the government who are working for our goals and objectives throughout the world in combat situations, many of them—in hardship situations. Much of the essential work of the government, our people in the military would be the first to say, is performed by people who don't happen to be in uniform. None of them should go without pay.

This government represents the most important nation in the world, and we are responsible for funding it. We represent the people, and they work for the people. The problem with this bill is that the decision to bring it up now is tantamount to shutting down that government.

What we should be doing is exactly what Mr. HOYER and Mr. DICKS have suggested, which is to bring up a clean

continuing resolution, to let us get through the weekend, to come up with a long-term resolution for the rest of the fiscal year, and then to fight out these ideological battles in the fiscal year 2012 appropriations bills.

This is no way to run a government, Madam Speaker, but we do have some precedent. The last time the Republican Party took over the Congress back in 1995, some of my colleagues will recall, we also shut down the government on two occasions for a total of 27 days during the Christmas period. We know what happened then: 800,000 Federal Government workers were furloughed, and it cost the taxpayers more than \$1.4 billion. Let me just mention some of the things that happened then and that will happen again.

The Minerals Management Service had to shut down many of the rigs that produce oil, which power this economy. It is estimated that the companies which owned those rigs had to pay at least \$525,000. They couldn't get any oil. They were shut in. We had 200,000 U.S. applications for passports which went unprocessed. Thirty thousand applications by foreigners for visas, much of it for business that had to be done in this country, were closed down. U.S. tourist industries and airlines sustained millions of dollars in losses. That's what will happen again.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. Toxic waste cleanup was stopped at 609 sites; 2,400 Superfund workers were sent home; 368 National Park Service sites were closed down; 7 million visitors weren't able to visit the parks; there were more than 2 million visitors who couldn't go to national museums and monuments; the Smithsonian will be shut down; Federal contractors were furloughed.

Throughout this country, not just in the Federal Government, this economy took a deep hit. Jobs were lost. Money was lost. People couldn't pay their mortgages and their car payments. Don't let it happen again, Madam Speaker. Let's pass a clean CR.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to a member of our committee, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Thank you, Mr. Chairman.

Madam Speaker, this past week or so ago, we had the NCOs of all the Services come in to appear before the MilCon Subcommittee. The question was asked, I believe, by my friends on the other side: What is the number one concern of the United States military, of those who are fighting our wars today—our wars in Afghanistan, Iraq and now in Libya? What is their number one concern?

The top NCO of every Service said: Losing their paychecks and not being

able to care for their families back home.

Now, the Democrats are holding our poor troops hostage so that they can have this agenda that is going to result in shutting down the government. Let's make this clear. What we are offering today is to continue the government in action for the next week but to make sure that our troops know that their pay is going to be solid because we are going to fund the Defense Department for the next 5 months.

This is intolerable. We offered in H.R. 1 to fund the entire government and to fund our troops. The Democrats rejected it. We offered again today to fund our troops—to make sure that they're going to get paid and to make sure that the contracts are met and that essential training services are there. They refused it. We have a backup bill, H.R. 1297, which will just guarantee that the troops get paid. They've refused it. Now the Commander in Chief of the military in this country has announced that he is going to veto a bill that would see to it that our soldiers get paid.

The number one worry of men and women in combat today: Will my folks back home have a paycheck?

Now, that's not me saying that. That's the highest NCOs in the Army. We need to respect that and we need to pass this.

Mr. DICKS. I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. PRICE), who is the ranking member on the Homeland Security subcommittee.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to this continuing resolution.

All of us know we are having this debate at a challenging and tense time. We are facing an entirely unnecessary government shutdown, a shutdown that has already been disruptive to critical governmental functions and to our communities, and which may become radically more so. But we all know—everyone in this Chamber knows—this could have been avoided. This is a politically generated crisis.

In December, this House had the opportunity to pass an omnibus appropriations bill—12 subcommittee bills, each written with bipartisan cooperation, with substantial savings relative to the President's budget request—and Republicans in the Senate refused to even consider that omnibus bill.

So, failing that, we asked, What about a yearlong continuing resolution with even more savings? Again, Republicans in the Senate said they would filibuster such a bill, so here we are. What our friends on the other side of the aisle opted for instead was a potential March shutdown that they thought they could use to leverage the tea party agenda.

Now, I and many others on this side of the aisle have been willing in recent

weeks to vote for two short-term continuing resolutions to give the process of negotiation more time. We accepted additional cuts, cuts that avoided real damage to the recovering economy or to critical investments. Unfortunately, the resolution before us today breaks with that pattern. It attempts to hold the House and the country hostage to an extreme ideological position to which the Republican Conference has, unfortunately, caved in.

This resolution proposes \$12 billion in unacceptable and damaging cuts, cuts that would threaten this fragile recovery, destroy jobs, and pull back critical national investments. It takes, for example, \$200 million from the Supplemental Nutrition Program for Women, Infants and Children. It takes \$150 million from Federal law enforcement. It would take over \$200 million from the Department of Energy's environmental cleanup programs.

In the homeland security area, with which I am most familiar because of the subcommittee I chaired and on which I now serve as ranking member, it would reduce FEMA's State and local grants by 20 percent, below 2010 levels. Both the State homeland security grants and the urban area security grants would go to historically low levels.

The continuing resolution would decimate the Land and Water Conservation Fund. It would radically cut the Clean Water and Drinking Water Revolving Funds. It cuts the Centers of Excellence for veteran students. It cuts school improvement investments by \$148 million, including efforts to improve education for returning veterans. It cuts hundreds of millions from the Centers for Disease Control. It would cut \$1.5 billion from a critical national investment—high-speed rail. It would cut public housing operating funds drastically.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. PRICE of North Carolina. Madam Speaker, these cuts are economic folly. They have the potential to damage this fragile recovery and to compromise critical national investments. Republicans may be willing to risk a governmental shutdown to appease extremist elements, but we cannot allow our country to be held hostage to their radical agenda.

□ 1240

Pass a clean Continuing Resolution and continue the discussions. But do not deliver this body blow to our economy.

Mr. ROGERS of Kentucky. I yield 2 minutes to the chairman on our committee of the Subcommittee for Transportation and HUD, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Kentucky.

The idea that this is somehow artificially created is unbelievable. Is there any memory over on the other side here about what happened last year for the first time since the Budget Act of 1974—that you didn't even attempt to pass a budget last year? You initiated what the majority on your side, both in the House and the Senate, and the Presidency, did not pass one bill into law. That's why we're here today. You know that's not artificial.

And I'm glad they got the talking points down from Senator SCHUMER about being extreme. I tell you what's extreme is to continue to spend this country into oblivion. You're going to have our kids and grandchildren working for the Chinese if you continue this.

And that's why, Madam Speaker, today I rise in support of H.R. 1363, the Troop Funding Bill. It's unfortunate that we have to be here in this way today. But we have no choice because of the inaction of the other side from last year.

This bill will provide much-needed certainty for our troops in the field and would keep the government open for another week. It also makes \$12 billion in cuts in other programs, most of which were proposed by the President and by the Democrats—the cuts that we're talking about that are so supposedly draconian out of a \$3.6 trillion budget we can't cut \$12 billion, apparently.

Now, many in the Senate would like to see the Department of Defense budget used as an offset to continue the spending binge we're on here in Washington. But we cannot allow our troops to be used as a bargaining chip in negotiation. It's time to take the Department of Defense off the table and fund our troops for the rest of this year.

Our brave men and women in the field are engaged in three different wars—one just started again by this President—around the globe and they deserve to know that they have the full support of this Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield the gentleman an additional 30 seconds.

Mr. LATHAM. We owe it to those sacrificing for us both home and abroad to ensure that there is not an interruption of their pay. This measure continues to show the House Republicans' commitment to our men and women in uniform while protecting the cause of freedom around the world, as well as our commitment to fiscal sanity in cutting spending while keeping the government open.

If this is rejected by the House and Senate Democrats and the White House—and it's amazing the Commander in Chief of the military is going to veto a bill that will fund his troops. I've never heard anything more outrageous.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from New York (Mr. ISRAEL), who is a former member of the Appropriations Committee doing great things in his new job.

Mr. ISRAEL. I thank the gentleman. Mr. Speaker, Republicans came to Washington promising to change the way Washington works. And what do they give us? This political stunt of a resolution.

They came to the majority in 1994 and shut down the government. They came back to the majority in 2010, and they want to shut down the government, and they want to blame Democrats for doing that. The American people see right through this.

They know that you demanded \$73 billion in cuts and we agreed to \$73 billion in cuts. Now you're saying you want more. They know that not only do you want more, but you want to add restrictions on a women's right to choose. They keep moving the goal posts further and further to the far, far, far, far right. And it is enough.

Now, I keep hearing my friends on the other side of the aisle talk about their concern about debt and deficits. And we agree. Let me remind my friends on the other side of the aisle that several weeks ago, we offered an amendment that would have reduced spending by asking the top five richest oil companies in America just to forgo this year's portion of their tax subsidy. And they said "no."

Let me remind my friends that several weeks ago, we offered to reduce spending by eliminating funding for the Bridge to Nowhere. And they said "no."

Keep spending on the top five richest, most profitable oil companies, keep spending on the Bridge to Nowhere, but privatize Medicare for senior citizens. Make them tighten their belts, make them sacrifice. But when it comes to our friends in the special interests, spend, spend, spend.

We see right through it. The American people see right through it. It's time to do what we offered to do, which is to meet you where you wanted to meet us until you moved those goal posts.

Enough, Madam Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to other Members in the second person.

Mr. ROGERS of Kentucky. Madam Speaker, may I inquire of the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Kentucky has 16½ minutes remaining, and the gentleman from Washington has 14½ minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to one of my

hardworking subcommittee chairmen on Appropriations, the chairman of the Interior Subcommittee, the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. There is a way to avoid the consequences of a government shutdown that the gentleman from Virginia (Mr. MORAN) spoke about just a few minutes ago, and that is to pass this CR, put it on the President's desk so that he will sign it. And I believe he will sign it.

The gentleman from North Carolina said this could have been avoided. He's absolutely right. This could have been avoided. It could have been avoided when the Democrats controlled the House and the Senate and the Presidency last year by actually passing a budget or passing an appropriation bill on the floor of the House.

Guess what? That never happened. You left us with this mess. And now you complain about the way we're trying to clean it up.

The gentleman also said this is an ideological position on which the Republicans will not yield. He's right. And that ideological position is, this country is in a fiscal crisis, and we are going to get our house back in order. If that's the position that we're being criticized for, I welcome that criticism.

Mr. Speaker, nobody wants this government to be shut down. And frankly, there is absolutely no reason to close down the government. The smart thing to do would be to pass this 1-week CR that saves the taxpayers \$12 billion and addresses the dual goals of addressing the fiscal crisis that we're in and averting a government shutdown.

It also funds our troops for the rest of this year. It enables our congressional leaders and the White House to dot the I's and cross the T's on the final spending bill for 2011. That would be the smart thing to do.

Many of the spending reductions contained in this CR are spending reductions that the President has submitted to Congress in either his FY11 or FY12 budget request. Almost \$1.3 billion of the spending reductions come from my own subcommittee, the Interior and Environment Subcommittee. And these are spending reductions that will probably be in any final agreement that is made between Republicans and Democrats.

So the \$12 billion is not extreme. It will be in the final agreement, whatever that agreement is. There is absolutely no reason why the Senate cannot pass this bill and send it to the White House. I believe if you put it on the President's desk, he will sign it so that our troops are funded.

Mr. DICKS. I yield 2 minutes to the gentleman from the District of Columbia (Ms. NORTON) who can explain why part of this CR is very ideologically driven and extreme.

Ms. NORTON. I thank the gentleman for his efforts.

I'm here to say to my good friends on the other side, it's one thing to beat up on the District of Columbia; it's another thing to drop a bomb on the city. And that's what this CR does.

It takes the route of authoritarian governments and dictatorships by dictating to a local government how it may spend its local funds. And it may force the District of Columbia government to shut down, even though the District government had a balanced budget, passed it last spring and had it approved by the committees in this House and Senate since last summer.

□ 1250

But because the Congress can't figure out how to pass its own budget, it now threatens to close down the District of Columbia government, which doesn't have a dime in this federal budget, only local funds. My amendment could have avoided all this by allowing local funds to continue to be spent by the District of Columbia.

The other side has been engaged in many attacks on the city's right to self-government, from stripping our vote in the Committee of the Whole, approved by two Federal courts, to three riders in their H.R. 1. But the ultimate attack on a local self-government is Federal usurpation, a virtual taking of our local funds by not allowing the city to use its own money to keep its own local government running.

Worse, there is an attempt to use the District of Columbia as a bargaining chip in these negotiations. There have been no riders in prior continuing resolutions. Shamefully, here the District of Columbia is paired with a rider that no prisoners can be brought into the United States with another that says D.C.'s local funds shall be captured by keeping the city from spending its own local funds on abortion.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DICKS. I yield the gentlewoman an additional 30 seconds.

Ms. NORTON. How much more contempt can you show for the citizens who live in the Nation's Capital? If the Republicans are going to require Members to cite the Constitution in introducing legislation, I ask them to stop tearing up the Constitution and throwing it in the faces of the American citizens who live in the Nation's Capital.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mr. DICKS. I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Thank you, Mr. DICKS.

There is something we have to acknowledge, whatever side of the issue we are going to vote on: we are playing with fire. A government shutdown is going to have two consequences: one, the obvious, and that is folks that depend on governmental services are going to be enormously inconvenienced. Contractors who are owed

money from the Federal Government won't be paid. Our citizens are going to be adversely hurt. And folks who work honestly and hard every day for the Federal Government are going to be out of a job. That's significant.

But what's really significant in the long term is that this is sending a signal to the world, not just America, that the American political process is fundamentally broken. If we are unable to reach an agreement on a 1-week continuing resolution to keep government going, what are the prospects for us when we face the challenge of a budget next year? What are the prospects for us when we face the challenge that looms ahead of us in May of raising the debt ceiling so that America can honor the obligation that it has to pay its bills?

When the world begins to lose confidence that America's political process can function, it is going to have a very dramatic and negative impact on the economy. Interest rates are going to go up because the cost of borrowing will go up because the anxiety about whether America meets its obligations will increase. We are playing with fire here.

The biggest problem I have with the proposals that have been made fiscally on the other side in my view is that they are designed to fail. It's not that there isn't a legitimate concern about spending and getting our fiscal house in order. You're right about that. We share that. But if we're going to get from here to there, you cannot attack 100 percent of the problem on 12 percent of the budget.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 30 seconds.

Chairman SIMPSON a moment ago referred and reminded us that we're in this mess that we're in because the other side, when they controlled the House last year, failed to pass a single appropriations bill and left the mess in our hands when we took over in January. And now they are complaining about the way we're trying to clean up their mess. It reminds me a bit of Abraham Lincoln back in Illinois when he was practicing law spoke of a man who was accused of killing his parents, and in court made a plea that he was an orphan.

I yield 2 minutes, Madam Speaker, to the chairman on the Financial Services Subcommittee on our full committee, the gentlelady from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Madam Speaker, I rise in support of this resolution, and really want to express, I believe the opinion of all of us, that we do not want the Federal Government to shut down because doing so means abrogating our responsibility to serve the American people from both the legislative and executive branches.

We have all talked about how a shutdown also means our men and women

in uniform will face the uncertainty of serving without pay. Your phones must be ringing like mine are, because we are hearing from so many military families whom we represent. They are facing uncertainty on top of uncertainty, posted overseas or with a family member away on active duty in harm's way. They are just trying to keep their households intact. And the President would veto such a piece of legislation?

So this measure achieves two important goals. It ensures our military operations and the pay of our military members are uninterrupted, and it provides us another week to continue negotiations. No one in this Congress should mistake this for easy work, because it isn't. We are attempting to reduce discretionary spending from historic heights, control the growth in the scope of government, and give our children a future where the necessary functions we enjoy today exist for them tomorrow. We are also attempting to endow them with a future in which they can enjoy low taxes, keep more of what they earn, and invest in new ideas and opportunities, those things that have made our Nation great.

The negotiators and staff members on both sides of this effort are working late hours, weekends; and I am convinced we all want to get this right. But it would be more helpful if we could agree to work and find consensus instead of ripping apart a 1-week bill that funds our troops. I am not the only one to notice that we began the budget process for 2012 this week at the very moment when we are trying to resolve our responsibilities for 2011.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ROGERS of Kentucky. I yield the gentlelady an additional 30 seconds.

Mrs. EMERSON. I hope we can achieve that first goal this week so we can move onto the next order of business, y'all, serving the people we represent through the budget process, and making the difficult decisions to curtail spending we can't afford. We shouldn't borrow, and we sure don't want our children and our grandchildren to pay the bill when it comes due.

Mr. DICKS. I yield 2 minutes to the distinguished gentlelady from Ohio (Ms. KAPTUR), who is the most senior woman in the House of Representatives and on the Appropriations Committee.

Ms. KAPTUR. I thank our distinguished ranking member, Mr. DICKS, for yielding me this time.

Madam Speaker, in our tender economy, where job creation should be our top priority, this flawed legislation moves us backwards. It gives no confidence to the markets that anyone here in the majority knows what they are doing. It is just more fits and starts and stops. This bill is partial, it is short term, and it is a selective bill

that leaves the vast majority of budget choices off the table. It is irresponsible.

It selects only some of our valiant fighting forces—some would say “uses” them—and extends paychecks for only some through the end of September. But it leaves out the majority of Americans who expect good government out of this Congress to ensure economic growth and a continued recovery on the job front. The American people are sick and tired of political antics. Let me point out this bill is so flawed it leaves out the veterans who come home and can't get work and are lined up with their families at food banks across this country. This bill does nothing about reemploying them, nor assuring their sustenance as employment and food commodity programs are left off the table.

□ 1300

This resolution leaves out decisions regarding food supplies to those pantries so essential to holding life together for our unemployed veterans as well as for millions of other Americans facing hard times. And what about those vets lined up to exercise their GI benefits at local community colleges? This resolution turns its back on 2011 educational funding at community colleges that are an essential reentry portal for returning veterans. So this bill is partial, selective and lopsided.

What about those vets with disabilities who are lined up across our country to get adjudication? This resolution turns its back on them and those adjudication judges that also get paychecks, some as contracted employees, from the government of the United States to do their job of serving veterans.

Let me urge the majority to do what the American people sent us here to do, and that is to govern, to govern for all, to not leave anyone out, to not leave any veterans out, to not leave the vast majority of Americans out.

I ask my colleagues to defeat this flawed resolution. Let us govern responsibly by addressing the entire budget, not just a slice of it; and let's turn the focus here to creating jobs which is what the American people really want.

Mr. ROGERS of Kentucky. I yield 1 minute to a member of our committee, and a good one, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Speaker, passing this measure is absolutely the responsible thing to do. We are on the brink of an avoidable, potentially destructive government shutdown; and first and foremost we ensure that our troops are funded for their service to the Nation. Let's get that done.

The American people elected us to ensure the Federal Government runs effectively and efficiently, and allowing even a temporary shutdown is a failure of our most basic responsibility as Members of Congress.

Let's not forget the reason we are here today and in this predicament. It was the inability of the Democratic leadership last year to pass a budget. They didn't even try, and they failed to complete any of the appropriations bills.

In fact, Senator SCHUMER has made it quite clear that a government shut-down is in his political interest. Perhaps that's why the Senate isn't doing anything. You know, they have two paces over there: slow and glacial.

Today was a new day in the Senate. They started slowly and they're winding down from there. I wish they would get to work and pass some type of an appropriations bill.

We passed an appropriations bill; they passed nothing. We need to get this done. It's important to fund the troops, it's important to keep the government open, and this is the right way to do it.

Mr. DICKS. Madam Speaker, may I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 8 minutes remaining, and the gentleman from Kentucky has 10½ minutes remaining.

Mr. DICKS. I would invite the gentleman to go ahead with a couple of more speakers at this juncture.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 1 minute to a brand-new member of our committee, and a hardworking one at that, the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the chairman for yielding and for his great leadership.

Madam Speaker, just a reminder as to why we are standing here again debating another CR on this floor is because the Democrat leadership in the last Congress did not fulfill the most basic function that we have in the United States Congress, and that is passing a budget or a single appropriations bill.

As a member of this Appropriations Committee, I am pleased that today we have a CR bill that will have another \$12 billion worth of cuts and that, as importantly, will fully fund the Department of Defense for the rest of this fiscal year.

It was 47 days ago that we passed a bill in this House that would have kept government open, that would have cut \$100 billion from the President's 2011 budget and would have fully funded our troops through the end of 2011. Any bill we pass must include full funding for our men and women serving in our military.

I represent Wright-Patterson Air Force Base, one of the largest Air Force facilities in the country, and they could be forced to furlough many of the 27,000 military, civilians, and contractors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. AUSTRIA. We have to pass this CR budget with the military component included.

Mr. DICKS. I continue to reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 1 minute to another new member of our committee and a new Member of Congress; but he is doing a great job, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Thank you, Mr. Chairman.

We're engaged in a budget battle for the future of our country, but we have the freedom to engage in that battle because of the brave men and women that have their lives on the line fighting for that freedom.

Have we forgotten? Only 10 years ago, there were those who would have destroyed this very building and disrupted these proceedings by an act of terror, and we have men and women today fighting to make sure that those acts of terror are never repeated. That's their mission.

It's unconscionable that we would send men and women into harm's way and not fund their efforts. That's why we need to pass this bill, because if we do, we will have the liberty to pursue our mission while our men and women in uniform have the liberty to pursue theirs.

Thank you, Madam Speaker.

Mr. DICKS. I yield myself 15 seconds.

I would just remind the gentleman that if we had a clean CR, the troops would also be taken care of, and a clean CR would be signed into law by the President of the United States so it would be effective.

What is being proposed today will be vetoed. The President has already sent a statement.

I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE) who is a distinguished member of this institution.

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the Members on this floor today.

I believe that this is one of the most serious debates that we will have in the history of this Congress. It is whether or not America belongs to all people and not special interests.

Coming from the State of Texas, I can tell you that statistics will say that we probably have the highest number of men and women serving in the United States military, a large number of bases, a large number of veterans; and we well know the values of those men and women who sacrifice and leave their families and go overseas.

But I said yesterday on the floor of the House, we have values. As my colleagues have said, can we say it one more time? We will support a clean CR to pay our troops, to pay their families, to keep the doors of our hospitals open, to provide Medicare for our sen-

iors and Medicaid and education for our children.

But, no, friends on the other side are strangled by special interests, picket signs and loud shouts about "shut it down." The President has already said he will veto this silly legislative initiative.

Why are we in the midst of a serious budget debate? By the way, the Ryan budget that has been put out by the Republicans will deny 66 percent of citizens, of seniors, off of Medicare. They will be off. We will not balance the budget under the Ryan budget until 2040. It will cause \$8 trillion more debt.

It's hard for America to understand this complicated process. It seems so confusing, but, my friends, we're talking about last year where people have already committed, making commitments to pay their bills like you would make commitments.

And then in the middle, you would be shortchanged or cut off. Where is the heart on the other side? Yes, yesterday I said shut the government down if you have no heart because we're not going to compromise our values.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. JACKSON LEE of Texas. This is wrongheaded and misdirected. I ask you to vote it down and vote with the American people.

Madam Speaker, I rise today in opposition to H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act of 2011. While I support our men and women in the armed forces and our need to ensure our national security, I cannot with clear conscience support another continuing resolution that does not allow vital programs to be fully funded.

We must consider the consequence of passing another continuing resolution. Funding the government for a week at a time cripples agencies, rendering them unable to look to the future and focus on how to best serve the American people in the coming fiscal year.

The funding cuts in this particular continuing resolution are harmful to countless Americans and many of my constituents in the 18th Congressional District. We cannot continue to cut services for children, senior citizens, and the underserved. We cannot allow budgets to provide tax cuts to the wealthiest among us, while ignoring the needs of less advantaged citizens. This bill will cut funding that keeps Americans safe and healthy.

The Department of Health and Human Services will suffer deep funding cuts under this proposal. Programs such as hospital preparedness grants, which allocated 28 million dollars to hospitals in Texas last year, will see its budget cut by \$185 million dollars, money that could be used to prepare communities and hospitals for public health emergencies.

The Centers for Disease Control's Immunization and Respiratory Disease Center will lose \$156 million dollars. Cuts to this vital program will surely impact the millions of dollars in grant money to purchase and administer vaccines that Houston has received from the

Immunization and Respiratory Disease Center. These cuts will certainly harm infants and children of low income families who rely on money appropriated for vaccinations to prevent disease and death.

The proposed cut of \$390 million from the LIHEAP contingency fund will affect the 500,000 low-income households in Houston that were receiving heating and energy discounts last year.

I urge my colleagues to consider the constituents in their home districts who would be hurt by these cuts. I urge my colleagues to consider the ramifications for the nation by cutting \$495 million dollars in FEMA First Responders grants, and the impact that cutting \$192 million from the Department of Energy's Environmental Clean Up Program will have on future generations.

My Republican colleagues who support the passage of this continuing resolution seem more concerned with placing controversial issues like the right to choose in the text of the bill. Instead of placing irrelevant ideological issues into a continuing resolution, we must take this time to pass a responsible budget that reduces spending without cutting programs essential to the well being of the American people.

This bill contains many large and dangerous cuts in its one week of CR government funding, including \$2 billion in cuts to investments in infrastructure projects that are needed for our nation's continued economic growth. The bill makes reprehensible cuts to the most needy in our elementary and secondary education system by rescinding some \$186,500,000 from funds already made available for the Department of Education's Education for the Disadvantaged program.

The bill shamelessly resorts to the use of highly offensive, inflammatory and controversial policy riders highlighted by the Red Herring issue and attack on women embodied in prohibiting the District of Columbia from using Federal funding and the District of Columbia's own funds for abortions even when the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

President Obama found the one week CR and its policy riders so objectionable that he declared his clear intention to veto the bill and issued a call for Congress to work together to produce a responsible appropriations measure to fund the remainder of fiscal year 2011 and avoid a devastating government shutdown.

I join the President in his call for a responsible appropriations measure to fund the remainder of fiscal year 2011 and avoid a devastating government shutdown. By using this bill with its attached one week CR, the Republicans are engaging in a high stakes masquerade with dire stakes for the American people and business across the country that rely on having a functioning Federal government. The Republicans mask and hide their shame by putting reprehensible and destructive funding cuts in H.R. 1363 which is supposed to provide for a year of funding for our brave men and women serving in the armed services. Shame on them for doing so and shame on them for bringing this nation perilously close to a government shutdown.

Instead of this meager attempt to pass another fake, short-term CR that does not ad-

dress the issues facing the American people who are counting on Congress to get this right, we need a Clean CR that does not have outrageous Draconian cuts or hold our Veterans and the men and women serving our country honorably as hostages for the sake of Partisan point scoring. I urge my colleagues to join me in rejecting this bill and calling for a proper CR which responsibly funds the Federal government through fiscal year 2011.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BROOKS) a member of the Armed Services Committee.

Mr. BROOKS. Mr. Speaker, let's remind everybody why we are here. We are here because we are trying to save our Federal Government from unsustainable budget deficits.

During the regime of NANCY PELOSI as House Speaker and majority leader over in the Senate, HARRY REID, we have had four consecutive budget deficits that average \$1.2 billion a year. Those are unsustainable. They threaten our Federal Government's solvency; we are facing a national bankruptcy.

□ 1310

And so what are we trying to do today? We are trying to protect our troops who are in Afghanistan and Iraq so that they don't have to worry about whether their homes are going to be foreclosed on as they're off doing battle and their kids and their wives are at home.

We have people from Colony, Alabama, a lady who has two young children, aged 3, twins, and she is fighting on behalf of our country. We have soldiers that I met in Afghanistan and Iraq that are fighting on our behalf. I ask that this House and this Senate do what we should do, and that is protect our troops by funding them adequately and don't leave them in a position where they are not able to take care of their own people at home.

Mr. DICKS. Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

I rise in support of the Department of Defense and Further Continuing Appropriations Act. This 1-week continuing resolution will fully fund the Department of Defense for the remainder of this fiscal year and reduce government spending by \$12 billion, and it is worthy of the support of every Member of Congress.

Look, no one wants a government shutdown. But if we don't take a stand for fiscal discipline in Washington, D.C., we're going to shut down the future for our children and grandchildren.

To be honest with you, I'm frustrated that we're here again with another stopgap measure. I'm frustrated that

liberals in the Senate continue to resist efforts to accept even modest budget cuts in this year's budget. We're talking about a 2 percent reduction in this year's budget. That's unacceptable to the liberals down the hallway. It seems like liberals in the Senate would rather shut the government down than accept a 2 percent cut in the Federal budget. It seems like liberals in the Senate would rather shut the government down than accept a 2 percent cut in the Federal budget. It seems like liberals in the Senate would rather shut the government down so they can continue to borrow money from China to fund the largest abortion provider in America.

But in this moment, I'm going to support this resolution because the troops come first. We cannot put fiscal battles ahead of support for those who are currently engaged in America's real battles. This CR reaffirms our commitment to our troops. It fully funds DOD for the balance of the year, and it reaffirms our commitment to our most cherished ally, Israel, during these uncertain days.

Now, earlier this week, Senator HARRY REID said the biggest gap in negotiations is between Republicans and Republicans. Nothing could be further from the truth. The biggest gap in these negotiations over a possible government shutdown are between liberals here in Washington, D.C., and the American people. That's where the gaps lie. The American people want to restore fiscal discipline and provide for the common defense, and they know we can do it.

Today, Senator REID took to the floor of the Senate and called this very resolution "a surefire way to shut down the government." And, astonishingly, the Commander in Chief has threatened to veto a bill that would fund our troops at a time of war. Astonishing.

Look, we are going to pass this continuing resolution. We are going to fund our troops in harm's way and stationed all across the world and all across this Nation. And if Democrats here in Washington would rather play political games and shut down the government than support our troops, defend our Treasury and respect our values, then I say shut it down. And I'm certain the American people are going to know who to blame.

Mr. DICKS. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Washington has 5¾ minutes.

Mr. DICKS. I will yield myself 4¾ minutes.

I just want to make sure that everyone has heard the Statement of Administration Policy that was issued today: "The administration strongly opposes House passage of H.R. 1363, making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes. As the President stated on April 5, 2011, if negotiations are making significant progress, the administration

would support a short-term, clean continuing resolution to allow for enactment of a final bill.

“For the past several weeks, the administration has worked diligently and in good faith to find common ground on the shared goal of cutting spending. After giving the Congress more time by signing short-term extensions into law”—which, by the way, many of us voted for—“the President believes that we need to put politics aside and work out our differences for a bill that covers the rest of the fiscal year. This bill is a distraction from the real work that would bring us closer to a reasonable compromise for funding the remainder of fiscal year 2011 and avert a disruptive Federal Government shutdown that would put the Nation’s economic recovery in jeopardy. The administration will continue to work with the Congress to arrive at a compromise that will fund the government for the remainder of the fiscal year in a way that does not undermine future growth and job creation and that averts a costly government shutdown. It is critical that the Congress send a final bill to the President’s desk that provides certainty to our men and women in military uniform, their families, small businesses, homeowners, taxpayers, and all Americans. H.R. 1363 simply delays that critical final outcome.

“If presented with this bill, the President will veto it.”

I think the President is right.

What I suggested yesterday to the Rules Committee and to our chairman was that we go forward with a clean CR, which we have done many times. It would allow the President to sign this and us to finish our work. I would much rather have preferred if the clean CR was at a point when all three—the President, the Speaker, and the Majority Leader—had all agreed and said, “We’re done; we need a little more time to do the paperwork,” but that is not the situation that we’re in.

I also want to reiterate, with a clean CR, the troops will be paid and they will receive their checks as they should. And the defense part of this bill, I have worked on. It’s a very good piece of legislation. But when you throw in the District of Columbia abortion issue, it really shows that you’re not serious. That’s why the American people I think believe that this is ideology and not people working together in a commonsense way to get this thing resolved.

So, again, I worry about what we’re doing here in terms of economic policy, that again the magnitude of these cuts are going to have a negative effect on the economy. We need to create more jobs, to lower the deficit, and put people back to work.

I urge that we defeat this bill.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Kentucky has 4½ minutes remaining. The gentleman from Washington has 2 minutes remaining.

Mr. DICKS. I believe that the Democratic whip may want to propound a question to the chairman, so I am not going to yield back my time until he has an opportunity to do that.

Mr. ROGERS of Kentucky. Madam Speaker, I am prepared to close.

Mr. DICKS. I yield 1 minute to the distinguished Democratic whip, my good friend, the gentleman from Maryland (Mr. HOYER).

□ 1320

Mr. HOYER. Madam Speaker, I want to ask the chairman if he will yield to me for the purposes of making a unanimous consent request that we proceed with what we would call a clean CR, which would provide for the funding of the troops, provide for the funding of all other government agencies at the levels that we are currently at, which of course involve all the cuts that have been made to date in the last two CRs that we passed and for which I voted. I tell my friend, the reason I want to propound this unanimous consent, it will in fact provide for a document, an act, to pass this House which I believe will in fact pass the Senate and will in fact be signed by the President.

As a result, we will protect our troops and we will protect all other services that government has available for the American people.

I ask my friend if he will yield to me for that purpose.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. I think I have concluded, Madam Speaker, in asking the chairman whether he would yield to me for the purposes of making that unanimous consent so that we could have an act pass this House that we know will be signed by the President and will protect the troops and will keep the government open.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Speaker, what the gentleman is asking is if we will continue the status quo. We do not and cannot accept the status quo.

Mr. HOYER. Will the chairman yield simply for me to clarify my request?

Mr. DICKS. I yield my remaining time to the gentleman from Maryland.

The SPEAKER pro tempore. The gentleman from Kentucky controls the time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 1 minute to the gentleman from New York (Ms. BUERKLE), a new Member of this body.

Ms. BUERKLE. Madam Speaker, I rise in support of this bill, the bill to

fund our troops. The last Congress failed to pass a budget, and that’s why we’re here. That’s why we’re debating these CRs.

This continuing resolution is the right outcome, not only for the American people, but for our military. This isn’t a Democratic or Republican issue, this is what’s best for the American people, and most importantly what’s best for our troops. Give them certainty, give them what they need to keep us safe and allow us to be here today with this debate.

Mr. ROGERS of Kentucky. I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Speaker, while we stand here debating the course of our fiscal future, brave men and women are in harm’s way, taking the fight to our enemies around the world. Their families here at home are doing all they can to keep a brave face and keep their family going while their loved ones are abroad.

Sadly, because of the Senate’s inaction, these families now face an even greater challenge. Unless the Senate changes course and listens to the American people, our U.S. military families will soon not receive their paychecks. From my home State of Arkansas, we have over 5,000 active duty servicemembers as well as 246 Army National Guardsmen deployed to Afghanistan and Iraq. My district is home to Little Rock Air Force Base, where we have 5,500 airmen and over 15,000 military family members.

Think about this, ladies and gentlemen: the men and women facing our enemies every day don’t know whether they will get paid. As the standard bearer for the free world, it is unacceptable and, really, just embarrassing that America can’t pay its troops for their service. This is not the time for servicemembers and their families to worry about when the next check will arrive.

I support this bill.

Mr. DICKS. Madam Speaker, I yield myself the remaining time.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 minute.

Mr. DICKS. I just want to summarize again: I’m urging a “no” vote on this continuing resolution. We have voted twice, many of us on this side, for reasonable continuing resolutions that have gotten us to this point. This one is unreasonable. The President has made it clear that he will veto this bill.

I believe what the gentleman from Maryland was attempting to do was the smart and pragmatic thing, and that was to go with a clean CR that would have kept the government open, that would have protected the troops, made sure that they got paid, and would have passed the Senate and been adopted by the President and signed into law. But they have chosen to put

in a highly controversial rider on abortion in the District of Columbia which is ideological. This is not something that a serious appropriations committee would do in the middle of a government crisis, and I hope the American people will understand that.

I yield back the balance of my time. The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 2¼ minutes.

Mr. ROGERS of Kentucky. Thank you, Madam Speaker.

Let's try to summarize here. The Democrats left us, when we took control of the House, in a mess. You hadn't passed a single appropriations bill. You passed a CR until March 4. We prepared and put into play and passed in the House a continuing resolution that would have funded the government entirely for the balance of the year, including the military, and sent it to the other body. And they have said nothing, and that was 2 months ago.

When that time ran out in March, this body passed a second CR for 2 weeks. Sent that to the Senate. We haven't heard from them since. That time ran out. We passed a third CR. We passed it to the Senate, not a peep. Nothing.

And now a fourth time, now a fourth CR where we are going to give the Senate another chance to come forward with what they propose in a CR. They have yet to pass anything. And I have to say this, too: The White House has been late in coming to the aid of their party. The White House has been absent from the battle until the last few days.

And now you come to us and say, look, here's what we complain about on your cleaning up our mess. And I say to

you, this bill takes care of our military, our young men and women fighting in three wars on the other side of the world. And the Commander in Chief of the military is saying I'm going to veto the bill that pays their salaries and supports their families back home. I find that inexplicable, inexplicable that the Commander in Chief would put an end to the pay of our soldiers.

The failure of the Senate to act and the failure of the White House to act when we pass this bill means a vote to shut down the government. Vote "yes."

Madam Speaker, pursuant to section 8120 of Division A of H.R. 1363 as passed the House on April 7, 2011, I submit the following explanatory statement:

REPROGRAMMING GUIDANCE

For fiscal year 2011, the Department of Defense is directed to adhere to the definition of Program, Project and Activity, and to follow the guidance for Congressional Special Interest Items, Reprogrammings, Reprogramming Reporting Requirements, and Funding Increases, as specified in the Explanatory Statement, Division A, Department of Defense Appropriations Act Fiscal Year 2010, Public Law 111-118.

CLASSIFIED ANNEX

A classified annex accompanying this Act will be forwarded under separate cover.

Rescissions

Language is included that rescinds \$1,213,536,000 from the following programs:

2009 Appropriations:	
Weapons and Tracked Combat Vehicles, Army:	
Future Combat Systems	\$86,300,000
Other Procurement, Army:	
Armored Security Vehicles	55,000,000
Force XXII Battle Command Brigade and Below ..	30,600,000
Semi-trailers, Flatbed	62,000,000
Aircraft Procurement, Navy:	
KC-130J	12,000,000

F/A-18E/F	14,100,000
Aircraft Procurement, Air Force:	
Global Hawk excess funds	49,000,000
C-130 AMP	31,900,000
HC/MC updated pricing	36,000,000
2010 Appropriations:	
Aircraft Procurement, Army:	
Tactical SIGINT Payload	14,000,000
Weapons and Tracked Combat Vehicles, Army:	
Future Combat Systems spin-outs	19,600,000
Improved Recovery Vehicle	8,700,000
MK-19 Grenade Machine Gun Modifications	7,700,000
Missile Procurement, Army:	
GMLRS	9,171,000
Aircraft Procurement, Navy:	
EA-18G MYP savings	89,120,000
F/A-18E/F MYP savings	72,727,000
F-18 Series ECO	17,000,000
E-6 Series	6,000,000
Joint Strike Fighter (AP)	100,000,000
Procurement of Ammunition, Navy and Marine Corps:	
General Purpose Bombs	11,576,000
Shipbuilding and Conversion, Navy:	
DDG-51 main reduction gear savings	22,000,000
Other Procurement, Navy:	
Minesweeping System Replacement	5,400,000
Aircraft Launch Recovery	3,642,000
Aircraft Procurement, Air Force:	
B-2A	5,900,000
B-52	39,300,000
C-17 Modifications	12,200,000
C-130J updated pricing	7,000,000
C-130 AP updated pricing	15,100,000
HC/MC-130 AP	46,900,000
HC/MC-130 updated pricing	13,200,000
Initial Spares—Joint Stars Re-engining	11,700,000
Other Procurement, Air Force:	
FAB-T	36,600,000
Research, Development, Test and Evaluation, Army:	
Aircraft Avionics—JTRS AMF	10,200,000
HFDS	15,000,000
Future Combat System—Class IV UAV Program of Record	12,000,000
TUAV-TSP	16,300,000
Research, Development, Test and Evaluation, Air Force:	
B-2	90,000,000
Classified Program	10,000,000
Alternative Fuels	10,000,000
Small Diameter Bomb	22,000,000
Engine CIP	15,000,000
JSTARS	14,600,000
RQ-4 UAV	18,000,000
C-5 Airlift Squadrons	19,000,000
Research, Development, Test and Evaluation, Defense-Wide:	
BMD Hercules	10,000,000

M-1	Budget Request	Recommendation
MILITARY PERSONNEL, ARMY		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	6,392,861	6,392,861
RETIRED PAY ACCRUAL	2,088,308	2,088,308
BASIC ALLOWANCE FOR HOUSING	1,854,718	1,854,718
BASIC ALLOWANCE FOR SUBSISTENCE	255,925	255,925
INCENTIVE PAYS	97,698	97,698
SPECIAL PAYS	300,939	300,939
ALLOWANCES	198,601	198,601
SEPARATION PAY	61,798	61,798
SOCIAL SECURITY TAX	487,469	487,469
TOTAL, BA-1	11,738,317	11,738,317
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	13,682,488	13,682,488
RETIRED PAY ACCRUAL	4,470,859	4,470,859
BASIC ALLOWANCE FOR HOUSING	4,395,850	4,395,850
INCENTIVE PAYS	102,851	102,851
SPECIAL PAYS	1,269,047	1,129,047
Enlistment Bonuses—Excess to Requirement		40,000
Re-enlistment Bonuses—Excess to Requirement		100,000
ALLOWANCES	806,471	806,471
SEPARATION PAY	255,127	255,127
SOCIAL SECURITY TAX	1,046,710	1,046,710
TOTAL, BA-2	26,029,403	25,889,403
BA-3: PAY AND ALLOWANCES OF CADETS		
ACADEMY CADETS	74,773	74,773
TOTAL, BA-3	74,773	74,773
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	1,313,309	1,313,309
SUBSISTENCE-IN-KIND	817,691	817,691
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	748	748
TOTAL, BA-4	2,131,748	2,131,748
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	202,699	202,699
TRAINING TRAVEL	142,749	142,749
OPERATIONAL TRAVEL	494,937	494,937
ROTATIONAL TRAVEL	674,831	674,831
SEPARATION TRAVEL	198,439	198,439
TRAVEL OF ORGANIZED UNITS	12,137	12,137
NON-TEMPORARY STORAGE	12,639	12,639

M-1	Budget Request	Recommendation
TEMPORARY LODGING EXPENSE	38,931	38,931
TOTAL, BA-5	1,777,362	1,777,362
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	2,233	2,233
INTEREST ON UNIFORMED SERVICES SAVINGS	648	648
DEATH GRATUITIES	45,500	45,500
UNEMPLOYMENT BENEFITS	188,778	188,778
EDUCATION BENEFITS	30,879	30,879
ADOPTION EXPENSES	610	610
TRANSPORTATION SUBSIDY	8,007	8,007
PARTIAL DISLOCATION ALLOWANCE	338	338
RESERVE OFFICERS TRAINING CORPS (ROTC)	138,731	138,731
JUNIOR ROTC	50,201	50,201
TOTAL, BA-6	465,925	465,925
LESS REIMBURSABLES	-245,251	-245,251
UNDISTRIBUTED ADJUSTMENTS	0	-789,624
Undistributed Transfer to Title IX		-789,624
TOTAL, MILITARY PERSONNEL, ARMY	41,972,277	41,042,653
MILITARY PERSONNEL, NAVY		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	3,680,703	3,680,703
RETIRED PAY ACCRUAL	1,202,462	1,202,462
BASIC ALLOWANCE FOR HOUSING	1,263,675	1,263,675
BASIC ALLOWANCE FOR SUBSISTENCE	143,344	143,344
INCENTIVE PAYS	155,148	155,148
SPECIAL PAYS	355,821	355,821
ALLOWANCES	104,291	104,291
SEPARATION PAY	25,353	25,353
SOCIAL SECURITY TAX	278,666	278,666
TOTAL, BA-1	7,209,463	7,209,463
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	8,257,803	8,257,803
RETIRED PAY ACCRUAL	2,700,204	2,700,204
BASIC ALLOWANCE FOR HOUSING	3,682,915	3,682,915
INCENTIVE PAYS	100,499	100,499
SPECIAL PAYS	839,787	814,787
Re-enlistment Bonuses—Excess to Requirement		-5,000
Enlistment Bonuses—Excess to Requirement		-20,000
ALLOWANCES	498,621	498,621
SEPARATION PAY	127,343	127,343
SOCIAL SECURITY TAX	631,722	631,722
TOTAL, BA-2	16,838,894	16,813,894
BA-3: PAY AND ALLOWANCES OF MIDSHIPMEN		
MIDSHIPMEN	74,950	74,950
TOTAL, BA-3	74,950	74,950
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	685,085	685,085
SUBSISTENCE-IN-KIND	419,333	419,333
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	12	12
TOTAL, BA-4	1,104,430	1,104,430
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	76,220	76,220
TRAINING TRAVEL	71,814	71,814
OPERATIONAL TRAVEL	219,685	219,685
ROTATIONAL TRAVEL	354,275	354,275
SEPARATION TRAVEL	103,806	103,806
TRAVEL OF ORGANIZED UNITS	39,368	39,368
NON-TEMPORARY STORAGE	5,760	5,760
TEMPORARY LODGING EXPENSE	6,386	6,386
OTHER	6,406	6,406
TOTAL, BA-5	883,720	883,720
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	261	261
INTEREST ON UNIFORMED SERVICES SAVINGS	1,427	1,427
DEATH GRATUITIES	17,700	17,700
UNEMPLOYMENT BENEFITS	88,350	88,350
EDUCATION BENEFITS	21,515	21,515
ADOPTION EXPENSES	271	271
TRANSPORTATION SUBSIDY	8,030	8,030
PARTIAL DISLOCATION ALLOWANCE	190	190
RESERVE OFFICERS TRAINING CORPS (ROTC)	27,345	27,345
JUNIOR R.O.T.C	14,093	14,093
TOTAL, BA-6	179,182	179,182
LESS REIMBURSABLES	-339,690	-339,690
UNDISTRIBUTED ADJUSTMENT	0	-13,500
Unobligated/Unexpended Balances		-13,500
TOTAL, MILITARY PERSONNEL, NAVY	25,950,949	25,912,449
MILITARY PERSONNEL, MARINE CORPS		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	1,433,200	1,433,200
RETIRED PAY ACCRUAL	465,072	465,072
BASIC ALLOWANCE FOR HOUSING	462,438	462,438
BASIC ALLOWANCE FOR SUBSISTENCE	59,613	59,613
INCENTIVE PAYS	50,011	50,011
SPECIAL PAYS	27,921	27,921
ALLOWANCES	34,404	34,404
SEPARATION PAY	13,299	13,299
SOCIAL SECURITY TAX	109,014	109,014
TOTAL, BA-1	2,654,972	2,654,972
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	4,910,560	4,910,560
RETIRED PAY ACCRUAL	1,591,322	1,591,322
BASIC ALLOWANCE FOR HOUSING	1,660,161	1,660,161
INCENTIVE PAYS	9,158	9,158
SPECIAL PAYS	288,654	288,654
ALLOWANCES	278,060	278,060
SEPARATION PAY	65,101	65,101
SOCIAL SECURITY TAX	372,411	372,411
TOTAL, BA-2	9,175,427	9,175,427
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	489,789	489,789

M-1	Budget Request	Recommendation
--- SUBSISTENCE-IN-KIND	324,565	324,565
--- FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750
--- TOTAL, BA-4	815,104	815,104
--- BA-5: PERMANENT CHANGE OF STATION TRAVEL	---	---
--- ACCESSION TRAVEL	79,378	79,378
--- TRAINING TRAVEL	10,079	10,079
--- OPERATIONAL TRAVEL	239,442	239,442
--- ROTATIONAL TRAVEL	115,330	115,330
--- SEPARATION TRAVEL	55,528	55,528
--- TRAVEL OF ORGANIZED UNITS	742	742
--- NON-TEMPORARY STORAGE	6,305	6,305
--- TEMPORARY LODGING EXPENSE	13,818	13,818
--- OTHER	2,683	2,683
--- TOTAL, BA-5	523,305	523,305
--- BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
--- APPREHENSION OF MILITARY DESERTERS	1,823	1,823
--- INTEREST ON UNIFORMED SERVICES SAVINGS	19	19
--- DEATH GRATUITIES	17,200	17,200
--- UNEMPLOYMENT BENEFITS	69,359	69,359
--- EDUCATION BENEFITS	4,249	4,249
--- ADOPTION EXPENSES	159	159
--- TRANSPORTATION SUBSIDY	2,853	2,853
--- PARTIAL DISLOCATION ALLOWANCE	278	278
--- JUNIOR R.O.T.C.	5,573	5,573
--- TOTAL, BA-6	101,513	101,513
--- LESS REIMBURSABLES	-20,160	-20,160
--- UNDISTRIBUTED ADJUSTMENT	0	-40,000
--- Unobligated/Unexpended Balances	---	-40,000
--- TOTAL, MILITARY PERSONNEL, MARINE CORPS	13,250,161	13,210,161
MILITARY PERSONNEL, AIR FORCE		
--- BA-1: PAY AND ALLOWANCES OF OFFICERS	---	---
--- BASIC PAY	4,687,593	4,687,593
--- RETIRED PAY ACCRUAL	1,522,644	1,522,644
--- BASIC ALLOWANCE FOR HOUSING	1,347,403	1,347,403
--- BASIC ALLOWANCE FOR SUBSISTENCE	182,253	182,253
--- INCENTIVE PAYS	239,121	239,121
--- SPECIAL PAYS	322,642	322,642
--- ALLOWANCES	128,157	128,157
--- SEPARATION PAY	64,974	64,974
--- SOCIAL SECURITY TAX	355,711	355,711
--- TOTAL, BA-1	8,850,498	8,850,498
--- BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	---	---
--- BASIC PAY	8,540,083	8,540,083
--- RETIRED PAY ACCRUAL	2,781,402	2,781,402
--- BASIC ALLOWANCE FOR HOUSING	3,038,904	3,038,904
--- INCENTIVE PAYS	36,980	36,980
--- SPECIAL PAYS	396,103	380,103
--- Re-enlistment Bonuses - Excess to Requirement	---	-16,000
--- ALLOWANCES	570,857	570,857
--- SEPARATION PAY	124,411	124,411
--- SOCIAL SECURITY TAX	653,317	653,317
--- TOTAL, BA-2	16,142,057	16,126,057
--- BA-3: PAY AND ALLOWANCES OF CADETS	---	---
--- ACADEMY CADETS	75,383	75,383
--- TOTAL, BA-3	75,383	75,383
--- BA-4: SUBSISTENCE OF ENLISTED PERSONNEL	---	---
--- BASIC ALLOWANCE FOR SUBSISTENCE	872,055	872,055
--- SUBSISTENCE-IN-KIND	169,924	169,924
--- FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	37	37
--- TOTAL, BA-4	1,042,016	1,042,016
--- BA-5: PERMANENT CHANGE OF STATION	---	---
--- ACCESSION TRAVEL	87,377	87,377
--- TRAINING TRAVEL	72,521	72,521
--- OPERATIONAL TRAVEL	296,604	296,604
--- ROTATIONAL TRAVEL	505,198	505,198
--- SEPARATION TRAVEL	176,549	176,549
--- TRAVEL OF ORGANIZED UNITS	23,561	23,561
--- NON-TEMPORARY STORAGE	40,772	40,772
--- TEMPORARY LODGING EXPENSE	28,936	28,936
--- TOTAL, BA-5	1,231,518	1,231,518
--- BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
--- APPREHENSION OF MILITARY DESERTERS	131	131
--- INTEREST ON UNIFORMED SERVICES SAVINGS	2,179	2,179
--- DEATH GRATUITIES	19,900	19,900
--- UNEMPLOYMENT BENEFITS	49,143	49,143
--- SURVIVOR BENEFITS	1,760	1,760
--- EDUCATION BENEFITS	484	484
--- ADOPTION EXPENSES	395	395
--- TRANSPORTATION SUBSIDY	6,903	6,903
--- PARTIAL DISLOCATION ALLOWANCE	1,578	1,578
--- RESERVE OFFICERS TRAINING CORPS (ROTC)	45,571	45,571
--- JUNIOR ROTC	16,185	16,185
--- TOTAL, BA-6	144,229	144,229
--- LESS REIMBURSABLES	-363,946	-363,946
--- TOTAL, MILITARY PERSONNEL, AIR FORCE	27,121,755	27,105,755
RESERVE PERSONNEL, ARMY		
--- BA-1: RESERVE COMPONENT TRAINING AND SUPPORT	---	---
--- PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	1,249,133	1,249,133
--- PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	44,460	36,460
--- Projected Underexecution	---	-8,000
--- PAY GROUP F TRAINING (RECRUITS)	268,215	268,215
--- PAY GROUP P TRAINING (PIPELINE RECRUITS)	8,830	8,830
--- MOBILIZATION TRAINING	21,460	10,460
--- Projected Underexecution	---	-11,000
--- SCHOOL TRAINING	177,121	177,121
--- SPECIAL TRAINING	293,439	283,439
--- Excessive Growth	---	-10,000
--- ADMINISTRATION AND SUPPORT	2,129,646	2,129,646
--- EDUCATION BENEFITS	57,633	57,633
--- HEALTH PROFESSION SCHOLARSHIP	66,940	66,940
--- OTHER PROGRAMS	80,288	80,288
--- TOTAL, BA-1	4,397,165	4,368,165
--- UNDISTRIBUTED ADJUSTMENT	0	-35,000
--- Unobligated/Unexpended Balances	---	-35,000

M-1	Budget Request	Recommendation
---	4,397,165	4,333,165
RESERVE PERSONNEL, NAVY		
---	---	---
---	626,657	626,657
---	9,070	9,070
---	45,603	45,603
---	8,434	8,434
---	45,930	45,930
---	89,647	89,647
---	1,061,128	1,061,128
---	3,780	3,780
---	53,942	53,942
---	1,944,191	1,944,191
---	0	-4,000
---	---	-4,000
---	1,944,191	1,940,191
RESERVE PERSONNEL, MARINE CORPS		
---	---	---
---	196,974	196,974
---	36,116	36,116
---	96,138	96,138
---	3,724	3,724
---	16,810	16,810
---	27,688	27,688
---	216,537	216,537
---	12,256	12,256
---	11,198	11,198
---	617,441	617,441
---	0	-5,250
---	---	-1,250
---	---	-4,000
---	617,441	612,191
RESERVE PERSONNEL, AIR FORCE		
---	---	---
---	670,341	670,341
---	101,951	101,951
---	54,850	54,850
---	50	50
---	447	447
---	163,272	163,272
---	243,233	243,233
---	378,772	378,772
---	18,295	18,295
---	51,331	51,331
---	4,255	4,255
---	1,686,797	1,686,797
---	0	-36,000
---	---	-15,000
---	---	-21,000
---	1,686,797	1,650,797
NATIONAL GUARD PERSONNEL, ARMY		
---	---	---
---	2,010,867	1,980,867
---	---	-30,000
---	510,859	510,859
---	71,222	71,222
---	577,600	577,600
---	534,954	521,954
---	---	-13,000
---	3,788,954	3,788,954
---	129,840	129,840
---	7,624,296	7,581,296
---	0	-70,000
---	---	-70,000
---	7,624,296	7,511,296
NATIONAL GUARD PERSONNEL, AIR FORCE		
---	---	---
---	939,636	931,636
---	---	-8,000
---	99,839	99,839
---	298	298
---	209,944	209,944
---	131,226	131,226
---	1,692,112	1,682,112
---	---	-10,000
---	30,543	30,543
---	3,103,598	3,085,598
---	0	-25,500
---	---	-17,500
---	---	-8,000
---	3,103,598	3,060,098
---	127,668,630	126,378,756

M-1	Budget Request	Recommendation
OPERATION AND MAINTENANCE, ARMY		
111	1,087,321	1,087,321
112	114,448	113,790
---	---	-658
113	773,540	769,338
---	---	-4,202
114	794,806	767,727
---	---	-18,500
---	---	-8,579
115	1,399,332	1,392,912
---	---	-6,420
116	897,666	867,666
---	---	-30,000
121	2,520,995	2,314,041
---	---	-91,000
---	---	-35,000

M-1		Budget Request	Recommendation
	Transfer to Title IX - Body Armor Sustainment		-71,660
	Transfer to Title IX - Rapid Equipping Force Readiness		-9,294
122	LAND FORCES FORCES SYSTEMS READINESS	596,117	574,946
	Transfer to Title IX - Fixed Wing Life Cycle Contract Support		-21,171
123	LAND FORCES DEPOT MAINTENANCE	890,122	950,122
	UH-60 A to L Conversions		+60,000
	BASE OPERATIONS SUPPORT		7,281,191
131	Transfer from the Defense Health Program for Centralized Management of the Substance Abuse Program	7,563,566	+30,625
	Army Tenant Pentagon Rent Requirements		-33,000
	Reduced Requirement for Collateral Equipment in fiscal year 2011		-50,000
	Transfer to Title IX - Overseas Security Guards		-200,000
	Transfer to Title IX - Senior Leader Initiative - Comprehensive Soldier Fitness Program		-30,000
132	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,500,892	2,500,892
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	390,004	390,004
134	COMBATANT COMMANDER'S CORE OPERATIONS	167,758	167,758
138	COMBATANT COMMANDER'S DIRECT MISSION SUPPORT	464,851	464,851
	SUBTOTAL, BUDGET ACTIVITY 1	20,161,418	19,642,559
211	STRATEGIC MOBILITY	333,266	333,266
212	ARMY PREPOSITIONED STOCKS	102,240	102,240
213	INDUSTRIAL PREPAREDNESS	5,736	5,736
	SUBTOTAL, BUDGET ACTIVITY 2	441,242	441,242
311	OFFICER ACQUISITION	129,902	129,902
312	RECRUIT TRAINING	74,705	74,705
313	ONE STATION UNIT TRAINING	63,223	63,223
314	SENIOR RESERVE OFFICER TRAINING CORPS	479,343	479,343
321	SPECIALIZED SKILL TRAINING	1,082,517	1,027,334
	Unjustified Growth in Supply and Equipment Purchases		-40,000
	Transfer to Title IX - Survivability and Maneuverability Training		-15,183
322	FLIGHT TRAINING	1,046,124	1,032,124
	Budget Justification Does not Match Summary of Price and Program Changes		-14,000
323	PROFESSIONAL DEVELOPMENT EDUCATION	163,607	163,607
324	TRAINING SUPPORT	695,200	695,200
331	RECRUITING AND ADVERTISING	544,014	524,014
	Budget Justification Does not Match Summary of Price and Program Changes		-20,000
332	EXAMINING	153,091	153,091
333	OFF-DUTY AND VOLUNTARY EDUCATION	241,170	241,170
334	CIVILIAN EDUCATION AND TRAINING	220,771	220,771
335	JUNIOR RESERVE OFFICER TRAINING CORPS	175,347	183,347
	Program Increase - Junior ROTC		+8,000
	SUBTOTAL, BUDGET ACTIVITY 3	5,069,014	4,987,831
411	SECURITY PROGRAMS	1,030,355	1,030,355
421	SERVICEWIDE TRANSPORTATION	587,952	557,826
	First Destination Transportation Cost of New Equipment is Financed in the Cost of Equipment		-30,126
422	CENTRAL SUPPLY ACTIVITIES	669,853	669,853
423	LOGISTIC SUPPORT ACTIVITIES	503,876	503,876
424	AMMUNITION MANAGEMENT	435,020	435,020
431	ADMINISTRATION	912,355	902,355
	Unjustified Growth for Headquarters Accounts		-10,000
432	SERVICEWIDE COMMUNICATIONS	1,528,371	1,528,371
433	MANPOWER MANAGEMENT	368,480	328,480
	Unsupported Request for 712 Temporary Hires		-40,000
434	OTHER PERSONNEL SUPPORT	261,829	261,829
435	OTHER SERVICE SUPPORT	1,145,902	1,149,822
	Capitol 4th		+3,920
436	ARMY CLAIMS ACTIVITIES	205,967	205,967
437	REAL ESTATE MANAGEMENT	168,664	168,664
441	INTERNATIONAL MILITARY HEADQUARTERS	462,488	476,888
	Outfitting of NATO SOF Headquarters Building		+14,400
442	MISCELLANEOUS SUPPORT OF OTHER NATIONS	19,179	16,179
	Information Operations		-3,000
	SUBTOTAL, BUDGET ACTIVITY 4	8,300,291	8,235,485
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		-1,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY	33,971,965	33,306,117
OPERATION AND MAINTENANCE, NAVY			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	4,429,832	4,429,832
1A2A	FLEET AIR TRAINING	81,345	1,605,720
	Transfer of Fleet Air Training funding from SAG 3B2K		+958,200
	Unjustified Administrative Overhead Cost Growth		-4,225
	Transfer of Chief of Naval Air Training from SAG 3B2K		+570,400
1A3A	AVIATION TECHNICAL DATA AND ENGINEERING SERVICES	38,932	38,932
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	100,485	100,485
1A4N	AIR SYSTEMS SUPPORT	355,520	355,520
1A5A	AIRCRAFT DEPOT MAINTENANCE	1,221,410	1,221,410
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	27,448	27,448
1B1B	MISSION AND OTHER SHIP OPERATIONS	3,696,913	3,666,913
	Unjustified Growth in Per Diem Days		-30,000
1B2B	SHIP OPERATIONS SUPPORT AND TRAINING	728,983	728,983
1B4B	SHIP DEPOT MAINTENANCE	4,761,670	4,761,670
1B5B	SHIP DEPOT OPERATIONS SUPPORT	1,344,844	1,338,844
	Transfer to RDTE, DW per Memorandum of Agreement		-1,500
	NAVSEA Process Requirements and Improvement Office Budget Realignment and Consolidation Justified as Program Growth		-4,500
1C1C	COMBAT COMMUNICATIONS	615,069	550,069
	Overstatement of DISA Pricing Adjustment		-65,000
1C2C	ELECTRONIC WARFARE	89,340	89,340
1C3C	SPACE SYSTEMS AND SURVEILLANCE	177,397	177,397
1C4C	WARFARE TACTICS	416,068	416,068
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	316,525	316,525
1C6C	COMBAT SUPPORT FORCES	1,083,618	870,817
	Unjustified Growth for Naval Expeditionary Combat Command		-20,000
	Transfer to Title IX—Naval Expeditionary Combat Command Increases		-192,801
1C7C	EQUIPMENT MAINTENANCE	165,985	165,985
1C8C	DEPOT OPERATIONS SUPPORT	2,836	2,836
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	208,250	208,250
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	274,071	274,071
1D1D	CRUISE MISSILE	130,219	130,219
1D2D	FLEET BALLISTIC MISSILE	1,138,418	1,138,418
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	89,184	89,184
1D4D	WEAPONS MAINTENANCE	459,561	459,561
1D7D	OTHER WEAPON SYSTEMS SUPPORT	366,751	361,751
	Civilian Personnel Over-Pricing		-5,000
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	820,507	1,031,207
	Requested Transfer from OP,N line 147 for NGEN Funding		+217,700
	Overstatement of DISA Pricing Adjustment		-7,000
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,900,386	1,900,386
BSS1	BASE OPERATING SUPPORT	4,502,857	4,452,857
	Transfer to Title IX—Regional/Emergency Operations Center		-50,000
	SUBTOTAL, BUDGET ACTIVITY 1	29,544,424	30,910,698

M-1		Budget Request	Recommendation
2A1F	SHIP PREPOSITIONING AND SURGE	424,047	424,047
2B1G	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,593	7,593
2B2G	SHIP ACTIVATIONS/INACTIVATIONS	177,482	180,682
	Program Increase—Ship Disposal Program		+3,200
2C1H	FLEET HOSPITAL PROGRAM	70,990	70,990
2C2H	INDUSTRIAL READINESS	2,707	2,707
2C3H	COAST GUARD SUPPORT	23,845	23,845
	SUBTOTAL, BUDGET ACTIVITY 2	706,664	709,864
3A1J	OFFICER ACQUISITION	141,057	141,057
3A2J	RECRUIT TRAINING	10,853	10,853
3A3J	RESERVE OFFICERS TRAINING CORPS	143,504	143,504
3B1K	SPECIALIZED SKILL TRAINING	533,004	530,004
	Transfer to Title IX—NAVSEA VSSS/EOD Training		-3,000
3B2K	FLIGHT TRAINING	1,538,171	9,571
	Transfer of Fleet Air Training funding to SAG 1A2A		-958,200
	Transfer of Chief of Naval Air Training to SAG 1A2A		-570,400
3B3K	PROFESSIONAL DEVELOPMENT EDUCATION	162,844	162,844
3B4K	TRAINING SUPPORT	171,153	171,153
3C1L	RECRUITING AND ADVERTISING	261,287	261,922
	Program Increase—Naval Sea Cadet Corps		+635
3C3L	OFF-DUTY AND VOLUNTARY EDUCATION	145,560	145,560
3C4L	CIVILIAN EDUCATION AND TRAINING	109,865	109,865
3C5L	JUNIOR ROTC	50,369	53,369
	Program Increase—Junior ROTC		+3,000
	SUBTOTAL, BUDGET ACTIVITY 3	3,267,667	1,739,702
4A1M	ADMINISTRATION	829,010	829,010
4A2M	EXTERNAL RELATIONS	7,632	7,632
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	118,838	111,838
	Overstated Requirement for Other Intragovernmental Purchases		-7,000
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	194,775	194,775
4A5M	OTHER PERSONNEL SUPPORT	282,580	282,580
4A6M	SERVICEWIDE COMMUNICATIONS	503,067	496,089
	Nuclear Command, Control and Communications Systems Budget Realignment and Consolidation Justified as Program Growth		-6,978
4B1N	SERVICEWIDE TRANSPORTATION	230,294	230,294
4B2N	PLANNING, ENGINEERING AND DESIGN	259,990	259,990
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	868,069	856,069
	Civilian Personnel Over-Pricing		-12,000
4B5N	HULL, MECHANICAL AND ELECTRICAL SUPPORT	55,217	55,217
4B6N	COMBAT/WEAPONS SYSTEMS	19,053	19,053
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	77,702	77,702
4C1P	NAVAL INVESTIGATIVE SERVICE	549,484	546,484
	Civilian Personnel Over-Pricing		-3,000
4D1Q	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,567	5,567
999	OTHER PROGRAMS	614,275	607,475
	Classified Adjustment		-6,800
	SUBTOTAL, BUDGET ACTIVITY 4	4,615,553	4,579,775
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-127,200
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		-3,600
	TOTAL, OPERATION AND MAINTENANCE, NAVY	38,134,308	37,809,239
OPERATION AND MAINTENANCE, MARINE CORPS			
1A1A	OPERATIONAL FORCES	745,678	745,678
1A2A	FIELD LOGISTICS	658,616	658,616
1A3A	DEPOT MAINTENANCE	78,891	78,891
1B1B	MARITIME PREPOSITIONING	72,344	72,344
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	594,904	594,904
BSS1	BASE OPERATING SUPPORT	2,206,137	2,198,437
	Collateral Equipment Decrease in fiscal year 2011 not Properly Accounted for in Budget Documentation		-7,700
	SUBTOTAL, BUDGET ACTIVITY 1	4,356,570	4,348,870
3A1C	RECRUIT TRAINING	16,096	16,096
3A2C	OFFICER ACQUISITION	420	420
3B1D	SPECIALIZED SKILLS TRAINING	91,197	91,197
3B3D	PROFESSIONAL DEVELOPMENT EDUCATION	32,379	32,379
3B4D	TRAINING SUPPORT	319,742	319,742
3C1F	RECRUITING AND ADVERTISING	233,663	233,663
3C2F	OFF-DUTY AND VOLUNTARY EDUCATION	61,980	61,980
3C3F	JUNIOR ROTC	19,497	19,497
	SUBTOTAL, BUDGET ACTIVITY 3	774,974	774,974
4A3G	SERVICEWIDE TRANSPORTATION	29,569	29,569
4A4G	ADMINISTRATION	341,657	335,657
	Administrative Efficiencies		-6,000
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	87,570	87,570
	SUBTOTAL, BUDGET ACTIVITY 4	458,796	452,796
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-34,400
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		-2,500
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	5,590,340	5,539,740
OPERATION AND MAINTENANCE, AIR FORCE			
011A	PRIMARY COMBAT FORCES	4,261,115	4,218,222
	Unjustified Growth for Programming/Execution		-34,408
	Unsupported Request for Civilian Personnel		-8,485
011C	COMBAT ENHANCEMENT FORCES	2,995,278	2,933,353
	Unjustified Growth for Programming/ Execution		-61,925
011D	AIR OPERATIONS TRAINING	1,573,602	1,508,352
	Unjustified Growth for Programming/ Execution		-13,598
	Transfer of Range Maintenance funding to SAG 011R		-33,652
	Removal of One-Time fiscal year 2010 Cost for F-35A Beddown Costs		-18,000
011M	DEPOT MAINTENANCE	2,189,481	2,176,793
	Program Increase—Warner Robins Air Logistics Center Aircraft Depot Maintenance		+4,000
	Air Force Requested Transfer to OM,ANG for C-130s		-10,879
	Air Force Requested Transfer to OM,AFR for C-130s		-5,809
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,556,234	1,664,886
	Transfer of Range Maintenance from SAG 011D		+33,652
	Adjustments to Meet Life, Health, Safety and ADA Compliance Standards		+75,000
011Z	BASE OPERATING SUPPORT	3,088,003	2,937,621
	Unjustified Growth for Programming/Execution		-91,675
	Unsupported Request for Civilian Personnel		-58,707
012A	GLOBAL C3I AND EARLY WARNING	1,511,243	1,450,927
	Unsupported Request for Civilian Personnel		-16,013
	Unjustified Growth for Programming/ Execution		-44,303
012C	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	1,035,291	1,020,300
	Unjustified Growth for Programming/ Execution		-12,268
	Unsupported Request for Civilian Personnel		-2,723
012F	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	595,028	595,028
013A	LAUNCH FACILITIES	342,355	342,355

M-1		Budget Request	Recommendation
013C	SPACE CONTROL SYSTEMS	811,022	811,022
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	797,754	791,754
	Information Operations		- 6,000
015B	COMBATANT COMMANDERS CORE OPERATIONS	233,021	225,865
	Unsupported Request for Civilian Personnel		- 7,156
	SUBTOTAL, BUDGET ACTIVITY 1	20,989,427	20,676,478
021A	AIRLIFT OPERATIONS	2,975,663	2,975,663
021D	MOBILIZATION PREPAREDNESS	158,647	158,647
021M	DEPOT MAINTENANCE	140,286	140,286
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	348,231	348,231
021Z	BASE SUPPORT	683,286	635,231
	Unsupported Request for Civilian Personnel		- 45,577
	Unjustified Growth for Programming/ Execution		- 2,478
	SUBTOTAL, BUDGET ACTIVITY 2	4,306,113	4,258,058
031A	OFFICER ACQUISITION	114,403	114,403
031B	RECRUIT TRAINING	28,195	28,195
031D	RESERVE OFFICER TRAINING CORPS (ROTC)	90,453	90,453
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	411,570	400,652
	Unsupported Request for Civilian Personnel		- 10,918
031Z	BASE SUPPORT (ACADEMIES ONLY)	902,323	845,576
	Unjustified Growth for Programming/ Execution		- 16,216
	Unsupported Request for Civilian Personnel		- 40,531
032A	SPECIALIZED SKILL TRAINING	510,065	470,584
	Unsupported Request for Civilian Personnel		- 11,481
	Growth in Overhead Expenses not Justified by Increases to Training Metrics		- 28,000
032B	FLIGHT TRAINING	1,012,816	1,012,816
032C	PROFESSIONAL DEVELOPMENT EDUCATION	221,553	221,553
032D	TRAINING SUPPORT	126,784	123,260
	Unsupported Request for Civilian Personnel		- 3,524
032M	DEPOT MAINTENANCE	619	619
033A	RECRUITING AND ADVERTISING	150,222	143,635
	Unsupported Request for Civilian Personnel		- 1,487
	Air Force Recruiting Information Support System - Air Force Requested Transfer to RDTE,AF		- 5,100
033B	EXAMINING	409	409
033C	OFF DUTY AND VOLUNTARY EDUCATION	172,643	172,643
033D	CIVILIAN EDUCATION AND TRAINING	208,872	208,872
033E	JUNIOR ROTC	77,692	81,692
	Program Increase - Junior ROTC		+ 4,000
	SUBTOTAL, BUDGET ACTIVITY 3	4,028,619	3,915,362
041A	LOGISTICS OPERATIONS	1,110,471	1,082,427
	Unsupported Request for Civilian Personnel		- 28,044
041B	TECHNICAL SUPPORT ACTIVITIES	949,018	937,913
	Unjustified Growth for Programming/ Execution		- 5,866
	Unsupported Request for Civilian Personnel		- 5,239
041M	DEPOT MAINTENANCE	7,365	7,365
041R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	368,349	367,651
	Unsupported Request for Civilian Personnel		- 698
041Z	BASE SUPPORT	1,363,230	1,292,621
	Unsupported Request for Civilian Personnel		- 30,609
	Pentagon Reservation Maintenance Fund Pricing		- 40,000
042A	ADMINISTRATION	657,268	657,268
042B	SERVICEWIDE COMMUNICATIONS	693,379	672,562
	Unjustified Growth for Programming/ Execution		- 20,817
042G	OTHER SERVICEWIDE ACTIVITIES	1,152,877	1,138,670
	Unsupported Request for Civilian Personnel		- 22,207
	Analytical Support for the Executive Agent for Space -Transfer from RDTE,AF line 216		+ 8,000
042I	CIVIL AIR PATROL CORPORATION	22,848	27,048
	Civil Air Patrol Program Increase		+ 4,200
043A	SECURITY PROGRAMS	1,159,342	1,141,160
	Unsupported Request for Civilian Personnel		- 18,182
044A	INTERNATIONAL SUPPORT	36,206	36,206
	SUBTOTAL, BUDGET ACTIVITY 4	7,520,353	7,360,891
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		- 134,300
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		- 13,500
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	36,844,512	36,062,989
OPERATION AND MAINTENANCE, DEFENSE-WIDE			
	JOINT CHIEFS OF STAFF	420,940	420,940
	SPECIAL OPERATIONS COMMAND	3,944,330	3,930,330
	Non-Standard Aviation Platforms Sustainment and Logistical Support		- 5,000
	Removal of One-Time fiscal year 2010 Congressional Increases		- 9,000
	SUBTOTAL, BUDGET ACTIVITY 1	4,365,270	4,351,270
	DEFENSE ACQUISITION UNIVERSITY	145,896	145,896
	NATIONAL DEFENSE UNIVERSITY	97,633	97,633
	SUBTOTAL, BUDGET ACTIVITY 3	243,529	243,529
	CIVIL MILITARY PROGRAMS	156,043	164,043
	STARBASE Youth Program		+ 8,000
	BUSINESS TRANSFORMATION AGENCY	143,441	143,441
	DEFENSE CONTRACT AUDIT AGENCY	486,143	482,643
	Removal of One-Time fiscal year 2010 Cost for Renewing Three Year License for Software		- 3,500
	DEFENSE FINANCE AND ACCOUNTING SERVICE	1,593	1,593
	DEFENSE INFORMATION SYSTEMS AGENCY	1,384,450	1,374,450
	Multinational Information Sharing Programs		- 10,000
	DEFENSE LEGAL SERVICES AGENCY	42,404	42,404
	DEFENSE LOGISTICS AGENCY	448,043	396,395
	Facilities Sustainment		- 58,848
	Procurement Technical Assistance Program		+ 7,200
	DEFENSE MEDIA ACTIVITY	255,878	255,878
	DEFENSE POW /MISSING PERSONS OFFICE	24,155	24,155
	DEFENSE TECHNOLOGY SECURITY AGENCY	37,624	37,624
	DEFENSE THREAT REDUCTION AGENCY	463,522	445,682
	Core Operational Support Activities - unnecessary increase		- 17,840
	DEFENSE DEPENDENTS EDUCATION	2,514,537	2,679,537
	Military Spouse Career Advancement Accounts		+165,000
	DEFENSE HUMAN RESOURCES ACTIVITY	824,153	794,353
	Joint Advertising, Market Research and Studies		- 29,800
	DEFENSE CONTRACT MANAGEMENT AGENCY	1,112,849	1,107,849
	Overstatement of NSPS to GS Conversion		- 5,000
	DEFENSE SECURITY COOPERATION AGENCY	683,853	539,369
	Global Train and Equip (I206)		- 139,507
	Stability Operations Fellowship Program -- not authorized		- 4,977
	DEFENSE SECURITY SERVICE	518,743	518,743
	OFFICE OF ECONOMIC ADJUSTMENT	50,811	50,811
	OFFICE OF THE SECRETARY OF DEFENSE	2,245,300	2,232,986
	Battlefield Information Collection and Exploitation System		- 15,000
	Combatant Commander's Exercise Engagement and Training Transformation (CE2T2)		- 26,500

M-1		Budget Request	Recommendation
.....	Readiness and Environmental Protection Initiative		+60,186
.....	Overstatement of Civilian Personnel Pay Requirements		-24,500
.....	AT&L—Integrated Acquisition Environment Internal Realignment not Properly Accounted for in Budget Documentation		-6,500
.....	WASHINGTON HEADQUARTERS SERVICES	604,130	594,330
.....	Overstatement of Civilian Personnel Pay Requirements		-9,800
.....	SUBTOTAL, BUDGET ACTIVITY 4	11,997,672	11,886,286
.....	OTHER PROGRAMS	13,977,425	13,685,725
.....	Classified Adjustments		-291,700
.....	IMPACT AID		40,000
.....	IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES		4,000
.....	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	30,583,896	30,210,810
OPERATION AND MAINTENANCE, ARMY RESERVE			
111	MANEUVER UNITS	1,282	1,282
112	MODULAR SUPPORT BRIGADES	12,413	12,413
113	ECHELONS ABOVE BRIGADES	460,814	460,814
114	THEATER LEVEL ASSETS	168,020	168,020
115	LAND FORCES OPERATIONS SUPPORT	555,944	555,944
116	AVIATION ASSETS	70,378	70,378
121	FORCES READINESS OPERATIONS SUPPORT	391,326	381,326
.....	Decrease Requested Growth for Travel		-10,000
122	LAND FORCES SYSTEM READINESS	108,093	108,093
123	DEPOT MAINTENANCE	136,854	136,854
131	BASE OPERATIONS SUPPORT	577,146	567,146
.....	Unjustified Increase in Motor Pool Operations Costs		-10,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	234,486	234,486
.....	SUBTOTAL, BUDGET ACTIVITY 1	2,716,756	2,696,756
421	SERVICEWIDE TRANSPORTATION	12,717	12,717
431	ADMINISTRATION	74,685	74,685
432	SERVICEWIDE COMMUNICATIONS	3,797	3,797
433	PERSONNEL/FINANCIAL ADMINISTRATION	9,245	9,245
434	RECRUITING AND ADVERTISING	61,877	61,877
.....	SUBTOTAL, BUDGET ACTIVITY 4	162,321	162,321
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-18,650
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	2,879,077	2,840,427
OPERATION AND MAINTENANCE, NAVY RESERVE			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	599,649	599,649
1A3A	INTERMEDIATE MAINTENANCE	13,209	13,209
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	2,668	2,668
1A5A	AIRCRAFT DEPOT MAINTENANCE	140,377	140,377
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	309	309
1B1B	MISSION AND OTHER SHIP OPERATIONS	65,757	62,757
.....	Mismatch of OPTEMPO and Steaming Day Performance Data		-3,000
1B2B	SHIP OPERATIONAL SUPPORT AND TRAINING	587	587
1B4B	SHIP DEPOT MAINTENANCE	91,054	91,054
1C1C	COMBAT COMMUNICATIONS	15,882	15,882
1C6C	COMBAT SUPPORT FORCES	140,186	140,186
1D4D	WEAPONS MAINTENANCE	5,492	5,492
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	56,046	56,046
BSMR	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	81,407	81,407
BSSR	BASE OPERATING SUPPORT	131,988	131,988
.....	SUBTOTAL, BUDGET ACTIVITY 1	1,344,611	1,341,611
4A1M	ADMINISTRATION	3,276	3,276
4A4M	MILITARY MANPOWER & PERSONNEL	13,698	13,698
4A6M	SERVICEWIDE COMMUNICATIONS	2,628	2,628
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	3,551	3,551
.....	SUBTOTAL, BUDGET ACTIVITY 4	23,153	23,153
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-20,500
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,367,764	1,344,264
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
1A1A	OPERATING FORCES	104,566	104,566
1A3A	DEPOT MAINTENANCE	16,392	16,392
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	38,762	38,762
BSS1	BASE OPERATING SUPPORT	99,924	92,424
.....	Eliminate Growth in Administrative Costs		-7,500
.....	SUBTOTAL, BUDGET ACTIVITY 1	259,644	252,144
BSM1	SERVICEWIDE TRANSPORTATION	835	835
BSS1	ADMINISTRATION	15,871	15,871
3A1C	RECRUITING AND ADVERTISING	8,884	8,884
.....	SUBTOTAL, BUDGET ACTIVITY 4	25,590	25,590
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-2,250
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	285,234	275,484
OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
011A	PRIMARY COMBAT FORCES	2,275,407	2,276,450
.....	Air Force Requested Transfer to OM,ANG for C-130s		-2,017
.....	Air Force Requested Transfer from OM,AF for C-130s		+3,060
011G	MISSION SUPPORT OPERATIONS	111,742	111,742
011M	DEPOT MAINTENANCE	415,687	418,436
.....	Air Force Requested Transfer from OM,AF for C-130s		+2,749
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	88,822	88,822
011Z	BASE OPERATING SUPPORT	277,985	277,985
.....	SUBTOTAL, BUDGET ACTIVITY 1	3,169,643	3,173,435
042A	ADMINISTRATION	80,526	80,526
042J	RECRUITING AND ADVERTISING	24,353	24,353
042K	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,716	19,716
042L	OTHER PERSONNEL SUPPORT	6,071	6,071
042M	AUDIOVISUAL	726	726
.....	SUBTOTAL, BUDGET ACTIVITY 4	131,392	131,392
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-13,800
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	3,301,035	3,291,027
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
111	MANEUVER UNITS	807,193	807,193
112	MODULAR SUPPORT BRIGADES	166,474	166,474
113	ECHELONS ABOVE BRIGADE	607,567	607,567
114	THEATER LEVEL ASSETS	249,930	249,930
115	LAND FORCES OPERATIONS SUPPORT	35,657	35,657
116	AVIATION ASSETS	838,895	854,895
.....	Aircraft Maintenance Program Increase		+16,000
121	FORCE READINESS OPERATIONS SUPPORT	570,119	544,119
.....	Distance Learning—Transfer from OCO OM,ARNG SAG 135		+9,000

		Budget Request	Recommendation
M-1	Realignment of Funding for the Organizational Clothing and Equipment Enterprise Environment not Properly Accounted for in Budget Documentation		-35,000
122	LAND FORCES SYSTEMS READINESS	121,980	121,980
123	LAND FORCES DEPOT MAINTENANCE	380,789	380,789
131	BASE OPERATIONS SUPPORT	933,514	853,514
	Unjustified Growth for Information Management Systems		-80,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	621,843	661,843
	Army National Guard Program Increase		+40,000
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	540,738	549,626
	Transfer from Defense Health Program for Psychological Health—State Directors for the National Guard		+8,888
	SUBTOTAL, BUDGET ACTIVITY 1	5,874,699	5,833,587
421	SERVICEWIDE TRANSPORTATION	17,771	17,771
431	ADMINISTRATION	183,781	151,463
	Pay and Benefits Mismatch Between Op-5 and Op-32		-32,318
432	SERVICEWIDE COMMUNICATIONS	48,188	48,188
433	MANPOWER MANAGEMENT	8,020	8,020
434	RECRUITING AND ADVERTISING	440,245	440,245
	SUBTOTAL, BUDGET ACTIVITY 4	698,005	665,687
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-36,650
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		-8,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	6,572,704	6,454,624
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
011F	AIRCRAFT OPERATIONS	3,519,452	3,525,525
	Air Force Requested Transfer from OM,AFR for C-130s		+2,017
	Air Force Requested Transfer from OM,AF for C-130s		+4,056
011G	MISSION SUPPORT OPERATIONS	762,937	762,937
011M	DEPOT MAINTENANCE	598,779	605,602
	Air Force Requested Transfer from OM,AF for C-130s		+6,823
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	315,210	355,210
	Air National Guard Program Increase		+40,000
011Z	BASE OPERATING SUPPORT	668,176	668,176
	SUBTOTAL, BUDGET ACTIVITY 1	5,864,554	5,917,450
042A	ADMINISTRATION	41,930	41,930
042J	RECRUITING AND ADVERTISING	34,659	34,659
	SUBTOTAL, BUDGET ACTIVITY 4	76,589	76,589
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-30,200
	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	5,941,143	5,963,839
MISCELLANEOUS			
	OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	5,000	0
	Unjustified Request		-5,000
	U.S. COURT OF APPEALS FOR THE ARMED FORCES	14,068	14,068
	ENVIRONMENTAL RESTORATION, ARMY	444,581	464,581
	Program Increase		+20,000
	ENVIRONMENTAL RESTORATION, NAVY	304,867	304,867
	ENVIRONMENTAL RESTORATION, AIR FORCE	502,653	502,653
	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	10,744	10,744
	ENVIRONMENTAL RESTORATION, FUDS	276,546	316,546
	Program Increase		+40,000
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	108,032	108,032
	COOPERATIVE THREAT REDUCTION PROGRAM	522,512	522,512
	ACQUISITION WORKFORCE DEVELOPMENT FUND	217,561	217,561
	TOTAL, OPERATION AND MAINTENANCE	167,878,542	165,560,124
P-1		Budget Request	Recommendation
AIRCRAFT PROCUREMENT, ARMY			
3	AERIAL COMMON SENSOR (ACS) (MIP)	88,483	0
	Program Adjustment for Schedule Slip		-88,483
4	MQ-1 UAV	459,310	434,310
	Contract Savings		-25,000
5	RQ-11 (RAVEN)	20,152	20,152
6	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	44,206	26,568
	Program Reduction		-17,638
8	HELICOPTER, LIGHT UTILITY (LUH)	305,272	305,272
9	AH-64 APACHE BLOCK III	332,681	332,681
10	AH-64 APACHE BLOCK III (AP-CY)	161,150	161,150
11	UH-60 BLACKHAWK (MYP)	1,250,566	1,250,566
12	UH-60 BLACKHAWK (MYP) (AP-CY)	100,532	100,532
13	CH-47 HELICOPTER	1,101,293	1,101,293
14	CH-47 HELICOPTER (AP-CY)	57,756	57,756
15	HELICOPTER NEW TRAINING	9,383	0
	Unjustified Request		-9,383
17	MQ-1 PAYLOAD—UAS	100,413	80,413
	Tactical SIGINT Payload Schedule Adjustment		-20,000
18	MQ-1 WEAPONIZATION—UAS	14,729	14,729
19	GUARDRAIL MODS (MIP)	29,899	25,799
	Airborne Precision Geolocation		-4,100
20	MULTI SENSOR AIRBORNE RECON (MIP)	16,981	16,981
21	AH-64 MODS	393,769	393,769
23	CH-47 CARGO HELICOPTER MODS	66,207	66,207
25	UTILITY/CARGO AIRPLANE MODS	13,716	13,716
26	AIRCRAFT LONG RANGE MODS	814	814
27	UTILITY HELICOPTER MODS	63,085	80,085
	UH-60 A to L conversions		+17,000
28	KIOWA WARRIOR	94,400	42,300
	Cockpit and Sensor Upgrade Program Funding Ahead of Need		-52,100
29	AIRBORNE AVIONICS	219,425	207,425
	Contract Savings		-12,000
30	GATM ROLLUP	100,862	100,862
31	RQ-7 UAV MODS	505,015	2,515
	Funding Ahead of Need for Installation		-5,000
	Transfer to Title IX		-497,500
34	SPARE PARTS (AIR)	7,328	9,956
	Transfer from OP.A line 195 at Army request		+2,628
35	AIRCRAFT SURVIVABILITY EQUIPMENT	24,478	24,478
36	ASE INFRARED COUNTER MEASURES	174,222	163,722
	Excess to Requirement		-10,500
37	AVIONICS SUPPORT EQUIPMENT	4,885	4,885
38	COMMON GROUND EQUIPMENT	76,129	76,129
39	AIRCREW INTEGRATED SYSTEMS	52,423	52,423
40	AIR TRAFFIC CONTROL	82,844	82,844
41	INDUSTRIAL FACILITIES	1,567	1,567
42	LAUNCHER, 2.75 ROCKET	2,892	2,892

P-1		Budget Request	Recommendation
TOTAL, AIRCRAFT PROCUREMENT, ARMY		5,976,867	5,254,791
MISSILE PROCUREMENT, ARMY			
1	PATRIOT SYSTEM SUMMARY	480,247	613,847
	PAC-3 Launchers and Missiles—Army UFR		+133,600
2	SURFACE-LAUNCHED AMRAAM SYS SUMMARY	116,732	102,732
	Program Reduction		-14,000
4	HELLFIRE SYS SUMMARY	31,881	31,881
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	163,929	163,929
6	TOW 2 SYSTEM SUMMARY	30,326	24,326
	Program Adjustment for Growth in Management and Administration Costs		-6,000
7	TOW 2 SYSTEM SUMMARY (AP-CY)	48,355	0
	Excess to Requirement		-48,355
8	BCT NON LINE OF SIGHT LAUNCH SYSTEM	350,574	0
	Program Termination		-350,574
9	GUIDED MLRS ROCKET (GMLRS)	291,041	266,041
	Program Reduction		-25,000
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,886	15,886
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	211,517	204,517
	Program Adjustment, Carriers Procured in fiscal year 2010		-7,000
12	PATRIOT MODS	57,170	57,170
13	ITAS/TOW MODS	13,281	13,281
14	MLRS MODS	8,217	8,217
15	HIMARS MODIFICATIONS	39,371	39,371
16	HELLFIRE MODIFICATIONS	10	10
17	SPARES AND REPAIR PARTS	19,569	19,569
18	AIR DEFENSE TARGETS	3,613	3,613
19	ITEMS LESS THAN \$5.0M (MISSILES)	1,208	1,208
20	PRODUCTION BASE SUPPORT	4,510	4,510
TOTAL, MISSILE PROCUREMENT, ARMY		1,887,437	1,570,108
PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY			
4	STRYKER VEHICLE	299,545	350,945
	Transfer from OPA line 9		+61,300
	Adjust Program Management Costs		-9,900
9	STRYKER (MOD)	146,352	85,052
	Transfer to OPA line 4		-61,300
10	FIST VEHICLE (MOD)	31,083	31,083
11	BRADLEY PROGRAM (MOD)	215,133	204,133
	Program Reduction		-11,000
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)	105,277	5,277
	Program Adjustment for Schedule Slip		-70,000
	Transfer to RDTEA line 116 for Paladin PIM		-30,000
13	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	69,609	69,609
14	ARMORED BREACHER VEHICLE	77,930	77,930
15	M88 FOV MODS	9,157	9,157
16	JOINT ASSAULT BRIDGE	44,133	0
	Funded Ahead of Need		-44,133
17	M1 ABRAMS TANK (MOD)	230,907	230,907
18	ABRAMS UPGRADE PROGRAM	183,000	183,000
19	PRODUCTION BASE SUPPORT (TCV-WTCV)	3,145	3,145
20	HOWITZER, LIGHT, TOWED, 105MM, M119	5,575	0
	Funds Excess to Requirement		-5,575
21	M240 MEDIUM MACHINE GUN (7.62MM)	28,179	20,479
	Pricing Correction		-7,700
22	MACHINE GUN, CAL .50 M2 ROLL	79,496	0
	Transfer to Title IX		-79,496
23	LIGHTWEIGHT .50 CALIBER MACHINE GUN	18,941	18,941
25	MK-19 GRENADE MACHINE GUN (40MM)	4,465	4,465
26	MORTAR SYSTEMS	17,082	17,082
27	M107, CAL. 50, SNIPER RIFLE	235	235
28	XM320 GRENADE LAUNCHER MODULE (GLM)	16,282	16,282
29	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	5,159	5,159
30	M4 CARBINE	20,180	20,180
31	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	7,153	7,153
33	HANDGUN	3,371	0
	Program Reduction		-3,371
35	MK-19 GRENADE MACHINE GUN MODS	4,286	2,986
	Tactical Engagement Simulator Terminated		-1,300
36	M4 CARBINE MODS	14,044	14,044
38	M249 SAW MACHINE GUN MODS	5,922	5,922
39	M240 MEDIUM MACHINE GUN MODS	15,852	15,852
40	M119 MODIFICATIONS	39,810	39,810
41	M16 RIFLE MODS	3,855	3,855
43	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	6,083	6,083
45	PRODUCTION BASE SUPPORT (WOCV-WTCV)	7,869	7,869
46	INDUSTRIAL PREPAREDNESS	409	409
47	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	4,042	4,042
TOTAL, PROCUREMENT OF W&TCV, ARMY		1,723,561	1,461,086
PROCUREMENT OF AMMUNITION, ARMY			
1	CTG, 5.56MM, ALL TYPES	195,406	195,406
2	CTG, 7.62MM, ALL TYPES	79,622	79,622
3	CTG, HANDGUN, ALL TYPES	5,377	5,377
4	CTG, .50 CAL, ALL TYPES	160,712	160,712
6	CTG, 25MM, ALL TYPES	15,887	15,887
7	CTG, 30MM, ALL TYPES	95,222	95,222
8	CTG, 40MM, ALL TYPES	167,632	167,632
9	60MM MORTAR, ALL TYPES	14,340	14,340
10	81MM MORTAR, ALL TYPES	24,036	24,036
11	CTG, MORTAR, 120MM, ALL TYPES	96,335	67,735
	APMI Unit Cost Savings		-28,600
12	CTG TANK 105MM: ALL TYPES	7,794	7,794
13	CTG, TANK, 120MM, ALL TYPES	114,798	114,798
14	CTG, ARTY, 75MM: ALL TYPES	7,329	7,329
15	CTG, ARTY, 105MM: ALL TYPES	76,658	76,658
16	CTG, ARTY, 155MM, ALL TYPES	45,752	45,752
17	PROJ 155MM EXTENDED RANGE XM982	62,114	30,700
	Exceeds Revised Requirement		-31,414
18	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	29,309	21,909
	Decrease to Reduce Backlog in MACS M232 Production		-7,400
19	ARTILLERY FUZES, ALL TYPES	25,047	15,047
	Program Delay, Precision Guidance Kit		-10,000
20	MINES, ALL TYPES	817	817
21	MINE, CLEARING CHARGE, ALL TYPES	8,000	8,000
22	ANTI-PERSONNEL LANDMINE ALTERNATIVES	53,005	8,317
	FRD Slipped to fiscal year 2012		-44,688

P-1		Budget Request	Recommendation
23	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES	10,246	0
	Program Adjustment for Schedule Slip		-10,246
24	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	43,873	43,873
25	ROCKET, HYDRA 70, ALL TYPES	120,628	120,628
26	DEMOLITION MUNITIONS, ALL TYPES	19,824	19,824
27	GRENADES, ALL TYPES	41,803	41,803
28	SIGNALS, ALL TYPES	39,472	39,472
29	SIMULATORS, ALL TYPES	11,389	11,389
30	AMMO COMPONENTS, ALL TYPES	17,499	17,499
31	NON-LETHAL AMMUNITION, ALL TYPES	5,266	5,266
32	CAD/PAD ALL TYPES	5,322	5,322
33	ITEMS LESS THAN \$5 MILLION	9,768	9,768
34	AMMUNITION PECULIAR EQUIPMENT	12,721	12,721
35	FIRST DESTINATION TRANSPORTATION (AMMO)	11,786	11,786
36	CLOSEOUT LIABILITIES	100	100
37	PROVISION OF INDUSTRIAL FACILITIES	144,368	144,368
38	LAYAWAY OF INDUSTRIAL FACILITIES	9,504	9,504
39	MAINTENANCE OF INACTIVE FACILITIES	9,025	9,025
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	178,367	178,367
41	ARMS INITIATIVE	3,261	3,261
TOTAL, PROCUREMENT OF AMMUNITION, ARMY		1,979,414	1,847,066
OTHER PROCUREMENT, ARMY			
1	TACTICAL TRAILERS/DOLLY SETS	25,560	0
	Army Requested Program Adjustment		-25,560
2	SEMITRAILERS, FLATBED:	38,713	0
	Funded Ahead of Need		-38,713
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	918,195	693,495
	Pricing Adjustment		-224,700
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENT	21,317	21,317
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	549,741	549,741
8	PALLETIZED LOAD SYS—EXTENDED SERVICE PGM	100,108	56,208
	Program Adjustment for Schedule Slip		-43,900
9	ARMORED SECURITY VEHICLES (ASV)	114,478	114,478
10	MINE PROTECTION VEHICLE FAMILY	230,978	0
	Transfer to Title IX		-230,978
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	37,519	21,519
	Excess to Need		-16,000
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	173,565	173,565
15	MODIFICATION OF IN SVC EQUIP	349,256	0
	Funded Ahead of Need		-56,300
	Transfer to Title IX		-292,956
17	TOWING DEVICE—FIFTH WHEEL	234	234
18	AMC CRITICAL ITEMS, OPA1	746	746
19	HEAVY ARMORED SEDAN	1,875	0
	Slow Execution		-1,875
20	PASSENGER CARRYING VEHICLES	3,323	1,323
	Slow Execution		-2,000
21	NONTACTICAL VEHICLES, OTHER	19,586	19,586
23	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	11,411	11,411
24	WIN-T—GROUND FORCES TACTICAL NETWORK	421,798	391,798
	Program Adjustment, Increment 2 Slow Execution		-20,000
	Program Adjustment, Area Common User System Modernization Slow Execution		-10,000
25	JCSE EQUIPMENT (USREDCOM)	4,690	4,690
26	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	115,744	115,744
27	SHF TERM	14,198	14,198
28	SAT TERM, EMUT (SPACE)	662	662
29	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	32,193	32,193
30	SMART-T (SPACE)	10,285	10,285
31	SCAMP (SPACE)	930	930
32	GLOBAL BRDCST SVC—GBS	4,586	4,586
33	MOD OF IN-SVC EQUIP (TAC SAT)	1,506	1,506
34	MOD-IN-SERVICE PROFILER	938	938
35	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	20,387	20,387
36	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	700	700
37	JOINT TACTICAL RADIO SYSTEM	209,568	159,468
	Program Reduction in Small Form Factor-C Radio		-5,000
	Funded Ahead of Need		-45,100
38	RADIO TERMINAL SET, MIDS LVT(2)	5,796	5,796
39	SINCGARS FAMILY	14,504	12,604
	Unjustified Growth		-1,900
40	AMC CRITICAL ITEMS—OPA2	3,860	3,860
41	MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	9,501	9,501
42	COMMS-ELEC EQUIP FIELDING	5,965	5,965
43	SPIDER APLA REMOTE CONTROL UNIT	26,358	6,758
	Army Requested Program Adjustment		-19,600
44	INTELLIGENT MUNITIONS SYSTEM REMOTE CONTROL UNIT	6,603	0
	Funded Ahead of Need		-6,603
45	SOLDIER ENHANCEMENT PROGRAM COMM AND ELECTRONICS	5,125	5,125
46	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	2,397	2,397
47	RADIO, IMPROVED HF (COTS) FAMILY	9,983	9,983
48	MEDICAL COMM FOR CBT CASUALTY CARE (MCA)	23,606	23,606
49	CI AUTOMATION ARCHITECTURE (MIP)	1,465	1,465
50	TSEC—ARMY KEY MGT SYS (AKMS)	25,959	25,959
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	63,340	54,858
	Protected Information—Biometrics—Transfer to OP.A line 51x		-8,482
51x	FAMILY OF BIOMETRICS	0	8,482
	Non-MIP Biometrics—Transfer from OP.A line 51		+8,482
52	TERRESTRIAL TRANSMISSION	137	137
53	BASE SUPPORT COMMUNICATIONS	28,406	28,406
54	WW TECH CON IMP PROG (WWTCIP)	11,566	11,566
55	INFORMATION SYSTEMS	201,081	201,081
56	DEFENSE MESSAGE SYSTEM (DMS)	6,264	6,264
57	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	178,242	178,242
58	PENTAGON INFORMATION MGT AND TELECOM	10,427	10,427
64	JTT/CIBS-M (MIP)	3,321	3,321
65	PROPHET GROUND (MIP)	71,517	71,517
68	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	441	441
70	DCGS-A (MIP)	137,424	0
	Transfer to Title IX		-137,424
71	JOINT TACTICAL GROUND STATION (JTGS)	9,279	9,279
72	TROJAN (MIP)	28,345	28,345
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,602	7,602
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS)(MIP)	7,416	7,416
75	ITEMS LESS THAN \$5.0M (MIP)	18,721	18,721
76	LIGHTWEIGHT COUNTER MORTAR RADAR	32,980	80,080
	Program Adjustment		+47,100
77	WARLOCK	24,127	16,127

P-1	Budget Request	Recommendation
Excess to Need		- 8,000
78 BCT UNATTENDED GROUND SENSOR	29,718	14,718
Program Reduction		-15,000
79 COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,394	1,394
80 CI MODERNIZATION (MIP)	1,263	1,263
81 FORWARD AREA AIR DEFENSE—GROUND BASED SENSOR	91,467	91,467
82 SENTINEL MODS	30,976	30,976
83 SENSE THROUGH THE WALL (STW)	24,939	24,939
84 NIGHT VISION DEVICES	70,528	70,528
85 LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS	255,641	230,641
Excess to Need		-25,000
86 NIGHT VISION, THERMAL WPN SIGHT	248,899	248,899
87 SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	8,520	8,520
89 COUNTER-ROCKET, ARTILLERY & MORTAR	2,088	2,088
91 ARTILLERY ACCURACY EQUIP	6,042	0
Funded Ahead of Need		-6,042
94 PROFILER	4,408	4,408
95 MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	2,843	2,843
96 FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	39,786	39,786
97 JOINT BATTLE COMMAND—PLATFORM (JBC-P)	147	147
98 LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	65,970	65,970
99 COMPUTER BALLISTICS: LHMCB XM32	815	815
100 MORTAR FIRE CONTROL SYSTEM	16,475	16,475
101 COUNTERFIRE RADARS	275,867	0
Transfer to Title IX		-275,867
102 ENHANCED SENSOR & MONITORING SYSTEM	2,062	2,062
103 TACTICAL OPERATIONS CENTERS	53,768	43,768
Program Reduction		-10,000
104 FIRE SUPPORT C2 FAMILY	49,077	49,077
105 BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	25,866	25,866
106 FAAD C2	42,511	32,511
Program Reduction		-10,000
107 AIR & MSL DEFENSE PLANNING & CONTROL SYS	57,038	57,038
108 KNIGHT FAMILY	120,723	120,723
109 LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,710	1,710
110 AUTOMATIC IDENTIFICATION TECHNOLOGY	10,858	10,858
111 TC AIMS II	10,457	10,457
113 TACTICAL INTERNET MANAGER	1,594	1,594
114 NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,492	18,492
115 MANEUVER CONTROL SYSTEM (MCS)	96,162	96,162
116 SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	99,819	99,819
117 RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,466	15,466
119 GENERAL FUND ENTERPRISE BUSINESS SYSTEM	97,858	97,858
120 ARMY TRAINING MODERNIZATION	36,158	36,158
121 AUTOMATED DATA PROCESSING EQUIPMENT	203,864	203,864
122 CSS COMMUNICATIONS	39,811	39,811
123 RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,360	39,360
124 ITEMS LESS THAN \$5.0M (A/V)	663	663
125 ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	6,467	6,467
128 PRODUCTION BASE SUPPORT (C-E)	542	542
129 BCT NETWORK	176,543	136,543
Program Reduction		-40,000
130 PROTECTIVE SYSTEMS	2,489	2,489
131 FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,305	9,305
132 CBRN SOLDIER PROTECTION	180,351	180,351
133 SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	831	831
134 TACTICAL BRIDGING	62,817	62,817
135 TACTICAL BRIDGE, FLOAT-RIBBON	105,837	105,837
136 HANDHELD STANDOFF MINEFIELD DETECTION SYS	43,871	43,871
137 GROUND STANDOFF MINE DETECTION SYSTEM	35,002	35,002
138 EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	54,093	54,093
139 ITEMS LESS THAN \$5M, COUNTERMINE EQUIPMENT	3,655	3,655
141 HEATERS AND ECU'S	20,610	20,610
143 SOLDIER ENHANCEMENT	5,416	5,416
146 PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	7,813	7,813
147 GROUND SOLDIER SYSTEM	110,524	96,024
Program Reduction		-14,500
148 MOUNTED SOLDIER SYSTEM	38,872	38,872
149 FORCE PROVIDER	41,539	41,539
150 FIELD FEEDING EQUIPMENT	23,826	23,826
151 CARGO AERIAL DELIVERY AND PERSONNEL PARACHUTE SYSTEM	69,496	69,496
152 MOBILE INTEGRATED REMAINS COLLECTION SYSTEM	26,532	26,532
153 ITEMS LESS THAN \$5M (ENGINEER SUPPORT)	31,420	31,420
154 DISTRIBUTION SYSTEMS, PETROLEUM AND WATER	175,069	164,369
Program Adjustment		-10,700
155 WATER PURIFICATION SYSTEMS	3,597	0
Funded Ahead of Need		-3,597
156 COMBAT SUPPORT MEDICAL	30,365	30,365
157 MOBILE MAINTENANCE EQUIPMENT SYSTEMS	159,285	139,985
Unjustified Growth		-19,300
158 ITEMS LESS THAN \$5.0M (MAINT EQ)	3,702	3,702
159 GRADER, ROAD MOTORIZED, HVY, 6X4 (CCE)	48,379	48,379
160 SKID STEER LOADER (SSL) FAMILY OF SYSTEM	17,498	17,498
161 SCRAPERS, EARTHMOVING	12,452	12,452
163 MISSION MODULES—ENGINEERING	62,111	54,111
Unjustified Growth		-8,000
164 LOADERS	7,205	7,205
165 HYDRAULIC EXCAVATOR	8,458	8,458
166 TRACTOR, FULL TRACKED	64,032	64,032
167 PLANT, ASPHALT MIXING	10,783	10,783
168 HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	64,959	60,959
Unjustified Growth		-4,000
169 CONSTRUCTION EQUIPMENT ESP	11,063	11,063
170 ITEMS LESS THAN \$5.0M (CONSTRUCTION EQUIP)	20,565	17,565
Unjustified Growth		-3,000
171 JOINT HIGH SPEED VESSEL (JHSV)	202,764	202,764
172 HARBORMASTER COMMAND AND CONTROL CENTER(HCCC)	37,683	37,683
173 ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	8,052	8,052
174 GENERATORS AND ASSOCIATED EQUIPMENT	113,573	113,573
175 ROUGH TERRAIN CONTAINER HANDLER (RTCH)	29,460	29,460
176 FAMILY OF FORKLIFTS	12,936	12,936
177 ALL TERRAIN LIFTING ARMY SYSTEM	17,352	17,352
178 COMBAT TRAINING CENTERS SUPPORT	23,400	23,400
179 TRAINING DEVICES, NONSYSTEM	297,200	322,200
Training Range Upgrades		+25,000
180 CLOSE COMBAT TACTICAL TRAINER	64,912	64,912
181 AVIATION COMBINED ARMS TACTICAL TRAINER	26,120	26,120
182 GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,964	4,964
183 CALIBRATION SETS EQUIPMENT	38,778	38,778

P-1		Budget Request	Recommendation
184	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	104,472	104,472
185	TEST EQUIPMENT MODERNIZATION (TEMOD)	19,166	18,166
	Funded Ahead of Need		-1,000
186	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	42,229	21,229
	Excess to Need		-21,000
187	PHYSICAL SECURITY SYSTEMS (OPA3)	56,195	56,195
188	BASE LEVEL COMMERCIAL EQUIPMENT	1,873	1,873
189	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	103,046	82,046
	Program Adjustment		-21,000
190	PRODUCTION BASE SUPPORT (OTH)	2,233	2,233
192	SPECIAL EQUIPMENT FOR USER TESTING	44,483	44,483
193	AMC CRITICAL ITEMS OPA3	13,104	13,104
194	MA8975	3,894	3,894
195	BCT UNMANNED GROUND VEHICLE	20,046	20,046
196	BCT TRAINING/LOGISTICS/MANAGEMENT	61,581	31,581
	Program Reduction		-30,000
197	INITIAL SPARES—C&E	38,707	36,079
	Transfer to APA line 34 at Army request		-2,628
	CLASSIFIED PROGRAMS	2,560	2,560
xx	PROCUREMENT INNOVATION	0	15,000
	Procurement Innovation		+15,000
	TOTAL, OTHER PROCUREMENT, ARMY	9,765,808	8,145,665
AIRCRAFT PROCUREMENT, NAVY			
1	EA-18G	1,028,801	971,241
	Multi-year Procurement Savings		-49,836
	Support Funding Carryover		-7,724
2	EA-18G (AP-CY)	55,081	55,081
3	F/A-18E/F (FIGHTER) HORNET (MYP)	1,784,894	1,684,086
	Multi-year Procurement Savings		-92,746
	Support Funding Carryover		-8,062
4	F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	2,295	2,295
5	JOINT STRIKE FIGHTER	1,667,093	1,653,093
	Support Funding Carryover		-14,000
6	JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	219,895	219,895
7	JSF STOVL	2,289,816	555,716
	Support Funding Carryover		-42,500
	Delete Two Aircraft		-391,600
	Transfer Eight Aircraft to CTOL Variant		-1,300,000
8	JSF STOVL (AP-CY)	286,326	286,326
9	V-22 (MEDIUM LIFT)	2,121,036	2,121,036
10	V-22 (MEDIUM LIFT) (AP-CY)	81,875	81,875
11	UH-1Y/AH-1Z	738,709	738,709
12	UH-1Y/AH-1Z (AP-CY)	69,360	58,560
	Unjustified Cost Growth		-10,800
13	MH-60S (MYP)	478,591	478,591
14	MH-60S (MYP) (AP-CY)	70,080	66,280
	Unexecutable EOQ		-3,800
15	MH-60R	897,933	897,933
16	MH-60R (AP-CY)	162,006	129,006
	Unexecutable EOQ		-33,000
17	P-8A POSEIDON	1,824,437	1,820,560
	Operational Flight Trainer Cost Growth		-2,155
	Weapons Tactics Trainer Cost Growth		-1,722
18	P-8A POSEIDON (ADVANCED PROCUREMENT)	166,153	147,653
	Funded Ahead of Need		-18,500
19	E-2C (EARLY WARNING) HAWKEYE (MYP)	819,184	819,184
20	E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)	118,619	118,619
21	C-40A		74,100
	Add One Aircraft		+74,100
22	JPATS	266,065	26,274
	Contract Delay		-234,849
	Support Funding Carryover		-4,942
26	MQ- UAV	47,484	43,984
	Support Funding Carryover		-3,500
27	STUASLO UAV	23,912	0
	Program Delay		-23,912
29	EA-6 SERIES	14,891	0
	Unjustified Request in Avionics and Structural Improvements OSIP		-8,900
	ICAP III OSIP Unjustified Request		-5,991
30	AEA SYSTEMS	33,772	29,972
	Low Band Transmitter Modification Kit Pricing		-1,400
	ECO growth		-2,400
31	AV-8 SERIES	19,386	19,386
32	F-18 SERIES	492,821	443,806
	ECP 904 Modification Kit Cost Growth		-2,310
	ECP 583R2 Installation Equipment Kit Cost Growth		-3,780
	ATFLIR Installation Equipment Kit Cost Growth		-11,745
	Mission Planning/Unique Planning Component Growth		-2,400
	OSIP 002-07 Excess ECO Funding		-9,000
	ECP6279 Radar Modification Kits Ahead of Need		-7,880
	OSIP 001-10 Integrated Logistics Support Growth		-2,500
	Unjustified Cost Growth		-9,400
33	H-46 SERIES	17,685	17,685
34	AH-1W SERIES	11,011	11,011
35	H-53 SERIES	25,871	25,871
36	SH-60 SERIES	67,779	67,779
37	H-1 SERIES	3,060	3,060
38	EP-3 SERIES	90,323	90,323
39	P-3 SERIES	221,982	186,982
	Unjustified Cost Growth		-35,000
40	E-2 SERIES	47,046	67,046
	Reliability Enhancements for E-2C		+20,000
41	TRAINER A/C SERIES	23,999	23,999
42	C-2A	16,020	16,020
43	C-130 SERIES	17,839	17,839
44	FEWSG	21,928	16,696
	AN/ALQ-167 Modification Kit Cost Growth		-5,232
45	CARGO/TRANSPORT A/C SERIES	16,092	16,092
46	E-6 SERIES	149,164	121,194
	Block 1 Upgrade Training Kit Cost Growth		-5,040
	Block 1 Upgrade OSIP Support Funding Growth		-3,000
	SLEP Installation Delay		-2,630
	Funded Ahead of Need		-17,300
47	EXECUTIVE HELICOPTERS SERIES	43,443	43,443
48	SPECIAL PROJECT AIRCRAFT	14,679	14,679
49	T-45 SERIES	61,515	46,215
	Engine Surge OSIP Installation Funding Ahead of Need		-500

P-1		Budget Request	Recommendation
	Engine Surge OSIP Contract Delay		-2,800
	Required Avionics Modernization Program Modification Kit Cost Growth		-3,900
	Synthetic Aperture Radar OSIP Contract Delay		-8,100
50	POWER PLANT CHANGES	19,948	19,948
51	JPATS SERIES	1,831	1,831
52	AVIATION LIFE SUPPORT MODS	8,084	2,984
	Transfer to RDTE.N line 93 for Common Mobile Aircrew Restraint System		-5,100
53	COMMON ECM EQUIPMENT	21,947	21,947
54	COMMON AVIONICS CHANGES	101,120	79,820
	CNS/ATM Installation Equipment Contract Savings		-12,400
	CNS/ATM Installation Funding Ahead of Need		-1,400
	Tactical Moving Map Capability Modifications Funding Ahead of Need		-7,500
56	ID SYSTEMS	20,397	20,397
57	RQ-7 SERIES	18,121	18,121
58	V-22 (TILT/ROTOR ACFT) OSPREY	21,985	21,985
59	SPARES AND REPAIR PARTS	1,244,673	1,234,084
	JPATS Contract Delay		-10,589
60	COMMON GROUND EQUIPMENT	322,063	322,063
61	AIRCRAFT INDUSTRIAL FACILITIES	17,998	17,998
62	WAR CONSUMABLES	25,248	25,248
63	OTHER PRODUCTION CHARGES	7,579	7,579
64	SPECIAL SUPPORT EQUIPMENT	45,916	45,916
65	FIRST DESTINATION TRANSPORTATION	1,752	1,752
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	18,508,613	16,170,868
	WEAPONS PROCUREMENT, NAVY		
1	TRIDENT II MODS	1,106,911	1,106,911
2	MISSILE INDUSTRIAL FACILITIES	3,446	3,446
3	TOMAHAWK	300,178	288,278
	Production Engineering Support Growth		-1,900
	Support Funding Carryover		-10,000
4	AMRAAM	155,553	145,553
	Support Funding Carryover		-10,000
5	SIDEWINDER	52,293	52,293
6	JSOW	131,141	129,641
	Support Funding Carryover		-1,500
7	STANDARD MISSILE	295,922	248,222
	Support Funding Carryover		-5,700
	Smooth Production Ramp - SM 6		-42,000
8	RAM	74,976	68,046
	Contract Savings		-1,930
	Program Rebaselined - Milestone C Slip for Block II		-5,000
9	HELLFIRE	43,495	41,995
	Support Funding Carryover		-1,500
10	AERIAL TARGETS	43,988	42,888
	ECM/Emitter Equipment Cost Growth		-1,100
11	OTHER MISSILE SUPPORT	3,981	3,981
12	ESSM	48,152	45,515
	Support Funding Carryover		-2,637
13	HARM MODS	53,543	52,191
	Support Funding Carryover		-1,352
14	STANDARD MISSILES MODS	61,896	61,896
15	WEAPONS INDUSTRIAL FACILITIES	3,281	3,281
16	FLEET SATELLITE COMM FOLLOW-ON	505,734	505,734
18	ORDNANCE SUPPORT EQUIPMENT	52,152	52,152
19	ASW TARGETS	10,123	5,197
	Contract Delay		-4,926
20	MK-46 TORPEDO MODS	42,144	42,144
21	MK-48 TORPEDO ADCAP MODS	43,559	29,859
	Contract Delay - Funds for 15 kits and NRE		-13,700
22	QUICKSTRIKE MINE	6,090	6,090
23	TORPEDO SUPPORT EQUIPMENT	43,766	43,766
24	ASW RANGE SUPPORT	9,557	9,557
25	FIRST DESTINATION TRANSPORTATION	3,494	3,494
26	SMALL ARMS AND WEAPONS	14,316	14,316
27	CWS MODS	41,408	29,022
	Block 1B Systems Ahead of Need		-12,386
28	COAST GUARD WEAPONS	20,657	13,259
	CWS Ahead of Need		-5,698
	MK160 Ahead of Need		-1,700
29	GUN MOUNT MODS	43,991	40,791
	Installation Funding Ahead of Need		-3,200
30	LCS MODULE WEAPONS	9,808	0
	NLOS Program Termination		-9,808
31	CRUISER MODERNIZATION WEAPONS	52,426	50,626
	Support Funding Carryover		-1,800
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	23,007	23,007
35	SPARES AND REPAIR PARTS	58,806	58,806
	TOTAL, WEAPONS PROCUREMENT, NAVY	3,359,794	3,221,957
	PROCUREMENT OF AMMO, NAVY & MARINE CORPS		
1	GENERAL PURPOSE BOMBS	80,028	77,928
	Direct Attack Moving Target Capability Program Cost Growth		-2,100
3	AIRBORNE ROCKETS, ALL TYPES	38,721	23,171
	MK 66 Rocket Motor (Mod 4) Unit Cost Efficiencies		-6,000
	2.75 Launcher Unit Cost Efficiencies		-9,550
4	MACHINE GUN AMMUNITION	21,003	21,003
5	PRACTICE BOMBS	33,666	31,666
	Support Funding Carryover		-2,000
6	CARTRIDGES & CART ACTUATED DEVICES	53,667	52,167
	Program Execution Delays		-1,500
7	AIR EXPENDABLE COUNTERMEASURES	59,626	59,626
8	JATOS	2,869	2,869
9	5 INCH/54 GUN AMMUNITION	34,492	33,492
	Product Improvement Growth		-1,000
10	INTERMEDIATE CALIBER GUN AMMUNITION	37,234	37,234
11	OTHER SHIP GUN AMMUNITION	36,275	36,275
12	SMALL ARMS & LANDING PARTY AMMO	46,192	46,192
13	PYROTECHNIC AND DEMOLITION	11,310	10,079
	MK-62 Firing Device Contract Delay		-1,231
14	AMMUNITION LESS THAN \$5 MILLION	4,105	4,105
15	SMALL ARMS AMMUNITION	64,839	64,839
16	LINEAR CHARGES, ALL TYPES	15,329	15,329
17	40 MM, ALL TYPES	62,835	62,835
18	60MM, ALL TYPES	17,877	17,877
19	81MM, ALL TYPES	41,053	41,053
20	120MM, ALL TYPES	6,458	6,458
21	CTG 25MM, ALL TYPES	2,937	2,937

P-1		Budget Request	Recommendation
22	GRENADERS, ALL TYPES	9,298	8,092
	Funded Ahead of Need for Scorpion		-1,206
23	ROCKETS, ALL TYPES	13,995	13,995
24	ARTILLERY, ALL TYPES	70,423	67,546
	Decrease to Reduce Backlog in MACS M232 Production		-2,877
25	DEMOLITION MUNITIONS, ALL TYPES	19,464	19,464
26	FUZE, ALL TYPES	18,032	18,032
27	NON LETHALS	3,009	3,009
28	AMMO MODERNIZATION	8,985	8,985
29	ITEMS LESS THAN \$5 MILLION	4,269	4,269
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS		817,991	790,527
SHIPBUILDING & CONVERSION, NAVY			
1	CARRIER REPLACEMENT PROGRAM	1,731,256	1,721,969
	Consolidated Afloat Navy Enterprise System Increment 1		-2,600
	Surface Electronic Warfare Improvement		-4,900
	AN/UPX-29		-1,787
2	CARRIER REPLACEMENT PROGRAM (AP-CY)	908,313	908,313
3	VIRGINIA CLASS SUBMARINE	3,441,452	3,430,343
	Sonar System Hardware Cost Growth		-5,795
	Modular Mast Cost Growth		-1,430
	Propulsor Cost Growth		-3,884
4	VIRGINIA CLASS SUBMARINE (AP-CY)	1,691,236	1,691,236
5	CVN REFUELING OVERHAUL	1,255,799	1,248,999
	SSDS Program Management Excess		-1,800
	SSDS Software Growth		-2,000
	CEC Testing and Evaluation Excess		-3,000
6	CVN REFUELING OVERHAULS (AP-CY)	408,037	408,037
9	DDG 1000	186,312	77,512
	Volume Search Radar		-108,800
10	DDG-51	2,922,190	2,868,454
	MK-12 IFF Cost Growth		-4,986
	CIMS Block 1B Cost Growth		-2,256
	Exterior Communication System Cost Growth		-6,294
	Main Reduction Gear Systems Engineering Growth		-10,200
	Main Reduction Gear Contract Savings		-30,000
11	DDG-51 (AP-CY)	47,984	47,984
12	LITTORAL COMBAT SHIP	1,230,984	1,168,984
	Cost Savings		-62,000
13	LITTORAL COMBAT SHIP (AP-CY)	278,351	190,351
	Program Reduction		-88,000
16	LHA REPLACEMENT (AP-CY)	949,897	942,837
	C4ISR Cost Growth		-5,174
	Rolling Airframe Missile System Cost Growth		-1,886
18	INTRATHEATER CONNECTOR	180,703	180,703
19	OCEANOGRAPHIC SHIPS	88,561	88,561
20	OUTFITTING	306,640	295,570
	JHSV-1 Outfitting Funding Phasing		-3,426
	LPD-25 Outfitting Funding Phasing		-2,500
	DDG-1000 Post-Delivery Phasing		-1,757
	LPD-23 Post-Delivery Phasing		-3,387
21	SERVICE CRAFT	13,770	13,770
22	LCAC SLEP	83,035	83,035
TOTAL, SHIPBUILDING & CONVERSION, NAVY		15,724,520	15,366,658
OTHER PROCUREMENT, NAVY			
1	LM-2500 GAS TURBINE	12,137	10,525
	Turbine Digital Fuel Controls Cost Growth		-1,612
2	ALLISON 501K GAS TURBINE	14,923	14,923
4	OTHER NAVIGATION EQUIPMENT	23,167	23,167
5	SUB PERISCOPES & IMAGING EQUIP	85,619	73,559
	AN/BVS-1 Mast Tech Insertion Spares		-1,849
	ISIS Tech Insertion Kits Ahead of Need		-2,769
	Support Funding Carryover		-1,700
	Contractor Repair Funding Growth		-5,742
6	DDG MOD	296,691	289,691
	Multi-Mission BMD Capability Upgrade Kits Cost Growth		-1,000
	Engineering Services Unjustified Cost Growth		-6,000
7	FIREFIGHTING EQUIPMENT	11,974	9,304
	Self-Contained Breathing Apparatus Kits Excess to Requirements		-1,570
	Support Funding Carryover		-1,100
8	COMMAND AND CONTROL SWITCHBOARD	3,962	2,362
	Unjustified Request		-1,600
9	POLLUTION CONTROL EQUIPMENT	25,614	25,614
10	SUBMARINE SUPPORT EQUIPMENT	7,730	7,730
11	VIRGINIA CLASS SUPPORT EQUIPMENT	132,039	130,039
	Spare Main Propulsion Shaft Ahead of Need		-2,000
12	SUBMARINE BATTERIES	44,057	31,057
	Support Funding Carryover		-1,500
	Excess Installation Funding		-11,500
13	STRATEGIC PLATFORM SUPPORT EQUIP	22,811	22,811
14	DSPP EQUIPMENT	3,869	3,869
15	CG-MODERNIZATION	356,958	350,958
	Engineering Services Unjustified Cost Growth		-6,000
16	LCAC	9,142	2,642
	Personnel Transport Module Contract Delay		-6,500
18	UNDERWATER EOD PROGRAMS	15,908	15,908
19	ITEMS LESS THAN \$5 MILLION	126,842	119,698
	LCS Waterjets Spares Ahead of Need		-5,296
	Voltage Regulators Ahead of Need		-1,848
20	CHEMICAL WARFARE DETECTORS	7,470	7,470
21	SUBMARINE LIFE SUPPORT SYSTEM	13,016	13,016
22	REACTOR POWER UNITS	438,503	438,503
23	REACTOR COMPONENTS	266,469	266,469
24	DIVING AND SALVAGE EQUIPMENT	10,227	10,227
25	STANDARD BOATS	27,725	49,225
	Range Support Craft		+21,500
26	OTHER SHIPS TRAINING EQUIPMENT	16,094	16,094
27	OPERATING FORCES IPE	49,856	91,476
	Program Increase - Shipyard Capital Investment Program		+41,620
28	NUCLEAR ALTERATIONS	116,829	116,829
29	LCS MODULES	82,951	41,369
	MCM Module Production Support Growth		-6,000
	Consulting Services Growth		-3,064
	Excess Remote Multi-Mission Vehicle Funding		-7,600
	Mission Package Computer Environment Units Ahead of Need		-2,268
	AN/AQS-20A—Ahead of Need		-22,650

P-1		Budget Request	Recommendation
30	LSD MIDLIFE	106,612	102,612
	60-ton Deck Crane Contract Delay		-1,000
	Boat Davit and Ballast Control System Installations Ahead of Need		-3,000
31	RADAR SUPPORT	12,030	7,000
	Periscope Detection Radar Installation Funding Ahead of Need		-3,500
	Excess Miscellaneous Funding		-1,530
32	SPQ-9B RADAR	8,887	5,687
	Excess Antenna Funding		-2,200
	Support Funding Carryover		-1,000
33	AN/SQQ-89 SURF ASW COMBAT SYSTEM	87,219	85,219
	Support Funding Carryover		-2,000
34	SSN ACOUSTICS	237,015	234,015
	Installation Costs Unjustified Growth		-3,000
35	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,641	27,241
	Common Data Link Modification Installation Funding Ahead of Need		-2,400
36	SONAR SWITCHES AND TRANSDUCERS	14,056	13,056
	TR-317 Module Cost Growth		-1,000
37	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,739	18,539
	Next Generation Countermeasure Funding Ahead of Need		-2,200
38	SSTD	2,206	0
	AN/SLQ-25D Ahead of Need		-2,206
39	FIXED SURVEILLANCE SYSTEM	57,481	57,481
40	SURTASS	8,468	8,468
41	TACTICAL SUPPORT CENTER	18,586	18,586
42	AN/SLQ-32	49,677	23,257
	Support Funding Carryover		-2,000
	Block 1B3 Incremental Funding		-7,520
	Block 2 Incremental Funding		-16,900
43	SHIPBOARD IW EXPLOIT	105,624	105,624
44	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,299	1,299
45	SUBMARINE SUPPORT EQUIPMENT PROG	71,558	70,108
	ESM Capability Insertion (CI-06) Kits Ahead of Need		-1,450
46	COOPERATIVE ENGAGEMENT CAPABILITY	31,091	25,691
	Planar Antenna Funding Ahead of Need		-5,400
47	TRUSTED INFORMATION SYSTEM (TIS)	338	338
48	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,358	33,358
49	ATDLs	2,273	2,273
50	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	8,920	8,920
51	MINESWEEPING SYSTEM REPLACEMENT	81,441	60,710
	Remote Minehunting System (RMS)		-5,027
	Support Funding Carryover		-2,272
	Expendable Mine Neutralization System Funding Ahead of Need		-12,432
	Assessment and Identification of Mine Susceptibility Growth		-1,000
52	SHALLOW WATER MCM	9,236	1,261
	Cobra Block 1 Contract Delay		-7,975
53	NAVSTAR GPS RECEIVERS (SPACE)	9,319	9,319
54	ARMED FORCES RADIO AND TV	3,328	3,328
55	STRATEGIC PLATFORM SUPPORT EQUIP	4,248	4,248
56	OTHER TRAINING EQUIPMENT	29,061	27,761
	COTS Obsolescence Growth		-1,300
57	MATCALs	16,747	14,747
	ASPARCS Cost Growth		-2,000
58	SHIPBOARD AIR TRAFFIC CONTROL	7,658	7,658
59	AUTOMATIC CARRIER LANDING SYSTEM	15,169	10,782
	AN/SPN-46 Radar Modification Kits Ahead of Need		-4,387
60	NATIONAL AIR SPACE SYSTEM	17,531	17,531
61	AIR STATION SUPPORT EQUIPMENT	6,851	6,851
62	MICROWAVE LANDING SYSTEM	8,551	8,551
63	ID SYSTEMS	29,572	23,122
	AN/URN-25 TACAN Upgrade Kits Ahead of Need		-2,450
	Support Funding Carryover		-4,000
64	TAC A/C MISSION PLANNING SYS (TAMPS)	9,098	7,798
	Support Funding Carryover		-1,300
65	DEPLOYABLE JOINT COMMAND AND CONT	8,542	8,542
66	TADIX-B	6,909	2,944
	AN/USC-151 Upgrade Kit Ahead of Need		-3,965
67	GCSS-M EQUIPMENT TACTICAL/MOBILE	9,832	9,832
68	DCGS-N	16,634	16,634
69	CANES	34,398	10,264
	Funded Ahead of Need		-24,134
70	RADIAC	6,104	5,197
	Air Particulate Detector Contract Delay		-907
71	CANES-INTELL	10,432	3,140
	Ahead of Need		-7,292
72	GPETE	5,861	5,861
73	INTEG COMBAT SYSTEM TEST FACILITY	4,445	4,445
74	EMI CONTROL INSTRUMENTATION	4,737	4,737
75	ITEMS LESS THAN \$5 MILLION	51,048	29,307
	SPS-73 Tech Refresh/Obsolescence Growth		-741
	SPS-48 ECO and Support Cost Growth		-3,000
	SPS-48 Upgrade Kits Ahead of Need		-13,600
	Installation Funding Ahead of Need		-4,400
78	SHIP COMMUNICATIONS AUTOMATION	260,551	230,174
	Support Funding Carryover		-1,500
	ISNS Upgrade Kits Installation Funding Ahead of Need		-9,000
	CENTRIXS Installation Funding Ahead of Need		-1,425
	SCI Network Installation Funding Ahead of Need		-2,100
	ADNS Units Ahead of Need		-16,352
79	MARITIME DOMAIN AWARENESS (MDA)	9,250	7,650
	CENTRIXS Modification Kit Installation Funding Ahead of Need		-1,600
80	COMMUNICATIONS ITEMS UNDER \$5M	39,846	31,169
	Battle Force Tactical Network Ahead of Need		-8,677
82	SUBMARINE COMMUNICATION EQUIPMENT	59,013	55,737
	Common Submarine Radio Room Modification Kit Cost Growth		-1,029
	CSR Seawolf Ahead of Need		-2,247
83	SATELLITE COMMUNICATIONS SYSTEMS	28,665	28,665
84	NAVY MULTIBAND TERMINAL (NMT)	161,021	161,021
85	JCS COMMUNICATIONS EQUIPMENT	2,256	2,256
86	ELECTRICAL POWER SYSTEMS	1,309	1,309
87	NAVAL SHORE COMMUNICATIONS	3,422	3,422
88	INFO SYSTEMS SECURITY PROGRAM (ISSP)	120,529	114,357
	SV-21 Unit Cost Growth		-1,672
	Support Funding Carryover		-2,000
	CND Increment 2 Ahead of Need		-2,500
89	CRYPTOLOGIC COMMUNICATIONS EQUIP	18,322	18,322
90	COAST GUARD EQUIPMENT	20,189	20,189
92	SONOBUOYS—ALL TYPES	87,846	83,846
	Support Funding Carryover		-4,000
93	WEAPONS RANGE SUPPORT EQUIPMENT	51,742	59,700

P-1		Budget Request	Recommendation
	East Coast USWTR Support Funding Carryover		- 3,500
	East Coast USWTR Ahead of Need		- 8,542
	Training Range Upgrades		+20,000
94	EXPEDITIONARY AIRFIELDS	8,429	8,429
95	AIRCRAFT REARMING EQUIPMENT	11,134	11,134
96	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	37,063	28,881
	Advanced Recovery Control and Aviation Data Management and Control Systems Cost Growth		- 1,782
	Support Funding Carryover		- 1,400
	Production Engineering Unjustified Cost Growth		- 5,000
97	METEOROLOGICAL EQUIPMENT	25,581	25,581
98	OTHER PHOTOGRAPHIC EQUIPMENT	1,573	1,573
99	AVIATION LIFE SUPPORT	40,696	24,796
	JHMCS Ahead of Need		- 15,900
100	AIRBORNE MINE COUNTERMEASURES	35,855	35,855
101	LAMPS MK III SHIPBOARD EQUIPMENT	20,662	16,382
	Units Ahead of Need		- 4,280
102	PORTABLE ELECTRONIC MAINTENANCE AIDS	12,812	10,612
	Production Support Growth		- 2,200
103	OTHER AVIATION SUPPORT EQUIPMENT	12,018	12,018
104	NAVAL FIRES CONTROL SYSTEM	1,086	1,086
105	GUN FIRE CONTROL EQUIPMENT	8,076	8,076
106	NATO SEASPARROW	11,121	10,161
	ECP and Production Support Growth		- 960
107	RAM GMLS	11,805	6,800
	GMLS Ordlts Contract Delay		- 5,005
108	SHIP SELF DEFENSE SYSTEM	54,290	45,902
	Ship Self Defense System Modification Kits Ahead of Need		- 8,388
109	AEGIS SUPPORT EQUIPMENT	162,307	82,307
	COTS Tech Refresh Growth		- 3,000
	Ship Change Documentation Growth		- 4,500
	Navy Requested Transfer to RDTE,DW line 84 for Ballistic Missile Defense		- 72,500
110	TOMAHAWK SUPPORT EQUIPMENT	88,698	88,698
111	VERTICAL LAUNCH SYSTEMS	5,698	5,698
112	STRATEGIC MISSILE SYSTEMS EQUIP	184,034	159,034
	Fire Control Tech Refresh Growth		- 5,000
	Contract Delays		- 20,000
113	SSN COMBAT CONTROL SYSTEMS	88,004	77,390
	TI-04 Modification Contract Savings		- 2,214
	Excess TI-04 and Out Modification Installation Funding		- 8,400
114	SUBMARINE ASW SUPPORT EQUIPMENT	5,282	5,282
115	SURFACE ASW SUPPORT EQUIPMENT	8,323	8,323
116	ASW RANGE SUPPORT EQUIPMENT	7,121	7,121
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	58,288	58,288
118	ITEMS LESS THAN \$5 MILLION	3,546	2,480
	Industrial Facilities Contract Delay		- 1,066
119	ANTI-SHIP MISSILE DECOY SYSTEM	36,588	36,588
120	SURFACE TRAINING DEVICE MODS	7,337	7,337
121	SUBMARINE TRAINING DEVICE MODS	34,519	34,519
122	PASSENGER CARRYING VEHICLES	3,719	3,719
123	GENERAL PURPOSE TRUCKS	584	584
124	CONSTRUCTION & MAINTENANCE EQUIP	13,935	10,435
	Contract Delays		- 3,500
125	FIRE FIGHTING EQUIPMENT	12,853	12,853
126	TACTICAL VEHICLES	31,741	25,241
	FMTV Contract Savings		- 2,300
	Energy Initiative Unjustified Requirement		- 4,200
127	AMPHIBIOUS EQUIPMENT	3,132	3,132
128	POLLUTION CONTROL EQUIPMENT	5,154	5,154
129	ITEMS UNDER \$5 MILLION	24,770	24,770
130	PHYSICAL SECURITY VEHICLES	1,128	1,128
131	MATERIALS HANDLING EQUIPMENT	15,504	14,030
	General Purpose Forklift Cost Growth		- 1,474
132	OTHER SUPPLY SUPPORT EQUIPMENT	6,655	6,655
133	FIRST DESTINATION TRANSPORTATION	6,315	6,315
134	SPECIAL PURPOSE SUPPLY SYSTEMS	66,549	66,549
135	TRAINING SUPPORT EQUIPMENT	11,429	11,429
137	COMMAND SUPPORT EQUIPMENT	47,306	37,840
	BUPERS Software Cost Growth		- 2,500
	SPAWAR Hardware Items Cost Growth		- 1,080
	ERP Kits Cost Growth		- 900
	JFCOM National Small Unit Center		- 3,075
	Future Pay and Personnel System Ahead of Need		- 1,911
138	EDUCATION SUPPORT EQUIPMENT	2,067	2,067
139	MEDICAL SUPPORT EQUIPMENT	7,679	5,679
	Fleet Allowance List Outfitting Cost Growth		- 2,000
141	NAVAL MIP SUPPORT EQUIPMENT	1,433	1,433
143	OPERATING FORCES SUPPORT EQUIPMENT	12,754	12,754
144	C4ISR EQUIPMENT	5,317	5,317
145	ENVIRONMENTAL SUPPORT EQUIPMENT	20,033	20,033
146	PHYSICAL SECURITY EQUIPMENT	154,805	141,475
	Shipboard Protection System Installation Costs Excess to Need		- 5,500
	Shipboard Protection System Support Cost Growth		- 6,000
	Biometrics Ahead of Need		- 1,830
XX	PROCUREMENT INNOVATION		15,000
	Procurement Innovation		+15,000
147	ENTERPRISE INFORMATION TECHNOLOGY	377,353	159,653
	Navy Requested Transfer to OM, N AGSAG BSIT for NGEN		- 217,700
149	SPARES AND REPAIR PARTS	215,906	215,906
	CLASSIFIED PROGRAMS	19,767	19,767
	TOTAL, OTHER PROCUREMENT, NAVY	6,450,208	5,804,963
PROCUREMENT, MARINE CORPS			
1	AAV7A1 PIP	7,749	7,749
2	LAV PIP	41,277	41,277
4	EXPEDITIONARY FIRE SUPPORT SYSTEM	9,723	9,723
5	155MM LIGHTWEIGHT TOWED HOWITZER	10,356	10,356
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	22,230	22,230
7	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	26,091	26,091
9	MODIFICATION KITS	40,916	30,559
	Unexecutable Program - M1A1 Survivability Kits		- 10,357
10	WEAPONS ENHANCEMENT PROGRAM	13,115	13,115
11	GROUND BASED AIR DEFENSE	5,175	3,855
	Program Adjustment		- 1,320
13	FOLLOW ON TO SMAW	21,570	21,570
14	ANTI-ARMOR WEAPONS SYSTEM—HEAVY (AAWS-H)	20,315	20,315
15	MODIFICATION KITS	3,798	3,798
16	COMBAT OPERATIONS CENTER	10,776	10,776
17	REPAIR AND TEST EQUIPMENT	25,636	25,636

P-1		Budget Request	Recommendation
18	COMBAT SUPPORT SYSTEM	32,877	32,877
20	ITEMS UNDER \$5 MILLION (COMM & ELEC)	3,405	3,405
21	AIR OPERATIONS C2 SYSTEMS	67,568	67,568
22	RADAR SYSTEMS	860	860
23	FIRE SUPPORT SYSTEM	3,906	3,906
24	INTELLIGENCE SUPPORT EQUIPMENT	92,377	92,377
25	RQ-11 UAV	32,490	16,490
	Program Delay - Tier 2 UAS		-16,000
26	DCGS-MC	4,582	0
	DCGS-MC Program Delay		-4,582
28	COMMON COMPUTER RESOURCES	258,947	218,947
	Unjustified Request - MC Intranet		-40,000
29	COMMAND POST SYSTEMS	33,021	33,021
30	RADIO SYSTEMS	40,551	20,051
	Program Delay - JTRS handheld		-20,500
31	COMM SWITCHING & CONTROL SYSTEMS	32,279	22,279
	Execution Delay - WNS-T		-10,000
32	COMM & ELEC INFRASTRUCTURE SUPPORT	15,278	15,278
33	COMMERCIAL PASSENGER VEHICLES	1,157	1,157
34	COMMERCIAL CARGO VEHICLES	12,696	12,696
35	5/4T TRUCK HMMVV (MYP)	4,849	0
	Service Requested Reduction		-4,849
36	MOTOR TRANSPORT MODIFICATIONS	5,253	5,253
37	MEDIUM TACTICAL VEHICLE REPLACEMENT	11,721	11,721
38	LOGISTICS VEHICLE SYSTEM REPLACEMENT	133,827	133,827
39	FAMILY OF TACTICAL TRAILERS	19,156	19,156
40	TRAILERS	8,075	8,075
41	ITEMS LESS THAN \$5 MILLION	6,016	6,016
42	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,110	5,110
43	BULK LIQUID EQUIPMENT	10,743	10,743
44	TACTICAL FUEL SYSTEMS	29,330	29,330
45	POWER EQUIPMENT ASSORTED	19,419	19,419
46	AMPHIBIOUS SUPPORT EQUIPMENT	11,718	11,718
47	EOD SYSTEMS	64,093	64,093
48	PHYSICAL SECURITY EQUIPMENT	16,419	16,419
49	GARRISON MOBILE ENGR EQUIP	10,976	10,976
50	MATERIAL HANDLING EQUIP	24,376	24,376
51	FIRST DESTINATION TRANSPORTATION	2,748	2,748
52	FIELD MEDICAL EQUIPMENT	6,722	6,722
53	TRAINING DEVICES	5,668	5,668
54	CONTAINER FAMILY	897	897
55	FAMILY OF CONSTRUCTION EQUIPMENT	18,261	18,261
57	BRIDGE BOATS	12,567	12,567
58	RAPID DEPLOYABLE KITCHEN	4,283	4,283
59	ITEMS LESS THAN \$5 MILLION	7,572	7,572
60	SPARES AND REPAIR PARTS	13,524	13,524
	TOTAL, PROCUREMENT, MARINE CORPS	1,344,044	1,236,436

AIRCRAFT PROCUREMENT, AIR FORCE

1	F-35	3,729,242	4,064,442
	Air Force Requested Transfer from AP, AF line 43		+29,700
	Production Support Carryover		-60,000
	Delete Five Aircraft		-608,500
	Transfer Eight Aircraft from STOVL Variant		974,000
2	F-35 (AP-CY)	257,000	257,000
3	F-22A	158,039	158,039
5	C-17A (MYP)	14,283	48,683
	Air Force Requested Transfer from AP, AF line 88		+114,400
	Slow Execution		-80,000
6	C-130J	463,267	455,267
	Updated Pricing		-8,000
7	C-130J ADVANCE PROCUREMENT (CY)	48,000	40,000
	Updated Pricing		-8,000
8	HC-130J	349,300	307,800
	Updated Pricing		-41,500
9	HC-130J (AP-CY)	10,000	10,000
10	MC-130J	467,465	415,465
	Updated Pricing		-52,000
11	MC-130J (AP-CY)	60,000	60,000
14	JOINT CARGO AIRCRAFT	351,200	351,200
15	LIGHT MOBILITY AIRCRAFT	65,699	65,699
16	USFAA POWERED FLIGHT PROGRAM	4,099	4,099
18	COMM VERT LIFT SPT PLATFORM (UH-1N)	6,432	0
	Air Force Requested Transfer to RDTE, AF line 113		-6,432
19	V-22 OSPREY	393,098	393,098
20	V-22 OSPREY (AP-CY)	13,621	13,621
24	CIVIL AIR PATROL A/C	2,424	2,424
25	HH-60M OPERATIONAL LOSS REPLACEMENT	104,447	104,447
27	STUASLO	3,253	3,253
28	TARGET DRONES	85,505	85,505
29	C-37A	52,000	52,000
30	RQ-4 UAV	649,629	503,029
	Air Force Requested Transfer to AP, AF line 31		-25,600
	Unjustified Cost Increase, Sensors		-11,000
	Unjustified Request, Spares		-110,000
31	RQ-4 UAV (AP-CY)	90,200	72,300
	Air Force Requested Transfer from AP, AF line 30		+25,600
	Air Force Adjustment		-43,500
32	MC 130 IN BA 04	9,932	0
	Air Force Requested Transfer to AC-130 Recap Program		-9,932
xx	AC-130 Recap		9,932
	Air Force Requested Transfer from MC-130 program		+9,932
34	MQ-9	863,595	318,131
	Spares		-167,788
	Support Equipment - Forward Funding		-42,000
	Production Support - Forward Funding		-98,376
	Funded Ahead of Need		-21,300
	Transfer 12 Aircraft to Title IX		-216,000
35	B-2A	63,371	63,371
37	B-1B	200,090	200,090
38	B-52	69,074	21,074
	CONNECT—Funded Ahead of Need		-35,000
	Transfer to RDTE, AF line 117 for Internal Weapons Bay		-13,000
39	A-10	165,361	187,361
	Program Increase—Helmet Mounting Cueing System		+22,000
40	F-15	302,235	337,041
	C/D Flight Data Recorder—Early to Need		-11,408
	E-model Flight Data Recorder—Early to Need		-11,786

P-1		Budget Request	Recommendation
	Program Reduction		- 4,000
	AESA Radar for ANG F-15Cs		+62,000
41	F-16	167,188	167,188
42	F-22A	492,199	437,739
	Unjustified Request		-54,460
43	F-35 MODIFICATIONS	123,936	4,636
	Funded Ahead of Need		-82,000
	Air Force Requested Transfer to AP,AF line 1		-29,700
	Air Force Requested Transfer to RDTE,AF line 81 for Auto GCAS		-7,600
44	C-5	740,369	37,252
	Block Upgrade—Ahead of Need		-21,260
	Funded Ahead of Need		-5,400
	Transfer C-5 RERP to New AP,AF Line		-676,457
45	C-5 (AP-CY)	166,900	106,900
	Funded with fiscal year 2009 and 2010 funds		-60,000
xx	C-5 RERP		676,457
	Transfer C-5 RERP from AP,AF line 44		+676,457
46	C-9C	10	0
	Program Terminated		- 10
47	C-17A	351,614	217,547
	OBIGGS Kits—Reduction of Four kits		-13,800
	Extended Range Retrofits Kits—Reduction of One Kit		-5,267
	Excess to Need		-98,000
	Funded Ahead of Need		-17,000
48	C-21	339	339
49	C-32A	12,113	12,113
50	C-37A	12,162	12,162
51	GLIDER MODS	120	120
52	T6	24,644	24,644
53	T-1	83	83
54	T-38	28,288	26,288
	Funded Ahead of Need		-2,000
56	KC-10A (ATCA)	13,777	11,777
	Funded Ahead of Need		-2,000
57	C-12	7,645	7,645
58	MC-12W	10,826	10,826
59	C-20 MODS	736	736
60	VG-25A MOD	13,175	13,175
61	C-40	10,697	10,697
62	C-130	257,339	296,939
	Air Force Requested Transfer from RDTE,AF line 220 for Avionics Upgrades to Special Mission Aircraft		+65,000
	Excess to Need		-25,400
63	C-130 MODS INTEL	3,963	3,963
64	C130J MODS	80,205	64,205
	Contract Slip—Crashworthy Seats		-16,000
65	C-135	44,228	37,428
	Block 45 Contract Delay		-8,400
	Low Cost Modifications		+1,600
66	COMPASS CALL MODS	176,558	101,558
	EC-130 Program Full Funding Violation		-75,000
67	DARP	105,540	105,540
68	E-3	195,163	195,163
69	E-4	37,526	37,526
70	E-8	188,504	6,397
	E-8 Reengining—Ahead of Need		-120,407
	Engine Installs—Ahead of Need		-5,000
	Funded Ahead of Need		-56,700
71	H-1	2,457	2,457
72	H-60	11,630	41,930
	Funded Ahead of Need		-1,700
	Simulators and Low Cost Modifications		+32,000
73	RQ-4 UAV MODS	119,415	116,415
	Unjustified Cost Increase—ASIP sensors		-3,000
74	HC/MC-130 MODIFICATIONS	1,944	1,944
75	OTHER AIRCRAFT	159,423	15,723
	Transfer FAB-T Funds to RDTE,AF line 180		-119,700
	Delete FAB-T Funds—Early to Need		-24,000
76	MQ-1 MODS	208,213	20,213
	Excess to Need		-188,000
77	MQ-9 MODS	108,922	0
	Contract Delay—GCS		-50,884
	Contract Delay—Reaper Retrofits		-58,038
78	MQ-9 PAYLOAD—UAS	115,383	0
	Transfer to Title IX		-115,383
79	CV-22 MODS	13,964	13,964
80	INITIAL SPARES/REPAIR PARTS	622,020	698,220
	Unjustified Request—Joint Stars Re-engining Spares		-11,700
	Program Increase—F-22 Engine Spares		+100,000
	Excess to Need		-12,100
81	AIRCRAFT REPLACEMENT SUPPORT EQUIP	91,701	58,301
	Underexecution		-20,000
	Funded Ahead of Need		-13,400
82	B-1	6,791	6,791
83	B-2A	26,217	26,217
84	B-52	3,443	1,743
	Funded Ahead of Need		-1,700
85	C-5	195	195
87	KC-10A (ATCA)	5,702	5,702
88	C-17A	153,347	20,947
	Air Force Requested Transfer to AP,AF line 5		-114,400
	Unjustified Funding for Shutdown Activities		-18,000
89	C-130	28,295	28,295
91	F-15 POST PRODUCTION SUPPORT	21,599	17,599
	Excess to Need		-4,000
92	F-16 POST PRODUCTION SUPPORT	17,838	12,738
	Excess to Need		-5,100
93	T-6	9,450	9,450
94	OTHER AIRCRAFT	53,953	53,953
96	INDUSTRIAL PREPAREDNESS	24,619	24,619
97	WAR CONSUMABLES	92,939	92,939
98	OTHER PRODUCTION CHARGES	1,079,742	912,372
	Funded Ahead of Need		-6,732
	Transfer to Title IX		-160,638
99	OTHER PRODUCTION CHARGES—MQ-1	37,500	37,500
104	DARP	19,117	19,117
	CLASSIFIED PROGRAMS	12,981	12,981
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	15,366,508	13,483,739
	MISSILE PROCUREMENT, AIR FORCE		
1	MISSILE REPLACEMENT EQ-BALLISTIC	60,647	60,647

P-1		Budget Request	Recommendation
2	JASSM	215,825	215,825
3	SIDEWINDER (AIM-9X)	64,523	64,523
4	AMRAAM	355,358	348,358
	Support Funding Carryover		-7,000
5	PREDATOR HELLFIRE MISSILE	44,570	44,570
6	SMALL DIAMETER BOMB	134,884	119,884
	Accounting Error		-15,000
7	INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION	833	833
8	ADVANCED CRUISE MISSILE	48	48
9	MM III MODIFICATIONS	123,378	133,178
	Air Force Requested Transfer from RDTE, AF line 175 for MEECN		+9,800
10	AGM-65D MAVERICK	260	260
11	AGM-88A HARM	4,079	4,079
12	AIR LAUNCH CRUISE MISSILE	10,795	10,795
13	INITIAL SPARES/REPAIR PARTS	43,192	43,192
14	ADVANCED EHF	38,078	38,078
15	ADVANCED EHF (AP-CY)	208,520	208,520
16	WIDEBAND GAPFILLER SATELLITES	517,601	517,601
17	WIDEBAND GAPFILLER SATELLITES (AP-CY)	58,110	58,110
18	GPS III SPACE SEGMENT	122,490	122,490
19	SPACEBORNE EQUIP (COMSEC)	14,894	14,894
20	GLOBAL POSITIONING (SPACE)	64,609	64,609
23	DEF METEOROLOGICAL SAT PROG (SPACE)	88,719	88,719
24	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	1,153,976	1,153,976
26	SBIR HIGH (SPACE)	700,704	700,704
27	SBIR HIGH (SPACE) (AP-CY)	270,000	270,000
28	NATL POLAR-ORBITING OP ENV SATELLITE	26,308	0
	Program Termination—Early to Need		-26,308
33	SPECIAL UPDATE PROGRAMS	247,584	247,584
	CLASSIFIED PROGRAMS	893,287	893,287
TOTAL, MISSILE PROCUREMENT, AIR FORCE		5,463,272	5,424,764
PROCUREMENT OF AMMUNITION, AIR FORCE			
1	ROCKETS	19,106	19,106
2	CARTRIDGES	141,049	141,049
3	PRACTICE BOMBS	34,094	23,442
	BDU-56A/B CDI Program Delay		-10,652
4	GENERAL PURPOSE BOMBS	183,845	183,845
5	JOINT DIRECT ATTACK MUNITION	104,642	179,361
	Additional JDAM for War Reserve Stockpile		+74,719
6	CAD/PAD	37,016	37,016
7	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,383	3,383
8	SPARES AND REPAIR PARTS	1,000	1,000
9	MODIFICATIONS	1,112	1,112
10	ITEMS LESS THAN \$5,000,000	5,015	5,015
11	FLARES	72,758	72,758
12	FUZES	57,337	57,337
13	SMALL ARMS	7,063	7,063
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE		667,420	731,487
OTHER PROCUREMENT, AIR FORCE			
1	PASSENGER CARRYING VEHICLE	29,207	29,207
2	FAMILY MEDIUM TACTICAL VEHICLE	45,618	37,618
	Contract Savings		-8,000
3	CAP VEHICLES	902	902
4	ITEMS LESS THAN \$5M (CARGO)	31,773	31,773
5	SECURITY AND TACTICAL VEHICLES	52,867	48,867
	Up-Armored HMMWV Unjustified Cost Growth		-4,000
6	ITEMS LESS THAN \$5M	18,358	18,358
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	26,924	26,924
9	ITEMS LESS THAN \$5,000,000	14,501	14,501
10	RUNWAY SNOW REMOVAL & CLEANING EQUIP	25,404	25,404
11	ITEMS LESS THAN \$5M	54,570	54,570
13	COMSEC EQUIPMENT	216,381	180,381
	Unjustified Growth		-36,000
14	MODIFICATIONS (COMSEC)	1,582	0
	Undefined Requirement		-1,582
15	INTELLIGENCE TRAINING EQUIPMENT	2,634	2,634
16	INTELLIGENCE COMM EQUIP	30,685	30,685
17	TRAFFIC CONTROL/LANDING	6,517	6,517
18	NATIONAL AIRSPACE SYSTEM	112,056	88,940
	Site Activation Ahead of Need		-23,116
19	THEATER AIR CONTROL SYS IMPRO	55,326	55,326
20	WEATHER OBSERVATION FORECAST	21,018	18,045
	OS-21 Contract Delays		-2,973
21	STRATEGIC COMMAND AND CONTROL	28,164	28,164
22	CHEYENNE MOUNTAIN COMPLEX	18,416	15,716
	Contract Delays		-2,700
23	TAC SIGINT SPT	377	377
25	GENERAL INFORMATION TECHNOLOGY	74,285	74,285
26	AF GLOBAL COMMAND & CONTROL SYSTEM	9,210	9,210
27	MOBILITY COMMAND AND CONTROL	8,688	7,388
	Contract Delays		-1,300
28	AIR FORCE PHYSICAL SECURITY SYSTEM	99,281	99,281
29	COMBAT TRAINING RANGES	29,637	49,637
	Training Range Enhancements		+20,000
30	C3 COUNTERMEASURES	11,112	11,112
31	GCSS-AF FOS	53,349	31,335
	ECSS Ahead of Need		-20,914
	CMOS Excess to Need		-1,100
32	THEATER BATTLE MGT C2 SYS	20,525	20,525
33	AIR OPERATIONS CENTER (AOC)	58,284	38,534
	Technical Refresh Unjustified Growth		-15,000
	Recurring Events Unjustified Growth		-4,750
34	INFORMATION TRANSPORT SYSTEMS	101,993	56,993
	Unjustified Growth		-45,000
35	BASE INFORMATION INFRASTRUCTURE	193,830	113,830
	Unjustified Growth		-80,000
36	AFNET	151,643	91,643
	Unjustified Growth		-60,000
37	VOICE SYSTEMS	25,399	15,399
	Unjustified Growth		-10,000
38	USCENTCOM	36,020	36,020
39	SPACE BASED IR SENSOR PROG SPACE	24,804	24,804
40	NAVSTAR GPS SPACE	5,279	5,279
41	NUDET DETECTION SYS (NDS) SPACE	5,926	5,926
42	AF SATELLITE CONTROL NETWORK SPACE	60,383	60,383

P-1		Budget Request	Recommendation
43	SPACELIFT RANGE SYSTEM SPACE	91,004	91,004
44	MILSATCOM SPACE	221,545	190,717
	FAB-T Early to Need		-7,538
	AFWET Modernization Enterprise Terminal Ahead of Need		-23,290
45	SPACE MODS SPACE	18,384	18,384
46	COUNTERSPACE SYSTEM	18,801	18,801
47	TACTICAL C-E EQUIPMENT	268,140	242,995
	JTC Training and Rehearsal System Ahead of Need		-25,145
48	COMBAT SURVIVOR EVADER LOCATER	34,925	34,925
49	RADIO EQUIPMENT	14,541	7,041
	Contract Delays		-7,500
50	CCTV/AUDIOVISUAL EQUIPMENT	11,613	11,613
51	BASE COMM INFRASTRUCTURE	108,308	108,308
52	COMM ELECT MODS	74,356	68,538
	ILS Ahead of Need		-2,300
	BMEWS Ahead of Need		-2,000
	OS-21 Contract Delays		-1,518
53	NIGHT VISION GOGGLES	20,873	14,573
	Night Vision Cueing and Display Contract Delays		-6,300
54	ITEMS LESS THAN \$5,000,000 (SAFETY)	14,292	14,292
55	MECHANIZED MATERIAL HANDLING	12,853	12,853
56	BASE PROCURED EQUIPMENT	4,788	4,788
57	CONTINGENCY OPERATIONS	28,390	27,190
	Rapid Airfield Damage Assessment System Ahead of Need		-1,200
58	PRODUCTIVITY CAPITAL INVESTMENT	1,879	1,879
59	MOBILITY EQUIPMENT	38,558	38,558
60	ITEMS LESS THAN \$5M (BASE SUPPORT)	4,989	4,989
62	DARF RC135	23,296	23,296
63	DISTRIBUTED GROUND SYSTEMS	271,015	264,015
	Program Reduction		-7,000
65	SPECIAL UPDATE PROGRAM	489,680	439,680
	Classified Adjustment		-50,000
66	DEFENSE SPACE RECONNAISSANCE PROGRAM	32,668	32,668
XX	PROCUREMENT INNOVATION		15,000
	Procurement Innovation		+15,000
70	SPARES AND REPAIR PARTS	19,046	19,046
	CLASSIFIED PROGRAMS	14,258,508	14,396,445
	Classified Adjustment		+137,937
TOTAL, OTHER PROCUREMENT, AIR FORCE		17,845,380	17,568,091

PROCUREMENT, DEFENSE-WIDE

1	MAJOR EQUIPMENT, BTA	4,000	4,000
2	MAJOR EQUIPMENT, DCCA, ITEMS LESS THAN \$5M	1,477	1,477
3	MAJOR EQUIPMENT, DCMA	2,052	2,052
4	MAJOR EQUIPMENT, DHRA, PERSONNEL ADMINISTRATION	32,263	32,263
17	INFORMATION SYSTEMS SECURITY	14,625	14,625
18	GLOBAL COMMAND AND CONTROL SYS	5,275	5,275
19	GLOBAL COMBAT SUPPORT SYSTEM	2,803	2,803
20	TELEPORT PROGRAM	78,227	78,227
21	ITEMS LESS THAN \$5M	153,288	153,288
22	NET CENTRIC ENTERPRISE SERVICES (NCES)	4,391	4,391
23	DEFENSE INFORMATION SYSTEMS NETWORK	86,206	86,206
24	PUBLIC KEY INFRASTRUCTURE	1,710	1,710
27	CYBER SECURITY INITIATIVE	22,493	22,493
28	MAJOR EQUIPMENT, DLA	4,846	4,846
29	COST	10,478	10,478
30	MAJOR EQUIPMENT, DODEA, AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,451	1,451
31	VEHICLES	50	50
32	OTHER MAJOR EQUIPMENT	12,007	12,007
34	TERMINAL HIGH ALTITUDE AREA DEFENSE FIELDING	858,870	586,870
	Production Delay Due to Investigation of Failed Safety Component		-272,000
35	AEGIS FIELDING	94,080	94,080
35A	ISRAELI COOPERATIVE PROGRAMS	0	205,000
	Iron Dome Program		+205,000
45	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	2,546	2,546
50	MAJOR EQUIPMENT, OSD	124,050	124,050
51	MAJOR EQUIPMENT, INTELLIGENCE	20,138	20,138
53	MAJOR EQUIPMENT, TJS	11,526	11,526
54	MAJOR EQUIPMENT, WHS	27,179	27,179
55	SOF ROTARY WING UPGRADES AND SUSTAINMENT	79,840	79,840
55A	MH-47G	0	100,449
	SOCOM Requested Transfer from P,DW line 56		+100,449
56	MH-47 SERVICE LIFE EXTENSION PROGRAM	107,934	7,485
	SOCOM Requested Transfer to P,DW line 55A		-100,449
57	MH-60 SOF MODERNIZATION PROGRAM	179,375	137,875
	SOCOM Requested Transfer to RDTE,DW line 268		-25,100
	Quantity Reduction Due to Program Delay		-16,400
58	NON-STANDARD AVIATION	179,949	58,681
	Medium NSAV—Transfer to Title IX		-121,268
60	SOF TANKER RECAPITALIZATION	19,996	4,996
	Contract Delays		-15,000
61	SOF U-28	404	404
62	RQ-11 UAV	2,090	2,090
63	CV-22 SOF MODIFICATION	124,035	124,035
64	MQ-1 UAV	1,948	1,948
65	MQ-9 UAV	1,965	1,965
66	STUASLO	12,148	12,148
67	C-130 MODIFICATIONS	22,500	9,261
	Low Cost Modifications—Execution		-7,039
	Aircrew Situational Awareness System		-6,200
68	AIRCRAFT SUPPORT	489	489
69X	PROCUREMENT INNOVATION	0	15,000
	Procurement Innovation		+15,000
70	MK VIII MOD 1—SEAL DELIVERY VEH	823	823
71	SOF ORDNANCE REPLENISHMENT	79,608	79,608
72	SOF ORDNANCE ACQUISITION	24,215	24,215
73	COMM EQUIPMENT & ELECTRONICS	58,390	44,390
	SOF Deployable Node Delays Due to Protests		-14,000
74	SOF INTELLIGENCE SYSTEMS	75,892	81,092
	Program Increase—Unfunded Requirement		+5,200
75	SMALL ARMS & WEAPONS	30,094	30,094
76	DCGS-SOF	5,225	5,225
77	MARITIME EQUIPMENT MODS	206	206
79	SOF COMBATANT CRAFT SYSTEMS	11,706	8,306
	Unvalidated Requirement—Large SFA Craft		-3,400
80	SPARES AND REPAIR PARTS	977	977
81	TACTICAL VEHICLES	30,965	33,365

P-1		Budget Request	Recommendation
82	Program Increase—AFSOC Unfunded Requirement		+2,400
	MISSION TRAINING AND PREPARATIONS SYSTEMS	28,354	18,354
	MH-60M Simulator Modernization Program		-10,000
83	COMBAT MISSION REQUIREMENTS	20,000	20,000
84	MILCON COLLATERAL EQUIPMENT	102,556	102,556
88	SOF AUTOMATION SYSTEMS	52,353	52,353
89	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	9,714	9,714
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	30,900	30,900
91	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	221	5,661
	Program Increase—Unfunded Requirement		+5,440
92	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEM	18,626	18,626
93	SOF TACTICAL RADIO SYSTEMS	35,234	37,554
	Program Increase—Unfunded Requirement		+2,320
94	SOF MARITIME EQUIPMENT	804	804
96	MISCELLANEOUS EQUIPMENT	7,774	7,774
97	SOF OPERATIONAL ENHANCEMENTS	269,182	263,182
	Program Increase—HSAC Unfunded Requirement		+4,000
	Program Adjustment		-10,000
98	PSYOP EQUIPMENT	25,266	25,266
99	INSTALLATION FORCE PROTECTION	90,635	90,635
100	INDIVIDUAL PROTECTION	74,686	74,686
101	DECONTAMINATION	21,570	21,570
102	JOINT BIOLOGICAL DEFENSE PROGRAM	19,389	10,389
	Reduction for Anthrax Vaccine Purchased by HHS		-9,000
103	COLLECTIVE PROTECTION	27,542	27,542
104	CONTAMINATION AVOIDANCE	136,114	136,114
	CLASSIFIED PROGRAMS	682,643	681,643
	Classified Adjustment		-1,000
	TOTAL, PROCUREMENT, DEFENSE-WIDE	4,280,368	4,009,321
DEFENSE PRODUCTION ACT			
	GALLIUM NITRIDE X-BAND MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	8,579	8,579
	GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	BERYLLIUM SUPPLY INDUSTRIAL BASE	6,897	6,897
	SPACE	770	770
	NATIONAL SECURITY SPACE INDUSTRIAL AND SUPPLY BASE RISK MITIGATION PROGRAM	8,500	10,900
	Program Increase		+2,400
	ALTERNATIVE ENERGY FROM ORGANIC SOURCES		3,200
	TOTAL, DEFENSE PRODUCTION ACT	28,746	34,346
	TOTAL, PROCUREMENT	111,189,951	102,121,873

R-1		Budget Request	Recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY			
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,780	21,780
2	DEFENSE RESEARCH SCIENCES	195,845	195,845
3	UNIVERSITY RESEARCH INITIATIVES	91,161	87,561
	V72—Transfer to D55		-3,300
	D55—Transfer from V72		+3,300
	V72—Non-Department of Defense funding		-3,600
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	98,087	98,087
5	MATERIALS TECHNOLOGY	29,882	29,882
6	SENSORS AND ELECTRONIC SURVIVABILITY	48,929	48,929
7	TRACTOR HIP	14,624	14,624
8	AVIATION TECHNOLOGY	43,476	43,476
9	ELECTRONIC WARFARE TECHNOLOGY	17,330	17,330
10	MISSILE TECHNOLOGY	49,525	49,525
11	ADVANCED WEAPONS TECHNOLOGY	18,190	18,190
12	ADVANCED CONCEPTS AND SIMULATION	20,582	20,582
13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,740	64,740
14	BALLISTICS TECHNOLOGY	60,342	60,342
15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	5,324	10,924
	Emerging Chemical Agent Threat		+5,600
16	JOINT SERVICE SMALL ARMS PROGRAM	7,893	7,893
17	WEAPONS AND MUNITIONS TECHNOLOGY	42,645	42,645
18	ELECTRONICS AND ELECTRONIC DEVICES	60,859	60,859
19	NIGHT VISION TECHNOLOGY	40,228	40,228
20	COUNTERMINE SYSTEMS	19,118	19,118
21	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,042	21,042
22	ENVIRONMENTAL QUALITY TECHNOLOGY	18,364	22,364
	Research, Development and Engineering Command		+4,000
23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	25,573	25,573
24	COMPUTER AND SOFTWARE TECHNOLOGY	6,768	6,768
25	MILITARY ENGINEERING TECHNOLOGY	79,189	75,184
	Joint Integrated Base Defense Program Office transfer to line 60 at request of the Army		-4,005
26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	22,198	22,198
27	WARFIGHTER TECHNOLOGY	27,746	27,746
28	MEDICAL TECHNOLOGY	96,797	96,797
29	WARFIGHTER ADVANCED TECHNOLOGY	37,364	37,364
30	MEDICAL ADVANCED TECHNOLOGY	71,510	115,510
	Peer-Reviewed Neurotoxin Exposure Treatment Parkinsons Research Program		+20,000
	Neurofibromatosis Research		+16,000
	Military Burn Trauma Research Program		+8,000
31	AVIATION ADVANCED TECHNOLOGY	57,454	57,454
32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	64,438	64,438
33	COMBAT VEHICLE AND AUTOMOTIVE ADV TECHNOLOGY	89,499	125,819
	Alternative Energy		+36,320
34	COMMAND, CONTROL, COMMUNICATIONS ADV TECH	8,102	8,102
35	MANPOWER, PERSONNEL AND TRAINING ADV TECH	7,921	7,921
36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,359	50,359
37	TRACTOR HIKE	8,015	8,015
38	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	15,334	15,334
39	TRACTOR ROSE	12,309	12,309
41	MILITARY HIV RESEARCH	6,688	26,688
	HIV Research		+20,000
42	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	10,550	10,550
43	ELECTRONIC WARFARE TECHNOLOGY	18,350	18,350
44	MISSILE AND ROCKET ADVANCED TECHNOLOGY	84,553	79,053
	P 704 excessive growth without strategy		-5,500
45	TRACTOR CAGE	9,986	9,986
46	LANDMINE WARFARE AND BARRIER ADVANCED TECH	26,953	26,953
47	JOINT SERVICE SMALL ARMS PROGRAM	9,151	9,151
48	NIGHT VISION ADVANCED TECHNOLOGY	39,912	39,912

R-1		Budget Request	Recommendation
49	ENVIRONMENTAL QUALITY TECHNOLOGY DEMO	15,878	15,878
50	MILITARY ENGINEERING ADVANCED TECHNOLOGY	27,393	24,393
	Program reduction		-3,000
51	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	24,873	24,873
53	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,455	11,455
54	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	27,551	27,551
56	LANDMINE WARFARE AND BARRIER—ADV DEV	15,596	15,596
57	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	2,425	2,425
58	TANK AND MEDIUM CALIBER AMMUNITION	42,183	37,183
	AKE 120mm cartridge EMD Phase II contract award delay		-5,000
59	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	136,302	207,702
	S-MOD milestone B delay		-57,000
	Stryker DVH		+128,400
60	SOLDIER SUPPORT AND SURVIVABILITY	18,556	8,239
	Joint Integrated Base Defense Program Office—Transfer from line 25 at request of the Army		+4,005
	REF funded in Title IX		-14,322
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—AD	17,962	12,162
	Unsustained growth		-5,800
62	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	0	5,159
	CSP—Transfer from line 177 at request of the Army		+5,159
63	ENVIRONMENTAL QUALITY TECHNOLOGY	4,695	4,695
64	WARFIGHTER INFORMATION NETWORK-TACTICAL	190,903	190,903
65	NATO RESEARCH AND DEVELOPMENT	5,060	5,060
66	AVIATION—ADV DEV	8,355	8,355
67	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	80,490	65,315
	JLTV EMD contract award delay		-15,175
68	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	14,290	14,290
69	MEDICAL SYSTEMS—ADV DEV	28,132	28,132
70	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	48,323	48,323
71	INTEGRATED BROADCAST SERVICE	970	970
72	ENDURANCE UAVS	93,000	93,000
73	AIRCRAFT AVIONICS	89,210	74,210
	SOSCOE Apache Block III integration change in requirements		-15,000
74	ARMED, DEPLOYABLE OH-58D	72,550	72,550
75	ELECTRONIC WARFARE DEVELOPMENT	172,269	149,755
	CIRCM test and evaluation funds requested ahead of need		-22,514
76	JOINT TACTICAL RADIO	784	784
77	ALL SOURCE ANALYSIS SYSTEM	22,574	18,074
	EMD contract award delay		-4,500
78	TRACTOR CAGE	23,194	23,194
79	INFANTRY SUPPORT WEAPONS	80,337	70,337
	S62—Milestone B delay		-10,000
80	MEDIUM TACTICAL VEHICLES	3,710	3,710
81	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—SDD	5,335	5,335
82	JAVELIN	9,999	0
	Lack of acquisition strategy		-9,999
83	FAMILY OF HEAVY TACTICAL VEHICLES	3,519	3,519
84	AIR TRAFFIC CONTROL	9,892	9,892
85	LIGHT TACTICAL WHEELED VEHICLES	1,990	1,990
86	NON-LINE OF SIGHT LAUNCH SYSTEM	81,247	0
	Program termination		-81,247
89	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	568,711	498,711
	Program reduction		-70,000
90	FCS RECONNAISSANCE (UAV) PLATFORMS	50,304	50,304
91	FCS UNMANNED GROUND VEHICLES	249,948	200,000
	Program reduction		-49,948
92	FCS UNATTENDED GROUND SENSORS	7,515	7,515
93	FCS SUSTAINMENT & TRAINING R&D	610,389	610,389
95	NIGHT VISION SYSTEMS—SDD	52,549	52,549
96	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,118	2,118
97	NON-SYSTEM TRAINING DEVICES—SDD	27,756	27,756
98	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE	34,209	34,209
99	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	30,291	30,291
100	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,041	14,041
101	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,547	15,547
103	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	27,670	27,670
105	WEAPONS AND MUNITIONS—SDD	24,345	15,345
	PGK Increment II EMD delay		-9,000
106	LOGISTICS AND ENGINEER EQUIPMENT—SDD	41,039	41,039
107	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	90,736	75,736
	JBC-P unsustained growth		-15,000
108	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	34,474	34,474
109	LANDMINE WARFARE/BARRIER—SDD	95,577	49,577
	Project 016—Scorpion acceleration funded in prior approval reprogramming		-16,000
	Project 415—ASTAMIDS/GSTAMIDS lack of acquisition strategy		-30,000
110	ARTILLERY MUNITIONS	26,371	26,371
111	COMBAT IDENTIFICATION	29,884	3,000
	Unexecutable request		-26,884
112	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	60,970	60,970
113	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	13,576	13,576
114	FIREFINDER	24,736	24,736
115	SOLDIER SYSTEMS—WARRIOR DEM/VAL	20,886	20,886
116	ARTILLERY SYSTEMS	53,624	103,624
	Program Increase		+20,000
	Transfer from WTCV A line 12 for Paladin PIM		+30,000
117	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM	467,139	467,139
118	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,276	7,276
119	INFORMATION TECHNOLOGY DEVELOPMENT	23,957	23,957
120	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH)	100,500	60,500
	Excessive growth without acquisition strategy		-40,000
121	JOINT AIR-TO-GROUND MISSILE (JAGM)	130,340	130,340
122	SLAMRAAM	23,700	23,700
123	PAC-2/MSE MISSILE	62,500	62,500
124	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	251,124	251,124
125	MANNED GROUND VEHICLE	934,366	461,100
	Program adjustment		-473,266
126	AERIAL COMMON SENSOR	211,500	211,500
127	TROJAN—RH12	3,697	3,697
128	ELECTRONIC WARFARE DEVELOPMENT	21,571	13,571
	EW5—Unsustained growth		-8,000
129	THREAT SIMULATOR DEVELOPMENT	26,158	26,158
130	TARGET SYSTEMS DEVELOPMENT	8,614	8,614
131	MAJOR T&E INVESTMENT	42,102	42,102
132	RAND ARROYO CENTER	20,492	20,492
133	ARMY KWAJALEIN ATOLL	163,788	163,788
134	CONCEPTS EXPERIMENTATION PROGRAM	17,704	17,704
136	ARMY TEST RANGES AND FACILITIES	393,937	412,257
	Army Test Range Infrastructure unfunded requirement		+18,320
137	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	59,040	67,760

R-1		Budget Request	Recommendation
	Test and Evaluation Instrumentation unfunded requirement		+8,720
138	SURVIVABILITY/LETHALITY ANALYSIS	41,812	43,412
	Test and Evaluation Instrumentation unfunded requirement		+1,600
139	DOD HIGH ENERGY LASER TEST FACILITY	4,710	4,710
140	AIRCRAFT CERTIFICATION	5,055	5,055
141	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,185	7,185
142	MATERIEL SYSTEMS ANALYSIS	18,078	19,278
	Test and Evaluation Instrumentation unfunded requirement		+1,200
143	EXPLOITATION OF FOREIGN ITEMS	5,460	5,460
144	SUPPORT OF OPERATIONAL TESTING	68,191	68,191
145	ARMY EVALUATION CENTER	61,450	64,090
	Test and Evaluation Instrumentation unfunded requirement		+2,640
146	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	3,926	3,926
147	PROGRAMWIDE ACTIVITIES	73,685	73,685
148	TECHNICAL INFORMATION ACTIVITIES	48,309	48,309
149	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	53,338	44,042
	Project 862—155mm HE projectile underfunded new start		-9,296
150	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	3,195	3,195
151	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	16,154	16,154
153	MLRS PRODUCT IMPROVEMENT PROGRAM	51,619	25,619
	GMLRS AW EMD contract award delay		-26,000
154	AEROSTAT JOINT PROJECT OFFICE	372,493	372,493
155	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	2,360	2,360
156	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	24,622	24,622
157	COMBAT VEHICLE IMPROVEMENT PROGRAMS	204,481	204,481
158	MANEUVER CONTROL SYSTEM	25,540	25,540
159	AIRCRAFT MODS/PRODUCT IMPROVEMENT PROGRAMS	134,999	124,856
	P430—Chinook RW crashworthy seating previously fully funded		-10,143
160	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG	710	710
161	DIGITIZATION	6,329	6,329
162	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	3,935	3,935
163	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	24,280	24,280
165	TRACTOR CARD	14,870	14,870
167	JOINT TACTICAL GROUND SYSTEM	12,403	12,403
168	JOINT HIGH SPEED VESSEL (JHSV)	3,153	3,153
171	INFORMATION SYSTEMS SECURITY PROGRAM	54,784	11,905
	Protected Information—Biometrics—Transfer to line 171x		-42,879
171x	FAMILY OF BIOMETRICS	0	42,879
	Protected Information—Biometrics—Transfer from line 171		+42,879
172	GLOBAL COMBAT SUPPORT SYSTEM	125,569	125,569
173	SATCOM GROUND ENVIRONMENT (SPACE)	33,694	33,694
174	WMCCCS/GLOBAL COMMAND AND CONTROL SYS	13,024	13,024
177	TACTICAL UNMANNED AERIAL VEHICLES	54,300	49,141
	CSP—Transfer of HD IR funds to line 62 at request of the Army for execution		-5,159
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	103,002	103,002
179	MQ-1 SKY WARRIOR A UAV	123,156	123,156
180	RQ-11 UAV	1,599	1,599
181	RQ-7 UAV	7,805	7,805
183	BIOMETRICS ENABLED INTELLIGENCE	14,114	2,114
	Protected Information—Biometrics		-12,000
185	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,098	61,098
xx	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
	CLASSIFIED PROGRAMS	4,447	4,447
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		10,333,392	9,710,998

RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY

1	UNIVERSITY RESEARCH INITIATIVES	108,679	108,679
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,979	17,979
3	DEFENSE RESEARCH SCIENCES	429,767	429,767
4	POWER PROJECTION APPLIED RESEARCH	98,150	98,150
5	FORCE PROTECTION APPLIED RESEARCH	107,448	147,448
	Alternative Energy		+40,000
6	MARINE CORPS LANDING FORCE TECHNOLOGY	43,776	43,776
8	COMMON PICTURE APPLIED RESEARCH	70,168	70,168
9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	113,724	113,724
10	RF SYSTEMS APPLIED RESEARCH	83,902	83,902
11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,491	49,491
12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,002	6,002
13	UNDERSEA WARFARE APPLIED RESEARCH	69,186	69,186
14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	36,833	36,833
15	POWER PROJECTION ADVANCED TECHNOLOGY	117,908	117,908
16	FORCE PROTECTION ADVANCED TECHNOLOGY	61,877	61,877
17	COMMON PICTURE ADVANCED TECHNOLOGY	96,720	96,720
18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	98,261	98,261
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	82,143	82,143
20	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	115,089	115,089
21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,131	11,131
22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,076	55,336
	C.W Bill Young Bone Marrow Donor Recruitment and Research Program		+31,500
	Program Increase—Tactical Athlete Program		+5,760
23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	49,276	53,276
	Program Increase—ASW Research		+4,000
24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	53,177	53,177
25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	21,941	21,941
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
26	AIR/OCEAN TACTICAL APPLICATIONS	123,331	118,331
	JMAPS program delay		-5,000
27	AVIATION SURVIVABILITY	9,480	9,480
28	DEPLOYABLE JOINT COMMAND AND CONTROL	4,275	4,275
29	ASW SYSTEMS DEVELOPMENT	8,249	8,249
30	TACTICAL AIRBORNE RECONNAISSANCE	6,452	6,452
31	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,658	1,658
32	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	81,347	79,247
	Unmanned Surface Sweep System program delay		-2,100
33	SURFACE SHIP TORPEDO DEFENSE	57,796	50,796
	Milestone B delay		-7,000
34	CARRIER SYSTEMS DEVELOPMENT	93,830	91,830
	Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
35	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	51	51
36	PILOT FISH	81,784	81,784
37	RETRACT LARCH	142,858	142,858
38	RETRACT JUNIPER	134,497	134,497
39	RADIOLOGICAL CONTROL	1,358	1,358
40	SURFACE ASW	21,673	21,673
41	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	608,566	559,266

R-1	Budget Request	Recommendation
Execution delays		-49,300
42 SUBMARINE TACTICAL WARFARE SYSTEMS	5,590	5,590
43 SHIP CONCEPT ADVANCED DESIGN	17,883	17,883
44 SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	1,796	1,796
45 ADVANCED NUCLEAR POWER SYSTEMS	366,509	366,509
46 ADVANCED SURFACE MACHINERY SYSTEMS	5,459	5,459
47 CHALK EAGLE	447,804	447,804
48 LITTORAL COMBAT SHIP (LCS)	226,288	189,588
LCS-2 post shakedown availability delay		-15,800
LCS-1 post shakedown availability planning funding excess		-500
NLOS missile termination		-15,400
Program Increase—Mine Warfare Testing Disruption		+4,000
Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
Program Increase—Small Business Technology Insertion (Mine Warfare Modules)		+8,000
Savings from accelerated DT		-15,000
49 COMBAT SYSTEM INTEGRATION	24,344	34,344
Navy requested transfer from lines 34, 48, 107, 122 and 136 for Automatic Test and Re-Test		+10,000
50 CONVENTIONAL MUNITIONS	5,388	5,388
51 MARINE CORPS ASSAULT VEHICLES	242,765	222,765
Expeditionary Fighting Vehicle		-165,000
Termination Liability, or SDD if certified by the Secretary		+145,000
52 MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	40,505	28,505
JLTV EMD contract award delay		-12,000
53 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	25,873	25,873
54 COOPERATIVE ENGAGEMENT	52,282	52,282
55 OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	13,560	13,560
56 ENVIRONMENTAL PROTECTION	20,207	20,207
57 NAVY ENERGY PROGRAM	30,403	34,403
Program Increase—Alternative Energy from Organic Sources		+4,000
58 FACILITIES IMPROVEMENT	3,746	3,746
59 CHALK CORAL	71,920	71,920
60 NAVY LOGISTIC PRODUCTIVITY	4,139	4,139
61 RETRACT MAPLE	219,463	219,463
62 LINK PLUMERIA	58,030	58,030
63 RETRACT ELM	183,187	183,187
64 SHIP SELF DEFENSE	4,385	4,385
65 LINK EVERGREEN	41,433	41,433
66 SPECIAL PROCESSES	36,457	36,457
67 NATO RESEARCH AND DEVELOPMENT	9,196	9,196
68 LAND ATTACK TECHNOLOGY	905	905
69 NONLETHAL WEAPONS	43,272	43,272
70 JOINT PRECISION APPROACH AND LANDING SYSTEMS	159,151	159,151
73 DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS		8,000
Directed Energy Development and Test		+8,000
74 TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	51,693	51,693
75 JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE	56,542	50,242
Program delay		-6,300
76 PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	25,121	25,121
77 SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	34,793	34,793
78 ASW SYSTEMS DEVELOPMENT—MIP	2,161	2,161
79 SUBMARINE TACTICAL WARFARE SYSTEMS—MIP	4,253	4,253
80 ELECTRONIC WARFARE DEVELOPMENT—MIP	663	663
81 OTHER HELO DEVELOPMENT	44,329	44,329
82 AV-8B AIRCRAFT—ENG DEV	22,867	22,867
83 STANDARDS DEVELOPMENT	45,667	45,667
84 MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	55,792	55,792
85 AIR/OCEAN EQUIPMENT ENGINEERING	5,735	5,735
86 P-3 MODERNIZATION PROGRAM	3,574	3,574
87 WARFARE SUPPORT SYSTEM	3,733	3,733
88 TACTICAL COMMAND SYSTEM	89,955	87,955
Systems engineering growth		-2,000
89 ADVANCED HAWKEYE	171,132	171,132
90 H-1 UPGRADES	60,498	60,498
91 ACOUSTIC SEARCH SENSORS	64,834	64,834
92 V-22A	46,070	44,425
Fuel forward funded in fiscal year 2010 supplemental		-1,645
93 AIR CREW SYSTEMS DEVELOPMENT	8,689	11,189
Transfer from AP,N line 52 for Common Mobile Aircrew Restraint System		+2,500
94 EA-18	22,042	21,773
Fuel forward funded in fiscal year 2010 supplemental		-269
95 ELECTRONIC WARFARE DEVELOPMENT	80,819	80,819
96 VH-71A EXECUTIVE HELO DEVELOPMENT	159,785	159,785
97 NEXT GENERATION JAMMER (NGJ)	120,602	90,602
Technology development contract delay		-30,000
98 JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	687,723	627,723
Airborne Maritime Fixed unjustified increase		-60,000
100 SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	193,933	193,933
101 LPD-17 CLASS SYSTEMS INTEGRATION	1,373	1,373
102 SMALL DIAMETER BOMB (SDB)	44,091	24,091
Program delay		-20,000
103 STANDARD MISSILE IMPROVEMENTS	96,186	96,186
104 AIRBORNE MCM	45,885	45,885
105 NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG	21,517	21,517
106 ADVANCED ABOVE WATER SENSORS	274,371	274,371
107 SSN-688 AND TRIDENT MODERNIZATION	118,897	112,197
Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
Communications at Speed and Depth		-4,700
108 AIR CONTROL	5,665	5,665
109 SHIPBOARD AVIATION SYSTEMS	70,117	70,117
110 COMBAT INFORMATION CENTER CONVERSION	5,044	5,044
111 NEW DESIGN SSN	155,489	171,489
Program Increase—Small Business Technology Insertion		+16,000
112 SUBMARINE TACTICAL WARFARE SYSTEM	50,537	50,537
113 SHIP CONTRACT DESIGN/LIVE FIRE T&E	153,686	166,686
Full Ship Shock Trial Alternative transfer from line 136		+13,000
114 NAVY TACTICAL COMPUTER RESOURCES	4,443	4,443
115 MINE DEVELOPMENT	5,455	5,455
116 LIGHTWEIGHT TORPEDO DEVELOPMENT	25,282	25,282
117 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,489	10,489
118 PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	10,759	10,759
119 JOINT STANDOFF WEAPON SYSTEMS	12,567	12,567
120 SHIP SELF DEFENSE (DETECT & CONTROL)	45,930	45,930
121 SHIP SELF DEFENSE (ENGAGE: HARD KILL)	5,860	5,860
122 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	84,525	82,525
Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
123 INTELLIGENCE ENGINEERING	6,820	6,820
124 MEDICAL DEVELOPMENT	12,337	29,137
Wound Care Research		+10,400
Military Dental Research		+6,400

R-1		Budget Request	Recommendation
125	NAVIGATION/ID SYSTEM	66,636	66,636
126	JOINT STRIKE FIGHTER (JSF)—EMD	667,916	613,864
	Block IV capabilities funding ahead of need		-29,052
	Underexecution of test program		-25,000
127	JOINT STRIKE FIGHTER (JSF)	707,791	676,806
	Block IV capabilities funding ahead of need		-29,000
	Fuel forward funded in fiscal year 2010 supplemental		-1,985
128	INFORMATION TECHNOLOGY DEVELOPMENT	22,783	22,783
129	INFORMATION TECHNOLOGY DEVELOPMENT	28,280	28,280
130	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	27,444	15,444
	Reduction to pre-development activities		-12,000
131	CH-53K	577,435	577,435
133	JOINT AIR-TO-GROUND MISSILE (JAGM)	100,846	100,846
134	MULTI-MISSION MARITIME AIRCRAFT (MMA)	929,240	941,240
	Program Increase—Small Business Technology Insertion		+12,000
136	DDG-1000	549,241	534,241
	Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
	Full Ship Shock Trial Alternative transfer to line 113		-13,000
137	TACTICAL COMMAND SYSTEM—MIP	1,318	1,318
138	SSN-688 AND TRIDENT MODERNIZATION—MIP	1,415	1,415
139	TACTICAL CRYPTOLOGIC SYSTEMS	17,019	12,387
	Execution delays		-4,632
140	THREAT SIMULATOR DEVELOPMENT	18,755	18,755
141	TARGET SYSTEMS DEVELOPMENT	66,066	66,066
142	MAJOR T&E INVESTMENT	37,522	37,522
143	STUDIES AND ANALYSIS SUPPORT—NAVY	8,149	8,149
144	CENTER FOR NAVAL ANALYSES	49,165	49,165
146	TECHNICAL INFORMATION SERVICES	662	662
147	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	58,329	58,329
148	STRATEGIC TECHNICAL SUPPORT	3,451	3,451
149	RD&E SCIENCE AND TECHNOLOGY MANAGEMENT	72,094	72,094
150	RD&E SHIP AND AIRCRAFT SUPPORT	95,332	93,871
	Fuel forward funded in fiscal year 2010 supplemental		-1,461
151	TEST AND EVALUATION SUPPORT	376,418	376,418
152	OPERATIONAL TEST AND EVALUATION CAPABILITY	15,746	15,746
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,013	4,013
154	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	19,700	19,700
155	MARINE CORPS PROGRAM WIDE SUPPORT	17,721	17,721
156	TACTICAL CRYPTOLOGIC ACTIVITIES	1,859	1,859
157	SERVICE SUPPORT TO JFCOM, JNCC	4,260	4,260
161	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT	266,368	266,368
162	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	81,184	71,184
	Conventional Trident Modification		-10,000
163	SSBN SECURITY TECHNOLOGY PROGRAM	34,997	34,997
164	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,815	6,815
165	NAVY STRATEGIC COMMUNICATIONS	10,331	10,331
166	RAPID TECHNOLOGY TRANSITION (RTT)	35,120	35,120
167	F/A-18 SQUADRONS	148,438	148,438
168	E-2 SQUADRONS	19,011	19,011
169	FLEET TELECOMMUNICATIONS (TACTICAL)	26,894	26,894
170	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	10,587	10,587
171	INTEGRATED SURVEILLANCE SYSTEM	23,464	23,464
172	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,357	4,357
173	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	50,750	50,750
174	CRYPTOLOGIC DIRECT SUPPORT	1,519	1,519
175	ELECTRONIC WARFARE (EW) READINESS SUPPORT	39,398	39,398
176	HARM IMPROVEMENT	14,207	12,207
	Systems engineering growth		-2,000
177	TACTICAL DATA LINKS	28,854	28,854
178	SURFACE ASW COMBAT SYSTEM INTEGRATION	32,877	36,877
	Program Increase—Small Business Technology Insertion		+4,000
179	MK-48 ADCAP	26,234	34,234
	Program Increase—Small Business Technology Insertion		+8,000
180	AVIATION IMPROVEMENTS	133,611	100,890
	F-135 engine ahead of need		-27,000
	Multi-purpose bomb rack program delay		-5,721
181	NAVY SCIENCE ASSISTANCE PROGRAM	3,535	3,535
182	OPERATIONAL NUCLEAR POWER SYSTEMS	74,229	74,229
183	MARINE CORPS COMMUNICATIONS SYSTEMS	245,298	232,898
	Joint Cooperative Target Identification—Ground		-12,400
184	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	100,424	76,424
	Marine personnel carrier program delay		-20,000
	LAV-AT contract delay		-4,000
185	MARINE CORPS COMBAT SERVICES SUPPORT	19,466	19,466
186	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	20,316	20,316
187	TACTICAL AIM MISSILES	912	912
188	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,633	2,633
189	JOINT HIGH SPEED VESSEL (JHSV)	3,586	3,586
194	SATELLITE COMMUNICATIONS (SPACE)	422,268	422,268
195	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES	63,563	44,563
	Increment 1 transition contract delay		-19,000
196	INFORMATION SYSTEMS SECURITY PROGRAM	25,934	25,934
199	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES—MIP	8,375	8,375
201	COBRA JUDY	36,527	36,527
202	NAVY METEOROLOGICAL AND OCEAN SENSORS—SPACE (METOC)	63,878	63,878
203	JOINT MILITARY INTELLIGENCE PROGRAMS	4,435	4,435
204	TACTICAL UNMANNED AERIAL VEHICLES	35,212	18,912
	Marinized UAS		-16,300
206	AIRBORNE RECONNAISSANCE SYSTEMS		50,200
	Program increase		+5,200
	EP-3/SPA systems development		+45,000
207	MANNED RECONNAISSANCE SYSTEMS	19,263	19,263
208	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	8,377	8,377
209	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	16,665	16,665
210	RQ-4 UAV	529,250	529,250
211	MQ-8 UAV	10,665	10,665
212	RQ-11 UAV	512	512
213	RQ-7 UAV	934	934
214	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	26,209	26,209
215	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	18,098	12,710
	STUAS Lite termination		-5,388
218	MODELING AND SIMULATION SUPPORT	8,158	8,158
219	DEPOT MAINTENANCE (NON-IF)	18,649	18,649
220	AVIONICS COMPONENT IMPROVEMENT PROGRAM	3,250	3,250
221	INDUSTRIAL PREPAREDNESS	46,173	46,173
	CLASSIFIED PROGRAMS	1,284,901	1,499,901
	Classified adjustment		+215,000
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		17,693,496	17,736,303

R-1		Budget Request	Recommendation
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
1	DEFENSE RESEARCH SCIENCES	350,978	350,978
2	UNIVERSITY RESEARCH INITIATIVES	136,297	136,297
3	HIGH ENERGY LASER RESEARCH INITIATIVES	13,198	13,198
4	MATERIALS	137,273	137,273
5	AEROSPACE VEHICLE TECHNOLOGIES	144,699	144,699
6	HUMAN EFFECTIVENESS APPLIED RESEARCH	87,452	87,452
7	AEROSPACE PROPULSION	207,049	204,049
	Unjustified program growth		-3,000
8	AEROSPACE SENSORS	157,497	159,897
	Program Increase—Materials for Structures, Propulsion, and Subsystems		+2,400
9	SPACE TECHNOLOGY	111,857	111,857
10	CONVENTIONAL MUNITIONS	61,330	61,330
11	DIRECTED ENERGY TECHNOLOGY	103,596	122,396
	Re-alignment of funding for ground optical imaging research and technology		+18,800
13	DOMINANT INFORMATION SCIENCES AND METHODS	117,283	115,783
	Transfer to line 11		-1,500
14	HIGH ENERGY LASER RESEARCH	53,384	53,384
15	ADVANCED MATERIALS FOR WEAPON SYSTEMS	33,414	40,414
	Transfer to line 11		-1,000
	Metals Affordability Initiative		+8,000
16	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,935	2,935
17	ADVANCED AEROSPACE SENSORS	44,677	44,677
18	AEROSPACE TECHNOLOGY DEV/DEMO	53,588	52,588
	Transfer to line 11		-1,000
19	AEROSPACE PROPULSION AND POWER TECHNOLOGY	136,135	134,135
	Transfer to line 11		-2,000
21	ELECTRONIC COMBAT TECHNOLOGY	16,992	16,992
22	ADVANCED SPACECRAFT TECHNOLOGY	83,705	80,115
	Transfer to line 11		-3,590
23	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,899	5,899
24	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,814	24,814
25	CONVENTIONAL WEAPONS TECHNOLOGY	15,755	15,755
26	ADVANCED WEAPONS TECHNOLOGY	17,461	17,461
27	MANUFACTURING TECHNOLOGY PROGRAM	39,701	47,701
	Program Increase—Best Industrial Process for Department of Defense Depots		+8,000
28	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION	32,382	32,382
30	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,847	1,847
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
31	INTELLIGENCE ADVANCED DEVELOPMENT	5,019	5,019
32	PHYSICAL SECURITY EQUIPMENT	3,576	1,000
	Unjustified program request		-2,576
33	GPS III—OPERATIONAL CONTROL SEGMENT	0	356,867
	Operational Control Segment (OCX)—Transfer from line 212		+356,867
34	ADVANCED EHF MILSATCOM (SPACE)	351,817	394,817
	Program Increase—Capabilities Insertion Program		+43,000
35	POLAR MILSATCOM (SPACE)	164,232	164,232
36	SPACE CONTROL TECHNOLOGY	45,012	45,012
37	COMBAT IDENTIFICATION TECHNOLOGY	26,172	36,172
	Program Increase—Automatic Dependent Surveillance—Broadcast		+10,000
38	NATO RESEARCH AND DEVELOPMENT	4,372	4,372
39	INTERNATIONAL SPACE COOPERATIVE R&D	635	635
40	SPACE PROTECTION PROGRAM (SPP)	8,349	8,349
42	INTEGRATED BROADCAST SERVICE	20,580	20,580
43	INTERCONTINENTAL BALLISTIC MISSILE	66,745	66,745
44	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	36,123	79,123
	Program Increase—Capabilities Insertion Program		+43,000
45	POLLUTION PREVENTION (DEM/VAL)	2,534	2,534
46	JOINT PRECISION APPROACH AND LANDING SYSTEMS	13,952	13,952
47	NEXT GENERATION BOMBER	198,957	198,957
48	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	0	12,000
	Program Increase—GMTI Radar Development		+12,000
49	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM	22,389	22,389
50	JOINT DUAL ROLE AIR DOMINANCE MISSILE	9,799	9,799
51	REQUIREMENTS ANALYSIS AND MATURATION	34,339	34,339
52	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	20,000
	Program Increase—Acquisition Planning and Studies		+20,000
53	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	32,513	22,513
	Program delay		-10,000
54	ALTERNATIVE FUELS	24,064	24,064
55	AUTOMATED AIR-TO-AIR REFUELING	85	85
56	OPERATIONALLY RESPONSIVE SPACE	93,978	125,978
	Program Increase—Responsive Launch Capabilities		+32,000
57	TECH TRANSITION PROGRAM	12,260	12,260
58	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT	325,505	100,000
	Program Reduction		-225,505
58A	DEFENSE WEATHER SATELLITE SYSTEM (DWSS)		75,000
	DWSS-only for defense sensor development		+75,000
59	GLOBAL BROADCAST SERVICE (GBS)	18,171	18,171
60	NUCLEAR WEAPONS SUPPORT	60,545	60,545
62	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,066	8,066
64	ELECTRONIC WARFARE DEVELOPMENT	89,966	89,966
65	JOINT TACTICAL RADIO	631	631
66	TACTICAL DATA NETWORKS ENTERPRISE	102,941	102,941
67	PHYSICAL SECURITY EQUIPMENT	50	50
68	SMALL DIAMETER BOMB (SDB)	153,505	100,505
	SDB II—Contract Award Delay		-53,000
69	COUNTERSPACE SYSTEMS	40,276	40,276
70	SPACE SITUATION AWARENESS SYSTEMS	426,525	350,425
	SBSS Follow On		-45,100
	Space Fence		-35,000
	Integration of Missile Defense Agency radar systems into Space Surveillance Network		+4,000
71	AIRBORNE ELECTRONIC ATTACK	25,937	25,937
72	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	530,047	530,047
74	ARMAMENT/ORDNANCE DEVELOPMENT	6,693	6,693
75	SUBMUNITIONS	1,622	1,622
76	AGILE COMBAT SUPPORT	37,987	37,987
77	LIFE SUPPORT SYSTEMS	10,650	10,650
78	COMBAT TRAINING RANGES	36,905	36,905
79	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
80	INTELLIGENCE EQUIPMENT	1,364	1,364
81	JOINT STRIKE FIGHTER (JSF)	883,773	1,051,210
	Air Force requested transfer from line 135		+159,837
	Air Force requested transfer for Auto GCAS from AP,AF line 43		+7,600
82	INTERCONTINENTAL BALLISTIC MISSILE	71,843	71,843
83	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	30,245	55,245
	Program Increase—EELV Common Upper Stage		+25,000
85	NEXT GENERATION AERIAL REFUELING AIRCRAFT	863,875	0

R-1		Budget Request	Recommendation
.....	Transfer to Tanker Transfer Fund		-863,875
86	CSAR HH-60 RECAPITALIZATION	12,584	0
.....	Program Termination		-12,584
86A	HH-60 RDT&E	0	1,934
.....	Terrain and Traffic Avoidance Systems—Transfer from line 86		+1,934
88	HC/MC-130 RECAP RDT&E	15,536	15,536
91	SINGLE INTEGRATED AIR PICTURE (SIAP)	1,832	0
.....	Program termination		-1,832
92	FULL COMBAT MISSION TRAINING	57,393	57,393
94	JOINT CARGO AIRCRAFT (JCA)	26,407	26,407
95	CV-22	18,270	18,270
96	AIRBORNE SENIOR LEADER C3 (SLC3S)	15,826	7,826
.....	Contract award delay for SLC3S-A Communications Program (SCP)		-8,000
97	THREAT SIMULATOR DEVELOPMENT	21,245	21,245
98	MAJOR T&E INVESTMENT	61,587	61,587
99	RAND PROJECT AIR FORCE	26,752	26,752
101	INITIAL OPERATIONAL TEST & EVALUATION	20,665	20,665
102	TEST AND EVALUATION SUPPORT	759,868	759,868
103	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	23,551	23,551
104	SPACE TEST PROGRAM (STP)	47,623	47,623
105	FACILITIES RESTORATION & MODERNIZATION—TEST & EVAL	46,327	46,327
106	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,579	27,579
107	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	18,901	18,901
108	ACQUISITION AND MANAGEMENT SUPPORT	24,968	24,968
109	GENERAL SKILL TRAINING	1,544	1,544
111	INTERNATIONAL ACTIVITIES	3,764	3,764
113	COMMON VERTICAL LIFT SUPPORT PLATFORM	0	4,000
.....	Air Force requested transfer from AP,AF line 18		+4,000
114	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	43,300	23,300
.....	Funding ahead of need		-20,000
115	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	42,255	42,255
117	B-52 SQUADRONS	146,096	140,896
.....	EHF Request—early to need		-24,700
.....	Program Increase to continue advanced targeting pod integration		+6,500
.....	Air Force requested transfer from AP,AF line 38 for Internal Weapons Bay		+13,000
118	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,631	3,631
119	B-1B SQUADRONS	33,234	33,234
120	B-2 SQUADRONS	260,466	276,466
.....	Program Increase—Mixed Loads and Other Capabilities		+16,000
121	STRAT WAR PLANNING SYSTEM—USSTRATCOM	28,441	28,441
122	NIGHT FIST—USSTRATCOM	5,359	5,359
125	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	23,732	23,732
126	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	15	15
127	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	10,580	10,580
128	MQ-9 UAV	125,427	125,427
129	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	15,574	15,574
130	A-10 SQUADRONS	5,661	5,661
131	F-16 SQUADRONS	129,103	129,103
132	F-15E SQUADRONS	222,677	207,677
.....	Contract award delays		-15,000
133	MANNED DESTRUCTIVE SUPPRESSION	12,937	12,937
134	F-22 SQUADRONS	576,330	511,330
.....	Modernization program		-100,000
.....	MADL—Transfer from line 155		+35,000
135	F-35 SQUADRONS	217,561	0
.....	Block 4 Development		-57,724
.....	Air Force requested transfer to line 81		-159,837
136	TACTICAL AIM MISSILES	6,040	6,040
137	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,922	62,922
138	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,407	2,407
139	COMBAT RESCUE AND RECOVERY	944	944
140	COMBAT RESCUE—PARARESCUE	2,921	2,921
141	AF TENCAP	11,648	11,648
142	PRECISION ATTACK SYSTEMS PROCUREMENT	3,017	3,017
143	COMPASS CALL	20,652	20,652
144	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	147,396	120,626
.....	F-135 Component Improvement Program—premature request		-26,770
146	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	20,000	20,000
147	AIR AND SPACE OPERATIONS CENTER (AOC)	93,102	93,102
148	CONTROL AND REPORTING CENTER (CRC)	58,313	58,313
149	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	239,755	229,755
.....	Contract award and schedule delays for Block 40/45 EMD and DRAGON		-10,000
151	ADVANCED COMMUNICATIONS SYSTEMS	67,532	67,532
153	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	3,310	3,310
154	THEATER BATTLE MANAGEMENT (TBM) C4I	15,170	15,170
155	FIGHTER TACTICAL DATA LINK	85,492	23,992
.....	MADL—Transfer to line 134		-61,500
157	C2ISR TACTICAL DATA LINK	1,584	1,584
158	COMMAND AND CONTROL (C2) CONSTELLATION	24,229	24,229
159	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	168,917	168,917
160	SEEK EAGLE	19,263	19,263
161	USAF MODELING AND SIMULATION	21,638	21,638
162	WARGAMING AND SIMULATION CENTERS	6,020	6,020
163	DISTRIBUTED TRAINING AND EXERCISES	2,863	2,863
164	MISSION PLANNING SYSTEMS	79,112	79,112
165	INFORMATION WARFARE SUPPORT	2,294	2,294
166	CYBER COMMAND ACTIVITIES	1,117	1,117
173	SPACE SUPERIORITY INTELLIGENCE	10,006	10,006
174	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	12,532	12,532
175	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	78,784	68,984
.....	MMPU Production—Air Force requested transfer to MP,AF line 9		-9,800
176	INFORMATION SYSTEMS SECURITY PROGRAM	140,017	140,017
177	GLOBAL COMBAT SUPPORT SYSTEM	3,393	3,393
178	GLOBAL COMMAND AND CONTROL SYSTEM	3,055	5,212
.....	Air Force requested transfer from line 179		+2,157
179	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,157	0
.....	Air Force requested transfer to line 178		-2,157
180	MILSATCOM TERMINALS	186,582	306,282
.....	FAB-T—Air Force requested transfer from AP,AF line 75		+119,700
182	AIRBORNE SIGINT ENTERPRISE	149,268	144,268
.....	Program execution		-5,000
185	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	5,708	5,708
186	CYBER SECURITY INITIATIVE	2,030	2,030
187	DOD CYBER CRIME CENTER	279	279
188	SATELLITE CONTROL NETWORK (SPACE)	21,667	21,667
189	WEATHER SERVICE	32,373	32,373
190	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)	33,268	33,268
191	AERIAL TARGETS	63,573	58,573
.....	Program execution		-5,000

R-1		Budget Request	Recommendation
194	SECURITY AND INVESTIGATIVE ACTIVITIES	469	469
196	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	40	40
198	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	165,936	165,936
199	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	34,471	34,471
201	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,572	4,572
202	SPACE WARFARE CENTER	2,929	2,929
203	SPACELIFT RANGE SYSTEM (SPACE)	9,933	9,933
204	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	1,254	1,254
206	AIRBORNE RECONNAISSANCE SYSTEMS	168,963	90,263
	Wide Area Airborne Surveillance Program of Record—ahead of need		-78,700
207	MANNED RECONNAISSANCE SYSTEMS	15,337	15,337
208	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	93,398	85,898
	Program Reduction		-7,500
209	PREDATOR UAV (JMIP)	28,913	23,913
	Program execution		-5,000
210	RQ-4 UAV	251,318	220,318
	Execution adjustment		-31,000
211	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	7,267	7,267
212	GPS III SPACE SEGMENT	828,171	446,304
	Operational Control Segment (OCX)—Transfer to line 33		-381,867
213	JSPOC MISSION SYSTEM	132,706	109,506
	JSPOC Mission System		-28,000
	Karnac		+4,800
214	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,512	5,512
215	NUDET DETECTION SYSTEM (SPACE)	72,199	72,199
216	NATIONAL SECURITY SPACE OFFICE	10,630	0
	Program termination—Funding transferred to Executive Agent for Space, OM,AF		-10,630
217	SPACE SITUATION AWARENESS OPERATIONS	43,838	43,838
218	INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP	21,912	21,912
219	SHARED EARLY WARNING (SEW)	2,952	2,952
220	C-130 AIRLIFT SQUADRON	113,107	43,472
	Air Force requested transfer to AP,AF line 61		-69,635
221	C-5 AIRLIFT SQUADRONS	58,990	58,990
222	C-17 AIRCRAFT	177,212	162,212
	Contract award delays		-15,000
223	C-130J PROGRAM	26,770	26,770
224	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	17,227	17,227
225	KC-135S	20,453	20,453
226	KC-10S	56,669	41,669
	Milestone B slip		-15,000
227	OPERATIONAL SUPPORT AIRLIFT	4,988	4,988
228	C-STOL AIRCRAFT	1,283	1,283
230	SPECIAL TACTICS/COMBAT CONTROL	7,345	7,345
231	DEPOT MAINTENANCE (NON-IF)	1,514	1,514
234	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	227,614	227,614
235	SUPPORT SYSTEMS DEVELOPMENT	6,141	38,141
	Alternative energy research and integration		+32,000
235A	AIR FORCE RECRUITING INFORMATION SUPPORT SYSTEM	0	5,100
	Air Force Recruiting Information Support System—Air Force requested transfer from OM,AF		+5,100
236	OTHER FLIGHT TRAINING	667	667
237	JOINT NATIONAL TRAINING CENTER	9	9
239	OTHER PERSONNEL ACTIVITIES	116	116
240	JOINT PERSONNEL RECOVERY AGENCY	6,107	6,107
242	CIVILIAN COMPENSATION PROGRAM	7,811	7,811
243	PERSONNEL ADMINISTRATION	11,179	11,179
244	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	49,816	49,816
	CLASSIFIED PROGRAMS	12,406,781	12,915,571
	Classified Adjustment		+508,790
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	27,247,302	26,517,405
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH	47,412	47,412
2	DEFENSE RESEARCH SCIENCES	328,195	295,695
	Excessive growth		-32,500
5	NATIONAL DEFENSE EDUCATION PROGRAM	109,911	94,311
	Unexecutable growth		-15,600
6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	49,508	49,508
7	INSENSITIVE MUNITIONS—EXPLORATORY DEVELOPMENT	22,448	20,448
	Excessive growth		-2,000
8	HISTORICALLY BLACK COLLEGES & UNIV (HBCU) SCIENCE	15,067	23,067
	Program Increase		+8,000
9	LINCOLN LABORATORY RESEARCH PROGRAM	32,830	32,830
10	INFORMATION AND COMMUNICATIONS TECHNOLOGY	281,262	253,262
	DISCOVER contract award delays		-10,000
	Extreme Computing contract award delays		-18,000
11	COGNITIVE COMPUTING SYSTEMS	90,143	90,143
12	MACHINE INTELLIGENCE	44,682	44,682
13	BIOLOGICAL WARFARE DEFENSE	32,692	32,692
14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	169,287	174,287
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		+5,000
15	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	3,261	0
	Duplicate effort		-3,261
16	CYBER SECURITY RESEARCH	10,000	5,000
	Lack of authorization		-5,000
17	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP	9,499	7,999
	Excessive growth		-1,500
18	TACTICAL TECHNOLOGY	224,378	224,378
19	MATERIALS AND BIOLOGICAL TECHNOLOGY	312,586	307,586
	Unsubstantiated growth		-5,000
20	ELECTRONICS TECHNOLOGY	286,936	266,936
	Excessive growth		-20,000
21	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	212,742	212,742
22	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,545	36,745
	Program Increase—Unfunded Requirement		+10,200
	Unexecutable growth		-5,000
24	JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD	20,556	15,556
	Unjustified growth		-5,000
25	SO/LIC ADVANCED DEVELOPMENT	44,423	44,423
26	COMBATING TERRORISM TECHNOLOGY SUPPORT	85,299	85,299
27	COUNTERPROLIFERATION INITIATIVES—PROLIF PREV & DEFEAT	295,163	295,163
28	BALLISTIC MISSILE DEFENSE TECHNOLOGY	132,220	92,220
	SM-3 Block 1B Development transfer to line 84, AEGIS BMD		-40,000
29	JOINT ADVANCED CONCEPTS	6,808	6,808
30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	22,700	22,700
31	AGILE TRANSPO FOR THE 21ST CENTURY (AT21)—THEATER CA	750	750
32	ADVANCED AEROSPACE SYSTEMS	303,078	241,378
	ArcLight		-5,000
	ISIS lack of transition partner		-21,700

R-1	Budget Request	Recommendation
MoTr program delays		-15,000
Vulture program descope and delays		-20,000
33 SPACE PROGRAMS AND TECHNOLOGY	98,130	98,130
34 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	177,113	222,713
TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		+45,600
35 JOINT ELECTRONIC ADVANCED TECHNOLOGY	8,386	8,386
36 JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	206,917	191,917
Unjustified growth		-15,000
37 NETWORKED COMMUNICATIONS CAPABILITIES	30,035	25,035
Unjustified growth		-5,000
38 JOINT DATA MANAGEMENT RESEARCH	6,289	4,289
Excessive growth		-2,000
39 BIOMETRICS SCIENCE AND TECHNOLOGY	11,416	11,416
40 CYBER SECURITY ADVANCED RESEARCH	10,000	5,000
Lack of authorization		-5,000
41 HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADV	11,510	10,510
Excessive growth		-1,000
42 DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROG	18,916	42,916
Industrial Base Innovation Fund		+24,000
43 JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,943	9,943
44 GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	20,542	20,542
45 DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,109	29,109
46 STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	68,021	64,021
Unexecutable growth		-4,000
47 MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT	26,878	26,878
48 JOINT WARFIGHTING PROGRAM	10,966	10,966
49 ADVANCED ELECTRONICS TECHNOLOGIES	197,098	197,098
52 HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	200,986	240,986
Program adjustment		+40,000
53 COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	219,809	219,809
54 CLASSIFIED DARPA PROGRAMS	167,008	150,308
Poor justification materials		-16,700
55 NETWORK-CENTRIC WARFARE TECHNOLOGY	234,985	227,985
Unjustified growth		-7,000
56 SENSOR TECHNOLOGY	205,032	205,032
58 DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,986	13,986
59 SOFTWARE ENGINEERING INSTITUTE	30,910	30,910
61 QUICK REACTION SPECIAL PROJECTS	78,244	58,244
Excessive growth		-13,000
P826—Excess to Quick Reaction Fund requirements		-7,000
62 JOINT EXPERIMENTATION	111,946	91,946
Excessive growth		-20,000
63 MODELING AND SIMULATION MANAGEMENT OFFICE	38,140	33,140
Unexecutable growth		-5,000
64 DIRECTED ENERGY RESEARCH	98,688	123,688
Program Increase		+25,000
65 TEST & EVALUATION SCIENCE & TECHNOLOGY	97,642	97,642
66 TECHNOLOGY TRANSFER	23,310	17,310
Unjustified growth		-6,000
67 SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	30,806	38,806
SOF ACTD Programs		+8,000
68 AVIATION ENGINEERING ANALYSIS	4,234	4,234
69 SOF INFORMATION & BROADCAST SYSTEMS ADVANCED TECHNOLOG	4,942	4,942
69X INNOVATIVE RESEARCH	0	124,200
Program adjustment		+124,200
70 NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	32,132	32,132
71 RETRACT LARCH	21,592	21,592
72 JOINT ROBOTICS PROGRAM	9,878	9,878
73 ADVANCE SENSOR APPLICATIONS PROGRAM	18,060	18,060
74 ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	30,419	30,419
75 BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	436,482	431,482
Funding no longer required for transition to Reagan Test Site		-5,000
76 BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,346,181	1,311,181
Excess Award Fee and Test and Integration Delays		-35,000
78 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	277,062	271,062
Improved Nerve Agent Treatment System—slow obligation rate in fiscal year 2010		-5,000
Lightweight Chemical/Biological Ensemble execution delays		-1,000
79 BALLISTIC MISSILE DEFENSE SENSORS	454,859	392,159
Transfer to line 88 for Concurrent Test, Training and Operations		-35,900
Transfer to line 88 for TPY-2 C2BMC Fielding		-13,000
Transfer to line 88 for BMDS Radars Communications Sustainment (TPY-2)		-13,800
81 BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,113,425	1,008,525
Transfer to lines 82 and 88		-94,900
Funding no longer required for move to Reagan Test Site		-5,000
Program Growth in Program Operations Systems Engineering and Systems Management		-5,000
82 BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS	402,769	406,269
Transfer from line 81		+43,500
Excessive contractor support, advisory services and program growth		-40,000
83 SPECIAL PROGRAMS—MDA	270,189	245,189
Transfer to higher priority near-term MDA procurement programs		-25,000
84 AEGIS BMD	1,467,278	1,569,278
Program growth		-12,000
Navy requested transfer from OP,N line 109		+72,500
Aegis BMD Ships—Navy requested transfer from OM,N line 1B5B		+1,500
SM-3 Block IIB Development—transfer from line 28		+40,000
85 SPACE SURVEILLANCE & TRACKING SYSTEM	112,678	112,678
87 BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	10,942	10,942
88 BALLISTIC MISSILE DEFENSE C2BMC	342,625	456,725
Transfer from line 81 for Concurrent Test, Training and Operations		+51,400
Transfer from line 79 for Concurrent Test, Training and Operations		+35,900
Transfer from line 79 for TPY-2 C2BMC Fielding		+13,000
Transfer from line 79 for BMDS Radar Communications Sustainment (TPY-2)		+13,800
90 BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	68,726	58,726
Duplication of effort with MDA core programs		-10,000
91 CENTER (MDIOC)	86,198	86,198
92 REGARDING TRENCH	7,529	7,529
93 SEA BASED X-BAND RADAR (SBX)	153,056	153,056
98 ISRAELI COOPERATIVE PROGRAMS	121,735	209,935
David's Sling Weapons Program		+38,000
Arrow System Improvement Program (ASIP)		+42,000
Arrow 3 Upper Tier Interceptor Program		+8,200
99 HUMANITARIAN DEMINING	14,735	14,735
100 COALITION WARFARE	13,786	13,786
101 DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,802	39,502
Department of Defense Corrosion Prevention and Control Program		+34,700
102 DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	49,292	49,292
104 HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES	7,459	7,459
105 JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,413	19,413
106 JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM	16,637	16,637

R-1		Budget Request	Recommendation
107	LAND-BASED SM-3 (LBSM3)	281,378	281,378
108	AGIS SM-3 BLOCK IIA CO-DEVELOPMENT	318,800	318,800
109	PRECISION TRACKING SPACE SYSTEM RDT&E	66,969	36,969
	Transfer to higher priority near-term MDA procurement programs		-30,000
110	AIRBORNE INFRARED (ABIR)	111,671	76,671
	Transfer to higher priority near-term MDA procurement programs		-35,000
111	REDUCTION OF TOTAL OWNERSHIP COST	20,310	20,310
112	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	4,027	4,027
113	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	24,344	24,344
114	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	7,973	7,973
115	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	239,861	239,861
116	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	407,162	300,562
	Plague Vaccine—slow obligation rate in fiscal year 2010		-5,000
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		-65,600
	Bioscavenger Increment II schedule delays		-12,000
	Decontamination Family of Systems schedule delays		-9,000
	Next Generation Chemical Standoff Detection schedule delays		-9,000
	SSI NBCRS growth without acquisition strategy		-6,000
117	JOINT ROBOTICS PROGRAM	4,155	4,155
118	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,364	23,695
	Technology Initiatives Investment Fund		-25,669
119	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,954	20,954
120	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	7,307	7,307
121	INFORMATION TECHNOLOGY DEVELOPMENT	11,937	11,937
122	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	11,800	11,800
123	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	184,131	181,166
	VIPS Increment II contract award in fiscal year 2012		-2,965
124	HOMELAND PERSONNEL SECURITY INITIATIVE	391	391
125	OUSDI(C) IT DEVELOPMENT INITIATIVES	5,000	5,000
126	TRUSTED FOUNDRY	35,512	35,512
128	GLOBAL COMBAT SUPPORT SYSTEM	17,842	17,842
130	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE	1,590	1,590
132	DEFENSE READINESS REPORTING SYSTEM (DRRS)	5,113	5,113
133	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,052	8,052
134	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT	162,286	162,286
135	ASSESSMENTS AND EVALUATIONS	2,500	2,500
136	THERMAL VICAR	8,851	8,851
137	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETS)	10,287	10,287
138	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	49,282	49,282
139	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	4,743	4,743
140	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	95,520	95,520
141	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	94,577	94,577
142	CLASSIFIED PROGRAM USD(P)	0	106,000
	Classified Program USD(P)		+106,000
143	FOREIGN COMPARATIVE TESTING	32,755	27,755
	Unjustified growth		-5,000
144	SYSTEMS ENGINEERING	29,824	37,024
	Sustainment of fiscal year 2010 level		+7,200
145	NUCLEAR MATTERS—PHYSICAL SECURITY	6,264	6,264
146	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	15,091	15,091
147	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,227	6,227
147X	DEFENSE-WIDE ELECTRONIC PROCUREMENT	0	12,000
	Program Increase—contract management services program		+12,000
148	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	120,995	120,995
155	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION	2,189	2,189
156	DEFENSE TECHNOLOGY ANALYSIS	13,858	11,158
	P796—Technical Grand Challenge Program		-2,700
157	FORCE TRANSFORMATION DIRECTORATE	19,701	19,701
158	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	61,054	58,554
	Excessive growth		-2,500
159	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	64,737	64,737
160	DEVELOPMENT TEST AND EVALUATION	18,688	25,888
	Sustainment of fiscal year 2010 level		+7,200
161	DARPA AGENCY RELOCATION	11,000	11,000
162	MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)	56,257	56,257
163	BUDGET AND PROGRAM ASSESSMENTS	6,099	6,099
164	AVIATION SAFETY TECHNOLOGIES	10,900	10,900
165	JOINT STAFF ANALYTICAL SUPPORT	23,081	8,081
	Growth without acquisition strategy		-15,000
168	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	31,500	31,500
169	INFORMATION TECHNOLOGY RAPID ACQUISITION	5,135	5,135
170	CYBER SECURITY INITIATIVE	10,000	10,000
171	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	21,272	21,272
173	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	845	845
174	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION	92,253	48,688
	P 754—Initiatives funded by Services		-33,315
	P 764—NPSUE funding without program		-10,250
175	PENTAGON RESERVATION	20,482	20,482
176	MANAGEMENT HEADQUARTERS—MDA	29,754	29,754
177	IT SOFTWARE DEV INITIATIVES	278	278
	CLASSIFIED PROGRAMS	61,577	61,577
178	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	5,522	1,000
	Unjustified program		-4,522
179	REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEACE	2,139	2,139
180	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM	290	290
181	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,634	6,634
183	JOINT INTEGRATION AND INTEROPERABILITY	44,139	44,139
185	CLASSIFIED PROGRAMS	2,288	2,288
186	C4I INTEROPERABILITY	74,023	74,023
188	JOINT/ALLIED COALITION INFORMATION SHARING	9,379	9,379
195	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	467	467
196	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,629	36,629
	Cyber Security Pilot Programs		+20,000
197	LONG HAUL COMMUNICATIONS (DCS)	9,130	9,130
198	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	9,529	9,529
199	PUBLIC KEY INFRASTRUCTURE (PKI)	8,881	8,881
200	KEY MANAGEMENT INFRASTRUCTURE (KMI)	45,941	45,941
201	INFORMATION SYSTEMS SECURITY PROGRAM	14,077	14,077
202	INFORMATION SYSTEMS SECURITY PROGRAM	388,827	388,827
205	C4I FOR THE WARRIOR	2,261	2,261
206	GLOBAL COMMAND AND CONTROL SYSTEM	26,247	25,047
	Fiscal year 2012 testing		-1,200
207	JOINT SPECTRUM CENTER	20,991	20,991
208	NET-CENTRIC ENTERPRISE SERVICES (NCES)	3,366	3,366
209	JOINT MILITARY DECEPTION INITIATIVE	1,161	1,161
210	TELEPORT PROGRAM	6,880	6,880
211	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,272	16,272
214	CYBER SECURITY INITIATIVE	501	501
216	CYBER SECURITY INITIATIVE	2,251	2,251

R-1		Budget Request	Recommendation
217	CYBER SECURITY INITIATIVE	10,486	10,486
221	POLICY R&D PROGRAMS	9,136	9,136
223	NET CENTRICITY	29,831	14,831
	Unjustified growth		-15,000
227	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,290	1,290
230	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,513	3,513
232	MQ-1 PREDATOR A UAV	98	98
234	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,988	2,988
235	INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT	1,416	1,416
245	INDUSTRIAL PREPAREDNESS	21,798	21,798
246	LOGISTICS SUPPORT ACTIVITIES	2,813	2,813
247	MANAGEMENT HEADQUARTERS (JCS)	2,807	2,807
249	NATO AGS	93,885	93,885
250	MQ-9 UAV	98	98
252	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	68,691	68,691
253	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	1,582	1,582
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	23,879	25,479
	Program Increase—Unfunded Requirement		+1,600
255	SOF OPERATIONAL ENHANCEMENTS	62,592	63,692
	Program Increase—Unfunded Requirement		+4,000
	Program termination		-2,900
256	SPECIAL OPERATIONS CV-22 DEVELOPMENT	14,406	14,406
257	JOINT MULTI-MISSION SUBMERSIBLE	14,924	0
	SOCOM requested transfer to line 269		-14,924
259	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	2,915	2,915
261	MC130J SOF TANKER RECAPITALIZATION	7,624	7,624
262	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,922	922
	Execution delays		-1,000
263	SOF TACTICAL RADIO SYSTEMS	2,347	2,347
264	SOF WEAPONS SYSTEMS	479	479
265	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	593	593
267	SOF TACTICAL VEHICLES	1,994	994
	Change in requirements		-1,000
268	SOF ROTARY WING AVIATION	14,473	33,715
	SOCOM requested transfer from P,DW line 57		+19,242
269	SOF UNDERWATER SYSTEMS	13,986	28,910
	SOCOM requested transfer from line 257		+14,924
270	SOF SURFACE CRAFT	2,933	18,933
	Program Increase—CCM Unfunded Requirement		+16,000
271	SOF PSYOP	4,193	4,193
272	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	5,135	5,135
273	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,167	9,167
	CLASSIFIED PROGRAMS	3,832,019	4,011,571
	Classified adjustment		+179,552
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	20,661,600	20,797,412
	OPERATIONAL TEST & EVALUATION, DEFENSE		
1	OPERATIONAL TEST AND EVALUATION	59,430	59,430
2	LIVE FIRE TEST AND EVALUATION	12,899	12,899
3	OPERATIONAL TEST ACTIVITIES AND ANALYSES	122,581	122,581
	TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE	194,910	194,910
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	76,130,700	74,957,028

P-1		Budget Request	Recommendation
	NATIONAL DEFENSE SEALIFT FUND		
	STRATEGIC SHIP ACQUISITION	411,202	911,202
	Additional Mobile Landing Platform		+500,000
	DoD MOBILIZATION ASSETS	158,647	158,647
	STRATEGIC SEALIFT SUPPORT	4,875	4,875
	SEALIFT RESEARCH AND DEVELOPMENT	28,012	28,012
	READY RESERVE FORCE OPERATIONS AND MAINTENANCE	332,130	332,130
	MARITIME ADMINISTRATION SHIP FINANCING GUARANTEE PROGRAM		40,000
	TOTAL, NATIONAL DEFENSE SEALIFT FUND	934,866	1,474,866
	DEFENSE HEALTH PROGRAM		
	OPERATION AND MAINTENANCE	29,915,277	29,671,764
---	IN-HOUSE CARE	7,781,877	7,791,077
---	Army Substance Abuse Program—Transfer to OM,A line 131	2,800	-2,800
---	Pain Management Task Force		+12,000
---	PRIVATE SECTOR CARE	16,034,745	15,673,745
---	TRICARE Underexecution		-236,000
---	Global Deployment of the Force medical research funding—DOD requested transfer to maintain full funding for the program		-125,000
---	CONSOLIDATED HEALTH CARE	2,122,483	2,085,770
---	Army Substance Abuse Program—Transfer to OM,A line 131	27,825	-27,825
---	Psychological Health—State Directors for the National Guard—Transfer to OM,ARNG line 133		-8,888
---	INFORMATION MANAGEMENT/IT	1,452,330	1,452,330
---	MANAGEMENT HEADQUARTERS	293,698	288,698
---	MHS Strategic Communications efficiencies		-5,000
---	EDUCATION AND TRAINING	632,534	632,534
---	BASE OPERATIONS AND COMMUNICATIONS	1,597,610	1,747,610
---	Medical Facilities Sustainment, Restoration and Modernization		+150,000
---	PROCUREMENT	519,921	534,921
---	Procurement of Medical Equipment and IO&T - Navy		+15,000
---	RESEARCH AND DEVELOPMENT	499,913	1,175,513
---	ALS		+8,000
---	Armed Forces Institute of Regenerative Medicine		+4,800
---	Autism Research		+6,400
---	Bone Marrow Failure Disease Research Program		+4,000
---	Duchenne Muscular Dystrophy		+4,000
---	Global HIV/AIDS Prevention		+10,000
---	Traumatic Brain Injury and Psychological Health		+100,000
---	Global Deployment of the Force medical research funding—Department of Defense requested transfer to maintain full funding for the program		+125,000
---	Gulf War Illness Peer-Reviewed Research Program		+8,000
---	Multiple Sclerosis		+4,800
---	Peer-Reviewed Alzheimer Research		+15,000
---	Peer-Reviewed Breast Cancer Research Program		+150,000
---	Peer-Reviewed Cancer Research Program		+16,000
---	Peer-Reviewed Lung Cancer Research Program		+12,800
---	Peer-Reviewed Orthopedic Research Program		+24,000
---	Peer-Reviewed Ovarian Cancer Research Program		+20,000
---	Peer Reviewed Vision research in conjunction with the DoD Vision Center of Excellence		+4,000
---	Peer-Reviewed Prostate Cancer Research Program		+80,000
---	Peer-Reviewed Spinal Cord Research Program		+12,000

P-1		Budget Request	Recommendation
---	Research in Alcohol and Substance Use Disorders	---	+5,200
---	SBIR to the core funded RDT&E	---	+1,200
---	Tuberculous Sclerosis Complex (TSC)	---	+6,400
---	Pain Management Task Force Research	---	+4,000
---	Peer Reviewed Medical Research Program	---	+50,000
---	TOTAL, DEFENSE HEALTH PROGRAM	30,935,111	31,382,198
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE			
---	OPERATION AND MAINTENANCE	1,067,364	1,067,364
---	PROCUREMENT	7,132	7,132
---	RESEARCH, DEVELOPMENT, TEST AND EVALUATION	392,811	392,811
---	TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE	1,467,307	1,467,307
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE			
PC1293	Supplies and Materials (non-fund)—NSA	---	-1,000
PC1329	Other Intra-Governmental Purchases—Navy	---	-2,500
PC6501	Other Intra-Governmental Purchases—OSD	---	-2,000
PC9206	Other Intra-Governmental Purchases—OSD	---	-4,000
PC9205	EUCOM Counternarcotics Operations Support excessive growth	---	-3,000
PC1293	International crime and narcotics analytic tools excessive growth	---	-1,000
PC2360	EUCOM Tactical Analysis Team Support unauthorized new Start	---	-1,500
---	FFRDC cost growth and CN indicated no need	---	-11,394
---	National Guard Counter-Drug Program—State Plans	---	+50,000
---	Young Marines—Drug Demand Reduction	---	+2,000
---	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,131,351	1,156,957
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND			
4	STAFF AND INFRASTRUCTURE	215,868	0
---	Transfer to Title IX	---	-215,868
---	TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	215,868	0
OFFICE OF THE INSPECTOR GENERAL			
---	OPERATION AND MAINTENANCE	282,354	305,794
---	Program Increase	---	+23,440
---	PROCUREMENT	1,000	1,000
---	TOTAL, OFFICE OF THE INSPECTOR GENERAL	283,354	306,794
---	TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS	34,032,991	34,313,256
MILITARY PERSONNEL, ARMY			
---	BA-1: PAY AND ALLOWANCES OF OFFICERS	---	---
---	BASIC PAY	1,237,779	1,237,779
---	RETIRED PAY ACCRUAL	313,278	313,278
---	BASIC ALLOWANCE FOR HOUSING	349,839	349,839
---	BASIC ALLOWANCE FOR SUBSISTENCE	44,752	44,752
---	INCENTIVE PAYS	2,835	2,835
---	SPECIAL PAYS	159,261	159,261
---	ALLOWANCES	56,632	56,632
---	SEPARATION PAY	1,303	1,303
---	SOCIAL SECURITY TAX	94,650	94,650
---	TOTAL, BA-1	2,260,329	2,260,329
---	BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	---	---
---	BASIC PAY	2,708,271	2,708,271
---	RETIRED PAY ACCRUAL	693,325	693,325
---	BASIC ALLOWANCE FOR HOUSING	1,113,877	1,113,877
---	INCENTIVE PAYS	6,714	6,714
---	SPECIAL PAYS	574,120	574,120
---	ALLOWANCES	241,921	241,921
---	SEPARATION PAY	26,276	26,276
---	SOCIAL SECURITY TAX	207,174	207,174
---	TOTAL, BA-2	5,571,678	5,571,678
---	BA-4: SUBSISTENCE OF ENLISTED PERSONNEL	---	---
---	BASIC ALLOWANCE FOR SUBSISTENCE	329,046	329,046
---	SUBSISTENCE-IN-KIND	1,871,805	1,871,805
---	TOTAL, BA-4	2,200,851	2,200,851
---	BA-5: PERMANENT CHANGE OF STATION TRAVEL	---	---
---	ACCESSION TRAVEL	45,512	45,512
---	OPERATIONAL TRAVEL	107,025	107,025
---	ROTATIONAL TRAVEL	45,514	45,514
---	TOTAL, BA-5	198,051	198,051
---	BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
---	INTEREST ON UNIFORMED SERVICES SAVINGS	16,102	16,102
---	DEATH GRATUITIES	66,220	66,220
---	UNEMPLOYMENT BENEFITS	192,223	192,223
---	RESERVE INCOME REPLACEMENT PROGRAM	1,895	1,895
---	SGLI EXTRA HAZARD PAYMENTS	171,060	171,060
---	TOTAL, BA-6	447,500	447,500
---	UNDISTRIBUTED ADJUSTMENT	---	789,624
---	Undistributed Transfer from Title I	---	+789,624
---	TOTAL, MILITARY PERSONNEL, ARMY	10,678,409	11,468,033
MILITARY PERSONNEL, NAVY			
---	BA-1: PAY AND ALLOWANCES OF OFFICERS	---	---
---	BASIC PAY	213,340	213,340
---	RETIRED PAY ACCRUAL	59,067	59,067
---	BASIC ALLOWANCE FOR HOUSING	67,023	67,023
---	BASIC ALLOWANCE FOR SUBSISTENCE	7,315	7,315
---	INCENTIVE PAYS	1,543	1,543
---	SPECIAL PAYS	16,667	16,667
---	ALLOWANCES	16,754	16,754
---	SEPARATION PAY	14	14
---	SOCIAL SECURITY TAX	16,320	16,320
---	TOTAL, BA-1	398,043	398,043
---	BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	---	---
---	BASIC PAY	262,656	262,656
---	RETIRED PAY ACCRUAL	74,338	74,338
---	BASIC ALLOWANCE FOR HOUSING	121,913	121,913
---	INCENTIVE PAYS	325	325
---	SPECIAL PAYS	80,007	80,007
---	ALLOWANCES	27,692	27,692

P-1	Budget Request	Recommendation

SEPARATION PAY	3,535	3,535
SOCIAL SECURITY TAX	20,093	20,093
TOTAL, BA-2	590,559	590,559
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL	---	---
BASIC ALLOWANCE FOR SUBSISTENCE	28,639	28,639
SUBSISTENCE-IN-KIND	14,546	14,546
TOTAL, BA-4	43,185	43,185
BA-5: PERMANENT CHANGE OF STATION TRAVEL	---	---
ACCESSION TRAVEL	5,214	5,214
OPERATIONAL TRAVEL	23,903	23,903
ROTATIONAL TRAVEL	30,110	30,110
SEPARATION TRAVEL	3,132	3,132
TOTAL, BA-5	62,359	62,359
BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
DEATH GRATUITIES	3,800	3,800
UNEMPLOYMENT BENEFITS	29,662	29,662
SGLI EXTRA HAZARD PAYMENTS	51,111	51,111
TOTAL, BA-6	84,573	84,573
UNDISTRIBUTED ADJUSTMENT	---	130,000
Higher than Budgeted Mobilization Levels	---	+110,000
Increased Deployment Levels	---	+20,000
TOTAL, MILITARY PERSONNEL, NAVY	1,178,719	1,308,719
MILITARY PERSONNEL, MARINE CORPS		
---	---	---
BA-1: PAY AND ALLOWANCES OF OFFICERS	---	---
BASIC PAY	40,079	40,079
RETIRED PAY ACCRUAL	13,308	13,308
BASIC ALLOWANCE FOR HOUSING	18,565	18,565
BASIC ALLOWANCE FOR SUBSISTENCE	1,760	1,760
SPECIAL PAYS	10,747	10,747
ALLOWANCES	4,805	4,805
SOCIAL SECURITY TAX	4,176	4,176
TOTAL, BA-1	93,440	93,440
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	---	---
BASIC PAY	190,013	190,013
RETIRED PAY ACCRUAL	43,090	43,090
BASIC ALLOWANCE FOR HOUSING	45,977	45,977
SPECIAL PAYS	95,395	95,395
ALLOWANCES	40,431	40,431
SEPARATION PAY	3,017	3,017
SOCIAL SECURITY TAX	13,435	13,435
TOTAL, BA-2	431,358	431,358
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL	---	---
BASIC ALLOWANCE FOR SUBSISTENCE	21,420	21,420
TOTAL, BA-4	21,420	21,420
BA-5: PERMANENT CHANGE OF STATION TRAVEL	---	---
ACCESSION TRAVEL	3,270	3,270
TOTAL, BA-5	3,270	3,270
BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
DEATH GRATUITIES	27,000	27,000
UNEMPLOYMENT BENEFITS	19,942	19,942
SGLI EXTRA HAZARD PAYMENTS	48,345	48,345
TOTAL, BA-6	95,287	95,287
UNDISTRIBUTED ADJUSTMENT	---	88,145
Over Budgeted End Strength	---	+88,145
TOTAL, MILITARY PERSONNEL, MARINE CORPS	644,775	732,920
MILITARY PERSONNEL, AIR FORCE		
---	---	---
BA-1: PAY AND ALLOWANCES OF OFFICERS	---	---
BASIC PAY	188,334	188,334
RETIRED PAY ACCRUAL	45,953	45,953
BASIC ALLOWANCE FOR HOUSING	58,889	58,889
BASIC ALLOWANCE FOR SUBSISTENCE	7,320	7,320
SPECIAL PAYS	13,613	13,613
ALLOWANCES	5,760	5,760
SOCIAL SECURITY TAX	14,408	14,408
TOTAL, BA-1	334,277	334,277
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	---	---
PERSONNEL	---	---
BASIC PAY	472,896	472,896
RETIRED PAY ACCRUAL	115,387	115,387
BASIC ALLOWANCE FOR HOUSING	177,545	177,545
SPECIAL PAYS	49,964	49,964
ALLOWANCES	16,254	16,254
SOCIAL SECURITY TAX	36,177	36,177
TOTAL, BA-2	868,223	868,223
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL	---	---
BASIC ALLOWANCE FOR SUBSISTENCE	39,090	39,090
SUBSISTENCE-IN-KIND	61,805	61,805
TOTAL, BA-4	100,895	100,895
BA-5: PERMANENT CHANGE OF STATION TRAVEL	---	---
OPERATIONAL TRAVEL	5,957	5,957
TOTAL, BA-5	5,957	5,957
BA-6: OTHER MILITARY PERSONNEL COSTS	---	---
DEATH GRATUITIES	2,000	2,000
UNEMPLOYMENT BENEFITS	27,978	27,978
SGLI EXTRA HAZARD PAYMENTS	67,057	67,057
TOTAL, BA-6	97,035	97,035
UNDISTRIBUTED ADJUSTMENT	---	654,055
Higher than Budgeted Mobilization Levels	---	+378,000
Over Budgeted End Strength	---	+276,055
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,406,387	2,060,442
RESERVE PERSONNEL, ARMY		
---	---	---
BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	104,230	104,230
SCHOOL TRAINING	9,886	9,886
SPECIAL TRAINING	153,915	153,915
TOTAL, BA-1	268,031	268,031
TOTAL, RESERVE PERSONNEL, ARMY	268,031	268,031
RESERVE PERSONNEL, NAVY		
---	---	---
BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
SCHOOL TRAINING	7,019	7,019

P-1		Budget Request	Recommendation
---	SPECIAL TRAINING	38,683	38,683
---	ADMINISTRATION AND SUPPORT	3,210	3,210
---	TOTAL, BA-1	48,912	48,912
---	TOTAL, RESERVE PERSONNEL, NAVY	48,912	48,912
RESERVE PERSONNEL, MARINE CORPS			
---	BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
---	SCHOOL TRAINING	5,467	5,467
---	SPECIAL TRAINING	24,797	24,797
---	ADMINISTRATION AND SUPPORT	373	373
---	TOTAL, BA-1	30,637	30,637
---	UNDISTRIBUTED ADJUSTMENT	---	14,800
---	Over Budgeted End Strength	---	+14,800
---	TOTAL, RESERVE PERSONNEL, MARINE CORPS	30,637	45,437
RESERVE PERSONNEL, AIR FORCE			
---	BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
---	SPECIAL TRAINING	27,002	27,002
---	TOTAL, BA-1	27,002	27,002
---	TOTAL, RESERVE PERSONNEL, AIR FORCE	27,002	27,002
NATIONAL GUARD PERSONNEL, ARMY			
---	BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
---	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	231,547	231,547
---	SPECIAL TRAINING	550,090	550,090
---	ADMINISTRATION AND SUPPORT	46,485	46,485
---	TOTAL, BA-1	828,122	828,122
---	UNDISTRIBUTED ADJUSTMENT	---	24,900
---	Support to Southwest Border	---	+24,900
---	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	828,122	853,022
NATIONAL GUARD PERSONNEL, AIR FORCE			
---	BA-1: UNIT AND INDIVIDUAL TRAINING	---	---
---	SPECIAL TRAINING	21,060	11,060
---	Excess to Need	---	-10,000
---	TOTAL, BA-1	21,060	11,060
---	UNDISTRIBUTED ADJUSTMENT	---	5,800
---	Support to Southwest Border	---	+5,800
---	TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	21,060	16,860
---	TOTAL, MILITARY PERSONNEL	15,132,054	16,829,378
0-1		Budget Request	Recommendation
OPERATION AND MAINTENANCE, ARMY			
131	BASE OPERATIONS SUPPORT	0	1,000,000
.....	Increased Peacetime Base Operations Support Costs to Redeployment of Soldiers from Iraq	---	+1,000,000
135	ADDITIONAL ACTIVITIES	47,638,208	44,608,615
.....	Reduced Deployment Level	---	-2,500,000
.....	Transfer to SAG 421 for Subsistence Transportation Costs	---	-1,013,000
.....	Transfer from Overseas Contingency Operations Transfer Fund for Detainee Operations	---	+80,000
.....	Transfer from JIEDDO—Synchronization and Integration WTI Cell	---	+3,200
.....	Transfer from JIEDDO—Thermal Station (National IED Exploitation Facility (NIEF))	---	+13,000
.....	Transfer from JIEDDO—Beachcomber	---	+3,000
.....	Transfer from JIEDDO—Counter Bomber	---	+1,500
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set	---	+3,000
.....	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems	---	+1,000
.....	Transfer from JIEDDO—Technical Collection Training Program	---	+16,400
.....	Transfer from Title II—Chemical Defense Equipment Sustainment	---	+8,579
.....	Transfer from Title II—MRAP Vehicle Sustainment at Combat Training Centers	---	+6,420
.....	Transfer from Title II—Body Armor Sustainment	---	+71,660
.....	Transfer from Title II—Rapid Equipping Force Readiness	---	+9,294
.....	Transfer from Title II—Fixed Wing Life Cycle Contract Support	---	+21,171
.....	Transfer from Title II—Overseas Security Guards	---	+200,000
.....	Transfer from Title II—Senior Leader Initiative—Comprehensive Soldier Fitness Program	---	+30,000
.....	Transfer from Title II—Survivability and Maneuverability Training	---	+15,183
136	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,300,000	500,000
.....	Program reduction	---	-400,000
.....	Transfer to Afghanistan Infrastructure Fund	---	-400,000
M-1		Budget Request	Recommendation
137	RESET	7,840,211	6,261,568
.....	Army-Identified Excess Reset Requirement	---	-1,578,643
411	SECURITY PROGRAMS	2,358,865	2,364,265
.....	Transfer from JIEDDO—Air Vigilance	---	+5,400
421	SERVICEWIDE TRANSPORTATION	3,465,334	4,478,334
.....	Transfer from SAG 135 for Subsistence Transportation Costs	---	+1,013,000
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY	62,602,618	59,212,782
OPERATION AND MAINTENANCE, NAVY			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	1,839,918	1,839,918
1A2A	FLEET AIR TRAINING	3,453	3,453
1A3A	AVIATION TECHNICAL DATA & ENGINEERING SVCS	1,400	1,400
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	26,837	26,837
1A4N	AIR SYSTEMS SUPPORT	44,567	44,567
1A5A	AIRCRAFT DEPOT MAINTENANCE	233,114	281,114
.....	Aircraft Depot Maintenance Increase	---	+48,000
1B1B	MISSION AND OTHER SHIP OPERATIONS	1,151,465	1,151,465
1B2B	SHIP OPERATIONS SUPPORT & TRAINING	27,472	27,472
1B4B	SHIP DEPOT MAINTENANCE	1,266,556	1,290,556
.....	Ship Depot Maintenance Increase	---	+24,000
1C1C	COMBAT COMMUNICATIONS	38,468	38,468
1C4C	WARFARE TACTICS	82,801	32,801
.....	Navy Identified Excess to Requirement for CENTCOM Operations	---	-50,000
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	24,855	24,855
1C6C	COMBAT SUPPORT FORCES	2,737,727	2,930,528

M-1		Budget Request	Recommendation
.....	Transfer from Title II—Naval Expeditionary Combat Command Increases	---	+192,801
1C7C	EQUIPMENT MAINTENANCE	3,677	3,677
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	7,000	7,000
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,455	7,455
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,118	100,118
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set	---	+1,000
1D4D	WEAPONS MAINTENANCE	82,519	82,519
1D7D	OTHER WEAPON SYSTEMS SUPPORT	16,938	16,938
BSIT	ENTERPRISE INFORMATION	10,350	0
.....	ONE-NET Baseline Budget Requirement	---	-10,350
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	28,250	49,250
.....	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund	---	+21,000
BSS1	BASE OPERATING SUPPORT	381,749	436,249
.....	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund	---	+4,000
.....	Transfer from JIEDDO—Counter Bomber	---	+500
.....	Transfer from Title II—Regional/Emergency Operations Center	---	+50,000
2A1F	SHIP PREPOSITIONING AND SURGE	27,300	27,300
2C1H	FLEET HOSPITAL PROGRAM	4,400	4,400
2C3H	COAST GUARD SUPPORT	254,461	0
.....	Transfer to Department of Homeland Security	---	-254,461
3B1K	SPECIALIZED SKILL TRAINING	81,454	84,454
.....	Transfer from Title II—NAVSEA VSSS/EOD Training	---	+3,000
3B4K	TRAINING SUPPORT	5,400	0
.....	Training Support Baseline Budget Requirement	---	-5,400
4A1M	ADMINISTRATION	4,265	4,265
4A2M	EXTERNAL RELATIONS	467	467
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	450	450
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	11,214	11,214
4A5M	OTHER PERSONNEL SUPPORT	2,706	2,706
4A6M	SERVICEWIDE COMMUNICATIONS	28,671	28,671
4B1N	SERVICEWIDE TRANSPORTATION	300,868	300,868
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	6,091	6,091
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	2,153	2,153
4C1P	NAVAL INVESTIGATIVE SERVICE	78,464	78,464
9999	OTHER PROGRAMS	22,581	22,581
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY	8,946,634	8,970,724
OPERATION AND MAINTENANCE, MARINE CORPS			
1A1A	OPERATIONAL FORCES	2,448,572	2,317,572
.....	Excess to Requirement for Cargo UAS	---	-90,400
.....	Transfer to RDTE.N for Cargo UAS	---	-36,000
.....	Transfer to OP.N for AM-2 Matting	---	-4,600
1A2A	FIELD LOGISTICS	514,748	517,248
.....	Transfer from JIEDDO—Counter Bomber	---	+1,000
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set	---	+1,000
.....	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems	---	+500
1A3A	DEPOT MAINTENANCE	523,250	523,250
1B1B	MARITIME PREPOSITIONING	7,808	7,808
BSS1	BASE OPERATING SUPPORT	55,301	55,301
3B4D	TRAINING SUPPORT	223,071	223,071
4A3G	SERVICEWIDE TRANSPORTATION	360,000	360,000
4A4G	ADMINISTRATION	3,772	3,772
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	4,136,522	4,008,022
OPERATION AND MAINTENANCE, AIR FORCE			
011A	PRIMARY COMBAT FORCES	1,896,647	1,896,647
011C	COMBAT ENHANCEMENT FORCES	1,954,759	1,954,759
011D	AIR OPERATIONS TRAINING	113,948	113,948
011M	DEPOT MAINTENANCE	297,623	399,983
.....	Weapons System Sustainment	---	+102,360
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	704,463	504,463
.....	Unjustified Growth from fiscal year 2010 Baseline	---	-200,000
011Z	BASE OPERATING SUPPORT	1,780,052	1,780,052
012A	GLOBAL C3I AND EARLY WARNING	128,632	128,632
012C	OTHER COMBAT OPS SPT PROGRAMS	397,894	397,894
013A	LAUNCH FACILITIES	28,975	28,975
013C	SPACE CONTROL SYSTEMS	34,091	34,091
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	127,861	127,861
021A	AIRLIFT OPERATIONS	4,403,800	4,403,800
021D	MOBILIZATION PREPAREDNESS	240,394	240,394
021M	DEPOT MAINTENANCE	217,023	217,023
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	20,360	20,360
021Z	BASE SUPPORT	57,362	57,362
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,948	1,948
031Z	BASE SUPPORT	6,088	6,088
032A	SPECIALIZED SKILL TRAINING	45,893	45,893
032B	FLIGHT TRAINING	20,277	20,277
032C	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
032D	TRAINING SUPPORT	1,820	1,820
041A	LOGISTICS OPERATIONS	292,030	292,030
041R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	10,500	10,500
041Z	BASE SUPPORT	31,985	31,985
042A	ADMINISTRATION	5,438	5,438
042B	SERVICEWIDE COMMUNICATIONS	247,149	247,149
042G	OTHER SERVICEWIDE ACTIVITIES	113,082	113,082
043A	SECURITY PROGRAMS	305,689	305,689
.....	REDUCED DEPLOYMENT LEVELS	---	-400,000
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	13,487,283	12,989,643
OPERATION AND MAINTENANCE, DEFENSE-WIDE			
1PL1	JOINT CHIEFS OF STAFF	20,500	20,500
1PL2	SPECIAL OPERATIONS COMMAND	3,012,026	2,903,126
.....	Information Operations	---	-49,400
.....	Leased Aircraft—Unjustified Request	---	-65,500
.....	Transfer from JIEDDO—Wolfhound II	---	+6,000
ES18	DEFENSE MEDIA ACTIVITY	14,799	14,799
4GT6	DEFENSE CONTRACT AUDIT AGENCY	27,000	27,000
4GT9	DEFENSE INFORMATION SYSTEMS AGENCY	136,316	144,316
.....	Increase Afghanistan FOB Fiber Connectivity	---	+8,000
4GTJ	DEFENSE CONTRACT MANAGEMENT AGENCY	74,862	74,862
4GTA	DEFENSE LEGAL SERVICES AGENCY	120,469	116,969
.....	Overstatement of Habeas Corpus Civilian Personnel Pricing	---	-3,500
4GTJ	DEFENSE DEPENDENTS EDUCATION	485,769	501,769
.....	Additional Funding for Outreach and Reintegration Services Under the Yellow Ribbon Reintegration Program	---	+16,000
4GTD	DEFENSE SECURITY COOPERATION AGENCY	2,000,000	2,000,000
4GTI	DEFENSE THREAT REDUCTION AGENCY	1,218	1,218
4GTN	OFFICE OF THE SECRETARY OF DEFENSE	188,099	173,099

M-1		Budget Request	Recommendation
9999	Knowledge Management		- 15,000
	OTHER PROGRAMS	3,345,300	3,299,332
	Classified Adjustments		- 49,168
	Transfer from JIEDDO—Synchronization and Integration WTI Cell		+3,200
	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	9,426,358	9,276,990
OPERATION AND MAINTENANCE, ARMY RESERVE			
135	ADDITIONAL ACTIVITIES	286,950	206,784
	Army Reserve Identified Excess to Requirement		- 80,166
	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	286,950	206,784
OPERATION AND MAINTENANCE, NAVY RESERVE			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	49,089	49,089
1A3A	INTERMEDIATE MAINTENANCE	400	400
1A5A	AIRCRAFT DEPOT MAINTENANCE	17,760	17,760
1B1B	MISSION AND OTHER SHIP OPERATIONS	9,395	9,395
1B4B	SHIP DEPOT MAINTENANCE	497	497
1C1C	COMBAT COMMUNICATIONS	3,185	3,185
1C6C	COMBAT SUPPORT FORCES	12,169	12,169
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	1,064	1,064
	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	93,559	93,559
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
1A1A	OPERATING FORCES	23,571	23,571
BSS1	BASE OPERATING SUPPORT	6,114	6,114
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	29,685	29,685
OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
011M	DEPOT MAINTENANCE	116,924	191,124
	Weapons System Sustainment		+74,200
011Z	BASE OPERATING SUPPORT	12,683	12,683
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	129,607	203,807
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
135	ADDITIONAL ACTIVITIES	544,349	497,849
	Distance Learning—Transfer to Baseline OM,ARNG SAG 121		- 9,000
	Air OPTEMPO Duplicate Request		- 44,000
	Support to Southwest Border		+6,500
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	544,349	497,849
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
011F	AIRCRAFT OPERATIONS	152,896	152,896
011G	MISSION SUPPORT OPERATIONS	57,800	59,400
	Support to Southwest Border		+1,600
011M	DEPOT MAINTENANCE	140,127	205,687
	Weapons System Sustainment		+65,560
	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	350,823	417,983
OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND			
	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	1,551,781	0
	Transfer to OMA SAG 135		- 80,000
	Transfer to OM,N SAGs BSS1 and BSM1		- 25,000
	Unjustified Program Change		- 1,446,781
	TOTAL, OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	1,551,781	0
AFGHANISTAN INFRASTRUCTURE FUND			
	Afghanistan Infrastructure Fund - Transfer from CERP		+400,000
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	0	400,000
AFGHANISTAN SECURITY FORCES FUND			
	Afghan National Army	7,467,014	7,467,014
	Infrastructure	1,790,933	1,790,933
	Equipment and Transportation	1,846,623	1,846,623
	Training and Operations	836,842	836,842
	Sustainment	2,992,616	2,992,616
	Afghan National Police	4,085,437	4,085,437
	Infrastructure	1,078,413	1,078,413
	Equipment and Transportation	917,966	917,966
	Training and Operations	990,213	990,213
	Sustainment	1,098,845	1,098,845
	Related Activities	66,832	66,832
	Detainee Operations - Sustainment	6,037	6,037
	Detainee Operations - Training and Operations	1,530	1,530
	Detainee Operations - Infrastructure	58,265	58,265
	COIN Activities	1,000	1,000
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	11,619,283	11,619,283
IRAQ SECURITY FORCES FUND			
	Defense Security Forces	1,656,906	1,656,906
	Equipment and Transportation	1,067,706	1,067,706
	Training	248,075	248,075
	Sustainment	341,125	341,125
	Interior Security Forces	268,094	268,094
	Equipment and Transportation	220,469	220,469
	Sustainment	47,625	47,625
	Related Activities	75,000	75,000
	Authorization Reduction		- 500,000
	TOTAL, IRAQ SECURITY FORCES FUND	2,000,000	1,500,000
	TOTAL, OPERATION AND MAINTENANCE	115,205,452	109,427,111

P-1		Budget Request	Recommendation
AIRCRAFT PROCUREMENT, ARMY			
2	C-12 CARGO AIRPLANE (OCO)	78,060	78,060
4	MQ-1 UAV (OCO)	47,000	24,000

P-1		Budget Request	Recommendation
.....	Reduction to Projected Battle Losses		-23,000
5	RQ-11 (RAVEN) (OCO)	17,430	17,430
9	AH-64 APACHE BLOCK III		34,600
.....	War Replacement Aircraft		+34,600
11	UH-60 BLACKHAWK (OCO)	40,500	373,400
.....	Program Increase for Army National Guard		+80,000
.....	Three Combat Loss UH-60		+52,500
.....	Accelerate 12 Aircraft		+200,400
13	CH-47 HELICOPTER (OCO)	70,600	258,400
.....	Accelerate Six Aircraft		+187,800
16	C12 AIRCRAFT MODS (OCO)	122,340	122,340
17	MQ-1 PAYLOAD—UAS (OCO)	3,600	3,600
19	GUARDRAIL MODS (MIP) (OCO)	30,200	6,000
.....	Authorization Adjustment		-24,200
20	MULTI SENSOR ABN RECON (MIP) (OCO)	86,200	86,200
21	AH-64 MODS (OCO)	199,200	654,200
.....	AH-64A to AH-64D Conversion for the Texas and Mississippi National Guard		+455,000
23	CH-47 CARGO HELICOPTER MODS (OCO)	82,900	66,900
.....	Cargo On/Off Loading System (COOLS) ahead of need		-16,000
27	UTILITY HELICOPTER MODS (OCO)	14,530	14,530
28	KIOWA WARRIOR (OCO)	187,288	160,378
.....	Fielded Fleet Upgrades		+20,000
.....	Limit Ramp Rate on Replacement Aircraft		-46,910
29	AIRBORNE AVIONICS (OCO)	24,983	24,983
31	RQ-7 UAV MODS (OCO)	97,800	546,500
.....	Funding Ahead of Need		-1,000
.....	Transfer from Title III		+497,500
.....	Ahead of Need		-47,800
36	ASE INFRARED CM (OCO)	197,990	182,990
.....	Excess to Need		15,000
38	COMMON GROUND EQUIPMENT (OCO)	65,627	65,627
40	AIR TRAFFIC CONTROL (OCO)	7,555	0
.....	Unjustified Request		-7,555
.....	TOTAL, AIRCRAFT PROCUREMENT, ARMY	1,373,803	2,720,138
MISSILE PROCUREMENT, ARMY			
4	HELLFIRE SYS SUMMARY (OCO)	190,459	190,459
6	TOW 2 SYSTEM SUMMARY (OCO)	112,769	112,769
13	ITAS/TOW MODS (OCO)	40,600	40,600
.....	TOTAL, MISSILE PROCUREMENT, ARMY	343,828	343,828
PROCUREMENT OF W&TCV, ARMY			
4	STRYKER VEHICLE (OCO)		545,000
.....	Transfer from Stryker Modifications, line 9		+445,000
.....	Increase for Stryker Double V Hull		+100,000
9	STRYKER VEHICLE MODS (OCO)	445,000	0
.....	Transfer to Stryker Vehicle, line 4		-445,000
22	MACHINE GUN, CAL 50, M2 ROLL		79,496
.....	Transfer from Title III		+79,496
26	MORTAR SYSTEMS (OCO)	8,600	8,600
28	XM320 GRENADE LAUNCHER MODULE (OCO)	22,500	22,500
32	COMMON REMOTELY OPERATED WEAPONS STATION (OCO)	100,000	100,000
34	HOWITZER LT WT 155MM (T) (OCO)	62,000	62,000
36	M4 CARBINE MODS (OCO)	12,900	42,900
.....	Program Increase		+30,000
37	M2 50 CAL MACHINE GUN MODS (OCO)	15,000	15,000
40	M119 MODIFICATIONS (OCO)	21,500	21,500
.....	TOTAL, PROCUREMENT OF W&TCV, ARMY	687,500	896,996
PROCUREMENT OF AMMUNITION, ARMY			
2	CTG, 7.62MM, ALL TYPES (OCO)	32,604	13,000
.....	Per Army Request		-19,604
4	CTG, .50 CAL, ALL TYPES (OCO)	128,876	47,000
.....	Per Army Request		-81,876
5	CTG, 20MM, ALL TYPES (OCO)	20,056	10,500
.....	Per Army Request		-9,556
7	CTG, 30MM, ALL TYPES (OCO)	23,826	9,500
.....	Per Army Request		-14,326
8	CTG, 40MM, ALL TYPES (OCO)	62,700	25,000
.....	Per Army Request		-37,700
11	120MM MORTAR, ALL TYPES (OCO)	120,160	26,900
.....	APMI Unit Cost Savings		-50,100
.....	Per Army Request		-43,160
15	CTG, ARTY, 105MM: ALL TYPES (OCO)	37,620	15,000
.....	Per Army Request		-22,620
16	CTG, ARTY, 155MM: ALL TYPES (OCO)	37,620	15,000
.....	Per Army Request		-22,620
18	MODULAR ARTILLERY CHARGE SYS, ALL TYPES (OCO)	15,048	6,000
.....	Per Army Request		-9,048
19	ARTILLERY FUZES, ALL TYPES (OCO)	12,540	5,000
.....	Per Army Request		-7,540
24	SHOULDER LAUNCHED MUNITIONS, ALL TYPES (OCO)	17,556	0
.....	Per Army Request		-17,556
25	ROCKET, HYDRA 70, ALL TYPES (OCO)	139,285	139,285
26	DEMOLITION MUNITIONS, ALL TYPES (OCO)		20,000
.....	Per Army Request		+20,000
27	GRENADES, ALL TYPES (OCO)	2,000	0
.....	Per Army Request		-2,000
31	NON-LETHAL AMMUNITION, ALL TYPES (OCO)	15,000	0
.....	Per Army Request		-15,000
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES (OCO)	37,700	37,700
.....	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	702,591	369,885
OTHER PROCUREMENT, ARMY			
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO)	516,350	398,925
.....	Battle Loss Replacement		+8,875
.....	Contract Savings		-126,300
7	FAMILY OF HEAVY TACTICAL VEHICLES (OCO)	188,677	199,809
.....	Battle Loss Replacement		+11,132
9	ARMORED SECURITY VEHICLES (ASV) (OCO)	52,780	52,780
10	MINE PROTECTION VEHICLE FAMILY (OCO)	136,700	367,678
.....	Transfer from Title III		+230,978
14	HMMWV RECAPITALIZATION PROGRAM (OCO)	989,067	989,067
15	MODIFICATION OF IN SVC EQUIP (OCO)	20,000	312,956
.....	Transfer from Title III		+292,956
24	WIN-T—GROUND FORCES TACTICAL NETWORK (OCO)	8,163	8,163
27	SHF TERM (OCO)	62,415	62,415

P-1		Budget Request	Recommendation
29	NAVSTAR GLOBAL POSITIONING SYSTEM (OCO)	13,500	63,500
	Additional DAGRs		+50,000
40	AMC CRITICAL ITEMS—OPA2 (OCO)	3,946	3,946
47	RADIO, IMPROVED HF (COTS) FAMILY (OCO)	78,253	78,253
48	MEDICAL COMM FOR CBT CASUALTY CARE (OCO)	15,000	15,000
51x	FAMILY OF BIOMETRICS		38,172
	Non-MIP Biometrics—Transfer from RTE,A line 171		+38,172
53	BASE SUPPORT COMMUNICATIONS (OCO)	70,000	47,500
	Excess to Need		-22,500
55	INFORMATION SYSTEMS (OCO)		55,000
	Program Adjustment for Tactical Local Area Network (TACLAN)		+55,000
57	INSTALLATION INFO INFRASTRUCTURE MOD (OCO)	413,200	413,200
65	PROPHET GROUND (OCO)	18,900	18,900
70	DCGS-A (MIP) (OCO)	197,092	334,516
	Transfer from Title III		+137,424
74	CI HUMINT AUTO REPRTING AND COLL (OCO)	52,277	47,377
	Excess to Need		-4,900
75	ITEMS LESS THAN \$5.0M (MIP) (OCO)	5,400	5,400
76	LIGHTWEIGHT COUNTER MORTAR RADAR (OCO)	25,000	10,000
	Program Decrease		-15,000
77	WARLOCK (OCO)	225,682	225,682
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (OCO)	455,639	455,639
81	FAAD GBS (OCO)	167,460	167,460
84	NIGHT VISION DEVICES (OCO)	5,019	5,019
89	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) (OCO)	291,400	251,200
	Funded Ahead of Need		-40,200
90	BASE EXPEDITIONARY TARGETING & SURV SYS (OCO)	486,050	408,050
	Program Decrease		-78,000
95	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO)	69,800	69,800
96	FORCE XXI BATTLE CMD BRIGADE & BELOW (OCO)	135,500	135,500
98	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (OCO)	22,371	22,371
99	COMPUTER BALLISTICS: LHMBC XM32 (OCO)	1,800	1,800
101	COUNTERFIRE RADARS (OCO)	20,000	285,867
	Transfer from Title III		+275,867
	Funded Ahead of Need		-10,000
103	TACTICAL OPERATIONS CENTERS (OCO)	43,800	43,800
104	FIRE SUPPORT C2 FAMILY (OCO)	566	13,566
	Advanced Field Artillery Tactical Data System		+13,000
105	BATTLE COMMAND SUSTAINMENT SUPPORT SYS	420	420
108	KNIGHT FAMILY (OCO)	49,744	49,744
110	AUTOMATIC IDENTIFICATION TECHNOLOGY (OCO)	2,222	2,222
114	NETWORK MANAGEMENT INITIALIZATION & SERVICE (OCO)	5,000	5,000
115	MANEUVER CONTROL SYSTEM (OCO)	60,111	60,111
121	AUTOMATED DATA PROCESSING EQUIP (OCO)	10,500	10,500
130	PROTECTIVE SYSTEMS (OCO)	5,690	5,690
135	TACTICAL BRIDGING, FLOAT RIBBON (OCO)	3,220	3,220
136	HANDHELD STANDOFF MINEFIELD DETECTION SYSTEM	0	28,000
	Transfer from JIEDDO for Proper Execution		+28,000
137	GRND STANDOFF MINE DETECTION SYSTEM (OCO)	191,000	191,000
141	HEATERS AND ECU'S (OCO)	8,708	8,708
149	FORCE PROVIDER (OCO)	261,599	52,499
	Excess to Need		-209,100
150	FIELD FEEDING EQUIPMENT (OCO)	29,903	29,903
154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER (OCO)	55,105	55,105
155	WATER PURIFICATION SYSTEMS (OCO)	12,086	0
	Funded Ahead of Need		-12,086
156	COMBAT SUPPORT MEDICAL (OCO)	8,680	8,680
157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO)	41,398	41,398
159	GRADER, ROAD MTZD, HVY, 6X4 (CCE) (OCO)	3,390	3,390
161	SCRAPERS, EARTHMOVING (OCO)	3,195	3,195
164	LOADERS (OCO)	1,157	1,157
168	HIGH MOBILITY ENGINEER EXCAVATOR FOS (OCO)	3,750	3,750
170	ITEMS LESS THAN \$5.0M (CONST EQUIP) (OCO)	4,140	4,140
174	GENERATORS AND ASSOCIATED EQUIP (OCO)	37,480	37,480
175	ROUGH TERRAIN CONTAINER HANDLER (OCO)	4,562	4,562
177	ALL TERRAIN LIFTING ARMY SYSTEM (OCO)	56,609	58,049
	Battle Loss Replacement		+1,440
179	TRAINING DEVICES, NONSYSTEM (OCO)	28,624	28,624
180	CLOSE COMBAT TACTICAL TRAINER (OCO)	8,200	0
	Funded Ahead of Need		-8,200
184	INTEGRATED FAMILY OF TEST EQUIPMENT (OCO)	622	622
186	RAPID EQUIPPING SOLDIER SUPT EQUIPMENT (OCO)	58,590	38,590
	Excess to Need		-20,000
187	PHYSICAL SECURITY SYSTEMS (OPA3) (OCO)	77,000	77,000
192	SPECIAL EQUIPMENT FOR USER TESTING (OCO)	1,987	1,987
	CLASSIFIED PROGRAMS (OCO)	775	775
	TOTAL, OTHER PROCUREMENT, ARMY	5,827,274	6,423,832
AIRCRAFT PROCUREMENT, NAVY			
3	F/A-18E/F (FIGHTER) HORNET (MYP)		495,000
	Strike Fighter Shortfall Mitigation—Nine Aircraft		+495,000
11	UH-1Y/AH-1Z (OCO)	88,500	88,500
19	E-2C (EARLY WARNING) HAWKEYE (MYP)		175,000
	Program Increase—Combat Loss Replacement		+175,000
29	EA-6 SERIES (OCO)	15,000	12,700
	Install Equipment Program Adjustment		-2,300
31	AV-8 SERIES (OCO)	72,100	65,371
	Pod Upgrade Kits Cost Growth		-1,529
	GEN4 Pod Cost Growth		-5,200
32	F-18 SERIES (OCO)	43,250	43,250
34	AH-1W SERIES (OCO)	35,510	35,510
35	H-53 SERIES (OCO)	36,248	27,148
	Funded Ahead of Need		-9,100
36	SH-60 SERIES (OCO)	6,430	6,430
39	P-3 SERIES (OCO)	6,000	6,000
48	SPECIAL PROJECT AIRCRAFT (OCO)	6,100	6,100
53	COMMON ECM EQUIPMENT (OCO)	38,700	31,020
	Directed Infrared Countermeasures Installation Kit Cost Growth		-7,680
54	COMMON AVIONICS CHANGES (OCO)	14,100	14,100
55	COMMON DEFENSIVE WEAPON SYSTEM (OCO)	10,500	10,500
57	RQ-7 SERIES (OCO)	8,000	8,000
58	V-22 (TILT/ROTOR ACFT) OSPREY (OCO)	36,420	36,420
59	SPARES AND REPAIR PARTS (OCO)	3,500	208,500
	Aviation Spares		+205,000
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	420,358	1,269,549
WEAPONS PROCUREMENT, NAVY			
5	SIDEWINDER (OCO)	2,923	0

P-1		Budget Request	Recommendation
.....	Non-combat Expenditures		- 2,923
9	HELLFIRE (OCO)	85,504	85,504
26	SMALL ARMS AND WEAPONS (OCO)	4,998	4,998
.....	TOTAL, WEAPONS PROCUREMENT, NAVY	93,425	90,502
PROCUREMENT OF AMMO, NAVY & MARINE CORPS			
1	GENERAL PURPOSE BOMBS (OCO)	6,060	0
.....	Contract Delay		- 6,060
3	AIRBORNE ROCKETS, ALL TYPES (OCO)	76,043	76,043
4	MACHINE GUN AMMUNITION (OCO)	69,660	68,660
.....	20mm Linked TP, PGU-27 Cost Growth		- 1,000
7	AIR EXPENDABLE COUNTERMEASURES (OCO)	33,632	33,632
11	OTHER SHIP GUN AMMUNITION (OCO)	455	455
12	SMALL ARMS & LANDING PARTY AMMO (OCO)	7,757	7,757
13	PYROTECHNIC AND DEMOLITION (OCO)	1,209	1,209
15	SMALL ARMS AMMUNITION (OCO)	19,498	19,498
16	LINEAR CHARGES, ALL TYPES (OCO)	4,677	4,677
17	40 MM, ALL TYPES (OCO)	11,307	11,307
18	60MM, ALL TYPES (OCO)	17,150	17,150
19	81MM, ALL TYPES (OCO)	27,738	27,738
20	120MM, ALL TYPES (OCO)	96,895	96,895
21	CTG 25MM, ALL TYPES (OCO)	990	990
22	GRENADES, ALL TYPES (OCO)	6,137	6,137
23	ROCKETS, ALL TYPES (OCO)	13,543	13,543
24	ARTILLERY, ALL TYPES (OCO)	137,118	137,118
25	DEMOLITION MUNITIONS, ALL TYPES (OCO)	9,296	9,296
26	FUZE, ALL TYPES (OCO)	25,888	25,888
27	NON LETHALS (OCO)	31	31
.....	TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS	565,084	558,024
OTHER PROCUREMENT, NAVY			
25	STANDARD BOATS (OCO)	30,706	23,706
.....	Riverine Patrol Boats - Unjustified Request		- 7,000
57	MATCALs (OCO)	27,080	25,080
.....	ASPARCS - Unjustified Cost Growth		- 2,000
74	EMI CONTROL INSTRUMENTATION (OCO)	1,800	1,800
94	EXPEDITIONARY AIRFIELDS (OCO)	0	4,600
.....	AM-2 Matting Expeditionary Airfield - Requested Transfer from OM,MC		+4,600
99	AVIATION LIFE SUPPORT (OCO)	26,024	10,024
.....	CSEL Excess to Need		- 16,000
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	132,386	10,386
.....	JCREW - Funding No Longer Required		- 122,000
122	PASSENGER CARRYING VEHICLES (OCO)	1,234	1,234
123	GENERAL PURPOSE TRUCKS (OCO)	420	420
124	CONSTRUCTION & MAINTENANCE EQUIP (OCO)	55,474	41,474
.....	Contract Delays		- 14,000
126	TACTICAL VEHICLES (OCO)	91,802	91,802
129	ITEMS UNDER \$5 MILLION (OCO)	26,016	26,016
131	MATERIALS HANDLING EQUIPMENT (OCO)	33,659	33,659
137	COMMAND SUPPORT EQUIPMENT (OCO)	2,775	2,775
146	PHYSICAL SECURITY EQUIPMENT (OCO)	46,417	38,917
.....	ATFP Afloat - Ahead of Need		- 7,500
149	SPARES AND REPAIR PARTS (OCO)	4,942	4,942
.....	TOTAL, OTHER PROCUREMENT, NAVY	480,735	316,835
PROCUREMENT, MARINE CORPS			
2	LAV PIP (OCO)	152,333	37,573
.....	Baseline Budget Requirement		- 114,760
5	155MM LIGHTWEIGHT TOWED HOWITZER (OCO)	103,600	103,600
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO)	145,533	145,533
7	WEAPONS & COMBAT VEHICLES UNDER \$5 M (OCO)	7,329	7,329
9	MODIFICATION KITS (OCO)	12,000	12,000
10	WEAPONS ENHANCEMENT PROGRAM (OCO)	18,571	18,571
16	UNIT OPERATIONS CENTER (OCO)	112,424	112,424
17	REPAIR AND TEST EQUIPMENT (OCO)	15,962	38,762
.....	OCO Shortfall - ETMS and Obsolescence Upgrades		+22,800
19	MODIFICATION KITS (OCO)	18,545	3,345
.....	Unexecutable Funding - CESAS		- 15,200
20	ITEMS UNDER \$5 MILLION (COMM & ELEC) (OCO)	11,549	11,549
21	AIR OPERATIONS C2 SYSTEMS (OCO)	41,031	41,031
22	RADAR SYSTEMS (OCO)	5,493	10,993
.....	OCO Shortfall - TPS-59		+5,500
23	FIRE SUPPORT SYSTEM (OCO)	4,710	4,710
24	INTELLIGENCE SUPPORT EQUIPMENT (OCO)	82,897	82,897
26	DCGS-MC (OCO)	21,789	21,789
28	COMMON COMPUTER RESOURCES (OCO)	29,412	29,412
29	COMMAND POST SYSTEMS (OCO)	36,256	36,256
30	RADIO SYSTEMS (OCO)	155,545	110,545
.....	E-LMR - Not an OCO Requirement		- 45,000
31	COMM SWITCHING & CONTROL SYSTEMS (OCO)	63,280	28,280
.....	Previously Funded UUNS		- 35,000
35	5/4T TRUCK HMMWV (MYP) (OCO)	12,994	0
.....	Service Requested Reduction		- 12,994
37	MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO)	80,559	80,559
38	LOGISTICS VEHICLE SYSTEM REP (OCO)	109,100	109,100
39	FAMILY OF TACTICAL TRAILERS (OCO)	22,130	22,130
42	ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO)	17,799	27,399
.....	OCO Shortfall - ECU and SFRS		+9,600
43	BULK LIQUID EQUIPMENT (OCO)	1,628	16,758
.....	OCO Shortfall - Tank and Pump Modules		+15,130
44	TACTICAL FUEL SYSTEMS (OCO)	83,698	89,498
.....	OCO Shortfall - Liquid Fuel Storage		+5,800
45	POWER EQUIPMENT ASSORTED (OCO)	41,536	41,536
47	EOD SYSTEMS (OCO)	213,985	188,985
.....	Excess to Requirement		- 25,000
48	PHYSICAL SECURITY EQUIPMENT (OCO)	5,200	5,200
50	MATERIAL HANDLING EQUIP (OCO)	58,264	58,264
53	TRAINING DEVICES (OCO)	55,864	55,864
54	CONTAINER FAMILY (OCO)	8,826	8,826
56	FAMILY OF INTERNALLY TRANSPORTABLE VEHICLE (OCO)	28,401	28,401
.....	TOTAL, PROCUREMENT, MARINE CORPS	1,778,243	1,589,119
AIRCRAFT PROCUREMENT, AIR FORCE			
1	F-35 (OCO)	204,900	0
.....	Unjustified Request		- 204,900
19	CV-22 (OCO)		70,000
.....	Program Increase - Provides for One Additional Combat Loss Aircraft		+70,000
25	HH-60M OPERATIONAL LOSS REPLACEMENT (OCO)	114,000	417,400
.....	Program Increase (Adds 10 Aircraft, Not Less Than Four for the Air National Guard)		+303,400

P-1		Budget Request	Recommendation
26	RQ-11 (OCO)	9,380	9,380
34	MQ-9 (OCO)	216,000	376,814
	Spares		-55,186
	Transfer 12 Aircraft from Title III		+216,000
37	B-1B (OCO)	8,500	8,500
39	A-10 (OCO)	16,500	16,500
44	C-5 (OCO)	73,400	73,400
47	C-17A (OCO)	224,450	176,450
	Program Decrease		-48,000
56	KC-10A (ATCA) (OCO)	3,540	3,540
62	C-130 (OCO)	166,720	166,720
63	C-130 MODS INTEL (OCO)	10,900	10,900
66	COMPASS CALL MODS	10,000	10,000
72	H-60 (OCO)	81,000	153,200
	Excess to Need for Radars		-61,000
	Program Increase—Transportable Blackhawk Operation Simulators		+92,800
	Program Increase—Control Display Unit Mission Processors		+12,500
	Program Increase—GPS/Inertial Navigation Units		+27,900
75	OTHER AIRCRAFT (OCO)	61,600	61,600
78	MQ-9 PAYLOAD—UAS	45,000	160,383
	Transfer from Title III		+115,383
79	CV-22 MODS (OCO)	830	830
80	INITIAL SPARES/REPAIR PARTS	10,900	10,900
98	OTHER PRODUCTION CHARGES (OCO)	57,500	218,138
	Transfer from Title III		+160,638
104	DARF (OCO)	47,300	47,300
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE		1,362,420	1,991,955
MISSILE PROCUREMENT, AIR FORCE			
5	PREDATOR HELLFIRE MISSILE (OCO)	41,621	41,621
10	AGM-65D MAVERICK (OCO)	15,000	15,000
TOTAL, MISSILE PROCUREMENT, AIR FORCE		56,621	56,621
PROCUREMENT OF AMMUNITION, AIR FORCE			
2	CARTRIDGES (OCO)	30,801	30,801
4	GENERAL PURPOSE BOMBS (OCO)	53,192	53,192
5	JOINT DIRECT ATTACK MUNITION (OCO)	147,991	147,991
11	FLARES (OCO)	20,486	20,486
12	FUZES (OCO)	24,982	24,982
13	SMALL ARMS (OCO)	15,507	15,507
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE		292,959	292,959
OTHER PROCUREMENT, AIR FORCE			
2	MEDIUM TACTICAL VEHICLE (OCO)	7,350	5,350
	Contract Savings		-2,000
5	SECURITY AND TACTICAL VEHICLES (OCO)	15,540	13,540
	Uparmed HMMWV—Unjustified Cost Growth		-2,000
11	ITEMS LESS THAN \$5,000,000 (VEHICLES) (OCO)	690	690
16	INTELLIGENCE COMM EQUIPMENT (OCO)	1,400	1,400
19	THEATER AIR CONTROL SYS IMPROVEMEN	4,354	4,354
20	WEATHER OBSERVATION FORECAST (OCO)	9,825	0
	OS-21 Contract Delays		-9,825
28	AIR FORCE PHYSICAL SECURITY SYSTEM (OCO)	6,100	6,100
38	USCENTCOM (OCO)	28,784	28,784
44	MILSATCOM SPACE (OCO)	4,300	4,300
46	COUNTERSPACE SYSTEM (OCO)	8,200	8,200
47	TACTICAL C-E EQUIPMENT (OCO)	2,552	2,552
52	COMM ELECT MODS (OCO)	470	470
53	NIGHT VISION GOGGLES (OCO)	8,833	4,433
	NVCD-NSL Contract Delays		-4,400
57	CONTINGENCY OPERATIONS (OCO)	131,559	16,759
	JCREW Ahead of Need		-114,800
56	BASE PROCURED EQUIPMENT (OCO)	9,070	9,070
59	MOBILITY EQUIPMENT (OCO)	16,588	16,588
66	DEFENSE SPACE RECONNAISSANCE PROG (OCO)	9,700	9,700
	OTHER PROGRAMS (OCO)	2,822,166	2,736,303
	Classified Adjustment		-85,863
TOTAL, OTHER PROCUREMENT, AIR FORCE		3,087,481	2,868,593
PROCUREMENT, DEFENSE-WIDE			
5	DIA SUPT TO CENTCOM INTELLIGENCE ACT (OCO)	27,702	27,702
18	GLOBAL COMMAND AND CONTROL SYS (OCO)	1,000	1,000
20	TELEPORT PROGRAM (OCO)	6,191	6,191
23	DEFENSE INFORMATION SYSTEM NETWORK (OCO)	520	520
35	AEGIS FIELDING	0	189,720
	SM-3 Block IA—Additional 20 Interceptors		+189,720
50	MAJOR EQUIPMENT, OSD (OCO)	5,700	5,700
52	UNDISTRIBUTED, INTELLIGENCE	15,000	15,000
XX	OTHER PROGRAMS (OCO)	323,486	333,675
	Classified Adjustment		+10,189
55	ROTARY WING UPGRADES & SUSTAINMENT (OCO)	5,600	5,600
55A	MH-47G	0	28,500
	Combat Loss Replacement Aircraft		+28,500
56	MH-47 SERVICE LIFE EXTENSION PROG (OCO)	4,222	15,222
	Modifications for Combat Loss Replacement Aircraft		+11,000
57	MH-60 SOF MODERNIZATION (OCO)	0	7,800
	Modifications for Combat Loss Replacement Aircraft		+7,800
58	NON-STANDARD AVIATION	0	121,268
	Medium NSAV—Transfer from Title III		+121,268
63	CV-22 SOF MODIFICATION	0	15,000
	Modifications for Combat Loss Replacement Aircraft		+15,000
64	MQ-1 UAS (OCO)	8,202	8,202
65	MQ-9 UAV (OCO)	4,368	4,368
71	SOF ORDNANCE REPLENISHMENT (OCO)	75,878	65,878
	Execution Delays		-10,000
72	SOF ORDNANCE ACQUISITION (OCO)	49,776	49,776
73	COMMUNICATIONS EQUIPMENT & ELECTRONICS (OCO)	9,417	31,817
	Program Increase—Unfunded Requirement		22,400
74	SOF INTELLIGENCE SYSTEMS (OCO)	149,406	81,306
	Leased Aircraft—Unjustified Request		-42,800
	HF-TTL Baseline Budget Requirement		-25,300
81	TACTICAL VEHICLES (OCO)	36,262	91,262
	Program Increase—Unfunded Requirement		+55,000
83	COMBAT MISSION REQUIREMENTS (OCO)	30,000	0
	OCO Program Growth		-30,000

P-1		Budget Request	Recommendation
88	SOF AUTOMATION SYSTEMS (OCO)	1,291	1,291
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE (OCO)	25,000	25,000
92	SOF VISUAL AUGMENTATION, LASERS & SENSORS (OCO)	3,200	22,700
	Program Increase—Unfunded Requirement		+19,500
93	SOF TACTICAL RADIO SYSTEMS (OCO)	3,985	3,985
96	MISCELLANEOUS EQUIPMENT (OCO)	5,530	5,530
97	SOF OPERATIONAL ENHANCEMENTS (OCO)	79,869	95,545
	Program Increase—Unfunded Requirement		+51,376
	Requirement Addressed by Reprogramming		-35,700
	CLASSIFIED PROGRAMS	2,941	2,941
	TOTAL, PROCUREMENT, DEFENSE-WIDE	874,546	1,262,499
NATIONAL GUARD AND RESERVE EQUIPMENT			
	NATIONAL GUARD AND RESERVE EQUIPMENT	0	850,000
	Program Increase—Army Reserve		+140,000
	Program Increase—Navy Reserve		+70,000
	Program Increase—Marine Corps Reserve		+70,000
	Program Increase—Air Force Reserve		+70,000
	Program Increase—Army National Guard		+250,000
	Program Increase—Air National Guard		+250,000
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND	3,415,000	3,415,000
	TOTAL, PROCUREMENT	21,361,868	25,316,335
R-1		Budget Request	Recommendation
RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
48	NIGHT VISION ADVANCED TECHNOLOGY (OCO)	0	23,100
	Program increase—Aviation night and limited visibility sensor demonstration		+23,100
60	SOLDIER SUPPORT AND SURVIVABILITY (OCO)	57,900	14,900
	HFDS—Transfer to line 75 for execution at request of the Army		-48,000
	REF—Transfer from Title IV for OCO requirement		+5,000
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	0	7,800
	Transfer from JIEDDO—Air Vigilance		+7,800
75	ELECTRONIC WARFARE DEVELOPMENT (OCO)	5,400	48,000
	HFDS—Transfer from line 60 for execution at request of the Army		+48,000
	Long-term development effort		-5,400
77	ALL SOURCE ANALYSIS SYSTEM (OCO)	8,100	8,100
171	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	63,306	0
	Protected Information—Biometrics—Transfer to line 171x		-25,134
	Transfer to OPA line 51 at request of the Army		-38,172
171x	FAMILY OF BIOMETRICS	0	25,134
	Non-MIP Biometrics—Transfer from line 171		+25,134
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS (OCO)	16,200	16,200
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	150,906	143,234
RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY (OCO)	14,100	10,680
	Unjustified request		-3,420
53	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO)	1,000	1,000
75	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (OCO)	0	11,800
	Network Enabled EW—Transfer from JIEDDO		+11,800
124	MEDICAL DEVELOPMENT (OCO)	300	300
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT (OCO)	5,200	5,200
204	TACTICAL UNMANNED AERIAL VEHICLES	0	36,000
	Transfer from OMMC for Qualitative Risk Assessment		+36,000
213	RQ-7 UAV (OCO)	6,900	6,900
999	OTHER PROGRAMS (OCO)	32,901	32,901
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	60,401	104,781
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
17	ADVANCED AEROSPACE SENSORS	0	56,000
	Blue Devil Block 2—Transfer from JIEDDO		+56,000
36	SPACE CONTROL TECHNOLOGY (OCO)	16,000	16,000
66	TACTICAL DATA NETWORKS ENTERPRISE (OCO)	30,000	30,000
128	MQ9 UAV (OCO)	0	88,500
	VADER/DDR on MQ-9—Transfer from JIEDDO		+88,500
145	CSAF INNOVATION PROGRAM (OR ISR INNOVATIONS)	0	112,000
	ISR Sensor Pilot Program		+112,000
164	MISSION PLANNING SYSTEMS (OCO)	4,443	4,443
211	NETWORK-CENTRIC COLLABORATIVE TARGETING (OCO)	6,100	6,100
230	SPECIAL TACTICS/COMBAT CONTROL (OCO)	10,325	10,325
999	OTHER PROGRAMS (OCO)	199,373	161,014
	Classified Adjustment		-38,359
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	266,241	484,382
RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
56	DARPA SENSOR TECHNOLOGY	0	40,000
	Transfer from JIEDDO—Wide Area Surveillance Development Roadmap		+40,000
197	LONG-HAUL COMMUNICATIONS DCS (OCO)	23,125	23,125
202	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	750	750
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT (OCO)	9,440	9,440
255	SOF Operational Enhancements	0	14,500
	Transfer from JIEDDO—EW Family of Systems		+14,500
999	OTHER PROGRAMS (OCO)	123,925	134,801
	Classified Adjustment		+3,376
	Transfer from JIEDDO—Wallaby		+7,500
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	157,240	222,616
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	634,788	955,013
DEFENSE HEALTH PROGRAM			
	OPERATION AND MAINTENANCE	1,398,092	1,398,092
	IN-HOUSE CARE	709,004	709,004
	PRIVATE SECTOR CARE	538,376	538,376
	CONSOLIDATED HEALTH CARE	128,412	128,412
	INFORMATION MANAGEMENT/IT	2,286	2,286
	MANAGEMENT HEADQUARTERS	518	518
	EDUCATION AND TRAINING	18,061	18,061
	BASE OPERATIONS AND COMMUNICATIONS	1,435	1,435

		Budget Request	Recommendation
RESEARCH AND DEVELOPMENT		0	24,000
Blast Recovery Monitors—Transfer from JIEDDO			+8,000
Body Blood Flow Monitor—Transfer from JIEDDO			+9,000
EMF Blast Pulse Effects—Transfer from JIEDDO			+7,000
TOTAL, DEFENSE HEALTH PROGRAM		1,398,092	1,422,092
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE			
AFGHANISTAN AIR MOBILITY		141,634	141,634
AFGHANISTAN BORDER FACILITIES		5,000	5,000
AFGHANISTAN BORDER POLICE EQUIP		19,500	19,500
AFGHANISTAN BORDER TRAINING		20,000	20,000
CENTCOM SUPPORT—AFGHANISTAN		3,000	3,000
COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES		25,295	25,295
COUNTER NARCOTICS POLICE AFGHANISTAN TRAINING		50,250	50,250
COUNTER NARCOTICS POLICE AFGHANISTAN (CNP-A) EQUIPMENT		1,241	1,241
INTELLIGENCE AND TECHNOLOGY		61,500	56,900
Program Adjustment			-4,600
PAKISTAN		49,590	49,590
KAZAKHSTAN		7,850	7,850
KYRGYZSTAN		27,900	27,900
TAJIKISTAN		8,500	8,500
TURKMENISTAN		10,350	10,350
UZBEKISTAN		8,500	8,500
YEMEN		17,000	17,000
PROGRAM ADJUSTMENT			-12,000
TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE		457,110	440,510
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND			
1	ATTACK THE NETWORK	1,434,400	765,200
	Transfer to Staff and Infrastructure for proper execution		-238,800
	Air Vigilance—outside JIEDDO mission—Transfer to RTE,A line 61 and OM,A line 411 for proper execution		-13,200
	Blue Devil Block 2—Transfer to RDTE,AF line 17 for proper execution		-56,000
	Copperhead—program terminated		-125,000
	Electronic Warfare Family of Systems (EW FoS)—Transfer to SOCOM, RDTE,DW for proper execution		-14,500
	JUON Reserve		+100,000
	Solar ISE—outside JIEDDO mission		-7,000
	Synchronization and Integration WTI Cell—Transfer to OM,A SAG 135 and OM,DW for proper execution		-6,400
	Thermal Station (National IED Exploitation Facility (NIEF))—Transfer to OM,A SAG 135 for proper execution		-13,000
	VADER development—Transfer \$88.5 million to RDTE,AF line 128		-241,800
	Wallaby—Transfer to RDTE,DW for proper execution		-7,500
	Wide Area Surveillance Development Roadmap (WASDP)—Transfer to DARPA for proper execution		-40,000
	Wolfhound II—Transfer to OM,DW for proper execution		-6,000
2	DEFEAT THE DEVICE	1,529,390	1,223,090
	ACES HY Roadmap—Program terminated		-28,000
	Transfer to Staff and Infrastructure for proper execution		-105,000
	Beachcomber—Transfer to OM,A SAG 135 for proper execution		-3,000
	Counter Bomber—Transfer to OM,A SAG 135, OM,N, OM,MC and OM,AF for proper execution		-3,000
	CREW SSM—Universal Test Set—Transfer to OM,A SAG 135, OM,N and OM,MC for proper execution		-5,000
	JUON Reserve		-105,000
	Networked Enabled EW—Transfer to RDTE,N line 75 for proper execution		-11,800
	Personnel Borne IED/Vehicle Borne IED (PBIED/VBIED)—Transfer to OP,A line 136 for proper execution		-28,000
	Starlite Development Program—Program terminated		-16,000
	Transfer to OM,A SAG 135 and OM,MC for proper execution		-1,500
3	TRAIN THE FORCE	286,210	170,410
	Transfer to Staff and Infrastructure for proper execution		-75,400
	Blast Recovery Monitors—Transfer to DHP RDTE for proper execution		-8,000
	Body Blood Flow Monitor—Transfer to DHP RDTE for proper execution		-9,000
	EMF Blast Pulse Effects—Transfer to DHP RDTE for proper execution		-7,000
	Technical Collection Training Program—Transfer to OM,A SAG 135 for proper execution		-16,400
4	STAFF AND INFRASTRUCTURE	0	635,068
	Transfer from Title VI		+215,868
	Transfer from Attack the Network for proper execution		+238,800
	Transfer from Defeat the Device for proper execution		+105,000
	Transfer from Train the Force for proper execution		+75,400
TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		3,250,000	2,793,768
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL		10,529	10,529
OFFICE OF THE INSPECTOR GENERAL		10,529	10,529
TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS		5,115,731	4,666,899

Mr. CONAWAY. Madam Speaker, playing politics with our troops and their families is simply wrong.

We must not allow for a soldier's family to worry about making their house payment or putting groceries on the table because Congress can't pass a budget.

And while Senate Democrats and the President continue to drag their feet, we have stepped up to do the right thing: To keep military funding out of the debate.

I will not stand by and allow for this petty argument to damage those servicemembers and their families who are on the front lines defending our freedoms.

This temporary continuing resolution is just that: a temporary fix.

I am disappointed that we find ourselves in this situation.

Madam Speaker, the amount House Republicans are cutting over the next six months, while historically large, is embarrassingly small

compared to the size of the deficit. I am ready to get on with this conversation and get to the real plan here. We're ready to start talking about trillions, not billions.

Yet, given the refusal to act by HARRY REID and the Administration, this is what we're faced with today.

Madam Speaker, the American people want Washington to stop the spending binge that is hurting our economy and threatening job growth without shutting down the government.

It's been 47 days since the House passed H.R. 1 and Senate Democrats still haven't passed a bill to keep the government running for the fiscal year or offered a credible plan to cut spending.

This troop funding bill will give them another week to offer a credible plan that shows Washington is serious about addressing its spending addiction.

Mr. WEST. Madam Speaker, will we be Chamberlain or will we be Churchill?

Neville Chamberlain, the Prime Minister of the United Kingdom between 1937 and 1940, will forever be known for his foreign policy approach of appeasement. Prime Minister Chamberlain, even with Germany's increasing aggression in Europe, turned a blind eye to the impending danger and did not prepare his nation for war.

Winston Churchill, who saw the dark clouds approaching, was looked upon as an alarmist at the time, even though he saw the true danger. Churchill stated: "An appeaser is one who feeds a crocodile, hoping it will eat him last."

Madam Speaker: I once again will not be feeding the crocodile. I once again will not be voting for yet another Continuing Resolution. However, having spent 22 years in uniform, having served on the battlefield in defense of this nation, I will be voting for the Department

of Defense Appropriations bill in order to support our men and women in uniform. Our nation is involved in two conflicts and our President has now involved us in a third. It is my constitutional responsibilities to provide funding for the service members in uniform who are defending our nation both at home and abroad.

Some would argue that comparing World War II to the debate on the budget for Fiscal Year 2011 is not an appropriate comparison. However, I would argue that Winston Churchill was prepared to lead his country courageously, in the way that would ensure England's future. Today we are also faced with the question of protecting America's future.

Since we are discussing history it is important to be clear on the facts that have led us to this point. The Democrat Majority and President Obama over the last two years have produced deficits of \$1.4 and \$1.25 trillion and the President has produced a Budget for Fiscal Year 2012 which would add another \$1.6 trillion. Our nation is faced with raising a debt limit of \$15 trillion. Three years of trillion dollar deficits America is moving onto the same path that Spain, Ireland and now Portugal are on.

The American people know that the federal government is collecting \$2.2 trillion and spending \$3.7 trillion this year. The American people know forty cents of every dollar the federal government spends is borrowed, much of it from China. The American people also know our nation is piling up new debt at the rate of \$4 billion a day.

The 111th Congress was controlled by overwhelming Democrat majorities in the House of Representatives and the United States Senate. Yet even with these enormous majorities, Congress failed to pass a budget or any of the Appropriations bills.

In November of 2010, the people of this country voted for a change. They voted for a new direction for our nation. They voted because they saw, as did Winston Churchill, the dark clouds on the horizon.

The Republican Majority passed H.R. 1 and fulfilled a promise to the American people and sent the legislation to the U.S. Senate. However, the Democrat Majority in the Senate dismissed H.R. 1 as too extreme. Since the Senate rejected the legislation the chamber has not produced any bill to bring to conference committee or even to use to negotiate. Forty-seven days and we are still waiting.

President Obama appointed Vice President BIDEN as the Administration point person on the negotiations with the Congress and instead of getting down to a serious discussion he flew off to Europe. Clearly the economy of Finland was more important than the failing economy that the President's policies have produced for the United States.

All indications are that my Democrat colleagues want to get to the point of a government shutdown in order to win political points. It seems that their goal is the hope that by shutting the federal government that the American people will see an intransigent Republican Party and return the Democrats to power in the next election.

Minority Leader NANCY PELOSI waits in the wings to take the Speaker's gavel back. Should that happen we will go back to the days of spending, taxing and regulating and

embrace the policies that will put our economic and national security again at risk.

However, the Republican Party must now share in the blame of how we have arrived at this point. The Republican Leadership is approaching 100 days since taking the Majority and is now playing a game of high stakes poker with the funding for the Federal Government. The House Majority has now placed the funding for the Department of Defense and the funding for the troops down as a bargaining chip.

In the last 100 days, the House Majority could have passed at any point in time a separate stand alone Appropriations for the Department of Defense and the funding for our men and women in uniform. However, I am disgusted at the perception that Leaders in my own Party who did not move a Defense Bill earlier and are now using the men and women in uniform, the individuals who are defending our freedom, as a way to pass yet another continuing resolution.

Madam Speaker, what will another week provide with regard to these negotiations? Will it provide an opportunity for the Democrat Party and Senator SCHUMER to create more exotic synonyms for the word "extreme" or will it allow the Leadership of the Republican Party to find other essential government program to be used as vehicles to pass another Continuing Resolutions.

Once again, it is time to conclude this debate on federal spending and get our nation back on track by cutting spending for the long term economic restoration of our Republic.

I voted for the Department of Defense Appropriation bill because, at this moment in time, due to the complete failure by the Democrat Majority in the Senate this is currently the only vehicle on the table. But more importantly, my "yes" vote today was for my Brothers and Sisters in uniform. My "no" sentiment reflects a disappointment in my own leadership.

I believe today, more than ever, in the words of Winston Churchill who said "I was only the servant of my country and had I, at any moment, failed to express her unflinching resolve to fight and conquer, I should at once have been rightly cast aside."

Mr. CONNOLLY of Virginia. Madam Speaker, it's time to stop holding the American people hostage to the ideological whims of those who don't understand that responsible governing is the art of compromise. We are on the sixth continuing resolution in as many months for the current fiscal year. It's time to get the job done, and thankfully negotiations are underway. Yet the bill we are considering today undercuts that effort and the sincerity of the majority to avoid a shutdown. This bill perpetuates the "my way or the highway" philosophy of House Republicans. It continues their blind assault on vital services to constituents in every community in America like education, public safety, clean water and Social Security. Further exposing their lack of sincerity, this bill just puts the hard decisions off for another week. Shutting down the government is not a victory but a defeat for us, the American people and the democratic process. That's why I cannot be an enabler for a reckless, meat axe approach to funding public services. Let's reject this short-term approach in favor of a

more responsible bill. We owe my constituents and the citizens we all serve no less. Let's do our jobs.

Mr. WOLF. Madam Speaker, I rise to support H.R. 1363, the Department of Defense and Further Continuing Appropriations Act of 2011.

I am voting today for H.R. 1363 because I do not support a government shutdown. H.R. 1363 will keep the government open. I am voting to ensure that federal employees are not pawns in a game of "shut-down chicken." I am voting to ensure that FBI agents continue on the job. I am voting to ensure that DEA agents, ATF agents, U.S. Marshals, Border Patrol Agents, and CIA agents, are on the job. I am voting to ensure that tax returns filed by mail and loans to small businesses continue to be processed. I am voting to ensure that NIH research and clinical trials continue. I am voting to ensure that veterans will be able to receive walk-in services at clinics. I am voting to ensure that the government honors signed contracts. I am voting to ensure that federal employees, who are all essential, are able to continue to do the work they do, day in and day out, to keep our nation running.

I am also voting for H.R. 1363 because it funds the Department of Defense for the rest of the fiscal year. This bill provides economic certainty to our troops and their families at a time when they are sacrificing so much to support our military operations around the world. We also need to provide that economic certainty to the entire federal workforce and the American people who expect us to be on the job working for them. We need to reach an agreement on a spending plan for the remaining five and a half months of this fiscal year and get on with the business of producing a budget for FY 2012 with a resolve to continue to take steps to reverse our nation's mounting debt and deficit spending.

I am voting for H.R. 1363 because it cuts \$12 billion in discretionary spending in one week. Twelve billion dollars. This may well be the largest one week discretionary spending cut ever passed through the House. The measure before us today is another responsible step in the right direction until a long term agreement is reached.

The House has acted. Again and again, House Republicans have voted to keep the government open by supporting continuing resolutions until a long-term solution for the rest of the fiscal year is reached. We are continuing to work to find a solution to the unfinished business left by the leadership of the previous Congress. Passing H.R. 1363 will enable us to move forward on the fiscal oversight needed to ensure long term, fiscal solvency.

I am voting "yes" today because this measure continues our efforts to tackle the debt while keeping the government open.

Mr. VAN HOLLEN. Madam Speaker, if the majority were genuinely interested in avoiding a government shutdown, they would bring a clean, one week CR to the floor to give the current negotiations time to reach a successful conclusion. But that's not what we're being asked to vote on today.

Instead, in the most cynical demonstration of bad faith, today's legislation combines funding for our troops—which every Member of

this House supports, and which a clean CR would provide—with controversial cuts and ideologically extreme poison pills that the majority knows the nation doesn't want and the Senate and the President will not support.

As a result, in this moment of truth, the majority is deliberately choosing to dive headlong into a government shutdown in order to pander to its Tea Party base while the rest of America yearns for honorable compromise and adult leadership.

As Ranking Member of the Budget Committee, and someone who actually supported the last two CRs, I am willing to work in good faith with Members on both sides of the aisle to break the current impasse. But I will not participate in this kind of eleventh hour partisan gamesmanship when our federal government's operations are at stake.

Mr. STEARNS. Madam Speaker, I rise today in strong support of H.R. 1363 because it provides funding for the Department of Defense for the remainder of the current fiscal year and cuts an additional \$12 billion in discretionary spending. This bill is just one step in significantly reducing spending and reining in our historic deficits. Unfortunately, President Obama and Senator REID have not made a similar commitment to get our fiscal house in order.

We must remember that the reason we are in this situation in the first place is that the previous Democrat majority never got around to passing a budget for fiscal year 2011. Let's remember that Democrats controlled the House, the Senate and the White House, yet they shirked their duty by not even presenting a budget plan, leaving mountains of debt for others to deal with.

I urge my colleagues to support this important troop funding legislation, and let's continue down the road of fiscal responsibility.

Mr. BROOKS. Madam Speaker, let's remind everyone why we are here. We are here because we are trying to save our federal government from unsustainable budget deficits. During the regime of NANCY PELOSI as House Speaker, and Senate Majority Leader HARRY REID, we have had four consecutive budget deficits that average \$1.2 trillion a year. Those are unsustainable. They threaten our federal government's solvency. We are facing a national bankruptcy.

What are Republicans in the House trying to do today? We are trying to protect our troops who are in Afghanistan and Iraq so they don't have to worry about whether their homes are going to be foreclosed on as they are off doing battle and their kids and spouses are at home. For example, I met a lady from Colony, Alabama who has two young children, twins, age three, and she is fighting on behalf of our country. If our troops are forced to work without pay, then, in addition to everything else, she will have to worry about whether her young children will be financially taken care of at home. I ask that this House and this Senate do what we should do, and that is to protect our troops by funding them adequately. Don't leave them in the position where they are not able to take care of their own people at home.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in opposition to H.R. 1363, the "Department of Defense and Further Additional Continuing Appropriations Act of 2011,"

a damaging deflection, even as negotiations are ongoing to prevent a government shutdown. H.R. 1363 would reduce funding for the Department of Homeland Security operations by \$1.4 billion. The cuts are far from surgical in nature and diminish the Department's flexibility to respond and recover from known and unknown threats.

Specifically, H.R. 1363 undermines homeland security as follows:

The bill cuts FEMA first responder grants by 20%. This draconian cut will force cash-strapped State, local and tribal governments to roll back critical preparedness activities and is a slap in the face to the men and women who serve and protect.

It cuts funding for next generation border security technology by 28%. This will surely set back efforts at achieving operational control of the Southwest border.

It cuts \$57 million in funding for Transportation Security Administration's terrorist watchlist activities. This cut will force TSA to scramble to find the money to undertake this critical screening activity.

It cuts the Science and Technology Directorate operations by \$173 million. This cut will most certainly result in significant delays in the development of new and promising homeland security technologies.

Rather than slashing the DHS budget to grand-stand or score political points, we should be dedicating new resources to:

Bolster border security by retaining CBP officers, providing technologies and equipment to front-line officials, and upgrading deteriorating infrastructure at ports of entry;

Expand maritime security by the furthering of the Coast Guard's recapitalization initiative to replace its aging fleet;

Enhance cybersecurity by investing and deploying cyber systems to protect critical cyber infrastructure from all cyber threats.

Strengthen aviation security by making enhancements in the vetting of foreign travelers air-bound for our country, a known threat since well before the Christmas Day plot of 2009.

Playing fast and loose with homeland security is not the way to put our Nation's fiscal house in order. The Republican draconian approach to budgeting will add insult to injury to the Department of Homeland Security that has already struggled for six months without its budget. I urge my colleagues to join me in voting against this damaging deflection of a bill.

Mr. POLIS. Madam Speaker, I rise in opposition to this bill. This is not a good-faith effort to keeping the government running. Last night in the Rules Committee, Democrats offered an amendment that would have kept the government open for one week at current levels. Instead of allowing for an up-or-down vote on that measure, Republicans are attempting to force through another bloated spending bill.

Under this continuing resolution, critical government services would face draconian cuts—hundreds of millions of dollars—while defense spending would jump 1.5 percent over last year's level. This means drastic cuts to education, law enforcement, and health care. Meanwhile, the greatest source of waste and overspending in the federal government—the Pentagon—gets even more money.

Cuts to discretionary spending alone will never close our budget gap. But leaving de-

fense spending off the table, which comprises roughly half of all discretionary spending, is counterproductive. Those domestic cuts won't balance the budget but they could stymie economic recovery now and harm our ability to compete globally in the years to come.

Even our Defense leaders recognize that Pentagon spending restraint must be part of debt reduction efforts. Joint Chiefs of Staff Chairman Admiral Mullen stated that "our national debt is our biggest national security threat." He also noted that the past decade's doubling of the Department of Defense budget has led to undisciplined spending. Secretary Gates concurs, stating, "We can't hold ourselves exempt from the belt-tightening. Neither can we allow ourselves to contribute to the very debt that puts our long-term security at risk."

An array of bi-partisan non-governmental groups analyzing our debt crisis have studied our defense budget and identified reductions in annual defense spending in the \$70–100 billion range. The recent bi-partisan National Commission on Fiscal Responsibility and Reform, often called the Simpson-Bowles Commission, called for "substantial defense reductions over the next 10 years." They have recommended various cuts that would lead to \$60 billion in savings from security spending in the first year. In fact, if we implemented the Commission's recommendations, we would save \$100 billion dollars from defense spending in 2015 alone.

Instead of following the lead of fiscally responsible efforts such as the Commission, Republicans have decided to increase defense spending and slash only domestic discretionary spending. To get a sense of how unbalanced this is, we would have to cut \$14.5 billion from defense spending, in order to equal the cuts to domestic spending.

Reasonable military spending reductions can be made without sacrificing national security or undermining our troops. The Department of Defense must be held accountable for ensuring that tax dollars are not wasted and military spending should be scrutinized to find meaningful reductions in outdated or unworkable programs. Anyone who denies the Defense Department is one of the largest sources of waste, fraud and abuse in the federal government probably thinks the Pentagon has four sides.

It's clear that Republicans are not serious about the deficit. If they were, waste, fraud and abuse at the Pentagon would be as much of a focus as anywhere else in the budget. But rather than holding the line on spending, the Majority is actually feeding the beast. And they're playing political games with this continuing resolution rather working with the president to avert a government shutdown. It's not fiscally responsible or morally responsible, so I will vote no on the bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 206, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT

Mr. HOYER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. Yes, Madam Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit H.R. 1363 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended by striking the date specified in section 106(3) and inserting "April 15, 2011".

Mr. ROGERS of Kentucky. Madam Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentleman from Maryland is recognized for 5 minutes in support of his motion.

Mr. HOYER. Thank you, Madam Speaker, and I want to thank the chairman as well. I understand he has given me the 5 minutes, and I appreciate that.

First of all, I want to say to my friend from Kentucky—and he is my friend and we've worked together for many, many years. He told the story about a gentleman who was in court and he was in court for killing his two parents, and he pled for the mercy of the Court because he was an orphan.

I tell my friend from Kentucky, particularly appropriate because he's from Kentucky, because the mess that we have was created because some folks from Kentucky would not give some votes to put appropriation bills on the floor. To that extent I think that analogy is apt. The gentleman complains of a mess that, frankly, was of the Republican Members in the United States Senate refusing to allow bills to come to the floor.

Madam Speaker, this motion to recommit, if adopted, A, will take care of the troops; B, will keep the government open; and, C, importantly, I would presume, from all of you who have protested how you want to protect the troops, it will pass the Senate and be signed by the President. So it will become law, and it can become law by tomorrow night before 12 midnight when the government's authorization ends. So it should commend itself to all Members of this House as a viable document to protect the troops, keep the government open, and get signed.

As the great legislator Henry Clay, who was elected Speaker the first day he served in this House—Henry Clay was from where, Mr. Chairman? From

your great State. And Henry Clay said this: "If you cannot compromise, you cannot govern." Henry Clay.

And let me repeat that to my friends on your side of the aisle: "If you cannot compromise, you cannot govern."

Too many of our Republican colleagues have refused to compromise. And now you bring to the floor a resolution and say, If you only do what we tell you to do, things will be fine. My, my, my, what a definition of "compromise." Then you say, If the Senate will only do what we say, we'd be fine. The first time, the second time, the third time, and now here we are on the fourth time.

Now, I supported you, as you know, on the second time and third time because I thought it was reasonable to give that opportunity, and the cuts you were asking for, yes, I thought would be included at some point in time.

The Senate, by the way, passed those two resolutions, as we indicated they would. And the President signed them, as the gentleman is telling me.

I'm getting a little help over here from the ranking member, and I appreciate it.

But now we are on the brink of bringing the government to a halt. That makes no sense, and anybody here knows that to be the case. My friend Mr. SIMPSON, for whom I have a great deal of respect, knows that it makes no sense. In fact, many of your folks who have said to shut it down in the past are now saying, We don't want to shut it down, because they know the American people think that makes no sense.

Republicans showed their priorities when they passed a spending bill that cuts billions in scientific research, kicks 200,000 children out of Head Start, and cuts college aid for millions of middle class students.

Yes, we don't agree with those priorities. They're not our priorities. We think we need to invest in growing this economy and growing jobs. We think we need to invest in young people so that they can have the educational opportunities. Ronald Reagan said Head Start worked. George Bush I said it worked. George Bush II said it worked. We don't want to cut 200,000 children out of that program. We think it's important to make sure the future of our country is secured by educating those children.

You have shown your priorities when you threatened a government shutdown over divisive social policy riders. Governor Daniels, Governor of Indiana, and a candidate for President, I understand, said, Take the social issues and consider them on another bill; let's get the finances of our country in order first.

That's what you say you want to do. We want to help you do that. We will work with you on that. We have been working with you on it. That's why I voted for the last two CRs, and the

Senate passed them and the President signed them.

But, Madam Speaker, this motion to recommit will allow for our troops to be taken care of, as they should be; and, by the way, they will be taken care of even if we have a shutdown because they are critical to our national security.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. I urge the adoption of this motion to recommit that will be signed by the President of the United States.

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Speaker, I wish to speak on the point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ROGERS of Kentucky. Madam Speaker, the amendment, or motion, proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states:

"It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does any other Member wish to speak on the point of order?

Mr. HOYER. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Madam Speaker, this motion to recommit speaks directly to the funding of government. The continuing resolution offered by the gentleman from Kentucky, he has repeatedly said its objective is to fund the government and keep the government open.

This is an alternative which argues for the fact that we want to pass a piece of legislation that the President of the United States says he will sign. It is simply for 1 week. It is simply a short period of time while we negotiate.

I urge the Speaker to find this motion to recommit consistent with the rules and consistent with the objectives of the legislation that is under consideration.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Kentucky makes a point of order that the motion offered by the gentleman from Maryland violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing

a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the motion proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The motion is not in order.

□ 1340

Mr. HOYER. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. ROGERS of Kentucky. Madam Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the bill, if arising without further proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 236, nays 187, not voting 9, as follows:

[Roll No. 245]

YEAS—236

- Adams Crawford Hall
Aderholt Crenshaw Hanna
Akin Culberson Harper
Alexander Davis (KY) Harris
Amash Denham Hartzler
Austria Dent Hastings (WA)
Bachmann DesJarlais Hayworth
Bachus Diaz-Balart Heck
Barletta Dold Heller
Bartlett Dreier Hensarling
Barton (TX) Duffy Herger
Bass (NH) Duncan (SC) Herrera Beutler
Benishkek Duncan (TN) Huelskamp
Berg Ellmers Huizenga (MI)
Biggert Emerson Hultgren
Billray Farenthold Hunter
Bishop (UT) Fincher Hurt
Black Fitzpatrick Issa
Blackburn Flake Jenkins
Bonner Fleischmann Johnson (IL)
Bono Mack Fleming Johnson (OH)
Boustany Flores Johnson, Sam
Brady (TX) Forbes Jones
Brooks Fortenberry Jordan
Broun (GA) Foxx Kelly
Buchanan Franks (AZ) King (IA)
Bucshon Gallegly King (NY)
Buerkle Gardner Kingston
Burgess Garrett Kingston
Burton (IN) Gerlach Kinzinger (IL)
Calvert Gibbs Kline
Camp Gibson Labrador
Campbell Lamborn King (GA)
Canseco Gohmert Lance
Cantor Goodlatte Landry
Capito Gosar Lankford
Carter Gowdy Latham
Cassidy Granger LaTourette
Chabot Graves (GA) Latta
Chaffetz Graves (MO) Lewis (CA)
Coble Griffin (AR) LoBiondo
Coffman (CO) Griffith (VA) Long
Cole Grimm Lucas
Conaway Guinta Luetkemeyer
Cravaack Guthrie Lummis

- Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Reichert
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin

NAYS—187

- Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carmahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cullar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Finner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lujan
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns

- Sensenbrenner
Tsongas
Van Hollen
Poe Velázquez
Shuster
Simpson
Posey
Smith (NE)
Smith (NJ)
Quayle
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

- Wasserman
Schultz
Waters
Watt
Waxman
Weiner

NOT VOTING—9

- Bilirakis
Frelinghuysen
Giffords
Honda
Larson (CT)
Pascrell
Pelosi
Sessions
Young (AK)

□ 1403

Mr. CLYBURN, Ms. PINGREE of Maine, Mr. ALTMIRE, Ms. JACKSON LEE of Texas, and Messrs. MCNERNEY and WEINER changed their vote from "yea" to "nay."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 245, had I been present, I would have voted "yea."

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, on April 7, 2011 I missed rollcall vote 245. Had I been present, I would have voted "no" or "nay."

MOTION TO RECOMMIT

Mr. OWENS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OWENS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Owens moves to recommit the bill H.R. 1363 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

At the end of title VIII of division A, insert the following new section:

SEC. 8124. Notwithstanding any other provision of this division, the amounts provided by title I of this division for the following accounts shall be as follows: "Military Personnel, Army", \$41,042,653,000; "Military Personnel, Navy", \$25,912,449,000; "Military Personnel, Marine Corps", \$13,210,161,000; "Military Personnel, Air Force", \$27,105,755,000; "Reserve Personnel, Army", \$4,333,165,000; "Reserve Personnel, Navy", \$1,940,191,000; "Reserve Personnel, Marine Corps", \$612,191,000; "Reserve Personnel, Air Force", \$1,650,797,000; "National Guard Personnel, Army", \$7,511,296,000; and "National Guard Personnel, Air Force", \$3,060,098,000.

Mr. OWENS (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. OWENS. Thank you, Madam Speaker.

I rise in support of this motion because this motion will ensure that the members of the armed services will be paid in the event of a government shutdown. There is no group who deserves our support more than the members of the armed services. As a veteran myself, I recognize the implications of failing to pay those members of the armed services who have given their time, their energy, their blood and, in many cases, their lives in support of our freedom, the freedom that allows us to be here today and to have this heated debate over the direction of our country.

When I look around at what will happen if we fail to pass this motion, we know that the President has indicated he will veto the current underlying legislation, which means in effect we will be unable to pay our military men and women.

The economic consequences to the communities in which our military men and women reside—in my case Fort Drum, as well as many active Reserve units in my district—would be horrific. They will not buy gasoline, they will not buy groceries, they will not buy clothes. There are tremendous economic consequences to the actions that we have failed to take.

I have supported the continuing resolutions previously which have saved \$51 billion from the budget. I am not a person not in support of cutting, but we must do cutting and the decrease in the Federal budget in a responsible way—not one which injures our men and women, particularly, as I said before, those who reside at Fort Drum and in and around that community.

I think it's very important as we move forward with this discussion that we keep foremost in our minds the men and women in the military. I think we have not acted, in large measure, responsibly in this process. We need to move to a continuing resolution which is economically based, which will allow the recovery to continue, which will allow job growth to move forward and not be focused on ideology or the slashing and burning of programs which are highly inappropriate.

I yield back the balance of my time. Mr. ROGERS of Kentucky. Madam Speaker, I withdraw my reservation on the point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. ROGERS of Kentucky. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Speaker, this procedural motion is nothing more than a dilatory tactic which comes at a time when we can least afford those types of things. Now is the time to act, not partake in political games.

Our debate should be not about procedure. It should be about doing our job. It should be about funding our troops, about keeping our government running, and saving the taxpayer money.

The measure before us provides the essential funds for our men and women who are in harm's way on three battlefields around the world. Those who sacrifice so much for us should not be held hostage by Washington's inaction while providing for our national defense. The measure also gives us one more week for the Senate and the White House to come to a resolution on funding the activities of the government, and it cuts \$12 billion in wasteful spending.

The American people expect us to stop the partisan bickering and get our work done. The time for idle talk is over. Enough is enough.

This motion is purely a political gesture and should be defeated. I think all Members should know, Madam Speaker, this bill is not a political tactic. The real fact is that if you vote against this bill, you are voting against the troops who are engaged in three wars.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OWENS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 191, nays 236, not voting 5, as follows:

[Roll No. 246]

YEAS—191

Ackerman	Chu	Donnelly (IN)
Altmire	Cicilline	Doyle
Andrews	Clarke (MI)	Edwards
Baca	Clarke (NY)	Ellison
Baldwin	Clay	Engel
Barrow	Cleaver	Eshoo
Bass (CA)	Clyburn	Farr
Becerra	Cohen	Fattah
Berkley	Connolly (VA)	Filner
Berman	Conyers	Frank (MA)
Bishop (GA)	Cooper	Fudge
Bishop (NY)	Costa	Garamendi
Blumenauer	Costello	Gonzalez
Boren	Courtney	Green, Al
Boswell	Crowley	Critz
Brady (PA)	Cuellar	Grijalva
Braley (IA)	Cummings	Gutierrez
Brown (FL)	Davis (CA)	Hanabusa
Butterfield	Davis (IL)	Hastings (FL)
Capps	DeFazio	Heinrich
Capuano	DeGette	Higgins
Cardoza	DeLauro	Himes
Carnahan	Deutch	Hinchev
Carney	Dicks	Hinojosa
Carson (IN)	Dingell	Hirono
Castor (FL)	Doggett	Holden
Chandler		Holt

Honda	Michaud	Schakowsky
Hoyer	Miller (NC)	Schiff
Inslie	Miller, George	Schrader
Israel	Moore	Schwartz
Jackson (IL)	Moran	Scott (VA)
Jackson Lee	Murphy (CT)	Scott, David
(TX)	Nadler	Serrano
Johnson (GA)	Napolitano	Sewell
Johnson, E. B.	Neal	Sherman
Jones	Olver	Shuler
Kaptur	Owens	Sires
Keating	Pallone	Slaughter
Kildee	Pascrell	Smith (WA)
Kind	Pastor (AZ)	Speier
Kissell	Payne	Stark
Kucinich	Pelosi	Sutton
Langevin	Perlmutter	Thompson (CA)
Larsen (WA)	Peters	Thompson (MS)
Larson (CT)	Peterson	Tierney
Lee (CA)	Pingree (ME)	Tonko
Levin	Polis	Towns
Lewis (GA)	Price (NC)	Tsongas
Lipinski	Quigley	Van Hollen
Loeback	Rahall	Velázquez
Lofgren, Zoe	Rangel	Visclosky
Lowe	Reyes	Walz (MN)
Lujan	Richardson	Wasserman
Lynch	Richmond	Schultz
Maloney	Ross (AR)	Waters
Matheson	Rothman (NJ)	Watt
Matsui	Roybal-Allard	Waxman
McCarthy (NY)	Ruppersberger	Weiner
McCollum	Rush	Welch
McDermott	Ryan (OH)	Wilson (FL)
McGovern	Sánchez, Linda	Woolsey
McIntyre	T.	Wu
McNerney	Sanchez, Loretta	Yarmuth
Meeks	Sarbanes	

NAYS—236

Adams	Dreier	Johnson (IL)
Aderholt	Duffy	Johnson (OH)
Akin	Duncan (SC)	Johnson, Sam
Alexander	Duncan (TN)	Jordan
Amash	Ellmers	Kelly
Austria	Emerson	King (IA)
Bachmann	Farenthold	King (NY)
Bachus	Fincher	Kingston
Barletta	Fitzpatrick	Kinzinger (IL)
Bartlett	Flake	Kline
Barton (TX)	Fleischmann	Labrador
Bass (NH)	Fleming	Lamborn
Benishek	Flores	Lance
Berg	Forbes	Landry
Biggert	Fortenberry	Lankford
Bilbray	Fox	Latham
Bilirakis	Franks (AZ)	LaTourette
Bishop (UT)	Galleghy	Latta
Black	Gardner	Lewis (CA)
Blackburn	Garrett	LoBiondo
Bonner	Gerlach	Long
Bono Mack	Gibbs	Lucas
Boustany	Gibson	Luetkemeyer
Brady (TX)	Gingrey (GA)	Lummis
Brooks	Gohmert	Lungren, Daniel
Brown (GA)	Goodlatte	E.
Buchanan	Gosar	Mack
Bucshon	Gowdy	Manzullo
Buerkle	Granger	Marchant
Burgess	Graves (GA)	Marino
Burton (IN)	Graves (MO)	McCarthy (CA)
Calvert	Griffith (AR)	McCaul
Camp	Griffith (VA)	McClintock
Campbell	Grimm	McCotter
Canseco	Guinta	McHenry
Cantor	Guthrie	McKeon
Capito	Hall	McKinley
Carter	Hanna	McMorris
Cassidy	Harper	Rodgers
Chabot	Harris	Meehan
Chaffetz	Hartzler	Mica
Coble	Hastings (WA)	Miller (FL)
Coffman (CO)	Hayworth	Miller (MI)
Cole	Heck	Mulvaney
Conaway	Heller	Murphy (PA)
Cravaack	Hensarling	Myrick
Crawford	Herger	Neugebauer
Crenshaw	Herrera Beutler	Noem
Culberson	Huelskamp	Nugent
Davis (KY)	Huizenga (MI)	Nunes
Denham	Hultgren	Nunnelee
Dent	Hunter	Olson
DesJarlais	Hurt	Palazzo
Diaz-Balart	Issa	Paul
Dold	Jenkins	Paulsen

Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Riggell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney

Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman

Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
McHenry
McIntyre
McKeon
McKinley
McMorris
Rogers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce

LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rogers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce

Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Riggell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schneider
Schweikert

Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner

Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—5

Frelinghuysen
Giffords

Markey
Miller, Gary
Young (AK)

□ 1426

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 181, not voting 4, as follows:

[Roll No. 247]

YEAS—247

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishkek
Berg
Biggert
Billbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)

Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Culbertson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)

Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)

Ackerman
Amash
Andrews
Baca
Bachmann
Baldwin
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo

NAYS—181

Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinche
Hinojosa
Hirono
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney

Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)

NOT VOTING—4

Conyers
Frelinghuysen

Giffords
Young (AK)

□ 1434

Mr. SCHRADER changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENERGY TAX PREVENTION ACT OF 2011

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings will resume on the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. McNERNEY. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McNERNEY. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McNerney moves to recommit the bill H.R. 910 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 5. PROTECTION OF HEALTH OF VULNERABLE CHILDREN AND SENIORS.

Nothing in this Act shall limit the authority of the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), as in effect on the day prior to the date of enactment of this Act, to protect the health of vulnerable children and seniors, including children with asthma and lung diseases, from the effects of air pollution by large sources that emit 75,000 tons or more of carbon air pollution per year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. McNERNEY. Madam Speaker, I rise to offer an important motion to recommit to H.R. 910. My motion is a straightforward amendment to guarantee that America's most vulnerable children and seniors, including children with asthma and lung diseases, can be protected from the Nation's biggest polluters.

The Clean Air Act became law at a time when our cities were enveloped in smog. And since then, the act has stopped the most egregious polluters and improved public health. This motion is a substantial, important amendment, and if passed, the motion allows a vote to immediately proceed on final passage of H.R. 910. We can reduce air pollution in a way that will create jobs, strengthen our economy, bolster our national defense, and improve the health of our children.

I am gravely concerned that H.R. 910 will threaten the health and safety of our most vulnerable Americans. There's a clear connection between air pollution and respiratory diseases, and the motion I'm offering makes sure that our children can lead healthy lives.

Asthma is an especially serious threat to America's children. This problem is national in scope, but my home State is uniquely affected. I'm honored to represent part of California's San Joaquin Valley, but, unfortunately, the air quality is a persistent challenge in our communities. In fact, as many as one in five children in the valley have been diagnosed with asthma. My own son and daughter developed the condition when they moved to an area of California's Central Valley with hot temperatures and poor air quality. I know from personal experience how vitally important it is to make sure our kids have fresh, healthy air.

I'm confident that every Member of this body shares my desire to reduce the incidence of asthma among America's children. Keeping our children healthy is not a partisan issue. Fighting for the health, happiness, and well-being of our children unites us as citizens, as parents, as friends, and as neighbors.

But the statistics are sobering. According to the American Lung Association, asthma affects more than 7 million children, and more than 4 million of those children suffer from an asthma attack each year. Asthma kills 5,000 people each year in the United States and causes 14 million missed school days annually.

□ 1440

Treating asthma costs our country more than \$20 billion every year. In fact, every day in America, 40,000 people miss work or school due to asthma; 30,000 people have an asthma attack; and 11 die from asthma. These are real children, real people.

That is why I am offering this simple, straightforward motion to recommit today. My proposal is a common-sense improvement that makes sure that our country preserves the ability to protect the air quality for our children and seniors. The text of the motion is very clear, and explicitly says that our goal is to protect children

with asthma and lung disease from the effects of air pollution.

I also want to make one other point clear. Just as I know that every Member of this body cares about the health and well-being of America's children, I also know that we care about our country's economic recovery. Many in this Chamber feel passionately that we should do everything that we can to make sure that small businesses and family farms can grow and prosper without facing unnecessary regulatory burdens. I am proud to represent a district with a rich agricultural history, and I want everyone to know that this motion protects family farmers and small businesses. This motion is explicitly limited in scope to large facilities that emit 70,000 tons or more of carbon annually.

In closing, I ask my friends and colleagues in the majority to reflect on what this amendment says and what your vote will mean. The amendment simply says that "nothing in the act shall limit the authority of the EPA to protect the health of vulnerable children and seniors from the effects of air pollution." What can be more simple than that? I ask my colleagues to do the right thing for our children and seniors and support this motion to recommit.

I yield back the balance of my time. Mr. UPTON. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. I would remind my colleagues, this is a procedural vote. H.R. 910 does not impact asthma. Frankly, our side would have liked to have debated this amendment. It was not offered to the Rules Committee. It was offered in committee, where it was rejected on a voice vote.

If you read the endangerment finding, you will see that asthma is mentioned one time. As to asthma, EPA's endangerment finding refers only once to the term "asthma," and then only in the context of wildfires and particulate matter which is already regulated. So it doesn't change that.

If you care about jobs, you are going to vote "yes" on the bill. If you care about not increasing gas prices beyond \$4, where they are in much of the country today, you will vote for the bill, which means you ought to vote "no" on the motion to recommit and "yes" on final passage.

The Clean Air Act regulates 188 different pollutants. H.R. 910 doesn't change one of those. So please, my colleagues, vote "no" on the motion to recommit and "yes" on final passage.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McNERNEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 175, noes 251, not voting 6, as follows:

[Roll No. 248]

AYES—175

Ackerman	Hanabusa	Payne
Andrews	Hastings (FL)	Pelosi
Baca	Heinrich	Perlmutter
Baldwin	Higgins	Peters
Bass (CA)	Himes	Pingree (ME)
Becerra	Hinchev	Polis
Berkley	Hinojosa	Price (NC)
Berman	Hirono	Quigley
Bishop (NY)	Holt	Rahall
Blumenauer	Honda	Rangel
Boswell	Hoyer	Reyes
Brady (PA)	Inslee	Richardson
Braley (IA)	Israel	Richmond
Brown (FL)	Jackson (IL)	Rothman (NJ)
Butterfield	Jackson Lee	Royal-Allard
Capps	(TX)	Ruppersberger
Capuano	Johnson (GA)	Rush
Cardoza	Johnson, E. B.	Ryan (OH)
Carnahan	Kaptur	Sánchez, Linda
Carney	Keating	T.
Carson (IN)	Kildee	Sanchez, Loretta
Castor (FL)	Kind	Sarbanes
Chu	Kissell	Schakowsky
Ciциlline	Kucinich	Schiff
Clarke (MD)	Langevin	Schrader
Clarke (NY)	Larsen (WA)	Schwartz
Clay	Larson (CT)	Scott (VA)
Cleaver	Lee (CA)	Scott, David
Clyburn	Levin	Serrano
Cohen	Lewis (GA)	Sewell
Connolly (VA)	Lipinski	Sherman
Conyers	Loeb sack	Shuler
Cooper	Lofgren, Zoe	Sires
Costa	Lowey	Slaughter
Courtney	Lujan	Smith (WA)
Crowley	Lynch	Stark
Cummings	Maloney	Sutton
Davis (CA)	Markey	Thompson (CA)
Davis (IL)	Matsui	Thompson (MS)
DeFazio	McCarthy (NY)	Tierney
DeGette	McCollum	Tonko
DeLauro	McDermott	Towns
Deutch	McGovern	Tsongas
Dicks	McIntyre	Van Hollen
Dingell	McNerney	Velázquez
Doggett	Meeks	Visclosky
Doyle	Michaud	Walz (MN)
Edwards	Miller (NC)	Wasserman
Ellison	Miller, George	Schultz
Engel	Moore	Waters
Eshoo	Moran	Watt
Farr	Murphy (CT)	Waxman
Fattah	Nadler	Weiner
Filner	Napolitano	Welch
Frank (MA)	Neal	Wilson (FL)
Fudge	Oliver	Woolsey
Garamendi	Owens	Wu
Gonzalez	Pallone	Yarmuth
Green, Gene	Pascrell	
Grijalva	Pastor (AZ)	

NOES—251

Adams	Bachus	Biggert
Aderholt	Barletta	Bilbray
Akin	Barrow	Bilirakis
Alexander	Bartlett	Bishop (GA)
Altmire	Barton (TX)	Bishop (UT)
Amash	Bass (NH)	Black
Austria	Benishke	Blackburn
Bachmann	Berg	Bonner

Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna

Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce

Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—6

Burton (IN) Giffords Gutierrez
Frelinghuysen Green, Al Young (AK)

□ 1501

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. AL GREEN of Texas. Madam Speaker, today I was unavoidably detained and missed the following vote: Motion to Recommit H.R. 910 (rollcall No. 248). Had I been present, I would have voted "yea" on this motion.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 255, nays 172, not voting 5, as follows:

[Roll No. 249]

YEAS—255

Adams Flores McCarthy (CA)
Aderholt Forbes McCaul
Akin Fortenberry McClintock
Alexander Foxx McCotter
Altmire Franks (AZ) McHenry
Amash Gallegly McIntyre
Austria Gardner McKeon
Bachmann Garrett McKinley
Bachus Gerlach McMorris
Barletta Gibbs Rodgers
Barrow Gibson Meehan
Bartlett Gingrey (GA) Mica
Barton (TX) Gohmert Miller (FL)
Bass (NH) Goodlatte Miller (MI)
Benishek Gosar Miller, Gary
Berg Gowdy Mulvaney
Biggert Granger Murphy (PA)
Bilbray Graves (GA) Myrick
Bishop (GA) Graves (MO) Neugebauer
Bishop (UT) Griffin (AR) Noem
Black Griffith (VA) Nugent
Blackburn Grimm Nunes
Bonner Guinta Nunnelee
Bono Mack Guthrie Olson
Boren Hall Palazzo
Boswell Hanna Paul
Boustany Harper Paulsen
Brady (TX) Harris Pearce
Brooks Hartzler Pence
Broun (GA) Hastings (WA) Peterson
Buchanan Hayworth Petri
Bucshon Heck Pitts
Buerkle Heller Platts
Burton (IN) Hensarling Poe (TX)
Calvert Herger Pompeo
Camp Herrera Beutler Posey
Campbell Holden Price (GA)
Canseco Huelskamp Quayle
Cantor Huizenga (MI) Rahall
Cantor Hultgren Reed
Critz Hunter Rehberg
Cuellar Hurt Reichert
Culberson Issa Renacci
Davis (KY) Jenkins Ribble
Denham Johnson (IL) Rigell
Dent Johnson (OH) Rivera
DesJarlais Johnson, Sam Roby
Diaz-Balart Jones Roe (TN)
Dold Jordan Rogers (AL)
Donnelly (IN) Kelly Rogers (KY)
Dreier King (IA) Rogers (MI)
Duffy King (NY) Rohrabacher
Duncan (SC) Kinzinger (IL) Rokita
Duncan (TN) Kline Rooney
Ellmers Labrador Ros-Lehtinen
Emerson Lamborn Roskam
Farenthold Lance Shuster
Fincher Landry Ross (FL)
Fitzpatrick Lankford Royce
Flake Latham Runyan
Fleischmann LaTourette Ryan (WI)
Fleming Latta Scalise
Flores Latta Schilling
Forbes Lewis (CA) Schmidt
Fortenberry LoBiondo Schock
Foxy Long Schrader
Franks (AZ) Lucas Schweikert
Gallegly Luetkemeyer Scott (SC)
Gardner Lummis Scott, Austin
Garrett Lungren, Daniel Sensenbrenner
Gerlach E. Sessions
Gibbs Mack Sewell
Gibson Manzullo Shimkus
Gingrey (GA) Marchant Shuster
Gohmert Flake Simpson
Goodlatte Fleischmann Smith (NE)
Gosar Marino
Gowdy Matheson

Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry

Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland

NAYS—172

Ackerman Gutierrez Pastor (AZ)
Andrews Hanabusa Payne
Baca Hastings (FL) Pelosi
Baldwin Heinrich Perlmutter
Bass (CA) Higgins Peters
Becerra Himes Pingree (ME)
Berkley Hinchey Polis
Berman Hinojosa Price (NC)
Bishop (NY) Hirono Quigley
Blumenauer Holt Rangel
Brady (PA) Honda Reyes
Hoyer Hoyer Richardson
Brown (FL) Inslee Richmond
Butterfield Israel Rothman (NJ)
Capps Jackson (IL) Roybal-Allard
Capuano Jackson Lee Ruppberger
Cardoza (TX) Rush
Carnahan Johnson (GA) Ryan (OH)
Carney Johnson, E. B. Sánchez, Linda
Carson (IN) Kaptur T.
Castor (FL) Keating Sanchez, Loretta
Chu Kildee Sarbanes
Ciocilline Kind Schakowsky
Clarke (MI) Kissell Schiff
Clarke (NY) Kucinich Schwartz
Clay Langevin Larsen (WA)
Cleaver Larson (WA) Larson (CT)
Clyburn Lee (CA) Lee (CA)
Cohen Levin Sherman
Connolly (VA) Lewis (GA) Shuler
Conyers Conyers Sires
Cooper Lipinski
Courtney Loeback
Crowley Lofgren, Zoe
Cummings Lowey
Davis (CA) Lujan
Davis (IL) Lynch Stark
DeFazio Maloney Sutton
DeGette Markey Thompson (CA)
DeLauro Matsui Thompson (MS)
Deutch McCarthy (NY) Tierney
Dicks McCollum Tonko
Dingell McDerrott Towns
Doggett McGovern Tsongas
Doyle McNerney Van Hollen
Edwards Meeks Velázquez
Ellison Michaud Vislosky
Engel Miller (NC) Walz (MN)
Eshoo Miller, George Wasserman
Farr Moore Schultz
Fattah Moran Waters
Filner Murphy (CT) Watt
Frank (MA) Nadler Waxman
Fudge Napolitano Weiner
Garamendi Neal Welch
Gonzalez Oliver Wilson (FL)
Green, Al Owens Woolsey
Green, Gene Pallone Wu
Grijalva Pascrell Yarmuth

NOT VOTING—5

Bilirakis Frelinghuysen Young (AK)
Burgess Giffords

□ 1508

So the bill was passed.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title so as to read: "A bill to increase pollution, endanger the public health, and not address taxes in any way."

The SPEAKER pro tempore. Under clause 6 of rule XVI, the amendment is not debatable.

The question is on the amendment.
The amendment was rejected.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. MCHENRY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow for morning-hour debate and noon for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1510

AUTISM AWARENESS MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, April is Autism Awareness Month.

Autism is a disorder that impairs an individual's social interactions and communication skills with others. Sadly, autism is one of the fastest-growing developmental disorders in our Nation. It is estimated that a child is diagnosed with autism every 15 minutes. While some autistic children will grow up to function in society, others will need some level of professional care for life.

Groups such as the Autism Society of Miami-Dade, in my congressional district, are committed to providing support and opportunities to enhance the lives of individuals within the autism spectrum, as well as their families and caregivers.

I urge all Americans to become involved in supporting families with children and adults with autism.

FUND THE MILITARY, MR. PRESIDENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, today we are engaged in a debate about out-of-control government spending, but there should never be an issue about fully funding our military. They should never worry that Congress will not provide them the resources to defend this Nation.

So this House just passed a CR that fully funds the military and also cuts \$12 billion, but the White House has issued a veto threat with no explanation. Why? Does the Commander in Chief intend to command a military with no money? Doesn't he know we are engaged in three wars?

I just received an e-mail from one of our troops. He asks, "How would the citizens of America feel if we, the mili-

tary, did not defend our Nation one day because we went on strike?—but we won't go on strike. We will live in tents, eat MREs, and hope our families can survive without pay, food and shelter."

The House has voted to support the military. The Senate needs to pass this bill. The President needs to sign up to support our troops.

Are you in, Mr. President?
And that's just the way it is.

RECOGNIZING THE TEXAS A&M UNIVERSITY WOMEN'S BASKETBALL TEAM

(Mr. FLORES asked and was given permission to address the House for 1 minute.)

Mr. FLORES. Mr. Speaker, I rise today to recognize the Texas A&M University Women's Basketball team on their remarkable run in the 2011 NCAA tournament and their victory over Notre Dame to claim their first ever national championship in school history.

I have the privilege to represent both Baylor University and Texas A&M. I don't think there are many Members here in this House who have the opportunity to represent two schools that advanced to the Elite Eight of the NCAA Women's tournament. However, I do, and one of them went all the way and won the national championship. Also, as a member of the Texas Aggie Class of 1976, I am especially thrilled that the final score was 76-70.

Coaches Gary Blair and Vic Schaefer and their staff should be commended for their leadership in guiding the Texas Aggies to their sixth straight NCAA tournament and to their first ever national title. Let me add that Danielle Adams, the Aggies' all-American senior, scored 30 points, the second highest total in championship game history.

Mr. Speaker, I am proud to stand before my colleagues and say that there is no other coach, no other team nor any other fan base that deserves this more than Coach Blair, the Texas Aggie Women's Basketball team, and the loyal fans at Texas A&M University.

Gig'em Aggies and great job.

LACK OF LEADERSHIP

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, with respect to a possible shutdown, I have to say that this is a direct result of a distinct lack of leadership.

Former Speaker PELOSI showed no leadership in not even attempting to submit a 2011 budget in the 111th Congress. Senator REID has been totally unwilling to submit an alternative 2011 budget, and the President, until this

week, has totally checked out of the process.

This country desperately needs leadership. Speaker BOEHNER has been providing that leadership as he has been fully engaged and has submitted a number of excellent 2011 budget proposals, but he can't do it by himself.

Mr. President and Senator REID, it is not too late to step up and provide the kind of leadership this country wants and desperately needs. Do the right thing now. Agree to this legislation that will help get this country back on sound fiscal footing.

STAND WITH US WHO ARE STANDING FOR THE AMERICAN PEOPLE

(Mr. TIPTON asked and was given permission to address the House for 1 minute.)

Mr. TIPTON. Mr. Speaker, today this House took the unprecedented step of doing the right thing. We stood up for our men and women in our Armed Forces. However, Senator REID and the President had already announced before the vote was even taken that it was going to be "dead on arrival." Senator REID said that it's a fantasy.

Senator REID, let me give you a reality. The reality is that our men and women in our armed services, who are risking their lives for us, deserve better than the politics of usual.

Senator REID, we call on you, and we call on the President of the United States to stand with us who are standing for the American people: our men and women in the Armed Forces, our parents, grandparents, and our future generations as well. We have to not only protect our present but build for our future and have actual fiscal responsibility in this country. You can no longer be allowed to be the party of "no": no ideas, no solutions, simply saying "no" because of your bankrupt ideas.

Now is the time for action. The American people are counting on us.

THE BUDGET CRISIS

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you.

I want to turn our attention to the issues that are before us today and see if we can have a better understanding of what has taken place.

We just heard a little bit about honoring our troops. Let's be very clear about this. The Democratic Caucus in this House, the President, and the Senate will always and have always honored our troops. We are in the midst of a very serious budget crisis for this

year with very, very serious issues at stake, and the Republicans chose to attach to the funding bill numerous cuts that devastate important programs that affect the well-being of every man, woman, and child in this Nation and, indeed, around the world. Because of those cuts, as well as certain language that was added to the bill, we chose not to vote for the funding.

The President has said, Stop the games. Stop playing around. Give us a straight up and down on funding the government without all of these add-ons and games that are being played by our Republican colleagues.

The President has asked for a clean bill. We should give him a clean bill and carry on to fund the government and provide for our troops and our military families, and we will do that.

Now let's understand what is at stake. Not only in the current year's budget, which is the next 7 months, but in the year beginning on October 12, the Republicans have put together a proposal that would devastate seniors and those who are unable to care for and to provide themselves with medical services—in other words, those dependent upon the Medicaid program.

□ 1520

Very straightforward. The proposal that was put out by the Republican caucus 2 days ago would terminate and stop Medicare as we know it today. Medicare is a program in which every working American pays into it, and when they became 65, they expect to receive the Medicare health care benefits that are guaranteed or at least have been guaranteed for the last 40-some years. That's a uniform benefit package across this Nation. It is a very successful program. It's one that Americans literally live long enough to get into. And yet the Republican caucus is proposing to terminate it, to end the Medicare program. And instead, turn over the \$400 billion a year that goes into the Medicare services, turn it over to the private health insurance companies—the biggest gift ever given to the private health insurance companies.

I know those companies. I was the insurance commissioner in California for 8 years. And I spent most every day of those 8 years chasing after the health insurance companies, forcing them to pay claims and stopping them from discriminating against people who had preexisting conditions and developing programs and policies that were underfunded, underpaid, and underperformed.

That cannot happen to our seniors, but that's what the Republicans want to do. And we need to stop it. And we will because the seniors of this Nation already sense what is at hand. They already know that the Republican budget proposed would devastate one of the two pillars of the social safety net that every senior in this Nation at one time or another depends upon.

The second pillar—we've already seen the path that this is going to go on—in 2004, the Republican caucus, together with the Republican President, George W. Bush, proposed to privatize Social Security. Fortunately, the revolt that started in the Democratic caucus of this House and carried across the Nation stopped that from happening.

We know what's coming down the train track here, and that is another effort to privatize Social Security, to take those hundreds of billions of dollars and turn them over to Wall Street so Wall Street can play additional financial games.

It will not happen. Americans will not give up Social Security and Medicare to satisfy the whims of the Republican caucus that seems determined upon destroying effective government in this Nation.

I'd like to call upon my colleague from the great State of Oregon (Mr. DEFAZIO). If you will join me in this conversation and we will see where it takes us.

Mr. DEFAZIO. I thank the gentleman. Certainly his extraordinary and extensive experience as an insurance commissioner ably qualifies him to comment on what's going to happen when the Republicans kill Medicare and instead force future seniors into private insurance plans presumably sold through some sort of exchange.

Now, of course the Republicans just spent the last year reviling ObamaCare, which creates exchanges for people who are uninsured. They said people who are uninsured should not be forced to go to exchanges and buy good standard policies. Well, now what they want to do is force future seniors to give up Medicare and force them to go to exchanges and buy private policies with some premium support.

Now, there are a few problems with this issue. Among the things they repeal are the reforms of the insurance industry. And one of the most critical reforms, as far as seniors or older workers or older Americans go, or Americans who've ever been ill or ever had an ill kid, is removing the condition that an insurance company can have a preexisting condition exclusion. That is, you were sick once, they won't sell you a policy. Maybe they'll sell you a policy, but they will exclude that condition and other conditions they think you might have, and they're going to charge you 4, 5, 6, 10 times as much for your policy because you're a risky person. They only want the gravy.

It also repeals another little trick of the industry. This has already stopped now. This is one of the most horrific things the insurance industry has done to people in America. Pay your premium every week. Your employer pays your premium every week.

You get sick. This happened to a woman in Texas, actually JOE BAR-

TON's district. She had breast cancer. Needed serious treatment. The insurance industry, the insurance company she had, put a team on her case. Isn't that great. They want to help her out. No. They want to find out a way to throw her off the plan. And they found that once she had gone to a dermatologist and didn't tell them about it. And that might have been related to her breast cancer, so they threw her out of the plan.

Now, the dermatologist wrote a letter to the insurance company and said, well, no, actually, no, this woman just kind of had a skin condition that has nothing to do with cancer, and you can't do this. And they did. And finally, to give them credit, JOE BARTON intervened, called the president of the company and said, you're getting one big black eye here. Give this woman back her health insurance. And she got it back. But quite a bit later, her cancer had advanced, and it hurt her chances for a full recovery. That's called recision.

Under the Republican proposal, recisions are back. You get sick? Your company gets to comb through your life and find out a way not to pay your policy. And oh, by the way, if you're sick now and your policy lapses at the end of the year, they won't have to renew it because they're doing away with that reform, too.

So we will take away those horrible reforms that the Democrats put on the anticompetitive insurance industry—and oh, by the way, the insurance industry is exempt from the antitrust law. So the insurance industry can and does and has discriminated in these ways. It can and does fix prices. Can and does share or divide markets to drive up their profits. All of those things are back under the Ryan proposal. Isn't that great?

Now, how is this going to serve seniors? So now, here they are. They're going to get a little premium support—that is, the Federal Government will not let them have the money; they don't even get a voucher so they could just say well, I'm going to go do something on my own. They have to buy one of the health care plans that the Republicans would dictate they can buy—presumably through an exchange—and they'll get a little premium support. The government will give the money directly to the insurance company.

Now, the insurance company can charge them whatever premium they want. So this is problematic.

Now, around here, the Republicans are a little schizophrenic. Some days they love the Congressional Budget Office—when it gives them results they like. And other days they hate the Congressional Budget Office—when it gives them answers they don't like.

So in this case the Congressional Budget Office looked at it and said well, actually, under the Ryan plan,

seniors who today pay 25 percent of their health care costs in the aggregate under the Ryan plan of the future, they will pay 68 percent of their health care costs. Guess what that means? That means we are back to 1964.

Now, there's not many people around here old enough to remember '64. I certainly wasn't serving here but I know what happened then. Congress passed, Lyndon Baines Johnson signed, Medicare. Now one of the principal drivers of that was we had a poverty rate for seniors—that is, our parents and grandparents—they were at twice the poverty rate that they are today because of medical costs.

Nobody can save enough money to provide for their medical care. And if you can't buy insurance—which most seniors can't and couldn't—and you get sick, you're bankrupt. You lose everything. And the principal thing that drove seniors into poverty and bankruptcy in those days was medical costs. So Medicare was established.

And now the greatest legacy proposed here by Mr. RYAN, the chair of the Budget Committee, is to end Medicare. And he's doing this under the guise of the path to prosperity. The question is whose prosperity? Not the seniors. Perhaps it's the insurance industry.

Mr. GARAMENDI. Thank you very much, Mr. DEFAZIO.

I heard you toss out two numbers. One number was the amount of medical, the percentage of the costs of medical care that seniors now pay. Did you say 28 percent?

Mr. DEFAZIO. It's about 25 percent on average of all of their medical costs, the ones for seniors who are eligible for Medicare.

Mr. GARAMENDI. If the Republican proposal goes forward, seniors will wind up paying how much?

Mr. DEFAZIO. Sixty-eight percent of their health care costs.

□ 1530

Mr. GARAMENDI. I see. So we are shifting the costs to the seniors; right?

Mr. DEFAZIO. Right.

If the gentleman would yield.

Mr. GARAMENDI. Of course.

Mr. DEFAZIO. We are not going to do anything about the costs of medical care or the premiums charged or the egregious practices of the insurance industry. We are just going to shift the costs onto future seniors. Many of these people, if they are 55 today, they have been paying into Social Security and Medicare for 35, 37 years, and now, suddenly, oh, sorry, can't have it.

Mr. GARAMENDI. Game's over. You can put that RIP back up.

Mr. DEFAZIO. If I could, just one other point.

Mr. GARAMENDI. Please.

Mr. DEFAZIO. The one other thing, since the Republicans seem to want to roll back the clock, are they are going

to bring back the doughnut hole. Now, the doughnut hole is this bizarre construct of the Republican prescription drug benefit. Remember, instead of designing a low-cost prescription drug benefit that was uniform and available to all seniors on Medicare—we could have done that at a very, very low cost—the Republicans said let's subsidize the pharmaceutical and insurance industries and create a confusing mix of plans, and that's what we'll do for seniors. \$750 billion over 10 years to subsidize the pharmaceutical and insurance industries and give seniors the doughnut hole.

Now, last year we began to close the doughnut hole, and this year the pharmaceutical industry has to give discounted prices to seniors in the doughnut hole. Mr. RYAN would undo that. No more discounted prices for seniors in the doughnut hole. That's eating into the obscene profits of the pharmaceutical companies. So they've got a little provision in this bill. The doughnut hole is back. Make the world safe for doughnut holes. That's the Ryan path to prosperity.

Mr. GARAMENDI. I don't think so. It seems to me to be the path to poverty for seniors. And it goes way, way beyond that.

Our colleague from Texas, SHEILA JACKSON LEE, has joined us. Ms. LEE, if you would care to comment. I know this is an issue you are deeply concerned about.

Ms. JACKSON LEE of Texas. Well, since, like PETER, I spent 6 or 7 hours on the floor of the House some years ago, PETER, I guess the 1990s, when we were fighting against the inevitable doughnut hole, we held the vote open—I shouldn't say "we." The Republicans held the vote open for at least 6 or 7 hours. I think we voted at 5 a.m. when the last arm was twisted. I think someone had a broken arm in order to ensure the doughnut hole was in.

We, of course, have come back, Democrats, and created the Affordable Care Act. And I tell you, every senior center I have gone through since the famous passage of the Affordable Care Act, seniors have said, "Thank you. Thank you." If anyone has an 84-year-old mother—I just lost my mother, but our conversations centered around the enormous cost of prescription drugs and how relieved she was to, at that time, to have had some relief from the doughnut hole.

Now, as we watched our friends just a few, maybe about an hour or so ago, I hope there was some camera view of the glee that was shown when there was a suggestion that we would shut the government down and, in essence, implode, if I can use that on the floor of the House, any budgeting conversation that makes sense, such as the fact that what we are doing now with the CR is dated and old, it is passe, it is cutting into funding for a present year.

What it's doing tomorrow, which is what the groundwork is being laid, is literally destroying the systems as we know it. Sixty-six percent of the seniors don't like this plan.

But I want to throw something out. Let me let them understand what the plan is. The plan is block grants, block grants given to disparate State governments, of which we have no control over, to be able to manipulate and play with Medicare. What sense does that make? Block grants that will in fact be able to be used for whatever we want to use.

The State of Texas, for example, received \$3.2 billion in education funds through the American Reinvestment and Recovery Act. Where is it my good friend? It is in the rainy day fund, never used for schools. Can you imagine block grants for Medicare? Can you imagine the nursing homes that will be closed through Medicaid, and then, of course, seniors getting Medicare? And then they shout for joy not only for shutting down the government over the next 2 days, but they shout for joy for the kind of budget that they believe they will be able to—they whet their appetite that they will be able to do for 2012. They will implode this country as we know it.

We want budget cuts. We don't want to see the government shut down. But there is a morality and a character and an integrity, and there is called a heart. And I like what you are saying there. The Republican budget would destroy Medicare. And I just want to say this. We have been around this block before. I heard one Republican leadership say some years ago, "Over my cold dead body." The opposition to my President, who was a great hero of Texas, Lyndon Baines Johnson, even when he tried Medicare, there were those who said how it would destroy America, how it was going to undermine America. And look where we are today. How many lives have we saved because seniors had Medicare?

I see that there is this effort to bury this program that has kept the grandmothers and granddads of America's children alive for them to be able to see their grandchildren grow up because they have had good health care. Where is the morality?

Mr. GARAMENDI. Well, we seriously question the morality of the proposal that's being put forward by the Republican caucus.

You said something that I want to focus in on. The details are important. We talked about Medicare and the end of Medicare as we know it. And basically, as Mr. DEFAZIO was saying, it's a program in which Medicare becomes privatized. The money is turned over to the insurance companies; our future, our seniors' future turned over to the insurance companies and their whims.

But you also raised a very, very important point. And that is all across

this Nation there are millions of Americans who are in nursing homes who now depend upon the Medicaid program, Medicaid program for the payment to the nursing homes. In the budget program, there is the block granting of the Medicaid program, and therefore the likelihood that the payments to the nursing homes will be reduced or end and those people will not be able to get care in the nursing home.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

THE BUDGET CRISIS

The SPEAKER pro tempore. The gentleman from California may proceed.

Mr. GARAMENDI. Mr. Speaker, I would love to see what that message is. I think we got some sense of it earlier in the day. And I suspect it speaks to the issue of the continuing resolution, and it is the effectuation of the promise he made earlier in the day that should the legislation that passed here about an hour-and-a-half ago, 2 hours ago, that is the continuing resolution, should it arrive on his desk, he will veto it. I haven't seen it, but I will bet that's what's in that envelope.

Ms. JACKSON LEE of Texas. If you could yield for a moment, I want to thank the gentleman for the clarification, for separating out. I want to add something. Medicare is a program that is going to be wholly privatized and income driven without any basis in substance; meaning, plainly, if you are more wealthy, this has nothing to do with how you would do Medicare today, as someone suggested that you staggered the amounts on income. This has to do with, if you can even get Medicare, it will be because you have enough money to get Medicare because it will be in that system.

Then, of course, there is some little secret backroom corner where they throw something out about a public system that is not even defined.

But you make a very good point about nursing homes, which I have a lot in my district. In fact, we are always hearing from them regarding maintaining their status. And certainly we are very keen to make sure that these nursing homes meet their own standards. But they provide refuge and rest, if you will, for not only the seniors, but the frail and the disabled.

And I just want to paint this picture for you, Mr. GARAMENDI. I just want to paint the picture for you of no room at the inn, lights out, doors wide open, and the drumbeat playing as people are being rolled out of nursing homes in wheelchairs, with crutches, some on beds. Maybe we can just imagine the

tragic scenes of Hurricane Katrina, when nursing home residents were pouring out of nursing homes in the wake of the disaster of Hurricane Katrina. Well, let me tell you, we've got Hurricane Ryan, and there is a disaster coming. And, frankly, with all good intentions of our good friends on the other side of the aisle, if we had sat down at the table of compromise and projected how we can best serve America by reducing the deficit, the debt, and recognizing that we have morality and we have values that will help this country.

□ 1540

Might I just say that we are talking about seniors, but don't forget there are many, many families that take their children to pediatricians on Medicaid, and that's their primary care provider just like Medicare.

So I would just simply add this word that I am not ready to bury Medicare now; and I believe there is a rejuvenation, there is a rebirth coming, and that is the American people saying, no, not on my watch. This is a non-starter, and I am glad to be standing with you today.

Mr. GARAMENDI. Well, do you think this particular gravestone here doesn't have to happen?

Ms. JACKSON LEE of Texas. I believe if we stand committed to educating the American public, it should not happen.

Mr. GARAMENDI. I am going to take this down because I know that the American public, whether they are seniors now or will be seniors in the future, understand the incredible importance of Medicare to the American society. Whether you are young or old, you know that Medicare has always been there since 1964 to provide medical services to those people 65 and over and some who are younger than 65 that have gone through terrible medical circumstances and unable to care for themselves.

So we are going to take this tombstone, and we are going to bury it, along with Mr. RYAN's proposal to terminate Medicare as we know it. So let's be aware, American public, what's at stake here with the proposal that's coming down from the Republican caucus and from Mr. RYAN.

I want to take up another subject and cover it briefly, or maybe not so briefly, and this has to do with the subject matter at hand, which is the deficit. We need to understand where the deficit came from.

The deficit didn't just get created in the last couple of years. Certainly, the Great Recession had a lot to do with it, the stimulus package, made up of two parts, one part was the bank bailout, \$700 million or more, almost all of that has now been repaid to the Treasury, so we don't have to worry about that being the a big part of the deficit. A

little bit remains, but most of it has been repaid.

The second part was the stimulus, some \$750 million. That was borrowed money that is part of the deficit. But that also created, or it maintained, well over 2 million jobs here in the United States. Those people that stayed at work were continuing to be employed and to pay taxes.

You can imagine what would have happened had the stimulus not been there; but, nonetheless, it is part of the deficit. But that doesn't account for all of the deficit.

Let's go back to where Ronald Reagan was President. At the end of each year, the Congressional Budget Office takes a look at status of the budget of the United States and says here's what's happening today and here's the projection for the future. They do a 10-year projection.

At the end of Ronald Reagan's term, the Congressional Budget Office, non-partisan, not Democrat, not Republican, looked at the budget, looked at the economy and said, well, the way things are, we can project for the next 10 years that the budget will have a deficit of \$1.3 trillion.

So Ronald Reagan left office with a deficit. He was followed by George H.W. Bush. And the same projection was made every year, and every year the deficit grew so that at the end of the George H.W. Bush administration, before Bill Clinton took office, there was a projected additional deficit of about 3 trillion additional dollars.

Bill Clinton came into office, changes were made, Balanced Budget Act went into effect, PAYGO which required laws to be paid for with new taxes or with cuts—no more deficit financing for new laws—came into effect; and at the end of the Clinton administration, the normal process took place at the end of that year. What will be the deficit going forward?

Whoa. You mean, there is no deficit? Yes, the Congressional Budget Office estimated at the end of the Clinton period that there would be a \$5 trillion surplus, literally paying off the entire debt of the United States. Policies were put in place during that Presidency, Democrat, Republican votes on both sides that would, in the 10 years, 2001 to 2010, terminate the American debt.

However, in 2001, George W. Bush and the Republicans in control of the Congress and the Senate passed a massive tax cut that immediately turned that projected surplus into a projected deficit of well over a trillion dollars. The next year, the Afghan war was under way and the Iraq war was begun, two wars, the first time ever in America's history that a war was under way for which there was no way to pay for it except to borrow money.

In previous wars, World War II, World War I, the Civil War, the government raised taxes to pay for the war; but not

these two wars. This was entirely borrowed, all of the cost of it. And right now the Afghanistan war is costing \$100 billion to \$120 billion a year and we just voted today, not more than an hour and a half ago, for \$157 billion for the Afghanistan, Libya and Iraq wars, \$157 billion.

Now, again, this is all on borrowed money. Despite efforts by the Democratic Caucus to raise money, raise taxes for those wars, taxes on the highest, wealthiest Americans, those votes failed.

Now, the rest of the story is this. My friend, Mr. DEFAZIO, talked about the Medicare drug doughnut hole. The Medicare drug doughnut hole was added during the Bush administration, well over \$600 million a year, again, not paid for but rather borrowed money.

And then the Great Recession of 2008 and 2009, that Great Recession added to the deficit because employment plummeted along with tax revenues, so that at the end of the George W. Bush administration, this Congressional Budget Office did what it had done every year in the past 50 years, did a projection, in the next 10 years, what will be the deficit.

Guess what the number was? \$11 trillion-plus dollars.

And so during the 2001–2010 period, an enormous growth in the American deficit, Barack Obama came into office in January of 2009. And the day he took office, he had an annual budget deficit handed to him of over \$1.3 trillion. The George W. Bush legacy was handed directly to Barack Obama the day he took office, over a trillion dollars. We have to work ourselves out of this hole.

This is a deep, dangerous hole and we have got to work our way out of it. We have to do it with wisdom, we have to do it with intelligence, and we have to always keep in mind where we need to go. Two paths: one, bring the deficit down; and, two, provide those services that are desperately needed by Americans: Medicare, Medicaid, education, services that provide people the opportunity to get jobs. Those are fundamental investments that we must make, research and the like also included.

Simultaneously, we must always achieve efficiency and effectiveness in every governmental program, wherever it happens to be. We know that the medical systems in the United States are inefficient, so the proposal put forth by our Republican colleagues to privatize, destroy Medicare, does nothing to deal with the inefficiencies of the medical system.

There are three parts to the medical system: the collection of money, the payment of claims, and the provision of services. Medicare happens to be the most efficient delivery in the collection of money, the payment of claims and the delivery of services of any of the medical services and medical systems out there.

□ 1550

The private insurance companies, however, are the least efficient, the least efficient created because of the numerous policies that they offer, confusion to the purchaser of the policy, whether it is an individual or business, and to the provider of services. Go into any hospital, and one of the biggest sections in the hospital is not the emergency room, not the operating room, not the intensive care unit. It is the administrative unit. Why? Because they have to deal with thousands of different policies, different deductibles, different copays and different policies from different companies. “Is this going to be paid?” “Who is going to pay that?” and so forth, creating the least efficient medical delivery system in the world. A full 40 percent of all of the medical costs are in administration.

Keep in mind that Medicare, on the other hand, is the most efficient, spending no more than 3 percent in collecting the money and paying the bills.

So the proposal that we have before us by the Republicans to terminate Medicare and hand it over to the insurance companies will create even additional costs and more inefficiency in the system, less effectiveness. That is not the way to go.

We talked earlier about the dreaded doughnut hole for Medicare seniors. Why was it that the Republicans refused to allow the Federal Government to negotiate prices with the pharmaceutical companies? It is the most ineffective, inefficient and stupid thing in the world to spend tens and hundreds of billions of dollars a year on drugs and not be able to negotiate but simply to be a price taker, not a negotiator, not to use your purchasing power to negotiate.

I don’t understand—well, I do understand. I know exactly what it is. It has to do with the effective lobby and contributions of the pharmaceutical industry. Wrong, wrong, wrong. We can and we must go to the medical system and seek efficiencies, and it can be done.

I have spent a lot of my time as insurance commissioner looking at how it can be done, and we will go into that at another time, but I will give you a couple of items along the way.

A doctor goes into a hospital and scribbles on a piece of paper what he believes to be wrong with the person. He writes on a piece of paper in illegible handwriting what the pharmaceutical will be. Medical errors abound. We know that, in fact, infections occur in hospitals. We know that readmissions occur in hospitals. All of those things need not exist in America. We can significantly reduce the costs of medical services by instituting electronic medical records. That can be done, and, in fact, in the health care reform bill, the Affordable Care Act, it is done. Republicans want to repeal

that. Somehow they think that that is going to reduce costs. I don’t think so. Nonetheless, that is what they want to do.

There are many other things that can be done. Infectious rate, readmissions, we need to be in front of illnesses. We need to have public health services. But yet in the CR, the continuing resolution that passed this House just this day not more than 2 hours ago, the clinics in America are reduced and people will be lined up in the emergency rooms. We know that is the most expensive place in this Nation to get medical care. Yet we get this kind of CR that comes through here, this continuing resolution to fund the government that reduces clinics all across this Nation.

Well, I think I need a glass of water, and I notice that my colleague from Colorado (Mr. PERLMUTTER) has arrived to join us in this moment.

Thank you for coming here.

Mr. PERLMUTTER. I thank my friend from California. I hope you don’t go too far for that water, because I want to express my concern about the way the Republican Party, the majority in the House, is providing for running this country. It is a pretty frightening set of circumstances that we have when this country is run on a week-to-week basis; the funding for our troops, the funding for our transportation, the funding for Medicare, for Social Security and for health care of all kinds is on a week-to-week basis. It is very difficult for a family to operate on a week-to-week basis. It is nearly impossible for a business to operate on a week-to-week basis. But apparently for my friends on the Republican side, it is okay for the Nation to run on a week-to-week basis.

So today, in what they, I think, believe was a great accomplishment, provide for another week of funding so that the various parts of our government, whether it is education, transportation, homeland security, the military or Veterans Affairs, all those kinds of things are just operating on a one-week basis. That is no way to run a railroad or a country.

We have got to do much better than this. And there is no question that we have budgetary issues that this Nation has to confront. My friends on the Republican side of the aisle would like to take it all out, deal with the whole budget, but only in a very slim part, in effect, punish a very tiny part of the budget for the ills that I would say occurred under the Bush administration: big tax cuts for millionaires and billionaires, prosecute a couple wars without paying for them, and then allow Wall Street to run amok without any police. That’s what caused the debt.

Energy efficiency didn’t cause the debt in America. Preschool programs didn’t cause the debt in America. The National Institutes of Health didn’t

cause this debt in America that we really do have to deal with today, there is no question about it. But those are the people, those are the things that they would like to blame for the debt. It is across the board. And there has got to be a shared sacrifice. Both millionaires and billionaires have to put up as part of their approach to all this. There has to be a revenue component to this as well as an expense.

And so I would say to my friend from California that this 1-week approach to managing something as big as America is crazy, and it has got to stop. We need to have a real budget and real appropriations so that people that do business with the government can have solid expectations for their contracts and people that work in the government know that they are going to get paid, people that receive benefits in one fashion or another know that next week things will keep going. Because this country is great and it is strong and it will be here a long time after any of us. But this month-to-month, day-to-day, week-to-week approach to management is just bad news for America. I hope it changes very soon.

I would return the mic to my friend from California.

Mr. GARAMENDI. Two hours ago, the Republicans in this House passed, without Democratic support, a continuing resolution for a while, and there were cuts in those. For the most part, there was no debate here on the floor about specific cuts, but you raised these issues. I'm going to put some numbers to what you talked about. The Women, Infants, and Children program, the WIC program, is for pregnant mothers at risk during their pregnancy and then after their pregnancy so they have adequate nutrition and health care so they have a healthy baby. It saves us money. If that baby is not healthy, it is going to cost a lot of money. The Women, Infants, and Children program, the WIC program, there is a \$200 million reduction in it.

We like to fight crime; right? Well, \$149 million out of the construction account so that there can be police stations and other facilities for the police across the Nation.

You mentioned environmental issues. \$192 million from the Department of Energy's environmental cleanup. What are they cleaning up? They are cleaning up the nuclear waste material from the previous Cold War nuclear programs. We know a lot all of a sudden about nuclear contamination. Oh, good, we are going to take \$192 million out and just leave that nuclear waste out there to do what it is going to do, and it won't be good.

And also, there is another. You mentioned the banking industry. We know that between 2001 and 2008 the Bush administration and the Federal Reserve just said they will regulate themselves; we don't need to police the banks. And so we wound up with the great crash.

□ 1600

Well, we passed the Wall Street reform. We put in serious policing. We are going to police those characters. We are not going to let them get away with "greed is good" and rip off the public. We need policemen. But the Republicans don't believe in this, so they took a total of \$590 million out of the financial services programs. These are the policemen that protect America's financial future.

We got a call from CalPERS and CalSTRS, the two big California pension agencies, which came to Congress and said: Do not do this. Wall Street needs to be policed. Don't cut the police.

I'm going to do a couple more. Let's see, how about clean water and drinking water, \$700 million out of the clean water fund. This is for communities to build water systems so there is clean water. You go through this and you say: What are they thinking?

Okay, your turn. Continue on.

Mr. PERLMUTTER. And I would say to my friend, look, I wish we were not here. I wish that, going back to 2001, 2002, I wish President Bush hadn't had the country take a voluntary pay cut. We were on the road to a surplus. We were almost done getting rid of the debt. But, no, we are just the opposite right now because we took a voluntary pay cut to this country.

Then we prosecute two big wars, to the tune of a trillion dollars. And under the Bush administration, they had those wars on a whole set of different books. They didn't really account for it as part of the debt of this country. Now, under President Obama, we have real accounting, so we know how bad the books look. And then we had this crash on Wall Street. Now those things all add up to a lot of debt. There is no doubt about it. And when the country hit the crash, the income to the country dropped and the expenses went up.

I don't think we should ever forget how we got here, but we are here, and we have to deal with it. So I respect people who want to confront this, but the values and the priorities that are being expressed by the Republican Party in how to deal with this are just so misplaced. They want to maintain the tax cuts for millionaires and billionaires. They want to maintain tax cuts that encourage people to send jobs overseas. And they want to maintain tax cuts for oil companies when we are at \$105 or \$106 a barrel, for goodness sake. You don't need much encouragement to start drilling at that high a price.

So those kinds of things have to be looked at very closely when all of a sudden you are taking it out of a number of those programs and people that you talked about: early childhood, health care, education, and transportation. We are going to have to share

this sacrifice, no question about it. And as Democrats, we are prepared to do that. It isn't going to be fun. It isn't a lot of excitement when you really have to manage those expenses, but you also have to have the revenue to deal with the budget that we have in front of us.

My friends on the Republican side of the aisle would like to say, you know what, nobody really has to pay for these tax cuts, nobody really has to pay for sending jobs overseas. They are wrong. They are just flat wrong.

We have to change this. And they are in the majority. They are running the show here in the House. This one week at a time, that's a joke. Nobody can really manage, and people doing business with the government, with the country, they need to have some firm confidence in what is going on.

My friends on the Republican side of the aisle just keep undermining the confidence of people doing business in this country. So we have a lot of work to do. It really is going to take both sides of the aisle. I appreciate the President rolling up his sleeves and trying to get this done, and the Senate working on it. But there are some on the other side of the aisle who don't understand what the word "compromise" means to get to a greater goal, which is to get this budget under control.

Mr. GARAMENDI. You have raised a couple of issues, and I would like to carry them a little further. You raised the tax issue, in the proposed budget, not the CR today that funded the government for another week but rather in the proposal for the next year and beyond. The Republicans propose to continue the Bush era tax cuts of 2001 for the super wealthy in America. Now that's about \$700 billion added to the deficit. Not only that, that tax rate is 35 percent. They are proposing to lower that tax rate to 25 percent. So for the super wealthy in America, we are talking about millionaires, people whose annual income is \$1 million and people whose annual income is \$1 billion, to give them a lower tax rate. Are we talking shared sacrifice here? I think not.

I want to turn to this chart which was handed to me by one of our colleagues who is actually on the President's deficit commission. She said the facts are pretty clear. Not pretty clear—they are crystal clear. She said between 1974 and 2009, there has been a shift in the wealth and the income of Americans. What has happened is that the rich have gotten really rich and everybody else has been treading water, not really going anywhere. So if you take a look at this, you'll see that over that 20-year period for those at the very bottom, they have seen their income go up by \$200 a year. As you move on up, as you get to the top, those in the 80 percentile, they have seen better. They have about \$100,000. But when

you get to the one-tenth of 1 percent of the population, their average annual income has gone up by just under \$6 million a year, a \$5,978,870 annual increase for the top one-tenth of 1 percent.

Another chart, I don't have it with me right now, would show that for these people, the top 1 percent, they now have 25 percent of all of the wealth of America. Go back, go back to 1974, they had 7 percent of the wealth in America; 1974, the top 1 percent had 7 percent. And 2009, the top 1 percent controlled 24 percent of all of the wealth in America. An enormous shift has taken place here. The middle class has been left behind, basically stagnant, basically treading water.

Now, understanding that reality of America, the stagnation of the middle class, the struggle for not one family earner but two, wife and husband, out working, trying to keep the family together in the home with health care, the kids going off to school, that is the struggle of middle America. So what have the Republicans proposed? Their proposal will shift the tax burden away from the super rich to the middle class because they want to reduce the taxes on the super rich from 35 percent to 25 percent. And inevitably, that is going to raise the taxes for the middle class to make up the difference. We will not let that happen.

I notice that my colleague from the great Midwest has joined us. Thank you very much. I suspect you may have something to say about this.

Mr. RYAN of Ohio. I am watching you go through this, and I wanted to come down and take part. Last night we did the budget for next year. Democrats consistently, all day and all night, offered amendments to try to correct this idea of there not being any shared sacrifice. So as we sift through, we go through the budget line item by line item, and there are millions being cut, if not billions being cut, from Head Start, early childhood programs, the Pell Grant, veterans health, all of these things that get reinvested back into our people, and the RAND Corporation and all of these studies that are done, for every dollar we invest in early childhood, we get about \$17 back into society. For ever \$1 we invest in Head Start, we get \$7 to \$9 back. And all of our friends on the other side who say we ought to run government like a business should look at some of these statistics. These are critical investments that we need to make in the United States if we are going to be competitive.

We have only 300-plus million people in the United States. We are now competing against 1.3 billion in China. We are now competing against over 1 billion people in India. So we have to have all 300 million of our people on the field playing for the United States of America.

□ 1610

And you know what? That means we've got to invest in their health care to make sure those kids are healthy. We've got to make sure that they're educated. This is not the time to make college more expensive by cutting the Pell Grant from the top rate that we had, that the Democrats put in when we were here. The top Pell Grant would be 5,500 bucks. Now with the cuts that the Republican budget is going to make, if you're sending your kid to college, you're now only going to have \$2,100 as a maximum Pell Grant. To me, if we're trying to get more people into college, more people doing research, more people innovating in our economy, more entrepreneurs, we need to invest in these kinds of things.

And yesterday all of our friends on the other side of the aisle had the opportunity to come down in public with a vote, one side or the other. In each and every instance, they voted against those investments.

In fact, we even offered a few amendments, one saying if you make more than a million bucks a year, which, where I come from, is a lot of money, let's raise the taxes on those people who make a million dollars a year or more and try to offset some of these deep cuts into Head Start, into the Pell Grant, into the Medicare program.

The gentleman from California was talking about wages. We have seniors now who over the past 30 years, whether they worked in the steel industry in Youngstown, Ohio, or the rubber industry in Akron, Ohio, or throughout the industrial Midwest, in many instances they lost their pension. I remember when my grandfather retired in 1979, his pension was \$392; and when he died a few years ago, it was \$392.

So now what the new roadmap for the Republicans does is it says for these people who are 55 and in the industrial Midwest who have seen the diminishment of their wages over the last 30 years, while the top 1 percent was going up, they're saying now they want to take the Medicare program and just give some support to let the senior go out into the free market and buy their own Medicare.

So Medicare is "medi-gone." You are now going to be on your own. So now if you're a senior citizen in the United States under the Ryan roadmap—not this Ryan, the Ryan from Wisconsin—under his roadmap, the Medicare program will give you money, and it will not increase with the level of health care inflation, which is 10 to 15 percent a year. So they'll give you some money to support you to go out and get your health care. It won't keep up with inflation, and there will be nowhere else to go. These same people who over the last 20 or 30 years projected into the future, wages have been stagnant. So you're going to go into the seniors' pockets so that they have got to pay for your health care.

So we had this—

Mr. GARAMENDI. Tombstone.

Mr. RYAN of Ohio. Tombstone made up: "Medicare 1965–2011, created by LBJ, destroyed by the GOP."

Now is not the time for us to make these cuts and tell our seniors who have paid into this system, who have planned on this system and the people under 55 whom this will affect that they're on their own and do nothing to try to rein in the health care costs. And that's the real issue.

Mr. GARAMENDI. Thank you very much, Mr. RYAN.

I will first yield to the gentleman from Colorado, and then we are going to wrap this thing up, and I want to wrap it up on one of our major themes, that's rebuilding the great American manufacturing sector.

Mr. PERLMUTTER. Thank you, Mr. GARAMENDI.

The way I would wrap it up is that, yes, we are confronted with a budgetary issue that we have got to deal with. We can't run away from it.

We can't forget how we got here: tax cuts for millionaires and billionaires, prosecute a couple of wars to the tune of a trillion dollars, and then a crash on Wall Street—all under the Bush administration. But we're here. We've got to deal with it.

I ask my friends on the Republican side of the aisle that sacrifice has got to be shared, where is that shared sacrifice? It isn't just against early childhood education. It isn't just against medical research. It isn't just against Medicare and Medicaid or education or transportation. You can't just get this budget balanced on a very narrow slice of the budget. Let's share the sacrifice. Let's get this country back on track. Things are recovering. Let's keep it going.

Mr. RYAN of Ohio. If the gentleman will yield for a moment.

Mr. GARAMENDI. I yield to the gentleman.

Mr. RYAN of Ohio. Because one of the amendments last night in the hearing, in the budget markup, was to implement the framework from the Debt Commission, the Bowles-Simpson Commission, which said two-thirds of the savings should be cuts and one-third should be revenue primarily from the top 1 percent of the people who have had all these benefits over the last 30 years. Every single Republican on the committee voted against implementing that framework, which was HEATH SHULER's amendment, and it is to be noted that they had an opportunity to vote for that and they shirked their responsibility.

Mr. GARAMENDI. It also speaks to the fact that the Democrats are willing to put up shared sacrifice on both sides.

I want to just wrap up with this, and every time I come to the floor I want to make it clear that we need to rebuild the American manufacturing

base. Twenty years ago there were 20 million-plus Americans in manufacturing. Today there are 11 million. A lot of reasons for it. But these are the kinds of investments you were talking about, Mr. RYAN, that we need to make. We really need to make sure that our policies on trade are fair, that they don't harm our manufacturing industry.

We've been talking about taxes here. We need to make those taxes encourage growth. A couple of examples on taxes: we put out a tax bill without any Republican support last year to end the tax breaks that corporations had to offshore jobs. And we gave corporations and businesses an immediate write-up of all capital gains. So we're serious about tax policy here to encourage manufacturing.

Energy is a huge issue, and there will be a discussion on another day.

Labor policies: let's understand that it was the labor unions that built the base, and you go down through the line—education, intellectual property, research, and, again, building the great infrastructure. These are things we can do. These are critical investments in our budget. We should be doing these things.

I am going to yield to my friend from Colorado (Mr. PERLMUTTER). You get the last word.

Mr. PERLMUTTER. I would just iterate, if we make it in America, we will make it in America.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SOMALIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-16)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13536 of April 12, 2010, is to continue in effect beyond April 12, 2011.

The deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security

Council resolutions, and violations of the Somalia arms embargo imposed by the United Nations Security Council, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to Somalia and related measures blocking the property of certain persons contributing to the conflict in Somalia.

BARACK OBAMA.
THE WHITE HOUSE, April 7, 2011.

□ 1620

MARCELLUS SHALE NATURAL GAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. REED) is recognized for 60 minutes as the designee of the majority leader.

Mr. REED. Mr. Speaker, I rise today with many of my colleagues on both sides of the aisle to talk about an issue that I believe is a game changer when it comes to America's future.

As we deal with the issue of dependency on foreign energy supplies and we come up with—hopefully in this Congress—a national energy policy that once and for all will put us on a path that will lead to our independence from our dependency on foreign energy supplies across America, one issue I would like to talk about tonight in particular is the exploration and development of our natural gas supplies right here on our domestic lands.

As I come and hail from the great State of New York, we have located under our great State a formation known as the Marcellus shale natural gas formation. That natural gas formation has been identified by many experts across the field as to contain one of the world's largest supplies of natural gas. That supply of natural gas is located within our continent, within our borders, and will take off the table those risks to our future that are demonstrated by the upheavals that we see in the Middle East that supply our energy supplies on a constant basis. So I am proud to be joined tonight with colleagues from the great State of Pennsylvania on both sides of the aisle to talk about the issue of Marcellus shale natural gas.

At this point in time, I would like to recognize my good friend from Pennsylvania (Mr. THOMPSON) to offer some comments in regards to this issue.

Mr. THOMPSON of Pennsylvania. I thank my friend and colleague from the great State of New York, where our congressional districts adjoin at that New York-Pennsylvania border. I am really proud to be with you on the floor today to talk about this game changer, as you referred to.

Mr. Speaker, we are facing critical times—record debt, \$14 trillion; sky-

rocketing gas prices, in some places over \$4 a gallon and climbing; energy dependence and addiction to Middle Eastern oil; and a volatile Middle East. All those things tie together. And, frankly, we're here to talk about something that is a part of the solution on how to get out from underneath each one of those critical issues that is just piling on this Nation, the United States of America, and that is the Marcellus shale natural gas. We are proud to also have Marcellus shale underneath much of Pennsylvania. We have New York and Pennsylvania, West Virginia, parts of Ohio, parts of Virginia.

The Marcellus is just a tremendous natural gas play. It's something that we have known has been there for a very, very long time, but the technology to access it is more of a recent advent, and it is just so exciting. I'm glad we are here to talk about all aspects of this tonight.

Over the last month, the development of the Marcellus shale natural gas play has been given national attention, in particular, a technical industry term known as "hydraulic fracturing," or "fracking," a process utilized in oil and gas production for almost a century and regulated now for decades. Oil and gas workers have completed nearly 1 million fracking jobs nationally, safely and without adverse environmental impact. Over the years, these technologies have been refined and improved for more efficient and environmentally safe use. In fact, Mr. Speaker, I find that the rapid increase of technology as it comes from the natural gas industry right now is just incredible. This is an industry that is literally very solid but is always looking for that new opportunity on how to do things even better.

Recently, the New York Times attempted to discredit the wealth and experience employed by the industry over the years and the successful work of government officials to properly regulate natural gas development. Through half-truths and, frankly, calculated quote shopping, the New York Times made unsubstantiated claims regarding fracking and its impact on water quality and the environment. They repackaged old stories with sensational new headlines, and they reshaped allegations against development of natural resources vital for our country's energy future.

Now immediately following these stories, the Pennsylvania Department of Environmental Protection—which has, frankly, jurisdiction over the drilling of natural gas in the Keystone State—responded, releasing tests that show that water supplies downstream of Marcellus shale gas drilling are safe. This testing has addressed misinformation related to water quality in the Commonwealth and validated with scientific data that municipal drinking water is safe.

Mr. Speaker, each day in my district there is news regarding the Marcellus shale worthy of a national headline. Through this resource and these technologies, 70 million homes and thousands of small businesses are paying the lowest gas prices in years to heat their homes. The lowest. Let me repeat that. When you have gas prices, petroleum gas prices that are at record highs, volatile highs for our vehicles, natural gas prices at the same time are at a record low. That's where they have a national headline. That is all because of one thing. Natural gas in this country is largely domestically produced. It is produced by American workers, and it doesn't have that volatility that you see when you become reliant on countries such as in the Middle East.

Thousands of jobs are being created. I have two counties in particular at the epicenter. Actually, one of them adjoins your congressional district. The lowest unemployment numbers probably in history, much lower than national and State averages. There's nothing better that you can do for a person than create an environment that provides them a good-paying job, and that is happening as a result of the natural gas industry.

Each day, the local economy in my district gets a little better, and every moment the notion of an energy secure America is easier to grasp. For me, I define "energy security" as shutting off the pipeline from the Middle East.

I recognize that the largest amount of our oil that we import is from Canada, and Canada is a good ally. I don't see any threats from Canadians other than maybe when we get around to hockey season between the teams. But when it comes to the Middle East, I think when we look at the volatility in the Middle East today, in Egypt and obviously Libya and Yemen, I mean, we should end that addiction immediately to Middle Eastern oil, and that achieves energy security.

Now, when it comes to safety, there can be no shortcuts, no loopholes, and no exceptions, but sensationalism fails to serve any good for anyone. Scare tactics are dangerous when dealing with such complicated and technical matters as this. And that is what we see with many of the headlines that we have been reading, articles written with half-truths.

I am so very pleased that you are hosting this hour today because we can talk about facts and put the facts out there. The same goes for dealing with our Nation's energy security. We need to talk about facts. So I am pleased to be with you, and I yield back at this time.

Mr. REED. Reclaiming my time, I thank the gentleman for his comments and I thank the gentleman for participating in this this evening.

When I first came to Congress back in November of last year, after we took

office after our special election, one of the issues, and a priority issue to our office, is the Marcellus shale natural gas development. One of the things that I noted back in my district back at home is that there is a lot of misinformation, as the gentleman identified in his comments.

One thing that we sought to do is to establish the Marcellus Shale Caucus, a caucus of Members of Congress who represent districts that overlay the Marcellus shale formation, so that we could come together as a body, as a representative body, and bring the best scientists and bring the best data and bring the best information, not only to the floor of the House, but back to our districts.

I am pleased to be joined tonight as cochair in that caucus as we have established in this Congress, my good friend from Pennsylvania (Mr. CRITZ), who I believe has some comments that he would like to share on this issue before we get into the presentation of the facts in the development of the Marcellus shale.

Mr. CRITZ. Well, thank you, Mr. REED. And, yes, serving as cochair for the Marcellus Shale Caucus is truly an honor because we do have such an opportunity before us. As Mr. REED mentioned earlier, Mr. Speaker, this isn't a Democrat or a Republican issue. This is a bipartisan issue because it's about economic opportunity for all of our regions.

Mr. Speaker, I am joining my colleagues to discuss the significant economic potential that the Marcellus shale natural gas play has for our country. As you may know, the Marcellus shale is the largest unconventional natural gas formation in the United States. The shale is estimated to hold almost 500 trillion cubic feet of extractable natural gas currently valued at nearly \$2 trillion.

As with most economic activity, the impacts of the natural gas affect more than just specific firms directly involved in the industry. There are also important employment and income effects on local businesses who supply the industry, such as oilfield service companies, restaurants, retailers and hotels, in addition to effects that result from employees spending their wages locally.

In Pennsylvania, 75 percent of the natural gas it uses every day is imported currently. This is just Pennsylvania. The Marcellus shale formation that runs along the Appalachian Mountains—so it goes up into New York, comes down through Pennsylvania, into Virginia and West Virginia, as G.T. THOMPSON, Mr. THOMPSON from Pennsylvania, mentioned earlier, goes into eastern Ohio and down through the Appalachian Mountains—is really an opportunity for this country. Because, as Mr. THOMPSON mentioned, as we watch the unstableness in the Mid-

dle East, we're talking about the natural gas industry, which is just booming in our region of the world.

□ 1630

It's sort of interesting because, in a conversation with some of the folks from industry about a decade ago, the natural gas industry was told that they'd better start building processing plants at ports and on the shorelines because there was going to be a need for this country to import natural gas. Well, now that equation has flipped, and this country is really on the verge of producing so much natural gas just through the Marcellus shale that we will exceed the needs of this country, and we actually could be on the verge of becoming an exporter of natural gas to foreign economies.

It's incredible. The high-paying jobs available today in the Marcellus shale gas industry are expected to multiply in the future, meeting the needs of gas companies' efforts to increase drilling and production across the region. In Pennsylvania alone, it is estimated that more than 110,000 new jobs have been created because of the development of this shale.

Mr. REED mentioned earlier and Mr. THOMPSON reiterated that this is a game-changer. As I said, this isn't a Democrat or a Republican issue. It's not a New York or a Pennsylvania issue. This is an issue for our country. This is an issue that bodes well for the future of economic development in this country. I am so excited to be co-chair with Mr. REED. I use a lot of football analogies. I think, by game-changing, what we're doing is we're moving our economic football down the field. We're making progress. There is an opportunity here, and I think we need to take care of it.

One of the things that was alluded to earlier was environmental concerns. Let me tell you that, in growing up in western Pennsylvania, we grew up with the steel industry and the coal mining industry. We had a lot of problems as those industries wound down as, in years past, there was not a lot of environmental protection. We had streams that were fouled. We had huge, what we call gob piles, of the slag that comes off of steel production. Let me tell you that, over the last 20, 25 years, Pennsylvania has done some incredible work in cleaning up those slag piles and in cleaning up the streams so that, in the streams that had been dead for decades, you can now fish, and now we have trails throughout western Pennsylvania.

So, from a Pennsylvania standpoint, what I can say is that, in government's working with industry, working with local officials, working with people on environmental interests, we have all come together in Pennsylvania and are moving our way forward, and we do a very good job of it in Pennsylvania.

This Marcellus shale has created an opportunity for us that is really second to none, which is just from a Pennsylvanian's perspective, but I can't end with saying it's just Pennsylvania, because, as we've talked about, it goes through New York.

There is so much opportunity for the future of this country and for the economic development of this country that I want to thank Mr. REED for inviting me to be his co-chair on the Marcellus Shale Caucus, because, in working together, we can get a lot done for this country. I applaud him for his efforts, and I look forward to working with him, with Mr. THOMPSON, and with the 17 other members of this caucus in making sure that we do the right thing for this country and for this country's future.

So, with that, I yield back, Mr. REED. I appreciate the time to be able to talk.

Mr. REED. I thank the gentleman for his comments, and I reclaim my time.

As both of my colleagues have articulated, this is a game-changer, but at the same time it's a game-changer, I think everybody in this Chamber and everyone across the Nation realizes that the development of this precious resource needs to be done in a safe and responsible manner. Nobody I've talked with in my travels on this issue has ever expressed a desire to just drill at any cost. What we have to do is have responsible, safe drilling. That's what we're all about, and that's what this caucus is all about. It's about bringing together both sides of the aisle. In Washington here, we get chastised quite often about being partisan, about dividing, and about not coming together to solve our Nation's problems.

I see this as a game-changer for an additional reason in that we can come together on both sides of the aisle to promote this issue, to come up with a commonsense regulatory basis at the State level, to promote that at the State level, and to develop this precious resource domestically so that we can have energy that is projected to last over 90 years. There are 90 years of domestic supplies of energy coming from this natural gas formation that is located, not only in Marcellus shale, but across the Nation in various shale formations. What I'd like to do at this point in time is to just go through a little history of what we're talking about here when it comes to natural gas in America.

Many people think that oil and natural gas in America is something that's relatively new. I'll tell you that, in the western portion of my district, I'm proud to have located there the first natural gas well that has ever been drilled. That well was located, I think it was, in the late 1800s, just outside the district in Fredonia; and then there is an oil well in the Pennsylvania area that, I believe, is located in my great colleague's district right across the

Pennsylvania State border. It was located sometime in the late 1800s or in the early 1900s. Andrew Carnegie was able to generate a great amount of wealth in developing those oil fields that are right here in America.

So natural gas and oil production in America is not something that's new. It has been around for many, many years. Actually, the first commercial frac job—the job of developing a natural gas well with the technology and concept that we call “hydraulic fracturing” and which a lot of people have said in association with the Marcellus shale formation, which is a new technology and a new venture in natural gas development—has actually been around for quite some time. The first commercial frac job occurred in Velma, Oklahoma, on March 17, 1949. As my colleague from Pennsylvania had indicated, since that time, over 1 million wells have been fracked right here in America without an identified problem. That's over 60 years of success.

What has happened with the Marcellus shale and the new shale formation development potential is that they've taken that hydraulic fracturing, and they've created an update to it. They've kind of come up with a new technology of using those existing technologies and combining them in order to come up with new techniques that combine the concepts of horizontal drilling and hydraulic fracturing into one combined technology that makes the development of our North American shale/natural gas formations economically viable. That includes the Marcellus shale formation here in Pennsylvania, West Virginia, Ohio, New York, and across the Northeast area.

Now that we've heard about this issue, I see we are joined by another colleague from the great State of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. ALTMIRE. I thank my friend, and I thank my neighbor from Pennsylvania as well. It's good to have a bipartisan discussion on an issue that is critical to this country—our energy independence and using our domestic reserves.

In Pennsylvania, we have a unique circumstance, as does New York, in that \$4 million is invested in producing each Marcellus shale well, and with 2,500 wells produced annually just in Pennsylvania, we're talking about \$10 billion that is invested in Marcellus shale sites. That's money that's coming right back into Pennsylvania. That's money that would be coming back into New York if the gentleman had his way, which I would support.

When we talk about natural gas—and we're going to get into the details, and we have gotten into the details of Marcellus shale, in particular, and what a great find this has been for the country—we think about ways that we

can use the natural gas that results from Marcellus shale, things like natural gas-powered vehicles. We're going to have a discussion later in the year on an energy bill here in this Congress—it will be a bipartisan bill—as natural gas is going to be a critical part of our Nation's energy future.

Think about the great work that the scientists are doing on the research and development of natural gas vehicles, on the production of natural gas vehicles, on the purchasing and conversion in the country, and on finding a way to give tax credits to consumers so they can convert their vehicles into natural gas operating.

Then of course you have the chicken and the egg situation of who's going to go first. Do you have the filling station before you have the car or do you have the car before you have the filling station? We have to do both together. We have to incentivize the stations to put natural gas pumps at their stations and, of course, incentivize the conversion of the natural gas vehicle, which helps all of us. With the price of gas nearing and exceeding \$4 in many States in the country, this is only going to help with our energy future.

When you think about North America in particular, this is so exciting because gas resources are much larger, and the cost of producing gas is much lower because of the find of the Marcellus shale. If you are in a household in this country that doesn't get its electricity from natural gas, your electricity bill is still going to be lower because of the resources that we have, because of the abundance of natural gas.

□ 1640

We're talking about cheap energy because of the volume that we're talking about, unprecedented reserves that exceed the oil under Saudi Arabia, as the gentleman was discussing earlier. The ability of the United States to store natural gas has improved dramatically over the years.

So now we're in position where we can produce the gas, we can use it domestically to bring down the cost of electricity, we can store it, and we're going to export some of this gas as well. The market for natural gas around the world is increasing because of the Marcellus shale find in Pennsylvania and in New York and West Virginia and Virginia, Ohio. This is really a wonderful thing for this country.

And the total U.S. natural gas production in 2010 just last year was at its highest level ever. In 2010, the natural gas production in this country was at its highest level ever compared to oil consumption, which, since 2005, has dropped more than 5 percent, and natural gas use has risen 10 percent in that time. Of course, that's preceding the big find with the Marcellus shale. So we're only going to see that grow and thrive.

So we're keeping energy prices low. We're making ourselves energy independent, which is critical. There's a national security issue to that. There's an economic and a jobs issue which we're seeing in Pennsylvania firsthand. And of course there's an energy issue to that, how we're going to continue to grow our energy resources.

So I congratulate the gentleman for leading the discussion tonight, and I look forward to continuing not just tonight but beyond because this has to be part of our energy future in this country. And it was the cover of "Time" magazine. So when you think about the Nation paying attention, the spotlight being on our region of the country, it truly is because this is something that's going to benefit everybody in this country.

Mr. REED. I reclaim my time.

I thank my colleague for his comments, and he's absolutely right. I agree wholeheartedly with your comments that the economic potential that we see not only with Marcellus shale but with all of the shale formations. When it comes to natural gas and oil development, it's huge. Those are real jobs.

I have had the opportunity to go to your great State and tour many of these rigs that we've seen in operation. You see the workers there. You see the people that are employed, that are being serviced by this industry that are putting food on their tables, putting money aside for their kids' college education. The prosperity.

I went back on multiple trips and stopped and toured some of your downtown areas in the locations where this development is going on. And I talked with residents and heard the success stories of how the restaurants are filled and how the hotels have "no vacancy" signs on their doors.

One thing that struck me was a family farmer who was talking about, until this came along, they were struggling with coming up with a plan to pass the family farm on to the next generation. And when I heard that story, I said, This is something, because it's continuing a way of life, a tradition of America when it comes to our farmers and, when it comes to people that we share in common in our districts, being able to pass that on because now they have the revenue from their lands that is going to allow them to preserve that way of life.

So I'm proud to be here today. Before we get into some details as to exactly what we're talking about, one of those issues as we have indicated is getting the information out to the American public so that the American public can have the correct information based on science and data. And when our elected officials at the State level deal with the regulatory oversight that goes into this process, that we have the true science and data before them to make

sure that those regulations are appropriate and they're getting the job done.

Because we all agree on both sides of the aisle that we want this resource to be developed if it can be done so in a sound and environmentally safe fashion.

So I will yield at this point in time to my colleague, Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. I want to thank my good friend from New York. It's an honor to be joined by Congressman ALTMIRE from Pennsylvania as well.

Because this Marcellus natural gas is certainly a game changer for Pennsylvania. I think it's a game changer for the United States of America. And it is important that we educate. We're here to do that. And I know that's a—I think that's a vision of this caucus to make sure that we put out—the science and the data out to people. Because there's a debate. And on most important things, most game changers you should have a debate, but it should be a debate that's based on facts and science and not on emotion and myth.

Let me share some more economic information, a couple facts relayed today.

You've heard some of this before. Certainly Marcellus contains upwards of 500 trillion cubic feet of natural gas. That is an amazing amount of natural gas. My colleague from Pennsylvania described it as it's more energy than the oil in Saudi Arabia. And it's clean energy. There's enough gas to meet this Nation's current gas demands for at least 100 years because we have the Marcellus formation, and then under that is, frankly, the Utica formation. And so there are tremendous vast resources.

According to Penn State University, a university I'm proud to not only be a graduate of but to represent within my congressional district, in 2008 natural gas production had a 2.3—I'm just saying in 2008—1 year—a \$2.3 billion direct impact on the Pennsylvania economy, adding more than 29,000 new jobs and \$240 million in State and local tax revenue. Frankly, the budget in Pennsylvania is hurting right now, the State budget. It's like here in Washington.

But in Pennsylvania, there's a blessing there with this revenue that's coming in by all of the companies and the individuals that are doing business in this natural gas industry of what they pay in taxes. Again, in just 2008, they paid \$240 million in taxes to the State and local government.

Another report also suggested in 2009: In slightly more than 10 years, the Marcellus industry could be generating nearly 175,000 jobs annually and more than \$13 billion in value added. And more recently in 2011, more recent data, facts, planned spending by Marcellus producers could generate more than \$10 billion in value added, nearly \$1 billion in State and local revenues. Now, this is just Pennsylvania.

I know that New York could use that type of tax revenue as well as West Virginia and Virginia and Ohio. The figures I'm sharing with you are really just about Pennsylvania. And more than 100,000 jobs.

This is not a short-term development. This is not a fly-by-night. This is not going to come in and leave in a matter of years, frankly. This resource means development for at least 50 years and beyond. When you start to take into account the Utica shale, it really multiplies out. The economic benefit is tremendous.

According to Penn State, the Marcellus could make Pennsylvania the second largest producer of natural gas in the United States by 2020. You know, there were pipelines that were installed decades ago and from the ports of the northeast coast because we were preparing to import natural gas from Russia, from overseas. Today, there's work to convert those pipelines so that we can export natural gas and that we, Pennsylvania in particular, can be an exporter. That's good news.

Mr. REED. Will the gentleman yield?

Mr. THOMPSON of Pennsylvania. Certainly.

Mr. REED. I think that articulates a great potential that we see with the Marcellus shale formation in particular. Its location in the northeast area of our great Nation opens it up to development to that densely populated area around New York City, up and down the northeast coast, the manufacturing hub of yesteryear that is there.

The opportunity that this energy supply that has this infrastructure in existence and also the potential to invest in that infrastructure to deliver this energy supply to a vast number of people and to a vast number of small businesses is going to put people back to work. I think that further articulates the game-changing nature of this find in northeast America.

I yield back.

Mr. THOMPSON of Pennsylvania. Thank you. I thank my friend for yielding back.

You had mentioned the history of drilling. I very proudly represent Titusville, Pennsylvania. It's where one of my district offices is. It's the Drake well. It was 151 years ago that Colonel Drake used a wooden drill bit, drilled down 37 feet and hit oil. So drilling is not new to Pennsylvania. As you said, the first natural gas is just within or just outside of your congressional district, natural gas well.

And in terms of Marcellus wells, I think it's important we talk about that. I think you have a great chart there that demonstrates exactly what we're talking about when we're talking about the Marcellus geological formation, which is not a shallow formation.

□ 1650

This is a deep well. This is 8,000 to 9,000 feet, well below when you think

the water table in our area is normally maybe 1,000 feet. This is 8,000 to 9,000 feet below that. And the horizontal drilling that was developed, directional drilling, there has been 1,900 of those wells already on the ground put in. So I think it may be good to take the opportunity to talk at some point about exactly how these wells work.

Mr. REED. I was just going to move onto that, but I will yield to my colleague from Pennsylvania.

Mr. ALTMIRE. I was going to actually segue into that exact point, because I know the gentleman from New York was going to talk about the process. And it's important to keep in mind there, of course, are always going to be concerns with doing the drilling as safely as possible, limiting any impact on the drinking water. And I know we are going to talk about the process.

Consider the fact that we're talking about drilling that has been done for decades safely, thousands and thousands of wells drilled in this process without any repercussions, any negative impact all across the country, and now beginning in the Marcellus shale area. We are talking about a water table, the drinking water at approximately 500 feet. The drilling takes place a mile below that, 5,000, 6,000 feet below the water table. It has been proven in the decades and decades and thousands and thousands of wells that have been drilled that if you do it correctly, if the company is diligent, if they follow the proper procedures, they can do it without harm. It's been proven.

Now, yes, as happens in any industry, energy or otherwise, if you have bad actors and you have people that don't follow the right procedures, that cut corners, then the potential would exist for a bad outcome. But that happens in any business, in any industry. So we do need to make sure that the drillers, and by and large they have shown the ability to do this safely, continue to do that and pay attention to the rules and the regulations. But we can't in any way put a burden upon the drillers that exceeds the risk factor.

We need to make sure that we are cultivating the resources, we are doing it in the appropriate and proven safe way as we have done for decades. I turn it over to the gentleman from New York.

Mr. REED. I thank my good friend from Pennsylvania. I do want to get into the process. I have a chart here today on the floor of the House to kind of go over exactly what we are talking about when it comes to this—I thank my colleague for joining us this evening—to talk about what we are dealing with here, this process of tapping into the shale formations, and in particular Marcellus shale formation. Really what we are talking about is kind of the combination of the existing technologies of horizontal drilling and

hydraulic fracturing. That's kind of the game-changing combination of existing technologies that have been joined together to in an innovative way come up with a way to tap these deep, large natural gas reserves in an environmentally safe way that will allow this gas to be recovered in an economically viable way.

So with that being said, I have got a chart here. And as many people know, there is the old traditional vertical well drilling which is represented, before we go into the horizontal role here, as straight down. The old vertical well is to punch a hole in the ground, as you said, 37 feet with a wooden bit, to one of the original finds in your district. That's what we're talking about.

But the horizontal drilling, the change in the horizontal drilling techniques that we're talking about is the ability to go down very deep into the Earth's crust. We are talking that this formation in Marcellus shale is about 6,000 to 8,000 feet below the surface. What happens is they drill from the surface down to that formation.

Then what they are able to do, and I have seen this with my own eyes, and I am sure my colleague from Pennsylvania has seen it also, they are able to turn that drilling bit, and turn the drill horizontally. So they go down vertically, and then as they get to the point where the formation is located and where the natural gas has been identified in the Marcellus shale formation, in the natural gas supply we are talking about tonight, and they turn that drill bit and they go out horizontally. And they go out thousands of feet. They go out and drill and open up that formation, that shale formation, to potential development for natural gas recovery.

After they turn that drill bit and they take that horizontal turn, they go out and then they engage in the process which is called hydraulic fracturing. Now, hydraulic fracturing has been around quite a long time. What essentially that means is that they are going in, they drill the well, and then they detonate some small explosives in order to crack the formation, in order to open up the formation, open up this shale rock that is not shale or slate that you are accustomed to on the surface of the Earth.

I held it the other day. A gentleman came into my office, had a piece of shale in the Midwest area, and it's as solid as granite. There are natural gas molecules that are trapped into that granite formation, that shale formation. What they have to do is they have to detonate small fissures and open up cracks in that formation so that the natural gas molecules have a path to go back up the bore, up the well site and be recovered at the surface.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. REED. I will. Please.

Mr. THOMPSON of Pennsylvania. Those fractures, folks will sometimes be scared by that. They envision these huge caverns that are opened up under the ground. And in fact, these fractures, or fissures I think they are best described, and you have probably seen them portrayed as spider webs. In fact, they are so small that they are held open by a grain of sand. That's the proppant that is put down into with water, and put in there to hold those fractures open. Just a grain of sand. So I think that, as we are talking about facts, so the people have a vision of what exactly we're talking about when this takes place.

Mr. REED. My colleague's exactly right. And if you can join me in this conversation, because by no means am I an expert in this technology. But what I have read and researched and what's been presented to me makes sense. Because you're absolutely right. What happens is then they take, after there is some fracturing of the formation of the shale—there is a hydraulic fracture, hence the hydraulic fracturing, the hydraulic portion of that technology name—what they do is they pump volumes of water, primarily water and sand, down the well site and into that horizontally-drilled well site and bore, and pump in water at high pressures. We are talking high pressure when we are talking about this process and this technology that not only pump into those fissures, those microscopic fissures that we're talking about that are the result of this fracturing process.

As they pump that water and sand into those fissures, when they withdraw the fracked material, those proppants as they are called, as my colleague's identified, keep those fissures open so that natural gas has the ability to have a natural, by way of pressures, ability to migrate to the well, to the bore site, to the hole, if you would, and then flow back up to the surface and be recovered and developed, and put into our pipeline systems to supply the energy that we all have become dependent upon.

Does my colleague have anything to add to that process?

Mr. THOMPSON of Pennsylvania. Sure. Absolutely. I think that if my good friend would go ahead and put that other board that's up, because when you are talking about the fluid, there is a lot of discussion sometimes about hydrofracking fluid. And this is I think a great poster that really captures what exactly is in that hydrofracking fluid. That sometimes is called brine, sometimes it's called slick water.

Mr. REED. Will my colleague yield for a question?

Mr. THOMPSON of Pennsylvania. Certainly.

Mr. REED. That's one of the great myths. I've heard these myths

throughout my travels throughout the district and down here in D.C. that the hydraulic fluid, that there is some secret, that they don't want to talk about it, they don't want to disclose it. My understanding is that that truly is a myth. And you have here today I see on this chart kind of identified the ingredients. Would you agree?

Mr. THOMPSON of Pennsylvania. Yes. If the gentleman would yield, absolutely. It's 99.5 percent is water and sand. The other half a percent is made up of basically ingredients that you would find in many household items as referenced from the chart. You know, there are some things there such as sodium, there is things that are used to reduce friction going down into the pipeline. It's the same things that you can find in water treatment or candy.

□ 1700

There is a gelling agent, also used in toothpaste, and other types of things, things that we use. The most important thing, though, this is all public record.

In Pennsylvania, the Department of Environmental Protection, which is the agency that oversees this drilling activity, requires that this list of ingredients is made available publicly; on the drilling sites they are available, standard, like any industry that uses materials. I would trust in our congressional offices somewhere we have a manual, an MSDS manual, material safety data sheets.

Because whether it's whiteout or it's some other cleaning fluid or Windex, you have to list all those things. You have to have an MSDS for them in any type of business or industry.

And so through MSDS, frankly, and requirements through agencies, oversight agencies as the Department of Environmental Protection, the ingredients that are required are available publicly. That is a great myth that has this is such a secret and people don't know what's going down into the wells.

Not all of this water comes out; that's important to recognize. Just a percentage of the waters that do come out, a lot of it actually is left 8,000–9,000 feet down. And the water that does come back, in my experience, being, observing these operations, much of it is recycled.

Mr. REED. On the chart that we have here this evening, what we are talking about is that hydraulic fluid is pumped into the horizontal area. Primarily that water is hitting that area, and it is then coming back up the well bore to a certain extent.

If you could continue as to what happens to the water that remains down there.

Mr. THOMPSON of Pennsylvania. It just stays with the geology down there, and this is like it's a mile below the aquifer. It's actually encased in layers of limestone, especially in Pennsylvania

and in New York. That's our geology. We have this Marcellus shale, but it's really encased with what could be hundreds of yards of thick limestone on top, and certainly limestone in the bottom. And so the water stays down. The most important thing, though, is what happens to the water that comes up and especially when it passes through that area, 5, 6, 700 feet where the aquifer is, frankly, our water, fresh water comes from.

The casing that is on your poster is incredibly important to where it's encased through that area. The wells are encased multiple times with both steel and with concrete, multiple layers. The safeguards are just tremendous so that you absolutely cannot get any cross-contamination with our aquifer.

Mr. REED. My understanding of the processing, correct me if I am wrong, is we are essentially dealing with a two-step process, if you would, in developing the well site. You have the surface up here; you have got the initial, where there is a drilling operation that goes through the—I forget the actual technical name—but the upper end of the well that we are tapping into.

And that's the area in the first 1,000 feet, plus or minus, that's going through the aquifer. I think we have highlighted kind of a cross-section and kind of highlighted that area because it is a legitimate concern, in my opinion. I know the regulatory agencies have identified this as a legitimate concern, and this is a critical portion of the well development that I think we need to spend a little bit more time on.

As we punch through the aquifer, what we are talking about is there are casings, there are steel casings, it's my understanding, that are pushed down the well site after it's been drilled, that are pushed down the bore, the well bore, and then going through that aquifer. And then what is happening once you get to that point that has been identified as the break-off point, or I forget the term that's in the industry, but what happens is they pump it up with a cement, with a material, that provides a barrier between the casing, the aquifer and the other formations and essentially fills in the area, if you would, between the casings and the aquifer and the other area that's kind of primarily going through that first 1,000 feet of well development. Is my understanding correct?

Mr. THOMPSON of Pennsylvania. I think the gentleman is very accurate, and it's multiple, multiple piping with cement in between each one.

Mr. REED. But it's redundancies built into the process.

Mr. THOMPSON of Pennsylvania. A lot of redundancy built into it because it's extremely important not to get that cross-contamination.

Mr. REED. I think that's a point that needs to be stressed is the redundancy

of how the initial 1,000 feet, plus or minus, whatever the regulatory agencies say we have to have for that break-off point and that multiple protection to make sure that that aquifer is protected.

Then my understanding is the second stage of the process is where they continue to drill down deeper to reach the actual formation, which again is 6,000 to 8,000 feet below, because it's not a fluid level location throughout the Northeast, as many of us know from geology from our high school days. There are elevation changes in that formation.

That's the amazing part of the technology in my understanding is that as that formation goes up and down, and you go from the 5,000 foot, the 6,000 foot to the deep at the 9,000 foot, the technology can actually trace into that formation. I hit those marks where the engineers have identified that this gas is located.

Essentially what they do in that second phase is they continue to drill down to the formation. As they turn the drill bit to do that horizontal drilling technique, that actually goes through that shale rock—and it is rock, I literally held it the other day, as I indicated earlier. It really feels like granite, but that gas is trapped within that rock and drills through and then reaches out thousands of feet from the well site up on the surface.

I think that's a point I would also like to articulate right now and stress that one of the things that I saw as a benefit—because I have seen vertical wells, I have seen horizontal wells. Vertical wells is one hole essentially going to the formation, and they take a shot at getting to the sweet spot, so to speak.

Then if they miss—and the general rule I believe in the industry is one out of three of those are not successful in the Northeast—and we are dealing with the Trenton rock and the Black River formation, which is a higher level formation, is my understanding. They would then have to move the well site, and they would have to disturb the surface, the area that they would have to clear in order to put the rig and the development facilities on the surface.

Now, what they are doing with this whole horizontal drilling technique is that they have six different well sites from the one platform. Is that understanding correct?

Mr. THOMPSON of Pennsylvania. That is my understanding, my observations, where on one site, where this drilling activity goes on, takes up to perhaps 90 days to drill and to frack one of these wells, you can put multiple, at least up to six, on one site. So in terms of not disturbing, minimizing disturbing the surface area, it's a great technology for the maximal production of a very clean and very affordable energy source for us.

Mr. REED. That's exactly what I saw in your district, in your great district as I came down and toured one of those sites. You got a real sense of the difference of having the multiple vertical locations that would talk about clearing trees and clearing the area and building roads to get access to those areas.

You would then essentially take six of those vertical sites and put them in one location where they could horizontally tap into this reserve from one location rather than six locations. I think that's a great point to put that education and that information out to people, because I think that people think this is just a one-hole operation. It's a multi-hole operation.

That's also what makes it economically viable, because this is not cheap. I know these are millions of dollars of investment in order to tap into this resource, and that has to be recognized and respected.

Mr. THOMPSON of Pennsylvania. I think as we are talking, the environmental record is certainly an area of concern that folks have raised.

As you have noted, or as my other colleague across the aisle from Pennsylvania noted, hydraulic fracturing was first used 60 years ago, actually in Oklahoma. Fracking has been common practice and successfully used in over a million wells across the United States.

When performed correctly, the process of hydrofracturing has not once contaminated any aquifer or drinking-water supply. In Pennsylvania, there are 11 State laws that govern oil and gas development. In Pennsylvania, drilling companies have to disclose the names of all the chemicals to be stored and used at a drilling site in the Pollution Prevention and Contingency Plan that must be submitted to the State Department of Environmental Protection as a part of the permit application process.

□ 1710

In addition to regulations used in Pennsylvania and at the State level, oil and gas production is subject to eight Federal laws. More specifically, there are five Federal laws that regulate hydrofracturing, hydraulic fracturing. This includes the Clean Water Act in various stages of the process; the Safe Drinking Water Act when discharging frac fluids; the EPCRA, Emergency Planning and Community Right-to-Know Act, which mandates that operators maintain material safety data sheets at every well site in America where a minimum amount of chemicals were present, which, in part, is maintained by the State.

Now, these plans contain original copies of the material safety data sheets for all chemicals, and DEP recommends to operators that a copy be kept on each well site. So that comes back to the question of: What are the

ingredients? What's going into this frac fluid?

Frankly, most companies exceed the State requirements in the Pennsylvania operations, not to say that, like any other industry, there aren't some outliers, some folks who don't follow the standards. I'm proud to say that in Pennsylvania, the Department of Environmental Protection, when they find those folks, they not only have to correct their problems, but if they're chronically doing this, they are put out of business. This is something that we have the technology. We are blessed with not just this resource from God, but we are blessed with the technology to do it right, and that should be a standard that we subscribe to.

There are some here in Washington that want the Federal Government to come in to Pennsylvania to regulate this. I don't have confidence in Washington. I have confidence in Pennsylvania's Department of Environmental Protection. They've been doing a great job, and they continue to look at their standards, their regulations, and I think they do a great job of making sure that we are protecting our environment and producing a great resource which is adding jobs, growing the economy and, frankly, providing us a very affordable energy resource.

Mr. REED. I would echo my colleague's comments about the State agencies being the appropriate agencies to oversee this development. In New York State, right now we are under a moratorium at the local level that has stopped any development of the Marcellus shale until our local DEC, Department of Environmental Conservation, issues its environmental impact statement to come up with the regulations that can deal with this issue in a responsible and safe manner. And to be perfectly upfront with my colleague from Pennsylvania, we've learned a great deal from what happened in your district and my other colleague's district in the State of Pennsylvania as to how to deal with these issues and make sure they are done safely and responsibly. And I think the DEC has done a good job in New York State of taking the time out and studying the issue. It's going on 3 years. I'm ready to move forward, in my opinion, to come up with regulations to unleash this game-changing opportunity for our Nation and for our areas.

I do also agree with my colleague that leaving it up to Washington to come up with a one-size-fits-all solution, to me, is just not the appropriate policy. Let our State agencies, the ones that live and breathe in our communities, the people that work in those agencies, that know our State best, let me deal with these issues and come up with the regulations that are reasonable to protect our environment and yet at the same time recognize the po-

tential and opportunity that is located in our Marcellus shale formation. And I think that is best served in order to allow the State agencies to do that.

One thing I did want to stress as we're going through this chart, I've heard some concerns of people that, well, the fluid that remains down in the well site in the formation—because these are millions of gallons, there are millions of gallons of water that are pumped down the hole to create the pressures and to access this natural gas formation. There has been concern raised to me, and I would be interested to know what my colleague's thoughts are as to that water or that hydraulic, that slick water, that brine, as you had indicated, as it sits into the well site and into the formation, the potential risk of going back up through essentially a mile of sedimentation, of limestone, of different formations. Have you heard the same concern?

Mr. THOMPSON of Pennsylvania. I have heard those same concerns. But when you look at the geology in where this drilling is done and you have the layers of Marcellus, and I think you only fracture maybe 18 inches, perhaps, from that horizontal pipeline, so you haven't permeated the entire Marcellus shale, and that is encased with a layer of perhaps hundreds of yards thick, hundreds of feet thick, at a minimum, of limestone. The geology is very, very—it's almost—you never say "never," but it's impossible in order to get that what would be called migration for that fluid to move outside.

Mr. REED. I believe the chart identifies what we're talking about here. We're talking the aquifer up here within 1,000 feet of the surface. Mostly, in our area, I know the water table is at about 500 feet, maybe 200 feet, people are putting their wells into those aquifers. And we're talking 6,000 feet, 8,000 feet.

I think this chart demonstrates it fairly accurately that we've got a ton of material, literally material, that is protecting this formation and that area down there from our aquifer. And I think that that concern is a legitimate concern, but because of the oversight and the ability of our local agencies to do their job, in my opinion, I think they can handle it appropriately and that Mother Nature will protect that aquifer from the development of this.

I think the standards of how these wells go in need to be enforced, and that means that the type of cement, both the steel that's used and even, as importantly, the cement casing that's utilized to make sure that it's of a high quality and to make sure that it's put in a way and tested so that there are no air pockets, there are no quick pathways somehow for migration to occur through the casing, and that is all done in a very high quality way with a lot of quality controls. That's where the oversight is important.

In Pennsylvania, again, I come back and put a lot of trust in the Department of Environmental Protection. There's a lot of folks on the other side that would be opposed to this. And I don't like to really promote anything, especially this, but there was a film series called "GASLAND." Let me just share with you some thoughts from John Hanger.

Who is John Hanger? John Hanger used to be the head of an environmental group, and he became the secretary of the Department of Environmental Protection in Pennsylvania. And Secretary Hanger did a great job. He was concerned about the environment. He had an environmental record that was tough. He said that "GASLAND" is "fundamentally dishonest" and "deliberately false presentation for dramatic effect." He called the producer of that a propagandist because of the way the information was presented.

Again, it comes back to how we started this. This is an important thing to have a debate on. But make the debate on fact and science, not on myth and emotion.

And there were pictures of fire-spewing faucets that have been repeatedly found to be the result, frankly, of naturally occurring methane migration. People that drill their shallow wells for water, unfortunately, where they tend to drill, they sometimes drill them into methane pockets, naturally existing ones. I saw a picture yesterday of a gentleman farmer from Colorado, and it was a pretty cool picture because it showed a large flame in the middle of a river, but it was from a naturally occurring methane pocket. It had nothing to do with mining. It had nothing to do with drilling. But it was, again, naturally occurring. It had nothing to do with fracking.

The Colorado Oil and Gas Conservation Commission reviewed the specific location of the film numerous times and remarked "dissolved methane in well water appears to be biogenic"—that is, naturally occurring in origin—"and there are no indications of oil and gas impacts to the well water."

The Pennsylvania Department of Agriculture has confirmed that there have been no confirmed cases of threatened animal health in Pennsylvania, because, obviously, a lot of this occurs on our farms.

I would tell you that the Marcellus gas has saved more dairy farms in my district than probably anything else in the past couple years when dairy farmers were losing an average of \$100 per cow per month, based on the fact that the Federal Government prices milk, and it is such a flawed system that this really has been a blessing for our farmers. I have a few farmers running around on new John Deeres, or whatever their choice of tractors are, for the first time in their lives, actually.

And so it's been a really good thing so that we don't lose our farms.

We are losing our agriculture acreage at an alarming rate even on a daily basis across this country, but in Pennsylvania, there has been a blessing that has helped to keep that land in production. There's a little bit of a disturbance, a small site for drilling, but once the rigs all go away and you have just that wellhead that you look at in the insert on the poster board there, you can farm around that.

Mr. REED. I hope we can have this conversation many more times as we go forth and bring forth science and data on these issues. The operation, when it originally comes in and the development of the well site does require some industrial-type activity. I do recognize that, and I think my colleague would recognize that. But, again, I believe you said 90 days is the estimated period of time for that development to occur.

I hear the Speaker giving us the sign that our time is up. I do thank my colleagues for joining me tonight, and I thank the Speaker for the opportunity to be here tonight.

□ 1720

FISCAL CHOICES

The SPEAKER pro tempore (Mr. ROSS of Florida). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 30 minutes.

Mr. YARMUTH. Mr. Speaker, it is a great honor for me to come to the floor of the House of Representatives this afternoon to join some of my colleagues on the Democratic side of the Budget Committee to talk about choices. You know, government is all about choosing. It is setting priorities, and it is choosing what we are going to spend the people's money for, how much we are going to ask the people to pay to the government, and how we are going to spend those dollars. It is all about choosing.

It is also about values. This week, this issue of choices is playing itself out in two arenas in government, one in the continuing resolution battle that took place on this floor this afternoon, the idea that we have to figure out how to fund the government for the rest of this fiscal year ending September 30, and whether or not we are willing to let the government shut down tomorrow night because of the choices that we either make or refuse to make. And it is also playing itself out now in the development of the budget for the following fiscal year, 2012.

Yesterday in the Budget Committee, we considered the budget proposal offered by Chairman RYAN and the Republicans that offered some very stark choices for the American people. They

are similar to the choices that we have been debating week after week after week for the last couple of months about how we are going to fund the government for the rest of the year.

From the Democratic perspective, at least I know from my perspective, the reason I have not been willing to support the Republican versions of the continuing resolutions that have come to this floor is that they make choices which don't seem very fair to me. They don't seem to represent the values that this country has always embraced, the values of fairness and justice and the idea that we are all in this great journey together and that we are trying to create a country that works for everybody and not just for a very few.

Today, the Republicans brought to the floor a continuing resolution to fund the government for one more week. These are the choices they made as to what we should cut in order to avoid shutting the government down: they wanted to eliminate \$143 million for school lunch assistance programs; \$187 million for education for the disadvantaged programs, school improvement funds, education innovative improvement programs, and adult education. It cuts the WIC program, nutrition for low-income families, women and their children; the Office of National Drug Control Policy. They want to cut \$495 million from FEMA's first responder program.

All these things they wanted to cut; and yet when you ask them whether they want to have other people, the wealthiest people, the big corporations, the people who have done very well in this country over the last couple of decades, if you ask them, why don't we make them share some of the burden of balancing this budget, they say: Oh, no, we can't do that. We can't do that.

Let me just illustrate with this chart one of the choices that they made in the 2012 budget proposal. They chose to include, refused to eliminate, \$800 billion in tax cuts for the wealthiest 2 percent of Americans, and instead cut \$771 billion from Medicaid over the next 10 years. This was a choice.

Do we want to make sure that our senior citizens have access to nursing homes, that our disabled population has access to assisted living facilities and home care? Our young, low-income, poor families, do we want to make sure that they have health care? Or do we want to make sure that the wealthiest 2 percent of Americans continue to have their cake and eat it, too? Their choice in the budget and in the continuing resolution is to let those wealthiest Americans have their cake and eat it, too, and let the most vulnerable segments of society pay the price of helping to balance the budget.

I am a big fan of political cartoons, and today's cartoon in The Washington Post I think said it all, because one of

the other proposals that the Republicans made in their 2012 budget proposal was not just to maintain the tax breaks for the wealthiest Americans, but to increase them. They want to cut the maximum tax rate from 35 percent, which was the rate that it was cut to by the Bush administration, they wanted to cut it even further to 25 percent. In other words, a 10 percent additional tax cut for the wealthiest Americans.

As a matter of fact, I offered an amendment in the hearing to rescind the Bush tax cut for only those people making over \$1 million a year, only those people making over \$1 million a year. They voted it down unanimously.

But here is the cartoon by Tom Toles in *The Washington Post*. It has, and I won't name him, but a Republican member of the Budget Committee, offering a platter that says "More Tax Cuts for Wealthy." And the "Truly Rich Guy" says: "Stop!! I can't eat another bite!" And the Republican says: "Sorry, everybody has to share the pain."

This is one of the choices we have. It is stark: again, tax cuts for the wealthiest Americans, or health care, education, nutrition for the other 90 percent of the American people who have not done so well.

So as we move through this process of choosing both how we are going to fund the government until September 30 and how we're going to fund it into the future, the American people need to know whose side the Republican majority is on and whose side the Democrats are on.

With that, I yield to my colleague, a member of the Budget Committee from New York (Mr. TONKO).

Mr. TONKO. I thank you, Representative YARMUTH, and thank you for leading the next 30 minutes of discussion here which I think are very critical to the lives of Americans, the American public and American working families across our Nation.

It is an honor to serve with you on our Budget Committee as we spent countless hours yesterday dealing with a saga of a budget for 2012. Just as we're trying to avoid a shutdown of America's government this very hour, they are also pushing through in a rather rushed format a 2012 fiscal plan that takes the pain and suffering of the 2011 plan and expands it exponentially. They grow it drastically, the pain for 2012.

As you indicated, these are choices that we have before us. I believe firmly that our budgets, whatever level—Federal, State, local—are a reflection of our values, our principles, our priorities. That's where we are now, whether we are trying to avoid a shutdown for the 2011 fiscal year which is looming over us, or whether we are putting together the 2012 fiscal plan. It is about priorities and values and principles

that we hold near and dear. It is also a statement on an economic agenda.

I have before me here this chart that speaks about the 1.8 million jobs that have been added since last year, since 2010; 1.8 million private sector jobs. You can see the precipitous drop that came with the red ink of the close of the Bush recession. And then early in 2009, we began to recover. We stopped the bleeding of the recession, and it has been a slow but steady and upward and forward climb as we have introduced new jobs into the private sector arena that allows us to now work away at those 8.2 million jobs that were lost during the Bush recession.

Why we would want to stop that progress is beyond me; but those are the cuts that will be made here in the 2011 scenario, by which we are attempting to avoid a shutdown, and the 2012 budget where there are cuts to R&D and to science and technology.

I served as president and CEO of NYSEERDA, the New York State Energy Research and Development Authority, prior to coming here a couple of years ago. I saw firsthand what science and tech means in terms of job growth and expanding the opportunities.

□ 1730

And so these cuts that are part of the 2011 plan and the 2012 budget that we're dealing with in double-dose fashion will mean tremendous pain for our middle class families.

We need to commit to a jobs agenda. The people told Democrats and Republicans alike in campaign season it's about jobs, jobs, jobs, and the economy. It's not about growing another pricetag, draining our economy with the cost of a shutdown. We need to avoid that shutdown.

One of the concerns yesterday when we were meeting on the 2012 budget format was—my concern, your concern, our concern as Democrats on that Budget Committee—to avoid the end of Medicare. This plan, introduced by our Republicans on the Budget Committee, is called the "roadmap." And I said it's a road to ruin for our middle class, for our working families. They want to end Medicare, a system that has worked for over 40 years for 46 million Americans. And what does it do? It shifts risk from government over to the senior citizen. It asks the senior citizen to dig deep into the pocket, and then every year dig deeper.

They are already suggesting that the beneficiaries' costs will more than double by the year 2022 and then more than triple by the year 2030. Is this what we're about? Are these our values? Are these our principles? Are these our priorities? I would say boldly, no, they are not. They are not. And senior citizens are already getting wind of this idea, and they are supporting our efforts to stop the end to Medicare, which is part of the format that they have intro-

duced, part of the legislation they have introduced for their budget for 2012.

We failed in that attempt. You and I supported it—GWEN MOORE has joined us I see. We all supported that push to end their desire to end Medicare. We failed with it, and that will be coming to a vote before the full House I think next week.

So these are the things that people need to be alerted to. These are the issues that are going to be tough for middle class America to assume for the poor, the working poor, for the masses out there. And when we see the concentration of wealth and all the benefits and all the focus being in just the upper echelon, we understand what their choices are. Their choices are different than ours—they're with Big Oil, they're with big banks, they're with special interests, they're with millionaires, billionaires. They're with hand-outs to the oil companies that are sitting on record profits of over \$1 trillion. We're there with the middle class families, the working families, making certain that we create jobs, retain jobs, and keep this pattern of activity going.

Thank you, Representative YARMUTH, for bringing us together for what I think is an urgent, urgent dialogue that needs to reach every household in America.

Mr. YARMUTH. I appreciate the comments from the gentleman from New York and thank him for his work on the Budget Committee as well, and standing up for all Americans as we try to recover from the greatest economic crisis we've had since the Great Depression 80 years ago.

I forgot to mention one thing earlier when I was talking about the proposal to raise the taxes of people making over \$1 million a year back to the Clinton-era tax levels. And what's interesting about those Clinton-era tax levels, when the highest rate was 39.6 percent, during that time, 20.8 million jobs were created in the United States in the private sector. Then came the Bush tax cuts and took the maximum level tax to 35 percent; 653,000 jobs lost in the private sector.

I know it seems counterintuitive because the mythology has grown out there that when you lower taxes, it stimulates economic activity. The reality is quite different: 39.6 rate, 20.8 million jobs created; cut it to 35 percent, 653,000 jobs lost.

What about annual growth rates? Again, during the Clinton years when the high rate was 39.6, 3.9 percent real GDP growth over that period. When 35 percent, 2.1 percent real GDP growth. So the reality is that lower tax rates do not necessarily equate with better growth or more jobs. What they do equate with is a continuing separation of the very wealthiest Americans from everybody else.

Over the last 30 years, the percentage of all the income earned in the country

by the top 1 percent has gone from 9 percent to 33 percent; 33 percent of all the income earned in this country goes to the top 1 percent. They make more and they own more than the bottom 90 percent of the people in this country.

So all we're saying is, we know that everybody is going to have to share in this sacrifice to try and get our fiscal house in order, but we're only asking the most vulnerable people to share. The people who have been doing the best in this country, we're not asking them to even have a little bit of an inconvenience.

And someone who can speak so articulately and passionately about the wrong choice that the Republicans are making is someone who has come from that world, who lives with that world every day, who represents the great city of Milwaukee, our colleague, GWEN MOORE.

I would like to yield to her now.

Ms. MOORE. Thank you for yielding, gentleman, and thank you for putting together this Special Order.

I can tell you that it has been very distressing to watch the progress of this budget being put together for the American people. And part of the distress I think is because of the sort of psychological warfare that is being committed here. I think that the Orwellian way that the budget is being presented—it's being presented as we have got to make draconian cuts in the budget in order to heal our fledgling economy, and especially, we have to so-called "reform" our entitlements programs in order to maintain them for the future.

There has been a call for an adult conversation about this, a call for the facts and for the truth, and no accounting gimmicks and no gimmickry in this discussion of reforming entitlement programs. Democrats are admonished not to scare seniors with entitlement reform and to demagogue the issue, and yet what we have seen from the Republicans are these fire engine red colorful charts warning us of the burden that the aging baby boomers will impose upon the hapless taxpayer unless we adopt the so-called austere "path to prosperity," which ends the entitlement to Medicaid, caps those benefits, which turns Medicare into a voucher—so-called "premium supports"—and which gives instruction to the Ways and Means Committee to privatize or to fix Social Security.

Now experts have told us, even though the Republican Budget Committee has told us that Medicare and Medicaid are driving the budget deficits and that they are the cause of this huge, tremendous debt, experts across the spectrum have told us that the real problem with health care costs is the growth of health care in the private market. We have seen health care costs double, in double digits, increase by double digits every single year. We

have seen private health insurance premiums increase, double within the last 20 years. And so it doesn't matter whether you're a Medicaid recipient, whether you are a double recipient—a Medicare recipient who is also using Medicaid because you're in a nursing home. It doesn't matter if you're a large corporation, Harley Davidson or Xerox Corporation. It doesn't matter if you're a small business operator. It doesn't matter if you're someone who is on the individual market looking for insurance. Nobody can afford to fuel these profits for pharmaceutical companies, \$20 million annual salaries for insurance executives, and all of the other giveaways to wealthy insurance companies.

Medicare was overpaying insurance companies by 14 percent until we enacted the Affordable Care Act. We cannot afford, in Medicare part D, the prescription drug program, we simply cannot afford to have a program where Medicare pays pharmaceutical companies for a large group—like Medicare recipients—and then not negotiate the drug prices as they would with any group. I mean, there are companies, large corporations with a much smaller pool of employees that benefit from negotiating for the group, and the law that the Republicans passed, the Medicare part D, doesn't allow those negotiations. These are easy fixes. These are easy fixes that could reap us billions of dollars in savings.

Social Security. Social Security. There is some very low-hanging fruit if people would want to come to the table and negotiate in good faith to create a solvent situation for Social Security well beyond the baby boomer years. We could raise payroll taxes beyond the \$106,800 cap that is now in place.

□ 1740

But, of course, our Republican colleagues have an aversion, as the gentleman has pointed out, of shared sacrifice. No one who earns money and who has reaped the benefits of this great American economy should be asked to pay taxes. Who should be made to pay taxes? Those suffering working class, middle class folks.

The gentleman has shared with us earlier in his chart where they're proposing to lower the top tax rate by 10 points, down from 35 percent to 25 percent. Yet they claim that this is a budget-neutral act.

Well, come on now. You know, I don't have a degree from the Wharton School of Economics, but I can tell you that if it's budget neutral and we're still going to receive those revenues, then that must mean that somebody else is going to pay the taxes. Am I wrong about that?

I would like to ask the gentleman.

Mr. YARMUTH. You're absolutely right. If we're going to be revenue neutral and we're going to cut the taxes of

some people, then other people are going to have to pay more. And, unfortunately, in this particular proposal, it's going to be the people who can afford it the least.

I thank the gentlelady for her contributions.

I want to welcome another colleague from the Budget Committee, ALLYSON SCHWARTZ from Pennsylvania, who has been instrumental in developing the Affordable Care Act as a member of the Ways and Means Committee in the last Congress and the Budget Committee and who now serves as a very prominent member of the Budget Committee.

I yield to the gentlewoman.

Ms. SCHWARTZ. Thank you very much. I'm pleased to participate in their conversation, and I just want to make a few comments, and then maybe we can talk further about really what the Republicans proposed in their budget.

We sit on the Budget Committee. We went through 12 hours in what we call here in Congress a markup, but really it was a debate and a real reflection on the contrast between what the Republicans are offering to the American people and the way to tackle what are very, very serious financial problems for the country. I think we all agree that they're serious, that we have to make sure that we take seriously the deficit and bring down the deficit over time and be able to get to a balanced budget at some point and begin to pay down the national debt. We all agree on that.

The real issue here is how do we do it? What are the choices we are making? What's on the table for discussion? And we offered up a number of suggestions and ways that we might take some of the money—you've talked about this already before I got here, about the tax breaks for the wealthiest 2 percent of Americans, the tax subsidies for the five largest oil and gas companies. We're talking about literally hundreds of billions of dollars here, that instead they have chosen to protect those subsidies and those tax breaks and instead to make real cuts in what we believe are some real priorities for us. So budgets are all about choices and priorities.

I want to particularly talk about not just the spending cuts and where else we might be able to take spending cuts. We're interested in everything being on the table and looking at the Department of Defense, for example, which some Republicans agreed with us on.

But one of the changes that they are making—and many of us refer to this as the Ryan budget, but right now it is actually the Republican budget. This is no longer your colleague from Wisconsin's ideas, but it is really the Republican budget that was passed. It was announced by the Republicans last

night and will be on the floor potentially next week. And there are dramatic changes for our seniors in this country. Dramatic changes.

We have said to our seniors and our future seniors that when you get to be 65, there's going to be security for you in terms of payment for your health care. They have changed that for future seniors. There will no longer be guaranteed benefits for future seniors. They will instead be offered a voucher. It will not be the whole cost of buying private insurance. They have said that. It will be support for the premium, not the whole thing. And then seniors will have to go—and I think PAUL RYAN mentioned this yesterday—shopping in the insurance marketplace for the best insurance they can get.

When I think about that, maybe that sounds okay. You know, you go shopping. You've got a voucher in your pocket. It sounds like a coupon. You can go to the store, and you're going to be able to get 80 percent of costs paid.

However, this is health insurance, and what we already know is that the insurance industry was not inclined, before the Affordable Care Act, to cover insurance for sick people. They didn't want to cover sick kids. We had to pass a law that said you can't discriminate against children. You have to let them buy health insurance and cover that illness. And they certainly don't want to cover sick adults.

Well, when I go talk to a group of seniors, and I can be at a senior center or any number of places we've all visited as Members of Congress, and we'll have a group of 50, 100 people, and I ask, Do any of you take any medications?

And they all laugh: Of course, I take medication.

Do any of you take two prescription medications?

Of course.

Do any of you take three or four?

These are a healthy group of seniors. They look healthy to me. You know, they're out and about and they're listening to a Member of Congress. And I ask, Well, how are you going to go out and buy insurance that's going to be affordable for you?

What we know and what seniors tell us is that they know that if they go to a voucher program and they're no longer guaranteed, they will no longer have guaranteed benefits, that their voucher will become less helpful over time as expenses go up, that there will be no controls on how their taxpayer dollars will be used.

So let me just close, if I may, by saying that seniors know that privatizing Medicare—and that's what this is, it's privatizing Medicare—will limit their benefits, will be obstacles to care and on certain reimbursements, that copayments for primary care or copayments for specialty care could be quite significant, that there could be exclu-

sions for certain services that they need, that there could be discrimination based on income and age and illness, and there's more uncertainty if they face a serious illness going forward.

So I just wanted to show two charts that maybe we will want to talk about as we go forward. One of them is, to just follow up on what I said about choices, here we are faced with a choice that the Republicans have made, which is to give tax breaks to the wealthiest Americans. It's going to cost about \$800 billion, and instead they are going to dismantle—this is the case of Medicaid, which is really about seniors in nursing homes, frail elderly in nursing homes, costing about \$771 billion. That's a decision they've made.

We can talk more about how we've bent the cost curve, if we can use that language, on Medicare. We have already taken some serious action.

I'm happy to have further conversation with my colleagues about what this Republican budget means to seniors across this country.

Mr. YARMUTH. Thank you.

I would like to yield again to Mr. TONKO, who has another illustration he wants to give us.

Mr. TONKO. Thank you, Representative YARMUTH.

I will do this quickly because I know time is ticking away.

We all mentioned the concern about Medicare and how they're going to privatize it. Well, here it is, the end to Medicare. This is the buyer beware chart. This shows the Republican proposal in 2022 dollars and the Medicare model in 2022 dollars. And the voucher simply isn't going to cover much. They're suggesting 32 percent. So that leaves a \$12,500 price tag to be assumed by—you guessed it—the senior. Dig into your pocket. Under the current Medicare model, it leaves you with a \$6,150 price tag.

□ 1750

So it's going to more than double the commitment from the senior citizen. This is the "buyer beware" chart. The happy shopping spree isn't so happy. Representative YARMUTH, I just wanted to point that out. The bar graph shows it plain and simple: buyer beware.

This is an attack on middle class America. It's an attack on the system that has worked well for so many decades, and certainly it is a priority that is not ours. It is theirs. We are for the working families of this country, and we will continue to fight that fight.

Mr. YARMUTH. Again, a perfect illustration of the choices that we face as a country as we move forward over the next decades.

We know we have fiscal problems. We know we have very difficult choices. The Republicans have chosen to put the cost of balancing the budget on seniors, on low-income families, on

working families, and to completely spare oil companies, millionaires and billionaires, hedge fund managers, and anyone else who has made the most of America, who has done the best, and who needs the least help. The Republicans leave them without any role to play.

Just in the few seconds remaining, I would like to ask Representative MOORE if she has any closing comments.

Ms. MOORE. I think that budgeting is not just about numbers and figures; it's about values.

I think that the Republicans have made it very, very clear that they want limited government. They particularly don't want government enriching the lives of individuals. You would think that they would want to protect some things that are not individual things, like clean air, clean water, food safety protection, but they are eviscerating all of these programs as well: research for cancer, the creation of green energy jobs, the Community Development Block Grant programs.

Mr. YARMUTH. I want to thank my colleagues from the Budget Committee for joining me, and thanks to the American people for paying attention to this very important process we are in now.

I yield back the balance of my time.

THE U.S. CONSTITUTION AND THE FUNDING OF U.S. ARMED FORCES IN THE FACE OF A GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Thank you, Mr. Speaker.

It is a pleasure to address the House tonight and to talk about the issues that are burning across the country. Before I get into the economic discussions, my colleagues from across the aisle, my good friends, have brought up many things that are worthy of discussion. Before I get into that, I'd like to talk a bit about our Constitution.

I think that, if we as a Republic are not aware of the importance of the Constitution, then we tend to diminish it; we tend to walk away from it; we tend to not give it the credibility that it deserves, and that is highly risky for every one of us but especially for those people with very little or no status. The Constitution is basically the agreement, the contract, between our government and the people. The Constitution is the only thing that limits the power of government. It is the instrument by which we, the people, have our rights guaranteed to us, and any time we begin to diminish or to say that the Constitution is not valid, then we put at risk our own freedoms.

One of the ideas of the Constitution is that it was replacing something previous to it. The Articles of Confederation were what our Founding Fathers originally came up with. Very soon, they realized it had great, deep flaws. One of the flaws that they found is that interstate commerce, going from one State to the next, did not act like it was inside the same country at all. Instead, the commerce was stopped at one State line, taxed as it went through that State, stopped at the next State line, and products became so expensive that they could not move to market because of the taxation, because of the accumulated taxation from one State to the next.

The Founding Fathers recognized that to be a problem. Almost immediately, they convened the Constitutional Convention, and one of the prime articles that they were talking about in that Constitution was the Commerce Clause. They felt it was necessary to address that in order for the country to be prosperous, for it to move forward.

James Madison later wrote in his Federalist Paper No. 56 what were to be the objects of Federal legislation. He was addressing that question of “where are we to go with legislation?” He said that those which are of most importance and which seem to require local knowledge are commerce, taxation and the militia. So he was visualizing a very limited role for government, a very strict role for the Constitution. One of the elements of that Constitution was to be the commerce between States. In article I, section 8, clause 3 of the Constitution, it is delineating the powers of the government, and one of those was to regulate. Clause 3 states that the Congress shall have the power “to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.”

So that’s the limit of the Commerce Clause. Early on, our Founding Fathers had actually had a very limited definition of that, but that Commerce Clause definition has been expanded over time so that, if you will Google “commerce/U.S. law abuse,” you will begin to see the ways that our government has begun to extend its reach over our lives by redefining what the Commerce Clause was actually about.

Now, one of the cases that has been mentioned is that some criminal with a gun somewhere was within a couple hundred feet of a school, and that’s something that should not be tolerated and shouldn’t be allowed; but the government’s attacking of that used the Commerce Clause to go through a circuitous route to say that the presence of that guy with a gun in his pocket, while at or near a school, affected the education of the young people and that ending the lives of the young students would affect the commerce of the United States.

So we’re trying to get a guy who can’t carry a gun on school property, and we’re going through this tortuous explanation that somewhere down the line it’s going to affect commerce. Now, there are many reasons for not allowing someone to have a gun on school grounds, but to use that sort of convoluted reasoning is one of the threats that we all face, because if the government can go through convoluted reasoning on one thing, it can go through convoluted reasoning on anything.

As we research the Constitution and as we talk to people back in our States, we begin to realize that we in Congress have been extending the powers of the different clauses. We’re using them in ways that were not designated initially. We’re basically doing a rewrite of the Constitution.

I submitted from my office a bill, H.R. 346, the Health Care Choice Act of 2011. In that, we visualized that it would be good for people to be able to shop for insurance across State lines. New Mexico has significantly higher-priced insurance than does Texas. I live in Hobbs, New Mexico. That’s 3 miles from the Texas border. It seemed practical that we would allow people to drive to the State line and buy insurance across that State line, but it is currently prohibited, so I put a bill in that said, simply, we can go across State lines. On the surface, that seems to be good and noble. It seems to fit the parameters of competition—and competition is always good for consumers—but in closer looking, we realized that what we are doing is the same extension with our bill that we are complaining about in others, saying that the Federal Government can declare that a State’s right to regulate its own insurance is improper. So it is my full intent not to pursue our bill because, after looking, I, myself, believe that it does not fit the constitutional requirement that we have.

So that is one issue that I wanted to speak about today. Next, I’d like to talk about the bill that we just passed off the floor today, which funds our troops in the face of a government shutdown.

I served in Vietnam in 1971, -2 and -3. I was there at the choice of my government. I was not a volunteer. I drew a very low draft number; ended up going through flight training, and was flying combat missions in Vietnam at a time when our Nation began to choke off the funds to the troops in combat. I can remember that the missions here in the U.S. were being choked and starved for fuel so that training could not be accomplished in the full curriculum that was established before us. Instead, we were having to divert money to fund the troops overseas because there wasn’t enough money going there.

I have a real problem with our using our soldiers as pawns in this particular

case, so I voted against the last continuing resolution. I was one of 54 Republicans who voted “no.” Yet, in this case, this continuing resolution said: Let’s take the troops off the table. Let’s have this discussion about where we’re going to fund and what we’re going to fund, but let’s not leave soldiers in combat while we’re discussing how much we’re going to fund or not fund the government. That, to me, is the only thing that we should be doing.

□ 1800

Of all the people we should not hold as political pawns, the troops who are facing very difficult circumstances in Afghanistan, Iraq, and now Libya should not be asked to put their lives at risk and face declining amounts of fuel, declining amounts of ammunition, body armor or whatever.

And so the suggestion today, even though I voted against the last continuing resolution, I gladly voted for this one because I do think our negotiations here should not include them, our troops, our soldiers in combat, young men and women who are there doing the same thing that I did in 1971, 1972 and 1973.

It’s my belief that the comments from the other side from the Senate, from Senator REID, who’s the leader of the Senate, that they’re going to summarily dismiss this bill, that they’re not going to consider it, and from the White House that he wouldn’t sign it if it got to his desk, is in my mind reflective of people who have not been in harm’s way themselves facing declining funding. If we don’t want the troops there, then get them out. But don’t hold them hostage to this funding battle that we’re having here on Capitol Hill.

So I voted for the continuing resolution today that would remove the troops, remove our soldiers from this discussion. I’m saddened to hear that the White House says they’re not going to sign it, that they don’t care. I’m sad to hear that our Senate says it does not care. If the government shuts down, then those young men and women—they’re not going to be able to get out of the combat zone. It’s not like we’re going to withdraw them. But we’re going to leave them there without being able to even pay their paycheck. And I think that’s the wrong thing for us to do.

One of the things that I heard from our friends across the aisle just now was that there are many corrections for the problems that face us. And I keep this chart handy and I use it frequently to show the depth of the problems that we face.

This is basically the economic situation facing our country. We spend \$3.5 trillion in the revenues to the government, that is, the accumulated taxes that each one of us pays, or \$2.2 trillion. Now, your household could not

function like that. But there are great-er and worse stories.

We're spending in excess of \$1.3 trillion this year, \$1.3 trillion more than we bring in, each year that we do that—I just draw this as a schematic where you show the deficit running over and it runs into the debt barrel. The accumulated debt of the Nation is \$15 trillion, and if you think about if we could devote all of our revenues to paying off the debt in the debt barrel, it would take 7 years to do that.

But beyond the debt barrel, we now have debt that is running over. And you see that green sludge that we've depicted on our chart, running over the edge. It's reached the top of it. And that's debt that we really owe, but we are afraid to admit to the American people. That's Social Security, Medicare and Medicaid. Those three programs have an accumulated cost facing us of \$202 trillion, but we don't include that in our debt calculations. If you look on any government Web site and ask about the debt, it will acknowledge the \$15 trillion, but will not acknowledge the \$202 trillion.

Now, if this were your family, and let's say that you made \$50,000 a year, and you were believing that if I could devote the full \$50,000 a year for a hundred years and not pay off my debt, you would think that it's time to reorganize what you're doing. That's the discussion that's going on in the country: should we or should we not take on significant reform of the government? Should we look and have a forensic audit of our government to consider what things we should do and what things we should not do?

Just the idea that we owe a hundred years' worth of total tax revenues to pay off one piece of what we had promised tells us that we're in a nonsustainable capacity.

Now, the chart in the upper right hand of the poster here is the alarming piece. We all remember when Ronald Reagan was President, he came up with an idea and he was the only one worldwide who described it. I remember at his funeral in the taped presentation by Margaret Thatcher, she said, Ronnie said he could collapse the Soviet Union's economy by escalating their expenditures for defense weapons. And he could get their cost of government so high that they could never pay it, and they would collapse.

So they began to spend more than they brought in, the accumulated debt began to weigh down on their economy, and they actually collapsed.

Now, the opponents of what we're doing, the opponents of reform, say that it's us, as Republicans, making up the charges. This chart says our economy is simply going to quit in 2038—exactly like the Soviet Union did. It's going to collapse for the same purpose, that we're spending far more than we're bringing in. We have an accumu-

lated debt. We have an accumulated unrecognized or undiscussed debt that is \$202 trillion, and our economy will cease to function. This is coming from the Office of Management and Budget Web site.

This is the White House. They're the ones saying that what we're doing is not sustainable.

Now, our friends on the other side of the aisle said that we could do something to cure Social Security, that is, we should pass along a tax increase to those people making above \$106,000. It's interesting to hear that when our friends on the other side of the aisle had the House in their control, they had the Senate in their control with a majority that would not allow filibuster, and they had the White House, and they did not once bring up or pass a tax increase for Social Security.

I find it amazing that it's so simple now that they're not in charge for them to talk about it; and yet when they were in charge, they couldn't talk about it.

The reason that we're facing the problems that we are today with this continuing resolution is that our friends across the aisle did not last year pass a budget and did not pass the appropriating bills. And so they simply passed a continuing resolution and they could not get that passed through the end of this year. It was within their power to not have this discussion at all on a continuing resolution. All they had to do was fund the government through September 30 and everything would have been fine. We would have had no cause to change anything.

It's because they passed a bill that would only fund the government through March, through the early part of March, that we're in this situation. So I'm curious while they say that the solutions are so easy, that they're so necessary, that they didn't find it necessary before December 31.

And, in fact, as they're talking about the need to increase taxes, out the other side of the mouth they actually decreased taxes. They stopped the tax increase that was going to be automatic for American citizens.

So my feeling is that I'm hearing discussions which are not sincere, which they had within their ability to change but did not.

The idea that we are making draconian cuts in our requests, the Republican request for this continuing resolution, you hear that word often, that they're draconian cuts. I always let people decide for themselves. The cuts that we're talking about, we spend \$3.5 trillion. The Republicans have suggested cuts at a maximum of \$61 billion. And so what would that decrease \$3.5 trillion to? I think it's important to assess that in order to decide if the cuts are draconian.

Our cuts, \$61 billion, take \$3.5 trillion down to \$3.44 trillion, and I always ask

people is that draconian. And I've never heard one person in any town hall say that's draconian. They're in fact alarmed that that's all that either party is able or willing to do about the accumulated debt, about a deficit that is \$1.3 trillion, about the inflation that is now rushing our way. And they're saying it is enough, stop it, do something about it.

Do a forensic audit of the entire government and begin to defund those things that don't make sense, the things that are no longer effective, the things that are duplicative. We've got duplicative agencies across the spectrum of government. Sometimes more than 100 agencies do the same thing. That's a hundred different overheads doing the same thing.

Now, if our government was a business, it would be broke; and the truth is that our government is broke and is going to be broke worse. And, in fact, we're all seeing the effects on our personal lives.

□ 1810

You hear many times that those oil companies are driving up the price of gasoline to \$4 now. It's the evil oil companies. I believe that it's exactly opposite.

In order to fund the \$1.3 trillion deficit that we don't have the revenues to produce, we find that our Federal Reserve is printing money. It is in the printing of money that you devalue the money that is in your pockets at the current moment. If we could create Monopoly money out of thin air, then it depreciates the value of what you have in your pocket.

If only oil were going up in price, you could maybe make the argument that it's the evil oil companies. Maybe you could say it's the instability in the Middle East. Maybe you could say whatever. But when we see the price of vegetables skyrocketing, when we see the price of gold skyrocketing, the price of silver has gone up almost 30 percent in the last month, 30 percent, and you would have to say, well, is there a greater demand for silver? Is there some new manufacturing program that is now using silver that didn't before? That is, did demand drive the price up? And you say, no, silver is not used for one thing today that it wasn't used for a month ago.

When you look at all the prices across the spectrum increasing, you have to acknowledge that the problem is not that companies are driving prices up but, instead, the value of the dollar is decreasing. That's because we printed almost \$2.6 trillion in money last year. We created it out of thin air. That then depreciates the value of the currency that you have in your pocket, in your bank account. And it's that reason that we're seeing inflation begin to skyrocket. The price of gas, food, oil, everything is going up because the

money in your pocket is worth less. That's going to continue as long as we do this.

Another problem with the country's economy when it spends more than it can bring in and when the accumulated debt is so high, our bankers begin to worry. The same as your bankers would worry if you were living this way personally, they would worry that you could pay your house off. They would begin to call you in and speak with you. Our bankers for the United States Government have been primarily China, Japan, and U.S. companies buying our Treasury bills. That's the process by which we loan money to the U.S. Government.

But because of this accumulated position, the Chinese have begun to say, Wait, we're not going to buy so much of your Treasuries any more. We're going to decrease our holdings. So they have begun to sell Treasury bills rather than buy them. The Japanese have got their own problems, and so now they're not willing to buy much debt from us. This year, the largest single private buyer of U.S. Treasury bills said, No more. We think the risk is too great that we'll never get paid back. We think the risk is too great that this system is not going to work.

So this year, right now, our Federal Reserve, which is an arm of the government, which receives its money from the government, is, in fact, lending money back to the government. So we are giving money to the Federal Reserve. They are turning around and loaning it back to us with the other hand.

Now, if you were doing that, your banker would say you are having to counterfeit, you are creating value where there is no value, and I think I might call your note.

We are in the process of finding that the note is due. We see that the country has a course in front of it that simply discontinues our economy, that simply we fail exactly the way that the Soviet Union economy failed. And we're having discussions on the floor of the House about cutting this from 3.5 to 3.44. This 1.3 would go to 1.24. And we are saying that those cuts are draconian. I will tell you that we are not even approaching the cuts that need to be made.

In these programs alone, Medicare and Medicaid, we are told annually that the fraud—not the waste, but the fraud—is about 20 percent. Yet we can't find it within ourselves here to address that problem. We're afraid of what the ads might look like on TV if we actually began to take this on.

I watched "60 Minutes" a couple years ago, and the fraud was discussed by a guy from Florida. He is from Miami. He had been arrested for fraud. He was selling \$400,000 worth of medical things to Medicare patients every month. He didn't actually have any in-

ventory. He was just billing the government, and they were paying him \$400,000 a month. No inventory. He had a storefront because he said, Oh, yeah, those guys from Medicare drive by, they see if you had a store. So I had a store. And he said, I put my name on the door. I didn't actually have any inventory. I was never open. I never actually did anything.

He said, I actually made it into a little game. He said, I charged the same woman every month for four prosthetics just to see. He said, I don't know if she needed any, or one, or none. He said, They never caught it. He said, I did it month after month. He said, So, yeah, you got me and you are going to put me in jail for 12 years. He said, At 400,000 a month, I can stay there awhile. He said, The main thing is I still have my mailing list, and I am going to rent my list to someone else while I am in jail, so I am going to make a lot of money in jail, too.

So even if he is going to jail, the fraud continues. That's 20 percent. That approaches \$90 billion for one program and \$60 billion for the other. We are talking about cutting a total of 61 up here.

Americans are fed up. They're afraid of the future. They're afraid of what they see being unleashed here. They're frightened that we are printing so much money to try to make the scheme work. And they're saying enough is enough.

Now, I believe that we can make cuts without cutting programs that are essential to people, and I do not think that we should do things which harm those neediest in society. But there are many, many programs where we can make the cuts and we should. The outcome if we don't is extreme. The outcome if we don't is the loss of the economic status of this Nation.

The Soviet Union broke into small pieces, small countries. You are seeing States right now nervous and anxious about the future of the Federal Government, so they are beginning to say, We are going to take that function on ourself. We are not going to trust that the Federal Government can fix this. They, themselves, are in terrible shape.

The biggest shame of all in this is that, in a time when we're struggling to balance our budget to just make ends meet for our Nation, the government is conducting the greatest war on our jobs. The government is raising taxes high enough to push companies out of this country.

President Obama said in his State of the Union message that we must address the fact that we are overtaxing corporations. He said we are one of two of the highest in the world. And since then, Japan has decreased, so we are left alone in that.

We are overregulated. We are regulating companies out of existence. Every time we kill a job through regu-

lation—I would point to the timber industry, which has been killed by regulation. I would point to the jobs offshore where that rig had its problems this year off the coast of Louisiana. I think that BP should be accountable, and they are paying the bill for what happened, but we should not have killed those jobs. Because every job that we kill lowers the 2.2 and it puts people on welfare and unemployment, and the 3.5 increases.

We cannot cut enough spending to get 3.5 to 2.2. We, instead, must go and re-create the jobs that our government has systematically killed and rebuild our economy, rebuild the manufacturing base so that when we put people to work they begin to pay taxes and we begin to not have their cost in government. In that case, we're growing the economic base. We're growing the revenues of the government and, simultaneously, we're cutting the cost of the government.

The only thing that makes sense for us in rescuing our economy is for us to grow the job base. And at a time when we are alarmed at what we're seeing economically, then we find the government most hostile to new jobs.

Just recently, within the last week, we have been in discussions with the Fish and Wildlife Service, who, out of the blue, decided to list a lizard as endangered in our State. They cannot declare that it has different DNA from the lizards that are not being put on the list. In other words, it's just a variety of a lizard, not all lizards. They can't show a DNA difference. So over some small minute difference they are going to possibly shut down all of the oil and gas wells in southern New Mexico. That means more people on welfare, more people on unemployment. It means fewer people paying taxes.

Up in the northwest part of the State, the EPA recently put out a ruling that would cause three of the five generators in one generating station to shut down.

□ 1820

So at a time when we are facing rising utility costs, we are facing rolling blackouts. We are going to put three generators off-line. Since they are doing that they are going to require less coal, and now then 200 coal miners who live on the Navajo Indian reservation, making \$60,000 a year, are going to no longer be working and paying taxes. They are going to be drawing unemployment and be on Medicaid, be on welfare, TANF, and food stamps.

One would say that our government will not and cannot kill industries, and yet they killed the entire timber industry. New Mexico used to have 20,000 jobs in timber, and today it has none because of the spotted owl, a regulation that could have been done differently but instead was used to stop all the logging in every forest in New Mexico.

We believe that's wrong. We believe that we can keep the species from going extinct and create the logging jobs again. So we have submitted a bill that would do that.

I would draw our attention also to the fact that 27,000 farmers in the San Joaquin Valley in California were put out of work because of a 2-inch minnow that could have been kept alive in holding ponds and put over in the river. But an extreme decision said that it's either the jobs or the minnow, and they chose the minnow.

We are putting our economic system at risk by systematically killing industries and jobs in this country, and that's the reason you have the frustration that is expressing itself in tea parties across the Nation taking to the streets and saying our government is too strong, it's too powerful, it's time for us to live within the restraints of the Constitution.

So as I wrap up here tonight, we again talk about the need for the Constitution to limit the government, to limit the government's ability to come in and affect your freedoms and your life.

This country has been, in the past, the destination for anyone who wanted freedom to build their dreams here. They could come and do it. We are beginning to choke off the ability for even our own citizens to find their dreams and make them come true here. We are doing it one business, one industry at a time through taxation, through regulation, but more we are doing it through the unstable currency that we are creating through the printing of money.

It is time for us to get our fiscal house in order. It is time to recognize that the future is at risk, according to the OMB and the CBO both. If we don't act now, then we will not have an economic future any stronger than the Soviet Union.

It's my hope that we will begin to act as Americans today, not as Republicans or Democrats, to look at the challenges that we face, to take them on and to address them in ways that the American people say "yes." That is an appropriate action; that is a correct action.

It's my sincere belief that our best days are ahead of us because I believe the American people are going to insist that we take care of the economic mess that we, that we in Congress, have created over the last 70 and 80 years. We can't make promises that we can't keep with money that we don't have. We must correct it.

CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, last week I came to the floor of the House to talk about the history of law and human rights, and I suggested that history is a work in progress. I believe that the law is going somewhere from the earliest civilizations with eye-for-an-eye systems of justice through today, when countries like ours lead the way toward more freedom and more human rights for all.

We began this Congress with the reading here on the floor of the redacted version of the Constitution, not the Constitution with amendments. But that redacted version leaves out the historical struggle to create today's Constitution as a more thoughtful and a more inclusive document.

Mr. Speaker, America is one big corporation. The Constitution is the by-laws. We, the people, the board of directors, have the right to change our bylaws in the Constitution and redirect the American corporation towards our priorities.

The American Constitution is a benchmark in that living history. We have amended it from time to time to make sure that we are closer to achieving a more perfect union for all Americans.

I believe we should continue that process, and amend the Constitution in several ways, including giving all Americans the right to a high-quality education, high-quality health care, and a clean environment.

I think we need to guarantee equal rights for women. If, in fact, the Congress had adopted the Equal Rights Amendment for women many decades ago, today 51 percent of all jobs and 51 percent of all households that are headed by a woman where there is no man would provide greater stability for the work that they already do.

But tonight, Mr. Speaker, I want to put my beliefs about why the Constitution should be amended into further historical context.

This week's Time magazine makes my point in ways that I cannot muster tonight on the House floor. It has a picture of our 16th President, Abraham Lincoln, crying, and it says, "Why We Are Still Fighting the Civil War."

And no American who is watching this debate on the floor of the Congress between Democrats and Republicans should be operating under any illusion that we are simply not on a battlefield, we are simply in the halls of the Congress. But we are waging one hell of a fight to build a more perfect union versus building more perfect States' rights.

I wrote about these issues extensively, Mr. Speaker, in 2001, very extensively in my book, "A More Perfect Union: Advancing New American Rights." In fact, my book's launch party was scheduled for the big Borders, World Trade Center, on September 11, 2001. Unfortunately, we had

a scheduling conflict and couldn't make it.

So I want to talk tonight, Mr. Speaker, about the central conflict of American history, the debates over the role of the Federal Government between those who believe in States' rights above all and those of us who have a more national perspective and believe in creating a more perfect union. I think that's a more appropriate analogy for defining how the Congress is divided; not Democrats and Republicans, for some Democrats will vote for the continuing resolution offered by the Republicans supporting more and more cuts. It's really hard to tell where people stand.

But in Washington, either we are building a more perfect union for all of the American people, or we are building a more perfect States' rights. So, Mr. Speaker, I want to share a few quotes that I think help frame the debate.

In the early years of our Republic, Gouverneur Morris, a Pennsylvania delegate to the Philadelphia Convention, said, "I cannot conceive of a government in which there can exist two supremes." In 1787, Mr. Speaker, Gouverneur Morris was concerned that a dual system of State and Federal control might not work very well.

In his book "Dixie Rising," Peter Applebome writes, "Think of a place that's bitterly antigovernment and fiercely individualistic, where race is a constant subtext to daily life, and God and guns run through public discourse like an electric current. Think of a place where influential scholars market theories of white supremacy, where the word 'liberal' is a negative epithet, where hang-'em-high law-and-order justice centered on the death penalty and throw-away-the-key sentencing are politically all but unstoppable. Think of a place obsessed with States' rights, as if it were the 1850s all over again and the Civil War had never been fought. Such characteristics have always described the South. Somehow, they now describe the Nation."

Finally, Mr. Speaker, it's important to note a headline from June 24, 1999, from The Washington Post that read, "In 3 Cases, High Court Shifts Power to States." Of course, in over a decade since then, we have seen case after case at the Supreme Court, bill after bill in this House, that have furthered that trend.

This afternoon I want to talk about the center of conservatism, the center of the Constitution, the legal basis by which Republicans and some Democrats stake out their anti-Federal Government agenda. Mr. Speaker, there are two central issues that have dominated this country from its beginning. The first is the relationship between the Federal Government and the States. That question has been with us since the writing of our Constitution in

Philadelphia in 1787; through the Supreme Court's first major decision in 1793, *Chisholm vs. Georgia*, during the antebellum period of the 1800s through the 1860s; through the Civil War and postbellum first and second Reconstruction periods; and it remains active and very much a part of our discourse today.

□ 1830

The second issue that has plagued the U.S. is race. It is the central dilemma in our Nation's history, and it has haunted us since 1619, when the first African slaves arrived on our shores—before the Declaration of Independence, before the Constitution, before the Bill of Rights through to the current period of Second Reconstruction.

Throughout history, the question of how to properly balance the national and State governments has confronted America: Are we 50 nation-states that voluntarily participate in a national federation but can ignore or withdraw from that federation at any time—like when 11 States seceded from the Union, or when 22 States filed a lawsuit against the health care reform bill that passed the Congress this year and the President signed it—or are we one Nation, with a national common law that is indivisible, with liberty and justice for all?

These were perplexing and troublesome questions for the Founders and for the first three-quarters of a century of our existence. They still trouble us today. In a very real sense, it was the Civil War that converted us from a federation of States to a Union. The current common belief is that we are the latter. In practice, too often, we still try to operate like the former. Clearly, the ideology and legacy of States' rights lingers and continues to disrupt and interfere with our ability to build a more perfect Union.

For some, not building a more perfect Union appears to be the goal. Downsizing the role of Federal Government, or the "revolution of devolution" ideology that Newt Gingrich brought on the scene in such a forceful way following the 1994 Republican conquest of the House and the Senate, clearly is an obstacle to achieving national goals. Not building a more perfect Union is clearly the goal of the 112th Congress.

Under the guise of the budget, deficit reduction and spending cuts, today's Republican majority, with the help of some Democrats, is trying to push through bills that would drastically shrink the size and change the scope of the Federal Government. As a result, we're on the verge of a government shutdown, and many Republicans have cheered about the possibility of a government shutdown with loud applause.

Mr. Speaker, I believe that it will be impossible to build a more perfect

Union until the ideology of States' rights and the legacy of devolution are politically defeated, as well as in the hearts and minds of the American people. It is currently a central part of the belief system of far too many Americans.

By decentralizing the essential decisions on economic issues such as full employment, health care, housing, public education, and justice, it simply guarantees economic injustice for workers and consumers, and it ensures inadequate health care, shelter, learning, and justice for all Americans.

Soon, millions of Americans will wake up with a shut down Federal Government and States in a fiscal meltdown. Their faith in their elected representatives and government to solve the bread-and-butter issues of their lives will be shaken, and Americans' confidence in our freedom system will be diminished.

The 50 States, acting individually or functioning merely in loose cooperation or voluntary association, simply cannot and will not adequately address policywise, administratively or financially these basic national needs. Only if these essential questions are addressed in a democratic, centralized and coordinated way can we even hope to build a better Nation.

There is no simple answer to this balance of power issue. The question of the relationship of the States to the Federal Government is an ongoing one. Times and circumstances change, and if government is to be relevant, responsive and accountable to the American public's real needs, the relationship, roles and balance of power between the Federal and State governments must adapt and adjust.

The balance of State and Federal power is not something new, and it cannot be settled "by the opinion of any one generation," wrote Woodrow Wilson in 1911. He continued, "Changes in the social and economic condition of society, in the electorate's perception of issues needing to be addressed by government, and in the prevailing political values require each successive generation to treat Federal-State relationships as 'a new question,' subject to full and searching reappraisal."

Politically, however, the reality of circumstances should not be used as an excuse to pursue an anti-Federal Government philosophy of States' rights. The guiding or dominant principle must remain true to the Preamble of our Constitution—to build a more perfect Union, not more perfect States' rights.

The idea of States' rights in the American Colonies preceded the formation of the Constitution and the United States. It rested on the idea of State sovereignty, that ultimate political power and authority resided in the States individually. A century later, States' rights became the means by

which State governments defended slavery and perpetuated that peculiar institution with its elitist and perverted economic, political and social arrangements.

In fact, there is a difference between sovereign State rights and the States' rights ideology. Some matters do belong in the purview of the States. States' rights, however, come from a very different spirit and appeal, one that has historically defended injustice within the States.

During the colonial period, citizens strongly identified with and were loyal to their individual Colonies or States. For example, early frictions among the Colonies prevented them from working together to fight against French and Indian antagonists in the mid-1700s. Only their joint hatred of British domination joined them together in the Continental Congress as States in 1776 to fight and win a revolution. Even then, the hostilities among the States continued, postponing adoption of the Articles of Confederation until 1781.

Thus, internal mistrust among the States and external colonial and revolutionary experiences with England made most Americans suspicious and distrustful of undemocratic centralized Federal, central or national power. Indeed, when they drew up the Articles of Confederation in 1776 and ratified them in 1781, they made central authority so weak as to be unworkable for the idea of a union.

The Founding Fathers—women and people of color were not included—tried to correct this flaw when they drafted the Constitution in Philadelphia in 1787. Their mixed feelings and the politics surrounding "centralized," or Federal, and "decentralized," State, power led them to create a Constitution with divided powers both "within," legislative, executive and judicial branches, and "without," between Federal and State governments, that were deliberately ambiguous. It was a central issue of debate during the constitutional ratification process as well.

The new Congress quickly proposed ten amendments that secured these rights, including the 10th Amendment, which delegated to the States those powers not authorized or prohibited by the Federal Government. The 10th Amendment, powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This has come to mean that if the Constitution specifically speaks to a right, then it is federally protected; but if the Constitution is silent on a particular issue, like slavery, it was reserved to the States, respectively. Only adding an amendment to the Constitution of the United States overcame the limitations of the 10th Amendment to guarantee freedom to the slaves.

However, if slavery, Mr. Speaker, at this time were a State right, then

State rights can never be human rights in the American political context. Therefore, if succeeding generations of Americans believe in human rights, they must fight to overcome the limitations of this old amendment and the very slave system that it protected in order to provide progress.

If you believe in gay marriage, you must overcome the limitations of the 10th Amendment and not State by State, but fighting for your human rights in the context of the Constitution. If you believe in education for all, since the Constitution of the United States is silent on the question of education, you must overcome the limitations of the 10th Amendment to guarantee an equal high-quality education for all Americans. If you believe in health care for all Americans, you must overcome the limitations of the 10th Amendment, this old slave amendment, and guarantee the right to health care for all Americans in the Constitution; because the issues of slavery taught us, if slavery is a State right and if Virginia all the way around to Texas has the right to leave the Union, then States' rights can never be human rights.

The questions, Mr. Speaker, were many. And it should logically have followed exactly what this Congress is doing. If the Constitution is silent on health care, cut it. If it's silent on Medicare, Medicaid, LIHEAP, unemployment, housing, NIH funding, cut it. The Republican majority has placed it on the chopping block because they argue it is outside the scope of Federal jurisdiction.

Mr. Speaker, what we have learned from this process and what we bring to the table is that human rights must be advanced by this Congress in order to broaden the definition of what it means to be an American.

□ 1840

Mr. Speaker, tonight I am joined by the distinguished gentleman from Louisiana. I want to welcome my colleague from the great city of New Orleans whose congressional district has experienced a State that is in a difficult financial condition. He has experienced natural disasters, and he cannot just rely upon his State legislature to solve these problems. He needs a strong Federal Government to close some of the profound gaps that exist in his congressional district, just as I need a strong Federal Government to close gaps that exist in my congressional district. But it is virtually impossible, Mr. Speaker, to close those gaps unless this Congress recognizes that we have an obligation to the American people, to those who have been left behind.

While slavery was clearly the cause of the Civil War, the non-slavery rationale for the Civil War and the argument that won it broad support in the South and almost won it international rec-

ognition was Madison's and Jefferson's interpretation of States' rights as self-determination.

That's why the tea party comes running up here saying the Federal Government should be out of business, turn it over to the States. With some practical examples of the limitations of what we are confronting, I am proud to introduce to some—and I am honored that he is joining me tonight in this colloquy and this discussion—the distinguished gentleman from Louisiana, Mr. CEDRIC RICHMOND.

Mr. RICHMOND. Thank you, Congressman JACKSON, for yielding to me and allowing me to participate in this conversation. And thank you, Mr. Speaker, for allowing us this opportunity to talk.

Congressman JACKSON, you well know that it starts back in the Second Congressional District of Louisiana when we start talking about the true and historical fight of States' rights versus the common good or what we can call a more perfect Union. Because had you left it to States' rights and the will of Governors and the legislatures of those Southern States, then Ruby Bridges, who was my constituent in New Orleans, would not have had the Federal marshals to escort her that day to Frantz School so that she could have the same education as everyone else.

So we have to remember when we talk about States' rights and the Federal Government and the fact that we are talking about a more perfect Union, we are talking about a Constitution. We are talking about a Congress, and we are talking about a court system that should guarantee every child the same opportunity. Whether it is Louisiana, whether you are in Lake Providence, Louisiana, or whether you are in Boston, Massachusetts, you should have the same access and the same rights. So what we are talking about is a Federal Government that should insist and ensure that everyone is treated equally under the laws.

Now, the interesting thing when you talk about and you allude to States' rights, Congressman JACKSON, people talk about States' rights when it is convenient. And I come from a State in which they are talking about States' rights right now. It should be their right to offer health care as they see fit. It should be our job to cut all of the things that aren't essential.

However, I remember those days after Katrina when we were not saying States' rights. We were saying: Where is the Coast Guard? We were saying: Our levees have collapsed; we need the Corps of Engineers' help to rebuild them. And it took this Congress and actions and your vote to put \$14 billion into the Corps of Engineers' budget so that they could build the proper infrastructure around the city to protect the citizens there. Why did they do it?

Because it was the common good. It was the right thing to do.

So you can't have it both ways when you talk about States' rights and when you talk about the role of the Federal Government. And now when times are difficult, we go back to the States' rights argument so that we can cut those things that the least of us need.

Mr. JACKSON of Illinois. How can the Federal Government or how can the States address unemployment individually? How can 50 States, one State at a time, address education? How can 50 States, one State at a time, address health care without some centralizing, unifying coordination from the Federal Government?

Mr. RICHMOND. Well, they can't do it. Part of it becomes when you take health care as a whole, when you start talking about the United States of America and health care for all, the United States of America and education for all, the United States of America and employment for all, you are talking about things that affect interstate commerce. Now you are talking about things that affect the future and well-being of this country as a whole, which directly puts it back into the powers of the Federal Government because it affects the Federal Government.

So you can't isolate it. That's what some would attempt to do now. I just don't think that it is possible to do. History dictates that you can't do it. What you will end up with is a system of unequal treatment to people based on arbitrary factors: where they live, what they look like, and all of those things.

So, Congressman JACKSON, I would just say that I think you are right on the mark when you are talking about the role that the Federal Government should play. And you raised, just a couple of moments ago, that it is the Federal Government's role to dictate how we treat the unemployed. Now, we very well can't leave that up to States' rights.

Mr. JACKSON of Illinois. It may not even be a State priority to eliminate unemployment. In other words, there ought to be some national interest in making sure that 13 million Americans have a job, that they are working and they are paying taxes and that they can help reduce the deficit and the debt.

I hear from neither side, anyone come to this floor saying that we are putting forward an agenda to wipe out unemployment.

I yield to the gentleman.

Mr. RICHMOND. Well, Congressman JACKSON, my question to you was going to be: Have you seen a State react yet? Have you seen a State step up with their own jobs plan? Or have you seen a State address the inequality and the treatment of the unemployed so far?

Mr. JACKSON of Illinois. I have not seen. I have not seen it in any coordinated way. And as if to suggest that Illinois, just because of an invisible border between Illinois and Indiana, that Indiana's economy doesn't affect the Illinois economy, or the Wisconsin economy doesn't affect the Illinois economy, or the Iowa economy, another border State, doesn't affect the Illinois economy, what I have seen are Governors now in battles, offering incentives to corporations not to leave their State and cross State lines because we are not growing the economy evenly in all States together.

The absence of Federal coordination creates a disaster amongst the States, and we become less of a Union as States begin to offer incentives in a rush to the bottom to undermine workers, to undermine the quality of life for Americans by changing laws within States to undermine the quality of benefits that workers receive who even work within States.

This is part of the ongoing revolution that has been led over the last 5 or 10 years by the right wing, both in the Democratic Party and in the Republican Party, against the idea of the central government.

My question to you: How can we be a government of, for, and by the people and then be so upset at it when it is our government? when it is us?

Mr. RICHMOND. Well, it depends. And what we see in this climate right now, you see the anger out there of a generation of people and a large population of people who are upset at the way government is working. Now, there is one particular thing they can point out, which is the debt and the deficit. One way, which is the way that is being pursued today, is to just cut. Let's cut everything that is unpopular. Let's cut those things that go to the common good; those things that promote unity; those things that will help people lift themselves up; and those things that will create opportunity for people.

We always said in this country that education was the best way to lift yourself out of poverty. What we are doing here in this Congress right now, we are cutting Pell Grants. We are cutting early childhood education. You can't do those things and then leave it up to the States because, as you so adequately addressed a few minutes ago, it is a competition between the States.

I had the privilege to go with my Governor before over to Germany to visit Thyssenkrupp to offer them incentives so they would come to Louisiana as opposed to going to Alabama. Well, we need a referee when things like that are going on. We need somebody who can coordinate and say some competition between the States is good, but it is our role to make sure that all Americans are treated fairly and that everybody has the opportunity to succeed.

Mr. JACKSON of Illinois. I think the lesson comes particularly from African American history, which I think is appropriate. We don't talk about it up here enough. I'm not ashamed or afraid to come and talk about it.

When African Americans were fighting against slavery and fighting from 1619 to 1865, the passage of the 13th Amendment, the legal argument that was used to justify—to justify—why slavery needed to continue was the 10th Amendment. States' rights.

Virginia said, You don't have a right, Federal Government, to come here and tell us what to do. Georgia said, you don't have a right, Federal Government, to come here and free slaves. You don't have a right, Federal Government, to come into Alabama and tell us what to do. You don't have a right, Federal Government, to come to North Carolina and tell us what to do.

□ 1850

And here we are in 2011 with an element of the Congress of the United States and a tea party outside of the Congress of the United States telling us: Federal Government, you don't have a right to come into our State and give somebody health care. You don't have a right to come into our State and end the foreclosure crisis. You don't have a right to come into our State and provide a higher quality of life for all Americans.

Oh, yes, but you do have a right to give some people a tax break. You do have a right to help these corporations. You do have a right to bail out Wall Street, but you don't have a right to bail out the individual.

So I think, Mr. RICHMOND, that we have a unique perspective around the 10th Amendment that we need to bring into this debate. I'm hoping the Black Caucus joins us in that conversation.

But let me ask you, Mr. RICHMOND. In Louisiana, if offered an opportunity by this government to receive more resources to fix schools, to fix levees, to build infrastructure, would your State send the money back?

Mr. RICHMOND. Absolutely not. Not only would my State take it, but there's a new report out by a conservative group that shows that Louisiana receives more aid than every other State except one and for the first time our State budget has more Federal dollars in it than State dollars.

So I want to be clear about what you hear about States' rights. And this is not just in Louisiana. Right now 27 States have more Federal money in their budgets than they do their own State dollars. So they're not turning down State assistance when it comes to providing those things.

And I just want to tell you that it's so convenient, and the 10th Amendment couldn't address everything, and the Constitution could not address everything at the time, and we can't pre-

tend that it did. What we have the responsibility to do, as Members of this Congress, is to make sure we apply common sense to what the Founders were doing.

You see no mention of the Internet in the Constitution. That's our road to now deal with it. So now that we talk about a complex program to give every American the basic right to health care, you are not going to see that in the Constitution. But what you see in the Constitution and what the overriding theme is, is a more perfect Union. And this government has the responsibility to do that.

So when we start talking about energy assistance to our seniors who can't afford it, you will not see those things in the Constitution. But when you apply common sense, which is what we were elected to do, to a living, breathing document, it would follow that we have not only the right but we have the responsibility and the obligation to do those things for the States.

Mr. JACKSON of Illinois. Mr. RICHMOND, I understand that my time is about to expire.

But our men and women who are fighting in Afghanistan and fighting in Iraq, they're fighting to defend that flag. They're fighting to build a more perfect Union. It's shameful that Members of this Congress aren't fighting for that flag, aren't fighting for a more perfect Union, aren't fighting to expand opportunities for our men and women when they return from Afghanistan and Iraq.

There is nothing more tragic in this current hour, Mr. Speaker, than the idea that our men and women could come home to unemployment, could come home without health care, could come home to homes that are in foreclosure, Mr. Speaker. The 112th Congress needs to do something about that.

I thank the gentleman from Louisiana for participating in this Special Order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today and the balance of the week on account of surgery.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on April 6, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 4. To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

ADJOURNMENT

Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, April 8, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1106. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Removal of the List of Ports of Embarkation and Export Inspection Facilities From the Regulations [Docket No.: APHIS-2009-0078] (RIN: 0579-AD25) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1107. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichloromid; Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8866-2] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1108. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2010, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

1109. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Repeal of Restriction on Ballistic Missile Defense Research, Development, Test, and Evaluation (DFARS Case 2011-D026) (RIN: 0750-AH18) received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1110. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's March 2011 Semi-Annual Report providing the progress toward destruction of the U.S. stockpile of lethal chemical agents and munitions by the Chemical Weapons Convention (CWC) deadline of April 29, 2012, but not later than December 31, 2017; to the Committee on Armed Services.

1111. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's Annual Report for 2010; to the Committee on Financial Services.

1112. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments, Large Bank Pricing (RIN: 3064-A D66) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Technical

Amendment [EPA-R09-OAR-2008-0306; FRL-9284-3] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Regulation Extending the Reporting Deadline for Year 2010 Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule [EPA-HQ-OAR-2011-0191 FRL-9283-7] (RIN: 2060-AQ87) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nebraska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision [EPA-R07-OAR-2010-0945; FRL-9281-6] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1116. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of California, Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2011-0213; FRL-9283-4] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1117. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the 1997 Ozone Standard [EPA-R01-OAR-2010-0934; A-1-FRL-9281-5] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions and Update of Appendices; Withdrawal of Direct Final Rule [EPA-R03-2010-0882; FRL-9281-4] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing [EPA-HQ-OAR-2009-0837; FRL-9280-9] (RIN: 2060-AQ06) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1120. A letter from the Director, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2010, pursuant to Public Law 109-469, section 203 and 501; to the Committee on Energy and Commerce.

1121. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-019, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1122. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-08, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1123. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the twelfth report on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on Foreign Affairs.

1124. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-142, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1125. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-107, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1126. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Garnishment of Accounts Containing Federal Benefit Payments (RIN: 1505-AC20) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1127. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's annual report for FY 2010 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

1128. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Additional Requirements for Market Research [FAC 2005-50; FAR Case 2008-007; Item IV; Docket 2010-0086, Sequence 1] (RIN: 9000-AL50) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1129. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Socioeconomic Program Parity [FAC 2005-50; FAR Case 2011-004; Item V; Docket 2011-0004, Sequence 1] (RIN: 9000-AL88) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1130. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Justification and Approval of Sole-Source 8(a) Contracts [FAC 2005-50; FAR Case 2009-038; Item III; Docket 2010-0095, Sequence 1] (RIN: 9000-AL55) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1131. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Requirements for Acquisitions Pursuant to Multiple-Award

Contracts [FAC 2005-50; FAR Case 2007-012; Item II; Docket 2011-0081, Sequence 01] (RIN: 9000-AL93) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1132. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Proper Use and Management of Cost-Reimbursement Contracts [FAC 2005-50; FAR Case 2008-030; Item I; Docket 2011-0082, Sequence 1] (RIN: 9000-AL78) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1133. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-50; Introduction [Docket FAR 2011-0076, Sequence 2] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1134. A letter from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's annual report for FY 2010 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

1135. A letter from the Executive Vice President, Postal Service, transmitting the Service's annual report for fiscal year 2010, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potential Unexploded Ordinance, Pier 91, Seattle, WA [Docket No.: USCG-2010-1098] (RIN: 1625-AA00) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Illinois Waterway System located within the Ninth Coast Guard District; Stay (Suspension) [USCG-2011-0003] (RIN: 1625-AA11) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Michoud Slip Position 30 degrees 0' 34.2" N, 89 degrees 55' 40.7" W to Position 30 degrees 0' 29.5" N, 89 degrees 55' 52.6" W [Docket No.: USCG-2010-1087] (RIN: 1625-AA87) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; On the Waters in Kailua Bay, Oahu, HI [Docket No.: USCG-2010-1111] (RIN: 1625-AA87) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; New Year's Celebration for the City of San Francisco, Fireworks Display, San Francisco, CA [Docket No.: USCG-2010-1108] (RIN: 1625-AA00) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Fleet Industrial Supply Center Pier, San Diego, CA [Docket No.: USCG-2010-043] (RIN: 1625-AA87) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements, pursuant to Public Law 109-59, section 1119(k); to the Committee on Transportation and Infrastructure.

1143. A letter from the Secretary, Department of Transportation, transmitting the 2010 Annual Report on the Regulatory Status of Each Recommendation on the NTSB Most Wanted List; to the Committee on Transportation and Infrastructure.

1144. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Paralympics Monthly Assistance Allowance (RIN: 2900-AN43) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1145. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Civil Money Penalties for Nursing Homes [CMS-2435-F] received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1146. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2010"; jointly to the Committees on Energy and Commerce and Ways and Means.

1147. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2010 and Federal Fiscal Year 2011 [CMS-2318-N] (RIN: 0938-AQ42) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

The Committees on Energy and Commerce and Ways and Means discharged from further consideration. H.R. 3 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. PAUL, and Mr. MILLER of Florida):

H.R. 1409. A bill to ensure and foster continued patient safety and quality of care by clarifying the application of the antitrust laws to negotiations between groups of health care professionals and health plans and health care insurance issuers; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, and Mr. ROYCE):

H.R. 1410. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS:

H.R. 1411. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. JONES, Mr. LATTI, Mrs. MYRICK, Mr. COLE, Mr. GALLEGLEY, Mr. BARTLETT, Mr. AKIN, Mr. GRAVES of Missouri, and Mr. AUSTIN SCOTT of Georgia):

H.R. 1412. A bill to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRAMMER):

H.R. 1413. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRAMMER):

H.R. 1414. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, and Mr. WU):

H.R. 1415. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Natural Resources.

By Mr. PAULSEN (for himself, Mr. DEFAZIO, Mr. POE of Texas, Mr. BLUMENAUER, and Mr. HONDA):

H.R. 1416. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Mr. JONES, Mr. ROTHMAN of New Jersey, Mr. CRITZ, Mr. ANDREWS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. BARTLETT, Mr. JOHNSON of Georgia, and Mr. KUCINICH):

H.R. 1417. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

By Mr. ROYCE (for himself, Mrs. MCCARTHY of New York, Mr. JOHNSON

of Georgia, Mr. PETERS, and Mr. CARNAHAN):

H.R. 1418. A bill to amend the Federal Credit Union Act to provide certain credit unions with the authority to make additional member business loans, and for other purposes; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. MOORE, and Mr. CLARKE of Michigan):

H.R. 1419. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Education and the Workforce.

By Mr. JACKSON of Illinois (for himself and Ms. MOORE):

H.R. 1420. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Oversight and Government Reform.

By Mr. BOREN (for himself and Mr. COLE):

H.R. 1421. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. BUTTERFIELD, Mr. LOEBSACK, Mr. KING of Iowa, Mr. LATHAM, and Mr. BRALEY of Iowa):

H.R. 1422. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of the limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture.

By Mr. COLE (for himself, Mr. BOREN, Mr. SULLIVAN, Mr. LUCAS, and Mr. LANKFORD):

H.R. 1423. A bill to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the "Specialist Micheal E. Phillips Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia:

H.R. 1424. A bill to improve the Federal Acquisition Institute; to the Committee on Oversight and Government Reform.

By Mrs. ELLMERS (for herself, Mr. ALTMIRE, Mr. QUAYLE, Mr. WU, Mr. HALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAVES of Missouri, and Mr. RICHMOND):

H.R. 1425. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Small Business, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself and Mr. ROSS of Arkansas):

H.R. 1426. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HARPER (for himself, Mr. MATHESON, Mr. JONES, Mr. MCKINLEY, Mr. NUNNELEE, Mr. PETERSON, Mr. FILNER, Mr. BLUMENAUER, and Mr. PALAZZO):

H.R. 1427. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HIGGINS (for himself, Ms. TSONGAS, Mr. LEWIS of Georgia, Mr. FILNER, Mr. TONKO, Mr. COHEN, and Ms. MOORE):

H.R. 1428. A bill to amend the Internal Revenue Code of 1986 to extend the Renewal Community program through end of 2012; to the Committee on Ways and Means.

By Mr. MORAN (for himself, Mr. WOLF, and Mr. CONNOLLY of Virginia):

H.R. 1429. A bill to provide for the compensation of furloughed Federal employees; to the Committee on Oversight and Government Reform.

By Mr. NUNES (for himself, Mr. CHAFFETZ, and Mr. PAUL):

H.R. 1430. A bill to require regulated lending institutions, Federal agency lenders, and Government-sponsored enterprises for housing to accept flood insurance coverage provided by a private entity that otherwise meets the requirements for the mandatory purchase of flood insurance to accept such flood insurance coverage as satisfaction of such requirements; to the Committee on Financial Services.

By Mr. PEARCE:

H.R. 1431. A bill to authorize the Secretary of Transportation to grant releases to terms and conditions contained in a deed under which the United States conveyed certain land to Dona Ana County, New Mexico, for airport purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHWEIKERT (for himself and Mr. PAUL):

H.R. 1432. A bill to require formal rule-making procedures for rules related to health care reform; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Ms. WATERS, Mr. JONES, Mrs. BONO MACK, Mr. DUNCAN of Tennessee, Mr. GRIMM, Mr. WESTMORELAND, Mr. SIMPSON, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. ROSS of Florida, Mr. GOWDY, Mr. GRIFFIN of Arkansas, Mr. FRANKS of Arizona, Mr. COBLE, Mr. GOODLATTE, and Mr. LONG):

H.R. 1433. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. SHULER:

H.R. 1434. A bill to render inadmissible to the United States aliens who have been convicted of a sex offense against a minor, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 1435. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisals for certain disclosures; to the Committee on Armed Services.

By Mr. SMITH of New Jersey:

H.R. 1436. A bill to amend the Atomic Energy Act of 1954 to require a nuclear power facility licensee to notify the Nuclear Regulatory Commission and the State and county in which the facility is located within 24 hours of an unplanned release of radio-

nuclides in excess of allowable limits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Pennsylvania:

H.R. 1437. A bill to amend the Harmonized Tariff Schedule of the United States to make a technical correction relating to stainless steel single-piece exhaust gas manifolds; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mr. JONES):

H.J. Res. 55. A joint resolution to amend the War Powers Resolution; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH of Illinois (for himself, Mr. BUCHANAN, Mr. HUELSKAMP, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. STUTZMAN, Mrs. HARTZLER, Mr. MARINO, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. BROOKS, Mr. FRANKS of Arizona, Mr. LANCE, Mr. HELLER, Mr. LABRADOR, and Mr. MARCHANT):

H.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

By Mr. COLE (for himself, Mr. KLINE, Mr. TERRY, and Mr. MCCLINTOCK):

H. Res. 208. A resolution directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to any consultation with Congress regarding Operation Odyssey Dawn or military actions in or against Libya; to the Committee on Armed Services.

By Mr. COLE (for himself, Mr. KLINE, Mr. TERRY, and Mr. MCCLINTOCK):

H. Res. 209. A resolution directing the Secretary of State to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of State, or any portion of such communication, that refers or relates to any consultation with Congress regarding Operation Odyssey Dawn or military actions in or against Libya; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. PRICE of North Carolina, Mr. FALBOMAVAEGA, Mr. HASTINGS of Florida, Mr. STARK, Mr. CLARKE of Michigan, and Mr. FILNER):

H. Res. 210. A resolution supporting the goals and ideals of Global Youth Service Day; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. HUIZENGA of Michigan, Mr. GINGREY of Georgia, Mr. BROOKS, Mrs. SCHMIDT, Mr. SOUTHERLAND, Mr. GOSAR, Mr. PENCE, Mr. HERGER, Mr. LAMBORN, Mr. WEBSTER, Mr. WALBERG, Mrs. HARTZLER, Mr. STUTZMAN, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. GIBBS, Mr. DANIEL E. LUNGREN of California, Mr. WILSON of South Carolina, Mr. JONES, Mr. BROUN of Georgia, and Mr. NEUGEBAUER):

H. Res. 211. A resolution expressing support for designation of the first weekend of May as Ten Commandments Weekend to recognize the significant contributions the Ten Commandments have made in shaping the principles, institutions, and national character of the United States; to the Committee on Oversight and Government Reform.

By Mr. JOHNSON of Illinois:

H. Res. 212. A resolution expressing the sense of the House of Representatives that the United States should not intervene in the civil war in the Ivory Coast; to the Committee on Foreign Affairs.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. SMITH of New Jersey, and Mr. TONKO):

H. Res. 213. A resolution honoring the memory of Poland's President, national leaders, and cultural leaders who were killed in the tragic plane crash at Smolensk, Russia on April 10, 2010; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 1438) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahim Diallo, Abdoul Diallo, Mamadou Bobo Diallo, and Mamadou Pathe Diallo; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CONYERS:

H.R. 1409.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. SMITH of New Jersey:

H.R. 1410.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. BILLIRAKIS:

H.R. 1411.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defense of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make "all Laws which shall be necessary and proper" for carrying out the constitutional powers vested in the Government of the United States.

By Mr. TERRY:

H.R. 1412.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States

By Mr. DEFAZIO:

H.R. 1413.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations

respecting the territory or other property belonging to the United States).

By Mr. DEFAZIO:

H.R. 1414.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. DEFAZIO:

H.R. 1415.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. PAULSEN:

H.R. 1416.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8.

By Mr. FILNER:

H.R. 1417.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1, 14, and 18), which grants Congress the power to provide for the general welfare of the United States; to make Rules for the Government and Regulation of the land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. ROYCE:

H.R. 1418.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. SCOTT of Virginia:

H.R. 1419.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the Constitution.

By Mr. JACKSON of Illinois:

H.R. 1420.

Congress has the power to enact this legislation pursuant to the following:

13th 14th 15th Amendments

By Mr. BOREN:

H.R. 1421.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. BOSWELL:

H.R. 1422.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution, section 8, clause 18

By Mr. COLE:

H.R. 1423.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to estab-

lish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. CONNOLLY of Virginia:

H.R. 1424.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 18

By Mrs. ELLMERS:

H.R. 1425.

Congress has the power to enact this legislation pursuant to the following:

Art. I, §8, cl. 2 (regulating commerce between the several states);

Art. I, §8, cl. 7 (promoting the progress of science and the useful, by for a limited time granting them exclusive rights to their works);

Art I, sec. 8, cl. 11 and 12 (raising army and navies).

By Mrs. EMERSON:

H.R. 1426.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate commerce among the several States, as enumerated in Article I, Section 8, Clause 3.

By Mr. HARPER:

H.R. 1427.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HIGGINS:

H.R. 1428.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power of congress to lay and collect taxes, duties, imposts and excises as described in Article 1, Section 8, Clause 1. With further support from the Sixteenth Amendment, which provides Congress the power to lay and collect taxes on incomes, from whatever sources derived.

By Mr. MORAN:

H.R. 1429.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. NUNES:

H.R. 1430.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of section 8 of article I of the Constitution of the United States.

By Mr. PEARCE:

H.R. 1431.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 2 of Section 3 of Article IV of the United States Constitution.

By Mr. SCHWEIKERT:

H.R. 1432.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SENSENBRENNER:

H.R. 1433.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SHULER:

H.R. 1434.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1 gives Congress the authority to "provide for the common defense and general welfare of the United States."

By Mr. SMITH of New Jersey:

H.R. 1435.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. SMITH of New Jersey:

H.R. 1436.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause 3 of the Constitution.

By Mr. THOMPSON of Pennsylvania:

H.R. 1437.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

Mr. RANGEL:

H.R. 1438.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Mr. DEFAZIO:

H.J. Res. 55.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. WALSH of Illinois:

H.J. Res. 56.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. UPTON, Mr. NUGENT, and Mr. GRAVES of Georgia.

H.R. 5: Mr. MURPHY of Pennsylvania.

H.R. 27: Mr. TIERNEY, Mr. WILSON of South Carolina, Mr. MCGOVERN, Ms. CLARKE of New York, and Ms. FUDGE.

H.R. 100: Mr. BENISHEK.

H.R. 110: Mr. KUCINICH.

H.R. 114: Mr. UPTON, Mr. RIGELL, Mr. YOUNG of Florida, and Mr. SESSIONS.

H.R. 210: Ms. LINDA T. SANCHEZ of California, and Ms. SCHAKOWSKY.

H.R. 402: Mr. WATT.

H.R. 412: Mrs. CAPITO and Mr. ROSKAM.

H.R. 420: Mr. ROONEY and Mr. KINZINGER of Illinois.

H.R. 436: Mr. CARTER, Mr. SIMPSON, Mr. DENHAM, Mrs. LUMMIS, Mr. HELLER, and Mr. HARPER.

H.R. 440: Mr. BILIRAKIS.

H.R. 450: Mr. ROGERS of Michigan.

H.R. 495: Mr. NUGENT.

H.R. 516: Mr. MANZULLO.

H.R. 539: Ms. HIRONO.

H.R. 603: Mr. HINCHEY.

H.R. 604: Mr. HINCHEY.

H.R. 640: Ms. SCHAKOWSKY.

H.R. 653: Mr. MILLER of North Carolina.

H.R. 654: Mr. KILDEE, Ms. LEE of California, and Mr. MILLER of North Carolina.

H.R. 672: Mr. FLEMING, Mr. FINCHER, Mr. BENISHEK, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. RIGELL, Mr. CAMPBELL, Mr. HERGER, Mr. BROOKS, Mr. HARRIS, and Mr. THOMPSON of Pennsylvania.

H.R. 733: Mr. WOLF.

H.R. 740: Mr. ROTHMAN of New Jersey, Mr. STIVERS, Mr. BISHOP of Utah, Mr. GRIMM, Mr. BRADY of Texas, Mr. CHAFFETZ, Mr. KEATING, and Mr. SHERMAN.

H.R. 787: Mr. MANZULLO and Mr. POMPEO.

H.R. 819: Ms. HERRERA BEUTLER, Ms. WILSON of Florida, Mr. ISRAEL, and Mr. HOLT.

H.R. 822: Mr. JONES, Mr. ALEXANDER, Mr. SESSIONS, Mr. MACK, Mr. BISHOP of Utah, Mrs. CAPITO, and Mr. ROONEY.

H.R. 831: Mr. MILLER of North Carolina.

H.R. 854: Mr. BERMAN, Ms. CHU, Mr. CUMMINGS, Mr. CRITZ, Mr. DEUTCH, Mr. DICKS, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MCINTYRE, Mr. NADLER, Mr. NEAL, Mr. PASTOR of Arizona, Mr. QUIGLEY, Mr. RANGEL, Mr. REICHERT, Mr. ROTHMAN of New Jersey, Mr. SCHOCK, Mr. VAN HOLLEN, Mr. WU, Ms. HANABUSA, and Mr. ANDREWS.

H.R. 894: Ms. RICHARDSON, Mr. FILNER, Mr. JOHNSON of Georgia, Ms. WOOLSEY, and Ms. SCHAKOWSKY.

H.R. 923: Ms. ROS-LEHTINEN, Mr. SHULER, and Mr. BURTON of Indiana.

H.R. 942: Mrs. MILLER of Michigan and Mr. BLUMENAUER.

H.R. 966: Mr. CANSECO and Mr. GALLEGLY.

H.R. 984: Mr. STUTZMAN and Mr. CRAWFORD.

H.R. 985: Mr. GRIJALVA, Mr. HONDA, and Mr. GEORGE MILLER of California.

H.R. 998: Mr. CLEAVER.

H.R. 1000: Mr. BRADY of Pennsylvania and Ms. LORETTA SANCHEZ of California.

H.R. 1006: Mr. MARINO.

H.R. 1022: Mr. CLEAVER and Mr. BISHOP of Georgia.

H.R. 1057: Ms. NORTON, Mr. BLUMENAUER, Mr. SARBANES, Ms. MATSUI, Mr. FALDOMAVEGA, Mr. ELLISON, and Mr. BISHOP of Georgia.

H.R. 1058: Mr. BISHOP of Georgia.

H.R. 1091: Mr. KISSELL.

H.R. 1093: Mr. KINZINGER of Illinois, Mr. DREIER, Mr. LATTA, Ms. JENKINS, Mr. ROONEY, Mr. WEST, and Mr. LUJÁN.

H.R. 1154: Mr. COURTNEY, Mrs. ELLMERS, Mrs. HARTZLER, and Mrs. EMERSON.

H.R. 1161: Mr. FARENTHOLD, Mr. PALLONE, Mr. HULTGREN, Mr. SMITH of New Jersey, Mr. PALAZZO, Mr. ROSS of Arkansas, Mr. SCHOCK, and Mr. THORNBERRY.

H.R. 1179: Mr. FORBES and Mr. NEUGEBAUER.

H.R. 1195: Ms. HANABUSA, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. CUELLAR, and Mr. ROGERS of Alabama.

H.R. 1206: Mr. SCHRADER, Mr. FORBES, Mr. GUTHRIE, and Mr. SULLIVAN.

H.R. 1208: Mrs. NAPOLITANO.

H.R. 1219: Mr. ANDREWS and Ms. ZOE LOFGREN of California.

H.R. 1234: Mr. GRIJALVA and Mr. MARKEY.

H.R. 1236: Mr. BOSWELL, Mr. YARMUTH, Mr. AKIN, Mr. REHBERG, and Mr. HASTINGS of Florida.

H.R. 1259: Mr. MARINO.

H.R. 1273: Mr. LUJÁN.

H.R. 1288: Mr. COBLE and Mr. BRADY of Pennsylvania.

H.R. 1291: Mr. SIMPSON.

H.R. 1297: Mr. BUCHANAN, Mr. COBLE, Mr. DUNCAN of Tennessee, Mr. HUIZENGA of Michigan, Mr. LOEBACK, Mr. MARCHANT, and Mr. SMITH of New Jersey.

H.R. 1299: Mr. GOHMERT and Mrs. MYRICK.

H.R. 1323: Mr. BURTON of Indiana, Mr. PENCE, Mr. ROONEY, and Mr. MANZULLO.

H.R. 1351: Ms. SUTTON, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. MORAN, Mr. ANDREWS, Ms. RICHARDSON, Mr. HASTINGS of Florida, and Mr. YARMUTH.

H.R. 1357: Mr. LUJÁN.

H.R. 1366: Mr. FORTENBERRY.

H.R. 1380: Mr. SIREN, Mr. KING of New York, Mr. HEINRICH, Mr. RICHMOND, Ms. HANABUSA, Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SANCHEZ of California, Mr. DEFAZIO, Mr. HIGGINS, Mr. CARSON of Indiana, Mr. MILLER of North Carolina, Mr. ELLISON, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. CALVERT, Mr. RIGELL, Mr. TIPTON, Mr. HOLDEN, Mr. CROWLEY, Mr. ANDREWS, Mr. WEINER, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. BACA, Mr. HINOJOSA, Mr. SMITH of Washington, Mr. CARDOZA, Mr. LANGEVIN, Mr. FARR, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. GONZALEZ, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Mr. RAHALL, Mrs. MYRICK, Mr. CARTER, Mrs. EMERSON, Mr. OLVER, Mr. MCDERMOTT, Mrs. LOWEY, Mr. YARMUTH, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. FILNER, Mr. DAVIS of Illinois, Mr. HONDA, Mr. LANDRY, Mr. WILSON of South Carolina, Mr. ROONEY, Mr. KLINE, and Mr. THORNBERRY.

H.R. 1397: Mr. REYES.

H.J. Res. 47: Ms. WOOLSEY.

H. Res. 98: Mr. KISSELL, Ms. FOX, Mrs. ELLMERS, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. CARTER, and Mrs. BACHMANN.

H. Res. 134: Mr. WOLF and Mr. BISHOP of Utah.

H. Res. 137: Mr. PLATTS and Mr. MCINTYRE.

EXTENSIONS OF REMARKS

IN HONOR OF LIONVILLE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Lionville Fire Company on its 100th anniversary of selfless dedication and commitment to the community.

This is a great milestone and a momentous accomplishment and I take great pleasure in being able to honor the men and women of the Lionville Fire Company for their dedication and outstanding service.

For 100 years, the officers, firefighters, and fire police of Lionville Fire Company have proudly and capably served and protected the thousands of citizens of Chester County, including the Townships of Upper Uwchlan, Uwchlan, and West Pikeland. They have always answered the call to help their neighbors in distress, whether it is putting out a fire, aiding those whose homes have flooded, or rescuing animals. During these years of service, the Company has also lost the lives of fallen firefighters as they have answered the call. Special tribute needs to be paid to these brave servants: Charles Martin, Jonathan Windle and David Good.

Mr. Speaker, I ask that my colleagues join me today in recognizing Lionville Fire Company on its 100th anniversary and to honor this exemplary organization for its commitment, dedication, and outstanding history of service to the community.

RECOGNIZING THE ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today on the 40th anniversary of the assassination of Dr. Martin Luther King, Jr. to honor his legacy and recognize the innumerable Americans who continue along the path he paved towards justice and liberty for all citizens.

It is rare that one person can change the fate of our Nation; however Dr. King was able to do just that. Dr. King relied on his relationship with God and his faith in justice to articulate his vision for America in a way that touched the hearts and minds of the American public.

Dr. King called on all of us to no longer stand alone in silence, but to stand up together as a voice against injustice. He inspired us to fight for change through nonviolent

means, and paved the road for us to continue that fight even after his death.

Few people would sacrifice time and energy for loved ones, fewer for strangers, yet Dr. King humbled himself to do just that. He ultimately sacrificed his life and his family sacrificed their patriarch for the struggle towards political justice for all Americans. Today we pay homage for their selflessness and publicly thank them for their commitments to humanity.

Dr. King left us with the challenge to courageously fight and secure the civil rights for all, from the impoverished and disenfranchised underclass to the politically and economically endowed. Although his challenge was issued 40 years ago, we still have not fully realized his noble request.

Today, that legacy is as much about the past as it is about the future. Dr. King's dream is truly timeless, and I hope that our next generation will find inspiration in his faith and vision.

RECOGNIZING THE ORGANIZERS OF "LZ: RGV"—A FITTING WELCOME HOME TO VETERANS OF VIETNAM WAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the important work of Manuel Cantu, Jr., Judge Ramon Garcia and the American Legion Post 408 of Edinburg, Texas. These gentlemen, along with the Legion Post, are planning a remarkable and poignant event for this Saturday in McAllen, Texas, that pays a debt 38 years overdue.

Four years ago, Judge Ramon asked Mr. Cantu, then Legion Post commander, if the Vietnam Veterans in South Texas had ever gotten a proper homecoming celebration after their service in the war. No such recognition had ever been given and the good people of South Texas have worked to correct that omission.

Their efforts culminate in the three day "LZ: RGV"—Landing Zone: Rio Grande Valley—a sincere welcome home to the veterans of the Vietnam conflict.

The honor, duty and sacrifice of these veterans could not be clearer. Of the two and a half million men and women who served in Vietnam, six hundred and sixty spent time as prisoners of war, three hundred thousand were wounded—seventy-five thousand suffering permanent disability, over two thousand remain missing, and fifty-eight thousand died in service to their country.

However, when these servicemembers returned home, they were overshadowed by the crossfire of public debate over our nation's involvement in the Vietnam War. As a result,

these brave men and women never received the welcome home, salute and gratitude they justly deserved.

Today, thanks to the efforts of Post 408, as well as other veteran organizations and fellow Texans, there will be a spectacular and fitting recognition of the Vietnam veterans. Centered around the McAllen, Texas Convention Center and stretching from Thursday, April 7 to Saturday, April 9, LZ: RGV will feature the traveling Wall That Heals (a half scale replica of the Vietnam Memorial), dedication of a new memorial to Texans who died in the Vietnam War, a day of education and exhibits, dramatic presentations, and a motorcycle procession headed by the Warriors Watch Riders.

I am heartened by the support of the whole community in making this event special and meaningful for Vietnam Veterans. Five countries, several cities, and the Texas House and Senate in concurrent resolution, have proclaimed Saturday, April 9 as Welcome Home South Texas Vietnam Veterans Day. The list of sponsors is long and filled with public agencies, businesses, nonprofit groups, and private individuals. Several individuals have given their time and talent to produce a first-class experience.

Mr. Speaker, I am honored to have had the time to recognize LZ: RGV, which so fittingly and joyously acknowledges, appreciates, and celebrates the sacrifice of Vietnam veterans and provides the welcome home they deserved.

A CELEBRATION OF 90 YEARS OF THE LIFE, LEGACY, LEADERSHIP AND LOVE OF DR. THELMA DAVIDSON ADAIR—VILLAGE MOTHER OF HARLEM "EDUCATOR, PIONEER, ACTIVIST, MOTHER, GRAND & GREAT GRAND-MOTHER"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. RANGEL. Mr. Speaker, I rise today in celebration of the Life, Legacy, Leadership and Love of our Village Mother of Harlem and my longtime friend and confidant, Dr. Thelma Davidson Adair.

On Sunday, April 3, 2011, the Mount Morris Ascension Church and the Greater Harlem community join together to celebrate the wonderful legacy and work of our "Educator, Pioneer, Activist, Mother, Grand & Great Grandmother," Dr. Thelma Davidson Adair.

Dr. Adair, a Harlem icon and matriarch, is a graduate of Barber-Scotia Jr. College, Concord, North Carolina and Bennett College, Greensboro, North Carolina. She earned a Master's Degree and Doctorate of Education from Teacher's College, Columbia University.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This outstanding remarkable woman has been an outstanding educator, world-renowned church leader, advocate of human rights, peace and justice issues, writer and public speaker.

Beginning her life in the "Jim Crow South," in North Carolina, she refused to let social limitations stand in the way of sharing her gift for teaching with the world. Thelma Davidson met and married the Reverend Dr. Arthur Eugene Adair, founder and Senior Pastor of the landmarked Mount Morris Ascension Presbyterian Church. Eugene and Thelma through God's unyielding hand contributed their talent, energy, generosity and educated minds in service to the children and families of Harlem, New York City and beyond. They are responsible for organizing many of Harlem's first Head Start programs, including the Mount Morris New Life Children's Day Care Center.

In 1976, Dr. Thelma C. Davidson Adair became the first African-American woman to be elected Moderator of the Presbyterian Church 188th Assembly. Her efforts and involvement with the Presbyterian Church have been nationally recognized by foreign and national heads of states and United States presidents.

An expert in early childhood education, Adair is Professor Emeritus of the City University of New York's Queens College, where she taught for 31 years. She also taught religious education at Union Theological Seminary, was a lecturer at the University of Ghana and Columbia University, and trained members of the U.S. Peace Corps for service in Africa, South America and the Caribbean.

Through all her tremendous efforts and achievements, Dr. Adair has been duly honored, receiving countless awards and numerous Honorary Doctorate Degrees. Her impressive resume of accomplishments does not speak to the deep connections the community feels for her as a mother to all. Dr. Adair shares her wisdom and love with so many people in unofficial contexts, providing mentorship and friendship to Harlem's youth. Her role as a community leader does not end when she leaves the church and her life of service to the world in the face of very real social challenges sets an example for us all.

The Arthur Eugene and Thelma Adair Community Life Center, Inc. Head Start serves over 250 children and their families annually in five Head Start Centers in Harlem. Dr. Adair's publications on early childhood education have become an authoritative guide for early childhood educators throughout the United States. Today, Dr. Adair is an ordained elder in the Mount Morris Ascension Presbyterian Church of New York City, the church founded by her late husband the Reverend Arthur Eugene Adair.

Her numerous awards and degrees include: The Thelma C. Adair Award on Presbyterian Senior Services; Barber-Scotia Alumni Award for Meritorious Service in the Field of Education; Columbia University, Teacher's College Distinguished Alumni Award; United Negro College Fund Distinguished Award for Outstanding Service and Commitment of Higher Education; and Woman of the Year Award.

Her current affiliations include: Chair, Presbyterian Senior Services; Advisor, Church Women United, National Board; Board of Visitor, Davidson College; Advisory Council, Na-

tional Council of Churches; Member, Harlem Hospital Community Advisory Board.

During her prestigious career of service, Dr. Adair has worked closely with leaders, including the late Reverend Dr. Martin Luther King, Jr. and Presidents John F. Kennedy, Lyndon B. Johnson and Jimmy Carter, to bring about social justice and economic empowerment. She even was a part of President William Jefferson Clinton's delegation that attended the historic inauguration of South African President Nelson Mandela.

Mr. Speaker, please join me in tribute of the living life, legacy, leadership and love of our beloved Village Mother of Harlem, Dr. Thelma C. Davidson Adair's 90 years of service to a very grateful nation.

IN HONOR OF BERKS COUNTY
CHAPTER OF THE PENNSYLVANIA
SPORTS HALL OF FAME

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the seven new members of the Berks County Chapter of the Pennsylvania Sports Hall of Fame and to honor them on their outstanding athletic careers.

Charlie Engle has been an outstanding softball pitcher for 60 years and he famously pitched a no-hitter in 2010 at the age of 79. For his career, he has pitched 13 perfect games and 18 no-hitters. In addition to pitching in more than 2,000 games and receiving 31 MVP awards, Charlie led the Honey Brook Comets to county, district, state, regional and national American Softball Association titles in 1968 and 1969.

Doreen Kase Larson, one of the top swimmers in Berks County history, won seven District 3 gold medals, setting records in the 100-yard and 200-yard freestyles. She also won five PIAA golds, three in the 100-yard and two in the 200-yard freestyles, setting marks in both events. She was inducted into the Berks County Aquatic Hall of Fame in 2000.

Mike Reedy was a basketball and baseball standout, helping to lead the 1977 Wilson Bulldogs to the Berks County basketball title. He is fourth on the school's career scoring list. Mike also batted .531 in baseball and went on to standout careers in both sports at Albright College. He has been inducted into the Wilson and Albright Sports Halls of Fame.

Mike Reitz was an All-State football player for the Wilson Bulldogs, leading them to its first undefeated season in 1967 when he rushed for 1,274 yards to set the school career record of 2,257 yards. He was also the Berks heavyweight champion in wrestling. Mike went on to play college football at Penn State and Maryland. He has been inducted into the Wilson Sports and Berks Football Halls of Fame.

Joe Stallone, an outstanding gymnast, won 48 gold, silver and bronze medals in PIAA competition and was the national high school champion in rings and vaulting. After graduating from Holy Name in 1976, Joe went on to an All-American career at Penn State. He

has coached at many levels, including the USA Olympic Festival team three times, and he directed the U.S. Junior National team to four world titles.

Ken Thomason, Reading High Class of 1958, was a football and wrestling standout. He was an All-Central Penn League and Big 33 selection in football and went on to play for the semi-pro Reading Keystones. Ken was also a District 3 champion in wrestling and has been inducted into the Berks Wrestling Coaches and Berks Football Halls of Fame.

Ross Tucker, Wyomissing Class of 1997, was an All-Berks selection in football and basketball for the Spartans. He went on to start in football for four years at Princeton where he earned All-Ivy League and Academic All American honors. Ross then played for seven seasons as an offensive lineman in the NFL with the Redskins, Bills, Cowboys and Patriots.

Mr. Speaker, in light of the outstanding athletic careers of these seven individuals, I ask that my colleagues join me today in recognizing their outstanding achievements on the occasion of their induction to the Berks County Chapter of the Pennsylvania Sports Hall of Fame.

CELEBRATING THE 89TH BIRTHDAY
OF GEORGE N. ZENOVICH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. COSTA. Mr. Speaker, I rise today to congratulate the Honorable George N. Zenovich on the occasion of the celebration of his 89th year.

George N. Zenovich was born of Serbian ancestry on April 29, 1922 in Fresno, California. Raised in his beloved San Joaquin Valley, in 1955 he wed Vera Sarenca in Belgrade, Yugoslavia. To their great joy, they became the parents of two children, Ninon and Marina. George proudly served a tour of duty for our Nation as a member of the U. S. Army Air Force during World War II. Mr. Zenovich embodies what has become known as the "Greatest Generation" and indeed all that is honorable about our esteemed veterans. As journalist Tom Brokaw wrote in his 1998 book, "The Greatest Generation," he defended our country neither for fame nor recognition, but because it was the right thing to do. That sense of honor would stay with George Zenovich throughout his entire career.

A calling for public service would continue to run deep within George Zenovich. When his military service to our country concluded, Mr. Zenovich continued his education in the area of law, becoming a noted attorney; a calling which would later serve as the foundation for democratic representation of the people of the State of California.

In 1963, George Zenovich was elected to serve in the California State Assembly. As a testament to his leadership, he earned the distinction of serving in the post of Assembly Majority Leader, a position second only to the Assembly Speaker. This service marked the first time that two San Joaquin Valley legislators

from the same political party had held high positions simultaneously in the state legislature. In 1968, his passion for representing those under the democratic umbrella led him to be selected as a delegate for the 1968 Democratic National Convention. Shortly thereafter, George Zenovich was elected to the position of State Senator for California, providing representation for all those in his cherished Central Valley.

During his tenure in the State Senate, George was instrumental in passing several landmark pieces of legislation. It was during his time in the California Senate that the notable California Arts Council was created by the Dixon-Zenovich-Maddy California Arts Act of 1975. This legislation was enacted to encourage artistic awareness, participation, and expression; to assist independent local groups develop art programs; to promote the employment of artists in both the public and private sector; to provide for the exhibition of artwork in public buildings; and, to enlist the assistance of all state agencies in the task of ensuring the fullest expression of artistic potential.

George was also a tireless champion for California's agricultural workers, co-sponsoring the Alatorre-Zenovich-Dunlap-Berman California Agricultural Labor Relations Act which became the first law in the nation recognizing the right of farm workers to bargain collectively. He was also responsible for the Zenovich-Moscone-Chacon Housing and Home Finance Act which authorized bonds for low and moderate income housing and established the California Housing Finance Agency.

However, George Zenovich's greatest passion was championing the cause of physically, mentally, and neurologically handicapped children. He sponsored funding of programs for autistic children, established the Diagnostic School for Neurologically Handicapped children in Fresno in 1973, and chaired the Select Committee on Children and Youth. As a legislator his passion for California was truly remarkable.

In order to further fulfill his quest for justice, in 1979 Mr. Zenovich accepted the coveted position as an associate justice for the 5th District Court of Appeals where he balanced the scales of justice for those in Fresno, Tulare, Kings, Madera, Mariposa, Merced, Kern, Tuolumne and Stanislaus counties. It was during this time that the appellate court expanded from three justices to eight, and this court has now grown to include ten associate justices.

As a testament to George N. Zenovich, in 2008 Fresno's new 5th District Court of Appeals building was named the George Zenovich Court of Appeals. Always a humble man dedicated to his ancestry, George Zenovich shared this honor with Armenians who settled in the Central Valley area more than a century ago.

The leadership and commitment Mr. Zenovich has demonstrated has never wavered nor has his honor in service. I respectfully ask my colleagues to join me in bestowing best wishes to The Honorable George Zenovich as we acknowledge all that he has done during his lifetime for those throughout the great State of California.

THE QUALITY HEALTH CARE COALITION ACT OF 2011

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. CONYERS. Mr. Speaker, today I am pleased to introduce H.R. 1409, the "Quality Health Care Coalition Act of 2011." This bill will strengthen patient safety and quality of care by clarifying the application of the anti-trust laws to negotiations between groups of health care professionals and health plans and health care insurance issuers.

Currently, the insurance industry, including health care insurance companies, is immune from federal antitrust laws under the McCarran-Ferguson Act. In contrast, health care providers can presently be prohibited from collectively negotiating against insurance companies. Accordingly, the playing field is terribly unbalanced.

At a hearing the House Committee on the Judiciary held last Congress on the disparate treatment of physicians and health insurers by the antitrust enforcement agencies, I heard troubling testimony revealing that health care providers find themselves in an untenable situation. On the one hand, they are directed to find new efficiencies and coordinate care with other providers. On the other hand, they risk running afoul of the antitrust laws if they coordinate too closely.

To level the playing field, I am pleased to join Rep. RON PAUL (R-TX) in introducing bipartisan legislation to allow health care providers the ability to collectively negotiate against insurance companies. The Quality Health Care Coalition Act of 2011 will give health care providers the ability to collectively negotiate contractual terms with insurers, including provisions that affect the quality of patient care.

By balancing the playing field between health care professionals and insurance companies, this legislation will help improve quality of patient care.

PRIOR CONGRESSIONAL ACTIVITY

In 2000, the House passed H.R. 1304, the Quality Healthcare Coalition Act of 1999 that Rep. Tom Campbell (R-CA) and I co-sponsored. H.R. 1304, which is similar to the bill that I am introducing today, would have created a limited antitrust exemption for physician collective bargaining, putting health care professionals on the same footing as other collective bargaining units immunized under the National Labor Relations Act. The bill passed the House by a vote of 276-136, but was blocked in the Senate. Similar legislation was introduced in the 107th (H.R. 3897) and 108th (H.R. 1120) Congresses, but were never voted on by the House.

IN TRIBUTE TO DR. ARNOLD MITCHEM

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. MOORE. Mr. Speaker, I rise today to recognize Dr. Arnold Mitchem, who is being

honored by my alma mater, Marquette University, on April 29, 2011, as Alumnus of the Year. Over a 40-year career span, Dr. Mitchem, the first and only President for the Council for Opportunity in Education has been a voice for low-income, first-generation college students and individuals with disabilities.

In fact, his career began on the History faculty at Marquette University in Milwaukee. In 1969, he was named director of the Educational Opportunity Program at Marquette, serving in that role until 1986, when he relocated to Washington, DC to represent low-income and disabled students nationally. Thanks to his work, the federally funded TRIO Programs (the largest discretionary program in the U.S. Department of Education) have expanded by nearly 400 percent and now serves more than 872,000 students at 1,200 colleges and universities.

Dr. Mitchem graduated from the University of Southern Colorado in 1965. Before receiving his Ph.D. in Foundations of Education at Marquette University in 1981, he studied European History as a Woodrow Wilson Fellow at the University of Wisconsin. He is married to his soul mate, Freda Mitchem, and has four children and seven grandchildren.

Dr. Mitchem is a member of the Executive Committee of the European Access Network as well as a former trustee of the College Board, and past-president of the Committee for Education Funding, a Washington-based coalition of national education associations. He currently serves on the Board of Trustees of Marquette University. Dr. Mitchem has been awarded honorary doctorates from eight universities, including: St. Louis University; CUNY-Lehman College in New York; DePaul University; and the University of Liverpool, England.

Mr. Speaker, I am proud to recognize my friend, Dr. Mitchem. He recruited, nurtured and continues to mentor me and countless other former Marquette University students who had the privilege of coming under his influence. Dr. Mitchem's true legacy is the millions of students who have achieved an education due in no small part to his advocacy on their behalf. The citizens of the fourth congressional district, the State of Wisconsin and the nation have benefited tremendously from his dedicated service. I am honored for these reasons to pay tribute to Dr. Mitchem.

IN HONOR OF THE BAPTIST CHURCH IN THE GREAT VALLEY, CHESTER COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The Baptist Church in the Great Valley, Chester County, Pennsylvania on its 300th anniversary.

The history of The Baptist Church in the Great Valley is a long and storied one, extending back in time to before the American Revolution. This third oldest Baptist church in Pennsylvania was founded in 1711 by Welsh Baptists who came to the country to find freedom

of worship. When the Continental Congress called for a day of prayer and fasting on July 20, 1775, David Jones, then pastor of Great Valley, was invited to preach to a gathering of troops. On that occasion, more than 3,000 men gathered at the church along with members of the congregation to hear Pastor Jones' sermon entitled, "Defensive War in a Just Cause Sinless."

In 1820, The Baptist Church in the Great Valley adopted a resolution "that in the future the women shall be entitled to vote on all questions that arise in the church," thus becoming one of the very first churches in the area to break from the then-current custom of not permitting women to be involved in church matters. In the 1830's, then pastor Leonard Fletcher and several other members of the church were instrumental in supporting the Wilberforce Anti-Slavery Society in the area.

The Baptist Church in the Great Valley has long been open to the participation of African-Americans within its membership. The first African-American joined the church in 1762, which by that time included persons of Welsh, English, German, and other European backgrounds. Over the years, the membership has grown to include persons of Hispanic and Asian ancestry.

Mr. Speaker, I ask that my colleagues join me today in congratulating The Baptist Church in the Great Valley and its storied history on the occasion of its 300th anniversary and to extend best wishes for the Church's continuing work to meet the pastoral and spiritual needs of its congregation and the community.

RECOGNIZING THE LIFE OF
CLAUDE B. DUNLAP, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, I rise today to honor the life of Northwest Florida's beloved Claude B. Dunlap, Jr.

A native of Florida's First Congressional District, Mr. Dunlap spent his childhood and adolescence in Baghdad, Florida. Mr. Dunlap then enlisted in the United States Army and served with honor and distinction during the Vietnam War. He earned the Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, and the Expert Rifle Medal.

Following his military service, Mr. Dunlap joined the Baghdad Volunteer Fire Department in 1973. For nearly 40 years, Mr. Dunlap served the citizens of Baghdad and Santa Rosa County, Florida. Mr. Dunlap's dedication to the fire department was evident from the beginning, and his leadership capabilities were clearly demonstrated as he rose to Captain and then to Assistant Chief. In 1995, Mr. Dunlap was named Chief of the Baghdad Volunteer Fire Department, a position that he held until his recent passing.

During his tenure as the Fire Chief, the Baghdad Volunteer Fire Department grew tremendously. Mr. Dunlap ensured that firefighters had the necessary safety equipment

to operate on a daily basis and respond to calls. Mr. Dunlap also oversaw the purchase of a new Engine, Rescue truck, Brush truck, boat, and 2 staff vehicles, as well as the beginning of construction on a new fire station.

In addition to his duties as Fire Chief, Mr. Dunlap worked for more than 30 years at the Florida Department of Transportation, where he served as a Maintenance Supervisor. In this capacity, Mr. Dunlap traveled extensively throughout the state of Florida to assist in the cleanup efforts after numerous hurricanes.

To some, Claude Dunlap will be remembered as a Fire Chief and a dedicated servant to the Santa Rosa County community. To others he will be remembered as a hero and a patriot, who answered the call of duty with honor and distinction. He will long be remembered by his family and friends as a loving husband, father and grandfather, and his impact on the Northwest Florida community will not be forgotten.

Mr. Speaker, on behalf of the United States Congress I am proud to honor the life of Claude Dunlap and his lasting legacy.

HONORING SUSAN SORDONI

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of one of my constituents, Susan Sordoni, as the recipient of the Distinguished Service Award from the Eastern Pennsylvania/Delaware Region Anti-Defamation League.

Susan Sordoni graduated from College Misericordia in 1968 with a Bachelor's degree in biology. She went on to conduct her post-Graduate work in biology at Wilkes University in 1968 and 1969. In 1980 and 1981, Susan pursued Liberal Studies at the New School for Social Research in 1980 and 1981.

With the support of her family, Susan returned to school to pursue her childhood dream of becoming a physician. She attended Wilkes University in 1991 and 1992 to pursue Post Baccalaureate studies. At age 45, Susan took the Medical College Admission Test. She was accepted at the Medical College of Pennsylvania. She graduated in 1997, and in November of 2000, she completed a family practice residency through Hahnemann Medical School.

Upon opening her practice, Susan saw a great need for medical services for those with little or no insurance. In response to this need, Susan founded the Volunteers in Medicine Medical Clinic in Wilkes-Barre. She has served as the Chairperson of the organization, as well as a Physician volunteer, since the organization's founding. The clinic has served over 4,000 patients in the Wyoming Valley and continues to expand its services to include a dental clinic.

Susan currently serves at the Medical Director for Home Hospice in Kingston. Susan, along with her husband Andy, founded Circle of Friends at Misericordia University, to help mentally challenged women as they transition into the work place.

Susan continues to devote her time to many community organizations including the

Osterhout Free Library, Pennsylvania Ballet, Commonwealth Medical College of Pennsylvania, University of Scranton, Commonwealth Commission of the Bicentennial of the United States and the Scranton Diocese Special Education Program.

Mr. Speaker, I rise today to honor Dr. Susan Sordoni. Dr. Sordoni continues to serve the people of the Wyoming Valley. She is a remarkable woman with strong commitments to her family, her career, and her community.

HONORING THE BRITISH FLIGHT
TRAINING SCHOOL IN TERRELL,
TEXAS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. HENSARLING. Mr. Speaker, I would like to recognize the 70th Anniversary of the Lend-Lease Act and the subsequent establishment in Terrell, Texas of the first British Flying Training School in the United States.

On March 11, 1941, the Lend-Lease Act was signed into law by President Franklin D. Roosevelt. The President described the Lend-Lease Act as "helping to put out the fire in your neighbor's house before your own house caught fire and burned down."

During World War II, thousands of British pilots learned to fly at six civilian training schools in the United States. The first and largest of the schools was in Terrell, Texas, located in Kaufman County. After the United States entered the War, American Aviation Cadets also trained at the school. More than 2,000 Royal Air Force and American Army Air Force pilots earned their wings in the skies over North Texas between 1941 and 1945 to help our nation achieve victory.

As the Congressman for the Fifth District of Texas, I am pleased today to recognize founding of the first British Flying Training School in the nation. Today, its legacy is commemorated by the No. 1 British Flying Training School Museum in Terrell, Texas. It is my honor to recognize the dedicated museum board of directors and patrons whose efforts afford future generations the opportunity to understand and appreciate America's history.

RECOGNIZING FRED FRERES FOR
HIS RETIREMENT FROM CHRIS-
TIAN BROTHERS HIGH SCHOOL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. COHEN. Mr. Speaker, today I rise to honor Mr. Fred Freres after learning of his upcoming retirement after thirty nine years of teaching at Christian Brothers High School in Memphis, Tennessee.

A native of Chicago, Fred moved to Memphis to attend what was then called Christian Brothers College where he became the first person in his family to attend college and received his degree in History in 1970. A decade later he would receive his Masters in Political Science from Memphis State University.

That same year he married his college sweetheart, Cathy, and went to work selling insurance to support his new family. His dream to teach and inspire young people proved unflappable and his opportunity came in August, 1972 at Christian Brothers High School teaching in the history department—a department he would later chair.

Due to his passion for teaching and his tireless efforts at coordinating numerous extra-curricular activities, Fred became an integral part of the CBHS family. Participants in organizations such as the Key Club, the Organization for Young Political Scientists, the LaSallian Development Committee, and the National Honor Society Committee found a tireless mentor and advocate. Fred even worked as the baseball and basketball announcer for five years and coached the Cross Country team for three years.

As I read an article in the CBHS newsletter about Fred, I was moved by a quote where he used the word “vocation” to describe his profession—and that part of that vocation was inspiring the young men he taught, “to become good citizens, not just interested in what’s happening in their community, nation and world, but have a positive impact on their world.”

Mr. Speaker, now more than ever the nation is in need of teachers who inspire young people to become active participants in our democracy and dedicate significant portions of their lives to public service. Fred Freres has done just that over his thirty nine years in the classroom. Proof of this can be found right here on Capitol Hill, where numerous “Brother’s Boys” have worked over the years after having been encouraged by Fred Freres.

I wish Fred and Cathy nothing but the best for their future and hope that they get to spend more time with one another and their three daughters, Catie, Julie and Annie as well as their two grandchildren—Hailey and Clara. And if he gets really lucky Mr. Speaker, he might even live long enough to see his beloved Chicago Cubs win the World Series.

Thank you Fred Freres for the dedication to your vocation, service to your community and inspiration you have provided to your students over the course of your career.

THE IMPORTANCE OF PATIENT SAFETY

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to promote increased awareness about patient safety and a higher quality of health care in our country. According to the 1999 Institute of Medicine report, more than 98,000 patients die annually from medical errors that occur in the hospital. The HealthGrades analysis of patient safety published in 2009 stated that almost 100,000 preventable deaths occurred annually in Medicare patients from 2005 to 2007. Based on these findings, patient safety has not improved in almost a decade.

All of us have either been patients or know someone who has been a patient, and we ex-

pect our loved ones to receive excellent patient care. Recently, I had the opportunity to meet with a nurse from Vancouver, Washington, who shared the touching story regarding the death of her father. Kristi Victoria Goodwin told me about her father Kenneth Edgar Anderson, who died from multiple preventable medical errors.

Mr. Anderson, a 55 year old, went to his doctor after experiencing chest pains while riding his bicycle. The doctor ordered cardiac testing, but, unfortunately, Mr. Anderson was never notified that his cardiac tests were abnormal. Based on his cardiac tests, Mr. Anderson should have received a cardiology consult, further cardiac testing, and based on his autopsy results, he would have been a candidate for open heart surgery. Instead, almost three months after his cardiac workup was completed, Mr. Anderson died from sudden cardiac death while riding his bicycle.

I ask my colleagues to join me in thanking Kristi for coming to D.C. to share this personal story to illustrate the importance of the issue of patient safety. I also ask that you join me in promoting patient safety and improving the quality of health care in this country.—

TRIBUTE TO BRIGADIER GENERAL PHILIP M. RUHLMAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. BORDALLO. Mr. Speaker, I rise to recognize and pay tribute to Brigadier General Philip M. Ruhlman for 31 years of service and dedication to the United States Air Force. He currently serves as the Director of Manpower, Organization and Resources in Washington, D.C., and will retire from active duty on May 1, 2011. He will be missed by many.

Brigadier General Ruhlman graduated from the U.S. Air Force Academy in 1980, and earned his wings the following year. He received his first assignment as a jump-qualified battalion air liaison officer and forward air controller, flying the O-2A Skymaster. He transitioned to the F-16 Fighting Falcon, and has since flown every version assigned to the Air Force. In 1987, he earned a master’s degree in Aeronautical Science from Embry-Riddle Aeronautical University. He has also served as a National Defense Fellow and Air Force Fellow for the National Defense University, and as a Senior Executive Fellow for the John F. Kennedy School of Government at Harvard University.

A command pilot with more than 3,200 flight hours, Brigadier General Ruhlman has led a fighter squadron, fighter operations group, and two wings—including the largest operational F-16 fighter wing in the Air Force. He flew 43 F-16 combat missions over Iraq and Kuwait during Operation Desert Storm, and served as a wing weapons officer, instructor pilot, and Chief of Standardization and Evaluation. His staff assignments include joint element, major command, direct reporting unit, Air Staff and NATO levels serving at home and abroad.

Throughout his career, Brigadier General Ruhlman’s exemplary service earned him nu-

merous awards and military decorations. During his command of the 36th Wing on Andersen Air Force Base, Guam, he was instrumental in resolving road access issues for landlocked properties contiguous to the base. His efforts to find solutions to these issues demonstrated his commitment to building and maintaining a positive relationship between the civilian and military communities. In addition, I wish to recognize Brigadier General Ruhlman’s efforts in implementing the Joint Region Marianas—a collaboration between the Air Force and the U.S. Navy that provides installation support for all components of the Department of the Defense on Guam and in the Northern Mariana Islands. Brigadier General Ruhlman was always a staunch advocate for Guam and understood the need for greater collaboration with the local government to make the military build-up a success. His efforts were successful, in great part, because of the leadership and guidance that he received from leaders in the Air Force like retired General Howie Chandler.

Mr. Speaker, Brigadier General Ruhlman distinguished himself as an exceptional leader during his career with the U.S. Air Force. His commitment and dedication will be remembered for many years to come. I trust my fellow members of the House will join me in wishing the very best to General Ruhlman, his wife Lina, and son, Alex on their future endeavors.

IN MEMORY OF ELIZABETH “MOTHER LIZ” ANN SAMUELS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. ELLISON. Mr. Speaker, I rise today to mourn the passing of Civil rights activist, leader, and community advocate Elizabeth Ann Samuels. Elizabeth Samuels was known by those in the community of North Minneapolis as “Mother Liz” for her nurturing and strong demeanor and as a champion of human and civil rights.

A longtime resident of North Minneapolis, Mother Liz graduated from North High School and attended Augsburg College. Mother Liz served her neighborhood and the African American community in a number of key civic posts. For example, she spent many years as Director of the American Red Cross in North Minneapolis and also worked for the Coalition of Black Churches, the African American Leadership Summit, and the Willard Homewood Organization.

Mother Liz was deeply dedicated to her friends, family, and community and touched the lives of many people through her work, volunteering, and care-giving. I ask that we remember the spirit and passion for equality and peace that Mother Liz helped shape in the Minneapolis community.

IN RECOGNITION OF KATHLEEN COLLINS, PRESIDENT OF THE KANSAS CITY ART INSTITUTE

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognizing the outstanding achievements and cultural legacy nurtured at the Kansas City Art Institute by retiring President, Kathleen Collins. She took over the duties as President in 1996 and through the years has built strong community partnerships that resulted in creative and innovative projects. Her efforts enhanced and modernized the quality and function of the Kansas City Art Institute into providing an education in creativity, professionalism and business practices.

The Kansas City Art Institute dates back to 1885 to a group of artists who referred to themselves as the Sketch Club. Walt Disney, Thomas Hart Benton, Robert Rauschenberg and Robert Morris have all been associated with the Institute. Two of Kansas City's most well known businessmen, J.C. Nichols and William T. Kemper, Jr., served on the Board of Trustees. Today, the Kansas City Art Institute is an integral part of the cultural growth of Kansas City and continues to sustain the support of the community.

Under Kathleen Collins' leadership, enrollment escalated and the Institute expanded, with over \$25 million in renovations and improvements on campus. The H&R Block Artspace, the Jannes Library and Learning Center, the Lawrence and Kristina Dodge Painting Building, the Café Nerman, and the J.C. Nichols Patio Garden are all new additions cultivated through Kathleen Collins' vision. Additionally, she has secured the Institute's financial future with a \$40 million endowment.

As President, Kathleen Collins reorganized the Institute into four schools: Foundation, Fine Arts, Design, and Liberal Arts. The curriculum emphasizes liberal arts while expanding the curriculum to the School of Design and Electronic Arts. The Institute maintains its foundation of art while educating artists in the fundamentals of business through its required Professional Practice program.

Kathleen launched a Community Arts and Service Learning certificate program that provides an opportunity for students to work in partnerships for the betterment of the community. The Brush Creek Community Rain Garden project is one example of this successful program. Students partnered with city and state officials and private sector companies to design an environmental solution based on regional ecological principals. By using native plants in a garden setting, they addressed the ecological impact from stormwater runoff. The partnerships created a beautiful solution that serves as an artistically green example for the community.

The presence of the Art Institute can be seen throughout our community. The latest addition of community partnership will be unveiled when the Kauffman Center for Performing Arts opens. Patrons will have the wonderful experience of viewing extraordinary mu-

icals created by KCAI students in partnership with architect Moshe Safdie.

Mr. Speaker, it is an honor and privilege for me to recognize Kathleen Collins. She began her career as President of the Kansas City Art Institute 15 years ago and during her tenure worked tirelessly to solve financial and creative challenges. As she retires, she can look with pride on her accomplishments that propelled the Kansas City Art Institute into the recognizable and renowned institution that it is today. We wish her well as she returns to photography and travel and enjoys the good life with her husband, Jeff Love. On behalf of the people of Missouri's Fifth Congressional District, I wish this academic leader a well-deserved retirement.

RECOGNIZING THE 145TH ANNIVERSARY OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA)

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an organization in my Congressional District that has served this nation for more than a century, protecting pets from abuse and helping to make America a more humane country. Founded on the belief that animals are entitled to kind and respectful treatment and must be protected under the law, the American Society for the Prevention of Cruelty to Animals (ASPCA) is celebrating its landmark 145th anniversary on April 10, 2011.

Inspired to take action after witnessing the beating of a work horse on a New York City street, Henry Bergh founded the ASPCA in 1866. He believed that protecting animals was an issue that crossed party lines and class boundaries. He used his gifts of oration to make a commanding moral and legal case to protect animals, persuading some of Manhattan's most prominent leaders at the time, including members of the Rockefeller family and the Mayor of New York City to support him in this important fight.

From the beginning, the ASPCA fought hard to provide care and protection for the city's working horses and transform dog pounds into professionally run adoptions facilities. And they opened an animal hospital which serves New York City to this very day.

The modern ASPCA also includes a Humane Law Enforcement department, which upholds state animal cruelty laws in the five boroughs. Last year alone, the ASPCA investigated some 4,000 reported complaints of animal cruelty, made 51 arrests, and helped more than 400 animals. With a 90 percent conviction rate for their animal cruelty investigations, the ASPCA is helping to make New York a safer place for both the city's residents and animals.

I am proud to say the ASPCA's Bergh Memorial Animal Hospital is one of the largest full-service animal hospitals in New York, with more than 24,000 patient visits in 2009, including almost 5,000 emergency exams. The

hospital's Intensive Care Unit operates 365 days a year. This was particularly lucky for Gary, a one year old cat that fell from an apartment building window in April of 2010 and was brought to the ASPCA's hospital in critical condition, with a life-threatening fractured pelvis. The hospital's veterinarians worked tirelessly, against all odds, to save Gary. He is alive today thanks to their skills.

My colleagues will find it interesting that Bergh Memorial Animal Hospital was an early leader in radiation therapy for cancer in animals and, during World War I, ASPCA veterinarians helped care for the horses used by the U.S. Army.

Mr. Speaker, the ASPCA has helped to change the way Americans view animals and the tools that are needed to care for them. It led the way with a wide variety of innovations from horse ambulances to the cardboard boxes that people use to carry home the pets they adopt—boxes that were devised by an ASPCA shelter clerk.

Furthermore, Mr. Speaker, nearly 4,000 cats and dogs are saved each year when they are adopted from the ASPCA Adoption Center. The state-of-the-art adoption center was recently renovated and now houses more than 300 cats and dogs in accommodations designed to create an inviting, appealing space for both pets and people.

The ASPCA also manages the Animal Poison Control Center, which handled more than 167,000 cases of pets exposed to toxic substances last year—treating cases that ranged from cats and dogs to horses and livestock. Its location in Urbana, Illinois provides the ASPCA with a strong presence in the Midwest to complement the New York City Headquarters.

In closing, the ASPCA's founding mission "to provide effective means for the prevention of cruelty to animals" continues to resonate today some 145 years later, and I am proud to rise today to pay tribute to this organization in my district. I hope you will all join me in wishing them many good years to come.

A TRIBUTE TO KIT McNALLY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. MOORE. Mr. Speaker, I rise today to recognize an advocate, community leader, wife, mother, and mentor. On May 5, 2011, Kit Murphy McNally, Executive Director of the Benedict Center, will retire after 23 years of distinguished service. The Benedict Center is an interfaith non-profit criminal justice agency with a 37-year history in Milwaukee of justice advocacy.

Ms. McNally advocates for positive change in the criminal justice system by demonstrating best practices through the Center's education and treatment programs. An example of this approach is their holistic, gender-responsive, Women's Harm Reduction Program, utilized by both the Milwaukee County district attorney's office and Milwaukee County judges as a diversion to prison program.

The community partnership style promoted by Kit McNally is reflected in the Community

Justice Center for Day Reporting Program. In 1998, this successful education and treatment alternative was established through the Benedict Center's advocacy as a partnership between many community treatment providers and Milwaukee County. Further, under the direction of Ms. McNally, the Benedict Center has been a state-wide leader in assisting to draft a model Community Justice Act for Wisconsin. The model would return money to local communities that succeed in reducing state incarceration costs through implementation of effective treatment and diversion programs.

Ms. McNally is deeply involved with issues of mental health and racial and economic disparities in criminal justice. She has served on local and national advisory boards, committees, task forces and commissions. She served as the citizen representative on the Executive Committee of the Milwaukee Community Justice Council. The council consists of top leaders on criminal justice issues, including the mayor, county executive, police chief, sheriff, district attorney and chief judge. Ms. McNally also served on the national boards of the National Alliance of Sentencing Advocates and Mitigation Specialists, and the International Community Corrections Association.

After graduating from Indiana University in Journalism and Criminology, she worked as a part-time reporter for the Milwaukee Journal and later directed corporate communications for Kohl's Food Stores and public relations for Mount Sinai Hospital and later Aurora Health Care.

Mr. Speaker, for these reasons, I am honored to pay tribute to Kit Murphy McNally, who has worked with victims, offenders, and the community toward achieving a system of justice that is fair and treats everyone with dignity and respect. Ms. McNally's contributions have richly benefitted the citizens of the Fourth Congressional District, the State of Wisconsin, and the Nation.

HEARING ON: "ASSESSING THE IMPACT OF EPA GREENHOUSE GAS REGULATIONS ON SMALL BUSINESS"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. KUCINICH. Mr. Speaker, I submit my opening statement given at the hearing.

Mr. Chairman, thank you for holding this important hearing. Today, we are here to discuss the impact of greenhouse gas regulations on small businesses. America's small businesses are the lifeblood of this country's economy. Competition, innovation and the entrepreneurial spirit have driven America's prosperity, and it is our job in Congress to ensure that we facilitate and promote an environment of economic opportunity. It is also our job to protect the well being of America's citizens, with the bottom line of providing the highest quality of life possible for each and every person.

Based on actual results, and future projections, it is clear that the Clean Air Act strikes a balance between economic growth and keeping each and every one of us

healthy. By 2020, for every taxpayer dollar invested in the Clean Air Act, there will be an estimated 30 dollar return in benefits. In the year 2010 alone, the Clean Air Act prevented over 160,000 deaths, over three million lost school days and 13 million days of lost work. These numbers are illustrative of the benefits to both businesses and public health facilitated by the Clean Air Act.

The regulation of greenhouse gases under the Clean Air Act is imperative to protecting public health and welfare. The threat posed by climate change is based on peer-reviewed, accurate, and concrete science—the threat is real, and preventative steps are necessary. The EPA's regulation of greenhouse gases under the Clean Air Act is a measured, commonsense approach to mitigating climate change that protects not only public health and welfare, but business as well.

Opponents of greenhouse gas regulation claim that small entities will be overly burdened by costly and unattainable emissions standards. However, the EPA's implementation of the "Tailoring Rule" is a small business-conscious method of protecting public health, and this country's employers and employees. The tailoring rule, by setting a high greenhouse gas emission threshold, exempts 95 percent of all stationary sources of greenhouse gas emissions. Essentially, the tailoring rule lifts a regulatory burden off of small businesses.

In written testimony provided for today's hearing, the Small Business Majority, a representative of US small businesses, states that:

"Some will claim that a variety of small businesses—everything from bookstores to diners and plumbers—would be impacted by the greenhouse gas standards. This simply isn't the case."

Further, as described in the Small Business Majority's testimony, a significant number of small business owners welcome measures to reduce environmental pollution; this sentiment cannot simply be ignored.

As I have said at this subcommittee's past two meetings, we cannot have a productive discussion about the impacts of regulations without considering both costs and benefits. For example, when we talk about the new tailpipe emissions standards we cannot simply discuss a potential increase in the sticker price of a vehicle.

The proposed standards for heavy and medium duty trucks—despite a marginal increase in sticker price—are projected to save over \$74,000 over the life of the truck, and save over 500 million barrels of oil. Multiply that times all the trucks on the road, and the reduced fuel consumption and reduced greenhouse gas pollutant emissions can help us achieve energy independence while improving our public health.

I look forward to having a well rounded discussion about greenhouse gas emission standards, their costs and their benefits, with today's witnesses.

HABITAT FOR HUMANITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. WOLF. Mr. Speaker, today I wish to acknowledge the hard work and determination that Habitat for Humanity has provided for a deserving family in my district. Habitat for Humanity of Prince William County, Manassas,

and Manassas Park purchased a three-bedroom townhouse in Manassas using funds from the Neighborhood Stabilization Program administered by the Virginia Department of Housing and Community Development. The organizations began extensive renovations on the townhouse on October 9, 2010.

The deserving recipient is a single mother who offers support and care for her disabled mother, along with working full-time and caring for her son. With the high cost of living in northern Virginia, the mother believed that she would never be able to purchase a home. She learned about the Habitat for Humanity home ownership program and applied in November 2009. After 1,100 hours of volunteer labor by nearly 100 volunteers, the house was dedicated on April 2 to the woman and her family. The family will purchase the home from Habitat at cost and finally be able to have a place to call home.

Mr. Speaker, I am proud to recognize Habitat for Humanity for its continuing work to help make the American dream of home ownership come true and salute its volunteers and donors for their hard work. This deserving family looks forward to living in a safe and pleasant community.

CONGRATULATING PRESIDENT NURSULTAN NAZARBAYEV OF KAZAKHSTAN ON HIS RECENT RE-ELECTION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to congratulate His Excellency Nursultan Nazarbayev on his re-election as President of the Republic of Kazakhstan.

Kazakhstan welcomed more than 1,059 domestic and international observers to monitor the conduct of the electoral process for purposes of making sure that the election was free and fair and open and transparent. These observers included an OSCE Election Observation Mission (EOM), 400 short-term observers from the Office for Democratic Institutions and Human Rights (ODIHR) as well as independent observers from the OSCE Parliamentary Assembly, the Commonwealth of Independent States (CIS), the Parliamentary Assembly of the Council of Europe and other international and non-profit organizations. Some 90 foreign media representatives were also temporarily accredited with the Ministry of Foreign Affairs of Kazakhstan to cover the election.

Although the election was not without criticism, the OSCE stated that "compared to the last presidential election, the media provided more equality in covering candidates in the news programmes," and suggestions made by ODIHR and the OSCE observer mission regarding ways to further improve the electoral process were well taken by Astana.

On April 4, 2011, the U.S. Embassy in Astana was among the first to congratulate President Nazarbayev on his April 3, 2011 re-election, acknowledging Kazakhstan's commitment to further liberalize the political environment while urging the government of

Kazakhstan to address the shortcomings the OSCE report highlighted. I stand with our U.S. Embassy and commend Kazakhstan for the progress it is making on its march towards democracy, especially given that Kazakhstan only achieved its independence twenty years ago, having lived under Soviet oppression for some one hundred years.

As President Nazarbayev noted in his Op Ed of April 1, 2011 published in the Washington Post, "It took the great democracies of the world centuries to develop" and, as such, Kazakhstan is not going to become a fully developed democracy overnight. But Kazakhstan has proved that its commitment to democracy is irreversible. So is Kazakhstan's long-standing friendship with the U.S.

Since its independence, Kazakhstan has fully supported U.S.-led efforts against nuclear proliferation and, under the leadership of President Nazarbayev, Kazakhstan continues to provide indispensable aid to U.S. troops in Afghanistan.

I am proud of Kazakhstan's accomplishments and, once more, I congratulate President Nazarbayev on his re-election as President of Kazakhstan. I have every confidence that he will spare no effort in delivering stability, security and prosperity for and on behalf of the people of the Republic of Kazakhstan.

INTRODUCTION OF THE EVERY STUDENT COUNTS ACT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to introduce the "Every Student Counts Act," legislation that will prioritize high school graduation for all of our nation's students.

In 2001, the No Child Left Behind Act (NCLB) passed with broad bipartisan support. The purpose of NCLB was to ensure that every student in America would receive a quality education. However, over the past ten years, NCLB has not lived up to its promises. Certain aspects of the law are difficult to implement and are not bringing about the results we thought it would. One of the major shortcomings of NCLB is its failure to hold schools accountable for dropouts. Although we believed we addressed this issue in the original NCLB legislation, this portion of the law has not been implemented as we had hoped. Instead, under current law, the only meaningful accountability standard for high schools is students' scores on standardized tests, with virtually no concern given to how many students graduate or drop out of school. Unfortunately, this myopic accountability standard has created an incentive for high schools to push out students who are struggling academically, so that their test scores are not counted in the assessments. Furthermore, the current accountability system also has allowed States to report graduation rates inconsistently and in misleading ways. Finally, NCLB does not require the disaggregation of graduation rates by subgroup, leading to incomplete data on how our schools are doing with one subgroup compared to others.

What is clear is the fact that the current high school accountability system is failing both our students and our nation. Each year, approximately 1.23 million secondary school students—one-third of all secondary school students—fail to graduate with their peers. In addition, nearly 2,000 secondary schools—roughly 12 percent of all secondary schools in the United States—produce about half of the nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen three years earlier. Moreover, almost half of the nation's African-American students and nearly 40 percent of Latino students attend these so called "dropout factories," while only 11 percent of White students do.

Unfortunately, these dismal numbers are just the beginning of the story. Research shows that the difference in lifetime earnings between a high school dropout and a high school graduate is about \$260,000. A dropout's loss in potential earnings can cause serious hardships throughout his or her life. For example, statistics show that high school dropouts are more likely to be on public assistance programs such as welfare than students who complete high school. In addition, high school dropouts that do find employment are much more likely to work at unskilled jobs that offer little opportunity for upward mobility. There is also a strong correlation between high school dropouts and juvenile delinquency and teen pregnancy. Therefore, we cannot sit back and allow this problem to escalate. We must hold schools, districts and states accountable for graduation rates and dropouts so that all students are graduating with a high school diploma and improving their life outcomes.

By holding schools, districts and states accountable for graduation rates and dropouts, we also improve America's position as a leader in the global economy. According to the 2008 Department of Labor report entitled "America's Dynamic Workforce," by 2016 almost 90 percent of the fastest growing and best paying jobs in the United States will require at least some postsecondary education. Yet, an estimated 3.5 million Americans ages 16 to 25 are not enrolled in school and do not have a high school diploma. Attaining a high school diploma is a student's first step toward becoming an educated member of the American workforce. An American workforce that lacks a considerable number of high school graduates—and a considerable number of college graduates—will eventually diminish our nation's global competitiveness. The major advantage America has in the global economy is an educated workforce. We can't allow—or afford—any of our nation's high students to dropout and not reach their full potential.

Until recently, federal policy did not place enough importance on graduating the nation's high school students. In October 2008, the U.S. Department of Education released regulations that did much to correct the lack of attention to graduation rates in the federal accountability system; the regulations require a uniform graduation rate calculation and improvement in graduation rates over time. Though these regulations are a laudable step in the right direction, they do not go far enough in setting consistent, high graduation rate goals and aggressive, attainable gradua-

tion rate growth targets. Without clear guidance and meaningful accountability, most secondary schools can continue to achieve Adequate Yearly Progress (AYP) by making negligible annual improvement in graduation rates and can do so with a consistent, or even growing, graduation gap. In fact, under current law even a so called "dropout factory" can make AYP.

The Every Student Counts Act will bring meaningful accountability to America's high schools by requiring a consistent and accurate calculation of graduation rates across all fifty states to ensure comparability and transparency. The legislation builds on the National Governors Association's Graduation Rate Compact, which was signed by all 50 of the nation's governors in 2005. Under the Every Student Counts Act, graduation rates become a significant factor in determining AYP in addition to test scores. Moreover, the Every Student Counts Act would require high schools to have aggressive, attainable and uniform annual growth requirements as part of AYP. This will ensure consistent increases to graduation rates for all students by meeting annual, research-based benchmarks with the long-term goal of reaching a 90 percent graduation rate. The bill would also require the disaggregation of graduation data by subgroup to make certain that schools are held accountable for increasing the graduation rate for all of our students and require that school improvement activities focus on closing any achievement gaps.

Recognizing that some small numbers of students take longer than four years to graduate, the bill will give credit to schools, school districts and states for graduating these students while maintaining the primacy of graduating the great preponderance of all students in four years. The Every Student Counts Act will provide incentives for schools, districts and states to create programs to serve students who have already dropped out and are over-age or under credited. Some credit has to be given to those who get a GED and also those who take more than one or two years and maybe even three years longer than others to graduate. If no credit is given, the school system has no incentive to continue these important programs.

Some states have already taken the initiative to implement reforms similar to those included in the Every Student Counts Act. I am proud to say that my home state of Virginia is one of them. For example, since 2008 Virginia has been using the "Virginia On-Time Graduation Rate" calculation, a flexible graduation rate calculation that accurately measures the number of students from a freshman class who graduate four years later. In addition, Virginia will start using a "Graduation and Completion Index" in addition to standardized test scores in order to determine the accreditation ratings of high schools in the Commonwealth. High schools must earn a score of 85 on the "Graduation and Completion Index" to receive full accreditation from the state. The requirement will go into effect during the 2011–2012 school year. Reforms like these have had and will have a positive impact on Virginia's graduation rate and should be implemented nationwide.

Thus far, 24 national and state organizations support the Every Student Counts Act,

including the Alliance for Excellent Education, America's Promise Alliance, American Association of University Women, American School Counselor Association, Bazelon Center for Mental Health Law, Council of Administrators of Special Education, First Focus, Knowledge Alliance, Learning Disabilities Association of America, League of United Latin American Citizens, National Association of School Psychologists, National Association of Secondary School Principals, National Association of State Directors of Career Technical Education Consortium, National Association for the Education of Homeless Children and Youth, National Collaboration for Youth, National Council of La Raza, National Council for Learning Disabilities, National Indian Education Association, National PTA, Project GRAD, Public Education Network, School Social Work Association of America, Southeast Asia Resource Action Center (SEARAC), Teachers of English to Speakers of Other Languages, United Way Worldwide, and Youth Service America. This list is expected to grow.

In order to truly ensure that all children have access to a quality education, it is imperative that we take steps to immediately end America's dropout crisis. We must ensure not only that graduation rates increase, but that earning a high school diploma is a meaningful accomplishment. We must use the indicators of student achievement and graduation to know which high schools are doing their job. Those who are must be recognized and supported. Those that are not must be identified and improvements made.

I hope that with the Every Student Counts Act we can make greater strides nationally toward graduating more of America's students and preparing them to succeed in college, the workforce, the military, and ultimately in life. I ask my colleagues to join me in passing this bill and seeing to it that it is quickly enacted into law to ensure—at a minimum—that every child becomes a high school graduate.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF STANFORD SETTLEMENT NEIGHBORHOOD CENTER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Stanford Settlement Neighborhood Center's 75th anniversary. It is a great pleasure to recognize the Center's dedication to providing social services to the people of Sacramento. As the staff, supporters and beneficiaries of the Stanford Settlement Neighborhood Center celebrate this historic milestone, I ask all my colleagues to join me in honoring their leadership in the Sacramento community.

Over the last 75 years, the Stanford Settlement Neighborhood Center has provided neighborhood outreach, emergency assistance, children's programs, a teen center, and

senior services to all those in need of their help. Their work in the neighborhood helps residents connect to the community by hosting meetings with city officials, publishing a newsletter, and providing a wide range of programs, such as the Free Income Tax Assistance Program. Other programs, like the Emergency Assistance Program helps individuals and families with the immediate emergency assistance, such as food and crisis intervention. The Center's Children's Program consists of after school activities, a summer day camp, as well as supportive services for schools and families.

The Stanford Settlement Neighborhood Center has also grown to include the Carl R. Hansen Teen Center, and is geared towards students in middle and high school. The services they provide encourage children to stay in school, build healthy relationships, and achieve their academic goals. The Sister Jeanne Felion Senior Center provides many services to seniors and offers them with a place to socialize and stay active.

Mr. Speaker, I am honored to pay tribute to the Stanford Settlement Neighborhood Center, and their outstanding commitment to providing social services to all people, both young and old. The past 75 years have been tremendously successful and I am sure they will continue to enjoy success in the future. While the Stanford Settlement Neighborhood Center's staff, supporters, and friends gather together to celebrate the organization's 75th anniversary, I ask all my colleagues to once again join me in honoring their outstanding work throughout Sacramento.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,259,761,986,879.66.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,621,336,240,585.80 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING PETE SCHENKEL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Pete Schenkel, recipient of the 82nd Annual Linz Award. Given each year, the Linz Award is bestowed upon individuals or couples for out-

standing work in the community or humanitarian efforts.

In addition to his distinguished career with Dean Foods, Mr. Schenkel has been greatly involved in assisting the Dallas community. He has been particularly active in the areas of civic involvement, health care and public safety.

Mr. Schenkel was a leader in securing the Cotton Bowl as the location for the annual Red River Rivalry game between the University of Texas at Austin and the University of Oklahoma. Mr. Schenkel worked to raise millions of dollars for the renovation of the Cotton Bowl ensuring that this historic football game remains in Dallas for years to come.

Mr. Schenkel has been immensely involved in local law enforcement and helped launch the Dallas Blue Foundation over 20 years ago. The Dallas Blue Foundation assists families of Dallas police officers killed or wounded in the line of duty. He also played a role in raising funds to provide rewards for tips in solving major crimes.

Assisting the Dallas community in healthcare access and advocacy, Mr. Schenkel has served as a board member and former chairman of the Methodist Hospital System Foundation. During his 20 years of service he has supported programs in emergency, cardiology, orthopedics and neurology. A recipient of the 2010 Norman Brinker Humanitarian Award, Pete Schenkel and his wife Pat are renowned for providing outstanding work and leadership in the healthcare field.

Amongst many other recognitions, Mr. Schenkel serves as a member of the Dallas Citizens Council, and Cotton Bowl Athletic Association and Salesman Club. He also formerly served as chair of the Dallas/Ft. Worth International Airport Board, and as former chair of the State Fair of Texas Board.

Pete Schenkel has made an immeasurable impact on Dallas, and made our community a better place. He is an outstanding citizen of our community and this recognition is immensely well deserved.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 2011

Mr. NADLER. Mr. Speaker, I was on medical leave and missed votes on March 16–17, 2011. Had I been able to, I would have voted “no” on rollcall vote No. 181; “aye” on rollcall vote No. 182; “aye” on rollcall vote No. 183; “aye” on rollcall vote No. 184; “aye” on rollcall vote No. 185; “aye” on rollcall vote No. 186; “no” on rollcall vote No. 188, final passage of the NSP Termination Act; “no” on rollcall vote No. 189; “no” on rollcall vote No. 190; “aye” on rollcall vote No. 191; “no” on rollcall vote No. 192 prohibiting funding for National Public Radio; and “aye” on rollcall vote No. 193 directing the President to remove the United States Armed Forces from Afghanistan.

SENATE—Friday, April 8, 2011

The Senate met at 11 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, You know our needs before we ask You but wait to bless us until we ask You for Your help. So, Lord, we are asking You to fill our lawmakers with energy for the tasks You have assigned their hands to do. Let no pride of power betray them into rejecting Your precepts and purposes, but help them face the challenges of these difficult times with a total dependence on You.

Lord, save us from ourselves, as You help us to remember that in our Nation's history, well-meaning people have sown to the wind but reaped the whirlwind.

While our military men and women risk and give their lives for liberty overseas, may we be willing to sacrifice for freedom at home.

Lord, without Your help, we cannot succeed; with Your power, we cannot fail.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 o'clock this afternoon for debate only, with Senators permitted to speak for up to 10 minutes each during this time, with the time equally divided and controlled between the two leaders or their designees.

We are very hopeful we can reach agreement on the budget today. I will have more to say about that in a few minutes. Senators will be notified when votes are scheduled.

ORDER OF PROCEDURE

Mr. President, I now ask unanimous consent that the Senate recess from 1 p.m. this afternoon until 2 p.m. this afternoon in order to allow for a special Democratic caucus meeting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—H.R. 1255 AND S. 768

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes.

A bill (S. 768) to provide for continuing operations of government in a fiscally responsible manner.

Mr. REID. Mr. President, I object to further proceedings in regard to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, I have been married for a long time—more than 50 years. My wife and I have one daughter and nine grandchildren. I love these women very, very much. One day, though, I may not be able to help them, and one of them may need a cancer screening. It is not a pleasant thought, but that is the reality of life—

that I may not be around to help them when they need something.

Over their lives, they will be in need of other things, such as a cholesterol check, maybe a blood pressure screening—tests that are less serious but just as important to a woman's health. They should be able to get the test that can save their life. So should every single woman in America. I believe that and, frankly, that is not so controversial. It is not so controversial a belief.

Some women, of course, have doctors. Others, including many of the poorest among us, don't. So where do they go to get a blood pressure, cholesterol, or cancer screening? Where do they go? Thankfully, there is a little-known part of a little-known law that saves many lives. It is called title X, and it is part of a public health law. It means women and girls can go to their local health department or community clinic and get these tests. More than 5 million women use these centers for title X coverage every year—5 million—and one of them could be my granddaughter or my daughter.

Mr. President, some watching us today—and we know the whole world is watching us today—may be asking why I am talking about women's health when the question before us is the budget of the biggest economy on the planet Earth. Some may ask why we are talking about the smallest corner of planet Earth. With a government shutdown looming not weeks away or days away but hours away, why are we talking about whether women can get something as simple and noncontroversial as a cancer screening? The answer is that Republicans want to shut down our Nation's government because they want to make it harder for women to get the health services they need.

By the way, title X does not include abortion. It is illegal to use Federal funds for abortion services. So anyone who says this debate is over abortion isn't being truthful. It is about simple and important health services. Republicans want to shut down the government because they think there is nothing more important than keeping women from getting cancer screenings. This is indefensible, and everyone should be outraged—men and women should be outraged. The Republican House leadership has only a few hours left to look in the mirror, snap out of it, and realize how positively shameful that would be.

For months, this conversation has been about billions and trillions of dollars. It has been about weighty issues and difficult decisions. This debate is

about saving money—or that is what we thought it was about. But no longer. We have an agreement on the cuts and savings. I was there at the White House last night. That agreement includes a historic level of cuts. We have always recognized we had to make cuts. That is why we agreed at the White House last night to make significant cuts—hard but important.

But now the tea party—among others, although they are the biggest push—is trying to move its extreme social agenda on issues that have nothing to do with funding the government. They are willing, it appears, clearly, to throw women under the bus even if it means they will shut down the government because that is where we are. That is the one issue that was remaining last night. That agenda is an extreme agenda. I don't agree with their ideas on social policy, but in our democracy, those ideas, however radical or however you may disagree with them, deserve a debate if they want one. That is fair. But that debate doesn't belong in an urgent bill to keep the government running, and it especially doesn't belong here at this late hour.

The consequences of letting our country's funding expire will be devastating. There are almost 1 million Federal employees. These are people who work for the Bureau of Land Management, which doesn't have a big presence in the Presiding Officer's State but has a huge presence in Nevada. The State of Nevada is 87 percent owned by the Federal Government. There are Forest Service employees, FBI employees, Internal Revenue Service employees, and the people who work in this great government complex—almost 1 million of them—who are waiting on pins and needles.

Federal employees are like everybody else. They are working from paycheck to paycheck. They are wondering if they are going to be able to get that new car they have needed for 3 or 4 years. They are wondering, with summer coming, if they are going to be able to take that vacation they have wanted to take for a long time. Federal employees are like everybody else.

The consequences of letting our country's funding expire would be devastating to people, individuals, and it would be devastating to our troops, to our small businesses, and to Americans' everyday lives—people who just want to get a home loan or get their tax refund or, I repeat, get their paycheck. A government shutdown would damage our image and credibility around the world. But Republicans are asking me to sacrifice my wife's health, my daughter's health, and my nine granddaughters' health. They are asking me to sacrifice the health of women in Nevada and all across this country. But I am not going to be part of that. I won't do it. As a legislator, I

am very frustrated. As an American, I am appalled. As a husband, a father, and a grandfather, I am personally offended.

Would the Chair announce morning business now, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and any time spent in a quorum call will be equally divided.

The Senator from Arizona.

BUDGET NEGOTIATIONS

Mr. KYL. Mr. President, at this very critical time in our country's history—a time when we have over a \$14 trillion debt and we are desperately trying to find ways to reduce government spending and there looms the possibility of a government shutdown—I think we would be best served trying to provide some information to our constituents and, as politicians, resisting the temptation to throw rotten apples at each other. I also think it would be wise for the media to not hype or overhype a situation regarding a government shutdown but to try to put things into perspective. So let me try to do that for a moment this morning.

In the first place, obviously we are trying to reach agreement. I compliment the majority leader, Senator REID, who just spoke, and the Speaker of the House, JOHN BOEHNER, for their efforts to get together and bridge the differences between the two parties—the two bodies—and to reach an agreement. In the last 2 or 3 days, the President has also weighed in on the issue, and I think he too is trying very hard to help the parties reach an agreement. Notwithstanding that fact, under the law, tonight at midnight, the funding for much of the government stops, and the question is, What can be done about that?

The House of Representatives has passed a bill. They passed it yesterday. The Senate could take up that bill and pass it. It would keep the government running for another week. It would provide full funding for the military, not just for another week but for the entire rest of the year. That is a reasonable measure to keep the government running. It also, by the way, reduces \$12 billion in spending, and most of that spending, I am informed, has al-

ready been agreed to by the administration and would be included in any longer range continuing resolution.

Well, what happened? The President said he would veto that bill. That is very puzzling because if we are all seeking to fund the government, at least until there can be an agreement on a long-term resolution, one would think we would try to keep it going for another week and adopt what the House did, especially since it provides funding for the military.

The President, in his veto message, said that the bill was a distraction. I do have to take issue with that. It is not a distraction, it is what is necessary to keep the government running. Let me get back to that in a moment.

What would happen if we were able to reach agreement by tonight? If we are able to reach agreement before midnight then at least theoretically both bodies, both House and Senate, could pass a very short term, 2 or 3 days, stop-gap measure in order to have the time to complete the work on the full measure and then adopt that sometime next week and that would avert a shutdown. It is possible also, because in the Senate it would require unanimous consent; somebody might disagree with that process and would object. In that case, it would take a few days for us to do, in effect, the paperwork to get this done. That would then result in a government shutdown during that time, at least over the course of the weekend. That should be avoided if at all possible. But while there would be some dislocations and inconveniences, I do think the media exaggerates a little bit the result of a shutdown over the weekend.

The biggest problem from my perspective is that the military doesn't get paid during that period of time. They will get paid but it is a disruptive thing when you have young military families trying to make ends meet and sometimes living from paycheck to paycheck to have that disrupted. That is why I think it makes so much sense to adopt what the House passed yesterday so we have the time, the week to complete the work on the continuing resolution that would fund the government through the end of the fiscal year, that is to say through the end of September, and then not have to worry about a government shutdown and especially funding the military.

There is a question that has been raised that is very logical. Why can't the parties get together? Why can't you split the difference? In ordinary times it might be possible to reach an agreement that way, but these are not ordinary times. We are talking about a country that is on the verge of not being able to pay its debts. The President himself has asked us to raise the debt ceiling—I believe sometime next month. In effect, we run out not only of

money but of the capacity to borrow. Our credit card in effect, the government's credit card, is full up and we cannot get any more credit unless we go to the credit card company and say: Would you extend the amount of money we can borrow? In that case, it is the Congress passing a bill.

We are in a very difficult position in this country and everyone knows we are passing a lot of our debts on to future generations. We need to get a handle on that and I don't think anybody disagrees with the proposition that means we need to cut spending. That is what this exercise is all about. So it is not the usual thing of splitting the difference. We are talking about big spending cuts.

I was disappointed in the comments of the majority leader just now. He said this debate is about saving money. Indeed it is. Yet it appears the one thing—this is what he said. I do not tend to believe this is correct, but in effect what he was saying is it all boils down to a \$300-and-some million subsidy for Planned Parenthood. I do not believe that is what is keeping us from allowing the government to continue to operate. The majority leader has been in the negotiations. He is in a position to say that. If that is the case, then it seems to me we are in a very untenable position here, at least the majority leader is, because Planned Parenthood is not the only entity that can provide medical care in this country. It gets a subsidy of something like \$300 million-and-some a year. To shut down the government over that would be absolutely unthinkable.

The majority leader never said Planned Parenthood, you know, he said title X. Title X does not receive the subsidy, Planned Parenthood receives the subsidy. Everybody goes to clinics and hospitals and doctors. Some people go to Planned Parenthood. But you don't have to go to Planned Parenthood to get your cholesterol or blood pressure checked. If you want an abortion you go to Planned Parenthood and that is what Planned Parenthood does. So this is a red herring. To say that somehow the government is going to be shut down over the fact that Planned Parenthood will not get a \$300 million gift from the taxpayers of America would be absolutely irresponsible. If that is what the majority leader is saying, it is irresponsible. I cannot believe that is the fact of what is holding up this agreement from being reached.

As I said, we have the bill before us which would provide for a week-long continuation of the government with a \$12 billion reduction in spending and a funding of the military through the end of the year. It seems to me that is a very reasonable proposition. We don't have to worry about shutting the government if we adopt that.

I said I would get back to the President's message. He said it would be a

distraction when he said he would veto that bill to keep the government running, and to fully fund the military. He said it would be a distraction. His exact words, "this bill is a distraction from the real work that would bring us close to a reasonable compromise." I don't see how it is a distraction if it provides another week for us to complete the work to be done. It is obvious we are going to need time to get the work done because neither the House nor the Senate can get everything that would have to be done completed by midnight tonight. The House has a requirement that they have any bill pending for 72 hours before it is adopted. This continuing resolution clearly would have to be posted for 72 hours. Do we want to shut the government down during that period of time because the President thinks the bill to do so is a distraction? I find that incomprehensible, frankly.

I also will make this final point. The discussion about reducing government spending is not just because we are having trouble borrowing from borrowers now. Over half, about 42 cents on every dollar we spend now, is borrowed from someone. About half of that is from foreign entities. It is also because, as the government spends more and more money, the private sector has less money to invest and spend. It is the private sector that creates jobs. What we need to do is spend less government money, not only to get ourselves out from under this huge debt burden but also to allow the private economy to have the resources to grow. Included in that, of course, is to hire more people.

On April 4, the Wall Street Journal had an op-ed by Dr. John Taylor, a noted economist from Stanford, Gary Becker, a Nobel laureate in economics, George Shultz—three different Secretaries, serving in two different Cabinets—all experts in financial, fiscal matters. What they wrote in this, which they called "Time for a Budget Game-Changer" is the following two sentences:

Credible actions that reduce the rapid rate of growth of Federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

What we are talking about here is not drastic cuts for austerity's sake, but rather sensible reductions to create prosperity in this country. That is what we are talking about doing here. That is why I support what Speaker BOEHNER has been trying to do. I urge my colleagues, instead of, as I said, throwing rotten apples at each other here and trying to preach a doom-and-gloom game, let's focus on what this country can do in a positive and constructive way to get our economy going again and get our people back to work.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today in shock and anger that, after weeks of negotiations, after pledges from Republicans to come to the table in good faith, after repeated assurances that they want to talk about principles and budget numbers and not politics, after all the hot rhetoric we have heard about concern for our troops and our workers and that the veterans will be hurt, Republicans have decided to hold the Federal budget hostage to their extreme social agenda. It is now clear that this is not a debate in the last hours before this government shuts down about how much to cut. It is about whether women in this country will have access to basic health care services.

As a woman, as a mother, as a grandmother, I find that appalling. They can say whatever they want to on the other side, but if they want to say this is about numbers, then I challenge them to say title X is off the table. For millions of women in this country, and men, their only access to preventive health care services, pregnancy diagnosis, counseling, preventive health services, cervical and breast cancer screening, sexually transmitted disease and HIV transmission prevention and education, a broad range of access to contraceptive methods—that is what Republicans now, in the 11th hour, are holding hostage to a government shutdown. I don't think anyone in America thought this election was about that.

We heard the promises about the economy, about cutting budgets, about fiscal concerns, but we never heard from anyone that they would be willing to shut down this government and put this country at risk over an ideological debate about women's health care.

I have three words for them: Women aren't pawns. We will not be pawns in this debate and we will not give in. The access to these critical services is so important to so many young women in this country. I told the story and I will tell it again. A few days ago I heard from a young woman in my State who, at 18-years-old, had to leave an extremely abusive family situation, out on the street on her own. She had cervical cancer that runs in her family. The only way she was able to get the medication and care she needed was through title X Federal funding through clinics in her State.

She and 5 million others in this country depend on that, and we are going to take this away at the 11th hour, in order to get an agreement? Not on my watch. Not on the watch of millions of American families in this country who know that access to women's health care is basic to them and their families and their communities. What kind of country are we, that at the 11th hour on a debate like this, the issue remaining is about women's health care? I find that stunning.

Families across my State are hurting. They have lost their jobs, they are worried about getting a pink slip, their home prices have dropped, they are worried about making their mortgage, and this debate now has come to this? An issue of access to title X funding for preventive health care for women? We need to focus on the economy. Yes, there are going to be some budget cuts in this that are going to be extremely hard for me and others who care about investing in education and jobs, but we know we have to come to an agreement. But we will not let women be used as pawns in this debate at this 11th hour. We are not going to allow this debate to end by cutting off funding for health clinics across America that are often the only place for low-income women.

In my State of Washington over 100,000 patients depend on these clinics to provide prevention. Over 3 million Americans do nationwide. We are not going to let the threat of a shutdown make us fade away. Women are going to stand tall, and men with them, across the country, to say: Not on our watch. Women are not pawns.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I am going to proceed in my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

GOVERNMENT SHUTDOWN

Mr. MCCONNELL. Mr. President, the American people have heard a lot of excuses over the past few days as to why it is that we are staring at a potential government shutdown here in Washington.

Democrats are saying the holdup is over social issues. This plays nicely into the political strategy they have decided on to distract people from their own fiscal recklessness.

Republicans say the holdup is over the need to reduce Washington spending—that Democrats, including the President, would rather see the government shut down than to allow a reduction in the size and scope of Washington that is perfectly reasonable by any objective standard.

Those are the competing messages. And generally speaking, people will probably agree with the party they tend to vote for. But whichever side you come down on, two things are not in dispute in this debate: First, that the whole reason we are in this mess is that Democrats abdicated their responsibility to keep the government funded through this year. And second, that Democrats have rejected the only plan

out there that keeps the government open—the bipartisan troop funding bill—for no apparent reason.

The President says he will veto it, but does not say why. And Democrats in Congress would not vote for it, even though it funds the Defense Department and keeps the government operational and makes reasonable cuts in spending.

In other words, what Democrats are saying at this point is that they had rather see the government shut down either because they would not accept a modest amount of spending cuts that fall well within the range of what Democrats previously described as reasonable, or because they would not reinstate a longstanding policy related to one American city that Members of both parties, including Presidents of both parties, have approved repeatedly in the past.

The majority leader said yesterday that this particular provision relates to an issue that we have been unable to reach agreement on for 40 years. My response is that this is actually one of the few areas of agreement both parties have agreed about on this issue for years.

Let's be very clear about this: if the government shuts down, it is either because Democrats are pretending that a previously noncontroversial provision is suddenly out of bounds. Or they refuse to take another baby step in the direction of balancing the government checkbook, something we know the American people want. Neither reason is worth a shutdown especially when neither side actually wants one. And that is why I believe there will be an agreement here shortly. I have been in many negotiations over the years. I assure you, these are not unresolvable issues.

So my suggestion this morning is that both sides sit back and give the negotiators a few more hours to work this out.

Let Senator REID talk with his conference. Let the Speaker talk to his. And let's just hold off on the speculation and the back and forth for a little while here. Both sides are working hard to reach the kind of resolution Americans want.

A resolution is within reach. The contours of a final agreement are coming into focus. There is virtually nothing in the troop funding bill Republicans in the House passed yesterday that will not be included in a final package.

Let's not disrupt and derail that agreement.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, let's make it clear where we are at this moment in time. There is an agreement. There is agreement on the budget number. It was an agreement reached between the President with Speaker

BOEHNER and with Senate Majority Leader REID—an agreement on the spending cuts for the remainder of this year. It was reached last night at the White House.

Then it fell apart, not because of a change of heart when it came to the number but, rather, because of the insistence of the House Republicans that they would not let us keep this government functioning, they would not let us pass a budget resolution for the remainder of this year, unless we were prepared to virtually devastate the title X family planning program.

Let me ask you something: In the big national debate in the last election over the future of our country and what we would do with our deficit, how many times do you remember that issue coming up? Exactly. None. This issue over title X has been brought in by the House Republicans at the last moment. It has virtually no impact on government spending—virtually none.

Yet they insist on it. Why? It is because of some problems within the House Republican caucus. The Speaker of the House, JOHN BOEHNER, whom I know and respect and like, is surrounded by lean and hungry colleagues challenging his value, his resolve, and his leadership.

This House power struggle has now reached a point where we face a government shutdown and a slowdown on whether we are going to provide basic health care access for women across America. First, understand, not one penny, not a penny in title X funds can be spent on abortion, other than the strictly limited provisions of the Hyde amendment, which have been the law of the land for decades, agreed to by virtually all Republicans and Democrats.

It is about access to cancer screening, it is about pap smears, breast screening, it is about screening for infectious diseases. Here is what it means: If we cut off the funding, as the Republicans ask, for women to have access to affordable health care for their basic health, it is not, as the Senator from Arizona says, just a matter of whether they will knock on the next door down the street at a doctor's office, it is whether they will have any care at all.

This is the lowest priced health care for people who struggle to survive day by day. If we fail to provide that health care, we endanger their health and we run the risk that without access to family planning, they will have unintended pregnancies and, sadly—sadly—event more abortions in this country.

If you believe, as I do, personally, that we should try to reduce the number of abortions in America, how can you do what the House Republicans are asking us to do and close down access to family planning? In my State of Illinois, it is estimated that if title X were eliminated, we would have a 24-percent

increase in abortions in the State. I do not want to see that.

I consider myself a person who is personally opposed to abortion but believes it is up to a woman and her doctor and her family and her conscience. But for goodness' sake, should not women, rich and poor alike, have access to family planning? That is part of what this debate comes down to.

I would say to my colleague over here, Senator MCCONNELL, the Republican leader, he blames us for not coming up with a spending bill for this year and putting us in this mess. My memory is a little better than his. I remember, in December, when we brought the spending bill to the floor, he objected to it. He objected to it, even though the spending targets in that bill were exactly what he had asked for before the Senate Appropriations Committee. That put us into this current show-down.

Here is what I think we should do: Let's not close down this government. Let's face this decision responsibly. Let's say to the millions of committed Federal employees across America who are basically keeping America safe, making sure our planes are safe in the air, tending to the business of this great Nation, that they can come to work because the government will not close at midnight.

Let's acknowledge that we have agreed on the amount of deficit reduction, the amount of spending cuts, and move forward. But let's also agree, let's agree to save for another day all those other debates about all those other issues, whether it is the EPA or title X.

There is plenty of time and opportunity for Senators and House Members to give speeches until they are red in the face over these issues and to call for a vote. But let's not close down the government of the United States of America over the access to women's basic health care. That is what the House Republicans are insisting on. It is the wrong fight at the wrong time.

It is important for us to step up and step forward and understand that if we do not invest a modest amount in preventative health care so women can learn their health status before small problems become large problems, so women can plan their family future, so people understand what their health status is, if we do not invest in that preventative care, we will pay dearly for that not only in terms of dollars spent but in terms of human suffering. That is something we should rise above.

That is something we should care about enough to put aside and say keep the government open. My plea now to Speaker BOEHNER is: You have fought the good fight. We are at the 11th hour. Do not let us reach the depths of despair by closing down our government and sending a message across the world

that there is something wrong with this American form of government.

There is nothing wrong with it. There is nothing wrong with it that people of good faith, responsibly stepping forward and accepting their duty in the House and Senate, cannot cure by agreeing today. Let's do it. In this hour of decision, let's get it done.

Senator KERRY spoke yesterday at our Senate Democratic caucus lunch. JOHN, I still remember your words of what an embarrassment it will be to the United States if our government is shut down. In the eyes of the world, so many people respect this great Nation and I am glad they do and I do too. But to allow a government shutdown at this moment in our history is a sad commentary. Let us not shut down the Government of the United States of America over the question of whether women will have access to affordable health care and preventative health care across the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think that everyone—or virtually everyone in the Senate—does not believe we should shut down the government. The question is, What are the negotiations? I am not privy to them and neither is anyone on this floor about what are still the sticking points.

We all believe it is our responsibility to assure that government does not shut down and to come to an agreement because this is a 6-month bill—this is to the end of the fiscal year—that we are trying to negotiate. It is a very small part of the big picture, which is, we must get the deficit down, which is projected to be, under the current budget that has been put forward, \$1.5 trillion.

That is wrong. That is what we ought to be addressing. We ought to be looking at the numbers we can bring down so we start getting this budget deficit down so our debt starts coming down and we can see an economy that is thriving through private sector job creation.

That is what we ought to be doing. But because there is so much debate and because there is such disagreement about what is holding up the agreement for that 6-month plan, there is something that is gaining momentum in this country that I want to assure everyone knows about.

I was notified of it this morning through an e-mail into my Web site. It was from a woman I do not know. She said: My husband is Active Duty in the Navy, and I just wanted to let you know there is a Facebook campaign supporting S. 724. Please click the link below because there are 437,000 people who have signed on that they agree with us. This is what Americans think about military pay being cut.

Because S. 724, that was put forward by myself and Senator CASEY who

came on board, which now has 58 sponsors, is about making sure no matter what happens in the next 12 hours, no matter what happens with the government shutdown, is that there be no question in the minds of our military and their families that they will be paid on time because there is no question they are going to come to work. I do not want 1 day or 1 hour of delay in the payment for our military. We have about 100,000 people in Afghanistan today putting their lives on the line, wherever they are in that country, and we have 47,000 in Iraq.

For the people back home—and I have already heard from one wife who has a 1-year-old child whose husband is in Afghanistan, who says: Thank you for remembering that we have mortgages to pay, and our husbands are not here to help us or do anything about it.

So I wish to say we have now, in the hour since we got this note, we went on the Web site. The Web site is called Ensure Pay for Our Military Act of 2011, which is also the name of our bill. It now has 639,212 people who have signed on in support of this Web site.

The people of our country know there is one option we do not have; that is, to pass a freestanding bill that will assure whatever the other disagreements are, that our military pay will be on time for the work that is being performed. America understands that. I am asking the Senate to join.

I ask unanimous consent for cosponsors to be added to my bill: Senator PRYOR, Senator BOOZMAN, Senator BENNET, Senator BAUCUS, Senator ISAKSON, Senator KIRK, and Senator JOHNSON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. That brings the total to 58. Senator CASEY has been a wonderful supporter in this. He is the lead cosponsor.

Mr. President, 58 Senators have stepped to the plate and said: This is not an option, for us to equivocate for 1 minute.

I am waiting to get two more cosponsors, which will show that we have 60 and that we want to act as a Senate. I am hoping that Senator CASEY and I can get the ability to bring up our bill and pass it. It is very simple, very clear. Military pay for those who are serving our military in civilian capacities will not be delayed. They are going to report to work, and they need to have peace of mind because the mortgages they have may be on direct lines to the mortgage companies, that they are going to be covered. That is the very least we can do as we are arguing about whose fault it is going to be if we have a shutdown. We need to say: It is our first priority not to have a shutdown, and we need to be able to come to agreement, and we need to take further action—I hope we can do it very quickly—of saying we are going

to assure, with this simple bill, that our military will be paid.

If we send this to the House of Representatives, my guess is they, too, will pass it.

Mr. DURBIN. Will the Senator yield?

Mrs. HUTCHISON. I yield.

Mr. DURBIN. I ask unanimous consent to be added as a cosponsor of the legislation.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, that makes 59.

Mr. WARNER. Will the Senator yield?

Mrs. HUTCHISON. I yield.

Mr. WARNER. I ask unanimous consent to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, Senator WARNER is 60. We now have the ability to pass this piece of legislation. Whatever happens on this floor, we have 60 votes that commit us to supporting our troops and assuring them that there is no equivocation in this Senate for having their pay on time. They will be doing their duty in Iraq, and they will be doing their duty in Afghanistan. It is my great hope that we also will have the ability to assure their families so there is not 1 minute of stress added to what they already have in their lives.

I thank those who started this Facebook and the grassroots movement that has brought us to over a half million people in a few hours. This is a true grassroots movement. I thank those who started it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak about the crisis we have. I guess I ask my Republican colleagues: Please, don't shut down our government. A shutdown will hurt all Americans—our businesses, our middle-class families, our servicemembers who could see their paychecks delayed. It will hurt this economy. Eight percent of mortgages are FHA guaranteed. None can be issued that are FHA guaranteed starting tomorrow. Housing is one of our largest industries, and it has been on its knees. This will put it on its back. IRS checks that are mailed, where the refund is mailed back, will stop. That is billions of dollars that would be circulating in the economy that will not happen.

We Democrats have been listening to the people. We want to avoid a shutdown and have met all of the Republican demands on the spending side.

Last night at the White House Speaker BOEHNER said to the President: If you go with me, it is \$78 billion in cuts. That will satisfy me.

The President said: We will get to that number.

We have moved in every direction Speaker BOEHNER has asked. We believe there should be cuts. There is tremendous waste in government. I think any Democrat who ignores the lesson of those who voted, the lesson of the last election, makes a mistake. The people did want government to cut out the waste and to shrink, but they didn't say cut everything. They didn't say use a meat ax. I didn't have a single person tell me—and I met a whole lot of tea party people—to cut cancer research, cut loans to students who are going to college because the American people have wisdom. Cut the things that are wasteful and hurt the middle class but grow the things that help the middle class achieve a better life. That is what the President has tried to do when he said: We are going to out-educate, out-build, out-innovate. That is what we are trying to do.

There are a lot of tough cuts in our proposal, some that I don't like. Every Member on this side will be able to find things they seriously don't like, but at the same time we have gone to a level, about as high as we can go, that doesn't cut our seed corn, our future, a growing economy for our people and their children.

On cuts, we are in a good place. So why didn't we come to an agreement? Why, after Speaker BOEHNER offered a number and the President accepted, why are we still here today worried about a shutdown that will hurt so many? The answer is simple: the so-called extraneous riders. These additions, which have nothing to do with deficit reduction, are standing in the way. Why are they standing in the way? Because a minority of the House—perhaps even a minority although a large number of Republicans—insists that they be there. They are the hard right of the Republican Party. They are the same people who have said: We cannot give an inch on their H.R. 1 bill, which did cut our seed corn, did cut loans to colleges and cancer research. Now they say they have to insert these extraneous riders dealing not with abortion—the Federal Government can't fund abortion because of the Hyde amendment—but rather about women's health, about who, not how much, should get the payments to do chest screenings and blood tests and cancer tests for women. That battle has been raging for a long time, decades. It has nothing to do with reducing the deficit.

So why is it there? Let me show why on this little chart, this little pictorial representation. Speaker BOEHNER has said: "No daylight between Tea Party and me."

Let me repeat that because these are his words: "No daylight between Tea Party and me."

Does he have the exact same views as the tea party? Obviously not, but he is pulled by them. He has a choice. He can listen to the tea party and shut down

the government, or he can take the very difficult—and I admit it is difficult; I believe Speaker BOEHNER is a good man; I like him; I think he is a decent, honorable man who is caught between a rock and a hard place—alternative which is to take the mantle of leadership and tell those on the hard right they cannot run the government completely.

They will have influence—they already have—but they cannot run the government completely. They certainly can't impose their social ideological agenda on a budget process, frail enough as it is. These riders are the straw that breaks the camel's back and causes the shutdown.

Speaker BOEHNER is trying to say today it is not the riders, it is the budget numbers; but that is belied by two facts: No. 1, he offered a number to the President last night and the President accepted, \$78 billion in cuts. No. 2, if it isn't the riders, as my colleague from Washington State said, take them off the table. Tell the tea party and others that this is not the time or place. There will be a debate on this issue. We can guarantee that. Even if we didn't want it to happen, it would. Our colleagues on the other side of the aisle would make sure. But not here and not now; not when continuing the government with all the ramifications is at stake.

What we have is a flea wagging a tail wagging a dog. The flea is the minority of House Republicans who are hard right. The tail is the House Republican caucus. The dog is the government. That flea is influencing what the dog does. More than influencing, right now it is determining. It is sad.

Leadership is tough. Frankly, when either party goes to the extremes, they don't do the right thing. When Republicans go to the hard right, when Democrats go to the hard left, my experience is they lose politically. Much more importantly, they do what is wrong for the country substantively. We are a country that governs from the middle. We are a country that believes in compromise. We are a country of what the Founding Fathers profoundly weaved through the Constitution: checks and balances.

It says two things: When the people want change, a new group will come in, and they will certainly have an effect. Our government, our structure of government the Founding Fathers created, is not ossified. They also said they won't control everything. That is the beauty of our government.

We in the Senate are the cooling saucer. That is what we are doing here. We are performing our function. It is a function that the Founding Fathers wished us to perform, some of whom, I might note, come from the State of Virginia. In any case, we have a serious issue ahead of us.

I say to Speaker BOEHNER: Please, tell the tea party folks they are going

to get some of their way but not all their way. They will not get their way on these extraneous riders related to women's health. The battle for whether the government shuts down goes on inside Speaker BOEHNER's head.

When people ask me: Are we going to shut down?

I say: Look inside Speaker BOEHNER's brain and see what is going on there. I am sure there is a lot of torment and tumult. I sympathize with the situation.

This is a time for leadership, and if leadership emerges, this government, on which so many people depend, will not shut down.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, the American credit card is maxed out. We continue to add about \$1 trillion or \$1.5 trillion to that credit card every single year to where it is now at \$14 trillion. The amazing thing is, right now it is about noon, and between now and midnight tonight when this continuing resolution expires, if nothing is done the government would shut down. We will add more than \$2 billion to that debt. In a 12-hour time period between noon and midnight tonight, we will add another more than \$2 billion to that \$14 trillion debt that is growing by the hour.

We have a crisis in this country. We have had experts tell us, such as the former Chairman of the Federal Reserve, Alan Greenspan, that there is a 50-percent probability that we will see a debt crisis in the next 2 to 3 years.

Interestingly enough, there was a story in the Wall Street Journal this morning that says:

Europe's central bank became the first monetary authority in a major developed economy to raise interest rates since the global financial crisis struck, a sign that an era of cheap credit is coming to a close.

It goes on to say the ECB increased its benchmark by a quarter point to 1.25 percent.

Now, if we started to see an upward tick in interest rates, it would have a profound impact on the deficit and on the debt because the experts also tell us—the Congressional Budget Office and others—that for every 1 percentage point increase in interest rates, it would cost about \$140 billion every single year.

To put that into perspective, the interest on the debt in the year 2015—if we stay on our current trajectory, will exceed the amount we spend for defense. So we will be spending more on interest on the debt than we actually spend defending this country in 2015. That is assuming we did not see any kind of an increase in interest rates. If we were to see, as I said earlier, as much as a 1-percent increase in interest rates, that adds \$140 billion every single year in interest costs to finance

the debt. This is a serious situation which requires serious action.

We have in front of us a continuing resolution to fund the government because we did not get the work done last year. The Democratic majorities in the last year did not pass a budget, did not pass a single appropriations bill. So we are doing the unfinished work of last year. We are in the now sixth continuing resolution which, as I said, expires tonight at midnight. If nothing is done, the government would shut down, but there is an alternative. Of course, the best alternative would be to pass legislation that passed the House of Representatives earlier this year—it was voted on in the Senate and was defeated—that cut \$61 billion from discretionary spending and would take us back to 2008 levels.

Just to remind my colleagues, in the last 2 years discretionary spending has increased 24 percent. That is if we do not include stimulus money. If we add stimulus money, it was 84 percent. We have seen discretionary spending increase in the last 2 years by 24 percent at a time when inflation in this country was 2 percent. So we were spending at a rate that was literally more than 10 times the rate of inflation.

I do not think the American people would think it is unreasonable—when we are running \$1.5 trillion deficits every year, when we have a \$14 trillion debt—that we ought to be able to go back to 2008 spending levels. That is what the House bill did that failed in the Senate. So that triggered a negotiation, which is ongoing.

My point very simply is, there is a solution in front of us now that would prevent, at midnight tonight, the government from shutting down, and it would also fund our troops through the end of this fiscal year, which ends on September 30. So all we have to do in the Senate is—the majority leader, all he has to do is call up that House-passed bill, we move that, and it would fund the government for another week until the negotiators can come to a final conclusion on a longer term funding resolution that would take us through to the end of the fiscal year.

There is a very simple answer to all this. So there is a big debate about that particular short-term funding resolution. They say, well, maybe it cuts too deeply. All the cuts that are in that short-term funding resolution are cuts that have been agreed upon largely by both sides, by both Democrats and Republicans, and it is to the tune of about \$12 billion, which is significantly less than the number both sides have agreed we ought to cut from the budget this year.

As I said, it also would fund the military. It is important we fund our troops, that we not put our military at risk of not having the funding that is necessary for them to conduct their very important duties when we are try-

ing to fight two wars, and perhaps three. So it would fund the military through the end of this fiscal year.

So why will it not be picked up and passed by the majority leader in the Senate? Well, according to our colleagues on the other side, it is because of these ideological riders, this rigid partisanship, this insisting upon things that just absolutely do not have any support in the Congress.

Well, I want to point out something. In 2009 the other side was singing a very different tune because at that time they were passing a big spending bill, and at that time President Obama and then-Speaker PELOSI loaded such riders onto a government funding bill similar to the one now being negotiated. A senior Democratic aide is saying: Well, they are not comparable. Well, many of the same provisions—in fact, one of them was an abortion provision that was included in that particular spending bill. It goes on to say—and this is quoting a Democratic aide later on:

There is a difference between including riders on a bill when they are supported by a majority of the Senate and just need a vehicle and including riders on a bill because a minority is trying to ram through something that would not have support on its own.

Well, just to point out, the rider that was added by the House Republicans on the short-term spending bill is a ban on taxpayer funding of abortions in Washington, DC. It would affect one city in the country. Interestingly enough, it is a position that has been supported repeatedly by the leadership on the other side. The majority leader, Senator REID, has voted for this very ban 10 times since 1995. The majority whip, Senator DURBIN, has voted for this very ban 9 times since 1995. Believe it or not, the President of the United States, when he was a member of the Senate, voted for that ban twice, and he, as President, signed legislation that includes that ban.

So to suggest this is something that lacks majority support just does not pass the smell test. You cannot make an argument that it is about ideological riders that do not have majority support when you have people on both sides, by large majorities, voting for these particular riders. I think you cannot argue that this is an ideological battle because these are things that have been passed before right here in the Senate.

I think most of these—a lot of legislative things, a lot of things that get funded in government are an expression of someone's ideology. Now, there are some of us who happen to believe the taxpayers in this country should not be supporting abortion; that taxpayer funds should not be going to support abortions.

The broader debate about funding for Planned Parenthood is not just ideological, it is a funding issue because

they have received somewhere on the order of over \$300 million a year in taxpayer funds. So when you are looking at ways to trim government, you are looking at every area of the government. You are by definition making decisions that in some cases may be based on someone's ideology. The fact is, you cannot argue with a straight face on the floor of the Senate that this short-term funding resolution ought to be held up over a couple of riders that have broad support by Members on both sides and have countless previous votes in support of those.

So I would suggest to my colleagues in the Senate that a shutdown at midnight tonight can be avoided very simply. All it requires is for the majority leader to pick up the bill that passed the House of Representatives yesterday; a bill that, as I said, funds the government for another week until our negotiators can come to that final conclusion, that funds the military through the end of the fiscal year, and that includes a couple of provisions that have been supported numerous times by Members on both sides in the Senate.

A shutdown is totally avoidable, but it is completely up to the majority to pick up that legislation and pass it. We cannot afford to wait to deal with out-of-control spending and debt for the reasons I just mentioned. Over 40 cents of every dollar we spend at the Federal level is borrowed. As I said before, we have seen discretionary spending increase by 24 percent over the past 2 years. What the House Republicans have proposed in terms of spending reductions, I think by any definition—I think the American people would find it to be very reasonable. It represents literally less than 2 percent of total Federal spending.

At a time when most Americans are tightening their belts, most small businesses are tightening their belts, families are having to make hard budget decisions, at least in Washington we ought to be making decisions in the best interest of getting this country back on track so we do not spend money we do not have and we are living within our means and not saddling future generations with an enormous debt, which is not fair to them and which, by the way, also has a profound impact on the economy.

Everybody makes the argument up here that somehow if we reduce Federal spending it is going to hurt the economy. Well, I would argue the opposite. If we do not get Federal spending under control, it is going to hurt the economy because you are going to see these kinds of impacts. You are going to see interest rates start going up. You are going to see inflation start going up. You are going to have people not making decisions about hiring out there in our economy because they do not believe Washington, DC, has gotten

the message about getting spending and debt under control.

So I would argue to my colleagues that we have a solution, a very simple solution in front of us. It certainly does not necessitate at midnight tonight the government shutting down. I do not think that is in anybody's best interests. I do not know of anyone on this side of the aisle who wants to see that happen. All we are saying is, it is high time this government started to live within its means, started to stop spending money it does not have, started putting us on a fiscal path that will ensure that this country is around for future generations of Americans, and that we do not have young people in the future carrying around an \$88,000 debt, which is what their debt will be in a few short years if we do not take steps to get Federal spending and Federal debt under control.

So I urge my colleagues—the Senator from New York got up and said: Please, Republicans, don't shut the government down. I would say to my colleagues on the other side: It is very simple. If the majority leader just picks up the House-passed bill, passes it, this crisis is averted. The negotiators can continue their discussions on a longer term solution which it sounds like they are very close to coming to a conclusion on. That is all it would require. It is a very simple solution.

I hope my colleagues will do it, and we can make sure the government continues to function, but that we start to get spending and debt under control.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be added as a cosponsor to S. 724.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, reserving the right to object—and I do not intend to object—but I am just wondering if the Senator from Massachusetts would be willing to amend his request to allow subsequent Republican speakers to also have 15 minutes to make their remarks. So if the Senator would agree to amend that request, I will not object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, reserving the right to object, this is a critically important issue, and I think a lot of us all want to speak. I just want to make sure—I have been presiding and waiting for some time as well. I hope we do not start rearranging all the rules here so we all get a fair chance to speak.

The PRESIDING OFFICER. Is there objection to the request from the Senator from Massachusetts?

Mr. COATS. Mr. President, I continue to reserve the right to object. If the Senator is willing to amend his request, I will not object. But if he is not, then I agree with the Senator from Virginia. There is a long list of Republicans and Democrats who would like to speak.

Mr. KERRY. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. KERRY. Mr. President, that is sort of an indication of the kind of problem we have around here, which is the ability to accommodate a simple request that used to be accommodated around here all the time.

Let me say very quickly, what the Senator from South Dakota just said is a massive oversimplification of what is happening. The President of the United States made it very clear, we are not going to fund the government week to week to week to week to week. It costs more money. It is a completely incompetent way to fund the Government of the United States of America. People need to make plans. People need to let contracts. People need to be able to know how much they are going to be spending, how much can they hire, who can they hire. That is an incompetent way to manage the United States.

The President made it clear, we have already done two short-term fundings of the government, and he said we are not going to do it again. It is time to reach an agreement. It is time to show the maturity and the capacity to be able to do the business of our Nation. They are just asking for another delay. But they are not just asking for that, they have also put their ideological wish list into that particular request.

This is a dangerous moment for our economy and for our country. Frankly, it is an embarrassing moment for the Congress of the United States. It is an embarrassing moment, I think, for the American people, who have to watch their Congress struggling to do what we were sent here to compromise and find a way to do the business of our country.

There is a reason we are standing on the precipice of this argument. I believe we can still get an agreement in these next hours. I believe we may well get that agreement in these next hours. But what a show to get there. How extraordinary it is that for the first time since the 1990s, when, incidentally, the Republicans ran the House—does it ring a bell? That is the last time we had a shutdown in the U.S. Congress, and here we are back again with the same threats, the same need to do brinksmanship that puts an ideological wish list on the table, that you cannot pass any other way, to try

to force it down the throats of Americans at the last minute by threatening to shut down the government.

I have to tell you, in China, they have to be laughing at us right now. They have to be clapping. How terrific that the United States of America cannot make a decision. Boy, does that send a wonderful message to businesses all around the world: They can't make a decision. They can't decide an energy policy. They can't decide an infrastructure policy. They can't fix their schools. They can't do anything, and now they can't even get a budget. That is a hell of a message around the world. While we are running the world preaching the virtues of democracy, people have to be scratching their heads and saying, That is what we are going to get?

This is not because both sides of the political aisle cannot agree about a plan for cutting the deficit. This is not about the deficit. We only have to listen to Speaker BOEHNER and to the President, the majority leader and others, and add up the math. It is beyond dispute that Democrats have agreed to make the largest budget cuts in American history in discretionary spending. It is also beyond dispute that we have agreed to travel far more than halfway. We are at about 73 percent of what they requested in terms of spending reductions.

Last night, the President of the United States sat with Speaker BOEHNER and said, I agree to your number. This is not about the number. We agree with the number, providing we can also look beyond discretionary spending and look to the larger budget, which is the way we ought to be doing budgeting for the United States. We have compromised. We have agreed to well more than what is reasonable with respect to some of these reductions.

So this is not about making cuts to the deficit. That is not what it is about. America needs to understand that. In a negotiation, there is always a back and forth. There is a give and a take. But we are at this extraordinary moment in American history where a small group of people seems to be intimidating their own leadership.

I keep hearing about what a tough position the Speaker is in. He is not in a tough position. He is the Speaker of the House of the United States of America. It is a job he always wanted. It is a job he wants to have. He asked for it. His position is no tougher than anybody else here who has to make a cut on these kinds of issues. What are you for? But he is allowing this small group, a minority within a group—maybe a minority of a minority, I don't know—to dictate and they are saying, Oh, we have to do this. We have to take America right up to the brink, right up to the edge, and show the world we are not able to do our business in a quiet and responsible and thoughtful way.

Rigid ideology is threatening to shut down the Federal Government of the United States. Let's not play games and pretend with some short-term stopgap measure when the President has said we are not going to do that anymore. It is no way to run the government and it costs more money. They are doing this with impunity because all the voices of moderation and common sense—all the voices on the other side of the aisle who say we don't want to shut down the government—and they really don't. I know some of our colleagues on the other side of the aisle. They get it. They don't want to do this. But either they are not being listened to or something has happened over there where there is a level of anarchy within the institutional process of the Congress that is dictating where we are.

So why is it that 100 percent—100 percent—of the cuts we are being asked to make are coming from only 12 percent of the budget? There isn't an American who will sit there and say, What do you mean? You mean only 12 percent of the budget is up for grabs, and they are taking 100 percent of their cuts from the 12 percent of the budget? That doesn't make a lot of sense. It doesn't make a lot of sense. Defense spending at the Pentagon: Are you telling me that every system we are buying over there, the procurement process of the Pentagon is so perfect that we can't make some cuts? But they are not trying to cut defense. That is not on the table.

Everybody knows the big items of our budget deficit are Medicare, Medicaid, and Social Security. Those aren't on the table. They are not being considered. How can they say this is not ideological when the only things that are being cut in their proposals are the very things some people have been trying to cut for 40 years? They have opposed them as a matter of principle their entire political life and they can't get them any other way, so now they are trying to jam them down the American throat by saying we are threatening to shut down the Government of the United States.

This isn't about the budget deficit. If it were, we would have made the largest cuts in American history because we have agreed to those cuts. Every single one of us understands why we are in the predicament we are in. Yes, we have a huge budget deficit and huge debt. I can't get over how quickly my colleagues on the other side of the aisle are able to forget about how we got here. When President George Bush became President, we had a path toward a \$5.6 trillion surplus. We had balanced the budget. We did what we needed to do. Then they came in and passed two huge tax cuts for the wealthiest people in the country that they didn't ask for and didn't need, and all of a sudden we had a deficit. Of course, it was because

they gave tax cuts on the credit card. Then we had two wars, one of which was a war we never had to have—the war in Iraq at a cost of \$1 trillion. That is our deficit. Then they had all their cronies guarding the financial system with the foxes guarding the chicken coops. The result was Wall Street ran away with American economic interests, and we had the housing crisis and the Wall Street crash—the greatest loss of wealth in modern times. As a result was the deficit and the debt went up. When President Obama came into office we were losing 750,000 jobs a month. They forget that. They forget their complicity in that.

So we are where we are now. The fact is this fight—do my colleagues know what they have been trying to do? They have been trying to shut down the government if they don't get Environmental Protection Agency restraints which they weren't able to win otherwise. They have about 65 different ideological wish list items now being reduced, but that is what the fight has been about for these last weeks. Folks, we had that debate. It is fresh in our minds.

This week the Senate debated Senator MCCONNELL's amendment to cut off EPA's authority under the Clean Air Act. It lost. Three other amendments with similar approaches had up-or-down votes. Each one of them failed. The process worked. Amendments were debated and votes were counted.

So now it is do it or we will shut down the government. I don't remember a lot of Americans voting for dirtier air or water they can't drink or longer droughts for farmers but now they are saying the government is going to be shut down if we don't handcuff the EPA.

We have been here before. In December 1995, one of the reasons that the Federal Government shutdown was the Republican attempts to include a “. . . excessive number of anti-environmental riders.” And here we go again. The Budget Committee chairman, Senator CONRAD, reports that last night in the middle of the night, the other side put mountaintop mining riders on the table. What does that have to do with reducing the deficit?

And that is just the start of this ideological excess. Planned Parenthood, we are fighting over whether Planned Parenthood can get any money from the Federal Government for cancer screenings for low-income women.

We had that debate over here. We voted on the House budget to kill Planned Parenthood. It lost. It lost overwhelmingly. Senate Republicans opposed it. So now the gang from the House say defund Planned Parenthood or we shut down the government. Strip Planned Parenthood of money it uses to provide lifesaving, preventative care to millions of women each year or we shut down the government.

Is this about abortion? No. They want to prohibit Planned Parenthood from receiving any Federal funds, including Medicaid—a proposal that would cut 1.4 million women off from their health care provider.

This isn't even good fiscal policy—the preventative care saves taxpayers dollars in the long run. Every dollar ends up saving \$3.74 of health-related costs to Federal and State governments.

We are talking about women like Jennifer, a woman from Boston who credits Planned Parenthood with saving her life. She had little money and no doctor. She went to Planned Parenthood for a checkup, and the doctors found a precancerous condition of the uterus. She says now, "Because of Planned Parenthood's early intervention, I was able to have two children and a healthy life." But today, here we are—here is the choice they are ramming down our throats: defund that care or shut down the government.

Last year, both the House and Senate Appropriations Committees did their job. However, in December 2010, the Republicans objected to even considering this year's budget and forced us into this situation.

That is ideology that has nothing—nothing—to do with balancing the budget.

So if a small ideological group shuts down the government over all this, what happens? What happens?

Well, for all the talk here about jobs and the economy, you would think somebody might be thinking hard about that, especially now that our economy is starting to create hundreds of thousands of new jobs every month.

So just yesterday, one of our leading economists said: "The economic damage from a government shutdown would mount very quickly. And the longer it drags on, the greater the odds of a renewed recession."

Goldman Sachs analysts say a shutdown will cost the economy \$8 billion every week. The Business Roundtable, whose companies account for \$6 trillion in annual revenues, forecast increased sales and hiring by businesses over the next 6 months, but they say even a short shutdown would put that in jeopardy. "I don't think any of the CEOs would welcome a government shutdown," said Ivan Seidenberg. Even Speaker BOEHNER says, "if you shut the government down, it'll end up costing more than you'll save." The Republican economist Mark Zandi, says a shutdown would not only "disrupt a wide range of government operations and significantly cut the output of government workers, but the hit to confidence could be serious . . . it could easily undermine confidence as questions grow about policymakers' ability to govern. This would be fodder for a new recession."

A new recession because ideologues continue to object to the compromises

necessary to pass a budget? But here we are hours away from shutting down the government over abortion.

And folks, that is the big danger—that the actions of these ideologues will stop the recovery.

But it has a human face too.

Just yesterday I read an e-mail from a constituent of mine named Tim. He lives in Norwood, MA, and he is a Federal employee at Homeland Security working in Boston. On March 26, he and his wife moved into their first home. Now, if the government shuts down, he will be furloughed. He is worried that he won't be able to pay his mortgage and he is terrified about the consequences this will have on his credit rating.

I have no idea whether Tim is a Democrat or Republican, but I know he didn't vote in November to not be able to do his job or pay his mortgage.

But that is what he is worried about this morning. He is one of 800,000 families that will not be able to go to work and do their jobs. I heard one of them asked yesterday about it and about all the talk that after the shutdown she will get paid, and she said, "Tell my two-year-old he can eat retroactively."

But why isn't the job getting done? Because of issues wholly unrelated to the deficit.

And what does it mean to the country?

Well, the last time we had a government shutdown, they told us that at the NIH the scientists doing the research on cancer and cures had to go home. They couldn't work. The only person deemed essential was the guy who came in to feed the lab rats so they would still be alive when the government came to its senses.

Did anyone vote last November for us to stop researching cures to diseases? I don't remember that being a part of the tea party platform. But here we are.

At the height of filing season, IRS processing of tax refunds for returns could be suspended. So families who have been waiting for their refund checks won't get them.

During the spring home-buying season, 15,000 homeowners could be prevented from getting a new home loan every week.

We talk about honoring our men and women in uniform and those who have served our country, but we know that during the last shutdown more than 400,000 veterans saw their disability, pension or educational benefits delayed.

We talk about honoring our seniors, but more than 100,000 new Social Security claims were delayed in 1995.

We say we care about the disabled, but during the last shutdown services to 1.2 million people with disabilities were interrupted.

And that is just the immediate consequences of a shutdown. But what about the long term? What happens

when the world watches a small group of ideologues making it impossible to pass a budget for 1 year? We are preaching democracy all over the world and we can't make our own work. Our economic competitors are going to take advantage of this opportunity to strengthen their economy at our expense.

Does it make businesses more likely to invest here, or go invest in China and in Latin America where governments are racing ahead investing in infrastructure and energy to own the markets of the future? They are going to laugh all the way to the bank.

But instead here we are, about to shut down the government—and willing to slam the brakes on the investments and the research and development we need to make so America doesn't fall behind other countries. While we have these ideological fights, we eat America's seed corn today, even if it means going hungry tomorrow.

This is about ideology. This is the takeover of our national dialogue by people who actually want to shut down the government—for them, it is a goal not an unintended consequence.

Don't take my word for it. Just listen to them.

Representative RON PAUL of Texas said: "I don't think it would hurt one bit"; and that "life would go on without the Federal government."

Representative LYNN WESTMORELAND of Georgia said the Republicans are simply "listening to the American people" and doing what they want.

Now, I will grant you that Congress needs a "jolt" but it should not be a jolt that causes a government shutdown. It should be a "jolt" to do the job that we were elected to do.

There is a better way. We can balance our budget and we can grow our economy to benefit everyone and we can do both at the same time. How do I know? Because many of us were there when we did it before. We tackled a budget deficit and created jobs at the same time. And we didn't do it by cutting our budget to the bone.

In the 1990s we grew our way to a stronger economy under the Clinton economic plan. We invested in the workforce, in research, in development, in new industries. As a result, we saw the longest economic expansion in history, creating more than 22 million jobs and generating unprecedented wealth in America, with every income bracket rising. And working with Republicans, we came up with a budget framework that put our Nation on track to be debt free by 2012 for the first time since Andrew Jackson's administration. Of course, it didn't work out quite that way, what with huge tax cuts, two wars and the worst economic downturn since the Great Depression in the 8 years that came before these last 2 difficult and divisive years.

We can do it again. But it is going to take a serious dialogue within the Congress about our fiscal situation, discretionary spending, entitlements, and revenues—a dialogue that is long overdue. We need to work towards a long-term solution to reduce both our current budget deficit and our staggering debt. We will need to reduce Federal spending and make appropriate changes to our entitlement programs to meet the fiscal challenges facing our country.

But that is not what is being debated here today. That is not what the House ideologues are doing. And it is not what the Senate is supposed to be doing. I have been here 27 years. I know that the world's greatest deliberative body can still be a decisive one. But we are not today.

Before we entered into this showdown with the clock ticking towards a shut-down, Senator INOUE and I were going to be in Boston for the groundbreaking of the Edward Kennedy Institute dedicated to the study of how to make the Senate work as an institution.

Ted Kennedy knew what the Senate could do when we made this place work. He understood the differences of 100 Senators from States as different as Alaska and Hawaii, California and South Carolina, Ohio and Oregon. He embraced different accents and different world views even as he was proud of his own. He became living, legislating proof that a most fiercely independent, plain-talking, direct and determined partisan could resolve the hardest issues, staking out common ground with those they disagreed with on almost everything else.

Ted knew that the historic breakthroughs in American politics have been brokered not by a mushy middle or by splitting the difference, but by people who had a pretty healthy sense of ideology. Ted Kennedy and ORRIN HATCH were a powerful team precisely because they spent a lot of time opposing each other. But he knew that they were opponents, never enemies; that they could be friends in life even as they were foes in politics. And again and again, over and over, when this ultimate odd couple found things they were willing to fight for together, arm in arm, all of us in the Senate leaned in and listened—and followed them.

Make no mistake. Were Ted Kennedy serving in the Senate today he would be down on the Senate floor—red faced, fists pounding the bully pulpit—exhorting his colleagues that it is wrong to balance the budget on the backs of working people, that Senators should stop the political gamesmanship, and that we need to get back to doing the business of the American people.

But he would be doing something else, too. He would be working the cloakroom quietly pulling aside Democrats and Republicans. He would be

reading the rhythms of the institution. He would be appealing to the better angels of the Senate's nature—because as deeply as he believed in the issues, Ted believed just as deeply in the capacity of his colleagues, at critical times, to put country ahead of party.

Ted Kennedy would be proud of today's groundbreaking for the Kennedy Institute for the Senate. But I know he would be insistent too that we have to break new and common ground in the institution that is the U.S. Senate itself.

Generations of young Americans to come will come to the Kennedy Institute and learn to understand what the U.S. Senate was intended to be.

But 100 Senators don't need to wait that long. We can do what Ted Kennedy and Bob Dole and so many other Senators of both parties used to know how to do—which is find common ground and insist on common sense.

We don't have to shut down the government. We don't have to continue the ideological bloodletting. We can do better than we are doing. The question is whether we are going to get back to work and ensure that the great center of American politics holds once again. Our country deserves that—and nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I join the Senator from Massachusetts in saying also we don't have more time on this. We all want more time. Each of us would like to spend more time on this important issue, but we want to give everyone the chance to speak and this is why we have the limitation.

I think it is important to put this whole issue in perspective. People are saying, Well, the clock is ticking and we are 12 hours or less away from having to shut the government down. Well, yes, the clock is ticking. But the clock that has been ticking year after year on the mounting debt and fiscal crisis that is going to take this country into bankruptcy if we don't do something about it. That clock is ticking a lot faster than the clock is ticking on this debate.

Let's put this debate into the perspective of the larger picture. In the last 3 years we have added over \$4 trillion to our debt—\$4 trillion plus in the last 3 years. This country is on an unsustainable spending binge. People throughout the year in 2010 expressed their views about the egregious, reckless spending of this Congress, and they sent a new Congress here to do something about it.

Because the other party that was in control in 2010 didn't pass a budget, didn't do anything about it when the time ran out on September 30 at the end of the fiscal year—we are at this point today because we have had to have these continuing extensions

which we are trying to do something about, and I hope we can resolve this. I don't want a shutdown any more than anybody else does. But people have to put this in perspective. What we are dealing with here is a request put out by the Republicans—because there is no request from the President of the United States and there has been no request from the other party as to what the package should be to deal with this—and that request requires and asks for a reduction of 1.6 percent of the total amount of spending that is going to take place in 2011—1.6 percent.

If you are the head of a family or an individual making \$50,000 a year and you find out you are running yourself into bankruptcy, that amount you would have to come up with to save, to start the process of getting your financial situation back in order is \$800. If you are making \$100,000 a year, what we are asking for is a \$1,600 equivalent cut in the spending. If you are a business making \$1 million a year and the boss comes and says we are spending way more than we take in in our revenues and this company is going to go bust and everybody is going to get released from employment as a result of that unless we make a start in moving forward in dealing with our fiscal crisis, and we are going to start by cutting \$16,000 out of the \$1 million, that is the equivalent of what we are doing here. Yet, we are talking as if this is doomsday, this is cataclysmic: These are the greatest cuts in the history of the Senate.

We have a timebomb, a debt bomb, ticking away out there that is going to take the country down into second tier or third tier status, at best, or we are going to have the bond markets do it for us if we don't start. This isn't just a Republican plea. Democrats, the President's own commission, headed by Erskine Bowles, who was the President's Chief of Staff, has said there has been no more predictable collapse facing America than this one and we need to do something about it now.

What we are trying to do about it now is simply do something that wasn't done for 2011, for the 2011 budget, with a modest 1.6-percent cut so we can move to what we need to do, and what we need to do is address the whole picture. As the Senator from Massachusetts said, we have to deal with more than this 12 percent of the discretionary spending for 2011.

We have to put mandatory spending on the table, defense spending on the table; we have to look at tax reform as a way to grow our economy. There are a whole range of things we have to do. We have one plan in place that has been put there for us to at least begin to start the debate on what we need to do—get this thing out of the way so we can start that debate, and that is the Republican plan put forward by House Member PAUL RYAN, the head of the

House Budget Committee. That is the comprehensive plan we ought to be working on. We can't get to that plan because we are dealing with this 1.6-percent fix to the problem that exists for 2011. It is 2012 and 10 years beyond that needs to be addressed and needs to be addressed now.

This country is facing as serious a debt crisis as we have ever had. Leading economists, Republicans and Democrats, liberals and conservatives, those from Harvard and those from Stanford and every college in between and every institution and entity that has studied this problem, say we have to do something and we have to do it now or it is going to be done for us, and the results of that will be a lot worse than if we start to address it now.

Governors and heads of businesses and heads of families all across America know exactly what we are talking about because they have already had to make these tough decisions. They are already implementing what is necessary to get their fiscal house back in order. It is not just Republican Governors; it is Republican and Democratic Governors. Why aren't we listening to Andrew Cuomo? Why aren't we listening to Jerry Brown? Why aren't we listening to Mitch Daniels and other Governors, including Governor Walker from Wisconsin and Governor Kasich from Ohio? Why are we not looking at what they are doing? At least they are stepping up and doing it.

Here we are, arguing over the extreme nature of a 1.6-percent reduction out of a \$3.7 trillion budget. Revenues are coming in at \$2.2 billion for a \$1.5 trillion deficit and we are talking about a 1.6-percent cut out of all that, as if this is doomsday if we don't raise—even come halfway, or a little more than halfway to this.

Putting this in perspective I think is necessary for us. We have all the focus on this little, small grass fire happening over here when there is a five alarmer across the street. That is the fiscal house of America. Are we doing this because we are green eyeshade people and we don't like the way government functions and we want to take things away from people? No. We are doing this to save this country—to save the benefits available to those who are under Medicare, to save the benefits available to those under Medicaid, and other provisions. We are trying to keep these programs from collapsing and we are trying to keep this country's fiscal house from collapsing or burning up. Instead of fighting a little grass fire, we have a five alarmer over here and we have a little truck with a hose trying to put out that grass fire. Let us reconcile this and pass this now so we can get to the issue we have to get to.

This whole thing about riders and about the largest tax cut in American history is a pebble in a pond of what is

necessary for us to go forward and deal with the crisis that is before us. It is going to rest on all of our shoulders. It is going to reflect on all of us, Republicans and Democrats, liberals and conservatives, if we stand here and fiddle while our fiscal house burns to the ground and collapses.

As I said, one way or another, this will happen. It may happen sooner or later. If you listen to Erskine Bowles and a former colleague, Senator Simpson, and to the President's own commission, and if you listen to any analyst who has looked at this, they say it is totally unsustainable. If you don't do it and start the process, the bond market and the interest rates will do it for you. It will fall on all of us for not stepping up to the plate and getting it done.

We have 11 hours to get this done. Let's pass this now and make the decision to go forward and let our yeas and nays be recorded. Let the American people decide which side they want to be on on this particular issue.

I think, given the results of the last election and the awareness of the American people, clearly they have come to the conclusion that the government is too big, it is growing too fast, it is spending too much money—money it doesn't have—and it is borrowing money at a rate that is putting us into severe jeopardy in terms of our creditors and what their demands will be in the future. When 40 cents of every dollar is borrowed, you cannot continue on that course without dire consequences.

I believe the challenge before us today is to wrap up this negotiation and wrap up the issue that deals with the remaining months of 2011 so that we can immediately begin—and whether it means canceling the recess or whatever, I am more than happy to participate in that—to work on the necessary decisions and changes and debate that have to take place regarding our long-term future. If we fail to do that, we are going to reap the negative consequences.

My time is about to expire. I simply plead with my colleagues, let's get past this little nothing of a skirmish here and keep this government functioning and get to work on what we have to do. We hope to have competing plans, but if not, let's go forward with the Ryan plan and get a yea or nay on it and let the American people decide whether it is the right way to go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish I could say I was rising today to just debate some of the normal issues we talk about. Like most of my colleagues, probably, I rise today a bit embarrassed—not a bit but really embarrassed that we are here under these circumstances.

People across Virginia cannot understand why we can't get this done. I had the honor of serving as the Governor of Virginia. I am a Democrat, and I had a two-to-one Republican legislature. We got things done. We compromised. We found that common ground that now seems to be viewed as a bad place to be.

Mr. President, I agree with the Senator from Indiana that whatever number we agree on today, that doesn't take us very far when you have a \$1.6 trillion deficit and a \$14 trillion debt. If this debate is showing anything, it is that there is not going to be a way to get there unless we can frame this in a bipartisan way. I agree with the Senator from Indiana that we ought to take the framework of the Simpson-Bowles plan and put it forward. There are a group of Democrats and Republicans who are trying to do that, and a lot of other Members would like to be part of that as well.

We ought to take one lesson from this debate—that we are not going to solve the bigger problem unless we can start on a bipartisan basis. We have heard this morning back-and-forth about what is holding this up. I am not in the negotiating room. I wish I were. I don't know what is holding it up. I know, as somebody who has followed this debate pretty closely, that for the weeks of this discussion, it seems to have been focused on, can we at least take some small step toward attacking that deficit and cutting spending.

It seems to me from every bit of the press reports I have read—I would like to say I have an insider's view, and many of the Senators are trying to figure out what is going on, but from all the press reports, it seems that, until the last day or two, this has been about cuts, and there has actually been agreement on the number and size of this first step of cuts. But now we have these other issues. I think, as some of my colleagues have said, there will be time to debate those issues, but why in the heck would we roll the dice with not just 800,000 Federal employees but millions of Americans who rely on some level of continuity to have these extra social issue divisions right now?

I heard some of my colleagues say earlier that, well, we have to shut it down for a weekend, and that won't be too much of a problem. Well, you don't have to worry about the Federal employees.

Lord knows, anybody who puts a red herring—I appreciate Senators HUTCHISON and CASEY making sure our troops are going to get paid. I am proud of that. Regardless, I think Senators and Congressmen should not be paid, either, if we shut down, and I promise not to take any salary if we are shut down. But just even for a weekend, what do you tell the motel owners, the restaurant workers, the private sector folks who are relying this weekend on people coming to

Washington to see the cherry blossoms? You may say that is small ball, but that is people's lives—not Federal workers but the private sector workers. What about the defense contractor who says that if we shut this down, he is going to lay off 70 folks starting next week? What about the shipbuilder in Norfolk who is living paycheck to paycheck and says they don't know whether they are going to see private sector dollars from their private sector employment, whether they are going to get paid or not? What do you say to our soldiers who are fighting in Iraq and Afghanistan to try to spread democratic government if the greatest democracy in the world is going to shut down not over trillions of dollars' worth of differences but over some issue that may or may not have been introduced at the eleventh hour? I don't get it.

The notion somehow that this will send a good signal of fiscal discipline—I am proud, as my friend the Senator from Tennessee said, that we have spent more time in business careers than we have in our political lives. But what business hates the most is uncertainty. The markets hate uncertainty the most.

Portugal, yesterday or the day before, said they need a bailout from the European Central Bank. The notion that we are out of the woods in terms of a macrofinancial crisis is not true. The situation in Europe is very uncertain. The situation in the Middle East is obviously very uncertain. It would be the height of irresponsibility if we were to kind of once again rock the bond markets with the fact that the American Government would shut down over some extraneous issue. I don't get it.

The economists whom we have talked to have said that you can see up to a .2 percent decline in economic growth if we even shut down for a few hours. Frankly, it would end up costing us more than we save because shutting down operations and starting up operations, as any business leader or any government person who actually runs something knows, costs more money. People may say two-tenths of 1 percent, and we struggle for half a percent of growth here and there with all of these policies we try to promote—that is billions and hundreds of billions of dollars to our economy.

Just as we started to see a little bit of good news with the job numbers last month, just as we started to see the beginnings of an economic recovery, are we going to show that we can't even continue to operate the government for the next 6 months, and are we going to shut it down, at least based on press reports, on extraneous issues that don't have to do with deficit reduction?

If we can't get through this challenge, what happens when we move from the small-ball issues to the issues

Senator COATS and my colleagues and friends, Senators CARPER and CORKER, all want to be part of—and the Presiding Officer—and how will we take on that \$14 trillion debt, to which we add \$4 billion every day that we fail to act, if we can't solve this problem in a way that focuses on making the cuts and letting the government continue to operate, not simply for the sake of 800,000 Federal workers but for countless millions in the private sector who depend upon that certainty, and move on to the question of how we find, I believe, the bipartisan solution that I hope and pray is at least around the framework of the Simpson-Bowles approach, which puts everything on the table—revenues and cuts—and recognize that we need to put the country back on the path of economic prosperity.

I hope the negotiators realize this is bigger than the small issues—bigger than 73, 78, or whatever number they finally determine. We will send a signal by our actions today whether we are willing to then move forward to take on the much bigger issue, which is where we have to start.

I will close with this. If there is anything we have learned from this effort, it is that if we start with guns ablazing at each other, we are not going to be able to take on the real issue that confronts us—the national security crisis that Chairman Mullen has said is the single biggest threat to our long-term economic stability based upon the rising debt.

I yield the floor and hope and pray we will come to a solution.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, if the Chair will please let me know when there is a minute left, I would appreciate it.

I rise to speak about the current issue. I am always glad to speak after my friend from Virginia, whom I have enjoyed working with on so many issues. I appreciate the work he is doing now to try to deal with the bigger issue we have to deal with.

I will not waste a lot of emotion or say things that might—look, we are involved in a powder puff right now. We are dealing with a small amount of dollars. We add \$4.1 billion a day to the deficit—\$4.1 billion a day. So probably, with the negotiations we are involved in today, maybe we are separated by 1 day of deficit spending.

I know there has been a lot of talk about what might happen with the government shutdown. I don't believe that is going to happen. I believe that when we come in on Monday morning, an agreement will have been reached. I am not going to waste time on the Senate floor talking about all the bad that might happen in this country because I cannot believe that, over the small ball we are dealing with right now, we are going to have a government shutdown.

I think we will resolve this over the next few hours or maybe sometime over the weekend possibly. Maybe there will be a minor disruption this weekend. I have faith that this will be worked out.

What I want to spend time talking about is the fact that we do have a crisis that is looming. I don't think it is this weekend, and I don't think it is over a continuing resolution that goes for the rest of this year. I hope we are actually able to move beyond majoring in the minors, which is what is happening now, to majoring in the majors; that is, talking about trillions of dollars in less expenditures, not billions of dollars. Each day that goes by, with the \$1.5 trillion deficit we have, we are spending \$4.1 billion that we don't have.

I am convinced that negotiators on both sides of the aisle very soon will work out their differences, and when Monday morning rolls along, the government will be operating.

To me, the big picture is this: We have a debt ceiling vote that I think will be coming up sometime between Memorial Day weekend and the July Fourth recess. To me, that is the opportunity we have to really do something great for our country.

I know Senator WARNER alluded to the Gang of 6. I know there are a number of people on both sides of the aisle who are working toward a long-term solution.

CLAIRE MCCASKILL and I have offered the Cap Act, which is gaining momentum and has a number of Republican cosponsors. We picked up another Democratic cosponsor yesterday. It is very simple. It would keep us from doing the kind of thing that is happening right now.

One of the things that is most fascinating is today—and I know you just came from State government, Mr. President—today we are dealing with last year's business. The thing that is most frustrating for those of us who come from the business world or who come from State government or who have been a mayor, in this body, we never know where we are going. We are always debating issues that should have been resolved a long time ago.

What we need to do in this body for this country is to figure out where we are going over the longer haul and then both sides of the aisle need to sit down together and figure out how we get there. We need to somehow create a fiscal straitjacket where we know—we know we are at an all-time high with spending today relative to our economic output. We had the same thing back in 1945 and, candidly, even in the eighties. We got up to levels that were higher than they should have been. We have the ability to get back to the norm. We know that. We have to make some tough decisions to do that.

The CAP Act is a 10-page bill. Basically, it says we will go from where we

are today in spending over a 10-year period to our 40-year historical average of 20.6 percent of our GDP. There are a lot of people in this body—and I am not going to point fingers—who use the word “extreme.” There is nothing extreme about this. It is common sense. It puts everything on the table.

What is fascinating to me is that today we are debating minor amounts of cuts in discretionary spending. Everybody in this body knows that if we cut all discretionary spending—discretionary spending, by the way, includes defense—if we cut all discretionary spending, including defense, we still could not balance our budget. What we need to do as a body is look at everything—all the entitlements, all the mandatory spending, and we need to cap Federal spending relative to our economy and take it down to the 40-year average over the next 10 years.

I think everybody in this body is aware that would save our country per projected policy \$7.6 trillion. By the way, I think it would force us as a body to have the discipline to take up many of the issues on which the gang of six is working. We already had PAUL RYAN from the House show us that it can be done, and there are people who criticize that, and that is fine. There are multiple ways of solving this problem.

The problem we have is politicians in Washington do everything they can to avoid making a tough decision. Back home, what we want to do is get the pain out of the way. Let's make the tough decisions so we can have blue sky in front of us. Here everybody wants to wait until the next election and hopefully move beyond their own election to deal with the tough issues with which we have to deal. That is just the way this body is.

It is amazing, here we are in April dealing with last year's business. Again, both sides are involved in that. I am not pointing fingers. But if we had a plan that we adopted, a statutory bill where we agreed we were going to go from where we are to where we need to be, our 40-year average—not extreme, over a 10-year period—it would force us to sit down and in a bipartisan way look at the big picture.

Everybody knows cutting discretionary spending is small ball. Let me say, that is powder puff. It is powder puff. We have our Nation at stake, and we are sitting here yelling at each other, saying things we should not be saying to each other that take us nowhere over powder puff. It takes us no place. I feel as though here our Nation is getting ready to have a fiscal crisis at some point—in a year or two—and we are all here trying to score points with each other over something that at the end of the day and in the scope of things are important, certainly, but there is no question that today we are majoring in the minors.

I hope we can get by this and move beyond this without creating even fur-

ther divides between the two sides and people saying silly things about who is to blame and who is not to blame. It is silly. It is beneath us. The American people have to be watching us with embarrassment. I am embarrassed.

This is the most dysfunctional place I have ever been a part of in my life because, again, we never know where we are going. It is a privilege to serve, do not get me wrong. It is a privilege to represent and get involved, but it is dysfunctional because we major in the minors. We can cut all the discretionary spending and not get where we need to go.

Senator KERRY from Massachusetts, a State very different from Tennessee, agreed that we have to deal with mandatory spending. We have to deal with entitlements. We want those programs to exist for our seniors down the road. We want them to exist for these pages, and we know on today's course, it cannot happen. We know without dealing with them, we cannot solve our country's fiscal issues.

Let's move beyond this episode that is beneath us, that is silly, that is small ball, that is powder puff. Let's move beyond this over this weekend and reach an agreement. The cuts we are making are the biggest cuts that have been made, and I applaud people on both sides of the aisle who are trying to get us there. No doubt it will pass through the budget for a decade. It could be \$300 billion or \$400 billion in savings. That is great. But we all know we need to be dealing with \$7 trillion or \$8 trillion over that decade. If we do not do that, we know that our country's fiscal future is in great jeopardy, and we lose in that the ability to display American exceptionalism that all of us want to see us do.

I hope we will stop talking about Republicans and Democrats. Candidly, I hope we will talk about the future or something else because this debate is almost beneath us.

I see my time is up.

I yield the floor to my great friend from Delaware who has been a sensible advocate on so many issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, first, I say a special thanks to Senator CORKER, not just for what he said about the issues we are facing on the path forward but the nice words he said about his friend from Delaware. It is a pleasure to serve with him. I thank him for introducing the concept of tele-townhall meetings. We do that a lot in Delaware. I learned that from him.

The President has been likening the squabble going on here to a family squabble between a husband and wife. He said what husbands and wives usually do is figure out their differences, find middle ground, compromise, and work them out.

One of the things I love to do when I go up and down my State is to talk with people who have been married a long time—I am sure this happens to the Presiding Officer—50 years, 60 years, 70 years. I like to ask them what is the key to being married 50, 60, 70 years. I get some funny answers and some great answers as well. I am sure the Presiding Officer does too.

One of my favorite answers is a couple said to me: Two Cs.

I said: What is that?

They said: Communicate and compromise.

There is a little theme going on here with a former Governor of Virginia, Senator WARNER, a former mayor of Chattanooga, Senator CORKER, and a former Governor of Delaware. I want to continue with that theme.

I go home at night to Delaware. I take the train home, and I come back the next morning. This morning, I was walking on the platform to catch my train. One person said to me: You all are acting like a State legislature in the Senate.

I said: No, that is not the way we act in Dover, DE. When I was Governor, we had a Democratic senate, as we have here, we had a Republican house, as we have here, and we had a Democratic Governor for those 8 years. Yet we managed to work out our differences, to communicate and compromise and to be able to balance our budget 8 years in a row, cutting taxes 7 out of those 8 years, adding tens of thousands of jobs, which was no mean feat in our State, and to get ourselves a triple A credit rating for the first time in the history of our State. That is what you can do when you communicate and compromise in good faith.

At the end of these negotiations—I think largely taken in good faith. I have a lot of respect certainly for our own leaders and a healthy respect for the Speaker of the House, with whom I served briefly. I think he is an honorable person and a guy who tries to do what is right.

The President said—and I heard this from pretty good sources—the President said to the Speaker of the House: We will take your number. We will agree on the spending cuts. We may think it is a little too much focus on domestic discretionary spending, not enough on defense, not anything on entitlements, nothing on the revenue side. It is not a balanced package, but we will take your number. This ended up not so much a discussion over how we are going to further reduce spending in this fiscal year. The discussion is over things I think we addressed already in this body this week on whether the Environmental Protection Agency should be allowed to comply with the Clean Air Act, as ordered by the Supreme Court, to reduce pollution or are we going to tie their hands with some kind of a special rider on what

should be a continuing resolution to fund the government?

We have had four bites out of the apple this week. None of the amendments to tie the hands of EPA and their ability to enforce the Clean Air Act has been adopted. What we are now trying to do with our friends in the other body is somehow put in the legislation as a rider language that would fly in the face of what we already decided here.

A second point. As a former Governor, I was active in the National Governors Association. One issue I worked hard on with George Voinovich from Ohio when he was Governor was legislation that said we do not like Federal mandates. States do not like Federal mandates that say you have to spend money on something or you cannot spend money on something or you have to raise revenues this way or raise them in that way. We did not like that.

Congress actually passed and President Clinton signed legislation on unfunded mandates. We do not do it nearly as much as we used to. One of the riders is to tell the District of Columbia what they can and cannot do with their money—not with Federal money but what they can and cannot do with their money. In my mind it is a violation of the unfunded mandate law, certainly in spirit if not in truth.

One of the issues we appear to be divided on is whether Federal money should be used for family planning. I think we all agree we should work toward having fewer abortions. I think almost everybody agrees we would like to have fewer abortions. One way to make sure we have more abortions is to reduce the money set aside for family planning. It is counterintuitive. If you want fewer abortions, cut funding for family planning. That makes no sense to me. I hope we will walk away from making that bad decision.

Again, I go back to the comments of our friends from Virginia and Tennessee who preceded me. This is a speed bump ahead of us. We are talking about how to come up with \$4 billion, \$5 billion, \$6 billion in savings for the rest of this fiscal year. How about when we are looking for \$4 trillion of savings over the next 10 years? That is the tough negotiation. It all has to be on the table. It cannot just be discretionary spending on the domestic side. We can eliminate it entirely, but we will still have a big budget deficit. Defense has to be on the table. Last year, there were \$402 billion in cost overruns on major weapons systems. That is up \$42 billion from 10 years ago. Defense and entitlements have to be on the table. Revenues have to be on the table.

We have been given a roadmap—not a perfect roadmap, but a roadmap—by the deficit commission, chaired by Erskine Bowles and Alan Simpson.

The last thing I want to say is, coming down on the train today, I read the

business section of the New York Times. There is actually some pretty interesting stuff in there. One of the things they reported on was the retail numbers for last month. Most analysts thought they would be down, but they are up.

I was at an auto dealership this past weekend in Milford, DE, talking about car sales. They are not flat. They are up. It was not just that dealership but throughout my State and the Nation. Two years ago, 9 million trucks and vans; last year, up to 11 million; next year, 13 million. Credit is available again and things are moving in the right direction.

Every Thursday, as the Presiding Officer knows, we have a number from the Department of Labor. It is new unemployment filings, how many people have filed a new claim for unemployment. We get it every Thursday. If we go back to the end of 2008, I think the top number in 1 week was 660,000 filings, people filing for unemployment, new claims at the end of 2008. Yesterday, for last week, we are down to 380,000 to 390,000. We saw jobs numbers created, new jobs for March, 220,000 private-sector jobs being created. We are going the right way.

Finally, the economic recovery is beginning and we need to strengthen it. One of the best ways to undermine it—one of the worst things we can do—is to add uncertainty, add unpredictability. I am not sure who said this. Maybe it was JOHN ENSIGN who said this before. One of the things businesses need and want, that markets need and want is certainty and predictability.

One of the reasons big companies are sitting on the sidelines—a bunch of them still are—and not hiring people, even though they are sitting on cash—is unpredictability. What are we going to do with the budget, not just short-term runup, but for the 10-year plan, the \$3 trillion, \$4 trillion, \$5 trillion in savings? What is the Supreme Court going to do with health care? Are they going to throw it out or fix it and make it even better? What are we going to do about energy policy? What are we going to do about tax policy? What are we going to do about transportation policy? All those are uncertainties.

We can begin to resolve the budgetary uncertainty by agreeing on a reasonable spending reduction plan for the balance of this fiscal year and go to work on the much tougher problem, and that is how to take \$4 trillion out of our debt in the years to come.

Last thing I want to say is that a couple of us have been working on this in the Homeland Security and Governmental Affairs Committee. What we are beginning to do is to use our committee's jurisdiction to look into every nook and cranny of this government to ask this question: How do we get better results for less money? How do we get

better results in domestic spending, how do we get better results in defense spending, and how do we get better results for less money in entitlement programs? And frankly, with the tax expenditures as well. How do we get better results?

I call it getting rid of a culture of spendthrift and replacing it with a culture of thrift. Above and beyond all the other stuff we are doing, we need to do that as well. Because everything I do, I know I can do better. I think the same is true of all of us. Everything we do, we can do better, and the same is true of Federal programs. The question we have to ask as we look to every one, as we look in every nook and cranny of the Federal Government, is to ask this question: Can we get better results for less money or at least better results for the same amount of money or not much more money? For a lot of them, the answer is: Yes, we can. For us, the challenge is to do that.

With that being said, I yield back my time. I see my friend from Nevada is here, and I am sure he is anxious to agree with everything I have said, and I welcome that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I say hello to my good friend from Delaware. He made some very good comments. I want to follow up and talk about this debate we are having.

The Senator from Tennessee, Senator CORKER, talked about the need to forget about whether you are a Republican or a Democrat and think about what is best for the country, and that is what we should be doing right now.

People around the country understand we have a serious debt problem. Spending has been run up under Republicans and Democrats. People can blame whichever party they want, but the reality is we now have a \$14 trillion national debt. This year alone, \$1.6 trillion is how much more we are going to spend than we take in. That is 40 cents, or a little over 40 cents, out of every dollar we are spending this year we are borrowing from countries like China. That is such a dangerous thing to do, because we are now dependent on other countries and our economy is on very shaky ground. Everyone in this body understands this is completely unsustainable.

Let's look at the path the President has set us on as far as his budget is concerned. If we took up his budget, this year alone we will spend about \$250 billion in interest on our national debt. That is kind of like having a credit card and you are spending \$250 billion in interest on that credit card. If we follow the President's plan over the next 10 years, that \$250 billion will go to almost \$900 billion a year. That is more than Social Security, more than Medicare, and more than national defense. That is why this is completely unsustainable.

So now we are in a debate over a few billion dollars compared to trillions of dollars? It is a drop in the bucket. That is why I believe it is important for both sides to get this behind us so we can focus on the much larger issues.

I have a 100-percent pro-life voting record. I believe very strongly that life is precious; that God created each of us in his image, and that life should be protected. But we have to face reality. The Democrats are in control of the Senate and in control of the White House. There is no way they are going to allow Planned Parenthood, which is the largest abortion provider in the United States—and I disagree with what they do—the Democrats will never allow us to defund Planned Parenthood while they are in charge. So we have to look at what we can do. What is achievable?

Right now, I think one of the biggest moral issues we face in this country is the debt. What we are doing to our children and grandchildren is handing them a country they cannot afford. The taxes will have to be too high. We could default on our debt and end in a depression which is worse than the Great Depression simply because this body, the body on the other side of the Capitol, and the White House have spent too much money for too long. We have spent money we do not have.

Next year's budget and the debt ceiling are much bigger issues than we are dealing with here. We don't need to shut down the government. We just need to sit down, make the compromises necessary so we can move this process forward and get to the much larger issues on spending and debt.

We have seen in the news that Portugal, Greece, and Ireland have had serious problems. They have actually had their debt downgraded to almost junk status. One of the countries is actually considered junk bond status. The others have now had their bonds seriously downgraded. What does that mean? That means they are paying higher interest rates.

Yesterday, the EU raised their interest rates. The European Union raised their interest rates because of fears of inflation. Here in the United States, our Federal Reserve is keeping interest rates low. But we know inflation is coming, and eventually they are going to have to raise interest rates because of inflation and overspending by the United States. What does a rise in interest rates mean to the average American? It means that the home mortgage is going to go up.

Remember, a lot of Americans have these adjustable rate mortgages. So the next time they refinance those mortgages, their payments will be higher. They are already having trouble meeting these payments.

What does that mean for job creation? The small business owner who

wants to get a loan will have to pay higher interest rates. That affects the cost of capital and whether they may be able to even start a business in the first place. It will hurt job creation right in the middle of this very little, very delicate bit of job recovery that we are having in the United States.

This spending and the debt is not some esoteric argument. It is real and it affects real people's lives. It isn't something we can put off for another 3, 4, 5 years. We must deal with it now. We know that entitlements are the biggest part of the budget. Yes, discretionary is important. We have to deal with discretionary and we have to deal with defense. We overspend in defense in so many wasteful programs, but the big issue is going to be entitlement spending.

Congressman RYAN put out a very bold budget the other day—the first person to come forward with a bold proposal to deal with entitlement spending in this country. The President's debt commission put out a proposal, but the President, unfortunately, ignored his own debt commission and didn't put any of their recommendations in his budget. But both Republicans and Democrats are going to have to deal with this spending problem—this spending binge we have been on—otherwise we are not going to have the same United States of America we have all been enjoying our entire lives. We are literally going to become an economy that cannot exist the way we exist today because we cannot afford it. Our debt will literally collapse the economy of the United States.

A recent study came out, done by two incredible economists named Rogoff and Reinhart. These are viewed by both sides of the aisle as well-respected studies. They studied sovereign debt over the last 200 years of about 64 countries. What they found is any time the debt reaches 90 percent of the economy, or 90 percent of the GDP, it causes a net decrease of about 30 percent of economic growth going forward.

Those are numbers. But what does it mean? It means a loss of jobs. In the United States, we have over a million jobs that will be lost, that would otherwise be created. So this is real stuff. Where are we in the United States? Currently, we are about 94 percent of GDP. So we are already there, and it is going to get worse and worse.

That is why this debate we are having over spending is so critical, and critical that we get it under control. We need to forget about which party is going to have a political advantage. I am one of those Senators—and there are quite a few of us—who is not running for reelection. Everybody in this body needs to forget about whether they get reelected and do what is right for the country. It is so critical right now that we put our country first.

House Republicans have sent over a proposal that would do a couple of things. One, it would fund the troops. Let's not let our military come to work and not get paid. That would be ridiculous. Let's at least fund the troops and pass this 1-week spending proposal that would fund the government. It does cut \$12 billion out. The only significant rider in there is the DC abortion rider that says DC can have funds to provide abortions. This is something that was in law and that President Obama signed, in a bill that many Democrats on the other side have signed, so it should not be that controversial.

In the meantime, since we have agreed on the spending number, we can work out some of these other controversial things in the next week. I believe that is the right thing to do to keep the government open, so people can continue to get their paychecks, so people can continue to visit national parks, and on and on and on. I think we all know the problems if the government shuts down.

I think it is critical that we start doing what is right for the country instead of what is right for somebody's reelection. Let's sit down and make the serious and tough choices so we can put this country on the right path.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 1:10 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BLUMENTHAL).

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. LAUTENBERG. Mr. President, it is my understanding we are now in morning business. I ask if there is a time constraint when making speeches.

The PRESIDING OFFICER. Senators are limited, under morning business, to 10 minutes each.

Mr. LAUTENBERG. Thank you, Mr. President. We are facing a moment in the issue that all Americans are looking at and wondering: What is happening here? What is going to come about? What are we going to do?

But I wish to remind everyone, in 1773, a tea party was held in Boston Harbor. It was to protest a yoke of oppression that hobbled the start of freedom in our new Nation and that new

Americans wanted removed. Those here then wanted the liberty to choose their own customs and their way of life.

While that was 238 years ago, we again struggle to keep a fringe group from taking away the rights of a majority of American citizens who treasure choices they are free to make in our democracy. Although these attacks are marked in the cloak of fiscal responsibility, it is very clear that this group, unlike our forebears, is determined to restrict the freedoms most Americans choose to protect.

So while we are not latter-day Paul Reveres, we sound the alarm for the American people to beware. I come to the floor to warn every parent and grandparent to beware for the well-being of your loved ones. If you want your children and your grandchildren to have the best health care American research can produce, beware.

If your chest swells with pride when your 2-year-old repeats numbers or words learned at a Federal Head Start schoolhouse, beware.

If your child suffers when toxic air overwhelms them and they are gasping for a breath of fresh air, beware. Look at your family, and if you have a son or a daughter anxious, ready, and able to go to college and you cannot afford to help, beware.

If you are a woman dependent on Planned Parenthood, where every year women receive tests for breast or cervical cancer that could endanger their health and maybe their lives, beware.

If you are a retiree who believes Medicare is freely available to help you live longer or function better, beware. Watch out. Tea party Republicans have seized control of the House of Representatives and will use their power to eliminate current services to children, adults, and retirees from the government, as promised.

They are continuing to brew a toxic tea, a sleight of hand trick to push pain on America's most vulnerable citizens, as we look at this placard: "House GOP Brewing a Toxic Tea for Americans."

Across our country, millions are worried sick about losing jobs, losing homes, and losing an established way of life for their children's futures. What do the tea party Republicans propose? Cut their programs to protect the wealth of the richest among us. But tea party Republicans do not want to solve problems. Instead, they are trying to use the budget process to push an extreme ideology that they believe is the only way others should live their lives. Do it their way or no way.

They are willing to shut down the government to prove a point, to change the condition we have operated so well under for many years. They are willing to sacrifice America's financial standing to impose their extreme views on millions who do not agree with these radical extremists.

They refuse to step up, compromise, and move ahead, so America can continue leading the world as it has been. The President and the Senate Democrats have come to the negotiating table with a responsible plan that protects our country's fragile economy, economic recovery, and invests in our future.

But the toxic tea Republicans in the House would rather recklessly shut down the government than budge off their foul scheme. Last week, they stood outside the Capitol and chanted: "Shut it down. Shut it down." That was their mantra, shut down the government.

When Speaker BOEHNER told them to prepare for a shutdown, they gave him an ovation. That is where they stand: Cut it off. Cut off the health America needs to maintain some financial leadership. These are elected lawmakers who are supposed to guard our government, not kill it.

They want to deceive our people, talking about arithmetic and accounting, but that is not their real aim. Their aim is to have the government decide what is right or wrong in people's homes and families so they can govern others' behavior. Make no mistake. They do not care if their cuts hurt children. They have shown that all along. They want to chase more than 200,000 children out of Head Start, where children learn how to learn, and modest-income families have no other way to provide that education.

We see it on this placard: "House Republicans Hold Back 218,000 Head Start Kids." That is not going to help our country in the future. Tea party Republicans ignore the fact that children who attend Head Start have higher test scores and are more likely to graduate from high school and go on to college.

They should visit Head Start classrooms to see those little ones. Maybe their tough hearts will mellow instead of just saying: No. Sorry. With American wealth, we cannot help you.

But Head Start is only a beginning. Look at what tea party Republicans want to do to higher education. They want to reduce Pell grants, which help millions of Americans go to college. Do they not understand they are not just saying no to hard-working young students, they are also saying no to American employers, telling them: Too bad our country does not have the skilled workers. Ship those jobs overseas or bring foreigners here. They will work for much less anyway.

They are saying no to the millions of hard-working parents who dream of seeing their kids living better than their parents because they received a college education. This chart tells a tragic story about the opportunities for smart kids who depend on Pell grants to afford college. Look at what it says: "As College Costs Rise, House GOP Slash Pell Grants." We can see it

here. Rising tuition and less help is the way they would like to see America go.

Do we want to force students to take on more debt in order to attend college or kick them off our country's campuses altogether?

I learned the value of a government investment in college education firsthand. I attended Columbia University on the GI bill after serving in the Army during 1944 and 1945. Later, I cofounded ADP. That is one of America's most successful companies, now employing 45,000 people. America built the "Greatest Generation" by enabling 8 million veterans to attend college free for their service in wartime.

Even as we currently continue losing lives in wars that have also injured thousands, they are willing to shut down the government, no matter what, if it takes away a payday for soldiers on the battlefield.

The assault on our children's future does not end there. The tea party Republicans want to cripple our ability to provide the clean air our people need to breathe without fear by eliminating the Clean Air Act, putting polluter's profits ahead of our children's health.

It is an outrageous assault on a landmark law that the Supreme Court ruled on in 2007, that it is the government's responsibility to protect children from toxic chemicals in the air and illnesses such as asthma, lung cancer, among other life-threatening diseases.

I wish our GOP colleagues would be straight with the millions of parents who are concerned about their children's health and explain why tea partiers are asking families to be patient and maybe their children will outgrow asthma.

One of my grandsons suffers from this disease. He is an athletic child, and every time he goes to a soccer game, my daughter first checks to see where the closest emergency room is. No parent should have to worry about their children playing outside.

Look at this picture. Soot is ugly when it is pouring from a smokestack, but it is even uglier inside a child's lungs.

Tea party Republicans say you can not restrict polluters with regulations because it is too cumbersome.

By their logic, we should rid ourselves of traffic signals, too. Those red lights are a real inconvenience.

And while we are at it, maybe our Republican colleagues would like us to get government bureaucrats out of the air traffic control towers.

Can anyone believe the Republicans are going after medical research, at the same time?

The National Institutes of Health are making strides in fighting childhood diseases. But the Republicans want to reduce NIH's ability to do research by taking \$1 billion of their budget.

That is funding that could find a cure for childhood cancer or just maybe

identify the cause of autism or other autoimmune diseases.

If the government shuts down, NIH will have to stop admitting new patients for 640 clinical trials, 60 of which involve children with cancer.

And what about the toxic tea Republicans are trying to serve to women? Willing to put women at risk with their health.

They want to wipe out Planned Parenthood, one of the Nation's leading providers of health services for women.

Disadvantaged women turn to Planned Parenthood for family planning services, breast exams and cervical cancer screenings.

And make no mistake: Cancer screenings save lives.

Since the 1950s, cervical cancer screenings have cut mortality rates by more than 70 percent.

So why would we want to take cancer screenings away from women?

But it is not just women's health at risk, health care for America's seniors and retirees is also on the tea party Republicans' chopping block.

They just revealed a scheme to end Medicare as we know it by turning it into a voucher program.

The problem is, when your voucher runs out, you will have to dig into your own pocket to pay for health care.

The nonpartisan Congressional Budget Office could not have been clearer this week when it reported "Under [this] proposal, most elderly people would pay more for their health care than they would pay under the current Medicare system."

Is this what America wants, forcing seniors to spend more on medicine and treatment, and get less in return?

The bottom line is the Republican leaders in the House should stop the toxic tea lawmakers from hijacking the deficit debate.

We cannot allow them to "ransom" Head Start, the Clean Air Act, Planned Parenthood and Medicare.

We cannot negotiate away the health and well-being of America's children, women and seniors.

This is not how we solve our financial problems.

I was a CEO for many years, and I know that you cannot run a company, or a country, without sufficient revenues.

I voted last year to end the Bush tax cuts for the top 2 percent of wage earners because I know windfalls for the wealthy will not guarantee jobs, reduce the deficit or help us invest in our future.

I am one of the most fortunate people on Earth, and it is time for those of us who have been fortunate to pay our fair share.

So I call on every Member of Congress to reject the toxic tea that the House Republicans want to serve America's most vulnerable citizens.

Let's protect the future of our country, not poison it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise today, as the Federal Government is on the verge of a government shutdown, in the hope that both sides will come together and pass a resolution which not only keeps the government functioning but also fully funds our troops for the remainder of the fiscal year and enables the troops to have the support they deserve. It is not sensible—it is not practical; it is not morally defensible—to send our troops to fight for us in Afghanistan and Iraq and now in Libya without giving them the resources they deserve. They should not have to worry about their loved ones back home, whether they will be able to meet their rent payments, make their mortgage payments, put food on their tables, while they are fighting for our country.

I find it extraordinary that our President, the Commander in Chief, has issued a veto threat on the troop funding bill passed in the House yesterday and on the calendar in the Senate today. Looking at the Statement of Administration Policy, the President doesn't talk about concerns over the legislation, doesn't talk about concerns over the spending or the riders, he simply says:

This bill is a distraction from the real work that would bring us closer to a reasonable compromise.

I am not quite sure what that means except by not stating any objections to the legislation other than saying it is a distraction, it is not responsible for our troops and our military. To be honest, I am far less concerned that passing this bill will be a distraction to the Congress and to the President than I am concerned that not passing the bill will be a distraction to those troops who are putting their lives on the line for us overseas every day.

As we all know, we should not be having this discussion. We are talking about funding for this fiscal year only because the Senate and the House of Representatives last year didn't get their work done. In fact, for the first time since 1974, when the Budget Act was made law, the Congress did not pass a budget in either House. That is why we are here. That is why the continuing resolutions are necessary, these so-called short-term measures. It is too bad, because Congress not getting their work done last year means we have to clean up the mess this year when we should be focused on a much bigger issue.

My colleague just talked about some of his concerns about the spending reductions in H.R. 1. I remind us that not having gotten our work done last year, we are also facing the biggest deficit in the history of the country and a debt that is unprecedented, over \$14 trillion. If we are truly worried about our kids

and grandkids and the next generation, we have to focus on that.

For today, what we are talking about is something very simple. It is just to pass a short-term measure to keep government in operation and to provide funding for the troops. I hope we can do that today. We are talking about actually a relatively small part of the bigger problem. Even adding up all of the spending reductions in H.R. 1, it is less than 2 percent of our Federal budget at a time when our Federal budget deficit is over 40 percent.

So what we are debating today in the Senate and what is being negotiated behind closed doors in the Congress and at the White House is such a small part of the issue.

But here we are. So what do we do to make things better, not make them worse? The short-term measure the House has already passed yesterday is unfortunately the only thing we can agree on today because, given the process of this place, the House and the Senate, it is the only option we have to move things forward. We need to send it to the President while we are working on longer term legislation. Again, it does provide for our troops, which is incredibly important to us at this time with three wars and so much concern and anxiety among the military. This measure would reduce nondefense discretionary budget authority by about \$13 billion, again while funding the military fully for the rest of the year.

Many of these reductions were included in the President's budget and are not particularly controversial. In terms of actual outlays, it reduces non-defense spending by \$3.9 billion. In the context of our overall Federal budget, that is .1 percent. So we are talking about a .1-percent spending adjustment for the rest of the fiscal year. Yet we still can't seem to get together to fund our troops and keep the government open. Some call that .1 percent extreme. We just heard some of that. I don't think it is extreme. I think it is only a very small step we have to take, if we are truly concerned about the future for the next generation and concerned about our economy. If we don't get this record deficit and this debt that is growing out of control under control, it will continue to harm the economy today and our prospects for getting this economy back on track in the future.

Let's allow these negotiations to continue. In the meantime, let's fund the troops and avoid the unnecessary disruption of a government shutdown. We can do that right now as a body by passing the legislation the House passed yesterday, send it to the President for signature, and take care of our fighting men and women for the rest of this year and keep the government from shutting down.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I have long believed we have to be serious about the deficit, and I was 1 of about 14 Senators who held back their vote on the debt ceiling last year to make sure we actually created the fiscal commission, which did very good work this year. That work is being taken by a small group of Democratic and Republican Senators to come up with long-term solutions for the debt. I strongly believe that is what we have to do. I also believe we have a responsibility to govern.

Allowing a shutdown when we are this close in negotiations, when a number has been agreed upon and all it comes down to is a disagreement on politics, is just wrong. What makes this situation so troubling is that we have reached this standstill not over dollars at its essence but over politics that I don't believe have a place in the debate.

With a bipartisan deal within reach, it would be irresponsible to shut down the government and punish our constituents solely to score political points. This impending shutdown has broad consequences. While we have now seen 13 straight months of private sector job growth, adding 1.8 million jobs in that time, the economy is still fragile. Everyone knows that in their own States. Too many Americans continue to struggle.

According to an analysis from Goldman Sachs, a government shutdown will cost the economy around \$8 billion per year or nearly .2 percent of GDP for each week of the shutdown, all because of a disagreement over social issues not over dollars—because last night there was actually agreement on the dollars.

Economists and business leaders agree that a government shutdown at this time will hurt our recovery, hurt businesses, and slow economic growth. Even Speaker BOEHNER has admitted it will cost more than it saves.

If a shutdown were to occur, the Small Business Administration would cease to process applications for business loan guarantees, curtailing lending to small businesses already squeezed by tight credit markets. Last year the Small Business Administration supported more than \$212 billion in lending to small businesses through its two largest loan programs. At these levels we would see over \$400 million a week in small business lending put on hold because of a shutdown.

Our government also provides vital support for businesses seeking to export their products and services and conducting business abroad. The U.S. Commercial Service, a part of the Department of Commerce's International Trade Administration, has offices and embassies and consulates in over 80 countries worldwide and utilizes its global network of trade professionals to connect U.S. companies with international buyers. Every year they help

thousands of U.S. companies export goods and services worth billions of dollars.

If the Federal Government shuts down, these services will end and sales and contracts will be lost. If we look at the shutdown in 1995, we can see evidence of how damaging a disruption of services like these can be. During that shutdown, approximately \$2.2 billion in U.S. exports couldn't leave the country because the Department of State and the Bureau of Export Administration were unable to issue export licenses.

Finally, I wish to make a point about visas since I chair the Subcommittee on Export Promotion, Competitiveness and Innovation, which includes tourism. During the last shutdown, approximately 20,000 to 30,000 applications by foreigners for foreign tourist visas were unprocessed each day, and the U.S. tourist industries and airlines reportedly sustained millions of dollars in losses. With the average foreign visitor spending over \$4,000 per visit, it is easy to see how fast these losses add up for businesses. These are just a few examples, but the sum total will be much greater.

I am on a bill with Senator CASEY and Senator HUTCHISON to continue funding our troops. Of course, we will do that; of course, they should get their paychecks. But let's look at what this shutdown would do on a day-to-day basis to provide some perspective.

In northwestern Minnesota, volunteers are taking time off from their jobs and from school to help fill sand bags and build temporary levees as we watch the Red River of the north rise to its eventual crest. The flood fight takes all hands on deck in North Dakota and Minnesota, with local, State, and Federal Government working together to protect these communities. Earlier this week, to help in this fight, Governor Dayton declared a state of emergency for 46 Minnesota counties. North Dakota has also been declared a state of emergency.

FEMA has said it will have all the resources it would need to maintain its capabilities during a shutdown. However, if the Federal Government closes its doors, FEMA will not be able to process in a timely manner paperwork and applications that Minnesotans will be submitting for assistance once the waters recede. I have been through these flood fights before. The whole community comes together. The whole community fights that flood. They take days and days and days. Some of them have lost their houses, and they are still out there helping their fellow citizens. I see that and I wonder to myself: And we in this body and in this Congress can't come together when we are this close, when there actually was agreement on a number last night. We can't come together while these volunteers across the Red River are coming together on a flood fight? That is absurd.

I urge my colleagues who are holding this up to reconsider their all-or-nothing stance so we can move forward with the real work that must be done. A setback now would simply prevent the growth needed to address our country's long-term fiscal imbalances.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to add 4 additional minutes to my 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYA

Mr. McCAIN. Mr. President, I am aware that most of my colleagues are taking the floor today to speak about the potential shutdown of the government, and very appropriately so. I am strongly opposed to a government shutdown, as we all are. I especially want to note its adverse effects on our men and women in uniform.

Of course, I have joined so many of my colleagues in cosponsoring the Ensuring Pay for Our Military Act of 2011. The last thing our men and women and their families need to worry about is how to make ends meet while they are taking up arms to defend the Nation's interests.

I rise to talk about the deteriorating situation in Libya which could have more profound effects than the crisis we are in. It is a very serious, very deteriorating situation and one which is fraught with severe implications for America's national security interests.

I remain a strong supporter of the President's decision to take military action in Libya. It averted what was an imminent slaughter in Benghazi and has given us a chance to achieve the goal of U.S. policy as stated correctly by the President: to force Qadhafi to leave power. I am also grateful we have capable friends, our Arab partners, and NATO allies, who are making critical contributions. But that is not a substitute for U.S. leadership. Right now that is the main missing ingredient in the coalition's efforts in Libya—the willingness of the administration to take decisive actions, together with our partners, so that we can accomplish our goal as quickly as possible rather than look to our allies to do it all themselves, which I fear the evidence is mounting they cannot do.

The administration has chosen to stop flying strike missions against Qadhafi's forces, even though they continue to threaten Libyan civilians and even though our NATO allies cannot match our unique capabilities in this regard. The administration correctly declared that forcing Qadhafi from power is a goal of U.S. policy, but our military mission is not working toward that goal by actively seeking to degrade Qadhafi's forces, thereby increasing the pressure on him to leave power.

At a time when Qadhafi's forces are adapting to NATO's tactics and capabilities and concealing themselves in populated civilian areas, the administration has grounded our most effective aircraft, the A-10 and the AC-130, which are the only planes—the only planes—that are capable of conducting the kinds of precise air-to-ground operations now required to protect civilians under the current circumstances. Not surprisingly, Qadhafi's forces are now regaining the momentum on the ground.

We cannot succeed with half-measures. Right now, our actions are not adding up to a strategy that appears capable of achieving our goals. To the contrary, we seem to be failing to prevent the situation on the ground in Libya from sliding into a stalemate.

Just yesterday, GEN Carter Hamm, the commander of U.S. Africa Command, who led Operation Odyssey Dawn in Libya, told the Armed Services Committee that a stalemate in Libya, where Qadhafi remains in power to pose an even greater threat to the world and to the Libyan people, is not in America's interest or in anyone's interest. But in the same hearing yesterday, General Hamm also conceded that the situation on the ground in Libya is "more likely" of becoming a stalemate now than when this intervention began. I am afraid I agree with the general.

I would like to highlight some of the news my colleagues may have missed.

Yesterday, there was an airstrike that, unfortunately—the Washington Post: "NATO's credibility takes a hit in Libya."

Forces loyal to Libyan leader Moammar Gaddafi went back on the offensive . . . as questions continued to mount about the credibility and effectiveness of NATO's no-fly zone and campaign of airstrikes.

A senior U.S. general described the situation in Libya as a stalemate, while Turkey said it was talking to both sides working on a "road map" for a cease-fire. In the meantime, Gaddafi is seeking what military advantage he can get and probing for gaps in NATO's resolve. . . .

The day also ignited new confusion and outrage among rebels in Ajdabiya after warplanes strafed rebel forces and killed at least five people, including two doctors. Rebels first accused NATO of targeting them. . . . By Thursday night, it was still unclear who attacked. . . .

Abdul Fattah Younis, the rebel's commander, told reporters that if NATO had attacked their tanks, it was a mistake, and if Gaddafi's airplanes had been allowed to strike them, it was an "even bigger mistake."

Quoting the New York Times:

As for the current air war, NATO is especially sensitive to the criticism that came most scathingly from the leader of the Libyan opposition forces, Gen. Abdul Fattah Younes. He said in Benghazi late Tuesday that "NATO blesses us every now and then with a bombardment here and there, and is letting the people of Misurata die every day."

So we relieved a humanitarian—let's get this straight, my friends—we relieved a humanitarian disaster in Benghazi, and now, because of either ineptitude or lack of resolve or lack of capability or all of the above, we are now watching a massacre—certainly human suffering of enormous proportions in Misurata.

There is another article from the Guardian: "NATO lacking strike aircraft for Libya campaign."

There is a New York Times editorial today. Interestingly, the New York Times says:

There is a much better option: the American A-10 and AC-130 aircraft used earlier in the Libya fighting and still on standby status. President Obama should authorize these planes to fly again under NATO command. Unlike the highflying supersonic French and British jets now carrying the main burden of the air war, these American planes can fly slow enough and low enough to let them see and target Colonel Qaddafi's weapons without unduly endangering nearby populations.

Facts are stubborn things. The fact is that now the situation is deteriorating. The suffering goes on, and America and our allies appear to be showing that we are incapable or unwilling to address a third-rate military power, ruled by a man who has the blood of 190 Americans on his hands, who has been involved in terrorist activities throughout the world, who went outside of Benghazi and said: We will go house to house and kill every one of you. And the situation is deteriorating into stalemate.

So what do we need to do?

First, we need to get U.S. Armed Forces, especially our A-10s and AC-130s, back in the business of flying strike missions against Qadhafi's forces—not just as part of our effort to protect civilians but to work toward the goal of our actual policy, which is to impose enough pressure on the regime to compel Qadhafi and his family to leave power.

Second, the United States should work with our friends and allies to help the opposition government in Benghazi, the Transitional National Council, to gain access to some of the tens of billions of dollars worth of funds that have been frozen from the Qadhafi regime.

Third, we need to help the opposition to Qadhafi communicate more effectively, while shutting down Qadhafi's ability to broadcast his propaganda. Qadhafi has cut off land lines, mobile networks, and the Internet. While top opposition leaders have satellite phones, we have both humanitarian and strategic interests in restoring the ability of people in liberated parts of Libya to communicate with each other and the rest of the world. We should take steps to get Qadhafi's satellite, television, and radio broadcasts off the air. U.S. diplomacy is urgently needed to get those countries that have satellite providers broadcasting Qadhafi's

propaganda to drop those communications immediately.

Fourth, the United States should follow France, Qatar, and Italy in recognizing the opposition government, the Transitional National Council, as the sole legitimate government of Libya.

I hear again and again: We don't know who these people are. Well, I will tell you who they are. They are people who rose up against an oppressive and brutal dictator and wanted to assert their rights for freedom and democracy. That is who they are.

Any allegation that they are dominated by al-Qaida is patently false. We did not know who was going to come after Hitler, but we wanted him gone. So this continuous stream that somehow this is al-Qaida—it is not al-Qaida; it is people who want freedom and democracy. They rose up peacefully, as the Tunisians did and the Egyptians did and as others across the Middle East and north Africa are now doing for greater political freedom, economic opportunity, and justice. That is why this regional awakening, which some are calling the Arab spring, rather than helping al-Qaida, is, in fact, the greatest repudiation of al-Qaida the world has ever seen.

Fifth, we need to facilitate the provision of weapons to the Libyan opposition, as well as command and control technology, training, battlefield intelligence, and other capabilities that can strengthen their ability to increase the pressure on Qadhafi to leave power.

I want to reiterate that I do not support nor do I believe is necessary American ground troops under any circumstances. We should be able to, with a combination of the robust implementation of these five measures, drive Qadhafi from power and give the Libyan people their God-given rights.

I want to say again that I see on cable time after time that we do not know who these people are and they may be al-Qaida. I will tell you who they are. They are people who do not want to live under oppressive, repressive brutal regimes. And the more of a stalemate, the more likely al-Qaida forces will infiltrate and gain power. The quicker Qadhafi leaves power, the more likely it is we will see a dramatic transition.

We cannot say—we cannot say—we intervened in Libya to prevent a slaughter in Benghazi only to see one in Misurata or some other city. If we stay our present course, that is what will likely happen. We need decisive actions, not half-measures. We need to be leading. America must lead. NATO is America. We need to be leading in a strong and sustained way, not sitting on the side lines or playing a supporting role. We have the right goal in Libya. The President was right to intervene in the first place, but now we need to take the necessary steps to finish the job.

Mr. President, I ask unanimous consent that the articles I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 8, 2011]

NATO'S CREDIBILITY TAKES A HIT IN LIBYA

(By Leila Fadel and Simon Denyer)

AJDABIYA, LIBYA.—Forces loyal to Libyan leader Moammar Gaddafi went back on the offensive Thursday, as questions continued to mount about the credibility and effectiveness of NATO's no-fly zone and campaign of airstrikes.

A senior U.S. general described the situation in Libya as a stalemate, while Turkey said it was talking to both sides and working on a "road map" for a cease-fire. In the meantime, Gaddafi is seeking what military advantage he can get and probing for gaps in NATO's resolve.

At the organization's headquarters in Brussels, NATO ambassadors held an unscheduled meeting Thursday to follow up on complaints from French Foreign Minister Alain Juppe that the Libya campaign risks getting bogged down unless the pace and efficiency of air support for rebel forces picks up.

The inability of either side to score a decisive victory has left the Obama administration and NATO in a quandary, facing decisions about whether to continue the mission of trying to protect civilians or to increase assistance to the opposition, aid that is currently limited to strikes from air and sea.

Attacks by Gaddafi's forces began with strikes on desert oil installations that serve as the rebels' economic lifeline, and they intensified Thursday with the fresh artillery bombardment of rebel positions in the eastern port of Ajdabiya, which sent many fighters fleeing.

The day also ignited new confusion and outrage among rebels in Ajdabiya after warplanes strafed rebel forces and killed at least five people, including two doctors. Rebels first accused NATO of targeting them but later said the attack probably came from Gaddafi's forces. By Thursday night, it was still unclear who attacked the rebels from the sky.

Abdul Fattah Younis, the rebels' commander, told reporters that if NATO had attacked their tanks, it was a mistake, and if Gaddafi's airplanes had been allowed to strike them, it was an "even bigger mistake."

Either way, NATO's credibility among rebel forces, already battered since the United States took a back-seat role, appears to have sustained another blow. Rebels are questioning NATO's resolve to help them.

The government attacks on oil installations in the remote southern desert appeared intended to take advantage of the limits of NATO's involvement. Even as the rebels made their first oil shipment, a series of attacks on oil installations shut down production at the country's main oil field of Sarir. An oil company official in rebel-held territory joined the calls Thursday for better protection from NATO.

Rebel fighters in Ajdabiya have grown accustomed to the Western alliance controlling the skies, so they were taken off guard Thursday when low-flying planes fired upon several tanks and a passenger bus loaded with fighters. Younis, the rebel commander, denounced what he called "a vicious attack" and said that the precision of the strikes led him to believe that NATO was responsible.

Outraged rebel fighters called the attack a repeat of an incident last Friday in which NATO bombs mistakenly killed 13 rebels and injured seven others. That incident was triggered when the rebels fired their weapons into the air in celebration—an act that NATO forces mistook for hostile fire.

This time, Younis said, the rebel army had informed NATO of its plan to move tanks and other forces into new positions outside Ajdabiya. The tanks and bus were parked, other fighters said, and were marked with the green, black and red rebel flag.

Rebel forces, meanwhile, came under fire from government loyalists at Ajdabiya's western gate and rapidly retreated. Many fighters, and some of the few families who had not yet fled the city after weeks of fighting, drove north and east toward Benghazi, the rebel capital, their pickup trucks and cars filled with everything from mattresses to suitcases to automatic weapons.

The main hospital in Ajdabiya was evacuated, with its patients and staff also headed to Benghazi. But Gaddafi's forces appeared not to have entered the city proper, and some rebel fighters remained.

In Washington, Gen. Carter F. Ham, who commanded the coalition operation until it was taken over by NATO last week, responded affirmatively when asked during congressional testimony Thursday whether the conflict had reached a stalemate. He said that "debate is occurring within the U.S. government" about how best to respond.

In response to a question from Sen. John McCain (R-Ariz.), Ham said he agreed that a stalemate seemed "more likely" than it had been when the United States and its allies began their military strikes last month.

The NATO meeting in Brussels was convened in response to complaints from France, which, along with Britain, has carried out the largest number of sorties over Libya since U.S. forces turned over operational command March 31.

NATO officials said bad weather had reduced visibility and not made it easy to supply the sustained, close air support demanded by rebel commanders. They also accused Gaddafi's forces of dispersing troops, tanks and artillery among civilian populations in several cities.

The alliance said it was investigating the initial rebel version of what happened near Ajdabiya, but it did not reveal whether coalition warplanes were in the area at the time.

The alliance said that fighting there had been "fierce" for several days and that the battlefield remains confused and disorganized.

"The situation is unclear and fluid, with mechanized weapons traveling in all directions," said a statement from NATO facilities in Naples.

With a quick military solution looking less likely by the day, Turkish Prime Minister Recep Tayyip Erdogan said his country was holding talks with both sides in Libya and working on a "road map" to achieve a cease-fire.

In any prolonged stalemate, the rebels' ability to shore up their region's tattered economy with oil revenue will be critical. Rebels have about 2 million barrels of crude oil in Tobruk that can be exported, but production at the Sarir and Misla fields has halted after a series of attacks.

Two employees of Arabian Gulf Oil Co. are still missing after Gaddafi forces attacked the Misla field with rockets, setting fire to at least one oil tank, a company spokesman, Abdeljalil Mayuf, told the Reuters news agency on Thursday.

Gaddafi's government has routinely denied attacking oil facilities and has blamed rebels or NATO for the attacks.

"If we get Gaddafi's forces out of these areas, we can try to reopen Sarir field, but it's not safe now," Mayuf said, appealing for air support from NATO.

[From the New York Times, Apr. 7, 2011]

CHANGING LIBYAN TACTICS POSE PROBLEMS FOR NATO

(By Steven Erlanger)

PARIS.—Angry charges by Libyan rebels that NATO has failed to come to their aid point up a question that has haunted the Western air campaign from the start: how to avoid a stalemate and defeat the Libyan leader without putting foreign troops on the ground.

NATO officials and the French foreign minister, Alain Juppé, rejected the opposition criticism on Wednesday, saying that bad weather and evolving tactics by forces loyal to Col. Muammar el-Qaddafi were limiting the air war, which is supposed to be protecting Libyan civilians and driving the colonel's troops to retreat to their barracks. In recent days, Qaddafi forces have stepped up their shelling of Misurata, in the west, and pushed rebels back from some eastern oil towns.

The rebels, of course, are a largely untrained, disorganized fighting force. But the nature of the battle has also changed since a United Nations resolution authorized "all necessary measures" to protect civilians.

In the early stages of the air campaign, allied warplanes blistered Qaddafi tanks, artillery and transport trucks in the desert outside the rebel capital, Benghazi. But American intelligence reports from Libya say that the Qaddafi forces are now hiding their troops and weaponry among urban populations and traveling in pickup trucks and S.U.V.'s rather than military vehicles, making them extremely difficult targets.

"The military capabilities available to Qaddafi remain quite substantial," said a senior Pentagon official who watches Libya. "What this shows is that you cannot guarantee tipping the balance of ground operations only with bombs and missiles from the air."

NATO officials, who just took over responsibility for the air campaign from the United States, deny that their bureaucracy is somehow limiting the campaign. "No country is vetoing this target or that one; it's not like Kosovo," where in 1999 some countries objected to certain bombing targets, said a senior NATO official, asking anonymity in accordance with diplomatic practice.

"The military command is doing what it wants to do," he said.

NATO officials said on Wednesday that NATO was flying more missions every day, and that defending Misurata was a priority. Carmen Romero, a NATO spokeswoman, said that the alliance flew 137 missions on Monday and 186 on Tuesday, and planned 198 on Wednesday. "We have a clear mandate, and we will do everything to protect the citizens of Misurata."

A rebel spokesman in Misurata said Wednesday that NATO had delivered two airstrikes that pushed the Qaddafi forces away from the port, opening it for vital supply ships. "We have renewed momentum, and our friends are helping us big time," said Mohamed, a rebel spokesman whose name was withheld for the protection of his family.

"NATO is not the problem," the senior NATO official said. "The Qaddafi forces have

learned and have adapted. They're using human shields, so it's difficult to attack them from the air." While many Western officials have accused the Qaddafi forces of using human shields, they have yet to produce explicit evidence. But they generally mean that the troops take shelter, with their armor, in civilian areas.

The harder question is how NATO will respond to the changed tactics of the Qaddafi forces, which now seem to have achieved a stalemate against the combination of Western air power and the ragtag opposition army.

First, there is a question of whether without the participation of the United States, the rest of the coalition—France, Britain, Italy, Spain, Norway, Qatar and a few others—have the right mix of weapons or enough of them. In particular, the United States uses a jet called the A-10, or Warthog—which flies lower and slower than other airplanes but has cannon that can destroy armored vehicles—as well as the AC-130, both of which are effective in more built-up areas. The Europeans have nothing similar.

The United States has had C.I.A. agents on the ground with the rebels in eastern Libya for some time, and there are unconfirmed reports that they may be helping to train the rebel army's raw recruits. Even so, forming a real army that can oust Colonel Qaddafi may take many months, and the coalition is unlikely to be that patient.

That is one reason that allied governments, including the United States and Britain, are urging defections from the Qaddafi circle and hoping that he will be removed from inside. No official, of course, is willing to talk about any covert mission to remove the colonel, except to say that "regime change" is not authorized by the United Nations.

And that is why Britain, Turkey and the United States are all exploring the possibilities of a negotiated solution to the conflict, provided Colonel Qaddafi and his sons relinquish power.

François Heisbourg, a military policy expert at the Foundation for Strategic Research in Paris, said, "Given where we are, any deal that removes Colonel Qaddafi from the scene is a deal we should take."

As for the current air war, NATO is especially sensitive to the criticism that came most scathingly from the leader of the Libyan opposition forces, Gen. Abdul Fattah Younes. He said in Benghazi late Tuesday that "NATO blesses us every now and then with a bombardment here and there, and is letting the people of Misurata die every day."

Mr. Juppé, whose country has been the most aggressive in defense of the Libyan opposition, said on Wednesday that the situation in Misurata was difficult, but it was complicated by the need to protect civilian lives.

"Misurata is in a situation that cannot carry on," Mr. Juppé told France Info radio. "But I want to make clear that we categorically asked that there is no collateral damage on the civilian population, so it makes the military interventions more difficult, because Qaddafi's troops understood it very well and are getting closer to the civilian population."

He said he would bring up the difficulties of Misurata to the NATO secretary general, Anders Fogh Rasmussen.

Rebel leaders have rejected the idea that the Qaddafi forces in Misurata cannot be attacked from the air, saying that the neighborhoods where the troops are concentrated were long ago abandoned by civilians.

Another option is to increase the pressure on Colonel Qaddafi and his sons, although openly changing the objective in Libya from protecting civilians to ousting the Qaddafi family from power would probably shatter the international coalition that is enforcing the United Nations resolution, said Anthony H. Cordesman of the Center for Strategic and International Studies in Washington.

"Nevertheless," he added, "the U.S. and its allies need to make hard—if somewhat covert—choices, and make them quickly," he said in an e-mailed commentary. "The last thing anyone needs at a time when there is near-turmoil from Pakistan to Morocco is a long-lasting open wound of political division and extended conflict in Libya as the worst-of-the-worst authoritarian leaders elsewhere in the region struggle to survive."

NATO needs to take the rebels' side more forcefully, he said, despite the neutrality of the United Nations resolution. That could take several forms, he said, among them "killing Qaddafi forces the moment they move or concentrate, rather than waiting for them to attack; striking Qaddafi's military and security facilities; and finding excuses to strike his compound."

For Libya, Mr. Cordesman wrote, "a long political and economic crisis and an extended low-level conflict that devastates populated areas" would represent a "net humanitarian cost" that would be "higher than fully backing the rebels, with air power and covert arms and training."

[From the Guardian, Apr. 5, 2011]

NATO LACKING STRIKE AIRCRAFT FOR LIBYA CAMPAIGN

(By Ian Traynor and Richard Norton-Taylor)

Nato is running short of attack aircraft for its bombing campaign against Muammar Gaddafi only days after taking command of the Libyan mission from a coalition led by the U.S., France and Britain.

David Cameron has pledged four more British Tornado jets on top of eight already being used for the air strikes. But pressure is growing for other European countries, especially France, to offer more after the Americans withdrew their attack aircraft from the campaign on Monday.

"We will need more strike capability," a Nato official said.

Since the French launched the first raids on Libya 16 days ago, the coalition and Nato have destroyed around 30% of Gaddafi's military capacity, Lieutenant General Charles Bouchard, the Canadian officer leading the air campaign, told Nato ambassadors.

But attempts to "degrade" the Libyan leader's firepower further were being complicated by a shift in tactics by Gaddafi, said Brigadier General Marc van Uhm, a senior Nato military planner.

"They are using light vehicles and trucks to transport," while hiding tanks and heavy weapons, he said.

"We try to identify where those heavy assets are, because we have seen they have chosen to hide themselves into urban areas to prevent being targeted, even using human shields."

Nato officials insisted the pace of the air operations was being maintained. But it has emerged that the US and the French, who have been the two biggest military players until now, are retaining national control over substantial military forces in the Mediterranean and refusing to submit them to Nato authority.

The French have the Charles de Gaulle aircraft carrier, two escorting frigates and 16 fighter aircraft, none of which are under the

Nato command and control which was announced last Thursday.

Until last week, President Nicolas Sarkozy was the loudest opponent of handing over the operations to Nato control. Nonetheless, the French are not only taking part in the Nato campaign, but are the biggest non-US contributors, with 33 aircraft, double Britain's 17. Not all of these are strike aircraft.

Until Monday, the Americans had performed most of the attacks on ground targets, with the French executing around a quarter and the British around a 10th. Given the US retreat, Nato is seeking to fill the gap, but only the British have pledged more.

"We're very happy that one country decided to bring in more assets," said Van Uhm.

When Nato took over from the coalition it was stressed that it had assumed "sole command and control" of all air operations.

However, countries are dipping in and out of Nato command, withdrawing "air assets" for national operations before returning them to alliance control.

"It's pretty clear that Nato is in command. Nato is in the lead," said Van Uhm. "There are assets under national control in the area. But General Bouchard is commanding what Nato does . . . You could say nothing is happening without Nato knowing."

The general stressed that no air strikes on ground targets in Libya had taken place outside Nato's command.

Six countries are believed to be engaged in the bombing campaign—France, Britain, Canada, Denmark, Belgium, and Norway—with many others involved in policing an arms embargo and enforcing a no-fly zone.

Gaddafi's air force had been grounded, Van Uhm said.

In London, the Ministry of Defence said RAF aircraft had struck targets in Libya on each of the past three days.

Tornado GR4 ground attack planes, flying from the Italian airbase of Gioia del Colle, hit a battle tank and two surface-to-air missile launchers near Sirte on Monday when they launched three anti-armour Brimstone missiles. The previous day, they dropped Paveway IV bombs and fired Brimstone missiles to target a group of 10 armoured vehicles south of Sirte.

On Saturday, they dropped Paveway IV bombs on two tanks in Sirte and also hit "several small ground attack aircraft" on an airfield near Misrata, the MoD said.

Two of the Eurofighter/Typhoons based in Italy have returned to the UK. The Typhoons are not equipped to conduct ground attack operations.

[From the New York Times, Apr. 8, 2011]

KEEPING AHEAD OF QADDAFI

Wars are messy business, and the international effort to keep Col. Muammar el-Qaddafi's forces from slaughtering Libyan rebels and civilians is proving no exception. In recent days, the colonel has thwarted NATO airstrikes by regrouping his forces into densely populated areas. That has left NATO with a seemingly impossible choice: leave some of the regime's most deadly weapons unmolested, or target them and risk possibly heavy civilian casualties.

There is a much better option: the American A-10 and AC-130 aircraft used earlier in the Libya fighting and still on standby status. President Obama should authorize these planes to fly again under NATO command. Unlike the highflying supersonic French and British jets now carrying the main burden of the air war, these American planes can fly slow enough and low enough to let them see

and target Colonel Qaddafi's weapons without unduly endangering nearby populations.

Mr. Obama was right to insist that other participating nations should step up and that the operation be quickly transferred to non-American NATO command. United States forces are already overstretched—and bearing much of the burden in Iraq and Afghanistan—and Libya's uprising is unfolding on Europe's doorstep.

European commanders are fully capable of running the show, and European jet fighters can certainly destroy military targets on desert roads and sparsely populated areas. But no other country has aircraft comparable to America's A-10, which is known as the Warthog, designed to attack tanks and other armored vehicles, or to the AC-130 ground-attack gunship, which is ideally suited for carefully sorting out targets in populated areas.

In a war where rebel ground forces are struggling to train and organize themselves, and foreign ground forces are out of the question, these specialized American planes provide a unique and needed asset. Mr. Obama should make them available to NATO commanders now.

The PRESIDING OFFICER. The Senator from North Carolina.

BUDGET NEGOTIATIONS

Mrs. HAGAN. Mr. President, I rise again today to urge my colleagues on both sides of the aisle and on both sides of the Capitol to move beyond the unnecessary and distracting partisan bickering and come together to fund our government through the remainder of the current fiscal year, including our military, our early-childhood programs, and our essential health services for our seniors and children.

Six months into the 2011 fiscal year and less than 12 hours before a government shutdown would close off many of the important services to millions of Americans, Congress has yet to fulfill its most basic responsibility and pass a budget.

I know the people of North Carolina or any State did not send us to Washington to point fingers or blame other people for the challenges our country faces. They sent us here to work with our colleagues on commonsense solutions. During my time as budget co-chair in the North Carolina State Senate, I learned two things: First, it is never easy to craft a budget, there are always tough choices to make; and second, our fiscal challenges can only be met if Republicans and Democrats have that commitment to work together.

Despite the impression the American people may have based on what they have seen in recent weeks, I know we can work this out. We have to work together because after we come to an agreement on this year's budget, we must buckle down and chart out a comprehensive bipartisan path to rein in our nearly \$14 trillion national debt.

I believe we all share the common goal of reducing this year's deficit, but the national debt will not disappear with one bill or in 1 year alone. It will

take a comprehensive and long-term approach that moves beyond a singular focus on domestic discretionary spending.

That is why I remain concerned by some of the cuts passed by the House and especially by the dozens of divisive policy riders that are disrupting our ability to chart a pragmatic and responsible fiscal course for our country.

It is why I remain concerned that we are holding up government funding with threats to take away vital health care to millions of American women who could not otherwise afford it. These health services include Pap tests, breast cancer screenings, birth control, and STD testing and treatment. These services, which are funded through title X, were signed into law by President Nixon and supported by George H.W. Bush. According to independent, nonpartisan studies, every \$1 spent on these family planning services saves \$4. Is that not what we are supposed to be working on—reducing the amount of our government spending?

These proposals are the only things standing between a reasonable, bipartisan compromise and an irresponsible government shutdown. If such a shutdown does occur, we risk delivering a crippling blow now to our already fragile economic recovery.

More than 1,000 American small business owners, who were already facing difficulties securing the borrowing they need to expand and add jobs, could see their SBA-backed loans delayed.

We have 368 national parks in our country. Millions of dollars will be lost to the businesses surrounding those parks if we shut down the government. In April of 2010 alone, in North Carolina, more than 1.3 million people visited the national parks and spent millions of dollars. These parks include the Great Smoky Mountains, the Blue Ridge Parkway, and Cape Hatteras National Seashore and others. Tourism in North Carolina is one of our State's largest industries. In 2010, tourists spent \$17 billion across our State, and the tourism industry supports 185,000 jobs for North Carolinians. More than 40,000 businesses in North Carolina provide direct services to travelers. If we close our national parks, these small businesses are at risk of losing customers, losing money, which will make it much more difficult for my State to recover from this tough economy.

We risk putting even more pressure on our already shaky mortgage market by preventing thousands of homeowners from receiving a loan to buy a new house.

As for North Carolina, I am particularly alarmed about the impact a government shutdown would have on our courageous military personnel and their families who have dedicated their lives to this country. Two weeks ago marines from North Carolina rescued with amazing speed and skill the Amer-

ican F-15 pilot who went down east of Benghazi in Libya. Last week, I spoke with Marine Corps Commandant General Amos on the amazing work of these North Carolina marines. He told me it took only 90 minutes from start to finish to rescue the F-15 pilot.

These warriors are heroes, as are the 120,000 active-duty troops in North Carolina and the approximately 400,000 American troops who are deployed overseas, including 90,000 troops in Afghanistan and 45,000 troops in Iraq. These heroes and their families do not deserve to have partisan bickering jeopardize their financial stability.

More than a third of the people in my State are either in the military, a veteran, or have an immediate family member who is in the military or a veteran. So if the government shuts down and we delay paychecks to our military personnel, it is not just our courageous service men and women whose lives are affected but those of their spouses and their children. I know nobody in this body wants to see that happen. Whether you represent a State with a large military population or not, we are all incredibly grateful for the sacrifices our military personnel and their families give this country every day.

Earlier this week, I cosponsored the bipartisan Ensuring Pay for Our Military, sponsored by my Republican colleague from Texas, Senator HUTCHISON, which would prevent an interruption in the pay for members of the military if there is a government shutdown. This is an important bill—a must-do bill—but I sincerely hope it is an unnecessary bill.

The American people want Members of Congress to work across party lines, avoid an irresponsible government shutdown, and move forward on a sound, comprehensive, and bipartisan plan to put our fiscal house in order. The American people don't care if it is a Republican plan or a Democratic plan, they just want it to be a good plan for our country. That is why this week I signed on to the biennial budgeting bill which is being led by my Republican colleague, Senator ISAKSON, and my Democratic colleague, Senator SHAHEEN. This bill, which will move the Federal budget from an every year to every two-year funding process, is a commonsense, bipartisan approach which will hopefully improve the partisan political bickering.

I urge my colleagues to come together now and fund our service men and women, our VA doctors, our Head Start Programs, and our women's health care so we can move on to the Nation's No. 1 priority, which is tackling our unsustainable national debt.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rose yesterday to talk about the consequences of a budget shutdown, and I rise again today—hours away from facing that reality.

What I cannot understand for the life of me is after having agreed to \$78 billion in cuts, more than almost 80 percent of the way of where our Republican colleagues originally stated they wanted to be—the last time I checked on a negotiation, when someone comes 80 percent of the way to where you are, you have done rather well. Yet, even in the face of having made those very deep cuts—some of which will clearly affect major services delivered to individuals in this country, but coming together for the understanding of what is necessary to both get this budget year done and being able to begin to significantly reduce the deficit—it is still not enough. Why? Because of a driving force in the House of Representatives on the Republican side that insists on social issues that have nothing to do with the budget and keeping the Nation's business open and making sure this economy stays on track, and growing jobs, and putting families back to work.

I will talk about that issue in a minute. But, again, I wish to revisit that this isn't about some museums closing on The Mall, even though that in and of itself has a tourism and dollar effect on our economy to all those places throughout the country that would be closed down. This is about businesses here in America.

Today the New York Times gave examples of that. It talked about the manufacturing executive whose company supplies goods to Federal agencies; the bank loan officers who make mortgages guaranteed by the FHA, which is one of the single greatest block drivers of mortgages to be done for middle-class working families; the Wall Street analyst who depends on a steady flow of government data. The Federal Government is in and of itself a major driver of the economy and a ripple effect to businesses across the spectrum in our country, and pulls the plug on the other businesses in America that at the end of the day means jobs and at the end of the jobs means a consequence to this fragile economic recovery.

That is why the Chamber of Commerce has come out against a shutdown. That is why the Business Roundtable has talked about it. These are voices of those entities that clearly speak with a one-vision business sense, and they say a shutdown does not make good business sense for America—all, however, risked for some social issues. When the government shut down in 1995, the last time Republicans shut down the U.S. Government—let's

not forget that. I was there in the House of Representatives when that happened. The last time Republicans shut the government down for their ideological views, the Nation's economic growth was slowed by as much as 1 percent in that quarter—a full percent.

In an economy that is in recovery—and a recovery, I would remind people, from where we were to where we are—I think there is a little history we need to remember. I remember in the Clinton years when Democrats balanced the budget for the first time in a generation and created record surpluses, lower unemployment, low interest rates, and the greatest peacetime economy in over a generation. We had surpluses. The CBO, the Congressional Budget Office, said, We are looking at a 10-year outlook that is bright. We were actually years ahead for not only balancing the budget but from ending debt. And here we are. What happened in between? Tax cuts for the wealthiest people in the country under President Bush, two wars unpaid for, a Medicare prescription drug benefit unpaid for, Wall Street allowed to run wild, and we went from a surplus with projections of \$5.6 trillion in 2011 to the challenges we have today. So I know people want to forget the past, but the past is, in part, the reality of our present challenges.

At a time in this fragile economic recovery, where we are ultimately meeting the challenges of global events that also affect us here at home—the unrest in the Middle East, the driving up of oil prices which drives up gasoline prices which drives up commodity prices which drives up food prices, and, therefore, has a consequence not only to every American at the pump but also at the supermarket and in their lives—it has a collective consequence to our economy. What is happening in Japan and whether they will be able to send supplies for some of the most critical elements of our economy in the technology field; the millions of Americans still looking for work, and we are going to give a domestic body blow, all because of social issues—all because of social issues, that doesn't make sense, and it is not necessary. We could have consequences to the markets, the Asian markets. If we close down this government, don't open, the Asian markets on Sunday will begin and that begins setting a trend throughout the globe. This has real consequence to our economy here at home.

It is amazing to me that we have those who wear the uniform of the United States fighting halfway around the globe and they will continue to fight for their country, but they would not be paid. They will earn the pay and eventually they will get it, but while they are in the field they wouldn't get the pay. How about their families here at home who are already suffering not having them with them? All because

we are driven by the Republican voices in the House of Representatives over a program called title X. What is title X? Title X is a law signed by President Nixon and ultimately had, as one of its strongest supporters when he was in the House of Representatives former President Bush, to provide lifesaving health care services for women.

Some voices continue to falsely say this is about abortion. The Federal law is very clear: No Federal dollars can go for abortion services. No Federal dollars can go for abortion services. This is about an array of confidential preventive health services from pregnancy testing to screening for cervical and breast cancer, to screening for high blood pressure, anemia, diabetes, screening for STDs, including HIV, basic infertility services, health education. This is about the very essence of a woman's ability to get health care if she does not have the wherewithal on her own financial condition to be able to go to a doctor. There are many institutions—by the way, including Catholic and religious institutions—that receive title X money. I am sure no one would claim they are providing abortion services.

Why, when we are looking at the very essence of whether it be my daughter or anyone else's daughter in America, or anybody's wife or mother, why is it we must have an ideologically driven issue in the midst of a budget debate? A budget debate is about numbers and it is about making sure services are continued, and it is about making sure the economy continues to prosper and it is about getting people back to work, but it certainly isn't about using an ideological view that this program which ultimately helps women have preventive health care services is somehow an abortion issue when the law clearly says it cannot be under any circumstances. Why would we deny women in this country the ability to have the health care they need so they can be healthy, so they can continue to prosper, so their families can continue to have that mother, that breadwinner, the person who holds that family together, be healthy? I cannot imagine for the life of me that we will shut the government down based on those issues. But that is, in fact, where we are.

When I look at that and when I look at the other elements of what has recently been discussed as a prelude—this is just the opening salvo of a debate that will continue on. Hopefully, we will have a vote. I am ready to vote to keep this government open. I am ready to vote to make sure those who wear the uniform of the United States are paid when they are committing the ultimate sacrifice on behalf of their country. But, more importantly, I wish to be able to vote to have \$78 billion worth of cuts and, at the same time, make sure this economy continues to

move forward, continues to grow, continues to put people back to work.

I hope cooler minds can prevail in the House and that the ideological views can be told it is not for a budget debate; have that debate some other time—have those votes, if you want, another time. That is fine. But do not hold the Nation hostage to that issue. But I see that as only the beginning of what is a broader plan, and that broader plan is another reason why we need to get this budget done so we can move to that other plan in the next fiscal year.

I commend to my colleagues, as we look at that plan, the column written today by Paul Krugman, a Nobel Prize recipient, entitled “Ludicrous and Cruel.” Basically, he talks about the Ryan plan that privatizes Medicare, that has large tax cuts for the wealthiest people in the country, that ultimately doesn’t do either one of the things that they suggest, in this column, which I commend to my colleagues. He says:

In past, Mr. RYAN has talked a good game about taking care of those in need, like Medicare and seniors and Medicaid for children, but as the Center on Budget and Policy priorities points out, of the \$4 trillion in spending cuts he proposes over the next decade, two-thirds involve cutting programs that mainly serve low-income Americans.

Then he goes on to say that it is a continuation of the voodoo economics of the tax cuts for the wealthiest people in the country that supposedly are going to create prosperity, and we saw that simply wasn’t the case. What it did do is a big part of unraveling the surpluses that Democrats helped to create and drive an enormous amount of the debt that we are realizing and debating today.

Mr. President, I ask unanimous consent that that column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 7, 2011]

LUDICROUS AND CRUEL

(By Paul Krugman)

Many commentators swooned earlier this week after House Republicans, led by the Budget Committee chairman, Paul Ryan, unveiled their budget proposals. They lavished praise on Mr. Ryan, asserting that his plan set a new standard of fiscal seriousness.

Well, they should have waited until people who know how to read budget numbers had a chance to study the proposal. For the G.O.P. plan turns out not to be serious at all. Instead, it’s simultaneously ridiculous and heartless.

How ridiculous is it? Let me count the ways—or rather a few of the ways, because there are more howlers in the plan than I can cover in one column.

First, Republicans have once again gone all in for voodoo economics—the claim, refuted by experience, that tax cuts pay for themselves.

Specifically, the Ryan proposal trumpets the results of an economic projection from

the Heritage Foundation, which claims that the plan’s tax cuts would set off a gigantic boom. Indeed, the foundation initially predicted that the G.O.P. plan would bring the unemployment rate down to 2.8 percent—a number we haven’t achieved since the Korean War. After widespread jeering, the unemployment projection vanished from the Heritage Foundation’s Web site, but voodoo still permeates the rest of the analysis.

In particular, the original voodoo proposition—the claim that lower taxes mean higher revenue—is still very much there. The Heritage Foundation projection has large tax cuts actually increasing revenue by almost \$600 billion over the next 10 years.

A more sober assessment from the non-partisan Congressional Budget Office tells a different story. It finds that a large part of the supposed savings from spending cuts would go, not to reduce the deficit, but to pay for tax cuts. In fact, the budget office finds that over the next decade the plan would lead to bigger deficits and more debt than current law.

And about those spending cuts: leave health care on one side for a moment and focus on the rest of the proposal. It turns out that Mr. Ryan and his colleagues are assuming drastic cuts in nonhealth spending without explaining how that is supposed to happen.

How drastic? According to the budget office, which analyzed the plan using assumptions dictated by House Republicans, the proposal calls for spending on items other than Social Security, Medicare and Medicaid—but including defense—to fall from 12 percent of G.D.P. last year to 6 percent of G.D.P. in 2022, and just 3.5 percent of G.D.P. in the long run.

That last number is less than we currently spend on defense alone; it’s not much bigger than federal spending when Calvin Coolidge was president, and the United States, among other things, had only a tiny military establishment. How could such a drastic shrinking of government take place without crippling essential public functions? The plan doesn’t say.

And then there’s the much-ballyhooed proposal to abolish Medicare and replace it with vouchers that can be used to buy private health insurance.

The point here is that privatizing Medicare does nothing, in itself, to limit health-care costs. In fact, it almost surely raises them by adding a layer of middlemen. Yet the House plan assumes that we can cut health-care spending as a percentage of G.D.P. despite an aging population and rising health care costs.

The only way that can happen is if those vouchers are worth much less than the cost of health insurance. In fact, the Congressional Budget Office estimates that by 2030 the value of a voucher would cover only a third of the cost of a private insurance policy equivalent to Medicare as we know it. So the plan would deprive many and probably most seniors of adequate health care.

And that neither should nor will happen. Mr. Ryan and his colleagues can write down whatever numbers they like, but seniors vote. And when they find that their health-care vouchers are grossly inadequate, they’ll demand and get bigger vouchers—wiping out the plan’s supposed savings.

In short, this plan isn’t remotely serious; on the contrary, it’s ludicrous.

And it’s also cruel.

In the past, Mr. Ryan has talked a good game about taking care of those in need. But as the Center on Budget and Policy Prior-

ities points out, of the \$4 trillion in spending cuts he proposes over the next decade, two-thirds involve cutting programs that mainly serve low-income Americans. And by repealing last year’s health reform, without any replacement, the plan would also deprive an estimated 34 million nonelderly Americans of health insurance.

So the pundits who praised this proposal when it was released were punked. The G.O.P. budget plan isn’t a good-faith effort to put America’s fiscal house in order; it’s voodoo economics, with an extra dose of fantasy, and a large helping of mean-spiritedness.

Mr. MENENDEZ. Mr. President, this is a time to make sure there is a vote on this Senate floor on a budget that ends the fiscal year, that encapsulates the \$78 billion in cuts, that strips out social riders that have nothing to do with the budget, that preserves a woman’s preventive health care services and moves the country forward in terms of its economic advancement, creating jobs and making sure we don’t get thrust back into a recession.

That is what this debate is about. That is what the vote should be about today. I and other members of the Democratic Caucus stand ready to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I can only imagine that the American people who are watching this drama unfold in Washington, DC, are scratching their heads and are confused, and are wondering why it is that Congress can’t perform one of its most basic functions, which is to make sure that the government continues to operate.

I am reminded of an adage from the days I practiced law, and then presided as a judge in the courtroom: If you can’t convince them, confuse them.

Whether it is inadvertently or intentionally or by mistake, I think there is a lot of confusion being encouraged and propagated on the floor. The fact of the matter is, there are three things we are talking about. One is the continuing resolution that the House of Representatives passed and sent over here some time ago, which would fund the Federal Government through the end of the fiscal year. That is one thing.

There is a second thing, which is a bill sent over yesterday that would fund the government for 1 more week and the Department of Defense for the remainder of the fiscal year, which the majority leader has the power to bring to the floor today and have us vote on this afternoon or tonight. But the President of the United States has sent out a veto message saying he would veto it.

Then, the third thing that is being discussed—and it may be the most confusing of all—is when Speaker BOEHNER says it is all about the money, and Majority Leader REID says, no, it is about the policy riders—well, I submit that it is about the money. It is not about objections to policy, which 49 of our

Democratic friends have voted for in the past, which has been signed into law by President Clinton and signed into law by President Obama himself.

The real casualties of this dysfunction here, and the inability of Congress to get its work done, unfortunately, fall on men and women in uniform. In my State, a large Army installation, as the Presiding Officer knows, is located in Killeen, TX, at Fort Hood. On November 5, 2009, a tragedy hit Fort Hood when Major Hassan killed 13 people in what could only be described as a domestic act of terrorism. Shortly after that, a number of our military who were deployed to Iraq and Afghanistan are now in the process of returning. The three corps soldiers are finally returning from Iraq and individuals such as SPC Kevin Gallagher of Tiger Squadron Calvary Regiment, who is a Purple Heart recipient, is just coming back from Iraq. Soldiers of the 20th Engineer Battalion and the 36th Engineer Brigade are returning to Fort Hood from Afghanistan.

I wonder what they are thinking now, along with their families, when, as a result of the Federal Government dealing with its most basic responsibilities, they are not going to get paid—starting tomorrow—unless the majority leader takes up the temporary bill that was passed yesterday in the House and sent over here and we vote on it today to make sure our troops and their families continue to get funded, and get the pay they so richly have earned and deserve.

We have heard, as I said, a lot of talk about riders. The only thing that is contained in this bill that could be called a policy rider, about which there appears to be confusion, is one that 49 Senate Democrats have voted on in the past—a spending bill with regard to abortion funding in the District of Columbia. President Obama has signed it into law, President Clinton signed that into law, and 49 Senate Democrats voted for it in the past. Yet this becomes somehow the obstacle to paying our troops what they have earned.

The argument sounds as if we will not fund our troops like we can't fund abortions in the District of Columbia. I think it is a terrible shame and I think it galvanizes public opinion about everyone in Washington.

I think the President and his advisers are wrong if they think a government shutdown will help Democrats and help him get reelected and hurt Republicans. I think people are saying: a pox on all your houses. You need to work together to solve problems, to cut spending, to cut the deficit, deal with the unsustainable debt, and you need to get on with it now.

The fact of the matter is, we continue to spend 40 cents out of every dollar in Washington as borrowed money. We know that the debt held by the public—and this is under the Presi-

dent's own budget proposal—would double in 5 years, and it would triple in 10 years, because the President himself, who is obligated under the Budget Act to send over his requested budget, does nothing to deal with the debt crisis that is threatening our Nation, threatening our prosperity and our freedom.

As China continues to loan us money, we are subject to the tender mercies of a country that I submit we do not want to be subject to the tender mercies of. We need to deal with this.

Unfortunately, the President and some of my friends across the aisle have been very critical of the proposed budget of PAUL RYAN in the House. At least he tries to deal with the reality of the hand we have been dealt, or which some of us have created. The President himself ignores his own fiscal commission report that came out in December of 2010.

On this chart, here is what the wall of debt looks like, unless we deal with this problem. According to the President's own budget, it gets worse and worse. In 1997, it was roughly \$5 trillion. Now we are looking at about a \$14 trillion debt. If we don't do anything about it, if we continue business as usual in Washington and don't cut spending and deal with the structural and systemic problems facing us and our debt crisis, it will continue to get worse and worse.

This is another sobering chart. This shows when we borrow the money, we have to pay interest to the people who buy that debt. This chart shows that the interest paid by 2021—the last year of the President's proposed budget—that the amount of money paid in interest, at assumed rates, which are now very low, is \$931 billion, which is more than transportation, more than defense, and more than Medicare.

We have been told by the experts that if interest rates were to go up—if, for example, we incur a period of inflation, this number could explode into multiples of this figure, putting us into a death spiral—economically speaking—and we could end up like Greece or Portugal. The only problem is that there is nobody out there to bail out the United States of America. The only one that can stop this is us.

Secretary Geithner said the debt limit ceiling has to be raised sometime in the period between middle May and July. That is the big event. What we are talking about now is a preliminary skirmish, albeit very important. I will tell you, I do not intend to vote to increase the credit card limit of the Federal Government, unless we can get systemic reform that will deal with this very real problem.

One of those ways to do that would be to pass a balanced budget amendment. All 47 Senators on our side have now agreed to a constitutional amendment provision that would require a balanced budget. We hope our friends

across the aisle will join us in passing it. The last time this was considered, we came within one vote—in 1997—of passing a balanced budget amendment. The deficit was \$107 billion. Now it is \$1.5 trillion. The debt was around \$5 trillion and now it is \$14 trillion. So if it was compelling enough that it came that close to passage in 1997, how much more compelling now is the evidence that we need to pass a balanced budget amendment to the Constitution?

In closing, I hope cooler heads will prevail tonight, that those who seek political advantage via the game of "gotcha"—a world class sport in Washington, DC—will forbear and allow us to get on with the big fights, which are dealing with this unsustainable debt, these huge deficits, and not threaten the paycheck of the men and women who wear the uniform of the United States, who are fighting three wars around the world, and whose families are calling my office.

Mr. President, I guess they are calling your office and that of the Senator from Michigan and New York also, saying: What are you doing, and why can't you get this taken care of so that we don't have to add this to our list of burdens while our loved ones are away fighting America's wars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I ask unanimous consent that at 4 p.m. the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I agree with my colleague and friend from Texas about the fact that people are scratching their heads. People in Michigan are wondering what in the world is going on right now. We are still trying to recover from a recession and we have a long way to go for most Americans—even though the unemployment rate has come down substantially in Michigan. At one point, we were at 15.7 percent, and that is just what you count, in terms of unemployment. Now it is 10.7 percent and going down. Still, it is way too high. Families are under water, their houses are under water, and they are trying to recover in terms of their incomes and hold it together and look for new work or job training. And what about the kids in college and all that comes with that? Some in the middle class may be struggling to stay in the middle class, or just get into the middle class.

Small businesses are wondering what the heck is going on around here when they are trying to, hopefully—folks who held on through the recession and trying to come back, trying to invest, keep the doors open, hire more people—they are wondering what in the world is going on here.

We are in a situation where these negotiations have now just become so political and the discussion so unrelated

to what the budget is about and, most importantly, to what people care about. The political piece of this now, about pulling in issues around women's health care, is distracting us from getting a 6-month budget done, which is distracting us from what we ought to be talking about, which is jobs and the economy and putting people back to work and supporting small businesses to get the capital they need to grow. We are in a situation now where the whole process has been politicized to the point where it is extremely disappointing to me and extremely concerning.

What the bottom line ends up being is that middle-class families, veterans concerned about their disability claims, or seniors concerned about their Social Security or Medicare claims, or small businesses that are putting together loan applications or somebody trying to close on their house with FHA is being held hostage to politics that have nothing to do with the budget.

This latest distraction over breast cancer screenings and cervical cancer screenings for women and girls is just another in a long list of distractions from the budget crisis and, most importantly, from the focus that we need to have on creating jobs.

We have all agreed that Washington, just like every family, has to change the way it does business, has to focus on cutting the items that are not important, to focus on what is important. Every dollar that is being paid, every taxpayer giving a dollar has found it is a lot harder to earn that dollar than to give that dollar. We better be taking care of that dollar, stretching it as far as possible and focusing it on the things that are most important because those dollars are hard to come by these days. That is the reality.

We have come together. It has been a long time in coming, but we have come together. We have agreed on significant spending cuts, changes, while keeping a focus on education, innovation, and growth of the future. Now, at the eleventh hour, all of a sudden what was agreed to in terms of significant spending cuts to allow us to bring the budget together and focus on deficit reduction, somehow that is gone and we are now talking about whether women's health care will be funded in this country, whether women are going to be able to receive blood pressure checks, cancer screenings, and other preventive care efforts.

Is that really what this is about? Are we really going to hold middle-class families, small businesses, and veterans hostage over blood pressure checks for women and cancer screenings for women? Really? Is that what this is about? Stunning. This is absolutely stunning.

In the great State of Michigan, women's health clinics that at this point

are proposed for elimination provided 55,000 cancer screenings last year, and there were 3,800 abnormal results. Women who found out those results early were able to detect their cancers early and get the treatment they needed to save their lives. It could be your mom, your grandmother, your daughter, your friend, your neighbor, somebody at church.

Is this really about telling women in communities across Michigan—in Marquette, Muskegon, Burton, Owosso, Three Rivers—that they cannot get their breast cancer screenings; telling women in Flint, Grand Rapids, Ypsilanti, and Sturgis that they cannot get their cervical cancer screenings; telling women in Warren, Brighton, Big Rapids, and Battle Creek that they cannot get their blood pressure checked or their cholesterol tested? Are Republicans really planning to shut down the government and hold middle-class families and veterans hostage in order to stop breast cancer screenings and cholesterol checks? Unbelievable. I think it is shameful.

It is time to come together and get this budget done. As I understand it, there was an agreement last night on the level of spending cuts. We need to get this done and move on to the real focus and debate we need to be having about how we grow the economy and compete in a global economy.

There could be a lesson learned from what people in my State have gone through and done in the last couple of years. We did not give up on the American automobile industry. With the support and help of our President and Members here, despite some incredibly tough times and difficulties in terms of cutting back that had to take place, we did not give up. Workers sacrificed cutting starting pay in half; retirees, the companies, the shareholders, communities, everybody got together and said: We know there is a big problem, and we are going to get this fixed, and we are going to sacrifice together.

Then we did an important thing with the support of people here, and I am very grateful for it. We said: We are going to invest like crazy in innovation. Because we did that, that combination of resetting the budget and the finances for the auto industry and then investing in innovation with the great help of our wonderful engineers and skilled labor force and a whole lot of smart people who came together with battery investments and retooling loans and are bringing jobs back from Mexico now and investments in new advanced manufacturing, we are not only growing and for the first time since 1999 the American companies are making a profit, but we are winning the awards. We are winning all the awards for top quality, the great vehicles of the future.

I suggest that would be a good model for us: Come together on what we need

to do, push the reset button, come together and get our arms around spending, balance the budget, tackle the deficit, and then invest like crazy in the future, in innovation and education and rebuilding America.

Where we are today is extremely concerning to me because instead of talking about how we compete in a global economy, instead of talking about the United States vs. China, which is what we should be talking about, or Germany, India, or Korea, we are at a place where we are talking about whether the Federal budget and middle-class families will be held hostage in order to stop cancer screenings and research for women in this country.

The PRESIDING OFFICER (Mr. REED). The Senator's time has expired.

Ms. STABENOW. I urge we come together.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I rise to speak on the budget issues we are facing, the continuing resolution—all the issues that have been talked about over the last week or so. Oftentimes when I speak on the Senate floor, I talk about what it is like back home in Nebraska. I do so because I am enormously proud of my State. It just seems our State does so many things right. Again today I am going to take a moment or two to get started and talk a little bit about that and my experience in dealing with budget issues.

I had the great honor at one point to serve a couple terms as mayor of a great city, the community of Lincoln, NE. It was a strong mayoral form of government. Each year I would have the responsibility of preparing a budget and submitting it to a seven-person city council that would take it apart and put it back together. I would work with them to get a budget done.

It never occurred to me that as mayor of that city I had the ability not to do a budget. I cannot imagine walking into a state of the city address and saying to the good people of Lincoln that after giving it some thought, I decided that it was going to be a situation where I would not be submitting a budget for consideration of the city council. It just never occurred to me.

I look at that community today led by a mayor who is very capable. It happens to be of the other political party than I am. That community has the lowest unemployment rate of any community in the United States. Why? Because people take a pretty conservative view of things. In fact, in preparing that budget, we would literally go item by item, police cars, police salaries, fire engines, whatever, and literally list them item by item and then the amount. At some point there would be a line drawn through the page where we had spent all of the money we had, all of the money available that year was spent. Everything below that line

was not funded. If I went below that line or a council member did and said: We want more done here, we want to fund that item, then we had to go above the line and find the money in another program or we had to raise taxes. Those were the choices we had.

After that, I had the great honor of serving the State of Nebraska as its Governor for two terms. Actually, the budget process did not differ that much. Each year as Governor I would submit at the start of the year a budget to our Nebraska unicameral. I would deliver a state of the State address where I would talk about priorities or budget issues, whatever I chose to talk about as Governor.

There were three things I could guarantee the citizens each year: No. 1, that a budget would be submitted and it would be approved; No. 2, we would not borrow any money—any money—to balance that budget because our constitution essentially prohibits elected officials at the State level from borrowing money; and No. 3 was that the budget would, in fact, be balanced.

We did not have the option of going out to the bond market and issuing debt to mask the lack of discipline to get the spending under control. We, again, had just a few choices: Choice No. 1 was we could cut spending; choice No. 2 was we could raise taxes; and choice No. 3 was we could do some of both. I always favored the cut spending piece because if revenues were down, it told me that people were earning less and they were spending less, and because of that, less money was coming into the State treasury. Why should I as Governor go out and beat them up some more by raising their taxes?

I, as you know, spent a 3-year period of time as Secretary of Agriculture. I was given a budget by the Congress, and it never occurred to me I should spend more than what was allocated to me. I would always tell my subcabinet and my cabinet, when I was Governor: Look, this isn't magic, it is math. If the math doesn't work, then we have to come to grips with this.

With all due respect to my colleagues who have come to the floor throughout the day and have talked about what this process is or isn't, and whether funding is going to be done for this program or what rider is there, all I want to say is this: What we are finally focused on in this great Nation is what we should have been focused on decades ago; that is, we are spending more than is coming in. Every dollar overspent is put on a credit card, and it doesn't go away. It won't be canceled at my death.

I have been going across our State with charts and graphs to try to illustrate this point. I turned 60 this year. When I was a 20-year-old man, our government owed \$380 billion. Now, I am sure at that point in time many argued that was way too much debt. The pro-

jections now are—under President Obama's plan—by the end of this decade, on my 65th birthday, we will owe \$20 trillion. So in the span of one lifetime—one lifetime—we have gone from \$380 billion to \$20 trillion.

Mr. President, that has consequences. Now, maybe that doesn't have consequences for a man who is 60 years old—maybe it does; I believe it does—but beyond the shadow of a doubt, no matter which side you want to be on, it has consequences for our children and grandchildren.

So you see, it isn't about an individual rider, an individual program. It is about the fact that we are spending this great Nation into an absolutely hopeless abyss. If we don't come to grips with that, if we don't come to grips with this, this won't turn out, and it won't turn out for anybody.

When I came here 2 years ago, I was stuck. Every conversation was, how do we spend more? I thought there would be a stimulus package when I was elected to the Senate. I thought maybe it would even be a package that I would support. Then somebody said it had to be a \$500 billion package, all borrowed money, and I started getting real squeamish about that. Then somebody outbid them and said: No, I think it has to be a \$750 billion package. Then I really got squeamish, and I knew I couldn't support that. Then someone raised the ante, and by the time this was all done, with interest, we borrowed from China and other places \$1 trillion. And I thought, my goodness, will we take a breather at some point? But there was no breather. There was a health care bill with more gimmicks and scoring than you can possibly imagine.

So here we are today, fighting over whether this continuing resolution should be \$30 billion in cuts or \$60 billion in cuts. Quite honestly, in the grand scheme of what our Nation is facing, that is pitiful. It is almost tragic. If we don't come to grips with this soon, the big picture, this absolutely is going to destroy any future that our kids and grandkids might have hoped for in the United States of America.

But hope springs eternal. I look at the glass as half full all the time. I think we are going to get through this. I think we will deal with the issues before us—maybe in ways some like, some dislike—but if we don't come together somehow, some way, and deal with what the real issue is—that we are spending a great nation into the Stone Age—we are going to be a lesser nation than any of us could have ever imagined, and that affects every priority. That affects Medicaid, Social Security, education, national defense, homeland security—you name your priority, it affects it all.

So today I count myself as one who wants to come down to the floor at some point before the day is out and

vote to solve this problem, but then I want to do all I can to work with my colleagues to deal with what is really facing us, which is debt that is out of control, spending that is out of control, with a situation where no budget was submitted and not a single appropriations bill. That is where we find ourselves today, trying to patch this together because we didn't come to grips with the budget process last year. Mr. President, that doesn't seem right to me.

With that, Mr. President, I conclude my remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I rise today to ask a simple question: What are we doing here? What are we doing jeopardizing our economic recovery to score political points?

I happen to agree with my friend and colleague from Nebraska. I am optimistic also in that we have agreed on a \$78 billion reduction in the 2011 budget. The glass isn't half full, it is more than three-quarters full. They are grandstanding over the Federal budget when we should be focusing on making sure American families can make their monthly budgets and get back to work.

I am here to downplay the need to cut the Federal deficit. I agree with my colleagues on both sides of the aisle—we need to make real cuts now. We have already committed to the deepest cuts in discretionary spending since World War II. Given that we are already halfway through the fiscal year, these cuts are a good downpayment on even more progress in our fiscal 2012 budget and beyond.

As a member of the Senate Budget Committee, I am already putting forth concrete recommendations for more cuts in future budget years, such as eliminating the "orphan earmarks," saving upwards of \$1 billion; cutting subsidies for millionaire farmers, saving, again, billions of dollars; cutting tax loopholes, saving tens of billions of dollars.

Shutting down the government is not going to get us any closer to the real goal of reducing the deficit. We didn't save a single dime during the last shutdown. In fact, it cost the American taxpayers \$1.4 billion.

The economic costs will be even more. Dozens of military construction projects are stalled right now, putting at risk hundreds of jobs this summer and needed improvements to Alaska's military bases. I have talked to these contractors, these individuals who are waiting for us to get our work done to provide the certainty they need to get their work done. There is over \$¼ billion pending and waiting for the work to be done.

Military families are also caught in the middle. The military will get paid, but the uncertainty of when they will get paid, because they will be waiting

on us to pass a bill, is unfair. We should push harder to work out a compromise for them.

At the same time, civilian construction projects and the jobs created by them for docks, housing, and facilities are also at risk. Critical contracts to move forward on the land transfers to the State of Alaska and Alaska Native Corporations will not get done in time for the summer work.

Alaska businesses looking to start new operations won't be able to get the SBA loans, families won't get the FHA or the USDA home loans, and the tax refunds for people who have sent in their taxes by mail won't be processed.

Also, key permits to onshore oil and gas development, which have been painfully slow to move forward, will be stalled even further.

When I was home during this past week, I heard from some of the more than 17,000 Federal workers in Alaska about their concerns. It might be easy for some to criticize public employees, but in Alaska these workers are members of our communities. They contribute to our economy, pay taxes, and they provide critical services all across my State. Many are getting by paycheck to paycheck. A shutdown could mean their rent doesn't get paid, their mortgages are put at risk, and their bank accounts won't balance. We cannot and should not play politics with their jobs just because we are not doing our job.

Americans—Alaskans—are frustrated. They are wondering what the heck we are doing here, and I agree with them. It has only been 3 months since the new Congress convened. Not much to report back home to Alaskans who work every day making progress in our State.

It is past time to get back to work, to roll up our sleeves, finish this budget, and put the 2012 budget on the table and focus on the economy and creating jobs. Our economy is starting to turn the corner. Frankly, the many steps Congress took over the last 2 years to rebuild this economy are working. Unemployment dipped to 8.8 percent, 216,000 jobs were created last month—the largest increase since last May—and TARP, which we all had mixed feelings about, is not only being paid back. It is returning a profit to the Federal Government.

Let's not put a wrench in our economic recovery. These are good data points, but we are far from getting the job done. The economy is still fragile. Rising gas prices make it harder. We need to show voters and the folks back home we can work together on deficit reduction but also tackle energy legislation, tax reform, small business support, and education investment.

I know it will not be easy to get all this done, but this is what folks in my State sent me here to do—to get the work done, balance the budget, reduce

spending, and continue to invest in growing our economy. I always tell Alaskans when I get back home that all the easy issues are done. Only the hard ones are left. That is why we are here.

Mr. President, it is time for us to get back to work.

EXTENSION OF MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that a period for morning business for debate only be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority leader to be recognized at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. BEGICH. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today, as so many of my colleagues have, to discuss the situation we find ourselves in. Many ask: What has happened? Why are we here? Why is there so much coverage and concern about a potential shutdown of the United States Government?

I was on a radio station report from Washington by phone to Wyoming earlier this morning with a friend of mine, and he was asking how we got into this situation and what we can do about it.

Well, there are two different situations we are in. One is, we are in this situation because a budget, a responsible budget, that should have been passed 7 months ago—when the Democrats were in charge of the House, in charge of the Senate, and in the White House—was never passed. That is what we are dealing with today in one part.

The bigger part of how we got into this situation is that we are a nation in significant debt. We owe a remarkably large amount of money—\$14 trillion is the number that is consistently discussed. Very few people have a concept of exactly how much money that is. Yet we owe that amount of money. People say: Who do we owe it to? I visited with a group of high school students from Douglas, WY, earlier this week, and I asked them: Do you know who we owe the money to? They said: Yeah, we owe a lot of it to China.

That is of great concern to the people of America, people concerned about national security, our financial security, and how we as a nation are viewed in the world, as well as how we view ourselves.

As families across this country, we live within our means. We balance our budgets every year. I am from Wyoming, where, according to our constitution, we must balance our budget every year, and we do. That is why we have money available for scholarships and other opportunities for young people,

as we invest the money that we have saved from year to year in our people, in our future, in our communities, and in our land. Yet Washington doesn't seem to learn that lesson, even today.

So here we are with this situation where we are looking at a potential shutdown of the government because this government has maxed out its credit card. Others may decide to no longer extend credit to us, and it has come down to the final hour.

Every day this government spends \$4 billion more than it takes in. Last month, Washington spent eight times as much money as it took in. Every American child is now born owing \$45,000. This is a travesty. When I take a look at this and say, we know now how we got into this situation: We have overspent. Our problem is not that we are taxed too little, it is that we spend too much. The American people understand that. So what we need to do is get the spending under control. We need to spend less.

We are in a situation where you say, what can we do about it right now, today? Well, for those same high school students who are here from Douglas, WY, they know a bill starts in the House and then goes to the Senate, and is passed by one body, passed by another body, goes to the President for his signature. So here we are. We do have a bill that has been passed by the House of Representatives to keep the government open, to keep the government functioning. I am ready right now to vote for that bill.

What has the President of the United States said about that? The President has threatened to veto that bill. He said he would veto a bill that would temporarily extend and keep the government open for 1 week. So apparently the President is not interested in keeping this government open for the next week through tonight at midnight.

I would wish he would take a different tack and say, let's continue to work on the overall problem but keep the government functioning. You know, families all around this country—and I talk to people every weekend in Wyoming—are worried about the cost and the quality of their own lives. When they look at this incredible debt coming out of Washington, they say, how is this going to continue to impact us? The families all around Wyoming and around the country and the States are finding they are going to pay about \$700 more for fuel this year than they did last year because of the pain at the pump.

Of course, I believe that is made worse by the policies of this administration. But for families who have kids and with bills and a mortgage, \$700 increased gasoline prices impacts them in the money they have available for other things. So it is a direct impact on the quality of their lives. They are

looking back here to Washington saying, what are those people doing?

I had a call yesterday in my office from a man in the military. He said, why are they not going to continue to fund the military? Well, that is part of the bill that has passed the House that will continue to keep the military funded, functioning. He said, you know, I am not worried about me. He said, I am worried about these younger guys, the newer ones in the military, the men and woman who may have a young family. I want to make sure they are taken care of. He said, do not worry about me. Worry about them. Think about each and every one of those young men and women who are in uniform defending our country.

Why would the President say: If you pass what the House has passed—which does cut some spending and keeps the military functioning—I will veto it? That is what the President of the United States said, he would veto it. Rather than keep everything functioning and fund the military, the President has said he would veto it because it was only a 1-week extension, so that all of the other issues could be worked out.

Remember, all we are talking about is this year's budget. We are now at 7 months into the fiscal year. This is something that should have been done last year. But the Democrats have absolutely failed to live up to their obligations of passing a budget. Certainly failed the obligations of living within the budget. But there is a proposal today to keep the government open, to fund the troops, and yet I hear the President of the United States say no.

There has been discussion on this floor about things that are called policy riders. It was interesting because today in Politico, there is a headline: "Dems Embraced Policy Riders in the Past."

What sort of policy riders? When I hear on the floor: Oh, no, policy riders are all bad. Well, the repeal of a school voucher program in the District of Columbia. That was a policy rider in the past. Travel to Cuba, that was a policy that Democrats put in in the past. And it mentions a project—they call it a pet project—of the majority leader. It says: Delaying the development of Yucca Mountain as a nuclear waste storage site, as part of a policy rider on a budget bill issue.

So this is something that, to me is not new, to this body is not new. What is new is that the President of the United States has threatened to veto and to shut down the government of this country because he will not deal with a bill that will fund our troops, and will make cuts in spending because it is for a time-limited issue, and at a time when we ought to say, let's keep the government open and let us fund the military.

Who, in fact, would be wanting for there to be a shutdown? I am not look-

ing for that sort of thing. And then I see there is someone who has actually been rooting for a shutdown. It is the former chairman of the Democratic National Committee, Howard Dean. These are the things that he said about a shutdown. He said: "If I was head of the Democratic National Committee, I would be quietly rooting for it."

He went on to say: "From a partisan point of view, I think it would be best thing in the world to have a shutdown." Is that what we need, a partisan point of view? What we need are solutions for America.

I see that there are colleagues on the floor ready to speak. So with that, I ask that we come to a solution, deal with the issues of the incredible amount of debt, keep the government going, pass what has passed the House, fund the troops, cut the spending and get this to the President to sign.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wanted to take the floor for a few minutes to talk about where I was supposed to be today, which is Denver, CO, not on this floor, because we were hosting a townhall meeting in Denver, MARK UDALL and I were, to discuss our long-term deficit and debt problems.

We had invited Senator Simpson from Wyoming—my colleague from Wyoming just spoke—a great Republican Senator, the co-chair of the President's Deficit and Debt Commission, to Denver for this session. He agreed to come.

The former head of the Office and Management and Budget got on a plane, flew to Denver, they agreed to come, and some others. More important than that, we put this out to the public, and it was almost immediately oversubscribed so many people wanted to get in, to have a real conversation, an authentic conversation, about what we were going to do finally to dig out from underneath this incredible deficit and debt we face.

I inconvenienced a lot of people inviting them to Denver. But they are happy to do it anyway because they are so committed to this set of issues, and they think having a conversation in the center of our country, in our Rocky Mountain West about these issues may allow some common sense to prevail.

But the inconvenience they suffered by traveling to Denver is nothing, nothing compared to the inconvenience, to say the least, that the American people are going to suffer if this government shuts down. It is not just 850,000 Federal employees. The fact that we have got troops deployed all across the globe, small businesses trying to get loans from the SBA, homeowners, or people who hope to become homeowners, trying to get a mortgage through the FHA, all of that will shut down if this government shuts down.

Not to mention the fact we have been told that the shutdown will cost our economy at least \$8 billion a week, if this government is shut down, and .2 percent of GDP growth for every week this government is shut down, just at a time when our economy is starting to show some sign of life.

I have said on the floor over the last couple of days that no local government official in my State, none, zero, Republican or Democrat, would ever say, we are going to close the government. We have decided that we cannot get along, we cannot agree, we cannot figure it out, so the city and County of Denver is going to close, the city of Grand Junction will close, or the school district is going to close. No one in Colorado would think to say that to their constituents and we should not think about it either. But some people say, wow, there must be some incredibly significant disagreement that is keeping the House and the Senate from working together to get this done, Republicans and Democrats from working together, to get this done.

Last night I brought a slide to show what that disagreement looks like. This was yesterday. I have heard some people say that there is agreement on the number of cuts we are going to make today and last night. But yesterday, the parties were several billion dollars apart. That is what was said. So I made a chart that showed the American people what that meant, and \$7 billion is what I assigned to the difference. That is probably more than the difference was. It is certainly more than it is today. That is a lot of money, by the way. But we have a \$3.5 trillion operating budget, and a \$1.6 trillion deficit.

I wanted to show what the dispute looked like compared to our deficit, and compared to our operating budget. And, sorry, but I could not fit it on one chart. It actually is on two charts. I could not get it enough charts or hold them together, because this is the operating budget over here. I would need two more of these posters on top of this to be able to show you the relationship between the so-called dispute and our operating budget.

I have spent half my life in business and half my life working in local government. I can tell you that this is a meaningless dispute, utterly meaningless. Look at it. It has nothing to do with our long-term deficit and debt problem. It has nothing to do with what the good people in Colorado are talking about today at the forum that I am not going to be able to attend.

So in view of that, it seems to me that taking the risk of closing our government down, charging our economy an \$8 billion note every week, and concerning our troops, who should not be worried about whether they are going to get a paycheck, makes no sense at all.

My hope is this—I see other colleagues on the floor—that the leadership of both parties in the Senate and the House and our President, in the next several hours, will seal a deal that makes sure our government stays open.

But beyond that, to all of my colleagues in this body, looking forward to the negotiation we are going to have on the debt ceiling, looking forward to the negotiation we are going to have on our deficit and our debt, I hope we can come together and agree on a process and a structure that actually leads us to agreement rather than one that leads us in the direction we have been in over the last 2 or 3 weeks.

Our country simply cannot afford for us not to get our job done and be distracted by disagreements that are meaningless to people in their daily lives. I know we can do better. I know we can do better as Democrats and Republicans. And once we get through this, I want to say, I will do absolutely everything I can to build bipartisan support for a solution to our fiscal problems.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alabama.

Mr. SESSIONS. Mr. President, if the differences are meaningless maybe our Democratic colleague would agree and we would have an agreement if it is so insignificant. But it is not totally insignificant.

If you take \$61 billion in spending down from the baseline as the House legislation that they have passed and sent here does, it reduces spending by \$61 billion. If you do that, it reduces the baseline \$61 billion. My staff on the Budget Committee has calculated that would save \$860 billion over 10 years. Those numbers have not been disputed.

In fact, it does make a difference. We are on the wrong trajectory. We need to get on the right trajectory. Our Democratic colleagues, it seems, have to be dragged, kicking and screaming out of denial and into the reality that we are spending too much. We are running up too much debt.

I am pleased to see they have agreed to consider these proposals and have passed a couple of continuing resolutions to fund the government at a slightly lower level. That is progress.

We have avoided shutdowns to this date. Hopefully we can avoid another one. But if we have another short-term agreement today, it is nowhere close to what is needed to put our country on a sound financial course. We have been warned we are facing another recession if we do not change. That is what we have got to do. This spasm has come about because our Democratic colleagues' failed to pass a budget last year. They did not even bring a budget to the floor.

They passed not a single appropriations bill last year on the floor of the

Senate and still have not brought to the floor any legislation to even begin to form a budget for this year and to propose any funding for the last 6 months of this fiscal year. We haven't seen legislation about that. They want to meet in secret and talk and negotiate.

The House has passed legislation that funds the government, that funds the military through the end of the year, reduces \$61 billion. They have also sent legislation over that says: OK, we will do 1 more week with a small reduction of \$12 billion, and we will fund the military. And let's do that if you don't want to agree to the full agreement for the rest of the year.

The lack of action is only in one Chamber; that is, this Chamber. Has the Senate proposed any new legislation? No. I am saying this really not quite as critically as it probably sounds; our colleagues just have not comprehended the plain fact that business as usual is over. They think this country can continue to spend the way we have been doing. They think these huge deficits can be funded out of thin air without consequence, that we can borrow unlimited amounts—\$1.6 trillion to fund the government this year, borrow that without consequence. They think the American people will not support and will defeat Members of Congress who tell the truth about the condition we are in and who have the gumption to take real steps to reduce spending. They think it is inconceivable that our government spending levels can actually be reduced. They think if they plan a 3-percent increase in spending and it gets increased only 1 percent, the government has suffered a 2-percent cut. That is the way they talk about it. That is why we are broke, that kind of accounting. They think the government can create money, create wealth out of nothing. We can just pass a law, and it becomes so. They ignore the fact that debts must be paid and interest on our debt has to be paid.

Expert after expert has told the Congress, has written papers and articles and op-eds, that we are on an unsustainable path. There is not one expert I know of who would deny that the budget submitted to the Congress just a few weeks ago by the President is sound. Indeed, President Obama's choice to head the debt commission, Erskine Bowles, when the budget was first announced, said it is nowhere close to what is needed to avoid our fiscal nightmare. This is a man he appointed to head the debt commission who has spent weeks and months taking testimony about the financial condition of America, the man he asked to sum up the kind of problem we have and how to get out of it.

The American people understand it. They have been shocked by the irresponsibility shown by Congress. They

have been shocked by what we have been doing. Four years ago, our deficit was \$162 billion. It jumped to 450. Then the next year it was \$1.3 trillion; the next year, \$1.2 trillion. The next year, this year, on September 30, it is projected to be \$1.5 or \$1.6 trillion. We are on a completely unsustainable course. President Obama's budget, as scored by the CBO, shows that in the 10th year the projected deficit would be \$1.2 trillion. This year, we take in \$2.2 trillion and we spend \$3.7 trillion. Forty percent of what we are spending this year is borrowed. That is why this is an unsustainable course. There is no other alternative than to acknowledge that.

The American people have sent letters, e-mails, telegrams, phone calls, attended town meetings, had conferences to try to save this country we love from the fiscal nightmare Chairman Bowles said awaits us if we don't take real action. Is there something wrong with that? Should they not be upset with Congress going down a path without any attempt to get off it, with the most reckless debts we have ever seen in the history of America and with no end in sight?

These concerned Americans, many of whom have not been active politically before, did one more thing: They went to the polls and voted. They voted for new candidates they felt would take the action necessary to protect America from financial disaster and to defend the bedrock of our legal system—the Constitution. The result was a colossal and historic shellacking from the big spenders.

Those who said: Things are fine. We in Washington will take care of you. Don't question us. We will pass a Federal takeover of health care. I know you don't want it, but we know better. Isn't that what they said? We are progressives. We are smart. We are educated, more than you. We know deficits don't really matter. Countries have deficits all the time. While you don't understand, we know we have to bail out these bankers and these financiers, these Wall Street big shots, because principles of responsibility and accountability don't really apply because we know better. We are smarter. Your old principles are fuddy-duddy. Following the rules is not important. Rules don't have fixed meanings. The Constitution doesn't really apply. It is old. It is out of date. Just leave us alone with your money and the power to borrow, and we will take care of you. Trust us. That didn't sit well with the American people this last election. They sent a message, in my opinion, that was crystal clear.

So should anybody be surprised, should there be any surprise that 64 new Members of Congress who had run and won elections promising to do something about reckless spending didn't rubberstamp the Senate and the President's proposal to fund increased

funding for the rest of the fiscal year, that they insisted that reductions occur and sent over a \$61 billion reduction, which, out of a \$3,700 billion budget, is not much, about 1 percent? States are reducing spending far more than that.

We have a choice, don't we? What is the choice? Business as usual or taking the tough steps like Governors, mayors, counties commissioners, and families are making this very moment. Our Governor in Alabama announced a 15-percent reduction in spending.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. This \$61 billion doesn't come close to that. It is 1 or 2 percent of total government spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak about decisions we need to make about cutting spending, decisions we need to make now.

The Congress and the White House have not agreed on how much spending needs to be cut or where the cuts need to come from, but at least we can all agree that spending does need to be cut. Republican and Democratic administrations and Congresses for decades have continually increased Federal spending. Change is hard. It can be painful. That is because we have lots of ideas for great programs that would really help people out. But it is absolutely essential that our spending habits take a 180-degree turn starting right now.

Tonight at midnight, the government will shut down if Congress does not pass a continuing resolution. This situation can be avoided if decisions are made in the next several hours.

The House approved a temporary plan yesterday to fund the government for another week while a longer term deal was worked out. That plan also funds our military through September. It includes language the Democrats have approved in the past and the President has signed. But the full Senate—all Senators, Democrats and Republicans alike—has not been allowed a chance to vote on it.

In the Senate, we don't always agree on every line included in a given bill, and we don't get a chance to vote on every line included in a given bill, but I will venture to say most of us can agree on some of them. We can all agree that a government shutdown is not an outcome anyone wants.

The bottom line is that talk is cheap, and it is time to stop talking about passing a continuing resolution and take action. Actually, it is action that should have happened last September. Then we could be working on the next year instead of the last year. The House-passed bill gives us such an opportunity. It is the only bill that provides funding for the troops, funds the

government, and continues the practice of cutting spending.

We are in this position because we do not have a budget from last year, and we do not have completed funding bills for the current fiscal year. The current fiscal year started last October 1—not January 1, last October 1. We were supposed to get that finished up in September so that agencies know what they are going to be spending for the next fiscal year beginning October 1. Without action, the agencies get to spend a proportionate amount of what they spent the previous year.

This year, we haven't had nearly the pressure to get a budget done that we have had in previous years. But it is easy to know why. The previous year, the spending increased by 18 percent. So agencies get to continue spending at 18 percent above previous levels until we do something about it.

It is far too late to do what we should have done last September, which is make drastic cuts. We have already had 6 months of additional spending, which makes it a little tougher at this time of year because any spending cuts have to be taken out of the total year's revenue beginning now. So a 50-percent decrease in an overall budget now is tough because it is taken from funding for the remainder of the fiscal year. I am an accountant, so I like to explain how funding cuts work.

I am especially concerned about our men and women in uniform who are putting their lives on the line for this country. They will be paid despite the shutdown, but their compensation should not have to be delayed. They don't hesitate to defend this country, and we should not hesitate to return that loyalty. I strongly support efforts to make sure military personnel and their families are paid without delay if the government shuts down.

I am hearing from servicemembers and their families in Wyoming. They are worried about paying the rent, paying the bills, feeding their children. Some have recently been transferred and are dealing with the expense of moving their families across country or, in some cases, back to the United States. They do not know where the backpay will come from and are not sure what to tell their landlords or their banks. They want and deserve answers.

For some time, we have been talking about reining in spending and making sure our grandchildren are not saddled with the enormous debt this country is facing. What we need to do in Washington is live within our means. We have not been doing that, and it shows. We have a \$14 trillion debt, and it is growing daily. Does anybody know what 1 trillion is? I will tell you a good start: Write the number "14" and put 12 zeros after it. It is a whole different number than 1,000 or 1 million or 1 billion. I saw a kid with a T-shirt that

said: Please don't tell them what comes after a trillion. They are worried about it, and they should be. We should all be worried about it.

This year we are going to take in \$2.2 trillion. That is a lot of money. Unfortunately, we are going to spend \$3.7 trillion. Imagine if you are a person who makes about \$67,000 a year, and you spend \$100,000 a year, each and every year. Where are you going to get the money? Well, for a while you could probably borrow it. That is what we have been doing. We are borrowing 40 cents of every \$1 we spend. That is the only way we can stay afloat—by borrowing 40 cents of every \$1.

That means the interest on what we owe is \$616 million a day—a day. We are haggling over \$61 billion in cuts. That would fund the government's interest for 100 days—a drop in the bucket. But we have to start sometime, and the best time to start is now.

Yesterday, Britain raised their interest rates one-quarter of a percent. That is not much. Do you know what happens if our bonds go up one-quarter of a percent? We are spending \$240 billion—with a B—a year on interest. If it goes up by 1 percent, we are going to spend another \$140 billion a year on interest. Interest payments do not buy military equipment. They do not build schools. Interest payments go to other parts of the world, some of which are not our friends. If our interest rates increased by one quarter of one percent, that would be an additional \$35 billion owed—\$35 billion just in increased interest. If it goes up a whole percent, it is \$140 billion.

So what we have been talking about is going back to 2008 levels of spending, plus inflation. I have been talking to Wyoming folks who have come out here. March is a big month for people to come to Washington because they all come out for their special programs to make sure we know how important they are. Of course, one disappointment I always have is they think each one of those programs gets a vote. They do not. By the time it gets here, what we get to do is vote for a package that cuts spending or sometimes a package that increases spending. We do not even get to vote on one that keeps spending neutral. In the condition we are in, we have to be voting for the one that cuts spending—whatever one it is that happens to get to us. Yes, cutting spending is going to inflict some pain on some programs that each of us feels is extremely important.

It will affect families. It will affect people. But that is what happens when you get so delayed in outlining what you are going to pay that you are 6 months late. If you were paying your own bills and you were 6 months late paying them, what would your creditors say? They would be a little upset. That is where we are. We are that far behind. It is a dilemma, how to fund

the government so it spends within its means. But we are going to have to do that.

When I explain where we are and what we have to do and talk about going back to 2008 levels, I have been real pleased that the Wyoming people say: Well, we can live with that. Hopefully, we don't have to go below the 2008 levels. Well, if we were being serious about it, we would. But that is where we are talking about going, the 2008 levels. So that is what we are facing today. The budget forecast for the future is troubling if we make changes now and dire if we do not. With Americans across the country tightening their belts, it is time for the Federal Government to do the same.

Folks in Wyoming do understand this concept. Our State is required—and many States are required—to operate under a balanced budget, and that does not mean borrowing money in order to balance the budget. That means spending less than the revenues you get in any given year. Wyoming is one of the few States that are still operating in the black.

We noticed there was a problem, and I want to congratulate Senator CONRAD and Senator Gregg for getting together the deficit commission bill. We got a lot of cosponsors on it, and we had a vote on it. We did not have the 60 votes that were necessary to do it. But I applaud the President for picking that up and appointing a deficit commission. I think he had two great cochairmen. He had Alan Simpson, a former Senator, and Erskine Bowles, who was the Chief of Staff for President Clinton. They joined with 16 other people to figure out how to get out of this morass. They came up with a plan, a good plan.

Their 18-member Commission had to have 14 members in favor of it before they could actually put it into a forced vote for us. They did not get that. They came close, but they did not get that. Of course, I would have liked them to have broken that down, promised they would do all six parts but break it down into six different parts because different people objected to different parts, and there would have been enough support to pass each part. We may have to do that in order to get the same thing done on the Senate floor. I hope we will pursue that. We need to pursue that. It is an absolute must.

The President did the right thing appointing the Commission. But we had the State of the Union speech this year, and I thought he would take what the Commission said and make it clear to the United States that we must follow the Commission's recommendations. The President is very good at making things clear, and they gave him a blueprint to make clear. I think everybody in the United States would have understood. In fact, I think a lot of people in the United States understand, even without the explanation.

They know if you spend more than you take in, you are going broke. We have been doing it so long we are \$14.6 trillion broke.

President Obama had another opportunity, which was the budget, and I hoped his budget would reflect what the deficit commission said. One of the things I found was he took some of the savings in tax expenditures that could have resulted in some lower tax rates to increase our international competitiveness and he spent it on new programs. As I mentioned before, everybody has ideas for new programs, and a lot of them are good ideas, and they would have an impact. But we are not even able to afford the programs we already have.

I wish to laud Senator COBURN for joining me in asking for a review of duplicative programs. In one department, we found \$10 billion worth of duplicative programs. That is not fraud, waste, and abuse. That is people doing the same things as everybody else. I know from working on education that in preschool we have 69 different preschool programs that receive almost as much money as all of kindergarten through high school from the Federal Government. There is a review on which ones are effective and which ones are not, but we do not ever do anything with the ones that are not. We are going to have to start eliminating ineffective programs.

Several of my colleagues and I have suggested going back to funding levels enacted in 2008 before the economic stimulus bill became the baseline for government spending.

It is time to start making tough choices. If we do not make cuts now, all the scenarios down the road are worse than what we are facing today.

Let's stop the partisan banter and concentrate on the job we are here to do. The current discussions between the Congress and the White House are the beginning of America's journey back from the brink of financial ruin. This is the first of many budget engagements. Democrats and Republicans are playing chicken and neither is swerving. There may be a collision tonight, but in the end, amongst the wreckage, smoke, and scattered debris, I know America has to be the one left standing.

We can make it easy or we can make it hard. We do need to focus on getting a long-term funding bill passed for the remainder of the fiscal year—not just the next 5 days, the remainder of the fiscal year. Time is running out in that year.

If we can get this done, we can start doing the real work; that is, focusing on the Nation's solvency for future generations. Senator CONRAD, who is the chairman of the Budget Committee, has said he is not going to start on the next year's budget until we finish this year's appropriations. I think

that probably makes sense so you know how much money there is left over. But, wait a minute, there is not any money left over. We are overspending.

As a grandpa, I do want to get this done so my grandchildren and other children across the State of Wyoming and across the Nation are not stuck with the consequences of our inaction. I hope everyone here hopes they never have to answer to any of their grandchildren why they had a chance to fix the problem and they did not. I do not think that will happen. I think we will reach an agreement. I hope it is done tonight.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will share a few thoughts, and if any of my colleagues come to the floor, I would be pleased to yield to them.

I indicated earlier, pretty firmly, that I thought our Democratic colleagues did not recognize the severity of the crisis we are facing and were unwilling to confront the reality that we have to change what we are doing. We do not have the money. When you are spending \$3.7 trillion and taking in \$2.2 trillion and there is no real prospect of any alteration of that trajectory, something has to change, just like everybody in the States are doing.

But one of the things that is galling to me is that not only are they resisting taking any action to change the trajectory in any significant way, they are going about to savage, criticize good and decent people who are calling for change, people who pay their salaries. They are labeling the millions of Americans who took to the streets during the last election, went door to door, or had town meetings or rallies or protests, who wrote letters to Congress, wrote letters to the newspaper, called in to radio programs and said, We don't like what is going on in Washington—they are labeling those people who participated, many of them in politics for the first time in their lives because they were worried about America, as extremists, radicals, blind ideologues, basically with no common sense. I don't think that is accurate. I don't think that is fair. I think every expert we have had testify before the Budget Committee has said the same thing: You are spending this country into oblivion. Mr. President, you need to submit a budget that gets us off this path. It needs short-term spending reductions and long-term plans to deal with the surging instability in our

large entitlement programs. You need to get busy now, and if you don't get busy now, things will be worse.

Chairman Bernanke of the Federal Reserve said to the Budget Committee, regarding the debts over 10 years from now: Don't worry, it is not going to get there, because you are going to have a debt crisis before you get there, and you are going to have to make changes in the midst of a financial crisis—the worst possible time to make those choices.

These men and women who expressed their concerns about America are good people. They have been using the phrase I thought was interesting, that Pete Domenici, the former Senator from New Mexico and former chairman of the Budget Committee said: "I have never been more afraid for my country." I have never been more afraid for my country. That is the heart and soul of the people who stood up in this last election who are concerned about their country. It is the establishment—the go-along, the no-change, the people in denial, we can't cut spending, it will never work, no matter what we do it won't make any difference.

I thank the Chair. I see my colleagues here. I will be pleased to yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I rise today to add my voice to those who have spoken on this Chamber floor this afternoon to express frustration and concern about where we are as our Federal Government seems to be moving inexorably toward a shutdown this evening.

As I have worked hard with my staff here in Washington and at home to help them prepare for and explain to the people whom I represent what is going on here and why, I have struggled. I have genuinely struggled to understand why this impasse is leading, I think now inevitably, toward a government shutdown. I still remain hopeful we will be able to find some resolution in these last few hours. But I think it is critical the people of the United States understand the consequences of a government shutdown.

This isn't just about sending home Federal employees. This is going to have a significant impact on our economy, on our recovery, on working families all over this country, and I think on our reputation around the world. At a time when many of us are standing up and saying the United States and our system of democratic capitalism is

a model other nations should follow, our inability as a Congress—the House and Senate working together—to reach a responsible consensus on what we all agree is one of our top priorities is profoundly frustrating to me.

I was elected by the people of Delaware and sent here to deal with three things: to try and get our private sector going again, creating high-quality, good jobs for the people of Delaware and our country; to deal with our significant deficit and our dramatic national debt and the very real challenge to our future posed by them; and to try and do it in a responsible and balanced and bipartisan way. In my view, at this point in this budget fight, from everything I have been able to hear from the press and from the leadership of my party here in this body, it has stopped being about cutting the deficit and has instead turned into a fight about ideology. If I understand correctly, as of last night at the end of the negotiations, they moved from having 60 riders, so-called, on the bill that would fund the Federal Government for the rest of the year, to down to just 1 or 2.

I thought one of the good things that came out of the 2010 election was a broad-based focus—particularly by some of the tea party, but lots of folks in our country who were upset with how Washington works—a broad-based focus to stop having bills that were loaded up with lots of riders and lots of extraneous things and to try and have commonsense legislation that is easy to understand and that does what it is meant to do. This, as I understand it, is no longer about the deficit and about the budget. We are not being asked to consider whether we should cut \$70 billion or \$72 billion or \$78 billion; we are instead being asked to agree to defunding title X.

Title X, a program that goes back to 1970, was enacted and signed into law by President Nixon and provides a remarkable range of health services to women all across this country. In my State of Delaware, there are 26 community health centers that are funded by title X. Just five of them are affiliated in some way with Planned Parenthood.

I wanted to come to the floor and take a moment to focus on what title X funds: preventive health services, contraceptive services, pregnancy testing, but also screening for cervical and breast cancer, screening for blood pressure, anemia, diabetes, basic infertility, health education, and referrals for other health and social services. I know and have visited several of these health centers in my State. They provide services to folks who otherwise have no access to basic health care. If I understand correctly, what has happened in this body is that we have come down to being willing to shut down the entire Federal Government over this one issue of ideology. I am embarrassed and ashamed on some level that we can't get this resolved.

As I understand it, the folks who came to Washington seeking aggressive deficit reduction and spending cuts in this fiscal year have achieved virtually all of their objectives. I think the initial goal was \$100 billion. My understanding, as the Presiding Officer heard as well in our caucus lunch, is that we have agreed to up to \$78 billion in cuts in this fiscal year across the board in lots of different sources of discretionary as well as other programs that can be cut this year. That is a hard concession for folks who support government action in our community and in our society to accept.

But I think one of our challenges is for the folks who may be on the other side of this debate to hear "yes," to accept that we have come almost 80 percent of the way to meeting their initial goal, and to instead recognize that I think this has long since turned into a fight over ideology—over the narrow issue of women's health.

Let me give one last example, if I can, of what this means in my hometown. My Senate office in Delaware and I have been working hard for several months to follow on the example of my predecessor in this seat, Senator Ted Kaufman of Delaware, and host a job fair on Monday, from 9 to 4, at the single biggest public space in Delaware, the Riverfront Arts Center. We are going to host a job fair. We have 50 employers lined up ready to interview people. We expect more than 1,000 out-of-work Delawareans to show up, resumes in hand, ready to interview and, hopefully, to be hired. If I understand the rules right, if the Federal Government shuts down tonight, my staff can't carry out this job fair on Monday.

Job one for me, and I think job one for all of us in this Chamber, is helping our private sector, helping small businesses, helping our communities connect good jobs with the folks who are out of work and seeking employment. Fortunately, in our case, we have scrambled and worked hard the last few days. The Governor of Delaware, our Department of Labor, the Delaware economic office, and other volunteers have worked hard and stepped up to make sure this job fair comes off on Monday just fine without interruption.

We need to be focused on reining in the deficit and the debt, dealing with our long-term budget, and getting folks back to work.

In conclusion, it is my hope that as a body we can come together in a commonsense way. If we need to have a vote on the floor, if we need to have a fight about access to health care for women in title X, let's have that debate, but this should be a discussion today about the deficit and about funding the operations of the Federal Government for the year ahead. I look forward and hope we can turn back to that very real work and not instead

have a fight about ideology and access to women's health.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

COTE D'IVOIRE

Mr. INHOFE. Mr. President, first of all, I wish to compliment my good friend, Senator COONS from Delaware, for something he has done recently along with Senator ISAKSON as the chairman and the ranking member of the African Subcommittee of the Senate Foreign Relations Committee. They have responded to my request to have a hearing on the tragedies and what is taking place right now in Cote d'Ivoire.

Let me mention, there is only one thing I take issue with in the letter that has gone out to make the request. One sentence says:

Mr. Gbagbo has sought to forcefully thwart the will of the Ouattaran people and his forces, reportedly, including mercenaries, who have targeted innocent civilians, including women, as well as United Nations missions.

I only want to get into the RECORD—I have already done this. I have given three very lengthy speeches about what is happening over there. I have been there, I am sure, more than any other Member of the Senate. I would say that if you read the Guardian, the British Guardian, in their—I am quoting now—two big slaughters have taken place, one in a small western town called Duekoue and another in Abidjan, the capital. The article says:

The UN mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces.

Let's keep in mind who we are talking about here. The President, who has been now for the last 10 years, has been President Gbagbo, Laurent Gbagbo, and the person who had run against him 10 years ago, and then this time, and who was declared to be winning the election, is Alassane Ouattara. Anyway, they are talking about Ouattara in this case.

The UN mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue.

Then the Red Cross weighed in and they came in with a new count. They said they are responsible for 800 who have been killed. Recently—and I certainly want my friend from Delaware to know this—I have talked to close friends of mine who are in Abidjan now. Abidjan is where the bad things are happening. I hope anyone who questions the fact that it is Ouattara's forces that are creating the problems in Abidjan access my Web site and pull up the YouTube video that was taken of what happened on what I call "Black Monday," Monday night, when they

went out with helicopters and they mowed down thousands of people. We don't have a death count of how many people have been murdered in the last 5 days.

This could not have been the former President—or maybe he is still the President—in fact, he is, since he has not been replaced, President Gbagbo. It is factual that he had no one in the field, so as of an hour ago, I have had reports that these forces, Ouattara's forces, are going around knocking on doors and murdering people, stealing everything in the houses and then burning them down. Yet no one can go out and even move bodies out of the streets because they will get shot by snipers. Are those President Gbagbo's people? No. He doesn't have anybody. He is hunkered down in the basement trying to save the lives of himself and I think 15 of his relatives along with his wife Simone.

I only want to say while I am very happy we are going to have the hearings, it is going to be necessary—I have witnesses. I have one witness whose name is Mel Phiodore. Mel is actually the head of the opposing party to Gbagbo.

He is the one who actually ran against him for President one time and lost. He is currently a Parliament member. Yet he is defending him, saying he is the one who is right in this case and they stole the election. This needs to come out.

I will make one comment. I am equally troubled. I tried to explain to people in Oklahoma how all these billions and trillions of dollars we talk about really affects the people who pay the taxes. Back during the time we spent on the floor trying to defeat the efforts of the EPA in their cap-and-trade efforts, the costs put on there were between \$300 billion and \$400 billion. I recommend particularly to some of the new Senators to count the number of tax returns the families file in their States, and then do the math. In that case, that would have cost—if they had been able to continue, and right now they are trying to continue, or if any of the legislation had passed cap and trade, that would have cost each family who files a tax return in Oklahoma \$3,100 a year.

When we start equating that to some of the numbers floating around, it is just—I remember so well coming here and standing at this podium in 1995 when Bill Clinton was President. He came out with his budget for fiscal year 1996, I think. It was a \$1.5 trillion budget. I was outraged and said we can't do that, it is not sustainable. Yet this last budget from the Obama administration has deficits that are higher than \$1.5 trillion. In other words, the deficits are higher than the amount it took to run the entire country of the United States of America in 1996.

It is something that everybody knows is not sustainable. We looked at

these large numbers, and we know it will be difficult. My major concern, as second ranking member of the Armed Services Committee, is our troops. We have an opportunity to do something right now with our troops, help them to be funded. I think this offer from the House is good. I opposed the last three that came over. This one I am supporting. Why? Because not only does it have cuts—and it is also only 7 days, and I understand that—but it takes the innocent defense and all of our troops there in harm's way out from under all this foolishness going on on the floor of the Senate now and funds them through the rest of the fiscal year. It funds them at a low level.

With all the high spending coming out of the Obama administration, DOD funding has remained level, while the rest of the funding has averaged an increase of 25 percent. So they have already taken a hit. Let's at least make sure we can make the payroll, that we can support our troops and, to do that, we can take up the House bill and pass it. It is only for 7 days. If somebody doesn't like it, they can try something else. It takes care of our military.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

BUDGET NEGOTIATIONS

Mrs. SHAHEEN. Mr. President, I agree with my colleague from Oklahoma. I don't think there is a single Senator in this Chamber who doesn't recognize that we have to deal with the debt and the deficit this country is facing. But the reality is that we are not going to deal with that on the 12 percent of the budget that is nondefense discretionary spending. We have to look at mandatory spending and tax reform, and we need to do it in a thoughtful way that recognizes that we need to invest in our future and make the cuts where we can do it, without harming the future of this country.

Mr. President, I am really sad that we are here at the eleventh hour on the floor of the Senate looking at a probable government shutdown at midnight tonight. It didn't have to be this way. I was disappointed to read accounts of some of our colleagues in the other Chamber, on the other side of the Capitol, who were literally applauding when they were told that a government shutdown was coming. The people of my State of New Hampshire are not applauding. They don't want a shutdown because they know that a shutdown of the Federal Government is bad for the country, bad for the economy, and it is bad for the people of New Hampshire.

Let me begin by going over some of what is going to happen in New Hampshire if the government shuts down. I have spoken before about companies in my home State of New Hampshire who

are affected by our inability to get a budget done—companies such as Velcro USA. I think we all know what Velcro is. I am proud to say it is produced in New Hampshire, and it was invented there. The United States military is a major customer for Velcro. It is a major customer of the company, Velcro USA, because Velcro is used in soldiers' uniforms and equipment. Normally, the government is a steady customer of Velcro USA, but now they have been waiting for months for us in Congress to pass a full-year funding bill for the government. A shutdown will mean increased uncertainty for the company and for the hundreds of employees who work there.

We heard from another company in my home State, a small, innovative, high-tech company which has said even the smallest shutdown is going to have dire effects. They said they would lose 95 percent of their revenue if we have a shutdown. This is a small business that has about 45 employees, but it is a business that has a lot of growth potential. It is exactly the kind of innovative company that will keep America's economy competitive. They were planning to hire 16 people this year—increasing their workforce by about one-third. But that will be put on hold if we have a government shutdown.

Then there is the housing market. In New Hampshire and across the country, it is still very fragile, probably the slowest to recover sector of our economy. In New Hampshire foreclosure rates are down 12 percent from a year ago, but they are still at historic highs. FHA home loan guarantees have been critical to the recovery in the housing market.

Again, all of that is going to stop in a shutdown. No new FHA loans could be approved. If there is a closing scheduled or someone is trying to buy a foreclosed home or any home, with FHA help, the deal is off—or at least it will be on hold.

With all of the problems that have been caused by the housing crisis, we should not be hamstringing one of the most effective programs we have for assisting homeowners; and that is what we are going to do if there is a government shutdown.

A shutdown would also close the Small Business Administration's lending programs. We all know how important working capital is for small businesses, which is still a problem.

Then, of course, there are the 7,400 Federal workers in New Hampshire. That makes the Federal Government one of our State's largest employers. They don't know when paychecks are going to start again or if they are going to get backpay. Their salary just isn't important for them and their families, but these 7,400 hard-working New Hampshire citizens are critical to their local economy. When their pay stops, they stop making their mortgage pay-

ments, they stop paying their utility bills, they stop shopping at local stores. These are just some of the effects of a shutdown on the economy in my State of New Hampshire.

New Hampshire is a small State, but if we multiply these economic impacts across our entire country, this shutdown carries the real risk of undermining our fragile economic recovery. Why is this happening? We have an agreement, pretty much, on how much we are going to cut in spending. In fact, the Senate has gone more than 50 percent toward meeting the House in the cuts they want to make in the budget.

This is not about how much money we are going to cut from the budget; this is happening because we have a small minority in Congress who wants to use the Federal budget to prevent women from having access to family planning and other reproductive health care services.

My colleague, Senator COONS, talked very eloquently about what title X does. Title X funding provides reproductive health services to women who otherwise could not access those services. That includes contraceptives, screening for sexually transmitted diseases, screening for breast and cervical cancer. It provides preventive care for women who, in so many cases, in New Hampshire and across the country would not be able to get access to that health care.

In New Hampshire we have 28 clinics that receive title X funds, including community health centers, health department clinics and hospitals, outpatient clinics, as well as Planned Parenthood.

This fight is not about reducing our debt. It is time now to put ideology aside, to work together in a bipartisan way, to get this budget back on track and passed so the people of this country can be confident that we are going to continue the economic recovery that has started and make sure we can put people back to work and support the small businesses and the people of this country who depend on the work we do in Washington.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, before the distinguished Senator from New Hampshire leaves the floor, I want to commend her on a number of things, but most important is her hard work with me and many others on the biennial budget bill, which we hope will come to the floor in the future.

I want to comment, because this potential shutdown, which I hope doesn't happen—we have been speculating or asking the agencies to speculate on what this means. If you read yesterday's Washington Post, you saw that the only agency of the government that will work seamlessly through a

shutdown, without any shortcoming or deficiencies, is veterans health care. That is because we biennially appropriate for that. The one thing that will be open during the shutdown is the one thing we do in the 2-year process rather than a hit-or-miss process like the current appropriations act.

So the distinguished Senator, who was Governor of her State that has a biennial appropriations process and has worked with it, knows what I know. If you can plan and make things predictable, you will save money and improve the quality of your service. I hope we can get this country to a position where we do biennially appropriate and can spend 1 of every 2 years doing oversight and find waste and find ways to do things better and less expensively.

Mrs. SHAHEEN. Will my colleague yield for a question?

Mr. ISAKSON. Yes.

Mrs. SHAHEEN. I appreciate the Senator's kind remarks. Doesn't the Senator think if we had that biennial budget process in place now, we would not be on the floor debating whether we are going to have a shutdown, and that we would have a budget process that was going forward? As he points out, we have next year to provide oversight and accountability on that budget, and we would have the dependability and certainty that businesses and the people of this country are looking for; isn't that right?

Mr. ISAKSON. There is no question that the Senator is correct. We are predictably unpredictable here. We need to be predictably predictable when it comes to the efficiencies we can bring about and how we spend our money. We need to do what people do, which is sit around their kitchen tables and prioritize what comes in and what goes out. And they balance their budgets. They have to. It is about time we have the same discipline the American people have.

I thank the distinguished Senator.

Mrs. SHAHEEN. I thank the Senator from Georgia.

Mr. ISAKSON. Mr. President, in the South we have an old saying: If you find yourself at the bottom of a hole, stop digging.

We are at that point. We accomplished some amazing things in the last 3, 4 weeks. I commend the House on the cuts that have taken place, but we ought to remember we are focusing on the minnow, when the big fish is on the horizon. There is only so much we can cut when 50 percent of a fiscal year is gone. People are talking about how little we are cutting out of small areas. That is because it is all there is to cut from. The cuts have demonstrated that we can begin to get our house in order. The big enchilada is coming up with the big 2012 budget.

I did a little research on what we have done in the last 3, 4 years. In the last 3 years, we spent all our money on

omnibus appropriations, except one Defense appropriations act. In doing the research, we spent on average 4 days of debate on those three bills. We have had the small business bill on the floor for 12 days, and we haven't finished it yet. We spent 12 days on the small business reform bill, and we only spent an average of 4 days on spending over \$10 trillion. It is time that we got the current agreement—and I understand there is one—on how much we cut done. If we have differences on policy, we can reserve them for debates on the 2012 appropriations act.

Let's get moving. Everybody here knows we have two big votes on the horizon. One is the pending debt ceiling vote at some time in May or June, and the other is the fiscal year 2012 appropriations. We will not get a second chance on those. The world markets are not going to give us another year to spend our money in a helter-skelter manner. We have the ability and the brain power, and we need the commitment in this body to spend money like the American people have to spend theirs. That is all they ask of us. We don't need to be extravagant, frivolous, and wasteful.

Another thing on the current, pending, looming possible shutdown is that it is absolutely crazy, when we have committed our sons and daughters to harm's way—right now, they are in three countries: Libya by the Air Force, Iraq, and Afghanistan. To put them in a position of accruing their income because we have shut down the government is just not right. It is not the right thing to do. We ought to debate these matters on the Senate floor with the government functioning.

I hope all of my colleagues will recognize that we are about to take defeat from the jaws of victory. We have won the battle on the short term with the cuts we needed. Let's get this short-term cut done, let's get the CR done, and then let's get to the kitchen table of the American people and get it done for fiscal year 2012 and the years ahead. We have to find out how to pay back over time \$14 trillion. That is going to take a lot of commitment, work, and time. Let's get to it. Let's get the CR done. Let's come back next week and finish dotting the i's and crossing the t's and commit ourselves that the rest of the year is about America's future, it is about our children and grandchildren; it is about beginning to rein in expenses and spend our money accountably and predictably so the American people can expect of us what we always demand of them.

I yield the floor.

THE PRESIDING OFFICER (Mr. LEVIN). The Senator from Connecticut. Mr. BLUMENTHAL. Mr. President, I thank the Senator from Georgia for those very moving and powerful remarks. I differ with him only in recognizing that the saying about digging a

hole is not only a southern saying, but I think by now it is a national saying, thanks to my southern colleagues and others.

Let me just say about this debate that it has been very eloquent on both sides, but there is an unreality to it. In the real world, Americans are struggling to find jobs or keep them, striving to stay in their homes, working hard to keep their families together. In the real world, economic growth has to be a priority.

We are on the verge of a failure of action that threatens the fragile economic recovery that right now is a priority for most Americans, and it is unnecessary. We are truly in danger of distracting ourselves from what should be the main task and the central reason we should be seeking a budget, which is to fund the Federal Government for the remainder of this year and ensure that we continue economic growth and provide more jobs for the American people.

There is agreement on the numbers, on the dollars, on the figures for spending the remainder of this year. My colleague from Georgia has just confirmed what others have said on this floor repeatedly, what the majority leader said this morning. There is agreement on the cuts and the savings. The distraction is on an ideological war on women's health. A small minority—a very small minority—is holding this budget and this Nation hostage in this ideological war on women's health. That is a disservice to the American people who want us to go back to basics: jobs and the economy, get a budget done, avoid a shutdown that threatens that fragile recovery.

Again and again on this floor, my colleagues have made the point that uncertainty and unpredictability are enemies to small businesses and large in this country and elsewhere in the globe that count on American leadership, count on our leadership in achieving a budget.

This war on women's health care cannot be allowed to succeed. I have spoken about it, along with other Senators who have spoken on this floor, most recently the Senator from New Hampshire, who has been a leader on this issue, along with the Senator from California, BARBARA BOXER, Senator GILLIBRAND, Senator FRANKEN, Senator LAUTENBERG, Senator MIKULSKI, and others who have spoken out in favor of title X and Planned Parenthood funding.

The unreality of this debate reflects a failure to appreciate what these dollars mean to the women who depend on these services. They are women who cannot afford the kinds of screenings for cancer and cholesterol and other problems that are so vital to preventing those problems that cost us all larger dollars if they go untreated. These services are vital to the testing

for other kinds of problems that may be more expensive to treat if they are not dealt with and, of course, contraception that prevents exactly the kinds of problems or issues on which many in this body have focused. In Connecticut alone, we are talking about more than 60,000 patients served by Planned Parenthood, including 30,000 title X patients, 18 health centers that are imperiled by this rider or the conditions that would be attached, and almost 100,000 preventive screenings that are vitally important to low-income women and men who need access—the key is access—to contraceptive services and preventive screenings, vital health care.

There is a silver lining to this cloud. This moment is teaching us something. In reality, it is a teaching moment. I think it will alert a lot of Americans to the importance of preventive services—testing, screening. If it draws one more woman or man to seek these kinds of testing services, it will have accomplished something.

The debate over these social issues will not be resolved in this budget and should not be resolved in the remaining few hours we have left. There will be other occasions when we can debate and resolve these social issues, the ideological divides that have been with us for decades and will remain after this budget, hopefully, is resolved in the next few hours.

My hope is that there will be other teaching moments but, most importantly, not only about health care but about the way the democratic process works.

In the short months I have been privileged—and I deeply mean privileged—to be part of this body and sometimes to preside in the very chair where the Presiding Officer is now, I have often looked around this Chamber and have seen the students and others who come to visit us and thought of the millions of Americans who are watching us and who hope that we will recognize we have more in common than in conflict as Americans; recognize that a shutdown of this government cannot happen consistent with our duties to seek what we have in common over what we have in conflict; that it would be devastating not only to American leadership around the globe but to the military men and women who are depending on our judgment and leadership, to the veterans, to the folks out there searching for jobs, trying to stay in their homes, keep their families together; recognize that the reason they sent us here is to do what is right for this economy now and to reach agreement and to do the kinds of things Americans do in their homes over that kitchen table when they disagree. They come together. They see what they have in common. They do not walk out of the house. They do not shut off the lights. They stay together, and they do

what they think will best serve the common interest, which for us is to recognize that we have an agreement on the budget numbers, that we cannot be distracted by the ideological war on women's health, and that we should stay true to our principles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise because obviously we are talking a lot today about—and really the eyes of our Nation are looking at what Congress is doing because there is so much negotiating going on. I am one who wants to have a long-term continuing resolution to the end of our fiscal year that makes the responsible budget cuts, that funds our troops and gets us on to the next item of business, which is the one we really must address; that is, the huge debt that is facing our country. That is what we should be doing.

We are now in the throes—and I am told there are serious negotiations going on that we hope still will have a result before the midnight deadline. But if everything breaks down, I have a bill that now has 74 cosponsors in the Senate out of 100. That bill is very simple. It says that if everything else falls through, even though everyone I am talking to wants us to have that agreement that will not shut down the government, that does fund our Army, our Navy, our Air Force, our Marines, our Coast Guard, all of those in the Transportation Security Administration, all of those personnel who are waiting to see if their financial lives are going to be disrupted—I want to make the deadline so it will not be.

However, I do have a simple bill because there are some people who are not in the United States right now, who are overseas protecting our freedom. They are serving in Iraq. They are serving in Afghanistan. Their loved ones are mostly at home watching what is going on.

I have been looking at the comments of the wives of the personnel, who are worried about what effect this is going to have on them because they have actually gotten notices that their pay is going to be cut, that it is going to be less than their full pay on the 15th because they are accommodating a potential government shutdown. We cannot let that happen.

I have introduced S. 724. I have 74 cosponsors. Senator INHOFE and Senator CASEY stepped up right from the beginning, and now we have 74 Senators ready to ensure that if things break down, we will fix this problem.

I am very moved by a Web site that was created by one individual today—early this morning, I think—and her name is Hope Gwen Bradley. I did not know her name earlier today when I spoke. She said: I am going to do something. I am one person, and I am going to do something.

I do not know Ms. Bradley. I do not know if she has a connection to the military, but she opened a Facebook with the name of my bill, "Ensuring Pay for Our Military Act of 2011." As of when I left the office to come to the floor, there were 906,412 people on this Web site who agreed with her that we must at all costs alleviate any fears of our military families when they are doing so much for our country and fighting for what we are trying to do right here.

I commend Hope Gwen Bradley—and I surely hope I can meet her some day—for this kind of grassroots groundswell to support our troops with a simple bill that says if there is a government shutdown, our troops will be paid on time, full pay. That is what the bill does. It has 74 cosponsors.

I will say that Senator ROCKEFELLER, my esteemed colleague, the chairman of the Commerce, Science, and Transportation Committee, is on the floor, and I am going to stop in just a minute because I am sure he is here for his time in morning business.

We now have the support of the Military Officers Association, which has 377,000 members who sent me a letter supporting S. 724. We have the letter from the National Association for Uniformed Services, with 180,000 members and supporters, signed by Richard Jones, their legislative director, in support of this bill. We have just received the Iraq and Afghanistan Veterans of America letter saying they strongly support S. 724.

Here is what they say in the letter:

This bill ensures that all members of the Armed Forces will continue to receive the pay and allowances they have earned despite any lack of interim or full-year appropriations. Our men and women in uniform protect our Nation and continue to do so despite budget disagreements in Washington. The members of our Armed Forces are essential to the defense of our Nation and must be treated as such. Many young servicemembers and their families—

Remember, so many of those over there are young. They are in their twenties. So they are not in the high levels of compensation. Continuing with what this letter says, and this is the Iraq and Afghanistan Veterans of America, so they know what they are talking about; they have been there—

Many young servicemembers and their families are dealing with multiple deployments and often live paycheck to paycheck. Military families should not be asked to bear further financial stress in addition to fighting the war on terrorism. This legislation protects the men and women who protect us.

The letter is signed by Paul Rieckhoff, the executive director of Iraq and Afghanistan Veterans of America. They are the ones who have most recently come back, and they are too coming forward and saying we must do this.

I am for the bills that would come through. I think the House bill is a

good bill. The 1-week continuing resolution does take care of the military. But the chances of it passing here are probably nil. I think if the other body was to have a clean continuing resolution, I would support that too. But I don't think that is going to have a chance either. So the only thing that is going to have a chance is if we get a real agreement between Senator REID, Speaker BOEHNER, and the White House that we can do a long-term continuing resolution that will truly fund our troops and that will have the necessary cuts to show we are serious about this budget deficit and we are going to correct the course of our country financially. That is what we all hope for.

But if we don't get that, my bill, 724, has 73 cosponsors, our Members speaking in large numbers, saying this is the right thing to do. I hope we can pass this bill as soon as it is clear we are not going to have a real agreement. We can do no less.

Mr. President, I ask unanimous consent to add Senator FEINSTEIN to our bill as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, it is quite an honor to speak while the Presiding Officer is in the Chair. I think I have not seen him there before, so I will have to give a good speech. I will probably have to give a little longer speech simply by virtue of his presence.

I think most people who choose a career in public life do so because they have a genuine, huge feeling in their heart that they want to help people. It is kind of simple. I know I have spent the better part of my career in West Virginia and in Congress looking for any way I possibly could—succeeding in some cases, failing in some cases—in trying always to make life better for West Virginians and for the American people as a whole. Perhaps it is a simple idea, but I can say with some pride that over the years we have made a lot of strides.

It is popular, these days, I know, to beat up on the government. It always has been. That goes back to George Washington's time. But the truth is, the government does an incredible amount to help people in their lives every single day. The benefits of government are not always visible. They do not usually make the evening news, but they are enormously important and specific and make a large difference.

This government looks after veterans; otherwise, they wouldn't be looked after. The private sector wouldn't do it. The private sector is sometimes very reluctant, actually, to participate in helping them. But when

they come home from battle, the government is there with an expanded Veterans' Administration system and superb medical health care to take care of them.

The government takes care of seniors with Medicare and our Social Security programs. We also have Medicaid and the Children's Health Insurance Program, which is vastly important in a State such as my own or anybody's State because it provides comprehensive health coverage to our most vulnerable populations, including children. We passed this because it is morally right. It is the right thing to do and in the best interest of our Nation to be sure children get a decent start in life—in health care, maybe even before education, because the health care part starts very early with early tests.

The government builds the roads, the bridges, and other infrastructure that connects small towns and communities and helps make us a larger community. It is the fabric that links families and businesses all across this country.

Federal agencies also make sure the food we eat is safe and the water we drink is clean. They help communities pay for public safety and all kinds of law enforcement to help keep our streets safe.

People don't generally know where money comes from. That is pretty understandable. They just need to know, if they are sitting out in the evening on a summer's night, that the streets they live on are being patrolled or being watched, et cetera. I could go on and on. There are literally thousands of things government has done over the years to improve the quality of life for every single man, woman, and child in this country. It is indisputable, and there is a glorious tale in all that.

But in recent weeks, we have seen the discussion about the role and the purpose of government take what seems to be a very nasty turn. Some of my colleagues on the other side have lately taken up the call to arms to do whatever it takes to slash, to close or to shut down the government. We are faced with that, and we may get that. They want to hold the American people hostage with a ransom note that keeps getting higher and higher every time negotiations go on.

There is no question we must get our growing deficit under control, and Democrats have taken responsible steps to do that. In fact, in the larger scheme of things, we have gone 75 to 80 percent toward the Republican position. But at every turn, Republicans have blocked reasonable attempts to rein in government spending. They say they want it to happen, but if there are reasonable attempts to do that, they stop it. Instead, they make unreasonable demands and they change the goalposts on a repeated basis.

Last December, Democrats produced an Omnibus appropriations bill to fund

the government for 2011 that would have reduced spending by \$20 billion, a level endorsed by a bipartisan group of Senators. Incoming Speaker JOHN BOEHNER, however, launched a campaign to oppose that bill. Republicans ramped up their opposition to the bill and, instead, all we were able to pass was a short-term extension of funding to 2011, which was very frustrating.

In February, Republicans offered a long-term proposal to fund the government through the end of fiscal year 2011 with \$32 billion in cuts. But tea party Republicans, who are in control, rejected the \$32 billion and, instead, insisted on deeper cuts of \$61 billion that Republicans knew and openly admitted were both dangerous to the economy and totally unlikely to pass the Senate.

In the meantime, Democrats have fought to keep our government operating. We have passed \$10 billion in cuts since March. It is harder for Democrats to make cuts than Republicans because we believe in doing things that help people directly, that keep them safe—such as the Consumer Product Safety Commission. Who knows about that? Senator BOXER does and I do. They make sure our toys and other products people use are safe. Somebody has to always be watching over what goes on.

We have passed \$10 billion in cuts since March and offered another \$20 billion in cuts to the Republicans so we can end this standoff and not shut down government. Just when we thought we had finally reached an agreement on \$33 billion in additional cuts below the 2010 enacted levels—which is \$73 billion below the President's 2011 budget proposal—not interesting, all these statistics but profoundly important in the function and the possibilities of government. So this was at the end of March. But Republicans then changed the rules again. They demanded \$40 billion in cuts to appease the far right—the tea partiers.

Some of my colleagues on the other side have lately taken up a call to arms to do whatever it takes to close the government. Despite a previous commitment from the Speaker, middle-ground funding cuts of \$33 billion are no longer good enough.

Then, as the final bomb, they passed the seventh short-term spending measure that is loaded with \$12 billion in spending cuts—which, by the way, is six times more than the agreed-upon rate of \$2 billion a week, which includes the Department of Defense appropriations bill and all those 66 riders that have absolutely no place on any appropriations bill.

What is required is less concern about the tea party messaging and total attention to the well-being of the American people and the health of our Nation. The tea party cry—delivered in gleeful shouts and rants on the floor of

the House, in the Senate, and frequently in rallies outside these buildings—is nothing like I have ever seen before. I have been here 25 years—something like that—and I have never seen anything like it. But they want to close the government down, and they love the theater of it.

Recently, we watched as an extremist crowd, standing on the lawn outside, waved flags with snakes on them and shouted: Shut it down, shut it down, shut it down, as if this is a sporting event—you know, the Roman Coliseum. Let the gladiators compete, the heck with the people. Let the Roman Senate take care of that. Even the leadership on the other side has joined in—with one Republican Member telling the crowds and people everywhere, therefore, because it was televised, that he wants to see the government shut down. He flatout said that.

I believe they want that. I believe they want that. So really? You have such disdain for our constitutional government, you so disrespect our fellow citizens—the people who sent us and who count on us to help and protect them—that you want a government shutdown? That is the deal, I guess.

Has anyone else noticed that in many parts of the world today there are protests in the streets about basic freedoms? Here, where we are privileged already to enjoy these freedoms, we are stuck in the middle of a political debate with extreme positions and Members of Congress who seem not to care what happens as long as they win or score points for the next election—a cynical thing to say, but it happens to be true.

Frankly, this cynical posturing from the other side has not only brought us to the brink of a government shutdown—only a few hours from now, perhaps, though I hope not—it has taken us to a point where we are forgetting what it is we are arguing about in the first place. What should be a serious, thoughtful debate about finding reasonable ways to cut the budget and scale back our deficit has, for some, instead, turned into a game. I say that because what we are hearing from the other side is that they want mostly to move in an extreme agenda. They care about that. They have their markers. They have to meet those markers; no matter the effect on the people, they have to meet the markers.

They ran, some of them without any intention—many of them without any intention of running again so they can't be held accountable, so they can work on shutting down government which they do not like for various reasons. So it is no longer on agreeing on a dollar figure to cuts from the budget. It is about turning the government into a boogeyman and closing its doors.

Let me tell you why I think that is unacceptable. It is because this is not a game at all, this is real life and the decisions we make here have real world

implications for the people of West Virginia and every other State and all over the world.

Let's consider what would happen if the extremist wing of the Republican party gets its way and the government does in fact shut down. Soldiers would not get their paychecks if there is a shutdown, if we cannot pass something. That is right, the service men and women who risk their lives so we may live in freedom might not get paid. You can talk, maybe someday they will be repaid, but in the meantime they are living week to week, and their families are, and they don't get paid. That doesn't sound like a sane policy.

In my State of West Virginia there are more than 6,500 people serving in the National Guard. Nationally, about half of the young men and women in the military are 25 years old or younger, and about 40 percent of them have children. Many of the families are on one income and some are living paycheck to paycheck. They don't know what they are going to do. That is one more thing they should not be thinking about. They should be thinking about surviving and carrying out their mission.

The chair has indicated that I have gone on a little bit too long so I am going to beg for 1½ more pages. That being granted, I will proceed.

There is so much more on the chopping block if the extremists in Congress get their way. The Federal Housing Administration wouldn't be able to process mortgage loans. Social Security claims would freeze. I am not sure that Medicare could take in any new members, several thousand people every day who qualify for Medicare. I am not sure they could be taken in.

We remember that during the 4 days of the 1995 shutdown, 112,000 claims for Social Security retirement and disability benefits were not taken, they were not received, they were not processed, they were not dealt with, and 800,000 callers were denied service on the Social Security Administration's phone.

I am going to stop with that. I think you get the drift of my feeling, and what I feel. But I do not consider it a game if the IRS could, would, stop refund checks. More than 235,000 West Virginians will file their taxes using paper forms this year. Computers are not all the rage in all parts of West Virginia. So they will wait longer for their returns to be completed.

I could go on with small business and the National Institutes of Health and all the rest of it. Federal mine safety inspection will shut down. The mines will continue to run but there will be no Federal inspectors. I respect the State inspectors but I have a lot more respect for Federal inspectors. Mines operating with nobody inspecting? It is a horrifying thought.

I hope somehow this will come out to be a good result. There are reasons why

it could be, and there are reasons both to be pessimistic and to be a little bit optimistic. I cannot at this time call it either way.

We would turn the lights off on the NIH—and tell scientists working on developing life-saving treatments or finding a cure for cancer, that their work will have to wait. And they will have to turn away patients whose best or only hope is to join a clinical trial for new treatments or medicines.

We would shutter the agency responsible for regular Federal mine safety and health inspections—should I remind my colleagues here that this month marks 1 year since the worst mining accident in recent history at Upper Big Branch?

Inspections of stock brokers and routine oversight of financial markets by Federal agencies would cease. Enforcement actions would be postponed. Do we need to review where that might get us?

West Virginia is set to receive \$416,590 in Low Income Heating and Energy Assistance Program—LIHEAP. But that stops in a shutdown.

Some of the FEMA flood mitigation and flood insurance operations would stop. Have we forgotten the lessons of Katrina so quickly? In West Virginia, spring storms often brings torrential and devastating floods that can wipe out entire communities.

Most veterans' benefits services would stop; we know the last time that extremists on the other side closed the government more than 400,000 veterans saw their disability, pension or educational benefits delayed.

I could go on.

What is more ridiculous is that even the leaders on the other side have conceded that the vast "shutdown" movement is not even sound fiscal policy.

The Speaker of the House, who is not as extreme as others in his party, said recently that if you shut the government down, it will end up costing more than you will save.

A new study from Goldman Sachs said that a Federal shutdown would cost \$8 billion a week. And the economist Mark Zandi predicted that a shutdown would have a detrimental impact on our recovery.

Why? Because many of the contracts and other services that are interrupted do not go away—they just get delayed. So you often end up paying more in the long run.

It is tempting to wonder if the other side is interested in anything more than finding clever new ways to attack the White House and score political points. We started this debate earlier in the year with a mutual agreement that we need to find ways to pay down the deficit and make some cuts and somewhere along the way we went off the rails.

During the last couple of weeks, as extremists on the other side have pre-

vented us from arriving at a deal, Congress has resorted to short stop-gap funding measures that cut billions of dollars from Federal programs as part of a deal to buy more time.

Instead of just tossing out a claim that we must cut \$33 billion more from the budget without any distinction on what is valuable, wouldn't we be better off having a conversation about reforming the Tax Code to end the disgraceful tax breaks for the rich at the expense of the middle class?

I have tried for years to work towards a tax policy that would do less for corporate America and more for Main Street America; less for offshore operations and more for seniors and families; and less for big oil companies and more for investment, infrastructure and innovation.

Does the other side realize that at a certain point we are mocking the American people, we are mocking the legislative process and we are mocking the entire Congress by turning this issue into a game of chicken where the other side just doesn't care about consequences?

To the cynics who recklessly argue that the government should "shut down" I ask: Do you realize the impact of your words? Do you see what would happen to the people of West Virginia or any other State in this great Nation, if we just tell everyone that the government can't function right now?

I want to make a point here. The other side likes to go on and on about how important it is for us to get the economy back on track and keep the recovery going.

Have any of them who keep crying that we should "shut it down" stopped and thought about the economic impact on families of sending home thousands of hard working Americans without a pay check?

During the two government shutdowns in 1995–1996, about 800,000 Federal employees were unable to work. Is cheering for a repeat a good path towards prosperity?

Is the best way to curb spending really to just tell people go home and sit? To tell them that they may have a job at some point but for now we are closing programs, parks, grants, inspectors and everything else they can think of?

With workers facing frozen wages struggling to pay their mortgages, coping with trade deficits, and closed factories—is this really the best we can do for them?

Shutting down the government is a simple and easy way to pander to the tea party and the extremist elements of the far right. By insisting on their way or no way, the tea partiers are squandering precious time and resources. The best part of what we do here is working together. Finding the best ideas and working until we have a solution.

This squabble should be settled by a reasoned discussion and a thoughtful

exchange of ideas between Democrats and Republicans.

I call upon the other side to show some leadership and bring us back from the brink.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak on the important issue of the day. Sometimes complex challenges present clear and compelling choices. That is the case for the fiscal challenge before us today. We have a choice between delay and disruption or progress and accord. The Nation's eyes are upon us. We need to vote to keep our government running, to pay our military, and at the same time take essential steps to tame our uncontrolled spending and deficit. Most important, we need to ensure that our men and women in uniform continue to receive their well-earned pay while we undertake the work of balancing America's books and they undertake the vital work of defending our Nation, both here at home and abroad.

In that regard, I am proud to be one of the sponsors of a bill introduced by Senator KAY BAILEY HUTCHISON that will make sure that happens, even after the work of the 111th Congress is finished. I am also pleased to report that we are now up to 74 cosponsors.

But in the final analysis we need to reduce our overall spending, which Americans recognize is necessary, necessary because every day we delay we are spending ourselves \$4 billion deeper into debt. Right now, this fiscal year, we are on a path to spend \$3.7 trillion, but we are taking in only \$2.2 trillion in revenue, leaving a deficit of more than \$1.5 trillion. To make up for that shortfall the Federal Government is borrowing 40 cents out of every dollar that we spend, with a national debt of more than \$14 trillion. Our largest lender is China, which now holds more than \$1 trillion in American bonds.

No American family would practice that kind of fiscal management, and neither should our country. Reducing our debt and deficit is something the American people understand and support because the American people are the ones suffering the impacts. Nearly 14 million of our country men and women are out of work and another 8 million are underemployed because they have had their hours cut back or they cannot find a full-time job. Sadly, 1 million more have stopped looking.

As private investment has plummeted, unemployment has climbed sharply to levels we have not seen in decades. For those who are fortunate enough to be working, the American dream is getting more and more difficult to achieve. In response to growing inflationary pressure, the Federal Reserve Bank now says that interest rates are likely to rise at the end of the year to tighten our money supply.

Every percent increase in interest rates adds \$140 billion to our debt. Higher interest rates will erode the income of every American and make it harder to buy a home, a car, or a college education. Spending more will not help them. In fact, spending more will prolong the problem.

In the 1990s, when government spending as a share of GDP shrank, employment grew. Despite the surge in government spending over the past 2 years, unemployment still hovers stubbornly at about 9 percent. We do not need more public spending. What we need is more private investment. When private investment grows, unemployment shrinks. The American people understand all of this and that is why they want us to arrive at a plan that keeps our government running, that respects the sacrifices of our military in real terms, and puts us back on the road to fiscal health.

We owe it to these hard-working men and women to bring the 2011 budget to a reasonable and realistic conclusion and then move on to the important matters that still lie before us, including the 2012 budget. That is where we can address all of the substantive and urgent issues that we must resolve to get America's financial house in order; issues such as making sure we have a prudent level of spending, reforming our Tax Code, and making entitlement programs such as Social Security and Medicare solvent and more secure for our seniors, both now and long into the future. We owe that not just to our current constituents but to future generations of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

EXTENSION OF MORNING BUSINESS

Mrs. BOXER. I ask unanimous consent the period for morning business for debate only be extended until 8 p.m., with Senators permitted to speak for up to 10 minutes each, and the majority leader to be recognized at 8 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came over here at this very precarious moment, hours away from a possible shutdown, to basically say there is absolutely no reason to shut this government down, absolutely no reason. Why? Because both sides agree that we need to cut the budget. Both sides agree that we need to reduce the deficit. When the debate got started, the Republicans put out a number and, guess what. We came to their number. We came all the way to their number.

Then they said, whoops, no, we don't like that, we are going to go to a bigger number. We said we are worried because, as my friend from North Dakota said, we care about job creation, and

Mark Zandi, the key economic adviser to JOHN MCCAIN's campaign, said if you do what the Republicans want to do, that is the Republicans in the House on H.R. 1, that will cost 700,000 jobs. Can you believe that? After we are finally coming out of this recession—thank the Lord God we had a quarter of a million new jobs last month—and here they are going to take a meat axe to this budget and according to outside experts going to destroy the economic recovery and set us right back into a recession.

So we said hold off here, we believe we need to be wise about this. We went to your number that you originally put out there. Why do you keep moving the goal posts?

They said: Well, that is the way it is. We moved the goal posts. Take it or leave it.

We said all right, we are going to go back and we are going to go as far in your direction as we possibly can do and not jeopardize jobs. We went back and here is where we are. We went 78 percent of the way to the Republican new number.

Here is the deal. I want the American people to be the judge of this. There was an election in 2010. The Republicans won big in the House and they took it over, so they run the House. The Democrats retained control of the Senate. I know very much about it because I was one of those seats that was being watched. We kept control of the Senate and of course the President is a Democrat and he is there for a couple of years. Of course some of us hope for a lot longer, but here is the deal: Out of the three parties to the negotiations, Republicans control one-third of the government and Democrats two-thirds. We did not look at our Republican friends and say we control much more than you do, so we will only go a third of the way to you. We were willing to give and give and to look at expenditures that we believe are key, and we said we are willing to give some of this up, and we marched over to their side 78 percent of the way.

If I stopped someone in the street, a person who maybe did not have much experience about beltway politics, and I said if you were negotiating with two of your friends and they saw something their way and you saw it your way and they came 78 percent of the way to what you wanted, what would you do? I think the average person would say: Hurray, let's get this done.

Well, that is what I say tonight. Let's get this done. There is no reason to shut down the Federal Government when we have come—the Democrats have come, by way of cuts, 78 percent of the way to our Republican friends.

But let me tell you the bad news. It turns out this is not what the fight is about at all. At the eleventh hour, our Republican friends are holding this country hostage to an agenda which is about cutting women's health care.

Now, you may say: Could you say that again, Senator BOXER. What?

Yes, this debate over the budget, where we have come 78 percent of the way and made painful cuts, is not about budget cutting; it is about women's health. Let me tell you specifically what it is about. It is about a women's health care program known as title X.

I am sure people are saying: What is that?

It is very simple. In 1970, a Republican President named Richard Nixon signed this bill. And do you know who voted for it in the House? President George Herbert Walker Bush. We are talking about a bipartisan bill to give women the health care they need. And the Republicans, to date, have moved so far away from their own legacy, from their own history, that they are off the charts in extreme land somewhere.

I want to share one reason women use these title X clinics as their first line of health. And by the way, millions of women do—and men—because they get help for high blood pressure, diabetes checks, they get help for breast cancer screening, they get help for pelvic exams, they get help for sexually transmitted diseases, HIV/AIDS testing, referrals for additional medical screening and diagnostic testing, blood screening, smoking cessation, cholesterol screening, infertility counseling, and, if asked for, birth control, which, when it is counseled in the right way, birth control will prevent unwanted pregnancies and therefore bring down the number of abortions.

Somebody explain to me how our country is better off when our American families are shut out of health care, health care that is so cost-effective, that for every dollar that is spent through the title X health care program, which goes to local clinics—and 75 percent of the funding does not go to Planned Parenthood. Can we be clear here? Planned Parenthood gets 25 percent and does a fabulous job. But the fact is, not one penny can ever be used for abortion or people could go to jail. There is no money in here for abortion, period, end of quote. It is because of the Hyde amendment—I know this because I was in the House of Representatives when we dealt with the Hyde amendment. We said there ought to be an exception for rape and incest, OK? So I personally know the Hyde amendment is the law of the land. So if anyone tells you they are closing down the government because of abortion, it has nothing to do with abortion. It has to do with mainstream health care for women and their families.

So here we are. We have come 78 percent of the way to them on cuts. By the way, they announced last night that was it. We agreed that was fine. But now we don't have an agreement.

I have my fingers crossed that at 8 o'clock, the majority leader will say

that we have overcome our problems; that he will say we go back to agreeing on the number that was agreed to last night. It is well above \$70 billion. Remember, we cut that out in just the next 5 months or so. That is a big bite, but we all know we have to reduce the deficit. But I hope our Republican friends have backed off from this, backed off of them completely shutting down and eliminating a women's health care program used by their families, and men, 5 million of them. It is cost-effective. It provides \$4 of benefits for every dollar invested. Mr. President, 4,500 clinics, 75 percent of them non-Planned Parenthood, 25 percent of them Planned Parenthood; none used for abortion, all used for health care. I hope they will back off and say: You know what, we have reflected on this. We have read this. We know the health care our people are getting at home. We checked it out. We called our district. We called our State. And we have decided to come off of this crazy idea, and we will stand with Richard Nixon and we will stand with George Herbert Walker Bush, who supported title X.

I can't imagine how our Republican friends would rather shut down the government than to continue this health care program. I cannot imagine why they would rather take paychecks away from our hard-working men and women in uniform and others who are cleaning up Superfund sites, who are working to deliver veterans' benefits, who are working to keep our parks open. Why would they take paychecks away from those people because they do not want to continue breast cancer screening to women?

Speaking of paychecks, you have to know that the Senate unanimously passed a bill that said that if we fail to keep the government open, we do not get paid because, guess what, Members of Congress get paid by a special statute. Everybody else does not get their paycheck, but we get our paycheck. We sent this offer to Speaker BOEHNER. Do you know what happened to it? I do not know what happened to it. I do not know what happened to it. It would take him 2 minutes right now to bring it up. So if he is watching this—I guess he is not, but if he were, I would say: Just take 5 minutes and go to your Rules Committee and bring this bill up and let America know that you, Mr. BOEHNER, and your colleagues who are ready to shut this government down will not get a paycheck.

I am so tired of the hypocrisy around this place. I really am. One of the comments from a Congressman over there—he was complaining. He said: I do not make enough. Mr. President, \$174,000. He does not make enough. I cried for him. But I have to say this: Where are his tears for his staffers? Where are his tears for the military who are not going to get paid? Where are his tears for his people cleaning up

Superfund sites and for the guy out here on the Mall?

There is the biggest day for our national park, the biggest week, the biggest month—April. Some 800,000 people come from all over the world to go to our national park, many for the Cherry Blossom Festival. Some people already may be here for that—kids, families. These hotels are booked. The restaurants are booked. Where are this Congressman's tears for the people whose family vacations were destroyed? Maybe they can't get back their airfare. Neighborhood restaurants here may lose money this week, and the hotels.

In my State, we have Yosemite National Park. If you go there, you will be transformed into another world and another place. I tell you, the first time I ever stepped out there in that valley, my heart almost dropped from the beauty from what God has given us. That experience could be shut down in this shutdown.

I am not making a choice between Yosemite and the 46 clinics in the Central Valley who get title X funding, 46 clinics that see hundreds and hundreds of patients in need of health care. I am not going to choose. I am going to say: Keep this government open. What is your problem with women? What is your problem with giving women the health care they deserve? What happened in your life that you do not understand that a woman who gets an early breast cancer screening can have her life saved? What is wrong with you over there? A Pap smear. I am sure that if it were your daughter, if it were your wife, oh my God, you would do anything to get them to the doctor to make sure they were healthy. Where is your voice for these 5 million women? I have to say that I am baffled on this one. This is not about abortion. I already said that. Not one dollar goes to abortion.

I have to say that the Republicans would rather close all of our national parks and they would rather suspend tax refunds for hard-working Americans than give cervical screenings to women and provide HIV and STD testing for men and women.

You know, they are going to close the Small Business Administration, and that hurts our small businesses and that hurts jobs.

They are going to close down the mortgages from FHA, which backs about a third of new mortgages. So if you are finally coming out of this mess and you have bought a house, about a third of new mortgages are backed by them, so you are stuck in your tracks. If you are trying to sell a house and you thought you had it done, you now have to put it off. I have to say that to do this at any time is ridiculous, but to do this because you do not want women to get health care is a sin. To do this in a time of three wars makes no sense at all.

Food and drug inspections. We know what happens when particularly our kids get sick because there is some kind of foodborne illness. No more inspections. Closed down.

So I am saying once again, to sum it up in the best way I can, yes, no question, we had an election, and the Republicans won the House. And there are three parties to this agreement: the Senate, controlled by Democrats; the White House, controlled by Democrats; and a Republican House. So the Republicans control one-third of the government that is making this decision. We have come 78 percent their way because we know we have to make painful cuts. We are mindful of that. We are not standing in our corner with our blankie and our teddy bear with our finger in our mouth saying: Please, leave us alone. We are willing. We are willing to go their way. And they have not—well, they have moved the other way. In other words, we met their number, and then they made a new number. We met that number, and then they made a new number. Now we are 78 percent to the new number.

Please, we do not have to shut down this government. What a waste. What a ridiculous waste. In my State, I would urge my Republican friends who want to shut down the title X women's health program, visit the St. Johns Well Child and Family Center in Los Angeles. Find out about their work. Find out about the good work they do for the people there. Call Our Savior Center in El Monte, CA. They receive title X funds too. Find out about the work they do. Call the Good Samaritan Family Resources Center in San Francisco. Find out about the good work they do with title X funding.

Think about your legacy as a Republican—Richard Nixon signing this proudly, George H.W. Bush voting for it in the House. This is a bipartisan women's health care program. There is no need to shut down the government because you want to stop funding a program that helps our people, that is cost-effective, that stops the spread of disease. How they could do this is beyond me.

I ask the people of America who may be watching this debate and hearing about these issues—it is time now. There are a few hours. Let's flood Speaker BOEHNER's phones. Let's e-mail all the leaders, Democratic and Republican, and say: OK. It is time to end this standoff.

The last thing I want to bring up is this: I have been in politics a long time. I love public service. It is in my bones. I have watched sometimes what I call an overreach. It sometimes happens by Republicans and sometimes by Democrats. What I am seeing across this country is an overreach by the far right of the Republican Party which is driving the Republican Party agenda. We saw it in Wisconsin. There we had a

Governor who came to the microphone with tremendous support, newly elected. He said: We have a budget problem, and we are going to have to make some tough decisions.

Everyone nodded and said: Yes.

He said: These unions that represent the workers, they better come to the table because if they don't, I am going to have to take some steps to reduce their salaries and all the rest.

The unions said: OK. We will come to the table.

The unions came to the table. Guess what they said. We will give up on every dollar you have asked us to do.

The Governor said: Really? Really? Then he said: Fine. I will make those cuts, and I am taking away your bargaining rights forever.

That was an overreach. What we are doing is responding to Republicans who said: We have a deficit problem, and we need your help.

We said: Yes. And we came to the table. We met them at their number. Then they increased their number. We said: OK, we will come a little more. As of last night, we came 78 percent of the way. They agreed last night. Now it turns out, just like in Wisconsin, it wasn't about the numbers. It was about some kind of an agenda that would throw women under the bus.

I am here to say that isn't going to happen. There isn't one Democrat in our Democratic caucus, male or female, from one side of our party to the other—and, believe me, we have a big range of philosophies—not one of them is willing to say this program ought to go because they know it is saving women's lives.

As HARRY REID, our leader, said today at a press conference: Someday I may not be around to help my kids and my grandkids. I will not be here forever to help them. What if things go wrong and they have to go to a clinic and they have to get that mammogram. There is only one clinic that does it, though, and that is the one in Texas. But they have screenings. What if you have to have that Pap smear. What if you need that referral for further testing? What if you need to get help because you have diabetes and you don't have health insurance and you go to that clinic and they help you.

HARRY REID said: We are here today not only about today but about tomorrow.

Here is a program that has lasted since 1970. Count the decades, folks. We are not going to end a program that has its roots in bipartisanship, that has its roots in caring about our fellow human beings. It isn't necessary. A budget is about a budget is about a budget. It isn't about somebody's political vendetta.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent to proceed for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, still at this late date, I want to remain optimistic that we will reach a final deal on Federal spending. At least the dueling press conferences are continuing as I speak. I hope the negotiations are continuing by someone somewhere. Hope springs eternal. Under the banner of hope and change, I would hope the majority leader would change his mind and at the very least bring the House-passed measure to the floor for a vote to fund the military through the end of the fiscal year and avert a shutdown of the federal government, and make a significant reduction in spending. Anything less is irresponsible.

Kansans are now calling my office. They have been all day, all week, all year. Their message is clear. It is time to stop spending money we don't have. The House-passed measure is but a small step in this direction and would keep the government from shutting down, a goal I think everybody would like to see happen.

Let's clarify the facts. The national debt is over \$14 trillion and growing daily. Some now say it is \$14.6 trillion. We are fast approaching the debt ceiling and another very serious decision. I know the majority leadership remembers the last time the debt ceiling was raised. It was four times in the last 2 years.

By the way, the majority spent twice as much in 2 years as was spent the last 4 years of the previous administration. If this continues, then by the year 2014 interest payments on the debt alone will be greater than all discretionary spending outside of defense. The debate or fuss about which programs must not be cut will not be debated on the floor of this distinguished body because they will all be cut. There won't be any money. The money will go to pay interest on the debt.

The House of Representatives is doing what its majority pledged to do, what it was elected to do—reduce Washington spending.

As a logical consequence—and it should not be a surprise to any member of the majority of this body or the minority in the other—the House passed a bill to bring government spending back down to 2008 levels. That is what they said they would do, and that is what they are doing.

In March the majority in this Chamber rejected these modest cuts in spending, and we have been operating under a series of short-term continuing resolutions ever since. All of us know that government by CR is no way to govern. The leadership of the previous Congress failed to pass a budget last year, failed to pass even a single appropriations bill. We are still dealing with that abdication of responsibility.

But we are where we are. The House passed another measure to keep the

Federal Government open for another week, funded our military men and women and their families for the next 6 months, and cut government spending by \$12 billion while we negotiate a long-term solution. Hopefully, we could continue to negotiate a long-term solution.

I know tempers are frayed. What is bothersome is that the leadership refuses to bring this measure to a vote. They have the votes to defeat it. They also refuse to put forth an alternative proposal to cut spending. It is one thing to blame the majority in the other body and say you simply can't support it. If that is the case, bring it to the floor. Let's vote on it, and let's see what kind of an alternative the leadership here offers.

The media is referring to this impasse as a shutdown of the Federal Government, but we need to be careful before we call this a government shutdown. The people of Kansas and all of America are rightly outraged that funding for our troops and their families is at risk, funding for most customer service support at the VA is at risk, and that funding for a wide range of economic development and agriculture programs is at risk. But that is not true with regard to one segment of our government. Just as the Army sings "as these caissons keep rolling along," so does the perpetual motion machine of Federal regulation. The Federal regulation machine is such that even a government shutdown can't stop it.

Earlier this week, I came to the floor to talk about the concerns I am hearing from our community bankers in Kansas. According to a summary of the Dodd-Frank act by Davis Polk, the act mandates that 11 different agencies create at least 243 more regulations, issue 67 one-time reports or studies, and 22 new periodic reports. Financial regulators have already issued more than 1,400 pages of regulatory proposals, and 5,000 pages of regulations are expected. These will create additional and significant compliance costs that will impact the ability of every bank to serve its community. They come on top of existing regulation, including 1,700 pages of consumer regulations and hundreds of pages of regulations regarding lending practices and operations that banks are already required to comply with, and they do in good faith.

Some folks might think—and naturally so—if the government is shut down, regulators won't be on the job either. Wrong. Apparently nothing, absolutely nothing can or will stop regulators from regulating. In the case of some financial regulators, agencies not funded by taxpayer dollars, they will be on the job, and we can anticipate that the burdensome regulations will continue.

Well, what about implementing the costly and controversial health care re-

form bill? Will a government shutdown slow this hugely unpopular program chock-full of regulations? Well, the answer, of course, is no.

In the Secretary's contingency plans for HHS, under a list of what will remain open during this shutdown, she believes that "operations of the Center for Consumer Information and Insurance Oversight"—its a mouthful, Center for Consumer Information and Insurance Oversight, the regulating agency under the Department of Health and Human Services that is working to issue regulations to implement health care reform—"could continue as funding was provided through the Affordable Care Act."

Well, this is just another example of full steam ahead with ObamaCare, just like during the health care reform debate. The regulatory overreach that has become a hallmark of this administration is not stopped by even a shutdown of the Federal Government. For example, regulations like the one issued just recently, days ago, by the Department of Health and Human Services on something called accountable care organizations, also known as ACOs—ACOs used to be HMOs; didn't like HMOs too much, so we have something like HMOs, but now we call them ACOs—turned 6 pages of ObamaCare into 429 pages of regulations—429 pages in just 1 regulation. These new regulations empower Dr. Berwick, the man in charge, and CMS, the Centers for Medicare & Medicaid Services, to make decisions about how medical care will be delivered in this country.

So a government shutdown or not, under a cowering business community, the incredible Federal regulation machine goes on like a giant creature from a video game, belching fire, smoke, fines, and regulations. Nothing, not even a shutdown of the Federal Government, can slay the regulating dragon.

This debate should not be about party politics. It should not even be about regulation, except I discovered the regulation is going on despite the government shutdown, which I think is most unusual, to say the least. This is really about reducing spending and finally trying to tighten our Federal belt. We are borrowing 40 cents of every dollar we spend. I said that by 2014 all discretionary funds would be used to pay off the interest on the national debt.

The House has now passed a bill to keep our military families whole and the government running at 2008 levels while we try to work out a long-term solution. A Federal shutdown does not benefit anyone except regulators who under a shutdown will continue to regulate, now unchecked.

I urge the majority leader to at least bring the House-passed bill to the floor for a vote. I thank all the people who have worked so terribly hard on the ne-

gotiations. I hope they are successful, even though "tempus is fugiting"—time is running out.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, well, we are less than 6 hours away from a potential government shutdown. I take this time to sort of bring people up to date in Maryland as to where we are. I say that because in Maryland we have about 150,000 civilian active Federal employees. Obviously, they are directly affected if we have a government shutdown. They will not get a paycheck. Whether they work or not, they will not be getting their paychecks. I just want everyone to think about what that means. If you have a car payment that is due and you do not have a paycheck or a full paycheck, you still have to make that car payment. You might not have the money to do it. If you have certain responsibilities on a student loan, you may not be able to come up with the money to deal with it. So it is going to cause real problems for those Federal workers who had nothing at all to do with the problems we are confronting in passing a budget. They are not at fault. But yet they will be the first ones who will be suffering as a result of a government shutdown.

But it does not end with the Federal workforce because the Federal workforce, with their salaries, buys goods and services. Literally thousands of small businesses in Maryland are going to be adversely affected, and many around the country, because of the impact of the Federal workforce being on furlough, not getting their checks, the impact that is going to have on our businesses and on our economy.

But it does not end there. Federal contractors who depend upon the Federal contracts, whether to help us with national security or homeland security or to deal with health care issues, are going to be affected also because these contracts are not going to go forward.

So I really want to continue to underscore that a government shutdown will have a major negative impact, not just on our Federal workforce, not just on the businesses that are going to be hurt as a result of it, but on our entire economy. All of us will suffer.

But I really take this time to try to bring people up to date on where we are on the negotiations because I have heard many of my colleagues on the other side of the aisle say: Gee, if we could only balance the budget, if we could only bring up a short-term CR. That is not the problem. It is not the problem we are confronting right now because, quite frankly, the negotiators have agreed on the dollar amount of a budget from now to the end of the year. That number has been agreed to. So this is not about the Federal deficit any longer. It is about whether we can

reach an agreement on a budget for the remainder of this year—not the dollar amount.

We are now tied up on what we call the policy riders. But we are not even talking about all the policy riders; we are talking about one policy rider which my colleague from California, Senator BOXER, I think outlined very clearly.

I wish to take this time on behalf of my wife, on behalf of my daughter, on behalf of my two little granddaughters, because it is about women's health care issues. That is what we are talking about, and we are talking about whether we are going to be able to allow those programs to move forward during the next 6 months. It does not affect the dollars, the types of programs that we allow. So to make it clear, we are talking about women's health care issues that deal principally with preventive health care—the cancer screenings to keep women healthy. Not one dollar of those funds can be used for abortions. So let's make that clear from the beginning. This is not part of the abortion debate. This is talking about whether we should allow this type of policy rider to be on this bill. It is not appropriate. I think all of us understand it is not appropriate.

But I even go further than that. I am not even sure it is about that. It appears to many of us that you have an element in the House of Representatives on the Republican side that really wants to see a government shutdown. They have said that. They applauded the Speaker when the Speaker said: Let's get prepared for a government shutdown. They gave him a standing ovation. They said, over and over again, maybe a government shutdown will be good. Well, a government shutdown will not be good. I think we all can agree on that. If this is about the budget, as it should be, a government shutdown costs more money.

Then I hear a lot of my colleagues come to the floor and say: Look, we have to get rid of all this red ink and all these deficits. We could go back to the fact that we did balance the budget in the 1990s. We did it without a single Republican vote. We took a deficit and we balanced the budget.

When George W. Bush became President, he had a large surplus—only to see the policies of that administration, which went to war and did not pay for it, and we ended up with large deficits and an economy that was losing 700,000 jobs a month when Barack Obama became President.

We could go back and start talking about how we got here, but the question is, How are we going to get the budget back into balance? There, I agree with my colleagues on the other side of the aisle. We need to do that. But remember, the debate tonight on preventing the government from shutting down has nothing to do with that.

The dollar amounts are in agreement. It is the policy issues concerning women's health care or whether, in fact, there is a group on the other side that represents the tea party that does not want to enter into an agreement. Remember, they said: Don't compromise at all. "No compromise" was their position, where they controlled the day.

But I must tell you, we have to come together and deal with the budget deficit. There are 64 of us—32 Democrats, 32 Republicans—who have signed a letter saying we are prepared to consider all the issues of balancing the budget, whether it is domestic spending, military spending, mandatory spending, or revenues. That is what we are going to have to do. We are going to have to get together and put the Nation's interests first. I believe we can do that. I believe we can get this budget into balance.

But it starts with a little good-faith effort here tonight, a good-faith effort. When we have already reached the agreement on the dollar amount, let's not let a minority in the House of Representatives prevent us from keeping the government operating—that is what it comes down to—so the Federal worker in Maryland or that person who happens to be in Rhode Island tonight, and tomorrow recognizes he needs his passport renewed in order to take a trip, can find the passport office open or whether it is that potential homeowner who is going to need an FHA loan and is told that if there is a government shutdown, that loan cannot go forward or whether it is that family who was planning to come to the Nation's Capital and enjoy the Smithsonian and is going to be told the Smithsonian is now going to be closed. Let's not use those individuals as a target for the extreme actions in the other body.

I am convinced we still have time to get this done. We know offers have been made in good faith. We know we have the dollar amounts. So I hope that within the next couple hours we can prevent a government shutdown because it absolutely makes no sense.

My constituents are angry about this, and so am I. I hope we will see reason prevail, and then we can move on and deal with the real budget problems of this country. We cannot deal with it in only 12 percent of the budget, and that is all we are talking about here in this budget for the rest of this year. Hopefully, we will be able to get together and figure out how we can move forward. But it starts with keeping government functioning. It starts with honoring the types of commitments we have all talked about here to negotiate in good faith.

I have said this many times: It is not going to be the budget the Democrats want. It will not be the budget the Republicans want. That is what negotiations are about. But when you have some on the other side who say: Look,

it is going to be our way or no way, that is not the way the process works.

I hope the majority in the House of Representatives is listening to this debate and listening to the American people and will act in the best interests of the American people and allow the process to move forward so we can keep government functioning.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President we have come to the end of a long process that has had some signal moments to it. Clearly, one signal moment was a few days ago when the tea party activists came to the Capitol—came to this building—gathered outside, and were led by Republican House Members in chanting about the U.S. Government: "Shut it down! Shut it down! Shut it down!" Shortly after that, there was a discussion between the Republican Speaker and the Members of the Republican caucus in which the Speaker indicated that they were to prepare for a government shutdown, and the response was a standing ovation, as reported by the Washington Post.

As the distinguished Senator from Maryland knows, we sit through our caucus meetings, and there has never been anything like an ovation on our side for the concept of a government shutdown. There is silence, maybe an occasional groan of disappointment, when we have heard about how the goal posts have been moved yet again to keep an agreement from being reached.

Recent polling shows there is a reason for this difference between the parties here, or the different attitudes and desires with respect to a government shutdown. Democratic voters prefer compromise to a shutdown by better than 3 to 1. By better than 3 to 1, Democratic voters would prefer us to work this out than to shut down the U.S. Government. On the other side, Republican voters actually favor shutting down the government. So it should come as no surprise that these public demonstrations demanding "shut it down" take place; that the Republican caucus on the House side gives standing ovations to the notion of shutting down the U.S. Government, and that we are now at the brink of a U.S. Government shutdown as a result.

There was a time when this appeared to be about the deficit. Clearly, we have had to make progress on the deficit, and we have made significant

progress on the deficit, as was announced from last night's meeting between the Senate leaders, the President of the United States, and the House leaders that they had agreed on a \$78 billion number out of the \$100 billion number that had been the Republican goal. It is hard to say that we have not gone the extra mile when we are settling on a point of \$78 billion out of the \$100 billion that was requested.

As we have looked at the actual cuts that the other side has pushed for, there has appeared to be a pretty strong overlay between the cuts themselves and the political agenda of the other party. Things such as focusing 100 percent of their cost-cutting energy on only the spending side of the budget and only 12 percent of the pie. A slice of the pie that is only 12 percent was where they focused 100 percent of their attention. A tax on programs such as Head Start that help poor children get a head start in life and prove exceptional outcomes, to the point where the mayor of our capital city, Providence, RI, is a child who got his start in life in a Head Start Program. From there he went through the public school system and ended up at Harvard University. He became a lawyer, and he is now the mayor of Rhode Island's capital city. That is the kind of story that Head Start starts. Yet it was the focus of terrible cuts.

City Year and Teach For America—programs that take bright young Americans and put them into our schools to help younger kids learn to be better students and have more productive futures—catastrophic wipeout cuts were driven at those programs.

National Public Radio: Catastrophic wipeout cuts.

The Environmental Protection Agency was singled out for the worst treatment of all, reflecting the long relationship that has existed between the other party and corporate interests that do considerable damage to our air and water.

So if we look at what they are doing there, there were a number of people who became suspicious and concerned that the Republican cost-cutting agenda was a Trojan horse. We remember the Trojan horse. Troy was in its walls, the Greeks were outside. They couldn't get through the walls of Troy, so they built a horse. The Trojans thought it was a gift and they allowed it in, but the Trojan horse contained within it Greek soldiers who came out in the night and were able to open the gates and the attack came on Troy. That is the legend of the Trojan horse.

So there is a pretty good case I think some of us could make that a lot of what these cuts were was a Trojan horse to bring in, through the deficit-cutting agenda that we all agree on, a different ideological agenda that has long been associated with the Republican Party and that is not very pop-

ular. Indeed, at this stage, the tea party has less than one-third public support. So the notion of driving their agenda through isn't fair play. But if you know you are that unpopular, you want to attach yourself to something essential. You want to force your ideological agenda. I think that is where we are right now. It has been made clear by what has happened. Because once a number has been agreed to in a budget, clearly, the fight is no longer about the budget. A number has been agreed to: \$78 billion. Yet, the fight persists and the fight persists over women's health care.

I wish to share a few stories from Rhode Island, first about the title X family planning program, which is the target here. It was signed into law in 1970 by President Richard Milhous Nixon, a Republican. He said at the time that "no American woman should be denied access to family planning assistance because of her economic condition." Representative George H.W. Bush strongly supported the enactment of the program.

Title X clinics provide reproductive health services to low-income women and young adults. It is an essential element in our American strategy to reduce unintended pregnancies. Notably, Federal law prohibits any title X funds under the Hyde amendment from being used for abortion services—none, zero, not permitted.

So the effort to zero out funding for title X is not about Federal funding being used to support abortion services. It just isn't. Instead, it is about denying access to health care programs that serve over 5 million low-income individuals every year, and it is available to them because no one can be refused service based on the fact that they don't have the ability to pay.

We have a medical student who wrote in from Rhode Island who works at a community health center. He said he has been able to perform cervical cancer screenings and prescribe birth control for hundreds of women who would otherwise not have had access to these services, all thanks to title X. He described his patients: "Most of my patients worked hard at low-wage jobs that did not provide adequate health coverage." Indeed, they may not have provided any benefits at all. He concluded: "These women would not have been able to afford such vital health care without the support of Title X."

In Rhode Island, title X goes to 17 different community health centers and clinics, from the Northwest Community Health Center up in Pascoag, RI, to the Chaffee Health Center in Providence, to the Tri-Town Community Health Center in the Johnston area. It is across the State. One of those recipients is Planned Parenthood. Planned Parenthood would appear to be the real reason—although they take the whole program out, it is

probably because Planned Parenthood is in it. They have overtargeted here.

The proposed budget would also prohibit Planned Parenthood from receiving any Federal funding. It is remarkable, because Planned Parenthood provides primary and preventive health care to 3 million Americans each year, and in rural or medically underserved areas, Planned Parenthood health care providers are often the only source of health care in the community. They are often the only source of health care for women in the community. Ninety percent of the care that is provided at Planned Parenthood health centers is primary and preventive health care: cancer screenings, Pap tests to identify women at risk of developing cervical cancer, mammograms to help detect breast cancer, routine gynecological exams and annual physicals, immunizations, and tests and treatments for STDs. They are cost effective and accessible.

Let me read some of the things that have come in from Rhode Island. Here is Rebecca from Cranston, RI, telling her story:

After I graduated college, I found myself without health insurance for the first time in my life. While uninsured and job hunting, I had no doctor or gynecologist, and I turned to Planned Parenthood for my basic health care needs.

This lasted for almost 4 years because I couldn't get a job with health insurance. If Planned Parenthood had not been there while I was getting on my feet, I would not have received cancer screening, breast exams, or have had a health care professional to answer my questions.

My mother had breast cancer twice and Planned Parenthood providers gave me peace of mind. If the Federal funding is cut from Planned Parenthood, other young women will find themselves with nowhere to go and put off lifesaving tests. I plan on doing everything I can for this amazing, caring facility that stood by me when I needed them.

This is Nora who wrote to me from Warwick, RI:

Please do not let the loss of funding happen to Planned Parenthood. This health care agency has been a boon to myself and my two daughters for decades. If not for the availability of low-cost health care screenings through Planned Parenthood, we would not be able to afford regular checkups or things like cervical cancer and HPV because we cannot afford health insurance. Planned Parenthood provides us the opportunity to have these tests done at a price we can afford. I hope you will take my message to heart and vote to keep the funding in place for this wonderful organization.

Yes, Nora, I will take your message to heart.

Saren from Coventry, RI, wrote in to tell her story:

In 2004, I went to Planned Parenthood for a pap smear test. I didn't have a regular gynecologist or even a primary care doctor. Further testing revealed I had the beginnings of cervical cancer. I was stunned. Never in a million years did I ever expect to be told I had cancer, especially at the age of 24. The doctors at Planned Parenthood told me that the cancer was found early and formulated a

course of action, but I was always worried that my chances of having children were low because of the surgery to remove the cancer.

Seven years later, I am happy to say I have not had an abnormal pap smear and I have two beautiful, healthy children. I can only wonder where I would be had I not gone to Planned Parenthood and had that pap smear. Those doctors saved my life and gave me the chance to become a mother.

It is getting rid of that, that is what is motivating our Republican colleagues to push this country into a government shutdown, and the price of that government shutdown is going to be high.

We are just in the beginning of our recovery. We are still deep in unemployment. In my State of Rhode Island, we are at 12 percent in the Providence metropolitan area, over 11 percent statewide. We are just beginning to recover. A government shutdown would cut off funding for Federal employees; it would stop their paychecks, it would shut down government projects as their funding ran out and they ground to a halt; it would shut down the private businesses, the corporations, the consultants who are working on government contracts as that funding ran out and their work ground to a halt; around the country, 800,000 people will be off the payroll.

That is not good for America. If we pass H.R. 1, the folks at Goldman Sachs—and we can say a lot of things about them, but I don't think anybody in this room will say they are not good with numbers about the economy—they have said it will drastically knock down our recovery 2 full percentage points out of the 3-percentage point growth we are predicting. That is about the same number of jobs. If we were to pass H.R. 1, our recovery is basically gone at that point. We will be back to where we started when President Obama took office and turned around the 700,000 job-a-month crash we were in—losing 700,000 jobs every month. So it will slowly go back in a painful way.

We don't want to knock that down with H.R. 1—the extreme House bill—and with a government shutdown that takes all that money out of the economy. Even more, we don't want to do it over a dispute that is now no longer about the budget, about the deficit, but only about trying to punish the program that allowed Saren from Coventry to discover her cervical cancer in time to be treated so she could survive that dangerous illness and have her dream of becoming a mother come true and have two beautiful children.

I urge us to get through this moment. I hope my colleagues will, frankly, declare victory, gloat a little, and say: We wanted \$100 billion and we got \$78 billion. We got way more than half-way.

But don't knock this country down, don't knock our government into a shutdown in order to score a political

point about an organization that is so important to women's health care.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I have been carefully listening to the speeches of my colleagues, including the statements of my colleagues on the other side of the aisle. I feel compelled to come to the floor to speak about what I believe is a red herring and a political ploy.

This debate is not about women. As the mother of two children, one of them being my 6-year-old daughter, I believe it is unfair and inaccurate to say this is about women and their health.

Let's be clear on how we got to this point. Last year, even though they had majorities in both Houses, the Democrats failed to pass a budget for 2011 or even a single appropriations bill. Now the House has passed full funding for our military for the rest of this fiscal year and funding for the rest of our government for 1 week to allow us to resolve the remaining issues. That proposal does not even cut title X funding. Yet we have heard from speaker after speaker from the other side come to this floor and mischaracterize the potential shutdown of our government as being about women's health.

Let's talk about what we know to be true. We can end this potential government shutdown right now if the majority allows us to vote on the proposal that the House has already passed that fully funds our military for the rest of this fiscal year and gives us a week to resolve the remaining issues and to resolve this once and for all. Then we can move on to the bigger issues we face in addressing the \$14 trillion debt that threatens our economic strength, threatens our national security, as our Chairman of the Joint Chiefs of Staff has told us.

As a military spouse, I think we owe it to our men and women in uniform and their families who are right now making sacrifices for us overseas and around the world to immediately pass funding for our military for the remainder of this fiscal year, to pass the proposal the House has made. Our military deserves better than political ploys and red herrings.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, before I speak, is there a time limit in morning business?

The PRESIDING OFFICER. Ten minutes.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I may speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, usually by this time on a Friday, or even a little earlier, I have had the pleasure of going back to Iowa on the weekend. I would much rather be doing that. Obviously, we have problems that have to be worked out, and there is reason for staying around this weekend, particularly for those of us who do not miss votes, and we do not want to miss a vote, hopefully, to keep government functioning.

There is one advantage of not being on an airplane going back to Iowa on a Friday when I do not have committee meetings and constituent meetings: I have been able to listen to a lot of the speeches today. We do not get that opportunity Monday through Thursday very often. It is quite a pleasure to be able to hear my colleagues speak, as they have on both sides of the aisle, so strongly about differently held views in this body about the budget issues and subsidiary issues that are being discussed at this time.

Listening to the debate, I have come to the conclusion that it was one big mistake that we did not get appropriations bills passed last year. I hope people on the other side of the aisle realize if those appropriations bills had been passed, we would not be here today worrying about shutting down government and reaching some gigantic compromise.

I suppose on the other side of the aisle there is a lot of ill feeling about not taking advantage of the fact that last year there were 59 Democrats and only 41 Republicans in this body. The majority party could do just about anything it wanted to do. Of course, in the House of Representatives it was overwhelmingly controlled by the other political party, and that control particularly where appropriations bills pass.

Looking back now, I realize there was not any attempt to bring up any appropriations bills, which obviously is not a good way to run the government. I did listen to some excuses from the other side of the aisle when people were asked: How come no appropriations bills were passed? The answer from one Senator: We only had 59 votes, and Republicans would not let us bring it up.

Then I was in a quandary. There was not anything stopping the overwhelming majority of the Democratic Party in the other body from passing almost anything they wanted to be because it is just a political fact of life,

whether you have a Republican majority in the House of Representatives or a Democratic majority in the House of Representatives, as long as they stick together they can get anything done they want to get done. They can ignore the minority. They may not have been able to ignore the minority in the Senate, if 41 Republicans would stick together, but they hardly ever do. What a mistake it now must be for the Democratic Party not to have passed appropriations bills last year so we wouldn't be going through this. But it wasn't done.

I think, now, looking back, it was probably because they didn't want discussion of budget issues before the election. They didn't want the public being reminded about the \$1.5 trillion deficit. In other words, we borrow about 42 cents out of every \$1 we spend, and we take in about \$2.2 trillion and spend \$3.7 trillion. That is in the neighborhood of a \$1.5 trillion deficit. They probably didn't want that talked about. So come October 1, they passed a continuing resolution until December to get through the election, and then, when they got through the election, they would take care of it when we got back here.

But the elections are supposed to have consequences, and they do have consequences. If they do not have consequences, representative government and democracy doesn't mean much. So as the President himself said, he took a shellacking and they couldn't get it passed before Christmas. So the new people came in and took over—and it was the biggest turnover in Congress since 1938—and with a lot of new people there were a lot of new things to learn and it didn't get done by March 4. It was extended before Christmas until March 4, then 2 weeks, until March 18, and then 3 weeks, until this very day.

But what a mistake, with overwhelming majorities, this didn't get done in the usual time when we pass 12 appropriations bills to get things funded. It was very clear in the election that people wanted to stop this deficit spending, get the spending down, and get the size of government down. With the biggest turnover in Congress since 1938, they are going to expect some changes to be made, and that is what is going on right now with the level of expenditures.

We are led to believe by people on the other side that money is not the issue; that it is some social policy that is being debated and holding this up from happening. But I know this. The only possibility of not shutting down government, at least that is partly through the Congress, the Republicans are the only ones who have put forward legislation to reduce spending and to keep government open. It is kind of a commonsense approach that is used by the other body in sending us a bill that will fund Defense through the end of

the year, and it will give more time for negotiation on the rest of the budget.

In funding Defense through the end of the year, we can't fight a war from week to week with how much money we have to spend. When we voted to put our men and women in danger in fighting this war on terror—with our men and women in danger, we should give them as much certainty as we can. Even now, with the possibility of not being paid—or the possibility their families are not going to get the support they are entitled to—it is just a terrible sin, when we have asked people to defend the country.

So that is the bill we ought to be taking up. But here we are, and there isn't any desire here to take it up, and the President says he is going to veto the bill. Why would the President be vetoing a bill that is going to give certainty to the military, the Defense Department, and what they can have to spend to do the job they are supposed to do, which is the No. 1 function of the Federal Government, our national security, and particularly for the families who are standing behind them?

So here we are trying to preempt, as far as domestic expenditures are concerned, the 22-percent increase that took place in 2009 and 2010. When we only have economic growth of 2½ to 3 percent, we can't be spending money at 22 percent increases, and that is on top of the \$814 billion stimulus bill that was passed that was supposed to keep unemployment under 8 percent—and which, obviously, hasn't kept unemployment under 8 percent. So preempt that and go back to the 2008 level of expenditures.

I never heard people complaining in 2008 that there wasn't enough money appropriated to perform the functions of government. It is very necessary that we do that. But we can't incorporate that 22 percent up here and build that into the base over a 10-year budget window. There are hundreds of billions of dollars in difference between the 2008 level of expenditures and the 2010 levels of expenditures, and that is what it is going to take. We have to be looking ahead for the next 60 years, not just the next 6 months.

We need to take this gradual step toward the reduction of spending so government stops spending money it does not have. We have to start making decisions that are necessary about the future of our country. To a great extent, Washington is responsible for some of this. We have to reduce wasteful government spending. We have to tighten our belt in Washington, as families do at home. When you have dug yourself into a hole, the No. 1 rule is, stop digging. This bill, sent over from the House, will be the first step toward doing that. But for sure the public has a right to know the facts. They do not want us, with the facts they know, leaving our children in a bankrupt sit-

uation, which is what we will do if we don't immediately intervene and do something about it.

Also, this discussion about getting government spending down has something to do with simply creating an environment of certainty for our private sector. We have uncertainty in taxes, we have uncertainty in EPA regulations, and we have uncertainty from the standpoint of fiscal policy of the Federal Government—how much money are we going to continue to borrow and take away from the private sector. All these things lead to a reluctance of employers, large and small, in this country to hire people. So this debate is about creating jobs and putting in place a fiscal policy, along with a lot of other sensible policies.

But when we use the words “sensible policy”—people back home might not know this—we have to remember this city is an island surrounded by reality, and the only business in this town is government. People in government, including those of us who are elected, are in the wagon with somebody else pulling the wagon. So we have to go home to our districts and bring back some common sense. That common sense says government ought to live as families live—within their means.

Those are the President's words, not mine. When we put his budget out in early February, he said: Government has to live within its means. Then what sort of a budget does he put out? A 10-year budget window that increases the national debt from \$14 trillion to \$26 trillion.

I hope we get something agreed to tonight. I hope government does not shut down. It doesn't save money, like people think it should. It actually costs money, and it costs people the services they are entitled to. But if you don't remember anything else this Senator has said tonight, remember this: Elections have consequences, and there were great messages sent in this last election. The people expect us to let them know that we get it and that there aren't any excuses in the process.

I yield the floor.

THE PRESIDING OFFICER. The Senator from the great State of Montana.

MR. TESTER. Mr. President, I rise in support of the Troop Pay Protection Act. It is one of the bipartisan pieces of a very partisan puzzle, and it is common sense.

We owe it to our Nation's troops to avoid their suffering from the consequences if the House of Representatives shuts down this government. If we don't pass this measure, while we still have time, our troops will continue to serve us overseas—they will always be essential to the United States—but they won't get paid. That is unacceptable.

America's troops are America's heroes. They are serving us in difficult, dirty, dangerous conditions. They are

away from their families, they are away from their homes and their communities, and they are risking their lives to answer the call of duty. Yet they still have the same financial responsibilities we all have here at home. They have mortgages to pay and car payments to make. They have families to take care of. We do our service men and women right by passing this bill.

The bill simply says: If there is a shutdown, don't make our troops pay the price for the failures of a few extremists in Washington, DC.

Make sure their paychecks come in on time. Delayed pay is the last thing the members of our military and their families should be burdened with.

I know there is talk that the House is trying to push through something similar, in an effort to cover some bases, but their plan isn't as straightforward as this bipartisan bill. Their plan to hold our troops harmless is part of a week-long spending measure loaded with a bunch of extreme provisions this country cannot afford. Because it is part of a temporary bill, if it is passed, we will be right back here making the same arguments next week.

I am always amazed at how dysfunctional this process can be. I have been reminded of that a lot this week. Here is an opportunity to throw some common sense back into the mix. I ask my colleagues to pass this measure and pass it now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Arkansas.

Mr. PRYOR. Mr. President, one thing I would like to say is that I don't want a shutdown, and I don't like where we are tonight—the fact that we are here and our backs are against the wall on a shutdown. I think we, collectively, have done a great disservice to the American people. I think they deserve better than what they are getting right now from Congress.

I know the people I represent are hardworking. They are very sensible, kind of like the hard-working folks from the State of the Presiding Officer. But they are also very patriotic and they believe in this country. They believe in the values and the things that make this country great. They understand, the people of Arkansas, that right now we have 90,000 troops in Afghanistan and we have more than 45,000 in Iraq. They are there to serve this country and to serve the interests of this country.

I can take something local such as the Little Rock Air Force Base, and I can say we have more than 5,600 airmen and about 640 civilian employees who could be affected in one way or another by this shutdown. About 2,000 employees of the Arkansas National Guard will be affected. There are 956 guardsmen on Active Duty who would continue to work without pay; 233 Ar-

kansas Army Reservists are deployed overseas, including 23 who are designated for Libya. The people in my State do not want to see the military affected in any way by the partisan gamesmanship that you see in Washington.

In fact, I would add a note to that. It is unconscionable that we should add stress to our military families right now, especially for those who are deployed. It is just unconscionable that we would do that under the circumstances we find ourselves in tonight.

Let me talk about two leaders who stepped up to try to solve this problem and tried to cut through all the mess that we see in Washington, tried to cut through the politics as usual. That would be Senator HUTCHISON from Texas and Senator CASEY from Pennsylvania. As my colleague from Montana said a moment ago, both of them worked in a very bipartisan way to craft legislation that would make sure, one way or the other, our troops get paid on time without any disruptions.

We have all heard the phrase "hard-earned pay." How does it get any harder earned than by serving in combat for your country? Again, it is hard for me to understand how we are here talking about this tonight, that we have not already addressed it.

I hope whatever bill is offered is a bipartisan bill. I am not quite sure at the moment who is going to be the lead sponsor. As I said, I looked at the legislation offered by the two Senators I mentioned before. In the Senate things can change for various reasons, but however it comes down I hope we will not only consider but that we will pass legislation that will protect our Active-Duty men and women and our Reserve Component and the Coast Guard. We cannot forget the Coast Guard. A lot of times they are an afterthought, but certainly they do great things and they serve our country just like everybody else and they deserve to be included in this.

Also, we need to give the Secretary of Defense the discretion so he can run his department in a way that will not weaken us. He needs that discretion, whatever that may mean. Again, we may have some differences on the details. One Senator may think one thing and another think another, but on the bottom line we need to give him enough discretion to make sure nothing in that shutdown ends up weakening our ability to perform the missions we need performed or puts our troops in any additional danger.

In conclusion, let me offer an observation. In the last few weeks, on more occasions than I can count, I have witnessed Senators and Congressmen, even those in the blogosphere—the commentators, the talking heads, the so-called experts—doing exactly what, in my view, is wrong with Washington;

that is, they are playing the blame game. They are holding a press conference and pointing fingers at everybody but themselves. It is going on all over the place. I am not singling out one person or one party, but we have seen that way too much. The truth is, the folks it is hurting are the American people.

Our democracy is designed in such a way and has a track record where we all know it will work, and it will work great, and it will get the job done. We represent people and we can get in here and debate hard and fight hard and have our differences, but at the end of the process we have votes, we make decisions, and then we move on.

Right now, for whatever reason, this is a problem in both Chambers. It is not just in the Senate. Not just one party is at fault. But for whatever reason we are seeing a breakdown in the system. That is not good for the country. Tonight we are talking about our troops, and certainly it is not good for them.

I could easily spend the next 10 minutes at my desk blaming the Republicans for where we are tonight. I know they have said we had not passed anything. That is not true. We passed extensions six times to keep the government running. But I don't want to get into all that because I could spend 10 minutes talking about how awful and terrible the Republicans are, and then I could turn right back around and spend the next 10 minutes talking about how terrible the Democrats are.

If we would be honest with the American people, both are to blame. I cannot stand here in good conscience and blame just one person or one party. The fault lies with all of us.

Right now, because of the partisan bickering, because of the breakdown, we are using our military as a pawn in this budget fight. That is something we should never do. We are not helping anyone. This is not good government. We are not doing our citizens and our people any favors by doing this.

I hope tonight, before we go out of here, we would pass something—again, whatever bill it is. I am not hung up on who has to be the lead sponsor or what the number of that bill has to be. I hope we will pass something that will make sure our troops get paid on time and that takes care of our Active Duty, the Reserve and the Coast Guard, and it also gives the Secretary of Defense enough discretion to run his department as it needs to be run. Under the circumstances, I think that is not even close to too much to ask. I think that is perfectly within the bounds of reason. I hope and pray tonight before we leave we could all agree to do that.

By the way, if we did put that on the Senate floor and didn't load it up with lots of agenda items, if we put that on the Senate floor in a clean fashion, I think it would sail out of here probably

unanimously. I cannot speak for the House, but my guess is we would see the same result down there.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. My understanding is we have other Senators who may be on the way to speak, so I ask unanimous consent the period for morning business, for debate only, be extended until 9 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority leader to be recognized at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, while we are awaiting other Senators, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, throughout this day a lot of our constituents back home have been watching the debate. I wonder maybe if they are a little frustrated. I talked earlier this morning about throwing rotten apples at each other. There has been a lot of that today. I am not going to do that tonight. I suggested this morning one of the things we could do while we are waiting to see whether an agreement can be reached to fund the government over this fiscal year is to try to shed some light on the process which undoubtedly is a bit confusing to people: What exactly is it that we are arguing about, how did we get here, and what do we have in the future.

We talked a little bit this morning, and what we are talking about today, and what we are hoping to achieve tonight, is an agreement that would determine how much we will spend to fund the Federal Government for the next approximately 6 months through the end of September, which is the end of the fiscal year that begins each October 1.

That is an important proposition. It is important enough that there has been a lot of very difficult debate about that, as people have seen over the last several days, and certainly today. It appears there is still a bit of a deadlock over exactly how much money should be saved in the last 6 months of this fiscal year.

But when we have concluded this particular debate and determined how much we are going to spend to fund the government through the end of September, we are going to turn to some even more important issues, and they are going to require our concentration, our reaching across the aisle to talk to each other, to the other body, and both

bodies of the Congress to speak to the President. We are going to have to listen to the American people and try to reach important understandings because then we are talking about funding the government for the entire fiscal year for 2012 and also trying to figure out what to do with the President's request to extend the debt ceiling.

As I mentioned this morning briefly, extending the debt ceiling is a little bit like going to your credit card company and saying: All right, I have used up all of my available credit, but I want to buy something else. Will you let me spend a little more on the credit card? That is what the President has asked Congress to do, to extend the debt ceiling. We will have a robust debate about that.

Let me see if I can put what we are doing here in this context. At least for the year 2011, which we are halfway through, we will have reduced spending by a pretty dramatic amount, somewhere in the neighborhood of \$40 and \$50 billion. I don't know exactly how much until we are done, but when we add that to what we call around here the baseline, and multiply it by 10 years, we get substantial savings. Just on the \$10 billion we saved earlier this morning, over 10 years that \$10 billion equates to \$140 billion saved over the 10-year period. So we are talking about substantial money.

But that probably pales in comparison to what we are going to need to save in the entire budget for the fiscal year 2012. There is no shortage of problems that have attracted our attention—for example, the trillions of dollars in unfunded liabilities coming from the mandatory spending side of our ledger, in addition to the way that we are trying to save money just to keep the government running. By mandatory we mean the programs such as Medicare, Medicaid, Social Security, some veterans spending, and so on.

I talked about the estimate of hitting our debt limit. The Treasury Secretary estimates we will hit that debt limit—in other words, the amount we borrowed on our credit card and cannot exceed; that is the total amount of the U.S. legal debt—no later than May 16 of this year. So May 16, the President says we need to address the debt ceiling. If you are not keeping track, the current debt limit is about \$14.3 trillion. So we are going to be pressing up against \$14.3, in other words, and we are going to have to borrow more money if we are going to spend more in the next year.

Republicans have offered a variety of ideas. I want to alert my colleagues to what some of these ideas are so we can begin thinking about them and hopefully acting on them in the runup to the debate about what to do about the debt ceiling.

There is very little enthusiasm around here for increasing the debt

ceiling if we do not also do something to constrain future spending, because we do not want to come up against the debt ceiling every few years or months. We need to decide this is going to be it, we are not going to incur any more debt. In fact, we are going to begin to lower the debt. But to do that, we will have to constrain ourselves in some ways to rein in our appetite for spending.

One of the ways to do that almost passed about—well, a few years ago in the Senate here; I have forgotten the year. But it failed by one vote. That is the balanced budget amendment. A lot of people think that would be a good way for Congress to tie our hands so we cannot spend more than we take in. Every single Republican has cosponsored a balanced budget amendment. We hope we will get a lot of support from our friends on the other side of the aisle as well, because it clearly would require the Federal Government to live within its means each year, as most American families have to do.

There is also something that I believe is also a very good idea, and that is a constitutional spending limit. In other words, you do not have to require that the budget is balanced if you limit spending to, in this case, 18 percent of the gross domestic product. The advantage of that is there will be a desire on the part of everyone who wants to spend more money to have a more robust economy, because every percentage of growth or every dollar of growth in the gross domestic product means more money you can spend at the Federal Government level. So I would imagine if we wanted to spend more money at the Federal Government level, we will be supporting regulatory policies that do not wipe out whole industries such as the coal industry, we will support tax policies that promote growth, that try to keep tax rates at a lower level, and do not punish companies here in the United States so they have to move operations abroad, and so on.

In other words, these are things we can do to promote economic growth that mean we have a bigger GDP. If you have a bigger GDP, then you can spend more money at the Federal Government level. But if you do not have a bigger GDP, then you cannot; we can only spend 18 percent of the GDP under this proposal.

And that, by the way, is about the historic average of what we have spent. In the last year and a half, unfortunately, we have gone way above that. We are spending around 22 percent of GDP. It is going up to 24 or 25 percent. That is not sustainable, and almost everyone agrees.

Another idea that is sponsored by Senators CORKER and MCCASKILL, a Republican and a Democrat, is the—they call it the CAP Act. That CAP Act

would cap both mandatory and discretionary spending. It would put all government spending, in other words, on the table. It would not just take the discretionary spending we are talking about tonight to keep the government funded, we would also include all of the other spending.

Beginning in the year 2013, the CAP Act would establish Federal spending limits that, over 10 years, would reduce spending to 20.6 of the gross domestic product. Calculated a little differently, that is an average of the last 40 years of spending. What it would do is create a glide path by which we could gradually reduce the spending so you do not have to do it all at once.

I mean the reality is, if we try to be too strong here in the way we are going to reduce spending, we are not going to be successful because people will not stand for it. Have you already seen the debate yesterday and today: Oh, my goodness, you are going to cut money from this and that? We cannot do that.

There will always be resistance to reducing spending.

So it has got to be done, in my view—I think both Senators CORKER and MCCASKILL agree—it has to be done in a way that Members also agree to each year, rather than simply deciding this is too hard, we are going to give up. And, of course, since it is only statutory, we could give up. We can waive it by 60 votes and say: Too hard. We are going to give up. So it has to be at levels that are tough, but over a 10-year period gradually we can reduce.

It is a little bit like going on a diet. You did not get the weight you have overnight, and you are not going to lose it overnight. It makes more sense to do it in a way that keeps you healthy, keeps a consensus around here, but for sure gets us to the goal we want to achieve so that our kids and grandkids do not have to pay for all of the things we have purchased.

This CAP Act, by the way, has a lot of good provisions, such as a definition of emergency spending so we cannot game it every year when we decide we want to spend more. If we just say, well, this is emergency spending, then we do not have to count it in our calculations.

I would like to see more dramatic reductions. I know other people would too. But, as I said, this is the kind of Main Street proposal that should attract a lot of attention on both sides of the aisle.

These are three ideas: the balanced budget amendment, the constitutional spending limit, and the statutory CAP Act. There are a lot of other good ideas. And we, frankly, are going to have to have a good debate about these ideas, because I will predict there is no way the debt ceiling will be increased without Congress adopting some of these constraints and the President signing those into law so we will know

that in the future we do not have to keep raising the debt ceiling.

The last point I wish to make is there are two big reasons why we are trying to reduce the deficit. First, we all know we cannot keep spending what we are spending. The interest on the national debt, in a little over 10 years, is going to approach \$1 trillion a year. It is over \$200 billion this year. It will be close to \$250 billion next year. It keeps going up about \$60, \$80 billion a year, to the point that in the tenth year, it is \$900 some billion. Think about that. You want to spend money on education. You want to spend money on health care. You want to spend money on defense. Sorry, we have to spend it on interest on our national debt. This is money we are paying to the Chinese or to anybody else who happened to purchase American debt. But it is going to crowd out spending in other areas that we want to spend money on. That is not good. And as a result, we have got to get this spending under control while we still have an opportunity.

But there is a second reason it is so important, and that is, the more money, in effect, that is sucked up by governments—that includes the Federal Government—the more money out of the economy the Federal Government demands, the less money there is for private sector growth and investment. And it is, of course, in the private sector where most of the new jobs are created. That is why we need to leave more money in the private sector. We are not reducing Federal spending in order to engage in some big austerity program to try to punish people by providing less for them, and so on. We are doing it to create more prosperity. The whole idea is prosperity.

I ask unanimous consent for a couple more minutes of time.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. KYL. In other words, the idea here is to spend less money at the Federal Government level, thereby allowing more for the private sector to invest in job creation, thereby growing the economy, making us a more wealthy nation, and helping our families and job creators in the process.

I have cited a Wall Street journal op-ed many times. I will close with this: It is an op-ed that was written by Gary Becker, George P. Schultz—he was Secretary of three things including Treasury—and John Taylor, who is a Stanford economics professor. The three wrote an op-ed in the Wall Street Journal. I will quote two short paragraphs. They start out by saying:

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of Federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the

surest way to increase prosperity. When private investment is high, unemployment is low.

Above all, the federal government needs a credible and transparent budget strategy. It's time for a game-changer—a budget action that will stop the recent discretionary spending binge before it gets entrenched in government agencies.

And they conclude by saying:

We need to lay out a path for total Federal Government spending growth for the next year and later years that will gradually bring spending into balance with the amount of tax revenues generated in later years by the current tax system. Assurance that the current tax system will remain in place—pending genuine reform in corporate and personal income taxes—will be an immediate stimulus.

I think this is an excellent strategy for a long-term growth policy. It is predicated on the fact that Congress will work in the short term, i.e. tonight, to reduce the spending for the remaining 6 months of this fiscal year.

We will then begin work on a budget that will reduce spending over the course of the next 12 months and, in the context of the debt ceiling debate, will also act on other programs to constrain government spending. It could be a balanced budget amendment, a constitutional spending limit, the CAP Act I talked about, or any other idea people can bring to the Senate and House floors and get passed here, to begin to constrain the spending, not just so we will have the money to spend in the government on the things we want to do, but also so we can free up the great energy of the private sector so investment can once again flow, people can be hired, we can have economic growth and a real sense of prosperity in this country in the years to come.

That is the challenge we face after the agreement is reached tonight. I know you share my hope that an agreement will soon be announced and we can then move on to the other items I am talking about here this evening.

THE PRESIDING OFFICER. The Senator from Colorado is recognized.

MR. UDALL of Colorado. Mr. President, I rise tonight, as so many of my colleagues have through this long day, to urge all of us to join to prevent a government shutdown.

We have all expressed a growing amount of frustration here with what I would characterize as politics as usual under the dome of this great Capitol, in which we are so fortunate to serve. But it sure seems like these are the kind of politics where the goal posts get continually moved, and no amount of civility can seemingly overcome the impasse that is unfolding down the corridors in the House of Representatives.

I know the Presiding Officer operates in this way, and the American public operates in this way, and they expect us to work together. They expect us to pass an appropriations bill that funds our government. But it appears as

though some unrelated policy riders that are not about appropriating money but are about setting policy are leading to an impasse that could lead to an unnecessary and costly shutdown of government operations and services.

Last night—I do not know where the Presiding Officer was—my colleague Senator BENNET was down here. He highlighted how petty the situation has become. He pointed out if you and I went to Applebee's for dinner tonight, and we had a \$20 dinner for two, and then we had a fight over the bill, we would be fighting over 4 cents.

Well, I have some news. It looks like today we got an agreement that we reached on the actual numbers, but now the House wants to add some controversial policy riders into the mix. It is as if that same check arrived when we were at Applebee's and after finally agreed on who is going to pay the 4 cents, but we are now arguing over whether the waitress, who is a hard-working American, should receive health care.

I have to say, I think people watching this are scratching their heads. I sure am. We all are facing an impending government shutdown. As I have said, some Members seem to want to inject very controversial policy issues into the debate. These issues have divided us for too many years.

We ought to have that debate elsewhere. It is forcing this shutdown on the American people. Some people who are standing their ground think they are doing something about the deficit. I am often the one highlighting how disturbing our long-range fiscal picture has become.

But what is equally frustrating is the disservice being done to the American public by the current debate. Not only are we taken off the beat from addressing our real fiscal imbalances, which would be the debate we need to have on the 2012 budget or on the longer term challenges the Simpson-Bowles commission pointed out, but we are now focusing on women's health issues. I don't understand. We have a tentative agreement to cut billions from current spending levels, but the Speaker of the House seems to continue to demand that we ought to focus on nonbudget issues. These are hot-button issues. Why we would insert them into an unrelated budget debate when there is so much at stake is beyond me.

I understand we want to show the American people we are serious about deficit reduction. I am, I know the Presiding Officer is, and I know the American people are. But in Colorado, people see straight through this latest ploy to inject nonbudgetary issues into the debate. It is politics as usual.

I know we have felt a little better recently. We have had 13 straight months of private sector growth. We have added 1.8 million jobs during that time. But our economy is still very fragile.

Way too many Americans, way too many West Virginians, and way too many Coloradans are struggling.

I have no doubt that a government shutdown at this time would have a counterproductive effect on our recovery.

Don't take my word for it. Listen to what top business leaders of all political persuasions are saying. The Business Roundtable president, John Engler, former Governor of Michigan, a Republican Governor, said businesses would face the dangerous "unintended consequences," where interest rates could rise because of a shutdown and we would have turmoil in our financial markets. Forecasters at Goldman Sachs have warned that a shutdown could shave off growth in our GDP every single week. CEOs of all stripes all over the country have warned about a shutdown's impact on confidence in the U.S. economic recovery. The Presiding Officer and I know that confidence is what we need. That is what is really lacking in many respects.

A shutdown would actually prevent what we need to address our long-term growth and fiscal balance. In other words, if we get the economy growing again, we would have more tax revenue, and we would see that gap between what we are spending and bringing in narrow.

I can't help but think in the context of this debate about my uncle Stewart Udall. I have talked to the Presiding Officer about the effect men like his father had on his upbringing and his values, his public service commitment. But Stewart Udall, my uncle, father of my cousin, Senator TOM UDALL, wrote a book called "The Forgotten Founders" that focused on the settling of the West. I bet it would apply as well to West Virginia. The theme of the book was on how the West was settled, how it was built. He made a strong case in his book that the people who came out West were not looking to get into gunfights or range wars, regardless of what the Hollywood movies suggest. They wanted to start a new life and in a new country, pursuing what we now call the American dream.

My uncle Stewart pointed out that when we watched those Hollywood movies, it was the people standing on the sidewalks watching the mythical gunfight who were really the people who built the West. They were looking to work together. They weren't looking to get into fights. They were looking out for each other. It didn't matter what one's political party was.

To me, the American people today are standing on those board sidewalks watching the same senseless gunfights and range wars. These are the people who matter. These are the people who will ultimately be hurt and affected by a shutdown.

I know I was hired by the people of Colorado and sent to the Senate to

come here and work together and solve some very difficult challenges facing this country. That is why today I introduced the Preventing a Government Shutdown Act of 2011. This bill was originally a Republican idea. It is meant to ensure that the American people are not unfairly subjected to the effects of a government shutdown simply because some Members of Congress want to make a political point and pursue persistent squabbling over the budget. The bill would ensure that Federal appropriations continue at last year's funding levels as a bridge to keep the government running until a compromise could be reached for the remainder of the fiscal year. Once Congress is able to reach a bipartisan agreement to fund the government for that fiscal year, then the automatic funding under my proposal would stop and it would be replaced by the enacted bill.

I know there are some who say: Wait a minute, the Congress is charged with passing appropriations bills that reflect strategic planning, current functional needs, and create stability. What I am suggesting is that the Preventing a Government Shutdown Act would create a safety valve that would ensure that partisan shutdown politics don't punish the American people and destabilize the economy going forward.

It seems as though a vocal minority wants to be combative, almost for the sake of being combative—let's fight for the sake of fighting. But in this case, in these delicate and fragile economic times, that is not a helpful thing to do, to put it mildly. I think the mature thing to do would be to have a piece of legislation in place that would eliminate that kind of irresponsible behavior moving forward.

As I come to a close, I have to think the American people are amazed at this, if they have time because they are busy providing for their families. We have to settle down here. We have to act as adults. We need to work collaboratively toward a budget solution. We have to reduce the debt and the deficit. The Presiding Officer has been on point on that as well as on this. But you won't find anyone more committed than I to that cause. Let's reach it in a way that protects our senior citizens, veterans, students, and border security—I could go on with a long list of important functions the Federal Government provides—and let's do it in a way that slashes spending but doesn't harm our fragile economic recovery or divert our attention on divisive social issues.

We can't afford a government shutdown. We just flatout can't afford a government shutdown. I will be disappointed, to say the least, if the bipartisan deal that is before us—it is in our hands—is undercut by contentious, unrelated issues that only serve to divide us rather than to bring us together.

One thing we can agree on is that our military personnel deserve better than this. We have young people fighting in two wars as I speak. We have young men and women serving all over the globe in over 50 countries. The last thing our soldiers, sailors, airmen, and marines need is to worry about whether they will be able to pay their bills. Military families have already done more than their share. Now we are asking them to do even more. That is simply unacceptable.

I know we can find a solution to this particular situation. We worked together in the Senate with Senator HUTCHISON and a bipartisan group of Senators to introduce the bipartisan Ensuring Pay for Our Military Act. This bill, S. 724, would ensure that our military servicemembers would not have interrupted pay in the event of a shutdown. We need to pass that bill if we don't get the job done tonight.

Three days ago, I wrote a letter, joined by close to 18 of my colleagues, including the Presiding Officer, to Mr. BOEHNER. I know Speaker BOEHNER well. He and I served in the House together. I urged him to work with all of us to avoid a shutdown. I will stay here the rest of this day, all night, whatever it takes. I am here to urge all of us, both Chambers, let's sit down together. Let's reason together. Let's use common sense together. Let's find a compromise. That is the American way. I know that is why I was elected to the Senate. People in Colorado know I work across party lines. The Senate could set that example right here tonight. We have numerous examples of us working together across party lines.

I had to come to the floor tonight. I know the night is growing on. I had to come down here and urge Senators in this great body, the world's greatest deliberative body, to find a commonsense compromise to keep our government funded, keep our economy focused upon, and move our country forward. That is job 1.

I thank the Chair for his attention and his willingness to work with me and the spirit with which he serves West Virginia.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, when I was Governor of West Virginia, we grappled over the budget like every State, every Governor and every legislature, every senator and every delegate. But when the deadline arrived, people came together and we did our

job—Democrats and Republicans, business and labor, progressives and conservatives—and we enacted a balanced budget every year without failure. It is part of our constitution. It is who we are.

I have only been in the Senate for 5 months, and I have never seen anything quite like this. I never could have imagined anything quite like this. But I see so much opportunity if we start talking and working together. We are outspending our revenues by hundreds of billions of dollars every month. They tell us our revenue estimates will be about \$2.2 trillion this year, but our expenditures are expected to be over \$3.7 trillion.

I believe everybody we speak to, and everyone who is listening to us, can understand we have a problem. But yet we are grappling over this tonight: a budget that should have been done 6 months ago.

This is a budget crisis. It is not a social crisis. And to put all of this into the mix right now is wrong. Instead of all of us coming together, Republicans and Democrats, with a commonsense budget compromise, we face a shutdown of the government not over how much to cut but over what social issues we agree or disagree on.

On many of these social issues, I will be the first to admit I am probably more conservative than most on my side of the aisle. I am pro-life, and I am proud of it. But this is a budget crisis, and I have said that. This is not the place or the time for that. There will be a time and a place to vote on these issues, but not when they jeopardize the paychecks of our brave men and women in uniform, which the Presiding Officer so eloquently explained is what is at risk. That is wrong. The Presiding Officer knows it is wrong, and we all know it is wrong, no matter what side of the aisle.

Our dear friend, the Senator from Arkansas, was speaking about the cooperation we all should have reaching out across the aisle, not putting blame, because we are all at fault and we will all be looked at as the culprits. The bottom line is, we need to come together and fix this. The American people expect that from us. The people back home in Colorado and also in West Virginia expect that from the Presiding Officer and me, and it is what is right for the Nation.

That is one of the reasons I and so many of my colleagues here have said we are going to give up our salary. We call it the no work, no pay pledge. That no work, no pay pledge is pretty much universally understood. In West Virginia, when you do not have a good day's work, you should not expect a payday.

I can say it is not my fault, and the Presiding Officer can say it is not his fault, and everybody could, but we are all part of this, and we have to put the

pressure on. But I have to tell you, as my father would tell me all the time, he said: Joe, whatever your problems are, try it without a paycheck and you will compound them rapidly.

I am going to be sending my paycheck back to the U.S. Treasury to pay down our debt. Many others will be donating them to charity. We will be standing with the American people, our military men and women, who will pay a heavy price for their elected government's failure to finish a budget, unless a commonsense agreement is reached tonight. And I believe it will be. As we have a few precious hours left, I still am a very optimistic person.

With that, there are some of our colleagues who have talked tonight about passing a piece of legislation, even if we do not come to an agreement, that our brave men and women, who are serving all over the world to protect us to live in freedom, will be paid.

To my friends on the Republican side of the aisle, I want to say, there are many instances where we might agree on social issues and some where we might disagree. That is the healthy part of our democracy. It is what makes us so unique. I assure you, there is a time and a place for everything. There is a time and a place for those votes. But not tonight. Today is not that time. Our deadline is here and rapidly approaching, as you can see.

My hope and prayer is that tonight we will do what is right, we will come together as Americans, and we will agree to a commonsense budget that is the first step to putting our fiscal house back in order. That is why the people of West Virginia sent me here. I took that oath of office not just to represent the Democrats on my side of the party or the Democrats in West Virginia, I took that oath of office to represent everybody in West Virginia: Democrats, Republicans, all different walks of life. I am going to do everything I can to make sure they understand I am here for them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the period for morning business for debate only be extended until 10:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority leader to be recognized at 10:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senators LEAHY, MERKLEY, and BOXER as cosponsors to S. 724.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, this brings to 77, out of 100 Senators, who are now sponsoring this bill. Our bill, S. 724, is very simple. It just says if there is a government shutdown, our military will be paid their full pay on time.

This bill is the very least we can do to assure every military family that they do not have to worry for one minute whether their mortgage is going to be paid, whether their car payments will be paid, or whether they will be able to get over this hump without thinking that there might be a halving of their pay, or that it might be delayed.

I am especially concerned, of course, about those who are overseas, but their families are at home, because if the mom or dad is overseas and there is a glitch somewhere, they are not here to help. I think it would be unthinkable that we would go to midnight and not have taken care of these families and assured them that everything is going to be fine.

I want to say that I hope there is an agreement, and I have heard the rumor that there is an agreement. If there is one, I know that it will include military pay. I believe that. If, for any reason, that agreement does not happen in the next 3 hours, or if the agreement doesn't include military pay—which I don't think will happen—I think both Houses of Congress want to serve our soldiers and their families, but I will be here until midnight, and I am going to make sure that whatever happens, either S. 724, with 77 sponsors in the Senate, is passed, or that we have an agreement that both Houses have before them that will assure that the military pay is handled in that other agreement.

So we are going to be here for 3 more hours and make sure that the will of the Senate, which is very clear with 77 sponsors, is met.

I want to just mention again that there was a Web site put up early this morning by just one woman who was very concerned about this issue and heard about my bill in the news. Her name is Hope Guinn Bradley. She is from Hawaii. I do not know her. She has started a social media network like I have never witnessed in my life. We now have over 1 million support hits on her Web site, called Ensuring Pay for our Military Act of 2011. In one day, she has accumulated 1 million support sentences, or messages, for what she is doing.

If you would go to that Web site and do nothing else but read those com-

ments by people who are supporting our military and who are clearly in the support of our military—you know, I would like for the military people to see it just so they understand how much America appreciates them and what they do because they are saying to the people here in Washington, DC: You take care of our young men and women who are fighting for us. You better do it or there will be consequences.

Are they right? Absolutely. I have spoken a couple of times today. I want to make sure that we have the letters from the military organizations that have been written in support of S. 724. There is one from the Iraq and Afghanistan Veterans of America that wrote a wonderful letter. I ask unanimous consent that it be printed in the RECORD along with two other letters to which I will refer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAQ AND AFGHANISTAN
VETERANS OF AMERICA,
Washington, DC, April 7, 2011.

Hon. KAY BAILEY HUTCHISON,
248 Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: Iraq and Afghanistan Veterans of America (IAVA) strongly supports S. 724, the Ensuring Pay for Our Military Act of 2011. This bill ensures that all members of the Armed Forces will continue to receive the pay and allowances they have earned despite any lack of interim or full-year appropriations.

Our men and women in uniform protect our nation and continue to do so despite budget disagreements in Washington. The members of our Armed Forces are essential to the defense of our nation and must be treated as such.

Many young service members and their families are dealing with multiple deployments and often live paycheck to paycheck. Military families should not be asked to bear further financial stress in addition to fighting the war on terrorism. This legislation protects the men and women who protect us.

If we can be of any help in advancing S. 724 please contact Tim Embree at (202) 544-7692 or tim@iava.org. We look forward to working with you.

Sincerely,

PAUL RIECKHOFF,
Executive Director.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES,
Springfield, VA, April 7, 2011.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the more than 180,000 members and supporters of the National Association for Uniformed Services (NAUS), I would like to offer our full support for your legislation S. 724, the Ensuring Pay for Our Military Act of 2011, a bill to assure that, in the event of a federal government shutdown, our nation's men and women in uniform would continue to receive their military pay and allowances.

The Ensuring Pay for Our Military Act would make available the necessary funds to prevent an interruption in pay for members of the military if there is a funding gap re-

sulting from a government shutdown. The bill also includes a provision to authorize the Secretary of Defense to allow those who serve as DOD civilians or contractors in support of our men and women in uniform to continue to be paid as well.

The National Association for Uniformed Services thanks you for introducing legislation that demonstrates our nation's appreciation for those who serve in our Armed Forces. We look forward to working with you and your staff and deeply appreciate your continued support of the American soldier and their families.

Sincerely,
RICHARD A. JONES,
Legislative Director.

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
April 8, 2011.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 377,000 members of the Military Officers Association of America (MOAA), I am writing to urge you to cosponsor S. 724, the "Ensuring Pay For Our Military Act of 2011," recently introduced by Senators Bob Casey and Kay Bailey Hutchison.

Recent media stories stating servicemembers may not be paid in the event of a government shutdown are only adding to unfair pressures on already over-stressed troops and families.

With loved ones involved in three separate combat operations and humanitarian relief in Japan, military families should not have to wonder if they will be able to cover house and car payments and other bills.

S. 724 would continue pay and allowances for active and reserve component forces in the event of a failure to enact interim or full-year appropriations for the Armed Forces. Absent any assurance that pay will continue, MOAA believes this legislation is essential to provide fair treatment for military members and families.

We respectfully request that you cosponsor and support immediate passage of S. 724 to ensure this situation never arises again in the future.

Sincerely,
VADM NORBERT RYAN, Jr.,
President, MOAA.

Mrs. HUTCHISON. The Iraq and Afghanistan Veterans of America understand better than anybody what it is like to serve there and to not have any other stresses that would add to what they are already doing for our country. They say pass S. 724.

The National Association for Uniformed Services, with more than 180,000 members, sent a letter in support.

The Military Officers Association of America has also added its support with 377,000 members.

We have the grassroots support. Everyone understands this. I will read a couple of the messages that have been on this wonderful Web site, but, first, here is one that came to my Web site:

Dear Senator Hutchison: My husband serves as a Captain in the United States Army. As the wife of a currently deployed soldier and mother to our two-year-old son, I find it outrageous that our government is debating whether or not to continue to pay our troops.

While my husband and I are very fiscally responsible, many of his junior soldiers simply cannot handle the implication of what it would mean to not receive their paychecks. We worry for these soldiers' families. How will they afford groceries? How will they afford diapers for their babies? Will they be able to pay their rent or mortgages? These are not questions that we should have to ask. Money should not be a worry on these soldiers' minds. My husband and the soldiers in his unit do incredibly dangerous missions and quite frankly it frightens me that this could split their focus in a very negative way.

My husband and his fellow soldiers risk their lives on a daily basis. They miss holidays and their children's birthdays. They deserve to know that the same government that sent them over to fight is looking out for them. They deserve to know that our government would not send them over to a war zone and then deny them their pay. My husband does not have the luxury to "walk off the job." He stays there until the mission is complete, and the Senate has a mission as well: to pass the Ensuring Pay for Our Military Act of 2011, S. 724.

Here is another hit that was found on the Ensuring Pay for Our Military Act of 2011 Web site:

As a military wife who is expecting our first child in June, my husband and I recently PCS'd overseas and are already on a tight budget to pay our new bills in Euros and our bills stateside in dollars. Now we have to worry that we will not have enough money to pay our bills and our credit might be harmed, there is no safety net to help catch us when we fall behind, no interest on the back pay that we will be missing, or the late fees waived when we can't pay all of our bills. We would have to tell our German landlords that we cannot afford to give them money, how are they supposed to understand? They are not in this situation, we as Americans are. I am not complaining of being a military spouse; I chose this life. I knew of the hardships of deployments (my husband has served in both Afghanistan and Iraq), and I love what my family does. I hope and pray that this issue will be resolved soon.

Mr. President, really—I mean really, we have 3 hours until midnight. Can we tell these people that they might get half their paycheck on April 15? We can't.

Here is another letter. I am obviously not reading the names, although they are on here. I don't want to in any way harm them:

As a veteran of OEF (Operation Enduring Freedom), I stand behind you 100 percent and so do many others. This will tear morale from the troops and their families, which can be a dangerous thing. The mental and financial balance soldiers and their families are on, as it is, is a delicate one. They live month to month. Most are enlisted and make scratch as it is. Cutting more pay will put these families on the chopping block, and when a soldier's family is put in that position, that soldier is no longer fighting for his country but is now fighting for his family against his country. This would destroy the basic foundation of all our forces from the core.

There are 1 million hits on this Web site. So many of them are touching, many are pleading, some are angry. I

just want to say I do have faith that in the next 3 hours, we will ensure that these people are taken care of. I do have that faith. But we only have 3 more hours. I want to ensure that we are going to be here. If it starts getting to 11 o'clock and we have 1 more hour to ensure that not 1 more hour passes after midnight that this cannot be taken care of, I am going to be here, and we are going to do it. And I am so proud that so far we have 77 cosponsors of this bill. I think we will have unanimous support for it. I do. But 77 people have made sure they called to be a cosponsor of this bill. I am proud we have something very bipartisan in a very partisan atmosphere. That is maybe a ray of hope that this is going to be done in the right way.

I want the people of this country to know and I want it to be in the CONGRESSIONAL RECORD the overwhelming support that has now come because of the debate, what people are seeing and their support for the military.

The Presiding Officer is a cosponsor of the bill. The Senator who is taking his place right now is also a supporter of this bill—Senator MERKLEY, Senator UDALL, Senator DURBIN, Senator KERRY. We have very strong bipartisan support. It is my faith that we are going to do what is right for our military because we can do no less.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Texas and her cosponsor, the Senator from Pennsylvania, Mr. CASEY. They expressed the deep-felt sentiments of all of us. I am happy to be a cosponsor of this legislation.

I can assure the Senator from Texas that we have discussed this at length in our caucus, and there will be ample opportunity for all Members to join in an effort to make certain our men and women in uniform, who are risking their lives, will not be in any way disadvantaged by what is going on on Capitol Hill.

I share her frustration and anxiety. I have been listening and watching these negotiations now for weeks. I cannot believe we have reached this point—less than 3 hours from a government shutdown—when the differences are so minor, when there are so few things in disagreement. It is time, literally, for the Speaker of the House to come forward and accept the dollar amount he agreed to last night in the White House Oval Office, to accept that amount which dramatically cuts spending to help reduce our deficit.

I do not know why we have literally wasted this entire day in negotiations back and forth. Part of it was wasted, I am afraid, on this whole question of funding the access of women and families across America to health care. I understand that has been worked out

now during the course of the day. The Speaker has considered a different approach to it, thank goodness.

Now is the time to close the deal. Now is the time to get our job done. Now is the time to not only stand up for the men and women in uniform—and they should be our first obligation—but stand up for so many others deserving of our help too. They are not covered by this bill. Right now, there are FBI agents in America risking their lives tracking drug dealers and terrorists who are about to learn at midnight that their jobs are in jeopardy, if not closed down, until Congress relents. The same thing is true about those in our intelligence community around the world. They may not wear a uniform, but they are literally risking their lives as well for the security of the United States in countries far and wide across this globe. The list just goes on and on.

We first think of our military, as we should, but they are not the only ones who are making great sacrifice for the safety of this country. When I think of their valor and courage, I wonder whether our leaders can summon the courage, particularly at this point I hope the Speaker can summon the courage to bring his caucus together and to vote, to avert this embarrassing—embarrassing—shutdown which will occur in less than 3 hours unless something happens.

I still believe it will. I still believe we have that chance, and I hope Senator HUTCHISON, who has been a leader on this issue, does not have to come to the floor again. I can assure her, before anything happens to disadvantage our troops, we will stand together in a bipartisan way, maybe on her bill, maybe on another bill, but we will stand in a bipartisan way to protect these troops. I thank her again for her leadership. There is evidence between her and Senator CASEY that there is a strong bipartisan feeling that we need to get this job done before the Senate shuts down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I appreciate very much what the leader has said. I know this has been arduous, and I know the negotiations have been arduous. That is why I believe that in the next 3 hours, we will do the right thing on this issue. I hope we do the right thing for all of our country.

We have not talked about the other Federal employees who are essential and those who are going to be furloughed. There are so many people in

this country who are going to be affected in so many ways if there is a government shutdown. I am focusing on the ones who cannot help themselves right now because they are overseas protecting our freedom, but there are many people who are going to have hardships that are unnecessary.

I do appreciate what Senator DURBIN has said.

There is one other person I want to mention; that is, Congressman LOUIE GOHMERT. He started on the House side with the same bill I have introduced on the Senate side. He has gained large support on the House side for this legislation. I commend Congressman GOHMERT for assuring, as we were watching this week the very spirited debate that has gone on about the possibility of having a government shutdown—LOUIE GOHMERT stepped up first. I give him credit for saying there is one group we cannot leave behind no matter what happens. Our bills are virtually the same. Whichever House can pass it first is fine with me because whatever we do, we have to do it together and we have to do it before midnight.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I just wandered onto the floor hoping we were coming close to some type of an agreement. I very much regret that we have to careen from week to week, from period to period funding our government on a temporary basis. I think all of us were hoping we could get this resolved. I still hold out some hope. There is 2 hours and 50 minutes or so of negotiations still to go.

I commend the Senator from Texas, Mrs. HUTCHISON, for her efforts. She has been relentless in reminding us for several days, if not more, that we cannot leave our troops in the field and those who are wearing the uniform serving our country in a situation where they are not paid. This, of course, affects drug enforcement agents and many others across the Federal spectrum. But these troops overseas are bearing hardship enough to not be caught up in a debate here which is necessary, a debate that needs to be resolved.

As I said earlier when I spoke this morning or early afternoon, this is just a small little brushfire, as dramatic as the press has made it, and it does have consequences—serious consequences. But compared to the size of the problem our Nation faces from a fiscal standpoint relative to what we need to do and what we need to be debating, this is a small part, just talking about funding for the next 6 months to fill a gap that was left when no budget was passed and no action was taken on it in the last Congress, the last fiscal year, to put us in a position where we can move into and debate the real issue that is before us; that is, how do we make decisions that will affect the

long-term spending of this country, affect our budget and our deficit, and bring us back to a fiscally responsible place?

I hope as negotiations continue to go forward that we can resolve this today so that we can begin that important debate. But if we cannot, at the very least, I believe it is important that we extend this for a small amount of time—I regret we have to do it—so we can bring it to its final conclusion. But the most important point is that before midnight, we have to make sure we pass legislation which will ensure that our people in uniform are paid their rightful due for the service they are providing. Again, I commend the Senator from Texas for reminding us of that and being vigilant in making sure we absolutely address that issue before this time runs out.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senator LANDRIEU as a cosponsor of Senate bill 724.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, that makes 78 Members of the Senate who are now sponsoring this bill for our military.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the period for morning business for debate only be extended until 11:15 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority leader to be recognized at 11:15 p.m.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011

Mr. REID. Mr. President, I will read a statement that was issued by Speaker BOEHNER and myself a few minutes ago. This is the statement:

We have agreed to an historic amount of cuts for the remainder of this fiscal year, as well as a short-term bridge that will give us time to avoid a shutdown while we get that agreement through both houses and to the President. We will cut \$78.5 billion below the President's 2011 budget proposal, and we have reached an agreement on the policy riders. In the meantime, we will pass a short-term resolution to keep the government running through Thursday. That short-term bridge will cut the first \$2 billion of the total savings.

I, first of all, express my appreciation to the Speaker and his office. It has been a grueling process. We did not do it at this late hour for drama. We did it because it has been very hard to arrive at this point.

I also express my appreciation to my counterpart, Senator MCCONNELL. We have talked during this process on a number of occasions. We have, as we say here, on many occasions it has turned out to be we have a terrific relationship. We do our best to protect each caucus. We have our battles here. But he is a pleasure to work with. I admire and appreciate his work for the people of Kentucky and the country.

This has been a long process. It has not been an easy process. Both sides have had to make tough choices, but tough choices are what this job is all about. I think it is important to note, as we said in this statement, that this is historic, what we have done—\$78.5 billion below the 2011 budget we have been working off of. We worked on many riders. What we have done has been difficult but important for the country. We all agree there are many cuts that have to take place in the future. We understand that. We must get this country's fiscal house in order. But if the American people have to make tough choices—and they are doing it every day—so should their leaders. That is our responsibility—all 100 of us and 435 Members of the House.

The Speaker and I reached an agreement that I have read that will cut spending and keep the country running. We have agreed to a historic level of cuts for the remainder of this fiscal year, as well as a short-term bridge that will give us time to avoid a shutdown while we get this agreement through both Houses and to the President.

I repeat, we will cut \$78.5 billion, and we have reached an agreement—I repeat for the second time—on the policy riders. I do that because that has not been easy. In the meantime, we will pass a short-term resolution to keep the government running through this coming Friday. That short-term bridge will cut the first \$2 billion of the total savings we have already talked to, the \$78.5 billion.

Mr. President, with the permission of the Republican leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 28, H.R. 1363; that a Reid-McConnell substitute amendment, a 7-day continuing resolution, which is at the desk, be agreed to, the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill, as amended; that the motions to reconsider be considered made and laid upon the table, with all the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, I thank my friend, the majority leader, and Speaker BOEHNER for their outstanding work during this difficult negotiation. We had an opportunity tonight to decide whether we wanted to repeat history or make history. Had we chosen to repeat history, we would have allowed a government shutdown. Instead, we decided to make history by implementing in the middle of this fiscal year, as the majority leader indicated, substantial reductions in spending. These reductions are in the billions. Once we get through this process, by the end of next week we will move on to a much larger discussion about how we save trillions by enacting, hopefully, on a bipartisan basis, a budget that genuinely begins to get on top of this problem. The problem, as we all know, is \$14 trillion in debt and over \$53 trillion in unfunded liabilities.

The President has asked us to raise the debt ceiling, and Senate Republicans and House Republicans—and I hope many Democrats as well—are going to say: Mr. President, in order to raise the debt ceiling, we need to do something significant about the debt. My definition of significant is that the markets view it as significant, the American people view it as significant, and foreign countries view it as significant.

So for tonight, again, I congratulate the majority leader and the Speaker. This is an important first step but just the beginning of what we need to do to get our fiscal house in order.

Mr. REID. The Republican leader is right. We have a lot of work to do.

The one thing I want to mention is how much I appreciate the support of the American people. Of course, they knew we needed to get this done, but also the business community of our country.

I had a conversation earlier today with Tom Donohue, the President of the Chamber of Commerce. It was so important to his organization that we complete this. The Business Roundtable and organizations all over America understand how important this is.

I want to mention one more person—I know the night is late—who is always an unsung hero, but really a hero among heroes, and that is the chairman of the Appropriations Committee, DAN INOUE, who is here behind me tonight. He has been, with his tireless staff, working so hard. I applaud his person, Charlie Houy, who has a fantastic knowledge of what goes on in this country as it relates to money. He came to the Senate in 1983. He has been here all these years working in the Appropriations Committee.

I am not going to go through all the staff, but it is important to mention my chief of staff, David Krone, who has worked so very hard. I want to mention one other American. I never met him until we started this—and what we have been through—and I hope I don't get him in trouble—and that is JOHN BOEHNER's chief of staff, Barry Jackson. He is a real professional. It has been very difficult to work through all this stuff, but I admire his professionalism. Of course, the White House staff has been indispensable.

Mr. President, I would hope we could have the consent agreement approved at this time.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

The amendment (No. 291) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting "April 15, 2011";

(2) by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (section 1 of Public Law 112-6), the following new sections:

"SEC. 295. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development' at a rate for operations of \$9,800,000.

"SEC. 296. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' at a rate for operations of \$2,927,500,000.

"SEC. 297. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development' at a rate for operations of \$187,000,000.

"SEC. 298. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail

Service' at a rate for operations of \$1,000,000,000.

"SEC. 299. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Railroad Research and Development' at a rate for operations of \$35,100,000.

"SEC. 300. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Capital Investment Grants' at a rate for operations of \$1,720,000,000.

"SEC. 301. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Research and University Research Centers' at a rate for operations of \$64,200,000.

"SEC. 302. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund' at a rate for operations of \$4,626,000,000.

"SEC. 303. Notwithstanding sections 101 and 226, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: *Provided*, That the second and third paragraphs under such heading in title II of division A of Public Law 111-117 shall not apply to funds appropriated by this Act."

This Act may be cited as the "Further Additional Continuing Appropriations Amendments, 2011".

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, as amended, was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 1363), as amended, was passed.

Mr. PAUL. Mr. President, I voted against this short-term continuing resolution for the same reason I voted against the last one and the one before that—because it does not set us on a path to fixing the spending and debt problems our country is facing. As I have said before, there is not much of a difference between a \$1.5 trillion deficit and a \$1.6 trillion deficit—both will lead us to a debt crisis from which we may not recover.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

 RECOGNIZING LAUREL COUNTY,
KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to give recognition to one of the Commonwealth's most unique and historic areas, Laurel County, KY, which celebrated its 185th birthday on March 5, 2011. Located in Kentucky's eastern coal country, Laurel County was named after the trees that grow along the banks of the Laurel River. A county full of rich history and tradition dating back before the Civil War years, Laurel County first established their government and began business in 1826. Organized through a general assembly, it was the 18th county created in the Commonwealth.

London, the largest town in Laurel County, also celebrated its 185th birthday this year on March 6. Although named after London, England, the town's festive characteristics gave it a name in its own light. In proximity to beautiful landscapes which were explored by the likes of Daniel Boone and Levi Jackson, the two parks that bear their names, the Daniel Boone National Park and the Levi Jackson Wilderness Road State Park, have been hailed as two of the most sought-after vacation spots in the country. Cumberland Falls State Resort Park as well as numerous hiking and bike trails also showcase some of the best scenery the Bluegrass State has to offer. Well-known names such as national bestselling author Silas House, former University of Kentucky star and NBA basketball player Jeff Sheppard, and the infamous Kentucky Fried Chicken founder Colonel Harland David Sanders have all called Laurel County home.

Whether you are sampling a taste of fried chicken at the World Chicken Festival, enjoying a country music show at the Renfro Valley Entertainment Center on a Friday night, or taking in the scenery of the challenging Redbud Ride bike trail, Laurel County has a little something for everyone. Maybe it is a combination of these one-of-a-kind attractions, the pristine beauty of its natural landscape, and its strong sense of southern Kentucky hospitality that makes Laurel County so welcoming and intriguing. Whatever it is, it keeps people coming back for more.

Mr. President, 185 years later, these vacation crossroads still tell a story. Atop the peaks overlooking the Cumberland Gap where the small, yet crucial Battle of Wildcat Mountain was fought in the Civil War to the crystal

clear waters of Laurel Lake, I am sure there will be many more stories to tell in the future.

I ask that my colleagues join me in celebrating Laurel County, Kentucky's 185th birthday. This is an exciting time for the people of Laurel County and the Commonwealth, and I send them my congratulations and best wishes for the future.

 SBIR/STTR

Mrs. HUTCHISON. Mr. President, today, I rise to speak to an amendment I believe addresses three underlying issues in S. 493, the Small Business Innovation Research Program, SBIR, and the Small Business Technology Transfer Program, STTR, Reauthorization Act.

First, this amendment reduces the reauthorization of these programs from 8 years down to 3 years. This reauthorization bill, S. 493, makes substantial changes to the SBIR and STTR programs, and it is important for the reauthorization timeline to reflect that. The changes could dramatically improve the program, but in case there are additional changes that need to be to ensure they remain successful and effective, it is in the best interest of the participating agencies and the participants in the programs that there is an opportunity to make adjustments after a few years.

Second, my amendment strikes the mandatory increase agencies must set aside from their budgets to fund both the SBIR and STTR programs. Currently, these programs are funded through the participating agencies setting aside 2.5 percent of their total research budgets for the SBIR program and 0.3 percent for the STTR program. S. 493 would require this set aside be increased to 3.5 percent and 0.6 percent over a period of time for the SBIR and STTR programs, respectively.

In this current budget environment, when all agency budgets are feeling the pinch, increasing this mandatory set aside will mean fewer dollars are available for other research. These programs focus on commercialization of cutting edge innovation, which is critical to our country's global competitiveness. However, this mandatory increase would mean funding cuts to other life saving research. For the National Institutes of Health this 1 percent increase to fund the SBIR program would mean there would be about \$300 million less for other NIH research, research focused on finding new cures. For example, NIH spends about \$300 million per year on prostate cancer, a little less than that on lymphoma research and spends only half of that on autism research every year.

There is no evidence that agencies must turn away high-quality applicants or underfund them because there

is a lack of funding. In fact, agencies that participate in these programs currently have the discretion to spend more on the SBIR or STTR programs if they deem it appropriate. The current set aside is a floor, not a ceiling. This amendment does nothing to change that. However, I believe mandating the increase, especially in this current budget environment, especially for 8 years, could greatly disrupt Federal funding for other critical research.

The third provision of my amendment addresses the reality that bringing an idea to market is a complex process that often requires several rounds of financing. This amendment ensures that all small businesses are given an opportunity to compete for these grants regardless of their financial makeup, as long as they are a small business. Years ago there was an administrative change made to the eligibility criteria for these programs that has severely restricted the ability of quality applicants to compete for funding. That change has unilaterally excluded companies solely due to their financial structure and not due to the size of their company. Small businesses are small businesses because of the number of people they employ, not because they have received their start up money through a venture capitalist, or an angel investor or from winning the lottery. This sentiment was echoed by the Director of the Office of Science and Technology Policy, John Holdren, in a letter sent to Chairman LANDRIEU in 2009. Mr. Holdren stated that "it is critical for the U.S. economy and global competitiveness that the very best companies are sustained and the most promising small companies are not arbitrarily restricted or excluded because of their capital structure."

Arbitrary exclusion from these programs has affected small businesses all over the country. Too many times it has become a defining part of the story of too many promising small businesses. One such story is that of ActaCell, Inc. It is a company started with leading research in the lithium ion materials field from the University of Texas in 2007. When ActaCell applied for an SBIR grant through the Department of Defense, it met the new eligibility standards required by the program; both in its size and its financial structure. However, as the application was pending, ActaCell needed to secure additional financing in order to continue its operations and therefore fell outside of these new arbitrary guidelines. The result was the Federal Government missed out on an opportunity to fund promising research, solely due to this arbitrary financial restriction.

The Austin Chamber of Commerce wrote a letter to my office with their many concerns regarding this provision. They stated that the problem is compounded by the fact that the majority venture capitalist-funded companies can house multiple unfunded ideas

that are ultimately all excluded from the program. This occurs, even though research shows great promise, only because a business's overall financial structure offends this financial restriction. Their letter states that "Small businesses should not be forced to choose between the SBIR program and venture capital funding. To accelerate American technological innovation, Federal efforts must promote the importance of both public and private sector sources of capital and partnerships."

Yesterday, in front of the House Small Business Committee, another Texan told his story of how these restrictions have hurt innovation. Mr. Glenn Norem cofounded Totus Lighting Solutions, a company that manufactures and markets products that integrate surveillance with sensor monitoring on intelligent lighting platforms. Because of these arbitrary financial restrictions in the SBIR program, Mr. Norem had to choose between venture capital funding and Federal grants. When asked what impact that decision has had on his company and other companies similarly situated, he stated, that it delayed commercialization. Allowing companies to partner with all available options enables innovation, which grows companies and creates jobs.

This amendment is supported by the University of Texas, Austin Chamber of Commerce, Rice University, the Association of American Universities and the Association of Public and Land-grant Universities.

I will be proud to offer this amendment that will improve the underlying legislation and help ensure that absolute best research gets funded by American tax dollars, so that innovation can lead to commercialization as quickly as possible. Our country's job creators need us to do our jobs so they can do theirs.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—S. 627

Mr. LEAHY. Mr. President, I ask unanimous consent that the CBO cost estimate regarding S. 627 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 627—FASTER FOIA ACT OF 2011

S. 627 would establish a commission to identify methods for reducing delays in processing requests under the Freedom of Information Act (FOIA). The commission also would investigate a recent increase in the number of exemptions from FOIA that federal agencies have issued to prevent the release of information. The 12-member commission would have one year to report its findings and recommendations to the Congress. Members would be appointed within 60 days of enactment of the legislation and would serve without pay but would be reimbursed for travel expenses. The commission

would terminate 30 days after submitting its final report. The National Archives and Records Administration (NARA) would provide support to the commission, and the General Services Administration would administer any travel expenses.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 627 would cost about \$1 million, mostly in fiscal year 2012. That estimate includes the cost of preparing the report and paying the salaries and expenses of 10 employees provided by NARA. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 627 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

APRIL 8, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 627, the Faster FOIA Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

PACIFIC NORTHWEST NATIONAL LABORATORY

Mrs. MURRAY. Mr. President, I wanted to take a few minutes to share with my colleagues a success story involving the building of a Federal laboratory project with funds from three separate Federal agencies.

Several years ago, as part of the efforts to remediate some of the excess facilities at the Hanford Nuclear Reservation in my home State of Washington, the Department of Energy decided to tear down virtually all of the laboratory facilities in the so-called 300 Area to remediate and make the area available for future industrial uses.

We all shared the goal of cleaning up the 300 Area—it is an important part of the ongoing cleanup work at Hanford. But because the 300 Area was home to approximately 1,000 scientists, engineers and support staff for the Pacific Northwest National Laboratory, PNNL, we know that we would have to find a new place for them to conduct their work.

As I am sure you know, building a replacement laboratory to accommodate 1,000 people is no easy task under any set of circumstances. And the broad spectrum of work being done by these scientists—national security, homeland security, science research—both increased the challenge and brought a number of Federal agencies together.

This unique situation brought together three agencies—the Department of Energy, the National Nuclear Security Administration and the Department of Homeland Security—to create a unique solution, building the Physical Sciences Facility.

This arrangement—three separate agencies with funding in two separate appropriations bills—isn't common in the Federal Government and isn't easy to accomplish. But with a lot of hard work, the \$225 million Physical Sciences Facility was constructed on time and within budget over 5 years' time. It has allowed the unique capabilities at PNNL to continue to be able to support critical missions for several government agencies.

I appreciate the leadership of PNNL Director Len Peters and Mike Lawrence, followed by Director Mike Kluse, who were determined to make the Physical Sciences Facility a reality. I would also like to recognize Carrie Desmond and Doug Clapp, both of whom used to work on my staff, for helping to make this project happen in the face of odds that were unbelievable at times, including budget requests that were not always sufficient to keep the project on schedule.

Unfortunately, I will not be able to attend the dedication of the new laboratory on April 19, but I will be there in spirit. I congratulate all of the people at PNNL, the Department of Energy, the National Nuclear Security Administration and the Department of Homeland Security who have worked to make the Physical Sciences Facility at the Pacific Northwest National Laboratory an important asset for the Federal Government.

REMEMBERING KATYN

Mr. CARDIN. Mr. President, I rise today to commemorate the lives lost in last year's plane crash near Smolensk that killed Polish President Lech Kaczynski, his wife Maria, and 94 others who represented the political, cultural, and religious leadership of Poland. Words alone offer little solace before such awesome tragedy, which is one of the reasons people must gather together before monuments and flowers to add a tangible dimension to our shapeless grief. While eloquent remarks can move the heart, we all know a smile, a gaze, or an embrace can often do more to bring comfort to the sorrowful.

Katyn has become a tragedy in three acts—the crime, the coverup, and now the crash. Surely it is fitting for us to meet, comfort each other, and remember those who died. But what lies beyond our tears? Can good come from this evil?

For the loved ones of those 96 souls who perished nearly a year ago, they must take comfort in knowing that the final act of their beloved was a noble

one—that of remembering those martyrs whom Stalin and his henchmen sought to erase from Poland and, indeed, from history.

As Stanislaw Kot, Poland's wartime Ambassador to Moscow, said, "People are not like steam; they cannot evaporate." He was right and it is written, "Your brother's blood cries out to me from the ground!" In a haunting twist of fate, a hungry wolf in the Russian winter would scratch at the snow and uncover the hastily buried bones of Poland's best and brightest. And the truth about this unspeakable crime would one day be known.

We have come a long way—a very long way—from the time when this atrocity was falsely presented as a Nazi crime and from the time when the names of the dead could only be circulated in communist Poland in the form of samizdat publications and whispered around kitchen tables.

Nevertheless, there is still more that must be done to set the record straight. This involves insuring that all the evidence relating to the execution sites, the executioners' identities, the motives for the crime, and the fate of so many Polish families who vanished on the Siberian steppe are publicly available. We must ensure that the fullness of the truth is uncovered and shared for its own sake and for closure. To that end, I welcome recent news of the Kremlin's release of still more documents relating to the massacre.

Further, I believe that finally coming to terms with Katyn is a necessary precondition for a durable Polish-Russian rapprochement, which is itself good insurance for maintaining a Europe, whole, free, and at peace.

Next week Presidents Komorowski and Medvedev will meet before the mass graves at Katyn and, I trust, will continue a dialogue of healing between two great nations that have suffered so much from the elevation of an ideology over a people. I wish them well in their talks and ongoing mission of reconciliation and believe that the only lasting balm for this wound lies in the heart and not in a courtroom or even a legislature.

This is not to say that charges or claims should not be pursued, but to recognize that, in many cases, such actions will fall short and offer little by way of consolation.

It would be most unfortunate for the memory of Katyn to be debased by ideologues of any ilk who would usurp this sacred memory for partisan projects. For too long the truth about Katyn was denied by those on the left who turned a blind eye to the reality of communism and many on the right seemed to view Katyn as just another issue to be exploited in the struggle of ideologies. People and their memory are an end, in and of themselves, and must never be used as a means to ad-

vance even a just cause. The only decent relationship to them is that of love and remembrance—our dignity and theirs demands nothing less.

My sincere hope is that Poland and Russia can do better than some countries that have fought bitter diplomatic battles and enacted laws to force or deny recognition of historic crimes. By honestly evaluating a shared past of suffering, Poles and Russians have a real opportunity to build a shared future of friendship and prosperity.

Poland is now free and her traditions support the forgiveness that offers a path out of the valley of this shadow of death. In so many ways, Poland is, and must remain, a light to those nearby who still live in the darkness of oppression and lies.

As we continue to ponder the devastation of last year's catastrophe, I would like to close by putting a couple faces on our sadness; those of Mariusz Handzlik and Andrzej Przewoznik, who both died in last year's crash.

Mariusz was a diplomat and father of three. He was well known and well liked in Washington from the years he spent assigned to the Embassy of Poland. In 2000, he played a fateful game of chess with Polish war hero and Righteous Gentile Jan Karski who narrowly escaped "liquidation" at Katyn. Karski would die in a Washington hospital and Handzlik in a gloomy Russian forest.

Andrzej was a historian, a husband, and father of two. He was the principle organizer behind the conference I cohosted as Chairman of the U.S. Helsinki Commission last year at the Library of Congress to mark the 70th anniversary of the Katyn Forest Massacre. Andrzej hoped to spend time at our National Archives sifting through the papers of the Madden Committee and other relevant U.S. Government documents on Katyn.

The memories of Mariusz, Andrzej, and so many other truly exceptional people on that doomed flight offer much by way of virtue and accomplishment that will inspire Poles for generations to come. Let us take comfort in the truth that is, at last, known and bask in the warmth of heroic memories and do this together with our Polish friends who are second to no one in their love of freedom.

TRIBUTE TO MIKE CHAHINIAN

Mr. SESSIONS. Mr. President, today I wish to recognize the good works of a member of my staff who is leaving. Michael Chahinian has served with the Alabama congressional delegation for over 7 years. The first 5 were with Congressman ADERHOLT, and the past 2 have been on my staff.

Michael graduated from Cornell University several years ago with a degree in government and East Asian studies. While at Cornell he learned how to

speak Mandarin Chinese. While on my staff, he learned to speak Southern English. During his time on Capitol Hill he enrolled in the Naval War College's master's degree program. Michael graduated last year with a master's in national security and strategic studies with highest distinction. His master's program helped revive a childhood dream to become a naval officer. After making application to enter Officer Candidate School, Michael learned late last year he was accepted and will report for duty in a few weeks.

Michael has worked hard on banking, finance, small business and commerce issues while a member of my staff. Most recently he was instrumental in working on the details and negotiations over our Sessions-McCaskill amendment, which would have imposed multiyear spending caps on the Federal budget. The amendment was carefully crafted to get maximum bipartisan support, and with 59 votes, it received more support than any serious budget reform in the past decade.

Michael has also been instrumental on my behalf in supporting domestic manufacturing through his active role working on trade policy in my office. While on my staff, he has helped the domestic sleeping bag industry deal with unfair competition from a loophole in one of our trade laws, known as GSP. On Congressman ADERHOLT's staff, he became known for his good work on behalf of the local sock industry, dominant in the northeastern part of our State.

In each of these situations, Michael demonstrated hard work and a dogged tenacity. Though we hate to lose him, I am confident our loss will be the Navy's gain. I wish him Godspeed.

TRIBUTE TO LAURA CAPASSO

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Laura Capasso for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Laura is a native of Wyoming and graduated from Kelly Walsh High School. She currently attends the University of Wyoming/Casper College Center where she is majoring in psychology. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the time she has been with us.

I thank Laura for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

TRIBUTE TO LAURA CURRAN

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Laura Curran for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Laura is a native of Wyoming and graduated from Central High School. She graduated from the University of Wyoming where she majored in English and minored in creative writing. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Laura for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

TRIBUTE TO JONATHAN KNIGHT

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Jonathan Knight for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Jonathan is a native of California and graduated from El Dorado High School. He currently attends the University of Wyoming where he is majoring in political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Jonathan for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO KELSEY LINFORD

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kelsey Linford for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kelsey Linford is a native of California and graduated from Centennial High School. She currently attends American University, where she is majoring in political communication and minoring in French. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The

quality of her work is reflected in her great efforts over the last several months.

I thank Kelsey for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

TRIBUTE TO WELCHIE PATTERSON

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Welchie Patterson for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Welchie is a native of Wyoming and graduated from Sundance High School. He graduated from the University of Wyoming, where he majored in political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Welchie for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO MAX WEISS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Max Weiss for his hard work as an intern with the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Max is a native of Wyoming and graduated from Rock Springs High School. He graduated from Leiden University in the Netherlands where he received his master of science in clinical psychology. As my intern in Rock Springs and in Washington, DC, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the time he has been with us.

I thank Max for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO HANNA WINZENRIED

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Hanna

Winzenried for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Hanna is a native of Wyoming and graduated from Cody High School. She currently attends Brigham Young University, where she is majoring in French studies. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Hanna for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

ADDITIONAL STATEMENTS

REMEMBERING OFFICER JERMAINE GIBSON

• Mrs. BOXER. Mr. President, I am honored to pay tribute to the life and service of Officer Jermaine Anthony Gibson of the Cathedral City Police Department who was killed in the line of duty on March 19, 2011. Officer Gibson will be remembered for his compassion, valor, bravery, and service in the field; and as a wonderful coworker, friend, and family man.

Jermaine "Jay" Gibson was born on August 3, 1982, in New Orleans, LA. He relocated to Richmond, CA, with his mother and brother in 1989. While attending Pinole Valley High School, he began 4 years of service as a police explorer—first with the Richmond Police Department and later with the Vallejo Police Department. After high school graduation in 2001, he continued his education at the Basic Law Enforcement Academy at Napa Valley College and graduated as a member of the academy's class 50 in 2002.

Jermaine Gibson enlisted in the U.S. Marine Corps in 2003, and from 2006–2007 served concurrently as a level 1 police reserve officer with the Desert Hot Springs Police Department. He was honorably discharged from the military as a Marine corporal on June 15, 2007. In recognition of his meritorious service, he was awarded numerous commendations—including a Good Conduct Medal, a Marine Corps martial arts Tan Belt, a pistol expert badge, two rifle expert badges, and two Purple Hearts for injuries sustained during combat in Iraq.

After returning to civilian status, Officer Gibson joined the Rialto Police Department on August 19, 2009, as a full-time sworn officer. Sixteen months later, he joined the Cathedral City Police Department, where he served until the end of his watch on March 19, 2011.

I extend my heartfelt condolences to his family, especially his wife Jessica and their six-week-old son Jermaine Jr.; his mother Cheryl; and his brother Taurean.●

RECOGNIZING OCEAN FARM TECHNOLOGIES

● Ms. SNOWE. Mr. President, for the past month, the U.S. Senate has been considering legislation to reauthorize the critical Small Business Innovation Research, or SBIR, program. SBIR fosters an environment of innovative entrepreneurship by directing more than \$2 billion annually in Federal research and development funding to the nation's small firms most likely to create jobs and commercialize their products. I wish to recognize the achievements of Ocean Farm Technologies, a small business in Searsport, ME, which has utilized the SBIR program to revolutionize the aquaculture sector through innovative new products.

Today, aquaculture supplies over 45 percent of the world's fish supply, and Ocean Farm Technologies is at the cutting edge of improving the sector's productive future. The company's founder Steve Page has over 30 years of experience as an organic farmer and entrepreneur. Prior to founding the company in 2005, Mr. Page acted as the environmental compliance officer for Atlantic Salmon of Maine, an aquaculture company that farmed salmon in Machiasport.

One of Ocean Farm Technologies' most creative innovations is the self-propelled and eco-friendly "AquaPod" containment system that allows for an unprecedented diversity of marine species to be safely and sustainably cultivated at sea. Marine aquaculture has been restricted to calm coastal waters where stationary fish farms can be sheltered from ocean currents and storms. This has limited the variety of cultivatable species and has raised environmental concerns regarding effluent pollution.

Determined to overcome these constraints, Mr. Page obtained a \$250,000 grant from the Maine Technology Institute to design a system capable of surviving rough open ocean conditions. The resultant "AquaPod" is an award winning and patented spherical fish pen made of reinforced polyethylene, steel, and mesh netting. It is submersible, self-propelled, environmentally friendly, and safe from marine predators.

In 2008, the "AquaPod" was successfully tested by researchers from the Massachusetts Institute for Technology off the coast of Culebra, Puerto Rico. It is the first self-propelled open ocean aquaculture pen in the world. Additionally, it is the winner of the Maine Technology Institute's Development Award, and has been deployed in places as divergent as South Korea and Mexico.

Furthermore, Ocean Farm Technologies was the recipient of a Tibbetts Awards from the U.S. Small Business Administration earlier this year. The award is presented to small businesses and individuals judged to exemplify the best in the SBIR program, and promote its mission and goals. It is named for Roland Tibbetts, acknowledged as the father of the SBIR program. This award is a distinguished honor, and I am proud of Ocean Farm Technologies for earning this high recognition.

Ocean Farm Technologies embodies the bright future of aquaculture, which is critical to my home State of Maine, and indeed the true spirit of American entrepreneurship. I wish Steve Page and everyone at Ocean Farm Technologies the very best, and thank them for their ingenuity and considerable accomplishments.●

OREGON AIR NATIONAL GUARD 70TH ANNIVERSARY

● Mr. WYDEN. Mr. President, this month the Oregon Air National Guard is celebrating its 70th anniversary.

"We've got people, we've got a place, and we're ready!" These were the historic words written in a request by Major G. Robert Dodson, an Oregonian assigned to organize and command the first squadron of Oregon National Guard Air Corps.

Ready as Major Dodson was, it hadn't happened quickly or easily. It took several years to get the squadron assembled. General George A. White, Oregon's Adjutant General, requested a squadron as early as August 1939, but didn't receive official authorization to form the squadron from the National Guard Bureau until August 1, 1940. On April 18, 1941, Major Dodson assembled a group of 117 volunteers to form the 123rd Observation Squadron.

Less than 8 months later, these Airmen were the first to conduct maritime surveillance of the continental United States following the December 7, 1941, attack on Pearl Harbor.

For the most part, their job was to conduct surveillance on the enemy. However, they did on at least one occasion ignore their orders to "stick to taking pictures" and dropped ordnance instead. It was not without good reason. It seems that the Japanese they targeted had sunk the ship carrying the unit's beer rations. Their improvised attack wasn't appreciated by their commander, but even back then getting between Oregonians and their beer didn't go unpunished.

After the war, the Air National Guard was established as a separate component of the U.S. Air Force. Since being formally designated the Oregon Air National Guard, our State's aviators have played a vital role in Korea, the cold war, and in military operations throughout the world since the tragic events of 9/11. Seventy years and

15 different aircraft models since their inception, the number of citizen-airmen has increased more than twenty-fold to 2,000.

Today, our Nation relies on F-15s from the Oregon Air National Guard to perform the air sovereignty mission for the entire Pacific Northwest. Our twin-engine, air superiority fighter jets—Eagles—fly upwards of Mach 2 to intercept any threat along our Nation's border. Additionally, the Oregon Air National Guard trains new Air Force pilots at Kingsley Field in Klamath Falls.

They are not only there for our Nation in times of war, but they answer the call of the Governor during natural disasters. When flooding threatened hundreds of lives in Vernonia, OR, in 2007 it was the Oregon Air National Guard's 125th Special Tactics Squadron that was first on the scene. They saved hundreds of people from the rising water.

Today's Oregon Air National Guard units include the 142nd Fighter Wing, 125th Special Tactics Squadron and 123rd Weather Flight in Portland, the 173rd Fighter Wing and 270th Air Traffic Control Squadron in Klamath Falls, Joint Force Headquarter in Salem, and the 116th Air Control Squadron in Warrenton.

As an Oregonian and as their Senator, I could not be more proud of today's Oregon Air National Guard and its rich heritage. It is an honor to serve these heroes; active, retired, and those that have given their lives. I am very appreciative of their 70 years of selfless service and sacrifice. The people of Oregon thank every member of this pillar of freedom.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 910. An act to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking

action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 910. An act to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 768. A bill to provide for continuing operations of Government in a fiscally responsible manner.

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 783. A bill to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1277. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1278. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, CA" (RIN0648-AT46) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1279. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Solid Waste Rail Transfer Facilities" (STB Ex Parte No. 684) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1280. A communication from the Administrator, Transportation Security Ad-

ministration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services; to the Committee on Commerce, Science, and Transportation.

EC-1281. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's 49th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC-1282. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the disclosure of financial interest and recusal requirements for Regional Fishery Management Councils and Scientific and Statistical Committees; to the Committee on Commerce, Science, and Transportation.

EC-1283. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "System Restoration Reliability Standards" ((RIN1902-AE18)(Docket No. RM10-16-000)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Energy and Natural Resources.

EC-1284. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Western Electric Coordinating Council Qualified Transfer Path Unscheduled Flow Relief Regional Reliability Standard" ((RIN1902-AE14)(Docket No. RM09-19-000)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Energy and Natural Resources.

EC-1285. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Method of Accounting for Determining the Recovery Periods for Depreciation of Certain Tangible Assets Used by Wireless Telecommunications Carriers" (Rev. Proc. 2011-28) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1286. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Methods of Accounting for Determining Whether Expenditures to Maintain, Replace, or Improve Wireline Network Assets Must be Capitalized Under Section 263(a)" (Rev. Proc. 2011-27) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1287. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Method of Accounting for Determining the Recovery Periods for Depreciation of Certain Tangible Assets Used by Wireless Telecommunications Carriers" (Rev. Proc. 2011-22) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1288. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Japan Earthquake

and Tsunami Occurring in March 2011 Designated as a Qualified Disaster under Section 139 of the Internal Revenue Code" (Notice 2011-32) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1289. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reduction of Foreign Tax Credit Limitation Categories under Section 904(d)" (RIN1545-BG54) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1290. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Rev. Proc. 2011-22) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1291. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The 100-percent Bonus Depreciation Deduction under Section 168(k)(5) of the Internal Revenue Code" (Rev. Proc. 2011-26) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Finance.

EC-1292. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2010"; to the Committee on Finance.

EC-1293. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fourth Report to Congress (RTC) on the Evaluation of the Medicare Coordinated Care Demonstration—Extended"; to the Committee on Finance.

EC-1294. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Status on Medicare Contracting Reform Implementation"; to the Committee on Finance.

EC-1295. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2012 and Other Changes" (RIN0938-AQ00) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Finance.

EC-1296. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs: Changes to the End-Stage Renal Disease Perspective Payment System Transition Budget-Neutrality Adjustment" (RIN0938-AQ94) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Finance.

EC-1297. A communication from the Chairman of the National Endowment for the Arts and a Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1298. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Ovarian Adnexal Mass Assessment Score Test System" (Docket No. FDA-2011-N-0026) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1299. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Certain Other Dosage Form New Animal Drugs; Detomidine; Correction" ((21 CFR Part 529)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1300. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs for Use in Animal Feeds; Florfenicol; Correction" ((21 CFR Part 558)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1301. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Animal Drugs, Feeds, and Related Products; Withdrawal of Approval of New Animal Drug Applications; Aklomide; Levamisole Hydrochloride; Nitromide and Sulfanilic acid; Roxarsone; Correction" ((21 CFR Part 558)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1302. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Change of Sponsor's Name and Address; Corrections" ((21 CFR Parts 510 and 529)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1303. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Bacteriophage Preparation" ((21 CFR Part 172)(Docket No. FDA-2002-F-0198)) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1304. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Atomic Energy Agency's programs and projects in Burma, North Korea, Cuba, Iran, and Syria; to the Committee on Foreign Relations.

EC-1305. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1306. A communication from the Director of Equal Employment Opportunity, Farm Credit Administration, transmitting, pursuant to law, the Administration's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1307. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1308. A communication from the General Counsel, the Administrative Conference of the United States, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Records or Information" (1 CFR Part 304) received in the Office of the President of the Senate on April 7, 2011; to the Committee on the Judiciary.

EC-1309. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report relative to judicial vacancies in federal courts; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-8. A petition from American-International Business Law, Inc. relative to a claim against the United States of America; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 627. A bill to establish the Commission on Freedom of Information Act Processing Delays.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself and Mr. ISAKSON):

S. 769. A bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself, Mr. HARKIN, and Mr. BLUMENTHAL):

S. 770. A bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 771. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988; to the Committee on Indian Affairs.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 772. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 773. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 774. A bill to appropriate funds for pay and allowances and support for members of the Armed Forces, their families, and other personnel critical to national security during a funding gap; to the Committee on Appropriations.

By Mr. CASEY:

S. 775. A bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, and Mr. WEBB):

S. 776. A bill to provide for the compensation of furloughed Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON:

S. 777. A bill to clarify the authority of the Secretary of Defense to provide for the pay of the military of the United States under the Feed and Forage Act of 1861; to the Committee on Armed Services.

By Mr. MORAN:

S. 778. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Finance.

By Mr. SCHUMER:

S. 779. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 780. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE:

S. 781. A bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. INHOFE, and Mr. BAUCUS):

S. 782. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THUNE:

S. 783. A bill to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown; read the first time.

By Mr. UDALL of Colorado:

S. 784. A bill to prevent the shutdown of the Federal Government; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself and Mr. RISCH):

S. Res. 138. A resolution calling on the United Nations to rescind the Goldstone report, and for other purposes; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. Res. 139. A resolution expressing the sense of the Senate that the President should take certain actions with respect to the Government of Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 319

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 319, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 388

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor

of S. 388, a bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 411

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 411, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and non-profit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes.

S. 462

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 462, a bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 463

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 463, a bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning.

S. 483

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 528

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 528, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 565

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 565, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 570

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloging the purchases of multiple rifles and shotguns.

S. 623

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 623, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 706

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 706, a bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. BAUCUS), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arizona (Mr. MCCAIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Mississippi (Mr. COCHRAN), the Senator from Delaware (Mr. COONS), the Senator from Florida (Mr. NELSON), the Senator from Ohio (Mr. BROWN), the Senator from North Dakota (Mr. CONRAD), the Senator from Oklahoma (Mr. COBURN), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. MERKLEY), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed

when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 724, *supra*.

At the request of Mr. WARNER, his name was added as a cosponsor of S. 724, *supra*.

At the request of Mr. KERRY, his name was added as a cosponsor of S. 724, *supra*.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 724, *supra*.

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 724, *supra*.

S. 737

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 135

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 135, a resolution remembering the 1 year anniversary of the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. ISAKSON):

S. 769. A bill amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property; to the Committee on Veterans' Affairs.

Mr. HARKIN. Mr. President, along with Senator ISAKSON, today I am introducing a bill to allow veterans with disabilities who utilize service dogs the same access to VA health care and facilities as those using guide dogs. Right now, a vet who has a seeing-eye dog can go into any VA hospital to get services, but it is at the discretion of each facility whether or not to allow a vet to bring a service dog, which they use for mobility, assistance with living with hearing loss, comfort for those experiencing PTSD, and to alert others if they have a seizure.

This bill will provide for full access to all veterans at every VA facility, without exception. There should not be a variation in policy from one VA facility to another. It is a small but laudable goal to promote the access of persons with disabilities at VA facilities and guarantee all veterans, regardless of their disability, receive the care and services they need and are entitled to through their selfless service to our Nation.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 771. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Tribal Gaming Eligibility Act with my friend and colleague from Arizona, Senator JON KYL.

This bill requires that Indian tribes demonstrate both an aboriginal and a modern connection to the land before it can be used for gaming.

The bill responds to growing concerns and frustrations about the number of "off-reservation" casinos proposals in California and across the nation.

As of May 2010, the U.S. Department of Interior was considering 35 of these proposals. Eleven of them are in my home State.

Casinos strain local governments, increase violent crime, and increase bankruptcies. Gambling regulations are poorly enforced, largely because deficit-plagued state governments have cut enforcement staff down to the bone. Even when enforcement officials are present, highly protective "State Compacts," protect tribal casinos from true scrutiny and legitimate oversight.

The fact is that some tribes have abused their unique right to operate casinos by taking land into trust miles away from their historical lands and miles away from where any tribal member resides. This is done to produce the most profitable casino, often with little regard to what is most beneficial to tribal members.

This unbridled reservation shopping is occurring with little to no input from local governments or neighboring tribes.

The result: 58 casinos in California; 11 more in the approval process; and a very real potential for an additional 50 casinos in the coming years.

That is why I am introducing the Tribal Gaming Eligibility Act. This legislation addresses the problems that arise from off-reservation casinos by requiring that tribes meet two simple conditions if they wish to game on lands acquired after the passage of the 1988 Indian Gaming Regulatory Act.

First the tribe must demonstrate a "substantial direct modern connection to the land."

Second, the tribe must demonstrate a "substantial direct aboriginal connection to the land."

Simply put, tribes must demonstrate that both they and their ancestors have a connection to the land in question.

In 2000, California voters thought they settled the question of casino gaming when they passed Proposition 1A. This proposition authorized the governor to negotiate gambling compacts that would make Nevada-style casinos possible for "federally recognized Indian tribes on Indian lands."

The words "on Indian lands" were key to Proposition 1A. This made it clear that gaming is appropriate only on a tribe's historical lands, and voters endorsed this bargain with 65 percent of the vote.

But fast-forward 10 years and this agreement is being put to the test. In the last decade, the Department of the Interior has received dozens of gaming applications; some for casinos nowhere near a tribe's historic lands. Many of these requests have been granted and California has become ground zero for tribal casinos. We have 58 Las Vegas style casinos all across the State—from within miles of the Mexican border, to within miles of the Oregon border.

The problem is only going to get worse. There are 67 tribes currently seeking Federal recognition in California who will have the ability to take "initial lands" into trust for gaming. This "initial lands" exemption gives landless tribes *carte blanche* when it comes to picking a spot for their casino—urban areas, environmentally sensitive areas, you name it! That is a real concern to me and my constituents.

As of May 2010, there were 11 applications for off-reservation or restored lands casinos in California pending at the Department of the Interior. These include projects near San Francisco, Barstow, and Sacramento.

It also includes applications for casinos in San Diego and Riverside Counties, where there are already 21 existing casinos.

By seeking to open casinos in urban areas close to the greatest number of potential gamblers, instead of on historical lands, these tribes are ignoring the will of California voters and the intent of Congress when it passed the Indian Gaming Regulatory Act.

Unfortunately, without a legislative fix such as the Tribal Gaming Eligibility Act, Californians have no power to stop these tribes from opening unwanted casinos in their back yards.

But voters are still trying to make their voices heard, rejecting the idea of reservation shopping. At one location, in Richmond, CA, a city of nearly 100,000 in the middle of the Bay Area—a tribe proposed taking land into trust to open a 4,000-slot-machine casino. Proponents tout it as a major economic engine for a depressed area.

On November 2, Richmond voters made it clear how they feel: by a margin of 58 to 42 percent, voters overwhelmingly rejected the advisory Measure U on the Richmond casino and they elected two new city council members who strongly oppose the casino. It was an unambiguous rejection of this off-reservation gaming proposal.

Some people have tried to tell me that this is just a California problem, and that we just need a California-solution. I am afraid this is not the case.

The Department of the Interior is considering gaming applications for tribes in Washington, Oregon, Mississippi, Nevada, and Massachusetts just to name a few. I urge my colleagues to ask your constituents and your community leaders if they have been consulted about these proposals. Did they have any input? Were the needs of the cities, counties, and neighboring tribes considered?

As a former mayor, I know the financial pressures that local governments face, especially in these tough times. The temptation to support large casinos can be strong. But I also know the heavy price that society pays for the siren song of gambling. This price includes addiction and crime, strained public services and increased traffic congestion.

Some Indian gaming proponents, often backed by rich out-of-state investors and gambling syndicates, would have us believe that these off-reservation gaming establishments are a sign of growth and economic development.

In 2006 the California Research Bureau compiled research on the effects of casinos on communities, and they released a report entitled *Gambling in the Golden State*. The results were staggering.

The development of new casinos is associated with a 10 percent increase in violent crime and a 10 percent increase in bankruptcy rates.

New casinos are also associated with an increase in law enforcement expenditures of \$15.34 per person.

California already spends an estimated \$1 billion to deal with problem-gamblers and pathological-gamblers, 75 percent of which identify Indian casinos as their primary gambling preference.

This report confirmed what many local elected officials and community

activists already knew: casinos may create a few jobs, but they come with a tremendous cost.

One reason for the high costs casinos is the woefully inadequate oversight at Indian gambling facilities.

In California, gaming oversight officials are responsible for over twice as much economic activity per inspector compared to their counterparts in states with legalized commercial gambling. Using the most recent data available from 2006:

California employed 180 gambling oversight officials to regulate \$5.2 billion dollars in economic activity.

This means the State only employed 1 official for every \$28.9 million dollars of economic activity in the gambling industry.

By comparison, the 11 States that had legalized commercial gambling averaged 1 oversight official per \$12.1 million dollars of activity.

Furthermore, closed-door gaming compacts limit what little power these investigators actually have. They cannot conduct unannounced visits, they have little discretion on what penalties to enact, and they cannot enforce their punishments when they are handed down. Quite simply, it is a broken system.

I know that some may try to mischaracterize my legislation and say that I am trying to limit the sovereignty of Native American tribes or destroy their ability to undertake much needed economic development.

But I am here today to say that nothing could be farther from the truth.

The fact of the matter is that most casinos are appropriately placed—on historical tribal lands—and there is no need to argue about the legitimacy of these establishments.

My legislation only deals with those proposals that are truly beyond the scope of Congressional intent when the Indian Gaming Regulatory Act was passed in 1988.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Gaming Eligibility Act”.

SEC. 2. GAMING ON LAND ACQUIRED AFTER OCTOBER 17, 1988.

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by striking the section designation and heading and all that follows through “(a) Except” and inserting the following:

“SEC. 20. GAMING ON LAND ACQUIRED AFTER OCTOBER 17, 1988.

“(a) IN GENERAL.—Except”; and

(2) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting “subject to paragraph (2),” before “lands are taken”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

“(2) APPLICABILITY TO CERTAIN LAND.—

“(A) IN GENERAL.—Except as provided in subparagraph (D), effective beginning on the date of enactment of the Tribal Gaming Eligibility Act, in addition to any other requirements under applicable Federal law, gaming conducted pursuant to an exception under paragraph (1)(B) shall not be conducted on land taken into trust after October 17, 1988, by the United States for the benefit of an Indian tribe unless the Secretary determines, on the date the land is taken into trust, that the Indian tribe—

“(i) has received a written determination by the Secretary that the land is eligible to be used for gaming under this section; and

“(ii) demonstrates—

“(I) in accordance with subparagraph (B), a substantial, direct, modern connection to the land taken into trust, as of October 17, 1988; and

“(II) in accordance with subparagraph (C), a substantial, direct, aboriginal connection to the land taken into trust.

“(B) SUBSTANTIAL, DIRECT, MODERN CONNECTION.—In making a determination under subparagraph (A)(ii)(I) that an Indian tribe demonstrates a substantial, direct, modern connection to land taken into trust as of October 17, 1988, the Secretary shall certify that—

“(i) if the Indian tribe has a reservation—

“(I) the land is located within a 25-mile radius of the tribal headquarters or other tribal governmental facilities of the Indian tribe on the reservation;

“(II) the Indian tribe has demonstrated a temporal connection to, or routine presence on, the land during the period beginning on October 17, 1988, and ending on the date of the certification; and

“(III) the Indian tribe has not been recognized or restored to Federal recognition status during the 5-year period preceding the date of the certification; or

“(ii) if the Indian tribe does not have a reservation—

“(I) the land is located within a 25-mile radius of an area in which a significant number of members of the Indian tribe reside;

“(II) the Indian tribe has demonstrated a temporal connection to, or routine presence on, the land during the period beginning on October 17, 1988, and ending on the date of the certification; and

“(III)(aa) the land was included in the first-submitted request of the Indian tribe for newly acquired land since the date on which the Indian tribe was recognized or restored to Federal recognition; or

“(bb)(AA) the application to take the land into trust was received by the Secretary during the 5-year period beginning on the date on which the Indian tribe was recognized or restored to Federal recognition; and

“(BB) the Indian tribe is not conducting any gaming activity on any other land.

“(C) SUBSTANTIAL, DIRECT, ABORIGINAL CONNECTION.—In making a determination under subparagraph (A)(ii)(II) that an Indian tribe demonstrates a substantial, direct, aboriginal connection to land, the Secretary shall take into consideration some or all of the following factors:

“(i) The historical presence of the Indian tribe on the land, including any land to which the Indian tribe was relocated pursuant to the forcible removal of tribal members from land as a result of acts of violence, an Act of Congress, a Federal or State administrative action, or a judicial order.

“(ii) Whether the membership of the tribe can demonstrate lineal descent or cultural affiliation, in accordance with section 10.14 of title 43, Code of Federal Regulations (or a successor regulation).

“(iii) The area in which the unique language of the Indian tribe has been used.

“(iv) The proximity of the land to culturally significant sites of the Indian tribe.

“(v) The forcible removal of tribal members from land as a result of acts of violence, an Act of Congress, a Federal or State administrative action, or a judicial order.

“(vi) Other factors that demonstrate a temporal presence of the Indian tribe on the land prior to the first interactions of the Indian tribe with nonnative individuals, the Federal Government, or any other sovereign entity.

“(D) EXCEPTIONS.—

“(i) IN GENERAL.—Subparagraphs (A) through (C) shall not apply—

“(I) to any land on which gaming regulated by this Act will not take place;

“(II) to any land located within, or contiguous to, the boundaries of the reservation of an Indian tribe, as of October 17, 1988;

“(III) if—

“(aa) the relevant Indian tribe did not have a reservation on October 17, 1988; and

“(bb) the land is located—

“(AA) in the State of Oklahoma and within the boundaries of the former reservation of the Indian tribe, as defined by the Secretary, or contiguous to other land held in trust or restricted status by the United States for the Indian tribe in the State of Oklahoma; or

“(BB) in a State other than Oklahoma and within the last recognized reservation of the Indian tribe in any State in which the Indian tribe is presently located; or

“(IV) if the relevant Indian tribe has—

“(aa) taken land into trust during the period beginning on October 17, 1988, and ending on the date of enactment of the Tribal Gaming Eligibility Act; and

“(bb) has received a written determination by the Secretary that the land is eligible to be used for gaming under this section.

“(ii) CERTAIN DECISIONS.—

“(I) IN GENERAL.—Subject to subclause (II), subparagraphs (A) through (C) shall not apply to a final agency decision issued before the date of enactment of the Tribal Gaming Eligibility Act.

“(II) PENDING APPLICATIONS.—Subparagraphs (A) through (C) shall apply to an application that is pending, but for which a final agency decision has not been made, as of the date of enactment of the Tribal Gaming Eligibility Act.

“(E) ADMINISTRATION.—An action under this paragraph shall be considered a final administrative action for purposes of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’); and

(D) in paragraph (4) (as redesignated by subparagraph (B)), by striking ‘‘paragraph (2)(B)’’ and inserting ‘‘paragraph (3)(B)’’.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 772. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators COLLINS and AKAKA today to introduce the

bipartisan SECURE Facilities Act of 2011 to modernize and transform an important but often overlooked agency within the Department of Homeland Security, DHS, responsible for protecting 9,000 Federal buildings across the country.

The agency I refer to is the Federal Protective Service, FPS, where 1,200 full time employees and about 15,000 contract guards safeguard not just the buildings, but the one million people who work at and visit these buildings each year.

Unfortunately, the threat to government workers and property is all too real. In 1995, a massive bomb decimated the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people. The Pentagon was one of the targets of the 9/11 terrorists. A wing of the building was leveled and 184 people died. Last year, a man flew a small plane into a building in Austin, TX, that housed an IRS and other government offices. An IRS manager was killed. Earlier this year, our friend and colleague, Congresswoman GABRIELLE GIFFORDS was critically shot at a public forum. Most recently, a man planted an improvised explosive device outside the McNamara Federal building in Detroit. A dozen or so other violent incidents have occurred at federal buildings in the last 3 years. Protecting the people who work and visit federal buildings is critical to maintaining the integrity of our democracy.

Security at these buildings, however, is not where it should be. Poor management, serious budget shortfalls, and operational challenges have diminished FPS’ effectiveness and undermined public trust. FPS guards were famously caught sleeping on the job, putting an infant in its carrier through an X-ray machine, and failing to detect bomb-making materials on investigators who passed through security.

The Federal Protective Service must be turned around, which is why we are introducing this legislation to strengthen the agency’s management, provide it with the necessary resources to fulfill its mission, and help it function at a higher level.

I want to single out for praise the Government Accountability Office, GAO, whose excellent work has significantly informed our legislation.

At a July 8, 2009, hearing before the Homeland Security and Governmental Affairs Committee, GAO unveiled the results of a year-long investigation conducted at the Committee’s request. GAO visited 6 of 11 FPS regions throughout the country and observed the guard inspection process; interviewed managers, inspectors, and guards; analyzed guard contracts, training and certification requirements, and instruction documents. GAO’s special investigations unit conducted its own covert tests at 10 high security Federal facilities in several

different cities, some of which house district offices of our House and Senate colleagues.

What did GAO find? A seriously dysfunctional agency. FPS lacks focus and strategies for accomplishing its mission; contract guards don’t have adequate training; FPS personnel suffer from low morale; oversight of contract guards is poor; and many standards that guide federal building security are outdated.

GAO revealed that some guards lacked basic security or x-ray machine training. The FPS was hard pressed to identify which guards were qualified or effective. One guard used a government computer to run an adult website during his shift, while another allowed a baby in a carrier to pass through an x-ray machine. A third guard was photographed asleep at his station.

GAO investigators smuggled through security at one building readily available components to make a liquid-based improvised explosive device. The investigators then made a bomb in a public restroom and moved throughout the federal building undetected. I note that while the components of the IED were real, the actual explosive liquids were diluted to ensure the bomb was not functional.

FPS didn’t come to this point overnight. In fact, its problems multiplied when it was folded into DHS in 2003. At that point, the agency lost access to supplemental funding from its previous parent agency—the General Services Administration, GSA, and because of that, immediately ran into trouble. FPS fell behind in paying its bills, budget cuts hurt employee training and other functions, and personnel cuts diminished the agency’s overall performance. At the same time, FPS was given more responsibilities, and the previous administration was working to downsize the agency workforce by 1/3.

Reform legislation is very clearly needed, and the SECURE Facilities Act of 2011 addresses many of the shortcomings detailed by GAO.

In particular, our legislation addresses four major challenges:

First, the bill would help the FPS carry out its mission by adding almost 150 law enforcements and support personnel. The agency has assumed increased responsibilities since it joined DHS but has done so with fewer personnel, and that is unsustainable.

Second, our legislation would tackle deficiencies within the contract guard program. FPS contract guards are the first line of defense at Federal facilities, so we must ensure they are held to high standards and are prepared and equipped to face the varied threats to which federal buildings are vulnerable.

Third, the bill would ensure the FPS is prepared to address the threat of explosives. The bombing of the Alfred P. Murrah Federal Building in Oklahoma

City occurred 16 years ago, but FPS has been slow to deploy sufficient countermeasures to detect and deter that type of attack.

Fourth, our bill would recognize the delicate balance between public access and security. We have worked to put the emphasis on securing Federal facilities but we also support avenues of appeal if a building tenant believes a security measure unduly hinders public access. If the Federal Protective Service is to be held accountable—by Congress, the administration, and the American people—it should no longer be forced to defend federal agencies that choose less costly and potentially less effective security for their buildings.

On the question of resources, our bill, for the first time, would formally authorize the FPS and the interagency government body responsible for establishing security standards for all federal facilities, the Interagency Security Committee. We would provide additional funding for the agency by directing OMB to increase the building security fees paid by other agencies. We would provide resources for FPS to hire 146 full time employees. We would ensure that FPS employs 1,200 full time employees or more at all times—a conservative number that may require future increases.

Many of the additional employees would be law enforcement officers, but FPS would also have the flexibility to hire administrative and support personnel to improve its overall management, strengthen its oversight of contract guards, monitor contractor performance, and share contract assessments throughout the agency. The legislation also would provide retirement benefits to FPS officers to help the agency recruit and retain quality personnel.

Recognizing that the nation's fiscal health and our unsustainable deficits demand budget tightening, it is especially critical that we make wise budget decisions. I believe the evidence clearly demonstrates the need for additional spending for FPS.

With regard to improved standards, our legislation would require FPS to conduct overt and covert testing to assess guard training, test the security of Federal facilities, and establish procedures for retraining or terminating poor performing guards. The bill would also require that basic documents and manuals describing the responsibilities of security guards are up to date and periodically reviewed.

On explosives, we would require DHS to establish performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities. Our bill would also allow FPS officers to carry firearms off duty, as most other Federal law enforcement officers can, allowing them to respond to incidents

more quickly. And, finally, the bill includes several reporting requirements—on agency personnel needs, retention rates of contract guards, the feasibility of federalizing the contract guard workforce, and additional methods for preventing and detecting explosives in federal facilities.

Based on the Committee's and GAO's oversight work over the past several years, it is clear that Congress must move quickly to address the remaining security vulnerabilities associated with our Federal buildings.

I am confident that this comprehensive, bipartisan legislation will foster meaningful reform, modernize the Federal Protective Service, and improve the security of our Federal facilities across the country. I urge my colleagues to support the bill and I thank Senator COLLINS, Senator AKAKA, former Senator Voinovich, and their dedicated staffs for helping to get this bill introduced today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 772

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011" or the "SECURE Facilities Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Federal Protective Service.

(3) FACILITY USED FOR ACTIVITIES COVERED UNDER THE ATOMIC ENERGY ACT OF 1954.—The term "facility used for activities covered under the Atomic Energy Act of 1954" means—

(A) the Albuquerque National Nuclear Security Administration Service Center;

(B) the Brookhaven National Laboratory and Brookhaven Site Office;

(C) the Argonne National Laboratory, the Argonne Site Office and the Chicago Service Center;

(D) the Department of Energy Office of Secure Transportation, and associated field locations;

(E) the Idaho National Laboratory and the Idaho Site Office;

(F) the Kansas City Plant and the Kansas City Site Office;

(G) the Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory;

(H) the Nevada Site Office and the Nevada National Security Site;

(I) the Los Alamos National Laboratory and the Los Alamos Site Office;

(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;

(K) the National Energy Technology Laboratory;

(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and the Department of Energy East Tennessee Technology Park;

(M) the Pantex Plant and Pantex Site Office;

(N) the Portsmouth Gaseous Diffusion Plant and Paducah Gaseous Diffusion Plant;

(O) the Richland Operations Office and Hanford Site;

(P) the Sandia National Laboratories and Sandia Site Office;

(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;

(R) the Savannah River Plant and the Department of Energy Office of Environmental Management's Savannah River Site Office;

(S) the Savannah River National Laboratory;

(T) the National Nuclear Security Administration's National Savannah River Site Office, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

(U) the Waste Isolation Pilot Plant; and

(V) the National Nuclear Security Administration's Y-12 Site Office and the Y-12 National Security Complex.

(4) FEDERAL FACILITY.—The term "Federal facility"—

(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

(B) does not include—

(i) any building, grounds, or property used for military activities; or

(ii) any facility used for activities covered under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(5) FEDERAL PROTECTIVE SERVICE OFFICER.—The term "Federal protective service officer"—

(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer authorized to carry firearms and make arrests by the Secretary.

(6) QUALIFIED CONSULTANT.—The term "qualified consultant" means a non-Federal entity with experience in homeland security, infrastructure protection and physical security, Government workforce issues, and Federal human capital policies.

(7) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"Subtitle E—Federal Protective Service

"SEC. 241. DEFINITIONS.

"In this subtitle:

"(1) AGENCY.—The term 'agency' means an executive agency.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives;

“(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(E) the Committee on Appropriations of the House of Representatives.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Federal Protective Service.

“(4) FACILITY SECURITY LEVEL.—The term ‘facility security level’—

“(A) means a rating of each Federal facility based on the analysis of several facility factors that provides a basis for that facility’s attractiveness as a target and potential effects or consequences of a criminal or terrorist attack, which then serves as a basis for the implementation of certain levels of security protection; and

“(B) is determined by the Federal Protective Service, the United States Marshals Service under section 566 of title 28, United States Code, or another agency authorized to provide all protective services for a facility under the provisions of section 263 and guided by Interagency Security Committee standards.

“(5) FACILITY USED FOR ACTIVITIES COVERED UNDER THE ATOMIC ENERGY ACT OF 1954.—The term ‘facility used for activities covered under the Atomic Energy Act of 1954’ means—

“(A) the Albuquerque National Nuclear Security Administration Service Center;

“(B) the Brookhaven National Laboratory and Brookhaven Site Office;

“(C) the Argonne National Laboratory, the Argonne Site Office and the Chicago Service Center;

“(D) the Department of Energy Office of Secure Transportation, and associated field locations;

“(E) the Idaho National Laboratory and the Idaho Site Office;

“(F) the Kansas City Plant and the Kansas City Site Office;

“(G) the Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory;

“(H) the Nevada Site Office and the Nevada National Security Site;

“(I) the Los Alamos National Laboratory and the Los Alamos Site Office;

“(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;

“(K) the National Energy Technology Laboratory;

“(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and the Department of Energy East Tennessee Technology Park;

“(M) the Pantex Plant and Pantex Site Office;

“(N) the Portsmouth Gaseous Diffusion Plant and Paducah Gaseous Diffusion Plant;

“(O) the Richland Operations Office and Hanford Site;

“(P) the Sandia National Laboratories and Sandia Site Office;

“(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;

“(R) the Savannah River Plant and the Department of Energy Office of Environmental Management’s Savannah River Site Office;

“(S) the Savannah River National Laboratory;

“(T) the National Nuclear Security Administration’s National Savannah River Site Of-

fice, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

“(U) the Waste Isolation Pilot Plant; and

“(V) the National Nuclear Security Administration’s Y–12 Site Office and the Y–12 National Security Complex.

“(6) FEDERAL FACILITY.—The term ‘Federal facility’—

“(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

“(B) does not include—

“(i) any building, grounds, or property used for military activities; or

“(ii) any facility used for activities covered under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

“(7) FEDERAL FACILITY PROTECTED BY THE FEDERAL PROTECTIVE SERVICE.—The term ‘Federal facility protected by the Federal Protective Service’—

“(A) means those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary; and

“(B) does not include any facility, or portion thereof, which the United States Marshals Service is responsible for under section 566 of title 28, United States Code.

“(8) FEDERAL PROTECTIVE SERVICE OFFICER.—The term ‘Federal protective service officer’—

“(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

“(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer authorized to carry firearms and make arrests by the Secretary.

“(9) INFRASTRUCTURE SECURITY CANINE TEAM.—The term ‘infrastructure security canine team’ means a certified canine and a Federal protective service officer that are trained to detect explosives or other threats as defined by the Secretary.

“(10) IN-SERVICE FIELD STAFF.—The term ‘in-service field staff’ means Federal Protective Service law enforcement officers who, while working, are directly engaged on a daily basis protecting and enforcing law at Federal facilities, including police officers, inspectors, area commanders and special agents, and such other equivalent positions as designated by the Secretary.

“(11) SECURITY ORGANIZATION.—The term ‘security organization’ means an agency or an internal agency component responsible for security at a specific Federal facility.

“SEC. 242. ESTABLISHMENT.

“(a) ESTABLISHMENT.—There is established the Federal Protective Service within the Department.

“(b) MISSION.—The mission of the Federal Protective Service is to render Federal facilities protected by the Federal Protective Service safe and secure for Federal employees, contract employees, officers, and visitors.

“(c) DIRECTOR.—The head of the Federal Protective Service shall be the Director of the Federal Protective Service. The Director shall report to the Under Secretary for the National Protection and Programs Directorate.

“(d) DUTIES AND POWERS OF THE DIRECTOR.—

“(1) IN GENERAL.—Subject to the supervision and direction of the Secretary, the Director shall be responsible for the manage-

ment and administration of the Federal Protective Service and the employees and programs of the Federal Protective Service.

“(2) PROTECTION.—The Director shall secure Federal facilities which are protected by the Federal Protective Service, and safeguard all occupants, including Federal employees, contract employees, officers, and visitors.

“(3) ENFORCEMENT POLICY.—The Director shall establish and direct the policies of the Federal Protective Service, and advise the Under Secretary for the National Protection and Programs Directorate on policy matters relating to the protection of Federal facilities.

“(4) TRAINING.—The Director shall—

“(A) determine the minimum level of training or certification for—

“(i) employees of the Federal Protective Service; and

“(ii) armed contract security guards at Federal facilities protected by the Federal Protective Service; and

“(B) provide training, to members of a Facility Security Committee that meets the standards established by the Interagency Security Committee.

“(5) INVESTIGATIONS.—The Director shall ensure violations of any Federal law affecting the security of Federal facilities protected by the Federal Protective Service are investigated and referred for prosecution as appropriate.

“(6) INSPECTIONS.—The Director shall inspect Federal facilities protected by the Federal Protective Service for the purpose of determining compliance with Federal security standards and making appropriate risk mitigation recommendations.

“(7) PERSONNEL.—The Director shall provide adequate numbers of trained personnel to ensure Federal security standards are met.

“(8) INFORMATION SHARING.—The Director shall provide crime prevention, threat awareness, and intelligence information to the Administrator of General Services and tenants of Federal facilities. The Director shall ensure effective coordination and liaison with other Federal law enforcement agencies and State and local law enforcement agencies.

“(9) PATROL.—The Director shall ensure areas in and around Federal facilities protected by the Federal Protective Service are patrolled by Federal Protective Service officers.

“(10) SECURITY ASSESSMENT.—The Director shall ensure a security risk assessment is conducted for each Federal facility protected by the Federal Protective Service on a recurring basis and in accordance with standards established by the Interagency Security Committee.

“(11) EMERGENCY PLAN ASSISTANCE.—The Director shall—

“(A) ensure each Federal facility protected by the Federal Protective Service has adequate plans for emergency situations;

“(B) provide technical assistance to agencies that are the tenant of a Federal facility protected by the Federal Protective Service in developing plans described in subparagraph (A); and

“(C) ensure plans described in subparagraph (A) are exercised in accordance with standards established by the Interagency Security Committee.

“(12) SECURITY COUNTERMEASURES.—The Director shall ensure and supervise the effective design, procurement, installation, maintenance, and operation of security countermeasures (including armed contract guards,

electronic physical security systems, and weapons and explosives screening devices) for Federal facilities protected by the Federal Protective Service.

“(13) SUITABILITY ADJUDICATION OF GUARDS AND BUILDING SERVICE CONTRACTORS.—The Director shall ensure that—

“(A) background investigations are conducted for contract guards and building service contractors; and

“(B) each contract guard and building service contractor is suitable for work in a Federal facility protected by the Federal Protective Service before being granted unescorted or recurring access.

“(14) PROTECTIVE SERVICE GUARD CONTRACTING.—The Director shall be responsible for all protective service guard contracting requirements for those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary.

“(15) ASSISTANCE TO FACILITY SECURITY COMMITTEES.—The Director shall ensure coordination with and provide assistance to Facility Security Committees on matters relating to facilities, facility vulnerabilities, and potential consequences of an incident.

“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIREMENTS.

“(a) IN GENERAL.—The Secretary shall ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent employees, including not fewer than 950 in-service field staff in fiscal year 2012.

“(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE LEVEL.—

“(1) IN GENERAL.—The Secretary shall ensure that the Federal Protective Service shall maintain at any time not fewer than 1,200 full-time equivalent employees, including not fewer than 900 in-service field staff.

“(2) REPORT.—In any fiscal year after fiscal year 2012 in which the number of full-time equivalent employees of the Federal Protective Service is fewer than the number of full-time equivalent employees of the Federal Protective Service in the previous fiscal year, the Secretary shall submit a report to the appropriate congressional committees that provides—

“(A) an explanation of the decrease in full-time equivalent employees; and

“(B) a revised model of the number of full-time equivalent employees projected for future fiscal years.

“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.

“(a) ARMED GUARD TRAINING REQUIREMENTS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall establish minimum training requirements for all armed guards procured by the Federal Protective Service.

“(2) REQUIREMENTS.—Training requirements under this subsection shall include—

“(A) at least 80 hours of instruction before a guard may be deployed, and at least 16 hours of recurrent training on an annual basis thereafter; and

“(B) Federal Protective Service monitoring or provision of the initial training of armed guards procured by the Federal Protective Service of—

“(i) at least 10 percent of the hours of required instruction in fiscal year 2011;

“(ii) at least 15 percent of the hours of required instruction in fiscal year 2012;

“(iii) at least 20 percent of the hours of required instruction in fiscal year 2013; and

“(iv) at least 25 percent of the hours of required instruction in fiscal year 2014 and each fiscal year thereafter.

“(b) TRAINING AND SECURITY ASSESSMENT PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall establish a program to periodically assess—

“(A) the training of guards for the security and protection of Federal facilities protected by the Federal Protective Service; and

“(B) the security of Federal facilities protected by the Federal Protective Service.

“(2) PROGRAM.—The program under this subsection shall include an assessment of—

“(A) methods to test the training and certifications of guards;

“(B) a remedial training program for guards;

“(C) procedures for taking personnel actions, including processes for removing individuals who fail to conform to the training or performance requirements of the contract; and

“(D) an overt and covert testing program for the purposes of assessing guard performance and other facility security countermeasures.

“(3) REPORTS.—The Secretary shall annually submit a report to the appropriate congressional committees, in a classified manner, if necessary, on the results of the assessment of the overt and covert testing program of the Federal Protective Service.

“(c) REVISION OF GUARD MANUAL AND POST ORDERS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director, in consultation with the Administrator of General Services, shall—

“(A) update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service; or

“(B) certify to the Secretary that the Security Guard Information Manual and post orders described under subparagraph (A) have been updated during the 1-year period preceding the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011.

“(2) REVIEW AND UPDATE.—Beginning with the first calendar year following the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, and every 2 years thereafter, the Director shall review and update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service.

“(d) DATABASE OF GUARD SERVICE CONTRACTS.—The Director shall establish a database to monitor all contracts for guard services. The database shall include information relating to contract performance.

“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.

“(a) IN GENERAL.—

“(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall—

“(A) begin to increase the number of infrastructure security canine teams certified by the Federal Protective Service for the purposes of infrastructure-related security by

up to 15 canine teams in each of fiscal years 2012 through 2015; and

“(B) encourage State and local governments and private owners of high-risk facilities to strengthen security through the use of highly trained infrastructure security canine teams.

“(2) INFRASTRUCTURE SECURITY CANINE TEAMS.—To the extent practicable, the Director shall increase the number of infrastructure security canine teams by—

“(A) partnering with the Customs and Border Protection Canine Enforcement Program and the Canine Training Center Front Royal, the Transportation Security Administration’s National Explosives Detection Canine Team Training Center, or other offices or agencies within the Department with established canine training programs;

“(B) partnering with agencies, State or local government agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams; or

“(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, if the canines are trained in a manner consistent with the standards and requirements developed under subsection (b) or other criteria developed by the Secretary.

“(b) STANDARDS FOR INFRASTRUCTURE SECURITY CANINE TEAMS.—

“(1) IN GENERAL.—The Director, in coordination with the Office of Infrastructure Protection, shall establish criteria, including canine training curricula, performance standards, and other requirements, necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

“(2) EXPANSION.—In developing and implementing the criteria, the Director shall—

“(A) coordinate with key stakeholders, including international, Federal, State, and local government officials, and private sector and academic entities to develop best practice guidelines;

“(B) require that canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with the criteria; and

“(C) review the status of the private sector programs on at least an annual basis to ensure compliance with the criteria.

“(c) DEPLOYMENT.—The Director—

“(1) shall use the additional canine teams increased under subsection (a) to enhance security at Federal facilities;

“(2) may use the additional canine teams increased under subsection (a) on a more limited basis to support other homeland security missions; and

“(3) may request canine teams from other agencies within the Department—

“(A) for high-risk areas;

“(B) to address specific threats; or

“(C) on an as-needed basis.

“(d) CANINE PROCUREMENT.—The Director, shall ensure that infrastructure security canine teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

“SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STANDARDS.

“The Secretary, in coordination with the Interagency Security Committee, shall develop performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities protected by the Federal Protective Service.

“SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

“(a) IN GENERAL.—The Secretary may assess security charges to an agency that is the owner or the tenant of a Federal facility protected by the Federal Protective Service in addition to any security charge assessed under section 248 for the costs of necessary security countermeasures if—

“(1) the Secretary, in coordination with the Interagency Security Committee, determines a Federal facility to be in noncompliance with Federal security standards established by the Interagency Security Committee or a final determination regarding countermeasures made by the appeals board established under section 262(h); and

“(2) the Interagency Security Committee or the Director—

“(A) provided notice to that agency and the Facility Security Committee of—

“(i) the noncompliance;

“(ii) the actions necessary to be in compliance; and

“(iii) the latest date on which such actions need to be taken; and

“(B) the agency is not in compliance by that date.

“(b) REPORT ON NONCOMPLIANT FACILITIES.—The Secretary shall submit a report to the appropriate congressional committees, in a classified manner if necessary, of any facility determined to be in noncompliance with the Federal security standards established by the Interagency Security Committee.

“SEC. 248. FEES FOR PROTECTIVE SERVICES.

“(a) IN GENERAL.—The Secretary may assess and collect fees and security charges from agencies for the costs of providing protective services.

“(b) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading ‘FEDERAL PROTECTIVE SERVICES’ under the heading ‘NATIONAL PROTECTION AND PROGRAMS DIRECTORATE’ of the Department.

“(c) ADJUSTMENT OF FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this subtitle.

“Subtitle F—Interagency Security Committee

“SEC. 261. DEFINITIONS.

“In this subtitle, the definitions under section 241 shall apply.

“SEC. 262. INTERAGENCY SECURITY COMMITTEE.

“(a) ESTABLISHMENT.—There is established within the executive branch the Interagency Security Committee (in this subtitle referred to as the ‘Committee’) responsible for the development of safety and security standards and best practices to mitigate the effects of natural and manmade hazards in Federal facilities.

“(b) CHAIRPERSON.—The Committee shall be chaired by the Secretary, or the designee of the Secretary. The chairperson shall be responsible for the daily operations of the Committee and appeals board, final approval and enforcement of Committee standards, and the promulgation of regulations related to Federal facility security prescribed by the Committee.

“(c) MEMBERSHIP.—

“(1) VOTING MEMBERS.—The Committee shall consist of the following voting members:

“(A) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:

“(i) Department of Homeland Security.

“(ii) Department of State.

“(iii) Department of the Treasury.

“(iv) Department of Defense.

“(v) Department of Justice.

“(vi) Department of the Interior.

“(vii) Department of Agriculture.

“(viii) Department of Commerce.

“(ix) Department of Labor.

“(x) Department of Health and Human Services.

“(xi) Department of Housing and Urban Development.

“(xii) Department of Transportation.

“(xiii) Department of Energy.

“(xiv) Department of Education.

“(xv) Department of Veterans Affairs.

“(xvi) Environmental Protection Agency.

“(xvii) Central Intelligence Agency.

“(xviii) Office of Management and Budget.

“(xix) General Services Administration.

“(B) OTHER OFFICERS.—The following Federal officers or the designees of those officers:

“(i) The Director of the United States Marshals Service.

“(ii) The Director.

“(iii) The Assistant to the President for National Security Affairs.

“(C) JUDICIAL BRANCH REPRESENTATIVES.—A representative from the judicial branch appointed by the Chief Justice of the United States.

“(2) ASSOCIATE MEMBERS.—The Committee shall include as associate members who shall be nonvoting members, representatives from the following agencies, appointed by the agency heads:

“(A) Federal Aviation Administration.

“(B) Federal Bureau of Investigation.

“(C) Federal Deposit Insurance Corporation.

“(D) Federal Emergency Management Agency.

“(E) Federal Reserve Board.

“(F) Internal Revenue Service.

“(G) National Aeronautics and Space Administration.

“(H) National Capital Planning Commission.

“(I) National Institute of Standards & Technology.

“(J) Nuclear Regulatory Commission.

“(K) Office of Personnel Management.

“(L) Securities and Exchange Commission.

“(M) Social Security Administration.

“(N) United States Coast Guard.

“(O) United States Postal Service.

“(P) United States Army Corps of Engineers.

“(Q) Court Services and Offender Supervision Agency.

“(R) Any other Federal officers as the President shall appoint.

“(3) GOVERNMENT ACCOUNTABILITY OFFICE.—The Comptroller General shall designate a representative to act as a liaison to the Committee.

“(d) WORKING GROUPS.—The Committee may establish interagency working groups to perform such tasks as may be directed by the Committee.

“(e) CONSULTATION.—The Committee shall consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities, and, at the discretion of the Chairperson of the Committee, such other parties may participate in the working groups.

“(f) MEETINGS.—The Committee shall at a minimum meet quarterly.

“(g) RESPONSIBILITIES.—The Committee shall—

“(1) not later than 1 year after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhance-

ments for Facilities Act of 2011, propose regulations to the Secretary for promulgation under section 1315(c)(1) of title 40, United States Code—

“(A) for determining facility security levels, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 180-day period; and

“(B) to establish risk-based performance standards for the security of Federal facilities, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 1-year period;

“(2) establish protocols for the testing of the compliance of Federal facilities with Federal security standards, including a mechanism for the initial and recurrent testing of Federal facilities;

“(3) prescribe regulations to determine minimum levels of training and certification of contract guards;

“(4) prescribe regulations to establish a list of prohibited items for entry into Federal facilities;

“(5) establish minimum requirements and a process for providing basic security training for members of Facility Security Committees; and

“(6) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including—

“(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

“(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

“(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

“(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

“(E) assisting the Secretary in developing and maintaining a secure centralized security database of all Federal facilities; and

“(7) carry out such other duties as assigned by the President.

“(h) APPEALS BOARD.—

“(1) ESTABLISHMENT.—The Committee shall establish an appeals board to consider appeals from any Facility Security Committee or the Director of a—

“(A) facility security level determination;

“(B) Facility Security Committee decision to disapprove a determination for necessary countermeasures or physical security improvements if the Director considered such a decision a grave risk to the facility or its occupants; or

“(C) determination of noncompliance with Federal facility security standards.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The appeals board shall consist of 7 members of the Committee, of whom—

“(i) 1 shall be designated by the Secretary;

“(ii) 4 shall be selected by the voting members of the Committee; and

“(iii) 2 shall be selected by the voting members of the Committee to serve as alternates in the case of recusal by a member of the appeals board.

“(B) RECUSAL.—An appeals board member shall recuse himself or herself from any appeal from an agency which that member represents.

“(3) FINAL APPEAL.—A decision of the appeals board is final and shall not be subject to administrative or judicial review.

“(i) AGENCY SUPPORT AND COOPERATION.—

“(1) ADMINISTRATIVE SUPPORT.—

“(A) IN GENERAL.—To the extent permitted by law and subject to the availability of appropriations, the Secretary shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of the functions of the Committee under this subtitle.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department such sums as necessary to carry out the provisions of this paragraph.

“(2) COOPERATION AND COMPLIANCE.—

“(A) IN GENERAL.—Each agency shall cooperate and comply with the policies, standards, and determinations of the Committee.

“(B) SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, agencies shall provide such support as may be necessary to enable the Committee to perform the duties and responsibilities of the Committee.

“(3) COMPLIANCE.—The Secretary shall be responsible for monitoring agency compliance with the policies and determinations of the Committee.

“(j) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as necessary to carry out the provisions of this section.

“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PROTECTIVE SERVICES.

“(a) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a process to authorize an agency to provide protective services for a Federal facility instead of the Federal Protective Service.

“(b) LAW ENFORCEMENT AUTHORITY.—The Federal Protective Service shall retain the law enforcement authorities of the Federal Protective Service at any Federal facilities where an exemption is approved under subsection (a).

“(c) REQUIREMENTS.—Except as provided under subsection (d), the process under subsection (a) shall—

“(1) provide that—

“(A) an agency may submit an application to the Secretary for an authorization;

“(B) an authorization shall be for a 2-year period;

“(C) an authorization may be renewed; and

“(D) not later than 60 days after an agency submits an application to the Secretary for an authorization, the Secretary shall respond to the agency; and

“(2) require an agency to—

“(A) demonstrate security expertise;

“(B) possess law enforcement authority;

“(C) provide sufficient information through a security plan that the agency shall be in compliance with the Federal security standards of the Committee; and

“(D) submit a cost benefit analysis demonstrating savings to be realized.

“(d) AUTHORIZATION FOR CERTAIN DEPARTMENT OF ENERGY FACILITIES.—Nothing in this section shall—

“(1) alter authorizations in effect as of the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011 that have been provided to the Department of Energy for headquarters facilities located in Washington, D.C. and Germantown, Maryland; or

“(2) preclude the Secretary and the Secretary of Energy from renegotiating the terms of the authorizations for the Depart-

ment of Energy headquarters facilities located in Washington, D.C. and Germantown, Maryland without regard to the requirements of subsection (c).

“SEC. 264. FACILITY SECURITY COMMITTEES.

“(a) IN GENERAL.—

“(1) MAINTENANCE OF FACILITY SECURITY COMMITTEES.—Except as provided under paragraph (2), the agencies that are tenants at each Federal facility shall maintain a Facility Security Committee for that Federal facility. Each agency that is a tenant at a Federal facility shall provide 1 employee to serve as a member of the Facility Security Committee.

“(2) EXEMPTIONS.—The Secretary may exempt a Federal facility from the requirement under paragraph (1), if that Federal facility is authorized under section 263 to provide protective services.

“(b) CHAIRPERSON.—

“(1) IN GENERAL.—Each Facility Security Committee shall be headed by a chairperson, elected by a majority of the members of the Facility Security Committee.

“(2) RESPONSIBILITIES.—The chairperson shall be responsible for—

“(A) maintaining accurate contact information for agency tenants and providing that information, including any updates, to the Federal Protective Service or designated security organization;

“(B) setting the agenda for Facility Security Committee meetings;

“(C) referring Facility Security Committee member questions to Federal Protective Service or designated security organization for response;

“(D) reviewing a security assessment completed by the Federal Protective Service or designated security organization representatives and, if requested by the Federal Protective Service or designated security organization, accompanying the representatives during on-site facility security assessments;

“(E) maintaining an official record of each meeting;

“(F) acknowledging receipt of the facility security assessment from Federal Protective Service or designated security organization;

“(G) maintaining records of training of or waivers for members of the Facility Security Committee; and

“(H) any other duties as determined by the Interagency Security Committee.

“(c) TRAINING FOR MEMBERS.—

“(1) IN GENERAL.—Except as provided under paragraphs (3) and (4), before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee.

“(2) TRAINING.—Training under this subsection shall—

“(A) be provided by the Federal Protective Service or designated security organization, in accordance with standards established by the Interagency Security Committee;

“(B) be commensurate with the security level of the facility; and

“(C) include training relating to—

“(i) familiarity with published standards of the Interagency Security Committee;

“(ii) physical security criteria for Federal facilities;

“(iii) use of physical security performance measures;

“(iv) facility security levels determinations;

“(v) best practices for safe mail handling;

“(vi) knowledge of an occupant emergency plan, the facility security assessment process, and the facility countermeasures plan; and

“(vii) the role of the Federal Protective Service or designated security organization and the General Services Administration.

“(3) WAIVERS.—The training requirement under this subsection may be waived by the Director, the head of a designated security organization, or the Chairperson of the Interagency Security Committee if the Director, the head of the designated security organization, or the Chairperson determines that an employee has related experience in physical security, law enforcement, or infrastructure security disciplines.

“(4) INCUMBENT MEMBERS.—

“(A) IN GENERAL.—This subsection shall apply to any Facility Security Committee established before, on, or after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, except that any member of a Facility Security Committee serving on that date shall during the 1-year period following that date—

“(i) successfully complete a training course as required under paragraph (1); or

“(ii) obtain a waiver under paragraph (3).

“(B) COMPLIANCE.—Any member of a Facility Security Committee described under subparagraph (A) who does not comply with that subparagraph may not serve on that Facility Security Committee.

“(d) MEETINGS AND QUORUM.—

“(1) MEETINGS.—Each Facility Security Committee shall meet on a quarterly basis, or more frequently if determined appropriate by the chairperson.

“(2) QUORUM.—A majority of the members of a Facility Security Committee shall be present for a quorum to conduct business.

“(e) APPEAL.—

“(1) IN GENERAL.—If a Facility Security Committee disagrees with a determination of a facility security level or a determination of noncompliance with Federal security standards, the Chairperson of a Facility Security Committee may file an appeal of the determination with the Interagency Security Committee appeals board.

“(2) DECISION TO APPEAL.—The decision to file an appeal shall be agreed to by a majority of the members of a Facility Security Committee

“(3) MATTERS SUBJECT TO APPEAL.—A determination of the Federal Protective Service may be appealed under this subsection, including any determination relating to—

“(A) countermeasure improvements;

“(B) facility security assessment findings; and

“(C) facility security levels.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the matter relating to title II the following:

“Subtitle E—Federal Protective Service

“Sec. 241. Definitions.

“Sec. 242. Establishment.

“Sec. 243. Full-time equivalent employee requirements.

“Sec. 244. Oversight of contract guard services.

“Sec. 245. Infrastructure Security Canine Teams.

“Sec. 246. Checkpoint detection technology standards.

“Sec. 247. Compliance of Federal facilities with Federal security standards.

“Sec. 248. Fees for protective services.

“Subtitle F—Interagency Security Committee

“Sec. 261. Definitions.

"Sec. 262. Interagency Security Committee.
"Sec. 263. Authorization of agencies to provide protective services.
"Sec. 264. Facility security committees."

SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-DUTY CARRYING OF FIREARMS.

(a) LAW ENFORCEMENT AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—Section 1315(b)(2) of title 40, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "While engaged in the performance of official duties, an" and inserting "An"; and

(2) in subparagraph (B), by striking "carry firearms;" and inserting "carry firearms on or off duty;";

(b) CARRYING CONCEALED FIREARMS.—Section 926B(f) of title 18, United States Code, is amended by inserting "a law enforcement officer of the Federal Protective Service" after "Federal Reserve,".

SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8331 of title 5, United States Code is amended—

(A) in paragraph (30), by striking "and" at the end;

(B) in paragraph (31), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(32) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

"(A) who holds a position within the GS-0083, GS-0080, GS-1801, or GS-1811 job series (determined applying the criteria in effect as of September 1, 2007 or any successor position; and

"(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1)(A), by inserting "Federal protective service officer," before "or customs and border protection officer,"; and

(B) in the table contained in subsection (c), by adding at the end the following:

"Federal Protective Service Officer.	7.5	After June 29, 2011."
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(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by inserting "Federal protective service officer," before "or customs and border protection officer,".

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by inserting "Federal protective service officer," before "or customs and border protection officer,"; and

(B) in subsections (m) and (n), by inserting "as a Federal protective service officer," before "or as a customs and border protection officer,".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking "and" at the end;

(B) in paragraph (36), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(37) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

"(A) who holds a position within the GS-0083, GS-0080, GS-1801, or GS-1811 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position; and

"(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years."

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by inserting "Federal protective service officer," before "or customs and border protection officer,".

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by inserting "Federal protective service officer," before "or customs and border protection officer,".

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

"Federal Protective Service Officer.	7.5	After June 29, 2011."
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(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting "Federal protective service officer," before "customs and border protection officer," each place that term appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by inserting "Federal protective service officer," before "or customs and border protection officer," the first place that term appears; and

(B) inserting "Federal protective service officer," before "or customs and border protection officer," the second place that term appears.

(c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

"(h) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a Federal protective service officer, as defined by section 8401(37)."

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary.

(e) EFFECTIVE DATE; TRANSITION RULES; FUNDING.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective

on the later of June 30, 2011 or the first day of the first pay period beginning at least 6 months after the date of enactment of this Act.

(2) TRANSITION RULES.—

(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a Federal protective service officer before the effective date under paragraph (1).

(B) TREATMENT OF PRIOR FEDERAL PROTECTIVE SERVICE OFFICER SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section shall be considered to apply with respect to any service performed as a Federal protective service officer before the effective date under paragraph (1).

(ii) EXCEPTION.—Service described in section 8331(32) and 8401(37) of title 5, United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual who is serving on or after such effective date then qualifies as a Federal protective service officer by virtue of holding a supervisory or administrative position in the Department of Homeland Security.

(C) MINIMUM ANNUITY AMOUNT.—The annuity of an individual serving as a Federal protective service officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a Federal protective service officer on or after that date, be at least equal to the amount that would be payable to the extent that such service is subject to the Civil Service Retirement System or Federal Employees Retirement System, as appropriate, by applying section 8339(d) of title 5, United States Code, with respect to such service.

(D) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) FEES AND AUTHORIZATIONS OF APPROPRIATIONS.—

(A) FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to ensure collections are sufficient to carry out amendments made in this section.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(4) ELECTION.—

(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term "incumbent" means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

(i) IN GENERAL.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

(ii) FAILURE TO MAKE A TIMELY ELECTION.—Failure to make a timely election under

clause (i) shall be treated in the same way as an election made under clause (i)(I) on the last day allowable under clause (iii).

(iii) **DEADLINE.**—An election under this subparagraph shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(5) **DEFINITION.**—For the purposes of this subsection, the term “Federal protective service officer” has the meaning given such term by section 8331(32) or 8401(37) of title 5, United States Code (as amended by this section).

(6) **EXCLUSION.**—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—

(A) holds a positions within the Federal Protective Service; and

(B) is considered a law enforcement officers for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 6. REPORT ON FEDERAL PROTECTIVE SERVICE PERSONNEL NEEDS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the personnel needs of the Federal Protective Service that includes recommendations on the numbers of Federal protective service officers and the workforce composition of the Federal Protective Service needed to carry out the mission of the Federal Protective Service during the 10-fiscal year period beginning after the date of enactment of this Act.

(b) **REVIEW AND COMMENT.**—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment, before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.

SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on—

(1) retention rates within the Federal Protective Service contract guard workforce; and

(2) how the retention rate affects the costs and operations of the Federal Protective Service and the security of Federal facilities.

SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING THE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of federalizing the Federal Protective Service contract guard workforce.

(b) **REVIEW AND COMMENT.**—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment, before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.

(c) **CONTENTS.**—The report under this section shall include an evaluation of—

(1) converting in its entirety, or in part, the Federal Protective Service contract

workforce into full-time Federal employees, including an option to post a full-time equivalent Federal protective service officer at each Federal facility that on the date of enactment of this Act has a contract guard stationed at that facility;

(2) the immediate and projected costs of the conversion;

(3) the immediate and projected costs of maintaining guards under contract status and of maintaining full-time Federal employee guards;

(4) the potential increase in security if converted, including an analysis of using either a Federal security guard, Federal police officer, or Federal protective service officer instead of a contract guard;

(5) the hourly and annual costs of contract guards and the Federal counterparts of those guards, including an assessment of costs associated with all benefits provided to the Federal counterparts; and

(6) a comparison of similar conversions of large groups of contracted workers and potential benefits and challenges.

SEC. 9. REPORT ON AGENCY FUNDING.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the method of funding for the Federal Protective Service, which shall include recommendations regarding whether the Federal Protective Service should continue to be funded by a collection of fees and security charges, be funded by appropriations, or be funded by a combination of fees, security charges, and appropriations.

SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM ENTERING FEDERAL FACILITIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility, effectiveness, safety and privacy implications of the use or potential use of available methods to detect or prevent explosives from entering Federal facilities, including the use of additional canine teams, advanced imaging technology, or other technology or methods for detecting explosives.

SEC. 11. SAVINGS CLAUSE.

Nothing in this Act, including the amendments made by this Act, shall be construed to affect—

(1) the authorities under section 566 of title 28, United States Code;

(2) the authority of any Federal law enforcement agency other than the Federal Protective Service; or

(3) any authority of the Federal Protective Service not specifically enumerated by this Act that is in effect on the day before the date of enactment of this Act.

Ms. COLLINS. Mr. President, I rise today to join Senator LIEBERMAN and Senator AKAKA in introducing the SECURE Facilities Act of 2011—Supporting Employee Competency and Updating Readiness Enhancements. This bill would help to improve inadequate security at too many of our Federal buildings.

As a Nation, we have learned several hard truths. Terrorists are intent on attacking the United States, and their tactics continue to evolve. The early identification of a security gap can save countless lives if we act promptly to close it. There is no substitute for pre-emptive action to detect, disrupt, and defend against terrorist plots.

As we remember the lives lost when terrorists attacked the United States in 2001, we must avoid complacency. Our country's defenses must be nimble, multi-layered, informed by timely intelligence and coordinated across multiple agencies.

This is difficult work, requiring painstaking attention to detail and an unwavering focus. We must remain vigilant about the threats we face. Unfortunately, the evidence indicates there are significant security problems at Federal buildings where thousands of employees serve thousands more of our citizens every work day.

The Federal Protective Service, FPS, is charged with securing nearly 9,000 Federal facilities and protecting the government employees who work in them, and the Americans who use them to access vital services.

But, independent investigations by the Government Accountability Office, at the request of our Committee, and the Department of Homeland Security Inspector General have documented serious and systemic security flaws within the operations of the FPS. These lapses place Federal employees and private citizens at risk.

In April and May of 2009, for example, GAO's undercover investigators smuggled bomb-making materials into 10 Federal office buildings. Every single building GAO targeted was breached—a perfect record of security failure. At each facility, concealed bomb components passed through checkpoints monitored by FPS guards. Once inside, the covert GAO investigators were able to assemble the simulated explosive devices without interruption.

A July 2009 GAO report documented training flaws for FPS contract guards, some of whom failed to receive mandatory training on the operation of metal detectors and x-ray equipment. Other contract guards were deficient in key certifications such as CPR, First Aid, and firearms training. All told, GAO found that 62 percent of the FPS contract guards it reviewed lacked valid certifications in one or more of these areas.

This review also found that FPS did little to ensure compliance with rules and regulations and failed to conduct inspections of guard posts after regular business hours. When GAO investigators tested these posts, they found some guards sleeping on an overnight shift.

In another example, an inattentive guard allowed a baby in a carrier to pass through an x-ray machine on its conveyor belt. That guard was fired, but he ultimately won a lawsuit against the FPS because the agency could not document that he had received required training on the machine.

A few months earlier, in April 2009, the Department of Homeland Security's Inspector General also found

critical failings in the FPS contract guard program. The Inspector General's recommendations included many concrete steps to strengthen contract guard performance, such as improving the award and management of contracts and increasing the amount of training and number of compliance inspections.

These reports demonstrate that American taxpayers are simply not receiving the security they have paid for and that they expect FPS to provide. The reports also show the vulnerabilities facing Federal employees and federal infrastructure because of lax security.

While shining a light on these failings in multiple hearings, our Committee pressed FPS to take action to close these security gaps. Although some tentative steps have been taken by FPS, we can no longer wait for OMB and DHS to implement the absolutely critical security measures necessary to help protect our Federal buildings, our Federal employees, and the American public.

The legislation that I introduce today, with Senators LIEBERMAN and AKAKA, would help close these security gaps at our Federal buildings.

First, the bill would codify the Inter-agency Security Committee, which was established by Executive Order 6 months after the Oklahoma City bombing, to increase security standards at Federal facilities. The ISC, comprised of representatives from agencies across the government, would establish risk-based performance standards for the security of Federal buildings. FPS would then enforce these requirements based on the risk tier assigned the facility by the ISC.

Prior reports clearly demonstrate that FPS lacks authority to require tenant agencies of a Federal facility to comply with recommended security countermeasures.

For example, although FPS may ask tenant agencies to purchase or repair security equipment like cameras and x-ray machines, these tenant agencies can refuse to purchase or repair the equipment based on cost. Since FPS has no enforcement mechanism, these machines are not upgraded, or remain inoperable, and security suffers. With so much at stake, tenant agencies should not be able to effectively overrule the security experts on the ISC and at FPS.

To address this problem, our legislation would provide FPS the authority needed to mandate the implementation of security measures at a facility. FPS also would have the authority to inspect Federal facilities to enforce compliance.

The bill would allow the FPS Director to charge additional fees if tenant agencies fail to comply with applicable security standards. In such cases, the Secretary also must notify Congress of the non-compliant facilities.

Our bill also would require an independent analysis of FPS's long-term staffing needs.

The government has an obligation to protect our Nation's security, and our Federal buildings are targets for violence. This legislation would provide FPS with stronger authority to improve security at our Federal buildings.

The American public that relies on these facilities and the Federal employees who work in them deserve better and more reliable protection.

By Mr. BAUCUS:

S. 774. A bill to appropriate funds for pay and allowances and support for members of the Armed Forces, their families, and other personnel critical to national security during a funding gap; to the Committee on Appropriations.

Mr. BAUCUS. Mr. President, this is a bill to appropriate funds for pay and allowances and support for members of the Armed Forces, their families, and other personnel critical to national security during a funding gap.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enduring Support for Defenders of Freedom and Their Families Act".

SEC. 2. APPROPRIATIONS FOR PAY AND ALLOWANCES AND SUPPORT FOR MEMBERS OF THE ARMED FORCES, THEIR FAMILIES, AND CERTAIN OTHER PERSONNEL CRITICAL TO NATIONAL SECURITY DURING A FUNDING GAP.

(a) IN GENERAL.—During a funding gap impacting the Armed Forces and the Department of Homeland Security, the Secretary of the Treasury shall make available to the Secretary of Defense and the Secretary of Homeland Security, out of any amounts in the general fund of the Treasury not otherwise appropriated, amounts as follows:

(1) Such amounts as the Secretary of Defense and the Secretary of Homeland Security determine to be necessary to continue to provide pay and allowances (without interruption) to the following:

(A) Members and dependents of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, including reserve components thereof, and the U.S. Customs and Border Protection, who perform active service during the funding gap.

(B) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such civilian personnel of the Department of Defense and the Department of Homeland Security who are providing support to the personnel referred to in paragraph (1) as the Secretaries consider appropriate.

(C) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such personnel of contractors of the

Department of Defense and the Department of Homeland Security who are providing direct support to the personnel referred to in paragraph (1) as the Secretaries consider appropriate.

(2) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such amounts as the Secretaries determine to be necessary to continue carrying out programs (and the pay and allowances of personnel carrying out such programs) that provide direct support to the members of the Armed Forces and the Department of Homeland Security, including programs as follows:

(A) Programs for the support of families, including child care and family support services.

(B) Such programs of the Department of Defense for the provision of medical treatment as the Secretary of Defense considers appropriate, including programs for the provision of rehabilitative services and counseling for combat injuries (including, but not limited to, Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI)).

(b) FUNDING GAP DEFINED.—In this section, the term "funding gap" means any period of time after the beginning of a fiscal year for which interim or full-year appropriations for the personnel and other applicable accounts of the Armed Forces and the Department of Homeland Security for that fiscal year have not been enacted.

By Mr. UDALL of Colorado:

S. 784. A bill to prevent the shutdown of the Federal Government; to the Committee on Appropriations.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing a Government Shutdown Act".

SEC. 2. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, excluding any budget authority designated as an emergency or temporary funding for projects or activities that are not part of ongoing operations, to such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or

activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year; or

“(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

“(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

“(B) the last day of such fiscal year.

“(4) This section shall not provide funding for a new fiscal year to continue any project or activity which is funded under the provisions of this section at the end of the preceding fiscal year until the enactment of a regular appropriation Act or joint resolution making continuing appropriations for such project or activity during such new fiscal year.

“(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

“(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

“(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

“(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

“(f) For purposes of this section, the term ‘regular appropriation bill’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

“(1) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

“(2) The Department of Defense.

“(3) Energy and water development, and related agencies.

“(4) State, foreign operations, and related programs.

“(5) The Department of Homeland Security.

“(6) The Department of the Interior, Environmental Protection Agency, and related agencies.

“(7) The Departments of Labor, Health and Human Services, and Education, and related agencies.

“(8) Military construction, veterans affairs, and related agencies.

“(9) Science, the Departments of State, Justice, and Commerce, and related agencies.

“(10) The Departments of Transportation, Housing and Urban Development, and related agencies.

“(11) The Legislative Branch.

“(12) Financial services and general government.”

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

“1311. Continuing appropriations.”

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning fiscal year 2011.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—CALLING ON THE UNITED NATIONS TO RESCIND THE GOLDSTONE REPORT, AND FOR OTHER PURPOSES

Mrs. GILLIBRAND (for herself and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 138

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution S-9/1, authorizing a “fact-finding mission” regarding the conduct of the Government of Israel during Operation Cast Lead between December 27, 2008, and January 18, 2009;

Whereas that resolution prejudged the outcome of the fact finding mission by mandating that it investigate “violations of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people”;

Whereas, on September 15, 2009, the “United Nations Fact Finding Mission on the Gaza Conflict” released its report, now known as the “Goldstone report”, named for its chair, South African Jurist Richard Goldstone;

Whereas the report made numerous unsubstantiated assertions against Israel, in particular accusing the Government of Israel of committing war crimes by deliberately targeting civilians during its operations in Gaza;

Whereas the report downplayed the overwhelming evidence that Hamas deliberately used Palestinian civilians and civilian institutions as human shields against Israel and deliberately targeted Israeli civilians with rocket fire for over eight years prior to the operation;

Whereas the United Nations Human Rights Council voted to welcome the report, to endorse its recommendations, and to condemn Israel without mentioning Hamas;

Whereas, as a result of the report, the United Nations General Assembly has passed

two resolutions endorsing the report’s findings, the United Nations Secretary-General has been requested to submit several reports on implementation of its recommendations, and the Human Rights Council is scheduled to follow up on implementation of the report during future sessions;

Whereas the findings of the Goldstone report and the subsequent and continued United Nations member state actions following up on those findings have caused and continue to cause extensive harm to Israel’s standing in the world and could potentially create legal problems for Israel and its leaders;

Whereas Justice Richard Goldstone publicly retracted the central claims of the report he authored in an op-ed in *The Washington Post* on April 2, 2011;

Whereas Justice Goldstone wrote in that article that if he “had known then what I know now, the Goldstone Report would have been a different document”;

Whereas Justice Goldstone concluded that, contrary to his report’s findings, the Government of Israel did not intentionally target civilians in the Gaza Strip as a matter of policy;

Whereas, in contrast, Justice Goldstone states that the crimes committed by Hamas were clearly intentional, were targeted at civilians, and constitute a violation of international law;

Whereas Justice Goldstone also conceded that the number of civilian casualties in Gaza was far smaller than the report alleged;

Whereas Justice Goldstone admitted that Israel investigated the findings in the report, while expressing disappointment that Hamas has not taken any steps to look into the report’s findings; and

Whereas Justice Goldstone concluded that “Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens”: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the United Nations Human Rights Council members to reflect the author’s repudiation of the Goldstone report’s central findings, rescind the report, and reconsider further Council actions with respect to the report’s findings;

(2) urges United Nations Secretary-General Ban Ki Moon to work with United Nations member states to reform the United Nations Human Rights Council so that it no longer unfairly, disproportionately, and falsely criticizes Israel on a regular basis;

(3) requests Secretary-General Ban Ki Moon to do all in his power to redress the damage to Israel’s reputation caused by the Goldstone report;

(4) asks the Secretary-General to do all he can to urge member states to prevent any further United Nations action on the report’s findings; and

(5) urges the United States to take a leadership role in getting the United Nations and its bodies to prevent any further action on the report’s findings and limit the damage that this libelous report has caused to our close ally Israel and to the reputation of the United Nations.

SENATE RESOLUTION 139—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD TAKE CERTAIN ACTIONS WITH RESPECT TO THE GOVERNMENT OF BURMA

Mr. LUGAR (for himself, Mr. McCONNELL, and Mr. INHOFE) submitted the

following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 139

Whereas the ruling junta in Burma, the State Peace and Development Council (SPDC), (recently renamed as the State Supreme Council), did not affirmatively respond to President Barack Obama's initiative to engage with Burma;

Whereas more than 2000 political prisoners continue to be detained in Burma, even after the release of Aung San Suu Kyi;

Whereas the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286) established the position of Special Representative and Policy Coordinator for Burma, and President Obama delayed for over two years to nominate a person for that position;

Whereas the Government of Burma continues to coerce children, including ethnic minorities, into participating in combat and other military roles;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as human minesweepers;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as porters and assist military personnel;

Whereas the United States Government successfully mounted a vigorous and multi-lateral strategy pursuant to United Nations Security Council Resolution 1874 (2009) to deter a North Korean ship, the Kang Nam I, from traveling to its alleged destination in Burma in July 2009;

Whereas North Korea and Burma are expanding their bilateral military relationship;

Whereas military and other personnel from North Korea have reportedly been in Burma providing technical and other assistance toward the development of the military capabilities of the Government of Burma;

Whereas the Government of North Korea has reportedly provided radar systems and capabilities to the Government of Burma;

Whereas the Government of North Korea has reportedly provided missiles and missile technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided underground tunneling technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided multiple rocket launchers to the Government of Burma;

Whereas there are reports that the Governments of North Korea and Burma are collaborating on matters related to the development of Burma's nuclear program;

Whereas the Governments of Russia and Burma collaborated on the development of Burma's nuclear program;

Whereas hundreds of persons from Burma have gone to Russia for specialized training, including in the area of nuclear technology;

Whereas the Government of Burma is acquiring additional MIG aircraft from the Government of Russia;

Whereas hundreds of thousands of persons have fled Burma since 1988 for safety and to avoid persecution; and

Whereas, since October 1, 1989, approximately 80,000 refugees from Burma have resettled in the United States: Now therefore, be it

Resolved, That it is the sense of the Senate that—

(1) given the growing relationship between the Governments of Burma and North Korea, the President should provide the Congress with an unclassified report as to the volume

of ships and planes from North Korea visiting Burma, via China and elsewhere, in 2009, 2010, and through March 2011;

(2) the President should provide leadership by calling for an international investigation into allegations of international crimes against civilians in Burma, including ethnic minorities, by the Government of Burma;

(3) the President should seek the assistance of friends and allies of the United States who actively engage with the Government of Burma and have diplomatic missions in Burma, including Singapore, Japan, and South Korea, to encourage the release of all remaining political prisoners; and

(4) the President should encourage countries neighboring Burma to establish safe havens for Burmese child soldiers fleeing from forced military service by the Government of Burma.

AMENDMENTS SUBMITTED AND PROPOSED

SA 290. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 291. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 1363, making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

TEXT OF AMENDMENTS

SA 290. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows.

On page 4, line 9, strike "2019" and insert "2014".

On page 4, line 17, strike "2019" and insert "2014".

On page 5, strike line 18 and all that follows through page 9, line 9.

On page 13, strike line 12 and all that follows through page 27, line 11, and insert the following:

SEC. 108. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(cc) VENTURE CAPITAL OPERATING COMPANIES.—For purposes of the SBIR and STTR programs the following shall apply:

"(1) A business concern that has more than 500 employees shall not qualify as a small business concern.

"(2) In determining whether a business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards established under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

"(A) the venture capital operating company does not own 50 percent or more of the business concern; and

"(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

"(3) A business concern shall be deemed to be independently owned and operated if—

"(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

"(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

"(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

"(4) If a venture capital operating company controlled by a business with more than 500 employees (in this paragraph referred to as a 'VCOC under large business control') has an ownership interest in a business concern that is owned in majority part by venture capital operating companies, the business concern is eligible to receive an award under the SBIR or STTR program only if—

"(A) not more than two VCOCs under large business control have an ownership interest in the business concern; and

"(B) the VCOCs under large business control do not collectively own more than 20 percent of the business concern.

"(5) The term 'venture capital operating company' means a business concern—

"(A) that—

"(i) is a venture capital operating company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(ii) is an entity that—

"(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); or

"(II) is an investment company, as defined in section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-3), that is not registered under such Act because of an exemption under paragraph (1) or (7) of section 3(c) of such Act; and

"(B) that is organized or incorporated and domiciled in the United States, or controlled by a business concern that is incorporated and domiciled in the United States."

SA 291. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 1363, making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting "April 15, 2011";

(2) by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (section 1 of Public Law 112-6), the following new sections:

"SEC. 295. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development' at a rate for operations of \$9,800,000.

"Sec. 296. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' at a rate for operations of \$2,927,500,000.

"SEC. 297. Notwithstanding section 101, amounts are provided for 'Department of

Transportation—Federal Aviation Administration—Research, Engineering, and Development' at a rate for operations of \$187,000,000.

"SEC. 298. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service' at a rate for operations of \$1,000,000,000.

"SEC. 299. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Railroad Research and Development' at a rate for operations of \$35,100,000.

"SEC. 300. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Capital Investment Grants' at a rate for operations of \$1,720,000,000.

"SEC. 301. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Research and University Research Centers' at a rate for operations of \$64,200,000.

"SEC. 302. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund' at a rate for operations of \$4,626,000,000.

"SEC. 303. Notwithstanding sections 101 and 226, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: *Provided*, That the second and third paragraphs under such heading in title II of division A of Public Law 111-117 shall not apply to funds appropriated by this Act."

This Act may be cited as the "Further Additional Continuing Appropriations Amendments, 2011".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 14, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on S. 636, a bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011; and S. 546, the Little Shell Tribe of Chippewa Indians Restoration Act of 2011.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that on Tuesday April 12, 2011, at 11 a.m., the Senate proceed to executive session to consider

the following nominations: Calendar Nos. 45 and 46; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 45 be confirmed, and the Senate proceed to vote, without intervening action or debate, on Calendar No. 46; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 783

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 783) to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown.

Mr. DURBIN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provision of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate majority whip be authorized to sign duly enrolled bills or joint resolutions on Friday, April 8, and Saturday, April 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 12, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling

the first half and the Republicans controlling the second half; further, at 11 a.m., the Senate proceed to executive session to consider Calendar No. 45, the nomination of Vincent Briccetti, of New York, to be U.S. District Judge for the Southern District of New York, and Calendar No. 46, the nomination of John Kronstadt, of California, to be U.S. District Judge for the Central District of California, as provided for under the previous order; finally, I ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect a rollcall vote at approximately 12 noon on the confirmation of the Kronstadt nomination. The Briccetti nomination will be confirmed by consent.

ADJOURNMENT UNTIL TUESDAY, APRIL 12, 2011, at 10 A.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:57 p.m., adjourned until Tuesday, April 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXPORT—IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT—IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE LINDA MYSLIWI CONLIN, TERM EXPIRED.

SEAN ROBERT MULVANEY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT—IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015, VICE BIJAN RAFIEKIAN, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE HERBERT M. ALLISON, JR., RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DAVID S. JOHANSON, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2018, VICE CHARLOTTE A. LANE, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES HAROLD THESSIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

NATIONAL SCIENCE FOUNDATION

WILLIAM CARL LINEBERGER, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016, VICE KATHRYN D. SULLIVAN, TERM EXPIRED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BARBARA JEANNE ELLS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2016, VICE LISA GENEVIEVE NASON, TERM EXPIRED.

DEBORAH DOWNING GOODMAN, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2014, VICE JEANNE GIVENS, TERM EXPIRED.

CYNTHIA CHAVEZ LAMAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2016. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2011, VICE STEPHEN KING, TERM EXPIRED.
ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2014. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER SECTION 211(A)(2), TITLE 14, U.S. CODE:

To be lieutenant commander

WILLIAM G. DWYER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JESSICA L. BOHN
THERESA L. BROOKS
LASEANTA E. STAFFORD
REBECCA A. WALTHOUR
JEREMY A. WEISS

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ROSS ELLIS HAGAN, OF CALIFORNIA
SEAN M. JONES, OF FLORIDA
SHEILA M. LUTJENS, OF FLORIDA
MARK A. MEASSICK, OF FLORIDA
THOMAS R. MORRIS, OF VIRGINIA
PAUL ANDREW SABATINE, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DANIEL CABET, OF CALIFORNIA
JEFFREY A. COCHRANE, OF TEXAS
FARHAD GHAUSSY, OF CALIFORNIA
STEVEN E. HENDRIX, OF VIRGINIA
KAREN LEE KASAN, OF FLORIDA
GRACE KATHERINE LANG, OF THE DISTRICT OF COLUMBIA
HELEN MARY PATAKI, OF CALIFORNIA
LAWRENCE J. SACKS, OF MISSOURI
ZEMA SEMUNEGUS, OF FLORIDA
TODD D. SLOAN, JR., OF FLORIDA
JENE CLARK THOMAS, OF TEXAS

DEPARTMENT OF STATE

ROBERT J. GREENAN, OF ARIZONA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ARTURO ANTONIO ACOSTA, OF NEW YORK
MARTHA LILIANA APONTE, OF FLORIDA
MOHAMMAD KAMAL AYUB, OF ARIZONA
CHRISTOPHER G. BARRETT, OF MICHIGAN
DANA ELLEN BEEGUN, OF CALIFORNIA
MORGAN J. BRADY, OF PENNSYLVANIA
JEANNE M. BRIGGS, OF MARYLAND
STEPHANIE N. BUDZINA, OF VIRGINIA
MARK JOSEPH CARRATO, OF OREGON
ADAM BRYAN COX, OF THE DISTRICT OF COLUMBIA
JERI DIBLE, OF WASHINGTON
KATIE LINDSAY DONOHOE, OF MICHIGAN
BRIAN MICHAEL DUSZA, OF CONNECTICUT
CHARLINE ASBURY EASTIN, OF FLORIDA
HARVEY A. EICHENFIELD, OF NEVADA
RANDOLPH B. FLAY, OF CALIFORNIA
SACHA FRAITURE, OF MARYLAND
CHRISTOPHER B. FROST, OF GEORGIA
CAMILLE GARCIA, OF TEXAS
ALLYSON L. GARDNER, OF MARYLAND
DEANNA ERIN GORDON, OF VIRGINIA
JAMES GULTRY, OF WISCONSIN
TODD HAMNER, OF CALIFORNIA
WARREN J. HARRITY, OF VIRGINIA
WANDA M. HENRY, OF SOUTH CAROLINA

JOSEPH HIRSCH, OF WASHINGTON
SONILA HYSI, OF MASSACHUSETTS
HUSSAIN WAHEED IMAM, OF VIRGINIA
CAROL JENKINS, OF CALIFORNIA
RONIT S. KIRSHNER—GERARD, OF CALIFORNIA
BRIAN S. LEVEY, OF VIRGINIA
DARREN A. MANNING, OF FLORIDA
MELINDA RAE MANNING, OF WASHINGTON
TERENCE A. MILLER, OF THE DISTRICT OF COLUMBIA
MONICA J. MOORE, OF TENNESSEE
KATHERINE GRACE OSBORNE—VALDEZ, OF TEXAS
LAURA PALMER PAVLOVIC, OF NEW YORK
ANUPAMA SPATIKA RAJARAMAN, OF TEXAS
MATTHEW D. REES, OF NEW JERSEY
CRAIG RIEGLER, OF VIRGINIA
JOHN PATRICK RIORDAN, OF ILLINOIS
RAND ROBINSON, OF TEXAS
DANA H. ROSE, OF COLORADO
BRYN AKEMI SAKAGAWA, OF FLORIDA
ADAM ERIC SCHUMACHER, OF NEW YORK
SUSAN SCOTT—VARGAS, OF TEXAS
CYNTHIA L. SHARTZER, OF CALIFORNIA
RHONDA SHIRE, OF FLORIDA
HEATHER CAROLINE SMITH, OF WASHINGTON
VALERIE ANN SMITH, OF MINNESOTA
V. KATE SOMVONGSIRI, OF TEXAS
SHANDA L. STEIMER, OF MINNESOTA
VICTORIA STEIN, OF WASHINGTON
AARON M. STERN, OF VIRGINIA
GREGORY E. TAITT, OF MARYLAND
PATRICK WESNER, OF MARYLAND

DEPARTMENT OF AGRICULTURE

CHANDA V. BECKMAN, OF VIRGINIA
LEVIN S. FLAKE, OF VIRGINIA
MARK H. FORD, OF TENNESSEE
DWIGHT A. WILDER, OF WEST VIRGINIA
DAVID L. WOLF, OF MARYLAND

DEPARTMENT OF COMMERCE

MARIANNE M. DRAIN, OF WASHINGTON
JANE KITSON, OF MARYLAND

DEPARTMENT OF STATE

MEG E. RIGGS, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS CASSIDY, OF NEW HAMPSHIRE
TANYA L. COLE, OF CALIFORNIA
MANOJ S. DESAI, OF FLORIDA
WILLIAM KUTSON, OF MARYLAND
ERIC P. OLSON, OF COLORADO

DEPARTMENT OF STATE

LAURA E. ANDERSON, OF SOUTH CAROLINA
AMBER AURA, OF CALIFORNIA
JASON J. BECK, OF UTAH
JEFFREY D. BOWAN, OF WASHINGTON
LAURA PYEATT BROWN, OF TENNESSEE
MARCY S BROWN, OF NEW YORK
MATTHEW CRANE BUFFINGTON, OF THE DISTRICT OF COLUMBIA
JAMES A. CATTO, OF SOUTH CAROLINA
WILLIAM PERCY COBB, JR., OF FLORIDA
HENRY CLAY CONSTANTINE IV, OF VIRGINIA
ANDREA D. COREY, OF COLORADO
BRIAN F. CORTEVILLE, OF MICHIGAN
WILLIAM EVAN COUCH, OF ALASKA
CORNELIUS C. CREMIN, OF CALIFORNIA
AMY ELIZABETH DAHM, OF TEXAS
ANGELA VERNET DALRYMPLE, OF THE DISTRICT OF COLUMBIA
MEERA DORAISWAMY, OF VIRGINIA
DAVID A. FABRYCKY, OF VIRGINIA
RICHARD ALLEN FISHER, OF VIRGINIA
KHASHAYAR MOHAMMAD GHASHGHAJ, OF TEXAS
FONTA J. GILLIAM, OF NORTH CAROLINA
SANDRINE SUSAN GOFFARD, OF VIRGINIA
LESLIE NÚÑEZ GOODMAN, OF FLORIDA
TERESA L. GRANTHAM, OF TENNESSEE
ANDREW S. HAMRICK, OF GEORGIA
ALISON C. HANNAH, OF WASHINGTON
BRENDAN KYLE HATCHER, OF TENNESSEE
HEIDI S. HATTENBACH, OF OREGON
CRISTIN HEINBECK, OF MICHIGAN
PRASHANT HEMADY, OF PENNSYLVANIA
JACQUELYN E. HENDERSON, OF INDIANA
RALAN LUCAS HILL, OF CALIFORNIA
ROY ARTURO HINES, OF CALIFORNIA
ALICE LADENE HOLDER, OF CALIFORNIA
MATTHEW LANE HORNER, OF OREGON
WILLIAM P. HUMNICKY, OF CALIFORNIA
STEPHANIE J. HUTCHISON, OF MASSACHUSETTS
JOHN CLARK JACOBS, OF TEXAS
AMANDA SCHRADER JACOBSEN, OF WASHINGTON
KIM H. JORDAN, OF CALIFORNIA
JAMES SEAN KENNEDY, OF CALIFORNIA
TAMMY CRITTENDEN KENYATTA, OF VIRGINIA
DENEYSE ANTOINETTE KIRKPATRICK, OF TEXAS
DANIEL A. KRONENFELD, OF CALIFORNIA
RACHEL R KUTZLEY, OF OHIO
LAWRENCE PAUL LANE, OF CALIFORNIA
BRENT AARON MAIER, OF TEXAS
AMANDA JOY MANSOUR, OF THE DISTRICT OF COLUMBIA
SIOBHAN COLBY OAT—JUDGE, OF CONNECTICUT
DANIEL S. ONSTAD, OF NEW JERSEY

STEVEN LYNN OVARO, OF UTAH
NIMESH N. PARIKH, OF WASHINGTON
GARRY PIERROT, OF FLORIDA
KATHRYN E. PORTER, OF ALABAMA
RABIA Y. QURESHI, OF OHIO
CHARLES A. REYNOLDS, OF GEORGIA
DAVID M. REYNOLDS, OF FLORIDA
JUSTIN ELBERT REYNOLDS, OF IOWA
KRISTIN M. ROBERTS, OF VIRGINIA
MICHAEL E. ROSENTHAL, OF FLORIDA
LINDSEY L. ROTHENBERG, OF FLORIDA
SAMUEL F. ROTHENBERG, OF FLORIDA
GEORGE G. SARMIENTO, OF TEXAS
MELISSA SCHUBERT, OF MISSOURI
RHONDA LYNN SLUSHER, OF GEORGIA
ADAM L. SMITH, OF UTAH
KIMBERLY MARLENE STROLLO, OF FLORIDA
ERIN P. SWEENEY, OF NEW JERSEY
JUSTEN ALLEN THOMAS, OF WISCONSIN
HUNTER BARRETT TRESSEDER, OF CALIFORNIA
SCOTT VANBEGUE, OF WASHINGTON
NATALIE ANGELA FAIRBANKS VAN DER HORST, OF VIRGINIA
NANCY TAYLOR VAN HORN, OF TEXAS
LILLIAN CATHERINE WAHL—TUCCO, OF NEW HAMPSHIRE
GARY W. WESTFALL, OF FLORIDA
DANIEL WALLACE WRIGHT, OF VIRGINIA
MATTHEW WRIGHT, OF TEXAS
CHADWICK JACKSON WYKLE, OF WEST VIRGINIA
MARWA M. ZEINI, OF FLORIDA

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MICHAEL BURNETT, OF VIRGINIA
DANIEL GREEN, OF MARYLAND
DEVIN RAMBO, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

JAMES ROBERT ABESHAUS, OF FLORIDA
RACHEL A. AICHER, OF NEW YORK
DANA O. AL—EBRAHIM, OF VIRGINIA
CAROLINE A. AMBERGER, OF NORTH CAROLINA
NATHANIEL F. AUSTIN, OF WASHINGTON
HARVEY LEWIS BEASLEY, JR., OF NORTH CAROLINA
PAUL S. BEIGHLEY, OF FLORIDA
BRIDGET K. BINDER, OF NEW YORK
MATTHEW L. BLEVINS, OF OREGON
LAURA L. BROWN, OF VIRGINIA
MATTHEW J. BRYSON, OF VIRGINIA
REBECCA A. BRYSON, OF VIRGINIA
TIMOTHY JAMES BUGANSKY, OF OHIO
RANDALL THOMAS CALABRESSE, OF VIRGINIA
DERRICK D. CANNON, OF MARYLAND
ERICA CECILIA CHIUSANO, OF MARYLAND
DANIEL P. DE ROSA, OF VIRGINIA
STEVEN E. DE VORE, OF VIRGINIA
MICHAEL JOSEPH DURMAN, OF NEW YORK
DAVID A. EDWARDS, OF VIRGINIA
BENJAMIN STUART EMBURY, OF VIRGINIA
RYAN SCOTT ENGEN, OF TEXAS
JACQUES PAUL ETIENNE, OF NEW YORK
JOSEPH D. FAHEY, OF VIRGINIA
DAVID C. FREEMAN, OF VIRGINIA
JASON OTTO FROHNMAYER, OF OREGON
CHES HOBBS GARNER, OF FLORIDA
NICHOLAS B. GEISINGER, OF VIRGINIA
TRACI L. GOINS, OF FLORIDA
THOMAS F. GRAY, JR., OF FLORIDA
CHRISTOPHER T. GREEN, OF VIRGINIA
ANTONIA ELIZABETH HABER, OF FLORIDA
JASON DAMON HALLECK, OF CALIFORNIA
LAUREN BROOKS HALLETT, OF MARYLAND
DERRICK HANSON, OF VIRGINIA
ANTHONY LEE HARVEY, OF VIRGINIA
MARY E. HAYES, OF FLORIDA
ZEHRA HIRJI, OF NEW YORK
LAUREN E. HO, OF VIRGINIA
ALLEN C. HODGES, OF TEXAS
JASON S. HWANG, OF NEW JERSEY
THOMAS B. HWEL, OF CALIFORNIA
JEAN-CLAUDE KHALIFÉ, OF VIRGINIA
SHIREEN KARIMI, OF THE DISTRICT OF COLUMBIA
JOHN G. KEMMER, JR., OF THE DISTRICT OF COLUMBIA
JUSTIN KIMMONS-GILBERT, OF NEW JERSEY
NOLAN KLEIN, OF NEW YORK
KEVIN J. KOCHER, OF GEORGIA
ROBERT J. KOELLISCH, OF VIRGINIA
MAUREEN FARELL KOLBE, OF VIRGINIA
CHRISTINE J. KORNMAN, OF VIRGINIA
BRANDON J. KRALLIS, OF VIRGINIA
COLLEEN M. LAMOND, OF THE DISTRICT OF COLUMBIA
ERIK C. LEES, OF VIRGINIA
CHRISTINE M. LOHMANN, OF VIRGINIA
JOHN X. LOUGHRAN, OF MARYLAND
YANG MADSEN, OF MINNESOTA
JULIA MANEVICH, OF VIRGINIA
ROSALYN Y. MARSHALL, OF MARYLAND
THEODORE T. MASSEY, OF VIRGINIA
MOLLY MAYFIELD BARBEE, OF FLORIDA
ROBBIE M. MCANNALLY, OF VIRGINIA
PATRICK CALEY MCCORMICK, OF TEXAS
LAUREN ALEXANDRIA MEEHLING, OF ARIZONA
ROLAND PIERRE MCGREER MINEZ, OF WASHINGTON
LEANNE M. NIELSON, OF MISSOURI
KURRAN PATRICK OCHWAT, OF VIRGINIA
RACHEL MARIE O'HARA, OF MARYLAND
LARA ADRIENNE O'NEILL, OF FLORIDA
DANIEL L. PALMQUIST, OF MINNESOTA

REBECCA L. PATTERSON, OF MAINE
 BRENDA M. PERRY, OF VIRGINIA
 HILARY J. PETERS, OF WASHINGTON
 MATTHEW C. PRINCE, OF VIRGINIA
 SABAHAT QAMAR, OF MASSACHUSETTS
 SARAH RENEE QUINZIO, OF MINNESOTA
 MICHELE L. RAFFINO, OF VIRGINIA
 BHRAM M. RAJAEI, OF DELAWARE
 MARK S. RAUSENBERGER, OF MISSOURI
 MICHAEL T. REFFETT, OF THE DISTRICT OF COLUMBIA
 CHRISTOPHER MAURICE RICHARDSON, OF SOUTH CAROLINA
 JEFFREY M. RIDENOUR, OF WASHINGTON
 RYAN D. RING, OF VIRGINIA
 SEAN WILLIAM ROBINSON, OF VIRGINIA
 JULIUS T. ROSE, OF VIRGINIA
 SAMUEL J. ROTENBERG, OF NEW YORK
 RYAN R. SAWAK, OF VIRGINIA
 JAMIE LEIGH SHUFFLEBARGER, OF THE DISTRICT OF COLUMBIA
 LEE JAMES SKLUZAK, OF VIRGINIA
 JORGE E. SOLARES, OF TEXAS
 ALLISON L. SPIDLE, OF MISSOURI
 JARED M. STANKOSKY, OF VIRGINIA
 JUSTIN JAMES STECKLEY, OF FLORIDA
 MATTHEW A. STELMACK, OF PENNSYLVANIA
 BRIAN M. STRAIGHT, OF VIRGINIA
 ANOOD MEHMOOD TAQUI, OF CALIFORNIA
 MARTIN K THOMEN IV, OF TEXAS
 JEREMY B. THOMPSON, OF THE DISTRICT OF COLUMBIA
 TAYLOR C. TINNEY, OF MARYLAND
 JENNY GRAY TRAILLE, OF VIRGINIA
 KARL EVAN TRUNK, OF VIRGINIA
 THEODORE J. VAN DER MEID, OF VIRGINIA

SHELLY R. WESTEBBE, OF VIRGINIA
 KELSEY JAMES WITTENBERGER, OF FLORIDA
 ANDREW J. ZVIRZDIN, OF NEW YORK

THE FOLLOWING—NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 16, 2010:

WILLEM H. BRAKEL, OF THE DISTRICT OF COLUMBIA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COLONEL NORVELL V. COOTS
 COLONEL DENNIS D. DOYLE
 COLONEL BRIAN C. LEIN

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

CARLSON A. BRADLEY
 BENJAMIN D. GRAVES
 NATHAN P. LADA
 MONICA M. RYAN
 SYLVESTER E. WALLER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TRACY T. SKIPTON

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 8, 2011 withdrawing from further Senate consideration the following nomination:

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE GERALD WALPIN, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

HOUSE OF REPRESENTATIVES—Friday, April 8, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GARDNER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 8, 2011.

I hereby appoint the Honorable CORY GARDNER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. WILSON) for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, our Nation is standing at a crossroads. The government can continue to mortgage America's future by reckless borrowing, which is a threat to the young people of our country, it's a threat to our senior citizens, or we can limit the growth of government. We are facing a government shutdown today, as liberals are driving our Na-

tion to a permanent economic shutdown. Dr. Skeet Burris is correct.

Yesterday, the House passed a bill funding the troops and military families for the rest of the year. Senate Democrats have yet another opportunity to pass a budget. They have had 48 days to act but have refused. Yesterday, liberals laughed and mocked Republican Leader ERIC CANTOR when he warned of bankruptcy, but ERIC was standing up for freedom in the best Virginia tradition.

We face a shutdown today because the liberal majority in the House last year failed to pass a budget. The new Republican majority did pass a budget 48 days ago, but the liberal majority in the Senate failed to act. Citizens should call liberals and demand they pass a budget today.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

MEDICARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, I rise today in defense of our Nation's seniors, who are currently under attack. And the worst part about it is many of them are just waking up this morning to the nightmare that faces them. And why is that? Because the Republican budget proposal released this week is literally balanced on the fragile backs of our Nation's seniors. That's right. It ends Medicare as we know it. That's the simple truth. It no longer honors our commitment and our promise to our Nation's seniors.

As Americans now know, we are in the midst of a serious budget battle, and the Republicans are even threatening to shut down government. And there are real differences between our approach to the budget and the Republican budget released earlier this week. The Republican budget replaces Medicare with a voucher system. Seniors will have to use this voucher to buy insurance from private insurance companies.

Under the Republican plan, Medicare as we know it will end. And in the same budget proposal, the Republicans give away tens of billions of dollars in subsidies to big oil companies. And under their plan, they will slash support for seniors in nursing homes, while giving away tax breaks to companies that ship our jobs overseas.

And what else? America's seniors, more than 150,000 in my home State of Rhode Island, will literally be paying more for their health care and getting less in order to provide additional tax breaks to the wealthiest Americans, also reflected in this Republican budget.

To make matters worse, the Republican plan does not reduce the deficit. The nonpartisan Congressional Budget Office determined that this budget actually adds \$8 trillion to the national debt over the next decade because its cuts in spending are far outpaced by the gigantic tax cuts for the richest Americans.

Our seniors cannot afford this Republican budget. It would deny them health care, long-term care, and the benefits they've earned and deserve. The Republicans' choice to privatize Medicare, turning more power over to the insurance companies, will result in reduced coverage and exposure to greater financial risks for our seniors.

The Congressional Budget Office determined that under the Republican budget seniors' out-of-pocket expenses for health care would more than double, and could almost triple. To put that into context, the Congressional Budget Office found out that by 2030 seniors would pay 68 percent of premiums and out-of-pocket costs under the Republican plan, compared to only 25 percent under current law. And it found that the Republican plan means seniors will pay more for their prescription drugs because it reestablishes the doughnut hole.

Even Alice Rivlin, the former Office of Management and Budget Director under President Clinton, who worked with the Republican architect of this budget on a deficit reduction proposal, said she could not support his Medicare proposal because it eliminated the traditional Medicare choice and lowered the rate of growth beyond what's defensible.

And the conservative Wall Street Journal concluded earlier this week, quote: The plan would essentially end Medicare, which now pays for 48 million elderly and disabled Americans, as a program that directly pays those bills.

Under the guise of deficit reduction, Republicans are recklessly attacking the vital supports for our seniors.

We all agree that we have to address the deficit. The issue is not whether we reduce the deficit but how we do it. We can't cut what helps us create jobs, innovate for the future, and remain competitive in the global marketplace. And

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we cannot balance this budget on the backs of our Nation's seniors.

The Federal budget is about more than dollars and cents. It's a statement of our values and priorities as a nation. Republicans in this budget have set the wrong priorities. They would rather cut benefits to seniors than cut subsidies to Big Oil or corporations that ship our jobs overseas. The Republican budget breaks the promise we made to our seniors to protect them in their golden years.

I say to my colleagues on the other side of the aisle: If we can't protect our Greatest Generation, I ask you, what's next?

END THE POLITICAL GAMES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, on a daily basis I listen to the people of my district, and they tell me they don't want games and they don't want the buck passed. They're sick of the status quo here in Washington. And my constituents are sick of the big spending, the big government, and the political games. They're sick of Washington doing what's easy.

Well, we're here today because last year it was easier for the Democrats in Congress to not do their job and not pass a budget. Isn't that a shame? And we're here because HARRY REID and the Senate Democrats want to play political games and defend big spending.

Yesterday, we passed a bill to protect our troops in the event that HARRY REID shuts down the government, and the President then said that he would veto this bill. HARRY REID and the President are playing games with our troops as well.

Now the House is leading, and we passed four bills to keep the government open and cut spending. And we are going to be here until we get our fiscal house in order.

I stand here today, 9 days after I first joined my colleagues outside of the Capitol demanding that HARRY REID act like a leader, and I said it then and I will say it now: HARRY REID, get your act together. Let's put this country on the right track and move forward.

STOP THE CHILDISH GAMES; KEEP THE GOVERNMENT RUNNING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 14 hours from now it appears the doors of the Federal Government will shut. And it will happen for one reason and one reason alone—because of the Republican majority's inflexibility, callousness, and political gamesmanship.

For 3 months, they have been in charge of the people's House, but they

haven't done one thing that the people want.

□ 1010

They haven't lifted a finger to create the jobs Americans so desperately need. One Republican Member, in fact, said on the House floor last week that we should stop talking about the jobs. Stop talking about the jobs? They don't want to talk about jobs because they don't have a plan to create any. They've offered nothing but deep, painful, unnecessary job-killing spending cuts, and they have refused to budge an inch.

I want to cut government spending, Mr. Speaker. But I don't want to take the money from children who need early childhood education. I don't want to take the money from families that need help paying for colleges. And I don't want to take the money from seniors who need medical care.

I want to cut the gobs and gobs of money, nearly \$7 billion every single month, we're spending to occupy a foreign nation and have our servicemen killed and maimed by insurgents.

You want to eliminate wasteful government spending? I say the war in Afghanistan could be number one on our list. Ten years after we started sending our troops there we continue to be stuck in a hopeless quagmire that doesn't do anything to eliminate the terrorist threat or accomplish our national security goals.

But, of course, the Republican leadership won't consider cutting more spending. Instead they want to go after middle class working families who need a government that's on their side, particularly now because of how dire the economy has become.

I hope my Republican colleagues will give up this childish refusal to compromise. The American people deserve better than to have their government held hostage by an extreme ideological agenda.

Let's keep the doors of the Federal Government open. And as we look to next year's budget, instead of making seniors and schoolchildren bear the sacrifice, and instead of dismantling Medicare and cutting education, instead of threatening women's health, why don't we restore fiscal sanity by finally bringing our troops home.

AVOIDING A GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. WOMACK) for 5 minutes.

Mr. WOMACK. Mr. Speaker, I rise today to add my voice to those calling for agreement on funding the government for the remainder of this year and avoiding the consequences of a government shutdown. I don't want the government to shut down. Our conference does not want the government

to shut down. No one I've talked with wants the government to shut down. And talk of such a shutdown is weighing heavily on consumer confidence in an already fragile economy, not to mention its confidence in this body. We can do better. We should do better. We must do better.

Yesterday on this floor we took yet another action that keeps our government afloat and guarantees that, in the event of a shutdown, troops and their families get paid. That's the least we can do.

And Mr. Speaker, yesterday I sat in a hearing with the CEO of Amtrak. During the hearing it was suggested by a colleague that the carrier examine the feasibility of shutting down routes that are loosing, hemorrhaging money. The answer he received was that because of legal agreements mandating payments on labor and benefits and other guarantees, it would still cost them billions.

I find it incredible that we have these federally subsidized guarantees in place, but we can't guarantee the same for those men and women downrange willing to take a bullet for their country. Shame on us.

Jobs continue to be our highest priority, and it should surprise no one that fundamental to this objective is dealing with a balance sheet full of red ink. It's fundamental to business, it's fundamental to households, and it's fundamental to government. No reputable organization behaves financially the way this government behaves.

The message from the electorate is simple: Live within your means.

The reason we're facing a potential government shutdown is simple: No budget for 2011. And Democrats don't see our spending issues with the same degree of urgency as we do.

I said it just a few days ago on this same floor, and it's worth repeating. We have kicked this can down the road so long, so often and so far, that America and this Congress has a chronic case of turf toe.

Message to America: If you want to remove uncertainty and create jobs, fix the balance sheet. Cut spending. It's as simple as that.

This Republican-led House has done its job. We've attempted time and time again to fund government in a responsible way, prevent a government shutdown, and restore fiscal integrity. I join my colleagues in urging the Senate to act and to act now so that we can turn our attention to the far more important and substantive work that lies ahead.

MASSIVE PROPOSED BUDGET CUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, yesterday on the floor of the House,

STENY HOYER, Minority Whip, offered the Republicans the time, by unanimous consent, to work out the details in terms of getting the numbers right because, regardless of the pontification, it's very clear that urgent negotiations have gone forward, and the difference between the two parties is very small. This could be worked out in a day or two.

But this offer was rejected because our Republican friends are no longer interested in the money. It's about the ideological agenda, the riders, the change to policy for EPA, or dictating their ideology on the people in the District of Columbia, for instance.

It is also about a much larger agenda going forward. I spent most of Wednesday listening to the Republican budget road map that is on its way to the floor of the House. It is so extreme that before the election, when my good friend, PAUL RYAN, unveiled it, very few Republicans would sign on. They knew that in the heat of an election, if people knew what Republicans had in store, they wouldn't get elected. So they were counseled, stay away.

Well, it's unveiled now. The election is held and this agenda is back with a vengeance.

I invite any American to look at independent appraisals of what's in it. There is nothing new or reforming about vouchers for health insurance companies or block granting Medicare to the States. Under this proposal, total health care costs are going to go up. But the cost to the government of the voucher is going to go down. And 230 million Americans, 55 and under, are going to pick up the tab.

Oh, and yes, they're going to keep, for 80 million Americans, Medicare that's going to be limping on in its current form. In 2050 there will be 8 million people still covered.

There are massive cuts, but not for defense. That's more or less off limits. There's talk of reform, but in the area of reform where I have worked with PAUL RYAN for years, agriculture, no. We're going to leave that until reauthorization takes place.

Health care for the poor is on the chopping block. They are going to block grant aid to the States so that it can be reduced over time. Bear in mind that the cost per person for Medicaid is the lowest in this country, at a time when private health insurance premiums have doubled in the last 10 years, and overall private health care spending has gone up faster than government health care spending.

Now, in these troubled times, we should be looking at reform. In the Health Care Reform Act passed last session, we have an opportunity to actually change those health care cost curves. Every significant advance to restrain accelerated health care costs are embedded in that legislation. But rather than accelerating it, our friends want to delay it.

I strongly urge the American public to take the time to look at what's in this proposal because that's what's coming down the line, and not be distracted by the shutdown that Republicans are insisting upon.

□ 1020

GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. CRAWFORD) for 5 minutes.

Mr. CRAWFORD. Mr. Speaker, I want to add my voice to the growing number of Members not only here in this body but also in the Senate that are calling on Senator REID to take action.

Last week, on Wednesday, 30 freshmen and myself wrote a letter imploring Senator REID to pass a long-term continuing resolution so that we could address the bigger issue of our fiscal year 12 budget. We said simply: We the undersigned call on you and the Senate to pass a long-term continuing resolution, a resolution that hears the calls of the American people and makes reasonable, responsible spending cuts. We have received nothing from the Senate except denials of the dire straits of our Nation's fiscal health.

Mr. REID, we are letting you know that we will rally on the Senate steps every day until you pass a long-term continuing resolution.

And that's exactly what we've done every day for the past week. In fact, today will be the 8th day, in just a few minutes, that we step over to the Senate steps and call on him once again to be a leader.

On Wednesday of this week, we sent another letter asking Senator REID, if he wasn't willing to lead, to step down and allow someone in who would lead. Ninety Members signed that, and we were joined by Members of the Senate in that call asking Mr. REID, simply: Your lack of action and absence of leadership is irresponsible.

Let's take a look at the costs that we face as we are literally hours away from a government shutdown. We spend \$69 billion a week in spending, of which \$27 billion is borrowed. We are asking for \$61 billion in cuts—2 percent. Any small business that I know of in this economy, if you ask them can you cut 5 percent out of your budget and the other option is closing the doors, what do you think they're going to do? They're going to find the 5 percent and stay open, keep the doors open and stay in business. That's all we're asking at this point, a small down payment for the bigger picture that's coming up in fiscal year 2012.

Not to mention our troops. I got a call this morning from a young sergeant with four children, serving in a National Guard unit in my district

that's being deployed in just weeks. And he said, Congressman CRAWFORD, we are frustrated. We're angry. We're upset. What's going to happen to my family as I go to Afghanistan and they rely on my paycheck? And yet the Senate says, no, we're not interested in funding the troops for the balance of this year.

Yesterday, this body took responsible action in funding the troops for the balance of this year and funding our government for another week until we could address the bigger picture, the balance of fiscal year 2011. It is time for Senator REID to lead, as his title suggests. We passed a bill to fund the government. We're asking for leadership on the Senate side.

Mr. REID, please pass a bill.

THE REPUBLICAN ROAD TO RUIN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, the Republican road-to-ruin budget, if enacted, will end Medicare. It will end the program that 46 million seniors and disabled individuals depend upon for their health care. This gross injustice is made immeasurably more egregious and offensive by the fact that this is being done not to balance the budget, but to expand and permanently guarantee even bigger tax cuts for millionaires and billionaires and to give new tax breaks to some of the world's most profitable companies.

Rather than the path to prosperity, this budget is more like the road-to-riches, a road paved in gold with lavish handouts for special interests, paid for and built with dollars from senior citizens who will see their hard-earned benefits rationed more and more with every passing year.

I have heard a lot of talk in the last few months about the need to make tough choices in this budget. Well, the average senior on Medicare earns just over \$19,000 a year. About one-quarter of Medicare beneficiaries suffer from a cognitive or mental impairment, and many have at least one or more chronic medical conditions. I ask my Republican colleagues, what exactly is it about stripping these Americans bare of their health and economic security that qualifies as tough? There is nothing tough about stealing from the poor, the weak and the frail to give to the rich.

Our seniors, on the other hand, know all about tough choices. Do I buy groceries or do I buy prescriptions? Do I pay rent or do I pay medical bills? It hurts, but how much will it cost? These are tough choices. These are life-and-death choices.

With the passage of Medicare in 1965, we entered into a covenant with every American citizen. This budget breaks

that promise and brings us back to square one. The Republican voucher plan ends Medicare. Instead, seniors will be on their own, with a measly voucher and forced to buy insurance in the private market, where all decisions will be profit-driven. More profits for insurance companies on the backs of seniors—sounds like a Republican plan to me.

This new voucher program amounts to a ration card, and the value of the voucher is not linked to increases in health care costs in the private market. Yet the costs of private health insurance have risen over 5,000 percent since the creation of Medicare—5,000 percent.

The analysis of the nonpartisan Congressional Budget Office has estimated that in less than 20 years, the vouchers under the Republican road-to-ruin budget would pay just 32 cents on every dollar that a senior spends on health care.

Now, the Republicans have repeatedly stated that their budget gives seniors the same coverage as Members of Congress. Well, as a Member of Congress myself, I know that our health plans pay for about 72 cents on every dollar of our health coverage, not 32 cents on the dollar.

According to CBO, the voucher program will provide a ration of \$8,000 to seniors every year to purchase their health care from private insurance companies. Yet the private insurance premium charged by Blue Cross in 2010 for a Member of Congress was well over \$9,000. Does anyone honestly believe that sick senior citizens and people with permanent disabilities will be able to find coverage from private insurance for \$8,000 when they are now charging over \$9,000 to Members of Congress?

According to *The Wall Street Journal*, the average cost of health care for seniors over 65 in 2009 was \$11,743. If an insurance company were to take on \$11,743 of risk for \$8,000, they would be out of business in short order. But Republicans don't believe their insurance company buddies will actually offer coverage for \$8,000 or even for \$11,743 just to break even. They know that seniors will have to go into their pockets for thousands of dollars as this plan hands Medicare over to the private insurance companies to make even more profits. In fact, CBO found that seniors will have to pay more than twice as much out of pocket as they do today.

This budget takes trillions from seniors and rations their care, and where does it shift the savings? Well, if you guessed permanent tax cuts for millionaires and a new tax break for corporations making billions, you guessed right. After more than a year of hurling lies and demagoguery about death panels and rationing care, Republicans on the panel before us have demanded that we restrict seniors to a health

care ration card and ensure that those who cannot afford coverage on their own will be left to suffer or die. Well, therein is the real death penalty they once talked about. They pay lip service to Americans' responsibility to share the burden and instead steal from those who cannot afford an expensive lobbyist and give to millionaires and billionaires and companies that can afford much, much more.

I'm not speaking of playing politics. America knows that our budget is a statement of priorities and values, not purely dollars and cents. America's families set priorities with their own budget each and every day. And I respectfully and honestly disagree with the values and priorities that the Republicans have established in their road-to-ruin budget. Let's not end Medicare.

THE SONG REMAINS THE SAME

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. McCOTTER) for 5 minutes.

Mr. McCOTTER. Ah, the new civility.

I would like to start, Mr. Speaker, by thanking my Democratic colleagues this morning for disabusing me of an affliction. When I woke up, I found that I had a hankering to listen to Led Zepelin, and I couldn't figure out why. This has happened before, usually when I leave the TV on at night and they run one of those Rolling Stones '70s buy it now before it's more expensive or in the dustbin ads. So I was walking over here and I'm thinking, wow, is it because there's been a communication breakdown between the parties? It's possible. It's possible. I said, Is it because one of the nice Senators is wearing a cashmere sweater? It's possible. But, no, I was sitting here today when I realized why I wanted to listen to the melodious strains of Page, Plant, Jones, and John Bonham. It's because for the Democratic Party, the song remains the same.

Once again, seniors and children wake to the hysterical, frightening visage of specters of gloom and doom—Democrats. Once again, we are regaled with the Democrats' entitlement reform plan. It is called do nothing, spend everything, go bankrupt, benefits bye-bye.

We continue to see a party that does not understand you cannot lift an economy when it is crushed beneath the weight of Big Government. We continue to see a party ideologically zealous in spending your tax dollars on Planned Parenthood to the point where they would shut down the Federal Government to do it. And we continue to hear the fundamental crux of the issue of a potential government shutdown. The Democratic Party will shut down the government so they can spend more of your money. The Republican

Party is committed to keeping the government open and spending less of your money.

In fairness, it is not just Led Zepelin they remind me of, because the reason we stand here today on the precipice of a government shutdown is because they did not do their work when they had total control of the United States Congress last year. They could not even pass a budget, let alone finish these appropriations which we are still dealing with well into April, let alone lay out a coherent strategy to do so when the parties changed power in this House.

□ 1030

The song remains the same, but the American people recognize the song and dance. They will not be fooled. They know that the major change that we see before us today in the fight over government spending is a very simple one, and a very simple choice. It is the difference between bankruptcy and solvency; and the Republican Party stands for solvency and for liberty.

IMPACT OF GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. BACA) for 5 minutes.

Mr. BACA. Mr. Speaker, we find ourselves less than 24 hours away from abandoning our veterans—I state, from abandoning our veterans, our seniors, and our active duty military personnel. Why? You ask yourself, Why? Because Republicans refuse to budge from a fiscal plan that will cost our Nation 700,000 jobs and the anti-government tea party is dead set on shutting government.

In my district in California's Inland Empire, we face a 14 percent unemployment rate. My constituents need jobs. Our priorities now should be about creating jobs, not about shutting government. We all know the devastation of the consequences of a shutdown. Eligible seniors and disabled Americans would be unable to apply for Medicare and Medicaid benefits. Can you imagine someone that needs medical assistance and they can't get it, the impact it will have on their life, the impact it will have on their behavior and on their families?

Veterans' service benefits would be delayed. Pay for our troops and their families would be delayed. And on the other side, you hear a lot of rhetoric about our troops and that we should pass this budget. But they don't talk about, they are not willing to cut any of the rich, or the millionaires and the billionaires. They want to protect the rich. They want to protect the oil companies. They want to protect the outsourcing of companies that go outside, but aren't willing to make the cuts that are necessary. I think everybody has got to have cuts.

It will also impact our Social Security claims that would go unprocessed. Federal vendors and contractors, their employees would go unpaid. Government housing assistance would be halted, and millions of tax refunds would go unspent.

In my home of San Bernardino County, a shutdown would mean no paychecks for 22,000 Federal employees and retirees. Think about the economic damage this loss of revenue would cause.

But instead of working on a compromise, I say instead of working on a compromise, because it takes two leaders and it takes other individuals, and HARRY REID is doing what is necessary in leading, it's the other side that has to compromise as well. It's not a one-sided team; it's a two-sided team. And when the chemistry is good on both sides, we should be able to come up with a compromise that is good for our Nation and our country.

But instead, Republicans have introduced a long-term budget that devastates our seniors and ends Medicare as we know it. The budget shouldn't be about flexing our political muscle. It should be about doing what is right for the American people, and this Republican budget makes all of the wrong choices.

The GOP plan increases suffering, I state, suffering for our seniors and young people while protecting tax breaks for the wealthy, while protecting tax breaks for the wealthy. The Republican budget eliminates guaranteed coverage for our seniors under Medicare which currently serves 48 million elderly Americans. It slashes Medicaid for seniors in nursing homes and Americans with disabilities. It increases college education costs for 10 million middle class students. And we need to invest in education. They are our future. If we don't invest in our students and their education, they cannot provide for us. We need to invest in them, not cut them. And, of course, it gives tax breaks to the big oil companies and companies that ship jobs overseas.

Seniors in my district live on a fixed income. Can you imagine living on a fixed income of \$1,900 a month or whatever income you have? It is very difficult to make your mortgage payments, put food on the table, and know how you are going to get by the next day. Or if you have any other emergencies.

We are a country; we are America. We are the greatest country in the world, and we should provide for every American that is here, regardless of who they are or where they come from. They can't afford to pay more health care or see cuts in Social Security benefits. We all agree, and it has been stated, we all agree that we must get our deficit under control.

But remember, Republicans had 12 years to do this and went out of control

in their spending and didn't do anything when they had control.

CONTROLLING WASHINGTON SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUCSHON) for 5 minutes.

Mr. BUCSHON. Mr. Speaker, I rise today to remind the American people why we're here. We're here today because of the failure of the 111th Congress to pass a budget for the first time in decades. You might think that for one party that controlled the White House and both Chambers of Congress, this would be a relatively easy thing to do, but you have to try. In an effort to protect a few powerful committee chairmen and other incumbents in their own party, they made a political decision not to pass a budget because it had a \$1.5 trillion deficit attached to it. You can't run and you can't hide from the American people.

Now, even after the people have spoken in November, they are continuing to protect the status quo, protecting out-of-control Washington spending, and offering no solutions of their own other than raising everyone's taxes and demagoging anyone who puts forward a plan. Again, I would like to see their plan.

I began running to represent Indiana's Eighth Congressional District in October of 2009, an endeavor I had never undertaken before. I was a practicing physician, cardiothoracic surgeon. I decided to seek public office because of our government's inability to control spending. Let's remind everyone where the status quo has led us. It has led us to historic unemployment and a mounting debt that is mortgaging the future of our children and grandchildren.

But yesterday, our counterparts in the Senate and the White House showed different intentions. I can't stand before you today in good conscience not advocating for the men and women who have volunteered to wear the uniform of our great Nation. A notion that a bill to fund the troops for the remainder of the fiscal year is being threatened by a veto is preposterous.

This challenge to fix our government's spending habits is above politics and talking points. While I stand here today in the people's House, individuals are playing petty politics while we offered a solution yesterday that pays our troops and avoids a government shutdown.

We passed H.R. 1 with a modest \$61 billion down payment on controlling Washington spending, and we have been criticized in the face of a \$1.5 trillion deficit. I implore the Senate and the White House to join with us here in the House and act to significantly reduce spending and avoid a government shutdown.

And I offer one last observation since I am new to Congress, a continuing frustration that I am finding here in Washington, D.C., and that is I am amazed by the resistance of some in Congress to tackling this problem, especially the fact that some continue to find excuses why we can't even consolidate programs and downsize government and make things more efficient here in Washington, D.C. at the very least. But I found this at a committee hearing the other day when the Democrats continued to make excuses after a Government Accountability Office report showed the excesses that we have here in Washington, D.C.

□ 1040

This is a serious issue we face together as a Nation. I began this conversation when I began running for Congress almost 2 years ago, and it's a conversation I continue to have with my constituents. This is an adult conversation about facts and our future.

Until we come to a solution that will put hardworking Americans and Hoosiers back to work and our government begins to act in a responsible manner when it comes to our Nation's fiscal issues, I will continue to have this conversation with my constituents and with the American people.

A GOVERNMENT SHUTDOWN IS NOT ABOUT MONEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker pro tempore, there's a joke going around in Congress: the difference between a Boy Scout troop and the House of Representatives is that a Boy Scout troop has adult leadership.

Now, I predicted a shutdown of this place more than a month ago, not because I'm some kind of prophet but because I saw the movie of the Gingrich shutdown in 1996. The same elements are here today that were there then. I don't want a shutdown. I know what it does. I think it's silly and stupid and hard on the American people and a lot of people are going to suffer, but the elements are there.

First of all, a number of Members came in new, a lot of them, who were absolutely sure that they knew what was right. Secondly, they had no experience in governing. They didn't understand compromise. "Compromise" was a dirty word. It meant you give up your principles.

If you operate on that principle, you can never negotiate a settlement in anything. What they don't understand is that there is a time when you take what you can get and come back tomorrow.

Everybody who has been here for more than one term knows that nobody

gets 100 percent of what they want. I have been here in this place for 23 years, and I have gotten 60 percent and I figure I'm a big winner. Now, you come back the next year for the rest. We're doing that on the health care bill. We're doing that on a whole lot of things. You do not get it all now by saying, It's my way or the highway. No, every battle is not to the death.

The only hope I had for us was that our leadership on the Republican side had been here in 1996. They saw what happened. And 2 years later the Republicans lost seats, 2 years after that they lost seats, and the Speaker, Gingrich, was gone, he's history, on the basis of coming in here and saying, My way or the highway.

Now, if you think this is the big battle, let me give you the real facts:

In 5 weeks we're going to come to the debt limit. If you think people who believe that their way is the right way are going to fight over what's going on right now, what is it going to be like when we get to the debt limit, or by September when we get to the next budget resolution? We could have three shutdowns this year with no problem at all if the leadership on the other side allows their Members to drive them into this craziness. They have to stand up and tell them, Look, guys, there is a tomorrow; all right? We're hurting people and they're going to remember. People are not going to forget what happens here. They didn't forget in 1998, and they didn't forget in 2000. They kept whacking away at the people who were in charge.

Now, what's it all about here? It's not about money. H.R. 1 was \$101 billion. Okay. The President has come all the way to \$71 billion or \$73 billion. That's more than halfway. The Republicans won that issue. Take it. Take it.

No, no, they say, but we have to change social policy.

This is really about social policy. It's not about winning or cutting down the deficit or any of that stuff. It is just as it was in Wisconsin. It was not about the deficit in Wisconsin; it was about breaking unions. The judge said that. That's why he threw the law out, because, he said, you're taking away people's rights in unions; you're not here worrying about the deficit in Wisconsin.

Well, here the issue was NPR. Now, if we took NPR off the radio tomorrow morning, do you think the deficit would be one bit affected? Of course not. If we got rid of the EPA, would there be some effect on the deficit? No. In fact, the Senate, they took the EPA repeal off the table. They said, Look, rich people breathe the air; rich people drink the same water as everybody else in the country. That's a stupid public policy change. So we're not going to take that one.

What was left? Family planning, abortion, poor women. Now, there's a

bunch that can't fight back. Let's go get 'em. Let's hold out and we will finally get the poor women in this country.

That's what this is about. It is not about balancing the budget. It is not about anything else except getting poor people.

The SPEAKER pro tempore. The time of the gentleman has expired.

IT'S TIME TO STOP THE SPENDING INSANITY IN WASHINGTON

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, every evening across this great land, after homework is finished and the supper dishes are cleared and the children are put to bed, Mom and Dad sit down at the kitchen table, they sharpen their pencils, and they take out a pad of paper, and they struggle to make ends meet.

Whether their budgeting technique is different than the house next door, they know, without a doubt, that they cannot have their monthly bills exceed their monthly take-home pay. If the bills are higher than the monthly pay, they have to make changes.

So bill by bill they discuss what they have to pay. They discuss things like the power bill and the rent and the mortgage, the car loan, the credit card payments. Mom and Dad cut out the things that they can do without. Maybe it's the golf membership for Dad. Maybe it's the weekly pedicure for Mom. Whatever it is, they know they have to make tough and real decisions.

It's time to stop the spending insanity here in Washington, D.C.

America, your Nation is broke. We cannot continue to borrow 42 cents of every dollar we spend. We cannot continue to spend a trillion dollars more each year than we're bringing in; and we definitely cannot do that year after year, raking up over \$14 trillion in debt that our children must one day pay.

And your Congress is struggling with cutting a paltry \$61 billion from a \$3.8 trillion spending plan. It's like we're arguing over what station the radio is on while the car is going off the cliff.

In the American kitchen, Dad looks at Mom at this point, and he says, Honey, something's got to change.

Your House of Representatives, folks, they've passed a spending plan. The Senate has failed to act. They haven't even come across with even their best-case-scenario spending plan. Even if it's the status quo of spending a trillion and a half dollars more than we are bringing in this year, they haven't brought anything across the aisle. So how do you negotiate if one body has brought their best plan and the other body hasn't done anything?

Yesterday, I was proud to vote to provide military pay for the guys and gals across this great land that are standing on the wall defending the liberties that we have. They deserve to be paid. They don't deserve to stand on that wall and wonder if back home Mom is wondering if the power is going to stay on, if she's going to be able to pay the rent, or if she's going to be able to put food on the table for her children. That's the American way, to take care of the military.

I was no prouder than to stand on the steps of the United States Senate yesterday and implore, encourage, ask, beg the majority leader in the Senate to get to work, to come to the table with a real solution, because I don't want to be with my colleagues many years from now dying in our beds waiting for one chance, hoping for one chance, to trade every day from this day to that for another chance to come back here and do what we should do as Americans, and that's fund our government, get our spending under control, and protect the future for our children.

□ 1050

GOP AGENDA OF MISGUIDED PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, today I rise not to debate the economic crisis. Our national debt recently reached \$14 trillion and our deficit continues to rise annually. So we know that we have a crisis, and that is really not the debate here today. However, I want to remind my colleagues that our economic deficit is dependent on our job deficit and our ever-growing education deficit.

While we must work to rein in spending, we must not indiscriminately cut funding in areas like education, health, and employment that will hamper our immediate and future economic growth. As we remain vigilant in cutting the debt and reducing deficits, we must remember that the most powerful driver of both is a growing economy, which includes an increase in revenue.

During this recession, unemployment has impeded economic growth. One of the challenges in addressing unemployment has been the rapid decline in certain occupations and industries and our labor market's inability to meet the demand of new occupations and industries.

More than two-thirds of workers in occupations and industries that are growing have at least some postsecondary education compared to one-third of the workers in occupations and industries that are declining. The demand for a post-secondary education, as well as the increase in baby boomer retirement, is predicted to result in a

shortage of more than 14 million college-educated workers by the year 2020. This is the deficit that should garner our national attention and we should work together on. We can only address this through our continued focus on education, training, employment, and social services, which make up a total of 2 percent of our Federal budget.

To build sustainable economic growth, we must continue our investment in employment and training programs, which have experienced an increase in demand of support for displaced and unemployed workers. We must continue our investment in higher education by maintaining Pell Grant funding, as well as support for programs such as TRIO, which sends the largest amount of low-income students to and through college, which helps the economic prowess of this country. We must continue our investment in title I programs, which are intended to supplement local resources of underserved schools, which bring our economy down.

We must continue our investment in School Improvement Grants, which provide important resources for States to turn around their lowest-performing schools and significantly reduce the high school dropout rate, which causes our country a great deal of deficit.

We must continue our investment in programs that address the 17,000 word gap between low-income 6-year-olds and their more advantaged peers. We must support programs such as Head Start that work to dismantle the cradle-to-prison pipeline and replace it with a cradle-to-career pipeline by providing early childhood education to low-income children. These supports, in tandem, produce a higher number of taxpaying citizens and add growth to our economy. Yet, my colleagues continually try to attack these efforts by cutting these programs.

Further, my colleagues—who made a “pledge to America” to develop a plan to create jobs, end economic uncertainty, and make America more competitive—continuously introduce and support measures to undermine this pledge and devastate our economic growth as a Nation.

In March, unemployment fell to 8.8 percent, a 2-year low. Payrolls grew to 216,000 for the month, following 194,000 in February. Private hiring rose by 230,000 people in March, following a 240,000 growth in February. Manufacturing expanded to a 7-year high in March. Incomes and consumer spending increased in February, helping to expand the economy. Yet, ignoring economic facts, the experts, the political reality, and the best interests of the American people, the Republicans continue to embrace an ideological spending plan that would destroy 700,000 jobs and derail the economic recovery just as it is beginning to gain momentum.

The current Republican spending plan would: Give away tax breaks to

companies that shift jobs overseas; give away tens of billions of dollars in tax subsidies to Big Oil companies; and make tax cuts for the wealthy permanent, which adds \$1 trillion to the deficit.

This plan would kick almost 1 million college students out of the Pell Grant program.

218,000 low income children and families would be removed from the Head Start program.

170,000 families trying to find or retain employment would lose childcare.

2,400 schools serving nearly a million low-income students would lose funding.

Job training programs for those out of work or attaining new skills would be dramatically cut.

Guaranteed coverage for seniors under Medicare would be eliminated.

Cuts will be made to Medicaid for seniors in nursing homes, health care for children and Americans with disabilities.

This spending plan that my colleagues have proposed only highlights the misplaced priorities.

The Republican budget is the wrong choice for the American people: it is unfair; it doesn't create jobs; and it doesn't grow the economy.

This proposal attempts to cut the deficit on the backs of working families, seniors, children, and our middle class. But I contend: We cannot build this country's economy on the backs of the vulnerable.

The public wants Democrats and Republicans to negotiate and compromise. My Democratic colleagues and I are willing to make responsible budget cuts that don't cost jobs, don't hurt the economy and that reduce the deficit responsibly.

Yet, our Republican colleagues continue to waste precious time with draconian spending proposals filled with divisive “policy riders” that are unacceptable to the American people.

This is irresponsible. Working families deserve more. Our children deserve more. Our future as a Nation deserves more.

LONE SURVIVOR

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. PEARCE) for 5 minutes.

Mr. PEARCE. Mr. Speaker, this past week, I had the opportunity to read a book called “Lone Survivor,” a tale about four Navy SEALs that were inserted into Afghanistan territory, Lieutenant Mike Murphy, Petty Officer Matthew Axelson, Petty Officer Danny Dietz, and Marcus Luttrell. Marcus Luttrell, the lone survivor, writes the book and says, “If they built a mountain as high as the Empire State Building for Lieutenant Murphy, it would not be high enough.”

These four young men—physical specimens, men of valor, men of courage—were inserted into the dark on top of an Afghanistan mountain. Shortly after arrival, daylight hit. Three goat herders came upon them. They easily subdued them. Then the choice was to kill—if they represented a clear and

present danger—or to let them go. One voted to abstain. There was a tie vote between the other two. Finally, Marcus Luttrell voted to let them go. He knew what the consequences would be. Twenty minutes later, the Taliban that they were after, over 100 came rushing over the top of the mountain firing their AK-47s and RPGs.

The four young SEALs moved to the back of the precipice. They were forced back by the fire and finally jumped off the edge of the mountain, 200 to 300 yards, the equivalent of three football fields straight down.

Lieutenant Mike Murphy had already been shot through the stomach. They were facing odds of 35 to 1, at least. They were worried about being tried for murder in this country because of their actions. They fell back off the mountain doing back flips headlong. Enemies swarmed after them. They were pushing through trees, grabbing limbs, trying to stop. Danny Dietz is shot. No SEAL is ever left behind. Mikey, bleeding out of his stomach, and Marcus move into the open and drag Danny back to cover. The enemy keeps closing in.

They are forced back a second time to another precipice and jump off a sheer cliff, the equivalent of four stories, straight down. Danny was shot again in the lower back. It blew out his stomach. He was still firing. Grenades are now pouring in on them. The Taliban reinforcements are coming closer, yards away, 20, 30 away. Danny is shot again. This time he slumps over, drops his rifle. He props himself up miraculously and continues to fire.

They have fallen over 900 feet down the mountain now. They fall back to the edge again and go over the edge. The SEALs had taken a heavy toll. Eighty Taliban are rushing after them, firing. Danny is shot again, this time in the neck. He slumps over. No SEAL is left behind. Marcus Luttrell steps out into the hail of gunfire to rescue him, props him up, and starts pulling him back by the pack. Danny is still firing his weapon.

Again they have to go over the edge. This time, Lieutenant Murphy understands they've got one choice. He casually walks out with his severe wounds into the opening to where he can get his cell phone open and get a call for help. He sits there with thousands of rounds of AK-47 rounds hitting near him. He makes a call and says, sir, taking heavy fire. Need help.

A round hits him in the back, blood spurts out his chest. Marcus Luttrell listens to him saying, “Yes, sir.” He drops his rifle, he picks up his cell phone from the ground and says, “Yes, sir, I'll tell the men, sir.”

Mortally wounded, he sits there, rounds continuing to come in. Lieutenant Mike Murphy falls on the ground and says, “Marcus, help me. Marcus, help me.” Axelson, the third soldier to

die that day, is dying on the other side. Miraculously, Marcus Luttrell survives.

We made this, yesterday, a discussion that was academic about supporting our troops. We have friends on the other side of the aisle saying it's a trick. We have the President saying he would veto it immediately. And for us to not give the pay to men and women like this who are putting their life in harm's way causes great shame on this Nation.

□ 1100

TWO AMERICAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, that was great rhetoric but not reality. Thank God when the Architect built this Capitol, he put a top on it that attracts lightning rods; otherwise, who knows what would happen in front of us.

The budget that was put up yesterday talked about defense, but it also had one other element in it. That was restricting the District of Columbia from using funds for low-income women to get family planning or abortions.

If you really wanted to take care of the troops, you would fund a spending proposal that took care of the troops and you wouldn't add a rider to it that you know that no human being who cared about women's choice would vote for. You eliminate a great percentage of your possible supporters. If the troops are number one and number one only, you don't put something on with DC abortion rights on it because that eliminates part of your constituency.

Now, one of the previous speakers talked about this too, the one that was back into Led Zeppelin. I haven't figured that one out yet. But it was something about Planned Parenthood. Why is Planned Parenthood an issue? Because the Republican majority made it an issue. They put in their budget that there will be no funding for Planned Parenthood, a specific organization. Not any organization that does family planning, not any organization that might provide abortions, but Planned Parenthood. And that is a sticking point in the negotiations.

It is wrong to single out a single organization that helps women with their family planning and that does give low-income women opportunities to get tests for HIV/AIDS and for breast cancer and for all other types of women's health issues. The Republicans have made that an issue, and they made it such an issue that they wouldn't have a clean CR proposal yesterday.

Mr. HOYER offered a proposal. He said, Let's just continue the budget for a week at its current spending plans. No cuts, true. They could come later.

That was resoundingly rejected because they wanted to go forward with their extreme social policy, and that's what matters to them. They can hide behind what they want.

The fact is there are two America's today. I read about it when I was a young person. Michael Harrington wrote a book decades ago called "The Other America." It was about an America that didn't get the support that it needed—Appalachia, poor people, regular folks that didn't get what they needed and didn't have the opportunity that this country should give everybody. The two Americas are the upper 1 percent that aren't going to be paying more taxes and the other 99 percent that do.

One gentleman said the Democrats want everybody to pay more taxes. No, not everybody; just the millionaires. And they wouldn't go along with that, because the millionaires are the party that control the Republicans. That's what they're about. They won't fund—put a tax proposal on that will tax millionaires because they want the middle class to pay more. Their budget blueprint that's going to come out lowers the overall rate to 25 percent—even more for millionaires.

And the billionaires, they're not watching today, Mr. Speaker, because they've got their lobbyists working for them. They came here in December and they took the estate tax from a million dollar exemption to a \$5 million exemption. And they took the rate that really mattered to them from 55 to 35 percent so they can pass that wealth on and continue the differences in America.

Two Americas: The upper 1 percent that the majority party represents, and the other 99 percent that we represent.

Mr. Speaker, let's get abortion out of the debate. Let's protect our troops. Let's keep this government moving.

OUR NATION'S DEBT CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DESJARLAIS) for 3 minutes.

Mr. DESJARLAIS. Mr. Speaker, I find it shameful that Washington has run up trillion dollar deficits for the last 3 years and yet there are those that seek to portray Republicans' modest, commonsense spending cuts as extreme. It is time for government to tighten its belts and balance its budgets just like families do every day across Tennessee's Fourth Congressional District.

I refuse to allow our Nation to continue borrowing money from China for reckless government spending and then send the bill to our children and grandchildren.

Americans deserve the truth. The choices that we make now on spending are not easy, but they are necessary. We cannot continue to spend money

that we do not have. My constituents did not send me to Washington to ignore problems nor offer excuses. They did send me here to solve the problems and not kick the can down the road further.

Our Nation is not in debt because Americans are taxed too little. We are in debt because government spends too much. We must address our Nation's debt crisis and spending addiction, and we must do it now.

THE TRUTH ABOUT THE REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 3 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to stand up for the middle class, the working poor, and the poor of this great Nation. They deserve honesty and a fair shake from their government.

I'm here to tell the American people the honest truth that the Republican budget of fiscal year 2011 would destroy 700,000 jobs and derail our economic recovery. Their plan, H.R. 1, would cut funding for government programs with the precision of a chain saw.

The Republicans are ignoring the fact that the policies of the 111th Congress and of our President saved America from an economic free fall. These same policies have been responsible for the unemployment rate falling to 8.8 percent last month, a 2-year low. I think last month was the 14th straight month of jobs being created as opposed to jobs being cut.

Instead of funding programs that are helping our economy, these Republicans are poised to shut down the government. Today, every Republican in unison speaks about this shutdown in hushed and somber tones so as not to appear to be gloating. But they really don't care about you, the middle class, and they don't care about how a shutdown will affect you. And they all, in unison, cast blame on HARRY REID. He's going to be the whipping boy that we hear on FOX News tonight.

Mr. Speaker, a recent study found that more than 40 percent of House freshmen are millionaires. They have net worths of up to \$40 million. And some of these freshmen, who have yet to become millionaires—they're wannabes—but they enjoy a median estimated wealth for these House freshman of \$570,000 each. In contrast, according to the U.S. census, the median estimated wealth for the average American is \$120,000. It's a big contrast.

Instead of funding problems that are helping our economy, they're poised to shut down the government. Today, for minorities, the median estimated wealth is \$27,000. And what the Republicans are doing is trying to get us out of this budget turmoil that we're in on the backs of the middle class and the poor. It's wrong.

□ 1110

POLITICS AS USUAL IN THE MIDST OF CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 3 minutes.

Mr. FITZPATRICK. Mr. Speaker, we have the opportunity today to send a message that this Congress is serious about cutting spending, creating jobs and keeping the government operating. We can and we must do all three. It is important to note, however, how we arrived at this point.

The last Congress was the first since the modern budget process was instituted that neglected to pass a budget despite the Democrats having complete control of the Federal Government. The inaction of the last Congress certainly did not excuse work on our part in this Congress. Instead, it made our responsibility all the more critical, and Mr. Speaker, this House has met that responsibility.

Through an unprecedented and lengthy debate 2 months ago, the House deliberated and ultimately passed a resolution, cutting \$61 billion in Federal spending. In March, the House passed and sent to the Senate two short-term funding bills that cut a total of \$10 billion and kept the government functioning. Yesterday, again, this Chamber sent to the Senate a bill to avoid a shutdown and to ensure that our men and women in uniform will be paid through the end of the fiscal year. The response from the Senate has been consistent—deafening silence.

Despite their agreement on the two short-term measures, the Senate has not sent a single bill or a single plan for this year's budget to the House. They have a responsibility to act now, and I call on them to pass H.R. 1363 to continue cutting Federal spending and to keep the government open.

Mr. Speaker, this debate is not merely about passing any budget; it is about passing a responsible one. Budgets, despite their countless line items and technical language, fundamentally reflect our priorities and our values as a nation.

Over the past 3 years, the administration and the previous Congress have added \$5 trillion to our national debt, bringing the total to over \$14 trillion. Trillions are being spent each year to feed our spending addiction, with nearly 42 cents of every dollar being mortgaged against our children's future. Perhaps the most sobering fact is that, after July 27, every cent the government spends through the rest of the year will be borrowed. This is money that will have to be repaid by our children and grandchildren long after we are gone. We can no longer saddle the next generation with the bill for today's good intentions.

Mr. Speaker, with America now engaged in three conflicts in the Middle

East, with seniors worried about Social Security payments and with Federal services in the balance, shutting down the government sends the wrong message at a critical time—but so does continuing the spending binge that has plagued Washington for far too long. Both must be achieved and we must do so now.

Mr. Speaker, this House has acted. Four times we have passed resolutions to keep the government functioning and to cut out-of-control spending. The overwhelming mandate from the American people last November was that the status quo cannot continue, and we have answered. Just yesterday, while the Senate and this administration have stalled and delayed, we again passed a resolution that would have cut spending and would have met our responsibilities without interruption.

This Chamber has acted, Mr. Speaker, and I hope the Senate and the administration will answer the call.

MEDICARE VOUCHER PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. CAPP) for 4 minutes.

Mrs. CAPP. Mr. Speaker, I rise today to express my complete disapproval for the way this House is being run by the Republican majority.

To put it bluntly, the majority is neglecting its duty to address the biggest issues facing this country—creating jobs and implementing a fair and sensible budget that makes investments in our people while bringing down the deficit.

For example, to date, this majority has not brought to the floor a single piece of legislation to help create jobs. Instead, we've seen bill after bill that would actually increase joblessness, including their omnibus spending bill, H.R. 1, which would cut nearly three-quarters of a million American jobs.

While it is clear that we must take aggressive action to bring down the Federal deficit, it shouldn't come at the expense of guaranteeing health care to our seniors. Yet that's exactly the case with the new Republican budget proposal, which uses our deficit as an excuse to achieve their long-held goal of ending Medicare as we know it today.

Medicare has been a very successful program to ensure seniors have guaranteed access to affordable, quality care. It has its problems, to be sure, and they must be addressed, but we should not throw the baby out with the bath water. Before deciding to essentially junk Medicare, as the Republican budget would do, let's go back in time a little.

Before Medicare, seniors were the most likely group to be uninsured. Barely 14 percent of them had health insurance coverage at all. Before Medicare, almost one-third of all seniors

were in poverty, and countless others would have been if not for the large sacrifices borne by their families. Before Medicare, seniors needed to make a false choice—go to the doctor and pay out of pocket or put food on the table and pay the bills. It also wasn't for seniors' lack of interest in being insured; it was because insurance companies simply had little interest in insuring a group of people they deemed too expensive to cover.

Let's be honest. The older you get, the more likely you are to need health care. We are not a cohort that insurance companies are exactly fighting each other to cover.

It is clear that Medicare has been absolutely critical in providing access to quality care at an affordable cost for seniors. It is responsible for helping lift so many of our parents and grandparents out of poverty, giving them peace of mind after a lifetime of work. It has also freed up their children as well, giving them the opportunity to invest in the future of their own children instead of having to worry about whether or not their parents are going to get the health care they need.

It is a remarkable success story, one that has helped Americans prosper, but this Republican budget proposal announced this week essentially throws it out the window.

First, it reopens the doughnut hole for today's Medicare beneficiaries, like for Beverly, from Morro Bay, who, thanks to the Affordable Care Act, no longer has to worry about how she will afford her important prescription medications if she reaches the doughnut hole again this year. Their plan will roll back the new preventative screenings and wellness checkups that the law provided for with no co-pays at all. Their plan would roll back important cost-containing and quality-improving measures from the program, and it repeals resources in place to reduce fraud and abuse, making this program more costly and less solvent.

But the centerpiece of the Republican proposal is the plan to privatize this critical program and end Medicare as we know it.

Let's be crystal clear: This isn't a reform. It isn't a tweak. It isn't a natural progression. It is nothing more than the end of the very program which, right now, guarantees health care coverage for America's seniors.

Medicare is much like Social Security, which guarantees a pension for seniors regardless of the twists and the turns of the market and our economy. Medicare guarantees health care coverage for our seniors. It guarantees it. But the Ryan budget bill ends that by turning Medicare into a voucher program with no guarantee of coverage—none at all. Instead, each senior would get a set amount of money to purchase a private insurance policy at an amount not high enough to start with

and less each succeeding year. In fact, each year, the voucher would cover less and less.

These are the important factors of this budget, which is why we cannot accept it. We must save Medicare.

Who'll pay the rest of the cost of this care? If you guessed "my grandmother or my grandfather" you'd be right.

And this is how the Ryan budget "saves" money.

It saves the federal government money by shifting the cost directly onto seniors.

In fact, while the government would save about \$600 per beneficiary, the cost to the senior would jump by an estimated \$12,500 a year in premiums, co-pays, and other out-of-pocket expenses—and that amount is expected to grow over time.

That estimate is about double the average annual out-of-pocket cost for a senior in Medicare today.

The CBO is clear in its warning about this program: Some seniors will forgo insurance all together, while others will find barriers to services that might save or improve their lives—both by plans not covering particular services or through such high costs that seniors forgo the care they need.

The bottom line—seniors will pay more for health insurance—much more—than they do today.

Some will get substandard coverage because they can't afford anything better.

Some won't be able to afford a policy at all, so they will forgo coverage and care.

The Republican budget has the wrong priorities.

It focuses on our families and communities for cuts, while doing nothing to root out waste in our tax system—like the tens of billions in subsidies for oil, gas and coal companies, or those that go to giant ethanol corporations.

And it continues the tax cuts for the wealthiest among us as well and even calls for more.

These priorities are all wrong . . . they are dangerous . . . and we must stand up against them.

I urge my colleagues to oppose the Republican Budget that will end Medicare as we know it.

Let's make responsible choices so that we can lower the deficit without doing so on the backs of our seniors.

TAKING A BUTTER KNIFE TO SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. RIBBLE) for 3 minutes.

Mr. RIBBLE. Mr. Speaker, we are now drawing close to a government shutdown.

I have been sitting over here, listening to my colleagues from both sides speak this morning. I want everyone to know; I want the American people to know, and I want the folks in northeast Wisconsin to know that this is not about riders or extreme partisan ideology. It is about spending.

I will tell you that I am surprised at some of the language. A moment ago, one of my colleagues said we wanted to

take a chain saw to spending. A few days ago, the President said we wanted to use an ax to cut spending. I will tell you that it's more like a butter knife. We spent in March of this year alone \$189 billion in deficit. Our CR would have cut \$8 billion. So instead of \$189 billion, we would have spent \$181 billion in deficit. That is not a chain saw. That is not an ax. Some Americans have been calling me from home, saying it's not even serious.

It is time that this Congress takes our fiscal situation seriously for the protection of our country, for the protection of our programs, for the protection of our seniors. It is time for this Congress to act and to act now. Yesterday, we offered up a plan to fund our troops at the request of Secretary Gates, and we've been turned down once again.

I call on my colleagues not to wait another day, another hour, another minute. Let's fund this government, and let's move on to the big task at hand—the next budget—so that we can do what the last Congress failed to do, which is to provide certainty to the American people and certainty to job creators so they will know what is coming ahead tomorrow.

A KABUKI DANCE OVER CONTRACEPTIVE PILLS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 4 minutes.

Ms. SPEIER. Mr. Speaker, the Kabuki dance is almost over, and like many of you, I'm wondering if we have lost our senses. By all reports by Leader REID and Speaker BOEHNER, they are very close. It's not about money. Do you know what it's about? It's about contraceptive pills. I can't believe that we are sitting here today, about to shut down the government, over contraceptive pills—because that's what it's all about.

□ 1120

It's all about defunding one organization, Planned Parenthood, that provides explicitly and only services around contraceptive pills, breast cancer screenings, STD screenings, and cervical cancer screenings. Not one dime goes for abortion services. In fact, the services provided under family planning have to be excluded completely. Different locations, different service providers, different staff. And on top of it, it's all audited. So not one dime for abortions. This is only for family planning services.

So in the end we're going to go to the American people and say, yes, we shut down the government, we told all our men and women serving in faraway places, trying to keep the world free, and keep it free for us, and keep terrorists at bay, we are going to tell them, no, you are not going to get paid for a

while because we didn't want to fund contraceptive pills for women who are poor in this country.

The women who access Planned Parenthood, and one in five women accesses Planned Parenthood at some time in her life, the average income is \$33,000 a year. These are women who can't access health care for reproductive services because they're working in jobs where they don't have health insurance. And we're saying shut down the government. Shut down the government. Don't pay our men and women serving overseas. Close down the national parks. Make sure none of our exports get to their destinations. Don't let any more small business loans be offered. Just shut it down, because we don't want to make contraceptive pills available to women in this country. It's absolutely shameful.

This is a message to Speaker BOEHNER. Mr. Speaker, this is your opportunity for a profile in courage. This is your opportunity to say to your caucus and to the American people, I am not going to allow this country to be shut down over contraceptive pills.

CUT FEDERAL SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 3 minutes.

Mr. WALBERG. Mr. Speaker, I have listened to a textbook case, I believe, of self-induced amnesia this morning from my liberal colleagues. But the American people spoke in November, and I heard the mandate: Cut Federal spending so that more resources can be left in the hands of American families and small businesses so that they can save and invest in order to grow jobs.

I responded to their mandate by voting for billions in cuts. Unfortunately, my colleagues on the other side of the aisle refused to receive the message, but the message is still true.

Let's put the budget issue into a little perspective. It actually is quite simple. They didn't pass the budget when they had control, and now we have to clean up the mess. My liberal Democrat friends want to shut down government in order to maintain their overspending status quo, even at the expense of not sending paychecks to our courageous troops and their families at home.

On the other hand, I and my Republican colleagues want to keep the government open, pay our troops, and respond to the people's demands for cuts in spending and a return to the blessings of freedom.

Our Republican leadership has worked and negotiated with the other side in order to keep the government open, while cutting deficit spending, but it has been to no avail. The Democrats won't give up less than one-half of 1 percent spending in order to keep the government running on a trimmed-

down budget and pay our troops. The argument has come down to the size and scope of the spending. And President Obama, Senate Majority Leader HARRY REID, and the Senate Democrats, like a stubborn mule, refuse to move in the direction of their masters, the Constitution and the American people who are telling us to cut spending.

It's time for them to start listening to the American people. It can't be just about the next election; it must be about the next generation.

PAY THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Mr. Speaker, we are here because the last Congress did not do its job and for the first time since 1974 didn't have a budget. So we're having to do last year's work in addition to this year's work. And in the meantime, we look around at who is actually being hurt. And there were many of us that were inquiring over the last month, all right, if there is a shutdown, is the military going to be paid?

Well, we find out the military is essential, the military will be working in the event there is a shutdown. But then as recent as last week, we find out they definitely will not be paid until after a shutdown is over. They will get paid for sure, but it will be after a shutdown. But they will be working.

In talking to many people on active duty, I find that things haven't changed a great deal since 30 years ago when I was in the Army. There are lots of people in our military that are having to live paycheck to paycheck. They don't get paid all that much. But they are standing between us and harm to this Nation, even its very existence.

There are those who want to take this out. At the end of last week, Congressman JACK KINGSTON, JOHN CARTER, STEVE KING, MICHELE BACHMANN, a number of people involved, we wanted to ensure that if the Democrats say we don't care—for example, gee, providing Federal tax dollars to fund abortion in the District of Columbia is more important than anything else. We wanted a vehicle to make sure our military gets paid on time so while they are out in harm's way, they don't have to worry about it.

We filed a bill the end of last week, and it's H.R. 1297. I contacted Senator KAY BAILEY HUTCHISON's office and JIM INHOFE's office, and they had it filed the first of the week. Down there it's Senate bill 724. Now we are told, well, gee, there is a procedural problem, because even though in the first two paragraphs each one starts with, "to appropriate, to appropriate," later in the bill, very short, three pages, it says, "make available funding." That can easily be remedied by a manager's

amendment to change to "shall appropriate." Easily handled.

A rule was passed this week that this could be brought to the floor within 24 hours. That part is waived. There is no reason that the military cannot be paid on time. That can be wiped away from their concerns. But our leadership was good enough last week to say we are taking care of it. We are going to make sure it's taken care of.

The best solution is what was done yesterday. The military is fully paid through the end of the year. That's the best way to go. It makes sure there is no glitches at all. But if our Democratic friends down the Hall are going to stand in the way of having the military funded for the rest of the year, then we need to bring this bill, H.R. 1297, to the floor today and make sure our military does not have to worry: your pay, your allowances will be taken care of on time.

Our military that are out in harm's way, as we heard about Marcus Luttrell and other heroes, they're taken care of. Your families back home get your paycheck. They're cared for. That's the responsible thing to do. Secretary Bob Gates said, "As a historian, it occurred to me that the smart thing to do for a government was always to pay the guys with the guns first." That is a smart thing to do. Let's take care of the people that are taking care of this country's protection.

□ 1130

THE PENDING GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, isn't it a shame, I tell my friend who just spoke, that his colleagues objected to a unanimous consent request yesterday which would have taken care of the problem he raises today.

There's not a person on this floor that doesn't want to make sure that our men and women in harm's way and in uniform ready to be put in harm's way are paid on time. But we're playing a political game here, a game of gotcha, a game of my way or the highway, not a game of coming together from all over the country and trying to make laws for our country that require compromise.

Henry Clay, one of the first Speakers of this House, from the State of Kentucky, said that if you can't compromise, you cannot govern. That's why we are on the brink of shutting down government.

We asked for a unanimous consent. I'm going to tell you we're going to ask for another unanimous consent that will accomplish exactly what the gentleman from Texas wanted to accomplish. I hope that none of you object. I

hope that all of you will say, yes, enough of these games. Let's do what Republicans and Democrats have historically done when they've reached an impasse at this time. They said, well, we'll keep things in place and we'll create a bridge across which we can all pass to get to compromise, to get to an agreement. That's what the American people expect us to do.

Mr. Speaker, I understand that to some in this Chamber, shutting down the government is an ideological game or a way of making a point. That's why they've included in this bill to fund the troops some of their social agenda. That's why they want to shut down the government, because they want to force the President to do something he has told the American people he would not do.

Now, ladies and gentlemen, when the Democrats were in charge of the House and the Senate and we disagreed with George Bush, we did not shut down the government. We said, Mr. President, we understand you disagree with this so we can't do it. Not, because you won't do it, Mr. President, we're going to shut down the government. That's what's happening here.

It's not about dollars and cents and, very frankly, it's not about funding the military. That's the image that's being created because we are all sympathetic and committed to funding our men and women in harm's way. That's the right thing to do. It's the moral thing to do. It's what we ought to be doing. And I hope when I ask for a unanimous consent to do that today that, unlike yesterday, the Republicans will not object.

I want every Member to be aware of the consequences for millions of Americans of shutting down government. A shutdown would put our economic recovery, our housing market, and paychecks at risk. And yes, every person listening to me will be affected in one way or another.

It's the wrong thing to do. Who said it was the wrong thing to do? Speaker JOHN BOEHNER, who said it would cost more to shut down the government than to keep it running. He is absolutely right.

Goldman Sachs has estimated that, and I quote, "If a shutdown lasted more than a few days, it should shave 0.2 percent off the growth of the gross domestic product for every week it continued."

What's that mean? It means jobs. Now, we've been here for 90 days. We're in our fourth month with no jobs legislation.

Goldman Sachs went on to say, "When the government shut down for 20 days in late 1995," said James O'Sullivan, chief economist, "the Nation's economic growth was slowed by as much as a percentage point." That means jobs.

This is a very inefficient political tactic and prank to play on the American people. As CQ reports, business

leaders also understand that averting a shutdown is crucial to our economic recovery. That is why, again, I hope you agree to my unanimous consent to keep the government open while we continue to negotiate, while we continue to try to get to an agreement.

Congressional Quarterly also points out that "In the event of a shutdown, the Small Business Administration would not guarantee loans for business working capital, real estate investment, or job creation activities." It makes no sense to shut down the government.

And my friends, when they say, oh, well, the Democrats in the Senate, let me tell you why the Democrats in the Senate can't move things forward, because they can't get 60 votes. Why can't they get 60 votes? Because the Republican leader of the United States Senate will not let any of his Republicans join the 53 Democrats in the Senate to get to 60.

Ladies and gentlemen, we ought not to shut down this government, and I urge my colleagues to approve a unanimous consent request that I will make a little later today.

AVOID THE GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Mrs. ELLMERS) for 3 minutes.

Mrs. ELLMERS. Mr. Speaker, I rise today in support of my colleagues, and call on Senator REID to pass a bill to avoid the government shutdown.

I've been sitting here listening to my colleagues across the aisle, and I am in complete amazement at their lack of ability to remember history accurately.

Thanks to the efforts of Speaker BOEHNER, this House, this Republican leadership, has consistently led. We did what the 111th Congress did not do: We passed a budget to fund the government through the end of the fiscal year.

H.R. 1 was passed under an open rule, with open debate, and truly reflects the will of this House and the people that sent us here with their votes last November. Again, open debate, and it truly reflects the will of the people.

Their message was, and is, get serious about cutting spending and change the culture in Washington so we can get our Nation back on a stable fiscal path. Remove many of the uncertainties facing our families and businesses, both large and small, and we can create an environment for job growth.

Unlike my colleagues across the aisle, we here in government cannot create jobs. The private sector creates jobs.

It has been 48 days since the House Republicans passed this bill, but we have yet to see a bill passed in the Sen-

ate to fund the government for the remainder of the year.

Yesterday, House Republicans listened to the will of the constituents who thought it shameful that our Nation's bravest women and men, volunteering to put their lives on the line for our freedom, should have to face prospects of not getting paid during this government shutdown.

With the passage of H.R. 1363, we fund the troops for the remainder of the year, regardless of any prospect of a shutdown, so those men and women fighting in the three theaters now and their families will not have to face the worry about whether they will get paid.

Yet to hear Senator REID's refusal to consider this bill in the Senate, and to hear President Obama threaten to veto this bill is nothing less than shameful. To choose to put politics before our soldiers and their families, to me, is appalling.

Mr. Speaker, it is time for the President and the Senate majority leader to end this political game and work with us to ensure and provide for the Nation's military families to continue to fund our government.

The fact is discretionary spending has increased over 83 percent under the current administration, and the Senate majority leader and the President are choosing to shut down the government over a less than 2 percent cut in spending.

SHUTTING DOWN THE GOVERNMENT FOR IDEOLOGICAL PURPOSES

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. FARR) for 5 minutes.

Mr. FARR. Mr. Speaker, I would just like to take a few moments and put some of this in perspective. I've been here 18 years now, and I've seen a lot going on in government, and I've had the experience in the State legislature and also in local government before getting here.

This is nothing but a ploy to shut down the government for ideological purposes. It has nothing to do with running the greatest Nation on earth and trying to be a responsible government, trying to teach democracy to countries around the world, that if you copy our system you may have a freer and more open system. This is about shutting down the entire United States Government over use of birth control.

It's also the party that has a history of shutting down government. The last time government was shut down it was shut down by the Republicans. And after they shut it down, what we did, before that, is we enacted taxes to pay off the debt under President Clinton. And guess what? That was a tough vote. Not a single Republican cast a vote for that. That was probably one of

the greatest economic votes ever cast in modern Congress because it put the country back on foot. We didn't have a deficit. We removed it because we earmarked those taxes to pay off the debt.

Along came President Bush. The first thing he did was repeal all those taxes. The question was, well, how are you going to pay for this? Oh, no, no. We don't have to pay for this. Well, Mr. President, you are about to go into a war. How are you going to pay for that? We don't have to pay for it, we'll just put it on the credit card.

They came up with a great plan to give senior citizens Medicare drug reimbursements but instead of using the Medicare program, no, they invented another one. They gave the money to the pharmaceutical companies and said, you take care of the poor, charity work. And guess what, it won't cost you anything. Well, it cost us a lot of money. And when asked, how are you going to pay for it? We'll put it on the credit card.

The fact is this huge deficit we got into was driven through by the party now that wants to shut down government, the party that has shut down government in the past, the party that keeps not wanting government to work.

You took an oath of office when you came here, an oath to uphold the Constitution. That Constitution is based on, if you look around this room, the lawgivers, people of history who've done incredibly bold things.

Our Constitution is incredibly bold. There's nothing in that Constitution that says that your job in Congress is to make the rich richer and the poor poorer.

□ 1140

And that's exactly what their budget is doing, their strategy is doing, and now the shutdown of government. They're gleeful about it. And it's a very, very sorry state that we have to, in these modern times, think that the greatest country in the world has to deal with shutting down government. That's the last thing we ever came here to do. It's a sorry state.

THE FEDERAL BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 3 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, sitting here listening to comments on the other side can be quite instructive; although I might warn my colleagues on the other side that they ought to be careful about the metaphors they use. One of those on the other side got up to criticize Republicans for trying to stop funding of abortions, which means saving babies, and used the unfortunate expression of "don't throw out the baby with the

bathroom.” It shows how almost obtuse they are with respect to what we’re actually talking about.

The distinguished leader on the other side from Maryland quoted Henry Clay. I’d like to quote an outstanding American, his name is STENY HOYER, who said just a couple of years ago here on this floor that if you can’t budget, you can’t govern. That’s why we’re in the problem that we’re in today, because when they had control of both sides of Capitol Hill and the Presidency, they, for the first time since the Budget Act was passed, intentionally did not pass a budget because they were embarrassed about the numbers.

And what did that lead to? That led to the fact that we didn’t pass any of the 13 appropriations bills, which led to the fact that we have to deal with a CR. That’s why we’re in the mess we are today, because they did not budget. And now they have the effrontery to come out and criticize PAUL RYAN, the Republican leader of the Budget Committee’s suggestion that we be serious about budgeting around here and that we understand that we’re driving our children into the ground and our grandchildren with debt that cannot be paid, and because we have the courage to bring forth a serious adult proposal on the budget, we are accused of trying to put children on the street and to not allow seniors to be able to eat.

Come on. The American people are smarter than that. They want this House, this Senate, and this President to be adults. And to come here to this floor and to suggest that we’re trying to kill Medicare—we’re not trying to kill Medicare; we’re trying to save Medicare. Every objective review has said it’s going broke within 9 years.

But maybe collective amnesia is the way to leadership. I hope not. I hope not, not for me, but for my children and my grandchildren. They deserve better. This country deserves better. We should be required to do better.

FAIR TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 3 minutes.

Mr. WOODALL. Mr. Speaker, you’ve heard it a lot of different ways this morning. Our challenge is not that we tax too little. Our challenge is that we spend too much, and we’re taking steps to make that happen. But we do tax incorrectly. We do tax in a way that challenges the patience, the tolerance and the intellect of millions of Americans every year. We’re coming up on that.

One week from today is Tax Day, April 15, that day that folks dread year after year after year after year. One of the things that makes Tax Day so complicated is the exceptions, the exemptions, the loopholes and those special favors that get written into the Code year after year after year after year.

I want to associate myself with the comments from the previous speaker, the gentleman from California. And we’ve talked about the very serious—the very serious—discussion of the budget that’s been going on in the Budget Committee. I’m pleased to be a member of the Budget Committee.

Bloomberg came out with a report this morning, \$2.9 trillion in special tax breaks, loopholes and exemptions erased in that budget. Not that taxes go up for Americans, but that taxes get simpler for Americans and fairer for Americans by taking away \$2.9 trillion in special favors and special exemptions.

There’s a proposal that goes even further, and I want to mention it now a week out from Tax Day, and that’s H.R. 25, the Fair Tax. It’s a bill that started with only two cosponsors, one Democrat and one Republican. It grew to two Democrats and two Republicans, and then it grew to four Democrats and four Republicans. Now there are 60 cosponsors in the House, five in the United States Senate, the most widely cosponsored fundamental tax reform bill in this Congress.

And it does this: It abolishes income taxes and replaces them with consumption taxes, because the power to tax is the power to destroy. And what we destroy in this country is productivity. We’re the only OECD country on the planet that doesn’t have a consumption tax, the only one that punishes our producers instead of taxing our consumers. And it eliminates not \$2.9 trillion in loopholes as the budget does, but 100 percent of every corporate loophole.

We’ve heard it on this floor again and again: Loopholes for oil companies, loopholes for this company. It eliminates every single corporate tax break in existence today. And it eliminates them for individuals as well in favor of a simple, low-rate personal consumption tax.

On Tax Day, we talk about the income tax. The largest tax 80 percent of American families pay is the payroll tax. Everybody in here who’s got a job has seen that FICA line. You may not add it up, but it is the largest tax that 80 percent of Americans pay. And there is not a single bill on this floor that deals with that except the Fair Tax, which abolishes that tax so you get to keep what you earn so that nobody touches your paycheck before you do.

As you finalize your tax forms over the next 7 days on your way to April 15, I want you to think about what could be different. I want you to think about how, with the passage of H.R. 25, April 15 could just be another spring day.

CUT SPENDING AND GROW THE ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nevada (Mr. HECK) for 3 minutes.

Mr. HECK. Mr. Speaker, I have said, like most in this Chamber, that I oppose a government shutdown. Last November, Nevadans spoke. The American people spoke. They said cut the spending so the economy can grow.

My primary goal is not a government shutdown. It is to do the job that the people elected me to do: cut the spending and grow the economy.

Quite simply, our country is broke, all because there are checks in the checkbook doesn’t mean there’s money in the checking account. And we’re paying the overdraft fees with money that we’re borrowing from China.

Some people ask: What’s the difference between a billion here and a billion there? Well, that’s just \$1 billion that we don’t have. There is an old saying: Take care of your pennies, and your dollars will take care of themselves. For those who question the importance of a billion dollars, I would say, take care of your billions, and your trillions will take care of themselves.

DEMOCRATS FAILED TO PASS A BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. DUFFY) for 3 minutes.

Mr. DUFFY. First of all, I think many of us here in this House want to see the government to continue to be funded. But let’s review what has happened here.

Last year, the Democrats failed to pass a budget. They failed to propose a budget. So this Congress, we’re here doing the work of last year’s House and Senate.

We proposed a bill to fund the government, and in that bill, we cut \$61 billion. That is under the backstop of the fact that we’re going to borrow \$1.6 trillion this year alone. Our national debt is \$14 trillion. The Democrats in the Senate say they don’t like our proposal.

That’s okay. If you don’t like it, pass your own proposal. Give us a counterproposal, and we will consider it. But the bottom line is the Senate has failed to act. They haven’t sent us a counterproposal.

So what we’ve done is we’ve passed two extensions to fund the government, and again yesterday we passed a third. The Senate isn’t going to take it up.

Again, if you don’t like our proposal, give us your own. We can’t negotiate with ourselves. We’re willing to sit down and talk, but we can’t continue to put out our proposals and our ideas and have you fail to give us a response.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 49 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Your Word, Lord God, calls us to reform and spiritual renewal. "Where your heart is, there is your treasure." The transformation You ask of us is not a change only of our manners or way of doing things. It is not a call for a change of language, the bottom line or even our thinking.

Rather, You Lord, who are hidden from our sight, know the hidden secrets of the heart. So You continually seek conversion of heart until, at last, our hearts rest only in You.

In such a changing world, unless we are willing to change our deepest desires according to Your Spirit of life and love, we will instead be changed by forces around us. Send forth Your powerful Spirit that You may have Your way with us both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. SOUTHERLAND) come forward and lead the House in the Pledge of Allegiance.

Mr. SOUTHERLAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches from each side.

PROTECT OUR POSTERITY

(Mr. SOUTHERLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUTHERLAND. Mr. Speaker, I hold in my hand today the Constitution of the United States. It begins by saying: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

I have a very, very short time here today, but I will say that irresponsible spending of the Federal Government does not form a more perfect Union. As a matter of fact, it forms a more imperfect Union. It establishes injustice. It ensures domestic chaos. It provides for the uncommon defense. It destroys the general welfare, and it endangers the blessings of liberty to ourselves and our posterity.

Based on this very Constitution that I hold in my hand, the direction that we are heading violates the will of the people. It is time for us to stop arguing and get on with the work of the people and protect our posterity for generations to come.

FUNDING CUTS THREATEN HEAD START

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to ask my Republican colleagues: Which child pictured here would you deny an early education? Why would I ask that question? I'll tell you why. As it stands now, the Republican budget proposal would kick 218,000 children out of Head Start and prevent them from receiving an education, some of these children right here on this poster.

It will close 16,000 Head Start classrooms, classrooms in which these children learn. It will fire 55,000 Head Start teachers, teachers who teach these kids here.

A budget document, my friends, is not just about dollars and cents. It reflects our priorities as a Nation. Our children are our future and must be our top priority. Head Start is a key investment in improving their educational outcomes.

But if the Republican majority has their way, Head Start programs in my home State of Rhode Island will have to cut three kids from each classroom right now.

So I ask my colleagues on the other side of the aisle: Which of these children would you deny an early education to?

ILLEGALS SHOULD NOT RECEIVE WELFARE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to a Center of Immigration Studies report cited in the Houston Chronicle, 70 percent of Texas' illegal immigrant families with at least one anchor baby collect welfare from Uncle Sam. People illegally in the United States should not receive welfare. American citizens shouldn't pay for the welfare of people who violate the law to enter this country.

Illegals are also draining our health care system. Sixty percent of the births over the last 4 years at a public hospital in Houston, Texas, were by women living here illegally.

I was recently in Cochise County, Arizona, where they have been forced to shut down almost all of their maternity wards because they can't financially support all of the illegals coming into the country.

Mr. Speaker, illegal immigration is breaking the bank. Let's take care of our citizens and legal immigrants first. Are you in, Mr. President?

And that's just the way it is.

DON'T DISMANTLE MEDICARE

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, today the Republicans want to shut down government. Tomorrow they want to dismantle Medicare. If the shutdown weren't enough, the Republican Party just released next year's road-to-ruin budget. And, unbelievably, the people they have chosen to target are America's seniors.

This budget ends the Medicare guarantee as we know it. It turns Medicare into a voucher system where you would have to put your fate back into the hands of private insurance companies. It results in seniors paying more for Medicare. This plan shifts costs onto seniors and cuts Medicare at a time when seniors need health care the most.

We must take the target off the backs of our seniors and off of Medicare, a guarantee that seniors have earned through a lifetime of hard work.

ARMED FORCES FUNDING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, every day courageous young men and women from all over America volunteer to serve our country in the military. They prove themselves as leaders and role models. But what is the response they receive from congressional liberals and even their Commander in Chief? A callous disregard. To further their own political aims, some of our colleagues would deny them their pay if there is a shutdown of the government this weekend. This is outrageous.

Our troops, especially those in combat zones, already have plenty to worry about without Democratic intransigence adding personal debt to those worries.

In February, Republicans offered H.R. 1 and yesterday H.R. 1363, which would ensure that every member of the Armed Forces would receive his or her full salary for the rest of the year. Republicans support the troops and want them to succeed in their mission. It appears that most of the Democrats in Congress feel differently.

Our troops are sacrificing to keep us free and are exhibiting leadership. Democrats should follow their example and honor our commitments to the men and women of the military and their families.

□ 1210

GOVERNMENT SHUTDOWN: EFFECT AND CAUSE

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, there have been a lot of quotes on this floor, so this one goes out to our young people and our seniors and our servicemembers and Federal workers who stand to be affected by a government shutdown. It's a lesson for my Republican colleagues courtesy of the White Stripes, a little "Effect and Cause":

"I guess you have to have a problem
If you want to invent a contraption
First you cause a train wreck
Then you put me in traction.
Well, first came an action
And then a reaction
But you can't switch around
For your own satisfaction.
You burnt my house down, then got mad
At my reaction?
It's that you just can't take the effect
And make it the cause."

So for my Republican colleagues who want to shut the government down for the effect you caused, you learn this White Stripes lesson first:

"If you're headin' to the grave

You don't blame the hearse.
You built a house of cards
And got shocked when you saw them fall.
You seem to forget
Just how this song started.
You just can't take the effect and make it the cause."

TELLING THE TRUTH

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, this morning we pledged allegiance to the flag of the United States. What a privilege and an honor. I think it conveys upon this body to tell the truth.

And so this morning I raise a question of my friend's comments about holding the troops hostage. We're not holding them hostage. We were able to provide them with their paychecks, but we wanted to be concerned about their grandmothers and wives and children that were being abandoned by the Republican budget.

And, yes, can you imagine holding up the paying of the bills of the United States because you're against women's health care and family planning and you want to condemn and take away resources to family planning and to Planned Parenthood?

Can you imagine reciting the pledge to the flag and yet not telling the truth? Telling the truth about the fact that we had a provision that would allow our troops to be paid. But in actuality what we're standing against is eliminating of early childhood education, nutrition programs, housing programs, teacher compensation.

Yes, there has to be a moral standard for the budget. We're standing on high moral ground. You can pay our troops and you can have family planning.

Let's do the right thing.

Mr. Speaker, I rise today in opposition to H.J. Res. 37 which disapproves the rule submitted by the Federal Communications Commission (FCC) with respect to regulating the Internet and broadband industry practices.

As a Senior Member of the House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet we have held hearings to examine the importance of so-called "Net Neutrality"; the principal that everyone should have equal access to the Internet and its lawful content. It gives me great pause whenever I see legislation that frankly looks like an attempt to restrict access to information and limit the right to free speech guaranteed by the 1st amendment of the Constitution. In practical terms, this bill affects the rights of the people to provide and receive information in the form of Internet content as regulated by the FCC.

Make no mistake, access to information contained on the Internet and through broadband connectivity provides vital resources for individuals, families and businesses in the 18th congressional district of

Texas, in remote and underserved locations, and all across this great nation every day. Through an open Internet, families, large businesses, small businesses, minority and women owned businesses can access the critical personal, health, medical, news, public safety, educational, financial and business information they need to lead more productive lives and contribute to the continued growth of our national economy. We cannot stifle the innovation that emanates from Internet based activity and drives greater equality in participating in our nation's economic growth!

Census information indicates that small businesses and minority owned businesses are some of the most significant contributors to job growth in America. Minority-owned and small businesses heavily depend on access to information on the Internet as a cost effective means of allowing them to compete. These minority-owned businesses and small businesses would be particularly hard hit and devastated by prohibiting the free flow of information and certain applications over their networks. We cannot allow this to happen; we must oppose this bill.

Open access to the Internet and its content has become an important part of our everyday lives. I must express reservations about efforts to enact legislation that seeks to limit open access to the informational content on the Internet. This legislation seeks to divest the FCC of its power to regulate the Internet and broadband to ensure equal access for all Americans. While there is so much talk in this Chamber about shutting down the federal government for reasons that have nothing to do with fiscally responsibility, what we should be doing is shutting down attempts like these to limit our access to information. So as for this bill is concerned, "Shut it down!"

This bill would disapprove the rule adopted by the FCC on December 21, 2010, that is intended to preserve the Internet as an open network. Report and Order FCC 10-201 establishes rules that would bar broadband providers from blocking lawful content and discriminating in transmitting lawful traffic on the network. The rule also would require broadband providers to disclose to the public information about network management practices, performance, and terms of service. H.J. Res. 37 would invoke a legislative process established by the Congressional Review Act "CRA" (Public Law 104-121) to disapprove the open Internet rule. If H.J. Res. 37 is enacted, the published rule would have no force or effect. This is unacceptable in an open, democratic society with freedom of expression!

The Obama administration strongly opposes House passage of H.J. Res. 37, which would undermine a fundamental part of the Nation's Internet and innovation strategy—an enforceable and effective policy for keeping the Internet free and open. Since the development of the Internet, Federal policy has ensured that this medium is kept open and facilitates innovation and investment, protects consumer choice, and enables free speech. The rule at issue resulted from a process that brought together parties on all sides of this issue—from consumer groups to technology companies to broadband providers—to enable their voices to be heard.

Notably, the Federal Communications Commission's rule reflected a constructive effort to build a consensus around what safeguards and protections were reasonable and necessary to ensure that the Internet continues to attract investment and to spur innovation. Disapproval of the rule would threaten those values and raise questions as to whether innovation on the Internet will be allowed to flourish, consumers will be protected from abuses, and the democratic spirit of the Internet will remain intact.

If the President is presented with a Resolution of Disapproval that would not safeguard the free and open Internet, his senior advisers would recommend that he veto the resolution.

In short, H.J. Res. 37 is impermissibly harmful:

This Bill uses A Rigid "Congressional Review Act" Disapproval Process to Address FCC Open Internet Rule.

By Overturning FCC Open Internet Rule, Republicans Undermine Job Creation and Stimulate Innovation.

By Overturning FCC Open Internet Rule, Republicans Hurt Small Business (20,000 small businesses operate on the Internet and over 600,000 Americans have part- or full-time businesses on eBay alone. Small businesses were responsible for nearly 65 percent of new jobs over the last 15 years).

Bringing Up a CRA Disapproval Resolution Imposes a Straitjacket on Congress, Preventing Amendments.

This Straitjacket CRA Disapproval Resolution, Which Prevents Amendments, Overturns Even Consensus Provisions of the FCC Open Internet Rule.

Therefore, I urge my colleagues to join me and the cross-section of the great many voices of forward thinking people and organizations all across America, and oppose H.J. Res. 37.

HOLDING THE GOVERNMENT HOSTAGE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, it is hard to believe, but in less than 12 hours, the government will shut down unless Congress acts.

The Republican leadership should bring a clean CR to this floor free of all their controversial riders so that we can keep the government running for another few days so that the negotiators can continue their talks and get a deal. But it is outrageous that today we are not doing that. We're bringing a net neutrality bill to the floor which has nothing to do with anything, and we should be spending our time talking about instead how we should save the jobs of hundreds of thousands of people that are in the balance if this government shuts down, how we should save the social safety net, because it's gone if this government shuts down.

The Republicans should stop holding this government hostage and stop

using these controversial social riders as ransom. We need to keep this government going. We need to get a deal. Take this net neutrality bill off the floor today. Instead, bring a clean CR so we can all vote and keep this government running so we can get a final deal.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 1 o'clock and 15 minutes p.m.

DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Mr. WALDEN. Mr. Speaker, pursuant to House Resolution 200, I call up the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

Mr. MCGOVERN. Mr. Speaker, pursuant to clause 3 of rule XVI, I demand the question of consideration.

The SPEAKER pro tempore. The question is, Will the House now consider the joint resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 20, as follows:

[Roll No. 250]

YEAS—238

Adams	Bonner	Chaffetz
Aderholt	Bono Mack	Coble
Akin	Boren	Coffman (CO)
Alexander	Boustany	Cole
Amash	Brooks	Conaway
Austria	Broun (GA)	Cravaack
Bachmann	Buchanan	Crawford
Bachus	Bucshon	Crenshaw
Barletta	Buerkle	Culberson
Bartlett	Burgess	Davis (KY)
Barton (TX)	Burton (IN)	Denham
Bass (NH)	Calvert	Dent
Benishke	Camp	DesJarlais
Berg	Campbell	Diaz-Balart
Biggert	Canseco	Dold
Bilbray	Cantor	Dreier
Bilirakis	Capito	Duffy
Bishop (UT)	Carter	Duncan (SC)
Black	Cassidy	Duncan (TN)
Blackburn	Chabot	Ellmers

Emerson	Labrador	Ribble
Farenthold	Lamborn	Rigell
Fincher	Lance	Rivera
Fitzpatrick	Landry	Roby
Flake	Lankford	Roe (TN)
Fleischmann	Latham	Rogers (AL)
Fleming	LaTourette	Rogers (KY)
Flores	Latta	Rogers (MI)
Forbes	Lewis (CA)	Rohrabacher
Fortenberry	LoBiondo	Rokita
Foxx	Long	Rooney
Franks (AZ)	Lucas	Ros-Lehtinen
Galleghy	Luetkemeyer	Roskam
Gardner	Lummis	Ross (FL)
Garrett	Lungren, Daniel	Royce
Gerlach	E.	Runyan
Gibbs	Mack	Ryan (WI)
Gibson	Manzullo	Scalise
Gohmert	Marchant	Schilling
Goodlatte	Marino	Schmidt
Gosar	McCarthy (CA)	Schock
Gowdy	McCaul	Schrader
Granger	McClintock	Schweikert
Graves (GA)	McCotter	Scott (SC)
Graves (MO)	McHenry	Scott, Austin
Griffin (AR)	McKeon	Sensenbrenner
Griffith (VA)	McKinley	Sessions
Grimm	McMorris	Shimkus
Guinta	Rodgers	Shuler
Guthrie	Meehan	Shuster
Hall	Mica	Simpson
Hanna	Miller (FL)	Smith (NE)
Harper	Miller (MI)	Smith (NJ)
Harris	Miller, Gary	Smith (TX)
Hartzler	Mulvaney	Southerland
Hastings (WA)	Murphy (PA)	Stearns
Hayworth	Myrick	Stivers
Heck	Neugebauer	Stutzman
Heller	Noem	Sullivan
Hensarling	Nugent	Terry
Herger	Nunes	Thompson (PA)
Herrera Beutler	Nunnelee	Thornberry
Huelskamp	Olson	Tiberi
Huizenga (MI)	Palazzo	Tipton
Hultgren	Paulsen	Turner
Hunter	Pearce	Upton
Hurt	Pence	Walberg
Issa	Peterson	Walden
Jenkins	Petri	Walsh (IL)
Johnson (IL)	Pitts	Webster
Johnson (OH)	Platts	West
Johnson, Sam	Poe (TX)	Westmoreland
Jones	Pompeo	Whitfield
Jordan	Posey	Wilson (SC)
Kelly	Price (GA)	Wittman
King (IA)	Quayle	Wolf
King (NY)	Reed	Womack
Kingston	Rehberg	Woodall
Kinzinger (IL)	Reichert	Yoder
Kline	Renacci	Young (IN)

NAYS—174

Ackerman	Cooper	Hanabusa
Altmire	Costa	Hastings (FL)
Andrews	Costello	Heinrich
Baca	Courtney	Higgins
Baldwin	Critz	Himes
Barrow	Crowley	Hinojosa
Bass (CA)	Cuellar	Hirono
Berkley	Cummings	Holden
Berman	Davis (CA)	Honda
Bishop (GA)	Davis (IL)	Hoyer
Bishop (NY)	DeFazio	Insee
Blumenauer	DeGette	Israel
Boswell	DeLauro	Jackson (IL)
Brady (PA)	Deutch	Jackson Lee
Braley (IA)	Dicks	(TX)
Brown (FL)	Dingell	Johnson (GA)
Butterfield	Doggett	Johnson, E. B.
Capps	Donnelly (IN)	Kaptur
Capuano	Doyle	Keating
Cardoza	Edwards	Kildee
Carnahan	Ellison	Kind
Carney	Engel	Kissell
Carson (IN)	Eshel	Kucinich
Castor (FL)	Farr	Langevin
Chandler	Fattah	Larsen (WA)
Chu	Filmer	Larson (CT)
Cicilline	Frank (MA)	Lee (CA)
Clarke (MI)	Fudge	Levin
Clarke (NY)	Garamendi	Lewis (GA)
Clyburn	Gonzalez	Lipinski
Cohen	Green, Al	Loebsack
Connolly (VA)	Grijalva	Lofgren, Zoe
Conyers	Gutierrez	Lowey

Luján	Peters	Sherman
Lynch	Pingree (ME)	Sires
Maloney	Price (NC)	Slaughter
Markey	Quigley	Smith (WA)
Matheson	Rahall	Speier
Matsui	Rangel	Sutton
McCarthy (NY)	Reyes	Thompson (CA)
McCollum	Richardson	Thompson (MS)
McDermott	Richmond	Tierney
McGovern	Ross (AR)	Tonko
McIntyre	Rothman (NJ)	Towns
McNerney	Roybal-Allard	Tsongas
Michaud	Ruppersberger	Van Hollen
Miller (NC)	Rush	Velázquez
Miller, George	Ryan (OH)	Visclosky
Moran	Sánchez, Linda	Walz (MN)
Murphy (CT)	T.	Wasserman
Nadler	Sánchez, Loretta	Schultz
Napolitano	Sarbanes	Watt
Neal	Schakowsky	Waxman
Olver	Schiff	Weiner
Owens	Schwartz	Welch
Pallone	Scott (VA)	Wilson (FL)
Pascarella	Scott, David	Woolsey
Pastor (AZ)	Serrano	Wu
Perlmutter	Sewell	Yarmuth

NOT VOTING—20

Becerra	Green, Gene	Pelosi
Brady (TX)	Hinchee	Polis
Clay	Holt	Stark
Cleaver	Meeks	Waters
Frelinghuysen	Moore	Young (AK)
Giffords	Paul	Young (FL)
Gingrey (GA)	Payne	

□ 1339

Mr. WATT changed his vote from “yea” to “nay.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 250, I was inadvertently detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 250, had I been present, I would have voted “nay.”

Mr. HOLT. Mr. Speaker, I was detained and missed rollcall vote 250. Had I been present I would have voted “nay.”

The SPEAKER pro tempore. Pursuant to House Resolution 200, the joint resolution shall be considered as read.

The text of the joint resolution is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (Report and Order FCC 10-201, adopted by the Commission on December 21, 2010), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1340

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a representative democracy, Federal agencies may impose regulations only to the extent authorized by the United States Congress, the elected representatives of the American people. I introduced H.J. Res. 37, which enjoys bipartisan support, because Congress has not authorized the Federal Communications Commission to regulate the Internet.

H.J. Res. 37 is a resolution of disapproval filed pursuant to the Congressional Review Act. It would prevent the agency from imposing the same or substantially similar rules through reclassification of broadband under title II of the Communications Act or through any other claimed source of direct or ancillary authority. If not challenged, the FCC’s power grab would allow it to regulate any interstate communication service on barely more than a whim and without any additional input from Congress.

The FCC’s claim that it can regulate the Internet under section 706 of the 1996 Telecommunications Act is not credible. The FCC has previously held that section 706 is not an independent grant of authority and the language of the section tells the FCC to remove barriers to investment, not create them. The FCC’s reliance on section 706 could open the Internet to regulation by all 50 States.

Also flawed is the FCC’s claim it can regulate the Internet under titles II, III and VI of the Communications Act because broadband has indirect impact on traditional services. Section 230 of the Communications Act makes clear that it is the policy of the United States to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services unfettered by Federal or State regulation. This regulation by “bank shot” is nothing more than a weak attempt to do an end-run around the D.C. Circuit Court’s April 2010 ruling in the Comcast case that the FCC failed to show it had authority to regulate Internet network management.

The Internet is open and innovative thanks to the government’s hands-off approach, as Democrat FCC Chairman William Kennard has explained, and I quote: “The fertile fields of innovation across the communications sector and around the country are blooming because from the get-go we have taken a deregulatory, competitive approach to our communications structure, especially the Internet.” There is no crisis warranting government intervention.

The FCC even admits in its own order that it did not conduct a market power analysis.

Dr. David J. Farber, the grandfather of the Internet, says the FCC’s “order will sweep broadband ISPs, and potentially the entire Internet, into the big tent of regulation. What does this mean? Consumer needs take second place, and a previously innovative and vibrant industry becomes a creature of government rulemaking.” From the grandfather of the Internet.

The order picks winners and losers and will threaten small providers that do not have the resources to send teams of lawyers to camp out at the FCC. How carriers manage their networks should be determined by engineers and entrepreneurs and consumers in the marketplace, not by as few as three unelected commissioners at the FCC.

My colleagues claim large broadband providers support the order—you will hear that today—but they only did so under the threat of being regulated like an old-fashioned telephone company under title II of the Communications Act. They are still concerned, and they say network neutrality is a solution in search of a problem.

AT&T’s CEO has said, “Regulation creates uncertainty.” “I would be lying if I said I was totally pleased with it,” and, “I’d like to have had no regulation, to be candid, but that wasn’t going to happen.”

The CEO of a large cable association has said that “there could certainly be an adverse economic impact by chilling the willingness to deploy these new services.” The CEO of a large wireless association has said that some uncertainty over FCC implementation remains and “increased regulation tends to depress rather than accelerate investment.”

Now opponents of H.J. Res. 37 will also criticize the Congressional Review Act process, but Senate Majority Leader HARRY REID, one of the authors of the CRA, has said the disapproval process is—and I quote the Majority Leader of the Senate—“a reasonable, sensible approach to regulatory reform.”

You see, the CRA was dually enacted by Congress and signed into law by President Clinton. And despite their recent criticism, even my colleagues themselves have co-sponsored disapproval resolutions in the past, including Mr. WAXMAN, Ms. ESHOO, Mr. MARKEY, Ms. SCHAKOWSKY, and Mr. DINGELL. They cosponsored H.J. Res. 72 in 2003. And Mr. WAXMAN, Ms. ESHOO, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. BALDWIN co-sponsored H.J. Res. 79 in 2008. Both, by the way, were resolutions disapproving of FCC rules.

So my colleagues complain that amendments are not in order, but that is because the language of the Congressional Review Act itself dictates the specific language of the disapproval

resolutions, and to allow amendments would frustrate Congress' very intent in providing a straight up-or-down vote on whether to disapprove just these types of overreaching agency rules.

My colleagues say that instead of considering this resolution we should be debating comprehensive legislation to authorize the FCC to regulate the Internet. Then why did they refuse our repeated requests last Congress to hold hearings on whether such intervention is warranted? Why did they wait until November before proposing their own legislation—so close to the end of the last Congress there was no time for reasoned debate? And why did they single out only certain segments of industry for regulation and refuse to require a market power analysis? It is all too convenient that they wait until after the rules have been adopted and are vulnerable to legislative and judicial reversal before engaging.

A vote against this resolution is simply a vote that will allow the FCC to adopt substantially similar rules under title II when the FCC loses in court, something even network neutrality advocates like Free Press say is likely. Indeed, the FCC still has a proceeding open to do just that.

So for all of these reasons, I urge my colleagues to support H.J. Res. 37.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 4 minutes.

Today, we are considering H.J. Res. 37, a resolution to invalidate the FCC's open Internet rules. We are debating this bill under the shadow of a shutdown of the Federal Government. The Republicans are holding the economic recovery and millions of jobs hostage to their extreme demands on the budget and their ideological demands on social and regulatory issues. And at such a moment of grave threat to our economic health, what are we doing on the floor today? The Republican leadership insists on bringing to the floor a bill that will end the Internet as we know it and threaten the jobs, investment, and prosperity the Internet has brought to America. This is an outrageous sense of priorities and policies.

This legislation is a bad bill. This bill would give big phone and cable companies control over what Web sites Americans can visit, what applications they can run, and what devices they can use.

□ 1350

The Internet may be the greatest engine in our economy today. American Internet companies lead the world in innovation. They have created over a million jobs.

There is one overriding reason the Internet has fostered such innovation and economic growth: It is open. A kid with a brilliant idea can launch his or her own company out of their family garage.

The FCC order protects the openness and vitality of the Internet. The resolution we are debating today would end it. The Republican proponents of the resolution will say the exact opposite. They will say they are trying to protect freedom of the Internet by stopping government regulation.

How are the American people to know who is right? Well, the answer is easy. Just ask Google, Facebook, Amazon, Netflix, eBay, and the other companies in the Open Internet Coalition that depend on the openness and vitality of the Internet.

They ask the FCC to act because "baseline rules are critical to ensuring the Internet remains a key engine of economic growth." And they oppose this resolution because it would hurt consumers and innovation.

They understand that in most parts of the country companies like Verizon, AT&T, and Comcast have a virtual monopoly over access to the Internet. The phone and cable companies are the gatekeepers to the information highway. Without regulations, they could choke off innovation by charging for the right to communicate with their customers.

Consumer advocates, civil rights organizations, religious groups, and labor unions have exactly the same view. The committee has heard from 150 organizations urging Congress to keep the Internet open and defeat this bill. Even the companies that might benefit the most from this legislation do not support the resolution. In fact, AT&T and the cable industry support the FCC's orders because it provides greater certainty for investment.

This bill is partisan. It is anti-innovation. And it threatens to transform the open Internet into a series of walled gardens controlled by the phone and cable companies. This is a bill that is not going anywhere. We shouldn't be wasting our time on this legislation when there's a threat that our whole government is going to be closed down because of the partisan and extreme views of the Republican majority.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. ESHOO), and I ask unanimous consent that she be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALDEN. Mr. Speaker, I just want to make one point. This is not partisan legislation. We have two Democrats as co-sponsors of the legislation, and I anticipate it will actually have a bipartisan vote, as it has had in the past.

I now yield such time as he may consume to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I want to thank the chair of the Subcommittee on Tele-

communications for yielding this time and for his leadership on the legislation.

Once again, we're here to put the brakes on runaway bureaucracy. The FCC has overstepped its authority and is attempting to seize control of one of the Nation's greatest technological success stories. If there is one segment of our economy that continues to fire on all cylinders in the current economic environment, it is the information technology sector and the Internet.

The FCC's "2010 National Broadband Plan" reports that 95 percent of the country has access to broadband and two-thirds subscribe. The number of users has skyrocketed to 200 million from 8 million 10 years ago. That translates into real investment and real jobs.

In 2009, the communication sector invested close to \$90 billion. In the U.S., it directly employed approximately 1.5 million people. All the success stories that we are hearing, from Apple to Zipcar, not only have occurred in the absence of government intervention but because of the absence of government intervention.

From technological advancements to creative business models, the Internet has remained a thriving, competitive, and innovative marketplace because the government has kept its hand off. Despite this economic and innovation success story, the FCC has decided to fundamentally change the technology landscape by adopting rules regulating the Internet. Like the late Democratic FCC commissioner, a good guy from Michigan, Jim Quello, said: "If it ain't broke, don't break it." Well, Mr. Speaker, the Internet is not broken, and this bill will ensure that the FCC does not break it.

George Will said: "Most Americans think that the government doesn't work real well and the Internet does." Why in the world are we then putting the government in charge of the Internet?

Some of my colleagues criticize the use of the CRA. Let me remind these critics that they themselves have co-sponsored disapproval resolutions to overturn previous FCC rulemaking. Mr. WAXMAN, Ms. ESHOO, Mr. MARKEY, Ms. SCHAKOWSKY, and Mr. DINGELL cosponsored H.J. Res. 72 in 2003. Mr. WAXMAN, Ms. ESHOO, Mr. DOYLE, Ms. SCHAKOWSKY, and Ms. BALDWIN cosponsored H.J. Res. 79 in 2008. Senate Majority Leader HARRY REID helped create the disapproval process in the CRA to give Congress a straight up-or-down vote on just this kind of regulatory overreach.

That's why this statute itself provides the language of disapproval resolutions and which is why there are no amendments.

President Obama has said that his priority is to focus on jobs. He's also said that his administration will avoid

onerous and unnecessary regulations that stifle investment and innovation. On January 18, the President issued an executive order calling on agencies to base regulations on a reasoned determination that their benefits justify their costs.

While the executive order does not apply to independent agencies, the President urged such agencies to follow it, and FCC Chairman Genachowski said that he agrees with the executive order's principles. Yet the FCC admitted in its network neutrality order that it conducted that no market power analysis.

The Internet is not broken. The market has not failed. Imposing these rules will cause more harm than good by chilling the very investment and innovation that we need to ensure that the Internet keeps pace with the growing demands being placed on it. It will only hurt our economy.

Ultimately, it's a question of authority. The FCC lacks both legal and policy justifications for its action. The agency keeps changing its story about where it gets the power to issue the rules, each time teetering from one weak explanation to another based on the most recent legal or political impediment that its facing. None are consistent with its own precedent and all are an end-run around the D.C. circuit's decision in the Comcast case that the FCC has failed to show its authority in this space.

So, Mr. Speaker, if we allow the FCC to seize control of the Internet, it's going to reduce innovation and investment. Fewer jobs.

I urge my colleagues to vote in support of this resolution.

Ms. ESHOO. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution 37 which, if enacted, would overturn the FCC's open Internet rules, not closed Internet rules.

The first thing that I want to say today is that at 2 p.m. today, which is the time right now, we are moving ever closer to the shutdown of our government. I think that this is a very sad day, a day when the rest of the world that always looks to the United States of America to be the best example for what we do, how we do it, what we say, and how we comport ourselves, that there is failure within a few hours, a total collapse of leadership.

So while this is taking place, that is the toxic cloud that really hangs over the House.

I'm going to use 4 minutes, Mr. Speaker.

This resolution isn't about acting in the interest of American innovation, American jobs, American competition or American consumers. Quite simply, this is an ideological assault on a government agency and their ability to provide basic consumer protections.

□ 1400

If this were about innovation, jobs, competition for consumers, the majority wouldn't really be offering it, because it disables a free and open Internet, which has brought about greater consumer choice and has ushered in some of the most successful businesses of the past two decades in America, from Google and Facebook to Amazon and EBay. I know because so many of them—and I'm so proud of this—are constituent companies of my distinguished congressional district. These companies and thousands of others like them offer access to news, shopping, video, music, and social networking, and have resulted in more than 3 million new American jobs over the past 15 years. If the majority understood this, they wouldn't be standing in the way of it.

In fact, consumers have lined up against what the majority has brought to the floor today. Some of the largest broadband providers in the Nation—AT&T, Comcast and others—have lined up against it. Small businesses have lined up against it. Medium-sized businesses that are in the Internet business have lined up against it. More than 150 organizations, including public interest organizations, civil rights groups, unions, and education advocates have lined up against it. The United States Conference of Catholic Bishops has lined up against it. The United Church of Christ and Evangelical Lutheran Church in America have lined up against it. The Computer and Communications Industry Association has lined up against it. TechNet is against it. These groups overwhelmingly agree that the CRA is not the answer.

The chairman said earlier that there are many Members on this side who have enacted—used—the CRA on other pieces of legislation. Yes, we have. We thought it was appropriate to. We're not opposed to the CRA, but we are in terms of using it on this.

I really think, at the end of the day, this is ideological. I think, in the Republican DNA, there is total opposition to any Federal agency that is charged with carrying out the protection of consumers and those things that the Congress believes are the best for the American people. So, with all of these businesses and all of these organizations, I think, with all due respect, that you have a very, very weak case.

I reserve the balance of my time.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Madam Speaker, when I came to Congress in 1985, there was no such thing as a cell phone. I remember my first mobile phone was a box phone. It cost about two bucks a minute to use, as I recall. We did have personal computers, but they were big and bulky

and very slow. I still had a typewriter in my office, and I had constituents who still used telephones that actually had the dial, you know, the mechanical dial. That was in 1985. Today, we have over 2 billion users of the Internet. I have two BlackBerries. I have a laptop. I have a personal computer in my home. In fact, in my home in Arlington, Texas, we have two. The Internet has revolutionized telecommunications.

Yet, in December of 2010, the FCC adopted a rule giving themselves the right to regulate the Internet. It gave them the right to regulate how fixed and mobile broadband providers disclose their network management practices and performance characteristics; to regulate how fixed and mobile broadband carriers provide access to content, applications, services, and devices; to determine whether the way fixed broadband providers are carrying network traffic is unreasonably discriminatory; to regulate how fixed and mobile broadband carriers charge for the carriage of traffic; and to determine whether fixed and mobile broadband providers' network management techniques are reasonable.

This is the regulation of the Internet.

Mr. WALDEN's bill is pretty straightforward. It's one paragraph. You can read it. It doesn't take much time. It just simply says that the Federal Communications Commission cannot regulate the Internet.

We have had the most successful business practice in the last 100 years, and we are trying to give the FCC the ability to regulate it? Give me a break. This isn't Republican DNA. This is plain common sense. Vote for the Walden bill, to not give the FCC the authority to regulate the Internet.

Ms. ESHOO. I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentlelady.

In 2 days, the Republicans have proven that they always side with the biggest behemoth companies. Yesterday, they said it was okay for the biggest oil and coal and chemical companies to pollute the atmosphere. Today, they are saying that it's okay for the biggest communications companies to totally control the entire blogosphere. They want to spoil Mother Earth and Google Earth all in a 24-hour period. They want to allow the domination of the World Wide Web and the pollution of the whole wide world all in 24 hours.

Let me give you a little history here, ladies and gentlemen. We had no competition in the Internet, in the wireless world.

In 1993, there were two companies— analog, 50 cents a minute. No one had cell phones in their companies. "We" had to move over the 200 megahertz. "We" had to say there was a third, fourth, fifth, and sixth company so

that there would be competition and then block the first two companies that were not innovating. Why were they not innovating? Because there was no Darwinian paranoia inducing competition to force them to move. Then in 1996, when the whole country was analog, we had to pass another bill to move them to digital, to move them to broadband, because the behemoths had yet to deploy broadband to one home in the United States.

No competition. No innovation. No benefits to consumers. The biggest companies that the Republicans support were happy with the way things were going because they could charge whatever they wanted to, provide whatever services they wanted to, ignore competition, and ignore consumers simultaneously.

That's what this debate is all about. We had to ensure that those behemoths—the oligopolies, the monopolies—were taken from the clutches of the Republicans and put out into the world where they had to compete.

So what do we have here today? Another Republican congressional resolution, which says let's go back to that era where the biggest companies, the monopolies, defy the one lesson that Adam Smith taught us, which is that monopolies and oligopolies are incapable of enjoying anything but the respect of those who are already in the wealthy class while ignoring those who are in the consumer class. That's their history. That's the number one lesson of Adam Smith, that we must beware of oligopolies.

Here, what we have on our hands is an effort to shut down the one job-creating engine that has driven our economy over the last 15 years, since we opened up the competition, and they want to shut it down. Ladies and gentlemen, 50 percent of the growth of our economy in the 1990s was in this sector. It's because we had competition. They want to shut it down here today.

Vote "no" on the Republican resolution, which ends this era of the open Internet and which allows every innovator in their garages and at home to dream big—that they could create new jobs in our economy.

Mr. WALDEN. Madam Speaker, I yield myself such time as I may consume.

Obviously, my friend, the gentleman from Massachusetts, walked in a little late because we just heard that all those big companies he railed against are opposed to this resolution we have before us. So if anybody is doing the bidding of those companies, it must be the Democrats, who have rattled off as part of their argument all those very companies that he just railed against who are opposed to us.

I now yield 2 minutes to the vice chairman of the Communications Subcommittee, the gentleman from Nebraska (Mr. TERRY).

□ 1410

Mr. TERRY. There are really three major points to bring up here. One is Congress did not give the FCC authorization to regulate the Internet. There is no authorization. Mr. MARKEY had a bill. It didn't get enough support even in a Democratic-controlled Congress to pass. There was not support for a net neutrality bill in the Senate. So the President, who made campaign promises to some of his biggest supporters from California, had to do it through the FCC. These back-end ways of legislating have to stop. That's what we're doing here today.

The second point is the robust nature of the Internet. I love the argument that as it's been deregulated somehow it's been stifled from innovation. Like we haven't seen the Facebooks and the Googles, which are in favor of net neutrality, come to being. My goodness, it was the robust Internet that allowed these great experiments like Netflix to come up. Now they're so big that they want help through government agencies for advantages in the marketplace.

We hear a lot about blocking, that it's about blocking content. There has been about a half a dozen instances, Madam Speaker, where Internet providers did block, in some way altered the people's, their customers' ability to go to a Web site. All instances were resolved by their customers' pressure and some encouragement by the FCC. So the fact that these instances were resolved, and everyone knows there should be no blocking, why are we here except for the real reason: to give the FCC power over business plans.

Mr. MARKEY just mentioned it. The gentlelady from California mentioned it. It's about tiering. If you walk into McDonald's, you pay more for a large Coke than a small Coke. But yet under the FCC's plan, they want one size fits all, one price, which is the Netflix and Google's request.

Ms. ESHOO. I yield 4 minutes to a highly valued member of the subcommittee, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Madam Speaker, I rise in the strongest possible opposition to this resolution. If enacted, it will strip the Federal Communications Commission of its authority to police the most egregious conduct of broadband providers, and it would permit those providers to block consumers' access to lawful Web sites of their choice.

The FCC's open Internet rule makes two simple promises: To consumers, that we can visit any legal Web site and use any online service on any device we want; to innovators, that they don't have to ask permission from the government or get shaken down by Internet access providers when they come up with a new Web site, device, or service. That's it. That isn't regulating the Internet. No one's proposing to regulate Internet content. But Internet

access providers have always lived with basic rules of the road. No blocking was chief among them.

Those basic rules of the road are what turned the Internet into the economic engine that it is today. But in our hearings on this bill, we learned that some broadband providers want the right to block what you can see. I'll tell you what I don't want. I don't want to live in a country where it's legal to block Web sites like it is in Iran, China, Saudi Arabia, Sudan, and in other oppressive regimes.

Why can't we have a regulation that protects your constituents' Internet freedom? What's the harm in ensuring that no one can block your constituents' ability to access the Web sites they want to visit?

I offered an amendment to this bill that simply tried to ensure that if this resolution of disapproval that we are considering today is enacted into law, broadband providers would not be able to block or interfere with consumers' access to lawful Web sites. But the way this resolution is written, we are not allowed to offer perfecting amendments.

You know, we used to be able to debate net neutrality in a levelheaded way. The no blocking principle was broadly accepted since it was included in the FCC's 2005 Internet Policy Statement, then controlled by Republicans. That principle has garnered support from both Democratic and Republican FCC Commissioners. Chairman Michael Powell stated at the time that consumers have come to be able to expect to go where they want on high-speed connections. And this was also part of the Communications Opportunity Promotion and Enhancement Act of 2006 authored by Chairman BARTON at that time. Most of my Republican colleagues who were there voted in favor of the bill.

To close, this resolution gives the green light to broadband providers to block anything, even legal content on the Internet, just like they do in Iran. I think consumers should have the choice to go where they want to go and to do what they want to do on the Internet. That's why my colleagues should oppose this legislation.

Mr. WALDEN. Madam Speaker, the last time I checked, it's like the Government of Iran controls their Internet. That's what we are trying to avoid here is government control of the Internet.

I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, it's a shame the gentleman from Massachusetts is not here. I appreciate always when he speaks his exclamatory speeches, high emotionality. His idiosyncrasies that he brings to the House floor are obviously humorous. But I think he and the gentleman from Pennsylvania miss a very blatant fact: The

FCC has never had the authority to regulate the Internet. In fact, the Comcast decision, the D.C. Circuit Court in 2010 indicated clearly the Court found that the FCC failed to demonstrate it had authority under Title I.

Not even Title II, but under Title I, Mr. MARKEY, they had no authority.

So if the D.C. court ruled that way, you would think that you would respect that. So they had no jurisdiction to regulate the Internet in any form. And as a result of what the FCC did in December, a major telephone communication company intended to sue. They stopped their suit because of a technicality, but they are going to move forward with it because they also believe the FCC doesn't have jurisdiction to regulate the Internet.

So I am a little puzzled why you folks have come down here. I think all of you on the Democrats' side should realize there are over 60 Democrats on your side that signed a letter to the FCC in the last Congress saying they didn't want the FCC to regulate the Internet. So why don't you talk to me about your own colleagues, 60 of them, that agree with Mr. WALDEN and our republican Telecommunications Subcommittee on this issue.

So I really think it's a little puzzling why we are down here talking about it, and you are getting to the point where you are saying the FCC is having their authority taken away. They never had it. And the majority, a lot of your Members also agree with us that, frankly, the FCC should not regulate the Internet.

And this argument has been going on for over 3 years. It's nothing surprising. Mr. MARKEY acts like we are bringing this legislation to the floor all of a sudden. We have been working on this when Mr. BARTON was ranking member of the Energy and Commerce Committee and I was the ranking Republican on the subcommittee on Telecommunications. I sent letters, BARTON sent letters, and almost everybody on the Republican Telecommunications subcommittee also did it. So this is nothing new. And I think, Mr. WAXMAN and Mr. MARKEY, as you continue to try to exploit the idea that we are bringing fresh new legislation down here to control the FCC, you are wrong.

I rise in strong support of H.J. Res. 37. This measure will overturn the FCC's dangerous Internet regulations. These rules will, for the first time, give government a substantive role in how the Internet will be operated and managed, how broadband services will be priced and structured, and potentially how broadband networks will be financed.

Over the past 18 months, as the former Ranking Member of this Communications Subcommittee, I joined with former full committee Ranking Member JOE BARTON in sending 3 letters to FCC Chairman Genachowski expressing strong opposition to his plan to regulate

the Internet. I have introduced legislation in the past two Congresses to try to prevent the implementation of net neutrality rules, as have other members. So as we can see, there is a long record fighting Internet regulation.

It is not appropriate for the unelected FCC to make a decision with such potential long-term consequences without explicit direction from Congress. The FCC's actions will lead to uncertainty and will drive investment out of the broadband sector.

Aside from the harm these rules will cause, whether or not the FCC even has the authority to enforce these rules is not clear. The FCC claims it has authority to enact the rules under Section 706 of the 1996 Telecommunications Act relating to the promotion of advanced telecommunications capability. However, the FCC cannot rely on Section 706 because, as the agency has previously acknowledged, Section 706 is not an independent source of authority, because Section 706 talks of removing barriers to infrastructure investment but the rules will erect barriers to investment. The FCC's claims stretch the authority under those provisions too far.

Just look at the DC Circuit's April 2010 decision in the Comcast case. The court found that the FCC failed to demonstrate it had ancillary authority under Title I to regulate Internet network management. As a result of these rules, more lawsuits will be filed, which will only lead to more uncertainty.

One of the few bright spots in our economy is in the technology sector. Yet, for some reason, the FCC has decided to overstep its bounds and institute unnecessary regulations. Only in Washington, can a regulatory agency issue rules to solve a problem that does not exist. It simply does not make sense.

The FCC talks about this in terms of open Internet and net neutrality. In actuality, it is net regulation that will freeze investment, chill innovation, and harm job creation.

The Internet that exists today is open and thriving, because of the deregulatory approach we have taken over the past two decades. Consumers can access anything they want with the click of a mouse thanks to our historical hands-off approach to the Internet. We must maintain that course if the Internet is to continue to flourish, especially in the face of demands for more sophisticated content, services, and applications.

There is no crisis warranting the FCC's recent departure from that policy. The FCC hangs its adoption of network neutrality rules regulating the Internet on speculation of future harm.

I urge passage this legislation to stop the FCC from regulating the Internet.

Mr. WALDEN. Madam Speaker, could I just get a time check for each side?

The SPEAKER pro tempore (Mrs. ELLMERS). The gentleman from Oregon has 12 minutes remaining. The gentlewoman from California has 16 minutes remaining.

Ms. ESHOO. I would just like to add to the debate that the number of Democrats that signed the letter that Mr. STEARNS just referenced, that was in opposition to operating under Title II. The FCC listened, and they went and placed this set of rules under Title I.

I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), another very distinguished member of the subcommittee.

Ms. MATSUI. I thank the gentle lady for yielding.

Mr. Speaker, I rise today in opposition to this resolution.

Mr. Speaker, ahead of a looming potential government shutdown, it is ironic that we are considering this resolution today that would move towards shutting down a free and open Internet. On the CR, my Republican colleagues are overreaching and have unfortunately demonstrated an unwillingness to negotiate in good faith with congressional Democrats and the President. The resolution before us is an example of the flawed process.

Under the terms of the Congressional Review Act, resolutions of disapproval are not open to amendment even for the most basic consumer protections. During the Energy and Commerce Committee debate, I offered an amendment that would preserve the transparency rule adopted by the FCC as part of the open Internet order, requiring broadband providers to make available their network management practices so that consumers and innovators can make informed choices.

□ 1420

I offered the same amendment to the Rules Committee in hopes that the majority would make it in order and debate its merits.

The transparency rule is the most basic of consumer protections, and it is also the least controversial aspect of the rule supported by broadband providers, high-tech companies and consumers groups, including all six witnesses during a committee hearing on this. Yet this resolution will remove this widely accepted practice to protect consumers and innovators as well.

Mr. Speaker, it is unclear how the FCC will be able to address consumer protection issues with respect to broadband providers if this resolution is enacted. We need to consider these unintended consequences. This resolution is a blunt instrument that risks the future of competition, innovation, and an open Internet.

Mr. Speaker, the FCC's open Internet order brings certainty and clarity to a debate that has consumed this industry for years. It allows Internet service and content providers to focus on what they do best, innovate and create jobs.

The SPEAKER pro tempore (Mr. CONAWAY). The time of the gentlewoman has expired.

Ms. MATSUI. I strongly urge my colleagues to oppose this legislation.

Mr. WALDEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I think there is some confusion about House Joint Resolution 37 and what it does.

My colleagues seem to think this would impact the FCC's statutory authority, and I want to call their attention to the actual wording of the resolution. It's eight little bitty lines. If you start on line 3 and you begin to read, it says the Congress disapproves the rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices.

Now, what this does is to say we disapprove it. If you want to get to the statutory authority, I want to invite you to join us in that discussion. You are going to have that opportunity. It is called House Resolution 96, and it is coming to a committee near you very, very soon, and we look forward to forever prohibiting the overreach of the Federal Communications Commission.

Let's also be clear on another point that has been misstated. There have never been telephone rules that regulated the Internet. It didn't happen. They were not there. So we need to be certain that those who are listening to us, Mr. Speaker, realize that never had the Federal Communications Commission, never had the Federal Government regulated the Internet until December 21, when the Federal Communications Commission met after we had adjourned the 111th Congress and decided to go where they had no statutory authority to go. They enacted, they brought the heavy arm of government in and put it on the Internet after these Internet service providers spend about \$60 billion a year on spectrum, on maintaining this network.

I would also remind my colleagues that when the ACLU decided they were going to go in here and show there was a need, they couldn't even find enough examples.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. BLACKBURN. There has never been an example of a market failure.

Ms. ESHOO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my esteemed colleague for yielding time.

Mr. Speaker, I rise in strong opposition to this resolution to overturn the FCC's open Internet rules.

The public wants us to focus on job creation. And yet here we are debating this resolution that would do the exact opposite. It doesn't create jobs, not one. Instead, it injects uncertainty into our recovering economy. It stifles innovation in our fastest-growing industries.

The FCC open Internet rules ensure Americans can fully utilize all of the benefits the Internet provides, creating good-paying, head of household jobs along the way. But the resolution before us today jeopardizes all of that. Like a government shutdown, this resolution will hurt the economy, and I can't support that.

Now the public has made it clear: They expect us to cut spending in our CR, and we will. A deal is very close at hand, but Republicans are holding it up at the eleventh hour. Why? Well, apparently, it's not about the money. Instead, the holdups are the extraneous non-budgetary issues Republicans are trying to force into this funding bill, like cutting funding for women's health and letting polluters dirty our air.

Mr. Speaker, even Republican Senator TOM COBURN, who is nobody's idea of a pushover, has urged his party to drop the policy riders in order to avoid a shutdown. They should listen, Mr. Speaker.

Democrats have gone 70 percent of the way to Republicans' demands. That's a long way to go in terms of trying to reach a compromise, but Republicans are demanding that they either get 100 percent of what they want or they will shut down the government.

Democrats do not want to shut down the government. We know it would put our economy at risk right when we have been making progress over the last few months.

Mr. Speaker, the innocent victims that are shut down are the American people, and I share their outrage.

PARLIAMENTARY INQUIRY

Mr. WALDEN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WALDEN. Is the gentlewoman addressing the bill before us? Is this germane to the bill before us? I question the relevance to the issue before us.

The SPEAKER pro tempore. The Speaker would remind Members to confine their remarks to the joint resolution.

The gentlewoman may continue.

Mrs. CAPPS. Mr. Speaker, the resolution before us today is just more of the same. It will hobble our efforts to create countless jobs and boost our economy. This resolution shutting down the FCC's effort is not the way forward, and neither is shutting down the government.

I urge the Republican leadership to stop playing these dangerous games.

Mr. WALDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Oregon for yielding.

Mr. Speaker, I rise in strong support of H.J. Res. 37, which prevents the Federal Government from coming in and regulating the Internet. If you look at what's happening in Washington right now, I think there is no clearer sign how broken this town is.

President Obama couldn't even pass a budget last year, and his party controlled the House, the Senate, and the White House, which is why we stand here today facing a potential govern-

ment shutdown. But yet the President is going to come along and say now he wants the government to run the Internet, to have regulations on the Internet.

You know, my colleagues on the other side talk about all these innovations. And I love all the innovations that have happened over the last few decades. The irony of that is all these great innovations have all happened without this government regulation that the FCC is now proposing. They act as if we're trying to take away the things that have allowed the innovation.

In fact, it's the innovations that have happened because the government hadn't figured out how to come in and regulate it in a way where they would be picking winners and losers. And yet the FCC is proposing a plan that picks winners and losers. And they rattled off a big list of some big companies who have done well for themselves and now want to be those winners that the government would protect.

What you don't hear about is what about those small startup companies, that small company that is working out of a garage right now in California that's going to be the next big idea. But if the government picks winners and losers, we all know who usually are the losers: It's those small startup companies that might never be that great idea of innovation.

We have got to be able to protect the next Harvard student who is right now studying at Harvard but may be getting ready to drop out and be the next billionaire who created another great idea. And all those great ideas, again, happen without this government regulation the FCC is proposing, which is why we need to block them from doing it.

Then you can just go look at the innovations. In 2000 less than 5 percent of homes had broadband Internet access. Today more than 70 percent do, and it's growing because of over \$500 billion of private investment, because of this innovation in the job creation that's going with it.

Let's protect those jobs. Let's protect the Internet's ability to continue regulating without the heavyhanded government picking winners and losers.

Ms. ESHOO. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Washington (Mr. INSLEE).

□ 1430

The SPEAKER pro tempore. The Chair is investigating the source of the microphone malfunction.

Mr. INSLEE. Mr. Speaker, it is deeply disappointing that instead of being here seeking a bipartisan consensus to avoid a government shutdown, we again are brought to this floor in an effort to engage in this ideological effort to, in fact, shut down government.

Yesterday, my Republican friends wanted to shut down the ability of Uncle Sam to protect the freedom of Americans to breathe clean air. Today, they are attempting to shut down the ability of Uncle Sam to protect the freedom of Americans to get access to the Internet. Tomorrow, they are attempting to shut down the government so they won't be allowed to protect the freedom of women to get health.

We should not be shutting down Americans' access to an open Internet. We should be opening up Americans' access and Uncle Sam's ability to guarantee Americans access to the Internet.

Now here's what is at stake. Our access to freeways—and freeways are great, just like the Internet is great, but it is not so great if powerful economic forces can shut down the on-ramps to the freeway. And it's not so great if they can shut down or create a two-tiered system so that if you go to your Internet service provider's favorite warehouse store you get a deal to get access to the freeway; but if you want to go to their competitors, you have got to pay extra and you get slower service to get there. This is what is at stake.

And what the Republicans want to do with this resolution is shut down government's ability to prevent these powerful economic forces from making a second tier, a substitute, a secondary access if you don't go to their favorite situation.

Now, Mr. Speaker, America has been great because it invented free speech and it has been great because it has invented an open Internet. But both of those freedoms are in jeopardy today because powerful economic interests that are becoming larger and larger in consolidating these Internet entities have the ability now to start choking off consumers' access to the Internet. And for those who want to say, oh, it's not a problem, we cannot wait until this horse is out of the barn, it will be too late.

And, by the way, this is not just a consumers' issue; it is a business development issue. It is small businesses who today want to create these small businesses that want to have people get access to their businesses. And they don't have the powerful clout to sign these big, mega-million dollar deals with Internet service providers to give them a leg up.

Mr. Speaker, reject this issue to shut down government's ability to provide freedom of the Internet. Preserve open Internet and reject this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask that Members suspend use of that microphone until we determine the problem.

Mr. WALDEN. Mr. Speaker, I think this points up two things. When you have government-run microphones on

the Internet, you're going to have a problem. And, second, we are for open and free microphones; so they are welcome to use our podium as well.

I now yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, it is with some trepidation that I come before this government-regulated microphone, but I do come in strong support of this resolution. I would like to commend the chairman of the Subcommittee on Communications and Technology, Mr. WALDEN, for his leadership to prevent the Federal Communications Commission from implementing regulations on the Internet.

As a member of the subcommittee, I'm proud to be a cosponsor of H.J. Res. 37 because I believe that it is absolutely necessary that we invoke the Congressional Review Act to nullify the implementation of net neutrality because it will negatively impact our economy. It is time that we rein in the FCC under its current leadership and ensure the continued growth of the Internet without the handcuffs of net neutrality.

Mr. Speaker, the sole reason the Internet has been able to grow unfettered is due to the absence of unnecessary regulations, and I fear that the FCC's so-called open Internet order will stifle innovation and investment, and it will prevent continued job creation within the broadband industry.

Unfortunately, the FCC has chosen to act without quantifiable statistics about the need for such regulation. In fact, in the FCC's order, the commission admitted that it conducted no—and I repeat no—market analysis on the demonstration of any actual problem rather than mere speculation.

In our subcommittee hearing with all five FCC commissioners on February 16, Commissioner McDowell testified that this order is not necessary, it will cause more harm for the industry than it will prevent, and that the FCC does not have the authority to move forward on this order.

He is not alone in this analysis. Former FCC Chairman William Kennard, who was appointed by President Clinton, said back in 1999 that the "deregulatory, competitive approach" has led to the innovation in the Internet that now benefits our country, as my colleagues have pointed out.

Mr. Speaker, this is precisely why we are here today. I am reminded of the famous line in William Shakespeare's "The Tempest." He wrote: "What's past is prologue." Our policy of deregulation of the Internet has yielded tremendous benefits and growth, and I strongly believe that the FCC's order will undermine that growth over the past 15 years.

Ms. ESHOO. Mr. Speaker, first I'd like to say that this charge about the FCC failing to conduct an adequate market power and cost-benefit analysis

has been stated and restated ad nauseam. The FCC fully reviewed the competitiveness of broadband Internet access markets and analyzed the cost benefit of adopting open Internet rules.

Secondly, the Republican witness that came before the committee very comfortably spoke about blocking Netflix. So if anyone questions whether consumers are at stake here and what could happen, they should just look to that record.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlelady.

I just want to comment on my friend from Georgia's scholarly, even erudite, mention of the quote from Shakespeare and "The Tempest" because I too was thinking of "The Tempest" perhaps in a different line, not necessarily related to these proceedings; but you just sparked this memory of the line from "The Tempest" that says, "Hell is empty, and all the devils are here."

Now H.J. Res. 37 undercuts the authority and the mandate of the FCC during an era of increasing consolidation in the telecommunications industry. The FCC order gives the wired and wireless broadband industry too much leeway to exercise "reasonable" management of the Internet. The FCC order should explicitly forbid such practices as "paid prioritization," a technique where ISPs funnel users to one type of content over another simply because that site or service moves faster instead of a mere pledge to monitor broadband developments.

The FCC ought to be sending the strongest possible message to Internet service providers that the physical infrastructure and foundation of the Internet from which they reap immense profit was created by the American taxpayer.

Instead of telling the FCC that there should be no net neutrality rules, we should be sending the FCC back to the drawing board with a message that the FCC should be more vigilant in protecting net neutrality, not less. Keep the Internet open and keep government open; otherwise, we may have succeeded in communicating that the opposite of progress is Congress.

□ 1440

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, this is a big shocker. I am new here, me and about 86 new people on my side. I watched last year as I was running for office to represent the 11th District of Illinois. I watched as this House failed to produce a budget, which is why we are where we are today. But I also watched as this body, the Democrat-controlled body, attempted to implement net neutrality through the legislative process but

failed to garner enough votes. They didn't, and that's fine. That's good. Everybody has a right to do that. This is the people's House.

But what happens if you are unable to do that through a legislative process? Well, why not call a regulatory agency in to do it by fiat. Ladies and gentlemen, the FCC and a whole host of other regulatory agencies have acted outside the will of the people. It is high time that the regulatory agencies do what their job is, which is to regulate, not to legislate.

We were sent here in November to stand up and say the will of the people will be respected in the House of Representatives and the will of the people will be respected by the Federal Government.

Ms. ESHOO. Mr. Speaker, I now would like to yield 2 minutes to the distinguished ranking member of the House Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, it strikes me, and I have one major question, and that is: Why are we considering H.J. Res. 37 when we are on the verge of shutting down the House of Representatives?

I hope and I think a deal is very close at hand, but Republicans are holding it at the 11th hour over divisive social policy that should not be a part of this debate. Republicans should not hold the government hostage using controversial social policy as ransom. Republicans are especially focusing on divisive changes to women's health policy.

PARLIAMENTARY INQUIRY

Mr. WALDEN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WALDEN. What is the relevance?

The SPEAKER pro tempore. The gentleman from Washington is reminded to confine his remarks to the subject matter of the joint resolution.

Mr. DICKS. Well, I think the relevance is: Why are we here working on this piece of legislation at this time when we are on the verge of a crisis of shutting down the government?

Mr. WALDEN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WALDEN. I would be happy to answer.

I am not part of that negotiating team. And I don't think you are, and I don't think Ms. ESHOO is or Mr. WAXMAN. And so those who are negotiating are negotiating, and we're taking care of this business.

Mr. DICKS. Reclaiming my time. I reclaim my time.

This is an important day. And what we are saying on our side is we want to enact a clean continuing resolution at some point today so we can take care

of our troops and so we can move forward with the process and protect ourselves. And I hope we can do it in the context of an agreement between the President, between the leader of the other body and the Speaker of the House. If that is done, then this will be a good day. But taking up H.J. Res. 37 to kind of do as a filler, to me, it doesn't make any sense.

Mr. WALDEN. Mr. Speaker, I now yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding and for his leadership on this issue.

To the gentleman from Washington, I would tell him yesterday this House voted to cut government spending and keep the government open. Today this House will vote to cut government regulations and keep the Internet open. That's what this is all about.

Let me add that, to the gentleman from Pennsylvania who said all the FCC is doing is making two simple promises, here they are: 200 pages, single spaced, small print, to make two simple promises to keep the Internet open.

Well, guess what. The Internet is open now and we have laws to protect keeping the Internet open now, and they are called antitrust laws. If they need to be modified, they should come forward with those proposals. But the Internet is open today.

And to my friends in the technology community, and they are my friends, some of whom think this is a great thing the FCC is doing, I would say to them, be careful what you ask for because these 200 pages are just the beginning. There will be thousands of pages more as they illegally try to blast their way into regulating the most valuable invention in the history of the world. That is what is going on here.

And to the gentlewoman from California who says there is a market power analysis, I refer to page 12 of the very FCC regulations, which says: "We are not performing a market power analysis in this proceeding."

This issue is very, very important. The Internet is based upon free enterprise. It is based upon individual initiative and creativity. It is not based upon government regulation, and government regulation will stifle it and ultimately snuff it out. If you want proof of that, go look at government-regulated Internets in other countries around the world like China and Iran. That is not what this country is about. We are about protecting the greatest job creator we have ever made in this country.

Support this resolution. Oppose the naysayers.

I rise in support of House Joint Resolution 37. Many Internet content providers are concerned, as am I, about proposals to create different classes of content on the Internet or to

discriminate against legitimate content or services online.

Unfortunately, I believe that the FCC has gone too far in its recent action and urge a yes vote on H.J. Res. 37, which would eliminate uncertainty created in the marketplace by the FCC's power-grab.

I believe in free market principles and the fact that Government involvement often stifles innovation. I also believe that our Nation's antitrust laws have served as important guidelines to ensure that markets remain competitive and that these antitrust laws must remain applicable to ensure that Internet access providers do not discriminate against or block access to certain Web sites, services, or content. In fact, the Judiciary Subcommittee on Intellectual Property, Competition, and the Internet, which I chair, recently held a hearing to discuss the impact of antitrust laws on net neutrality. I urge passage of this resolution.

Ms. ESHOO. Mr. Speaker, I would like to just in a calm voice respond to my good friend, Mr. GOODLATTE. And he is a good friend.

This is not necessary. If there were a case to be made, other than those that have come to the floor today, it would have been made in testimony by the people that are the very stakeholders in all of these businesses. And that's why I started out today by saying I don't believe the Republicans have a case, a leg to stand on, because all of the companies—small, medium, and large—even the largest broadband providers in the country, consumer advocates, religious organizations, it is the broadest and deepest coalition I have seen in recent history of the committee, they are all opposed to what you are doing.

So you are having a wonderful conversation with yourselves, but, most frankly, it is not doing anything for anyone else. This is about protecting consumers, and there have been cases, case after case at the FCC where abuses were committed in terms of blocking, and many other things. So this side is for protecting and understands what an open and free Internet is.

I yield 1 minute to the gentleman from California (Mr. WAXMAN), the ranking member of the full committee.

Mr. WAXMAN. I was astounded by the comment of our friend on the Republican side of the aisle who is not on our committee. He said that the antitrust laws will protect us. Well, if you have a cable company or a phone company to choose, you are going to choose one or the other. Let's say the cable company has its own list of special programs that they want people to purchase. Well, they could easily stop Netflix. They could easily stop competitive programming. That is not an antitrust violation; that is a business opportunity. And what these rules propose to do is to not give anybody a business opportunity to deny the consumer the ability to access anything on the Web, which is the case today.

These rules that we see the FCC doing are being put into place to make sure that somebody does not take advantage of the power they have in the market. We do that all the time. We regulate the securities agencies with the SEC because we don't want them to run amuck. I wish the SEC had acted to stop the economy from going over the cliff practically.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ESHOO. I yield an additional 30 seconds to the gentleman.

Mr. WAXMAN. We need to defeat this Republican proposal because it is not based on anything but an ideological point of view that government can do nothing right and business can do nothing wrong; and they, therefore, favor the big businesses.

I say do not vote for this Republican proposal. It is not something that any constituency wants. It would confuse the situation. It would make life uncertain for all of the players, stakeholders and others, and it would deny consumers the freedom they now have.

□ 1450

Mr. WALDEN. Mr. Speaker, it is evident that there's confusion on their side of the aisle, because at one end they have a Speaker that says we're doing the bidding of the big oligarchies, these big companies, and on the other hand that all those companies oppose what we're doing. I'm trying to figure out just which side they're on. We're for an open Internet that is vibrant as it is today because it's not regulated by the government.

I would now yield 1 minute to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I think we should boil it down to what this debate is all about. The supporters of this resolution, including myself, believe that the Internet has been, frankly, rather efficient and innovative and creative—clearly more efficient and innovative and creative than the Federal Government bureaucracy.

The administration, however, believes that the Federal bureaucracy can do a much better job running the Internet. Therefore, they are proceeding to regulate the Internet.

Here is the bottom line, Mr. Speaker. If you believe that the Federal Government bureaucracy should regulate, i.e., should run the Internet because they can do better, then please vote against this. However, if you believe that the Internet does a pretty good job and that the Federal bureaucrats' hands should be again kept out of the Internet, then you would vote "yes" for the resolution. It is, frankly, just that simple.

Ms. ESHOO. I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1½ minutes.

Mr. MARKEY. I thank the gentleman.

The microphone in the well on the Democratic side is shut down; so I will use the microphone on the Republican side.

And I will say to the Republicans that we already have rules that govern the Internet that have passed through this Congress. They deal with education; they deal with privacy; they deal with intellectual property; they deal with global Internet governance; they deal with network security; they deal with pornography; they deal with taxation of items on the Internet; they deal with protections to the deaf and blind on the Internet. We do have rules on the Internet, so don't pretend for a second that we don't.

Let me give you, though, another lesson from Adam Smith in the Wealth of Nations. Here is what he said:

"The Member of Parliament who supports every proposal for strengthening the monopoly is sure to acquire not only the reputation of understanding trade but great popularity and influence with an order of men whose numbers and wealth render them of great importance.

"If he opposes them, on the contrary, and still more if he has the authority to be able to thwart them, neither the most acknowledged probity nor the greatest rank nor the greatest public services can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger arising from the insolent outrage of furious and disappointed monopolists."

Adam Smith warned us of monopolies, of oligopolies as the greatest threat to capitalism. That is what we are debating today, to ensure that the Internet is open, not just to the monopolists but to every entrepreneur, the tens of thousands of them out there who have been creating the wealth, creating the opportunities, creating the jobs, creating the open communication that has revolutionized our world.

In Iran it is legal to shut down the Internet. In China it is legal to shut down the Internet. Let us make sure in the United States it is not legal to shut down the Internet.

Mr. WALDEN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 1½ minutes.

Mr. WALDEN. First of all, I think it's very interesting that the last speaker pointed out that in Iran and in China they can shut down the Internet. That's because the government controls the Internet. That's what Republicans are trying to stop from happening here, in part because we think it's wrong, in part because we know that the FCC does not have the legal authority to take this action. That's why we're doing that.

But beyond that, it's a bad economic decision, because we had a Harvard MBA testify before our committee, "Over time, the order represents a direct transfer of wealth from broadband access providers to those whose content rides over the network. That means that it provides those who ride the network with a strategically vital financial weapon to use against broadband providers who in many cases are their competitors."

You see, this is picking winners and losers. The Democrats do not want to extend the net neutrality rules to the search engines and others who ride on the network. They don't want to do that. They want to pick a winner and a loser. They're the ones who are siding with the big companies in this case. We're the ones on the Republican side who are siding with keeping the Internet open and free as it is today, that has allowed it to flourish and grow, that has allowed incredible technology and innovation to take place. We want it open and unfettered from government regulation in terms of the management of the Internet.

Further, we do not believe that the FCC has the legal authority to regulate in this area. When they have attempted this before, the D.C. Circuit Court has said, you did not prove, FCC, that you had legal authority and struck them down. And if they are able to get authority using section 706, they may well have opened the door to every State regulator in the country regulating the Internet. That's bad for innovation.

Ms. MCCOLLUM. Mr. Speaker, I rise in strong opposition to H.J. Res. 37—legislation introduced by the House majority that would bar the Federal Communications Commission (FCC) from enforcing the new rules on net neutrality that protect consumer freedom on the Internet.

Last year, the FCC produced a common-sense set of rules that would bar Internet service providers from slowing or blocking consumer access to the Internet. The rules strike a sensible balance between ensuring consumer access to the Internet and the need for Internet service providers to pursue innovative and equitable business models.

Today, the House Republican majority brought H.J. Res. 37 to the floor. This reckless legislation would strip away the FCC's ability to ensure a fair online marketplace and protect consumers. Moreover, it is being introduced at a time when large corporations are already restricting Americans' Internet freedom.

Under H.J. Res. 37, consumers would not have a right to know if their Internet connection is as fast as advertised, or how their Internet provider is charging them for certain services. This legislation is a threat to the open Internet: without proper enforcement of net neutrality rules, competition would be limited, innovation would be hindered, and open access to information would be restricted.

As individuals and businesses increasingly rely on access to high speed Internet, they also rely on federal authorities to develop and

enforce essential consumer protections. This radical proposal by House Republicans would demolish the Federal government's ability to carry out these protections and ensure a free and open Internet for our constituents. If the Republican majority gets their way and this bill becomes the law of the land, consumer choice would be sacrificed in favor of even more power for a handful of corporations.

I urge my colleagues to oppose H.J. Res. 37.

Ms. MOORE. Mr. Speaker, I rise today in opposition to H.J. Res. 37, a resolution of disapproval regarding the Federal Communications Commission's recent Internet and broadband industry practices ruling.

It is very telling that as we count down the hours till a likely government shut down, the majority party decides to focus their energy on net neutrality principles, rather than the American people.

I was elected into Congress to represent my constituents, including the 3,600 Federal employees in Wisconsin's fourth congressional district.

The same constituents who want answers to the very simple questions, "Will I get paid?" and "Can I make my mortgage payment?"

A Government shutdown is not free of consequence. Let me take a minute to explain how serious this is to our country.

Some estimate that a week-long shut down could cost America's economy \$8 billion. This would be a crushing blow to our economy as we have been seeing job growth, with more than 200,000 jobs added just last month.

Beyond that, many services will be delayed or stopped all together, including:

Tax refunds that families have budgeted for will be delayed;

Our brave men and women in the Armed Forces will still be fighting for us, but will be paid late;

Environmental reviews underway for new construction projects that create jobs will be stopped;

Federal Housing Administration would stop approving loans, threatening the housing market;

The Small Business Administration will stop giving loans to qualified small businesses that are ready to expand and create jobs;

Enrollments in programs like Social Security will be slowed;

Our national parks and museums will close affecting families who have saved up for vacation and the communities that rely on a strong tourism economy; and

800,000 Federal workers may be furloughed, which could ultimately cost the government about \$175 million a day in back wages.

Now the question is—what are we doing right now to prevent it?

The answer is: Nothing. The majority has deemed it necessary for the American people to debate whether or not to disapprove of the FCC's net neutrality rule.

The bill funding the government will expire tonight at midnight. Democrats have been working with Republicans and have met them more than halfway on the cuts they proposed in their 6-month continuing resolution. Yet, Republicans are refusing to compromise—not on the spending cuts—but on what are known as

"policy riders." The bottom line is that this debate isn't about numbers anymore, it's about ideology.

Republicans are willing to shut down the government over debates we have been having for years over family planning services like birth control.

House Speaker JOHN BOEHNER has acknowledged that House Republicans need to compromise when he said they are clearly "one-half of one-third of the government." Yet, he is beholden to the fringe of his caucus.

I urge my Republican colleagues to put the ideological partisanship aside and work together for the sake of my district and the American people.

Mrs. CHRISTENSEN. Mr. Speaker, the legislation we are considering today—H.J. Res. 37—is one of the most regressive I have seen, even in a very regressive environment.

H.J. Res. 37 not only stifles innovation but is anti-small business, anti-consumer and, because it brings uncertainty back into the telecommunications marketplace, is also anti-investment and anti-job creation. All of the industry leaders, as well as consumer groups and those for whom an open Internet provides opportunities to start a business and grow, support the FCC rule.

The principles embodied therein have guided the Commission for years now and this resolution, if passed, would set this industry back decades with no benefit whatsoever and without the possibility of rectifying the damage it would do.

The FCC has adopted a framework that will preserve the open Internet and create certainty in an industry that changes every day. Ironically, it is the Republicans who are creating uncertainty by preventing the FCC from fulfilling its statutory mandate.

Using the Congressional Review Act to oppose the FCC's Open Internet Rule is bad politics and sets a bad precedent.

I urge my colleagues to vote "no" on H.J. Res. 37.

Ms. PELOSI. Mr. Speaker, in support of consumer choice, innovation and economic growth, and a free and open Internet, I oppose the repeal of net neutrality rules.

In the wake of extraordinary movements for reform and human rights in the Middle East—organized online, on Facebook and Twitter—the United States must take heed of one of the fundamental facts of our time: that an open Internet is a critical building block of free, prosperous, democratic societies in the 21st century.

Out of this conviction, many of us have fought for net neutrality rules—because neither government nor telecommunications firms should be in charge of our free speech; because the Internet strengthens our democracy, stimulates investment, and bolsters our economy.

As a coalition of small businesses wrote in opposition to today's resolution: "the open Internet increases opportunities for businesses large and small to compete and grow . . . An open Internet allows us to reach our customers at any place and at any time . . . An open Internet is an engine for economic growth, innovation, and job creation." To put it another way: an open Internet enhances consumer choice, supports entrepreneurship, and ensures competition in our economy.

Among those leading the charge are: Ranking Member HENRY WAXMAN, Energy and Commerce Committee; Congresswoman ANNA ESHOO, the top Democrat on the Energy and Commerce Subcommittee on Communications and Technology; Congressman ED MARKEY, Congressman MIKE DOYLE, and Congresswoman DORIS MATSUI of the Energy and Commerce Committee.

Late last year—after hearing from public interest groups, civil rights organizations, religious leaders, small businesses, unions, and education advocates—the Federal Communications Commission issued long-overdue rules for open access to websites and online services.

These standards were a step in the right direction; but they did not go far enough. Standing alone, the rules are not sufficiently clear, consistent, or firm to effectively protect consumers and innovative freedom. But that's not reason to eliminate them; it's reason to strengthen them.

However, the resolution before us today takes us in the wrong direction. It will revoke basic consumer protections of transparency and choice online; eliminate competition and shut off outlets of innovation. And it betrays the democratic values resting at the core of our history, our success, and our country's prosperity.

We live in an era when the Internet has the potential to transform lives for the better—through job creation and economic development; as a venue to communicate, speak out, and exercise our fundamental right to free expression. Democrats and Republicans should be able to agree that we must tap into this potential for the benefit of all Americans. We must work together to maintain and expand an Internet where innovation can flourish, where consumer choice is protected, where the democratic spirit of our nation remains strong.

I urge my colleagues to vote "no" on this resolution.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to oppose H.J. Res. 37, a resolution disapproving of the recent FCC net neutrality rule.

The FCC's net neutrality rule is designed to ensure that the Internet remains affordable and accessible to all Americans. This goal is critical for Americans to engage the world and for the Internet to continue to be the engine of economic growth, job creation and innovation we have known it to be. To continue fulfilling this vital role in our society and economy, the Internet must be unencumbered and free from arbitrary or commercially driven disruptions. The FCC rule is tailored to achieve that objective.

Mr. Speaker, the FCC's net neutrality rule is the product of years of careful analysis, deliberation and review. The question of whether the FCC has the authority to issue the rule will ultimately be decided by the courts. We should not be considering such a serious matter under the expedited procedures and closed rule before us today.

I urge a "no" vote.

Mr. BLUMENAUER. Mr. Speaker, as a strong supporter of net neutrality, I oppose H.J. Res. 37. The Internet has revolutionized the way the world learns, interacts, and does business. It has remained a dynamic and rich

platform because it has been open and accessible to all, from start-up businesses, school groups, and individuals, to news organizations and government. I am using Twitter and Facebook regularly to help me keep in touch with Oregonians.

This resolution would disapprove the FCC's open Internet ruling and undermine the enforceable policy for keeping the Internet free from discrimination. Americans have the right to access to the legal content of their choice. H.J. Res. 37 denies this freedom and eliminates consumer protections in favor of corporate interests. Internet service providers would be able to act as gatekeepers, blocking legal content like Netflix and picking winners and losers among applications and services.

H.J. Res. 37 puts into question whether innovation will be allowed to flourish on the Internet. It would stifle start-up businesses and slow economic growth. Congress should protect the free and open Internet to strengthen our economy and create jobs. Instead, H.J. Res. 37 undermines these principles and puts the power to choose which content you can access in the hands of corporate interests.

Maintaining a free and open Internet is critical to a vibrant democracy and economic development. I hope my colleagues will join me in opposition to this harmful resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 200, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HOYER. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. HOYER. I am in its present form. Mr. WALDEN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit the joint resolution, H. J. Res. 37, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 2, after line 8, insert the following:

SEC. 2. That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended by striking the date specified in section 106(3) and inserting "April 15, 2011".

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland is recognized for 5 minutes in support of his motion.

Mr. HOYER. Thank you very much, Mr. Speaker, and I want to thank the gentleman from Oregon for the time. I understand that he could have precluded that, and I appreciate the fact that he gave me the time.

Mr. Speaker, we've heard on the floor about all the Americans who would suffer the very real effects of a government shutdown. Those effects might include slowed economic growth, which means, of course, fewer jobs; a weakened housing market; delayed pay for our military families; delayed benefits for our veterans; unanswered Social Security applications; proceedings and more. Republicans are holding these government services hostage. Let me repeat that. The Republicans are holding those services hostage. And it turns out that their ransom demand is the passage of divisive social policy, because Mr. and Mrs. America know, my colleagues and Mr. Speaker, that we have got an agreement on numbers. We've got an agreement on how much to cut, a compromise. Henry Clay said, "To compromise is to govern." We cannot govern if we do not come to agreement. But we haven't come to agreement now.

Democrats have proven more than willing to compromise. We've met Republicans more than halfway, only to find out that Republicans cannot stand up to the most extreme in their party who demand that we have an agreement on a social policy totally unrelated to the deficit. But we're still hopeful that Members of both of our parties can put their responsibility to the American people first, come to a compromise, and keep the government open for the people it serves.

To give that work the time it needs, I urge my colleagues for a clean, 1-week spending bill, a bridge to keep the government functioning into next week. That is what this motion will do. It's very simple. It will keep our defense structure intact, make sure that our people on the front line, in harm's way, get paid; make sure that every other government official that is serving the American people stays on the job to do just that.

It is free of divisive social policy. It contains no partisan measures. It will ensure that our troops are taken care of and paid on time. And unlike the partisan, divisive, 1-week extension passed by the Republicans, it can and will become law. Those Members who understand that we must compromise in order to govern I think will support this 1-week bridge and support this motion to recommit.

□ 1500

Mr. Speaker, let me say to you that I had the privilege of being on television with your whip, the majority whip, a friend of mine. His assertion was that, well, we had voted for some of these policies when George Bush was

President. I didn't agree with those policies, but I allowed them to stay in the bill. Why? Because I knew that I had to compromise. I knew that the American public had elected a Republican President who disagreed with me. And I knew as well that I needed to keep the government running because I had a responsibility to the American public to do so. I had a responsibility to the servicemembers to do so. And so, yes, I compromised. That is all this resolution is asking of all of you.

You have a President of our country. Is he a Democrat? He is. But he is elected by the people of the United States, and he disagrees with your provision, just as George Bush agreed with it. But when we were in charge, we did not shut down the government because of that disagreement; we understood that the American public expected us to compromise and come to an agreement. This motion to recommit, if passed, will allow you to do that and keep government open.

We have now been debating for almost 2 hours, under the rule and during the course of this debate, an amendment that will make no difference to the American public tomorrow. This motion to recommit will make all the difference to America tomorrow. It is the difference between keeping the government open and shutting it down in just a little less than 9 hours from now.

I ask each of our colleagues, Republican and Democrat, conservative and liberal, east, west, north, and south: Support this motion to recommit. It is the responsible, effective way to do what so many of you have said you want to do, and that is to keep this government functioning for the American people, continue to give it stability.

And I might add that you criticized us for creating uncertainty. I think that was an apt criticism, my colleagues on the Republican side, that certainty is important in our economy. Nothing will create more uncertainty than defeating this motion to recommit.

I urge its adoption.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALDEN. Mr. Speaker, I continue to reserve my point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Oregon claims the time in opposition to the motion and is recognized for 5 minutes.

Mr. WALDEN. To my dear friend and colleague from Maryland, I'm actually surprised he has the time to come to the floor given the status of negotiations, I'm sure they're taking place as we speak, but we appreciate him coming to the floor.

Let me make a couple of points. First of all, the continuing resolution they put forward in this context is more of

the status quo spending that just keeps government growing. We're saying no; we are to do better than that for the American people. We need to reduce wasteful Washington spending. We need to create jobs in the private sector.

We came here to cut back on the deficit and not put an ever-increasing, intolerable, unsustainable—frankly, immoral—budget deficit and debt on the next generation, our kids and our grandkids. We did not come here to do that. We came here to cut spending.

Mr. HOYER. Could my friend yield just so I can correct, because I will tell my dear friend—

Mr. WALDEN. I have not yielded.

Mr. HOYER. Could you yield just so I can correct the statement? Because it does cut the \$51 billion we've already agreed to. And I thank the gentleman.

Mr. WALDEN. I appreciate that.

The point here, though, is this: We would not be here today if the Democrats in the last Congress had bothered to take up a budget and pass it or even vote on it. That is the first time since the 1974 Budget Act was put into law that I believe the House didn't consider a budget. It's not that the House and Senate have always agreed on a budget, but at least they've always voted on a budget. And the Democrats, under Speaker PELOSI and my friend from Maryland, could not bring or did not bring a budget to the House floor for even consideration in the House.

Now I was in small business for 22 years, I've served on various boards, and if you failed to bring a budget and pass a budget at a city council, a county commission, a corporation, you would be tossed out. But in the Congress—well, I guess they did get tossed out in November, but they didn't do a budget. And then, you didn't fund the government through the fiscal year we're in today. You only funded it into March, and then it was left on our doorstep when we took the majority. That's not the first time that's happened, and it has happened over time, but we came in and said, okay, we won, we assume the responsibility to govern. And we passed a continuing resolution to fund the government through the rest of this fiscal year—it would have funded our troops and everything else—and cut \$61 billion in spending. And that still resides in that august body across the Capitol where they can't seem to act.

When that didn't work, we came back with another continuing resolution, cut \$2 billion a week. That resolution was passed in this House—I think with bipartisan support—went to the Senate, was passed there, signed by the President. We continue to negotiate because we're not here to shut down the government. We're here to cut the government spending and get back toward a balanced budget and create jobs in the private sector.

When they couldn't get a deal, we passed another continuing resolution.

We cut more—another \$2 billion a week, we're up to 10 now. That passed this House, it went over to the Senate, it became law.

And then when we could get nothing else back from the Senate, yesterday we brought forward a resolution to make sure our men and women in uniform, who are fighting for our freedom across this globe, and their families here at home, would get paid through the end of this fiscal year. And we also cut spending. We cut the spending we cut in the first resolution—that's still residing in the Senate where they can't act—and we sent that over to the Senate where it sits. Now the first thing we hear from the President is, I'm going to veto it. And the Senate says, oh, we can't take that up. Well, why not? We passed it here, and we did so in a bipartisan way. And it's over there.

Republicans have acted responsibly to the will of the American people. We have said time and again we will govern, and we will govern responsibly. There is no blank check here anymore. And we're going to follow the rules.

POINT OF ORDER

Mr. WALDEN. That is why I am insisting on my reservation of a point of order because we are not going to violate the House rules. The motion is not in order because it violates clause 7—as I'm sure the gentleman from Maryland knows—of rule XVI of the Rules of the House. It is not germane to the resolution before us.

Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOYER. Mr. Speaker, I wish to speak on the point of order.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, Congressman ALLEN WEST, a newly elected Republican from Florida, said, "I'm disgusted at the perception that leaders in my own party are now using the men and women in uniform to pass a short-term budget bill." That was a newly elected Republican, a former member of the Armed Forces of the United States. My point being this, Mr. Speaker: This resolution speaks directly to keeping the government of the United States operating for the next 7 days, keeping our men and women in the Armed Forces paid for that week, making sure that every other necessary service for government is available to the American people for the next 7 days. And it is the only vehicle that now appears to be viable to accomplish that objective. And as a result, Mr. Speaker, I believe this is not only in order; it is imperative that we pass this motion to recommit. And I would urge the Speaker to find it in order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Oregon makes a point of order that the instructions in-

cluded in the motion to recommit propose an amendment not germane to the joint resolution. Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

House Joint Resolution 37 addresses a rule submitted by the Federal Communications Commission. The instructions contained in the motion to recommit address continuing appropriations for the fiscal year 2011, a different subject matter.

Accordingly, the amendment proposed in the motion to recommit is not germane. The point of order is sustained and the motion is not in order.

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. WALDEN. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALDEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the joint resolution, if arising without further proceedings in recommitment; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 181, not voting 16, as follows:

[Roll No. 251]

AYES—235

Adams	Calvert	Fincher
Aderholt	Camp	Fitzpatrick
Akin	Campbell	Flake
Alexander	Canseco	Fleischmann
Amash	Cantor	Fleming
Austria	Capito	Flores
Bachmann	Carter	Forbes
Bachus	Cassidy	Fortenberry
Barletta	Chabot	Fox
Bartlett	Chaffetz	Franks (AZ)
Barton (TX)	Coble	Gallely
Bass (NH)	Coffman (CO)	Gardner
Benishek	Cole	Garrett
Berg	Conaway	Gerlach
Biggert	Cravaack	Gibbs
Bilbray	Crawford	Gibson
Bilirakis	Crenshaw	Gingrey (GA)
Bishop (UT)	Culberson	Gohmert
Black	Davis (KY)	Goodlatte
Blackburn	Denham	Gosar
Bonner	Dent	Gowdy
Bono Mack	DesJarlais	Granger
Boustany	Diaz-Balart	Graves (GA)
Brady (TX)	Dold	Graves (MO)
Brooks	Dreier	Griffin (AR)
Broun (GA)	Duffy	Griffith (VA)
Buchanan	Duncan (SC)	Grimm
Bucshon	Duncan (TN)	Guinta
Buerkle	Ellmers	Guthrie
Burgess	Emerson	Hall
Burton (IN)	Farenthold	Hanna

Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)

McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita

Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Ryan (WI)
Schalise
Schilling
Mica
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

NOES—181

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro

Deutch
Dicks
Dingell
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
Payne
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich

Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markley
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel

Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz

Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns

Becerra
Berkley
Clay
Cleaver
Costa
Paul
Pelosi

NOT VOTING—16

Giffords
Hinches
Lummis
Meeke
Paul
Pelosi

□ 1533

Ms. PINGREE of Maine changed her vote from “aye” to “no.”

Mr. FRANKS of Arizona changed his vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALDEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 179, not voting 13, as follows:

[Roll No. 252]

AYES—240

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggett
Billray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert

Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann

Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon

McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce

Runyan
Ryan (WI)
Schalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

NOES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
Payne
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Davis (CA)
Davis (IL)
DeFazio
Kucinich
Langevin
Larsen (WA)

Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond

Rigell	Serrano	Van Hollen
Ross (AR)	Sewell	Velázquez
Rothman (NJ)	Sherman	Viscosky
Roybal-Allard	Shuler	Walz (MN)
Ruppersberger	Sires	Wasserman
Rush	Slaughter	Schultz
Ryan (OH)	Smith (WA)	Watt
Sánchez, Linda	Speier	Waxman
T.	Stark	Weiner
Sanchez, Loretta	Sutton	Welch
Sarbanes	Thompson (CA)	Wilson (FL)
Schakowsky	Tierney	Woolsey
Schiff	Tonko	Wu
Schwartz	Towns	Yarmuth
Scott (VA)	Tsongas	

NOT VOTING—13

Berkley	Hinchey	Waters
Clay	Meeks	Young (AK)
Cleaver	Paul	Young (FL)
Frelinghuysen	Pelosi	
Giffords	Polis	

□ 1541

So the joint resolution was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I would like to inform my colleagues that additional legislative business and votes are possible today.

I would expect Members to have at least 1 hour's notice prior to any recorded votes. Due to ongoing negotiations, it is critical for the House to remain in legislative session.

In addition, Mr. Speaker, I would remind my colleagues that in the case of a lapse in appropriations, I fully expect the House to meet tomorrow.

We will provide further information as soon as it's available, but Members should continue to keep their schedule for this weekend as flexible as possible.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at midnight.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 8, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 8, 2011 at 11:35 p.m.:

That the Senate passed with amendment H.R. 1363.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

FURTHER ADDITIONAL CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table the bill H.R. 1363, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DICKS. Mr. Speaker, reserving the right to object, this only affects this bill tonight; isn't this correct?

Mr. DREIER. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me say, yes, this only addresses the measure, the short-term continuing resolution, that we are considering this evening.

Mr. DICKS. And the only amendment to this is the \$2 billion in cuts; is that correct?

Mr. DREIER. If the gentleman would further yield, the gentleman is absolutely correct.

Mr. DICKS. So this would look a lot like the Dicks amendment that was offered in the Rules Committee for a clean CR?

Mr. DREIER. If the gentleman would yield, I would say that the groundwork that was laid earlier this week by my very good friend from Seattle has, I know, played an integral role in getting us to this very important point.

Mr. DICKS. We could have done it a little earlier, is all I am saying.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting "April 15, 2011";

(2) by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (section 1 of Public Law 112-6), the following new sections:

"SEC. 295. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development' at a rate for operations of \$9,800,000.

"SEC. 296. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Facilities and Equipment' at a rate for operations of \$2,927,500,000.

"SEC. 297. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development' at a rate for operations of \$187,000,000.

"SEC. 298. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service' at a rate for operations of \$1,000,000,000.

"SEC. 299. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Railroad Research and Development' at a rate for operations of \$35,100,000.

"SEC. 300. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Capital Investment Grants' at a rate for operations of \$1,720,000,000.

"SEC. 301. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Transit Administration—Research and University Research Centers' at a rate for operations of \$64,200,000.

"SEC. 302. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund' at a rate for operations of \$4,626,000,000.

"SEC. 303. Notwithstanding sections 101 and 226, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: Provided, That the second and third paragraphs under such heading in title II of division A of

Public Law 111-117 shall not apply to funds appropriated by this Act.

This Act may be cited as the "Further Additional Continuing Appropriations Amendments, 2011".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the House concur in the Senate amendment to H.R. 1363.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the motion shall be debatable for 20 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 10 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1363.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, we come here tonight just moments before the government is forced to close its doors with very good news. We have an agreement with the Senate and the White House to fund the government for the rest of the fiscal year, while providing critical resources for our national defense.

In addition, when this agreement is signed into law, we will have taken the unprecedented step of passing the largest non-defense spending cut in the history of the Nation, tens of billions of dollars larger than any other non-defense reduction. This remarkable achievement is the result of hard-fought negotiations that required all sides to come together to find common ground.

The American people need and deserve to have a functioning government, but they also deserve a government that spends its taxpayer dollars responsibly, a government that won't saddle their children and grandchildren with unsustainable and reckless debt.

Our constituents have sent us the message that the standard tax-and-spend culture in Washington is no longer acceptable. It has been the goal of this new Republican majority to keep precious tax dollars where they are needed most, in the hands of businesses and individuals across the Nation so that they can create jobs and grow our economy.

This agreement will mark the end of a budget process that should have been

completed almost a year ago by the previous Congress. Yet sometimes the end result is worth the wait, and the unparalleled spending cuts in this bill will not only save the taxpayers tens of billions of dollars this year, but will allow Congress to continue the trend of reductions to dig our Nation out of our dangerous deficits and debt for years to come.

Now that a broad agreement has been reached, my committee will work over the next few days to craft legislation to bring to the floor next week.

While we continue to work, we must make responsible decisions to fund our troops and their families, keep the lights on in government, and continue to provide the services that Americans depend on every day.

This temporary CR allows us to meet these needs by providing funding through next Friday, April 15, while also making \$2 billion in additional spending cuts to show the American people that we are serious about cutting spending wherever and whenever we can.

Mr. Speaker, I guarantee the final legislation will rein in Federal spending, and this CR keeps us on track to cut excessive Federal spending as we continue to finalize a deal. We are determined to deliver to the American people a complete budget with historic levels of deep and real spending cuts, cuts that will keep our economy moving in the right direction.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may consume.

First of all, I would like to thank the President and the leaders in the House and Senate on both sides for the compromise and for averting a government shutdown.

I think there was a major decision made tonight by both parties and by the administration to keep the government open.

□ 0010

That's what the American people sent us here to do. They sent us here to work out compromises, to be able to resolve issues and to move forward, and I think this is an example of that.

Now, this CR will run for 1 week to April 15. It is basically a clean CR in the sense of there is no ideologically driven language. It has \$2 billion in it in cuts, but they are in the underlying agreement. And so I think this is acceptable.

My understanding is that there are cuts in discretionary spending and in some of the mandatory accounts. I am pleased that the leaders were able to reach this agreement.

We still have a lot of work to do. I want to say to my chairman that I still look forward to working on the 2012 appropriations bills, and I hope that we can work and have an open process

where we can bring these bills to subcommittee, full committee and to the floor with open rules.

I would like to yield to my chairman just to make sure that that is still the path we want to go in this year. We want to avoid what happened in 2006.

Now, I reminded you—sometimes you forget a little bit—that when the Republicans lost in 2006, there were a number of unfinished appropriations bills and we had to do an omnibus in 2007. We did it a little faster, by the way. It didn't take quite as long. But we're glad that this agreement was reached, and I look forward to getting on with the work of the 2012 appropriations items.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I really deeply appreciate the gentleman's reminding us again that he and I are determined to bring to the floor every single one of the 12 appropriations bills and complete our work in the House before the August recess.

Mr. DICKS. Absolutely. And we will work hard to cooperate in order to do that. We will try to keep a reasonable number of amendments on our side. I hope you can do that on your side.

I yield back the remainder of my time and ask for a vote.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 70, not voting 14, as follows:

[Roll No. 253]

YEAS—348

Adams	Bishop (GA)	Butterfield
Aderholt	Bishop (NY)	Calvert
Akin	Bishop (UT)	Camp
Alexander	Black	Campbell
Altmire	Blackburn	Cantor
Andrews	Bonner	Capito
Austria	Bono Mack	Capps
Baca	Boren	Cardoza
Bachus	Boswell	Carnahan
Barletta	Boustany	Carney
Barrow	Brady (PA)	Carson (IN)
Bartlett	Brady (TX)	Carter
Bass (CA)	Braley (IA)	Cassidy
Bass (NH)	Brooks	Castor (FL)
Benishek	Brown (FL)	Chandler
Berg	Buchanan	Ciicilline
Berman	Bucshon	Clarke (MI)
Biggert	Buerkle	Clay
Bilbray	Burgess	Clyburn
Bilirakis	Burton (IN)	Coble

Coffman (CO) Israel
 Cohen Issa
 Cole Jackson Lee
 Conaway (TX)
 Connolly (VA) Jenkins
 Conyers Johnson (OH)
 Cooper Johnson, Sam
 Costa Jones
 Costello Kaptur
 Courtney Keating
 Cravaack Kelly
 Crawford Kildee
 Crenshaw Kind
 Critz King (NY)
 Cuellar Kingston
 Culberson Kinzinger (IL)
 Cummings Kissell
 Davis (CA) Kline
 Davis (KY) Lamborn
 DeFazio Lance
 DeGette Landry
 DeLauro Langevin
 Denham Lankford
 Dent Larsen (WA)
 DesJarlais Latham
 Deutch LaTourette
 Diaz-Balart Latta
 Dicks Levin
 Dingell Lewis (CA)
 Doggett Lipinski
 Dold LoBiondo
 Donnelly (IN) Loeb sack
 Doyle Lofgren, Zoe
 Dreier Lowey
 Duffy Lucas
 Duncan (TN) Luetkemeyer
 Edwards Lujan
 Ellmers Lummis
 Emerson Lungren, Daniel
 Eshoo E.
 Farenthold Lynch
 Farr Manzullo
 Fattah Marchant
 Fincher Marino
 Fitzpatrick Matheson
 Flake Matsui
 Fleischmann McCarthy (CA)
 Fleming McCarthy (NY)
 Flores McCaul
 Forbes McClintock
 Foxx McCollum
 Franks (AZ) McHenry
 Gallegly McIntyre
 Garamendi McKeon
 Gardner McKinley
 Garrett McMorris
 Gerlach Rodgers
 Gibbs McNerney
 Gibson Meehan
 Gingrey (GA) Mica
 Gonzalez Michaud
 Goodlatte Miller (FL)
 Gosar Miller (MI)
 Granger Miller (NC)
 Graves (MO) Miller, Gary
 Green, Al Moran
 Green, Gene Murphy (CT)
 Griffin (AR) Murphy (PA)
 Griffith (VA) Myrick
 Grijalva Napolitano
 Grimm Neal
 Guinta Neugebauer
 Guthrie Noem
 Hall Nugent
 Hanabusa Nunes
 Hanna Nunnelee
 Harper Olson
 Hartzler Olver
 Hastings (WA) Owens
 Hayworth Pascrell
 Heck Pastor (AZ)
 Heinrich Paulsen
 Heller Pelosi
 Hensarling Pence
 Herger Perlmutter
 Herrera Beutler Peters
 Higgins Peterson
 Himes Petri
 Hinojosa Pingree (ME)
 Holden Pitts
 Hoyer Platts
 Huizenga (MI) Poe (TX)
 Hultgren Pompeo
 Hunter Posey
 Hurt Price (GA)
 Inslee Price (NC)

Quayle
 Rahlgley
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Ribble
 Richardson
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard
 Royce
 Runyan
 Ruppersberger
 Ryan (WI)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiberi
 Tierney
 Tipton
 Tonko
 Tsongas
 Turner
 Upton
 Van Hollen
 Visclosky
 Walberg
 Walden
 Walz (MN)
 Wasserman
 Schultz
 Watt
 Webster
 Welch
 West
 Westmoreland
 Whitfield
 Wilson (FL)
 Wittman
 Wolf
 Womack

Woodall
 Wu
 Yarmuth
 Yoder

NAYS—70

Amash
 Bachmann
 Baldwin
 Barton (TX)
 Blumenauer
 Broun (GA)
 Canseco
 Capuano
 Chabot
 Chaffetz
 Chu
 Clarke (NY)
 Crowley
 Davis (IL)
 Duncan (SC)
 Ellison
 Engel
 Filner
 Frank (MA)
 Fudge
 Gohmert
 Gowdy
 Graves (GA)
 Gutierrez
 Harris
 Hastings (FL)
 Hirono
 Holt
 Honda
 Huelskamp
 Jackson (IL)
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Jordan
 King (IA)
 Kucinich
 Labrador
 Larson (CT)
 Lee (CA)
 Lewis (GA)
 Long
 Mack
 Maloney
 Markey
 McCotter
 McDermott
 McGovern

Young (FL)
 Young (IN)

Meeks
 Miller, George
 Mulvaney
 Nadler
 Palazzo
 Pallone
 Payne
 Pearce
 Rangel
 Richmond
 Rigell
 Rush
 Ryan (OH)
 Scott (SC)
 Serrano
 Southerland
 Towns
 Velázquez
 Walsh (IL)
 Weiner
 Wilson (SC)
 Woolsey

NOT VOTING—14

Ackerman
 Becerra
 Berkley
 Cleaver
 Fortenberry
 Frelinghuysen
 Giffords
 Hincney
 Moore
 Paul
 Polis
 Waters
 Waxman
 Young (AK)

□ 0040

Mr. SCHOCK and Ms. BASS of California changed their vote from “nay” to “yea.”

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE REPORT ON H.R. 1217, PREVENTION AND PUBLIC HEALTH FUND REPEAL ACT

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file its report to accompany H.R. 1217 at any time through Monday, April 11, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 11, 2011

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 p.m. on Monday next and, further, when the House adjourns on that day, it adjourn to meet at noon on Tuesday, April 12, 2011, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfin-

ished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

ADJOURNMENT

Mr. WALDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes a.m.), under its previous order, the House adjourned until Monday, April 11, 2011, at 11 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1148. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Changes in Disease Status of the Brazilian State of Santa Catarina With Regard to Certain Ruminant and Swine Diseases; Technical Amendment [Docket No.: APHIS-2009-0034] (RIN: 0579-AD12) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions [Docket No.: APHIS-2009-0031] (RIN: 0579-AD21) received March 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1151. A letter from the Acting Scientific Director, Department of Health and Human Services, transmitting the Annual Report on the National Institute of Child Health and Human Development (NICHD) Division of Intramural Research for FY 2010; to the Committee on Energy and Commerce.

1152. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs for Minor Use and Minor Species; Confirmation of Effective Date [Docket No.: FDA-2010-N-0534] (RIN: 0910-AG58) received March 23, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1153. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Temperature-Indicating Devices; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers [Docket No.: FDA-2007-N-0265; formerly Docket No. 2007P-0026] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1154. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Amendments to General Regulations of the Food and Drug Administration; Confirmation of Effective Date [Docket No.: FDA-2010-N-0560] (RIN: 0910-AG55) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1155. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on U.S. support for Taiwan's participation as an observer at the 64th World Health Assembly and in the work of the World Health Organization, as mandated in the 2004 Participation of Taiwan in the World Health Organization Act, Pub. L. 108-235, Sec. 1(c); to the Committee on Foreign Affairs.

1156. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2010 Performance Report; to the Committee on Oversight and Government Reform.

1157. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2012 — FY 2016 Strategic Plan; to the Committee on Oversight and Government Reform.

1158. A letter from the Chairman, National Railroad Passenger Corporation, transmitting Amtrak's Office of Inspector General's Semiannual Report to Congress for the period ending September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

1159. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Credit Union Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XA252) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1160. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA237) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1161. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [Docket Nos.: 0910131362-0087-02 and 0910131363-0087-02] (RIN: 0648-XA256) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1162. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA257) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1163. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA258) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1164. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Hawaii Bottomfish and Seamount Groundfish Fisheries; Fishery Closure (RIN: 0648-XA174) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1165. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-BA57) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1166. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA264) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1167. A letter from the Deputy Director, Office of State, Local and Tribal Affairs, Office of National Drug Control Policy, transmitting High Intensity Drug Trafficking Areas (HIDTA) Program Report to Congress, pursuant to Public Law 109-469; to the Committee on the Judiciary.

1168. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2006-21415; Directorate Identifier 2006-NE-06-AD; Amendment 39-16638; AD 2011-07-01] (RIN: 2120-AA64) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1169. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Lava-tory Oxygen Systems [Docket No.: FAA-2011-0186; Amendment Nos. 21-94, 25-133, 121-354, and 129-50; SFAR 111] (RIN: 2120-AJ92) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1170. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Re-

moval and Amendment of Class E Airspace, Oxford, CT [Docket No.: FAA-2010-0815; Airspace Docket No. 10-ANE-107] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; La Porte, IN [Docket No.: FAA-2010-1030; Airspace Docket No. 10-AGL-18] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to VOR Federal Airway V-358; TX [Docket No.: FAA-2011-0024; Airspace Docket No. 11-ASW-1] (RIN: 2120-AA66) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-1, V-7, V-11 and V-20; Kona, Hawaii [Docket No.: FAA-2011-0009; Airspace Docket No. 10-AWP-20] (RIN: 2120-AA66) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; Western United States [Docket No.: FAA-2010-1180; Airspace Docket No. 10-AWP-15] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; Western United States [Docket No.: FAA-2010-1179; Airspace Docket No. 10-ANM-9] (RIN: 2120-AA66) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1176. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Special Use Airspace Restricted Areas R-2203, and R-2205; Alaska [Docket No.: FAA-2011-0055; Airspace Docket No. 11-AAL-2] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1177. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to and Revocation of Reporting Points; Hawaii [Docket No.: FAA-2011-0018; Airspace Docket No. 10-AWP-18] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1178. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's report for fiscal year 2010 on the amount of acquisitions from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Transportation and Infrastructure.

1179. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — LB&I Alert — Cases Forwarded to Appeals That Involve a Section 965 Issue and Transfer Pricing Adjustment under Section 482 [LMSB Control No.: LB&I-4-1110-034] received March 28, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1180. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2011-23) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1181. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withdrawal of Regulations Related to Validity and Priority of Federal Tax Lien [TD 9520] (RIN: 1545-BG13) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1182. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price [Notice 2011-30] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1183. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Assistance Orders [TD 9519] (RIN: 1545-BF33) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1184. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Puerto Rican Excise Tax [Notice 2011-29] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1185. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Technical Correction for Neurological Listing Cross-Reference [Docket No.: SSA-2011-0019] (RIN: 0960-AH33) received March 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1186. A letter from the Chair, Federal Election Commission, transmitting four recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration and Oversight and Government Reform.

1187. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting four legislative proposals that the Department requests to be enacted during the first session to the 112th Congress; jointly to the Committees on Armed Services, Transportation and Infrastructure, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLATTE (for himself, Mr. SCOTT of Virginia, Mr. DUNCAN of South Carolina, and Ms. JACKSON LEE of Texas):

H.R. 1439. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. NADLER, Mr. LEWIS of Georgia, Mr. ELLISON, and Mr. MCGOVERN):

H.R. 1440. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United

States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUNYAN:

H.R. 1441. A bill to amend title 38, United States Code, to codify the prohibition against the reservation of gravesites at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMASH:

H.R. 1442. A bill making appropriations for fiscal year 2011 to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed during a Government shutdown; to the Committee on Appropriations.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mr. ROSS of Arkansas, Mr. ALTMIRE, Mr. MATHESON, Mr. BISHOP of Utah, Mr. REHBERG, Ms. JENKINS, and Mr. MILLER of Florida):

H.R. 1443. A bill to protect the use of traditional hunting and fishing implements and to prevent unnecessary and unwarranted restrictions on the implements used by the hunting and fishing communities; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mr. ROSS of Arkansas, Mr. ALTMIRE, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. REHBERG, Ms. JENKINS, Mr. MILLER of Florida, and Mr. MATHESON):

H.R. 1444. A bill to require that hunting activities be a land use in all management plans for Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mr. ROSS of Arkansas, Mr. ALTMIRE, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. REHBERG, Ms. JENKINS, and Mr. MILLER of Florida):

H.R. 1445. A bill to prohibit the Administrator of the Environmental Protection Agency from regulating, based on material composition, any type of firearm ammunition or fishing tackle; to the Committee on Energy and Commerce.

By Mr. ISSA:

H.R. 1446. A bill to amend title 31, United States Code, to provide for transparency of

payments made from the Judgment Fund; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi (for himself and Ms. JACKSON LEE of Texas):

H.R. 1447. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; to the Committee on Homeland Security.

By Ms. BALDWIN (for herself, Mr. CONNOLLY of Virginia, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mrs. MALONEY, Mr. MORAN, Mr. NADLER, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida):

H.R. 1448. A bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. PLATTS):

H.R. 1449. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself and Mr. FITZPATRICK):

H.R. 1450. A bill to amend the Internal Revenue Code of 1986 to eliminate any time limitation for granting equitable innocent spouse relief; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself and Mr. HUNTER):

H.R. 1451. A bill to repeal a modification of authority to make certain interval payments of educational assistance under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEINRICH (for himself and Mr. LUJAN):

H.R. 1452. A bill to amend the Mineral Leasing Act to provide for the leasing of Federal lands for uranium mining, and for other purposes; to the Committee on Natural Resources.

By Mr. HINCHEY:

H.R. 1453. A bill to revise the National Flood Insurance Program to more fairly treat homeowners who purchase insurance under the program; to the Committee on Financial Services.

By Mr. HULTGREN:

H.R. 1454. A bill to require the salaries of Members of Congress to be held in escrow if all regular appropriation bills for a fiscal year have not been enacted by the beginning of the fiscal year, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. KING of New York):

H.R. 1455. A bill to direct the Librarian of Congress to carry out a project to collect video and audio recordings of personal histories and testimonials of emergency responders and recovery and cleanup workers who responded to the September 11, 2001 terrorist attacks; to the Committee on House Administration.

By Mr. KIND (for himself and Mr. GERLACH):

H.R. 1456. A bill to reauthorize the Neotropical Migratory Bird Conservation Act; to the Committee on Natural Resources.

By Mr. LUETKEMEYER (for himself, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Ms. BROWN of Florida, Mr. CLAY, Mr. DEUTCH, Mr. FILNER, Mr. GRIMM, Mrs. HARTZLER, Mr. LONG, Mrs. MALONEY, Mr. MCGOVERN, Mr. ROGERS of Alabama, Mr. ROTHMAN of New Jersey, Mr. TURNER, and Mr. WEST):

H.R. 1457. A bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 1458. A bill to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title; to the Committee on the Judiciary.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 1459. A bill to amend the Immigration and Nationality Act with respect to detention of unlawfully present aliens who are apprehended for driving while intoxicated, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 1460. A bill to provide for automatic enrollment of veterans returning from combat zones into the VA medical system, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 1461. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights; to the Committee on Natural Resources.

By Mr. RANGEL (for himself, Mr. RUSH, Ms. NORTON, Mrs. MALONEY, Ms. RICHARDSON, Mrs. CHRISTENSEN, Ms. CLARKE of New York, Mr. JACKSON of Illinois, Mr. KING of New York, Ms. LEE of California, and Ms. SCHAKOWSKY):

H.R. 1462. A bill to address HIV/AIDS in the African-American community, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. McDERMOTT):

H.R. 1463. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1464. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SABLAN:

H.R. 1465. A bill to amend the Food and Nutrition Act of 2008 to treat the Common-

wealth of the Northern Mariana Islands in the same manner as Guam is treated; to the Committee on Agriculture.

By Mr. SABLAN (for himself, Mrs. CHRISTENSEN, and Mr. FALCOMA VAEGA):

H.R. 1466. A bill to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania:

H.R. 1467. A bill to provide for reliquidation of certain entries of medium density fiberboard; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1468. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

By Mr. KISSELL (for himself, Ms.

HANABUSA, Mr. MICHAUD, Mr. SHULER, Mr. HOLDEN, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. LUJÁN, Mr. BOREN, Mr. YARMUTH, Ms. SCHAKOWSKY, Mr. CONNOLLY of Virginia, Mr. ROTHMAN of New Jersey, Mr. COSTA, Mr. DONNELLY of Indiana, Ms. JACKSON LEE of Texas, Ms. SUTTON, Mr. MCGOVERN, Mr. FATTAH, Mr. ISRAEL, Ms. HIRONO, Mr. CARNAHAN, Mr. LONG, Ms. SCHWARTZ, Mr. GRUJALVA, Mr. FARR, Mrs. LOWEY, Mr. TONKO, Mr. MCCOTTER, Ms. PINGREE of Maine, Mr. SCHIFF, Mr. LOEBSACK, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, Mrs. MYRICK, Mr. BARROW, Ms. BROWN of Florida, Mr. BROWN of Georgia, Mrs. MCCARTHY of New York, Mr. MCNERNEY, Mr. NEUGEBAUER, Mr. BUTTERFIELD, Ms. MCCOLLUM, Mr. WELCH, Mr. DOYLE, Mr. BRALEY of Iowa, Mr. HOLT, Mr. ROSS of Arkansas, Mr. BILBRAY, Mr. CUMMINGS, Mr. HIGGINS, Mr. GENE GREEN of Texas, Mrs. CAPPES, Mr. MCINTYRE, Ms. WILSON of Florida, Mr. BISHOP of New York, Mr. LANGEVIN, Mr. AL GREEN of Texas, Mr. SIRES, Mr. ALTMIRE, Ms. SEWELL, Ms. LORETTA SANCHEZ of California, Mr. CRENSHAW, Mr. KILDEE, Mr. HEINRICH, Mr. BLUMENAUER, Mr. FILNER, Mr. COLE, Mr. QUIGLEY, Mr. DEUTCH, Mr. RUSH, Mr. CICILLINE, Mr. STIVERS, Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRITZ, Mr. MILLER of Florida, Ms. RICHARDSON, Mr. HIMES, Ms. FUDGE, Mr. CUELLAR, Mr. WU, Ms. LINDA T. SANCHEZ of California, Mr. PIERLUISI, Mr. LYNCH, Mr. PETERSON, and Mrs. HARTZLER):

H.R. 1469. A bill making appropriations to ensure the prompt payment by the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) of the death gratuity paid upon the death of members of the Armed Forces and certain other eligible persons despite the failure to enact interim or full-year appropriations for the Armed Forces; to the Committee on Appropriations.

By Mr. ROSS of Florida:

H.R. 1470. A bill to amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil

service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KILDEE:

H.R. 1471. A bill to prevent Government shutdowns by providing for the automatic continuation of Federal funding during a lapse in appropriations; to the Committee on Appropriations.

By Ms. RICHARDSON (for herself, Mr.

BACA, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. SHERMAN, Ms. WATERS, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Mr. BERMAN, Ms. CHU, and Mr. BECERRA):

H.R. 1472. A bill to designate a portion of Interstate Route 710 located between post mile 5.2 and post mile 6.2 in Los Angeles County, California, as the "Jenny Oropeza Highway"; to the Committee on Transportation and Infrastructure.

By Mrs. NAPOLITANO:

H. Res. 214. A resolution expressing support for designation of May 2011 as Mental Health Month; to the Committee on Energy and Commerce.

By Mr. RIGELL (for himself, Mr. HURT, Mr. GOODLATTE, Mr. SCOTT of Virginia, and Mr. WITTMAN):

H. Res. 215. A resolution encouraging creditors to safeguard the credit scores of members of the Armed Forces and their immediate family in the event of a Government shutdown; to the Committee on Financial Services.

By Mr. McDERMOTT:

H. Res. 216. A resolution expressing the sense of the House of Representatives regarding the importance of increasing the funding of Job Corps, AmeriCorps, and the Peace Corps; to the Committee on Education and the Workforce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GOODLATTE:

H.R. 1439.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3.

By Mrs. MALONEY:

H.R. 1440.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power *** To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. RUNYAN:

H.R. 1441.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. AMASH:

H.R. 1442.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution specifically empowers Congress to "raise and

support Armies" and "provide and maintain a Navy." The bill appropriates funds to support our Armed Forces.

By Mr. BROUN of Georgia:

H.R. 1443.

Congress has the power to enact this legislation pursuant to the following:

Amendment II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Mr. BROUN of Georgia:

H.R. 1444.

Congress has the power to enact this legislation pursuant to the following:

Article IV, §3, Clause 2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. BROUN of Georgia:

H.R. 1445.

Congress has the power to enact this legislation pursuant to the following:

Amendment II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Mr. ISSA:

H.R. 1446.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. THOMPSON of Mississippi:

H.R. 1447.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, including Article 1, Section 8.

By Ms. BALDWIN:

H.R. 1448.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18 of the Constitution of the United States

By Mr. TOWNS:

H.R. 1449.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, known as the "Commerce Clause." This provision grants Congress the broad power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."¹

By Mrs. BACHMANN:

H.R. 1450.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight, Clause One, wherein it states, "The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;"

By Mrs. DAVIS of California:

H.R. 1451.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution

By Mr. HEINRICH:

H.R. 1452.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article IV, section 3, clause 2 of the United States Constitution.

By Mr. HINCHEY:

H.R. 1453.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 of the Constitution

By Mr. HULTGREN:

H.R. 1454.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 6 of Article I of the Constitution.

By Mr. ISRAEL:

H.R. 1455.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Regulations to Effectuate Powers—Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KIND:

H.R. 1456.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. LUETKEMEYER:

H.R. 1457.

Congress has the power to enact this legislation pursuant to the following:

Amendment I to the Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

Many veterans in World War I were not awarded the Medal of Honor which many of them may have deserved. Those worthy veterans were denied the Medal of Honor due to religious discrimination.

By Mr. DANIEL E. LUNGREN of California:

H.R. 1458.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution.

By Mrs. MYRICK:

H.R. 1459.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of section 8 of article I of the Constitution

By Mr. OWENS:

H.R. 1460.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. PEARCE:

H.R. 1461.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. RANGEL:

H.R. 1462.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 "to provide for the common Defense and Welfare of the United States."

By Mr. REICHERT:

H.R. 1463.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 3—The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROYCE:

H.R. 1464.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SABLAN:

H.R. 1465.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 1 and Article IV, section 3, clause 2 of the Constitution.

By Mr. SABLAN:

H.R. 1466.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 4 of the Constitution of the United States, Congress has the power to establish a uniform Rule of Naturalization—to define the terms under which a foreign person can become a citizen of the U.S. Congress also has the power to exclude aliens and to prescribe the terms under which they are allowed to enter the U.S.

By Mr. THOMPSON of Pennsylvania:

H.R. 1467.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

By Mr. WEINER:

H.R. 1468.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3, 7, and 18 of the United States Constitution.

By Mr. KISSELL:

H.R. 1469.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. ROSS of Florida:

H.R. 1470.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

¹Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. KILDEE:

H.R. 1471.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9: No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; and a regular Statement and Account of the Receipts and Expenditures of all public Money Shall be published from time to time.

By Ms. RICHARDSON:

H.R. 1472.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WEST.

H.R. 58: Mr. KINZINGER of Illinois, Mr. ROONEY, Mr. LATTA, Mr. KELLY, Ms. ROSLEHTINEN, Mr. REHBERG, Mr. MCCAUL, Mr. SULLIVAN, Mr. BROWN of Georgia, Mr. GRAVES of Missouri, Mr. JONES, Mr. CHANDLER, and Mr. BARROW.

H.R. 114: Mr. DEFAZIO, Mr. HERGER, and Mr. HASTINGS of Washington.

H.R. 122: Mr. NEUGEBAUER.

H.R. 125: Mr. PAUL.

H.R. 132: Mrs. LOWEY.

H.R. 134: Mrs. LOWEY.

H.R. 178: Mr. LANCE, Mr. CARSON of Indiana, and Mr. MICHAUD.

H.R. 198: Mrs. NAPOLITANO and Mr. ACKERMAN.

H.R. 218: Mr. WEINER.

H.R. 376: Mr. PAUL.

H.R. 399: Mr. MANZULLO.

H.R. 412: Mr. LOBIONDO.

H.R. 420: Mr. MCCAUL, Mr. SULLIVAN, Ms. ROS-LEHTINEN, Mr. LUJÁN, Ms. JENKINS, Mr. KELLY, Mr. GRAVES of Missouri, Mr. JONES, Mr. CHANDLER, and Mr. OLSON.

H.R. 421: Mr. DESJARLAIS.

H.R. 440: Mr. WU.

H.R. 451: Mrs. MALONEY, Mr. MARINO, Mr. WEST, Mr. GINGREY of Georgia, and Mr. MORAN.

H.R. 452: Mr. ROGERS of Alabama, Mr. TERRY, and Mr. HARPER.

H.R. 458: Mr. PETERSON.

H.R. 462: Mr. WILSON of South Carolina and Mr. JOHNSON of Ohio.

H.R. 527: Mr. DANIEL E. LUNGREN of California and Mr. GRIFFIN of Arkansas.

H.R. 529: Mr. BURTON of Indiana.

H.R. 567: Mr. GRIFFIN of Arkansas.

H.R. 595: Mr. COBLE.

H.R. 615: Mr. KELLY, Ms. JENKINS, Mr. KINZINGER of Illinois, Mr. MCCAUL, Mr. CHANDLER, Mr. JONES, Mr. GRAVES of Missouri, and Mr. SULLIVAN.

H.R. 645: Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. BISHOP of Utah, Ms. JENKINS, Mr. KINZINGER of Illinois, Mr. ROONEY, Mr. LATTA, Mr. JONES, Mr. CHANDLER, Mr. SESSIONS, and Mr. BARROW.

H.R. 651: Mr. FATTAH.

H.R. 674: Mr. LOBIONDO.

H.R. 683: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS, and Mr. SIRES.

H.R. 692: Mr. FLORES.

H.R. 694: Mr. STUTZMAN and Mr. ELLISON.

H.R. 721: Mr. SIRES, Mr. LARSEN of Washington, and Mr. GUTHRIE.

H.R. 733: Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. RYAN of Ohio.

H.R. 735: Mrs. ELLMERS and Mr. AMASH.

H.R. 749: Mr. ROSKAM.

H.R. 751: Mr. VAN HOLLEN and Mr. PIERLUISI.

H.R. 763: Mr. KINZINGER of Illinois and Mr. NEUGEBAUER.

H.R. 780: Mr. FATTAH.

H.R. 791: Mr. MORAN, Mr. SABLÁN, Ms. BORDALLO, Ms. LINDA T. SÁNCHEZ of California, and Mr. HASTINGS of Florida.

H.R. 795: Mr. PEARCE and Mr. MCCLINTOCK.

H.R. 819: Mr. ALTMIRE, Mrs. CAPPS, Ms. HIRONO, Mr. CHANDLER, Mr. KEATING, Mr. CUELLAR, Mr. GRIJALVA, Ms. SCHWARTZ, Mr. PASCRELL, Mr. YARMUTH, and Mr. ROTHMAN of New Jersey.

H.R. 820: Mr. CICILLINE, Ms. TSONGAS, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. JONES, Mr. LOEBSACK, Mrs. DAVIS of California, and Mr. MEEKS.

H.R. 822: Mr. LUJÁN, Mr. YODER, Mr. KELLY, Ms. ROS-LEHTINEN, Mr. REHBERG, Mr. BONNER, and Mr. BROWN of Georgia.

H.R. 870: Mr. DAVIS of Illinois.

H.R. 880: Mr. PETERS.

H.R. 883: Mr. LIPINSKI.

H.R. 887: Mr. FALCOMAVEGA.

H.R. 895: Mr. CALVERT and Mr. MURPHY of Connecticut.

H.R. 904: Mr. KINZINGER of Illinois and Mr. GRIFFIN of Arkansas.

H.R. 913: Mr. COBLE, Mr. BONNER, and Mr. KISSELL.

H.R. 930: Mr. RUSH.

H.R. 938: Mr. FITZPATRICK, Mr. MANZULLO, and Mr. SCHOCK.

H.R. 947: Mr. CUELLAR.

H.R. 965: Mr. KILDEE.

H.R. 966: Mr. CALVERT.

H.R. 981: Mr. RIGELL.

H.R. 997: Mr. HUNTER.

H.R. 998: Mr. CLARKE of Michigan.

H.R. 1024: Mr. GRIJALVA.

H.R. 1031: Mr. THOMPSON of Mississippi and Mr. RAHALL.

H.R. 1041: Mr. RUPPERSBERGER.

H.R. 1049: Mr. FORBES.

H.R. 1054: Mr. INSLEE.

H.R. 1057: Mr. SIRES and Ms. WOOLSEY.

H.R. 1058: Mr. GOODLATTE.

H.R. 1061: Mr. NEUGEBAUER.

H.R. 1063: Mr. PAUL and Ms. DEGETTE.

H.R. 1075: Mr. MCCLINTOCK and Mr. BROWN of Georgia.

H.R. 1081: Mr. SMITH of Nebraska, Mr. HUNTER, Mr. SHERMAN, Mr. STUTZMAN, Mr. DEFAZIO, and Ms. MOORE.

H.R. 1085: Mr. BRADY of Pennsylvania.

H.R. 1093: Mr. BARROW, Mr. SULLIVAN, Mr. MCCAUL, Mr. BONNER, and Mr. BROWN of Georgia.

H.R. 1106: Mr. SARBANES.

H.R. 1110: Mr. GARAMENDI.

H.R. 1113: Mr. DAVIS of Illinois.

H.R. 1148: Ms. TSONGAS and Mr. GRIJALVA.

H.R. 1183: Mr. CALVERT.

H.R. 1186: Mr. HUELSKAMP.

H.R. 1188: Ms. PINGREE of Maine.

H.R. 1206: Mr. MCKINLEY.

H.R. 1211: Mrs. MILLER of Michigan and Mr. KINGSTON.

H.R. 1213: Mr. CHAFFETZ and Mr. COFFMAN of Colorado.

H.R. 1214: Mr. COFFMAN of Colorado and Mr. PEARCE.

H.R. 1215: Mr. COFFMAN of Colorado and Mr. PEARCE.

H.R. 1217: Mr. COFFMAN of Colorado and Mr. PEARCE.

H.R. 1234: Mr. LARSEN of Washington.

H.R. 1242: Mr. ENGEL.

H.R. 1252: Mrs. EMERSON.

H.R. 1254: Mr. BOSWELL, Mr. LATHAM, and Mr. LOEBSACK.

H.R. 1256: Mr. COHEN.

H.R. 1259: Mr. MCCOTTER.

H.R. 1270: Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. ROSS of Florida.

H.R. 1284: Mrs. NAPOLITANO.

H.R. 1285: Mr. BURTON of Indiana and Mr. WEST.

H.R. 1286: Mr. BURTON of Indiana, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. GARDNER, Mr. WOLF, Mr. WITTMAN, Mr. LATTA, Mr. COBLE, Mr. YOUNG of Indiana, Mr. POE of Texas, Mr. GIBBS, Mr. BILBRAY, Mr. ROE of Tennessee, and Mrs. EMERSON.

H.R. 1294: Mr. GUTIERREZ.

H.R. 1297: Mr. ROSS of Arkansas, Mr. WALZ of Minnesota, Mr. GRIFFITH of Virginia, Mr. LANKFORD, Mr. LANDRY, Mr. FINCHER, Mr. AMASH, Mr. YARMUTH, Ms. TSONGAS, Mr. POSEY, Mr. DAVIS of Kentucky, Mr. LIPINSKI, Mr. CRAWFORD, Ms. FOX, Mr. THOMPSON of Pennsylvania, Mr. KEATING, Mr. PETERSON, Mr. DONNELLY of Indiana, Mr. DENHAM, Mr. SHULER, Mr. CARNAHAN, Mr. CHANDLER, Mr. STIVERS, Mr. GOODLATTE, Mr. ALTMIRE, Mr. BARROW, Mr. BOREN, Mr. CARNEY, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. DENT, Mr. GUTHRIE, Mr. HENSARLING, Mr. HIMES, Mr. JOHNSON of Georgia, Mr. JORDAN, Mr. RIBBLE, Mr. SABLÁN, and Mr. WELCH.

H.R. 1310: Mr. GIBBS.

H.R. 1317: Mr. GRIJALVA, Mr. FARR, Mr. SERRANO, and Mr. ELLISON.

H.R. 1319: Mr. GARAMENDI, Ms. SLAUGHTER, and Mr. MURPHY of Connecticut.

H.R. 1321: Mr. SHERMAN, Mr. CONNOLLY of Virginia, Mr. MARINO, and Mr. POMPEO.

H.R. 1341: Mrs. MYRICK, Mr. JOHNSON of Ohio, and Mr. PAUL.

H.R. 1366: Mr. CLARKE of Michigan.

H.R. 1375: Mr. WU, Mr. SIRES, Mr. CARSON of Indiana, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Mr. TIERNEY, Mr. INSLEE, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. CHU, and Mr. RYAN of Ohio.

H.R. 1377: Mr. BISHOP of Georgia.

H.R. 1380: Mr. GERLACH, Mr. AUSTIN SCOTT of Georgia, Mr. SMITH of Texas, and Mr. OLSON.

H.R. 1386: Mr. DEUTCH, Ms. NORTON, and Mr. MCGOVERN.

H.R. 1391: Mr. COSTELLO, Mr. JOHNSON of Ohio, Mr. ROGERS of Kentucky, and Mrs. MYRICK.

H.R. 1397: Mr. GARAMENDI, Mr. SCHRADER, Ms. JACKSON LEE of Texas, Mr. KUCINICH, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1411: Ms. RICHARDSON.

H.R. 1429: Mr. CUMMINGS, Mr. SARBANES, and Ms. NORTON.

H.J. Res. 52: Mr. GOODLATTE.

H. Res. 16: Mr. CALVERT.

H. Res. 25: Mr. MURPHY of Pennsylvania, Mr. BARTON of Texas, Mr. COBLE, and Mr. WU.

H. Res. 60: Mr. QUAYLE and Mr. MARINO.

H. Res. 95: Mr. FORBES.

H. Res. 98: Mr. NUGENT and Mr. WILSON of South Carolina.

H. Res. 134: Mr. MCCAUL and Mrs. BIGGERT.

H. Res. 137: Mr. PETERS, Mr. OWENS, Mr. DIAZ-BALART, and Mr. DONNELLY of Indiana.

EXTENSIONS OF REMARKS

RECOGNIZING THE CITIZENS OF OAK LAWN FOR INDEPENDENTLY FUNDING THE CONSTRUCTION OF A 9/11 MONUMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the Village of Oak Lawn and its commitment to honoring the heroes and victims of 9/11 with a monument to be dedicated on September 11, 2011—the ten year anniversary of the terrorist attacks. Located in my district, this community has come together to fund the construction of a monument to be built with four beams from the World Trade Center in memoriam of that tragic day and the brave first responders who made the ultimate sacrifice.

Erik Blome, a Chicago native whose public works projects can be found throughout the nation, has unveiled a design that will include a “forest of beams” memorializing the first responders and the resiliency of the American spirit. The symbolism of beams from the World Trade Center coupled with the artistic skill of Mr. Blome will produce a lasting and poignant monument to help Oak Lawn residents remember our national loss and those heroes who responded for generations to come.

Led by the Oak Lawn Rotary Club, the residents of Oak Lawn, Illinois are coming together to raise money to fund construction of the monument. Through community fundraisers and generous donations by Oak Lawn citizens, businesses, and organizations, the local community will independently fund the Oak Lawn 9/11 Monument.

I am proud to recognize the Village of Oak Lawn for its strong history of philanthropy and community involvement. Please join me in celebrating the residents of Oak Lawn and the Oak Lawn Rotary Club for its leadership in ensuring that the lives of the September 11th first responders are not forgotten. I know the project will continue to be a great success and I look forward to visiting the memorial once completed.

RECOGNIZING TRISTAN FISSETTE

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to recognize Tristan Fissette, an exceptional and accomplished young man from the Sixth District of Illinois. Tristan is a recent recipient of a grant award from Our Military Kids and was selected as one of four honorary “Our Military Kids of the Year.”

Serving our country requires an extraordinary sacrifice from service members and their families. Founded in 2004, Our Military Kids has provided grants to children of deployed military personnel to be put towards fine arts activities, sports programs and academic tutoring.

At the early age of eight, Tristan began taking karate lessons. His primary aspiration was to obtain a black belt by the time his father returned from his second deployment to Kuwait. With the help of a grant from Our Military Kids, and personal determination, Tristan was able to reach this goal. Tristan has also been involved in “Feed My Starving Children,” a distribution program that prepares bags of food for children in need in developing countries. At home, Tristan has demonstrated an unwavering dedication to his family and community. In his father’s absence, Tristan has been diligent about completing household chores and maintains excellent grades in school. As the eldest child, he has set a good example for his younger brother and sister. Tristan possesses great potential, and it will be incredible to see how he applies his talents in the future.

April is the Month of the Military Child, and as such, I would like to take this opportunity to celebrate this special occasion. Mr. Speaker and Distinguished Colleagues, please join me in honoring Tristan for his remarkable achievements.

RECOGNIZING LARRY SHARP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I stand before you today to honor Mr. Larry Sharp, Executive Director of the International Institute/LACASA—IILC, an organization that specializes in assisting individuals with immigration and citizenship concerns. For over 30 years, Larry has devoted his time and efforts to this organization, touching the lives of countless individuals. Mr. Sharp will be honored for his many years of service at an event hosted by the Gary Historical and Cultural Society, Inc., on Saturday, April 9, 2011, at the Genesis Convention Center in Gary.

Founded in 1919, the International Institute’s main purpose was to assist foreign born individuals in their adjustment to American life by providing home visits with bilingual volunteers and workers. Continuing on this path, the organization continued to enhance the services it offered, and the Institute organized the first English classes for the foreign born. In 1945, a major focus of the organization was immigration and naturalization, and in 1958, the International Institute was accredited by the Board of Immigration Appeals to represent in-

dividuals before the Department of Homeland Security. In 2002, the International Institute and LACASA, an organization serving the Hispanic community, merged to form what is now known as the International Institute/LACASA and is also known as the International Community Alliance. Today, the organization’s mission is to “serve and advocate for low and moderate-income immigrants and Hispanics in immigration, naturalization, adult education, youth leadership development, food assistance, confronting domestic abuse, promoting cultural diversity, and fatherhood programs.”

Larry Sharp was born in LaPorte, Indiana, and is a graduate of Ball State University. He joined the Peace Corps in 1969 and was stationed in Peru. There, he learned to speak Spanish and met the love of his life, his wife, Taia Caroll. In 1979, Larry became Executive Director of the International Institute. Since 1982, Larry has been accredited by the Board of Immigration Appeals to represent individuals. Mr. Sharp continues to directly assist numerous people with citizenship and immigration issues daily. Through Larry’s outstanding leadership and incredible passion, the International Institute/LACASA, has become an effective and compassionate program for all immigrants who need support.

Larry’s dedication to the community and his career is exceeded only by his devotion to his amazing family. Larry and his wonderful wife, Taia, have two children, Neil and Taia.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Mr. Larry Sharp as he is honored for his lifetime of service and dedication to foreign born individuals within the communities of Northwest Indiana, Illinois, and beyond. Larry continues to touch the lives of countless people, and for his unselfish, lifelong commitment, he is worthy of the highest praise.

INAUGURAL SPEECH OF PRESIDENT JOE URGO, ST. MARY’S COLLEGE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. HOYER. Mr. Speaker, I submit these inaugural remarks by an outstanding educational leader in Maryland’s Fifth District, Joe Urgo, the new President of St. Mary’s College.

INAUGURAL ADDRESS AS PRESIDENT OF ST. MARY’S COLLEGE—MARCH 26, 2011

(By Joe Urgo)

Thank you, Madame Chair, for your charge to me, which I accept with pleasure and with full knowledge of the weight of responsibility it entails.

Madame Chair and board of trustees, Congressman Hoyer, elected officials and their representatives, academic delegates, alumni,

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

faculty, staff, students, friends, neighbors and family: I want to welcome each and every one of you and thank you for the honor of your company on this day.

It is traditional at this point in the ceremony for the new president to deliver an inaugural address. We're going to do that, but in a different fashion, which I will explain shortly. I'd like my inaugural address to drive home three linked points, and I'll need some help doing so. First, that our past informs our present—we cannot be effective agents of progress or change without an awareness of how we came to be, and of what came before us. On the institutional level, we know that the original St. Mary's school was founded as a monument to freedom and inclusiveness. We may be free, but we are not alone. This brings me to my second link, that none of us exists as an island, even if we are surrounded by water. On a personal level, we open our awareness to full recognition of who worked to clear a path for us to arrive here, on this spot, at this time. And third, to reflect on our work over the past twenty-four hours, at yesterday's symposium, work done by people who love this place and this College, and by whose passion and dedication we shall deliver on the promise of the liberal arts as a public trust.

These are the three links: (1) an acceptance of the ongoing challenge of our profound origins; (2) a shared belief that education is a collaboration; and

(3) the conviction that it is passion that will move us forward. Such is the essence of the inaugural, which is, above all else, a readiness—to be prepared, together, in the fullness of the present, inspired by an old verity: that our love for St. Mary's College will move us to accomplish something fine. Today marks a new beginning, and a reaffirmation.

But first, let's talk about me. Why me? Product of what past, and by whose assistance, have I come to this podium this afternoon? To help answer those questions, and to illustrate that none among us stands alone, I have asked the assistance of George Monteiro, professor emeritus at Brown University, and Cecelia Tichi, William R. Kenan, Jr. Professor of English at Vanderbilt University. These scholars have built magnificent careers, about which you may read in the program.

In 1980, two years after my college graduation and two years into post-baccalaureate wandering, Professor Monteiro agreed to be my graduate school advisor and gave me the idea that I might have an academic career. Some of it was spoken but most of it was in temperament, sensibility, and an assumption of inclusion. I would never have conceived of and completed the PhD without George Monteiro's support—he'll deny it, but that's the kind of support I am talking about.

In 1988, I was three years past receiving my PhD, and in the second of two contingent faculty appointments. That year the English department at Vanderbilt University hired Professor Tichi into a senior level, endowed professorship—a signal accomplishment for her career. I was on a three-year non-tenure track fellowship in the department and would be gone in a year or so—a lowly accomplishment in mine. Professor Tichi became a mentor and guide, and for reasons I am not certain I know, took an interest in me, saw me through difficult early career times, and continued as confidante through the next decade of career decisions.

I have asked George and Cecelia to help me once more, by each taking a portion of the time allotted for this inaugural. They are

but two individuals who have made it possible for me to be here today, as St. Mary's president; many others are in the audience. My undergraduate thesis advisor is one—Haverford professor of political science, emeritus, Harvey Glickman; my collaborator from Bryant University, Roger Anderson, professor of management; my Fulbright host from León, Spain, Professor Manuel Broncano—*qué tal estas, Manolo?*; my former colleagues and good friends from Hamilton College, Art Massolo, Susan Skerritt (of Kirkland College) Karen Leach, Dick Tantillo, Pat Reynolds, Dave Smallen, Ellie Wertimer, William Billiter, and Mary Lyons and Ed Bradley. These kind spirits inform my own—I have them with me all the time; it is an honor to share this installation with them today. I also note the love and support of my parents, Joe & Rose Urgo—although not with us physically, they accompany me today.

I also share this day with my lover, my partner, and my best friend, Lesley Dretar Urgo, as we have shared 28 years of marriage, six job changes for me, at least that many for her, nine household moves—and throughout the day-to-dayness of our marriage, truly a partnership of mind, body, and spirit.

That 28-year partnership produced our son, George Urgo. As every parent knows, we are also the products of our children, who supplant our childhood and replace it with renewed life as a parent. George has been a good friend since 1986, when he was born in Syracuse one day before our health insurance was to expire. His timing has always been dramatic and he has been able to masterfully infuse that quality into his life's passion. It is with a father's pride that I ask his assistance this afternoon. And I could not ask for a more suitable blues rendition on my behalf, as both a representative of my love and of my confidence in the future.

Professor Monteiro will speak first; followed without further introduction by Professor Tichi. Once George has us ready, I'll come back to the podium with my inaugural remarks to follow.

[Remarks were made by George Monteiro, Cecelia Tichi, followed by a musical performance by George Urgo]

[Joe returned to the podium]

To borrow from the cadences of our students, "I do, I do believe, I do believe I am ready to be the president of St. Mary's College"—and yes, I hope you are ready for me!

In the past nine months there has gestated in me a love for this college and a passion for its mission. And now I am ready to talk to you about it.

In the middle of William Faulkner's great novel, *Absalom, Absalom!*, after repeated failures on the part of college students Quentin and Shreve to understand the human motivations behind events they seek to comprehend, Shreve says, "And now we're going to talk about love." At that point, the roommates begin to realize that understanding, unlike regurgitation, demands emotional investment, and more, requires interpersonal, collaborative creativity. Yes, we need data; yes, we need technical skills; yes, we need assessment measures. But none of these processes and admonitions will move us forward without emotionally invested human beings. You have heard from individuals whom I have loved, depended upon, learned from, and in turn, influenced. As the president of St. Mary's College, I pledge to take this model of personal interaction, of investment in collaboration and influence, and make of it the the core value of what we do here—in learning, in teaching, in research

and creativity, in daily work and in the responsibilities we share.

"And now we're going to talk about love." I speak to all lovers of learning, lovers of creativity, and to those who simply love this place. Above all, the liberal arts is about love: human passion, the engine of human emotion behind all of human history. St. Mary's College of Maryland exists in the public trust, offering the love of liberal learning—an impassioned, dedicated, humanistic endeavor—to all segments of society, supported by enlightened individuals in the great state of Maryland. Where many of our nation's finest liberal arts colleges were established as exclusive, private institutions, this one was founded on the principles of freedom and inclusiveness. As St. Mary's College trustee emeritus J. Frank Raley has reminded me, our mission is to provide an elite education that is not elitist. Our classes are for all classes. Please join me in a salute to Mr. J. Frank Raley.

I am cognizant of the work of St. Mary's presidents and principals who have preceded me, visionaries who have guided us from 19th & 20th century seminary to 1960s junior college to 1970s public four-year college—and to today's glimpse into the future, of what will become an "elite" liberal arts education, where "elite" refers to brainpower, not family wealth. I follow men and women of remarkable dedication and courage, and am humbled by their accomplishments. With us today is the man whose vision of a public liberal arts college animates us now as it has for forty years—please help me acknowledge former St. Mary's College President Renwick Jackson.

My goal is to make the academic rigor of an elite residential liberal arts education available to all members of the coming generation who possess the will and the capacity to meet its challenge. At St. Mary's College we do not make class-distinctions for education deemed as "appropriate" to the wealthy as apart from that "appropriate" to the general population. Our mission is to combine the two greatest educational accomplishments of American civilization: public education, and the residential liberal arts college. We seek to be an engine of class mobility, helping to end the cycle of educational deprivation that afflicts too many American families.

Can we do this? Can we sustain this ambition in the face of forces that will urge us to mediocrity, urge us to do something cheaper, easier, something that in the name of efficiency devalues the collaborative, humanistic educational model of the residential liberal arts college? Former trustee, U.S. ambassador, and friend of St. Mary's, Paul Nitze, reflecting on his career, remarked, "I have been around at a time when important things needed to be done." Embedded in that simple, humble statement is an attitude of mind toward one's circumstances. "I have been around at a time when important things needed to be done." Students, faculty, staff members, alumni and friends of the College, there is important work to be done, right here, right now.

With passion and a belief in the rightness of our charge, we find there are important things to be done, and we are around to do them—I feel within me a sense that this College and this community are READY, ready for greatness. At St. Mary's College we are the beneficiaries of one of the world's most beautiful campus locations. Our natural surroundings inspire our quest for sustainable living, ordered by a responsiveness to the future of the land we occupy and the waters

that surround us. In months since arriving here, Lesley and the College community have answered this beauty with human hands, working to create an arboretum on campus, further marking this site as a destination.

The historical project of St. Mary's City reminds us of the significant work done here in the past, and at the same time, warns us with mortality. As well as live and thrive, things die: they perish, they are conquered, they come to an end. Our mission above all else is to embed our ambitions into sustainable systems, so that the future is indebted to us, and not in debt because of us.

At a liberal arts college, "education" is the name we give to intellectual endeavor, to creative expression, and to the perpetuation of these impulses across generations. And now we're going to talk about love. In Faulkner's novel there is a concern that we are too quick to assign to human motivation overtly rational, design-driven origins. One character observes:

Have you noticed how so often when we try to reconstruct the causes which lead up to the actions of men and women, how with a sort of astonishment we find ourselves now and then reduced to the belief, the only possible belief, that they stemmed from some of the old virtues? (Ch 4)

Faulkner called these the old virtues—love, passion, sacrifice—the human qualities that produce what matters to humanity, from the forging of a peace agreement between contending nations, to the assistance offered a stranger in need, to the mentoring of a student, a new colleague, or to the simple preparation for class by professor and student alike.

At St. Mary's College, embedded in our mission and purpose, is the premise that great things will come of following the heart's desire. Learning to love what you do is a signal achievement of a lifetime. Finding the important thing that needs to be done, and investing yourself in that significance, sacrificing for it, and loving where it leads—this is the essence of a liberal arts education. Once immersed in poetry, in history, in science and mathematics, you'll find that passion transferable to careers and communities that will depend upon like-minded, invested human hearts and minds for their perpetuation. And in that process, forty years ahead, the community of 2051 will look back on us and say, "our way was made by the commitments of 2011, and we inherit a college that was loved, nurtured, and cared for by men and women of passion."

It is in this spirit that I ask all of us who work to maintain and advance this college community on the banks of the St. Mary's River to renew our commitment—to providing an academically elite, liberal arts education that is inclusive, public, and accessible; to fostering an egalitarian spirit on campus characterized by collaboration and cooperation, seeking methods of compromise over conquest; to installing procedures and systems, as well as bricks and mortar, that are sustainable beyond our lifetime; to considering future generations to be our partners, not our creditors; to maintaining the liberal arts in the public trust, dedicated to the young people who seek the rigors of a liberal arts education, in whose creative spirit and intellectual audacity we entrust the future of this state, this nation, and the world.

I ask you, gathered here today: Are you ready? Because I am ready—ready for the future of St. Mary's College of Maryland.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—BRANDON ROSS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I serve as an Assistant Scoutmaster for Troop 235 in Plano, Texas. On December 27th through December 31st, I volunteered at Camp Preston Hunt, a Boy Scout winter camp held in Texarkana, Arkansas. I was one of four adults supervising sixteen scouts from my troop. Before we left for camp, I taught the younger scouts how to pack for the week. During the week, one of my duties was to make sure our cabin was neat and organized. I also had to make sure that all scouts attended their merit badge classes. Each morning I was responsible to make sure that they all were dressed and ready for the flag raising ceremony. I taught two different hour long classes fulfilling the requirements and lessons necessary to fulfill the emer-

gency preparedness merit badge. During free time I assisted the scouts with "homework" that was assigned to them in their various merit badge classes. One of my challenges was to keep the scouts busy during their free time. In order to be an Assistant Scoutmaster I had to complete a course in Youth Protection. The course is designed to spot abuse and to help protect adults who assist in scouting, to protect them from being accused of any misdeeds.

—Brandon Ross

RECOGNIZING PAUL HARDING OF ANNANDALE, VA, FOR RECEIVING AAA PRESIDENTIAL LIFE-SAVING MEDAL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize an exceptional young man in my community who has demonstrated wisdom and maturity beyond his years. Paul Hardin of Annandale, Va., is receiving the Presidential Lifesaving Medal, one of only seven being awarded this year, in honor of his duties with the AAA School Safety Patrol program. This award is given annually to patrollers whose brave and selfless actions helped save the life of another person.

Paul is 11 years old and is a fifth grader at Canterbury Woods Elementary School, where his safety patrol post involves two-way vehicle and pedestrian traffic. On February 2, 2011, Paul physically stopped the parent of another student who was about to walk into oncoming traffic with a car within 5 to 8 feet of the crosswalk. His swift, heroic actions prevented a possible tragedy. Paul's family and his safety patrol team at Canterbury Woods Elementary should be proud of his actions and this achievement.

The AAA School Safety Patrol program is a nationwide program active in 31,000 schools with more than 600,000 students who volunteer to keep their fellow students safe before and after school. Through their duties, these students exhibit citizenship, leadership skills, and civic engagement. The AAA School Safety Patrol program pays tribute every year to patrollers who have saved someone's life during the school year. The Presidential Lifesaving Medal is the highest honor a student can receive, and it has been awarded to 392 students since 1949.

Mr. Speaker, I ask that my colleagues join me in recognizing Paul Hardin on receiving the Presidential Lifesaving Medal. I extend my congratulations to Paul, his family and his fellow safety patrollers, and as we say to others in the public safety community, "Stay Safe."

THANKING THE ENGINEER MAINTENANCE COMPANY, 4TH MAINTENANCE BATTALION 4TH MARINE LOGISTICS GROUP

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. TERRY. Mr. Speaker, I rise today to honor the Engineer Maintenance Company, 4th Maintenance Battalion 4th Marine Logistics Group of the United States Marine Corps for their hard work and dedication—both for defending our freedom, and to the Omaha running community.

The Omaha Marathon, in its 30th year, is an institution dedicated to not only health and fitness, but also to helping numerous charities and improving our environment through recycling. On September 26th, 2010, 40 Marines volunteered at the Omaha Marathon, the Half Marathon, and the Ten Kilometer road race.

The Marines lived up to their reputation—going above and beyond what they were asked to do. Prior to the day of the race, the Marine volunteers stuffed packets for the runners, helped set up the course, and prepared a pasta dinner for the competitors.

On race day, the Marines were available for help starting at 3 a.m. and staying until after the race had ended. The Marines provided a color guard presenting the National Colors, set up and tore down hydration stations, and presented medals to the finishers of the races. They truly made a positive impact on the success of the races.

Today, I want to recognize not only the service and sacrifices these brave Marines have given to our country, but their unfailing dedication to the betterment of the Omaha community.

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. SCHRADER. Mr. Speaker, on Thursday, April 7, 2011, I voted to support final passage of H.R. 1363 in error. I do not support the policies or funding levels contained within this piece of legislation, and request that the record reflect my opposition.

DISTINGUISHED HOOSIER TOM ANDERSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. VISCLOSKY. Mr. Speaker, I am honored to stand before you and my colleagues today to recognize Tom Anderson. Governor Mitch Daniels recently named Tom a Distinguished Hoosier, an annual award given to Indiana residents who have excelled in their chosen fields. Tom was selected to receive

this high honor due to his many years of exceptional work with Save the Dunes Council. For his outstanding efforts, Tom will be presented with this award on Saturday, April 9, 2011, at Barker House in Michigan City, Indiana.

Save the Dunes Council was founded in 1952 with the mission to preserve, protect, and restore the Indiana Dunes and all natural resources in Northwest Indiana's Lake Michigan Watershed for an enhanced quality of life. It is one of the most knowledgeable, involved, and valued organizations in Northwest Indiana and beyond. The members of this respected organization continue to devote their time and unrelenting efforts to serve their community through the preservation of the Indiana Dunes National Lakeshore. Tom Anderson has demonstrated an enduring dedication to this organization and its ideals and for his lifelong commitment he is worthy of the highest praise.

From 1992 through 2010, Tom acted as the Executive Director of Save the Dunes Council. A major focus of Save the Dunes Council is to protect the Indiana Dunes through advocacy, education, and lobbying. During his career with Save the Dunes Council, Tom lobbied tirelessly for land protection and resources to fulfill the organization's mission of protecting and restoring natural resources within the Lake Michigan Basin. From 1994 through 2010, Tom acted as the Executive Director of the Save the Dunes Conservation Fund. The Fund protects natural resources through land protection, restoration, watershed implementations, and education. Impressively, Tom helped to increase the Fund's budget from less than \$80,000 in 2005 to over \$1 million by 2009. Presently, Tom continues his efforts with Save the Dunes Council as a member of the Save the Dunes Conservation Fund Land Committee. Tom's undying dedication to conservation has led to him to found Conservation Connections, LLC, a company that strives to implement community-based conservation solutions.

Tom's dedication to the environment, conservation, and his career is exceeded only by his devotion to his amazing family. He is happily married to attorney Joan Wiseman Anderson, and is the proud stepfather of four children who, following his inspirational example, all have become involved with conservation, public service, and resource protection. Tom and Joan have five grandchildren and reside in Michigan City.

Mr. Speaker, Tom Anderson has selflessly dedicated his time and effort to serve his community though his work with Save the Dunes Council. His passionate commitment to improving the quality of life for countless individuals is truly inspirational, and he is deserving of the high honor which has been bestowed upon him. I respectfully ask that you and my other distinguished colleagues join me in commending Tom Anderson on being recognized as a Distinguished Hoosier.

PAYING TRIBUTE TO SERGEANT EDDIE RYAN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to Sergeant Edward (Eddie) Ryan, on the occasion of his retirement from the United States Marine Corps. Sergeant Ryan is an American hero. Eddie, as I have come to know him, personifies the core principles of the Marine Corps—honor, integrity and courage in the face of adversity. In fact, Sergeant Ryan has more courage than I can express through words.

Eddie Ryan started thinking about being a Marine when he was twelve years old. After the terrorist attacks of September 11, 2001, while he was still a senior in high school, his desire to be a Marine became the driving force in his life. Eddie joined the Marines immediately after graduating high school in June 2002. Within a month, he was undergoing basic training, and by September he had begun his first tour of duty in Iraq. After his first tour ended, Eddie came home and began training to be a Marine sniper. He went on to graduate third in his class and soon became a member of Reaper 6, a team of snipers assigned to the 3rd Battalion, 2nd Marine Division. In March 2005, Eddie began his second deployment to Iraq and, only weeks after arriving in that country, tragedy struck. On April 13, 2005, while positioned on a rooftop in Husaybah, the team came under heavy fire. Sergeant Ryan was struck by two rounds and gravely wounded. His fellow Marines rushed to his side and performed life saving first aid.

When the Ryan family was notified of their son's life threatening injuries, they flew to his side in Germany only to be told that it would be a miracle if Eddie survived, let alone talk or remember his family. Eddie proved them all wrong. He not only enjoys his memories but looks forward to creating new ones. He embraces new challenges, like "running" the Marine Corps Marathon, with anticipation. Angela Ryan calls her son the "Miracle Marine" and we all understand why. Eddie not only survived, but for the last five years has worked with determination to be the best he could be—a decorated Marine who still understands honor and integrity; a Marine who has faced adversity and come out a winner.

Mr. Speaker, it gives me great pleasure to recognize the outstanding achievements of Sergeant Eddie Ryan. His courage and determination are an inspiration to us all. The Marine Corps was fortunate to have him among their ranks and we are fortunate to have him in our community. Semper Fi Sergeant Ryan, Semper Fi.

A TRIBUTE TO LESLIE LEWIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. TOWNS. Mr. Speaker, I rise today to pay honor and tribute to Leslie Lewis, who has

been a resident of Brooklyn since 1982 and has served as the President of the 84th Precinct Community Council for nearly two decades.

Mr. Lewis's current duties are to serve as a liaison between his local NYPD Precinct and the Brooklyn community. Every day, Leslie Lewis works tirelessly to communicate the concerns and complaints of my constituents to the district attorney's office and the police. Without his efforts, the people of my district would lack a critical element in the fight against crime and for a better quality of life.

In addition to his recent work in Brooklyn, Mr. Lewis played a behind the scenes role in one of the most iconic events of the Cold War. In the 1950s and 1960s, drawing on his experience in the exposition business, Leslie Lewis set up the famous U.S.-Soviet cultural exchange programs with the assistance of the U.S. Information Agency. This project included the famous "Kitchen Debate" between Richard Nixon and Nikita Khrushchev inside a model of a "typical" American kitchen.

Leslie Lewis is also responsible for the concept of "Job Power," developed as a way to bring employers and urban minorities together. His plan was pitched to the Department of Labor, and he received the thanks of President Nixon for his ideas. Mr. Lewis's concept evolved into the modern day job fair, a now commonly used method to bring job seekers and employers together.

Mr. Speaker, I would like to recognize Leslie Lewis for his extraordinary accomplishments and his commitment.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Leslie Lewis.

IN HONOR OF RIDGE FIRE
COMPANY'S 75TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Ridge Fire Company on its 75th anniversary of selfless dedication and commitment to its community.

This is a great milestone and a considerable accomplishment and I take great pleasure in being able to honor the men and women of the Ridge Fire Company for their dedication and outstanding service.

For 75 years the officers, firefighters, and fire police of Ridge Fire Company have proudly and capably served and protected the thousands of citizens of northern Chester County, including the Townships of East Coventry, South Coventry, East Vincent, Warwick and West Vincent. They have always answered the call to help their neighbors in distress, whether it is putting out a fire, aiding those whose homes have flooded, or rescuing animals.

Mr. Speaker, I ask that my colleagues join me today in recognizing Ridge Fire Company on its 75th anniversary and to honor this exemplary organization for its commitment, dedication, and outstanding history of service to its community.

IN HONOR OF COLONEL DALE
ANDERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. KUCINICH. Mr. Speaker, I stand today in honor of retired U.S. Air Force Colonel Dale Anderson, for his multi-faceted combat tour during WWII and his ongoing dedication to the development of aircraft in the decades that followed.

Mr. Anderson spent the early part of WWII as a test pilot. In 1944, he was deployed to England with, and operated tactically, the first squadron of B-17 aircraft that were developed specifically for use against German V-1 and V-2 rocket launching sites in Normandy. Mr. Anderson personally trained all flight crews of the Eighth Air Force. In 1945, he was assigned to the 99th Bomb Group in Italy, serving as Commander of the 346th Squadron and later as Deputy Group Commander. All told, Mr. Anderson has flown near 40 missions and served to advance the technology that protects our nation and pilots to this day.

Mr. Speaker and colleagues, please join me in honoring Dale Anderson for his valiant service and dedication to advancing aeronautical technology. Lastly, it is no small feat that in addition to his life of service, Mr. Anderson will turn 101 in November, and is still flying!

RECOGNIZING THE 2010-2011 CON-
GRESSIONAL YOUTH ADVISORY
COUNCIL FOR 500 HOURS OF OUT-
STANDING SERVICE TO THE
COMMUNITY—MITCHELL POWELL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

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leash their full potential and chase their dreams.

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A copy of each submitted student summary follows:

For my CYAC project, I volunteered at two places around my TAMS community: the TAMS Tournament and Calhoun Middle School. Through my volunteering for TAMS Tournament, I learned a great deal about the level of responsibility and coordination that is required to run a large event. I donated 9 hours of time to proctor, run, grade, and guide at the event. I met many new people from across the state, and proudly represented my community. Through my volunteering experience at Calhoun Middle School, I learned a great deal about people who do not live under such fortunate circumstances as I have been blessed with. I got the opportunity to meet and work with children who come from rougher areas, and to help these children grow and provide a good example for their future. I also got to give the teachers at Calhoun a hand in their administrative activities. I learned to appreciate my own economical safety, and the lifestyle that that safety implies. These volunteering experiences have helped me become a more active and aware member of my community. I found them both instructive and thoroughly enjoyable.

—Mitchell Powell

INTRODUCTION OF FAMILY MED-
ICAL LEAVE ENHANCEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mrs. MALONEY. Mr. Speaker, at a time when the American people are asking Congress to help create more jobs, it is equally important to put in place policies that create a positive workplace environment. That is why today I am introducing the Family Medical Leave Enhancement Act.

Eighteen years ago, President Clinton signed into law the Family and Medical Leave Act (FMLA, P.L. 103-3), legislation that allows employees to take time off from work to care for a new baby or sick family member. Federal workplace policies have not kept pace with the growing need to fit work commitments with the sometimes conflicting needs of children and elderly parents. This is especially so given the continued increase of women in the workforce. It's time to enhance this landmark legislation.

In our current economic recovery, many families are finding both their budgets and

their time strained. The legislation I introduced today would enhance the FMLA by providing up to 24 hours of unpaid Parental Involvement and Family Wellness leave (during any 12-month period), which will allow parents and grandparents to go to parent-teacher conferences or to take their children, grandchildren or other family members to the doctor for regular medical or dental appointments. The bill also expands coverage to allow employees in companies with more than 25 employees to take family and medical leave.

If we as a country truly value families, then we need new policies and investments that support our working families. I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 249, I was inadvertently detained. I have been a strong opponent of the EPA's push to regulate emissions—a move that would effectively impose an energy tax on already struggling families. I am pleased that H.R. 910 passed the U.S. House decisively and I look forward to its passage in the U.S. Senate. Had I been present, I would have voted "yea."

HONORING THE CARTERSVILLE
PURPLE HURRICANES BASEBALL
CLUB

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GINGREY of Georgia. Mr. Speaker, I am proud to rise today to honor the Cartersville Purple Hurricanes baseball club, which has been named the Program of the Decade by the Georgia Dugout Club and is being honored as such on Monday, April 11th.

Having won 8 Region titles and 5 State Championship titles, what a decade it has been for the Purple Hurricanes. Throughout their reign of dominance, this team has consistently performed at an extraordinarily high level. The Purple Hurricanes won 60 consecutive Region games from 2005–2010, 33 consecutive playoff games from 2001–2004, and 76 playoff games in the decade. They finished the 2007 season ranked number 9 in the Nation by Baseball America, and in 2009 finished ranked number 7 by the USA Today. Many players from this program have gone on to excel at the next level, and 7 Cartersville players have been selected in the Major League Draft during this tenure.

Mr. Speaker, I would like to congratulate Coach Stewart Chester, who has been leading the Cartersville program throughout their decade of dominance, and I ask all of my colleagues to join me in congratulating the Cartersville Purple Hurricanes on this momentous occasion.

IN HONOR OF HAROLD S.
STRATTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. KUCINICH. Mr. Speaker, I stand in honor of Harold S. Stratton for his service to our country in WWII and for his work with engineering outfits in their effort to rebuild parts of Europe following the war.

Harold served with the 9th Armored Division, Company B, 6th Army Infantry Battalion. After crossing the Rhine River and engaging German resistance, Harold was wounded when mortar shells peppered the trees and landscape around his company. After a month long recovery in Liège, Belgium, Harold returned to his outfit which had moved to Czechoslovakia where he served out the end of the war and then began work rebuilding airfields with the engineering core. He was awarded the Purple Heart and is one of three Stratton brothers to serve in WWII along with 1st Lieutenant Royal Stratton and Sergeant Leighton Stratton.

Mr. Speaker and colleagues, please join me in honoring Harold S. Stratton and the Stratton brothers for their collective service to our country and for embodying the character and mettle that has come to define members of our "greatest generation."

THE INTRODUCTION OF THE
"BUSINESS ACTIVITY TAX SIMPLIFICATION ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce, along with Representative BOBBY SCOTT of Virginia, the Business Activity Tax Simplification Act. This bipartisan legislation will provide a "bright line" test to clarify state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of the technology industry and interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the taxing jurisdiction and even though the Su-

preme Court has ruled that the Constitution prohibits a state from imposing taxes on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In order for businesses to continue to become more efficient and expand the scope of their goods and services, it is imperative that clear and easily navigable rules be set forth regarding when an out-of-state business is obliged to pay business activity taxes to a state. Otherwise, the confusion surrounding these taxes will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Previous actions by the Supreme Court and Congress have laid the groundwork for a clear, concise and modern "bright line" rule in this area. In the landmark case of Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a "substantial nexus" with the taxing state. However, the Court did not define what constituted a "substantial nexus" for purposes of imposing business activity taxes.

In addition, over 50 years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose in-state presence was nominal. Public Law 86–272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses' activities involved the solicitation of orders for sales. However, the scope of Public Law 86–272 only extended to tangible personal property. Our nation's economy has changed dramatically over the past 50 years, and this outdated statute needs to be modernized.

The Business Activity Tax Simplification Act both modernizes and provides clarity to an outdated and ambiguous tax environment. First, the legislation updates the protections in P.L. 86–272. This legislation reflects the changing nature of our economy by expanding the scope of the protections in P.L. 86–272 from just tangible personal property to include intangible property and services.

In addition, our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Specifically, the legislation establishes a "physical presence" test such that an out-of-state company must have a physical presence in a state before the state can impose corporate net income taxes and other types of business activity taxes.

In our current, challenging economic times, it is especially important to eliminate artificial, government-imposed barriers to small businesses. Small businesses are crucial to our economy and account for a significant majority of new product ideas and innovation. Small businesses are also central to the American dream of self-improvement and individual achievement, which is why it is so vital that Congress enact legislation that reduces the tax burdens that hinder small businesses and

ultimately overall economic growth and job creation.

Unfortunately, small businesses are often the hardest hit when aggressive states and localities impose excessive tax burdens on out-of-state companies. These businesses do not have the resources to hire the teams of lawyers that many large corporations devote to tax compliance, and they are more likely to halt expansion to avoid uncertain tax obligations and litigation expenses.

The clarity that the Business Activity Tax Simplification Act will bring will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate that frees up funds for businesses of all sizes to make investments, expand interstate commerce, grow the economy and create new jobs.

At the same time, this legislation will protect the ability of states to ensure that they are fairly compensated when they provide services to businesses that do have physical presences in the state.

I urge my colleagues to support this important legislation.

IN REMEMBRANCE OF MARY HOLT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mary Holt, who was a dedicated neighbor to her community and a pioneer for many.

Mary was born Asheville, North Carolina and later moved to the Fremont area in Ohio. She began her career working at a record shop and her skills eventually attracted the attention of the radio station WSRS. She jumped to a different radio station in 1952, and by the end of the decade she worked for multiple radio stations and all three local television networks. Eventually her duties entailed news, fashion, and music.

She was also active in her community. She ran for city council, organized the Black Political Women of Cleveland and a Grandmother's club. She also volunteered in many social organizations. It was not uncommon to find her reading to wounded veterans, or teaching reading and writing at community centers. In recognition of her many accomplishments she was honored with the Trail Blazer Award from the Cleveland chapter of the National Council of Negro Women and was named to the short list of the Plain Dealer's leading African-American Clevelanders.

Mr. Speaker and colleagues, please join me in honoring the life of Mary Holt. Her life was marked by dedication to community and pioneering for both women and African Americans. Her devotion and duty to her community should set an example to us all.

THE NECESSITY TO RECOGNIZE BUDGET REDUCTION STRATEGIES THROUGH REORGANIZATION OF THE DEFENSE BUDGET

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. REED. Mr. Speaker, I rise today to speak about the current debt crisis our Nation faces and a strategy to rein in some significant federal spending, while strengthening our national defense initiatives. A paper written by Mallory Factor, published by Forbes on March 9, 2011, identified a strategy intended to reduce the defense budget. As the defense budget represents nineteen percent of the total federal budget, the cuts would have a significant effect on deficit reduction and highlight our commitment, as a Congress, to the American public that we will leave "no stone unturned" as we work to reduce the total budget deficit.

Mr. Factor's article does not suggest that we take an undiscerning approach to cutting the defense budget, rather "Congress must reconsider the military's mission and what activities it should undertake." In this assessment by Mr. Factor, and supported by myself, there is no indication that American military power be restricted in missions concerning American security. Rather, that auxiliary duties performed by the military (e.g., humanitarian missions, peacekeeping, nation building and disaster relief) ought to be separated from the core mission of the military; to provide for the common defense of our great Nation.

Further, by separating and focusing these mission directives, we will produce a Department of Defense budget that clearly defines where our money is being spent. This will allow for a thorough and honest review of the allocation of such dollars and produce the foundation upon which a responsible debate can be held in this chamber on an issue of our generation, spending and debt.

Therefore all options must be on the table as we, the 112th Congress, have committed ourselves to deficit reduction. For our future, and for the future of our children and grandchildren, it is imperative that we undertake this difficult task in the short term to ensure our Nation's viability for the long term.

IN HONOR OF THE ANNIVERSARY OF THE SLOVENIAN WORKMEN'S HOME

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Slovenian Workmen's Home, an establishment that has been very dear to the Cleveland community for well over 85 years.

The idea of this home first came about on November 10, 1916. The original purpose of the home was to accommodate the various fraternal, cultural, social, and civic activities in which more than a dozen Slovenian groups a

participated. The building was finally completed in 1926 and consisted of an auditorium, recreation hall, library, business offices, and meeting rooms. As the years passed, the establishment began to expand to include a school in 1931, a gymnastic group in 1932 and a junior chorus in 1934; A year after that a bar was added and by 1939 the building had eight bowling alleys.

When the 1940s arrived, the use of the 'Home' changed due to World War II. It opened its doors to the Red Cross, war bond drives and any other program that assisted America's war effort. By the time 1945 came around, 'Home' changed its charter from a corporation to a non-profit organization.

The Slovenian Workman's Home has always been a welcoming location for workers' unions, at one point providing roof and shelter to any of the 23 unions that met on the premises.

As the years passed, the Slovenian Workmen's Home began to be bought out and other establishments began to move in. However, by the 1990s, efforts were underway to recover and restore the remaining area of the original home.

Mr. Speaker and colleagues, please join in recognition of this phenomenal establishment. It has been a consistent part of the fabric of the Cleveland community for many years, and many years to come.

INTRODUCING THE POST 9/11 GI BILL PAYMENT RESTORATION ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Post 9/11 GI Bill Payment Restoration Act.

At the end of the 111th Congress, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377) made changes to the Post 9/11 GI Bill program.

Most of these changes were positive; however, provisions were included to eliminate certain living stipend "interval payments" for veterans using their education benefits.

These interval payments cover periods between academic terms, such as the winter holiday break, that do not exceed eight weeks. They also cover periods when a student transfers between educational institutions if the period between the consecutive terms does not exceed 30 days.

Interval payments also apply if the school is temporarily closed under an established policy based on an Executive Order of the President or due to an emergency situation.

Stopping the payments will put strain on veterans trying to obtain an education.

The Post 9/11 GI Bill Payment Restoration Act would reinstate these interval payments before the benefit cut becomes effective on August 1, 2011 and help veterans and service members in school.

This preemptive action would help veterans continue to receive the living stipends they need while attending school.

We must strongly support those who have served as they attend college. Our service

members earned and deserve their educational benefits. We have a responsibility to keep these benefits worthy of their dedication and sacrifices to the nation.

I urge passage of the Post 9/11 GI Bill Payment Restoration Act.

IN HONOR OF 1ST LIEUTENANT
ROYAL A. STRATTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of World War II rescue pilot, 1st Lieutenant Royal A. Stratton, who died on May 29, 1945, after being mortally wounded while saving 9 crewmembers from a downed B-29. Royal hailed from Ellwood City, Pennsylvania. His love of flying led to his enlistment in the Army Air Corps where he excelled to become one of only a few pilots to wear both Army and Navy wings.

Royal joined the 4th Emergency Rescue Squadron and with his crew of six, would fly off of Iwo Jima and police flight paths searching for B-29 bombers in jeopardy. On the 29th of May, 1945, Royal spotted the crew from a downed B-29 from the 444th Bomb Group, 676th Squadron stationed at Tinian. After landing and taking on the survivors, tragedy struck during take off when a swell broke over Royal's PBY Catalina and tore one propeller off, killing him. The entire contingent of servicemen on Royal's plane that day survived the incident and were picked up by the Lifeguard Submarine, USS *Tigrone*. On May 30, 1945, Royal A. Stratton was commissioned to the sea. By the end of the war, the 4th Emergency Rescue Squadron had amassed over 650 rescues and Royal Stratton was posthumously awarded the Distinguished Flying Cross.

Mr. Speaker and colleagues, please join me in honoring Royal A. Stratton for his selflessness and valor, for putting others before himself in his service of saving the lives of his fellow servicemen.

HONORING ALEXANDER M. SPOON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alexander M. Spoon. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alexander M. Spoon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MS. EUBIE ENRIGHT

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today to pay tribute to Ms. Eubie Enright, a beloved matriarch of the 17th Congressional District, who is celebrating 104 years of life.

Ms. Enright was born to sharecroppers in Metter, Georgia. It was here that she experienced back-breaking work as she planted and raised many crops under the Georgia sun. A young Ms. Enright exuded a tenacity that would later serve her well.

South Florida became home to Ms. Enright more than 50 years ago, when she migrated to Miami with her family. Living and thriving during the civil rights movement, she held several jobs, including housekeeping and cooking in private homes. She said, "I don't care what you have to do, you have to work". Frankly, Ms. Enright understands the investment that must be made for your family and for your community.

Eubie Enright has been a servant of the Lord all of her life. From the time she arrived in Miami she was a Baptist member of a church in Overtown, where she loyally served as an usher for 20 years. In 1960, Ms. Enright became a member of New Providence Missionary Baptist Church, where she joined the choir. She was a choir member for many decades.

We honor Eubie Enright for a legacy of service and inspiration. She credits her Lord and Savior for keeping her well during these last 104 years. Her life is a testimony to each of us. I joyfully celebrate with Ms. Eubie Enright as she continues a purposeful life of love.

HONORING SAWYER A. HANWAY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Sawyer A. Hanway. Sawyer is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Sawyer has been very active with his troop, participating in many scout activities. Over the many years Sawyer has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Sawyer has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Sawyer A. Hanway for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE WORK OF MS. SHARI B. KAPLAN FOR HER EXTRAORDINARY EFFORTS IN ABUSE TREATMENT FOR CHILDREN AND ADULTS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Ms. Shari B. Kaplan for her extraordinary efforts in abuse treatment for children and adults. She has worked tirelessly through her "Can't Tell Foundation" to give hope to victims of domestic and sexual abuse and children who are plagued by bullying. Her foundation has been a pioneer in treatment for victims and relies on several methods to allow victims to cope. Such practices include self-defense, music and movement, Qi Gong and yoga, nutrition, mentoring, improvisational work, meditation, individual therapy, family therapy, group therapy and support.

Ms. Kaplan herself was a victim of bullying and has experienced the personal pain of abuse with her closest family. She was in a horrific bike crash when she was young that left her with physical injuries that ultimately lead to bullying when she was in school. Additionally, her children were victims of abuse at the hands of her nanny's 13-year-old son. Using the wisdom she gained from her own pain and experience in helping her children cope, she went on to help others deal with their pain and create prevention policies against abuse in all its forms. Her more recent goal is to raise 6.5 million dollars to help build a treatment facility in Boca Raton, Florida.

Abuse and bullying has become an epidemic in this country. Suicide is the second major cause of death in teens and young adults ages 13-24. In addition, government statistics show that 32 percent of 12- to 18-year-olds say they have been bullied.

Mr. Speaker, I am proud to recognize and stand with a woman who has decided to stand up against abuse and bullying. Ms. Shari B. Kaplan has truly dedicated herself to this important cause and I wish to give her my full support.

HONORING JAMES AND JEAN
CANTRELL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor James and Jean Cantrell, a couple who have dedicated themselves to their community and each other. The Cantrells were married in Lagrange, Georgia on April 8,

1951, and on Friday, April 8th, 2011 they will celebrate their 60th wedding anniversary.

Mr. Cantrell is the son of the late Elonzo and Bessie Cantrell. Mrs. Cantrell is the daughter of the late Douglas and Jewel Wright. They have four children, eight grandchildren and two great grandchildren. What a wonderful example of family values they represent.

Mr. and Mrs. Cantrell have proven themselves to be dedicated community servants. Both have been deeply involved in positive civic and social activities over the years. Mr. Cantrell served his country faithfully in the United States Army. Mrs. Cantrell started a movement in the 1960's that was called Housewives for Fair Prices. This movement boycotted stores across Georgia that charged exorbitant prices for milk, resulting in lower costs for families.

The Cantrell's have been active in Georgia politics for almost half a century. Mr. Cantrell served as Third Congressional District Chairman for the Democratic Party of Georgia while Jimmy Carter was President. Mrs. Cantrell served as the chairman of the Muscogee County Democratic Committee and the first woman to run for Mayor of Columbus, Georgia.

However, their pursuits of public service and causes have been not just for themselves, but notably for others. When the Governor of Georgia decided to close the Warm Springs Hospital which was the Georgia rehabilitation site and home for the late President Franklin D. Roosevelt, both Cantrells led a petition drive to stop this action. As a result, the Governor changed his mind and the hospital remained open. They started the first St. Jude Children's radiothon in Columbus, Georgia and for 25 years it has been a stellar event, helping to raise millions of dollars for children with cancer.

Moreover, through all of their family and community involvement, they have managed to build and grow a successful business called Action Buildings and Truck Styles. For over 32 years it has been one of the largest outdoor building manufacturing companies in Georgia and Alabama, with a manufacturing plant and 10 retail store locations. This is truly a family business and over the last few years, their four sons and other family have been involved in this enterprise.

Throughout their lives, James and Jean Cantrell have been devoted Christians, attending Temple Baptist Church for many years. Their kindness and generosity exemplify their faith and their lives are truly God's love in action.

Mr. Speaker, I cannot think of another couple who have given so much of themselves to so many than James and Jean Cantrell. I cherish their friendship and support, without which, my own career in public service may never have begun nor survived. Therefore, on the occasion of their 60th wedding anniversary, I am proud to salute them for their dedication to each other, their family, their church, and their community. We are all blessed that they have touched and enriched us all so fully. May God continue to bless them, as they have blessed us, in the weeks, months and years to come.

HONORING ADAM M. ZIMMERMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Adam M. Zimmerman. Adam is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Adam has been very active with his troop, participating in many scout activities. Over the many years Adam has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Adam has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Adam M. Zimmerman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ALETHEIA CHRISTIAN ACADEMY'S BOYS BASKETBALL TEAM AS CHAMPIONS OF THE NATIONAL ASSOCIATION OF CHRISTIAN ATHLETES DIVISION IV

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Aletheia Christian Academy's Boys Basketball team as Champions of the National Association of Christian Athletes Division IV.

Aletheia Christian Academy is a small school, with a total enrollment of 55 students. While they may be small in number, throughout the course of the tournament, they showed their opponents that hard work, dedication and solid fundamental basketball leads to success.

Along the way, Aletheia Christian Academy faced opponents from larger schools in metropolitan areas. In the semifinals they faced Arthur-Okaw, a perennial powerhouse and 14 time national champion from Chicago. Aletheia's victory in the championship game, against Hamilton Heights, was the school's first National Championship, in its 19th year of existence.

Mr. Speaker, on behalf of the United States Congress, I am privileged to congratulate the players, coaches, students, faculty and staff at Aletheia Christian Academy. I am certain that this impressive victory will remain a cherished moment in each of their lives.

THE BATTLEFIELD EXCELLENCE THROUGH SUPERIOR TRAINING (BEST) PRACTICES ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. FILNER. Mr. Speaker, I recently reintroduced H.R. 1417, the Battlefield Excellence Through Superior Training Practices Act, or BEST Practices Act. This purpose of this bill is protect our troops and our missions overseas by improving combat trauma training courses administered by the Department of Defense (DoD). Currently, the DoD commonly employs the use of "live tissue," or anesthetized animals, for the training of medics, corpsmen, and an increasing number of non-medical military personnel. This training is suboptimal due to the vast anatomical differences between the animals involved and humans. The BEST Practices Act requires the DoD to phase in the use of human-based methods, such as medical simulation, as a replacement for live tissue training.

It is clear that the DoD is behind the times on this issue. The same procedures taught in combat trauma training courses are taught in the civilian sector almost exclusively without live tissue training. Instead, these trauma centers and medical schools employ superior human-based methods such as high-fidelity medical simulation to teach our top surgeons and other physicians these crucial, life-saving procedures. Studies from civilian hospitals and medical schools demonstrate that simulation is a superior methodology and that physicians who train on simulators make fewer medical errors than those who train on live tissue. Furthermore, institutions that have transitioned to human-based methods have reported a long-term cost savings.

The BEST Practices Act requires the Department of Defense to phase out live tissue training by 2016, which adheres to the agency's own projections regarding available simulation technology. The length of this timeline is crucial—we must ensure that our troops receive the best training possible, but we must not endanger our troops by rushing the transition. That's why this legislation contains a clause requiring an annual report from DoD to Congress on the progress of the transition.

Please join me in supporting the BEST Practices Act—to ensure our military uses the best and most modern training methods available and that our troops are kept safe and able to succeed in their mission and in their lives.

HONORING THE LIFE AND LEGACY OF TENNESSEE GOVERNOR NED RAY McWHERTER

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to the life and legacy of the second longest serving Speaker of the Tennessee

House of Representatives and the most beloved Tennessee Governor, Ned Ray McWherter. Governor McWherter was born on October 15, 1930 on a small farm in Palmersville, Tennessee. His tenacious work ethic and his ability to understand the problems of working people would lead him to become a revered Tennessee politician and successful entrepreneur as well.

Ned McWherter grew up the son of a sharecropper and went on to work diligently at his family's restaurant, the Hotdog, at a shoe manufacturing company and as a traveling shoe salesman. In 1973, he found Volunteer Express with just two tractors, five trailers and three employees. He grew Volunteer Express to become one of the first LTL niche carriers in the nation by offering second and third day service to and from the East Coast. He also developed the entirety of the state of Tennessee and the surrounding areas into Volunteer Express' marketplace. This coming August, Volunteer Express will celebrate its 38th anniversary.

Although he worked hard throughout his life as a successful businessman, Ned never forgot his rural upbringing nor did he lose his love for everyday working people in Tennessee. McWherter served in the Tennessee National Guard from 1948-1969 and retired with the rank of Captain. In 1968, he ran unopposed to represent the citizens of Weakley County in the Tennessee House of Representatives. After serving only two terms, McWherter challenged the incumbent speaker of the House and won the speakership by one vote in both the Democratic caucus and the full House. He served in that position for 14 years, the longest tenure for a Tennessee Speaker of the House at that time.

In 1986, McWherter ran for governor and unseated Republican Winfield Dunn. Governor McWherter had a progressive agenda that was positively felt across Tennessee and closely watched by governors in neighboring states. As a champion for education and road projects, he put his slogan "Schools plus roads equal jobs" into action. He restructured and grew K-12 public school funding by 49 percent through his "21st Century Schools Program." This program put money directly into classrooms and funded textbooks, computers and more teachers. His "95-County Jobs Program" was the largest road-building program in Tennessee's history. It linked all the counties of Tennessee via four-lane roads and stimulated jobs in rural areas across the state.

Growing up in a lower income family at the height of the Great Depression, Ned understood the challenges hard working families faced when it came to affordable health care. As governor, McWherter revamped Medicaid services in Tennessee to include coverage of more than one million Tennesseans, up from about 800,000. President Bill Clinton noted how Governor McWherter "blazed a trail" with his reform of Tennessee's Medicaid program.

While I served as a Senator in the Tennessee Senate, I was proud to have worked with Governor McWherter on many projects that helped my city, Memphis. Gov. McWherter included funding in the budget he presented to the Tennessee General Assembly for the conversion of the Lorraine Motel,

the site of the assassination of Dr. Martin Luther King Jr., to the National Civil Rights Museum. He supported funding for the Memphis Zoo, a place he visited often as a child and of which he had fond memories. Gov. McWherter was also supportive of the arts, requesting funding for one of the pre-eminent art museums in the Memphis area, the Brooks Museum, where he is memorialized on their wall for his efforts.

Governor McWherter continued his support for education by budgeting money for the University of Memphis to construct a new campus library that provides state-of-the-art access to information technology and is fully accessible to the disabled. In honor of his dedication to their project, the University of Memphis named the library the Ned R. McWherter Library.

During and after his tenure, Governor McWherter served as a confidant to Presidents Jimmy Carter and Bill Clinton. President Carter noted how McWherter was "one of the most effective and finest public servants" he had ever known. President Clinton remembered how Gov. McWherter had a way of calming him down when he was excited and how McWherter's "few blunt words" were invaluable to him while he was in the White House. I remember how McWherter had a way of calming anyone down by simply telling them to "ease along."

Governor Ned McWherter will be remembered for his hard work, his dedication to Tennessee, his many accomplishments and for his down-to-earth nature and ability to connect to with the people he served. He had a charm like no other governor Tennessee has seen. He was blunt and never shied away from the real tasks at hand. He had a witty sense of humor coupled with his own folksy sayings. On the campaign trail, he often joked that all he would need to start the day as Governor was "four vanilla wafers and a cup of coffee."

Governor Ned Ray McWherter passed away on April 4, 2011 at the age of 80. He will be missed by his family and friends as well as the many working and middle class Tennesseans he strove to serve and help. He is survived by his son, Michael Ray McWherter; his daughter-in-law, Mary Jane Wooten McWherter; two grandchildren, Walker Ray McWherter and Mary Bess McWherter; a stepdaughter, Linda Ramsey; and two step-grandchildren, Matthew Ramsey and Brett Ramsey. He was predeceased by his beloved wife, Bette Jean Beck McWherter. Gov. McWherter was a great politician, leader, Tennessean and American. We are lucky to have had him come our way. His was a life well lived.

JASON SALAZAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jason Salazar for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jason Salazar is a 12th grader at Warren Tech North and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jason Salazar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jason Salazar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

ON THE OCCASION OF CONGREGATION B'NAI MOSHE'S 100TH ANNIVERSARY SERVING THE JEWISH COMMUNITY OF SOUTHEAST MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PETERS. Mr. Speaker, I ask my colleagues to rise today to recognize Congregation B'nai Moshe on the occasion of its 100th anniversary of service to the Jewish community of southeast Michigan.

The history of Congregation B'nai Moshe is an excellent example and chapter of the American story. The congregation was founded on September 2, 1911, by nine Hungarian immigrants who came to America to seek new opportunities and to freely practice their beliefs. An integral part of their journey was to form a congregation that allowed them and the 25-30 Hungarian-Jewish families of Detroit to fully practice their traditions and customs. In 1915, after just 4 short years, the Congregation was able to purchase its first shul on Elliot Street near Hastings which served as a house for worship to over 70 families.

Much as America met the call to face unparalleled challenges of the 1930s and 1940s, so did Congregation B'nai Moshe. Shortly after moving to its new home in the Dexter building in 1929, the congregation was faced with the challenge of overcoming the Great Depression. Not only did the congregation survive those economically tumultuous years, it prospered and by 1944 it had paid off the new synagogue's mortgage. Just as the country rose to answer the call to service during World War II, so did the members of B'nai Moshe. Many served in World War II and fought to protect our freedom and liberty.

As the Jewish community in southeast Michigan grew and evolved so did B'nai Moshe; first moving with its members to Oak Park and later to its current home in West Bloomfield. During this period, members of the congregation ensured that the story of the Jewish community in southeast Michigan would forever be set in stone, founding the beginnings of the Jewish Museum of Detroit. Since its arrival at its present location, the congregation has celebrated the construction of many new resources which have enriched the lives of both its members and the greater community.

Mr. Speaker, I am honored to celebrate the 100th anniversary of Congregation B'nai

Moshe with its members and it is my hope that the congregation, just as our great country, will continue to endure into the next 100 years and beyond.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE CHABAD OF PORT WASHINGTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate the Chabad of Port Washington for 20 years of exceptional spiritual leadership and community, the Chabad has been an anchor of welcoming faith—a constant source of spiritual support for anyone who seeks it.

An “unorthodox Orthodox Synagogue,” the Chabad of Port Washington’s membership is a conglomeration of Jews from a wide array of ages, backgrounds, and levels of observance. This diverse membership creates a welcoming atmosphere rich in culture and accessible to every corner of the Jewish community. The Chabad’s unrivaled religious and educational experiences provide a forum for individuals of disparate backgrounds to come together as a single, unified congregation.

The Chabad’s mission focuses on bringing to life traditional Jewish values to promote spiritual growth in a way that is both enjoyable and easy to understand. It is dedicated to promoting wisdom, comprehension, and knowledge of Judaism to both the membership and the broader community. The Chabad provides not only classes focused on a deep and comprehensive understanding of the Torah, but educational opportunities for young Jews experiencing their first exposure to the joys of Hebrew School. This approach to education allows the Chabad to reach out to a broad swath of Jews and create the best opportunities for spiritual growth.

Tonight, the Chabad celebrates its 20 years of good works and pays special tribute to some of the individuals who have made it possible. Adam Katz, the President of the Chabad’s board of directors, will have a new athletic center dedicated in his honor. The celebration also will recognize John Maura, Jr. with the Community Service Award; Chaim (Bryan) Sherman and Dr. Orly Calderon-Sherman with the Community Builders Award; and Alan Schoenfeld with the Chesed Award. Without the contributions of these extraordinary individuals, as well as many others, the exceptional achievements of the Chabad would not be possible.

Mr. Speaker, since 1991, the Chabad of Port Washington has been working tirelessly to educate, enlighten, and support its local community. I am proud to recognize the extraordinary dedication and accomplishments of the Chabad and I ask my colleagues join me in thanks and gratitude for its two decades of tremendous work supporting the community and promoting Jewish faith.

JACOB CISNEROS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jacob Cisneros for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jacob Cisneros is a 10th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jacob Cisneros is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jacob Cisneros for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN MEMORY OF CAROLYN LEAVENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GALLEGLY. Mr. Speaker, I rise in memory of Carolyn Leavens, who passed away this week after a lifetime dedicated to her family and friends, the agricultural industry, and her community.

I have known Carolyn, her husband Paul and their family for more than 30 years. Carolyn was a strong and professional woman whose promotion of agriculture on a local, national and international level, and whose love and service to family and community, were seemingly inexhaustible.

Carolyn and Paul were married for 60 years, and for 25 years she played a key role in office and budget management for Leavens Ranches as it grew from 100 acres of beans to 1,100 acres of citrus and avocado orchards. The operation, founded by Paul’s grandparents and now managed by the fourth generation of family members, ranks as one of Ventura County’s leading citrus and avocado producers and has also expanded into lemon, avocado and wine-grape production in Monterey County.

Carolyn’s involvement in one of the county’s pioneer family farming operations led her to play a leadership role in the agricultural community, at first locally and later on a statewide and international level.

Her accomplishments are too extensive to list here in their entirety, but they include being the founding president of the Ventura County chapter of California Women for Agriculture and CWA’s state president in 1981; a member of the California State Board of Food and Agriculture from 1978 to 1982; a member of the U.S. Department of Agriculture’s Agricul-

tural Women’s Leadership Network from 1983 to 1999, participating in its European Economic Community Tour as an ambassador of the American agricultural industry; and serving as a board member of Volunteers in Overseas Cooperative Assistance and a delegate to the first International Women in Agriculture Convention.

Although she played a prominent role in agricultural affairs, she was perhaps best known at home for her wide-ranging involvement in civic, cultural and political activities.

Again, Carolyn’s civic accomplishments—and the awards bestowed on her to recognize those accomplishments—are too long to list here. But it was her tireless involvement in the decades-long campaign that culminated in establishment of California State University, Channel Islands, that may be her most lasting local legacy. Not only was she integral in establishing the university, her tireless fund-raising and marketing efforts ensured its success. In the words of my friend and former U.S. Representative Robert Lagomarsino when he presented the inaugural CSUCI Lagomarsino Award to Carolyn: “It is hard to think of this campus without thinking of Carolyn Leavens. . . . Today, this University is her hallmark.”

In addition to Paul, Carolyn leaves behind her son and daughter-in-law, J. Link and Sally Leavens; and daughters and sons-in-law, Tina and David Cullenberg, Leslie and Harry Crowe, and Heather and Curt August; eight grandchildren; five great-grandchildren and many other loving family members.

Mr. Speaker, Carolyn left an everlasting mark on our community and will be greatly missed. I know my colleagues join me in sending condolences to Paul, the Leavens family, and their many friends, and in remembering Carolyn for her many contributions and for being a role model for all.

IAN FAULKNER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ian Faulkner for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Ian Faulkner is a 8th grader at Mandalay Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ian Faulkner is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ian Faulkner for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

RECOGNIZING THE 2010 HONOREES OF THE DUNN LORING VOLUNTEER FIRE DEPARTMENT AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in recognition of the Dunn Loring Volunteer Fire Department and the extraordinary men and women who are being recognized for their bravery and service to our community. Every day these individuals along with their colleagues put their very lives on the line to protect our community. These individuals have demonstrated superior dedication to public safety, and it is my honor to announce the recipients of the 2011 Dunn Loring Volunteer Fire Department Awards:

- 2010 Firefighter of the Year—Dan Sweet.
- 2010 EMT of the Year—Zyad Qamer.
- 2010 Officer of the Year—Brad Cochran.
- 2010 Suppression Rookie of the Year—Natalie Potell.
- 2010 EMS Rookie of the Year—Benjamin Bradley.
- 2010 Distinguished Service Award—Lesley Edgemon.
- 2010 Training Award—Justin Miller.
- 2010 Robbie Allen Award—Shannon Marler.
- 2010 Spirit Award—Richard Roatch.
- 2010 Robert J.J. Seane Award—Dan Sweet.

Also being recognized are the following individuals for their years of service to the Department:

- 35 Years of Service—Alan Caldwell.
- 30 Years of Service—Richard Morani.
- 15 Years of Service—Rose-Ellen Eastman.
- 15 Years of Service—Michael Van Dyke.
- 5 Years of Service—Jeremy Arnold.
- 5 Years of Service—Jaime Keith.
- 5 Years of Service—Dan Sweet.

Mr. Speaker, I would like to take this opportunity to congratulate these honorees and to thank all of the men and women who serve in the Dunn Loring Volunteer Fire Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals and saying to them, "Stay safe."

TRIBUTE TO MR. SERGIO SHEARER

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. GONZALEZ. Mr. Speaker, on April 4, 2011, San Antonio lost a great public servant when Sergio Shearer passed away at the age of 71. I ask my colleagues to join me in honoring Sergio Shearer as we celebrate his life, which was highlighted by decades of community service, philanthropy, and leadership.

Sergio Shearer was born on December 4, 1939 to Chita Shearer in Weslaco, Texas. He later married Lucinda S. Leyva and fathered three children, Andrea Rhea Shearer-Lee, Mi-

chael Leyva Shearer, and Kara Kristine Shearer.

He graduated from North Texas University with a degree in Psychology, while simultaneously attending cosmetology school in Ft. Worth, Texas. After serving in the United States Army, Sergio opened a successful and prestigious salon in McAllen, Texas which he operated for over 13 years. In 1976, the Shearer family purchased the Magic Valley College in San Juan, Texas. Through his tireless efforts, Sergio expanded Magic Valley College to become the University of Cosmetology Arts and Science. As a result of Sergio's direction and dedication to educating others, he created five campuses in the Rio Grande Valley and San Antonio, Texas. His efforts have touched the lives of many.

As a leader in the cosmetology industry, Sergio was appointed by Governor Ann Richards to the Texas Cosmetology Commission. He also served as the Vice President of the National Association of Cosmetology Schools, Director of the Texas Association of Cosmetology Schools, and Regional Director of the Interstate Council of State Boards. In 1989, he was inducted into the Pivot Hall of Fame.

In addition to his dedication to the cosmetology industry, Sergio was committed to serving his community. He served as the Chairman of the Edinburg Housing Authority, Board Member of the Hidalgo County Special Olympics, Honorary Member of the Confederate Air Force and as a member of the Order of the Alhambra. Sergio was also an active member of the Knights of Columbus, where he achieved the rank of 4th Degree Knight. Following the loss of his daughter, Kara Kristine Shearer, Sergio cofounded the Kara Shearer Learning Center, which partners with the Edinburg Housing Authority to serve underprivileged children.

Upon his retirement, Sergio moved to the San Antonio area to be closer to his family. A lifelong fisherman, hunter, and accomplished golfer, Sergio was always happiest when he was outdoors.

The City of San Antonio and the State of Texas feel a little emptier now, but we have all lived richer, better lives because of the life of Sergio Shearer. His life may have ended, but his contributions will live on and generations shall enjoy the fruits of his labor.

JESSICA CAMOMILE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jessica Camomile for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jessica Camomile is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jessica Camomile is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their edu-

cation and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jessica Camomile for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

U.S.-KOREA FREE TRADE AGREEMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, last month I had the privilege of visiting the Republic of Korea through their Congressional Member Exchange Program, where I was honored to have a one-on-one meeting with Foreign Minister Kim Sung-hwan so that we could discuss our two countries' mutual interests and bilateral relations.

In addition, I was able to meet with Trade Minister Kim Jong-hoon and a number of members of the National Assembly, as well as to travel to Anyang, which is just south of Seoul. Anyang is a sister city of Garden Grove, one of the larger communities in California's 47th congressional district and the home to many Americans of Korean descent and recent immigrants from Korea.

As co-chair of the Congressional Caucus on Korea, I make a point of paying close attention to the issues that affect U.S.-Korean relations, so making a five-day visit to our ally was productive and informative. I was impressed by how much average Korean citizens know about the United States and how much they care about the continued resilience of the decades-old friendship between our two countries.

If nothing else, I came away more convinced than ever of the importance of ratifying the U.S.-Korea Free Trade Agreement at the earliest opportunity possible. I saw how businesses and consumers in both Korea and the United States will benefit by implementation of the agreement, and it became quite clear that this will take us a long way toward President Obama's goal of doubling U.S. exports by 2014.

What's more, I could see how increasing the already booming trade between the United States and South Korea will enhance our security relationship and improve the stability of the Korean Peninsula and, indeed, of the entire Northeast Asian region.

In the months since the United States and Korea signed their revised and updated Free Trade Agreement last December, the Korean government has approved a similar trade pact with the European Union, which is scheduled to take effect on the first day of July this year. Korea is also negotiating a free trade treaty with Australia, and it already has a volume of trade with China of approximately \$200 billion per year.

I realize there are some who argue that this agreement should be passed as part of a package, along with pending agreements with Colombia and Panama. These arguments may have some merit, but they do not persuade

me that delaying the Korea-U.S. FTA is a good idea.

Mr. Speaker, I would like to encourage my colleagues to move as quickly as possible to ratify the Korea-U.S. Free Trade Agreement as soon as it comes before us for consideration.

JERIT GREENBURG

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jerit Greenburg for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jerit Greenburg is a 8th grader at Moore Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jerit Greenburg is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jerit Greenburg for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING DR. HENRY LEWIS III

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today in support of the groundbreaking achievements of Dr. Henry Lewis III, the twelfth president of Florida Memorial University. Florida Memorial University is South Florida's only Historically Black College and University (HBCU) and the third oldest institution of higher learning in the state of Florida. He has served as Dean and Professor in the College of Pharmacy and Pharmaceutical Sciences at Florida A&M. University (FAMU) for the last 15 years. Dr. Lewis served as Interim President of FAMU from January through June 2002. He also served as Dean of the Texas Southern University College of Pharmacy and Health Sciences for four years.

A native of Tallahassee, Florida, he received his Bachelor of Science Degree in Pharmacy from FAMU and his Doctor of Pharmacy degree from Mercer University. He completed post-doctoral training in the Institute for Education Management at Harvard University, the National Institutes of Health, the Congressional Operations Institute, the American Association of State Colleges and Universities Millennium Presidential Leadership Program and Duke University Directors Program.

President Lewis is an inspiration to many creating history wherever he goes. Dr. Lewis

is past president of the Minority Health Professions Foundation. He is also past president of the Foundation's sister agency, the Association of Minority Health Professions Schools. Under his leadership, these two organizations—representing all of the nations historically black medical, dental, pharmaceutical, and veterinary medical programs—have secured over \$100 million in support of programs, research and activities that improve the quality of education and the availability of health, care to minority and under-served communities. He has served as president of the National Pharmaceutical Association representing more than 10,000 minority pharmacists in the United States. He is the former Chairman of the Board of the Florida Education Fund, the nation's largest producer of African-American PhDs.

An accomplished biomedical researcher with a focus on sickle cell anemia, Dr. Lewis has been the principal investigator or project director on research/training grants totaling over \$95 million. He has served on numerous governmental review committees. He currently serves on the National Center for Research Resources National Advisory Board. He has increased the endowment of the FAMU College of Pharmacy from \$1 million to over \$22 million under his leadership.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the transformative work of Dr. Henry Lewis III. His life story is an example of overcoming obstacles with integrity and leadership. He now continues his work by leading Florida Memorial University. Dr. Lewis is a national treasure, who is very deserving of this recognition.

CELEBRATING THE 50TH ANNIVERSARY OF HOLLIN HALL AUTOMOTIVE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to recognize the 50th anniversary of Hollin Hall Automotive, a family-owned automobile service station in Fort Hunt, Virginia, with a record of both excellent service to their customers and substantive involvement in the local community.

Hollin Hall Automotive was founded on May 1, 1961, by Leon Harvey Sr. and his wife Ruth Ann Harvey. The subsequent success of the Harvey business and their community involvement serve as an inspiration to all in our district. Since the initial investment 50 years ago, Hollin Hall Automotive has witnessed Fort Hunt prosper and evolve from rural farmlands to thriving suburb. The service station has survived the 1973 oil crisis, experienced numerous advancements in technology, and stood the test of time while other businesses came and went. The Harveys have hired many high school students over the years and watched as these same students matured and entered into society as adults.

Mr. Leon Harvey, Sr. is no longer with us but he is survived by his seven sons and his wife who continues to run the cash register to

this very day. Their son, Tom Harvey, has assumed leadership of Hollin Hall and the business which continues to thrive. Even with the backdrop of Fort Hunt's rapid expansion, the Harvey family and employees of Hollin Hall maintain their personal involvement in their ever-growing community.

Mr. Speaker, I ask my colleagues to join me in recognizing the 50th anniversary of Hollin Hall Automotive and the exceptional service it has provided to the Fort Hunt community. We wish the Harvey family and continued success in maintaining their local business.

JACOB MANION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jacob Manion for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jacob Manion is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jacob Manion is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jacob Manion for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

FINDING GOD IN THE MIDST OF SUFFERING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. WOLF. Mr. Speaker, I submit the New York Times obituary of William J. Stuntz, an influential legal scholar, who died last week after a 3-year battle with metastatic colon cancer. He was 52.

I also submit a piece which Mr. Stuntz authored in 2009 for Christianity Today titled "Three Gifts for Hard Times." Christianity Today re-ran the piece this month in honor of Stuntz's passing. In the face of great personal hardship, including chronic pain which plagued him for more than ten years, Mr. Stuntz found tremendous strength in his Christian faith, and wrote of it in ways both compelling and poetic. I commend it to my colleagues.

[From Christianity Today, Aug. 2009]

THREE GIFTS FOR HARD TIMES

(By William J. Stuntz)

Survivors of some horrible plague or battle often find themselves wracked with guilt: Why did I live while so many died? Though I had no battle scars, I used to feel a similar

sense of guilt. I married the only woman I've ever loved. We have three terrific children. I have a secure job that I love and that pays well. Sometimes I would ask God: Why have you been so kind to me? Why have I gotten such an easy life?

I don't ask those questions anymore.

A little over nine years ago, while driving home from a family vacation, my car got a flat tire. When I started to change it, something nasty happened at the base of my back. Ever since, my lower back and the top half of my right leg have hurt. After two operations, dozens of injections, physical therapy, psychotherapy, and thousands of pills, my back and right leg hurt every waking moment, and most of those moments, they hurt a lot. Living with chronic pain is like having an alarm clock taped to your ear with the volume turned up—and you can't turn it down. You can't run from it; the pain goes where you go and stays where you stay. Chronic pain is the unwelcome guest who will not leave when the party is over.

A few months after my back turned south, my family and I moved when I accepted a job at Harvard Law School. Our family began to unravel. One of our children suffered a life-threatening disease, and my marriage fell apart.

Those crises faded with time but left deep scars. Early last year, in February 2008, another piece of bad news struck me: Doctors found a large tumor in my colon; a month later, films turned up tumors in both of my lungs. In the past year, I've had two cancer surgeries and six months of intensive chemotherapy. I've been off chemo for a few months, but I'm still nauseous much of the time and exhausted most of the time. Cancer kills, but cancer treatment takes a large bite out of one's pre-diseased life, as though one were dying in stages. Some of that stolen life returns when the treatment stops. But only some.

Today, my back and especially my right leg hurt as much as they ever have, and the odds are overwhelming that they will hurt for as long as this life lasts. Cancer will very probably kill me within the next two years. I'm 50 years old.

Such stories are common, yet widely misunderstood. Two misunderstandings are worth noting here. First, illness does not beget virtue. Cancer and chronic pain make me sick; they don't make me good. I am who I was, only more diseased. Second, though I deserve every bad thing that has ever happened to me, those things didn't happen because I deserve them. Life in a fallen world is more arbitrary than that. Plenty of people deserve better from life than I do, but get much worse. Some deserve worse and get much better. Something important follows: The question we are most prone to ask when hardship strikes—why me?—makes no sense. That question presupposes that pain, disease, and death are distributed according to moral merit. They aren't. We live in a world in which innocent children starve while moral monsters prosper. We may see justice in the next life, but we see little of it in this one.

Thankfully, God gives better and more surprising gifts to those living in hard times. Three gifts are especially sweet.

REDEEMING CURSES

First, God usually doesn't remove life's curses. Instead, he redeems them.

Joseph's story makes this point. Joseph was victimized by two horrible injustices: one at the hands of his brothers who sold him into slavery, the other thanks to Potiphar's wife, who falsely accused him of attempted rape. God did not undo these in-

justices; they remained real and awful. Instead, God used those wrongs to prevent a much worse one: mass starvation. When Joseph later met with his brothers, he said this about the transaction that started the train rolling: "You meant it for evil, but God meant it for good." That doesn't mean that slavery and unjust imprisonment are good; rather, the point is that they produced good, and the good they produced was larger than the wickedness that was visited upon Joseph. Evil was twisted back on itself, like a gun barrel turned so that it aims at the would-be murderer firing the weapon.

Joseph's story foreshadows the central story of the Gospels. The worst day in human history was the day of Christ's crucifixion, which saw the worst possible punishment inflicted on the One who, in all history, least deserved it. Two more sunrises and the Son rose: the best day in human history, the day God turned death itself against itself—and because he did so, each one of us has the opportunity to share in death's defeat.

That is our God's trademark. Down to go up, life from death, beauty from ugliness: the pattern is everywhere.

That familiar pattern is also a great gift to those who suffer disease and loss—the loss may remain, but good will come from it, and the good will be larger than the suffering it redeems. Our pain is not empty; we do not suffer in vain. When life strikes hard blows, what we do has value. Our God sees it.

A CHANGE IN SUFFERING'S CHARACTER

The second gift is often missed, because it lives in salvation's shadow.

Amazing as the greatest of all gifts is, God the Son does more than save sinners. Jesus' life and death also change the character of suffering, give it dignity and weight and even, sometimes, a measure of beauty. Cancer and chronic pain remain ugly things, but the enterprise of living with them is not an ugly thing. God's Son so decreed it when he gave himself up to torture and death.

Two facts give rise to that conclusion. First, Jesus is beautiful as well as good. Second, suffering is ugly as well as painful. Talk to those who suffer medical conditions like mine and you'll hear this refrain: Even the best-hidden forms of pain and disease have a reality that is almost tactile, as though one could touch or taste them. And those conditions are foul, like the sound of fingernails on a blackboard or the smell of a cornered skunk. Some days, I feel as if I were wearing clothes soaked in sewage.

Some days—but not most days, thanks to the manner of Jesus' life and death. Imagine Barack Obama putting on a bad suit or Angelina Jolie wearing an ugly dress. The suit wouldn't look bad, and that dress wouldn't be ugly. These are incredibly attractive people whose attractiveness spills over onto their clothing, changing its meaning and the way other people respond to it. If Obama or Jolie wear it, it's a good-looking outfit. If they wear it often enough, it becomes a good-looking outfit even when you or I wear it. God's Son did something similar by taking physical pain on his divine yet still-human person. He did not render pain itself beautiful. But his suffering made the enterprise of living with pain and illness larger and better than it had been before. He elevates all he touches. Just as his years of carpentry in Joseph's shop lend dignity and value to all honest work, so too the pain he bore lends dignity and value to every pain-filled day human beings live.

The Shawshank Redemption is about a prisoner convicted of a murder he didn't

commit. That prisoner escapes by crawling through a sewer line until he's outside the prison's walls. The narrator describes the transaction this way: "He crawled through a river of [dung] and came out clean on the other side." God the Son did that, and he did it for the likes of me—so that I, too, and many more like me, might come out clean on the other side. That truth doesn't just change my life after after I die. It changes my life here, now.

THE GOD WHO REMEMBERS

The third gift is the most remarkable. Our God remembers even his most forgettable children. But that memory is not the dry, lifeless thing we feel when one or another old friend comes to mind. More like the passion one feels at the sight of a lover. When Jesus was dying, one of the two convicts crucified with him said this: "Jesus, remember me when you come into your kingdom" (Luke 23:42). Jesus responded by telling him that he would be in paradise that very day. As we use the word remember, that story sounds off, as though the thief on the cross and the Son of God were talking past each other.

The story sounds off because to us, remembrance merely means "recall"—I remember when I connect a student's name to her face, or when I can summon up some fact or the image of some past event. That kind of remembrance is a sterile enterprise, lacking both action and commitment.

In the Bible, remembrance usually combines two meanings: first, holding the one who is remembered close in the heart, and second, acting on the memory. When God repeatedly tells the people of Israel to remember that he brought them out of Egypt, he is saying much more than "get your history right." A better paraphrase would go like this: "Remember that I have loved you passionately. Remember that I have acted on that love. Hold tight to that memory, and act on it too."

Job understood the concept. Speaking with God about what would follow his own death, Job utters these words: "You will call and I will answer you; you will long for the creature your hands have made. Surely then you will count my steps but not keep track of my sin" (14:15-16). Notice how memory and longing are fused. Job longs to be free of his many pains, which occupy his mind like a sea of unwanted memories. God longs for a relationship with Job, and Job knows it: hence, his belief that the Lord of the universe remembers each of his steps. He is the Lover who will not rest until his arms enfold the beloved. To Job, the curses Satan has sent his way are a mighty mountain that cannot be climbed, an enemy army that cannot be beaten. In the shadow of God's love, those curses are at once puny and powerless.

Philosophers and scientists and law professors (my line of work) are not in the best position to understand the Christian story. Musicians and painters and writers of fiction are much better situated—because the Christian story is a story, not a theory or an argument, and definitely not a moral or legal code. Our faith is, to use C.S. Lewis's apt words, the myth that became fact. Our faith is a painting so captivating that you cannot take your eyes off it. Our faith is a love song so achingly beautiful that you weep each time you hear it. At the center of that true myth, that painting, that song stands a God who does vastly more than remember his image in us. He pursues us as lovers pursue one another. It sounds too good to be true, and yet it is true. So I have found, in the midst of pain and heartache and cancer.

[From the New York Times, Mar. 20, 2011]
W.J. STUNTZ, WHO STIMULATED LEGAL MINDS,
DIES AT 52

(By Douglas Martin)

William J. Stuntz, an influential legal scholar known for his counterintuitive insights, who blamed liberal judges, conservative legislators and ambitious prosecutors for what he saw as a criminal justice system that imprisons far too many people, died on Tuesday at his home in Belmont, Mass. He was 52.

His family announced the death, which followed three years of treatment for metastatic colon cancer.

Though Mr. Stuntz, a professor at Harvard Law School, advised public officials and wrote often in the popular press, his greatest influence was with legal scholars. After he burst on the scene in the 1980s with a flurry of fresh ideas and interpretations, "you saw a snowballing of references to him," said Daniel C. Richman, a professor at Columbia Law School.

Justice Elena Kagan of the United States Supreme Court said in an interview Friday that Mr. Stuntz's work was "impossible to pigeonhole," despite his self-professed conservative inclinations.

"What was fascinating about him was that everybody read him and listened to him and took seriously what he said," said Justice Kagan, who worked with Mr. Stuntz when she was dean of Harvard Law School. Scholars came to call his ideas "Stuntzian," she said.

Mr. Stuntz looked at criminal law as a collection of "pathologies," beginning with the Supreme Court's decisions to give greater protections to people charged with crimes. State legislatures responded to those rulings with laws that toughened sentencing and defined crime more broadly, leading to more jail time and more arrests, disproportionately affecting the poor and minorities.

But Mr. Stuntz said the legislatures neglected to appropriate enough money to deal with the added arrests, particularly for public defenders and others paid by the government to defend the indigent. Adding to the focus on the poor, he said, was prosecutors' reluctance to bring to trial people who could afford lawyers and who could employ the new court-ordered constitutional protections.

Prosecutors then used their discretion to negotiate guilty pleas with public defenders. The prosecutors could sift through the broader array of criminal charges and sentences passed by legislators to make deals, taking many of what Mr. Stuntz called "easy guilty pleas."

One result was the sort of paradox he loved to illuminate. "Ever since the 1960s, the right has argued that criminal procedure frees too many of the guilty," he wrote in *The Yale Law Journal* in 1997. "The better criticism may be that it helps to imprison too many of the innocent."

Mr. Richman said Mr. Stuntz believed that an equally worrisome problem was that the essential question of guilt or innocence could get lost. For trials of people who can afford lawyers, questions of procedure can supersede substance. Plea deals made by the poor are often just that—deals—even though the convicted person has to admit guilt.

Mr. Stuntz wrote for newspapers and magazines on issues beyond the law. In an article in *The New Republic* in 2006, he raised liberal eyebrows by saying that government could be more effective in fighting terrorism if it were less transparent and more concerned with protecting its own privacy than that of its citizens.

Carol Steiker, a Harvard law professor, said Mr. Stuntz was not only "considerably to the right of your average Harvard law professor" but also unusual at the university because he was an evangelical Christian. She said he had begun to use the word "mercy" among the "values he thought the criminal justice system should have, but didn't."

Even when applying Christian principles, he had surprises. In one instance he chided Christian conservatives' demand for "originalism" in interpreting the Constitution, wondering why they did not regard this as idolatrous. He said their overwhelming identification with one party, the Republicans, had "poisoned politics in deep ways."

William John Stuntz was born in Washington on July 3, 1958, grew up in Annapolis, Md., and graduated from the College of William and Mary and the University of Virginia School of Law. He clerked for Justice Lewis F. Powell Jr. and taught at the University of Virginia for 14 years.

"He leapt to the top of the field in the early days of his entering the law professor world," said Martha L. Minow, the current dean of Harvard Law School.

Harvard hired him in 2000, and in 2006 he was named the Henry J. Friendly professor. This fall, Harvard University Press will publish his book "The Collapse of American Criminal Justice." Also this fall, Cambridge University Press will publish a book of essays on the implications of his scholarship.

Mr. Stuntz is survived by his wife, Ruth; his children, Sarah Stuntz, Andrew Stuntz and Samuel Cook-Stuntz; his parents, John and Sandy Stuntz; his sister, Linda Adamson; and his brothers, Richard, Michael and David.

Mr. Stuntz wrote extensively about the chronic pain he suffered after a back injury in 1999, saying he felt better after realizing it was futile to dream of being painless. "Hopelessness turns out to be surprisingly good medicine," he wrote.

He kept writing when he was dying of cancer, saying that he found hope in a single passage of the Book of Job. "You will call and I will answer," Job says. "You will long for the creature your hands have made."

Mr. Stuntz wrote, "The concept that God longs for the likes of me is so unbelievably sweet."

ISAIAH VIALPANDO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Isaiah Vialpando for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Isaiah Vialpando is a 12th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Isaiah Vialpando is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Isaiah Vialpando for winning the Arvada Wheat Ridge Service Ambassadors for Youth award.

I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING FORMER U.S. SENATOR
AND AMERICAN WAR HERO, MAX
CLELAND

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. INSLEE. Mr. Speaker, I rise to honor Max Cleland, my friend, former U.S. Senator and an American war hero. Today marks the 43rd Anniversary of the Battle of Khe Sanh. It was there that at the age of 25, he earned the Silver Star and the Bronze Star for valorous action in combat serving America as a U.S. Army Captain in Vietnam.

On April 8, with a month left in his tour, Captain Cleland was ordered to set up a radio relay station on a nearby hill. A helicopter flew him and two soldiers to the treeless top of Hill 471, east of Khe Sanh. When the helicopter landed, Cleland jumped out and was accidentally struck by a grenade blast. The explosion slammed him backward, shredding both his legs and one arm. Due to the severity of his injuries, doctors amputated both of Cleland's legs above the knee and his right forearm.

Max Cleland only became stronger after this devastating experience, and dedicated himself to a life of public service as a United States Senator where he worked to significantly improve the lives of Veterans returning from war. In these ways, he lived in the essence of one of his favorite quotes from Ernest Hemingway "The world breaks everyone, and afterward, many are strong at the broken places."

Max, we are inspired by your patriotism, spirit, and your great achievements to our nation. We only hope that our nation can follow your example and grow stronger at all the broken places.

HUMBERTO BARRIOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Humberto Barrios for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Humberto Barrios is an 8th grader at North Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Humberto Barrios is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Humberto Barrios for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the

same dedication and character in all his future accomplishments.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,259,761,986,879.66.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,625,819,780,017.70 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor Providence Missionary Baptist Church in Thomasville, Georgia, which is celebrating its 104th anniversary on April 10, 2011.

The Providence Missionary Baptist Church was born out of a spiritual need in the Thomasville community. In response to a divine revelation from God, the late Mother Mary Lousia Williams along with other believers in Jesus Christ proceeded to "build a house" for the Lord. Providence began as a prayer house, where it was known as the Providence of God.

Reverend Henry Fennell was the first pastor of Providence of God who served from 1907–1908. He was succeeded by Reverend Robert Raymond who served from 1908–1909. Under Reverend Raymond's leadership, the organizational structure of the church grew from a prayer house into a missionary Baptist church. After Reverend Raymond's superior leadership, Providence Missionary Baptist church has been blessed to have several dynamic pastors including Reverend Frank Martin, Reverend Arthur J. Atkinson, Reverend Eddie S. Sheffield, Reverend James Ceasar Vaughn, Jr., and Rev. Dr. Emory C. Virgil.

For the last 104 years, Providence Missionary Baptist Church has expanded its ministry in the Thomasville community. The church broke ground on a new structure in 1957 and moved into the new location on Magnolia Street a year later. When the new sanctuary opened, the members of the church marched from the site of the old church to the new location and Reverend Atkinson ordained nine Deacons.

Providence Missionary Baptist Church furthered its legacy of giving back to the community in 1980 when it helped establish the Providence Plaza, a low-income residential facility in Thomasville. Reverend Sheffield

helped secure funding for the building through a Community Development Block Grant, and relied on the leadership of the late Deacon Elijah Hill, Jr. Deacon Hill had a proven track record for rehabilitating condemned or abandoned houses, turning them into livable and affordable dwellings for individuals needing low-income housing.

The Providence Plaza is a living testimony that the church is most capable of providing shelter for the homeless. In Matthew 11:28, Jesus gave an instruction to the church when he said: "come unto me all you ye that labour and are heavy laden and I will give you rest."

The church has lived up to its vision statement, "To glorify God, to magnify Christ, and to help somebody" for the last 104 years, The Thomasville community is a better place because of Providence Baptist Church, and on the occasion of its 104th anniversary, it gives me great honor to recognize the church for all its efforts. I thank the church and its congregation for all their many years of service. I hope Providence Missionary Baptist Church will continue to spread the word of God and continue serving the Thomasville community for many years to come. To God be the glory!

JESSE LUCERO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jesse Lucero for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jesse Lucero is a 10th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jesse Lucero is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jesse Lucero for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Ms. MCCOLLUM. Mr. Speaker, reauthorization and reform of the Federal Aviation Administration (FAA) is long overdue, and critical to our nation's future. Between 2007 and 2010, the Democratic House majority repeatedly passed FAA reauthorization legislation—with my strong support—to modernize America's outdated air traffic control system, improve air-

line safety for the traveling public, and create jobs by improving our nation's infrastructure. After years of negotiation, the Senate passed a bipartisan reauthorization bill in February 2011 that meets these criteria.

Unfortunately, the House Republican majority chose not to bring the bipartisan Senate legislation to a vote today. Instead, House Republicans introduced H.R. 658, a different version of the FAA authorization that slashes \$4 billion from needed aviation infrastructure investments. The \$4 billion cut to aviation infrastructure funding would wreak havoc on our nation's aviation industry, which accounts for nearly 11 million jobs and \$1.2 trillion in annual economic activity. Economist Mark Zandi—Senator MCCAIN's economic advisor during the 2008 Presidential campaign—estimates that the cuts made in H.R. 658 to aviation infrastructure will result in the loss of 700,000 American jobs.

In addition to the threat of massive job losses, H.R. 658 includes provisions that roll back worker rights and undermine airline safety. One of these provisions would change existing union election laws for aviation and rail workers so that employees who choose not to vote are counted as "no" votes. Needless to say, if these rules were applied to congressional elections, not a single sitting Member of the House or Senate would have won election. Some House Republicans have joined Democrats in rejecting this anti-democratic policy. Republican Congressman STEVE LATOURETTE offered a bipartisan amendment with Democratic Representative JERRY COSTELLO to maintain union election rules within the National Mediation Board that uphold a very basic democratic principle: the majority of those who vote will determine the outcome of an election. I voted for this amendment and was extremely disappointed it failed due to strong opposition from the Republican caucus.

Another amendment, offered by Representative BILL SHUSTER, eliminates the common-sense proposal by the FAA to set a single standard for the aviation industry regulating how many hours pilots can fly before they are required to rest. This standard is the result of extensive scientific testing. Rep. SHUSTER's amendment would abandon the scientific basis for pilot rest requirements and instead create different levels of safety depending on the segment of the aviation industry. Fatigue affects pilots the same, regardless of the plane they fly or the cargo they carry. I opposed the Shuster amendment but unfortunately it passed despite unanimous opposition from Democratic Members of the House.

Mr. Speaker, Congress must pass a long-term authorization of the Federal Aviation Administration that will improve safety for passengers and pilots, make critical infrastructure upgrades, and modernize this essential sector of our nation's economy. I am disappointed that the House will not vote on such a bill today. Once again, Republican leaders in the House have decided that scoring political points and protecting special interests is more important than our nation's future.

President Obama has said he will veto any bill that does not protect railroad and airline workers' right to a fair election or one that erodes the safety and efficiency of our air traffic. Unfortunately, this bill fails on both counts, and I cannot support it.

JACK TROETSCHEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jack Troetschel for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Jack Troetschel is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jack Troetschel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Jack Troetschel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

COMMEMORATING THE 100TH ANNIVERSARY OF EXTENSION HOME ECONOMICS IN ALABAMA

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. BACHUS. Mr. Speaker, it is an honor to commemorate the 100th Anniversary of Extension Home Economics in the State of Alabama and the important educational role played by home demonstration and county agents throughout our state. Generations of families in Alabama have led better and more self-sufficient lives as a result of home economics programs, which are based on a foundation of teaching consumer and decision making skills that last a lifetime.

The roots of Extension home economics education in Alabama can be traced to the founding of the first Girls' Tomato Clubs in Pike and Walker counties in 1911. The spread of similar clubs demonstrated the great need for homemaker education. Those modest beginnings provided fertile soil for the creation of a statewide Alabama Cooperative Extension Service, which was established as part of the land grant college system. The original staff included a state home demonstration agent.

The Alabama Cooperative Extension Service is known for a number of impressive firsts, including the development of a model program to teach low-income young homemakers and the appointment of the first Negro demonstration agent in Alabama in 1915. Extension workers and citizens in Alabama participated in the "food for defense" program during World War II and their memorable mattress campaign resulted in the completion of more than 500,000 mattresses and 200,000 comforters to support the campaign for liberty.

A hallmark of home economics education in Alabama has been its responsiveness to

changing economic and cultural needs. During the challenging years of the Great Depression, instruction in conservation and wise management of scarce resources helped to tide over many families during difficult times. The post-war years brought a new emphasis on consumer education and sound decision making as women entered the workforce in greater numbers. More recently, lifestyle, health, and technology education has assumed heightened importance. In our complex society, home economics now encompasses everything from health, nutrition, and family life to financial, consumer, and employment matters. The end goal remains the same: creating a wise consumer, a strong family unit, and productive citizens in our communities.

The State of Alabama is fortunate to have an extensive network of cooperative extension agents, university professionals, and elementary and secondary educators dedicated to the well-being of our families. Working seamlessly together, they provide an unparalleled service to the State of Alabama that enhances the quality of family life daily. On the occasion of the special celebratory luncheon being held in Montgomery on April 19 to salute the mission of home economics, it is a pleasure to recognize 100 years of achievement and look forward to a second century of service.

CONGRATULATING MATT HOWARD

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PENCE. Mr. Speaker, I rise today to congratulate Matt Howard and the rest of the Butler University men's basketball team. America watched as the Bulldogs demonstrated hard work and personal sacrifice throughout the NCAA tournament and achieved what many said was impossible. The Dawgs epitomize what the word "team" is all about, and although they did not take home the trophy, they made their state and fellow Bulldogs across the nation proud. As Andrew Carnegie said, "teamwork is the fuel that allows common people to obtain uncommon results."

Matt is one of the Bulldogs I am proud to say is from my district. After leading the state in rebounding his senior year at Connersville high school, Matt chose to attend Butler University. Matt's work-ethic and tenacity on the hardwood translated into the classroom as well where he was named to the Capitol One Academic All-America Team for a school-record 3 years. He was also named NCAA 2010–2011 Division 1 Academic All-American of the year, and he recently received the prestigious Elite 88 Award for the second consecutive year. Matt is a three-time all Horizon League First-Team player, and in 2008–2009 was named Horizon League Player of the Year. He's been named to the Horizon League All-Tournament team for three consecutive years including the tournament's Most Valuable Player in 2010. There is no doubt Matt's talent helped advance the Dawgs to the final game of the NCAA tournament.

What many may not know is the incredible support that Matt Howard has received not

only from his family, but from his community. As one of ten children, Matt grew up in a strong and loving family. When word spread that the Howard family would not be able to attend the Final 4 in Houston, their friends and neighbors donated money to pay for the family's travel expenses. The town raised over \$17,000 and the entire Howard family was able to watch Matt play in-person. Acts of kindness like this from a small East-Central Indiana town never cease to amaze me.

Today I echo the pride of Hoosiers across the state on Butler's strong performance. And I especially congratulate Matt for his leadership and strength of character throughout the tournament.

IN RECOGNITION OF COLONEL
STEPHANIE E. DAWSON SERVICE
AS BRIGADE COMMANDER OF
THE 369TH SUSTAINMENT HAR-
LEM HELLFIGHTERS UNIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. RANGEL. Mr. Speaker, I rise today in recognition of Colonel Stephanie E. Dawson Service as Brigade Commander of the 369th Sustainment Harlem Hellfighters Unit. Col. Stephanie Dawson is the first female officer in New York National Guard history to command a brigade level unit.

Col. Dawson became the Commander of the 369th Sustainment Brigade on October 1st, 2008. Prior to that time, she was the Deputy Commander of the 369th Sustainment Brigade, a position she held for two years. As a Lieutenant Colonel, she commanded the 27th Rear Area Operations Center. Dawson's unit was one of the first New York Army National Guard units to be mobilized in support of Operation Iraqi Freedom in February 2003 and returned in April 2004.

Colonel Dawson also served as Battalion Executive Officer; Support Operations officer; Ammunition Officer; Maintenance Officer; Tank/Automotive Officer; Material Maintenance Management Officer; 42nd Division, Material Management Center; Commander, Headquarters & Light Maintenance Company; Operations Readiness Platoon Leader; and Automotive Maintenance Platoon Leader.

As executive officer for the 369th Corps Support Battalion during the unit's 9–11 activation, she helped spearhead battalion relief, security, supply, transportation, and other logistics support missions for initial Ground Zero operations. Colonel Dawson was credited and acknowledged by her colleagues and company commanders for her quick and decisive response during the 9–11 attacks on the World Trade Center and their aftermath.

Dawson is a 2007 graduate of the Army War College, as well as the Army's Command and General Staff College and the Combined Arms and Services School. She also completed the Support Operations Course; the Senior Transportation Officer Advanced Qualification Course; the Ordnance Advanced Officer Course; the Ordnance Basic Officer Course; and the Academy of Health Sciences (AMEDD) Officer Basic Course.

Colonel Stephanie Dawson's military honors and awards include the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, and the Global War on Terrorism Expeditionary Medal.

In civilian life she is a certified Project Management Professional (PMP) and works for the Chief Operating Officer for the Port Authority of New York & New Jersey where she is the Chief of Staff of Operations, and has previously served as the Assistant Director of Capital Programs; General Manager and Program Manager for Security Systems at the Port Authority of New York & New Jersey.

Prior to joining the Port Authority, she was an Operations Manager in banking and then held a number of positions at the Department of General Services in New York City. Col. Dawson's civilian education includes a Masters in Strategic Studies from the U.S. Army War College, a Masters Degree in Public Administration from Marist College, and a Bachelors of Arts in Economics from Cornell University. Dawson is also a life member of her local Veterans of Foreign Wars Post and 369th Historical Society.

Mr. Speaker, on Sunday, April 10 at 1300 hours, Colonel Stephanie E. Dawson will conclude her service as Brigade Commander of the 369th Sustainment Harlem Hellfighters Unit during the Change of Command Ceremony taking place at the 369th Harlem Hellfighters Armory in my 15th Congressional District. Please join me and a very grateful nation in a special House of Representatives salute and thank you to Brigade Commander Colonel Stephanie E. Dawson for her continued distinguished service to the New York Army National Guard and the United States of America.

The 369th Sustainment Brigade is one of nine such support units in the Army National Guard. A Sustainment Brigade provides command and control for combat service and combat service support units which enable the Army's combat teams to fight by providing fuel, ammunition, medical supplies, repair parts, and medical and other services. A Sustainment Brigade can support from one to 10 brigade combat teams depending on the number of service and support units it controls.

The 369th traces its heritage back to the 15th Infantry Regiment of the New York National Guard, an all African-American unit organized in 1916. In 1917 the regiment was sent to France and renamed as the 369th Infantry, but because American Army officers maintained segregated combat formations, the Soldiers were initially used for supply duties. The French Army, though, was more than happy to have these Soldiers fight for them and in May 1918 the 369th went into the trenches.

Corporal Henry Johnson, a railroad porter from Albany, New York became the first American to win the French Croix de Guerre, when he fought off a German attack on his listening post. During this hand-to-hand combat, Johnson saved another soldier from capture. In tough fighting in France the 369th unit won a regimental Croix de Guerre from the French Army, and 200 individual Croix de Guerre were awarded. The unit also sustained 1,500

casualties and won itself the nickname "Harlem Hell fighters" and the respect of the German opponents and French allies. The 369th saw more frontline service than any other American unit in World War I.

In World War II the unit served as the 369th Anti-aircraft Artillery Regiment, and in the Gulf War of 1991 it served as the 369th Transportation Battalion.

CONGRATULATING CHASE
STIGALL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PENCE. Mr. Speaker, I rise today to congratulate Chase Stigall and the rest of the Butler University men's basketball team. America watched as the Bulldogs demonstrated hard work and personal sacrifice throughout the NCAA tournament and achieved what many said was impossible. The Dawgs epitomize what the word "team" is all about, and although they did not take home the trophy, they made their state and Bulldog fans across the nation extremely proud. As Andrew Carnegie said, "teamwork is the fuel that allows common people to obtain uncommon results."

I am proud to say that many of the Bulldog players hail from my district. One such young man is Chase Stigall. He was a star player at Chrysler High School in New Castle, and he helped lead his team to victory in the Indiana Class 3A state championship. There is no doubt that his talent also helped advance the Dawgs to the final game of the NCAA tournament. I echo the pride of Hoosiers across the state on Butler's strong performance. And I especially congratulate Chase for his leadership and strength of character throughout the tournament.

REMARKS OF CONGRESSMAN JIM
MORAN AT HIS 20-YEAR GALA
CELEBRATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. HOYER. Mr. Speaker, my friend and colleague JIM MORAN gave these insightful remarks at his 20-Year Gala Celebration on March 29th.

CONGRESSMAN JIM MORAN'S SPEECH AT HIS 20-YEAR GALA CELEBRATION—MARCH 29, 2011

I have the best job in the world—representing the best educated, most diverse workforce in the strongest economy in the country.

Of course, there's always going to be a gap between what business can produce and what government can provide. In Northern Virginia much of that gap is filled with the personal generosity of most of you in this room. So, on behalf of the beneficiaries of your generosity, let me thank you again for your unselfishness.

After 65 years of life and 30 years in politics, I've come to realize some things that

may have not been as apparent when I started out. First of all, the tragedy of so many lives I've come into contact with, didn't occur when they drew their last breath, but rather when they dreamt their last dream. The tragedy of life is what we let die inside us while we live.

Societies have many of the same organic qualities as individuals and what strikes me as I speak tonight is that this nation, which our founding fathers intended to serve as the brightest and most moral beacon of hope and enlightenment for all mankind, is in danger of losing its energy and its luster. It's not lights out time, but the light is dimming. Confidence and optimism is giving way to pessimism and cynicism.

The fact that we can't even see our way through to funding the Federal Government is an example of what I'm talking about. Many in today's Congress have said they will not vote to fund our Treasury obligations when we hit our national debt ceiling in a matter of weeks. The seed corn for our future growth—education, Head Start, research and development, roads, rails, clean water infrastructure, environmental preservation, the arts and humanities, are all being cut into the bone in the pending HRI Appropriations Bill.

I'm in this job because I believe deeply in my heart in the American dream and I believe in the essential role of the Federal Government in the fulfillment of that dream.

Government can't and shouldn't try to solve every problem, right every wrong, or even rectify every inequality. Its job is to be a catalyst and a gap-filler and the option of last resort. To do the things that the private sector can't or won't.

For example, the private sector alone can't afford the kind of basic research that DARPA and the National Science Foundation invested in that produced the internet, GPS, the human genome, and cures for so many of our diseases. And if we want to unravel the mysteries of what lies under the sea and above the sky, if we want to find a permanent cure for Alzheimer's and cancer and autism, and if we're going to secure clean, sustainable sources of energy, then the Federal Government needs to be seen as a partner worth the trust and the investment of the American people and its politicians.

The private sector can't finance all our interstate roads and high-speed rail and mass transit systems. The private sector can't fund the infrastructure to separate storm water from drinking water or salvage Puget Sound or the Chesapeake Bay or the Great Lakes. And neither the private sector nor most of the parents of this country can take on the task of educating our future workforce.

Those are inherently governmental responsibilities and we ought not shrink from them.

If we truly believe in the future of this country then we have to be willing to make the investments necessary to ensure that brighter future. That means you don't cut corners on research opportunities, you don't shortchange your transportation systems, and you don't lay off more than 200,000 teachers, as we've done over the last two years, while the number of students has increased by 750,000.

Of course, we have to reduce the deficit and ultimately balance our budget—but you can't fight two wars, expand Medicare and invest billions in our homeland's security with two deep tax cuts.

We're bringing in revenue today that amounts to 15% of GDP. We've never had a

strong, stable, modern economy without investing at least 20% of our GDP in military security and in our domestic physical and human infrastructure. But, as the Bowles/Simpson Commission emphasized, spending at 25% of GDP is just as unsustainable as taxing at 15%.

Our tax code has got to be made simpler and fairer. Warren Buffet is right to ask why his secretary pays 25% of her income while he only pays taxes on 10% of his wealth. And it's fair to ask why Exxon Mobil, GE, NewsCorp, Bank of America, and dozens of other multinational corporations are paying zero taxes to the U.S. during some of their most profitable years, while other corporations with much less profit are paying 35%.

It's not their fault. It's ours in the Congress.

We lose a trillion dollars a year in so-called tax expenditures, much of which can only be justified in a political context. And while I'm an ardent capitalist, I don't think we should be taxing those making \$250,000 a year at the same rate as we tax those making \$25 million a year.

We also have to rein in health care costs. They're crippling our economy. Medicare and Medicaid spending has doubled over the last 25 years as a percent of GDP. It doesn't make sense that we should be living shorter, less healthy lives, while spending twice what any other country is spending on its health care. The reason is that we reimburse for the quantity of services provided, rather than the quality of care needed. Hopefully, the health care reform bill that was fought over so vehemently will fix that.

A couple other things I have come to realize over the last 20 years is that the best social program is a good job and the key to economic prosperity and social stability is a strong middle class. Neither a survival of the fittest society nor a winner-take-all economy is in anyone's long-term best interest.

Carrying on the theme of societies functioning very much like individuals, I think we all have kind of a burning flame inside of us. Some call it our soul or the human spirit, but it does seem as though when we look the other way from the poor, shut our doors to the homeless, close our consciences to the sick and needy, that flame burns less bright, and eventually goes out. . . I think that can apply to our nation as well.

And in that regard, let me say a word about immigration. I just came from a ten-day trip to Colombia, Panama, Guatemala, and Mexico City. The Chinese, Canadians and Europeans are all filling the gap in Colombia and Panama left by our inability to reach a deal with them—a free trade deal that primarily lowers their tariffs on our goods and services.

But in Guatemala, fully half the population is stunted from malnutrition and crime is so pervasive a young person is more likely to be shot in a crime than to study in a college. In Mexico, 97% of the crimes committed are never prosecuted. The kids go to school for only four hours a day, but only 13% of their teachers can pass a high school equivalency exam.

What would you do as a parent in a situation like that? I think I know what you would do, because it is exactly what I would do for my own children—you would risk everything to pursue your dream of a better life for your kids. And that's exactly what the bravest, boldest and most entrepreneurial do.

And it is because people from all over the world have made that decision to come to America for the same reasons our ancestors

did, that we've been able to constantly renew and reinvigorate our population and our workforce. That's why I'm a cosponsor of a bill that makes the highest achieving children of immigrants eligible for college, regardless of their parents' status and why I support the bill that requires English fluency, civics knowledge, paid-up back taxes, and no criminal record to get in the back of the line for citizenship. That's what they say amnesty is all about. I think it's what America is all about.

And finally—Libya. Who among you, if you saw a well-known bully beating up on defenseless people with a tire iron, wouldn't grab that tire iron out of his hands?

Gaddafi is not Mubarak of Egypt or King Hussein of Jordan, or President Saleh of Yemen or the Khalifa family of Bahrain. He's a truly bad guy. He's using foreign mercenaries to torture and kill his people, who I believe just want some semblance of dignity, opportunity and human rights. Human rights that their peers throughout the Middle East are now willing to risk their lives for. President Obama has done the right thing by leveling the playing field.

The reason we've made the extraordinary investments we've made to create the strongest, smartest military in the world is to make this a better, safer world for everyone, and in so doing, to insure a more peaceful world for ourselves.

And when we seize the moral high ground, we will always win not just the battle, but the war of ideals and values. Those same values and ideals motivated my father to serve in World War II and to take advantage of the GI Bill and to save and sacrifice to get all seven of his children through college, and it's why I'm so genuinely humbled by the idea that I've been able to serve in the U.S. Congress for the last 20 years—and why I am so deeply grateful to all of you for affording me that opportunity.

Thank you.

CONGRATULATING EMERSON KAMPEN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PENCE. Mr. Speaker, I rise today to congratulate Emerson Kampen and the rest of the Butler University men's basketball team. America watched as the Bulldogs demonstrated hard work and personal sacrifice throughout the NCAA tournament and achieved what many said was impossible. The Dawgs epitomize what the word "team" is all about, and although they did not take home the trophy, they made their state and Bulldog fans across the nation proud. As Andrew Carnegie said, "teamwork is the fuel that allows common people to obtain uncommon results."

Emerson Kampen is one of the Bulldogs I am proud to say is from my district. Emerson starred at Yorktown High School where he was named Honorable-Mention to the Indiana Basketball Coaches Association All-State team as a senior. There is no doubt Emerson's talent helped advance the Dawgs to the final game of the NCAA tournament. I echo the pride of Hoosiers across the state on Butler's strong performance. And I especially congratulate Emerson on his leadership and strength of character throughout the tournament.

HONORING LIEUTENANT GOVERNOR JENNIFER CARROLL

HON. FEDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize the impressive accomplishments of Florida's 18th Lieutenant Governor, Jennifer Carroll. Lieutenant Governor Carroll is married to Nolan Carroll of Miami and they have three children, Nolan II, Nyckie and Necho. She was a state legislator for over seven years, a small business owner, former Executive Director of Florida Department of Veterans' Affairs and a Navy veteran.

Lieutenant Governor Jennifer Carroll was born in Port of Spain, Trinidad West Indies. She emigrated to the United States as a young child and served her adopted nation honorably and with distinction. Lieutenant Governor Carroll has always possessed an adventurous spirit and harbored a desire to expand her horizons and explore the possibilities of the world around her. Lieutenant Governor Carroll enlisted in the United States Navy in 1979 rising from the ranks of an enlisted jet mechanic to retire as a Lieutenant Commander Aviation Maintenance Officer after 20 years. During her time in the Navy she was awarded numerous awards that include: Navy "E" Good Conduct Ribbon, Meritorious Service Medal, two Navy Commendation Medals, two Navy Achievement Medals, two Sea Service Ribbons, National Defense Service Medal, two Coast Guard Special Operation Ribbons, and an Expert Pistol Medal.

In the years that followed, this bright and determined woman worked tirelessly to graduate from the University of New Mexico with a B.A. in Political Science and received her M.B.A. from St. Leo University. Bold and fearless, Lieutenant Governor Carroll moved to Florida in 1986 and started a business named 3N. & J.C. Corp. She ran for the Florida House of Representatives in 2003 and after winning she became the first African American female Republican elected in the Florida Legislature's history. A documented trailblazer, she was appointed Deputy Majority Leader from 2003–2004 and served as Majority Whip from 2004–2006. She chaired the Finance Committee from 2006–2008 and chaired the Economic and Development from 2008–2010. She was awarded the Florida Chamber of Commerce Honor Roll consecutively since 2004, Faith and Family Award from the Christian Coalition of Florida Committee, 2005 and 2008, Florida Veterans Service Officers Association, Legislator of the year 2009 and Federated Retail Association Representative of the Year 2010.

It is unquestionable that Lieutenant Governor Carroll's career successes, including her recent ascension have come with much sacrifice, but have been well-deserved. I ask my colleagues to join me in recognizing the accomplishments of Lieutenant Governor Jennifer Carroll. I wish Lieutenant Governor Jennifer Carroll continued success for the future.

HONORING JOHN C. KOSTOLANSKY,
SR.

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. REED. Mr. Speaker, I rise today to honor the life of former Corning Mayor John C. Kostolansky, Sr., who passed away on March 27.

John began working at Corning Glass Works in 1940, a company with whom he stayed until his retirement in 1988. During this time, he also served on the Corning Painted Post School Board, spending 2 years as President and 4 years as Vice-President.

John was no stranger to Capitol Hill. He served my district honorably as Treasurer to U.S. Representative Amo Houghton for 8 years. John then served as Mayor of Corning from 1989 to 1991, where he was responsible for appointing a Blue Ribbon Commission to bring the city out of its deep financial problems. His vision and ability to make tough decisions should be an example to all public servants.

John was one of the most hardworking men I knew. There really was no part of the Corning community he didn't touch. He was involved in so many organizations, groups, and causes, I could not possibly name them all.

Because of his active role in making Corning the wonderful place it is today, he will be sorely missed by all of us who call Corning home.

I thank John for his service, and the precious mark he has left on the 29th Congressional District of New York.

CONGRATULATING ZACHARY HAHN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. PENCE. Mr. Speaker, I rise today to congratulate Zachary Hahn and the rest of the Butler University men's basketball team. America watched as the Bulldogs demonstrated hard work and personal sacrifice throughout the NCAA tournament and achieved what many said was impossible. The Dawgs epitomize what the word "team" is all about, and although they did not take home the trophy, they made their state and Bulldog fans across the nation extremely proud. As Andrew Carnegie said, "teamwork is the fuel that allows common people to obtain uncommon results."

I am proud to say that many of the Bulldog players hail from my district. One such young man is Zachary Hahn. He was a star player at Chrysler High School in New Castle, and he helped lead his team to victory in the Indiana Class 3A state championship. There is no doubt that his talent also helped advance the Dawgs to the final game of the NCAA tournament. I echo the pride of Hoosiers across the state on Butler's strong performance. And I especially congratulate Zachary for his lead-

ership and strength of character throughout the tournament.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—KAITLYN HEBIG

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010-2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H. W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010-2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

For the CYAC in the Community Service Project, I participated in 3 separate projects for a total of 13 hours. My first project was on Thanksgiving morning for 6 hours. My brother, dad, and I arrived at the Meals on Wheels center at 7:00 a.m. We packed and distributed coolers of food. For the leftover coolers, my dad and I drove a route and delivered them. My next service project was Adopt-A-Family at Jesuit. My family was assigned an underprivileged family to buy Christmas gifts for and we were asked to

wrap them. The family we were assigned was 6 people total and it was our job to help them out and buy gifts off their Christmas lists to make their holiday special. Buying the gifts took weeks but once they were all collected, we met at Jesuit and wrapped all of the gifts. My last service project was for the Notre Dame School of Dallas, a school for kids with mental disabilities and/or social disorders. Jesuit hosted a dance for them and I helped set up, dance, then clean up for 3 hours. It was great to see the smiles on the faces of the people I helped out and I had fun doing my service projects.

—Kaitlyn Hebig

INTRODUCTION TO H.R. 1443, H.R. 1444, AND H.R. 1445

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 8, 2011

Mr. BROWN of Georgia. Mr. Speaker, today, I introduced H.R. 1443, H.R. 1444, and H.R. 1445, which would protect our Second Amendment rights and expand hunting and fishing access for all Americans.

Over the past several years, our federal government, some states, anti-hunting, and anti-Second Amendment forces have made moves to ban lead hunting and fishing products. Unfortunately, the arbitrary desire to regulate lead hunting and fishing products is not based on a full and rigorous scientific analysis of exactly what—if any—hazards lead bullets, shot and sinkers may pose to wildlife populations, the environment, as well as hunters and anglers.

Banning lead ammunition and fishing products in favor of non-lead or non-toxic products would be much more expensive to produce and represents an unfair financial burden on hunters and anglers. The excise taxes on ammunition, firearms, and fishing tackle contribute billions of dollars each year for conservation projects throughout the country. Any actions to ban lead products will likely discourage people from hunting and fishing—especially in these difficult economic times and decrease revenue into the Pittman-Robertson and Dingell-Johnson funds that are the keystone for financing state conservation efforts.

H.R. 1443, the Outdoor Sports Recreation Act, would prevent the Departments of Interior and Agriculture from prohibiting or limiting, based on material content, the use of any traditional hunting and fishing implement on federal public lands. This legislation would also deny any funding or revenue apportionment under the Pittman-Robertson Wildlife Restoration Act or the Dingell-Johnson Sport Fish Restoration Act to any state or territory that prohibits or restricts, based on material content, the sale or use of any traditional hunting and fishing implement. In addition, it would prohibit the Environmental Protection Agency (EPA) from regulating, based on material composition, any type of firearm ammunition or fishing tackle.

H.R. 1445 only focuses on the EPA. It simply restricts the EPA from regulating, based on material composition, any type of firearm ammunition or fishing tackle.

Finally, H.R. 1444 expands hunting on our vast federal lands. Hunting is already permitted on most Bureau of Land Management and U.S. Fish and Wildlife Service lands. This legislation would simply require that hunting

activities be considered as a land use in all management plans for federal land, to the extent that it is not clearly incompatible with the purposes for which the federal land is managed.

I believe these three bills can play an important role in protecting our Second Amendment rights and help expand hunting and fishing access for all Americans.

HOUSE OF REPRESENTATIVES—Monday, April 11, 2011

The House met at 11 p.m. and was called to order by the Speaker pro tempore (Mr. YODER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 11, 2011.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, reward with Your blessing and longstanding grace all those who have served and continue to serve in this respected Chamber of the United States House of Representatives.

Together with the Honorable Members and their personal and committee staffs, we beg Your blessing upon the parliamentarians, the clerks, pages, cloakroom and security personnel who work on this floor. They keep this noble institution functioning for the working of government and the good of the Nation.

Lord, these Your committed servants are proven faithful witness to history in the making and silent witness to Your Divine Providence guiding and protecting Your people both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. AMASH) come forward and lead the House in the Pledge of Allegiance.

Mr. AMASH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON H. CON. RES. 34, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012

Mr. AMASH, from the Committee on the Budget, submitted a privileged report (Rept. No. 112-58) on the concurrent resolution (H. Con. Res. 34) establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021, which was referred to the Union Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0145

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 45 minutes a.m.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon today for morning-hour debate.

There was no objection.

Accordingly (at 1 o'clock and 46 minutes a.m.), under its previous order, the House adjourned until today, Tuesday, April 12, 2011, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1188. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Ferric Ethylenediaminetetraacetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0097; FRL 8867-7] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1189. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mancozeb; Pesticide Tolerances [EPA-HQ-OPP-2005-0307; FRL-8864-1] received March 29, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

1190. A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule — Indaziflam; Pesticide Tolerances [EPA-HQ-OPP-2009-0636; FRL-8864-3] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1191. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting 2010 annual report on the use of the authority to pay for meals sold by messes for United States Navy and Naval Auxiliary Vessels, pursuant to Public Law 110-417, section 1014(c) (122 Stat. 4586); to the Committee on Armed Services.

1192. A letter from the Under Secretary, Department of Defense, transmitting authorization of Brigadier General Norman J. Brozenick, United States Air Force, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

1193. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert E. Durbin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1194. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's thirty-third annual report summarizing actions the Commission took during 2010 with respect to the Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

1195. A letter from the Chairman, National Labor Relations Board, transmitting the Board's FY 2010 Buy American Act report; to the Committee on Education and the Workforce.

1196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State of California; Request for Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards from Dry Cleaning Facilities [EPA-R09-OAR-2010-0680; FRL 9283-6] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nevada; Determination of Attainment for the Clark County 8-Hour Ozone Nonattainment Area [EPA-R09-OAR-2011-0169; FRL-9286-8] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Rome; Determinations of Attaining Data for the 1997 Annual Fine Particulate

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Standard [EPA-R04-OAR-2010-0798-201048; FRL-9288-8] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1199. A letter from the Director, Congressional, Legislative and Intergovernmental Affairs, Federal Election Commission, transmitting revisions to the disclosure forms used by Presidential campaigns to report campaign finance activity; to the Committee on House Administration.

1200. A letter from the Public Printer, Government Printing Office, transmitting the Office's annual report for fiscal year 2010; to the Committee on House Administration.

1201. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-1156; Directorate Identifier 2010-NM-128-AD; Amendment 39-16622; AD 2011-05-12] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0154; Directorate Identifier 2011-NM-016-AD; Amendment 39-16624; AD 2011-05-14] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1203. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2010-0679; Directorate Identifier 2009-NM-179-AD; Amendment 39-16621; AD 2011-05-11] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1204. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2010-1198; Directorate Identifier 2010-NM-145-AD; Amendment 39-16623; AD 2011-05-13] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1205. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited model ATP Airplanes; BAE SYSTEMS (Operations) Limited Model HS 748 Airplanes [Docket No.: FAA-2011-0150; Directorate Identifier 2010-NM-100-AD; Amendment 39-16619; AD 2011-05-10] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1206. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2, AS 365 N3, and SA-365N1 Helicopters [Docket No.: FAA-2010-0781; Directorate Identifier 2007-SW-49-AD; Amendment 39-16590; AD 2011-03-06] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1207. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No.: FAA-2010-1296; Directorate Identifier 2010-CE-063-AD; Amendment 39-16625; AD 2011-06-01] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines [Docket No.: FAA-2010-0960; Directorate Identifier 98-ANE-09-AD; Amendment 39-16620; AD 98-09-27R1] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2010-1099; Directorate Identifier 2010-CE-054-AD; Amendment 39-16610; AD 2011-05-01] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Allieg Ag Cat Productions, Inc. Models G-164, G-164A, G-164B, G-164B With 73" Wing Gap, G-164B-15T, G-164B-34T, G-164B-20T, G-164C, G-164D, and G-164D With 73" Wing Gap Airplanes [Docket No.: FAA-2011-0149; Directorate Identifier 2011-CE-001-AD; Amendment 39-16616; AD 2011-05-07] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 airplanes [Docket No.: FAA-2011-0054; Directorate Identifier 2010-CE-070-AD; Amendment 39-16582; AD 2011-01-53] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No.: FAA-2010-0594; Directorate Identifier 98-ANE-43-AD; Amendment 39-16604; AD 2011-04-04] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2010-0951; Directorate Identifier 2007-NM-107-AD; Amendment 39-16608; AD 2011-04-08] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.) Model DHC-3 Airplanes [Docket No.: FAA-2010-1192; Directorate Identifier 2010-CE-020-AD; Amendment 39-16611; AD 2011-05-02] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1215. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No.: FAA-2010-0594; Directorate Identifier 98-ANE-43-AD; Amendment 39-16604; AD 2011-04-04] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1216. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting proposed language to extend and amend the Cultural Property Implementation Act, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

1217. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's first quarter report for fiscal year 2011 from the Office of Security and Privacy; to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 1217. A bill to repeal the Prevention and Public Health Fund (Rept. 112-57). Referred to the Committee of the Whole House on the State of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. House Concurrent Resolution 34. Resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2012 through 2021 (Rept. 112-58). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROGERS of Kentucky:

H.R. 1473. A bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H. Con. Res. 35. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACK (for herself and Mrs. ROBY):

H. Con. Res. 36. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment

of H.R. 1473; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H. Res. 217. A resolution supporting the goals and ideals of Global Child Nutrition Month; to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROGERS of Kentucky:
H.R. 1473.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. DOGGETT.
H.R. 198: Mr. PIERLUISI and Ms. RICHARDSON.

H.R. 459: Mr. AUSTRIA.
H.R. 613: Mr. DUNCAN of Tennessee.
H.R. 661: Mr. COBLE.
H.R. 965: Ms. CLARKE of New York, Mr. COHEN, and Mr. WU.
H.R. 1195: Ms. ROS-LEHTINEN, Mr. MARINO, and Mrs. EMERSON.
H.R. 1281: Mr. BURTON of Indiana.
H.R. 1397: Mr. CARNAHAN, Mr. JOHNSON of Georgia, and Mr. CARSON of Indiana.
H.R. 1469: Mr. HASTINGS of Florida and Ms. BORDALLO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY
H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE LEWIS CHAPEL MISSIONARY BAPTIST CHURCH ON THE OCCASION OF ITS CENTENNIAL CELEBRATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 2011

Mr. KISSELL. Mr. Speaker, I rise today to recognize the 100th anniversary of the Lewis Chapel Missionary Baptist Church in Fayetteville, North Carolina. I ask my colleagues to please join me along with the church's pastor, Rev. John D. Fuller, Sr., and his nearly 4,000 parishioners, in celebrating this significant milestone. In honor of the occasion, I would like to submit into the CONGRESSIONAL RECORD a detailed historical overview provided by Lewis Chapel chronicling the church's incredible growth throughout its many years of spiritual service to families in Fayetteville and throughout the world:

A HISTORY OF LEWIS CHAPEL MISSIONARY BAPTIST CHURCH

During the early 1900s, a small group of devout believers began meeting in a small one-room building located near the present Cape Fear Valley Medical Center. This one-room building was used at that time as a school for the training of Negro children in this area for a period of 6 months during the year. This group of believers felt a burning desire for spiritual food at least once a week. They obtained permission to start a Sunday School class in this building where they could assemble each week to study God's word. Foremost in this endeavor were three young men who were cousins from Pender County—Mr. Seavy Lewis, Mr. Henry McAllister, and Mr. Andrew "Jack" Newkirk.

In the year of our Lord, 1911, these three cousins were instrumental in organizing the Lewis Chapel Missionary Baptist Church. The church was named in honor of Mr. Seavy Lewis. Rev. William McGuire was called to serve as the first pastor of the church and he served from 1911 to 1913. The church united with the Middle District Association and remained with this association for more than sixty years. It was under the leadership of Rev. McGuire that the first deacons were ordained. They were Brothers McAllister and Lewis. Brother Newkirk served as the first superintendent of the Sunday School with Sister Hattie McAllister and Rev. Dock Gerald as the first teachers.

Brother Clarence Bridges served as the first sexton (janitor) and Rev. Dock Gerald was the first Church Clerk. Working diligently along with this courageous group were sisters Minnie Lewis, Annie Liza McAllister, and Hattie McAllister. They were now officially ready to move forward in the business of saving souls.

Rev. William Rome became pastor in 1913, serving until 1917. During this period, the church purchased some real estate in the Seventy-First Township on Highway 401 South. Rev. W.M. Boykin served as pastor

from 1917 to 1921. It was during this period that church members and friends put their means together and donated materials to erect the first Lewis Chapel Church building. It was located on the site of the present church offices.

In 1932, a fire destroyed the church structure and services were temporarily held at a nearby elementary school. Soon a second sanctuary was erected on the original site, using the proceeds from the church's insurance, along with contributions from members and friends.

In May 1937, the Rev. Robert L. Carr of Rose Hill, North Carolina was called to pastor Lewis Chapel Missionary Baptist Church, a position he held until September 1973. A father figure to many and a man of great insight, he encouraged home ownership and education. With Rev. Carr's guidance, a vestibule, two classrooms and stained glass windows were added to the structure. Outdoor bathrooms and heating were installed.

During Rev. Carr's tenure many organizations were established, including the Home and Foreign Missionary Circle, the trustees and several choirs.

On June 29, 1973, the Rev. R.L. Carr resigned so that the church might secure a full-time pastor. On July 19, 1973, the deacons and trustees recommended to the church conference that the Rev. John D. Fuller, Sr. become the church's eighth pastor. Rev. Fuller assumed that responsibility on the third Sunday in November 1973.

For 38 years Rev. John D. Fuller, Sr. has shepherded the congregation and guided the members in understanding the biblical concepts of tithing and giving offerings. These sound practices have led to the building of two sanctuaries, the first in 1975 and the second in 1992. Offices and educational wings have also been constructed.

The church has built a 47-unit senior citizens complex and a recreation athletic complex. Both complexes serve the community. A new ministry site established as Lewis Chapel-West was planted in Raeford, North Carolina in June 2009.

Lewis Chapel Missionary Baptist Church has been supportive of young congregations and has undergirded First Spanish Missionary Baptist Church, Fayetteville, North Carolina and Manna Fellowship Baptist Church, Spring Lake, North Carolina.

True to the word "missionary", Lewis Chapel Missionary Baptist Church has sent missionaries abroad, including South Africa and Liberia, Africa.

Over 4,000 persons hold membership in Lewis Chapel Missionary Baptist Church. Members understand that Salvation by God's grace should be followed by compassion and good works. Through the years, God has blessed this church to engage in diverse ministries that advanced the "Cause of Christ" on local, state, national, and international levels.

Needs of the hungry, thirsty, stranger and naked have been addressed. For example: Lewis Chapel responded promptly and generously to those distressed by Hurricane Floyd (Eastern North Carolina, September, 1999); Tsunami (earthquake in Indonesia off Sumatra, December 2004); Hurricane Katrina (New

Orleans, Louisiana, Gulf Coast area, August, 2005); and Haiti (January 2010). Prayer, help, and comfort was provided for the sick. Visitations and messages of hope were delivered to the imprisoned. When necessary, mortgages were paid so that persons may keep their homes. The twenty-six graduating seniors were eligible for college grants. Support was given to Fayetteville State University, Morehouse School of Religion, Shaw University, Shaw Divinity School and Ricks Institute, Virginia, Liberia.

Realizing that there is strength in unity, Lewis Chapel joined with other organizations that engaged in missionary work. They include the Union Baptist Association (56 churches in Sampson, Cumberland, Hoke, Bladen, Robeson Counties), the General Baptist State Convention, Inc., Lott Carey Foreign Missionary Convention, USA, National Baptist Convention, USA, Inc., American Baptist Churches of the South, North Carolina Council of Churches and the Baptist World Alliance.

Lewis Chapel Missionary Baptist Church, Incorporated seeks to continue the ministry of Jesus Christ in these ways:

—To worship God in Spirit and in Truth and to nurture each other in Christian faith and love;

—To live a life worthy of our vocation and heritage as Christians while we strive for justice, peace, and love of Christ in this community and beyond;

—To follow Jesus Christ and announce the Gospel by means of preaching, teaching, studying, and witnessing;

—To serve God by meeting human needs in all the forms they are manifested through our local outreach, state, national, and global ministries;

—To lead our community into the obedient and abundant life to all who will follow Christ and walk in the Spirit.

As Lewis Chapel gathers to celebrate its centennial, the Church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Rev. Fuller, and all of the members of Lewis Chapel on the occasion of their 100th anniversary. I wish them 100 more years of dedicated service to the community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 12, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 13

Time to be announced
 Health, Education, Labor, and Pensions
 Business meeting to consider any pending nominations.
 Room to be announced

9 a.m.
 Environment and Public Works
 Business meeting to consider S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, S. 680, to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum, and S. 710, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system. SD-406

10 a.m.
 Environment and Public Works
 To hold an oversight hearing to examine domestic renewable fuels, focusing on ethanol and advanced biofuels. SD-406

Finance
 To hold hearings to examine perspectives on deficit reduction. SD-215

Judiciary
 To hold hearings to examine fulfilling our commitment to support victims of crime. SD-226

Armed Services
 Readiness and Management Support Subcommittee
 To hold hearings to examine the current materiel readiness of U.S. Forces in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program. SR-232A

Rules and Administration
 Business meeting to consider the nomination of William J. Boorman, of Maryland, to be Public Printer, Government Printing Office. SR-301

Veterans' Affairs
 To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce. SR-418

10:30 a.m.
 Appropriations
 Department of Defense Subcommittee
 To receive a closed briefing on the proposed budget estimates for fiscal year 2012 United States Pacific Command (PACOM). S-217, Capitol

11 a.m.
 Homeland Security and Governmental Affairs
 Business meeting to consider S. 679, to reduce the number of executive positions subject to Senate confirmation, S. 772, to protect Federal employees

and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service, S. 550, to improve the provision of assistance to fire departments, S. 300, to prevent abuse of Government charge cards, S. 498, to ensure objective, independent review of task and delivery orders, S. 762, to improve the Federal Acquisition Institute, S. 191, to direct the Department of Homeland Security to undertake a study on emergency communications, S. 514, to amend chapter 21 of title 5, United States Code, to provide that fathers of permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service, S. Res. 128, expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011, and the nomination of Rafael Borrás, of Maryland, to be Under Secretary of Homeland Security for Management. SD-342

1:30 p.m.
 Armed Services
 Personnel Subcommittee
 To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program. SR-222

2 p.m.
 Appropriations
 Energy and Water Development Subcommittee
 To hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the Army Corps of Engineers and Bureau of Reclamation. SD-192

Foreign Relations
 To hold hearings to examine international development policy priorities in the fiscal year 2012 budget. SD-419

Aging
 To hold hearings to examine the Food and Drug Administration (FDA) and the reform of the medical device approval process. SD-562

2:30 p.m.
 Armed Services
 Strategic Forces Subcommittee
 To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SR-232A

3 p.m.
 Judiciary
 To hold hearings to examine the nominations of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, Nelva Gonzales Ramos, to be United States District Judge for the Southern District of Texas, Richard Brooke Jackson, to be United States District Judge for the District of Colorado, Sara Lynn Darrow, to be United States District Judge for the Central District of Illinois, and Lisa O. Monaco, of the Dis-

trict of Columbia, to be an Assistant Attorney General, Department of Justice. SD-226

APRIL 14

10 a.m.
 Appropriations
 Commerce, Justice, Science, and Related Agencies Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Commerce. SD-192

Environment and Public Works
 To hold hearings to examine issues for surface transportation authorization. SD-406

Homeland Security and Governmental Affairs
 To hold hearings to examine Federal regulation, focusing on how to best advance the public interest. SD-342

Judiciary
 Business meeting to consider S. 350, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, S. 623, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and the nominations of Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, and Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General, and Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance, both of the Department of Justice. SD-226

2 p.m.
 Appropriations
 Military Construction and Veterans Affairs, and Related Agencies Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Army and the Department of Air Force. SD-124

2:15 p.m.
 Indian Affairs
 To hold hearings to examine S. 636, to provide the Quileute Indian Tribe Tsunami and Flood Protection, S. 703, to amend the Long-Term Leasing Act, and S. 546, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana. SD-628

2:30 p.m.
 Foreign Relations
 African Affairs Subcommittee
 To hold hearings to examine assessing the fiscal year 2012 budget for Africa. SD-419

Appropriations
 Legislative Branch Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Secretary of the Senate, the Senate Sergeant at Arms, and the United States Capitol Police. SD-138

Intelligence
 To hold closed hearings to examine certain intelligence matters. SH-219

MAY 4	MAY 17	POSTPONEMENTS APRIL 13
10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on Intel. SVC-217	10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM). SVC-217	2:30 p.m. Commerce, Science, and Transportation Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee To hold hearings to examine the President's proposed budget request and oversight for fiscal year 2012 for the National Oceanic and Atmospheric Administration (NOAA). SR-253
MAY 11	MAY 25	APRIL 14
10 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve. SD-192	10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency. SD-192	10 a.m. Energy and Natural Resources To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review. SD-366
10:15 a.m. Judiciary Antitrust, Competition Policy and Consumer Rights Subcommittee To hold hearings to examine the AT&T/T-Mobile merger. SD-226	MAY 26	
MAY 12	10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM). SVC-217	
10:30 a.m. Appropriations Department of Defense Subcommittee To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM). SVC-217	JUNE 15	
	10:30 a.m. Appropriations Department of Defense Subcommittee To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. SD-192	

SENATE—Tuesday, April 12, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, before whom the lives of all are exposed and the desires of all are known, continue to be at work in our lives.

Use our lawmakers as instruments of Your purposes, so that Your will may be done on Earth and Your kingdom may be established. Prompt our Senators to yield to the unfolding of Your mighty providence, as You remind them that our times are in Your hands. May they refuse to boast about tomorrow, depending upon Your strength and sufficiency for each day.

Great and marvelous are Your works, O God. Just and true are Your ways, O King of Kings.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business until 11 a.m. today. The majority will control the first half of that, the Republicans the second half. At 11 a.m., the Senate will proceed to executive session to debate the confirmation of two prospective judges, Briccetti and Kronstadt. At noon, there will be a rollcall vote on confirmation of the Kronstadt nomination. The Senate will recess from 12:30 until 2:15 to allow time for the weekly caucus meetings.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DEFICIT AND THE DEBT

Mr. MCCONNELL. Madam President, as the Senate gets back to work this week, it is worth noting that a sea change appears to have taken place in Washington over the past few weeks. Just 2 months ago, the President proposed a vision of government that ignored the fiscal crisis virtually everyone else in the country knows we need to address. And Democrats in Congress proposed that rather than cutting Washington spending, we instead raise taxes on oil and gas companies, who, as we know, would pass it along to American consumers in the form of higher gas prices, at a time when gas prices are double what they were a mere 2 years ago.

In other words, it wasn't that long ago that both the White House and Democrat leaders in Congress were doing everything they could to ignore the Nation's \$14 trillion debt and to preserve the massive growth in government that they have presided over the past 2 years. But at some point in the past few weeks, Democrats in Washington finally got the message. The ground shifted and spending reductions Democrats recently described as "ex-

treme" and "draconian," they are now calling "historic" and "commonsense." The debate has turned from how much to grow government to how much to reduce it.

This is a major departure from the standard Democrat position—and it suggests one of two things: either Democrats in Washington are finally waking up to the fact that our only hope of averting the kind of disaster we are seeing unfold in Europe is by forcing Washington to live within its means, or they have made a political calculation that Americans will no longer take them seriously if they continue to pretend otherwise. But either way, there now appears to be a bipartisan agreement in Washington that something serious must be done. Which brings us to an announcement by the Obama administration's top political advisor over the weekend that the President will change his position on entitlement reform, the deficit, and debt in a speech he will deliver tomorrow afternoon.

According to the administration officials, the President will now propose an outline of his goals in these areas. Apparently the President is finally ready to acknowledge problems that the rest of the country has been waiting for him to address. It is unfortunate that he had to be dragged into this discussion. But those on the left and right who have been clamoring for presidential leadership on these issues have to welcome the President's long-awaited decision to engage on them.

We all look forward to hearing what the President has to say, but it is my hope that in doing so, he offers more than the outline his political adviser suggested. As we know, House Republicans have put forward a detailed plan that seeks to preserve and protect Medicare for current beneficiaries and strengthen Medicaid, in part, by giving States more flexibility to implement it. At a time when thousands of baby boomers are retiring every day, putting even more pressure on our already overburdened finances, creative solutions like these are needed.

Hopefully the President will put forward a plan that does not just pay lip-service to the commitments we have made to seniors and the poor, but which acknowledges the unique problems that this generation and a rising generation of Americans face. Too often, it seems, Democrats in Washington claim to be interested in helping those in need, when what they really seek is to protect big government. Meanwhile, Republicans are developing solutions that will enable us to keep

our commitments to seniors even as we create new opportunities for the young and middle class with low-tax policies that lead to private sector job growth. Whereas Republicans see America growing its way to prosperity, Democrats seem to want to constrict opportunities for everyone, so everyone is forced to do with less—except, of course, the politically connected and those who are lucky enough to get a waiver.

But at least the President is joining in the conversation. Hopefully that conversation is an adult one, and does not devolve into the kind of unhelpful scripted, and frankly juvenile, name-calling that we saw in the closing hours of the debate over the continuing resolution last week. We all know that both sides will have to play a part in addressing the crises we face, so we would do well to leave all dishonest rhetoric aside. Both sides want to preserve what is best about America. If both sides acknowledge that up front, as we move from a conversation about billions to trillions, we will have much progress even though we have much work ahead of us.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

MEASURE PLACED ON THE CALENDAR—S. 783

Mr. REID. Madam President, it is my understanding S. 783 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 783) to provide an extension of time for filing individual tax returns in the case of a Federal Government shutdown.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Madam President, it is my understanding that in this time for morning business, Senators are permitted to speak for up to 10 minutes each; is that right?

The ACTING PRESIDENT pro tempore. Correct.

A MORAL BUDGET

Mr. REID. Madam President, I am always moved to hear the Pledge of Allegiance that marks the beginning of a new legislative day in the Senate. On the 150th anniversary of the beginning of the Civil War, the words “one nation, indivisible” mean more today than most other days. Along with Chaplain Black’s inspired invocation, the pledge motivates us and reminds us of the true purpose of our work. Together, they recall our responsibility to our country, to our countrymen, and to our conscience.

I am particularly pleased to see the Senate open this morning. As we all know, last week at this time, even as recently as just a few evenings ago, whether the government would stay open was a very real question. As I said here late on Friday night, I am pleased we reached an agreement on a budget in time to keep the country operating.

I am pleased that the budget will make historic cuts, saving the country money so we can lower our deficit and do a better job of living within our meanings.

At the beginning of this debate and throughout the last few weeks, I reminded the Senate that in this negotiation, as in any negotiation, neither side would get everything they wanted. From the start I also expressed my firm belief that what we cut would always be more important than how much. That is because our Nation’s budget is a representation of our values and of what we value. It is one of the many ways we demonstrate as a Congress and a country what matters most to us, what is important. This concept is not unique to Democrats.

As the Speaker of the House and the chairman of the House Budget Committee have both said, our budget is a moral document.

Those following the budget debate have noticed something unmistakable. While both parties may agree in principle that a budget is more than simply a collection of numbers, our positions couldn’t be more different. We stayed true to our values. We value the rights of Americans to afford a healthy life. That is why we passed historic health reform last year, but Republicans tried to use the budget to repeal those rights. We stayed true to our values, and we didn’t let them.

We value women’s health, but Republicans tried to use the budget to make it harder for women to get contraception that reduces abortions. Their budget also tried to make it harder for women to get cancer screenings, and they even tried to slash funding for cancer research. We stayed true to our values and we didn’t let them.

We also value seniors’ ability to support themselves, but Republicans tried to use the budget to slice the Social Security Administration. That would have meant delays for seniors and dis-

abled Americans who count on the benefits they have earned over a lifetime of hard work. They also tried to use the budget to reopen the doughnut hole which would have sent seniors’ prescription drugs skyrocketing. We stayed true to our values; we didn’t let them.

We value our children’s education, but Republicans tried to use the budget to kick little boys and girls out of pre-kindergarten programs and slash Pell grants that help so many students afford college. We stayed true to our values and we didn’t let them.

We value our environment, but Republicans tried to use the budget to give polluters a free pass to poison the air we breathe. We stayed true to our values and we didn’t let them. We value our economic security, but Republicans tried to repeal the promise we made to taxpayers that they will never again be asked to bail out a big bank when the bank loses its risky bets. They tried to use the budget to reverse rules we put in place to hold Wall Street accountable. We stayed true to our values and we didn’t let them.

Finally, we value our responsibility to create jobs, but Republicans also tried to use the budget to reverse the momentum we have seen in recent months. The policies they tried to jam through the budget would have cost us 700,000 jobs and slammed the breaks on our economic growth. We stayed true to our values and we didn’t let them.

There are many more examples in this vast budget, examples of programs Republicans wanted to destroy but Democrats demanded we protect. There are many examples where they wanted to cut recklessly and we insisted on cutting responsibly. Throughout this debate, we stayed true to our values. The American people noticed, and they are glad we did. By clear majorities our constituents are glad we stood up for health reform, women’s health, cleaner air, and on and on.

This budget battle has once again illustrated for the American people the fundamental differences between the two parties. In some cases our priorities are poles apart. That is obvious to the American people, as well it should be. They are the ones who will always decide whether the morals of their representatives more closely match their own.

As we work toward finalizing this year’s budget, we start the conversation about next year’s budget, and we engage in the many other debates before us, Democrats will continue to insist on policies that reflect and respect our values.

I ask unanimous consent that my time be charged against leader time and not morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon is recognized.

FREE CHOICE VOUCHERS

Mr. WYDEN. Madam President, in one cruel swoop late last week, more than 300,000 Americans lost the opportunity to buy affordable health insurance for years to come. Specifically, I am talking about the removal behind closed doors by budget negotiators of the free choice voucher provision that would have been a lifeline to hundreds of thousands of low-income Americans.

One could say: Senator WYDEN, everybody has to give a little during tough times. Why is this different?

The difference is that hundreds of thousands of Americans without health care options, in a process that doesn't even have any direct cost to the Federal budget, are being asked to give up a guarantee of coverage just a year after passage of the Affordable Care Act. They are going to be forced to make a Hobson's choice between unaffordable insurance and going without health care, directly contradicting the theoretical underpinnings of the Affordable Care Act. Under that provision, those whose income falls below 400 percent of the poverty line and whose employer-sponsored health insurance premiums are between 8 and just under 10 percent would be exempt from having to purchase health coverage.

Unfortunately, now that they do not have access to the exchanges, they will also not qualify for government assistance to insurance. The provision leaves hundreds of thousands of Americans who need health care as a lifeline out in the cold.

With free choice, however, folks who fell into this hole and couldn't afford the plan they were offered at work could use their employer's contribution. They could have gotten a voucher to choose a more appropriate affordable plan in the exchange. The amount of the voucher would be set at the same percentage that employers pay today: 70 percent of the cost of a typical plan. The amount would be fixed, giving employers certainty in the cost of doing business. For these families, it could mean the difference between being able to buy a health plan they could afford or going without coverage. If they found a plan in the exchange that's cheaper than was cheaper than the voucher amount, but gave them everything they needed, they could have pocketed the difference in cost. This gives that family an incentive to shop for lower cost coverage and helps hold down everyone's health care costs.

This kind of concept is not only good for the employee, it is good for our businesses, particularly the small businesses that so strongly back this provision. When the impact of free choice was proposed during the health reform

debate, the Congressional Budget Office and the Joint Committee on Taxation estimated that more than 300,000 families could benefit from this new approach to choice and competition. That was then.

Since passage of the health care reform law, the need for free choice vouchers is greater than ever. The Kaiser Family Foundation, in their recent analysis, found that employers, even since the law, are shifting more of the health care cost on to the backs of the workers. In that analysis, The Kaiser Family Foundation reported that the typical increase for family coverage went up three percent on average last year, but the cost for the typical worker went up 14 percent. The employer was paying virtually none of that increase. The worker was eating almost all of it because costs were being shifted from employers on to the backs of the workers. So if anything, even more people would likely need free choice vouchers, and would have been eligible to use them, than was originally envisioned when we passed the law.

I am of the view that it is not that businesses don't want to provide affordable benefits to workers. It is just making less and less sense to do so given the way the current system operates. Incentives would not change in 2014, leaving an increasing number of families with a choice between the unaffordable and the unavailable. Up until late last week, in the dark of night, those families had a choice. They had a choice, a third path. The two that I mentioned, unaffordable and unavailable, were not very appealing, and free choice vouchers would have created a third option that would have worked for those families. They would have had a chance to take their pretax dollars provided by their employer to the free market exchange and decide for themselves which plans they could afford that provide the benefits they need.

Free choice is good for workers, it is good for business, it is good for our country's bottom line; it offers a way to rein in higher health care costs by putting purchasing power back into the hands of the consumer. Once people know they are paying for their health coverage and can shop for a plan that answers their specific needs, costs will come down.

We hear often colleagues on both sides of the aisle talk about choice and competition and market forces. What this did was provide a chance for both sides to take principles they hold dear, expanding coverage with a market based approach for workers who are hurting, and say: Free choice vouchers can do that. The arguments against free choice didn't start with Democrats or Republicans. The arguments started with the interest groups, the lobbies, the special interests that have a vested stake in holding their employees cap-

itive and locking them into this incredibly inefficient status quo.

This provision has no budget impact in the fiscal year. Three hundred thousand low-income Americans are being hurt in this budget bill for something that spends no money in the upcoming year; 300,000 Americans with no acceptable alternative to make sure that when they go to bed at night with their families they can take care of an illness or a medical expense that comes up in the morning.

I don't think this had to be. Clearly, if we had had the opportunity in an open forum to address this, there would have been a different result because that is how it got into the law in the first place. I want to make sure colleagues know we will have to be back here to get some relief for the 300,000 Americans we put out in the cold as a result of that particular provision. I hope, once again, we can do it in a fashion that brings Democrats and Republicans together the way free choice vouchers and the principles it represents did in the first place.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I first acknowledge my colleague from Oregon for his great leadership in this area. We look forward to working with him. He has taken an essential lead on this important matter. This has been a difficult time for all of us with some of the changes being made.

DAUNTING FISCAL CHALLENGES

Ms. KLOBUCHAR. Madam President, I rise to speak about the daunting fiscal challenges our country faces and the urgent need for comprehensive bipartisan action to address our crushing debt burden. I have long believed we need to get serious about the deficit. Since I came to the Senate, I have worked to reform the way Congress conducts our own business, reducing the budget of Congress, fighting for appropriations project reform, and working to restore our pay-as-you-go rules and the budget process to ensure we are only funding new programs if outdated or duplicative programs are cut.

I was one of a handful who fought for the creation of the fiscal commission, and I have supported efforts by both Republicans and Democrats to responsibly reduce the deficit. We wouldn't have even had the commission that worked all this past year and came up with a report that many people thought would just collect dust on the shelf, but that hasn't been the case. That is because a number of Senators last year said: We are not going to take this anymore. The country can't take this anymore. We will stand up and make sure the deficit commission gets started. We are going to make sure we get strong people on the commission,

which was achieved, and that they produce something that is meaningful.

Right now as we speak, a number of our colleagues, a small group of six, are working on the results from that commission report, and we are hopeful they will come together in a bipartisan agreement.

Last year, I supported the efforts of my colleagues, Senators SESSIONS and MCCASKILL, to enact discretionary spending caps. While this proposal could not by itself balance the budget, restraining discretionary spending growth is an important piece of the puzzle and will result in real budget savings.

I voted with Senator COBURN to cut hundreds of billions of dollars in Federal spending by consolidating duplicative government programs and supported Senator BENNET's successful effort to rescind \$180 billion in unused TARP funds to pay down the deficit. In the first 4 months of this year, I have supported \$12 billion in cuts and have pushed for many more.

These are all important steps. What our country needs now is for Congress to reach across the aisle and build consensus around a comprehensive, long-term deficit reduction package that will put us on track to prosperity.

Ever since the economic downturn, families across the country have huddled around the kitchen table making tough choices about what they hold most dear and what they can learn to live without. They expect and deserve that their leaders do the same. The American people are counting on us to put politics aside, to pull together and not pull apart, to not go to the opposite corners of the boxing ring and simply throw darts at each other. They expect us to agree on a plan to live with in our means and make America strong for the long haul.

If we are going to succeed in this challenge, we will ultimately have to accept what we do not necessarily agree with in an effort to develop a plan that is both balanced and comprehensive. We already know much about what will need to be done. Our failure to act has not been because we lack solutions but because Congress has lacked the political will to get behind proposals that on their own sometimes are not always that popular. I support the work being done by my colleagues, Senators WARNER, CHAMBLISS, DURBIN, CRAPO, COBURN, and CONRAD, and look forward to working with them to put forward a serious, comprehensive deficit proposal.

Tomorrow, the President will be laying out his recommendations for a comprehensive deficit reduction package. Much of the recent debate over deficit reduction has been dominated by talk of how best to cut programs that millions of American seniors and the most vulnerable in our society rely on every day. While I believe entitle-

ment reforms must be a part of a comprehensive solution, I believe there are also several other key steps we can take to address our deficit in a meaningful way.

As you know, Madam President, we started down the road of entitlement reform with some of the efficiency measures we put in for Medicare. Those can be expanded. I know my State has always delivered high-quality low-cost health care, and we need to do that in more of the country when it comes to Medicare.

With Social Security, there are some excellent ideas to strengthen Social Security, to make it more solvent. I think we need to look at those, but we have to make very clear we will not be balancing this budget on the backs of seniors but that with any measures we take to reform Social Security, those savings will go directly into Social Security—not to be used to reduce the deficit—to make Social Security stronger in the long term.

That is what we need to do. I think the rest of the world, when they look at these kinds of ideas and the measures we can take, will say: Do you know what. America is getting it back together. It is not stealing from other parts of the budget paying for Social Security. It is actually making Social Security stronger by finding a way to make it last longer and be there for our seniors today as well as seniors for the future.

Now, I want to talk about a few of the steps I think we could take and I hope will be included in the President's suggestions and in the deficit commission report.

First, we need to get serious about making our government work more efficiently by reducing programs that have become duplicative or outdated.

Last month, the Government Accountability Office released a report that identified 82 different programs with similar descriptions in 10 different agencies for roads and trains, 47 for training and employment, and 56 to help people understand finances. The recommendations laid out in this report could save hundreds of billions of dollars, not by making Draconian cuts, not by taking drastic measures, but simply by eliminating waste.

There are plenty of other examples of savings we could find right here in Washington, with Congress and with our Federal agencies.

To begin, we could eliminate billions of dollars in waste in Federal contracts. How? By ending the practice of giving bonuses to government contractors who overcharge and underperform. By requiring Federal agencies to set strong standards for awarding contract bonuses—standards that reward contractors based on the quality of their work and their ability to meet deadlines—we could save \$8 billion.

We could cut back on unnecessary costs in the Federal Government's day-

to-day spending, such as printing expenses. Civilian Federal employees spend an estimated \$1.3 billion on office printing every year, and it is estimated that \$440 million of that printing is "unnecessary." If we could cut that \$440 million in waste alone on the unnecessary printing, we could save \$4.4 billion over 10 years.

Then there is the \$4 billion we spend on Federal vehicles every year. If we could cut that budget by 20 percent, we could save \$800 million a year and \$8 billion over 10 years.

Additionally, the Federal Government is the largest property owner in the country, with an inventory of more than 1.2 million buildings and structures—some of it unused. It does not make sense for taxpayers to continue paying for upkeep of these properties when we could sell them or repurpose them to make them more efficient. We could capture \$15 billion in savings on our deficit by selling properties that have been identified as excess and eliminating their upkeep costs. Obviously, I am not talking about all Federal properties, but these are properties that have been identified as excess.

There are also a number of ways to cut waste from our health care spending. We should start by ending the giveaway to the pharmaceutical companies and allow for price negotiations with prescription drugs in Medicare Part D.

Unfortunately, the "noninterference" clause in the Medicare Part D prescription drug benefit expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. With Medicare barred from negotiating discounts, seniors face inflated prices for their medications, while the pharmaceutical industry gets a financial windfall.

I am fighting to change that so our seniors can have access to their medicines at the lowest possible prices, and I have introduced a bill, along with Senators BEGICH and BLUMENTHAL, that would allow for price negotiations. Allowing Medicare to directly negotiate these prices, as the Veterans' Administration does, could save us \$240 billion over the next 10 years.

We also need to take a more serious look at Medicare fraud. Law enforcement authorities estimate Medicare fraud costs taxpayers more than \$60 billion every year. This means as much as 20 percent of total Medicare spending is lost to fraud each year.

To help combat these types of fraud, I have introduced the IMPROVE Act—Improving Medicaid/Medicare Payment Policy for Reimbursement through Oversight and Efficiency—which would

help deter fraud by requiring direct depositing of all payments made to providers under Medicaid and Medicare. These criminals scheme the system to rob American taxpayers of money that should be used to provide health care to those who need it most. We must put a stop to it. Putting an end to waste, fraud, and abuse is a critical step to save taxpayer dollars as we look for ways to make our health care system more efficient. But we need to continue to look for other ways to make our government and the way Washington works more efficient as well.

I mentioned efforts to reduce duplicative programs in our government, but we should also take a close look at the different agencies. For example, we could cut \$75 billion from our defense spending by restructuring our budget and increasing efficiency. Whether it is holding civilian workforce levels where they were in fiscal year 2010, which would save \$13 billion, or making targeted changes to Pentagon missions and priorities, which would save \$11 billion, or even just doing away with unnecessary studies and internal reports, which would save \$1 billion, these cuts all add up.

Secretary Gates has proposed and supports these cuts, and I believe they are necessary as we look for ways to streamline our government and reduce our deficit. When Secretary Gates says he does not need a certain type of a plane because he has another plane, I think we should listen to that as we look at how we are going to save money in this government.

In addition to cuts in spending and efforts to streamline our government, we also need to take a serious look at revenues and ways we can streamline our Tax Code to pay down our debt and ensure that the United States remains competitive in this global world.

Despite the fact that Federal revenue is at the lowest level as a percentage of GDP since 1946, our efforts last year to let the tax rates for the wealthiest Americans return to what they were under President Clinton were blocked even though it would save \$690 billion over the next decade. You have said it, Madam President, for people making over \$1 million—ror those people who make over \$1 million a year, if you have their taxes set at the levels during the Clinton era—at a time when we were very prosperous—you would save nearly \$400 billion in 10 years on the deficit. While not all my colleagues agree on how or even whether we should raise more revenue, every serious bipartisan proposal has made it a clear must.

In the quarter century since the last comprehensive tax reform, the system has been riddled with expenditures that benefit special interests and hurt competitiveness. These expenditures add up quickly, costing us over \$1 trillion a

year. For example, despite oil and gas companies reporting record profits in recent years, they will receive an estimated \$35 billion in tax breaks over the next decade. And there are many companies that attempt to evade our tax system altogether. Closing these loopholes could save tens of millions of dollars for American taxpayers. Expenditures such as these riddle the individual income Tax Code as well.

One aspect that is worth looking at—and something near and dear to the heart of every American who owns a home—is the mortgage interest deduction. I have used it. Everyone I know who has bought a house has used it. Here is the deal. The deduction is expected to lower tax revenues by nearly \$500 billion from 2010 to 2013. However, most of the benefits do not go to the middle class. So one idea—and this came out of the fiscal commission—is to make sure those benefits are firmly there for the middle class; that is, to set the credit at equal to 12 percent of interest payments on up to \$500,000 of mortgage debt on principal residences. So here is what this means. If you buy a house for \$1 million, you still get the mortgage deduction, but it is up to \$500,000 in the value of the home. If you get a house for \$300,000 or for \$400,000, it is not going to change the mortgage deduction at all. But what does it do for taxpayers? Well, phased in slowly to protect the housing market, this proposal would save \$400 billion or more over the next decade.

By taking steps such as these, we can lower tax rates, broaden the base, simplify the Tax Code, and at the same time bring down the deficit. This will benefit working families and make America more competitive in the global economy.

These ideas are just a few of the ideas that I believe warrant a closer look and should be considered as we look to reduce our Nation's deficit. Together, they represent at least \$1 trillion in savings that could be included as part of a bipartisan, long-term deficit reduction plan, in addition to a lot of the work we have already done this year for spending cuts. We can look at some additional ideas for next year, and there are many, many more. These are just simply some I hope the President includes in his proposal and that the deficit commission includes as well.

Tomorrow we will hear from the President, and I hope we hear a plan that reflects the challenges we face as a nation, that builds on the work of the fiscal commission, and that brings both parties to the table for a grownup debate.

The sooner we can agree on a long-term package of smart cuts, the better for our economy and the better for our country. I am hoping we can put partisan differences aside to work on an agenda that strengthens our economy, promotes fiscal responsibility, and in-

creases global competitiveness because if we refuse to have an honest conversation about this, if we insist on just using the debate as a vehicle for angry rhetoric and an excuse for taking cheap political shots, we will not just be doing ourselves a disservice and this institution a disservice, we will be cheating our children and our grandchildren out of knowing the America in which we grew up.

The deficit is not just going to fix itself. We all know that. We all know we cannot just close our eyes, click our heels, and—poof—the debt goes away. In their report, the National Commission on Fiscal Responsibility wrote that “every modest sacrifice we refuse to make today only forces far greater sacrifices of hope and opportunity upon the next generation.” And they are right. The longer we wait, the more wrenching the choices become, the more we set ourselves up for becoming another Greece or Ireland and having a potential meltdown in our financial system. But do you know who is really going to be making the painful choices if we do not do anything right now? That is right, it is our kids and our kids' kids. Is this really the legacy we want to leave them?

This is our challenge, and it will be a hard challenge to meet. But I am confident we can come together to make these tough choices to do what is right for our economy and to renew the American promise of progress and opportunity for generations to come.

Thank you. I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak until 11—I think that is the agreed upon time—and that I be notified 5 minutes before 11.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FISCAL RESPONSIBILITY

Mr. SESSIONS. Madam President, the American people have high expectations of their leaders. They should have, and they should demand it. One of the basic expectations we should have for our President is that he would be honest and forthright in discussing the critical issues facing our Nation. He should engage in the Nation's most important debates and provide leadership and take all appropriate steps to

protect our Nation when we face a clear and present danger.

Clearly, the dominant issue of our time—I think there is no dispute within this Chamber—is our fiscal path, the debt course we are on, and the fact that we want to see our country be prosperous and grow, create more jobs, not lose jobs. To do that, we have to confront the large, soaring debt we have. It dwarfs all other issues. The American people know it. They gave a shellacking to the big spenders in the last election. It is what I hear whenever I am at home and what my mail and e-mails and phone calls say.

People are worried about the future of our country economically, and they are exactly right. The people who are not right are those who say change is not necessary—people who are in denial, including Government agencies and departments. People who receive governmental grants and programs think that nothing has changed in their own minds, but things have changed. I wish it weren't so, but it is so.

The Congressional Budget Act requires that Congress pass a budget every year by April 15. That is this Friday. A few weeks ago, the Congress received from the White House the most irresponsible budget ever submitted by a President to the Congress and to the Nation because it did nothing to confront the problems we face. It made no recommendations about entitlement programs—Social Security, Medicare, Medicaid—zero. It increased discretionary spending, increased taxes by \$1.7 trillion, and, according to the Congressional Budget Office that analyzed the President's budget, it increases the debt, when it is all over, more than the debt would have been increased if we hadn't had a budget from the President, even with \$1.7 trillion in new taxes. That is why it was irresponsible. It did not confront the issues we so seriously face today. He said when he announced it, that his budget would cause us to live within our means, that it would not increase the debt, and that we are not going to spend any more money than we are taking in. All fact-check organizations have found that to be false. It is plainly false. The lowest single year in which we have a deficit—and we have a deficit every year under the present budget—is \$740 billion, and it is increasing in the 10th year to \$1.2 trillion. The horrible deficit President Bush had was \$450 billion. The lowest President Obama projects in 10 years is \$750 billion, and it is going up in the outyears to \$1.2 trillion.

In contrast, the House Budget Committee chairman, PAUL RYAN, has made the most serious attempt maybe in history to deal with the systemic threats our country faces to tackle our long-term fiscal challenges. The Bowles and Simpson debt commission

cochairmen appointed by President Obama described PAUL RYAN's budget this way: "A serious, honest, straightforward approach to addressing our Nation's enormous fiscal challenges."

They went on to say:

Going forward, anyone who issues an alternative plan to Chairman Ryan's should be held to the same standard when offering their solutions. We simply cannot back away from these issues.

Rather than defend the President's budget or offer alternatives, what we have been seeing in this Chamber are just attacks on Congressman RYAN and attacks on anybody who says change has to occur. They act as though nothing has to change. Many remain in denial. Our Democratic chairman, Senator CONRAD, who said so many good things about the need to challenge the status quo and make changes to put our country on the right path, said:

Representative Ryan's proposal is partisan and ideological. He provides dramatic tax cuts for the wealthiest, financed by Draconian reductions in Medicare and Medicaid. His proposals are unreasonable and unsustainable.

Is this going to be the nature of our discussion? I thought we were supposed to be trying to reach a bipartisan understanding of the challenges facing us and do something about it. We saw what the President's own debt commission cochairmen said, respectfully, of the Ryan proposal, and this is what our leadership said. Others have called it extreme. They say it is driven by these evil tea party people who don't know anything. They know something. They know the government is spending us into virtual bankruptcy and that Congress has failed in its basic responsibilities to protect the Nation from economic danger. The American people are right.

I called on the President, before the State of the Union Message, to enter into a dialog with the American people, to look them in the eye and explain why we are in trouble, why we have to change. Who wants to go and propose any reduction in any spending?

The ACTING PRESIDENT pro tempore. The Senator from Alabama has 5 minutes remaining.

Mr. SESSIONS. I thank the Presiding Officer.

Who wants to do that? We are in a position where we have to make those kinds of tough choices, just as our counties, our cities, our mayors, and our State Governors are making every day.

So now we are told the President is going to give a speech. He hasn't yet even discussed the danger we face. We are told the President is planning this major speech to discuss our long-term fiscal problem. I would say, first of all, it has to be considered a dramatic admission that his previous claims that his budget calls on us to live within our means, to pay down the debt and

not add to the debt, were false. They say the President will support some of the recommendations in the fiscal commission, his own Commission, Bowles and Simpson. I hope that is true. But I just wish to say this: At this point in history, with the budget supposed to be passed in the Senate Friday and we haven't even had a markup to have a hearing on a budget; we have not seen one, other than the President's previous budget, which is so utterly irresponsible, I think he owes more than a speech.

We hear a lot of speeches in this country, a lot from the President. What we need are numbers. What he needs to do is submit a new budget. If he is going to change his projections for the future and is going to propose alterations in our entitlement programs, let's see the numbers. He has around 500 people in the Office of Management and Budget. So if this is serious, let's have a serious proposal. The House has done it. The Republican House has a budget. They are going to move that budget. I suspect we will have that budget passed in the House by Friday. It has real numbers, real integrity, real change. It puts us on a path to prosperity, not debt and decline.

The American people know this is serious. They know we are in a dangerous time. All we have to do is rise and make some tough choices, as mayors and Governors and families are making around their kitchen table every day. When we get through this exercise, we are not going to find that the government sank into the ocean because we reduced agencies 15, 20, 25 percent.

The President needs to lay out concrete, specific details about how he intends to solve these challenges we face—not a general speech. The House and Senate Budget Committees must be able to review what he proposes as the Budget Act presumes, in real numbers. The Congressional Budget Office needs to be able to analyze it and see how it will actually play out in terms of dollars.

In 1996, President Clinton produced four budgets. The shutdown occurred during that time and they had a big fight during that time. But we know what happened 3 years later. The budget was balanced. Yes, it was a messy fight, and people made a lot of mistakes, but the end result was the American people said: You are spending too much. Congress rose and said: We are not going to keep doing this, and they balanced the budget. We are in a deeper hole today. It is going to be a lot harder, but it can be done again if we meet the challenges.

So questions that must be answered by the President and the new budget are some of these:

The fiscal commission recommends \$1.3 trillion less in discretionary spending than proposed in the President's

budget. How does the President plan to alter his budget to achieve those savings?

The fiscal commission recommends finding \$600 billion in entitlement savings, but the President's budget would increase entitlement spending by \$905 billion. That is in the budget he submitted already. How does he intend to achieve these savings in entitlements?

The fiscal commission's recommendations would reduce it by \$4 trillion, and the Ryan budget plan would reduce it by \$5 trillion; but the President's budget would increase the debt by \$10 trillion and would not produce any savings. How would the President alter his original budget to reduce the debt by \$4 trillion? I wish to see something more than a speech. Give me a break. I wish to see some numbers so we can discuss it.

Once the President engages, we can have that long overdue national dialog about solving the Nation's fiscal problems. But he has to acknowledge that we have one. As every witness has told us—and the debt commission chairmen, Simpson and Bowles, said this Nation has never faced a more predictable fiscal financial crisis. They see it coming. We have to change.

I hope in his speech the President will discuss entitlements, discuss whether it is good to burden American energy companies with new taxes, discuss whether we should tax small businesses even more, and discuss the military budget. I think a leading President should talk about that. Rather than trying to drain every cent of tax revenue from the American people, Washington should try to drain every cent of waste from the Federal budget.

I hope this doesn't continue the pattern of retreat that is already emerging, where the President supports deficit reduction in theory but resists it in practice, and he claims credit when he is forced to accept reduction. For a President to abdicate his responsibility to lead the effort to meet one of the greatest challenges in our Nation's history would be tantamount to a general leaving the battlefield in a time of war.

I hope we have a speech. I hope it is backed up with real numbers, and I hope and pray it represents a recognition by the President of the United States that we have a serious fiscal challenge before us.

Business as usual cannot continue. Change is necessary. I hope he intends to participate in that and help lead the good change that is necessary.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF VINCENT L. BRICCETTI TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF JOHN A. KRONSTADT TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations.

The clerk will report.

The legislative clerk read the nominations of Vincent L. Briccetti, of New York, to be U.S. District Judge for the Southern District of New York, and John A. Kronstadt, of California, to be United States District Judge for the Central District of California.

The ACTING PRESIDENT pro tempore. There will now be 1 hour of debate equally divided between the two sides.

The Senator from Illinois.

Mr. KIRK. Madam President, I ask unanimous consent that I be allowed to speak out of turn as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KIRK are printed in today's RECORD under "Morning Business.")

Mr. KIRK. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the Senate will confirm two more of the President's judicial nominees. Both of these nominees are for seats termed "judicial emergencies." My Republican colleagues and I continue to demonstrate our cooperation. We have worked with the Democratic majority in moving consensus nominees through the committee and on to the Senate floor. With today's votes, we will have confirmed 17 judicial nominees in just 39 short days the Senate has been in session this Congress. Twelve of these confirmations were for those positions that are termed "judicial emergencies."

We have reported out of committee a total of 32 judicial nominees. That is 51

percent of the total nominees who have been submitted to the Senate by the President of the United States. To date we have held five nomination hearings with 21 judicial and executive nominees giving their testimony. We have another hearing scheduled for tomorrow, with four judicial nominees and one executive nominee on the agenda. With this productive pace, we have taken positive action on 60 percent of the judicial nominations sent to the committee this year by the President.

Today the Senate will consider two nominations: First, Vincent Briccetti, nominated to be U.S. District Judge for the Southern District of New York. He received a B.A. from Columbia University and a juris doctorate from Fordham University School of Law. The nominee began his legal career as a law clerk for the Honorable John M. Cannella, U.S. District Court for the Southern District New York.

After a short term in private practice, he served as an assistant U.S. attorney. That was also for the Southern District of New York. Later, he became a deputy chief appellate attorney. After working as an associate attorney in a law firm, the nominee started his own firm in 1992 and, as I report to my colleagues regularly on the ABA standing committee on the Federal judiciary, that committee has unanimously rated this nominee "well-qualified."

The second nominee is John Kronstadt, nominated to be U.S. District Judge, Central District of California. He received his B.A. from Cornell University and juris doctorate from Yale Law School. He began his legal career as law clerk to the Honorable William P. Gray, U.S. District Court, Central District of California. This nominee practiced law for nearly 24 years, most recently as a partner with Arnold & Porter.

On November 14, 2002, Gov. Gray Davis appointed Judge Kronstadt to the Los Angeles County Superior Court. There he presided over criminal, civil, and family law matters. Again, reporting on the American Bar Association rating of this nominee, the nominee had substantial majority "qualified," a minority, "well qualified."

I support these two nominees and urge my colleagues to support them as well. I congratulate each of the nominees for their achievement and, more importantly, for their long period of public service which will continue after their confirmation by the Senate.

Mrs. BOXER. Mr. President, I wish to express my strong support for California Superior Court Judge John A. Kronstadt, as the Senate prepares to vote on his confirmation to the U.S. District Court for the Central District of California. Judge Kronstadt was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Kronstadt has had a distinguished career. After graduating from Yale Law School, he served as a Federal law clerk for Judge Gray on the Central District of California. With his confirmation, Judge Kronstadt will be returning to the same court where he served as a clerk. Following his clerkship, he was in private practice, specializing in complex litigation, antitrust, copyright and securities. Since 2002, Judge Kronstadt has served as a superior court judge in Los Angeles.

I congratulate Judge Kronstadt and his family on this important day, and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

Mrs. FEINSTEIN. Mr. President, I am very pleased that we are considering the nomination of Judge John Kronstadt to the U.S. District Court for the Central District of California here today.

I had the privilege of recommending Judge Kronstadt's nomination to President Obama.

Since 2002, he has served as a judge on the California Superior Court for Los Angeles County.

Judge Kronstadt first came to my attention through the Judicial Advisory Committee that I have set up in California. This is a bipartisan committee that reviews judicial candidates for me based on their legal acumen, reputation for skill and professionalism, breadth of personal experience, temperament, and overall commitment to excellence in the field of law.

Judge Kronstadt stood out from among the candidates for the vacancy on this court because he has all of these qualities in spades.

He has an outstanding academic record, with a bachelor of arts degree from Cornell University and a law degree from Yale Law School.

He started his legal career on the very court to which he is now nominated, serving as a law clerk to Judge William Gray of the U.S. District Court for the Central District of California.

Judge Kronstadt also brings a distinguished background in private practice. Prior to becoming a judge, he spent roughly two dozen years as a litigator trying complex civil cases before Federal courts, State courts, and administrative agencies.

He started as an associate and then became a partner at the law firm of Arnold & Porter—first in Washington, DC, and then in Los Angeles. Between years with that firm, he also spent 15 years managing his own firm with three colleagues. That was the firm of Blanc, Williams, Johnston, & Kronstadt.

On the Los Angeles County Superior Court, his docket consists primarily of civil cases, ranging from employment litigation to contract disputes to intellectual property and other commercial

matters. He has overseen some 250 trials, as well as countless pretrial proceedings.

He has amassed a stellar in his almost 9 years on the court: only one of his decisions has ever been reversed. Within the Los Angeles area, Judge Kronstadt is regarded as one of the finest judges on the bench. Fellow judges, litigants, and local lawyers describe him as “incredibly smart,” “very fair,” “even-tempered,” and a “hard worker” who “cares an incredible amount about the jury system.”

He has been a leader on the bench, serving on the court's executive committee, and chairing its Community Outreach Committee, among other positions.

Beyond his educational and professional qualifications, Judge Kronstadt has also shown an impressive dedication to education and the teaching of students throughout his career.

Since 2002, he has spent roughly 1,500 hours as a volunteer with the Constitutional Rights Foundation, including serving as the foundation's president.

This is a nonprofit, nonpartisan organization in Los Angeles that seeks to “educate young people to become active and responsible participants in our society” and to teach them about “the importance of civic participation in a democratic society.”

Judge Kronstadt developed a program for the Foundation known as “Courtroom to Classroom.” This program facilitates visits by judges to eighth and eleventh grade public school classrooms throughout the Los Angeles area.

Judges who volunteer provide copies of the Constitution to the students and organize mock trial activities to allow them to experience constitutional law and the courtroom at a young age.

And while in private practice, he developed a training program for the Los Angeles County Bar Association that reached over 1,000 new attorneys.

I am very pleased to support Judge Kronstadt's nomination. He has shown a firm commitment to the rule of law, and a dedication to public service in a variety of ways.

I believe he is eminently qualified to serve on the U.S. District Court for the Central District of California. The Judiciary Committee unanimously reported his nomination last month, and he is much-needed on the central district bench—that court has been designated as a judicial emergency district by the Administrative Office of the U.S. Courts. I thank the leader for bringing his nomination to the floor, and I urge my colleagues to support his nomination.

Mr. SCHUMER. Mr. President, I am proud to support Vincent L. Briccetti, a superb lawyer who will be a brilliant and experienced addition to the bench of the Southern District of New York.

Vince has reached the apex of his profession through sheer hard work

and raw intelligence. The son and grandson of Italian butchers, Vince was born in Mt. Kisco, NY, and grew up working in the butcher shop while he went to school, eventually graduating from Columbia University and Fordham University School of Law. He spent many of his summers working as a waiter.

After graduating from law school, he earned a prestigious clerkship with Judge John M. Cannella in the Southern District of New York, and then entered private practice for 2 years. Vince's dedication to the rule of law had already begun, but his public service commenced when he entered the U.S. attorney's office in the Southern District of New York in 1985. For 4 years, he tried an impressive array of cases, including a sweeping tax fraud case that earned him too many awards to list here today. He then became the deputy chief of the Appellate Division of the U.S. Attorneys' Office and defended the office's convictions and practices on appeal.

Following a distinguished career at the prestigious law firm of Paul, Hastings, Janofsky & Walker, he steered his practice back to White Plains and established his own law firm there. For the last 17 years, he has practiced as a criminal defense lawyer in State and Federal court. He has tried approximately 50 cases to verdict or judgment. I have heard from judges and practitioners alike that Vince is a lawyer whose involvement invariably improves the outcome of any specific case with which he is involved and who has in general been one of the Bar's great assets. He has treated his duty as a lawyer to dedicate time to pro bono work—through serving on the local Criminal Justice Act panel—not as an obligation, but as a calling. To quote former Federal district court Judge Stephen C. Robinson's letter to this committee:

On at least three separate occasions, when I had some doubt as to whether a party before me was receiving adequate and appropriate counsel, I asked Vince to take up the representation. Vince always stood ready to respond to my requests for assistance in the name of justice. I can tell you that all of the judges in our courthouse held Vince in the highest regard.

While he ran his own firm and represented clients, Vince also continued to assist the government by serving as a special prosecutor at the behest of the Westchester County District Attorney when he or she was conflicted out of a prosecution. The current district attorney in Westchester County has commended him as “possessed of the highest moral character and integrity.”

Everywhere you go in and around New York, you hear superlatives about Vince Briccetti: That he is the very model of an ethical, fair, dedicated lawyer; that while he is a terrific advocate, there is no one you would rather

see on the opposite side of a case to ensure a full and fair hearing of the issues at stake; and that he is a dedicated member of the New York community. It will be a tribute not just to Vince but to the bench when we add “thoughtful and brilliant federal judge” to the encomia. The time has come to confirm Vince for this judiciary emergency vacancy that has been open for more than 18 months.

Mr. LEAHY. Mr. President, we continue to work to bring down the number of judicial vacancies that have remained at historically alarming levels for the last 3 years. One in every nine Federal judgeships remains vacant as judicial vacancies stand at 96.

I thank the majority leader for scheduling votes on two more judiciary emergency vacancies. Vincent Briccetti has been nominated to fill a judgeship in the Southern District of New York and John Kronstadt to fill a judgeship in the Central District of California. I believe they both could be confirmed unanimously. They were reported by the Judiciary Committee unanimously more than one month ago.

With cooperation from both sides of the aisle, the Senate could consider many more of the 17 judicial nominees currently ready for final action, and could do so before the Senate takes its Easter recess at the end of this week. Doing so would fulfill our responsibility to help address the vacancies crisis that puts at serious risk the ability of Americans to get a fair and timely hearing for their cases in Federal court.

All 17 of the judicial nominations pending on the Senate’s Executive Calendar were reported by a majority of the Judiciary Committee after members had an opportunity to review thoroughly extensive materials provided in response to our questionnaire, to question the nominees at a hearing, and to send written follow-up questions to the nominees. All of them are ready for final Senate action. With Federal judicial vacancies continuing to hover around 100, we should act responsibly by voting promptly on these nominations.

Two of the nominees currently awaiting a Senate vote have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the U.S. Court of Appeals for the Second Circuit, and Michael Simon to fill an emergency vacancy on the district court in Oregon. Two of the nominations have been reported favorably by the committee three times—that of Goodwin Liu to fill a judicial emergency vacancy on the Ninth Circuit and that of Jack McConnell, reported with bipartisan support to fill a vacancy on the Dis-

trict of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, judicial emergency vacancies in Tennessee, Florida and another in New York, two vacancies in Virginia, two vacancies in New Jersey, another vacancy in New York, and a vacancy on the district court for the Northern Mariana Islands.

It is actually a sign of progress that we are today proceeding to confirm two judicial nominees reported last month. I hope that we can work to restore regular order in considering judicial nominations and that, at a minimum, the Senate will be allowed to proceed before the recess to confirm those judicial nominations reported with bipartisan support. All 17 of the pending nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up or down vote after being considered by the Judiciary Committee, and without weeks of needless delay.

If we join together we can make real progress by considering all of the judicial nominations now on the Senate’s Executive Calendar. If the Senate were to take favorable action on the 17 judicial nominations currently pending and awaiting final Senate consideration, we could reduce vacancies to below 90. In fact, we would be able to reduce them below 80 for the first time since July 2009.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush’s first 2 years, judicial vacancies still number 96 more than 26 months into President Obama’s term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, the Senate has not reduced vacancies dramatically as we did during the Bush administration. In fact, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies staying above 90 since August 2009. The vacancy rate—which was reduced from 10 percent at the end of President Clinton’s term, to 6 percent by this date in President Bush’s third year, and ultimately to less than 4 percent in 2008—has now swelled to nearly 11 percent.

The two nominations we consider today demonstrate that there is no rea-

son the Senate cannot consider and confirm the President’s nominations to the Federal bench in a timely manner. Both nominees show President Obama’s commitment to working with home State Senators to identify superbly qualified nominees in districts with vacancies. I thank Senators FEINSTEIN, BOXER, SCHUMER and GILLIBRAND for working with President Obama on these nominations and congratulate them along with the nominees and their families.

Judge John Kronstadt has been nominated to fill a judicial emergency vacancy in the Central District of California. He currently serves on the Los Angeles County Superior Court and previously spent 24 years in private practice. Judge Kronstadt earned his B.A. from Cornell University and his J.D. from Yale Law School. The Judiciary Committee reported his nomination unanimously on March 10.

Vincent Briccetti has been nominated to fill a judicial emergency vacancy in the Southern District of New York. An attorney for the past 30 years, Mr. Briccetti has spent time in private practice and as a Federal prosecutor. He was unanimously rated by the American Bar Association’s Standing Committee on the Federal Judiciary as well qualified to serve on the district court. Mr. Briccetti earned his B.A. from Columbia University and his J.D. from Fordham University School of Law. The Judiciary Committee also reported his nomination unanimously on March 10.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he calls “our rapid pace.” I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton’s nominees had been treated.

We have a long way to go to do as well as we did during President Bush’s first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to just over 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush’s first 2 years in office. So far, well into President Obama’s third year in office, the Senate has only been allowed to consider 77 of President Obama’s Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration.

The Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies on courts throughout the country hinder the Federal judiciary’s ability to fulfill its constitutional role.

They create a backlog of cases that prevents people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act. I hope that we will follow their advice and make progress to ensure that the Federal courts are able to function for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield back time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination of Vincent L. Briccetti, of New York, to be United States District Judge for the Southern District of New York, is confirmed.

The question is, Will the Senate advise and consent to the nomination of John A. Kronstadt, of California, to be United States District Judge for the Central District of California?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—96

Akaka	Coats	Hatch
Alexander	Coburn	Hoeben
Ayotte	Cochran	Hutchison
Barrasso	Collins	Inhofe
Baucus	Conrad	Inouye
Begich	Coons	Isakson
Bennet	Corker	Johanns
Bingaman	Cornyn	Johnson (SD)
Blumenthal	Crapo	Johnson (WI)
Blunt	DeMint	Kerry
Boozman	Durbin	Kirk
Boxer	Ensign	Klobuchar
Brown (MA)	Enzi	Kohl
Brown (OH)	Feinstein	Kyl
Cantwell	Franken	Landrieu
Cardin	Gillibrand	Lautenberg
Carper	Grassley	Leahy
Casey	Hagan	Lee
Chambliss	Harkin	Levin

Lieberman	Nelson (FL)	Shaheen
Lugar	Paul	Shelby
Manchin	Portman	Snowe
McCain	Pryor	Stabenow
McCaskill	Reed	Tester
McConnell	Reid	Thune
Menendez	Risch	Toomey
Merkley	Roberts	Udall (CO)
Mikulski	Rockefeller	Udall (NM)
Moran	Rubio	Warner
Murkowski	Sanders	Webb
Murray	Schumer	Whitehouse
Nelson (NE)	Sessions	Wyden

NOT VOTING—4

Burr	Vitter
Graham	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 today the Senate proceed to morning business, for debate only, until 5 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

At 2:15, the Senator from Wisconsin, Mr. JOHNSON, will be recognized for up to 20 minutes for the purpose of his maiden speech. Further, at 5 p.m., I ask unanimous consent that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to my counterpart, Senator MCCONNELL, this morning. We hope to get an agreement on a way to move forward on the small business bill. There are a few issues outstanding and we would like to get that done. We are going to do our utmost to get an agreement and complete that bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed and reassembled at 2:15 p.m., when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Wisconsin.

PRESERVING AMERICA'S FREEDOM

Mr. JOHNSON of Wisconsin. Mr. President, it is my honor to represent the good people of Wisconsin in the Senate. It is an awesome responsibility—a responsibility I take very seriously.

Today it is my distinct privilege to address this historic body for the first

time. It is a moment in time when our Nation is in peril. Not only do we continue to face the very real threat of international terrorism, but we also face a threat of our own making, one that challenges the very foundation of this Republic.

Our Nation was founded on the basis of God-given rights and individual liberty. The genius of our Founding Fathers' vision was rooted in their recognition that more often than not government was something to fear. Government necessarily limited individual freedom and, therefore, government itself must be limited—its potential for growth highly constrained.

During America's first century, this vision was largely upheld. The last century, however, has been an entirely different story. In 1902, the Federal Government spent 2 percent of the Nation's gross domestic product; State and local governments spent 5 percent. Government was close to the governed. The size, scope, and cost of the Federal Government was constrained by the Constitution's enumerated powers. The individual was preeminent, and government's role was modest and pedestrian.

This body played a key role in limiting Federal Government expansion. Debate in the Senate was unlimited. The cloture vote did not exist. As George Washington had said, the Senate was the saucer that cooled the tea.

All that changed in the 20th century's second decade. The Senate adopted the cloture vote and America adopted the 16th amendment. The Federal Government now had the power to tax income, and the Senate had made it easier for government to grow. And guess what. Government grew.

It did grow in reaction to real problems. Trusts had been formed that concentrated power and created monopolies that threatened free markets. Capital did exert too much power over labor. Balance was needed. As our Nation's prosperity grew, the elimination of poverty and retirement insecurity became a public responsibility. Private charity was simply deemed not up to the task. So government acted and government grew.

From 2 percent in 1902 to today, where the Federal Government spends 25 percent of our Nation's economy, and combined all levels of government in the United States now consume 39 percent. By comparison, the size of government in Norway is 40 percent; in Greece it is 47 percent; and in France, 53 percent. In the end, I don't believe Americans want to be like France or Greece. We haven't reached that tipping point yet, but we are extremely close.

There is a reason America holds 5 percent of the world's population and yet accounts for 24 percent of the world's GDP. It is because of freedom, the free market system and the American people. America became a land of

unlimited opportunity because we were a nation of self-reliant people. Hard work was valued, personal responsibility expected, and success was celebrated, not demonized. I grew up in that America.

I am very sad to say what I have witnessed during my lifetime is a slow but steady drift and, I would argue, over the last 2 years a lurch toward a culture of entitlement and dependency. This is not an America I recognize. It is not an America that will work.

Even worse, we have granted entitlements and encouraged dependency with little thought as to how we would pay for it. We have racked up enormous debt, and now the bill is coming due. Time is running out.

Last week, the government almost shut down because we were arguing over a few billion dollars, but our debt and deficits are measured in the trillions. Our problem is a thousand times larger than the current debate. Most of us recognize this is simply unsustainable. Most of us know what programs need to be reformed. Most of us want to fix the problem. So let's start addressing these issues now before it is too late.

These are enormous problems and it is easy to become pessimistic, but there is reason to be hopeful. I have done a fair amount of traveling throughout Wisconsin over the last year, speaking to all kinds of people—Republicans, Democrats, union members, tea party folks. I talked about America, about how incredibly precious and exceptional it is, and how I fear we may be losing it.

What I will never forget is how many people came up to me after my speeches with tears in their eyes or tears running down their cheeks—not because I am a great public speaker but because people love this country. Their political affiliation makes absolutely no difference. Americans want this Nation preserved, and they are counting on us to do just that.

The good news is they will support us if we make the hard choices together. So together let's roll up our sleeves and do what needs to be done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I congratulate our new Senator from Wisconsin, a very important addition to our caucus and to the Senate—a man who has actually run a business, actually employed people and created wealth in his State and our country. Having someone in the Senate who knows how to do that at this critical moment is absolutely essential, and I congratulate the new junior Senator from Wisconsin.

The PRESIDING OFFICER. The senior Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to congratulate the other accountant

in the Senate. It is nice to have additional help with numbers. It will make a tremendous difference.

He has had both the business experience and the accounting experience, and he understands a lot of things that to us in the Senate are pretty simple but to the person working on the ground it is very difficult. He is good at expressing himself and, as I said, particularly good with numbers. So I congratulate him on his maiden speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET PRIORITIES

Mr. SANDERS. Mr. President, we are at an extraordinary crossroads in American history, both from a moral perspective as well as an economic perspective.

The reality today, as I think most Americans understand, is that the middle class of our country is collapsing. Over the last 10 years, median family income has gone down by \$2,500. Millions of Americans who have lost their jobs secured new jobs at substantially lower pay. Younger workers are finding it very hard to get a job at a livable wage.

Furthermore, what we don't talk about terribly often here on the floor of the Senate or certainly in the corporate media is the rather unfortunate reality that in the United States, we have the most unequal distribution of income and of wealth of any major country on Earth. Today, the top 1 percent of earners make 23 percent of all income. The top 1 percent earn 23 percent of every dollar, and that is more than the bottom 50 percent. The top 1 percent make more money than the bottom 50 percent. The percentage of income going to the top 1 percent has nearly tripled—nearly tripled—since the 1970s. Between 1980 and 2005, 80 percent—80 percent—of all new income in America went to the top 1 percent.

Today, when we talk about distribution of wealth—not income—the numbers are, frankly, beyond belief. Today in America, if my colleagues can believe it, the wealthiest 400 Americans—400 Americans, a very small number out of a nation of over 300 million people—own more wealth than the bottom 150 million Americans. So 400 on one side, 150 million on the other, and that

gap between the very, very rich and everybody else is growing wider.

I don't have to describe economically what is going on in this country because almost everybody understands it. Real unemployment today is not 8.9 percent; it is closer to 16 percent. Today in America, 50 million people have no health insurance. Today in America, seniors and disabled vets understand they have not received a Social Security COLA in 3 years.

So what we start with when we look at America today is a middle class which is disappearing, poverty which is increasing, and the people on top doing phenomenally well. Given that reality, one might think the Congress would be actively involved in trying to protect the middle class and working families and lower income people, but if one believed that, one would be sorely mistaken.

Just last December, 4 months ago, Congress passed legislation to provide huge tax breaks for millionaires and billionaires by extending the Bush tax cuts to the top 2 percent and by even more by lowering the estate tax for the top three-tenths of 1 percent. So at a time when the people on top are already doing phenomenally well, what Congress did against my vote in December was make the wealthiest people even wealthier.

Four months ago, after giving huge tax breaks to millionaires and billionaires and growing the deficit, our Republican friends and some Democrats come back and they say: Well, now we have a real deficit problem. We made the problem worse in December, so now we really have to deal with the deficit, and we are going to do it by making devastating cuts to programs that low- and moderate-income Americans desperately depend upon.

What we are looking at is the Robin Hood principle in reverse: We are taking from working families who are struggling to survive—taking hundreds of billions of dollars and giving it to millionaires and billionaires. In my view, this is grossly immoral, and it is also very bad economics.

Let me touch on some of the cuts that are coming down the pike in this, the 2011 budget. At a time of soaring fuel prices—in the State of Vermont and I am sure in Minnesota, a lot of people heat with oil—the cost is going up. The Low Income Home Energy Assistance Program, LIHEAP, would be cut by \$390 million. In Vermont, many of the people who use the LIHEAP program are low-income senior citizens. So we give tax breaks to billionaires, and we go after low-income senior citizens and say: Sorry, you may have to go cold.

At a time when the cost of college education is getting unaffordable for many low- and moderate-income families in this country—hundreds of thousands of young people have given up

their college dream because of the high cost of college—Pell grants would be reduced by an estimated \$35 billion over 10 years, including a nearly \$500 million cut this year, and Pell grants are the major source of Federal funding to help low- and moderate-income college students go to school.

At a time when 50 million Americans have no health insurance, community health centers would be cut by \$600 million. This is an issue on which I have worked very, very hard. Community health centers provide access to primary health care, dental care, low-cost prescription drugs, and mental health counseling for some 20 million Americans right now. Our hope was to expand that to 40 million Americans. When we do that, we save money because people do not end up in the emergency room; they do not end up in the hospital sicker than they should have been. So \$600 million for community health centers was cut. The Children's Health Insurance Program was cut by \$3.5 billion.

At a time when poverty is increasing, the WIC Program—women, infants, and children—a nutrition program for pregnant women and children, will be cut by \$500 million.

At a time when we have such high unemployment rates and we want to put Americans to work rebuilding our crumbling infrastructure, including our rail system, which is now far behind Europe, Japan, and even China, Federal funding for high-speed rail will be eliminated in the budget we are going to be voting on very soon, representing a cut of \$2.9 billion. Public transportation would be cut by nearly \$1 billion—a 20-percent reduction.

I know in Vermont, and I expect all over this country, local communities are struggling with their budgets. Police departments are not getting the budgets and the manpower they need. Yet, in this budget we will be voting on, local law enforcement funding would be cut by \$296 million.

At a time when homelessness is increasing, when we need more low-income housing, public housing would be cut by \$605 million.

That is the 2011 budget agreement that was just reached a few days ago. What is absolutely incredible about that budget is that deficit reduction falls totally on the backs of low- and moderate-income families, on people who will not be able to get health care at community health centers, young people who will not be able to go to college, and senior citizens who will not be able to heat their homes in the wintertime. That is where this budget is balanced—on the backs of the weak, the vulnerable, the children, the elderly, and the poor. Yet, at the same time as the wealthiest people are becoming wealthier, this budget does not ask for one penny—not one penny—from millionaires and billionaires.

At a time when major corporation after major corporation enjoys huge tax loopholes—so not only do they avoid paying any Federal income taxes, but in many cases, such as General Electric, they actually get a rebate from the IRS—this budget does not ask corporate America to pay one penny more in corporate income taxes.

That is where we are with the 2011 budget, and now we are looking in a short period of time at the 2012 budget. If my colleagues think this 2011 budget is a moral and economic disgrace, wait until we hear what this 2012 budget, the so-called Paul Ryan tea party budget, which, as I understand it, will be voted upon in the House, likely passing later this week—that budget will slash trillions of dollars from Medicare, converting Medicare into a voucher program, meaning that seniors will have to pay substantially more for their health care than they currently do. The interesting question that has not yet been answered about this is, if you will be—when this Ryan budget would go into effect—a senior citizen living on \$14,000 or \$15,000 a year, which millions of seniors currently live on, how are you going to be able to come up with thousands and thousands of dollars to pay for your cancer treatment or the other problems senior citizens have? There is no money available for you to do it.

What Ryan's budget does is demand that low-income seniors pay with money they don't have. I am not sure I have heard the answer to the question: If you are a low-income citizen and you are asked to come up with thousands of dollars, and you don't have that money, what do you do? The Ryan budget would savage Medicaid, education, the environment, infrastructure, and other programs that tens of millions of Americans depend upon.

Here is the kicker. We savage Medicare, Medicaid, education, and many other programs that moderate and middle-class families depend upon in order to give even more tax breaks to the wealthiest people in this country and the largest corporations. After savaging health care in America for middle and low-income families, the Ryan budget would reduce the tax rates for the wealthiest people in this country from 35 to 25 percent, and it would cut corporate income taxes to the same level, from 35 to 25 percent.

I suspect there are people listening to me who don't believe that: Come on, you are not serious; at a time when the middle class is collapsing and the rich are getting richer, you are not telling me that the House is about to vote on a budget that will give huge tax breaks to millionaires and billionaires and throw millions more off of health care—you are not serious. Check it out. I am serious. This is what the Ryan tea party budget, which will likely pass the House, will do.

As I began saying, we are at a pivotal moment in the modern history of this country. That question is whether we move, in a sense, into an oligarchic form of society, where a few people on top have incredible amounts of wealth and incredible amounts of political power, while the middle class disappears and poverty increases. That is where we are right now.

I hope very much the American people engage in this debate and tell Members of the Senate and the House that it is morally wrong and very poor economics to cut back on programs that are desperately needed by working families, while giving huge tax breaks to people who absolutely don't need them.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to discuss the issue of our budget. Later this week, the House will vote on its fiscal year 2012 budget resolution. Congressman PAUL RYAN, the author of that blueprint, calls it a path to prosperity.

Mr. INHOFE. Would the Senator yield for a question?

Mr. SCHUMER. I will be glad to yield to the Senator.

Mr. INHOFE. I was scheduled to be speak at 4 o'clock. At the conclusion of the Senator's remarks, would the Senator request that I be recognized as in morning business for up to 30 minutes?

Mr. SCHUMER. Mr. President, I move that immediately after I finish speaking, the Senator—well, we had a Member who was going to go speak after you did. Could the Senator limit his speech to 15 minutes or—

Mr. INHOFE. No, sir, I could not. I have to have 30 minutes. The floor has been pretty empty today.

Mr. SCHUMER. OK. Mr. President, I ask unanimous consent that immediately after I finish, Senator INHOFE be recognized for up to 30 minutes, and then Senator FRANKEN be recognized immediately after Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. So Mr. President, resuming my remarks, PAUL RYAN, the author of that blueprint, called it the path to prosperity. It may be a path to austerity, but it is hardly a path to prosperity.

Nonetheless, with the negotiations finished just days ago on last year's budget, Congressman RYAN has succeeded in jump-starting the debate about next year's. The President himself will join this conversation about

how to do long-term deficit reduction in a major address tomorrow at GWU—George Washington University. This is a debate we must have, and the President's entrance into it comes not a moment too soon. It will make for a powerful contrast with the Republicans' plan.

The contrast we will hear from our President tomorrow will likely not be in the commitment to deficit reduction. PAUL RYAN's goal in his budget is to trim the deficit by \$1.6 trillion over the next 10 years. He does not succeed in meeting this target, according to CBO. In fact, budget experts say his proposal only achieves \$155 billion in net deficit reduction. But the number itself is not the issue. Without a doubt, we must be ambitious in setting a target for deficit reduction. We cannot be gun-shy about achieving fiscal discipline. So, no, the contrast will not be in how much we seek to reduce the deficit, it will be in how we go about doing so.

The Republicans would like the looming debate to be one about numbers, but, instead, it will be about priorities. The Ryan budget has all the wrong priorities.

The House Republican budget puts the entire burden of reducing the deficit on senior citizens, students, and middle-class families. At the same time, it protects corporate subsidies for oil companies, let's waste at the Pentagon go untouched, and would give even more tax breaks to the millionaires amongst us. In short, the Ryan budget puts the middle class last instead of first. As a result, it will never pass the Senate.

In the days since he first rolled out his budget proposal, Congressman RYAN has been hailed for taking on the tough challenges, and we certainly salute him for putting out a plan. But a closer look at his proposal shows that it is not bold at all. In leaving Pentagon spending and revenues completely untouched, Ryan's budget hews exactly to his party's orthodoxy.

Some of the columns I read say it takes courage. Well, maybe it takes courage for someone who has a different political philosophy to say what he said but not for a conservative Republican to say what he said. It does not gore a single Republican ox. It is a rigid ideological document.

Consider what Congressman RYAN wants to do on Medicare. In the name of ideology, PAUL RYAN's budget proposes getting rid of Medicare as it exists today and replacing it with a private system that would cut benefits. We have seen this movie before. Five years ago, President Bush tried to sell the country on a plan to privatize Social Security. The public rejected it. If they didn't like what President Bush tried to do to Social Security, just wait until they see what PAUL RYAN and the House Republicans want to do to Medi-

care. Their budget plan proposes putting the Medicare system into the hands of private insurance companies. That is a recipe for disaster. It would mean an end to Medicare as we know it.

Beginning in 2022, Americans turning 65 would no longer be enrolled in Medicare but, instead, would receive a voucher to go shopping for their own health insurance on the open market. Insurance companies, however, would not be required to honor that voucher, which would average about \$8,000. Many private insurance plans for seniors far exceed that price already today. Under the Ryan plan, seniors who cannot find an affordable plan at the value of their voucher will simply have to make up the difference themselves out of their own pockets.

This problem would only worsen over time as health care costs rise. Ryan caps Medicare spending at the level of inflation, even though health care costs rise higher than that historically. As Ryan's voucher covers a smaller and smaller fraction of actual health care costs, seniors would have to cover the gap out of pocket.

That is why Alice Rivlin, a Democrat and President Clinton's former OMB Director who worked with Congressman RYAN on his approach for a time, has distanced herself from this final product. She told the Washington Post she opposes the Ryan plan:

In the Ryan version he has lowered the rate of growth and I don't think that's defensible. It pushed too much of the costs onto the beneficiaries.

Let me repeat that last part of the statement of Alice Rivlin, Congressman RYAN's partner for a time in this proposal. She writes:

It pushed too much of the cost onto the beneficiaries.

Other Medicare experts agree with Rivlin. Stephen Zuckerman, a health care economist at the nonpartisan Urban Institute, said:

The most serious flaw is that the focus of that approach is on limiting Federal spending on Medicare without concern about the potential of this change to shift costs to Medicare beneficiaries.

A better way to rein in Medicare spending would be to trim the waste and inefficiency out of the delivery system. Anyone who has gone through the health care system knows all the waste and inefficiencies—the legendary stories of a doctor waving as you go into the emergency room and you never see him again, and then there is a \$4,000 charge, these kinds of things. But it turns out that RYAN's plan does nothing to reduce overall health care costs. It increases them. We have to preserve the benefits to people but make the cost of delivering them less expensive. That is what every other country in the world does. That is what we have to do.

The Ryan plan does not do that. The Ryan plan not only does not try to

eliminate the waste and inefficiency out of the delivery system, it does nothing to reduce overall health care costs. It actually increases them.

According to the nonpartisan Congressional Budget Office, in 2030 traditional Medicare insurance would cost just 60 percent of a private policy purchased with RYAN's voucher. In other words, the Ryan health care plan would cost two-thirds more than traditional Medicare. Not only would the Ryan plan increase insurance costs, it would force seniors to shoulder a higher share of these costs.

CBO said—this is CBO not CHUCK SCHUMER, the nonpartisan CBO:

Under the proposal, most elderly people who would be entitled to premium support payments would pay more for their health care than they would pay under the current Medicare system.

How much more? It is staggering when you look at the numbers. Here they are, the seniors' share of health care costs. We know even with Medicare seniors have to pay some of it themselves, but now they pay 25 percent; under the Ryan budget, 68 percent. So there is this voucher, and it goes to the insurance companies, health care costs more, and seniors pay more. Why the heck would we do that?

This is a crippling burden that would drive the average Medicare recipient into poverty. It is not only too much to ask for our seniors, it destroys the foundation of our health care system.

Madam President, just to check on the time, I believe I said after I finished I asked unanimous consent that Senator INHOFE would follow me.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes. Did the Senator wish for more than 10 minutes?

Mr. SCHUMER. I did, and that was the intention of my unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. The bottom line is the House Republican budget would cause the cost of health insurance to rise and then would make seniors pay a greater share of that higher cost. It is a cut in benefits plans, plain and simple. If we are serious about reining in Medicare spending, there is a far better starting place than the Ryan budget. It is the health care law passed by Congress last year. Republicans are patting themselves on the back lately for leading on entitlement reform. When it comes to reining in the runaway costs of Medicare, the truth is the President did it first, and he did it better.

In the health care law, we certainly did not complete the job, but we made a good start on reducing waste and inefficiency and duplication in the system. We started down the path of making delivery system reforms. We set up a system for studying the effectiveness

of different methods and treatments so that care could be delivered more efficiently. We made a downpayment on shifting the larger health care system away from a fee-for-service model toward a system that pays providers for episodes of care.

The Ryan proposal adopts none of these cost-saving approaches. In fact, his budget calls for the repeal of the health care law altogether. Left unsaid is that this would have the side effect of reopening the doughnut hole, another hit to Medicare beneficiaries.

If the Ryan budget's only goal was to end Medicare, that would be ample cause to work tooth and nail to defeat it, but the Ryan budget doesn't even put most of its savings from ending Medicare toward deficit reduction. Amazingly, it cuts Medicare, ends Medicare as we know it, and takes whatever savings it produces and gives more tax breaks to the wealthiest Americans. That is right. RYAN's budget not only seeks to permanently extend President Bush's tax cuts for millionaires, he wants to cut their taxes even lower than the Bush levels.

In fact, under the Ryan proposal millionaires would pay a rate so low that it was last seen in the days of Herbert Hoover. What about shared sacrifice? As unbelievable as it sounds, Congressman RYAN wants to give millionaires and billionaires an extra tax break. Ryan's budget proposal would bring down the top rate from 35 percent to 25 percent for those who are very wealthy. This would make for the lowest level of taxing the wealthiest among us since 1931 when the Great Depression was raging and Herbert Hoover was President. This is the trade Congressman RYAN proposes we make: Cut Medicare benefits for seniors so we can afford to give millionaires an extra tax break.

This is exactly the opposite of what the public wants. They don't think the millionaires and billionaires should even be getting George Bush's tax cut, let alone an extra one on top of that. I have nothing against millionaires and billionaires, God bless them. Many of them made their money the good old-fashioned way, but they don't need a tax break when we are cutting health care and everything else. Most Americans agree with me.

In last month's NBC Wall Street Journal poll that asked Americans what proposals they most support to reduce the deficit, 81 percent of Americans, including a majority of Republicans, as I recall, said they would support a tax on millionaires, the highest polling answer. One of the lowest polling answers was—you guessed it—cutting Medicare benefits. So the Ryan budget has its priorities completely upside-down.

You may ask, if Congressman RYAN puts all his savings from Medicare into millionaire tax breaks, how does he

propose to achieve any deficit reduction? The answer is, by targeting the programs most important to the middle class.

It turns out that the Republican plan to end Medicare is also a plan to end other important programs. For example, the Republican plan to end Medicare is, additionally, also a plan to cut tens of thousands of teachers. The Republican plan to end Medicare is, additionally, also a plan to cut Head Start for kids. The Republican plan to end Medicare is, additionally, also a plan to cut medical research on diseases such as cancer. The Republican plan to end Medicare is, additionally, also a plan to cut clean energy projects that create jobs and help us become energy independent.

In all, the Ryan plan assumes a steady squeezing of government until, by 2050, the total cost of everything, save for Social Security and health care, is shrunk from 12 percent of the GDP to just 3 percent. But he doesn't spell out a single detail of how to achieve those cuts. He has a number but no specifics. That is the definition of a meat ax approach as opposed to an approach that uses a smart, sharp scalpel.

Even though the Ryan plan doesn't spell out where the cuts would come from to meet his goal, it isn't a total mystery. We can fill in the blanks. The just completed debate on the 2011 fiscal budget offers plenty of hints on the Republican approach to cutting spending. In the debate we just had, Republicans wanted to cut the very programs that create good-paying jobs and help the middle class. They targeted everything from cancer research to financial aid to college. We fended off many of their worst cuts by successfully pushing Republicans to include \$17 billion in cuts from the mandatory side. We also got them to agree to reduce Pentagon spending by nearly \$3 billion compared to their original budget. This was not the Republican's preferred way to reduce the deficit. Because of ideology, they disproportionately targeted the domestic discretionary part of the budget for cutting.

But our deficit problems weren't caused by Head Start and cancer research, and we won't fix them by going after Head Start and cancer research. In the budget debates to come, we need to broaden the playing field beyond domestic discretionary spending. We should include, for instance, waste in the Defense Department. The Pentagon makes up half of the discretionary side of the budget, but Republicans continue to treat it as off limits. RYAN himself leaves it virtually untouched save for a symbolic trim. To say there isn't waste at the Pentagon like there is waste everywhere else in the budget is absurd.

The bottom line is, any budget that leaves defense and revenues off the

table is ultimately not serious. We need an all-of-the-above approach that puts all parts of the budget on the table. A dollar cut from mandatory spending or the Pentagon is just as good as a dollar cut from nondefense discretionary spending.

Deficit reduction is an important goal, but the sacrifice must be shared. The Ryan budget fails that test. The Democratic Senate will not stand for any proposals that seek to balance the budget on the backs of the middle class and seniors. I look forward to hearing the President's remarks tomorrow. As for Congressman RYAN, I encourage him to go back to the drawing board and come up with a fairer, more balanced plan.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me thank my good friend from New York for allowing me to have this time. I do appreciate his generosity. I have to say, I don't agree with what he said, but that comes as no surprise to my friend from New York. I will only make one comment. One statement I heard him say toward the end of his remarks was that every other country in the world would do it this way. That is the whole crux of it right there. I often wonder if you look at the other countries, they are all trying to get to our system. They all envy America for its system of freedom, of health delivery. We wonder sometimes if government-run health care is bad—and that is what this is; that is what the Obama administration is trying to do—if it is better, then why doesn't it work anywhere? I have often looked at this. It doesn't work in Canada, Denmark, the UK. It doesn't work in any of the other places. Yet they always say: It will work here. A lot of my liberal friends say: If I were running it, it would work. We have a great system.

I guess a little class warfare is healthy now and then, and we had a little bit of that in the last few minutes.

SUB-SAHARAN AFRICA

Mr. INHOFE. Madam President, I am going to be very offensive right now to a lot of people, certainly to the Ouattara group, the rebels taking over in Cote d'Ivoire. I am going to be offensive to the United Nations. I am going to be offensive to the French and to our own State Department.

This little girl is named Zegita Marie Rapert. Zegita is an Ethiopian name. It means God's grace. This little girl we found. She is only 2 days old. I happened to be in Ethiopia. She was an orphan. And my daughter Molly—in fact, I should hold this up. These are my 20 kids and grandkids. My daughter Molly had nothing but boys. So she adopted Zegita Marie. She came up to me the other day, that little girl—she was 2

days old when we first saw her. She is now 10 years old. She reads at a college level. She is a brilliant little girl. She came up to me the other day and Pappi—let me explain that. I is for Inhofe. That is me. So it is Momma and Pappi. She said: Pappi, why do you things nobody else would do. I said: That is why I do it.

Zegita Marie got her answer, and that is the reason I am talking today. I happen to be familiar with Africa. I have been for quite some time. I am on the Senate Armed Services Committee. I think they consider me the point man for Africa. We started working with Africa back at 9/11. At 9/11 we made a decision that while the squeeze in terrorism in the Middle East is going down through Djibouti and the Horn of Africa, we need to help the Africans build African brigades, supply them, help send their officers to the United States to train. It was a good program. I sometimes kind of joked around by saying, since I was the only member of the Senate Armed Services Committee who knew where Africa was, I took it on.

Anyway, I do have a background in Africa. For that reason, I am going to speak for the fifth time on the crisis. Cote d'Ivoire is a West African country. We have been reading about it. It is sub-Sahara Africa. Nobody cares about sub-Sahara Africa. They do care about Libya but not sub-Sahara Africa. Anyway, the news is reporting that President Gbagbo and his wife Simone were captured yesterday by the French military forces acting with the rebel forces of Alassane Ouattara. There is a videotape of both the President and First Lady in custody. According to the BBC and Reuters, after the U.N. and the French helicopters repeatedly attacked the Presidential palace, French special forces stormed the building with up to 20 French tanks and armored vehicles. They took them both from the Presidential palace to the Golf Hotel, killing untold hundreds or thousands of people.

This right here is a picture that was taken. This is a helicopter, a United Nations helicopter. It was encouraged to be used by the French. The French said: We authorize you. We are going to send our troops in there with you. We are going to do whatever they are doing. This is the capital of Cote d'Ivoire, where they are hitting targets. That is an area where they have a lot of their ordinance. I have been there. I have seen it. They are all scattered. You have little huts with galvanized steel roofs over them with countless, hundreds and hundreds of people. They are all dead. They have to be. They can't live. There it is. That is a picture of it. To give you an idea of what is happening, there it is. They were peppering the entire town.

I don't know why. Here I am a Member of the Senate, and I can't get even

our State Department to look into how many people they murdered that night. That was Monday night. A week ago tonight is when that happened. We don't know. But they were murdered. I am thankful that both the President and the First Lady are still alive, but they have been brutally mutilated. I condemn, however, the use of so-called peacekeeping forces, made up of United Nations and French forces, in the attacks on Abidjan and the Presidential palace. These forces have caused countless deaths in the densely populated city of Abidjan, a city of 4 million people. I hope every President of sub-Sahara Africa is watching right now. What happened there could happen to any country in sub-Sahara Africa.

Africa has 52 countries. I think 41 of those are sub-Sahara Africa. The multiple firings of United Nations and French missiles into downtown Abidjan are like firing missiles into downtown New York City. You don't know how many people are dead and won't know for a long time. Who knows how many hundreds if not thousands of innocent people were killed as a result of the U.N. and the French bombing a week ago tonight. This is not peacekeeping. This is war making. This is not the role of the United Nations. I question why the French are participating in this battle.

The African Union has also condemned this foreign military intervention. Why don't we listen to Africa. Africa for many years was used. They were abused. They were abused by colonialism. Certainly no one was worse or more offensive than the French. But they don't listen to Africa.

I called up a good friend, President Museveni of Uganda, and asked him what he thought. He had the courage to put something down in writing which I will read. This is from President Museveni, an east African country, not West Africa like Cote d'Ivoire.

He said:

I have not been happy with the way the United Nations and International Community, especially the French, have responded to the events of the post election Ivory Coast. I desired that it would have been ideal for a thorough investigation into the alleged election rigging and it be done by a credible and independent body under the African Union leadership and guidance instead of violently forcing the Laurent Gbagbo out of power without a hearing. I am not pleased with the way the international community can sanction a situation of blood bath in the domestic affairs of African Countries.

I am halfway through reading what he said here. Why aren't we listening to Africans. He is not the only one. I think every African President would agree with what I am reading right now.

He went on to say:

I would prefer a peaceful intervention by an African Union committee that would investigate into the matter, give the parties a fair hearing and come out with a workable

recommendation that can promote peace and stability in the region. The recommendation would include the possibility of a peaceful and conciliatory settlement toward a power-sharing deal as was done in the case of Kenya and Zimbabwe.

We all know about that.

At this point, I believe he would be happy to have a team of capable African leaders chosen under the auspices of the African Union to work on a peaceful end to the conflict in the Ivory Coast. I believe that the African Union must be given the opportunity to handle the matter in-house. I am of course not pleased with the way the U.N. and International Community has directly thrown their weight in support of Alassane Ouattara and now recognizing him as president.

This is the from the President of Uganda. I have talked personally to many other presidents. I could be quoting all of them right now, but essentially that is a statement to which they all agree.

I have been informed that this reflects the current sentiment of the African Union too, actually including the current AU Chairman Obiang, who condemned the foreign military intervention in Cote d'Ivoire saying that "Africa does not need external influence. Africa must manage its own affairs."

That is what the Africans said. That is President Obiang. President Obiang is the President of the African Union.

The Kenyan Prime Minister Odinga, who happens to be here, and I will be meeting with him in a few minutes, was quoted yesterday as saying President Gbagbo:

has been captured and I say that he should not be hurt. I have actually already sent word to Mr. Ouattara saying that Gbagbo should not be hurt. If he wants to go out into exile he should be allowed to go into exile but he needs to be treated humanely.

That is all I am asking our State Department and the United Nations to do. And they won't do it.

I have warned the U.N. and the French on the floor four times in the past week that they would have blood on their hands if they continued supporting the rebel forces of Alassane Ouattara and continued the bombing of the capital of Cote d'Ivoire, Abidjan and did not agree to an immediate cease-fire.

That is what has happened over the last the week, 10 days. I said on April 4—I am quoting myself now. On the floor, standing right here at this podium I said:

I think we can avert a real tragedy, something maybe comparable to what happened in 1994 in Rwanda with that genocide.

We all remember that. We also remember that we were warned—we weren't warned but the United Nations was, the Secretary General, we now know, was warned that the genocide was going to take place in 1994 in Rwanda, where 800,000 people were hacked to death with machetes. The world stood idly by. That is sub-Sahara Africa. Nobody cared.

I called for a cease-fire in Abidjan. No one responded. This was 8 days ago.

I wonder sometimes why is it nobody cares about sub-Saharan Africa. I remember back in 1999, when, under President Clinton, they were going to send troops into Kosovo and the excuse they were using at that time was ethnic cleansing. I said on this Senate floor, why is it we are all concerned about ethnic cleansing in Kosovo. For every one person in Kosovo who has been ethnically cleansed on a given day, 100 in any one country in sub-Saharan Africa have. But nobody cares about sub-Saharan Africa. Why is there no outcry for these millions of people who are being brutally murdered in other places in the world?

I have to say this—and I know I am repeating what I said in 1999 on the floor—and I know it is very unpopular, but I will quote a guy whose name is Roger Wilkens, professor of history and American culture at George Mason University. He said:

I think it is pretty clear U.S. foreign policy is geared to the European American sensibility which takes the lives of white people much more seriously than the lives of people who are not white.

What is he saying there? I think I know what he is saying.

But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa, around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain. . . .

I read this because I knew this was going to happen. It was only 5 days ago when I warned this was going to happen. So anyway, on April 5, I said Ouattara has tried to deny his involvement in the slaughter of up to 1,000 innocent people. This was on April 5, a little over 1 week ago. There it is, folks, as shown in this picture. That town is called Duekoue. It is in Cote d'Ivoire. It is a small community: the western town of Duekoue. His forces took the town earlier last week after the Gbagbo forces had gone. They were already gone—they had to be—the Gbagbo forces. We know now these people were shot, macheted, and burned to death by the Ouattara forces.

You may remember me quoting on the floor just a few days ago a BBC report back last week that quoted a BBC reporter, Andrew Harding, who said of the Duekoue massacre—this is it now, folks, just a little over 1 week ago—he said:

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a UN soldier from Morocco is choking with rage and grief. I ask him if any of the dead [that the hogs are eating] are children. He nods and begins to sob, quietly, into his facemask.

I pointed out that the Guardian, a British newspaper, quoted the U.N. mission which said that “traditional hunters, known as Dozos, fought along-

side Ouattara's forces and took part in killing 330 people in the western town of Duekoue, and that Guillaume Ngefa, deputy head of the human rights division of the UN mission in Ivory Coast, blamed at least 220 of the deaths on pro-Ouattara forces.”

I repeat, this massacre was not caused by Gbagbo forces but by Ouattara forces that had taken the town. The Gbagbo forces had left 1 week earlier. There they are. Look at them: mutilated bodies, chewed up, burned. That was in Duekoue, a very small community in the western part of Cote d'Ivoire.

I repeat, this massacre was not caused by Gbagbo forces. I think we all know that. I, again, called—this was last week—for a cease-fire, and no one responded. That was just 1 week ago.

On April 7 and 8, I pointed out that the United Nations and the French were bombing downtown Abidjan, near the Presidential palace, where hundreds of young supporters of President Gbagbo had circled the Presidential palace making a human shield from the bombing. This is what they did—all these kids. All they had were baseball bats and 2 by 4s in a circle surrounding the palace to protect their President, President Gbagbo, and his family of about 17 who were there and his wife Simone.

You saw, 1 minute ago, in this one picture right here, that—do you think there is anything left of those kids who were surrounding the palace? No. They were all mowed down.

That was on the 7th and the 8th. Who knows how many of them were killed. I cannot imagine any of them lived through it.

I also pointed out, on April 8, there were roving death squads—there they are right there, folks; they are Ouattara people—roving death squads who are disappearing—this is the word they use: “disappearing”—supporters of President Gbagbo. That means they are killing them.

I called again for an immediate cease-fire, and no one responded, not our State Department, not the United Nations, certainly not the French.

I also pointed out that I believe massive voter fraud occurred in the November 28, 2010, Cote d'Ivoire Presidential election between President Gbagbo and the rebel leader, Alassane Ouattara, from up north. That is the Muslim part of Cote d'Ivoire.

I submitted evidence in two letters to the State Department that showed that massive voter fraud allowed Ouattara to steal the election. In one instance, it showed that in the first round—here we would call this a primary and then a primary runoff. In the first round, in one of the five districts in the north, they miscounted, they tabulated them, and just added 95,000 additional votes. I documented all this. If we had 95,000 additional votes in each

one of the five northern districts, then clearly President Gbagbo won reelection.

In another case, if you look at what they had in what we call primaries, in the first round President Gbagbo got thousands of votes—thousands of votes—in the northern five districts. When they did the runoff, he got zero—zero—votes. That is a statistical impossibility.

What did our State Department do? Nothing. I did not receive—I finally received a response to my two letters saying they think this is all fraudulent. They have not changed their minds. This is Sub-Saharan Africa. Do they truly care? I can only conclude that our State Department is engaging in a whitewash of any credible investigation into my allegations.

So I call again on the U.N., French, and Ouattara forces to halt all the violence, including that being done against President Gbagbo and the First Lady. They will be held responsible if any more harm comes to them. I call for an independent investigation—this is what the Africans want—into all the atrocities committed by all military forces involved in the fighting in Cote d'Ivoire. I call on the U.N., French, and Ouattara forces to halt immediately the death squads roving around the streets of Abidjan “disappearing” supporters of President Gbagbo.

I had a call from one friend down there whom I certainly would not identify. They would murder him overnight. He was talking about how he could not go out. He could see bodies, corpses in the street. This was 2 days ago. They could not go out there because they had snipers and they would mow them down.

They are led by soldiers of Ouattara's rebel army, supported by the French and the United Nations, and have already killed more than 400 people, in addition to, perhaps, the thousands killed in the bombing we have already looked at.

Right now, I have several friends who give me these reports. They are saying: Isn't there anything you can do now—just, if they go in now, after they have killed all these people? I call upon, again, the United Nations, the French—which I know are not going to do it—and certainly the Ouattara rebels and our State Department to go in and stop it. We could do it in no time at all.

There is all this concern about Libya and all these things going on. This is just as bad, but nobody cares. Keep in mind, this is Sub-Saharan Africa.

So the streets are filled with the stench of rotting bodies.

I renew my call for hearings before the Senate Foreign Relations Committee into the bombings and killings by the U.N., the French and the Ouattara rebels and the strong evidence of massive voter fraud in the November Presidential election.

I appreciate chairman JOHN KERRY's willingness to hold such hearings, and I look forward to setting a date—the sooner the better.

I have talked to the chairman of the subcommittee—that is Chairman COONS and Ranking Member ISAKSON—and they have agreed to have these hearings.

I am anxious to get into this so all the world can see it. Maybe we can stop this from happening again. I do not know.

I also suggest that the United States step in to help and examine the possibility of seeking a place of exile for the Gbagbos outside of Cote d'Ivoire. The United States has performed such a role before when, in 1986, under the Reagan administration, Haiti's "Baby Doc" Duvalier was sent into exile in France. So it has happened before. There is nothing wrong. The American Government did this before. I am asking them to do it again: take these people, who are being maybe murdered at this moment—we don't know; we know they are being tortured—and allow them to go into exile.

This could be an important step toward beginning a process of reconciliation that the people of Cote d'Ivoire so dearly deserve. This is not about the Gbagbos. It is about the modern day return to French colonial imperialism, and this time, with the help of the United Nations, they were doing this.

Here is what my concern is: Cote d'Ivoire has had a hard enough time trying to break free from the yoke of French colonialism. From the days of President Houphouet-Boigny in 1960 through Bedie in 2000—then Gbagbo was elected in the year 2000—up to that time, the French had actually owned all the Presidents. They were all right there with France.

All you have to do is go through the streets of Abidjan—what streets might be left now; I doubt there are many—and you will see that is happening. It is not just the Gbagbos. Any President on the African Continent in Sub-Saharan Africa should know this could just as well happen to them and their Ministers and their friends. That is what is happening right now.

I am going to show you something that I hesitated doing, but this is the happy face of President Gbagbo, as shown in this picture. This is the face I know. This is the President who has been President since 2000. He has gone through a lot of these same problems, but he stood up against the French and against the Ouattara in the north. Now he has been captured, and I will show you what he looks like today. This is 3 days ago.

This is today. His face is beat in from the side. He is there. He is being held on this side by someone while they are mashing his face.

Then there is Simone, his wife. I happen to know her very well. I will now show you a picture of her.

In my State of Oklahoma, we had—he is not there anymore—a great Congressman named J.C. Watts. He is an African American. I just talked to him today. He was at a hearing I testified in today. J.C. Watts is an African American who served in the House.

When Simone came over one time—this is Simone Gbagbos—she said: Would you try to let me get introduced to J.C. Watts, Congressman Watts. I said: Yes, I would be glad to do it. I did not know why. I went over and took her to the House of Representatives. We are in the Senate. That was in the House. He was in a hearing. He came out, and I said: I want to introduce you to someone who is the First Lady of Cote d'Ivoire. She then put her arms around him and started crying. He did not know why she was crying. She said to him: Will you forgive us? J.C. Watts said: Forgive you for what? She said: Because we are the ones who sold your brothers into slavery.

In the United States of America, people walk around guilty—and they should be—about the slavery we had. But in Africa, and particularly Sub-Saharan Africa and west Africa, where most of the slave trade came from, such as Cote d'Ivoire, they realize they are the ones who sold their brothers into slavery. Here is Simone begging J.C. Watts to forgive her for selling them into slavery.

She was an elected member of Parliament from her district. She was leading the way for developing a center to care for orphans in her district. At the national level, Simone Gbagbo, the First Lady, worked to have a nationwide program for women to get their products to market. No name for that program is yet found, but that is what the program is. On a continental level, she was the head of the Organization of African First Ladies against HIV/AIDS, a forum created to establish a role for African First Ladies in dealing with the HIV needs of women and children. That is who Simone is. Isn't she pretty? That was 1 week ago.

Let's see what she looks like today. You cannot see it now. They have held her and pulled her hair out by the roots. They went out into the streets and said: This is the hair of Simone Gbagbos. I don't know what else they did to her. Use your own imagination—brutally murdered.

Who are these people? They are the Ouattara forces. Do you think we made that up? Here is another picture. There they are. All of these are identified leaders of the Ouattara forces holding her. See what that they are doing to her, beating her and pulling her hair out. That is what is happening today.

So I only will say—I will conclude with this—our State Department has to wake up. You cannot assume the United Nations is doing something that is right. We have to understand there is this half of a continent called Sub-Sa-

haran Africa, and those people—their lives are worth just as much as they are worth in Kosovo or Bosnia or the United States or any of the other places we go and try to save lives.

Again, I would say to any of our friends and any of the Presidents of any of the countries in Sub-Saharan Africa, what has happened right there could very well happen to the Presidents or First Ladies of your countries.

I only ask three things. No. 1, stop this. Stop the firing that is going on right now. People are being murdered as we speak. Stop it. We can do it. We have the power to do it. Our State Department can ask the United Nations to make it happen in spite of what the French might want.

No. 2, send them into exile. Give them the dignity of living someplace else in Sub-Saharan Africa so these people, so the people of Africa will know—can you imagine what the people of Cote d'Ivoire will be thinking and doing in the near future if they allow this to go unanswered? That is my appeal to the U.S. State Department, to the United Nations, and to the French.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the period of morning business for debate only be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each, and that at 6 p.m. I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENT SPENDING

Mr. INHOFE. Madam President, there is no one else in the Chamber now. They said they had other speakers lined up, and when they come in, I will be glad to yield the floor to them. In the meantime, let me make a couple of comments about the discussion today that everyone is addressing, Democrats and Republicans.

I have been here for a number of years. I have seen different administrations come through. I think this is the first time the American people have finally awoken to the fact that we have finally gotten to a point where we can't continue to do what we have been doing.

When President Obama came into office, he came out with his first budget and then his second budget and then his third budget. If we add up these budgets, what he has done successfully, since he had total control of the House and the Senate, is passed these budgets. He has added more to our national

debt in 2 years than every President throughout—in the history of this country, every President from George Washington to George W. Bush.

I can remember coming to this floor and I was outraged back in 1995 when then-President Clinton came up with a budget, and that budget was a \$1.5 trillion budget. This budget President Obama has come out with is not just \$1 trillion, not \$1.5 trillion, it is \$3.5 trillion, and the deficit alone for this 1 year is greater than the budget was for the entire year of fiscal year 1996. It can't happen. We can't continue to do that.

Consequently—and I criticized some of my Republican friends when a lot of them voted for the \$700 billion bailout back in October of 2008. Of course, none of the Republicans voted for the \$800 billion stimulus package. Right now, we are quibbling over, well, can we really cut \$60 billion from the budget. Yet they passed an \$800 billion stimulus package—spending. It had never been done before in the history of this country. It has to stop now.

I watched what PAUL RYAN is doing over there. That is heavy lifting, that is tough, and he is talking about something that is very real.

I see my good friend from Utah has come in.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague.

Sometimes it amazes me how quickly debates change here in Washington. At this time in 2009, President Obama was riding high. Heralded as the second coming of Franklin Roosevelt, the conventional wisdom was that his election represented a sea change in the attitudes of American taxpayers. Where his Democratic predecessor came to Congress and announced that the era of big government was over, President Obama came to Washington convinced that the era of big government was just beginning.

With historic majorities in both Houses of Congress, he and his Capitol Hill allies set about the business of transforming the Nation's economy with massive jolts of new government spending and regulation. They cultivated an unholy alliance of big labor, big business, and big government, and the hoped-for result was a corporatist state where government bureaucrats would calculate the fair share that business would contribute to finance the administration's redistributionist policies. They exploded the growth of the Federal Government through ordinary appropriations and the stimulus. Democrats hiked up nondefense discretionary appropriations by 24 percent over the last 2 years and by 84 percent if you count the stimulus bill.

But, as an American songwriter once put it, the times they are a-changing.

Later this week, we will be considering the continuing resolution that gets us to the end of fiscal year 2011. To hear the left talk, one would think this proposal was shutting down agencies left and right. They say we have cut discretionary spending to the bone. This, of course, is a little bit melodramatic. Before the Republicans won in November, the Federal Government was on pace to spend \$3.8 trillion. That is \$3,800 billion. The continuing resolution we will vote on reduces spending by \$38 billion. And \$38 billion in spending reductions from spending of \$3,800 billion or \$3.8 trillion—whichever you like—is not exactly cutting to the bone.

I agree with my colleagues who say we need to reduce spending by even more. Facing our third consecutive year with more than a \$1 trillion projected deficit, these cuts barely scratch the surface of what needs to be done. But make no mistake about it—even these cuts would have been impossible if not for the Republicans taking back the House and making gains in the Senate last November. When Republicans won, they changed the debate in Washington.

Even the press has been forced to acknowledge the depth of our fiscal crisis, though old habits die hard. Just this morning, we witnessed a relapse in the mainstream media as it did its best to enable excessive spending. The headline on the front page of today's Washington Post screamed "Cuts Will Affect Vast Spectrum of Priorities." This made me think of the old joke about the likely reporting at the New York Times on the outbreak of a nuclear conflict: "Nuclear War Breaks Out: Women and Minorities Hardest Hit." But I should not be too hard on the press. They seem to be getting it. There is certainly no denying it. We are spending way more than we are taking in, and, absent real reductions in spending and meaningful reforms to entitlements, this country is cruising toward a legitimate debt crisis that will adversely impact every American family.

This desire to reduce spending and restore the Constitution's limits on the size of government is the new normal for taxpayers. The Obama administration's salad days when they dreamed of permanently expanding the size of the Federal Government are way back in the rearview mirror. Because of the undeniable seriousness of our debt and deficits and the commitment of Republicans to taking it on, the debate has shifted from how do we enlarge the size of government to how can we scale it back. The administration was slow to recognize this. When given his first opportunity to weigh in on this crisis, the President voted "present." His fiscal year 2012 budget was laughable for its failure to take on our deficits and growing debt.

Even Ezra Klein, the liberal Washington Post reporter, could not carry the President's water on this one. Even he couldn't carry the President's water on this one. He wrote that when reading the budget, it is almost like the fiscal commission never happened.

The President's fiscal commission recommended over \$4 trillion in spending reductions, including adjustments to entitlements. I can't say I agree with everything in the commission's proposal, but it was a serious effort to get our Nation's finances back in order. But the President chose to pretend this report did not exist.

Well, since then, they must have done some polling over at the White House. They must have realized that on the most critical issue facing the country, American taxpayers and American families want something more from their President—they want leadership. The President of the United States can't just subcontract out these issues to other people. The President of the United States has to lead, and in these areas it takes the President. He has to be bold. He has to take a stand. For all of the elegiac comparisons of President Obama to Abraham Lincoln, Franklin Roosevelt, and Ronald Reagan, those were not passive Presidents. On the big issues, they took big risks and they led the country. It seems as though the President's advisers have finally figured this out. They need to get involved in a serious way on the issue of Federal spending.

Sitting back and adding nothing, while your allies demagogue reasonable solutions to pressing problems, is simply not acceptable to the American people. Democrats tried this tired line of attack last week, alleging that Republicans were out to hurt the poor, the disabled, and the elderly. These smears really are beneath the dignity of our elected officials, and they show a total disregard for the common sense of American citizens and the good faith and charity of those who support Republicans. A good first step for the President would be to disavow these statements. He has a chance to do so tomorrow.

The President is giving a much-hyped speech tomorrow on the issue of spending and getting our deficits and debt under control. I can only say I hope he comes through. The people of my home State of Utah and the people of every State are demanding that Washington tackle out-of-control spending. Vague outlines or statements of principle are not going to do it. The President needs to take a stand, or should I say stance.

I would add that the American people don't want solutions to a spending crisis that involve higher taxes. The solution to a spending crisis is not higher taxes that will give the government more money to spend. Our problem is not that citizens are taxed too little; our problem is that government spends too much.

So the President needs to come forward with serious, concrete proposals and commit to working with Congressman RYAN, Speaker BOEHNER, and Senate Republicans to solve this problem.

I am willing to give the President a mulligan on his first budget proposal. The President, like Members of Congress, represents the people. As representatives of the people, we must acknowledge those times when we get it wrong. When the people make it clear that they want their elected officials to go in a different direction, in a democratic republic it is only right that the President and the Congress give voice to those concerns. The President seems to understand that he got it wrong with this first budget.

Taxpayers and families want Washington to take on spending, but the people will not be fooled. If the President comes out tomorrow and speaks in vague generalities, if he comes out and simply defers to Congress, he will have satisfied no one. Being the President of the United States is not like being a law professor. Your job is not merely to facilitate dialog. Your job is to lead.

I look forward to the President's remarks tomorrow. I guess we could call it the President's budget, part deux. My hope is that the sequel will be better than the original.

With that, Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

STEM EDUCATION

Mr. FRANKEN. Mr. President, I rise to talk about a matter that is very important to our country, to Minnesota, and to me, which is science, technology, engineering, and mathematics education or STEM education for short.

As I have traveled around Minnesota, I have heard from many of our high-tech businesses. They fear our students will not be ready to take on the jobs waiting for them when they graduate and, as a result, these jobs will go unfilled and our economy will founder. This is not just true in Minnesota, of course, but across the country—in Pennsylvania, the State of the Presiding Officer, and everywhere in our Nation.

That is why I am addressing our need for a well-trained STEM workforce through the STEM Master Teacher Corps Act, which has been cosponsored by my colleagues, Senators LIEBERMAN and SHAHEEN.

We have been hearing concern about the state of STEM education in our country for over a decade now. In 2000, a 25-member commission, headed by former Senator John Glenn, published a report called "Before It's Too Late," which addressed the pressing need for high-quality math and science teaching.

Five years later, another report—"Rising Above the Gathering Storm"—presented the findings and recommendations of a National Academies commission, chaired by former Lockheed Martin CEO Norm Augustine, concerning the deteriorating condition of STEM education and basic research.

Last year, a followup report, dramatically entitled "Rapidly Approaching Category 5 Hurricane," warned us that the "gathering storm" is now threatening to wipe out U.S. leadership in global science and technology if we don't act fast—and said so with good reason.

According to the Bureau of Labor Statistics, nearly every one of the top 30 fastest growing professions requires STEM skills. These include jobs in some of the fields that are most critical to the future of our country—health care, energy, climate change, and national security. Yet too few kids are graduating from high school with the interest or the preparation to successfully pursue STEM degrees in college. Well over half of college students in China and Japan major in STEM fields, compared with only one-third of U.S. students.

International standardized tests show that we rank only average or below average in students' math and science performance. The 2009 Program for International Student Assessment placed American 15-year-olds 25th in math and 17th in science out of 34 OECD countries—the developed countries. What is worse is, we are spending more on education per student than any other OECD country in the world, except for Luxembourg.

As Congress works to reform No Child Left Behind this year—and the Presiding Officer is working with me on that on the HELP Committee—I urge my colleagues to consider strongly the importance of STEM education and how to spend our limited resources most effectively. President Obama has proposed recruiting and training 100,000 new STEM teachers in the next decade and has requested \$100 million to advance this worthy goal.

However, many STEM teachers leave the profession within their first few years of teaching, often drawn by far more lucrative salaries elsewhere in science and technology fields. Those talents are valued in the market. So if we are going to invest in recruiting and training new teachers, we also need to invest in retaining and best utilizing those individuals.

The STEM Master Teacher Corps Act is based on a proposal brought forth by President Obama's Council of Advisors on Science and Technology. It will provide the top K-12 STEM teachers in a participating area with additional professional development, so they can become leaders in their schools and in their communities.

Master teachers will mentor their younger or less-effective peers, giving them guidance and inspiring them to stay in teaching. Master teachers will also network with one another, sharing best practices and resources. Together, these measures will improve the quality and the ability of all teachers to impart strong STEM skills and an eagerness to learn and pass it on to their students.

Providing career advancement opportunities to effective STEM teachers and support to beginning teachers will help increase retention, so our investments in recruitment and training will have an even greater payoff.

In recognition of their excellent work and new leadership responsibilities, it is only fair that these master teachers should be compensated, so my legislation also gives them a salary bump. Our teachers work just as hard as other STEM professionals, and it is time we recognize that and pay them accordingly. According to the National Association of Colleges and Employers, the median salary offered to recent college graduates in certain STEM-related fields, including physics, computer science, accounting, and engineering, is \$24,000 higher than that offered to a new secondary school teacher and \$30,000 higher than that offered to a new elementary school teacher.

This legislation has been endorsed by more than 60 national and regional groups, ranging from educational organizations such as the National Education Association, the American Federation of Teachers, the College Board, and Education Minnesota, to business groups such as LifeScience Alley, the BioBusiness Alliance of Minnesota, and the Minnesota High Tech Association. The bill is also supported by rural groups, such as the National Rural Education Association and the Rural School and Community Trust and numerous science and math societies.

I am particularly pleased to have the endorsement of two leading national businesses that also happened to be headquartered in my State, Medtronic and 3M. Both of these companies recognize and support the importance of acting now to ensure a well-trained workforce for the future, and they have already shown a proactive interest in supporting and engaging students in STEM activities.

I was recently at a first robotics event at the University of Minnesota that was astounding. They had two huge auditoriums of these over-130 teams competing in Minnesota in this

robotics competition. So I am very grateful for the support of 3M and of Medtronic.

Mr. President, I have a very impressive list of the number of endorsers to the bill, and I ask unanimous consent to have printed in the RECORD the full list of endorsers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS ENDORSING SENATOR
FRANKEN'S STEM MASTER TEACHER CORPS
ACT OF 2011

3M; Alliance for Excellent Education; American Association for the Advancement of Science; American Association of Physicists in Medicine; American Association of Physics Teachers; American Federation of Teachers (AFT); American Institute of Physics; American Mathematical Society; American Physical Society; American Society for Engineering Education; American Society of Civil Engineers; America's Promise Alliance; Arlington, MA STEM Coalition; ASME Center for Public Awareness; Association of Science Materials Centers; Biobusiness Alliance of Minnesota; Campaign for Environmental Literacy; Central Jersey Modeling Institute; College Board; College of Education at Purdue University; Council of State Science Supervisors.

ECOCAD DESIGN GROUP, LLC; Education Development Center; Education Minnesota; Engaged Education Now; For Inspiration and Recognition of Science and Technology (FIRST); HMC Architects; IEEE-USA; International Renewable Energy Technology Institute; Iowa Mathematics and Science Education Partnership; LearnOnLine, Inc.; LifeScience Alley; Materials Research Society; Math for America; Medtronic; Minnesota Center for Engineering and Manufacturing Excellence; Minnesota Council of Teachers of Mathematics; Minnesota High Tech Association; Minnesota Intermediate District 287.

National Association of Secondary School Principals; National Association of State Boards of Education; National Board for Professional Teaching Standards; National Council of Teachers of Mathematics; National Education Association (NEA); National Institute of Building Sciences; National Institute for Excellence in Teaching; National Rural Education Association; National Science Center; National Science Teachers Association; New Teacher Center; Ohio Technology and Engineering Educators Association; Ohio Technology Education Advisory Council; The Optical Society; NV STEM Education Coalition; Project Lead The Way; Rural School and Community Trust; School Science and Mathematics Association (SSMA); South Carolina's Coalition for Mathematics and Science; SPIE, the International Society for Optics and Photonics; STARBASE Minnesota; STEM Education Coalition; TIAX LLC; Triangle Coalition for Science and Technology Education.

Mr. FRANKEN. Mr. President, the Master Teacher Corps Program addresses the recommendations presented in the President's Council of Advisers on Science and Technology's 2010 K-12 STEM education report and tracks the priorities laid out more than 10 years ago in the Glenn Commission report.

Specifically, it would establish an ongoing system to improve the quality

of mathematics and science teaching in grades K-12, and it would improve the working environment and make the teaching profession more attractive for K-12 mathematics and science teachers.

With the planned reform and reauthorization of No Child Left Behind this year, we have a rare and, indeed, ideal opportunity to implement real change in K-12 STEM education in this country. So let's act now, before it is too late, before the storm has fully gathered, and before that rapidly approaching category 5 hurricane destroys the competitive technological edge and the prosperity our country has worked so hard to build and maintain.

I urge my colleagues to join Senators LIEBERMAN, SHAHEEN, and me in supporting a sustained investment in K-12 STEM teacher quality and in raising the standards of the teaching profession through the STEM Master Teacher Corps Act.

UNIVERSITY OF MINNESOTA-DULUTH'S MEN'S HOCKEY TEAM CHAMPIONSHIP

Mr. FRANKEN. Mr. President, I would also like to take a moment to congratulate the University of Minnesota-Duluth's men's hockey team for capturing their first ever NCAA Division I Championship. The UMD Bulldogs faced off against the Michigan Wolverines in St. Paul this past Saturday and, wow, it was an amazing game.

Over 19,000 fans packed the Xcel Energy Center to watch a nail-biter, really, is what it was. Goaltenders Shawn Hunwick of Michigan and UMD's Kenny Reiter kept the game close, neither allowing a goal in the third period and sending the game into overtime.

Stuck at 2-2 Bulldog Travis Oleksuk gathered the puck behind the Michigan goal just 3 minutes into the extra period. With the puck on his backhand, Oleksuk slid a pass in front of the net to hard-charging teammate Kyle Schmidt, Hermantown, MN.

Kyle, only 10 days removed from hand surgery, buried the puck from just outside the crease. In a moment of pure exuberance, he skated to the half-line and dove onto his back, performing what I believe was a snow angel, as he slid on the ice. It was something to see. It was one of the most thrilling finishes in college hockey history.

After 50 long years, Kyle's overtime goal gave the Minnesota-Duluth Bulldogs their first ever men's hockey NCAA Championship. In his tenth year at the helm, Coach Scott Sandelin led a tenacious and skilled Bulldog team that dominated on the power play and got timely goaltending throughout the tournament.

I would be remiss if I didn't commend the Michigan Wolverines, who played fiercely and deserve congratulations

for an excellent final game. I know everyone at the University of Minnesota-Duluth must still have smiles on their face after their victory, and I congratulate the players and coaches and the fans on a triumphant season.

I would also be remiss if I didn't say that last year the women's hockey team, the Bulldogs also, won the women's NCAA Division I hockey tournament. So kudos to the University of Minnesota-Duluth and the Bulldogs.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 792 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. I thank the Chair.

TAX FREEDOM DAY

Mr. KIRK. Mr. President, last week in Chicago, we announced tax freedom day—the day that marks the time when Illinois residents have paid their Federal and State tax burdens. The Tax Foundation, a nonpartisan organization that determines tax freedom day, found that this year Americans will pay more on their tax burden than they do on food, shelter, and clothing combined. Tax freedom day falls on April 15 in Illinois and on April 12 nationwide.

Yet tax freedom day underestimates how heavy the government's burden is by only reflecting the size of the bills we actually pay to the government, not the spending we are pushing off on future generations in the form of higher deficits and debt. If we paid all of our bills to the government, the way it spends money, tax freedom day would not come until May 23.

With a government that consumes so much, it is fair to ask: Is the government spending as efficiently as possible on programs it is funding? Sadly, it is very clear that waste, fraud, and duplication still exist widely in the Federal Government.

To call attention to these issues, I introduced the "silver fleece award" in homage of Senator William Proxmire's "golden fleece," but this one is made of silver, not gold, because we are headed for more austere times. In the month of February, this award was voted by Facebook users on "waste book" and was given to a program awarding \$1 million to provide signs displaying poetry in zoos.

I rise today to announce the nominees for the month of March and to announce the winner. The second runner up was a grant related to the Intermodal Surface Transportation Efficiency Act, or ISTEA, and Safe, Accountable, Flexible, Efficient Transportation Equity Act, or SAFETEA-LU, which was awarded \$150,000 to create special tunnels for salamanders to pass under a Vermont road. The first runner up was a video game, funded by the Federal Government, called "WolfQuest," which was developed using a National Science Foundation grant of \$609,160 to the Minnesota Zoo.

However, the March winner of the "silver fleece award," with a 63-percent vote, is a grant of \$460,000 funding a study on why people lie on text messages, instant messaging services, social networking Web sites, and other modern communication systems. Yes, we spent over \$460,000 of hard-earned taxpayer dollars to tell you why people lie when they are communicating electronically.

There are new nominees for the April "silver fleece award." This month's nominees were put forward by a leader on the issues of fighting pork and government waste in the House, Congressman JEFF FLAKE of Arizona. He nominated \$450,000 in grants from the State Department for art shows in Venice, Italy, \$130,276 in National Health Foundation funds to sponsor the creation and distribution of a cookbook, and \$328,835 spent on an Air Force photo op in New York City.

We invite your votes and your feedback on "wastebook on Facebook" to decide what next month's "silver fleece award" winner will be.

The sad thing in all of this is that the only current loser is the American people.

TRIBUTE TO BILL SAMUELS

Mr. McCONNELL. Mr. President, when most people think about Kentucky, three things usually spring to mind immediately: horses, college basketball, and bourbon. What few people realize, however, is that it is only in the past few decades that premium bourbon has had much of a presence outside Kentucky at all. Just 30 years ago, bourbon was one of the fastest-declining spirits in America. And yet today, the industry supports 10,000 jobs in Kentucky; more than 1.5 million people have visited the Kentucky Bourbon Trail in the last 5 years; and every distiller in the State is adding capacity. So bourbon's come a long way, and if you ask folks in Kentucky, most of the credit goes to one man, whose 35-year run at the helm of the world's most famous bourbon distillery comes to an end this week.

I am referring, of course, to Mr. Bill Samuels, Jr., the longtime president of Makers Mark. Bill's dad may have

come up with the formula for premium bourbon, but it is because of Bill's vision and tenacity that the rest of the world knows about it today.

The first thing you could say about Bill Samuels is that rarely in the history of American commerce has there been a better marriage between a man and a product than the one between him and Makers Mark. To many Kentuckians, he is an instantly recognizable figure. You could say that what Colonel Sanders was to chicken, Bill is to bourbon. And so it is appropriate that the first job he ever had, at the age of 16, was driving the colonel around. You couldn't ask for a better teacher than Harlan Sanders if you wanted to learn how to promote a product, and, if that product was bourbon, you couldn't ask for a better hometown than Bardstown, KY. Bill's godfather and next-door neighbor was Jim Beam, and Bill can trace his family's tradition of bourbon making in Bardstown back seven generations to 1844.

A dramatic change in the family business came in 1953, when Bill's father, Bill Samuels, Sr., decided to abandon the old family recipe, bought the smallest distillery in the State, just outside of Loretto, and got to work on a more premium product. Bill, Sr. never really thought of the family business as much more than a hobby, so Bill, Jr. went off to college where he studied engineering and earned a law degree. But the family business retained a certain attraction, and soon the younger of the two Bills had to make a choice: practice law, or accept his father's offer to work with him for half the money. The other terms of employment weren't much better. Bill's dad told him that they did three things and three things only at the family's distillery: "We make whiskey, we count money, and we sell whiskey"—and that his dad was in charge of the first two.

Bill knew the family's bourbon had a future beyond its small but loyal customer base, and over the next several years he would put together the strategy to prove it. Where most businesses focused on telling people why they should buy their product, Bill would let the people who already liked Makers Mark do the talking. Bill's view was that if he focused on maintaining quality, the demand would grow on its own, one happy customer at a time. The real turning point came in 1980, when a reporter from the Wall Street Journal started making inquiries about this distillery outside Loretto, KY, that seemed to be in high demand. The front-page story that followed called Makers Mark a model of inefficiency by choice. It noted that the Samuels' produced only 19 barrels of bourbon a day compared to an industry average in the hundreds, and described a cadre of loyal fans who liked it so much they would pay a premium to get it.

The response was overwhelming. Bill, Jr. followed up with a series of clever ads that underscored just how small the distillery was, and how difficult it had become to keep up with demand, which of course only increased it. Soon, Makers Mark exploded onto the national and international stage as a premium brand, and an entire premium industry emerged for Kentucky, which today produces more than 95 percent of all bourbon produced in the U.S.

Bill's genius for marketing and his love for Kentucky has always extended well beyond the family business. Over the years, he chaired an astonishing 27 different boards, including those at the University of Louisville, Bellarmine University, and the Kentucky Chamber of Commerce. To the amusement of his friends, he recently signed up for Leadership Kentucky, a program typically reserved for young businessmen or women or newcomers to the State who want to learn more about Kentucky.

For a guy who is about as well known in Kentucky business as Colonel Sanders, it doesn't make much sense. But it makes perfect sense to people who know Bill. And whether he is showing up unexpectedly at some bar in Dallas or Chicago and buying a round of drinks, greeting visitors at the distillery in Loretto, or showing up at an event in a 12-button suit, Bill is one of those rare businessmen who has always been great at getting attention without showing a trace of ego. He has done it by focusing on the needs of his community, insisting on quality, and sticking to the winning formula that made Makers Mark a success. Those who have worked with Bill will tell you he is prone to self-deprecation, but this week Kentuckians across the State will have an opportunity to commend him on a job well done. And on behalf of all who have benefited from the vision and creativity of Bill Samuels, Jr., I would like to thank him for his dedicated service to the Commonwealth, and to wish him well in all his future endeavors. Knowing Bill, he is probably just getting started.

ADDITIONAL STATEMENTS

TRIBUTE TO CAILLEY AND MEMORABLE FACTOR

● Mr. GRAHAM. Mr. President, Le Grand Concours French competition consists of oral and written portions and is given by the American Association of Teachers of French to over 100,000 students learning French in all 50 States and abroad.

The MathFest was created in 2001 to provide an extended math initiative that would motivate students, parents, and teachers to raise the standards and expectations in math. This year the South Carolina MathFest was held in Columbia, and 4,000 math students

from around the State participated in the competition.

I would like to take a moment to recognize and honor Cailley Factor of Charleston County for winning first place in the second division at the State MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition. Additionally, I would like to recognize Memorable "Mem" Factor of Charleston County for winning first place in the first grade division at the State MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition. This is the first time in the history of the competition that siblings have been named winners in the same year.

The achievements of both Cailley and Memorable Factor serve as an example which all students should strive towards. I applaud them both in their accomplishments and look forward to their future success.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on April 9, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the amendment of the Senate to the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

Under the authority of the order of the Senate of April 8, 2011, the enrolled bill was subsequently signed on April 9, 2011 by the Acting President pro tempore (Mr. DURBIN).

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 37. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 783. A bill to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 37. Joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1310. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate (N-(phosphonomethyl)glycine); Pesticide Tolerances" (FRL No. 8866-8) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1311. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Escherichia coli O157:H7 Specific Bacteriophages; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8868-4) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1312. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Etoazazole; Pesticide Tolerances" (FRL No. 8867-5) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1313. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 08-02; to the Committee on Appropriations.

EC-1314. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Glenn F. Spears, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1315. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report for fiscal year 2010 of the National Guard Youth Challenge Program; to the Committee on Armed Services.

EC-1316. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the 2010 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC-1317. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled "Changes in Final Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on April 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1318. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-1319. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2010 Annual Performance Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1320. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's fiscal year 2012 General and Legislative Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-1321. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9292-9) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 109. A resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Peter Bruce Lyons, of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

By Mr. KERRY for the Committee on Foreign Relations.

*Ben S. Bernanke, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

*Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States on the Executive Board of the World Health Organization.

*Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Joseph M. Torsella, of Pennsylvania, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

*Kurt Walter Tong, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum.

*Susan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom.

Nominee: Susan D. Johnson Cook.
Post: Ambassador at Large for International Religious Freedom.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: \$1,000, 10/22/06, Friends of Hillary; \$150, 8/09, Yvette Clark Campaign; \$150, 6/09, Ed Towns Campaign; \$2,500, 10/10, DNC Fund-raiser; \$20, 10/10, Barbecue for Tim Bishop for Congress.

2. Spouse: Ronald Cook: \$0.
3. Children and Spouses: Samuel Cook: \$0; Christopher Cook, \$0.
4. Parents: Both Deceased: \$0.
5. Grandparents: Both Deceased: \$0.
6. Brothers and Spouses: Deceased: \$0.
7. Sisters and Spouses: N/A.

*Robert Patterson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Nominee: Robert Eugene Patterson, Jr.
Post: Turkmenistan

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Evelyn Gosnell: \$100, 2008, Obama. Jacqueline Gosnell: None. Danielle Gosnell: None.

4. Parents: Robert Patterson: \$200, 2009, Pat Toomey. Joyce Patterson: None.
5. Grandparents: deceased.
6. Brothers and Spouses: James/Ellen Patterson: \$1,000, 2008, Richard E. Neal. John/Dalleen Patterson: None.

Sisters and Spouses: Melody/Allen Ries: None.

*Jonathan Scott Gratton, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nominee: Jonathan S. Gratton
Post: COM, Embassy Nairobi

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributor, amount, date, and donee:

1. Self: \$4500, 2008, Obama for America.
2. Spouse: Judith E. Gratton: \$631, 2008, Obama for America.

3. Children and Spouses: Jonathan S. Gratton, Jr (son): None; Julie A. Gratton (son's spouse): None; Jennifer Lynn Yoder (daughter): None; Brian J. Yoder (daughter's spouse): \$30, 2008, Obama for America; David A. Gratton (son): None; Katherine M. Gratton (daughter): None.

4. Parents: John A. Gratton (father): None; Dorothy E. Gratton (mother): None.

5. Grandparents: Alexander G. Gratton: Deceased; Margret E. Gratton: Deceased; Alfred J. Harpel: Deceased; Fannie L. Harpel: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Barbara V. Harbert (sister): None; Scott J. Harbert (sister's spouse): None; Judith A. Kohl (sister): None; George J. Kohl (sister's spouse): None.

*Michelle D. Gavin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Michelle Diane Gavin
Post: Botswana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None;
2. Spouse: David Bonifili: \$300, 3-26-2006, Bob Casey for PA Senate Primary;
3. Children and Spouses: None;
4. Parents: None;
5. Grandparents: None;
6. Brothers and Spouses: None;
7. Sisters and Spouses: None.

*David Bruce Shear, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Nominee: David Bruce Shear.
Post: American Embassy, Hanoi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:
1. Self: none.
2. Spouse: Barbara C. Shear: none.
3. Children and Spouses: Jennifer J. Shear (unmarried): none.
4. Parents: Bruce and Jean Shear (both deceased): none.
5. Grandparents (long deceased—can't remember names): none.

6. Brothers and Spouses: George and Diana Shear: \$500, 2008, Obama campaign; \$50, 2010, Democratic Congressional Campaign Committee; \$25, 2010, Gillibrand campaign.
7. Sisters and Spouses: Laurel Mennen (divorced): none.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. INHOFE, Mr. ROBERTS, Mr. ISAKSON, and Mr. BARRASSO):

S. 785. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON of South Dakota:
S. 786. A bill to amend title 10, United States Code, to modify the appointment and grade of the Chief of the Army Medical Specialist Corps; to the Committee on Armed Services.

By Mrs. MURRAY:
S. 787. A bill to provide grants to promote financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. MERKLEY):

S. 788. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. NELSON of Florida):

S. 789. A bill to express the sense of the Senate that Medicare should not be dismantled and turned into a voucher program; to the Committee on Finance.

By Mr. AKAKA:
S. 790. A bill to provide for mandatory training for Federal Government supervisors and the assessment of management competencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. CRAPO, Mr. UDALL of Colorado, and Mr. RISCH):

S. 791. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR:
S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM:
S. 793. A bill to allow the Corps of Engineers to use certain amounts to carry out harbor deepening projects; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. WHITEHOUSE):
S. 794. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:
S. 795. A bill to address HIV/AIDS in the African-American community, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. KERRY, Mr. HARKIN, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 796. A bill to amend the Internal Revenue Code to extend qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mrs. MURRAY, Mr. REED, Mr. REID, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MERKLEY, and Mrs. HAGAN):

S. 797. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 798. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. MCCAIN):

S. 799. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. MERKLEY, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. LEAHY, Mr. BENNET, Mr. FRANKEN, Mr. CARPER, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. WYDEN):

S. 800. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 801. A bill to amend chapter 113 of title 40, United States Code, to require executive agency participation in real-time transparency of investment projects, to require performance and governance reviews of all cost overruns on Federal information technology investment projects, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 140. A resolution commemorating the 50th anniversary of the Bay of Pigs operation and commending the members of Brigada de Asalto 2506 (Assault Brigade 2506); to the Committee on Foreign Relations.

By Mr. CONRAD (for himself and Mr. HOEVEN):

S. Res. 141. A resolution recognizing the efforts and accomplishments of the GOD'S CHILD Project and congratulating the GOD'S CHILD Project on its 20th anniversary; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 142. A resolution congratulating the Lady Aggies of Texas A&M University on

winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself and Mr. THUNE):

S. Res. 143. A resolution supporting the goals and ideals of National Safe Digging Month; considered and agreed to.

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. INHOFE, and Mrs. FEINSTEIN):

S. Con. Res. 12. A concurrent resolution expressing the sense of Congress that the President should take certain actions with respect to the Government of Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 69, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 136

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 136, a bill to establish requirements with respect to bisphenol A.

S. 146

At the request of Mr. BAUCUS, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 210

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 217

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from

Maine (Ms. COLLINS) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 357

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 357, a bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 489

At the request of Mr. REED, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 514

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 514, a bill to amend chapter 21 of title 5, United States Code, to provide that fathers of permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

S. 529

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 529, a bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 570

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 603

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 646

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 646, a bill to reauthorize Federal natural hazards reduction programs, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 662

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 662, a bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 714

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 718

At the request of Mr. ROBERTS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 724

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 726

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 726, a bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes.

S. 733

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 733, a bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

S. 740

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 782

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

S. RES. 109

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. UDALL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 109, a resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

S. RES. 127

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.

Res. 127, a resolution designating April 2011 as "National Child Abuse Prevention Month".

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. BLUNT), the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. CARDIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. MERKLEY):

S. 788. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today Americans observe Equal Pay Day—the date that marks the extra days that women must work into 2011 in order to equal what men earned in 2010. On this day, I am proud to introduce the Fair Pay Act of 2011, a bill I have introduced every Congress since 1996.

In 1963, Congress enacted the Equal Pay Act to end unfair discrimination against women in the workforce. While we have made progress toward this important goal, nearly half a century later, too many women still do not get paid what men do for the same or nearly the same work. On average, a woman makes only 77 cents for every dollar that a man makes. That translates into an average of \$400,000 over her lifetime that a woman loses because of unequal pay practices. The circumstances are even worse for Latinas and women of color.

This is wrong, it is unjust, and it threatens the economic security of our families. The fact is millions of Americans are dependent on a woman's paycheck just to get by, to put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, a woman is the sole breadwinner.

The evidence shows that discrimination accounts for much of the pay gap,

and our laws have not done enough to prevent this discrimination from occurring. That is why passage of the Lilly Ledbetter Fair Pay Act was a critical first step, and why it is important to pass the Paycheck Fairness Act, introduced today by Senator MIKULSKI and Representative DELAURO, of which I am a proud original cosponsor. There are too many loopholes and barriers to effective enforcement of our existing laws. We need to strengthen penalties and give women the tools they need to confront discrimination.

At the same time, we must recognize that the problem of unequal pay goes beyond insidious discrimination. As a nation, we unjustly devalue jobs traditionally performed by women, even when they require comparable skills to jobs traditionally performed by men.

Today, millions of female-dominated jobs—for example, social workers, teachers, child care workers and nurses—are equivalent in skills, effort, responsibility and working conditions to similar jobs dominated by men. But, the female-dominated jobs pay significantly less. This is inexplicable. Why is a housekeeper worth less than a janitor? Why is a parking meter reader worth less than an electrical meter reader? Why is a social worker worth less than a probation officer?

To address this more subtle, deep-rooted discrimination, today I am joining with Representative ELEANOR HOLMES NORTON to introduce the Fair Pay Act, which will ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility and working conditions.

This important legislation would also require employers to publicly disclose their job categories and their pay scales, without requiring specific information on individual employees. If we give women information about what their male colleagues are earning, they can negotiate a better deal for themselves in the workplace.

Right now, women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. With pay statistics readily available, this expensive process could be avoided.

The number of lawsuits would surely go down if employees could see up front whether they are being treated fairly. In fact, I once asked Lilly Ledbetter: if the Fair Pay Act had been law, would it have averted her wage discrimination case? She said that with the information about pay scales that the bill provides, she would have known that she was a victim of discrimination and could have tried to address the problem sooner, rather than suffering a lifelong drop in her earnings and a trip all the way to the Supreme Court to try to make things right.

On this Equal Pay Day, let us make sure that what happened to Lilly never

happens again by recommitting to eliminate discrimination in the workplace and make equal pay for equal work a reality. America's working women and the families that rely on them deserve fairness on the job. Hopefully, soon, we can achieve true equality in the workplace so there is no need to commemorate equal pay day any more.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Fair Pay Act of 2011".

(b) REFERENCE.—Except as provided in section 8, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials—

(A) depresses wages and living standards for employees necessary for their health and efficiency;

(B) prevents the maximum utilization of the available labor resources;

(C) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(D) burdens commerce and the free flow of goods in commerce; and

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5)(A) In 2009, a woman in the United States working in a full-time, year-round job earned 77 cents for every dollar earned by a man working in a full-time, year-round job.

(B) A 2007 study found that - even when accounting for key factors generally known to influence earnings such as race, educational attainment, and experience - nearly half (49.3 percent) of the pay gap can be explained by differences in the industries and occupations that men and women work in, and 41 percent of the pay gap cannot be accounted for but may be partially explained by discrimination in the workplace.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for "equal work" on the basis of sex.

(7) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 4 decades after the passage of section 6(d) of the Fair Labor Standards

Act of 1938, the Equal Pay Act of 1963, and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.). Elimination of such barriers would have positive effects, including—

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) AMENDMENT.—Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

“(h)(1)(A) Except as provided in subparagraph (B), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

“(B) Nothing in subparagraph (A) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to—

“(i) a seniority system;

“(ii) a merit system;

“(iii) a system that measures earnings by quantity or quality of production; or

“(iv) a differential based on a bona fide factor other than sex, race, or national origin, such as education, training, or experience, except that this clause shall apply only if—

“(I) the employer demonstrates that—

“(aa) such factor—

“(AA) is job-related with respect to the position in question; or

“(BB) furthers a legitimate business purpose, except that this item shall not apply if the employer demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice; and

“(bb) such factor was actually applied and used reasonably in light of the asserted justification; and

“(II) upon the employer succeeding under subclause (I), the employee fails to demonstrate that the differential produced by the reliance of the employer on such factor is itself the result of discrimination on the basis of sex, race, or national origin by the employer.

“(C) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin for purposes of subparagraph (B)(iv). Such guidelines shall not include a list of such jobs.

“(D) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

“(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause

such an employer to discriminate against an employee in violation of paragraph (1)(A).

“(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this section or section 7.

“(4) In this subsection:

“(A) The term ‘labor organization’ means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

“(B) The term ‘equivalent jobs’ means jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.”.

(b) CONFORMING AMENDMENT.—Section 13(a) (29 U.S.C. 213(a)) is amended in the matter before paragraph (1) by striking “section 6(d)” and inserting “sections 6 (d) and (h)”.

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following:

“(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

“(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee’s wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h).”.

SEC. 5. REMEDIES.

(a) ENHANCED PENALTIES.—Section 16(b) (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: “Any employer who violates subsection (d) or (h) of section 6 shall additionally be liable for such compensatory or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.”;

(2) in the sentence beginning “An action to”, by striking “either of the preceding sentences” and inserting “any of the preceding sentences of this subsection”;

(3) in the sentence beginning “No employees”, by striking “No employees” and inserting “Except with respect to class actions brought under subsection (f), no employee”;

(4) in the sentence beginning “The court in”, by striking “in such action” and inserting “in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection”; and

(5) by striking “section 15(a)(3)” each place it occurs and inserting “paragraphs (3), (6), and (7) of section 15(a)”.

(b) ACTION BY SECRETARY.—Section 16(c) (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting “or, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages,” before “and the agreement”; and

(B) by inserting before the period the following: “, or such compensatory or punitive damages, as appropriate”;

(2) in the second sentence, by inserting before the period the following: “and, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages”; and

(3) in the third sentence, by striking “the first sentence” and inserting “the first or second sentence”.

(c) FEES.—Section 16 (29 U.S.C. 216) is amended by adding at the end the following:

“(f) In any action brought under this section for a violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.”.

SEC. 6. RECORDS.

(a) RECORDS.—Section 11(c) (29 U.S.C. 211(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) Every employer subject to section 6(h) shall preserve records that document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wage rates paid to the employees of the employer. Every employer subject to section 6(h) shall preserve such records for such periods of time, and shall make such reports from the records to the Equal Employment Opportunity Commission, as shall be prescribed by the Equal Employment Opportunity Commission by regulation or order as necessary or appropriate for the enforcement of the provisions of section 6(h) or any regulation promulgated pursuant to section 6(h).”.

(b) SMALL BUSINESS EXEMPTIONS.—Section 11(c) (as amended by subsection (a)) is further amended by adding at the end the following:

“(3) Every employer subject to section 6(h) that has 25 or more employees on any date during the first or second year after the effective date of this paragraph, or 15 or more employees on any date during any subsequent year after such second year, shall, in accordance with regulations promulgated by the Equal Employment Opportunity Commission under paragraph (8), prepare and submit to the Equal Employment Opportunity Commission for the year involved a report signed by the president, treasurer, or corresponding principal officer, of the employer that includes information that discloses the wage rates paid to employees of the employer in each classification, position, or job title, or to employees in other wage groups employed by the employer, including information with respect to the sex, race, and national origin of employees at each wage rate in each classification, position, job title, or other wage group.”.

(c) PROTECTION OF CONFIDENTIALITY.—Section 11(c) (as amended by subsections (a) and (b)) is further amended by adding at the end the following:

“(4) The rules and regulations promulgated by the Equal Employment Opportunity Commission under paragraph (8), relating to the form of such a report, shall include requirements to protect the confidentiality of employees, including a requirement that the report shall not contain the name of any individual employee.”.

(d) USE; INSPECTIONS; EXAMINATION; REGULATIONS.—Section 11(c) (as amended by subsections (a) through (c)) is further amended by adding at the end the following:

“(5) The Equal Employment Opportunity Commission may publish any information and data that the Equal Employment Opportunity Commission obtains pursuant to the provisions of paragraph (3). The Equal Employment Opportunity Commission may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based on the information and data as the Equal Employment Opportunity Commission may consider appropriate.

“(6) In order to carry out the purposes of this Act, the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any person of the information and data contained in any report submitted to the Equal Employment Opportunity Commission pursuant to paragraph (3).

“(7) The Equal Employment Opportunity Commission shall by regulation provide for the furnishing of copies of reports submitted to the Equal Employment Opportunity Commission pursuant to paragraph (3) to any person upon payment of a charge based upon the cost of the service.

“(8) The Equal Employment Opportunity Commission shall issue rules and regulations prescribing the form and content of reports required to be submitted under paragraph (3) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under paragraph (3), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome.”

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

“(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including—

“(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section 6(h);

“(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

“(C) sponsoring and assisting State and community informational and educational programs; and

“(D) providing technical assistance to employers, labor organizations, professional as-

sociations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

“(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evaluation and appraisal regarding the implementation of section 6(h).”

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking “subsections (a)(1) and (d) of section 6” and inserting “subsections (a)(1), (d), and (h) of section 6”; and

(B) by striking “206 (a)(1) and (d)” and inserting “206 (a)(1), (d), and (h)”.

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: “or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))”.

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104-331; 110 Stat. 4053), is amended by striking “subsections (a)(1) and (d) of section 6” and inserting “subsections (a)(1), (d), and (h) of section 6”.

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: “or, in an appropriate case, under section 16(f) of such Act”.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

By Mr. AKAKA:

S. 790. A bill to provide for mandatory training for Federal Government supervisors and the assessment of management competencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Federal Supervisor Training Act.

Properly trained supervisors are critical to the federal government's ability to efficiently and effectively provide essential services to the American people. First-level supervisors have close contact and frequent interaction with our Federal employees and thus have the most significant impact on employee performance.

Investing in first-level supervision could yield enormous positive returns. Research has shown that supervisory skills strongly predict agency performance and that improving the quality of first-level supervision is one of the most effective ways to improve an agency's performance. According to a 2010 Merit Systems Protection Board report entitled “A Call to Action: Improving First-Level Supervision of Federal Employees,” the fastest and most direct way to strengthen Federal workforce performance is to improve the supervision employees receive.

For managers and supervisors in the Federal Government, few things are more important than training. Supervisor training programs improve com-

munication, promote stronger manager-employee relationships, reduce conflict, and cultivate efficiency.

Conversely, poor supervision can damage agency performance and employee morale, which undermines agency performance and wastes money. The National Academy of Public Administration reported that while it is difficult to quantify the precise cost of supervisory deficiencies, even a small deficiency could result in a loss of billions of dollars, and that without solid programs for developing first level supervisors, agencies pay an enormous price. Simply stated, investing in supervisory training in the Federal Government now will save us money later.

The need for effective supervisor training is becoming even more pressing given the large number of Federal employees who are expected to retire in the next few years. The Office of Personnel Management estimates that by the year 2014, approximately 53 percent of permanent full-time Federal employees will be eligible to retire, and the majority of those eligible will retire. Because supervisors tend to be older and have more years of service than non-supervisors, supervisors are likely to retire at faster rates than non-supervisors. In light of the expected retirement wave, training a new generation of federal supervisors is a matter of national urgency.

The Federal Supervisor Training Act will require that new supervisors receive training on specified topics, including whistleblower and anti-discrimination rights, during their initial 12 months on the job, unless the Office of Personnel Management grants an extension to their employing agency. Supervisors will be required to update their training once every three years. Current supervisors will have three years to obtain their initial training. This bill will also require agencies to implement a program whereby experienced supervisors mentor new supervisors.

In addition, the Federal Supervisor Training Act will require the Office of Personnel Management to issue guidance to agencies on competencies supervisors are expected to meet in order to effectively supervise employees. Based on this guidance, or any additional competencies established by employing agencies, each agency will be required to assess the performance of its supervisors.

This bill builds upon supervisor training requirements under the Federal Workforce Flexibility Act of 2004, which directs agencies to establish training programs that develop supervisors, and to establish programs to provide additional training to supervisors in three areas—dealing with poor performers, mentoring employees and improving their performance, and conducting performance appraisals.

I am delighted that this bill has received support from the Government

Managers Coalition, which represents members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations. Additionally, it is supported by some of the largest federal sector labor organizations, including the American Federation of Government Employees, the National Treasury Employees Union, the National Federation of Federal Employees, and the International Federation of Professional and Technical Engineers. Finally, this bill is supported by the Partnership for Public Service, a non-profit, non-partisan organization which works to find ways to improve the government's ability to provide services to citizens. I believe the broad support from management associations, labor organizations, and outside good government groups demonstrates the need for this bill.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supervisor Training Act of 2011".

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before "In consultation with" the following:

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.";

(2) by striking "In consultation with" and inserting "(b) Under operating competencies prescribed by, and in consultation with,"; and

(3) by striking paragraph (2) of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

"(2)(A) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in—

"(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

"(ii) mentoring and motivating employees and improving employee performance and productivity;

"(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;

"(iv) effectively managing employees with unacceptable performance;

"(v) addressing reports of a hostile work environment, reprisal, or harassment of, or by, another supervisor or employee;

"(vi) meeting supervisor competencies established by the Office of Personnel Management or the employing agency of the supervisor; and

"(vii) otherwise carrying out the duties or responsibilities of a supervisor;

"(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

"(C) a program under which experienced supervisors mentor new supervisors by—

"(i) transferring knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

"(ii) pointing out strengths and areas for development.

"(c) Training in programs established under subsection (b)(2) (A) and (B) shall be—

"(1) interactive training which may include computer-based training; and

"(2) to the extent practicable as determined by the head of the agency, training that is instructor-based.

"(d)(1)(A) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

"(B) The Director of the Office of Personnel Management may establish and administer procedures under which the head of an agency may extend the 1-year period described under subparagraph (A) with respect to an individual.

"(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once every 3 years.

"(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

"(4) Each agency shall measure the effectiveness of training programs established under subsection (b)(2).

"(e) Notwithstanding section 4118(c), the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section. Regulations prescribed under this subsection shall include measures by which to assess the effectiveness of agency supervisor training programs."

(b) REPORT ON EXTENSIONS FOR TRAINING REQUIREMENTS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Director of the Office of Personnel Management shall submit a report with respect to the preceding fiscal year to the appropriate congressional committees on—

(A) the number of extensions granted under section 4121(d)(1)(B) of title 5, United States Code, as added by subsection (a) of this section; and

(B) the number of individuals completing the requirements of section 4121(d)(1)(A) of title 5, United States Code, as added by subsection (a) of this section.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations under section 4121(e) of title 5, United States Code, as added by subsection (a) of this section.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code (as added by subsection (a) of this section), on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section and is not subject to an extension under section 4121(d)(1)(B) of title 5, United States Code (as added by subsection (a) of this section) shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(d) (2) and (3) of that title (as added by subsection (a) of this section).

SEC. 3. MANAGEMENT COMPETENCIES.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

"§ 4305. Management competencies

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.

"(b) The Director of the Office of Personnel Management shall issue guidance to agencies on competencies supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

"(c) Based on guidance issued under subsection (b) and on any additional competencies developed by an agency, each agency shall assess the performance of the supervisors and the overall capacity of the supervisors in that agency.

"(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office of Personnel Management on the progress of the agency in implementing this section, including measures used to assess program effectiveness."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

"4305. Management competencies.
"4306. Regulations."

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking "section 4305" and inserting "section 4306".

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. CRAPO, Mr. UDALL of Colorado, and Mr. RISCH):

S. 791. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Radiation Exposure Compensation Act Amendments of 2011. The Radiation Exposure Compensation Act, known as RECA, was first passed in 1990 after years of work and litigation. The act was later improved in 2000 through amendments made by Congress, and today I am joined by my colleagues, Senators BINGAMAN, BENNET, CRAPO, MARK UDALL, and RISCH, to once again improve the act through introduction of this legislation.

This bill honors the individuals who unwittingly gave their health and even their lives to national efforts to develop uranium and a Cold War nuclear arsenal during the mid-20th century. Some Americans were sickened through exposure to aboveground atomic weapons tests, and others were exposed to heavy doses of radiation from working in the uranium mining industry. All the while, the government was slow to implement Federal protections. As a result, a generation of Americans who worked in the mines and lived near testing sites became sick with serious diseases like lung cancer and kidney disease.

Much of the United States' uranium development and weapons testing occurred in New Mexico and the West. Mines and mills drew workers into rural communities. These workers, and much of the country, were unaware of the dangers of radiation exposure. As mining and milling continued and our national understanding of the dangers of radiation exposure developed, the Federal Government continued to fail to ensure that uranium workers and their families were safe from the hazards of exposure to radioactive materials. As a result, numerous illnesses and cancers began to emerge in the men and women who worked in the uranium mining industry and lived downwind of weapons testing sites.

In my home State of New Mexico, the Pueblo of Laguna was home to the nation's largest open pit uranium mine. Additionally, many large and small mines and mill sites were opened within the Navajo Nation. In fact, much of the State's northwestern area is spackled with hundreds of abandoned uranium mines. Workers from across the

State came to these mines and mills, especially from the economically struggling communities of rural New Mexico.

In the late '70s, my father, Stewart Udall, took up the fight for these workers. In 1979, my father filed 32 claims against the Department of Energy on behalf of widows of deceased Navajo uranium miners. In many ways, this marked the beginning of the fight for compensation for all uranium workers. I remember working those years with my whole family to collect information and push for recognition. It was a family effort to fight injustice, and for me, it continues to be a family priority. Ten years later, the original RECA legislation was passed in the United States Congress, giving a level of restitution to sick miners and millers, as well as individuals downwind of nuclear tests. The RECA legislation was later expanded upon through an amendment adopted in 2000.

The legislation we introduce today takes the next step to address the remaining shortfalls of the Radiation Exposure Compensation Act.

Specifically, the bill would include post-1971 uranium workers as qualified claimants. While the Federal Government ceased purchase of domestic uranium in 1971, implementation of Federal work safety standards was slow and regulation of mines was poor. As a result, thousands of miners and millers were never made aware of the dangers of the yellow cake they handled on a regular basis. In recently conducted surveys, the majority of uranium workers from this time period report that they did not have showers or washbasins in the mines where they worked. They often took contaminated clothing home for laundering, unaware of the hazards and with no other option for cleaning. Many also report that ventilation to prevent unnecessary exposure was not provided in their work areas.

Today, these workers continue to suffer and die from illnesses related to radiation exposure. But because their employment dates began after 1971, the cut-off included in the original RECA legislation, they have no opportunity for compensation. Our bill changes that. If the measure passes, individuals working between 1971 and 1990 will qualify to claim compensation for exposure-related diseases.

The bill we're introducing today would also expand the geographic areas that qualify for downwind compensation to include New Mexico, Idaho, Montana, Colorado, and Guam. And for the first time, the bill recognizes downwind exposure from the original atomic weapons test site—the Trinity Site in New Mexico.

Those exposed as a result of aboveground weapons tests would receive increased compensation as a result of passage of the bill being introduced

today. This would make their compensation consistent with their counterparts who worked in mines and mills.

Comprehensive epidemiological research on the impacts of uranium development on communities and families of uranium workers is long overdue. Our legislation would authorize funding for the National Institute of Environmental Health Sciences to award grants to universities and non-profits to carry out such research.

Many who have suffered as a result of cold war uranium and weapons development do not have the documentation to prove their exposure. Often, mines and mills did not keep proper documentation of their workers, and many communities impacted do not have a tradition of keeping birth and marriage certification. The RECA Amendments of 2011 would broaden the use of affidavits to substantiate employment history and residence in an affected downwind area.

Employees would also be able to combine their time worked in multiple positions to meet the work-time requirements for compensation in the original RECA legislation if today's legislation is adopted.

Finally, this legislation would allow miners to be compensated for kidney disease. And it would allow core drillers to join miners, millers, and ore transporters on the current list of uranium workers who qualify for compensation under the Act.

For more than two decades now, the United States has tried to compensate in some way for the sickness and loss of life that came as a result of cold war era uranium and weapons development. Much has been accomplished, but today we are taking the next step to close this sad chapter in history and to improve the reach of compassionate compensation to those Americans who have suffered, but have not qualified under RECA in its current form.

Thousands continue to suffer from deadly illnesses as a result of radiation exposure, but many do not qualify for compensation because they began employment after 1971, or because they worked for a short time in several different mines and mills. Others qualify for a level of compensation, but still struggle to pay the expensive medical bills associated with their illnesses.

I look forward to working with my colleagues to recognize these individuals and expand RECA to include all who are justified in receiving radiation exposure compensation, and I urge the Judiciary Committee, the committee of jurisdiction, to expedite hearing on this important piece of legislation.

By Mr. PRYOR:

S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, I want to talk just for a few minutes about an incident that is unfolding in Arkansas, and that I am sure is unfolding in other States as well.

Less than 2 weeks ago, a 73-year-old woman and her husband received a letter from FEMA, where FEMA demanded that this couple pay back \$27,000 in FEMA assistance they had received 3 years earlier, and that they do so within 30 days or face penalties, interest, et cetera. Well, this was devastating news for her. These are Social Security recipients. They lost everything in a flood.

But let me back up and tell the full story, and then tell the rest of the story. Three years ago, Arkansas had some floods on the White River, and the folks in the Mountain View area, some of them, experienced very severe flooding. FEMA actually came to this couple's house, walked around, and told them on the spot they were eligible to receive FEMA assistance for the flooding. The maximum you can receive is \$30,000. So they filled out the paperwork.

In fact, FEMA helped them do some of that, like I said, on the spot, while FEMA was visiting their home and looking at their property. FEMA assured her they would qualify for this assistance. So they filled out the paperwork and they went through the process.

Apparently, at some point, there was even an appeal or some sort of clarification. So it went through the proper channels at FEMA. Remember, FEMA was there, they took pictures, and the whole deal. They verified the damage. So this couple received \$27,000 in FEMA assistance.

They put every dime back into their home. This is a couple who basically lost almost all their worldly possessions in this flood. I talked to her a week or so ago, and she told me they were able to save a few items of glassware and a few keepsakes from the family, but basically everything was either washed away in the water or so caked with mud it was ruined during the flood. The \$27,000 helped repair their home and make it habitable, but it didn't restore their home anywhere close to the condition it was before the flood. This was their dream home—their retirement home. They live right there on the White River. It is a beautiful part of the State.

So they got this letter a couple of weeks ago. Now, bear in mind this flood happened 3 years ago—the flood happened 3 years ago—and they are now required, under the rules and regs and the law that FEMA works with, to pay all this money back. As I said before, this is a terrible hardship.

As it turns out, what happened is these folks, although they were assured by FEMA they were eligible, they were actually never qualified to receive this

money. They didn't know that. They had FEMA in their living room telling them they were qualified and they should receive the money; that they met all the tests and standards and that is what this program was for, to help people like them. However, there was one technicality, and that was that the county in which they lived had not passed an ordinance to go into the FEMA flood insurance program. Here, again, FEMA should have known this.

FEMA apparently went to some of the county meetings where it was discussed and voted down. But, nonetheless, FEMA assured these people they would be covered under this program.

The irony of all this is that the couple, when they bought their home on the White River, one of the preconditions or requirements they set for themselves was they would purchase flood insurance. They had it for a number of years. They paid premiums for a number of years. They never experienced a flood, but they paid premiums for a number of years.

Finally, the insurance company that offered the flood insurance got out of the business, and so they even went to the extent of going through Lloyds of London to get flood insurance. They paid a lot of money for a premium, but they, nonetheless, carried that as long as it was offered. Finally, it wasn't offered any longer, and the only thing left was the FEMA National Flood Insurance Program. But because the county had not done what they were supposed to do, this couple, therefore, was not eligible to receive the FEMA flood money—again, no fault of their own. They had done everything anybody could do. They had paid their premiums out of their pockets as long as they could, as long as they could find insurance, and as that was canceled over the years, the county hadn't come through. But, apparently, FEMA was actually there at the county meetings and knew, or should have known, this couple wasn't eligible. Yet they gave her this money, and now they want it all back with penalties and interest, et cetera.

So I have filed the Disaster Assistance Recoupment Fairness Act, and we actually have it in two forms. We have it as a stand-alone measure, and we also have it as an amendment to the bill that is pending on the floor right now.

The important point of this story is that all of the mistakes that were made were on FEMA's side of the equation. The couple in Arkansas made no mistakes. They followed the rules, went through the process, went through the hearings. There is no allegation of fraud or that the couple in any way misled anyone. They gave them the documents and did everything they were supposed to do. It was textbook. They did everything they were supposed to do, but FEMA is now

coming back and asking for recoupment.

So our bill will not give a blanket exception, but what it will do is give the FEMA Administrator the authority, under circumstances he deems fit, to waive the debt that is owed to the United States in cases where funds were distributed by a FEMA error, as in this case. Also, it gives them the discretion that they do not have under current Federal law.

I met with Director Fugate on this a week or two ago, and actually we had a very constructive meeting. I think probably on a personal level he understands this. He feels bad about this. But he believes his hands are tied under the statute. I am not 100 percent sure they are but he says they are. He tried to be very helpful, very accommodating. I think he does want to work with all the parties involved to try to clean this up. But he says he does not have the authority.

That is where this bill comes in. We wish to give the FEMA Director the authority to have some discretion on some of these hardship type cases, especially where the person who received the benefit did it purely by a FEMA error. Again, in their case, they put every dime of their recovery back into their home to have it livable. Otherwise they probably would have had to abandon their home or sell the property or whatever the case may have been.

That is what we are asking of the Senate, if they would consider this at the proper time. I ask my colleagues to take a look at it. My guess is, since we have 35 households in our State that are receiving these types of letters from FEMA, these demand letters where they are giving a notice of debt to folks who have received money, my guess is if we have 35 in our State there are hundreds and maybe thousands around the country in a similar situation.

Again, our bill is just for FEMA's mistakes. This is probably an example of the cleanup from the previous FEMA administration. I think Director Fugate had nothing to do with this. It took them 3 years because there was a lawsuit in the meantime.

What this is doing is creating a hardship for folks who had been playing by the rules. It gives FEMA the flexibility to do some of the cleanup in a way that doesn't harm ordinary citizens here in the United States. I ask my colleagues to take a look at it. I would be pleased to answer any questions. If anyone has those, they can always contact me in my office. What I wish to do is not call it up at this point or anything like that but maybe be in the queue and be available at sometime in the future.

By Mr. LEAHY (for himself and Mr. WHITEHOUSE):

S. 794. A bill to amend the Internal Revenue Code of 1986 to disallow any

deduction for punitive damages, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, today I am introducing legislation that will stop businesses from deducting costs that result from their misconduct as a cost of doing business under our tax laws. Under current law, a corporation or individual business owner may deduct the cost of a punitive damage award paid to a victim as an "ordinary" business expense. This is wrong. It undermines one of the primary deterrent functions of our civil justice system, and American taxpayers should not subsidize this misconduct.

Punitive damage awards serve in part to correct dangerous or unfair practices. These awards are reserved for the most extreme and harmful misconduct. Our legal history contains prominent examples of corporate misconduct that resulted in the deaths of Americans, and by virtue of our civil justice system was not only punished, but led to broad changes to improve the safety and security of American consumers. The justice system has and will continue to encourage the positive changes that cannot be brought about by regulation alone. But our current tax laws work against the well-established role of the justice system as a backstop to health and safety regulation.

One year ago, the Deepwater Horizon drilling rig exploded, killing 11 Americans and leading to the worst oil spill in American history. Just over a year ago, an explosion in the Upper Big Branch Mine in West Virginia claimed the lives of 29 miners. In both of these cases, I expect that all Americans, and particularly the family members of the victims, would be shocked to learn that any punitive damages that may result from these events will amount to a tax break for the corporations responsible.

I was disgusted to learn that Transocean, the owner of the Deepwater Horizon, recently announced that it was giving "safety bonuses" to its executives. Maybe that company believes that the American people have forgotten about this tragedy. I have met with the families of the 11 men killed, and I will never forget them. The tax treatment that the responsible companies will receive if we do not act will just add insult to injury.

Let us also not forget Exxon's misconduct in 1989. I have chaired several hearings on Exxon's misconduct, which led to an ecological and human disaster that affects Alaskans even today. A jury awarded \$5 billion in punitive damages against Exxon for its actions, which devastated an entire region, the livelihoods of its people, and destroyed a way of life. For more than a decade Exxon fought this measure of accountability all the way to the United States Supreme Court. A divided Supreme Court invented a novel rule and held

that in maritime cases, punitive damage awards could not exceed twice the amount of compensatory damages. I support Senator WHITEHOUSE's wise legislation to overturn that Supreme Court decision, but some in Congress do not want corporate accountability. If we cannot muster the votes to make corporations that engage in such extreme misconduct accountable, we need to at least stop subsidizing it through our tax laws.

Like so many Americans, I am weary of the preferential treatment that large corporations obtain at virtually every turn. It is disheartening to hear reports about enormously profitable corporations paying lower income tax rates than middle class American workers by exploiting loopholes or sheltering profits in foreign countries. It is unconscionable that big oil companies continue to be subsidized by taxpayers to the tune of billions of dollars each year, especially when Americans are facing increasingly high gasoline prices. I share the frustration of so many Americans who are making great sacrifices, yet who are not seeing their sacrifices shared by the most powerful in our society. As we approach the national tax filing deadline, I expect most Americans would agree that this punitive damages tax deduction is not only bad tax policy, but offensive to our basic notions of justice and fair play.

In his fiscal year 2012 budget recommendations, President Obama and his administration requested an end to this deduction in the tax code. The Congressional Budget Office has estimated that doing so will result in increased revenues of \$315 million over 10 years. As we collectively work to reduce the Federal deficit, it is important to recognize that increasing revenues will play an important part in this effort; particularly when those revenues are lost to a policy that is without any defensible justification.

I hope all Senators will join me to protect American taxpayers. This legislation should be part of our bipartisan fight to reduce the national debt. When corporate wrongdoers can write off a significant portion of the financial impact of punitive damages, the incentives in our justice system that promote responsible business practices lose their force. These difficult financial times require us to close irresponsible tax loopholes. We can start with this one, which treats corporate misconduct as a cost of doing business.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting American Taxpayers from Misconduct Act".

SEC. 2. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c)."

(2) CONFORMING AMENDMENT.—The heading for section 162(g) of such Code is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages."

(2) REPORTING REQUIREMENTS.—Section 6041 of such Code is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages."

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. KERRY, Mr. HARKIN, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 796. A bill to amend the Internal Revenue Code to extend qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, along with my colleagues Senator KERRY of Massachusetts, Senator HARKIN of Iowa, Senator BEGICH of Alaska, and Senator JOHNSON of South Dakota, I am introducing legislation to extend and improve two important programs that create good jobs and help our nation's schools. In order for America to out-innovate, out-educate, and

out-build the rest of the world, we must begin with our schools, and this legislation will make it easier to create spaces where 21st century learning can occur. The Qualified School Construction Bond, QSCB, and Qualified Zone Academy Bond, QZAB, programs have helped schools begin to address their construction and renovation needs, as well as creating construction jobs in their communities. Because of the tax credit associated with these bonds, the schools essentially do not have to pay interest which makes it much easier for them to fund their significant construction and renovation needs.

The Qualified School Construction Bond program was created in 2009, and bond proceeds can be used for construction, rehabilitation, or repair of a public school or for land for a facility. The total amount of bonds allowed was \$11 billion in 2009 and \$11 billion in 2010. This national allocation is distributed by formula to the states and larger school districts. West Virginia, for example, was able to issue its full allocation of \$72.3 million in bonds in 2010. Construction workers in West Virginia are building schools for their children. West Virginia is rightfully paying for the construction, but this bond program means their dollars go further. My legislation extends this important program through 2015 with the same \$11 billion per year total national allocation of bonds.

The Qualified Zone Academy Bond, QZAB, program was created in 1997. While it also helps schools issue bonds by providing favorable tax status, participating schools must be located in an empowerment zone or enterprise community or expect that at least 35 percent of the students will be eligible for free or reduced-cost lunches. Bonds cannot be used for new construction, but can be used for the rehabilitation or repair of schools, equipment, course development, and teacher training. The national limitation for bonds issued under this program was \$1.4 billion for 2009 and 2010 and my legislation extends that annual limit through 2015. This program has historically required a 10 percent match from private entities, and this requirement has proven a significant barrier to its use in some communities. My legislation provides an option to waive this match in some cases. It also allows the bond issuer to receive the tax credit as a payment. The Hiring Incentives to Restore Employment—HIRE—Act which became law last spring made this change for both bond programs and it resulted in greater use of the bonds. The huge Middle Class Tax Relief Act of 2010 which we passed in December repealed this change for QZABs, and my legislation makes the credit once again refundable. We know this helps schools utilize this program, and we need to give our schools every incentive to invest in education.

It is important that we continue both of these important programs. The school infrastructure needs of our country are immense. A recent report estimated the total school infrastructure needs across the 50 States was over \$250 billion. We won't meet that need in a year, or in 2 years, but we need to commit ourselves to keep at it. I urge my colleagues to support this bill.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. McCASKILL, Mrs. MURRAY, Mr. REED, Mr. REID, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MERKLEY, and Mrs. HAGAN):

S. 797. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the Paycheck Fairness Act, an important piece of legislation that is even more poignant today, Equal Pay Day, which is the day in 2011 where women earn as much as men did in 2010. It is also unfortunately marked by families doing more with less, and making tough decisions to make ends meet. I thank the 24 of my colleagues that have joined me as original cosponsors of this important legislation today.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am on the side of good-guy businesses. We need an economy that works for everyone, and works for the American family. But that means equal pay for equal work, and that individuals are judged solely by their individual skills, competence, unique talents and nothing else. The Paycheck Fairness Act gives us the much needed tools to make this happen.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. We also bring home a growing share of the family pocketbook, as evidenced by a recent White House report, "Women In America". But we earn just 77 cents for every dollar our male counterpart makes, and women of color get even less. Inexplicably, these disparities exist across all levels of education and occupation. In my home State of Maryland, the average woman has to receive a bachelor's degree before she earns as much as the average male high school graduate. This is unacceptable.

The Paycheck Fairness Act picks up where we left off with the Lilly

Ledbetter Fair Pay Act last Congress. Enactment of this legislation will mean real progress in the fight to eliminate the gender wage gap and help families. It has the teeth that are needed to keep discrimination from happening in the first place, and makes the consequences tougher. The Act ensures that employers who try to justify paying a man more than a woman for the same job must show the disparity is not sex-based; but job related and necessary. It prohibits employers from retaliating against employees who discuss or disclose salary information with their coworkers. The bill would also make it easier for women to file class-action lawsuits against employers they accuse of sex-based pay discrimination. And it strengthens the available remedies to include punitive and compensatory damages, thus bringing equal pay law into line with all other civil rights law. The bottom line is that this bill ensures that women are treated fairly in the workplace, something that is a matter of basic equality and civil rights.

So this Equal Pay Day, let's recommit to closing the wage gap. It is my hope that one day, there is no need for an Equal Pay Day—that every year, women earn the same as men. Until then, we link up, press on, and push for passage of this important legislation, so that for all victims of pay discrimination, there is a new day ahead.

Mr. LEAHY. Mr. President, today, the Nation commemorates Equal Pay Day, an annual occasion that celebrates the gains that women have made in the workplace over the last century, but which also reminds us all that pay discrimination still exists in the United States. In today's economy, a troubling constant remains: women continue to earn less than men. According to the United States Bureau of Labor Statistics, on average, women working full-time still make only 78 cents for every dollar working men receive. For minority women, this statistic becomes even more sobering.

The U.S. Department of Labor also reports an increasing number of families where women are the head of the household, and correspondingly, the primary source of income. Despite the signs of economic recovery, many women and families continue to struggle to make ends meet. This issue is not one that just impacts one individual; it creates additional economic hardship for entire families. Vermont is a leader in the Nation on fair pay practices, and 8 years ago, the State acted to pass an equal pay act, which prohibits compensating women and men differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage nondisclosure agreements, and employees are protected from retaliation for disclosing their

own wage. Still, there is room for improvement. The Bureau of Labor Statistics reports that Vermont women working full-time earn wages amounting to 81.9 percent of what men earn. We must work harder to ensure that women are paid equal wages for equal work, across the country.

The 1963 Equal Pay Act was enacted to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. While we have made progress, our work is not done. Hardworking women—and the American people—earned a long fought victory in early 2009, when President Obama signed into law the Lilly Ledbetter Fair Pay Act to reverse the U.S. Supreme Court's devastating decision in *Ledbetter v. Goodyear Tire*, a decision that rolled back years of progress to eliminate workplace discrimination. But the efforts to achieve parity for women in the workplace continues.

Two bills introduced today will help the United States reach that goal. These bills include provisions similar to those enacted in Vermont. The Paycheck Fairness Act, which was introduced by Senator MIKULSKI and which I am proud to cosponsor, creates stronger incentives for employers to follow the law; strengthens penalties for equal pay violations; and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House of Representatives with bipartisan support over a year ago, and deserves action in the Senate. The Fair Pay Act, which was introduced by Senator HARKIN and which I am also proud to cosponsor, requires employers to pay equally for jobs of comparable skill, efforts and working conditions, and to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

Equal pay for equal work is neither a Democratic nor Republican issue; it is an American value. It is neither a private sector nor a public sector issue; it is a fundamental issue of fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background. It is not limited to one career path or level of education. The Senate should pass the Paycheck Fairness Act and the Fair Pay Act, and work toward other solutions to ensure our daughters and granddaughters, and all future generations of Americans, are not subject to the same discrimination that has plagued women for decades.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 801. A bill to amend chapter 113 of title 40, United States Code, to require

executive agency participation in real-time transparency of investment projects, to require performance and governance reviews of all cost overruns on Federal information technology investment projects, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to join Senators CARPER, LIEBERMAN, and BROWN in introducing a bill that would bring more management and oversight of major information technology, IT, investments across the federal government.

In fiscal year 2011 alone, the federal government plans to spend nearly \$30 billion on IT investments, about half of which is for major IT investments. According to the Government Accountability Office, nearly 40 percent of those major IT investments, totaling nearly \$20 billion, are at risk for significant cost overruns, schedule delays, and performance problems.

Rampant cost and performance problems in IT investments occur across the government. Most recently, we have seen a total breakdown in the National Archives and Records Administration's, NARA, Electronic Records Archive initiative.

Since 2001, NARA has tried to develop a system to preserve and provide access to a massive volume of electronic records. Originally slated for a 2012 rollout at a cost of \$317 million, NARA has had to repeatedly revise the plan and cost estimate and finally decided to produce a scaled-down system this year. Last month GAO estimated the project would cost between \$762 million and \$1 billion—three times more than originally planned.

We see time and time again with these big IT contracts that requirements are not clear up front, leading to chaos down the road that wastes hundreds of millions of dollars.

Such was the case with the 2010 Decennial Census handheld devices. After spending eight years developing a completely new approach to census-taking, the Census Bureau scrapped plans for using handheld computers and reverted instead back to paper and pencil.

Problems managing the contractor, major flaws in the Bureau's cost-estimates, and kicking the can down the road added about \$3 billion to the census price tag. Three billion!

The problems keep coming. DHS has tried twice—since 2004—to integrate its many-siloed financial management systems. The Department spent approximately \$52 million on one failed attempt before abandoning the project nearly two years later. DHS tried again only to encounter severe schedule delays. The Department is now planning to roll out the project incrementally, which is of course how they should have started years ago, and is what is recommended under the OMB guidance for managing large IT projects.

Large IT project failures have cost U.S. taxpayers literally billions of dollars in wasted expenditures. While never acceptable, especially now given our current fiscal crisis, we just cannot afford to accept this type of incompetence and mismanagement one more day. Perhaps even more troubling is the fact that, when federal IT projects fail, they can undermine the government's ability to defend the nation, enforce its laws, or deliver critical services to citizens.

Again and again, we have seen IT project failures grounded in poor planning, ill-defined and shifting requirements, undisclosed difficulties, poor risk management, and lax monitoring of performance.

For the last several years, Senator CARPER and I have pushed the Office of Management and Budget to improve the management and oversight of these IT investments. To help address the concerns we have raised, OMB has instituted several new initiatives over the last year and a half.

For example, in June 2009, OMB announced the creation of the "IT Dashboard," which is a website that displays cost and schedule information about major IT investments, as well as the agency Chief Information Officer's, CIO, evaluation of the status of each project. OMB has also instituted comprehensive face-to-face reviews of these investments, known as "TechStat" sessions.

As a result, OMB has reported reducing the life-cycle costs of 15 investments by approximately \$3 billion by narrowing the scope of some projects and even shutting down others and cutting the losses. Added transparency from the IT Dashboard, as well as comprehensive reviews via TechStat sessions, should improve agency management and Congressional oversight of the projects.

The bill Senator CARPER and I introduce today would require agencies to use the Dashboard in a standardized way. It would also expand inputs to include cost, schedule, and performance data, using a metric called Earned Value Management, EVM. EVM prevents the kind of "hide the ball" game that agencies often play to cover up performance shortfalls, cost overruns, or schedule slips.

The bill institutes triggers so that, if an investment deviates more than 20 percent from its original cost, schedule, and performance targets, CIOs would be required to conduct the type of comprehensive TechStat sessions currently taking place at OMB on a more limited scale. These sessions would generate information for Congress as well as the public, by requiring agencies to post the results of the TechStat sessions on the IT Dashboard. These reports would have to describe in detail how the failures occurred, naming names, and describing how exactly the shortcomings are going to be fixed.

If an investment deviates more than 40 percent, the TechStat session would get bumped up to the OMB level, to be run by the Federal Chief Information Officer. In addition to information about how to improve the performance of the project, OMB would be required to provide to Congress a recommendation of whether the project should be pared back or cancelled if it cannot be overhauled.

On top of this aggressive oversight ramp-up, the bill would require agencies to identify and heighten the planning and management for a handful of top priority, most expensive projects. For these “core” investments, agencies would submit additional data on performance, key milestones, and lifecycle costs.

Because of their scope and importance to agency missions, these core projects would have lower thresholds for oversight triggers and would get bumped up to OMB TechStat review with a deviation of 20 percent. The “get-well” plan would then be sent to Congress and published on the Dashboard for maximum accountability. This early intervention at the highest level would ensure that these critical projects are either saved or scrapped long before they can threaten to waste billions of dollars or endanger agency missions.

If an agency fails to comply with the requirements in the bill for any given project, that would be the end of taxpayer support for the project until it is brought into compliance.

If this bill had been law during the past decade, early warning signs would have alerted Congress and possibly saved some of the billions wasted on so many IT projects currently crowding various high-risk lists.

I urge every Senator to support this much-needed and bipartisan bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—COMMEMORATING THE 50TH ANNIVERSARY OF THE BAY OF PIGS OPERATION AND COMMENDING THE MEMBERS OF BRIGADA DE ASALTO 2506 (ASSAULT BRIGADE 2506)

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 140

Whereas April 17, 2011, marks the 50th anniversary of the Bay of Pigs operation, an event held in the hearts of all who long for the return of freedom to Cuba;

Whereas the Communist Government imposed in Cuba since January 1959 has systematically denied the most basic human freedoms to the Cuban people;

Whereas on April 17, 1961, men and women from the United States and from Cuba self-

lessly volunteered to help the Cuban people free themselves from communist tyranny;

Whereas during the next few days and in the course of a battle against a military force superior in manpower and firepower, nearly 100 men lost their lives, including 4 pilots from the United States;

Whereas, in September 1961, the Cuban Government executed 5 soldiers that had been captured alive;

Whereas the greater part of the remaining assaulting forces were captured, imprisoned in deplorable conditions for close to 18 months, sentenced without due process to 30 years of imprisonment, and finally returned to the United States by the Cuban Government;

Whereas the Cuban soldiers who returned from the operation have made valuable contributions to the United States, while never forgetting their beloved native country;

Whereas on December 29, 1962, President John Fitzgerald Kennedy was presented with the Brigade 2506 banner that had reached Cuban shores during the invasion and the president pledged, “I can assure you that this flag will be returned to this brigade in a free Havana”;

Whereas on April 24, 1986, a joint resolution was passed (Public Law 99-279) “Commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny”;

Whereas the Cuban people continue to struggle and demand respect for their civil liberties: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and pays tribute to the brave service of all members of Brigada de Asalto 2506 (Assault Brigade 2506), both living and deceased; and

(2) calls on the United States to continue policies that promote respect for the fundamental principles of freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba.

Mr. RUBIO. Mr. President, on April 17, 1961, 1,500 individuals from the United States and Cuba valiantly volunteered in the Bay of Pigs mission to liberate Cuba from Fidel Castro’s grip. They were a diverse group from all backgrounds of Cuban society, all united by the ideal that freedom is a God-given, inalienable right.

Having lost their country a couple of years earlier, these brave men took up arms on the beaches of Playa Giron. Over the course of 4 days and facing daunting odds against a better-armed and trained Cuban military, nearly 100 members of the Brigada de Asalto 2506, Assault Brigade 2506, lost their lives, including 4 American pilots. Five others were captured and executed. The majority were captured and imprisoned for many months and years in inhumane conditions.

Many of the captured men were fortunate to be eventually released and exiled to the United States, where they restarted their lives, raised families and made it their life’s ambition to give their children the opportunities they would not have.

I am proud to join my colleagues in the U.S. Senate in paying tribute to the survivors of that mission—several of whom made the journey to Wash-

ington this week—and honoring the memories of the deceased.

As the son of Cuban exiles, I am proud to represent an entire community of people who lost everything to an accident of history, but came to cherish the freedoms they found in America. The story of the Brigade 2506 veterans, in particular, is worthy of special recognition.

To some, the Bay of Pigs battle is just one episode in the long annals of the cold war. But to those involved, the mission was a defining moment in their lives that, for others, illuminated the righteousness of the cause to free Cuba. It is a heartbreaking story of men who fought so valiantly for their beloved homeland’s freedom, only to come up short. But it is also an inspiring story—one that says as much about their resilience as it does about America.

Having endured a traumatic life experience 50 years ago at the Bay of Pigs, many of them came back to the U.S. with nothing—not a penny and often without any English skills. They went to work and embraced America’s blessings, but they never forgot their beloved homeland.

Some made it their life’s work to promote the cause of a free Cuba. Others went to work on other endeavors to provide for their families, but dedicated countless hours as faithful volunteers of the cause. In doing so, they served as teachers to an entire community. Today in Miami, for example, a Brigade 2506 monument and museum now exist as much to commemorate these heroes as it does to educate others.

Like so many Cuban exiles, their stories taught us that human rights and liberty are not conditional on where someone is born, but are instead the birthrights of every single one of God’s children. They taught us why the Cuban condition, like everywhere else in the world where human rights are trampled, is inhumane and unnatural. They instilled in us a deep sense of why the Cuban government, and others like it, is fundamentally defective and illegitimate, as it is sustained by violence against its people and operates without the consent of the governed.

Over the past 50 years, these lessons have given us moral clarity about the rights of man and reminded us of our responsibility to defend the persecuted among us.

Far from being forgotten, their example has inspired others to carry on their work. Their legacy lives on among those of us who have followed in their footsteps by making their cause of a free Cuba our cause.

Today, the torch they lit 50 years ago on a Cuban beach, is now carried not only by their children and grandchildren, but also by a new and growing generation of Cubans on the island. Every day, thousands of courageous patriots are demanding their freedoms

and steadily chipping away at the farce of the Castro regime. Together, we are all united by the moral responsibility to highlight the Cuban regime's continued abuses, to apply change-inducing pressure, and to support the Cuban people's right to freely shape their destinies.

Courageous and principled leaders like these give us hope that a free Cuba is an inevitable destiny. They also give us hope that soon we will be able to achieve President John F. Kennedy's December 1962 promise to surviving Bay of Pigs veterans that their battle flag "will be returned to this brigade in a free Havana."

SENATE RESOLUTION 141—RECOGNIZING THE EFFORTS AND ACCOMPLISHMENTS OF THE GOD'S CHILD PROJECT AND CONGRATULATING THE GOD'S CHILD PROJECT ON ITS 20TH ANNIVERSARY

Mr. CONRAD (for himself and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 141

Whereas international educator, human rights leader, and native of the State of North Dakota Patrick Atkinson, deeply concerned about the plight of poor and exploited children around the globe, established the nonprofit GOD'S CHILD Project in 1991 with the mission of breaking the bitter chains of poverty through education and information;

Whereas the GOD'S CHILD Project has a global presence, serving the most vulnerable women and children on 3 continents, with operations in El Salvador, Guatemala, India, Malawi, and the United States;

Whereas the international GOD'S CHILD Project, true to its roots, maintains its global headquarters in Bismarck, North Dakota, the hometown of Patrick Atkinson;

Whereas more than 5,000 orphaned, abandoned, and impoverished children and nearly 8,700 widowed, abandoned, and single mothers and their dependents receive care from, and are educated by, the GOD'S CHILD Project;

Whereas since the GOD'S CHILD Project was founded, more than 18,000 parentless children and thousands more women have been given hope by the GOD'S CHILD Project;

Whereas the GOD'S CHILD Project, taking a comprehensive view of helping the destitute and exploited break free from poverty and oppression, operates schools, a family clinic, social work department, psychology clinic, domestic violence program, legal aid department, and a center for malnourished children;

Whereas in response to the transnational problem of human trafficking, the GOD'S CHILD Project established the Institute for Trafficked, Exploited, and Missing Persons in 2001 to address the issues of human trafficking and exploitation, which are particularly severe in Central America;

Whereas the GOD'S CHILD Project is often 1 of the first organizations to respond to devastating natural disasters, including Tropical Storm Agatha, which ravaged Central America in 2010, taking nearly 180 lives and destroying the homes of thousands;

Whereas each year, approximately 2,500 volunteers and 45 homebuilding groups from around the world join with the GOD'S CHILD Project staff to compassionately serve their brothers and sisters in need; and

Whereas the GOD'S CHILD Project and Patrick Atkinson have received numerous accolades recognizing their service to the poor from United States and foreign organizations, including the Guatemalan Congressional Medal of Honor, Guatemala's Goodwill Ambassador For Peace, and the 2010 Humanitarian Award from the Bismarck City Human Rights Commission: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the GOD'S CHILD Project on its 20th anniversary;

(2) commends the GOD'S CHILD Project for its charitable service to the poor and its efforts to help thousands break the bonds of poverty and exploitation; and

(3) recognizes those individuals who have served impoverished children and women throughout the world under the auspices of the GOD'S CHILD Project, including the volunteers, staff, and founder and executive director, Patrick Atkinson, of the GOD'S CHILD Project.

SENATE RESOLUTION 142—CONGRATULATING THE LADY AGGIES OF TEXAS A&M UNIVERSITY ON WINNING THE 2011 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas the Texas A&M University women's basketball team, the Lady Aggies, won its first National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this preamble as the "national championship") by defeating Notre Dame by a score of 76 to 70, becoming the first team to win the national championship title on its initial try since 2005;

Whereas the Lady Aggies finished the 2010-2011 season with an impressive record of 33 wins and 5 losses;

Whereas Coach Gary Blair brought the Lady Aggies to their first NCAA National Women's Basketball Championship with a starting lineup that included Danielle Adams, Sydney Carter, Sydney Colson, Adaora Elonu, and Tyra White;

Whereas Tyra White led the Lady Aggies to victory with a 3-point shot with only 65 seconds remaining on the clock and was named to the all-tournament team;

Whereas All-American Danielle Adams scored 30 points, the second-highest number of points ever scored in a national championship game, and finished the 2010-2011 season with more than 800 points;

Whereas the Lady Aggies should all be commended for their teamwork;

Whereas Texas A&M University joins the ranks of the University of Texas, Baylor, and Texas Tech as women's basketball national champions, demonstrating the excellence of Texas A&M University in both athletics and academics;

Whereas the Lady Aggies have significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship;

Whereas the Lady Aggies overcame intense competition and defied expectations in a very exciting final game;

Whereas the accomplishment of the Lady Aggies is another testament to the strength of women across the State of Texas; and

Whereas the Lady Aggies are the pride of their loyal fans, current and former students, and the rest of the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Aggies of Texas A&M University on—

(1) winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2010-2011 women's basketball season with a record of 33 wins and 5 losses.

SENATE RESOLUTION 143—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State "One Call" systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated "811" as the nationwide "One Call" number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas "811" has helped reduce the amount of digging damage caused by a failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national "Call Before You Dig" campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as "National Safe Digging Month" to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national "Call Before You Dig" number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

SENATE CONCURRENT RESOLUTION 12—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD TAKE CERTAIN ACTIONS WITH RESPECT TO THE GOVERNMENT OF BURMA

Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. INHOFE, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 12

Whereas the ruling junta in Burma, the State Peace and Development Council (SPDC), (recently renamed as the State Supreme Council), did not affirmatively respond to President Barack Obama's initiative to engage with Burma;

Whereas more than 2000 political prisoners continue to be detained in Burma, even after the release of Aung San Suu Kyi;

Whereas the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286) established the position of Special Representative and Policy Coordinator for Burma, and President Obama delayed for over two years to nominate a person for that position;

Whereas the Government of Burma continues to coerce children, including ethnic minorities, into participating in combat and other military roles;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as human minesweepers;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as porters and assist military personnel;

Whereas the United States Government successfully mounted a vigorous and multilateral strategy pursuant to United Nations Security Council Resolution 1874 (2009) to deter a North Korean ship, the Kang Nam I, from traveling to its alleged destination in Burma in July 2009;

Whereas North Korea and Burma are expanding their bilateral military relationship;

Whereas military and other personnel from North Korea have reportedly been in Burma providing technical and other assistance toward the development of the military capabilities of the Government of Burma;

Whereas the Government of North Korea has reportedly provided radar systems and capabilities to the Government of Burma;

Whereas the Government of North Korea has reportedly provided missiles and missile technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided underground tunneling technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided multiple rocket launchers to the Government of Burma;

Whereas there are reports that the Governments of North Korea and Burma are collaborating on matters related to the development of Burma's nuclear program;

Whereas the Governments of Russia and Burma collaborated on the development of Burma's nuclear program;

Whereas hundreds of persons from Burma have gone to Russia for specialized training, including in the area of nuclear technology;

Whereas the Government of Burma is acquiring additional MIG aircraft from the Government of Russia;

Whereas hundreds of thousands of persons have fled Burma since 1988 for safety and to avoid persecution; and

Whereas, since October 1, 1989, approximately 80,000 refugees from Burma have resettled in the United States: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) given the growing relationship between the Governments of Burma and North Korea, the President should provide the Congress with an unclassified report as to the volume of ships and planes from North Korea visiting Burma, via China and elsewhere, in 2009, 2010, and through March 2011;

(2) the President should provide leadership by calling for an international investigation into allegations of international crimes against civilians in Burma, including ethnic minorities, by the Government of Burma;

(3) the President should seek the assistance of friends and allies of the United States who actively engage with the Government of Burma and have diplomatic missions in Burma, including Singapore, Japan, and South Korea, to encourage the release of all remaining political prisoners; and

(4) the President should encourage countries neighboring Burma to establish safe havens for Burmese child soldiers fleeing from forced military service by the Government of Burma.

AMENDMENTS SUBMITTED AND PROPOSED

SA 292. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 293. Mr. BLUNT (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 292. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. DEBTS SINCE 2005.

(a) DEFINITIONS.—In this section—

(1) the term "covered area" means an area—

(A) located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.); and

(B) located in a community that does not participate in the national flood insurance program under the National Flood Insurance Act of 1968; and

(2) the term "covered assistance" means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on December 31, 2011.

(b) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(1)(A) may waive a debt owed to the United States relating to covered assistance provided to an individual or household if the covered assistance was distributed based on an error by the Federal Emergency Management Agency; and

(B) shall waive a debt owed to the United States relating to covered assistance provided to an individual or household located in a covered area if the reason for the debt relates to a failure to participate in the national flood insurance program under the National Flood Insurance Act of 1968; and

(2) may not waive a debt under paragraph (1) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

SA 293. Mr. BLUNT (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

(a) SHORT TITLE.—This section may be cited as the "Gas Accessibility and Stabilization Act of 2011".

(b) BOUTIQUE FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting "an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives," after "equipment failure,";

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(3) in clause (vi) (as redesignated by paragraph (2))—

(A) in subclause (I), by striking "fuels approved under" and all that follows through the end of the subclause and inserting "fuels included on the list published under subclause (II) (including any revisions to the list under subclause (III)).";

(B) by striking subclause (III) and inserting the following:

“(III) REMOVAL OF FUELS FROM LIST.—

“(aa) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall remove a fuel from the list published under subclause (II) if the Administrator determines that the fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition established and enforced by the Administrator.

“(bb) PUBLICATION OF REVISED LIST.—On removing a fuel from the list under item (aa), the Administrator shall publish a revised list that reflects that removal.”; and

(C) by striking subclause (IV) and inserting the following:

“(IV) NO LIMITATION ON AUTHORITY.—Nothing in subclause (I) or (V) limits the authority of the Administrator to approve a control or prohibition relating to any new fuel under this paragraph in a State implementation plan (or a revision to such a plan), if—

“(aa) the new fuel completely replaces a fuel on the list published under subclause (II) (including any revisions to the list under subclause (III)); and

“(bb) the Administrator, in consultation with the Secretary of Energy, publishes in the Federal Register, after providing notice and an opportunity for public comment, a determination that the control or prohibition will not cause any fuel supply or distribution interruption or have any significant adverse impact on fuel producibility in the affected area or any contiguous area.”.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 13, 2011, at 10 a.m., to conduct an executive business meeting to consider the nomination of William J. Boarman, of Maryland, to be the public printer.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee, (202) 224-6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 27, 2011, at 1:30 p.m., at the Santa Fe Convention and Visitors Center, 201 W. Marcy St., Santa Fe, New Mexico.

The purpose of the hearing will be to receive testimony on the current drought conditions affecting New Mexico and the status of reports to be issued pursuant to Sections 9503 and 9506 of the SECURE Water Act regarding a review of the current scientific understanding of the impacts of climate change on water resources and an assessment of the risks associated with climate change on water resources in certain river basins.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Meagan Gins at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 12, 2011, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Water and Wildlife be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled “Natural Gas Drilling: Public Health and Environmental Impacts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on April 12, 2011, at 12:45 p.m. in Dirksen 406 to conduct a joint hearing entitled “Review of the Nuclear Emergency in Japan and Implications for the U.S.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 12,

2011, at 10 a.m., in 215 Dirksen Senate Office building, to conduct a hearing entitled “Best Practices In Tax Administration: A Look Across the Globe.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 12, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Fair Elections Now Act: A Comprehensive Response to Citizens United.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on April 12, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Cyber Security: Responding to the Threat of Cyber Crime and Terrorism.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 12, 2011, at 10:30 a.m., to conduct a hearing entitled “Examining the President’s Plan for Eliminating Wasteful Spending in Information Technology.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 12, 2011, at 2:30 p.m., to conduct a hearing entitled “Financial Literacy: Empowering Americans to Make Informed Financial Decisions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that floor privileges be granted to Ashley White of my staff for the duration of the consideration of the pending bill, S. 493.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Amy Groshong, Rosie Romano, and Taylor Trovillon of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2011 first quarter Mass Mailings is Monday, April 25, 2011. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

CONGRATULATING LADY AGGIES OF TEXAS A&M UNIVERSITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 142.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 142) congratulating the Lady Aggies of Texas A&M University on winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas the Texas A&M University women's basketball team, the Lady Aggies, won its first National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this preamble

as the "national championship") by defeating Notre Dame by a score of 76 to 70, becoming the first team to win the national championship title on its initial try since 2005;

Whereas the Lady Aggies finished the 2010-2011 season with an impressive record of 33 wins and 5 losses;

Whereas Coach Gary Blair brought the Lady Aggies to their first NCAA National Women's Basketball Championship with a starting lineup that included Danielle Adams, Sydney Carter, Sydney Colson, Adaora Elonu, and Tyra White;

Whereas Tyra White led the Lady Aggies to victory with a 3-point shot with only 65 seconds remaining on the clock and was named to the all-tournament team;

Whereas All-American Danielle Adams scored 30 points, the second-highest number of points ever scored in a national championship game, and finished the 2010-2011 season with more than 800 points;

Whereas the Lady Aggies should all be commended for their teamwork;

Whereas Texas A&M University joins the ranks of the University of Texas, Baylor, and Texas Tech as women's basketball national champions, demonstrating the excellence of Texas A&M University in both athletics and academics;

Whereas the Lady Aggies have significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship;

Whereas the Lady Aggies overcame intense competition and defied expectations in a very exciting final game;

Whereas the accomplishment of the Lady Aggies is another testament to the strength of women across the State of Texas; and

Whereas the Lady Aggies are the pride of their loyal fans, current and former students, and the rest of the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Aggies of Texas A&M University on—

- (1) winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; and
- (2) completing the 2010-2011 women's basketball season with a record of 33 wins and 5 losses.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 143.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 143) supporting the goals and ideals of National Safe Digging Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 143

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State "One Call" systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated "811" as the nationwide "One Call" number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas "811" has helped reduce the amount of digging damage caused by a failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national "Call Before You Dig" campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as "National Safe Digging Month" to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national "Call Before You Dig" number: Now, therefore, be it

Resolved, That the Senate—

- (1) supports the goals and ideals of National Safe Digging Month; and
- (2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106-79, appoints the following Senator to Dwight D. Eisenhower Memorial Commission: the Senator from Kansas, Mr. MORAN.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, Section 4(a)(3), appoints the Senator from Alaska, Ms. MURKOWSKI, to the Japan-United States Friendship Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law

96-388, as amended by Public Law 97-84, appoints the following Senator to the United States Holocaust Memorial Council for the 112th Congress: the Senator from Utah, Mr. HATCH.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 112th Congress: Senator JON KYL of Arizona, administrative cochairman; Senator MITCH MCCONNELL of Kentucky, cochairman; Senator THAD COCHRAN of Mississippi, cochairman; Senator LINDSEY GRAHAM of South Carolina, cochairman; Senator RICHARD LUGAR of Indiana; Senator JEFF SESSIONS of Alabama; Senator BOB CORKER of Tennessee; Senator JOHN MCCAIN of Arizona; Senator JIM RISCH of Idaho; and Senator ROY BLUNT of Missouri.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Texas, Mrs. HUTCHISON, from the Committee on Appropriations, and the Senator from North Carolina, Mr. BURR, at large, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Illinois, Mr. KIRK, from the Committee on Appropriations, and, the Senator from Arizona, Mr. MCCAIN, from the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101-595, and upon the recommendation of the chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Georgia, Mr. ISAKSON, from the Committee on Commerce, Science, and Transportation, and the Senator from Arkansas, Mr. BOOZMAN, at large.

The Chair, on behalf of the Vice President, pursuant to Public Law 70-770, appoints the Senator from Mississippi, Mr. COCHRAN, to the Migratory Bird Conservation Commission.

The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, appoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: the Honorable ROY BLUNT of Missouri, vice the Honorable Kit Bond of Missouri.

SMALL BUSINESS JOBS BILL

Mr. REID. Mr. President, we are working on a way to move forward on the small business jobs bill. Staff has been working on this today. We have quite a number of amendments on which we are trying to get an agreement. We have not been successful yet. I hope we can be tomorrow because we need to wrap up that bill in anticipation of the work we have to do on passing the continuing resolution for the rest of this fiscal year.

ORDERS FOR WEDNESDAY, APRIL 13, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for debate only until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the time from 11:30 a.m. until 12:30 p.m. for the purpose of a colloquy, and the majority controlling the time from 1 p.m. until 2 p.m., and the majority leader recognized at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I indicated, Mr. President, we are working to complete action on the small business jobs bill that Chairman LANDRIEU has been so patient in helping us move forward.

In addition, the text of the long-term CR has been filed in the House and is available for everyone's review. It is on the Internet. People can read it there also. We expect to receive it from the House on Thursday. Senators are encouraged to come to the floor to debate it tomorrow. Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator HARKIN, which will not exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET PRIORITIES

Mr. HARKIN. Mr. President, there is one point on which every Senator agrees, Democrats and Republicans alike: The economic recovery is starting to gain strength, and it is time to

focus our attention on reducing deficits and restoring fiscal discipline. The current deficits are unsustainable and present a very real danger to our Nation's future economic prosperity; however, there is sharp disagreement as to how best to achieve that shared goal.

Along with other Democratic Senators, I advocate a balanced approach that includes spending cuts and necessary revenue increases while continuing to make crucial investments in education, infrastructure, and research, the investments that are absolutely essential if we are going to stay competitive in a global economy. We know this approach can work because it is what we did under President Clinton's leadership in the 1990s. That budget at that time created large surpluses and put us on the track to completely eliminating the national debt within a decade. It also created a brief era of shared prosperity with 22 million new jobs and 116 consecutive months of economic expansion.

By contrast most Republican Senators favor an approach that I consider to be unbalanced, unfair, and highly unlikely to succeed. We have now had nearly a week to evaluate the House Republicans' budget proposal for 2012 and beyond—the so-called Ryan budget. Let's look at what this truly radical budget plan would do.

It completely dismantles Medicare and Medicaid.

It concentrates two-thirds of its spending cuts on programs serving the most disadvantaged people in our society, including seniors and people with disabilities, even as it preserves huge subsidies for special interests.

It exempts corporations and wealthy individuals from shared sacrifice in order to bring deficits under control. To the contrary, this Republican tea party plan locks in the Bush tax cuts for the wealthy—tax cuts that were passed 10 years ago when we were looking at budget surpluses as far as the eye could see.

Well, under our present circumstances, the wealthy don't need these tax breaks, and we can't afford them. This budget of Mr. RYAN's and Republicans slashes the tax rate from 35 percent to 25 percent. That is the lowest level since 1931. Indeed, this so-called deficit reduction plan includes tax cuts that would cost \$2.9 trillion over the next 10 years compared to the CBO baseline, and that is according to the nonpartisan Tax Policy Institute.

This tea party budget plan repeals the new health reform law, stripping 34 million nonelderly Americans of health coverage and eliminating all the consumer protections in the law, including the ban on discrimination based on pre-existing conditions.

This budget of the Republicans repeals the Dodd-Frank Wall Street reform law, allowing financial manipulators to return to the same reckless

practices that led to the financial collapse, to the great recession, and to much of our current huge budget deficits.

This budget cuts the maximum Pell grant award even as more students are enrolling in higher education to give themselves the skills they need for the modern economy.

How bizarre that several pundits have called this Republican tea party budget plan “courageous.” There is nothing courageous about targeting the most vulnerable people in our society for the overwhelming share of cuts. There is nothing courageous about giving another huge tax cut bonanza to those who have seen their incomes skyrocket in recent years. There is nothing courageous about destroying the retirement security of tens of millions of American seniors, including dismantling Medicare and hacking away at Social Security. There is nothing courageous about gutting Medicaid, the program that millions of seniors and people with disabilities depend on to pay for care such as nursing home care or home health aids.

Let’s be clear. There is nothing courageous in this Republican tea party budget. To the contrary, I suggest it is a cowardly budget. It is a bully’s budget. In this budget the powerful and the privilege attack the weak and the vulnerable.

We all understand what is going on. Republicans are seizing on the budget crisis as a pretext for ramming through a longstanding ideological wish list. At the State level—in Iowa, Wisconsin, Ohio, and elsewhere—Republicans are using the budget crisis as a pretext for an assault on public workers, including teachers and firefighters and others. On Capitol Hill they are using it to try to, as I said, defund health care reform, to destroy Medicare and Medicaid, Social Security, and, yes, to cut tax rates even more deeply for corporations and the wealthiest in our society.

This tea party budget is an unprecedented assault on middle-class and working Americans. It would drive down Americans’ standard of living, shred the economic safety net, reduce access to health care and higher education, and do grave damage to our public schools and their ability to prepare the next generation for the jobs of the future.

Make no mistake. It is not about reducing budget deficits. Republican Governors and Republicans in Congress are demanding budget cuts to programs on which the middle class rely at the same time they continue to push for tax cuts for large corporations and the wealthy.

Call this what it is: Republicans have openly declared class warfare. Republican Governors have the gall to attack teachers, firefighters, police officers, and other public employees as—in the words of Indiana Gov. Mitch Daniels—

“the privileged elite”—the privileged elite.

Our police, our firefighters, our public employees are the privileged elite? Why? Well, I suppose because they actually have pensions. They have decent jobs, decent wages, access to health care. For heaven’s sake, we shouldn’t be dragging people down because they have a middle-class life. We should be working day and night to give every American a decent standard of living, to shore up the middle class rather than tearing it down.

I suppose, to Governor Daniels and others, if the middle class are the privileged elite, then I guess the middle class today are those who are making minimum wage, working at dead-end jobs. Is that the new middle class?

Meanwhile, as Republicans at the State and national level go after the health care and retirement security of middle-class Americans—again, they are going all out to pass new tax breaks for those who have already been showered with tremendous breaks in the past. The tax cuts the congressional Republicans secured in December—that is what was passed in December—will add a whopping \$354 billion to the deficit this year and even more next year. The Congressional Budget Office estimates that the tax cuts in the new House budget would cost the Treasury \$2.9 trillion over 10 years. Yet now these very same Republicans claim they are worried about the deficit.

Well, they are not fooling anyone. This is not about deficit reduction, it is about ideology. Republicans are taking a meat ax to programs for the middle class—everything from cancer research to education to transportation to health care—and they are gutting the safety net for the elderly, the poor, and people with disabilities.

It is the same old GOP game plan: Give huge, unaffordable tax cuts to corporations and the wealthy while enacting budget cuts that assist the middle class and the most vulnerable.

This new tea party Republican budget gives new meaning to the word “extreme.” Let’s look at what they have proposed. This budget dismantles Medicare, creating a new private voucher program so future seniors would have to pay out of pocket for many life-saving health care costs. It does nothing to control health care costs. It simply shifts the costs to the elderly individuals.

Get this: The Congressional Budget Office estimates that by 2030, under the Republican budget plan, seniors would have to pay two-thirds of the cost of their health coverage.

Future seniors would see their out-of-pocket costs more than double to \$12,500 a year. At the same time, the benefits would be cut in half—in just 20 years. Think about that. People who are now in their forties, looking to when they get on Medicare, will have

their benefits cut in half, but they will pay twice as much for it under the voucher system.

This tea party Republican budget reopens the prescription drug doughnut hole which we have set in motion to close under the affordable care act. That would require seniors to pay \$3,600 a year more for prescription drugs.

The Republican tea party block grants Medicaid and cuts \$1 trillion in health care services, which would end vital services disabled Americans depend on, such as coverage for home health aides, assistance services so they can get a job, or going to a nursing home if that is the only option. By shifting costs to the States, this would worsen our State budget deficits.

The Republican budget proposal doesn’t stop at dismantling the safety net and programs seniors rely on for a secure retirement. This budget plan makes profound and destructive cuts to the entire range of programs that underpin the American middle-class standard of living, everything from education, student grants and loans, law enforcement, clean air and clean water, food safety, biomedical research, highways, bridges, and infrastructure—in short, all of the programs and services middle-class Americans rely on for a decent way of life and the promise that enhances the ability of the private sector to grow and provide more jobs.

The Republican assault on the middle class is breathtaking both in scope and depth. It could not come at a worse time for working Americans, who are already under enormous strain. It is no secret that people are working harder and longer than ever before, but they still can’t seem to meet the cost of basic, everyday needs such as education, transportation, and housing, let alone save enough to support themselves in their old age. Even before the great recession, working people weren’t sharing in our Nation’s prosperity.

The shared prosperity of the years after World War II created an expanding middle class, a soaring standard of living. But these wages—real wages—peaked in the 1970s, and they have been stagnant ever since. Think about that. They peaked in about 1979. Since 1979, real wages have not gone up. You wonder why middle-class Americans are so upset about what is going on. They realize this. They may not be able to put it in exact language, but I can tell you that middle-class families know what has happened to them. They know they have lost their earning power.

Middle-class jobs are also being shipped overseas—a trend actually encouraged by our Tax Code. Income inequality in America is reaching Third-World levels. Job security, savings, and pensions are disappearing, along with the American dream.

Now, with working Americans barely making ends meet, just barely holding

on to a decent way of life, the Republicans have proposed a budget—make no mistake—that will destroy what is left of the middle class in this country. I could not disagree more strenuously with this approach. The future of our Nation depends on our ability to ensure that everybody benefits from economic growth. It means putting policies into place that build a strong and vibrant middle class with good jobs, fair wages, and good benefits. That is the America I want to see—one where people who work hard and play by the rules can live a decent life. Tragically, the tea party budget plan would take us in exactly the opposite direction. It would gut the whole range of programs that support the middle class in this country. It would dismantle the safety net for those with disabilities and for the poor—a safety net that has been painstakingly created over the last 80 years.

This Republican budget plan not only turns the clock back to before the Great Society programs of Pell grants, housing, and support for people in the middle class, it would turn it back to even before the New Deal. It would gut all Federal support that is basic for education. It would all but eliminate Federal support for infrastructure, which means we will fall even further behind China and the European Union, which are investing massively in everything from ultramodern ports, to high-speed rail, to state-of-the-art roads and bridges. Right now, China is investing between 8 and 10 percent of its GDP in infrastructure. We are at 2 percent and going down.

Indeed, this tea party budget aims to dismantle the Federal Government as we know it. It proposes to shrink discretionary spending—including defense—and other minor mandatory program spending from 12 percent of GDP last year to 6 percent of GDP in 2022 and to just 3.5 percent of GDP per year in the long run. Think about that. It would shrink discretionary spending and other mandatory spending from 12 percent of the budget last year to about 3.5 percent of the budget over the long run. Well, that is about the same level of Federal spending during the Presidency of Calvin Coolidge, nearly a century ago, when defense spending was very small and there was very little, if any, support for education and the infrastructure of our country. We don't live in the era of Calvin Coolidge any longer, but this budget would take us back to that time.

Adding insult to injury, this budget plan makes a mockery of the concept of shared sacrifice to reduce deficits. Apparently, it wasn't enough to bail out the Wall Street bankers whose reckless gambling and risk-taking created the great recession; now we are being asked to cut programs for work-

ing Americans so that Wall Street can get another giant tax cut.

This Republican tea party budget is built on bad priorities, bad policy, and just plain bad values. As columnist E.J. Dionne points out, Americans can see "how radical the new conservatives in Washington are, and the extent to which some politicians would transfer even more resources from the have-nots and the have-a-littles to the have-a-lots."

Going back to the 1930s, the American people have supported and strengthened an unwritten social contract. That social contract says that we will prepare our young, care for our elderly, and build a safety net for those who fall, who become disabled or sick. That unwritten social contract says that if you work hard and play by the rules, you will be able to rise to the middle class or even beyond. That social contract says that if you start at the bottom, you will have a ladder of opportunity to the middle class. It says that a cardinal rule of government is to provide a ladder of opportunity so that every American can realistically aspire to the American dream.

But in one fell swoop, this Republican budget rips up that social contract. It replaces it with a winner-takes-all philosophy that tells struggling, aspiring people and communities across America: You are on your own.

If you are a low-income high school student who can only afford college with the help of a generous Pell grant, this budget says: Tough luck. You are on your own.

If you are a working couple with two kids who can't scrape together enough money to purchase decent health insurance, this budget says: Tough luck. You are on your own.

If you are a poor rural community that needs assistance to pay for a new sewer system or a flood control project, this budget says: Tough luck. You are on your own.

If you are a poor, urban community struggling to find funding to create high-quality K-12 public schools for your children, this budget says: Tough luck. You are on your own.

If you are a retiree with serious health problems and can't afford the big out-of-pocket costs in this Republican plan to do away with Medicare or if your health insurance company abruptly cancels your policy, this budget says: Tough luck. You are on your own.

If you are a low-income family who counts on Federal nutrition assistance and you are trying to decide whether to spend scarce dollars on food or medicine, this budget says: Tough luck. You are on your own.

Mr. President, this would not be the America we have come to know and

love. It is not the kind of America my grandparents and your grandparents or our fathers and mothers built for us and for future generations. It is not the America that built the best middle class history has ever seen. This budget is not the kind of America my friends and neighbors in Iowa would find acceptable.

So, mark my words, this budget is not a courageous budget. As I said, it is a cowardly budget, a bully budget. And the American people will not stand for this unwise, unbalanced, unfair assault on their economic security, their way of life, and the America our grandparents and our parents built for us and for future generations.

Mr. President, I will oppose with every fiber of my being these grossly, misguided proposals in every way I can. And I can assure you, Mr. President, the American people will not stand for this tea party Republican budget either.

MEASURE READ THE FIRST TIME—H.J. RES. 37

Mr. HARKIN. Mr. President, I understand there is a House joint resolution at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Mr. BENNET). The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

Mr. HARKIN. I now ask for its second reading, and in order to place the joint resolution on the calendar under the provisions of rule XIV, I object.

The PRESIDING OFFICER. Objection is heard. The joint resolution will be read the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:31 p.m., adjourned until Wednesday, April 13, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 2011:

THE JUDICIARY

VINCENT L. BRICCI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—Tuesday, April 12, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. FLEMING).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 12, 2011.

I hereby appoint the Honorable JOHN FLEMING to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

ATTACK ON CAMP ASHRAF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, last week Iraqi forces unleashed a surprise attack on Camp Ashraf, the home of thousands of Iranian exiles, including innocent men, women and children; 2,500 members of the Iraqi military, armed with military weapons, attacked those 3,000 unarmed Iranian exiles.

These Iranian civilians are pro-American. They are exiles from Iran because of their opposition to the evil dictator, the little tyrant of the desert, Ahmadinejad.

The Iraqis showed no mercy in their attack. They used live ammunition against these people who could not defend themselves. They ran over these citizens, smashing them with their American-made Humvees. Reports indicate an estimated 300 people were injured and 33 people were murdered in their vicious attack.

And it doesn't stop there. Iraqi soldiers still occupy parts of Camp Ashraf. We don't even know if the attackers are all Iraqis. It has been reported that some of these occupiers could be Iranian agents who seek to harm the Iranian dissidents living in this camp.

The international community cannot tolerate this unprovoked, violent attack by the Government of Iraq. We have a legal and moral obligation to ensure the safety of Iranian dissidents in Camp Ashraf.

The innocent people who live in Camp Ashraf continue to be in danger as we speak. It has been reported that the Government of Iraq blocked the delivery of American humanitarian aid to the wounded until Sunday, 2 days after the attack. And just yesterday the Iraqi Government announced that they plan to close Camp Ashraf and move its residents out of the country. This is exactly what Ahmadinejad wants.

If this happens, Mr. Speaker, these people's lives are in total danger. Why? Right now, some citizens of Camp Ashraf are members of the MEK. The MEK is on the United States' list of Foreign Terrorist Organizations.

The FTO organization designation by the United States is still being used by Iran to justify the harsh treatment of its own citizens, of the MEK worldwide. Many nations have already removed the MEK off the FTO list. So the Government of Iran uses our designation as a justification to harm the MEK citizens. That is why the Iranian Government praised the attack in Camp Ashraf on the Iranian dissidents.

Mr. Speaker, by not taking the MEK off the FTO list, we are endangering innocent people and empowering the Governments of Iran and Iraq to harm them. They are on our side. They oppose the evil dictator in Iran.

This is just another example of the inconsistency the United States presents with our foreign policy. In one breath we say publicly we need to protect Camp Ashraf. Yet in the second breath we won't take MEK off the Foreign Terrorist Organizations list.

Fifty-four of my colleagues have joined me on a resolution urging the Secretary of State to immediately remove the MEK from the FTO list. The State Department has yet to give convincing evidence that the MEK is an FTO. It is time they make their case or remove them from the designation.

Failure to do this sends mixed signals to both the Iranian and Iraqi Governments. These governments think they have a license to kill these dissidents.

This is a matter of life or death for the people in Camp Ashraf. If more Iraqi attacks occur against these people, the blood will be on the hands of

the Iraqi Government and the little tyrant of the desert, Ahmadinejad.

We must make it clear to the Iraqis that they do not have the right to attack Camp Ashraf just because America is leaving town. We must not tolerate these crimes against innocent civilians that we have legally and morally promised to protect.

And that's just the way it is.

REPUBLICAN PATH TO THE PAST

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, the Republican budget for fiscal year 2012 that the House will take up later this week is not a Path to Prosperity. Rather, it is more accurately a Path to the Past.

Just like President Bush's ill-fated attempt to privatize Social Security, the Path to the Past eviscerates Medicare, forcing retirees to bear the brunt of cost increases and severely jeopardizing their access to health care, replacing today's guaranteed access with a limited voucher system.

Today, thanks to Medicare, every one of America's senior citizens has access to health care coverage. Before Medicare was enacted in 1965, roughly half of all seniors suffered without health insurance. The Path to the Past would send American seniors back to the times of scrambling to find coverage while always worrying how they will be able to afford rising health care costs on fixed incomes.

The Republican Path to the Past brings back the doughnut hole in Medicare part D prescription drug coverage. Under the doughnut hole, many seniors have been forced to pay thousands of dollars out of pocket for prescription medication because they weren't covered by part D.

I was proud to fix that inequity and eliminate the doughnut hole during the previous Congress. Unfortunately, the Republican Path to the Past brings it back once again, requiring many seniors to pay thousands of dollars extra for their prescription drugs. That's a past Americans don't want.

The Republican Path to the Past destroys Medicaid, replacing it with a vastly limited monetary grant to the States, forcing them to either reduce benefits to lower-income families or to reduce the number of eligible families or both. Currently, 34 million children receive health care through Medicaid.

From 1997 to 2009, the percentage of children without health insurance

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dropped from 13.9 percent to 8.2 percent, largely because of Medicaid. The Republican Path to the Past risks the future of millions of America's children by risking that health care coverage. That's a past America does not want.

The Path to the Past incredulously blames rising college tuition on efforts to make Pell Grants more accessible to kids and would return the Nation to a system where only the wealthy can afford college. Contrary to what the Republican budget states, college tuition costs have been rising long before the expansion of Pell Grants.

In fact, from 2002 to 2007, tuition costs rose 31 percent more than the rate of inflation, the worst 5-year increase in college costs in over 30 years.

In response, last year we reformed the student loan program, expanded the Pell Grant program, and allowed hundreds of thousands of students the ability to make higher education more affordable. The Republican Path to the Past returns the Nation to the years of rising tuition without any relief. That's a past America does not want.

The Republican Path to the Past ignores the economic recovery under way and indiscriminately slashes investments in ways that Goldman Sachs said will lower economic growth by 2 percent and increase unemployment by 1 percent. During the height of the Great Recession, for several months, 700,000 Americans lost their jobs.

According to Mark Zandi, an economist with Moody's Analytics and an adviser to Senator MCCAIN's Presidential campaign, those policies would cost American workers another 700,000 jobs. The Economic Policy Institute projected a loss of 800,000 jobs, while the Center for American Progress said it will cost 900,000 jobs. That's a past America does not want to go back to.

The Republican budget proposal, the Path to the Past, returns us to the law of the jungle and the survival of the fittest, throwing the young, the elderly, the sick, and the disadvantaged on their own fates.

That's not an America I believe in.

□ 1210

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, as many people know, and I do not say this with pride, but for years, I've been signing letters to the immediate and extended families of those killed in Afghanistan and Iraq. I have signed over 9,966 letters. It is a constant reminder to me of the high cost of war.

Our country is in deep financial trouble. It continues to amaze me that we would raise the debt ceiling, spend

money we don't have and cut much-needed programs from our seniors and children while we continue to spend \$8 billion a month in Afghanistan.

Karzai is a corrupt leader. His government is corrupt. He has stated that he would rather side with the Taliban than the United States. This is based on an article in the Washington Post on December 8, 2010. What sense does it make to sacrifice our young American lives, our money and our resources for a man who does not want our troops in his country? It simply does not make any sense at all.

According to a March 15 Washington Post/ABC News Poll, 73 percent of Americans want our troops out of Afghanistan this summer. Last week, every Member of Congress received an Associated Foreign Press article from Congressman PETER WELCH. I do not have time to read the whole article, but let me share some excerpts from his letter to each of my colleagues and his colleagues, and I will quote the letter from Congressman WELCH.

"I want to draw your attention to a recent Associated Foreign Press article detailing the funneling of USAID dollars to the Afghan Taliban, reportedly making Western reconstruction funds the main source of income for insurgents.

"According to the story, an estimated 10 percent of the cost of every development project is used to pay off the Taliban. The United States has spent \$56.1 billion in Afghanistan since 2002."

Mr. Speaker, let me remind the Congress and the American citizens that the Taliban are killing and maiming American soldiers and marines. It is time that this Congress debate the Afghan war and to bring our troops home. Here we are talking about cutting spending for programs that help the American people, but yet we continue to send billions and billions of dollars to a corrupt leader. It doesn't make sense. Mr. Speaker, we could save American lives, which is the most important, but also \$8 billion a month if we were to bring our troops home from Afghanistan.

Mr. Speaker, I will continue to come to the floor once a week, and I will bring photographs in the way of posters to remind the American people and my colleagues in Washington of the price of war. Right beside me now is the Air Force Honor Guard at Dover bringing a hero home in a transfer case, which is known as a coffin as well, flag draped.

Mr. Speaker, it is time for this Congress to debate the issue of bringing our troops home from Afghanistan. How much longer can we afford to give lives of our young Americans to a corrupt leader? It makes no sense. I want my colleagues in both parties to awaken.

JIM MCGOVERN, Democrat, and WALTER JONES, a conservative, will soon

have a bill that we will put on the floor to debate bringing our troops home. I want the American people to join us in bringing our troops home.

Mr. Speaker, as I do always when I close, I will ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And, Mr. Speaker, I will ask God to please bless the House and Senate that we will do what is right in the eyes of God for the American people. And I will ask God to give wisdom, strength and courage to President Obama that he will do what is right in the eyes of God for His people.

And I will close by asking God three times, please God, please God, please God, continue to bless America.

THE REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, Congress this week will focus on the Ryan Republican budget, probably the most profoundly negative and cynical plan ever advanced by a major party in the House of Representatives.

There are lots of individual analyses that are available to Americans, not from spin masters, but from serious journalists and analysts. I strongly hope that people will take the time to look at it. They will find in the course of their research that there are a number of very fundamental flaws.

First and foremost, there is no fundamental reform of our defense spending, something that is driving the deficit dramatically. We sidestep opportunities to reform agricultural programs. It actually takes us backwards on health care. And there are \$4 trillion of program cuts over the next 10 years, falling primarily on low- and moderate-income Americans. It is a hypocritical approach.

Last year, Americans were given television ads from Republican candidates accusing Democrats of slashing Medicare for senior citizens. Now we see that the Republicans are taking all of those proposed slashes in spending and using it to finance their program to reduce taxes for those who need it the least.

In addition, people will be able to verify that senior citizens, starting in 2020, will be bearing a far greater burden for paying for their own Medicare than ever in the Affordable Care Act in any of the reforms. It replaces a steep curve of increased Medicare spending, no doubt about it. That's why in the Affordable Care Act we embedded reform proposals to bend that cost curve. It's replaced without proposals to reduce Medicare spending. It just simply

slashes the support that seniors can get. It's replaced with the much greater cost curve increase for private insurance. Their approach is to give a voucher to insurance companies to provide insurance for senior citizens for health care.

Bear in mind, the reason we got Medicare in the first place is because senior citizens' insurance policies were not profitable. They couldn't buy comprehensive health insurance in an affordable fashion before Medicare. What leads anybody to believe that somehow aging Americans are going to be more attractive to the health insurance industry in the future? And by replacing Medicare, which actually has reduced cost increases below what it cost in the private health insurance company, you are actually going to increase overall health care costs.

But nowhere is that cynicism more evident than in a bill that is coming to the floor, I think tomorrow, the legislation to end the Prevention and Public Health Fund under the Affordable Care Act. Already in States like mine we've received millions of dollars for prevention activities and for wellness clinics to help people stop smoking and to improve the training of health professionals. These are investments to help make Americans healthier in the first place and reduce the demand for health care costs.

There was a time, Mr. Speaker, when prevention was a bipartisan issue. In fact, in our deliberations in the Ways and Means Committee in last Congress, people on both sides of the aisle were talking about the need to help deal with prevention programs to keep people healthy in the first place. What a sad state when one of the first actions of this Congress is to repeal this bipartisan concept of a prevention and public health fund.

RECOGNIZING HOME FARMING DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT) for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize Home Farming Day, an initiative launched by the nonprofit organization Urban Farming in partnership with the Kraft Foods Triscuit brand. The event celebrates those who are growing food at home or with their communities and, in turn, nurturing and inspiring healthier eating habits nationwide.

Last year, the first Home Farming Day resulted in the planting of 50 new farms in unused urban spaces in 20 cities. I was pleased that my office could participate in the groundbreaking on one of those gardens in my congressional district.

This year, Triscuits and Urban Farming plan to replant all 50 gardens and add 15 new farms throughout the coun-

try, totaling 65 community-based home farms. Food grown at these community farms goes directly to the volunteers who grow the crops, along with their families and communities. Volunteers can also donate to local food banks for those that are in need.

In my home district, crops are delivered to the Loaves and Fishes Community Pantry in Naperville, Illinois, where they provide low-income families with fresh, healthy meals.

□ 1220

Mr. Speaker, from the White House to our own backyards and windowsills, more and more Americans are taking up the fun and healthy pastime of growing their own food. It is not unlike what many of our parents and grandparents did during World War II when they planted 20 million "victory gardens." I can recall stealing into my own mother's victory garden to eat the raspberries and gather crops of rhubarb, squash, and tomatoes.

In fact, home gardening already is an activity that most Americans enjoy. A 2010 Garden Writers Association survey found that 66 percent of Americans have some form of lawn or garden, and younger Americans between the ages of 25 and 40 are now gardening at the same rate as the general population. And Home Farming Day is an opportunity to encourage that trend, especially among young people in urban communities where fresh fruits and vegetables may be less available.

Whether on a kitchen countertop, in a balcony flower box, or at a community plot, home farming is a great way for people of all ages to celebrate natural living, and treat themselves to some fresh fruits and vegetables while they're at it.

It is a goal worth pursuing, and I'd like to commend Triscuit, the 109-year-old cracker brand manufactured in my congressional district, and the home farming movement for helping to show Americans how easy it is to grow fresh vegetables and herbs right in their own backyard.

I'd like to congratulate Urban Farming and their partners on their success in expanding Home Farming Day across the country, encouraging communities to utilize open spaces to bring fresh ingredients to our homes.

HOME RULE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor today to celebrate the 41 District of Columbia elected officials and residents led by Mayor Vincent Gray and five members of the D.C. City Council who were arrested in front of the Hart Senate office building yesterday evening, and hundreds of other

residents who gathered to protest their second-class treatment as American citizens by the Republican House, the Democratic-led Senate, and the administration.

The 2011 continuing resolution due on the floor this week contains a sinister trade that takes the District of Columbia's self-governing rights to spend its own local funds on abortion services for poor women, as many jurisdictions have long done. The CR also funds the start-up of a new, private school voucher program but only in D.C., about which no local elected official was consulted.

It is the House Republicans who have been on an undemocratic warpath against the District's home rule. But yesterday, residents did not spare Senate Democrats or the President who, in the end, accepted Republican demands. The House will hear from me again as I try to remove these anti-home rule riders; but this body has repeatedly turned a deaf ear to me on violations of the city's most basic rights to local control.

Congress continually and summarily refused my bill and several amendments to allow the District to spend its own local funds to avoid a shutdown of the city government that would have occurred with a Federal shutdown, even though only our local funds were involved.

Yesterday, however, Congress and the country heard from the people themselves. House rules do not allow Members to organize demonstrations, and yesterday's spontaneous outpouring of citizens, where I was not present, showed why the people must always speak for themselves. D.C. Vote organized yesterday's mammoth demonstration in a couple of days; and residents poured onto Constitution Avenue, anxious for an outlet for their accumulated outrage at being traded on a congressional auction block.

Yesterday, the House, the Senate, and the administration heard the voices and saw the faces of our city. The House may disagree with the views of our American citizens on women's constitutional reproductive rights, but no American would sanction congressional mandates on how our local citizens may spend the local taxes they raise. The Speaker may favor private school vouchers, but no American would agree that his preference should override a city's local decision for public charter schools as the alternative to our private schools.

The House may continue to ignore me; but yesterday D.C. elected officials and residents, like millions of others throughout the world, showed that the people will not be ignored forever.

I will offer a separate statement including the names of the residents and officials who were arrested, with gratitude.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 25 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Together, let us take the words of Daniel Webster, which hang high over the Speaker's chair, and make them our own solemn prayer today.

Lord God, let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace.

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and our generation, may not perform something to be remembered.

Let us cultivate a true spirit of union and harmony. Let our conception be charged and enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be our country, our whole country, and nothing but our country.

And by Your blessing, Almighty God, may that country, itself, become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty upon which the world may gaze with admiration forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WOMACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOMACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further pro-

ceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. WOMACK) come forward and lead the House in the Pledge of Allegiance.

Mr. WOMACK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1093

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from California (Mr. HUNTER) from H.R. 1093. It was added inadvertently due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REAL REFORM NOW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, remarkably, the reliably Democratic Washington Post, in a lead editorial last week, quoted Senator Barack Obama in 2006 as saying, "The fact that we are here today to debate America's debt limit is a sign of leadership failure. Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren."

Today, President Obama is warning that the debt limit must be passed or there will be economic Armageddon. Sadly, it is more clear than ever that reckless government borrowing is out of control with the President proposing a nightmare of endless borrowing.

For a debt limit increase, there should be real reforms to end out-of-control spending. Former Senator Phil Gramm of Texas pointed out that Republicans agree that families and nations should always honor their debts; but in so doing, they should also make sure they don't pile up new debt. For Congress, it means passing budget reforms that impose hard and enforceable limits on new spending and debt.

Republicans and Democrats should work together truly to protect senior citizens, younger generations, and to create jobs. Specific reforms are needed to protect American families.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

GOVERNOR HALEY BARBOUR SPEAKS AT CONGRESSIONAL HEALTH CARE CAUCUS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today the Congressional Health Caucus was joined by Governor Haley Barbour from Mississippi as part of our "Thought Leaders Series." His leadership in health care in his home State is an example of how States can take a more prominent role and, in doing so, bend the cost curve in the correct direction.

In the last fiscal year, Medicaid, which is a joint Federal and State program, cost our country more than \$400 billion, and the price is only expected to increase in the years to come. Governor Barbour has been a leader in transforming Medicaid in his home State. He has made commonsense decisions to reduce rising drug costs to ensure that people who are enrolled in the program are, indeed, eligible for the program. Coordinated care and increased compliance all have led to improved outcomes.

The Patient Protection and Affordable Care Act will only compound the financial problems that States are facing. In 2014, States will see their Medicaid enrollments grow substantially when all people below 138 percent of the Federal poverty level will be covered. It is essential that we examine this and other parts of the Affordable Care Act to ensure that our States are not pushed into an even deeper budgetary crisis.

SPENDING-DRIVEN DEBT CRISIS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, \$14.4 trillion, that's the approximate size of our Nation's economy; \$14.2 trillion, that's the size of our Nation's debt—a record high and growing. Soon our debt will surpass our economy. Let's be clear: No nation that deep in the red can lead as it must or go on living as it wishes for very much longer.

Our spending-driven debt crisis is adding serious uncertainty to our economy, which is preventing businesses from expanding, innovating, and creating jobs. Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, has rightly called our debt "the single greatest threat to our national security."

If we want to bring confidence back to our economy, jobs back to our citizens and hope back to our children's future, we have to stop spending money that we don't have. It is time for the Senate Democrats to stand up and join this fight.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING RONALD REAGAN CENTENNIAL COMMISSION

Mr. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1308) to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD REAGAN CENTENNIAL COMMISSION ACT AMENDMENTS.

(a) FINAL REPORT DUE DATE.—Section 7(c) of the Ronald Reagan Centennial Commission Act (Public Law 111-25; 36 U.S.C. 101 note prec.) is amended by striking “April 30, 2011” and inserting “November 30, 2011”.

(b) TERMINATION.—Section 8 of the Ronald Reagan Centennial Commission Act (Public Law 111-25; 36 U.S.C. 101 note prec.) is amended by striking “May 30, 2011” and inserting “December 31, 2011”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KELLY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLY. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1308 was introduced by the gentleman from California (Mr. GALLEGLY) and is a straightforward bill to amend the Ronald Reagan Centennial Commission Act by extending the Commission's termination date, as well as the Commission's final report deadline.

In June 2009, President Obama signed Public Law 111-25 to establish the Ronald Reagan Centennial Commission. The purpose of the Commission was, and is, to plan, develop, and carry out activities that are both fitting and proper to honor the memory of our late great President.

President Reagan was born on February 6, 1911, and 2011 marks the 100th anniversary of his birth. Furthermore, the Commission was also tasked with being a crucial resource to Federal, State, and local government agencies as well as private groups as they go about planning and conducting events to honor President Reagan.

Mr. Speaker, H.R. 1308 is a very simple bill that extends the life of the Reagan Commission, and, unlike many prior Presidential commissions, costs the American taxpayer absolutely nothing. Mr. Speaker, I want to be very clear. The Reagan Commission does not receive a single penny of taxpayer dollars. The original bill and subsequent law prohibited the use of taxpayer money from going to the Commission, and this bill does not alter that provision in any way, shape, or form.

The Commission has and continues to operate solely on private donations—something I'm sure Mr. Reagan, as a careful steward of taxpayer money, would himself have been glad to hear.

The purpose of H.R. 1308 is to allow the hardworking staff and members of the Commission the opportunity to continue to provide their expertise and assistance as entities and groups all over the world continue to honor President Reagan.

The Commission has already played a major role in celebrations at the Reagan Library on the President's birthday and has worked to establish a yearlong exhibit at the National Archives. Even the floor statements given by Members in this Chamber back in February were organized by the Reagan Commission.

While the Commission has contributed much to events and ceremonies over the past few months, many more celebrations and events are planned throughout the rest of the year. In fact, multiple events to honor President Reagan's role in the fall of the Soviet Union are scheduled this summer in Europe. Here in the United States, a Joint Meeting of Congress may take place this fall, and numerous other

events will take place at the State and local levels all over our country.

Mr. Speaker, the Commission is currently scheduled to terminate on May 30 of this year, and this bill simply moves that date to December 31. In addition, H.R. 1308 moves the Commission's final report deadline from the 30th of this month to November 30. Changing these dates would ensure that the Commission can help entities and groups all over the world deliver high-quality and fitting events to celebrate the life of a truly great leader and man.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1308, a bill to amend the Ronald Reagan Centennial Commission Act. The bill would extend the termination date of the Commission by 7 months.

The Ronald Reagan Commission Act, which became law in the last Congress, created a Federal commission to honor and celebrate the 100th anniversary of the birth of Ronald Reagan. The Commission is composed of Senators, Members of Congress, and other government officials, including the Archivist of the United States.

Importantly, in these challenging fiscal times, no Federal funds may be expended by the Commission to carry out its duties. Mr. Speaker, the Commission has been functioning for only 9 months, and there are important international and domestic events planned for this summer and fall commemorating President Reagan in which the Commission's participation would be beneficial.

As such, I have no objection to the bill before us, which extends the termination date of the Commission from May 31, 2011, to the end of the year, and I would urge Members to vote for this measure.

I reserve the balance of my time.

Mr. KELLY. I thank my colleague from Illinois. I appreciate that.

Mr. Speaker, I yield such time as he may consume to my colleague from the great State of California, the sponsor of this bill and a member of this Reagan Commission, Mr. GALLEGLY.

Mr. GALLEGLY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1308, legislation to extend the termination date for the Ronald Reagan Centennial Commission.

The work of the Ronald Reagan Centennial Commission is not quite finished. That's why this legislation is needed to extend the commission through December 30 of this year, allowing the Commission to deliver additional events for the public.

Extending the Commission through the end of 2011 will allow it to accomplish several key goals—some including the support of official international

events occurring the week of June 27 in Poland, Hungary, the Czech Republic, and the United Kingdom, possibly convening a joint session of Congress this fall, coordinating a potential White House event, organizing a Capitol Visitor Center exhibit, serving as a resource for Federal Government centennial activities, and supporting State Reagan centennial commissions.

Extending this Commission will require, as my colleagues have said, no Federal funding. All funds needed are privately raised.

□ 1710

In conclusion, many other centennial commissions have operated for longer periods with significant Federal funding. Extending the Ronald Reagan Centennial Commission will provide more opportunities to commemorate recognition of President Reagan. I want to thank Chairman ISSA and Ranking Member CUMMINGS, along with their staffs, for their assistance in helping bring this bill to the floor today.

I also want to express my appreciation to Speaker BOEHNER, Majority Leader CANTOR, and Minority Leader PELOSI for all their help in bringing the bill forward today. I urge my colleagues to support this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I have no additional requests for time, I reiterate my support for this measure, and I yield back the balance of my time.

Mr. KELLY. I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to leave this body with a simple, eloquent quote from President Reagan. He once said: "The problem is not that people are taxed too little. The problem is that government spends too much." This week, as we consider the 2011 spending bill and move towards funding the government for 2012, I want to urge all Members to keep that in mind on both sides of the aisle, because it is entirely fitting and proper that we honor his memory and his wishes as we go forward, and truly take this on, and do it in a bipartisan manner, and do it in a way that reflects the American people.

This is not about Republicans or Democrats. This is about America and America's financial health as we go forward. I am urging all Members to please back this and support this bill.

Mr. REYES. Mr. Speaker, I rise to express my support for H.R. 1308 which extends the due date of the final report of the Ronald Reagan Centennial Commission from April 30, 2011, to November 30, 2011; and the final termination date of the Commission from May 30, 2011, to December 31, 2011.

The Ronald Reagan Centennial Commission was formed to commemorate the 100th anniversary of President Ronald Reagan's birth and to celebrate the life of our Nation's 40th President. Earlier this year, I was appointed one of the new members of the 2011 Ronald

Reagan Centennial Commission by Democratic Leader NANCY PELOSI. In that capacity, I am aware of the great events scheduled to commemorate the life of President Reagan past the original dates Congress set forth in the Ronald Reagan Centennial Commission Act. Passing H.R. 1308 today will extend the timeline and allow for the appropriate completion of these events.

I worked with President Reagan prior to serving in Congress when I worked in the United States Border Patrol. During his administration, I served as Sector Chief for the McAllen Sector in south Texas, where I worked under one of the great leaders of the former Immigration and Naturalization Service, Alan Nelson, who was appointed by President Reagan.

While most Americans remember Ronald Reagan for his unwavering optimism, his sense of humor, and his unique ability to connect to a broad spectrum of Americans, what I appreciated most about President Reagan was his pragmatic approach to immigration and border security.

President Reagan was at his best when he shared his idealism of an America that stood as a shining city on a hill, a beacon of hope, and a place where people of all backgrounds are welcomed. He reminded us of all that was great about America—a place where people have for generations come here in search of a better life, often fleeing from oppression, persecution, and deprivation.

When America was faced with a growing wave of undocumented immigrants 25 years ago, he proposed common sense solutions to fixing the problem. He never demonized illegal immigrants; he never belittled them, never used them as a scapegoat, and never blamed them for the Nation's troubles. He never inflamed public opinion, and saw the good in people. His former speechwriter, Peter Robinson, once said:

"He could picture—in his own mind's eye, he could picture those little ships that the pilgrims sailed in. He could picture the difficult, oppressive conditions under which the Chinese were brought to California. He admired people for what they had gone through to achieve better lives for themselves and their families in this country."

He even felt compassion and empathy for those who had come here illegally. At the signing ceremony for the Immigration Reform and Control Act of 1986, President Reagan said:

"The legalization provisions in this act will go far to improve the lives of a class of individuals who now must hide in the shadows, without access to many of the benefits of a free and open society. Very soon many of these men and women will be able to step into the sunlight and, ultimately, if they choose, they may become Americans."

While I did not agree with all of the President's policies, I admired and respected the character of his discourse on immigration, and I believe we should all learn from his example.

As we mark this historic occasion and celebrate the life of President Ronald Reagan, I hope all of us are inspired by President Reagan's ideals and the vision he had of an America that embraced immigrants and the compassion he showed even to those who came here illegally.

In his farewell address to the American people, President Reagan closed his speech by making reference to the 'shining city on the hill' as he so often did during his political career. He said:

"I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here. That's how I saw it, and see it still."

Mr. KELLY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KELLY) that the House suspend the rules and pass the bill, H.R. 1308.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

W. CRAIG BROADWATER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 307) to designate the Federal Building and United States Courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, shall be known and designated as the "W. Craig Broadwater Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "W. Craig Broadwater Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate bill 307.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CRAWFORD. I yield myself such time as I may consume.

Mr. Speaker, Senate bill 307 would designate the Federal building and courthouse on West King Street in Martinsburg, West Virginia, as the W. Craig Broadwater Federal Building and United States Courthouse. A House companion bill was also introduced by the gentlewoman from West Virginia of the Transportation and Infrastructure Committee, and I want to thank her for her leadership on this issue.

Judge Broadwater was a dedicated public servant, serving both as a Federal judge and as an assistant adjutant general in the West Virginia Army National Guard. He was appointed to the Federal bench in 1996, after nearly 20 years of legal service in private practice, as a hearing examiner for the West Virginia Workers' Compensation Fund and as a special prosecuting attorney.

He was commissioned in the U.S. Army in 1972 after completing the ROTC program at West Virginia University. He served on active duty as a military intelligence officer that included a tour in Korea. In 1976, Judge Broadwater joined the West Virginia Army National Guard as an operational detachment executive officer and rose through the ranks to brigadier general and his assignment as assistant adjutant general for installations and homeland defense in 2002. During his military service, he received countless awards and decorations, including the Defense Superior Service Medal and the Bronze Star.

I am impressed with his clear dedication as both a military officer and as a Federal judge. I think that it is appropriate for us to honor his service to our Nation and his memory by naming this Federal building and courthouse after Judge Broadwater. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of Senate bill 307 and am pleased today to speak in support of the bill that names the Federal building located at 217 West King Street in Martinsburg, West Virginia, as the W. Craig Broadwater Federal Building and United States Courthouse.

Judge W. Craig Broadwater was born August 8, 1950, and grew up in Paden

City, West Virginia. Judge Broadwater served as both an active district judge in the Northern District of West Virginia and as assistant adjutant general for installations and homeland defense for the West Virginia National Guard.

Judge Broadwater worked as a public servant for almost 25 years before his untimely death. Judge Broadwater's public service ran the gamut from his time as a hearing examiner for the West Virginia Workers' Compensation Fund, two terms as special prosecuting attorney in Ohio County, West Virginia, and as a circuit judge in West Virginia.

In 1996, President Clinton appointed Judge Broadwater to become a U.S. District judge in the Northern District of West Virginia. During his nearly 10 years on the Federal bench, Judge Broadwater was well respected as a smart, fair, and hardworking member of the judiciary.

Judge Broadwater's service in the military was just as impressive as his service to the judiciary. After serving as a member of the elite Green Beret division of the U.S. Army during the latter stages of the Vietnam war, Judge Broadwater joined the National Guard in 1976, where he served continuously until his death.

Not one to sit idly by when there was work to be done, Judge Broadwater was recently deployed overseas in 2005 to support U.S. military operations in Iraq, as well as several other overseas missions in support of U.S. combat operations. During his deployment to the Horn of Africa, he oversaw the administration of personnel records issues for Reservists and Guardsmen in addition to oversight of the renovation of schools and medical clinics and the administration of veterinary and civil programs.

Judge Broadwater also was just as active in his local West Virginia community, where he was instrumental in establishing the Veterans Center in Ohio County, where he served on the facility's advisory board. He also served on various boards and commissions in the legal community.

Judge Craig Broadwater died on December 18, 2006, at the age of 56 from cancer, and he was laid to rest with full military honors. This designation is a fitting tribute to Judge Craig Broadwater, and I support the passage of S. 307, which honors his service to our country. I urge my colleagues to join me in supporting this legislation.

I reserve the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I yield 5 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleagues for bringing this forward and for their very strong support of this measure.

I too rise today in support of S. 307, which will rename the Federal courthouse and the Federal building at 217

West King Street in Martinsburg, West Virginia for W. Craig Broadwater, as it will be designated as the W. Craig Broadwater Federal Building and United States Courthouse.

Martinsburg is in the eastern panhandle of West Virginia, very close here to Washington, D.C. It's also part of my district. Judge Broadwater was one of my constituents. I learned more from Judge Broadwater than he ever learned from me, I can tell you that. He was a very kind, supportive, gentle person, but also a very fair-minded and humble public servant.

As we've heard, and I am going to repeat it, he served with distinction and honor to this country for over 40 years, first as an Army lieutenant, later as a Federal court judge, and a brigadier general for the West Virginia National Guard.

□ 1720

I know he was deployed the year before he passed away very suddenly. He came to West Virginia, where he attended West Virginia University in 1972, and he entered ROTC. It obviously made a large impression on his life, as he stayed not only for 2 years as a military officer, intelligence officer, but also retained his dedicated service to our country through the military throughout his life.

He graduated from West Virginia University in 1977, went into private practice as a practicing attorney until 1983. He then became the circuit judge of the First Judicial Circuit in West Virginia and served in that capacity from 1983 to 1996, where he then was appointed, as my colleague from Florida said, by President Clinton on January 26, 1996, where he served until he passed away December 18, 2006.

He was a lieutenant in the U.S. Army for 2 years. He joined the Army National Guard in 1976 as an operational detachment executive officer and, as I said, remained in the Guard the rest of his life.

He was deployed several times. He was deployed as a battalion commander from 1994 to 1996, where he led the battalion for service in Haiti during Operation Uphold Democracy. He became a brigadier general during Operation Iraqi Freedom, and was mobilized in 2003 and in 2005 at the Horn of Africa.

After serving, he was then sent to Djibouti, where he served as the deputy commanding officer. But what I would like to talk about are the several times that I actually got to meet and talk and get to know Craig Broadwater. He was very young when he was stricken quickly and taken from us and his family. He is missed, I know, every day in their hearts and certainly in the hearts of the eastern part of West Virginia.

Being a Federal judge is, I think, not only an awesome responsibility, it takes a special kind of person to do it

well, and Judge Broadwater did it well. He was, as I said, kind, soft-spoken, considerate, a great listener and very respectful of all individuals, whether you would be talking to the Governor or whether you would be talking to the person who is helping you keep your building in order during the evenings. He loved his family, his State and his country.

I know that by naming this courthouse and this Federal building for Judge W. Craig Broadwater, that those who serve in that building and in that courthouse will have an inspiration as they walk in. As they enter and see his name on the front of the building, they are going to realize that sacrifice of yourself and of your family is sometimes what's important in service to your country, to your State, to the law. He did this uncomplainingly, with great humor, and deep respect for our country, our laws of fairness and justice.

I think for those folks, whether you are going in as a person who is a judge or an attorney or somebody who is seeking representation, when you enter the building that's named for Judge Broadwater, you are going to feel like you are going into a building that's dedicated to the fairness and upholding the highest standards that he, himself, upheld during his life. We miss him to this day, and I think this is a fitting tribute.

I want to thank Senator ROCKEFELLER for joining together, the two of us, to put this forward. I look forward to the day when we can attach onto that Federal building in honor of Judge Broadwater the "W. Craig Broadwater Federal Building and United States Courthouse."

Ms. BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. CRAWFORD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, S. 307.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BROWN of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

PROVIDING FOR THE APPOINTMENT OF STEPHEN M. CASE AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Joint Resolution 8 and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the joint resolution is as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Phillip Frost of Florida is filled by the appointment of Stephen M. Case of Virginia. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge passage of Senate Joint Resolution 8, to appoint Stephen M. Case to a six year term as a citizen regent of the Smithsonian. This action would fill an existing vacancy and bring the Board of Regents back up to full strength.

Mr. Case, a prominent philanthropist and entrepreneur in business, is exceptionally well-qualified for this position. He is a pioneer in innovative technology and communications and is probably best known as the founder of America Online, and later chairman AOL/Time Warner. The Smithsonian needs a continuing influx of innovative leaders to the Board to maintain its unique position as a leader in scientific research and educational endeavors.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTING MEMBERS TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Resolution 197 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 197

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

- (1) Mr. Harper.
- (2) Mr. Schock.
- (3) Mr. Brady of Pennsylvania.
- (4) Mr. Gonzalez.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

- (1) Mr. Harper.
- (2) Mr. Brady of Pennsylvania.
- (3) Ms. Zoe Lofgren of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 33 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. ZOE LOFGREN of California. Reserving the right to object, and I will not object, I would just like to commend the gentleman for bringing this measure and how important it is that the Holocaust be remembered right here in the heart of our Capitol.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 33

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on May 17, 2011, for a ceremony as

part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge passage of House Concurrent Resolution 33, to allow the Capitol Rotunda to be used on May 17 for the purpose of the annual commemoration of the Holocaust.

This year's theme is "Justice and Accountability in the Face of Genocide: What Have We Learned?" It is important that as we reflect on one most notable tragedies in human history, we honor the memory of those who died so senselessly by not forgetting that there can be no tolerance for prejudice, oppression and hatred and pledge anew to stop those seeds of oppression from leading to atrocities like genocide.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S.J. Res. 8, H. Res. 197, and H. Con. Res. 33.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

- H.R. 1308, by the yeas and nays;
- S. 307, by the yeas and nays;

Approval of the Journal, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXTENDING RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1308) to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KELLY) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 18, not voting 20, as follows:

[Roll No. 254]

YEAS—394

- | | | |
|---------------|-----------------|-----------------|
| Ackerman | Cummings | Huizenga (MI) |
| Adams | Davis (CA) | Hultgren |
| Aderholt | Davis (IL) | Hurt |
| Akin | Davis (KY) | Inslee |
| Alexander | DeGette | Israel |
| Altmire | DeLauro | Issa |
| Andrews | Denham | Jackson (IL) |
| Austria | Dent | Jackson Lee |
| Baca | DesJarlais | (TX) |
| Bachmann | Deutch | Jenkins |
| Bachus | Diaz-Balart | Johnson (OH) |
| Baldwin | Dicks | Johnson, E. B. |
| Barletta | Dingell | Johnson, Sam |
| Barrow | Doggett | Jones |
| Bartlett | Donnelly (IN) | Jordan |
| Barton (CA) | Dreier | Kaptur |
| Bass (CA) | Duffy | Keating |
| Bass (NH) | Duncan (SC) | Kelly |
| Becerra | Duncan (TN) | Kildee |
| Benishak | Edwards | Kind |
| Berg | Ellmers | King (IA) |
| Berkley | Emerson | King (NY) |
| Berman | Eshoo | Kingston |
| Biggert | Farenthold | Kinzinger (IL) |
| Bilbray | Farr | Kissell |
| Bilirakis | Fattah | Kline |
| Bishop (GA) | Finer | Kucinich |
| Bishop (NY) | Fincher | Labrador |
| Bishop (UT) | Fitzpatrick | Lamborn |
| Black | Flake | Lance |
| Blackburn | Fleischmann | Landry |
| Blumenauer | Fleming | Langevin |
| Bonner | Flores | Lankford |
| Bono Mack | Forbes | Larsen (WA) |
| Boren | Fortenberry | Larson (CT) |
| Boswell | Foxx | Latham |
| Boustany | Frank (MA) | LaTourrette |
| Brady (PA) | Franks (AZ) | Latta |
| Brady (TX) | Frelinghuysen | Levin |
| Braley (IA) | Fudge | Lewis (CA) |
| Brooks | Gallegly | Lewis (GA) |
| Broun (GA) | Garamendi | Lipinski |
| Brown (FL) | Gardner | LoBiondo |
| Buchanan | Garrett | Loebsack |
| Bucshon | Gerlach | Lofgren, Zoe |
| Buerkle | Gibbs | Long |
| Burgess | Gibson | Lowey |
| Butterfield | Gingrey (GA) | Lucas |
| Calvert | Gohmert | Luetkemeyer |
| Camp | Gonzalez | Lujan |
| Campbell | Goodlatte | Lummis |
| Canseco | Gosar | Lungren, Daniel |
| Cantor | Gowdy | E. |
| Capito | Granger | Lynch |
| Capps | Graves (GA) | Mack |
| Capuano | Graves (MO) | Manzullo |
| Cardoza | Green, Al | Marchant |
| Carnahan | Green, Gene | Marino |
| Carney | Griffin (AR) | Markey |
| Carson (IN) | Griffith (VA) | Matheson |
| Carter | Grijalva | Matsui |
| Cassidy | Grimm | McCarthy (CA) |
| Castor (FL) | Guinta | McCarthy (NY) |
| Chabot | Guthrie | McCaul |
| Chaffetz | Hall | McClintock |
| Chandler | Hanabusa | McCollum |
| Chu | Harper | McCotter |
| Cicilline | Harris | McGovern |
| Clarke (MI) | Hartzler | McHenry |
| Clay | Hastings (FL) | McIntyre |
| Cleaver | Hastings (WA) | McKeon |
| Clyburn | Hayworth | McKinley |
| Coble | Heck | McMorris |
| Coffman (CO) | Heinrich | Rodgers |
| Cole | Heller | McNerney |
| Conaway | Hensarling | Meehan |
| Connolly (VA) | Herger | Mica |
| Conyers | Herrera Beutler | Michaud |
| Costa | Higgins | Miller (FL) |
| Costello | Himes | Miller (MI) |
| Courtney | Hinchey | Miller (NC) |
| Cravaack | Hinojosa | Miller, Gary |
| Crawford | Hirono | Miller, George |
| Crenshaw | Holden | Moore |
| Critz | Holt | Mulvaney |
| Crowley | Hoyer | Murphy (CT) |
| Cuellar | Huelskamp | Murphy (PA) |

- | | | |
|--------------|---------------|---------------|
| Myrick | Roby | Stearns |
| Napolitano | Roe (TN) | Stivers |
| Neal | Rogers (AL) | Stutzman |
| Neugebauer | Rogers (KY) | Sullivan |
| Noem | Rogers (MI) | Sutton |
| Nugent | Rokita | Terry |
| Nunes | Rooney | Thompson (CA) |
| Nunnelee | Ros-Lehtinen | Thompson (MS) |
| Olson | Roskam | Thompson (PA) |
| Olver | Ross (AR) | Thornberry |
| Owens | Ross (FL) | Tiberi |
| Palazzo | Rothman (NJ) | Tipton |
| Pallone | Roybal-Allard | Tonko |
| Pascrell | Royce | Towns |
| Pastor (AZ) | Runyan | Tsongas |
| Paulsen | Ryan (OH) | Turner |
| Payne | Ryan (WI) | Upton |
| Pearce | Sarbanes | Van Hollen |
| Pelosi | Schalise | Velázquez |
| Pence | Schakowsky | Visclosky |
| Perlmutter | Schiff | Walberg |
| Peters | Schilling | Walden |
| Peterson | Schmidt | Walsh (IL) |
| Petri | Schock | Walz (MN) |
| Pingree (ME) | Schwartz | Wasserman |
| Pitts | Schweikert | Schultz |
| Platts | Scott (SC) | Waters |
| Poe (TX) | Scott (VA) | Watt |
| Polis | Scott, Austin | Waxman |
| Pompeo | Scott, David | Webster |
| Posey | Sensenbrenner | Welch |
| Price (GA) | Serrano | West |
| Price (NC) | Sessions | Westmoreland |
| Quigley | Quayle | Sewell |
| Rahall | Sherman | Whitfield |
| Rangel | Shimkus | Wilson (FL) |
| Reed | Shuster | Wilson (SC) |
| Rehberg | Simpson | Wittman |
| Renacci | Sires | Wolf |
| Reyes | Slaughter | Womack |
| Ribble | Smith (NE) | Woodall |
| Richardson | Smith (NJ) | Wu |
| Richmond | Smith (TX) | Yarmuth |
| Rigell | Smith (WA) | Yoder |
| Rivera | Southerland | Young (AK) |
| | Speier | Young (IN) |

NAYS—18

- | | | |
|-------------|----------------|----------|
| Amash | Johnson (GA) | Schrader |
| Clarke (NY) | Lee (CA) | Stark |
| Cohen | McDermott | Tierney |
| Cooper | Nadler | Weiner |
| DeFazio | Paul | Woolsey |
| Ellison | Sánchez, Linda | |
| Honda | T. | |

NOT VOTING—20

- | | | |
|-------------|--------------|------------------|
| Burton (IN) | Hanna | Rohrabacher |
| Culberson | Hunter | Ruppersberger |
| Dold | Johnson (IL) | Rush |
| Doyle | Maloney | Sanchez, Loretta |
| Engel | Meeks | Shuler |
| Giffords | Moran | Young (FL) |
| Gutierrez | Reichert | |

□ 1856

Ms. McCOLLUM and Ms. CHU changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

W. CRAIG BROADWATER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 307) to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and

United States Courthouse," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 3, answered "present" 1, not voting 20, as follows:

[Roll No. 255]

YEAS—408

Ackerman	Conaway	Grimm
Adams	Connolly (VA)	Guinta
Aderholt	Conyers	Guthrie
Akin	Cooper	Hall
Alexander	Costa	Hanabusa
Altmire	Costello	Harper
Amash	Courtney	Hartzler
Andrews	Cravaack	Hastings (FL)
Austria	Crawford	Hastings (WA)
Baca	Crenshaw	Hayworth
Bachmann	Critz	Heck
Bachus	Crowley	Heinrich
Baldwin	Cuellar	Heller
Barletta	Cummings	Hensarling
Barrow	Davis (CA)	Herger
Bartlett	Davis (IL)	Herrera Beutler
Barton (TX)	Davis (KY)	Higgins
Bass (CA)	DeFazio	Himes
Bass (NH)	DeGette	Hinchey
Becerra	DeLauro	Hinojosa
Benishkek	Denham	Hirono
Berg	Dent	Holden
Berkley	DesJarlais	Holt
Berman	Deutch	Honda
Biggert	Diaz-Balart	Hoyer
Billbray	Dicks	Huelskamp
Bilirakis	Dingell	Huizenga (MI)
Bishop (GA)	Doggett	Hultgren
Bishop (NY)	Donnelly (IN)	Hurt
Black	Doyle	Inslee
Blackburn	Dreier	Israel
Blumenauer	Duffy	Issa
Bonner	Duncan (SC)	Jackson (IL)
Bono Mack	Duncan (TN)	Jackson Lee
Boren	Edwards	(TX)
Boswell	Ellison	Jenkins
Boustany	Ellmers	Johnson (GA)
Brady (PA)	Emerson	Johnson (OH)
Brady (TX)	Eshoo	Johnson, E. B.
Braley (IA)	Farenthold	Johnson, Sam
Brooks	Farr	Jones
Brown (FL)	Fattah	Jordan
Buchanan	Filner	Kaptur
Bucshon	Fincher	Keating
Buerkle	Fitzpatrick	Kelly
Burgess	Flake	Kildee
Butterfield	Fleischmann	Kind
Calvert	Fleming	King (IA)
Camp	Flores	King (NY)
Campbell	Forbes	Kingston
Canseco	Fortenberry	Kinzinger (IL)
Cantor	Fox	Kissell
Capito	Frank (MA)	Kline
Capps	Franks (AZ)	Kucinich
Capuano	Frelinghuysen	Labrador
Cardoza	Fudge	Lamborn
Carnahan	Gallegly	Lance
Carney	Garamendi	Landry
Carson (IN)	Gardner	Langevin
Carter	Garrett	Lankford
Cassidy	Gerlach	Larsen (WA)
Castor (FL)	Gibbs	Larsen (CT)
Chabot	Gibson	Latham
Chaffetz	Gingrey (GA)	LaTourrette
Chandler	Gohmert	Latta
Chu	Gonzalez	Lee (CA)
Cicilline	Goodlatte	Levin
Clarke (MI)	Gosar	Lewis (CA)
Clarke (NY)	Gowdy	Lewis (GA)
Clay	Granger	Lipinski
Cleaver	Graves (GA)	LoBiondo
Clyburn	Graves (MO)	Loebsack
Coble	Green, Al	Lofgren, Zoe
Coffman (CO)	Green, Gene	Long
Cohen	Griffin (AR)	Lowe
Cole	Griffith (VA)	Lucas

Luetkemeyer	Pence	Sherman
Lujan	Perlmutter	Shinkus
Lummis	Peters	Shuster
Lungren, Daniel E.	Peterson	Simpson
	Petri	Sires
Lynch	Pingree (ME)	Slaughter
Mack	Pitts	Smith (NE)
Maloney	Platts	Smith (NJ)
Manzullo	Poe (TX)	Smith (TX)
Marchant	Polis	Smith (WA)
Marino	Pompeo	Southerland
Markey	Posey	Speier
Matheson	Price (GA)	Stark
Matsui	Price (NC)	Stearns
McCarthy (CA)	Quayle	Stivers
McCarthy (NY)	Quigley	Stutzman
McCaul	Rahall	Sullivan
McClintock	Rangel	Sutton
McCollum	Reed	Terry
McCotter	Rehberg	Thompson (CA)
McDermott	Renacci	Thompson (MS)
McGovern	Reyes	Thompson (PA)
McHenry	Ribble	Thornberry
McIntyre	Richardson	Tiberi
McKeon	Richmond	Tierney
McKinley	Rivera	Tipton
McMorris	Roby	Tonko
Rodgers	Roe (TN)	Towns
McNerney	Rogers (AL)	Rogers (AL)
Meehan	Rogers (KY)	Tsongas
Mica	Rogers (MI)	Turner
Michaud	Rokita	Upton
Miller (FL)	Rooney	Van Hollen
Miller (MI)	Ros-Lehtinen	Velázquez
Miller (NC)	Roskam	Visclosky
Miller, Gary	Ross (AR)	Walberg
Miller, George	Ross (FL)	Walden
Moore	Rothman (NJ)	Walsh (IL)
Mulvaney	Roybal-Allard	Walz (MN)
Murphy (CT)	Royce	Wasserman
Murphy (PA)	Runyan	Schultz
Myrick	Ryan (OH)	Waters
Ryan (WI)	Ryan (WI)	Watt
Sánchez, Linda T.	Sánchez, Linda T.	Waxman
Sarbanes	Sarbanes	Webster
Scalise	Scalise	Weiner
Schakowsky	Schakowsky	Welch
Schiff	Schiff	West
Schilling	Schilling	Westmoreland
Schmidt	Schmidt	Whitfield
Schock	Schock	Wilson (FL)
Schwartz	Schwartz	Wilson (SC)
Schweikert	Schweikert	Witman
Scott (SC)	Scott (SC)	Wolf
Scott (VA)	Scott (VA)	Womack
Scott, Austin	Scott, Austin	Woodall
Scott, David	Scott, David	Woolsey
Sensenbrenner	Sensenbrenner	Wu
Serrano	Serrano	Yarmuth
Sessions	Sessions	Yoder
Sewell	Sewell	Young (AK)
		Young (IN)

NAYS—3

Broun (GA)

Harris

Schrader

ANSWERED "PRESENT"—1

Rigell

NOT VOTING—20

Bishop (UT)	Gutierrez	Rohrabacher
Burton (IN)	Hanna	Ruppersberger
Culberson	Hunter	Rush
Dodd	Johnson (IL)	Sanchez, Loretta
Engel	Meeks	Shuler
Giffords	Moran	Young (FL)
Grijalva	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left on this vote.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 79, answered "present" 2, not voting 26, as follows:

[Roll No. 256]

YEAS—325

Ackerman	Critz	Jackson (IL)
Adams	Crowley	Jenkins
Aderholt	Cummings	Johnson (GA)
Akin	Davis (CA)	Johnson, E. B.
Alexander	Davis (IL)	Johnson, Sam
Austria	Davis (KY)	Jones
Baca	DeGette	Jordan
Bachmann	DeLauro	Kaptur
Bachus	Denham	Kelly
Barletta	DesJarlais	Kildee
Barrow	Deutch	Kind
Bartlett	Diaz-Balart	King (IA)
Barton (TX)	Dicks	King (NY)
Bass (NH)	Dingell	Kingston
Becerra	Doggett	Kissell
Benishkek	Doyle	Kline
Berg	Dreier	Labrador
Berkley	Duncan (SC)	Lamborn
Berman	Duncan (TN)	Lance
Biggert	Edwards	Langevin
Bilirakis	Ellison	Lankford
Bishop (GA)	Ellmers	Larsen (WA)
Bishop (UT)	Emerson	Larson (CT)
Black	Eshoo	Latham
Blackburn	Farenthold	LaTourrette
Bonner	Fattah	Latta
Bono Mack	Flake	Levin
Boren	Fleischmann	Lewis (CA)
Boswell	Fleming	Lipinski
Boustany	Flores	Loebsack
Brady (TX)	Forbes	Lofgren, Zoe
Braley (IA)	Fortenberry	Long
Brooks	Frank (MA)	Lowe
Broun (GA)	Franks (AZ)	Lucas
Brown (FL)	Frelinghuysen	Luetkemeyer
Buchanan	Gallegly	Lujan
Bucshon	Garamendi	Lummis
Buerkle	Garrett	Lungren, Daniel E.
Butterfield	Gibbs	
Calvert	Gonzalez	Lynch
Camp	Goodlatte	Mack
Campbell	Gosar	Maloney
Canseco	Gowdy	Manzullo
Cantor	Granger	Marino
Capito	Graves (GA)	Markey
Capps	Green, Al	Matheson
Cardoza	Green, Gene	Matsui
Carnahan	Griffin (AR)	McCarthy (CA)
Carney	Griffith (VA)	McCarthy (NY)
Carson (IN)	Guinta	McCaul
Carter	Guthrie	McClintock
Cassidy	Hall	McCollum
Castor (FL)	Hanabusa	McHenry
Chabot	Harper	McIntyre
Chaffetz	Hartzler	McKeon
Chandler	Hastings (FL)	McMorris
Cicilline	Hastings (WA)	Rodgers
Clarke (MI)	Hayworth	McNerney
Clarke (NY)	Heinrich	Meehan
Clay	Hensarling	Mica
Cleaver	Herger	Michaud
Clyburn	Higgins	Miller (FL)
Coble	Hinojosa	Miller (MI)
Coffman (CO)	Hirono	Miller (NC)
Cohen	Holden	Miller, Gary
Cole	Holt	Miller, George
Conaway	Hoyer	Mulvaney
Connolly (VA)	Huelskamp	Murphy (CT)
Conyers	Huizenga (MI)	Murphy (PA)
Cooper	Hultgren	Myrick
Costa	Hurt	Nadler
Costello	Inslee	Neal
Crawford	Israel	Noem
Crenshaw	Issa	Nunnelee

Olson	Rothman (NJ)	Thompson (PA)
Owens	Roybal-Allard	Thornberry
Palazzo	Royce	Tierney
Paul	Runyan	Tonko
Paulsen	Ryan (WI)	Towns
Payne	Scalise	Tsongas
Pearce	Schiff	Turner
Pelosi	Schilling	Upton
Pence	Schmidt	Van Hollen
Petri	Schrader	Velázquez
Pingree (ME)	Schwartz	Walberg
Platts	Schweikert	Walden
Polis	Scott (SC)	Walsh (IL)
Pompeo	Scott (VA)	Walz (MN)
Posey	Scott, Austin	Wasserman
Price (GA)	Scott, David	Schultz
Quayle	Sensenbrenner	Waters
Quigley	Serrano	Watt
Rangel	Sessions	Waxman
Rehberg	Sewell	Webster
Reyes	Sherman	Welch
Ribble	Shimkus	West
Richardson	Shuster	Westmoreland
Richmond	Simpson	Whitfield
Rigell	Slaughter	Wilson (FL)
Rivera	Smith (NE)	Wilson (SC)
Roby	Smith (NJ)	Wittman
Roe (TN)	Smith (TX)	Wolf
Rogers (AL)	Smith (WA)	Womack
Rogers (KY)	Southerland	Woodall
Rogers (MI)	Speier	Woolsey
Rokita	Stark	Yarmuth
Ros-Lehtinen	Stearns	Yoder
Roskam	Stivers	Young (IN)
Ross (AR)	Stutzman	
Ross (FL)	Sullivan	

PERSONAL EXPLANATION

Mr. HANNA. Mr. Speaker, I was unavoidably absent for votes. Had I been present, I would have voted "yes" on rollcall votes 254 and 255. I would have voted "no" on rollcall vote 256.

IT IS TIME FOR THE CFTC TO ACT

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, yesterday the investment firm Goldman Sachs came out with an amazing statement, which is that \$27 per barrel of oil today is the result of excessive speculation; it has no connection to supply and demand. What that means is a motorist in the State of Connecticut who is now paying \$4 a gallon for gas should be paying only \$3 a gallon; but all the speculation which oil delivery guys and gas station owners have been screaming about for the last 3 months is the factor that is driving up the price of gas.

Last year, the commodities trading commission in the Dodd-Frank Wall Street Reform bill was given the authority to limit the amount of outside speculator participation in energy futures trading markets. They have not implemented those rules. It is time for them to act. It is time for the CFTC to issue these new rules and to protect America's consumers and small businesses.

U.S. COMMODITY FUTURES TRADING COMMISSION,

Washington, DC, March 25, 2011.

Hon. JOE COURTNEY,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: Thank you for writing to the CFTC regarding speculation. The agency considers most letters from Capitol Hill as "comment" letters on regulations being promulgated. I, however, wanted to take a moment to respond to your letter.

On Wednesday, oil prices reached nearly \$106 per barrel—up 29 percent this year. Not since 2008, when many of us raised concerns about excessive speculation, have prices been so high. This comes at a time when a fairly high supply of oil and stable demand exists. Obviously there are myriad factors impacting prices: the Middle East, Japan and crude transportation issues, to name a few. At the same time, however, we have speculators coming into energy markets at blistering pace. In fact, the latest data indicates that in the energy sector, speculative positions are at an all-time high—up 64 percent from June of 2008 when crude oil prices touched \$147.27 per barrel.

I'm not suggesting that speculation is bad. In fact we need speculation and there is ample evidence (in addition to common sense) that speculation can decrease volatility. On the other hand, speculation can become excessive. In these instances, as we may be seeing now and as I believe we saw in 2008 and even for some period in 2009, that excessive speculation can impact prices. I'm not suggesting that speculators are driving prices or that they are the cruise control on prices. I do think, however, that they tap the gas pedal at times.

I didn't come to this conclusion lightly and continue to cite many studies, paper and quotes that make this same connection between speculation and prices (not just in the energy complex, but also in agricultural commodities and metals).

As you know, Congress enhanced the CFTC's ability to address excessive speculation as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Specifically, the Act mandates that the agency implement speculative position limits in the energy sector within 180 days. Obviously, that deadline has long since passed, which is unfortunate to say the least. I had urged the agency to implement limits on time.

We heard three primary arguments against implementation within the required implementation time period, that is, by mid-January, 2011.

First, some have suggested that when the statute says the Commission shall implement "appropriate" speculative position limits, that the word "appropriate" could mean that no limits whatsoever could be "appropriate." As many Members have said, this provision of the statute should not be interpreted with such elasticity as to mean no limits whatsoever. The reason Congress gave us the expedited implementation date was precisely because Congress wanted the agency to implement speculative position limits.

The second argument against implementing limits on time was that if we were to do so, there would be market migration. In essence, the suggestion is that if the CFTC set very restrictive position limits, traders would simply trade in other venues. First, there is the suggestion that the trading will migrate to currently unregulated over-the-counter (OTC) markets. These markets will, however, within months not years, be regulated by the agency. The other suggestion is that the trading will migrate to foreign boards of trades. Both of these suggestions are based on the dubious premise that limits the agency establishes would be overly restrictive. There is nothing that requires us to set a certain position limit level, and, in fact, I have always said that we should err on the high side at first—precisely to avoid any negative consequences—and recalibrate as we move forward and know more about the markets.

The third argument against implementing limits on time was that the agency doesn't have the data to set reasonable, or appropriate, position limits. This is the only argument of the three that has limited merit. We do not yet have, and will not have for a few more months (September at the earliest) some of the OTC trading data that would facilitate setting position limits. Those who don't support position implementation now use that argument to say no limits should be in place whatsoever. Congress required that we have several limits: spot month, all month and aggregate month limits for currently regulated exchanges. The law also requires that we have those same three limits for OTC trading (spot, all month and aggregate limits). Those who oppose limits now don't agree that we could have already imposed spot month limits on all contracts (including OTC trades) using the available physical supply of the commodity. We could have done those in January, we can do them now. Similarly, we could have, should have and can now implement limits for all months and aggregate limits for currently-regulated exchanges. Finally, if there was a desire, I believe we could have developed an appropriate formula to impose limits on OTC trading for the very largest traders who also use

NAYS—79

Altmire	Grimm	Pastor (AZ)
Andrews	Harris	Perlmutter
Baldwin	Heck	Peters
Bass (CA)	Heller	Peterson
Bilbray	Herrera Beutler	Poe (TX)
Bishop (NY)	Himes	Price (NC)
Brady (PA)	Hinchee	Rahall
Burgess	Honda	Reed
Capuano	Jackson Lee	Renacci
Chu	(TX)	Rooney
Courtney	Johnson (OH)	Ryan (OH)
Cravaack	Kinzinger (IL)	Sánchez, Linda
Cuellar	Kucinich	T.
DeFazio	Landry	Sarbanes
Dent	Lee (GA)	Schakowsky
Donnelly (IN)	Lewis (CA)	Schock
Duffy	LoBiondo	Sires
Farr	Marchant	Sutton
Filner	McCotter	Terry
Fincher	McGovern	Thompson (CA)
Fitzpatrick	McKinley	Thompson (MS)
Foxx	Moore	Tiberi
Fudge	Napolitano	Tipton
Gardner	Nugent	Visclosky
Gerlach	Olver	Weiner
Gibson	Pallone	Wu
Graves (MO)	Pascrell	Young (AK)

ANSWERED "PRESENT"—2

Amash Gohmert

NOT VOTING—26

Blumenauer	Hanna	Pitts
Burton (IN)	Hunter	Reichert
Culberson	Johnson (IL)	Rohrabacher
Dold	Keating	Ruppersberger
Engel	McDermott	Rush
Giffords	Meeks	Sanchez, Loretta
Gingrey (GA)	Moran	Shuler
Grijalva	Neugebauer	Young (FL)
Gutierrez	Nunes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left on this vote.

□ 1910

So the Journal was approved.

The result of the vote was announced as above recorded.

the currently-regulated exchanges. This limit would have also had to err on the high side.

On summary, the agency could have implemented a speculative position limits regime in January. We can still do them now. I will continue to urge that we do so.

Thank you again for your letter. If I can ever be of assistance on this, or any other matter, please don't hesitate to contact me.

Sincerely,

BART CHILTON,
Commissioner.

RECOGNIZING NORTH DAKOTA VOLUNTEERS

(Mr. BERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERG. Yesterday, I had the opportunity to tour overland flood sites in North Dakota. River levels hit record highs, and thousands of North Dakotans volunteered their time and energy to save homes and lives. So today, I would like to recognize the thousands of high school students that helped fill and stack sandbags that protected property and lives. Together, they helped Cass County residents protect their homes as the river rose. Without the help of these young volunteers, many North Dakotans would have been left unprepared for the overland flooding that affected our State.

These students are students that care about their communities. Their dedication exemplifies the spirit that we see in North Dakota and the next generation of leaders. I am pleased that their efforts to protect our communities worked, and I would like to recognize them today.

A GOVERNMENT THAT WORKS

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I rise today to continue a discussion started by a good friend and former Iowa Congressman, Berkley Bedell, in yesterday's Des Moines Register, page 9A.

In Congressman Bedell's column titled, "Those Who Own America Should Help Pay for Government," Congressman Bedell argues that Congress's budget focus on cutting costs instead of generating revenue is fundamentally skewed and not good business.

He writes, "Show me a company that ignores revenue and focuses on cutting costs, and I will show you a firm that is headed for failure. Show me a government that ignores revenue and focuses on cutting costs, and I will show you a government that is a failure."

Congressman Bedell writes that corporations and the richest Americans need to properly contribute to the government through taxes that are relevant to their wealth. For me, this

means eliminating billions a year in subsidies to multibillion-dollar oil and gas companies; it means ending mortgage deductions for vacation homes and yachts that cost taxpayers billions a year in lost revenue; it means ending the Bush-era tax cuts for the wealthiest 2 percent to increase our revenue by more than \$40 billion a year.

Americans deserve a government that works, and blindly cutting costs and services doesn't accomplish that.

[From the Des Moines Register, Apr. 12, 2011]

GUEST OPINION: THOSE WHO OWN AMERICA SHOULD HELP PAY FOR GOVERNMENT

(By: Berkley Bedell)

I started a fishing tackle manufacturing business, Berkley and Co., with \$50 saved from my newspaper route when I was 15 years old.

From the beginning, my main focus was on sales and revenue.

The business was successful.

In my 50s, I ran for Congress. I won and appointed a person to run the company. He focused on cutting costs rather than building revenue and the business was soon headed for bankruptcy.

My son, Tom, came back to Iowa to run the company. He focused on marketing and research to build revenue, and when he sold the company a few years ago, it was by far the largest most successful fishing tackle manufacturing company in the nation.

Show me a company that ignores revenue and focuses on cutting costs, and I will show you a firm that is headed for failure. Show me a government that ignores revenue and focuses on cutting costs, and I will show you a government that is a failure.

Today that is exactly what we have in our state and federal governments.

Like most people and most corporations, I would prefer not to have to pay taxes. I am now 90 years old. I lived during the middle of the 1900s when our top income tax rate varied between 70 and 91 percent—more than double that of today. I saw what we can do when we properly tax ourselves to build a better nation.

Today the top 1 percent of households have over 38 percent of all privately held stock, 60 percent of financial securities and 62 percent of business equity. The top 10 percent own 80 percent to 90 percent of stocks, bonds, trust funds and business equities, and over 75 percent of non-home real estate. Since financial health is what counts as far as control of income-producing assets, we can say that just 10 percent of the people own the United States of America.

My wife and I are part of that 10 percent. We are heroes in our hometown, just as Bill Gates and Warren Buffett are national heroes.

Like them, we are not bad people, we want to be good people and contribute so we have formed a foundation for alternative medicine (FAIM.org) to try to do good with our money.

But our government is all screwed up. Instead of using everyone's wealth to build a better society as we did in the 1950s, we are cutting taxes to the rich and corporate America while we cut back on services and jobs for the masses. You do not create jobs by firing teachers and lowering wages.

People are starting to rise up in Wisconsin, Ohio and other states. They are correct to be disturbed and to protest. I hope they will keep it up. I hope they realize the basic problem. It is, revenue matters!

Until we properly tax corporate America and those of us who can afford it, and use those revenues to put our people back to work, clean up the environment, replace fossil fuels, reduce the deficit and bring back the prosperity we had in the middle of the last century, I believe we all need to join those protesters.

Having served in Congress, I have seen how political contributions from the wealthy, and now corporations, control our government. It is time for the people—all of us—to do as did the people of Egypt and join the street marches to demand that our government bring back the time we had in my youth, when we worked together, rich and poor, to contribute the tax revenue needed to build a nation that was the envy of the world.

SHUTTLE SNUB

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. "Houston, we have a problem." These were the words from space when Apollo 13 was in trouble. The NASA folks in Houston, Texas, helped bring Apollo 13 back to Earth safely.

Now, Houston, we have another problem, because for obvious political reasons none of the four shuttles are going to be retired at Space Center USA—Houston, Texas—the home of NASA, the Johnson Space Center, and the home of the astronauts.

For nearly 50 years, Houston, Texas, has been the center of world space exploration. Why the apparent shuttle snub to Houston and to history? Well, it's blatantly political. Texas is a red State, and the four winners of the shuttles—one of which has nothing to do with NASA—all are States that voted for the President.

When the U.S. won its race to the Moon in 1969, the first word on the Moon was "Houston," not "New York City." Now it should be said, "Houston, the shuttles have landed, but only in the blue States that voted for the President."

This ought not to be, but that's just the way it is.

HONORING SERGEANT ROBERT TREADWAY

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, I rise today to honor U.S. Marine Sergeant Robert Treadway, who gave the ultimate sacrifice in service to our Nation.

Sergeant Treadway was killed in a plane crash in 1976 while on active duty; however, it wasn't until earlier this week, nearly 35 years later, that Sergeant Treadway received the memorial service befitting all of our fallen heroes. On Monday, a memorial service was held for Sergeant Treadway at the Sante Fe National Cemetery, helping

bring closure to his mother, Theresa Treadway.

For nearly two decades, Mrs. Treadway tried several times to arrange for the memorial service that Sergeant Treadway had earned. Her unwavering dedication to her son brought her to my office. I was honored to have the opportunity to help Mrs. Treadway pay tribute to her son, a marine to his core.

The men and women who serve our country in the armed services sacrifice a tremendous amount, but so do their loved ones they leave behind while they protect and serve our great Nation. This is why I was honored to be able to help Mrs. Treadway finally give her son a memorial that is befitting of his sacrifice and honors his memory.

To Sergeant Treadway and his mother, thank you for being examples of the American spirit at its finest.

THE BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the spending debate in Washington boils down to a couple of fundamentals: We spend 23 percent of our GDP; that is the level of spending of Congress. The revenues to GDP are only 18 percent. So you have a 5 percent difference in what your revenues are and what your spending is. Years of doing this means that, right now, for every dollar we spend, 40 cents is borrowed. You can't continue to defy gravity.

This week, we will consider the Ryan budget. It has tax reform; it has spending reform; it has regulatory reform—all things that are very good. I'm glad to see that the President will be reintroducing another budget this week, because I think it's very important that if you do not like the Republican Ryan budget, that's fine, but put your budget on the table because surely the Democrat Party has some ideas.

So far all we've heard from the Democrats is criticism. That's not good enough in times like these. We've got to come together as a country to do what's best not for the next election but for the next generation and, indeed, for our future.

MEDICARE ELIMINATION AND MIDDLE CLASS TAX INCREASE ACT OF 2011

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Ladies and gentlemen, later this week, we are going to be considering the Medicare Elimination and Middle Class Tax Increase Act of 2011. We've heard it called the "Ryan bill," but that's what it does.

First, it does some things that I'm sure are very popular in America. It says let's eliminate the Medicare program. Let's say to senior citizens, You know what? We're going to give you a voucher, and you go out and shop for health care—and good luck finding it. That's one proposal.

And then it says, let's take \$750 billion of Medicaid expenses and shift them to the States so that the States have to raise taxes and localities have to raise taxes. This is some new interesting idea?

It was said by the previous speaker that Democrats haven't come forward with any ideas. Yeah, we came up with the idea of Medicare to provide health care for seniors and Social Security to provide a safety net for seniors in their advancing years. These are the programs that we care about and are going to fight for.

This week on the House floor, Republicans are going to say we're against Medicare. They want to eliminate it as it stands. Now, isn't it ironic? They spent all last year criticizing the health care act because it harmed Medicare, now suddenly they want to eliminate it. Hypocrisy.

□ 1920

THE U.S. CONSTITUTION

The SPEAKER pro tempore (Mr. RUNYAN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes as the designee of the majority leader.

Mr. BROUN of Georgia. Mr. Speaker, America is facing some very perilous times because of the joblessness, because of the poor economy, because of the outrageous spending that's been going on for the last 2 years through the last Congress.

I come tonight, Mr. Speaker, to discuss something that I think is critically important for the American people to understand, because we've gotten away from what the Constitution says and what the original intent of the Constitution might be.

I've seen Member after Member, Mr. Speaker, hold up a copy of the Constitution. I carry a copy in my pocket. And they'll hold up a copy of the Constitution and talk about this being a living and breathing document. Nothing could be further from the truth in the philosophy of our Founding Fathers.

In fact, our Founding Fathers meant this to be a very solid foundation. The Declaration of Independence expresses the philosophy of liberty in America, and the Constitution is an embodiment of those principles into a governing document.

Mr. Speaker, if we don't have a solid foundation upon which to build all of our laws, all of our society, then we're

building our society and laws on shifting sand. You can ask a 6-year-old, if you build a house or a building on shifting sand, what's going to happen? It's going to fall, it's going to fail. That's exactly what's happening in our country today, because we've gotten away from the original intent of the Constitution.

In Hosea 4:6, God says, "My people are destroyed for a lack of knowledge." We have a tremendous lack of knowledge about the foundational principles, what our Founding Fathers meant for government to be. We have a tremendous lack of knowledge in this Nation even in Federal jurists, even in jurists sitting on the U.S. Supreme Court, about the Constitution.

In fact, I was very shocked—as I got interested in politics, I started talking to lawyers who had gone to law schools all over this country. The majority of lawyers that I've spoken with—law schools, public and private all across this country, they all have a course called constitutional law. But the American public would be absolutely shocked to understand that lawyers, even when they take constitutional law—and in a lot of law schools it's an elective even—when they take constitutional law, they don't study the Constitution. All they study is case law, what the Federal court system has said about the Constitution.

And we've got Federal jurists all the way up to the Supreme Court, but in all levels, from Federal district courts to the appellate system all the way to the U.S. Supreme Court, that bring down ruling after ruling that is not based upon the Constitution in its original intent. That philosophy leads to tyranny in all possibility.

Our Founding Fathers never meant this. In fact, if people would read the Constitution and read what our Founding Fathers said about the Constitution, they would understand that.

There's a great resource that talks about what our Founding Fathers meant for the Constitution to be. The architect of the Constitution, James Madison, John Jay, the first U.S. Supreme Court Chief Justice, and Alexander Hamilton, who was an ardent Federalist who believed in a strong Federal Government, wrote a series of essays. These essays were printed in the newspapers in New York State. They were written to tell New Yorkers about what government should be under the Constitution in its original intent.

They explained in minute detail what government should be not only then but 200, 400, 600 years later, because they knew very firmly, very strongly that if we didn't have that original intent and a strong, solid foundation of government, that we could lose our liberty. That's the reason they wanted us to stay with their intent in the Constitution.

They wrote these series of essays. Those essays have been bound together—this little booklet, “The Federalist Papers,” contains these essays. These essays were written by James Madison, Alexander Hamilton, and John Jay about the Constitution to explain the Constitution.

If people will get “The Federalist Papers” and read them, they will see how far off track we have gotten as a Nation. They will see that our Nation is being destroyed from within, being destroyed by a philosophy of big government, and this philosophy has been fostered upon us by Democrats and Republicans alike, by liberals and conservatives alike. We’ve got to change that.

Mr. Speaker, the only way that we’re going to change governing here in the United States is not here in Washington, not here in the U.S. House of Representatives, not over across the way in the U.S. Senate, not down the street on Pennsylvania Avenue in the White House. The only way we’re going to change the philosophy of governance is if the grassroots, the good people across this Nation, start demanding a different kind of governance.

We’ve got to stop this outrageous spending. We’ve got to get our economy back on track. We’ve got to start creating jobs. What’s made this country so rich, so powerful, so successful as a political experiment, the greatest political experiment in all of history, in all of mankind, is right here in the United States based on the Constitution of the United States in its original intent.

We have a tremendous lack of knowledge.

Now, “The Federalist Papers” in the old language, it’s a bit difficult to read. Their style of writing, their style of English was a bit different from ours.

We’ve got another resource that I highly recommend, which is “The Federalist Papers in Modern Language.” A person can buy this off Amazon, they can get this in Barnes and Noble bookstores around the country. If they don’t have it in stock, it can be ordered.

The editor, Mary Webster, got some folks to transliterate “The Federalist Papers” from old-style English into modern English. What “transliterate” means is to change one word in the old style to another word in the new style. This is not an editorialization of “The Federalist Papers,” it is not a commentary on “The Federalist Papers.” It’s strictly a transliteration. In other words, it’s changed from old-style English into new-style English. And that’s all it’s done.

People can go and read either “The Federalist Papers” in its original English form or “The Federalist Papers in Modern Language,” and can become knowledgeable.

We’ve got to light grassfires all across this country to demand a dif-

ferent kind of governance or we’re going to destroy everything that our Founding Fathers have given us.

This Nation was built on personal responsibility and accountability. It was based on freedom and liberty. I use those words separately.

Let me explain “liberty” for you, give you a definition. I don’t know if this is my original definition or not. I don’t remember ever reading it anywhere. I haven’t seen it when I’ve gone to look it up. I’m not claiming it as my own, though I don’t know who wrote it, if someone did: Liberty. Liberty is freedom bridled by morality.

□ 1930

Liberty is freedom bridled by morality. You see, a wild bear is free. All the wild bear’s constrained by is the instincts that our Creator put in a wild bear. It can go anywhere it wants to. A male wild bear will even kill its own cubs just to try to get to the sow, to breed her. He doesn’t care about anybody else but himself. That sow will protect her cubs, but other than that she’s free, and she chooses to do so by her instinct.

But absolute freedom is anarchy. It’s anarchy. You see, if I am totally free, if I don’t like somebody, I can just kill them. In fact, we see that by dictators around the world, historically as well as in present times. But you see, freedom bridled by morality, liberty, means that my freedom stops where another person’s freedom starts. And we can come together and work in concert for the greater good, for the greater good of our families, our communities, our cities, our States, as well as our Nation.

This country was founded upon liberty, personal responsibility, and accountability. It’s been so successful economically because it’s been based on the free enterprise system. Free enterprise. Free enterprise is the engine that pulls along the train of economic prosperity here in America. But we’re destroying that.

Our President has a philosophy that I believe is totally against free enterprise. A lot of my colleagues, Democrat and Republican alike, believe the Federal Government ought to control virtually every aspect of our lives. George W. Bush was a big-spending, big-government President. He gave us No Child Left Behind, which has been a disaster. I call it Leave No Teacher Unshackled. We’ve got to get the shackles off teachers, let the local school boards run the education system, not by a Federal Department of Education, or I don’t even think by a State Department of Education. But the States have the right to do that constitutionally.

The most powerful political force in America today is embodied in the first three words of the U.S. Constitution: “We the people.” And if we the people

will become knowledgeable about the Constitution and about the Founding Fathers’ philosophy of government, the philosophy of liberty and freedom, the philosophy of a free enterprise system, a philosophy of individual responsibility and individual accountability, then we can put this country back on the right course by the American people demanding their freedom back. We’ve lost a lot of it. A tremendous amount of freedom has been lost. We’re losing our liberty, and we have a government that has taken away our freedoms.

The Preamble to the Constitution of the United States: “We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish this Constitution of the United States.”

Tonight I am going to talk about one little phrase in this Preamble. It’s also in another place in the Constitution. I’m going to talk about the general welfare clause. We’ll come back on another night, and I am going to talk about the commerce clause. And then we’ll talk also about the elastic clause, and the Bill of Rights, and other parts of the Constitution.

But three phrases out of the Constitution have been utilized to pervert the idea behind the Constitution, to destroy its original intent, to cause us to continue to lose liberty here in America. The general welfare clause is one of those. You see, Congress has strayed from the clear-cut path, the certainty and liberty that our Founding Fathers outlined in the most basic and fundamental document to ever exist, and that’s our Constitution.

The single most important part of this revered document is embodied in those first three words, because we are supposed to be a government of the people, by the people, and for the people, as Abraham Lincoln said. Our government’s purpose is to protect and preserve freedom and liberties of we, the people. Government is supposed to be governing at the consent of the people, not the people being dealt with at the consent of the government.

Yet nowadays it seems as though the Federal Government has inserted itself into almost every aspect of our day-to-day lives, monitoring what kind of health care we can have, bailing out the automobile industry, and regulating the education standards. Just a few examples of the Federal Government’s hand’s overreach into things where it should not go.

Mr. Speaker, over time it’s become the norm for the Federal Government to keep expanding in both size and scope by absorbing powers and rights that were intended for the States and the people. In fact, in the 10th Amendment of the Constitution, it says if a

right is not specifically given to the Federal Government by the Constitution, in other words these things that are in article I, section 8, as well as a few others, but these are the things we can pass laws about, if it's not prohibited from the States, then those rights are reserved for the States and the people.

One of my primary goals while serving here in Washington is to send these powers back to the States and to the people and to ensure that, do everything that I can to ensure that the Constitution is applied as the Founding Fathers intended. I will work very hard to try to build those bridges, to send those powers back to the States and people. These are the powers created in article I, section 8.

The necessary and proper clause, the so-called elastic clause, allows Congress to pass laws about these other things; but this is all the Federal Government, all the House and the Senate is supposed to be passing laws about. Now, we have some say in the courts, we have some say with the executive branch, but these are the things that Congress is supposed to be passing laws about, and nothing else. Nothing else but these things.

Well, the general welfare clause is one of the most commonly abused and misapplied powers that the Federal Government has utilized to expand the size and scope of government and to destroy our liberty. Article I, section 8 of the U.S. Constitution, clause 1: "The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States." This is the second place, I mentioned just a few minutes before, in the Preamble our Founding Fathers mentioned general welfare.

□ 1940

Here it is in article I, section 8, clause 1, the general welfare.

This clause generated the most debate during our Founding Fathers' period because the term "general welfare" is vague and leaves much room for interpretation. Now we hear judges talk about interpreting the Constitution. Judges shouldn't be interpreting the Constitution. Words make a difference. And when we use the word "interpreting," that means somebody can apply their own bias what should and what should not be constitutional.

Well, you should be utilizing the word, apply the Constitution in its original intent. I am an original intent constitutionalist, as I just mentioned. I want to apply the Constitution as our Founding Fathers meant.

Alexander Hamilton and James Madison famously disagreed about the meaning of "general welfare" and the limits to Congress' spending. Madison wanted the clause to be very, very nar-

rowly interpreted, and Hamilton wanted a bit broader interpretation.

Now, if Alexander Hamilton were to walk into the doors of this U.S. House today, he would be absolutely shocked and chagrined at how much liberty we have lost, because he never, as a Federalist, envisioned the size and scope of government today. I think if he knew what was going on today, a little over 200 years since the Constitution was passed, ratified, he would be arguing just like I am today.

Yet the Founders, as they laid out in the Federalist Papers, neither Madison nor Hamilton would have agreed with the modern-day view that there are no limitations whatsoever on Congress' power to spend and that "general welfare" means whatever Congress, the President, and the Courts say that it means, even though a sort of Federalist would not agree that we have an open invitation to have whatever kind of government that we want to have.

Today, no project seems too local or too narrow, which is a big part of why this country is buried in so much debt—\$14.5 trillion. And then if you look at the finance gap, it's over \$200 trillion.

The powers of Congress are not unlimited, which is why we must get back to the basics of the Constitution, and we are going to talk tonight about that original intent of the general welfare clause and highlight just how far we have moved away from it.

James Madison, number 41, in the Federalist Papers, wrote this:

"Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution"—well, it sounds like that today, doesn't it—"on the language in which it is defined. It has been urged and echoed, that the power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States'—"

We just showed you that. That is in article 1, section 8, clause 1 of the Constitution.

As he goes on, "amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconception."

Now, that's that old kind of language. Basically, he was saying that it is inane to think that the general welfare clause, this clause, can allow the Congress to pass laws about anything, collect taxes, et cetera, collect anything. No stronger proof could be given.

Under the distress, that means under the problems that are going to arise, under which these writers labor, the Supreme Court today, the President today, the last President, Republican

and Democratic Presidents for the last many decades, labor for objections, and they are stooping to such a misconception.

He was very, very clear. We do not have the power to do so. We don't have the power to do so.

James Madison, Federalist 45:

"The powers delegated by the proposed Constitution to the Federal Government are few and defined." They are defined. Article 1, section 8, other articles, strictly interpreted, strictly defined, strictly according to what it says, not of broadening of those powers, few and defined, "to be exercised principally on external objects, as war, peace, negotiation, and foreign commerce."

James Madison in Federalist 45 was saying basically right here what the primary purpose of the Federal Government is: It's national defense, national security, foreign affairs. And also in the Constitution we have the rights to postal roads, post offices, things like that, to establish a currency to make this one Nation.

But the principal purpose of the Federal Government and the original intent of the Constitution is national defense, national security, and foreign affairs. The American people need to understand that firmly. That's foreign commerce.

We see over and over again the Courts defining general welfare in a different manner, much different manner. In fact, the Courts have held that anything that has to do with anybody's welfare, an individual's welfare, is okay under the Constitution, but that's not the original intent. The original intent was the general welfare, the general welfare of the Nation, not welfare of individuals.

We have developed this big welfare system in this country. It all started in earnest with Presidents Woodrow Wilson and Franklin Delano Roosevelt. President Franklin Delano Roosevelt just exploded the size and scope of government through his New Deal—both Progressives; both had socialist beliefs.

In fact, Franklin Delano Roosevelt sent his advisers, his closely held friends, his Cabinet people, to go visit with Stalin in Communist Russia to study what he was doing, what Stalin was doing there so that FDR could replicate it here in the United States, and he did everything that he possibly could to do so. He packed the Courts because the Courts originally said the welfare clause, commerce clause, could not be expanded to include all this size and scope of government.

Thomas Jefferson: "Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated." Back to article I, section 8.

When my colleagues, Republican and Democrat alike, vote for things that are not enumerated in the original intent, they are violating their oath of

office. Every single one of us has stood up here and has taken an oath of office.

The first I time I did that was when I was sworn in the Marine Corps, 1964; when I came to Congress in a special election in 2007, and then again in 2009, and then again this year. I stood right here in this Chamber and I held up my hand, and I swore to uphold the Constitution against powers both foreign and domestic. One of the greatest domestic powers that is anti-Constitution resides right in this House, right in this House, because we are destroying our liberty.

□ 1950

We are destroying it by the philosophy of big government. Thomas Jefferson said, "They are not to do anything they please."

Seventy years ago, in a court case called *United States v. Butler*, we started moving into this loosey-goosey idea about the Constitution being anything that a court says that it is, anything that a President says that it is, and anything that the Congress says that it is. And we have seen just recently where Congress passed the McCain-Feingold law. President Bush said, we will let the Supreme Court tell us whether it is constitutional or not. Well, the Supreme Court is not the final arbiter of what is constitutional. Neither is the President. Neither is Congress. We all have something to say about that, certainly. So do the States.

We the people are actually the final arbiter. We the people need to demand original intent of the Constitution by becoming knowledgeable about it. The final arbiter of what is constitutional or not is what is in the Constitution and what our Founding Fathers said about it, not what some Supreme Court ruling has said about it, because most Supreme Court justices have no clue what the original intent is and don't care. They just don't care I don't think.

United States v. Butler 70 years ago dismissed Madison's and Jefferson's narrow view of the Constitution, the original intent of the Constitution, and the Supreme Court held that the power to tax and spend is an independent power, and the general welfare clause gives Congress the power it might not derive elsewhere.

In *Helvering v. Davis*, the Supreme Court interpreted the clause even more expansively, conferring upon Congress a plenary power to impose taxes and to spend money for the general welfare subject almost entirely to its own discretion, our own discretion. Even more recently, the Court has included the power to indirectly coerce the States into adopting national standards by threatening to withhold Federal funds in *South Dakota v. Dole*.

Today, the Hamiltonian view predominates in the application of the general welfare clause, which has led to

the expansion of the government to its \$4.5 trillion debt. We spend up here without considering the repercussions. ObamaCare is a great example. ObamaCare is a destroyer. It's going to destroy jobs. It's going to destroy budgets, people's budgets, companies' budgets, cities' budgets, States' budgets, and the Federal budget. And it's going to destroy the quality of health care. And we have no constitutional authority, as a judge in Florida upheld.

James Madison a little later on in his life wrote a letter to James Robertson in 1831. In this letter he said, "With respect to the words 'general welfare,' I have always regarded them as qualified by the detail of powers connected with them." Connected with them. In other words, those things in article 1, section 8 and the rest of the Constitution as it was intended. "To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators." The creators of the Constitution are those folks who wrote it and those folks who ratified it.

This literal and unlimited interpretation is destroying America. It's destroying our economy. It's destroying everything that has been good in this Nation. We need to cut our outrageous spending for the well-being of our Nation and apply the general welfare clause as James Madison originally intended.

It's got to stop. Mr. Speaker, when I come to the floor to vote or when I write legislation, my staff and I write legislation, we have a four-way test that I apply to every vote I make and everything I do here. The first question is, "is it right?" By that question I mean, is it morally right? Does it follow the Judeo-Christian biblical principles that this Nation was founded upon? A lot of liberals across this country who are watching this will start blogging, and some of the liberal news media will say that I want to set up a theocracy here in America. Nothing could be further from the truth. Our Founding Fathers didn't want a theocracy either. Freedom of religion in the First Amendment is very dear to me. It's very dear to all of us. But we have freedom of religion in this country so that Jews, Buddhists, Muslims, Hindus, atheists, humanists, yes, even Christians, can make a personal choice of what their religion is and can celebrate and worship in their religion as long as it doesn't infringe upon somebody else's rights, because this Nation was founded upon biblical principles, the principles of freedom and liberty.

We have gotten away from it. I believe so much in these four questions that I have them printed up. If somebody comes to my office, they'll see them on the desk of all my legislative people in my offices. There's a copy on my desk. It's on the home page of both

of my Web sites. I wish every Member of Congress would apply these four principles. Is it right? Is it constitutional in its original intent? Not this perverted idea of the Constitution that Presidents, Congresses, and the Federal court systems operate under. Is it necessary? And can we afford it? Four simple questions.

You see, we've gotten away from the original intent of the Constitution. We've created this huge Federal Government that has taken our freedom away. It's killing our liberty and our Nation. And it's because of a perverted idea of the general welfare clause, as well as the commerce clause and the elastic clause, that the courts have allowed this to happen, the Presidents and the Congresses have allowed it to happen.

Mr. Speaker, we the people need to stand up and say no to taking our liberty away. Our Founding Fathers over and over again during the original period would rush to the floor with this book in hand, the holy Bible, and they would come to the floor, the House and the Senate, go to the floor of the Constitutional Convention and say, look what I found, what our Creator says. Benjamin Franklin proposed prayer in the Constitutional Convention. We pray today every day that Congress opens because of that prayer that Benjamin Franklin recommended.

In his speech, and I encourage you to go read it, he said, if our Creator notices when a bird falls to the ground, how can we build a nation without the help of Providence, of our God, our Creator?

You see, the Constitution was written on biblical principles. In fact, our Founding Fathers quoted the holy Bible more than any other source. David Barton has a ministry in Aledo, Texas, called WallBuilders. He has more original source documents than probably anybody. He wrote a book called "Original Intent: The Courts, the Constitution, and Religion." I highly recommend this, too. WallBuilders is a great resource of what the original intent is and what our Founding Fathers have said about the Constitution.

□ 2000

But, you see, back to something I mentioned earlier, God says in Hosea 4:6: My people are destroyed for lack of knowledge.

I have heard that beginning line preached a number of times, but very seldom do I hear a pastor go past that line. The whole verse says, and remember, this is a promise from a holy, righteous God that can do nothing else but fulfill the promise. His promise is this when he spoke through Hosea to the Israelites, he speaks to us today, our Creator says: My people are destroyed for lack of knowledge. Because you have rejected knowledge, I also

will reject you from being priest for me. Because you have forgotten the law of your God, I also will forget your children.

And I get goose bumps and shivers every time I say that, literally, because it is a promise from a holy, righteous God that can do nothing else but fulfill that promise.

You see, the future of our Nation depends upon we the people, the most powerful political force in this Nation becoming knowledgeable, becoming knowledgeable about the Constitution, getting a copy, looking at it online. In my district, people can come by my office and get a copy. We give them away by the hundreds out of my office here in Washington. Get a copy of the "Federalist Papers." Or if you don't want to read it in old-style English, get the "Federalist Papers" in modern language, this document.

Read what our Founding Fathers said about the Constitution. Read the anti-Federalist Papers. Those are the guys who did not want a strong Federal Government. But you will see in the "Federalist Papers," those who argued for a strong central government, we have enumerated, very limited and defined powers as James Madison states, Thomas Jefferson states.

Former U.S. Senator Everett Dirksen once said when he feels the heat, he sees the light. Members of Congress in the House and the Senate, need to see the light by feeling the heat of we the people.

You see, in Psalms 11, God asked the question: If the foundations be destroyed, what are the righteous to do?

God has given us free will. He has given us freedom. He has given us liberty, unlike any society ever in history has seen, ever experienced; but we are losing it. And the only way we are going to put it back on the right course is for people to become knowledgeable about the foundational principles so that we can put this country back on a solid foundation so it is not built on shifting sand so that we can change the course of history.

The direction we are heading today is going to destroy everything that has been good about this country. It is going to destroy our liberty. We are not going to have the freedom that we have enjoyed, even in the past few decades, which is much less freedom than they experienced in this country 100 years ago.

Look at these questions. I think they are very reasonable. Is it right? Does it fit the Judeo-Christian principles the Nation was founded upon? Is it constitutional in its original intent, not this perverted idea that we are operating on today? Do we need it? And can we afford it? If we went to these questions, we wouldn't have \$14.5 trillion of debt. We wouldn't have all of the unfunded liabilities of the Federal Government which are tremendous. We

wouldn't have the loss of liberty and freedoms that we see going on here today. We wouldn't have a lot of the debates that we have here in Congress.

We the people need to start holding every single Member of Congress, every President, every public official, local, State, as well as Federal, because they all take that same oath, to defend the Constitution. The vast, vast majority are violating that oath; and the only way that we the people are going to change things, the only way we are going to put this country back on the right course is for we the people to demand it.

So please contact your neighbors, your friends, get them to read the Constitution. Read the "Federalist Papers." Read what our Founding Fathers said about government. Understand how far we have gotten away from those original principles, how much we have lost our freedom, how much we have gotten away from liberty and how close we are to becoming a socialistic, communistic nation in this country. That is where we are headed.

The only way it is going to change is if the American people will stand up and demand something different, start throwing people out of office that violate their oath of office, and put people in office that are going to stand firm for freedom, for liberty.

I am going to stand firm for the Constitution as it was intended, and I am going to continue to fight for the Constitution as it was intended. There are precious few here in this body that will stand and even vote that way. The only way we are going to change it, the only way we are going to save America, is for we the people to stand up and demand it.

I believe we can; I believe we will. I believe we are at the beginning right now today of a new dawn in America, a dawn of liberty, a dawn of freedom, a dawn of limited government, a dawn of strong national defense and national security, a dawn where our children and grandchildren are going to grow up in an economically prosperous Nation where there are going to be jobs in the private sector, where people are going to be able to operate within their society without all of the constraints of government.

We have got to demand it. The future of this country depends upon it. Your children and your grandchildren depend upon it. Join in the fight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1473, DEPARTMENT OF DEFENSE AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011; PROVIDING FOR CONSIDERATION OF H. CON. RES. 35, CORRECTING THE ENROLLMENT OF H.R. 1473; AND PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, CORRECTING THE ENROLLMENT OF H.R. 1473

Mr. NUGENT (during the Special Order of Mr. BROUN of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 112-60) on the resolution (H. Res. 218) providing for consideration of the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and providing for consideration of the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1217, REPEALING PREVENTION AND PUBLIC HEALTH FUND

Mr. NUGENT (during the Special Order of Mr. BROUN of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 112-61) on the resolution (H. Res. 219) providing for consideration of the bill (H.R. 1217) to repeal the Prevention and Public Health Fund, which was referred to the House Calendar and ordered to be printed.

FISCAL CHOICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the minority leader.

Mr. YARMUTH. Mr. Speaker, it is a great honor to be here on the floor of the House of Representatives talking to the American people about one of the most critical things that this body does, and that is to decide how much money we ask our citizens to contribute to the government and how that money is going to be spent.

I didn't come here intending to respond to the gentleman who spoke before me, but he cast in one respect the whole debate over our budget very well when we had Mr. BROUN's four-way test. The first thing that Mr. BROUN

listed was: Is it right/moral? And I agree with him because when we debate the budget of the United States, when we debate how we are going to spend the taxpayers' money, the first question we should ask is: Is it right, and is it moral? The converse is if we don't spend something, is it wrong and is it immoral.

Today, I had the great honor of visiting Walter Reed Hospital. I got to speak with several of our extremely brave, courageous soldiers who have been injured in battle. And one young man who lost both legs, one just above the knee and one all of the way to his pelvis, and lost a little bit of finger on one hand was on what can only be described as bionic legs which he said are extremely good, the technology is extremely advanced; but they still don't help him walk. He talked to us for a long time about what he had been through, the progress he had made, and what he hoped to achieve with technology.

□ 2010

His parting comment to us was that this is the result of the Federal Government spending money on medical research. This is helping people not just in the military, not just in the Armed Forces, but also in the private arena as well.

So I look at what the Republican budget has done, which we will consider later in the week; and it slashes money for medical research. I say let's apply Mr. BROWN's four-way test: Is it right? Is it moral? Also, does it make any sense to cut medical research when we have brave men and women who after making incredible sacrifices are reacquiring some of their lives because of the taxpayer money we have spent in funding critical research? It would be immoral—Don was his name—to deny Don his request that we continue to fund medical research that is going to help him regain his capabilities, his physical function, as well as to continue to fund the medical research that will help the thousands of young men and women who have sacrificed so much for us.

So as we enter this debate this week on the Republican budget proposal/the Democratic alternative budget proposal, we have choices to make. That's always what government is about. It's about choosing: How do we spend the taxpayer money that we ask our taxpayers to contribute to the general welfare of this country?

Last week, we sat in the Budget Committee and considered the Republican budget. I'm sure that my characterization of the Republican budget will be different than the Republicans' characterization of their budget. Yet I will say one thing, that we all agree that we have a fiscal challenge in front of us. We have enormous deficits. We can argue about how we get here, but

I'm not going to spend time debating that tonight. We clearly have a challenge, and the future is even more challenging. So the question is:

As we approach this budget deficit, this future of deficits, a very, very large national debt, what is the best way to approach it?

Now, the Republican answer is that there is only one side of the ledger. Most homes, most businesses have two sides of the ledger. They have an income side, and they have an expenditure side. As far as the Republicans on the Budget Committee are concerned, we only have an expenditure side. You've heard the Speaker of the House say we only have a spending problem; we don't have a revenue problem. You've heard my senior Senator from Kentucky, the minority leader of the Senate, say we don't have a taxing problem, a revenue problem; we have a spending problem.

In fact, if you look at our situation right now, we're no different, in a lot of respects, from the average household or the average business. If we have a financial challenge, we do a couple of things. We ask, Okay, where can we cut costs? Then we ask, How can we generate more revenue? Those are the two options. As far as the Republicans are concerned, there is only one option. It is to cut expenditures. Unfortunately, my characterization is that they cut the programs which help the most vulnerable people in our country.

On the other hand, what do they do on the revenue side? They say, Well, let's see. Millionaires and billionaires haven't done quite well enough over the last decade or so. Twenty years ago, they only earned 9 percent of all income in the country. Now they earn 35 percent of all income in the country. That's not quite good enough. Let's give them another tax break. The Bush tax cuts were okay, but they weren't quite large enough. So instead of cutting their rate from 39.6 to 35 percent, let's cut their maximum rate to 25 percent, and let's see what that does for the economy.

I think most of my Democratic colleagues would agree that, if we're going to approach this deficit and the national debt in a responsible way, we'll look at both sides of the ledger. We will ask people who have done extremely well and who have the capacity to give more to pay a little more, and we will make responsible cuts that are balanced across the sector.

There are so many ramifications to this debate, and we're going to be debating it all week, so I am proud to have with me today some members of the Budget Committee from the Democratic side to help me discuss this.

It is my great honor now to yield to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you, Representative YARMUTH, and thank you for leading us in this discussion.

It is rather interesting to hear you, with your introductory comments, speak of the approach to one side of the ledger. What has been advertised out there, what has been messaged, is that what we have are these cuts that translate into savings: we're going to save at the expense of the middle class. We're going to cut programs for seniors, for veterans, for children, for working families, for small businesses. That will produce savings—this propensity for tens of billions of dollars' worth of cuts, for \$100 billion worth of cuts, and an insatiable thirst for cutting domestic programs that really provide the dignity factor for many families as well as provide for job creation and retention.

We saw what happened when we invested in job creation, which was to gain over 2 million private sector jobs in just over the last year. So we know that those investments oftentimes will lead to lucrative dividends. They will relate to programs that are required for our working families, for our middle class Americans across this great country. Also, they provide for an opportunity for job creation, which produces the sort of mix—that down payment, the priming of the pump, if you will—that makes it all happen.

So, Representative YARMUTH, you are correct in talking about this as a one-sided approach. Yet what troubles me is that there is this messaging effort under way that would try and convince the American public that it's producing savings. But where do those savings go? There are trillions of dollars of cuts to the middle class in this Republican plan. Those trillions of dollars of cuts that they deem as savings are then that fuel that provides the resources to cut the trillions of dollars' worth of millionaire/billionaire tax cuts to provide for the continuation of services that contractors will provide, which have been deemed wasteful or at times fraudulent, with the Pentagon. They will continue to protect those investments. They will allow for additional relief for corporations.

So it's sliding dollars out of the pockets of the middle class and investing them, the spending that they do, as they accrue those savings. The new spending that they do is tax cut delivery for those in the upper echelon. To me, it sounds very much like the pre-recession situation under the Bush administration which led us to this deep and very painful and long-term recession. Their plan has been dubbed by themselves, by their own Members, as the Path to Prosperity. I would suggest that it's a road to ruin for the middle class and that it's a road to riches that paves the streets with golden opportunities for those who are the most comfortable in society, for those deemed on top of the perch.

This is a very interesting scenario that is being placed before this body,

before all of Congress for that matter. We need to put it under the microscope, and we need to message to America what is happening. You take from the poor and the middle class. You slide it over to the most comfortable—to corporations and millionaires, billionaires, oil company handouts, mindless handouts. That's how they pay for those, by sliding that cash down that slippery slope and investing it in tax cuts, spending it on tax cuts for those, as you indicated, who just didn't get quite enough under the Bush tax cuts.

In a while, too, I want to go toward the Medicare situation. They want to end Medicare with this budget. I want to talk about that after we hear from some of our other colleagues.

This is an interesting scenario—a road to ruin, a road to riches. It's a complete separation, a dichotomy, of special needs out there, coming at the expense of middle class America. It's a raid on our middle class. It's paving the road to riches for the very fortunate, and it's creating the road to ruin for America's middle class.

□ 2020

Without a strong middle class, without enhancing the purchasing power of our middle class, we have a weakened America. That is easy enough to prove through history.

So thank you again, Representative YARMUTH, for bringing us together on a very important discussion here in the House of Representatives as we continue to fight for the middle class that has been impacted severely and would take even more hits if this budget were allowed to pass through.

Mr. YARMUTH. I thank the gentleman. He mentioned the "road to ruin." It's also a road we've been down before.

Mr. TONKO. Absolutely.

Mr. YARMUTH. It is a road we've been down before.

Back under the Reagan administration, this whole magical economic theory of trickle-down economics was developed. And the idea was, you let people at the top make as much as they possibly can, do as well as they possibly can, and that will trickle down and help everybody else. The man who was largely responsible for that policy under the Reagan administration, David Stockman, who was his budget director, he said just last year, "I find it unconscionable that the Republican leadership, faced with a \$1.5 trillion deficit, could possibly believe that good public policy is to maintain tax cuts for the top 2 percent." That was last year when we were actually debating whether to return to the Clinton-era tax rates—the Clinton era, by the way, which resulted in one of the most impressive decades of job growth in this country.

Now they even want to double down on that. They not only don't want to

go back to the Clinton era tax cuts; they want to cut it even further. And their theory is that by cutting the tax rate by 10 percent more on the wealthiest people in this country, that they will create more jobs. Where do they get this stuff? Well, the only source they have for that theory is the Heritage Foundation. Now the Heritage Foundation was also the group that said that if we cut taxes under the Bush administration, that we're going to have this enormous job growth and this enormous surplus. It didn't quite work out so well. But they're saying now—this is what I call the "Harry Potter budget." You wave your magic wand and you make anything sound like it's true—cut taxes further on the rich, slash spending to help the low- and moderate-income people in this country, and the economy will bloom. Well, I'm not buying it. I don't think most Americans will buy it. But again, it's a road we've been down before, so we have some evidence.

At this point, I'd like to introduce and yield time to a great new Member of Congress and also the Budget Committee, the gentlelady from California (Ms. BASS).

Ms. BASS of California. Thank you very much, Mr. YARMUTH, for your leadership in this effort.

You know, as a new member on the Budget Committee, we had an interesting week last week. We really just completed a week where we saw the far right of the Republican Party take their party off the ledge and way out of the mainstream. They've declared war on seniors, on the disabled, on the sick, on children, and on the underserved by proposing to end Medicare and Medicaid as we know it. They've championed the budget, entitled the Path to Prosperity.

This is a plan that simultaneously ends Medicare while giving billions in tax breaks to Big Oil and the wealthiest Americans. Mr. TONKO called it the "path to ruin"; I thought about the "Ryan-to-ruin" plan.

It generously gives senior citizens a gift, and that gift is a voucher to purchase health care. The senior citizen then has to identify an insurance carrier that will take the voucher; and if the person is lucky, the voucher will cover all the cost. I do think that this would be rare. And I don't know what happens in this plan if after a couple of years or a couple of illnesses the insurance company decides to drop the person or raise the rates. You know, under the Affordable Care Act, of course, they couldn't do that, but if the Ryan plan does what he wants, he wants to repeal the Affordable Care Act, so all of that would come back into play. The person would have to pick up the rest of the cost under the Ryan plan.

Now, I believe that we are simply foolish and we are fooling ourselves if we think all seniors will be able to just

write a check and pay the difference. That's what is said, they will just pay the difference, they will just have to absorb more cost. A more likely scenario is that seniors will simply not have medical coverage, and we will be sent back in time to when seniors did not have coverage because insurance companies didn't want to cover them. I often say to people that you can judge a society by how it treats its elderly and its children. The "path-to-ruin" plan hurts both populations.

What I wanted to do today was to share a story, but just talk for a moment a little bit about the Ryan plan. When it takes effect in 2022—that's only 11 years from now—the average senior would receive an \$8,000 voucher to buy insurance. What I wanted to share with you was the years that I spent working in the emergency room. I worked in Los Angeles County, USC—one of the largest emergency rooms in the United States. And the emergency room is so large, it is divided into different sections. One section that I spent a couple of years working in is called ambulatory care, but we used to call it the "walking wounded" because, frankly, the people that came to that section of the emergency room shouldn't have even been in an emergency room, but the reason why they were there was because they didn't have health insurance, they didn't have access to care. And what typically happens is that if you don't have access to care, by the time you eventually see someone, you are much sicker than you would have been.

So I remember a case where a diabetic patient, who was not 65 and, therefore, he couldn't access Medicare, he came into the walking wounded area or the ambulatory care area with a sore on the heel of his foot. He told me in the history that he was a diabetic. But he had tried a series of home remedies and he finally came to the ER when his heel started turning purple. Well, as I interviewed the patient and I asked about his medical history, he told me that he had been diagnosed with diabetes years ago, but he couldn't afford his medication. So he was trying to watch his diet and do the best he could. Well, for those of you who don't know, a patient with a history of poorly controlled diabetes who presents to an emergency room is likely to have a series of complications. Well, this man ended up as an amputee because the sore on his heel—that he didn't realize—had developed into gangrene, and that's why his foot was turning colors.

So just thinking about the cost of this, the total cost of this visit was \$12,000 and his leg. That bill included a \$2,000 charge for his emergency room visit and lab tests, a \$6,000 charge for an amputation, and a daily charge of \$1,400 for aftercare. If this patient had had access to routine preventive care,

he would still have his leg, and \$12,000 would be saved.

So why do I share this story with you? Well, we're fooling ourselves if we don't understand that turning Medicare into a voucher and leaving seniors to fend for themselves is simply denying adequate health care that in the end will cost us so much more in suffering and in hospital costs that will ultimately be borne by taxpayers.

Today in my office I met with representatives from several hospitals who were describing the challenges that they face now. So there is an area of Los Angeles County where 600,000 people live—and the last time I checked that was around the entire population of the State of Vermont, 600,000 people—where there is not one trauma center, there is not one emergency room because all of the four hospitals in that area have closed. Now that's today.

Under the Ryan plan, vouchers for seniors and vouchers for States—because that's the bottom line as to what a block grant is, it's a voucher; instead of a voucher for an individual, it's a voucher for a State. The hospitals they represent that all border this area—that has no trauma center in it and has no emergency room and has no hospital because they're all closed up—they would essentially have to absorb—and they have been absorbing—the population, these 600,000 people. So they were concerned, and they came into my office today concerned that they could potentially face closure now, given the situation.

If we were to adopt the Ryan plan—the “pathway to ruin,” however you want to describe it—I think we would be setting the stage for hospital closures to continue, for more patients to come into the walking wounded area of emergency rooms, for there to be more amputations, for people to be sicker and eventually come to the emergency room—which is so incredibly short-sighted because in the end it winds up costing taxpayers so much more money because these people are going to be cared for. So we are fooling ourselves if we think that seniors are just going to be able to meet what the voucher doesn't cover.

Thank you very much for your leadership in this.

Mr. YARMUTH. I thank the gentlelady for her contribution and for her work on the Budget Committee.

I know somewhere toward the end there the gentlelady mentioned jobs, and this is something that is kind of at the core of what we're trying to work toward.

□ 2030

We're trying to find a budget, develop a budget that will stimulate the economy, that will create jobs. And we know that under the Ryan budget, again, according to the Heritage Foun-

ation, the way they get to some kind of fiscal sanity is they project that unemployment in the country will be reduced to 2.8 percent by 2016.

Now, I don't know any reputable economist in the country that thinks that's feasible, particularly when you're slashing a lot of government spending that does create jobs, particularly in the health care arena; but no one has been more vocal and more knowledgeable and more articulate about what it takes in this country to create jobs than Mr. GARAMENDI from California.

I welcome him to the discussion and yield to him now.

Mr. GARAMENDI. Thank you very much, Mr. YARMUTH.

For the members of the Budget Committee, you've had a steep and difficult job as the Republicans have attempted simply to ram down the throats of this Congress a really unacceptable budget, one that does destroy opportunities.

I would love to talk about Make It in America, and I will in a moment, but I was just listening to my colleague from California, and she raised the issue of the medical care here in the United States.

It was 1964 that the United States set out on a very, very important mission, and that was to provide health care to seniors. Prior to that time, and I know from my own county where I grew up in Calaveras County, if you became a senior, you were destined for a very, very rough road. There was literally no insurance available for you, and there was no opportunity for you to get yourself out of poverty unless you happened to be among the wealthy. It was a terrible situation.

So during the Lyndon Johnson period in 1964, they created a program called Medicare so that when you became 65, you had an opportunity to get a solid health care program available to you—a doctor program, a hospital program. You had to pay a little bit for the hospital program, but it was guaranteed available to you. And every American 65 and over had that policy.

Here we are, 40-some years later, and what's taking place? Our Republican colleagues are determined to terminate, kill, stop, eliminate Medicare. They do it in a subtle way.

But I want everyone to know that this year if the Republican budget goes forward, this will be the tombstone for Medicare: “Medicare: 1965–2011. Created by Lyndon Baines Johnson, LBJ. Destroyed by the GOP.”

How do they do it? They do it by saying everyone that is 55 years old today will never get Medicare. It's over. And for those that are on Medicare, their lives will move on and eventually they'll be gone also. And Medicare dies with this budget. This is a central part of the American promise to every senior, and the Republicans are determined to terminate Medicare and put a tombstone dated this year, 2011.

You'll get a voucher; but as my colleague from Los Angeles so eloquently said, that voucher will be worth very little when the time comes. And you'll be thrown to the insurance sharks.

I understand insurance. I was the insurance commissioner in California for 8 years, and I know what the health insurance companies want to do. They want to make sure that they insure somebody who will never get sick. Pre-existing conditions, raise the rates, change the benefits, increase the copays, end the deductibles, all of that. So the future population of seniors in just 10 years will be thrown to the wolves, and they'll be at the mercy of the health insurance companies.

We cannot let that happen. This is a fight for the very nature of America. This is a fight not only to protect seniors but to protect those who want to become seniors. I want to know what American out there today does not want to live long enough to get to Medicare.

They know that today because of the Democratic Congress they have an opportunity to get insurance with the Health Care Reform Act, but they know that the Republicans want to take that away, too. The very first piece of legislation that the new Republican Congress passed was the repeal of the Affordable Health Care Act. This is step two, to dismantle.

Now, I'm going to take another 30 seconds and then turn it back to my colleagues on the budget side.

But here's what we must do. We must get to the root cause of the underlying inflation in health care.

Terminating Medicare does not stop health care inflation. What could stop it are the kinds of reports and the kinds of suggestions that I made 5 years ago when I wrote this document called “Priced Out.” Forty-three separate things that we can do—specifically for California, but it's applicable for America—43 separate things that we can do to bring down the costs of medical care.

It turns out that about a dozen of those were in the Affordable Health Care Act, very specific things to rein in the cost of medical care.

Two examples. One: hospital infections. Not only deadly, but costly. Now every hospital in the United States is forced by the Affordable Health Care Act to pay attention to hospital infections. It's probable that one of our colleagues who was with us here in this House last year died as a result of a hospital infection just last week. This is serious stuff. It's in the Affordable Health Care Act. Hospitals would be penalized.

Secondly, electronic medical records so that the mistakes are eliminated.

Let me turn this back to you, Mr. YARMUTH and Mr. TONKO. You on the Budget Committee have served so well, so hard, fighting the initial battle to

protect America's seniors and to protect this Nation's future. Thank you for the opportunity to join you.

Mr. YARMUTH. I thank the gentleman for his contribution and also want to segue from what he said because he talked about Medicare and the ability to save money in Medicare. One of the ironic things about this debate has been that last year when we were passing the Affordable Care Act and found \$550 billion over 10 years that we could save in Medicare and reinvest in new benefits, during the campaign that year, we were chastised for slashing Medicare. Yet those same Republicans, in developing their budget and saying how great they are at cost-cutting, are using the same savings that we found, the same savings of \$550 billion, that they ran millions and millions of dollars against Democratic candidates last year. And they're taking credit for that in their budget, which is interesting.

I know Mr. TONKO is chomping at the bit to talk about Medicare some more, so I'll yield to him at this point.

Mr. TONKO. Thank you, Representative YARMUTH and Representative GARAMENDI. Thank you both for your input.

Now, Representative BASS of California talked about the Medicare transformation that would really hurt people across this great country, and it seems as though you would expect everyone that serves here to be an avid fan of history, that we would want to be taught by the history that has built this great Nation.

We heard earlier from Representative YARMUTH about the repeats of the tax cuts that were recent history. We saw it during the second Bush Presidency. We saw it during the Reagan era where we did this trickle-down theory: if we reduce the burden at the top, it will trickle down and everyone will have jobs galore.

Well, you look at the history, and those two scenarios just did not work. They did not work. And as students of history, all of us as Representatives, we should absorb that lesson, and we should know that a repeat of that kind is only going to wreak damage on the American economy and, more importantly, on the American families, the middle class.

What did work, what lesson in history stands very strong and tall is that during the FDR Presidency when this country was hurting from one of the worst economic struggles it had to face, they came up with a program that invested in job creation, invested in the American worker, invested in American families.

We created infrastructure; we built across America the needs of this great Nation. And today, some of those institutional efforts are still serving our needs. They stand as a monument of government responding in a way that

embraced compassion, that came forward with an intelligence that enabled us to grow out of those economically difficult times. And we were benefited by that sort of leadership.

□ 2040

What we need today is an investment in job creation. Think of it. As we enter into a global race on clean energy and innovation, other nations are bulking up and we are defunding with this budget. We are defunding R&D, research and development for science and tech jobs. How can we expect to win a race, a global race, when we're tying our hands behind our backs and are not allowing us to go forward?

But to Medicare, the history learned there, and Representative GARAMENDI pointed it out, pre-1965 people were being cherry-picked, they were being led along without appropriate health care coverage, without insurance because they were perhaps dealing with a preexisting condition, they were a complex case, they were ignored, they were totally just abandoned by an insurance opportunity. Because of that, our Nation, with compassion again, the history it wrote through those LBJ years was to establish a Medicare program.

Look what happens. This chart will tell us when we get rid of Medicare, when this Republican plan, if it had its way, ends Medicare, we are going to see this very impact coming upon our seniors. We will go back to the pre-1965 years. Look at this. This is the current Medicare program, where benefits for our seniors enable them to avoid oftentimes the out-of-pocket expenses.

It is forecasted by independent groups out there, not by partisan thinking here in the House, but independent bodies are suggesting that it will double in the early years in terms of what is expected of our seniors digging deeper into their pockets. And by the year 2030, it's forecasted triple what they are paying today. This is another way to provide savings for the sole purpose of investing those savings in millionaire, billionaire tax cuts, in oil company handouts, in corporation relief. This is the effort here. It is a reverse Robin Hood. It is going after the middle class, which is the strength of America.

Give that middle class its purchasing power. Give our middle class seniors their Medicare program. Let them have dignity. Let there be a quality of life. Let there be the opportunity for work, for employment, and let the masses enjoy the benefits of those sorts of programs. That's what we're talking about here. History repeated. Bad history repeated. Good history ignored. And our seniors will suffer from this Medicare program. This end to the Medicare program will bring about suffering for them because of greed and because of the road to ruin that has been established by this so-called path to prosperity.

Representative YARMUTH, I believe that we need to do better than this. We should not fail our seniors, our disabled, and as Representative GARAMENDI said, future generations of seniors, an onslaught of baby boomers that will be impacted by all of this activity.

Mr. YARMUTH. Thank you very much, Mr. TONKO. There are so many aspects of this that deserve to be discussed. One of the things that's kind of sad is that the Republicans, in talking about their plan to privatize Medicare, say, oh, this is just like the plan that Members of Congress have. Well, first of all, Members of Congress have the same plan as every other Federal employee, so it's not necessarily anything special that we have.

But the only thing that is somewhat similar about this is that you have some options in the private sector. We buy insurance from private vendors, and we have a certain allowance. And under the Ryan plan, the Republican budget, seniors, all those under 55 now, when they become seniors they would have a certain amount that they could spend—not just could spend, had to spend in the private sector because they won't be allowed to buy into any Medicare program or a public option. The difference is, as you pointed out in your graphic there, that Members of Congress and Federal employees pay about 28 percent of the premium. Under the Republican budget, seniors are going to pay 68 percent of their premium.

This is shifting the burden, the cost, and putting it on seniors who are on fixed incomes, who don't have the ability to pay. And what's going to happen to them? This is so unlike the Federal insurance program. It's frightening in its dishonesty.

But I want to talk about one thing quickly and then yield to Mr. GARAMENDI again, because we talked about taxes and tax rates. In the Budget Committee last week I offered an amendment to the Ryan budget that would have restored the Clinton era tax cut, highest tax rate of 39.6 percent on Americans making \$1 million a year or more. Now, that is a very small percentage of Americans. Very small percentage. Less than 1 percent of the Americans make over a million dollars a year.

I said let's just have them pay what they paid under the Clinton era. Not one Republican voted for that. And their argument was, and I know they believe this because they keep saying it and have always said it, that if you raise the tax rate on the highest-income Americans that they're going to lose incentive, that they're not going to work as hard, that they're not going to make investments because you are eliminating their incentive.

Well, for those with a long memory, the highest marginal tax rate in this

country's history back in the sixties was 91 percent—I am sorry, under the Eisenhower administration—was 91 percent. When my father built his company in the sixties and seventies, the highest marginal tax rate was 70 percent. When Ronald Reagan took office it was 50 percent. Now it's down to 35 percent, and they want to cut it even further.

Now, they had this belief, again, that if you raise rates you're going to destroy incentives. I built a company, both my brothers have built very successful companies, my father built a very successful company. Not one of us has ever said, oh, my gosh, because I can only keep 60 cents of that next dollar I make rather than 64 cents or 65 cents, I am just not going to make that dollar. Just doesn't make any sense for me to work harder. Business people don't think that way. That is not human nature.

I have one brother who is very successful. He is in the barbecue restaurant business. You have all heard me tell this story a hundred times. I am going to tell it again. I asked him, "What about this marginal tax rate thing?" And he said, "You know, if people can't afford barbecue it doesn't matter what my tax rate is." And that's really where we are as a country. That's where we've come as a country. Because we have let the middle class decline, because their buying power has declined not just in relative terms, in absolute terms over the last decade, while the wealthiest Americans, these people making \$1 million, \$1 billion and more have done extremely well.

Right now 1 percent of the American people make as much as the bottom 90 percent combined. We have the greatest disparity in income and wealth in this country that we have had in almost 100 years. Yet ask millionaires and billionaires to pay a little bit more—not a lot more. We are not saying go to 70 percent. We are saying go to 39 percent from 35 percent. Not one Republican vote.

We've seen in the past what's happened with tax rates. We have been talking a lot about history tonight. Under the Clinton administration, during the Clinton years, top tax rate of 39.6 percent, 20.8 million jobs created. After the Bush tax cuts, reducing that top rate to 35 percent, 653,000 jobs lost. That is not evidence for cutting the marginal tax rate on the highest-income Americans even further.

We have seen again right now the Bush tax cuts—this is the job loss thing—the economy floundered after the Bush tax cuts went into effect. So again, all we're saying is if we're going to ask people to sacrifice as we try to get our fiscal house in order, we need to ask everybody. In particular, we need to ask the people who have done the best and who have earned the most and who have the most wealth.

Again, the person who has talked more about what it takes to create jobs in this economy is my colleague from California. I yield to him again.

Mr. GARAMENDI. Thank you very much, Mr. YARMUTH. This is what you were talking about here, a different way of saying the same thing that you discussed. This is over the period of time from 1979 to 2005. This is the income growth by each 20 percent of the population. So those people at the very bottom saw almost no income growth at all, 200 bucks. And as you go to the next 20 percent and the next 20 percent, you get up to the last 90 percent, they did okay. They made about \$745,000.

□ 2050

So that's the 90 to 99 percent of the population. Those are very, very wealthy people. They did okay.

But you go to the top 1 percent, the top 1 percent—excuse me, I am wrong. That's the top one-tenth of 1 percent, not even 1 percent. One-tenth of 1 percent. That population saw their wealth increase by nearly \$6 million each, and that's what you were talking about, a different way of displaying it.

What's happening in the United States is this enormous shift of wealth to the super wealthy, and our Republican colleagues want to reward them for their good success by reducing their tax rate. So much for shared sacrifice.

And as Mr. TONKO pointed out, the sacrifice is really the middle class, because the benefits that the middle class had, the future opportunity for Medicare, they are going to wind up paying more, getting less, as the Republicans terminate Medicare as we know it today.

The other part on taxes, and then I want to turn to one of my favorite subjects, and that is how did we get to this deficit, Republicans want to continue giving \$12 billion to \$15 billion of our tax money, this is money that you, I, the stenographer there, the people that work here, the men and women across America that are working, \$10 billion to \$12 billion of their tax money, and they want to hand it over to the oil companies.

Now, what in the world did the oil companies need a tax break for? They need a subsidy like, well, like they don't need it. Why? Because in the last decade, the oil companies, the big oil companies in the United States, have earned \$947 billion dollars in profits. That's just shy of \$1 trillion dollars in profits. And yet our Republicans demand that we give them another \$12 billion to \$15 billion a year.

Now, that's bad enough. But I just came across this fact. ExxonMobil was the most profitable company in the world in 2008. In 2009, ExxonMobil made \$19 billion of profit. Well, good for them. And I am sure they paid their fair share of taxes, right? Wrong.

Their effective tax rate was zero. So since they didn't pay any taxes, we

ought to give them another \$12 billion, to the oil industry. This is just plain wrong. This is not good economic policy.

One thing, and then I know you want me to talk about Make It in America, and I will in a few moments, but I get so concerned when people talk about the Democratic deficit. Hello? Not so, not a Democratic deficit; really, a Republican deficit.

That fellow over there, that's Ronald Reagan. President Ronald Reagan left at the end of his 8 years with a projected \$1.4 trillion deficit, followed by George H.W. Bush. At the end of the George H.W. Bush period the projected deficit going forward would be \$3.3 trillion. Thank you, George H.W. Bush. Between the two of you, you really ran up the deficit.

Then along came this fellow Democrat, Bill Clinton, put in policies voted by Republicans and Democrats, raised the tax rate to what you said, 39 percent for the super wealthy, and put in place PAYGO. That PAYGO required that any new spending had to be paid for with cuts or new taxes.

The result? Bill Clinton left office in 2001 with a projected \$5.6 trillion surplus.

Then along came George W. Bush, Jr. What did he do? First year in office, a tax cut. You were here weren't you, Mr. YARMUTH?

Mr. YARMUTH. I am sorry, no, I wasn't here. I didn't have the honor of voting against those.

Mr. GARAMENDI. Okay, so you weren't here. A tax cut year one, a tax cut year two, a war, two wars, Afghanistan and Iraq followed by a Medicare drug program that wasn't paid for and the deregulation of Wall Street. The result: He left office with an \$11.5 trillion projected deficit going forward. This is where we are.

The day Obama came into office, President Obama came into office with a \$1.3 trillion deficit the day he took office, and we worked ourselves out of it. Thank goodness the two of you were here to vote for those pieces of legislation. We are working ourselves out of it. That chart that you showed a moment ago shows the growth of the economy.

We need to understand that we are not going to get out of this deficit with the kinds of cuts that are being discussed by our Republicans. It's going to take a balanced approach.

President Obama has set out a balanced approach. He said no growth, no growth in the discretionary Federal budget. He will probably, tomorrow, talk about how to hold down medical costs, and I gave you some examples a moment ago. Those are the big drivers, and the military.

You want to deal with this deficit? End the war in Afghanistan and bring home \$120 billion a year. We can do this. Tax policy? Let's let the wealthy

pay their share, let the oil companies pay their share.

Hold the expenditures steady and reduce it, as has been proposed, and do it in a way that creates economic growth. We can do this. I know you gentlemen on the Budget Committee fought hard for that kind of policy. The Republicans refuse.

In fact, their proposal, it's 30 years before you eliminate the deficit. We can't have that.

I will talk about Make It in America before we are finished here, but I am going to turn it back to you Mr. YARMUTH. But I think it's really important for the American public to understand where the deficit came from and how it can be solved over the long run without harming seniors, without taking away Medicare and by making the critical investments that you have talked about, Mr. TONKO, education, research, Make It in America, those kinds of things.

Mr. YARMUTH. I thank the gentleman. Just to elaborate a little bit on the issue of what creates jobs and what kills jobs, under H.R. 1, which was the Republican continuing resolution that was passed earlier this year—we are still fighting that battle, and we will be fighting it this week—but these are the principles that were reflected in here that are now are reflected in the Ryan budget.

And this is what various economists said would happen if H.R. 1 would go into effect, and this was just for 6 months of the year. Call it "Slashonomics." Federal Reserve Chairman Ben Bernanke—again this is 6 months, 200,000 jobs lost; Mark Zandi, who was JOHN MCCAIN's economic adviser during his Presidential campaign, 700,000 jobs lost; the Economic Policy Institute, 800,000 jobs lost; and the Center for American Progress, just shy of a million jobs lost. That's over 6 months.

Now as we saw on the chart before, contrast that with what's happened just under the Obama administration and the policies that we adopted when we were in the majority. Job growth now, over 200,000 private sector jobs last month created. We are on the right track.

And to slash spending the way that the Republicans have proposed, without an accompanying increase in revenue, is going to do further damage to what is now a solid recovery that's under way.

I just have to laugh a little bit again about the projections of the Ryan Republican budget, because they have made a big deal out of saying this is \$6 trillion better than the Obama budget over the next 10 years.

Well, the way they get to that, once again we said it earlier, is to project that unemployment will come down to 2.8 percent in 5 years, which no economist says it would be. But more importantly, they say, that we will increase

revenues by almost double from \$2.2 trillion dollars last year to \$4.3 trillion 10 years from now.

Now, to put that into perspective, the 10 years before that we went from \$1.9 trillion in revenue to \$2.2 trillion in revenue. Now, we have been up higher, we have been up around \$2.5 trillion. That's the highest we have been.

□ 2100

Now they're saying we're going to cut taxes on corporations from 35 to 25 percent, we're going to cut taxes on the wealthiest Americans from 35 to 25 percent, and yet we're going to experience unprecedented growth in revenue even though we are cutting taxes. Again they can't get anybody to verify this except the Heritage Foundation, which has not been particularly accurate in the past. This is the Harry Potter budget. This is their theology: Cut taxes, the economy explodes.

We've been down that road before, Mr. TONKO. I would like to yield to you to talk about the Road to Ruin that we are about to be asked to drive.

Mr. TONKO. Thank you, Representative YARMUTH. I believe we don't have much time left in this hour of discussion. But let me just indicate that this entire House experienced an election last November. Everyone was up for election. And I would dare say in talking to many, many colleagues about the message that resonated back at home it was about jobs, jobs, jobs. It was about the economy. That was the driving dynamic I believe at the voting booth.

And look at our track record here for the first 3½ months for the 112th session of Congress. Not one bit of legislation that would produce jobs was brought to the floor. However, that budget, as you just pointed out in your Slashonomics bar graph, might take as many as 975,000 jobs off the picture for American workers, after we've spent just over a year creating over 2 million private sector jobs. Now that's in contrast with 8.2 million lost under the Bush recession. So we've got a long way to go.

But why would you reverse progress with a budget that, with Slashonomics, reduces nearly—well, we'll even take some of the lower estimates of 400,000; why would you want to do that at a time when we are recovering from that very difficult economic time?

I think it's so important for us to inform the constituents out there and tell middle class America this is a tipping point in our history. This is whether we fix an economy, create a situation where we come forth and produce products not yet on the commercial scene. A leading nation can do that when it embraces its intellectual capacity. You build products not yet discovered and engineered. That is making it in America. That's what we

can do if we invest in our workforce and invest in our education. But we're denying all those investments with this budget, just like this Medicare chart which, as you indicate, will have seniors receiving 32 cents on every health care dollar they require, and they're going to have to fend for the rest.

So we're asking middle class America to pay more, everything but 32 cents on the dollar for their health care as seniors qualifying for Medicare, and then we're going to take and destroy this economy and snuff out the dreams and the opportunities for America's middle class. We were told in November, America start growing the economy, stop draining and reducing the middle class. You are reducing, you're snuffing out that middle class. And that was the message.

And also on taxes I believe America is waking up to what has happened here with some of these scenarios. They understand it is not about who's cutting taxes but whose taxes are you cutting? Whose taxes will you cut? There's a big difference. And when you do this mindless handout to profit-rich oil companies, historically profit rich, sitting on about a trillion dollars worth of profit, and mindlessly for nearly a century we have handed out these benefits to oil companies. It's wrong. We can do better. This plan is the Road to Ruin.

Mr. YARMUTH. I thank the gentleman. We have a couple minutes left. I would just like to yield to my friend, Mr. GARAMENDI, for some closing comments about making it in America.

Mr. GARAMENDI. If America is going to make it, we have to make it in America. Once again, manufacturing matters. The problem with the Republican budget is it hollows out, continues the hollowing out of American industry by denying the research, reducing research and reducing job training and continuing the kind of tax policies that actually give corporations tax breaks when they send jobs offshore. We want to reverse that. We're putting together the Make it in America agenda, a real jobs agenda for the middle class.

Mr. YARMUTH, thank you so very, very much for bringing this to our attention and carrying this discussion tonight.

Mr. YARMUTH. I thank the gentleman and thanks for his participation. I just want to say in closing that budget battles are more about dollars, and I think all of us on both sides of the aisle believe that and live by that, or want to live by that. Budgets are about values. Budgets are about what we care for in America. And one of the things that I think we have always stood for in America is the idea that anyone has the opportunity to reach his or her full potential, and to be wealthy, but certainly to be happy and to be healthy.

What the Republican budget does is destroy much of that hope, destroy much of that dream, slashing education, slashing research and development, and slashing investment in infrastructure while at the same time giving more and more tax breaks to wealthy individuals, millionaires, billionaires, oil companies, Wall Street hedge fund managers, and the people who have already had more than their share of the American blessing.

So as we proceed in this debate this week on the budget and throughout these next few months in the Congress, I want to make it very clear that our values are at stake, not just our dollars, but our values, and whether you call it the Road to Ruin, or as I look to call it, the Pay Back for the Prosperous, the Republican budget does not reflect our values. It does not lead to a brighter future for the vast majority of Americans, and it should be rejected. We should move forward with a budget that invests in our dearest, dearest asset, and that is the American people.

THE BUDGET

The SPEAKER pro tempore (Mr. STUTZMAN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 27 minutes.

Mr. FORTENBERRY. Mr. Speaker, any American that may be watching tonight is probably bewildered by all of the discussion of budgets and continuing resolutions and perhaps debt ceilings, as well as the appropriations process. In order to understand where we are currently, it is important to look back at where we were. And what I would like to do tonight is share a little bit of information about what the government spends, where the revenue comes from, and then how we got into this current situation we are in. Right now, we have a \$1.6 trillion deficit. We have \$14 trillion of debt. That means every man, woman, and child in America, if we were to pay it off right now, owes \$45,000. And the trajectory of spending is simply unsustainable. We are borrowing about 40 cents on every dollar that we spend. America cannot continue to do this. We all know that. We all know we are going to have to act with bold resolve to get the fiscal house in order.

But let's look at this chart, Mr. Speaker, for a moment. It shows the President's 2011 budget proposal. There was no budget in 2011, and this is part of the confusion. There was no finishing of the appropriations process. Right now we are trying to finish the appropriations process, cleaning up the mess from last year by passing what is called a CR, continuing resolution, that will fund the government for the rest of the year. But a lot of the numbers are based off a somewhat mythical budget, and it's just easier to talk

about, I think, the President's 2011 budget to get a snapshot currently of where we are in terms of the fiscal situation.

Here is what the government spends and the categories in which it spends. If you look at the blue side of that chart there, that is what we in Washington call discretionary spending. And defense is about 20 percent of the discretionary spending here in the United States. The other section of the blue slice of the pie there is what we call non-defense discretionary spending. That's about 14 percent of the overall budget. A lot of the negotiations about reducing the budget at this time have centered around that particular slice of the pie.

The other aspects of government that we fund, Social Security, this maroon slice right here, is about 20 percent of the budget. Medicare is about 13 percent, Medicaid about 8 percent, and then another mandatory spending category, these are programs that are on auto pilot, whatever the demand is, we spend, we write the check. And it has grown very rapidly since the year 2008 when it was 11 percent. It is now 17 percent of the budget. This includes unemployment, welfare, supplemental security income for the disabled, jobs programs, as well as some of the TARP money, the bailout money for banks and Wall Street. That's the lion's share of the budget here, 57 percent. It is called mandatory spending, discretionary, 36 percent spending, that's defense and non-defense discretionary, and then we add interest on the debt, that yellow section right there, and that's about 7 percent. So that's basically what the government spends right here. And that totaled about \$3.8 trillion in last year's projected budget for this year.

Now, where did the revenues for the government come from?

□ 2110

It is important to remember this number, \$2.567 trillion; \$3.8 trillion expenditures; \$2.567 trillion in revenues. In this blue area over here, this is the largest area where we obtain income for the government, and that is the individual income tax. That is about 44 percent of overall revenues to the government. About half of Americans are paying income tax. This orange area is what we call payroll taxes. That is about 36 percent. Anybody who is working is going to pay a payroll tax. Corporate income tax, this yellowish area here, is about 12 percent. And then the rest of the budget receipts come from estate and excise taxes, as well as customs and other receipts.

But the important number to remember is \$2.567 trillion as opposed to \$3.8 trillion in spending. This shows you the imbalance. Again, remember, this was last year's projections. We were projecting \$1.267 trillion based upon

this spending level and this amount of receipts. But in reality we have just found out that the new deficit estimate is actually about \$1.6 trillion. It is skyrocketing. It is simply unsustainable.

Now, let's look at the next chart, which is the budget proposed for this year by the President; and it has spending a little less, down from about 3.8 to 3.7, revenues up slightly from about 2.5 to 2.6, and this is due to some spending reductions as well as tax increases, which gives you a different balance here. You have a deficit projection of \$1.1 trillion based upon these numbers.

Remember, Mr. Speaker, I said this is somewhat bewildering given that we don't have a 2011 budget or finished appropriations bill for this year, and we are now beginning to consider a 2012 budget in the midst of potentially, as well, bumping up against a debt ceiling vote shortly.

Again, it is important to understand how we got here with such enormous deficits. If we look back in time, the last 20 years, look at spending. In 1990, it was \$1.25 trillion. In 2000, it was \$1.79 trillion. This year, \$3.8 trillion. The size of the Federal Government has basically doubled in the last decade. If you look at deficits as well, in 1990 we were talking about \$200 billion deficits. I was a much younger person then, but I remember how shocking that figure was back then and how there were demands that something be done. In the year 2000, because of extraordinary productivity gains in the late nineties, we had a \$200 billion surplus to the Federal Government. But this year, a \$1.6 trillion deficit. It is off the charts. Our debt in 1990 was about \$3 trillion. In the year 2000 it was close to \$6 trillion. Again, this year it will be \$14 trillion, and it is set to continue to skyrocket in the coming years.

The debt per person, per capita, \$13,000; \$12,900. In 2000, it was \$20,000. Now it has doubled to about \$45,000.

Mr. Speaker, I used to be on the Lincoln City Council in Lincoln, Nebraska. One of the responsibilities we had every year with our \$90 million budget was that it had to balance. There was never enough money to have the ideal number of police officers that we wanted or the exact number of firefighting apparatus that we would have preferred or the street or road or park maintenance that we would have liked, but you had to make a decision. You had to make a decision about what were appropriate tax rates and reasonable public services and balance those. And by law, we also had to set a little aside.

Yet Washington doesn't have to do that. It can get away with enormous deficit spending because we have a big credit card. And for a long time, it really didn't matter.

At a negotiating table up here, there are really three factors: spending, benefits, and debt. And guess which one

loses every time, Mr. Speaker? Debt. Just pile on the debt, because the consequences can be hidden from the American people. But the numbers now have gotten to be so shocking and the reality is coming home that I believe, I know, most Nebraskans and most Americans want this Congress to act with bold resolve to tighten the belt, to ask for some shared sacrifice to get this fiscal house in order, because this level of spending is unsustainable.

A business can't do it. A family can't do it. A government should not be able to do it, because the consequences are really threefold; and they are no longer hidden. They are out in the open.

This amount of debt and deficits creates basically three problems: one, it pushes off the obligation for the way in which we are currently living and spending onto children and grandchildren in terms of future taxes on them. It is unjust.

The second problem is that it creates the potential for inflation. There is already an argument going on that the Federal Reserve policies are monetizing our debt, basically printing money; and now you are seeing commodity inflation with price hikes in gasoline and other commodities. The effects are very real.

The third problem is we are transferring ownership of America to foreign countries. China officially owns about a trillion dollars of this debt; but if you look at the numbers more closely, it could be as high as \$2 trillion. That means a transfer of the assets of this country overseas. So this level of debt, I believe, and I think most Americans know, is actually undermining the ability of the economy to turn around and create jobs. Now it is not only creating economic volatility and economic problems; it creates national security problems as we transfer more and more of this debt overseas and sell the assets of the country to others.

So it is simply unsustainable, Mr. Speaker, and we have to act with bold resolve. We are staring at white water rapids. The choice is we can either build a boat, put on life jackets and try to navigate those rapids as best we can, or we will be swept away by them. We are going to have to go through them; it is just how we do it.

That is what all the debates are this week, and will be in the coming weeks as to how do we set up the right framework of responsible budgets, responsible appropriations, so that we can reset our economic course, get our fiscal house in order, begin to give the economy some stability, create jobs and, in turn, revenues come into the Treasury. So that is the course before us.

Mr. Speaker, I did want to talk about another topic tonight as well, and it is very important that even in the midst of these budget negotiations that are going on, we not overlook the fact that

the State Department recently released its annual report on human rights around the world. This report spanning 194 countries calls out those governments that routinely and brazenly violate their stated commitments to universal human rights.

I think it is important that we draw back the veil on cruelty that is often perpetuated by the world's most powerful against the world's most vulnerable and appropriately elevate the issue in our national dialogue, as well as our international diplomatic efforts. The report spans 194 countries; and to the extent it is available, the report details the prevailing human rights conditions over the past year.

First, let me start with some good news. Of the countries surveyed, Colombia, Guinea, and Indonesia stand out for notable human rights improvements, the first democratically elected President since independence in 1958, and consistent improvements across a range of indicators, respectively, in those countries.

Countries where human rights conditions very sadly prompt serious concerns over the past year include Cote d'Ivoire, the Ivory Coast, where vicious fighting in recent weeks pursuant to a contested election has claimed numerous lives; in addition, the Democratic Republic of the Congo, where rape is used as a political weapon; Iran, which still supports the stoning of women; Russia, which routinely and often violently suppresses the freedom of the press; and China, which has a history of forced abortion and sterilization to its demographic detriment.

Other countries highlighted in particular this year: Nigeria, Sudan, Zimbabwe, Burma, Cambodia, North Korea, Vietnam, Belarus, Ukraine, Bahrain, Iran, Libya, Syria, Afghanistan, Pakistan, Uzbekistan, Cuba, Nicaragua and Venezuela, where rapid deterioration of civil rights and evidence of tightening dictatorial rule are particularly tragic.

The fundamental message that this report conveys to the world is that responsible governance rests upon two pillars. The first is a respect for human rights, and the second is a respect and responsibility for the rule of law. No society can flourish and prosper without these important transcendent principles as they are exercised in the form of religious liberty, freedom of speech, the right of assembly and peaceful protest, as well as fair and free commerce.

□ 2120

The human rights reports describe abuses that shock the conscience and tear at the elaborate fabric of the community of nations in which we live. These include the ill treatment of dissidents, appalling prison conditions, extrajudicial killings, and, as I mentioned, forced abortion and sterilization policies that treat human beings

like animals, violating their most intimate and fundamental human dignity. The reports present detailed accounts of systemic corruption, security forces run amok, acting with state-sanctioned impunity, kangaroo courts that condemn innocents without recourse, making a mockery of the rule of law. These dark trends are very often deeply entrenched, creating enabling environments that fuel violence—and even genocide in some countries—toward vulnerable persons and ethnic groups.

The reports address the barbaric scourge of human trafficking for sexual and other forms of ruthless exploitation, such as forced labor. The reports speak truth to perpetrators of heinous crimes of violence against women and children, and they highlight the feckless enforcement of laws to protect civilians against torture and other forms of cruel, inhumane, or degrading treatment or punishment. Taken together with related reports on human trafficking and freedom of religion, these particular reports on human rights provide keen insights into the state of our world in which we live today.

Mr. Speaker, even as we consider these sobering matters, let us also recognize with due humility that the struggle here in the United States for the right to life, the most basic of human rights, particularly for unborn persons as well as the terminally ill and elderly and those suffering from cognitive disabilities that render their deplorable marginalization as "vegetables" even in our most esteemed medical, political, and social circles, is a very deep problem that we must wrestle with here in our own country. Yet we have one basic advantage. This Nation has learned through bitter experience that self-determination and reasoned discourse are far more powerful engines of growth and prosperity than subjugation by the nature of a police state. Sadly, too many countries in the international community lag significantly in the development of this fundamental ideal, that of the notion of a people having a basic say, having a voice, in shaping the governments under which they live and the ability to shape their own futures according to transcendent and universal norms of justice.

Over the past year, as natural disasters summon us to compassion for people in Japan, New Zealand, Chile, China, Colombia, Haiti, Iceland, Indonesia, and Pakistan, as well as other nations ravaged by violent storms, including our own, we are witnessing another upheaval, a remarkable upheaval, in an important world region which calls for our focused attention. The Arab Spring movement has been driven by individuals joining their voices, motivated by a common thirst to realize their human potential and the desire to secure a decent operating

space within civil society. This movement is emblematic of lessons learned throughout the centuries. History has shown us that rule by suppression in its various forms and degrees is very difficult to sustain over the long term, particularly now with the opportunity we have for the sharing of ideals and principles. State-sanctioned force and coercion against the innocent, in various manifestations, has tended to backfire against their enforcers and enablers sooner or later.

The human rights reports challenge today's leaders to shake off the archaic and destructive patterns of abuse that foster so much needless human misery, sapping the productivity and vitality of countless millions, perhaps hundreds of millions, Mr. Speaker, in our world today. However, as useful as these reports are, they do not tell the full story. As the difficult work of societal transformation begins for newly enfranchised citizens in the key countries of Egypt and Tunisia, for instance, many people throughout the world, in places like China and North Korea and Iran, continue to suffer silently with no one to tell their story, with no one to document their plight, far from the gaze of cameras that convey real-time images for all the world to see.

But these reports hold an important message for us as well. In this interdependent world of shared technology, shared communication, travel, and commerce, we have failed to recognize a shared vision of justice. The United States is constantly called upon by the nations of the world to stand up against the forces of brutality. We are constantly called upon to engage in all matters of complexity that are causing human misery, which are really due to three factors: the generosity of the American taxpayer; the philosophical ideals that govern us and which do not allow us to sit by idly when we see human misery and suffering; and the fact that we are an exceptional and unique superpower. Though other nations are growing in economic strength, given our philosophical ideals and our historic role as that exceptional superpower, it is a bit ironic that the world still turns to us, even though many other economies are growing very, very rapidly, when people cry out for justice.

So, Mr. Speaker, it is time to elevate at the table of dialogue and negotiation basic norms of human dignity and the governmental structures which nurture and protect that dignity. Let those norms sit alongside the negotiations over trade, commerce, and security, for this is ultimately more valuable than any economic gain, which is transient and passing. I believe it is time to focus on the permanent things, those which last, which will be the legacy we will leave to the future of our country and to the future of the world.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of family medical reasons.

Mr. REICHERT (at the request of Mr. CANTOR) for today and April 13 on account of family reasons.

ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 13, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1218. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Horses From Contagious Equine Metritis-Affected Countries [Docket No.: APHIS-2008-0112] (RIN: 0579-AD31) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1219. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Benjamin R. Mixon, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1220. A letter from the Legan Information Assistant, Department of the Treasury, transmitting the Department's final rule — Prohibited Service at Savings and Loan Holding Companies; Reinstitution of Expiration Date of Temporary Exemption [Docket No.: OTS-2010-0036] (RIN: 1550-AC14) received March 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1221. A letter from the Secretary, Department of Health and Human Services, transmitting the first progress report of the implementation of Section 3507 of the Patient Protection and Affordable Care Act of 2010; to the Committee on Education and the Workforce.

1222. A letter from the Office of Exemption Determinations, Department of Labor, transmitting the Department's final rule — Amendment to Prohibited Transaction Exemption (PTE) 96-23 for Plan Asset Transactions Determined by In-House Asset Managers [Application Number D-11221] (ZRIN: 1210-ZA09) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1223. A letter from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies [WT Docket No.: 10-62] received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1224. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Control of Electroslag Weld Properties [Regulatory Guide 1.34] (Revision 1) March 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1225. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the Corporation's Semiannual Report from the Office of the Inspector General and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 8G(h)(2); to the Committee on Oversight and Government Reform.

1226. A letter from the Acting Director, Office of Economic Impact and Diversity, Department of Energy, transmitting the Commission's annual report for Fiscal Year 2010 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1227. A letter from the Director, Office of EEO and Diversity, Patent and Trademark Office, transmitting the Office's annual report for fiscal year 2010, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1228. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0460-02] (RIN: 0648-XA294) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1229. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No.: 1101040009-1186-02] (RIN: 0648-BA25) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1230. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery; Revision of 2011 Butterfish Specifications [Docket No.: 110218149-1182-01] (RIN: 0648-BA86) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1231. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Hawaii Bottomfish and Seamount Groundfish Fisheries; Modification of Fishery Closures [Docket No.: 101210611-1185-02] (RIN: 0648-BA58) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1232. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Paul Coverdell National Forensic Science Improvement Grants Program, managed by the Office of Justice Programs' National Institute of Justice, pursuant to Public Law 90-

351, section 2806(b); to the Committee on the Judiciary.

1233. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No.: SLSDC-2011-0002] (RIN: 2135-AA29) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1234. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders [Docket No.: FAA-2010-0812; Amdt. No. 1-66] (RIN: 2120-AJ81) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1235. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30770; Amdt. No. 3414] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1236. A letter from the Secretary, Department of Transportation, transmitting the Department's 2011 annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee; to the Committee on Transportation and Infrastructure.

1237. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Prohibited Area P-56; District of Columbia [Docket No.: FAA-2010-0077; Airspace Docket No. 10-AWA-4] (RIN: 2120-AA66) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1238. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30769; Amt. No. 492] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1239. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters [Docket No.: FAA-2011-0212; Directorate Identifier 2010-SW-055-AD; Amendment 39-16632; AD 2011-06-07] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1240. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines [Docket No.: FAA-2010-0960; Directorate Identifier 98-ANE-90-AD; Amendment 39-16620; AD 98-09-27R1] (RIN: 2120-AA64) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1241. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Remand or Referral for Further Action; Notification of Evidence Secured by the Board and Opportunity for Response (RIN: 2900-AN34) re-

ceived March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1242. A letter from the Secretary, Department of Health and Human Services, transmitting a report on quality improvements and saving in a Medicare Gainsharing Demonstration program; to the Committee on Ways and Means.

1243. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration; Modification of Notice 2009-83 [Notice 2011-35] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1244. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2011-10) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1245. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance for Phase II of the Qualifying Advanced Coal Program under Section 48A and the Qualifying Gasification Program under Section 48A [Notice 2011-24] received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1246. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2011-8) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1247. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2010 and Other Changes [CMS-4144-F] (RIN: 0938-AQ00) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse" (Rept. 112-59). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 218. Resolution providing for consideration of the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and providing for consideration of the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representa-

tives to make a correction in the enrollment of H.R. 1473 (Rept. 112-60).

Ms. FOXX: Committee on Rules. House Resolution 219. Resolution providing for consideration of the bill (H.R. 1217) to repeal the Prevention and Public Health Fund (Rept. 112-61). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DUNCAN of Tennessee (for himself, Mrs. BLACKBURN, Mr. ROSS of Florida, Mr. WESTMORELAND, Mr. SESSIONS, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. BARTLETT, Mr. MCKINLEY, Mr. LATOURETTE, Mr. GRAVES of Missouri, and Mrs. HARTZLER):

H.R. 1474. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PETERS (for himself, Mr. STIVERS, Mr. JACKSON of Illinois, Ms. ZOE LOFGREN of California, Mr. CONYERS, Mr. MCGOVERN, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. LEVIN, Mr. MCDERMOTT, Mr. POLIS, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. CARDOZA, Mr. ANDREWS, Mr. CLARKE of Michigan, Mr. MATHESON, Mr. TIBERI, Mr. HANNA, and Mr. DINGELL):

H.R. 1475. A bill to reform and modernize domestic refugee resettlement programs, and for other purposes; to the Committee on the Judiciary.

By Ms. SPEIER (for herself and Mr. WEINER):

H.R. 1476. A bill to amend title XVIII of the Social Security Act to exclude certain advanced diagnostic imaging services from the in-office ancillary services exception to the prohibition on physician self-referral; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. CLARKE of Michigan, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. CLAY, Ms. BERKLEY, Ms. ESHOO, Ms. WOOLSEY, Mr. WELCH, Ms. SPEIER, Mr. GARAMENDI, Ms. BROWN of Florida, Ms. NORTON, Mr. TIERNEY, Mr. GRIJALVA, Mr. HINCHEY, Ms. EDWARDS, Mr. HOLT, Mr. CICILLINE, Ms. MOORE, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 1477. A bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes; to the Committee on Financial Services.

By Mr. REICHERT (for himself and Mr. KIND):

H.R. 1478. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mrs. MCCARTHY of New York, Mr. NUNES, Mr. HELLER, Mr. ROSKAM, Mr. GERLACH, Ms. BERKLEY, Mr. KLINE, Mr.

SENSENBRENNER, Mr. BACHUS, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. COURTNEY, Mr. HONDA, Mr. LYNCH, Mr. KILDEE, Mr. ISRAEL, Mr. HINCHEY, Ms. LINDA T. SANCHEZ of California, Mr. HOLT, Mr. CAPUANO, Mr. MCGOVERN, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Ms. BALDWIN, Ms. SCHWARTZ, Ms. NORTON, Mrs. BACHMANN, Mr. PAUL, Mr. LOEBSACK, Mr. HEINRICH, Mr. YARMUTH, Mr. OLSON, and Mr. PLATTS):

H.R. 1479. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. GUINTA:

H.R. 1480. A bill to delay enforcement and establishment of certain water quality standards within the Great Bay Estuary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POLIS (for himself and Mr. COFFMAN of Colorado):

H.R. 1481. A bill to amend the Internal Revenue Code of 1986 to encourage the purchase of residential property by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. NORTON, Mr. HINOJOSA, Mr. GRIJALVA, and Mr. FILNER):

H.R. 1482. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals, with a preference for individuals from underrepresented groups, as teachers at public elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. PALLONE, and Ms. DEGETTE):

H.R. 1483. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 1484. A bill to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs and to establish a commission to study judicial review of the determination of veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. NUNES, Mr. HUNTER, Mr. GALLEGLY, Mr. COFFMAN of Colorado, and Mr. DENHAM):

H.R. 1485. A bill to address the public health and safety threat presented by the risk of catastrophic wildfire on Federal forestlands by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest restoration, forest health, and watershed restoration; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 1486. A bill to direct the Commissioner of Food and Drugs to revise the Federal regulations applicable to the declaration of the trans fat content of a food on the label and in the labeling of the food when

such content is less than 0.5 gram; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 1487. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the use of the arsenic compound known as roxarsone as a food additive; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Mr. CAPUANO, Ms. CHU, Ms. CLARKE of New York, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. ELLISON, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LUJAN, Mrs. MALONEY, Mr. MORAN, Mr. NADLER, Ms. NORTON, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS, Mr. QUIGLEY, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mr. STARK, Mr. TOWNS, Ms. TSONGAS, Mr. WAXMAN, Ms. WOOLSEY, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ):

H.R. 1488. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit; to the Committee on Financial Services.

By Ms. KAPTUR (for herself, Mr. MORAN, and Mr. JONES):

H.R. 1489. A bill to repeal certain provisions of the Gramm-Leach-Bliley Act and revive the separation between commercial banking and the securities business, in the manner provided in the Banking Act of 1933, the so-called "Glass-Steagall Act", and for other purposes; to the Committee on Financial Services.

By Mr. LUJAN (for himself, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. BORDALLO, Mr. MATHESON, Mr. POLIS, Mr. KUCINICH, Mr. MARKEY, and Mr. HEINRICH):

H.R. 1490. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 1491. A bill to protect public health and safety should the testing of nuclear weapons by the United States be resumed; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN (for himself, Mr. WOLF, and Mr. CONNOLLY of Virginia):

H.R. 1492. A bill to provide for mandatory training for Federal Government supervisors and the assessment of management competencies; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 1493. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other

purposes; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 1494. A bill making appropriations to provide pay and allowances to members of the Armed Forces, including reserve components thereof, and death gratuities on behalf of deceased members and other eligible persons notwithstanding a Government shutdown; to the Committee on Appropriations.

By Mr. PAUL:

H.R. 1495. A bill to provide for an audit of all gold owned by the United States; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 1496. A bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ROGERS of Michigan (for himself and Mr. LOBIONDO):

H.R. 1497. A bill to direct the Secretary of Defense to take whatever steps may be necessary to exhume and transfer the remains of certain deceased members of the Armed Forces buried in Tripoli, Libya, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY (for himself and Mr. ANDREWS):

H.R. 1498. A bill to require the lender or servicer of a home mortgage, upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale; to the Committee on Financial Services.

By Mr. SHIMKUS (for himself and Mr. CARNAHAN):

H.R. 1499. A bill to create clean energy jobs and set efficiency standards for small-duct high-velocity air conditioning and heat pump systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIERNEY (for himself, Mr. NEAL, Mr. OLVER, Mr. MCGOVERN, Mr. CAPUANO, Mr. LYNCH, Mr. KEATING, and Ms. TSONGAS):

H.R. 1500. A bill to direct the Secretary of the Interior to conduct a boundary study of the lands and waters in the greater Salem Sound and the city of Salem to determine the suitability and feasibility for inclusion within the boundary of the Salem Maritime National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. WALSH of Illinois (for himself, Mr. GRIMM, Mr. ROSS of Florida, Mr. ROGERS of Alabama, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. LAMBORN, Mr. MCKINLEY, Mr. CHAFFETZ, Mr. GRAVES of Missouri, Mr. SESSIONS, Mrs. ELLMERS, Ms. FOX, Mr. GOMMERT, Mrs. BLACKBURN, Mr. WEST, Mr. CANSECO, Mr. GIBSON, Mr. POSEY, Mr. POE of Texas, Mr. GARRETT, Mr. LONG, and Mr. KLINE):

H.R. 1501. A bill to withhold United States contributions to the United Nations until the United Nations formally retracts the final report of the "United Nations Fact Finding Mission on the Gaza Conflict"; to the Committee on Foreign Affairs.

By Mr. WOLF (for himself, Mr. KING of New York, and Mrs. MYRICK):

H.R. 1502. A bill to establish the Counterterrorism Competitive Analysis Council; to the Committee on Intelligence (Permanent Select).

By Mr. YARMUTH:

H.R. 1503. A bill to suspend temporarily the duty on certain hydrogenated polymers of norbornene derivatives; to the Committee on Ways and Means.

By Mr. GARRETT (for himself, Mr. JORDAN, Mr. MULVANEY, and Mr. MCCLINTOCK):

H. Con. Res. 37. Concurrent resolution establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal year 2011 and fiscal years 2013 through 2021; to the Committee on the Budget.

By Mr. ADERHOLT (for himself and Mr. RAHALL):

H. Con. Res. 38. Concurrent resolution recognizing the 400th anniversary of the publication of the King James Version of the Bible; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS:

H. Res. 220. A resolution expressing support for designation of the first Saturday in October as "National Animal Rescue Day" to create awareness, educate humans of the importance of adoption, and create a humane environment for any pet, including the importance of spaying and neutering of animals, and the encouragement of animal adoptions throughout the United States; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. COHEN, Mr. CONNOLLY of Virginia, and Mr. WHITFIELD):

H. Res. 221. A resolution congratulating the Government and people of the Republic of Turkey as they celebrate Republic Day, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NADLER (for himself, Mr. ACKERMAN, Ms. BERKLEY, Mr. CICILLINE, Ms. DELAURO, Mr. DEUTCH, Mr. ENGEL, Mr. FILNER, Mr. HOLT, Mrs. LOWEY, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ):

H. Res. 222. A resolution recognizing the 50th anniversary of the founding of the Religious Action Center of Reform Judaism; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DUNCAN of Tennessee:

H.R. 1474.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—this bill regulates Commerce among the several states.

Amendment V—the bill assures that citizens' liberty and property (their businesses and livelihood) are not deprived, that the government does not take property (market share, potential for profit and livelihood) without just compensation.

Amendment X—Nothing in the Constitution authorizes the Federal government to do anything other than those things enumer-

ated (coin money, enter into treaties, conduct a Census—which are inherently governmental). Thus, under Amendment X, the right to carry out commercial activities is reserved to the people. Note that the Constitution authorizes the Post Office. The bill exempts the Postal Service.

By Mr. PETERS:

H.R. 1475.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Ms. SPEIER:

H.R. 1476.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mr. CUMMINGS:

H.R. 1477.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, §8, cl. 1 of the United States Constitution, which states "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and

Art. 1 §8, cl. 3 "[The Congress shall have Power] [t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. REICHERT:

H.R. 1478.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. LATHAM:

H.R. 1479.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises"), and the 16th Amendment to the United States Constitution.

By Mr. GUINTA:

H.R. 1480.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3 of the Constitution

To regulate Commerce with foreign nations and among the several states and with the Indian Tribes.

By Mr. POLIS:

H.R. 1481.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mrs. DAVIS of California:

H.R. 1482.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. DINGELL:

H.R. 1483.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FILNER:

H.R. 1484.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HERGER:

H.R. 1485.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. ISRAEL:

H.R. 1486.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8, Section 3.

By Mr. ISRAEL:

H.R. 1487.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8, Section 3.

By Mr. ISRAEL:

H.R. 1488.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8, Section 3.

By Ms. KAPTUR:

H.R. 1489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. LUJÁN:

H.R. 1490.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. MATHESON:

H.R. 1491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3, 12, 13, 14, 16, and 18.

By Mr. MORAN:

H.R. 1492.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14.

Article 1, Section 8, Clause 18.

By Ms. NORTON:

H.R. 1493.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of section 8 of article I of the Constitution.

By Mr. OWENS:

H.R. 1494.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PAUL:

H.R. 1495.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by Article I, Section 8 of the Constitution:

"To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures"

By Mr. PAUL:

H.R. 1496.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by Article I, Section 8 of the Constitution:

"To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States.”

By Mr. ROGERS of Michigan:

H.R. 1497.

Congress has the power to enact this legislation pursuant to the following:

Article 1

Section 8

Clause 13:

To provide and maintain a Navy

By Mr. ROONEY:

H.R. 1498.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8: “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;”

By Mr. SHIMKUS:

H.R. 1499.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 Clause 3 of the United States Constitution.

By Mr. TIERNEY:

H.R. 1500.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. WALSH of Illinois:

H.R. 1501.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. WOLF:

H.R. 1502.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress “provide for the common Defence,” as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. YARMUTH:

H.R. 1503.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. RIBBLE.

H.R. 10: Mr. HECK and Mr. STIVERS.

H.R. 23: Mr. GEORGE MILLER of California.

H.R. 49: Mrs. BACHMANN, Mr. NEUGEBAUER, Mr. COFFMAN of Colorado, and Mr. GRIMM.

H.R. 58: Mr. OLSON, Mr. LANDRY, Mr. HERGER, Mr. JOHNSON of Ohio, Mr. ALTMIRE, Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, and Mr. DUNCAN of Tennessee.

H.R. 114: Mr. FORTENBERRY.

H.R. 140: Mr. HERGER.

H.R. 178: Mr. BILBRAY and Mr. ROSS of Florida.

H.R. 181: Mr. GRIFFIN of Arkansas and Mr. REICHERT.

H.R. 198: Mr. DOLD.

H.R. 240: Mr. GERLACH.

H.R. 262: Mr. DUNCAN of South Carolina.

H.R. 365: Mr. BARLETTA.

H.R. 375: Mr. KISSELL.

H.R. 432: Ms. ESHOO.

H.R. 452: Mr. CULBERSON, Mr. MCCAUL, Mr. GOHMERT, and Mr. OLSON.

H.R. 459: Mr. SHIMKUS and Mr. NEUGEBAUER.

H.R. 466: Mr. MCNERNEY and Mr. SCHOCK.

H.R. 487: Mr. DUNCAN of Tennessee.

H.R. 509: Mr. RIBBLE.

H.R. 520: Mr. BERMAN and Ms. ZOE LOFGREN of California.

H.R. 607: Mrs. LOWEY, Mr. GERLACH, and Mr. YOUNG of Alaska.

H.R. 674: Mr. LANKFORD, Mr. UPTON, and Mr. BILBRAY.

H.R. 708: Mr. BISHOP of New York.

H.R. 709: Mr. DAVIS of Illinois.

H.R. 713: Mr. HINOJOSA.

H.R. 719: Mr. WALBERG, Mr. HEINRICH, Mr. OWENS, Mr. WALZ of Minnesota, Mr. SCOTT of South Carolina, and Mr. LUJÁN.

H.R. 724: Mr. LARSON of Connecticut.

H.R. 771: Mr. HINOJOSA, Mr. FARENTHOLD, Mr. CANSECO, Mr. CARTER, Mr. CONAWAY, Mr. CULBERSON, Mr. FLORES, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. HENSARLING, Mr. MCCAUL, Mr. NEUGEBAUER, Mr. OLSON, Mr. RYAN of Wisconsin, and Mr. THORNBERY.

H.R. 788: Mr. HOLT, Mr. PAYNE, Mr. SIRES, Mr. POLIS, Mr. DOYLE, and Mr. BISHOP of Georgia.

H.R. 798: Mr. MCKINLEY.

H.R. 812: Mr. PAUL.

H.R. 825: Mrs. NAPOLITANO.

H.R. 831: Mr. PLATTS, Ms. RICHARDSON, and Mr. COHEN.

H.R. 835: Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. CARSON of Indiana, Ms. DELAULO, Mr. INSLER, Mr. LARSON of Connecticut, Ms. NORTON, Mr. PETERS, Mr. RANGEL, Ms. SPEIER, and Mr. KEATING.

H.R. 860: Mr. SARBANES and Mr. RYAN of Ohio.

H.R. 874: Ms. SLAUGHTER.

H.R. 879: Mr. LOEBSACK, Mr. HASTINGS of Florida, Mr. DUNCAN of Tennessee, and Mr. BURTON of Indiana.

H.R. 881: Mr. HERGER.

H.R. 891: Mr. LOEBSACK.

H.R. 901: Mrs. MILLER of Michigan.

H.R. 909: Mr. AUSTRIA.

H.R. 912: Mr. MCCOTTER.

H.R. 932: Ms. BUERKLE.

H.R. 998: Mr. CARNAHAN and Mr. GONZALEZ.

H.R. 1001: Mr. KISSELL, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, and Mr. FILNER.

H.R. 1028: Mr. LEWIS of Georgia.

H.R. 1041: Mr. LOEBSACK, Mr. COLE, Mr. RYAN of Ohio, and Mr. PETERS.

H.R. 1081: Mr. WATT and Mr. YOUNG of Alaska.

H.R. 1086: Mrs. MCCARTHY of New York.

H.R. 1089: Mr. FILNER and Mrs. NAPOLITANO.

H.R. 1093: Mr. FORBES, Mr. SHUSTER, Mr. WITTMAN, Mr. LANDRY, Mr. HERGER, Mr. RIVERA, Mr. CRENSHAW, Mr. JOHNSON of Ohio, Ms. ROS-LEHTINEN, Mr. KELLY, Mr. DUNCAN of Tennessee, and Mr. FLORES.

H.R. 1113: Ms. BASS of California.

H.R. 1124: Mr. FARR, Mr. STARK, and Ms. FUDGE.

H.R. 1134: Mr. MANZULLO and Mr. GOSAR.

H.R. 1151: Mr. CUMMINGS.

H.R. 1159: Mr. STUTZMAN, Mr. FLORES, Mr. POMPEO, and Mr. PEARCE.

H.R. 1161: Mr. LOBIONDO, Mr. PETERS, Mr. CUELLAR, and Mr. GONZALEZ.

H.R. 1163: Mr. GARAMENDI.

H.R. 1167: Mr. FLEMING.

H.R. 1169: Mr. HOLDEN.

H.R. 1176: Mr. WITTMAN.

H.R. 1182: Mr. BROUN of Georgia, Mr. JOHNSON of Ohio, and Mr. RYAN of Wisconsin.

H.R. 1195: Mr. BONNER.

H.R. 1206: Mr. STUTZMAN, Mr. LONG, and Mr. BENISHEK.

H.R. 1208: Mr. COURTNEY.

H.R. 1219: Mr. YOUNG of Alaska.

H.R. 1234: Mr. BACA and Mr. MICHAUD.

H.R. 1250: Mr. MARKEY, Mrs. CHRISTENSEN, Ms. CHU, Ms. BROWN of Florida, Mr. RANGEL, and Mr. CONYERS.

H.R. 1259: Mr. RIBBLE.

H.R. 1264: Mr. AL GREEN of Texas.

H.R. 1270: Mr. BILBRAY and Mr. MACK.

H.R. 1294: Mr. AL GREEN of Texas.

H.R. 1297: Mr. CRITZ, Mr. MCCOTTER, Mr. AL GREEN of Texas, Mr. QUAYLE, Mr. MULVANEY, Mr. ROSKAM, Mr. TIPTON, and Mr. FRANK of Massachusetts.

H.R. 1323: Mr. CONAWAY and Mr. KINGSTON.

H.R. 1330: Mr. COURTNEY and Mr. HIMES.

H.R. 1334: Mr. COHEN.

H.R. 1340: Mr. HARPER.

H.R. 1354: Mr. MANZULLO.

H.R. 1361: Mr. ISSA.

H.R. 1366: Mr. CRITZ and Mr. KISSELL.

H.R. 1380: Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Ms. DELAULO, Mr. HIMES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Ms. MATSUI, Mr. MEEKS, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Ms. SPEIER, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WILSON of Florida, Mr. BONNER, Mr. GRIFFIN of Arkansas, Mr. BISHOP of New York, Mr. WESTMORELAND, Mr. SHULER, and Mr. KELLY.

H.R. 1381: Mr. COURTNEY and Ms. SLAUGHTER.

H.R. 1383: Mr. BISHOP of New York.

H.R. 1404: Mr. DAVIS of Illinois and Mr. MICHAUD.

H.R. 1409: Ms. EDWARDS.

H.R. 1412: Mr. NEUGEBAUER.

H.R. 1419: Ms. JACKSON LEE of Texas, Mr. MEEKS, Mr. FATTAH, Mr. SABLAN, and Mr. TOWNS.

H.R. 1425: Mr. LIPINSKI.

H.R. 1445: Mrs. LUMMIS.

H.R. 1448: Mr. DEUTCH and Mr. ELLISON.

H. J. Res. 5: Mr. WITTMAN.

H. J. Res. 45: Mr. BACHUS, Mr. SAM JOHNSON of Texas, Mrs. BLACK, Mr. FORBES, Mr. GIBBS, Mr. KLINE, Mrs. BACHMANN, and Mr. WITTMAN.

H. Con. Res. 31: Mr. GOODLATTE.

H. Con. Res. 36: Mr. NUNNELEE and Mr. OLSON.

H. Res. 59: Mr. GRIMM.

H. Res. 60: Ms. MCCOLLUM.

H. Res. 77: Mr. HERGER, Mr. DAVIS of Kentucky, Mr. POE of Texas, and Mr. CUELLAR.

H. Res. 98: Mr. MCHENRY and Mr. BROUN of Georgia.

H. Res. 111: Ms. MCCOLLUM, Mrs. HARTZLER, Mr. NUNNELEE, and Ms. PINGREE of Maine.

H. Res. 137: Ms. SPEIER, Mr. GUTHRIE, and Mr. NADLER.

H. Res. 161: Mr. GRIMM.

H. Res. 163: Mr. DAVIS of Illinois.

H. Res. 177: Mr. LANCE, Ms. BALDWIN, Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. MCGOVERN, and Mrs. SCHMIDT.

H. Res. 208: Mr. MURPHY of Pennsylvania, Mr. JONES, and Mr. BROOKS.

H. Res. 209: Mr. MURPHY of Pennsylvania, Mr. JONES, and Mr. BROOKS.

H. Res. 210: Mr. SCHIFF, Mr. CAPUANO, Ms. NORTON, Mr. COURTNEY, Ms. SLAUGHTER, Mr. BOSWELL, and Ms. MATSUI.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in S. J. Res. 8, Providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R.

1473 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, do not contain any congressional earmarks, limited

tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1093: Mr. HUNTER.

EXTENSIONS OF REMARKS

NATIONAL LIBRARY WEEK AND KANSAS STATE UNIVERSITY

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Ms. JENKINS. Mr. Speaker, from April 10th to April 16th our nation is celebrating National Library Week. This one week each year we take time to honor and thank our nation's libraries and their dedicated staff for the vital role they play in our communities.

Today, I rise to support the work at the Library at Kansas State University. As part of the land-grant mission, the Library at Kansas State University serves not only the campus and students at K-State, but the good folks of Fort Riley, Fort Leavenworth and many other communities in the 2nd District and across Kansas. Whether it is internet access, academic research, or just finding a good book, the Library at Kansas State serves our friends and neighbors in an important way. I am proud to represent them in Congress and humbled to honor them today.

FRANCISCO ALVARADO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Francisco Alvarado for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Francisco Alvarado is a 12th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Francisco Alvarado is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Francisco Alvarado for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN RECOGNITION OF THE EIGHTH GRADERS OF FRAZIER MIDDLE SCHOOL IN PERRYOPOLIS, PENN- SYLVANIA

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize the eighth graders of Frazier Middle School from Perryopolis, PA and their achievements in the national March Math Madness Competition.

More than 1,400 schools from 30 states took part in the March Math Madness Competition sponsored by Apangea Learning. Students were challenged to complete hundreds of thousands of math equations in a competition designed to mirror the college basketball March Madness championship. The group of 74 students from Frazier Middle School, led by math teacher Susan Szelc, completed 132,023 math problems and worked 2,175 hours since March 1, 2011. A majority of that time, 1,161 hours, was spent solving equations outside of the traditional school day. These are committed students who put in the extra effort to complete a challenge and stimulate their minds.

The eighth graders from Frazier Middle School first qualified for the Sweet 16 on February 28, 2011; later advanced to the Elite Eight, the Final Four, and then to the national championship round. The students' hard work has brought them the coveted March Math Madness Trophy and a banner to proudly display in their school gymnasium. They also had the distinguished honor of having one of their own peers, Alex Lyons, be named the MVP of the East. Alex was able to pass the most math equations, 530 units, without failing.

Our country's future is dependent on the hard work and intellect of students like these. It is encouraging to see such talent and ambition being nurtured in our public school system. Outstanding educators, such as Susan Szelc, must also be commended for her efforts in this challenge.

These students have displayed a true aptitude for learning and should be properly recognized for the great champions that they are. Mr. Speaker, once again I would like to honor these students for their hard work, dedication, and commitment towards their education.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,267,760,539,191.89.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,629,334,792,898.00 since then.

This debt and its interest payments we are passing to our children and all future Americans.

ELIJAH QUINTANILLA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Elijah Quintanilla for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Elijah Quintanilla is a 12th grader at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Elijah Quintanilla is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Elijah Quintanilla for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

INTRODUCTION OF THE TEAM B ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. WOLF. Mr. Speaker, today I am introducing the Team B Act to confront the growing challenge of domestic radicalization and homegrown terrorist attacks. I believe that we must take a fresh look at how we can thwart domestic radicalization.

I have been concerned about and been following the issue of radical Islamic terrorism for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nearly 3 decades. I visited the Marine barracks in Lebanon following the 1983 bombing that killed 241 American servicemen.

I closely followed the issue of terrorism with the first attack on the World Trade Center in 1993 and throughout the 1990s with the deadly attacks against our embassies in Tanzania and Kenya, where yet another of my constituents was killed.

As a result, in 1998 I authored legislation creating the National Commission on Terrorism, also known as the Bremer Commission, and highlighted the threat from Osama bin Laden in my introductory remarks—years before many in our government fully understood the danger he posed.

I was the chairman of the House Appropriations subcommittee that funds the FBI and Justice Department on September 11, 2001, and I worked closely with Director Mueller and his leadership team from 2002 to 2006 to transform its mission to deal with the terrorist threat.

I am now again chairman of that subcommittee and receive regular briefings on terrorism and the new and growing threat posed by domestic radicalization and frequently visit the National Counterterrorism Center, which is located in my district.

According to the Congressional Research Service, there have been 43 “homegrown jihadist terrorist plots and attacks since 9/11,” including 22 plots or attacks since May 2009.

Director Mueller and the men and women of the FBI should be commended for their exceptional work in intercepting would-be terrorists before their attacks. They work tirelessly to protect our country and their record over the last decade speaks for itself.

But despite the FBI’s success at disrupting plots under way, the U.S. does not have an effective or coherent policy to prevent domestic radicalization. According to a recent report by respected counterterrorism experts called *Assessing the Terrorist Threat*:

“The American melting pot” has not provided a firewall against the radicalization and recruitment of American citizens and residents, though it has arguably lulled us into a sense of complacency that homegrown terrorism couldn’t happen in the United States . . . By not taking more urgently and seriously the radicalization and recruitment that was actually occurring in the U.S., authorities failed to comprehend that this was not an isolated phenomenon . . . Rather, it indicated the possibility that even an embryonic terrorist radicalization and recruitment infrastructure had been established in the U.S. homeland.

That is why I am introducing this legislation to create a “Team B” to bring fresh eyes to U.S. domestic radicalization and counterterrorism strategy. The team would represent a new approach, which focuses not just on connecting the dots of intelligence, but to rethink the nature of threats to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains terrorism, how to disrupt the global terrorist network and how to strategically isolate it.

During the Ford administration, then-CIA director George H.W. Bush created a “Team B” composed of outside experts to reexamine intelligence relating to Soviet capabilities. Their conclusions were markedly different than

those reached by agency officials. Many of their assessments were used in the Reagan administration to deal with the Soviets—ultimately leading to the end of the Cold War.

Today, our intelligence community and federal law enforcement are so inundated with reports and investigations that they do not have the time or capacity to step back and strategically reevaluate the threat before us.

I believe a “Team B” would provide a tremendous service to both the agencies and the Congress in making recommendations on how we can disrupt domestic radicalization.

For more than a year, I have written numerous letters to the President and members of his national security team urging them to implement this proposal. They have not.

As respected Georgetown University professor Dr. Bruce Hoffman wrote for *The National Interest* in October 2010:

The logic behind Congressman Wolf’s idea is simple and makes eminent sense. Since both the U.S. intelligence community and our national security and law-enforcement agencies are overwhelmed with data, information and a multiplicity of immediate “in-box”-driven issues that continually challenge their ability to think both strategically and in terms of a patently evolving, dynamic, multidimensional threat, the red team concept would represent a new approach to counterterrorism that would potentially enable the United States to stay one step ahead of our adversaries’ own strategy and tactics.

First, it would have a broader remit than the red team exercises currently employed by individual agencies. Congressman Wolf’s idea is that this red team would have a strategic counterterrorism mandate and would therefore look at general, global patterns of terrorism rather than the use and effects of individual tactics.

Second, it would be composed of non-government specialists and experts representing a broad array of different perspectives, backgrounds and opinions—the type of “glorious amateurs” described by General Donovan who once populated the OSS but who would now be enlisted in the war on terrorism.

Under Congressman Wolf’s formulation, these persons would advise and help inform the assessments of both the National Intelligence Council (NIC) and Office of the Director of National Intelligence by providing broad strategic analysis of terrorism trends and patterns and their possible future implications. In this manner, alternative assessments and strategic counterterrorism analysis could be provided to the Intelligence Community that would also help to avoid “group think.”

Mr. Speaker, for these reasons I believe this legislation would be a constructive step to address the evolving terrorist threat and I urge my colleagues to support it.

EMILY BURTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Emily Burton for receiving the Arvada Wheat Ridge Service

Ambassadors for Youth award. Emily Burton is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Emily Burton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Emily Burton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN MEMORIAM OF CAROLYN
JACKSON HERRING

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Ms. Carolyn Jackson Herring, who died on April 12, 2001 at the age of 46. Ms. Herring was a selfless mother, sister, daughter, and friend. She was also a dedicated public servant in the Tampa Bay community. Ms. Herring stands apart as an ideal citizen and was a living testimony of resilience, patience, and love.

Ms. Herring was born on July 26, 1954 to Johnnie and Mildred Jackson in Jasper, Florida. In later years, the Jackson family relocated to St. Petersburg, Florida. Ms. Herring later graduated from Lakewood High School in 1973, where she was a member of the first integrated graduating class. In 1977, she received her Bachelor of Science degree in Education from the University of Florida in Gainesville, Florida. While attending the University of Florida, Ms. Herring was an active member of the Crossroad Christian Organization, as well as several advocacy groups for those suffering with sickle cell anemia.

For over fifteen years, Ms. Herring dedicated her life to assisting the lives of the mentally ill. She served as a Counselor and Residential Director for Boley Centers for Behavior Health Care, Inc. After her passing, Boley Centers dedicated their main lounge area in her honor in recognition of her steadfast commitment to public service and advocacy for the mentally ill. Prior to working with Boley Centers, Ms. Herring was a headstart teacher in the Pinellas County School System.

Ms. Herring was also an active member of Bay Vista Church of Christ, where she served on the Board of Directors for several years.

Survived by her daughter, Oneshia Herring (Washington, DC); her parents, Johnnie and Mildred Jackson (St. Petersburg, Florida); sister, Thelma Jackson-Burns (St. Petersburg, Florida); and brothers, Johnnie Jackson, Jr. (St. Petersburg, Florida) and Alonzo Solomon (Atlanta, Georgia), Ms. Herring was known throughout her family, colleagues, clients, and community as a compassionate leader with a peaceful, virtuous, and generous spirit. While

her presence is truly missed, her legacy continues to live on in the hearts of all the many people she touched.

Mr. Speaker, Alphonse de Lamartine once said "To love for the sake of being loved is human, but to love for the sake of loving is angelic." For her angelic spirit and unconditional love to her family and community, it is with great privilege that I celebrate the life of Ms. Carolyn Jackson Herring. I extend my deepest condolences to her friends and family.

DOMINIC PANICUCCI

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dominic Panicucci for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dominic Panicucci is a 12th grader at Standley Lake High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dominic Panicucci is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dominic Panicucci for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO THE HONORABLE
JOSEPH A. FALCONE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a great man, Hon. Joseph A. Falcone, who is retiring after twenty-five years on the bench from his position in the trial courts of his home county of Passaic, New Jersey. He will be honored on April 12, 2011 by his friends and colleagues for his service to his profession and his community.

It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication, commitment and integrity.

Judge Joseph A. Falcone was born in Newark, New Jersey and is a product of that city's public school system. He received a B.A. degree from Rutgers University and went on to receive his J.D. degree from Rutgers-Camden School of Law in 1968. Judge Falcone commenced his legal career as a law secretary before being admitted to the Bar on November 27, 1968.

In September 1969, Judge Falcone was sworn in as an assistant Essex County pro-

secutor. He served in the appellate and trial section and as the Deputy Director of the City Council Organized Crime Strike Force. In September 1975, the judge was sworn in as the First Assistant Prosecutor for Passaic County. That same month he was admitted to practice before the United States Supreme Court.

On April 2, 1990, Judge Falcone was given the task of reorganizing the criminal justice system in Essex County. It had been described as "one of the slowest and least efficient of any urban county in the United States" by the National Center for State Courts. The reorganization was an overwhelming success. Five years later, the Justice Management Institute's report said, "Essex County, New Jersey is the scene of one of the most dramatic improvements in the handling of serious criminal cases that has taken place anywhere in the United States in the past thirty years." The feature article described Judge Falcone as "the management wizard of the New Jersey judiciary." He was asked to "repeat the miracle in Passaic County" where he had been transferred in May 1996 to serve as the Presiding Judge of the Criminal Division. On October 3, 1996, Judge Falcone was appointed to serve as the assignment judge for the vicinage.

During this time he authorized the creation of the, Village Initiative, which was highly acclaimed. He also addressed and reduced criminal court backlogs and increased efficiency in the court system. A Herald News article of August 1997 noted that Judge Falcone had "made the criminal court system in Passaic County a trim and responsive operation." In 1999, Judge Falcone assumed the position of Assignment Judge for the Essex Vicinage and again made his mandate to reduce backlogs and improve the efficiency of court operations. During his five-year tenure, both goals were achieved.

While serving as the Assignment Judge in the Essex Vicinage, two significant pilot programs were developed and implemented after approval by the Supreme Court; the Greater Newark Safer Cities Initiative and the License Reinstatement Program. In addition, he authored In re Fire at Seton Hall University, 368 N.J.Super. 269 (Law Div. 2003), a mini-treatise on grand jury practice and procedure, which in connection with the Seton Hall fire case, he approved publication of a Grand Jury Presentment, which led to legislation making it mandatory for residential colleges to install fire sprinklers.

From August 1, 2004 to August 31, 2005, Judge Falcone served the Appellate Division. In 2004, he was elected to the Fellows of the American Bar Foundation and inducted into the Newark Athletic Hall of Fame. For many years of his twenty-five years on the bench, Judge Falcone served on the Model Criminal Jury Charges Committee as a member and Chair of the Conference of Criminal Presiding Judges, Chair of the Bail Forfeiture Judges Committee, Chair of the Judicial Council's IT Steering Committee, and a member of and in the 2003-2004 the Chair of the Judicial Council.

Since September 2005, Judge Falcone has been assigned to the trial courts; first in the Morris/Sussex Vicinage, and since September 2007 in his home county of Passaic. Judge

Falcone resides in Wayne, NJ with Beverly, his wife and best friend for over thirty-two years, and their daughter Larissa.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing the accomplishments of community leaders like Judge Falcone.

Mr. Speaker, I ask that you join our colleagues, Judge Falcone's family, friends and everyone he has worked with throughout the years and me in recognizing the outstanding and invaluable achievements of the Honorable Joseph A. Falcone.

EDDIE THOMAS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Eddie Thomas for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Eddie Thomas is an 8th grader at Moore Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Eddie Thomas is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Eddie Thomas for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING LONG-TIME COMMUNITY LEADER AND ACTIVIST MR.
JOE YING CHIU

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Mr. Joe Ying Chiu, who passed away on March 24, 2011 at the age of 76. My heart goes out to his wife, Marilyn; sons Steven and Edward; daughter Carolyn; his four grandchildren; and the rest of his family and friends.

Mr. Chiu was an extraordinary citizen, a role model for community activism and a powerful advocate for the Chinese American community. He was the living embodiment of the American Dream, having been born in China in 1934 and then emigrating to the United States as a "paper son" when he was just a teenager, first arriving in the San Francisco Bay area.

Like most immigrant children, he learned the values of hard work and perseverance at an early age. After meeting his wife Marilyn and marrying her in 1961, he went to work at his father-in-law's meat market in Pasadena,

Southern California. It was there that his strong work ethic began paying off, and where he first honed his incredible business acumen.

With the help and support of his father-in-law, he eventually opened his own grocery store in Long Beach in 1967. That store, Hanson's Market, went on to become a fixture in the community and served the neighborhood for 25 years.

It was the beginning of a long career in the grocery business for Joe, who became a successful businessman and eventually owned and operated several different establishments.

After his retirement from the grocery business, Joe was able to focus his energy on a cause that had long been dear to his heart: advocating for the Chinese American community in Los Angeles' Chinatown. With his wife Marilyn, Joe became an active member of the Lung Kong Association, serving in several political offices in the organization.

He went on to become an avid and generous supporter of numerous civic, political and philanthropic events and charities that greatly benefited the Chinese community throughout the United States, China and Taiwan.

I urge all my House colleagues to join me in honoring our community hero, Mr. Joe Ying Chiu, for his remarkable service and contributions to our country.

FRANCISCO IBARRA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Francisco Ibarra for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Francisco Ibarra is a 9th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Francisco Ibarra is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Francisco Ibarra for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

CONGRATULATING THE CENTER FOR MEDICARE ADVOCACY, INC. AS IT CELEBRATES IT'S 25TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Ms. DeLAURO. Mr. Speaker, it is my privilege to rise today to pay tribute to an out-

standing organization, the Center for Medicare Advocacy, Inc., as they celebrate their 25th Anniversary. Founded and still led by the remarkable Judith Stein, since its inception the Center has grown into an invaluable resource for Medicare recipients as well as legislators and I am proud to say that it all started in Connecticut.

Judy Stein dedicated her professional career to advocacy for the elderly from the very beginning. For 11 years, Judy was the Co-Director of Legal Assistance to Medicare Patients, LAMP, where she managed the first Medicare advocacy program in the country. Throughout her career she has developed and administered Medicare advocacy projects, represented Medicare beneficiaries, produced educational materials, as well as taught and consulted on a variety of Medicare issues. She has also served as lead or co-counsel in federal class action and individual cases challenging improper Medicare policies and denials. To be frank, there are very few in this country who have such a technical or personal understanding of the Medicare program and how it impacts our seniors.

Twenty-five years ago, Judy took all of her experience and passion for advocacy and founded the Center for Medicare Advocacy—an organization that would be dedicated to providing a voice for older Americans and those with disabilities as well as a resource to ensure that they have access to health care financing, necessary care and Medicare. What began as a one-person, one office operation has grown into one of the leading Medicare advocacy organizations in the country. Since it opened its doors, thousands of people have counted on the Center to make sure that they were receiving the benefits that they deserve. Still headquartered in Connecticut, the Center also has an office in Washington, D.C. where they specialize in Medicare and healthcare policy, a data unit in Maine, and attorneys in Arizona, Massachusetts, and New Jersey.

Today, as they celebrate their first 25 years, the Center for Medicare Advocacy can be proud of how far the organization has come as well as the extraordinary impact they have had on our nation's health care policy and, more importantly, in the lives of the many who have sought them out for assistance. I have no doubt that the Center and its dedicated staff will continue in its innovative advocacy, working to both improve our Medicare system as well as the lives of those who turn to them for guidance and support. Happy 25th Anniversary and best wishes for many more years of success!

EMILY NEWMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Emily Newman for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Emily Newman is a 12th grader at Standley Lake High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Emily Newman is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Emily Newman for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

THE DIVERSE TEACHERS RECRUITMENT ACT OF 2011

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to support the effort to bring more diversity to our national teaching force.

Striking statistics compiled by the Department of Education show a lack of diversity among teachers. During the 2007–2008 school year, an estimated 7 percent of teachers were African American, 7 percent were Latino, and 1.2 percent were Asian. More than 83 percent of teachers were white. A total of 75.9 percent of teachers were female and only 24.1 percent male.

Some experts believe this lack of diversity leaves some students without an inspiring role model to whom they can relate. The result may be lower test scores and higher drop-out rates within some student demographics.

I am introducing the Diverse Teachers Recruitment Act of 2011 to address this lack of diversity. The legislation provides grants to school districts to create and implement recruitment programs to bring teachers from underrepresented groups into the classroom.

The grantee will track and compile data showing results of the program, including minority teacher recruitment rates. Data will also include the impact on student learning, growth, and attendance rates.

The Department of Education will analyze the programs and disseminate which were effective in recruiting teachers from underrepresented groups. Successful results could be replicated in other school districts.

It is a worthwhile effort to bring teachers from underrepresented groups into our classrooms. This legislation begins a national effort to build a teaching force that reflects the diverse population of the United States to enhance the learning experience of our students.

Thank you, Mr. Speaker, and I urge consideration of the bill.

DOMINIC GIOVANINI

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dominic

Giovanini for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dominic Giovanini is a 12th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dominic Giovanini is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dominic Giovanini for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE LIFE AND SERVICE
OF SPC. KEITH T. BUZINSKI

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. MICA. Mr. Speaker, on Thursday, April 7, 2011 a Central Florida soldier lost his life in service to our nation from wounds suffered when enemy forces attacked his unit with small arms fire in Logar Province while assigned to the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, based in Fort Drum, New York.

Specialist Buzinski joined the U.S. Army in August of 2006. Once he completed his training at Fort Benning, Georgia, he was stationed at Fort Campbell, Kentucky, then Fort Polk, Louisiana, where he deployed with his unit in October 2010 after previously serving in Iraq from September 2007 to November 2008.

Specialist Buzinski's impressive list of awards and decorations include the Bronze Star; Purple Heart; Army Commendation Medal; Army Achievement Medal; Valorous Unit Award; Army Good Conduct Medal; National Defense Service Medal; Afghanistan Campaign Medal; Iraq Campaign Medal; Global War on Terrorism Service Medal; Army Service Ribbon; two Overseas Service Ribbons; NATO Medal; and Combat Infantryman Badge.

We shall never forget the ultimate sacrifice Specialist Buzinski has given for his country. His actions will serve as an everlasting reminder of the dedication and sacrifice the members of our nation's armed services make every day.

Specialist Buzinski is survived by his wife, two children, sister, mother and father.

FRANCISCO AGUILAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Francisco Aguilar for receiving the Arvada Wheat Ridge

Service Ambassadors for Youth award. Francisco Aguilar is a 10th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Francisco Aguilar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Francisco Aguilar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

PERSONAL EXPLANATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. HUNTER. Mr. Speaker, on rollcall No. 204 I am recorded as not voting for H.R. 471, the Scholarships for Opportunity and Results Act. Despite my presence on the floor during the vote on this bill, the electronic voting system erroneously recorded my vote. I ask that the RECORD reflect my support for H.R. 471, including my vote in favor of this important piece of legislation.

DONOVAN NICHOLS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Donovan Nichols for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Donovan Nichols is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Donovan Nichols is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Donovan Nichols for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN RECOGNITION OF THE 133RD
ANNIVERSARY OF THE BRIGHT
HOPEWELL MISSIONARY BAP-
TIST CHURCH

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. KISSELL. Mr. Speaker, I rise today to pay tribute to a very special occasion—the 133rd anniversary of Bright Hopewell Missionary Baptist Church in Laurinburg, North Carolina. I would like to highlight some moments from the history of the church.

Early in 1878, a small group of men and their families conceived the idea of having a church in their community. They met from one family home to another for a short period of time. They searched the surrounding community and found a place they desired for a church. The land was located on the north side of Dickson Street in Laurinburg, North Carolina, which was a part of Richmond County at this time. On May 1, 1878, the men and their Chairman-Deacon and Trustee Adam Johnson met with the land owner, Mr. William W. McLaurin. An agreement was made to purchase the land for \$50. The parcel of land was 100 feet by 125 feet. The agreement stated that the land was to be used for religious purposes, or it would revert to the McLaurin Family. Mr. Adam Johnson sold a bale of cotton to secure the money for the purchase of the parcel.

The men pulled a house upon the lot and the first church was established in May 1878. The land was deeded to Adam Johnson, Trustee of the Laurinburg Colored Baptist Church from William McLaurin and was recorded in deed book DD at page 45. A second deed written on Nov. 30, 1892 records the sale of a portion of land also on Dickson Street. The deeds indicated that Mr. and Mrs. L.A. Monroe sold the land to the trustees of the church. Their names appear on the deed as Adam Johnson, Hugh A. Gilchrist, Edmund Jones, and Riley Wall. The sale was made for \$225. This land was secured for a parsonage. The church bought a frame house and moved it on this property and the parsonage was used for many years. The parsonage was torn down in 1964.

In December of 1905, the church asked its Deacons to purchase the lot of land east and north of the church lot. The men purchased the land on December 21, 1905 from the same William W. McLaurin for \$200. The lot purchased by this deed was 50 feet of frontage extending 175 feet north, 150 feet west, and 50 feet south to the existing church lot on Dickson Street. The church property now measured 150 feet of frontage by 175 feet in the form of a rectangle. This second deed was recorded on December 23, 1905, in Scotland County.

Church Services were held the first and third Sundays of each month for a number of years. For baptisms, water had to be carried from a well in the church yard to a nearby outdoor pool. The outside frame for this pool could be seen behind the Dickson Street Church. Prior to the building of the outside pool, candidates for baptism were baptized in Roper's Mill Pond.

In 1917, a house east of the church was used as a parsonage. The church, which was rebuilt in 1917, was a wood frame building facing south on Dickson Street.

Prior to its remodeling, the frame building contained a belfry with a huge bell that could be heard from at least a mile away. The residents of Washington Park could distinctly hear the bell ring for Sunday School and eleven o'clock church services. They could also hear its toll when there was a death among its members. Two large sycamore trees were located on both sides of the front yard. The choir loft was located on the right side of the pulpit. During later years a pool was constructed under the floor behind the pulpit and an extension was added to the building on each side. Later, inside the back of the church bathrooms were added. A corner stone which was brick veneered many years ago was placed on the right front of the church to indicate the church was rebuilt in 1917. This cornerstone was installed in 1949 when some repairs were made in the old church.

From 1878 until 1900 the church was part of Richmond County. Scotland County was formed in 1899 and began functioning in late 1900. Around this time the members of the church also decided they wanted to use a name other than Laurinburg Colored Church. After 1900, and in the new Scotland County, they chose the name Bright Hopewell Baptist Church.

In 1938–39 the wood frame church was remodeled inside. The outside of the church was bricked all around by some of the students of bricklaying classes and their teacher from Laurinburg Institute. Most of the students were members and friends of the church.

Bright Hopewell became a stationed church in 1948–49. The parsonage became a meeting place for auxiliaries of the church. Plans were made and several hundred dollars were raised for the building of an education building. The parsonage was soon torn down to make room for an educational building.

In 1978, the church moved to a new location. Bright Hopewell purchased over ten acres of property on March 20, 1978 for \$69,000 from the Caldwell Estate. The property was located on North Main Street. A new church building on North Main Street was begun in June of 1983 on the purchased property. The new church was finished, entered, and dedicated on March 25, 1984. The old church on Dickson Street was offered for sale and sold for \$60,000 plus \$6,500 for the furniture. The payments on the Dickson Street Property began in 1984 and were extended over a period of years. A new educational annex began on the church on North Main Street in early 1986 and was completed in November 1986. The education building annex was not dedicated until over a year later. The dedication program was delayed until 1988. In July 1999, the mortgage was paid in full. A Mortgage Burning Ceremony was held at The Highlands on Plant Road in Laurinburg. The new fellowship hall was completed in 2002. The fellowship hall is equipped with a commercial kitchen and is large enough to accommodate church and community functions.

Since 1878 the church has had more than twenty dynamic pastors and ministers and many trustees and deacons who have served well over the years.

Inspirational choirs have sung praises for Bright Hopewell. Bright Hopewell Missionary Baptist Church has a glorious past of spirituality, perseverance, hard work, and determination. I have enjoyed each time I have worshiped at Bright Hopewell. It is by the Grace of God that it stands firm after all these years. With God's guidance the church looks forward to a brighter future.

I congratulate Bright Hopewell Baptist Church on their 133rd anniversary and wish the pastor, the Reverend Garland E. Pierce, and the congregation the best in the years to come.

HONORING CAPTAIN ROBERT J. HILLERY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the remarkable achievements and honorable military service of Captain Robert J. Hillery in the United States Marine Corps. I offer Captain Hillery my sincerest thanks for his eight years of dedicated service in protecting our nation and safeguarding its future.

The son of a fellow Marine, beginning his military career at the U.S. Naval Academy, Captain Hillery graduated in 2003 with a Bachelor of Science in Mechanical Engineering. Upon graduating, he was commissioned a Second Lieutenant in May of 2003.

Following The Basic School and Logistics Officer Course, Captain Hillery was assigned to Truck Company, HQBN, 1st Marine Division in July of 2004. During this tour, he served as the H&S Platoon Commander during Operation Iraqi Freedom (OIF) II–2 at Camp Blue Diamond in Ramadi. He and his platoon conducted hundreds of critical resupply convoys throughout the Al Anbar Province. Upon returning home from this deployment, he was re-assigned as the 3rd Platoon Commander and deployed again during OIF III–2 in Haditha while being attached to 3rd Battalion 1st Marines. Following his second deployment, Captain Hillery served as the Commander of the Remain Behind Element and Company Executive Officer for Truck Company.

In June of 2007, he transferred to Marine Corps Recruit Depot (MCRD), San Diego where he served as the Assistant Operations Officer for three months, Range Company Executive Officer for nine months, and H&S Company Commander for 25 months.

Among his many achievements, Captain Hillery's personal decorations include the Navy Commendation Medal with Gold Star and Navy/Marine Corps Achievement Medal.

Furthermore, I applaud his efforts to use his passion for distance running to raise \$43,000 for the Injured Marine Semper Fi Fund. Having completed 3 ultra marathons, 25 marathons, 18 half marathons, 2 Ultraman triathlons, 3 Ironman distance triathlons including the world championship in Kona, HI, in 2009, along with numerous shorter distance races—there is no question that Captain Hillery's triumphs are nothing short of remarkable. Accordingly, in August of 2010, Captain Hillery was selected

for the distinguished recognition of Marine Corps Athlete of the Year.

I offer Captain Hillery my congratulations for his accomplishments and sincere gratitude for his military service. Mr. Speaker, I ask you to please join me in honoring all the brave men and women who have served in the United States Armed Forces, and the admirable achievements of Captain Robert Hillery.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. BECERRA. Mr. Speaker, last week I was unavoidably detained and missed rollcall votes 250, 251, and 253 on April 8, 2011. If present, I would have voted "no" on rollcall votes 250, 251, and 253.

HONORING GERRY HOUSE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mrs. BLACKBURN. Mr. Speaker, I rise today to congratulate Gerry House on his induction into the National Association of Broadcasters' Hall of Fame. Gerry's contributions to broadcasting are celebrated in the country music industry. His talent has made a lasting impact on country music and radio.

For over three decades, Tennesseans have eagerly awakened to Gerry's voice on his early morning radio show, Gerry House and the House Foundation. Nashville radio loves Gerry House.

Not only a radio personality, Gerry is also a gifted songwriter. His songs have been recorded by George Strait, Reba McEntire, LeAnn Rimes, Brad Paisley, Randy Travis and Pam Tillis among others. He has further released two comedy albums, *The Cheater's Telethon* in 1990 and *The Bull* in 1992.

Gerry's resume does not stop there. He has been voted Billboard's Radio Personality of the Year seven times and Country Music Association Personality four times. He is also a member of the Country Music DJ Hall of Fame, has won Radio & Records Country Format Personality of the Year multiple times and is a recipient of the NAB Marconi Radio Award for Large Market Air Personality of the Year.

On April 12, 2011 in Las Vegas, Gerry will become the first country radio personality to be inducted into the NAB Broadcasting Hall of fame.

Thank you Gerry House for bringing a smile to countless faces each and every morning. You truly are a staple of Nashville's culture.

COMMEMORATING NATIONAL MINORITY HEALTH AWARENESS MONTH

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. SIRES. Mr. Speaker, I rise today to observe National Minority Health Awareness Month and to spread awareness on the disparities between the health of minorities in the United States and the general population.

Nationally, minority groups are disproportionately affected by many health conditions and diseases, many of which are preventable.

For example, minority groups have higher rates of infant mortality, low birth weight babies, and HIV/AIDS.

African Americans, in particular, suffer disproportionately from such chronic conditions as heart disease, stroke and diabetes.

Similar disparities exist between other minorities such as the Hispanic populations.

The U.S. Department of Health and Human Services, for example, reports that Latinos are twice as likely to die from diabetes.

Eliminating the causes of similar health and healthcare disparities must remain a priority in this Congress.

Additionally, we must continue to raise awareness of the need to improve the health of racial and ethnic minority populations across America and to develop health policies and programs that will help eliminate health disparities.

INTRODUCTION OF THE FAIR PAY ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Ms. NORTON. Mr. Speaker, the 1963 Equal Pay Act (EPA), the first of the great civil rights statutes of the 1960s, was successful for close to 20 years, but it is too creaky with age to be useful today. It is long past time to amend the EPA to reflect the new workforce in which women work almost as much as men. Every year, Representative ROSA DELAURO (D-CT) and I, along with scores of other Members of Congress, introduce the Paycheck Fairness Act, to amend the EPA to make its basic procedures equal to those used in other anti-discrimination statutes. I was an original co-sponsor of, and attended the signing ceremony at the White House for, the 2009 Lilly Ledbetter Fair Pay Act, which further strengthens the EPA by restoring its original interpretation. However, the Fair Pay Act of 2011 (FPA), which Senator TOM HARKIN and I have introduced in prior sessions of Congress, picks up where the EPA and the Ledbetter Act leave off, by taking on workplace gender discrimination in which gender-influenced wages leave the average female worker without any remedy. I have long pressed for passage of the Paycheck Fairness Act and the FPA, based on my own experience as the first female chair of the Equal Employment Opportunity

Commission (EEOC), when President Jimmy Carter moved the EPA and other civil rights statutes under the EEOC's jurisdiction, as part of a historic reorganization.

Along with my indispensable Senate partner, TOM HARKIN, I again introduce the FPA on behalf of the average female worker, who is often first steered to, and then locked into, jobs with wages that are deeply influenced by the gender of those who have traditionally held such jobs. Much of the wage inequality women experience today is because of employer-steering and because of deeply rooted wage stereotypes, which result in wages being paid by gender and not according to the skills and efforts necessary to do the job. I introduce the FPA because the pay problems today of most women stem mainly from the segregating of women and men in different jobs. Two-thirds of white women and three quarters of African-American women work in just three areas: sales/clerical, service, and factories. We need more aggressive strategies to break through the societal habits present throughout history, the world over, as well as employer-steering of jobs based on gender, which is as old as paid employment itself.

The FPA requires that, if men and women are doing comparable work, they be paid comparable wages. If a woman is an emergency services operator, for example, a female-dominated profession, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should earn no less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. The plaintiff must show that the reason for the disparate treatment is gender discrimination, not legitimate market factors. Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half of the state governments, in red and blue states alike, have already demonstrated that you can eliminate the part of the pay gap that is due to discrimination. Twenty states have adjusted wages for female state employees, raising pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20 percent less than male jobs. There may be some portion of a gender wage gap that is traceable to market conditions, but twenty states have shown that you can tackle the gender discrimination-based gap without interfering with the market system. The states generally have closed the discrimination gap over a period of four or five years at a one-time cost of no more than three to four percent of payroll.

In addition, many female workers routinely achieve pay equity through collective bargaining, and countless employers provide it on their own as they see women shifting out of vital female-dominated occupations, as a result of the shortage of skilled workers, as well

as the unfairness to women. Unequal pay has been built into the way women have been treated since Adam and Eve. To dislodge such deep-seated and pervasive treatment, we must go to the source, the traditional female occupations, where pay is linked with gender and always has been.

The best case for a strong and updated EPA, with at least the Paycheck Fairness Act, occurred here in the Congress in 2003, when female custodians in the House and Senate won an EPA case after showing that female workers were paid a dollar less for doing the same or similar work as men. Had these women not been represented by their union, they would have had an almost impossible task of using the rules for bringing and sustaining an EPA class action suit. The FPA simply modernizes the EPA to bring it in line with subsequent civil rights statutes. From my tenure as EEOC chair, I know all too well the several ways that this historic legislation needs a 21st century makeover.

Let us start with the Paycheck Fairness Act so we can be prepared to go further with the FPA we introduce today. Let us start now to make the pay worthy of the American women we have asked to go to work.

HONORING CHEF THOMAS ALOYSIUS KELLER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Chef Thomas Aloysius Keller, of Yountville, California on the occasion of being honored by French President Nicolas Sarkozy as a Chevalier in the French Legion of Honor.

Chef Keller was born at Camp Pendleton in Oceanside, California to Elizabeth and Edward Keller on October 14, 1955. He is the youngest of five boys. Chef Keller's experience in the restaurant business began when his family moved to Florida. He was studying psychology and working as a dishwasher when his mother asked him to take over as a replacement chef at the restaurant she managed.

One summer he was discovered by French-born Roland Henin, who taught Chef Keller the fundamentals of French cuisine. After working at a small French restaurant in the Hudson River Valley in Catskill, New York, he moved to France where he refined his skills through working at Michelin-starred restaurants, including Guy Savoy and Taillevent. He soon returned to the U.S. and opened his first restaurant, Rakel, in 1986.

In 1994, Chef Keller took ownership of The French Laundry in Yountville. Built as a saloon in the 1900s and converted to a French steam laundry in the 1920s, the restaurant has commandeered world-wide recognition, having been named "Best Restaurant in the World" in 2003 and 2004. It has been awarded three Michelin stars every year since 2006. In 1996 he was named Best Chef in California and in 1997, Best Chef in America by the James Beard Foundation. He now has 8 restaurants and two bakeries in the U.S., among those

Bouchon, Ad Hoc, and renowned New York City restaurant, Per Se. Chef Keller's work ethic knows no bounds and the professionalism of his staff is legendary—two of the reasons why his ventures are successful.

Chef Keller is also the author of various award winning books, including, "The French Laundry," "Bouchon," "Under Pressure," and the best fried chicken recipe in "Ad Hoc At Home," which was on the New York Times Best Sellers list for 6 weeks.

Chef Keller is also very giving of his time to organizations and causes which benefit the Napa Valley. He helps with March of Dimes, City Meals on Wheels, Share our Strength and Auction Napa Valley. He is on the Board of Trustees for the Culinary Institute of America, and is the President of Bocuse d'Or USA.

Mr. Speaker, it is appropriate at this time that we acknowledge my friend Chef Thomas Keller for his extraordinary work and for being only one of three Americans who have been bestowed the honor of Chevalier in the French Legion of Honor.

HONORING COKER TIRE

HON. CHARLES J. "CHUCK" FLEISCHMANN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor an outstanding husband, wife, and son team who run a vibrant small business right in my hometown of Chattanooga, TN. From a humble beginning in 1958 Harold, Lil, and their son Corky Coker have developed Coker Tire into a model small business and another great success story in the revival of the city of Chattanooga.

Coker Tire was founded in 1958 in Chattanooga by Harold and Lil Coker. From the beginning, Coker Tire was no ordinary tire store. Harold's interest in classic cars led him to create a shop that could supply tires for vintage and antique cars as well as normal tires for everyday vehicles. No one, least of all Harold and Lil, had any idea how the market for vintage car tires would play out over time.

In 1974, Harold and Lil's son Corky was given control of the antique division of the business. At the time, the antique division occupied just 500 square feet of space and was only a small part of the business. Corky worked hard to aggressively expand his business, traveling the world to find molds for antique tires, and using old blueprints to create tire molds that he couldn't find. He then built these tires to modern standards and partnered with some of the world's largest tire manufacturers to license and distribute his products.

As Coker Tire developed over the years, they have gone from a small showroom with one employee, to a 200,000 square foot warehouse, numerous buildings in Chattanooga, and over 80 employees. Corky's accomplishments have not gone unnoticed. In 1995 he was named Small Business Person of the Year for the State of Tennessee, and in 1998 the Specialty Equipment Market Association inducted him into their Hall of Fame. I hope you will all join me in honoring a remarkable

American small-business success story and congratulating the Coker family on the 53rd Anniversary of their fine business.

EQUAL PAY DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mrs. MALONEY. Mr. Speaker, as we argue the merits of various budget proposals, we must not forget that the wallets and savings accounts of our mothers, sisters, and daughters are not as heavy as they should be. Today, on Equal Pay Day, we recognize the discrimination women continue to experience each time they receive a paycheck.

Women earn roughly 77 cents to every dollar a man earns. This translates to almost an \$11,000 reduction in annual female median earnings. Over her lifetime, a woman will see a reduction in her savings for retirement, including Social Security and pension plans, and in her ability to save for lifetime goals such as buying a home and paying for a college education.

In the 111th Congress, I was the first female Chair of the Joint Economic Committee, and as such I made a commitment to look at women's current role in the economy through numerous reports and hearings. As a capstone, in December 2010, the Committee issued a comprehensive report compiling research done by the Committee, testimony from several hearings, and GAO reports assessing the detrimental gender wage gap for part-time workers and older Americans as well as wider discussions of women's continued underrepresentation in management level positions and the positive impact of health care reform and financial reform on women and their families. As I said in that report, "The decisions we make today will have dramatic impacts on our nation's future economic well-being, and we must carefully consider what those decisions will mean for women, both as consumers and as producers."

Regardless of demographics, industries, occupations or education, gender wage discrimination touches nearly every family. When you discriminate against a woman, you discriminate against her husband, her children, her entire family. In these economically difficult times, more than ever women find themselves to be the sole or primary household breadwinner, which means the wage gap undermines the economic security of our nation's families.

The persistence and stagnation of the gender wage gap is inexcusable. That is why I am proud to support the Paycheck Fairness Act, a bill that provides women with the tools to fight wage discrimination and improve the economic security of working families. I urge my colleagues to stand up for the basic rights and fairness of 51% of the U.S. population.

CONGRATULATING JOE REAGAN AND JOE SWEENEY FOR THEIR PUBLIC SERVICE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Mrs. BLACKBURN. Mr. Speaker, the promise of our great nation depends on each generation working to leave this country a better place than they found it. Men and women of great service dedicate their lives to the ideals of such a promise. I rise today to honor two public servants, Joe Reagan and Joe Sweeney, as they end their public careers in service to the citizens of Brentwood, Tennessee.

All across America, small towns and large cities depend on the leadership, vision, and service of their local elected officials. First elected as City Commissioner in 1992, Joe Reagan's dedication to the City of Brentwood extends far beyond his official title. Reagan's emphasis on community development and sustained growth assisted the city in attaining the highest city bond rating possible, ushered her into the new world of internet and social media, and facilitated the opening of centers of great commerce for Brentwood.

One person making a commitment to public service could truly make a difference. The dedicated work and service of Joe Sweeney embodies such a long-lasting truth. Beginning his service in 1972 to one of Tennessee's finest communities, Sweeney was elected to serve the three year old City of Brentwood. Under his 39 year watch, Brentwood grew from 958 households to over 40,000 residents; from a city staff of 15, to an expanded library of 55,000 square feet; and from 64.13 city road miles, to almost 1,000 acres of city parks. Serving several terms in city leadership positions, I am confident Joe Sweeney's fidelity to the City of Brentwood, as well as the higher calling to public service, is what helped to bring Brentwood into a position of prominence in the great state of Tennessee.

Dr. Joseph Warren, one of devoted Found Fathers, encouraged the patriots of the young colonies to "act worthy of yourselves." Mr. Speaker, in an age where devotion to public service is not the norm, it is my privilege to acknowledge two public servants who live Dr. Warren's call. I ask my colleagues to join me in congratulating Joe Reagan and Joe Sweeney for their lasting example in devotion to the work of public service.

EXPLANATION REGARDING VOTE AGAINST THE SHORT-TERM CONTINUING RESOLUTION ON APRIL 9, 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 2011

Ms. HIRONO. Mr. Speaker, at 12:40 a.m. on Saturday, April 9, I voted against the most recent short-term continuing resolution to keep government running for another seven days.

I was one of 42 Democrats who voted against this short-term extension, which passed 348 to 70. I voted "no" in protest of the irresponsible way the Republican leadership has handled these funding negotiations and to register my strong concern about what the next appropriation and budget bills will mean to the American middle class and poor.

I am on record in support of keeping government running. I voted four times during April 7th and 8th to allow a vote on a clean,

straightforward short-term extension of funding at current levels to allow time for negotiation on a final deal for the balance of funding for FY2011. The Republicans would not allow this commonsense approach; instead we finally were given a chance to vote on a resolution that provided a short-term extension with another \$2 billion in cuts. This time the cuts came from needed investments in transportation infrastructure and HUD Public Housing. This included cuts for airport facilities, transit

programs, and rail projects. These are exactly the wrong kind of cut to make at this time, when we should be investing in infrastructure to help create jobs.

On Wednesday, April 13, we will be voting on a bill containing \$39 billion in cuts to fund the balance of 2011. My priorities are to help the middle class and create jobs. I will be looking at the details on those cuts before making a final decision on how to vote on that bill.

SENATE—Wednesday, April 13, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who made light to shine in darkness, shine on Capitol Hill. Restore our lawmakers to the light of Your glory as we have seen revealed in Your sacred word. May they permit Your sacred Scriptures to provide a lamp for their feet and a light for their path. Refusing to lean upon human wisdom alone, help them to seek Your guidance and to follow where You lead. Like a shepherd, guide them and our Nation through the darkness and dangers of these challenging times.

We glorify You, gracious God. We praise You for all Your blessings. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in morning business until 3 p.m. today. During that period of time, Senators will be allowed to speak for up to 10 minutes each. The Republicans will control the time from 11:30 a.m. until 12:30 p.m., and the majority will control the time from 1 p.m. to 2 p.m.

We are working on an agreement to complete action on the small business bill. It has been a difficult thing to do. We have a number of amendments that are pending. Some Senators will not allow an agreement on those amendments unless they get their amendments. There are a lot of amendments, and we are trying to work our way through them. The three amendments at the top of the list are one offered by Senator CORNYN, one by Senator HUTCHISON, and one by Senator SANDERS.

We have not been able to work through this legislative morass. We have spent more than enough time on this bill. I am going to continue working on that with time here not being so heavily used. Certainly yesterday was a case in point. Everyone is looking forward to the final conclusion of this fiscal year 2011 budget. We are going to have a vote this week to complete that. Everyone, I guess, is anxious to get that done. We need to get the small business jobs bill done.

Additionally, the text of the long-term CR has been filed in the House and is available for review. We expect to receive it from the House sometime tomorrow—of course, from my perspective, the earlier, the better. So I ask Senators to come and talk about this resolution. If they have any problems, things they like or dislike, they can come and talk about this bill. This would be the time to do that because we will be cramped for time when the bill gets here. Senators, of course, will be notified when votes are arranged.

MEASURE PLACED ON THE CALENDAR—H.J. RES. 37

Mr. REID. H.J. Res. 37 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

Mr. REID. I object to any further proceedings with respect to this joint resolution at this time.

The ACTING PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

Mr. REID. Would the Chair announce morning business?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the time from 11:30 to 12:30 for the purpose of a colloquy and the Democrats controlling the time from 1 p.m. to 2 p.m.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NEED FOR SERIOUS FISCAL ACTION

Mr. McCONNELL. Madam President, all across the country this morning, Americans are struggling—and they are not getting much in the way of help or hope from Washington. Those who are unemployed or eager to hire are frustrated by the mountain of burdensome new rules and regulations Democrats have imposed on them in the past 2 years and by the uncertainty that comes with every proposal to create another one. They are shocked that a White House which does not even try to balance its checkbook would repeatedly propose to raise taxes. And more and more, they are worried about the consequences of our debt and the President's reluctance to do anything about it.

But even more upsetting to many Americans is the repeated attempts of the White House to seem as if it is doing something about these things when it is not. That is just what the President has sought to do in talking about the need to reform entitlements and lower the debt, but refusing to lift a finger to do either. And that is just what I fear he will do again this afternoon in outlining his vision for tackling these problems without so much as presenting a single new idea or anything approaching a workable plan to get us there.

The truth is, the President is only entering this debate at all because he can no longer ignore the growing bipartisan calls for action. If he were serious, he would be talking about a detailed roadmap for action, not just grabbing headlines by announcing another speech.

Of course, we can hope that the President presents more than just his vision for the future this afternoon. But those who have hoped for that from this President have been disappointed many times before. What we are likely to get instead is a broad-brush notion of what the President wants to see—a vision that includes calls for strengthening entitlement programs that few people would disagree with but which will never come about absent Presidential leadership; a partisan call for tax hikes on struggling job creators, and, I fear, a call for tax hikes on energy producers when gas prices are already creating heavy burdens for so many.

No doubt we will also get a fair share of finger-pointing and an attempt to cast Republicans in the worst possible light for actually laying out a serious plan to address the crises we face while others merely talk about their vision. But we can still hope that the President leaves the scapegoating aside for a change and finally admits the obvious: that we can only solve these fiscal crises if we do so together.

So either the President agrees today that Republicans have a point when it comes to the seriousness of our fiscal problems and admits that the old approach of pretending they do not exist will not work anymore or those problems will become harder and harder to solve. Either he pretends that old programs, unlike everything else in life, do not need to adapt to survive or he joins us in acknowledging those programs will no longer be there for the people who are counting on them if we do not take serious action now.

We need to keep our promises to seniors and to a rising generation of Americans—and we will—but we can no longer afford to make promises to younger workers that we all know we cannot afford to keep.

Look: if big government created jobs and opportunity, then we would be in the middle of a boom right now. That

experiment has failed. And that is why the national conversation has shifted from how much Democrats want to expand the scope of government to how much both parties should rein it in.

The fiscal crisis we face will not be solved by “freezing” unsustainable government spending or by raising taxes on the very small businesses we are counting on to create jobs. And the programs we cherish as Americans will not be preserved for the next generation through speeches alone. Americans do not want to hear the President’s vision today—he has had 2 years to lay that out. They want to hear his plan.

Americans do not want to hear the President criticize or distort the serious efforts of those in our party who want to solve our problems head on. They want to hear a detailed counterproposal of his own. And they do not want to hear that the price of gas at the pump is going to get even higher, or that their opportunities to find or create jobs will shrink. Now is not a time for mere speeches or political attacks. It is a time for action.

That is what Americans want from this President. That is what they are failing to get. I hope that changes today.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOLUNTARISM

Mr. COONS. Madam President, I rise to mark National Volunteer Week and Delaware Volunteer Week. All week long throughout the Nation and across the great State of Delaware, Americans and Delawareans will be engaged in volunteer service. Volunteer opportunities include helping the homeless, tending to the environment, mentoring children in schools, and working to keep communities safer and stronger and free from fires and accidents and injuries, among many others.

Here in the Senate one can’t talk about community service or national service or voluntarism without thanking and recognizing our colleague Senator BARBARA MIKULSKI from Delaware’s neighboring State of Maryland. Senator MIKULSKI has been the leader on voluntarism for many years, most of them alongside the late Senator Ted Kennedy. I am proud to be working with her to fight to save our national service programs.

When Delaware’s tireless Governor Jack Markell was sworn into office in

2009, he decided to forgo the traditional Governor’s inaugural ball and he, along with his wonderful wife, our first lady Carla Markell, instead organized a week of service projects across the State. Today that week of service continues and has become a tremendous opportunity for nonprofit organizations and community service organizations across the State to connect with Delawareans excited about teaching our children the value of voluntarism, connecting with neighbors and helping improve and strengthen our communities.

I have long believed that those who engage in voluntarism and service to others in fact get more out of it than they put in.

Voluntarism, as you know, Madam President, is a fundamental part of what it means to be American. It is a great—some would say the greatest—part of America and its cultural traditions. However, voluntarism need not be confined to my State or this week. It is something from which every American can benefit at every stage in their life.

In my view, one of the most effective voluntarism efforts in modern history is one with which I was first engaged when I was a resident briefly of the State of the Acting President pro tempore when I was working for the national “I Have a Dream” Foundation in New York City now many years ago.

The national AmeriCorps program—a partnership between the Federal Government and local nonprofit communities—was launched with bipartisan support, initially an idea proposed by President Bush and then enacted by President Clinton. The AmeriCorps program is now one which has had a tremendous and far-reaching impact over the last 17 years. It enables 75,000 Americans to serve annually via AmeriCorps with a very wide range of programs—programs where the funding is raised and its focus is directed by State, by State commissions of volunteers, community leaders, who help identify the best and most appropriate, most effective partners for this federally funded program that is also matched one to one with dollars from the local community. So far more than 60 million hours of community service annually has been provided by AmeriCorps members.

In Delaware, voluntarism has a long tradition and a great history, and the volunteer fire service is one of the strongest parts of that long and proud history of our State. There are more than 88 volunteer fire companies in our State. They provide the vast majority of fire suppression services for our communities.

They faced a real problem when I became county executive: a steady loss in membership. As working-class families were under more and more pressure, with both parents working, they were

under more stress, more demands, and it became more difficult for people to dedicate the time and energy needed to be trained and to serve as volunteer firefighters, and, in particular, to deliver ambulance service—one of the most important aspects of our volunteer fire service.

So in partnership with our New Castle County Volunteer Firefighters Association, and with the YMCA, and with AmeriCorps, I worked tirelessly to launch a new AmeriCorps program called the Emergency Services Corps.

The Emergency Services Corps helps recruit volunteer firefighters and conducts CPR and first aid training and provides fire awareness training for schoolchildren all across our county. So far they have recruited more than 220 volunteer firefighters and logged more than 108,000 hours of service to our community in the 5 years since it was created as a partnership between all these different entities.

I just thought I would draw attention to that one example today of the hundreds of AmeriCorps programs across our country that I think are a shining example of how the young people of this country—people at all ages across this country—bring their gifts, their talents, and their spirit to volunteering.

In every generation of Americans, heeding the call to service has been the answer to our greatest challenges, and with so many out of work, suffering from hunger or facing homelessness right here in our own country, I think it is critical we all pitch in to help. It is an affirmation of our bond of citizenship and our compassion for our fellow citizens.

So I would like to encourage everyone in my State to visit the Volunteer Delaware Web site to find service opportunities this week. I am putting a link to it on my Web site at www.coons.senate.gov. For those who happen to be outside Delaware, I hope they will visit www.nationalservice.gov and participate in this National Volunteer Week.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, may I be recognized to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

MEDICARE

Mr. NELSON of Florida. Madam President, the Paul Ryan/tea party

budget of the House of Representatives privatizes Medicare. Let me repeat that. Medicare, the program of medical care for senior citizens that our seniors have come to depend on—the Paul Ryan/tea party budget of the House of Representatives privatizes Medicare.

This is not an empty threat. It is not this Senator's or any other Senator's political interpretation. The budget of the House Republican Budget Committee chairman would end Medicare as we know it. It ends Medicare. It hands seniors' health care over to insurance companies. It would break a sacred contract between workers who paid into the system thinking it would be there for them when they retired. But under this new scheme, senior citizens will not have a Medicare Program anymore. They would have to pick an insurance plan, and a voucher would be given directly to the insurance company.

Under the proposal—I am not making this up—a voucher, paid for by the Federal Government, would be given not to the senior citizen to go shopping, it would be given to the insurance company that they chose. Medicare for senior citizens would be turned over to insurance companies. If this sounds incredible, it is, because under that plan insurers would decide what doctors seniors get to see and what health benefits get covered.

Now, why do I say that? That is an HMO. An HMO is a health maintenance organization. That is an insurance company. They have a panel of doctors, they have a panel of hospitals, and they determine what is in the coverage that a senior citizen gets.

Contrast that to Medicare now, that Medicare fee-for-service. The senior citizen makes the choice of their doctor, of what are the things they look for in their total medical care, paid for because they are senior citizens and are eligible for Medicare, of which they have been paying in all of their lives through a Medicare tax.

So now this proposal is to privatize Medicare, take it out of being a government fee-for-service plan, and, instead, insert it into a privatized insurance company.

Do senior citizens want to change their Medicare and turn it over to insurance companies? I do not think so. If insurance plans raise their costs, which we know they do, seniors then would have to pick up the bill. Seniors would have to pay more out of their pocket for this voucher program.

According to the Congressional Budget Office, out-of-pocket costs—this is according to CBO, the nonpartisan actuarial accounting organization—according to CBO, out-of-pocket costs would more than double for seniors.

This voucher program proposed by the chairman of the Budget Committee in the House, Congressman RYAN, is not like Medicare Advantage. Medicare

Advantage has been a great program for senior citizens, and in our State of Florida we have more signed up for Medicare Advantage than any other State because of what it does. It provides benefits at low cost to senior citizens because the Federal Government directly negotiates with the insurance companies' plans. That is different from what Congressman RYAN and the tea party are proposing. So insurance companies, under Medicare Advantage, have to provide guaranteed health benefits at a low price that is negotiated. As a result of the new health care reform law, Medicare Advantage premiums have actually gone down. These are the premiums that are paid by senior citizens.

So do not let folks confuse you between what is proposed by the Budget chairman in the House and the existing Medicare Advantage Program. The Ryan/tea party budget leaves these decisions up to the insurance plan. In other words, insurance companies will be in charge of seniors' health care. I do not think that is what our senior citizens intend to have happen.

The tea party wants to end Medicare. That is the bottom line. Yet the House budget does little—interestingly, little—if anything to actually reduce the Federal deficit, which is what they say their budget is for, to reduce the Federal deficit.

Well, look at it. The House Budget chairman claims his budget includes \$5.8 trillion in spending cuts, but when we look at it closer we learn this claim was an accounting gimmick. We have seen these gimmicks over and over in budgeting in the Federal Government.

For example, first, we learned that his staff had made a \$200 billion mathematical calculating error in calculating interest savings. Then, second, we learned that \$1.3 trillion of the savings is artificially derived from a misleading assumption that the wars in Iraq and Afghanistan would continue indefinitely. Third, and most importantly, of his savings, \$4.2 trillion of the savings come from the spending cuts that fly out the back door in the form of tax cuts for millionaires.

At the end of the day, those \$5.8 trillion in spending cuts in their budget translates into less than \$200 billion in real deficit reduction over those years, or less than 1 percent of the total debt held by the public.

So the Congressman Ryan/tea party budget does little to address the deficit while making every single senior citizen in this country get their health care from an insurance company.

So that is why Senator BAUCUS, our chairman of the Finance Committee, and I have introduced a resolution. This Senate resolution calls on the Senate to oppose this radical voucher program. Medicare has been providing affordable health care for seniors and disabled Floridians and Americans for

decades and decades. It is a very popular program with our seniors. Medicare should not be dismantled. It should not be turned over in a voucher program to insurance companies that will eliminate choices. It should not be turned over to insurance companies that will increase costs, and, certainly, seniors' health care should not be turned over to insurance companies.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

BUDGET PRIORITIES

Mr. GRASSLEY. Madam President, we are all kind of on pins and needles about what the President is going to say today in his speech on the budget at George Washington University. I hope he comes forward with a strong program to get the budget deficit down because Presidential leadership will help us get the job done. Congress can do it on its own, but it will be a lot easier if we know we are working with the President instead of against the President.

I hope the President's remarks reflect the fact that elections have consequences and the consequence of the last election was a very strong message to Washington that we ought to get spending down and government ought to be smaller. In anticipation of what he says, I wish to make some remarks, and my anticipation is based upon things that have already been said from the White House by staff about the direction the President's speech is taking.

If we learned anything during the last 2 years, it is that America can't tax and spend its way back to prosperity. The voters understood that and sent a powerful message to Washington last November: Stop piling debt on the next generation. Stop the overspending that mortgages our children's future and jeopardizes job creation.

Thanks to the gravitational pull of the Republican majority in the House of Representatives responding to the results of the last election, the compass is starting to point in the right direction. Despite the two-against-one lineup of the debate, meaning the President and the Democratic Senate on one side and the House under the control of the Republicans on the other side—that two-to-one lineup—we have a continuing resolution at the start of what must be a long-haul, committed effort.

The continuing resolution we will pass this week is just the beginning because the hard work has only just begun. That is reflected in the leadership demonstrated by the House of Representatives' Budget Committee chairman PAUL RYAN. He did what the President failed to do in his budget proposal—get serious. Today, I hope we have evidence that the President is

getting serious. But up until now, the President ducked, even ignoring his own deficit reduction commission report fresh off the printer. He hasn't said yes or no whether he supports the recommendations of the Bowles-Simpson commission.

In sharp contrast, House Chairman RYAN stepped up and put ideas on the table for fiscal responsibility. Today, in response to this effort, to show the voters we got it in the last election and that it is time to reduce spending in Washington, the President is giving his speech on reducing the debt. After reluctantly coming to the table for very modest reductions in spending that are going to be in this continuing resolution we will hopefully pass this week, the President has quickly moved past any focus on getting spending under control and seems to be going back to that same old saw that we have to have tax increases to reduce the deficit. But history proves tax increases do not bring an additional dollar to the bottom line. Tax increases are a license to spend even more than the \$1 that might come in from a tax increase, and we also know increasing taxes is not going to reduce the deficit. Only growing the economy is going to reduce the deficit. Tax increases can have a detrimental impact on growing the economy because government consumes well; it doesn't create well. Only workers and investors and people who invent and people who create, create wealth.

There has always been a tug of war in Washington between tax-cutters and big spenders. There are those of us who believe taxpayers have a right to keep more of their own money and decide how best to save and spend and invest those dollars. Others in Congress and in Washington believe Washington knows best and work relentlessly to divert more private resources into the public coffers. Recycling even more tax dollars through Washington, especially during an economic downturn which we are in now, and eight-tenths percent unemployment proves it. Doing more of that doesn't make sense if we want recovery.

Consider the work of two U.S. Presidents from opposite sides of the political spectrum. Study the history of John Kennedy on one end and Ronald Reagan on the other. They understood that raising taxes bore negative consequences for job creation and economic growth. My colleagues may remember that during World War II and afterwards, we had 93 percent marginal tax rates. Who decreased that? Not some Republican President but a Democrat President. He reduced it because it was not raising revenue and it was hindering the economy. We had a situation when corporate and personal income tax rates climbed during the Great Depression, we have proof unemployment kept climbing as well. In

fact, if there are two things we want to remember from Hoover that we should never make these mistakes again, they are that he raised taxes tremendously high and he signed the Smoot-Hawley tariff bill, leading us into the Great Depression. As America struggles to shake off the biggest economic downturn in decades, we can't afford to repeat the same mistakes. We should learn from history.

In an economy where consumer spending accounts for nearly 70 percent of the Nation's gross domestic product and small businesses account for 70 percent of the new jobs, it would be foolish to divert even more of America's taxpayer money into the Federal Treasury. With a smaller tax liability, small business owners can expand their operations, upgrade their equipment, and hire more workers in their hometown communities. But tax policies designed to increase revenues for more government spending will not help these hometown business leaders create new jobs that can attract and retain talent and vitality in those small towns. What is more, raising Federal tax rates would stunt the positive ripple effect that occurs in the local economy and in the local tax base when small businesses are able to grow and expand their sales output and profits.

Raising taxes sets the stage for paralyzing setbacks for small business. So we should not forget that many small business owners are subject to the highest marginal tax rates and Federal estate taxes. I have worked for a long time for tax policies that give small business owners the freedom and opportunity to hire, expand, and grow their businesses without having profit-burning taxes and overly burdensome regulations get in the way of getting ahead and living the American dream and creating those jobs. Marginal tax rate increases are especially harmful to small businesses because small businesses are typically organized as flow-through entities. Since small businesses create 70 percent of the new jobs and unemployment, at 8.8 percent, remains historically high, it doesn't make sense to raise taxes on small businesses.

Supporters of the tax increases for those earning \$250,000 a year would like to camouflage the tax hit on small businesses, but their attempts to mislead cannot withstand an honest examination. The marginal tax rate hikes would directly target flow-through businesses that employ 20 million American workers. It is a waste of resources for Washington to recycle tax dollars through the public sector when small businesses can do more good and get more bang for their own buck and taxpayers, in general, deserve more bang for their buck.

I have a chart that shows my colleagues an analysis by the Congressional Budget Office, the official non-partisan scorekeeper for Congress. In

its January 2011 “Budget and Economic Outlook” report, CBO reports that taxes have averaged 18 percent of the gross national product from 1971 to the year 2010. So this is the historical average. What is very significant about an average going back to 1971—is it seems to me a level of taxation the people of this country have not revolted against. It is a level of taxation that has not been harmful to the U.S. economy, as we have seen great growth during this period of time.

So here is where we are. Beyond the very negative impact of tax increases, there is no evidence that tax increases lead to deficit reduction. In fact, if history is any guide, Washington will simply spend the money.

I often quote a Professor Vedder of Ohio University who has studied tax increases and spending for more than two decades. This is the very same study I was referring to as I started my remarks today. “Over the entire post World War II era through 2009, each dollar of new tax revenue was associated with \$1.17 in new spending.”

So it is akin to a dog chasing its tail. It is never going to catch it. If we raise \$1 and it doesn't go to the bottom line, and Professor Vedder says it doesn't go to the bottom line, it is a license to spend \$1.17. How do we ever get ahead? Then we have people who want to increase taxes because another dollar coming in is going to lead to \$1.17 of spending. It would be one thing for me to vote for a tax increase if it went to the bottom line. It is another thing to vote for a tax increase that just allows more spending and raises the deficit instead of getting the deficit down. People in my State of Iowa don't tell me they are undertaxed. They know all too well the problem is that Washington overspends.

Before this chart is taken down, just so my colleagues can understand, there is no reason to raise taxes above this historical average to bring in more revenue because we can see the projection by CBO. The existing tax rates are going to bring in more revenue without increasing tax rates just because of the economy growing.

With the existing tax rates, revenues coming in will return to the level we had after the 2001 tax bill—that bill reduced taxes by providing the biggest tax decrease in the history of this country. We brought in additional revenue with reduced rates—more revenue than would come in by raising marginal tax rates. That ought to be calculated. You should not do anything that is going to destroy this situation.

Some are proposing eliminating the cap on wages for social security taxes. This would result in a huge tax increase of 6.2 percent on income over \$106,800. Both employees and employers pay these taxes. Those in favor of this will argue that it is needed to protect benefits for social security bene-

ficiaries. We have been down that road before. We raised the tax rate in the 1980s. This was supposedly also to protect benefits, but look where we are now. There is no guarantee that raising taxes in that way will guarantee benefits.

Referring to this chart again, to be specific on this growth out here, CBO projects that taxes will average 19.9 percent of gross national product from 2010 to 2021, rising to 20.8 percent of GDP by 2021. If we increase taxes, I think it will put that economic growth in jeopardy.

I ask unanimous consent to have printed in the RECORD an article from Investors Business Daily.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Investors.com, Apr. 11, 2011]

TAX THE RICH? GOOD LUCK WITH THAT

(By Walter Williams)

I've often said that I wish there were some humane way to get rid of the rich. If you asked why, I'd answer that getting rid of the rich would save us from distraction by leftist hustlers promoting the politics of envy.

Not having the rich to fret over might enable us to better focus our energies on what's in the best interest of the 99.99% of the rest of us. Let's look at some facts about the rich laid out by Bill Whittle citing statistics on his RealClearPolitics video “Eat the Rich.”

This year, Congress will spend \$3.7 trillion dollars. That turns out to be about \$10 billion per day. Can we prey upon the rich to cough up the money?

According to IRS statistics, roughly 2% of U.S. households have an income of \$250,000 and above. By the way, \$250,000 per year hardly qualifies one as being rich. It's not even yacht and Learjet money.

All told, households earning \$250,000 and above account for 25%, or \$1.97 trillion, of the nearly \$8 trillion of total household income. If Congress imposed a 100% tax, taking all earnings above \$250,000 per year, it would yield the princely sum of \$1.4 trillion. That would keep the government running for 141 days, but there's a problem because there are 224 more days left in the year.

How about corporate profits to fill the gap? Fortune 500 companies earn nearly \$400 billion in profits. Since leftists think profits are little less than theft and greed, Congress might confiscate these ill-gotten gains so that they can be returned to their rightful owners.

Taking corporate profits would keep the government running for another 40 days, but that along with confiscating all income above \$250,000 would only get us to the end of June. Congress must search elsewhere.

According to the Forbes 400, America has 400 billionaires with a combined net worth of \$1.3 trillion. Congress could confiscate their stocks and bonds, and force them to sell their businesses, yachts, airplanes, mansions and jewelry. The problem is that after fleecing the rich of their income and net worth, and the Fortune 500 corporations of their profits, it would only get us to mid-August.

The fact of the matter is there are not enough rich people to come anywhere close to satisfying Congress' voracious spending appetite. They're going to have to go after the non-rich.

But let's stick with the rich and ask a few questions. Politicians, news media people

and leftists in general entertain what economists call a zero-elasticity view of the world. That's just fancy economic jargon for a view that government can impose a tax and people will behave after the tax just as they behaved before the tax, and the only change is more government revenue.

One example of that vision, at the state and local levels of government, is the disappointing results of confiscatory tobacco taxes. Confiscatory tobacco taxes have often led to less state and local revenue because those taxes encourage smuggling.

Similarly, when government taxes profits, corporations report fewer profits and greater costs. When individuals face higher income taxes, they report less income, buy tax shelters and hide their money. It's not just rich people who try to avoid taxes, but all of us—liberals, conservatives and libertarians.

What's the evidence? Federal tax collections have been between 15% and 20% of GDP every year since 1960. However, between 1960 and today, the top marginal tax rate has varied between 91% and 35%.

That means whether taxes are high or low, people make adjustments in their economic behavior so as to keep the government tax take at 15% to 20% of GDP. Differences in tax rates have a far greater impact on economic growth than federal revenues.

So far as Congress' ability to prey on the rich, we must keep in mind that rich people didn't become rich by being stupid.

Mr. GRASSLEY. According to this article, even if the government confiscated all of the income of people earning \$250,000 a year, the money would fund the Federal Government today for a mere 140 days. CBO statistics tell us that the top 5 percent of households earn 29 percent of the income and pay 43 percent of the income tax collected by the Federal Government. This chart here shows that these 5 percent of households have seen their taxes go up or hold steady while the other 95 percent of households have seen their taxes go down.

We are in a situation where people are talking about increasing taxes on higher income people because, supposedly, they can afford it—and probably they can afford it. But I get sick and tired of the demagoguery that goes on in Washington of taxing higher income people. This group of people is already paying 43 percent of all of the income tax coming in to the Federal Government, while 47 percent of the people in this country don't pay any income tax whatsoever. How high do taxes have to go, generally, to satisfy the appetite of the people in this Congress to spend money? And particularly, how high do marginal tax rates have to go to satisfy those clamoring for higher taxes that the wealthiest in this country are paying enough money?

In addition to the CBO statistics on households, IRS statistics show that 1 percent of the wealthiest people make 27 percent of the income and pay 40 percent of the income taxes. If it be 41 or 42 percent, maybe we can look at it. But I never get the sense from anybody who is proposing these higher marginal tax rates on upper income people that they are ever going to be satisfied that

those people are paying enough taxes. So I will get back to what I said. You could confiscate all the income earned by people that make over \$250,000 a year but you are only going to run the government for 140 days. What do you do for the rest of the year if you only want the wealthy to pay all the taxes?

We ought to have some principles of taxation that we are abiding by. I abide by the principle that 18 percent of the GDP of this country is good enough for the government to spend. That leaves 82 percent in the pockets of the taxpayers for them to decide how to spend. Because if 535 of us decide how to divide up the resources of this country, it doesn't do as much economic good. If the money is left in the pockets of the 137 million taxpayers to decide whether to spend or to save it, and how to save it, or what to spend it on, it responds to the dynamics of our economy. They would be participating in the American free enterprise system in a way that the 535 Members of Congress don't know enough how to do. If we relied upon the 535 of us to decide how to spend more resources of this country, we would not have the economic growth we have. We would be Europeanizing our economy, and we know that is bad.

This principle of 18 percent of gross domestic product is good and it has been consistent throughout recent history. This chart here shows that it is not a straight line, but it is pretty even over a 50-year average. I think it averages out at about 18.2 percent. You have the marginal tax rates going back to 93 percent during World War II and staying there until, as I said, Senator Kennedy becomes President and he decides the marginal tax rate is too high for the good of the economy and he reduces it. I am told because of the Vietnam war, it went up. It stayed even at 70 percent until President Reagan. Then it goes down to a 50 percent marginal tax rate. Then it stays there a while. In 1986, it goes down to 28 percent. Then we have the promise of no new taxes when President Bush reneged on that promise, and it went back up to almost 40 percent. Then they went up again here and stayed here, and then we had the tax decrease of 2001.

Do you know what this shows? Everybody has an idea that if you raise the marginal tax rates, you will bring in more revenue. But the taxpayers, workers, and investors of this country are smarter than we are. We have had a 93-percent marginal tax rate—then 70 percent, 50 percent, 28 percent, and now a 35-percent marginal tax rate. But, regardless of the rate, you get the same amount of revenue, because taxpayers have decided they are going to give us bums in Washington just so much of their money to spend, and it works out to be about 18 percent of gross domestic product.

So we have a President who will probably give a speech today and say we are going to raise taxes on higher income people because, like him, they ought to pay more money. What do you get out of it? You can mess with these marginal tax rates all you want to, but you will bring in about the same amount of revenue. Why? In part because people have decided that, if we are going to tax them to death, they are going to take more leisure and they are going to invest in nonproductive investments. Bottom line—increasing taxes doesn't bring more revenue into the federal Treasury.

You have to keep marginal tax rates low so you can expand this economy. As we have seen, when taxes go down, unemployment goes down; when taxes go up, the incentive to employ is gone. So here we are.

The national debt poses serious risk to the long-term economic health of the United States. It puts a heavy burden on taxpayers who will have less take-home pay to save, spend and invest if they have to send more money to Washington.

Washington needs to champion policies that grow the economy and create jobs, and in turn, increases revenue to the federal Treasury, enabling deficit and debt reduction, not defend ways that grow the government.

The President and 535 Members of Congress collectively represent many different constituencies across the ideological, political, geographic and demographic spectrum. Although representing many, we can work as one to make America an even better place for posterity. If we continue to live beyond our means and get in the way of job-creating economic opportunity, we will push future generations over a fiscal cliff of no return. That is why Washington must clamp down on new spending and shrink the national debt.

I hope we have a President who is willing to look at history and learn from history in his speech today.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent that I be allowed to speak until 11:30 in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEBT

Mr. BARRASSO. Madam President, last week America's government was

brought to the brink of a shutdown, and the shutdown was avoided literally at the eleventh hour just last Friday. The same day, the President called Speaker BOEHNER to try to advance the talks. According to Politico, the President told Speaker BOEHNER, "We are the two most consequential leaders in the U.S. Government." The President was right, so why was only one of those two leaders actively trying to lead on the issue of the day? Speaker BOEHNER was trying for weeks to put together a deal that could serve the American people, but right up until the end, the President was missing in action. Even Senator MANCHIN, a member of the President's own party, said the President had "failed to lead this debate."

Now the President is finally saying he wants to talk about what steps our country needs to take to get our fiscal house in order. I really do hope the President is serious, but I have my doubts. This is a line we have heard from the President before. Back in February 2009, the President called experts to the White House for what he called a fiscal responsibility summit. In his opening remarks, the President said this:

Contrary to the prevailing wisdom in Washington these past few years, we cannot simply spend as we please and defer the consequences to the next budget, the next administration, or the next generation.

That was February 2009. For the last 2 years of this administration, all the President did was add trillions of dollars to that debt.

Late last year, the President's debt commission released their report on America's fiscal situation, and the findings were sobering. According to the report, they said the problem is real, the solution will be painful, there is no easy way out, everything must be on the table, and he said Washington must lead. The President ignored the report.

America is done waiting for him to take this issue seriously. Last week, the House Budget Committee chairman PAUL RYAN put forward the first concrete plan to address our debt crisis. Now the President has suddenly decided that crisis needs to be addressed. The President has a national address scheduled for today, and maybe that will be the moment of truth. I hope it will not be another one of the President's recycled speeches; empty words cannot fill America's pockets.

Last November, the American people told us they wanted the truth. They wanted to know their representatives could make tough decisions. That is what we heard on election day. They wanted to make sure there would be a future for their families and for their children. I think the American people deserve results. The President has paid them back with excuses, with delays, and with business as usual.

Republicans have been the leaders on trying to reduce the spending. The

President's party has only criticized, complained or, in the final moments, tried to take credit. They refuse to lead and have refused to act.

Now the President's party wants us to raise the debt ceiling in what they call a clean bill. That is a fancy way of saying they want us to borrow more money with no strings attached. The President opposed doing the same thing back in 2006 when he was a Senator. This is what he said then. The President, on the floor of the Senate, said:

The fact that we are on the floor today debating raising the nation's debt limit is a sign of leadership failure. It is a sign the Government cannot pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government's reckless fiscal policies.

I would just say that if President Obama thought raising the debt ceiling at a \$9 trillion level was a sign of leadership failure, why then is President Obama asking us to raise it beyond the \$14 trillion now?

Facts are stubborn things. The numbers do not lie. Every day, this government borrows over \$4 billion. We did it yesterday, and we will do it today and tomorrow. Over 40 cents of every dollar Washington spends is borrowed money, much of it from China. Every American child born today and tomorrow and the next day owes over \$45,000. Next year, Washington will spend 68 cents of every tax dollar on Social Security, on Medicare, on Medicaid, or interest on the debt. If we as a nation continue on the President's path, Washington will spend all of what it takes in on these items alone. Everything else, from defense to education, will be paid for on a budget of borrowed money. Where is the money going to come from? A lot of it from other countries, countries that do not always have America's best interests at heart.

John F. Kennedy once said, "Ask not what your country can do for you, ask what you can do for your country." In a few years, that could change to, ask not what your country can do for you, ask what your country must do for China. Consider this: When John F. Kennedy was President, America only owed 4 percent of its debt to foreign countries. Today, we owe half of our debt to foreign countries.

Debt is not just a disaster for our future; the amount of debt we owe right now, today, is so high that it is hurting our employment at home. Experts tell us our debt is costing us 1 million jobs, and the evidence is clear that our debt is disastrous in the present as well as for the future. A debt such as this makes it harder for American families to buy cars and homes, to pay tuition for their kids to go to college, and then it makes it harder to create jobs for those kids who will be graduating this year and next year until we get the spending under control.

The President's party simply offers more of the same old failed policies that produced the problems in the first place. Some in the President's party have suggested raising taxes to make up for the debt. I expect the President to do that this very day in his speech.

The President's speech today comes just a few months after he submitted his budget. After seeing that budget, it is hard to take the President seriously. Don't take my word for it; one writer in the Washington Post said it already:

President Obama's budget was irresponsible, failing to take on entitlements and relying on rosy assumptions.

The international magazine *The Economist* called the budget "dishonest."

America needs a President who shows real leadership and a concrete plan. That is what the American people are expecting.

I will not vote to raise the debt ceiling unless some very specific steps are taken. It is time we passed a balanced budget amendment to the Constitution. Many States have to balance their budgets, families have to balance their budgets, live within their means. Washington needs to do the same.

It is also time for us to place actual legal limits on what we do spend. A statutory limit on total government spending will force Washington to make the hard decisions each year to get us back on track. A hard cap on government spending will start us on the path toward fiscal balance and sustained growth. Ronald Reagan used to talk about starving the beast. That is what we need. Since President Obama took office, the beast has only grown fatter.

The President's party likes to accuse their opponents of being antigovernment, so why didn't the President's party bother to pass a budget or fund the government last year when they should have? And why are they driving our government further into debt, hurting America's standing and our credit on the world stage?

The President's party likes to pretend they are standing up for the little guy. They should have listened to Ronald Reagan when he said: "You can't be for big government and big spending and big taxes and still be for the little guy." The President and his party are for big government, big spending, and big taxes, and they are not for the little guy.

The fact is, the President and his party are not that interested in solutions. Instead of solutions, the President's party has hidden behind nasty words, words like "extreme" and "Draconian." Many American families are living within the same budget they had in 2008, and Republicans believe the government should do the same. Is spending no more than you did in 2008 extreme or is it extreme to support trillions more in wasteful Washington

spending? Is tightening our belts like families do Draconian or is it Draconian to spend money we don't have and force our children to pay it back?

Some members of the President's party have gone even further. One leader of the President's party said that Republicans wanted to starve 6 million seniors. That is a pretty disturbing claim. The problem is, the Washington Post said that she made it up. This same person called the Ryan plan a "path to poverty"—a "path to poverty," she said—"for America's seniors and children." The Ryan plan doesn't affect anyone over the age of 55. It saves Medicare for those who have not gotten there yet, and it stops the spending that puts every American on the path to permanent poverty. Meanwhile, the President says he doesn't want to point fingers. Yet so far his White House has responded to the Ryan plan by doing nothing but point fingers. They went back to their same old bag of tricks, and they tried to scare our seniors and their families.

The President also accused Congress of playing games. Yet his first budget was nothing but a giant game of kick the can, and his address today looks more likely to be just another campaign speech rather than a legitimate plan for the future.

The time has come to lead, not sit on the sidelines. The time has come for the President to act, not just to talk. As a doctor and a Senator, I believe our economy is in need of critical care. Our budget is hemorrhaging. There is not a quick or easy fix. A bandaid will not help this patient. Treatment cannot be delayed. The time to act is now.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, as ranking member of the Budget Committee, I am concerned about where we are as a nation, as we struggle to get our house in order. The chairman and cochairman of the Debt Commission, Erskine Bowles, Senator Alan Simpson, have told us we are facing the most predictable financial crisis in our Nation's history. When asked when we could have a financial crisis, we are talking about another recession, a double dip, or maybe worse, maybe a worldwide cataclysm from excessive debt—hopefully not—but that is what they told us we are facing, the most predictable crisis in history.

We have gone 714 days in this Congress without passing a budget as we are required to do. The Budget Act requires Congress to pass a budget by

April 15, and we have not achieved that. That is particularly problematic at a time of national crisis.

I see my colleague Senator CORKER from Tennessee here, who has worked very hard with some constructive bipartisan efforts to do something about the debt trajectory we are on. But I guess I want to first ask him, as a highly successful mayor of Chattanooga, received great plaudits around the country and within the State for his leadership, he had to deal with real numbers, real expenditures, and real budgets. As a very successful businessman, he has had the same challenge. So I guess I would ask him for his perspective, having been in the Senate now several years, what he thinks if we as a corporation, a mayor, or a nation, facing the most severe debt crisis perhaps in its history, that we have not had a budget and do not have a plan. I guess my first question, Senator CORKER is, how, from a businessman, a former mayor who had to run a city and balance your budget, what is your perspective?

Mr. CORKER. I was on the floor last week as we talked about the continuing resolution. I said that the most frustrating thing to me coming to this body—I have been here now 4 years—is we never know where we are going.

It is an amazing thing to have 535 people serving in Congress, and there is no roadmap whatsoever as to what we are going to do. I think it is pretty evident, by the time we have this debt ceiling vote—that I think most people perceive to be the real line of demarcation—I think it is evident we are not going to have a budget passed again even for that.

So I have been working with the Senator and the other Senators on the floor and people on the other side of the aisle. I think one thing I can say is that, on this issue and candidly on every issue, I have no desire to message. I want to solve this problem as you do. I know you have been a leader on this fiscal issue, as have Senators ISAKSON and BARRASSO and others.

I want us to solve this problem. I think if you have not even had a hearing yet on the budget, it is likely that we will not have a budget this year, which is pretty amazing. So what I am trying to do is put in place something called the CAP Act. I have worked with a number of Senators on that, where what we will do is take where we are spending, our national spending relative to our economy, and we will take it down to the 40-year average of 20.6 percent in the post-entitlement period.

If we do that, we can save our country 7.6 versus existing policy over the next decade, which goes a long way toward solving the problem. It totally reverses the amount of indebtedness we are accumulating as a country. So I am working—since I do not think we are going to have a budget, which is pretty

amazing—working on another route so we actually know where we are going.

Generally to the American people, they have to watch us and think, what in the world is going on in this dysfunctional body. We have got \$3.7 trillion being spent, \$2.2 trillion coming in. There is no plan whatsoever to deal with that. We are going to have to create other vehicles to deal with that. So I am generally working with people on both sides of the aisle to come to that end.

I thank the Senator for his efforts on the budget, but I will say to you and say to the American people, as I have said many times, I have never been in a place that is more dysfunctional. No matter what the American people think about the way we handle their money, I promise you it is even worse. And I do hope—I am glad the President, by the way, is going to address this issue at 1:35 today. I know that PAUL RYAN has put forth a budget which is a roadmap, and I appreciate so much his effort.

But as a country, I think we all know we have to deal with this issue in a serious way. Spending is at all-time highs. We have not been here since 1945, on Federal spending relative to our economy. I know others want to speak and have other appointments and I will stop. I thank the Senator for his leadership. This is the No. 1 issue for Americans. It threatens our national security. It threatens our economic security. And between now and the time we vote on the debt ceiling increase, it is my hope we will solve this problem and move into a different direction.

Thank you.

Mr. SESSIONS. I thank the Senator for his work. I think the legislative statutory cap on spending is something I have worked with Senator MCCASKILL on, you have worked with her on, and has potential to help us deal with the crisis we are in.

I will agree with the Senator, and I truly feel the American people have a right to be angry with Congress, because Congress has run up the largest deficits in history. We are on a trajectory that every witness we have had before the Budget Committee, and some fabulous witnesses outside of the government, all say it is an unsustainable path that places our Nation at risk. We have no real plan to deal with it. We should never have been in such a deep hole. So I think people have a right to be upset with us.

Senator ISAKSON, I know, is one of Georgia's most successful and effective businessmen. He has been involved in running the Education Department in the State of Georgia. I guess I would ask the Senator as a businessman, and as an American citizen, how do you feel about where we are? Do you think we are in a serious crisis that requires us to alter our business-as-usual ap-

proach, do we have to take tough decisions, or is it something we sort of hold off and maybe things will get better in the future?

Mr. ISAKSON. I thank the Senator from Alabama for the question. I will tell you this, I was in the real estate business for 33 years. Leverage is essential in real estate. You have to borrow money and put in equity as well to make a real estate transaction work. You cannot just do it for all cash. But too much leverage will destroy you. America has just been through a period where many American homeowners were destroyed by too much leverage. They borrowed more than they could afford to pay in order to borrow for a house.

The United States of America is at the point where we have too much leverage. We have too much debt. Our deficit continues to escalate, adding to that debt. I tried to think—when I thought about what I would say this morning, I did not know you would ask the questions you asked. But it is appropriate that you did.

I was trying to think of an example we could put forward of a leader in the private sector who addressed a tremendous problem America faced and solved it. You know who that leader was? Lee Iacocca. I do not know how many of you will remember it, but in the 1970s Chrysler was busted. The cars did not work, people did not buy them, they were going broke, they had too much debt. They hired a guy named Lee Iacocca, brought him up from the ranks and said: Lee, we need to fix this company or we are going broke. Lee Iacocca as a leader put everything on the table: benefits, how they made their cars, discipline, rules, everything. He brought everybody to the table, the labor unions, the workers, the advisers, the economists, and the board of directors.

He said: Look, we do not even care who takes credit, we need to fix the Chrysler Motor Corporation. In a short period of time, Chrysler went from the worst rated consumer satisfaction to the best. They raised the guarantee on their product. They reduced their debt by efficiencies, and they became the most productive automaker of their time in the 1970s.

America has the ability to return to our productive times but only through leadership. I am looking forward to the President's remarks today. I hope he will be a Lee Iacocca. I hope he will not take things off the table. I hope he will not play politics with where we go. All of us have to decide to put everything on the table and make sure we prioritize America's future and get our debt and deficit under control.

I just had the Georgia Hospital Association leave my office. I will tell you the last thing I told them. They were talking about, please make sure we do not cut this, that, and the other. I said:

You know, medicine is 17 percent of gross domestic product, but it is about 80 percent of our challenge in terms of Medicare and Medicaid with the future years of the debt and the deficit. We are going to have to put everything on the table. We are going to have to make sure we rein in our expenses while not destroying 17 percent of the private sector.

Quite frankly, I fear the health care bill that passed in December of 2009, and was signed last year in March, is a bill that is overly prescriptive, overly regulatory, and disincentivizes competition in terms of health care.

I hope the President will be open to suggestions in terms of bringing about competition, making our citizens consumers, making sure we are price competitive in the delivery of the best health care in the world, not a government that tries to manage everything and be so prescriptive.

Yes, we have a problem, but we are a great country where Republicans and Democrats need to sit down at their kitchen table like the American people and make decisions that are in the best interest of their future.

I commend Senator CORKER on the CAP Act. It is the right way to go. I also want to bring up the biennial budget. I know the Senator from Alabama is the ranking member of the Budget Committee, and I have talked to Chairman CONRAD about this. We have an example that works, and that is to change the way we do our business.

In the last 3 years we have had 4 hours of debate on spending \$10 trillion. That is not the way to run a railroad. We need to change our process from an annual appropriation to a biennial appropriation where we appropriate money in odd-numbered years and we spend in even-numbered years, which are election years, looking for savings and waste and reprioritizing the way we spend money.

I know this must be true for the Budget Committee, and I know myself, if I am given the time and the task of finding savings or overexpenditures, if I am given the charge of doing so, I can do it. But if I am told to come in January, raise my right hand, and then by October pass as much spending as I can, I will spend too much money. It is human nature.

The American people ask of us only to do what they have to do. They don't have the luxury of too much leverage. If they borrow too much, they go bankrupt. We need to empower the American people by the Congress doing what the American people have to do.

The biennial budget, the CAP Act, and then Senator HATCH, with a number of Senators in this body, have introduced the balanced budget amendment—those are three components that change the paradigm, the process, and I guarantee will change the result.

Mr. SESSIONS. I couldn't agree more. I have been a long supporter of the biennial 2-year budget. I do believe it can work. It has a large amount of bipartisan support in the Congress. It can help us. I see Senators BLUNT and BARRASSO. I believe Senator BLUNT was here first. He has been involved in the leadership of the House of Representatives for many years. He is already showing himself to be a very wise and valuable contributor to our debate.

First, I would like to ask him, does he think the American people have a right to be unhappy with their leadership when they wake up and find that we have had \$1 trillion deficits for 3 years in a row and will virtually average a \$1 trillion deficit for the next 10 years and there is no plan in the Senate except the President's budget that he submitted to us, that has the deficits increasing in years 7, 8, 9, 10 to \$1.2 trillion in the tenth year? Is this an unsustainable path? Don't the American people have a right to be upset with us and demand that we stop business as usual?

Mr. BLUNT. I thank the Senator. Of course, they have every right to be mad. They have every right to be as frustrated as we are that the work in which the Senator from Alabama is so involved as the leading Republican on the Budget Committee hasn't been able to produce a result. We are unlikely to have a budget again this year.

I was just asked by a reporter walking over here—and, yes, I was in the House for some time before I came to the Senate—for somebody like you who has been in Washington, wasn't the tea party a big challenge?

I said: No, the tea party was not a big challenge. They were a great opportunity for us to have someone out there talking about getting this spending under control. And I listed the struggle we were involved in before Senator BARRASSO got to the Senate, where we actually took on entitlement spending in 2005. As I recall that effort, I got lots of calls on entitlement spending reforms, where we cut entitlement spending the only time in a decade by \$40 billion. I got lots of calls, and not one of them was supportive of cutting spending. As far as I know, every phone I had rang everywhere I had a phone for 100 days, as far as I know, all the time. No matter how early we came in or how late we were leaving, those phones were all ringing. Every call was: Don't cut my program.

As Senator ISAKSON said, as he was talking to the friends we are seeing today from hospitals around the country, the ones from Georgia, we have to look at everything. We have to look at ways to produce better results. The government is the last place left in America—and this relates to government at almost every level and almost every government at every level—where we measure how much we care

about something based on how much we spend on it instead of the results we get.

Everybody else, 20 years ago, made the decision if they were going to be competitive they had to produce a better product, a better result, and spend less money producing that better result. Only the government still thinks the other way—and we do this without a plan, apparently. The Senator can correct me if I am wrong because the Senator is a student of the budget in ways that are not exceeded by anybody in the Senate, but we are still trying to finish last year's work. I think it is the only time in the history of the Budget Act where neither House of the Congress passed a budget. There have been times when both of them passed them and couldn't agree. There have probably been times when somebody didn't pass one but never a time when nobody passed a budget. Nobody passed a single one of the 12 appropriations bills it takes to run the government. How irresponsible can we be?

Now we have this situation where we are spending so much more money than we are taking in, and the numbers are so big it is hard to be as afraid of them as we should because who knows how much money \$3.8 trillion is. It is not just Senators and House Members; I don't think the Secretary of the Treasury really knows how much money that is. But we are spending way more than we are taking in.

Have we ever had a time before when neither House of the Congress passed a budget?

Mr. SESSIONS. I am not aware of it. We are now 715 days without a budget. This is particularly problematic since we are facing such an acknowledged debt crisis. The Secretary of the Treasury Geithner came before the Budget Committee. I asked him a number of questions. I asked him about the Rogoff and Reinhart study that says when our debt reaches over 90 percent of our economy, 90 percent of GDP, it causes the economy to slow down, be dragged down by that debt 1 percent of GDP. So if it was going to increase it 3 percent, it would increase it 2; and this amounts to, another study says, 1 million jobs. One percent of GDP growth is 1 million new jobs added. So it is very serious.

I asked him was that true. By the way, I think my colleagues are aware that we are past 95 percent of GDP today. We are over the 90 percent mark, and by September 30, we are projected to be 100 percent. So we are well above the number. The true number is not the public debt but the gross debt, and the gross debt would be 100 percent by the end of September.

Mr. Geithner said, yes, he agrees with the study that shows it pulls down the growth, and added: It is in many ways more serious than that because it could lead to a debt crisis, the kind of

thing Erskine Bowles, the President's choice to head the debt commission, has warned could happen. We have a responsibility to lead the Nation that avoids us undertaking a crisis that we can see coming. We have a clear and present danger to the American Republic, this debt.

Mr. Bowles, a businessman, President Clinton's Chief of Staff, the choice to head the debt commission by President Obama, told us we are facing the most predictable debt crisis in our history, and it could happen within 2 years. I think this is really serious.

We have to change business. I think the momentum from the American people in this past election was basically a statement saying, we don't know what the problem is; it is all convoluted. But I believe as the Senator indicated at the beginning, the American people have a right to say: Get it together and fix this problem.

Mr. BLUNT. If the Senator will yield for another moment, while we have a hard time dealing with these big numbers—and I think they approach now \$3.8 trillion in spending and \$2.2 trillion in money coming in—we are adding \$4 billion a day. We are borrowing \$4 billion a day. So in the time we had a continuing resolution for 10 days to try to decide how we cut spending, we borrowed more money in that 10 days than we saved.

Then people said: That is Draconian. It is terrible. We can't spend this much money and continue to do it.

If your family was bringing in \$22,000 a year and spending \$38,000 a year, and you had already borrowed way more money than any bank should lend you, as you just suggested, you would know that was a problem you couldn't sustain very long. If your business was bringing in \$2.2 million a year and spending \$3.8 million a year, you would know you are not going to be in business very long. Those are the kinds of real-world situations we have multiplied by thousands of times, but it has to be solved. The blueprint to solve that is the budget. We don't have one.

The Senator's responsibility for the country is to be in that budget fight. I know the Senator is there. I know he is frustrated we don't have a blueprint, but we need a blueprint. Then we need to spend lots of time on this floor and in committees figuring out how we produce a better result and spend less money and what the Federal Government is doing that just simply isn't well done, and shouldn't be done, and constitutionally there is no authorization to do and stop doing that.

I am pleased to be in this fight with the Senator from Alabama and with the Senator from Wyoming.

Mr. SESSIONS. It is a very serious crisis. The President submitted a budget to the Congress 2 months ago. I am hoping and expect that if he makes big changes in his plan for the future, we

will see that in real numbers and not just a vague vision. A vision gets too close to being a dream. It gets too close to being of vapors. We are in a real situation with real money.

I have been a very aggressive critic of the President's budget. I believe it is the most irresponsible budget ever presented to Congress. We are facing a systemic, deep, long-term crisis. Everybody knows it. His budget raised taxes \$1.7 trillion. His spending was even more. In the net projection over 10 years, he would increase the debt of America \$3 trillion more than the current trend we are on. Instead of taking us off the trend, it accelerates the trend. It was a stunning development.

For example, at a time when inflation is 2 percent or so—according to the experts, at least, low inflation—he is proposing in his budget that the State Department have a 10.5-percent increase, an 11-percent increase for education, a 9.5-percent increase for the Energy Department, and a 60-percent increase in the Transportation Department to fund high-speed rail with no money to back that up. It is stunning to me that we could have those kinds of increases proposed in a formal written document—four volumes—that the President is required to submit that I have on my desk back in the office. And he makes no projections in that document to change any of the unsustainable problems we have with Medicare, Social Security, Medicaid—zero reform.

I understand he may talk about that this afternoon. I hope he will. But I believe he should go further—if he is going to propose changes—in that we need a new budget. We need to see what the numbers are. That is what Congressman RYAN and the House Republican Budget Committee have done. They have produced a real budget that can be analyzed and scored, as we call it, by the Congressional Budget Office.

If he is going to make changes in his plans for the future, I truly believe the President should talk more than about vision and dreams for the future but give us real numbers.

Senator BARRASSO, an orthopedic surgeon, has served in the legislature in Wyoming and has been a tremendous advocate on many issues, none more important than the health care debate we had.

I say to Senator BARRASSO, as someone who has not been too long in Washington and has already been elected to the leadership in the Republican Party—well deserved as a result of your proven acts—how do you feel we are handling the American people's money? What thoughts does the Senator have?

(Mr. FRANKEN assumed the chair.)

Mr. BARRASSO. Well, it is my impression that in so many ways Washington gets it wrong. The Senator is correct. I appreciate his leadership.

I did have the opportunity to serve in our State legislature in Wyoming for 5 years. The constitution in Wyoming says you have to balance your budget every year.

Mr. SESSIONS. Well, did you do that?

Mr. BARRASSO. We balanced our budget every year, just like the families in Alabama or Wyoming have to balance their budget every year and have to live within their means. That is what we do. You take a look at the revenue, and then you do not spend any more than that. You live within your means. That is what families do. It is what the State does. That is why I was so proud to stand with the Senator as one of the cosponsors of the balanced budget amendment to the U.S. Constitution. I think this country has to balance its budget and do it every year.

The President's spokesman yesterday—kind of the word of the day at the White House seemed to be "vision." He kept saying the President is going to give his "vision." The day before, the word was "balance." In his press conference, he kept saying the word "balance." I would like to hear a vision that we have to balance the budget of the United States. That is what I want to hear from the President today when he gives his speech at 1:30 this afternoon. I do not want to hear some recycled speech about, well, raise taxes, but that is what I am anticipating from the President.

I have talked to people in Wyoming after church on Sunday morning, and they have seen you, I say to the Senator, on Sunday morning talk shows—I think last week with Bob Schieffer; "Meet the Press" the week before that.

They say: Do you know that Senator?

I say: Yes, I do.
They say: Well, he makes us proud because he talks about the kinds of values we have—living within our means, balancing our budgets, not leaving our children or our grandchildren with mountains of debt.

They agree with the Senator when he makes his statement about—I think the Senator quoted someone from the budget commission about this is a predictable crisis that is coming.

Mike Mullen, the Chairman of the Joint Chiefs, said the greatest threat to our Nation's security is the debt. And look how much we owe to foreign countries, significant amounts to China. You cannot continue to be a great nation with a debt like that to foreign countries, often moneys owed to people who are not our friends, who do not necessarily have our own best interest at heart.

So it is incumbent upon us as a nation to get this spending under control. That is what I see as the main issue. Hearing Senator ISAKSON on the floor and Senator BLUNT and others talking about this, it is why all 47 Republican

Senators together unanimously endorsed the idea and cosponsored a balanced budget amendment to the Constitution, because we know that is the responsible thing to do.

Mr. SESSIONS. I agree with the Senator, that is common sense.

Alabama Governor Dr. Bentley, a fine physician, announced that we are going to have to cut through the rest of the year in the discretionary spending 15 percent because we have a constitutional amendment that says the budget has to be balanced. Of course, we do not have that in Washington. But what would the Senator say if someone—the American people—asked you: Well, Senator, I hear the President is proposing an 11-percent increase in education, a 10-percent increase in the Energy Department, a 10-percent increase in the State Department, \$60 billion for the Transportation Department, at a time when we are going broke and spending money the likes of which we ought never to have spent before? How would the people in Wyoming react to that?

Mr. BARRASSO. Well, they would want to know if whoever would say such a thing was actually still connected to the reality of the real world and trying to live within our means. You cannot do that. You cannot do that for very long at all.

When you look at the President's budget, when you look at the spending that has come out of this administration and you look at the debt our country has accumulated since the time George Washington became President, what you see is that from the time George Washington became President until the time George W. Bush left the White House, this President, through his spending and his budgets, has doubled the national debt in 5 years and tripling it in 10. That is what this budget he had submitted to the Congress just not that long ago—a couple months ago—has done.

Now we are going to hear a new—I am not sure what we are going to hear today. Are we going to hear him standing behind the budget? The President put together a debt commission to take a look at this. I am still not sure where he stands on his own commission—the President's own commission—what his position is on that, because they have taken some strong positions, where he is in relationship to the reality we are facing today with this predictable crisis coming. So it will be interesting to hear what the President says this afternoon and what his new vision might be.

Mr. SESSIONS. I think that is right. We are talking about, is this a huge reversal from what we got just 2 months ago because it did not address Medicare, Medicaid, Social Security that now we hear he might be addressing.

The Senator mentioned the debt commission. They spent most of the

last year studying and hearing experts, becoming exceedingly concerned about the future. Mr. Erskine Bowles, who was chosen by President Obama to head that commission, when he first saw the President's budget, said: It is nowhere near what is necessary to avoid a fiscal nightmare.

This is really serious. The budget the President submitted here was rejected by his own Chairman, saying: It is nowhere near what is necessary to avoid a fiscal nightmare. Since then, he has followed up to say: This is the most predictable crisis the Nation has ever faced. He said: Not just for our grandchildren, it could impact us now.

So I ask the Senator: Don't you think, if the President is going to make a speech and announce a change in his policy, he should—as the House budget people have done—submit a budget to the Congress that can be analyzed by the Congressional Budget Office, scored, and we can actually use it as part of the discussion about how to bring debt under control?

Mr. BARRASSO. My impression is that he should have a responsibility to do that and do it for Congress.

Last week, there was going to be a major speech—last week or the week before—on energy at a local university. He went and made a speech on energy, and the headline was that it was the same old speech on the same old issues, and very little new was there. So the concern today is, we are not hearing anything in front of Congress. It is a speech at a local university. I am hoping to hear what a real vision is. What is the roadmap and the specifics?

The other Chairman of the debt commission—you mentioned Erskine Bowles—the other was Senator Al Simpson from Wyoming. He was quoted today to say: We need specifics. If the President just talks in generalities, that is not going to go very far.

I think specifics is what the Senator just outlined. As the ranking member of the Budget Committee, you would actually like to see numbers on a piece of paper that can be scored, and we can go look through it and say: Will this work? Will this not work? How do the numbers add up? Let's get into the specific details because that is what we are looking at. When you have a nation that is spending \$3.8 trillion or \$3.7 trillion and only bringing in \$2.2 trillion, the problem is we are spending too much.

Mr. SESSIONS. Absolutely. I just have to say, let's be frank about it. We had one budget submitted to both Houses of Congress from the President just 2 months ago, and it was very irresponsible and has gotten no support that I can see anywhere. But the House is on track, it looks like, to pass a budget this week that will be forward-looking and substantive and alter the debt trajectory we are on, put us on a path to prosperity, because the biggest

and really, to me, only real threat to our economic vitality and our ability to bounce back from this recession is the debt we are carrying.

But I have to acknowledge the Senator's former colleague, Senator Simpson, and Erskine Bowles said this about PAUL RYAN's proposed budget in the House: that it is “a serious, honest, straightforward approach to addressing our nation's enormous fiscal challenges”—our “enormous fiscal challenges.”

All right. They go on to say this, and I think it is relevant, as the Senator suggested, to the President's speech this afternoon. They go on to say: Going forward, anyone who issues an alternative plan to Chairman RYAN's should be held to the same standard when offering their own solutions. We simply cannot back away from these issues.

I know that is a firm, strong statement. I know it is probably different from what we are going to hear from the President, which is “speech” and “vision” and “hopes.” But doesn't the Senator think we do have a right? Aren't they correct—this bipartisan commission, appointed by the President—aren't these leaders correct to say: We expect you, Mr. President, to fulfill your statutory duty to submit a real budget, and if you have changed it from the one you submitted earlier, submit us a new budget.

Mr. BARRASSO. I think that would be the only responsible thing to do because right now the Congress is dealing with the budget that was submitted a couple months ago. That is the confines in which we are working. So it will be interesting to hear what the President says a little further down the line from now.

I see Senator COATS from Indiana is joining us on the floor. He knows that in Indiana, families who are trying to live within their means and make ends meet and paying more for gasoline now due to the President's energy policies—about \$700 more per family a year for gasoline. If they are trying to deal with bills and the mortgage and kids, it makes it that much harder. So families get it. Families know what happens when there is a squeeze, and they cut back on their spending for other things. That is what this country needs to do right now. That is what we need to do as a nation.

I am so glad Senator COATS has returned to the Senate because he had been here previously and has now returned to join us to give us some of his sage advice and recommendations, and it is really wonderful to work with him.

I say to the Senator from Alabama, I know you welcome him as well. But with that, let me say thank you so much for your leadership. As I told the Senator, the people of Wyoming after church say: Do you know that guy who

was on television this morning? He sure did express the values we all have.

Mr. SESSIONS. I think the American people get it. I think the American people understand that the driving issue of our time is the debt that threatens every good and hopeful wish we have for the future of our country.

Senator COATS, who is one of our finest Members of the Senate—he left us, served as Ambassador to Germany, spent a number of years in Europe, and then came back and has been reelected.

Let me ask him, fundamentally, this question. Pete Domenici—you served with Pete—served with a Democratic wise lady, Alice Rivlin, on another debt commission. He testified before the Budget Committee recently: I have never feared more for my country. That was a deep, personal statement from Pete Domenici, who chaired the Budget Committee in the Senate previously. I ask the Senator, what are you hearing from your constituents, and what is your belief at this time in history about the dangers we face?

Mr. COATS. Well, it is interesting that the Senator asks that question because I just left my office and a meeting with Pete Domenici literally 15 minutes ago.

Mr. SESSIONS. Really?

Mr. COATS. Because he came in to express that same urgency and burden. As former chairman of the Budget Committee here for so many years, he certainly understands the current fiscal situation. His views echo the voices and views of people across this country—from economists, whether they are liberal or conservative, whether they are from Harvard or Indiana University, the whole spectrum—saying this is an emergency, this is an urgent fiscal crisis we face. The time to address this crisis is now, not later. This has to rise above political considerations for 2012 because our country is on the precipice, and unless action is taken now, it may very well be too late.

We have had a number of these sessions as a caucus, and we have even had some meetings with our colleagues from the other party, where experts have come before us—again, not carrying any kind of ideological bent on this thing but basically saying: Look at the numbers. Do the math. By the way, it is not calculus, it is third grade math. When we spend \$3.7 trillion and our revenues are only \$2.2 trillion, we have a huge \$1.5 trillion deficit, and this has happened year after year after year. Cumulatively, we are well over \$4 trillion in debt over just the last 3 years, and this is going to skyrocket from here. So it is not as if we are at the peak. With the aging population and the increase in mandatory spending coming down faster than we can deal with it, we are in a dire situation.

Here is the reason I came back to the Senate. People ask all the time: Why in

the world, after a lot of years of service in the House of Representatives and in the Senate, as an ambassador overseas—you are of retirement age—why don't you enjoy the fruits of your labors? Why would you want to throw yourself back into the arena, particularly at such a critical time when the decisions you are going to have to make are not going to always be popular and when the requirements of what we are going to have to engage in to do what we need to do are going to be very demanding? The answer is, for the sole reason that I also have this great fear within me that we are seeing a country that has been the most prosperous free country in the history of civilization about to unwind. We have spent ourselves into a situation where we are literally at the crisis point.

So I came back for one primary reason. As much as I enjoy seeing my former colleagues and being in the business of being a Senator and representing the people of Indiana, I came for one reason only; that is, I have such a concern about the future of this country. I have three children and eight grandchildren now, another one just born recently. But it is not just my grandchildren, it is America's grandchildren and America's children whom we are loading debt onto that they are not going to be able to dig out of. It is going to deny them the opportunities we have had in our generation—to save money so we can go to college and get a good education, so we can get married and have a family and afford to buy a home, so we can enjoy the opportunities that freedom and prosperity have brought to us as a nation.

It not only affects us domestically, but it affects our role on the international scene. Already, NATO is saying we can't do this alone in Libya. We need America. I am not getting into the issue of whether we should be engaged in Libya. That is not the point. The point is that be it a tsunami or a nuclear accident or a flood or a disaster anywhere in the world, who is the first to show up and the only one with the capacity to deal with it? The United States—the U.S. Navy, the U.S. Marines, U.S. troops not carrying guns but carrying water, carrying food, bringing aid, first aid ships. Whom does the world turn to in times of distress and disaster? It is America. America has been a generous nation because we have had the capacity to be a generous nation. All of that is at risk. So whether it is domestic or whether it is international, we are at risk.

We know we cannot solve this problem unless we can work together. We don't control two of the three thirds of government. We control the House of Representatives, and we have seen what PAUL RYAN and others have done there, including JOHN BOEHNER, to get us started on this process of what we

need to do. But we have not done that yet in the Senate. We are trying to work with our colleague so we can. But in the end, if the President of the United States does not engage in this effort, we will not succeed. We can talk all we want. We can present all the plans we want, but until the President gets engaged, we are not going to succeed because he is the one who ultimately has to sign this bill. He is the one who ultimately has to sign off on it.

Currently, and for the last 3 months, he has been totally AWOL, off doing other things, at a time while the house is burning down. I am hopeful that, in just 1 hour and 10 minutes or so, the President will come forward not with nice phrases, not with generalities, not with fluff that we heard in the State of the Union Address—some nice sounding things but no backup—but with specifics: Here is what his plan is. I hope what I hear from him is: I, the President of the United States, Barack Obama, want to sit down and get in the arena with Republicans and Democrats in the House and in the Senate and work together to avoid this potential crisis; and I agree this is not something we can do in 2013. This is not something we can play politics with. This is not something we can defer. We must do it now.

I believe the American people—I can speak for Hoosiers in Indiana; I can't speak for other States, but I believe the people in Indiana, and I think this is true across America—understand this better than a lot of the politicians do. They understand this because they are part of families that have to meet budgets. They are businesses that have to put the payroll to pay their employees. They cannot allow themselves to get so drastically in debt that they are not going to be able to recover. So they are asking us to take leadership, to step up and do it, make decisions not for one's personal political future but for the future of America. The President needs to join us in that effort.

I am hoping and praying that in 1 hour and 10 minutes, as the President finally presents to the country, he will do two things. No. 1 is to say: I am ready to engage and engage fully because this is the No. 1 issue facing the future of America. All is on the line. No. 2, here are my specifics in terms of what I will support or what I will work with. I hope he will say, as we have said: This isn't set in concrete. Let's work together to see what works and what will address the crisis we are facing.

So I thank the Senator for his leadership as head of the Republican caucus on the budget side. He has been out front. The Senator from Alabama has been out front from day one. I thank my colleague, Senator ISAKSON, whom I think will engage here next, as well as Senator BARRASSO, who said some nice

words about me. But I think we are here for one reason and one reason only; that is, America is in trouble and we need to step up and do what we can, everything we can, to get us back on a path to fiscal health. It will not happen overnight, but if we can certify that we have a plan in place and that we are going to stick with it, we can save this situation and turn it around.

So I thank the Senator for his time and for allowing me to get in my 2 cents' worth. I am here to make the tough decisions and for no other reason.

Mr. SESSIONS. Mr. President, I thank the Senator from Indiana. I guess I have been critical of the President. Many people say it is political. I feel as though any President should look the American people in the eye at this point in history. I called on him before the State of the Union Address, over 2 months ago now, that he should tell the American people we are in this financial crisis, and that—the reason we are talking about reducing spending is because we have no choice. We can't spend \$3.7 trillion and take in \$2.2 trillion. We cannot sustain the debt course we are on, as every witness, Republican and Democratic, has told us. But I do believe it is a responsibility for the President of the United States, who can see this clear and present danger to our future, to at least join in and say we have to do something about it. He didn't do that at the State of the Union. He hasn't done it since. So maybe today that will be a big change, if we get that.

I do believe the Senator from Indiana is exactly right. He has the responsibility under the Budget Act to send us a responsible budget that changes what we are doing and puts us on the right track. If he wants to do it all by even more tax increases than he submitted already, which was \$1.7 trillion in his budget proposal, so be it. Put it out there. Let's talk about it. But don't deny we are in a crisis.

Senator ISAKSON understands finance better than anybody in this Senate. He lived through and provided leadership during the huge financial crisis. It looks as though we have moved debt from the private sector to the sovereign government sector, and that is why we are being warned we could have a similar type crisis, which is what I understand Secretary Geithner to have meant and Erskine Bowles and Alan Simpson to have meant.

I thank the Senator from Georgia for his leadership. I know he wants nothing more than what is best for America. I would be glad to have the Senator share his thoughts at this time.

Mr. ISAKSON. Mr. President, I appreciate the compliment. It is probably overstated, but it is an honor and a privilege to serve with Senator SESSIONS as well as with Senator COATS.

I wish to reflect on something we shared this morning. Senator COATS

and myself and others were with Senator AKAKA for breakfast this morning. He talked about 1941, living on Hawaii, the youngest of eight children. The Japanese attacked Pearl Harbor and America went to war in the Pacific and in Europe. Sixteen million Americans of that generation went to the Pacific and Europe, fought and died. Some came back to this country and, because of the GI bill, 8 million of them went to universities and got bachelor's degrees and started the small businesses and the industries that took the U.S. economy to dynamic growth and opportunity for every generation that has succeeded them, up until now.

Senator SESSIONS and I and Senator COATS and Senator AKAKA, who is a great American, a Democratic Senator from Hawaii who is retiring next year, we are all part of a generation that will, at some time, leave a legacy to our children and our grandchildren. The Senator from Alabama has children and grandchildren, I have them, and Senator COATS does as well. I don't want to be the first generation since World War II to leave my children and my grandchildren worse off than every generation before left their children and grandchildren.

This economic war we have on spending and debt is every bit as damaging as a war with bullets and bombs. Because with too much leverage, with an inability to pay our debt, we have what happened to us once before in the last 65 years, and that was the early 1980s when we had the misery index: double-digit unemployment, double-digit interest rates, double-digit inflation. I remember the days when I ran my business when the prime rate was 21 percent. I remember when unemployment was 14 percent and inflation was 12 percent. It was called the misery index. What happened is, America started borrowing too much, spending too much, and business contracted.

We need to make sure we don't let that happen again because the greatest economic threats to the security of America are runaway interest rates, runaway inflation, and runaway unemployment. We don't want to be the cause of that. We want to be the platform that allows free enterprise and American business to come back, the American economy to come back, reduce our deficit over time, and reduce our debt over time. We don't have to pay it all off, but we have to stop the increase. We have to begin to get back in order so we are not an overleveraged Nation.

I pledge this, as Senator COATS did, and I know the Senator from Alabama did as well: I will not leave my grandchildren and my children worse off than I was left by my parents and my grandparents. We have the greatest Nation on the face of this Earth. Democrats and Republicans, the President, Congressmen, and Senators need to sit

down at the American kitchen table and do what we have asked of the American people: get our spending in order and look to a brighter, more prosperous future for those who will succeed us.

I thank my colleague for the time.

Mr. SESSIONS. Mr. President, let me ask the Senator one more question. Let's take the Ryan budget. I think it is far more realistic. It is the one that is, as was referred to by Erskine Bowles and Alan Simpson, a serious, honest, straightforward approach to addressing our Nation's enormous fiscal challenges. It is long term. It deals with Medicare, Social Security, discretionary spending.

I am optimistic about the future. If we were to put ourselves on that course and send the word to the American people, the American business community, the world financial community that we have gotten our house in order, is that the kind of budget that could unleash growth that we haven't seen in years now?

Mr. ISAKSON. Well, it is, because it will instill a degree of confidence that we have finally been willing to deal with our long-term problem of debt and deficit, with our entitlements but also with our spending.

But I want to refer back to a statement the Senator made in his previous remarks before he recognized me, when he was challenging the President to bring forward a budget in this speech he will make in an hour or so. He should bring it and put it on the table, along with putting PAUL RYAN's recommendations on the table, putting the deficit commission's recommendations on the table, and putting the group of six who are working on another document on the table—let's don't rule anybody out—and sit down and one by one go through them and find out what is the best answer and the solution for America.

It is time to stop the political job of picking and choosing for political purposes. We need to pick and choose for the American people. If we put everybody's ideas on the table, and they are genuine about their interests to solve the problem, we can do it, and we can begin this afternoon.

Mr. SESSIONS. I think the most important thing—and I don't want to be too negative—is to tell the American people the truth that every expert we have asked has said you could have a crisis sooner than you think. We should avoid that.

Congress and the President should acknowledge it and say that we understand it and we are going to take steps to avoid it. But I have a sense that the United States is still a productive nation. The Senator from Georgia is attuned to the business community in Atlanta. They are still willing to work hard and invest and take risks to be more productive and create jobs. But

this confidence the Senator mentioned—if we restore that confidence, is the Senator optimistic we can bounce back?

Mr. ISAKSON. Absolutely. With all due respect, I think the last couple years the government has tried to eliminate risk with overregulation of almost everything. If you eliminate risk, nobody gets out of bed in the morning and figures they are protected. We need to mitigate this and allow people to take a risk in order to get a reward. We can give them a platform of confidence and predictability so they will deploy capital, invest money, and employ people. The interesting point is, the byproduct of that is you have higher revenues. When you have a productive America on a progressive tax system, you get higher revenues. If people are more satisfied, they are more happy and more productive. There is less productivity when there is overregulation and underconfidence. We need to restore the confidence and have fair but equitable regulations and we need to empower the American investor to invest their capital and we will improve employment, improve revenue, and improve the future of the United States.

Mr. SESSIONS. I thank the Senator.

Mr. President, our country requires us to stand and be counted. “Nothing comes from nothing,” as Julie Andrews sang in that wonderful song. Things have to be paid for. When you borrow money, you pay interest on it. Interest under the budget the President has sent to us last year was \$200 billion—\$207 billion, I think. In the 10th year, that budget, as scored by the CBO, is imposing on the American economy a \$940 billion, 1-year interest payment. I know the Senator is familiar with Georgia. Alabama’s general fund is less than \$2 billion. Our education budget is less than \$8 billion. We are talking about imposing on the American people an annual interest payment of \$940 billion. The Federal highway fund is \$40 billion, and Federal aid to education is \$70 billion. This is going to crowd out everything.

That is why we are on an unsustainable path. We need the President to engage, and I hope today he will initiate his engagement, in which he tells the American people we can’t continue this way. Would the Senator care to close it out?

Mr. ISAKSON. I will close by just saying amen.

Mr. SESSIONS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, there has been a lively debate on the floor concerning our 2011 budget. Now we are starting to talk about the 2012 budget. I think it is important to point out what I hope is the obvious, which is that the budget of our Nation rep-

resents our vision for our future. It is a policy document that speaks to what our priorities will be. It provides the financial tools for us to be able to meet those objectives.

I know we are in very difficult fiscal times, but this is not the first time in the history of America. I remind my colleagues that in the 1990s we were confronted with a large budget deficit. I happened to have been in the House of Representatives during that time. We saw, through the leadership of President Clinton, that we were able to bring our budget into balance, and we did that from large deficits. We did it in a way that maintained America’s priorities and maintained the priorities for our children and our future because we continued to fund those essential programs that allowed our Nation to grow.

As a result of what we did in the 1990s, we saw unprecedented growth in our economy because we did our budget the right way, speaking to America’s future and to our priorities, and doing it in a fiscally responsible way. I think President Obama was correct when he stated in his State of the Union Address that America will meet the challenges of international competition, and we will do that by outeducating, outinnovating, and outbuilding our competitors.

That requires a budget that speaks to those priorities, that speaks to educating our workforce, to provide the type of climate where America can continue to lead the world in research and innovation, that we pay attention to our infrastructure, whether it is transportation, water infrastructure, energy infrastructure, so we have the capacity to be able to compete internationally and that we can create the jobs that will be critically important for America.

We need more jobs and we need good-paying jobs. That is what President Obama’s vision is about, and our budget needs to underscore that vision. Yes, we need to do it in a fiscally responsible way but in a way that allows America’s future to be secure. That is why I so much opposed the budget that was sent over to us from the House of Representatives, the 2011 budget, H.R. 1, before the ability to reach a compromise. I did that because when you look at what H.R. 1 would have done—particularly in light of the budget agreement we have now reached on the 2011 budget—you cannot help but notice a huge difference between our visions for America. We all agree we have to have a workforce that can compete.

Look at the stark differences between the budget agreement and the House-passed budget. In NIH research—and I take pride in this, since NIH is headquartered in Maryland—most of the funding for basic research, which is critically important for innovation—you cannot get to the applied research

unless you have the basic research, and you cannot get good high-tech jobs unless you invest in basic research. Thanks to the budget agreement we reached, most of the funding will be able to be maintained for the basic research at NIH. If the House budget would have become law, it would have been \$1.4 billion less. That would have been a huge hit on America’s ability to be able to compete in this global marketplace. You also need to have a trained workforce. You need job training and Job Corps programs. Most of the funding has been maintained in this budget agreement for our job training and Job Corps programs; whereas, if you look at the House-passed budget, they eliminated all funds for job training and a 40-percent reduction in the Job Corps program. That was restored under the budget agreement that allows America to have the competitive workforce it needs to meet future challenges.

Perhaps the area that I think people in Maryland and Minnesota may recognize the most is what happens to Pell grants. Most students cannot make it today, unless they have help in higher education. It is too expensive to be able to afford without the help of programs such as Pell grants. You need to have education beyond high school if you are going to be competitive today. Well, the House-passed budget would have reduced Pell grants by 15 percent. I can assure you that tuition isn’t going down by 15 percent this year. Tuition at colleges and universities is going up and up.

I am proud we were able to, in the budget agreement, maintain the maximum Pell grants at \$5,550. We maintain funding for Race to the Top funds because we want excellence in K-12. The House-passed budget would have zeroed out the Race to the Top funds.

To me, if you talk about a budget that speaks to America’s values, to give young children the chance to succeed in school, Head Start has never been a partisan program. It has been supported by Democrats and Republicans because there are proven results in Head Start. People who participate in Head Start will do better. We have those results, so it is in our economic interest.

The Republican-passed budget in the House would have knocked 218,000 children off the Head Start Program. It would have reduced 55,000 teachers and aides from Head Start Programs around our Nation. I am pleased to see that the agreement we will be voting on shortly restores all the funds for the Head Start Program, so our children can get the Head Start they need to succeed in K-12.

The budget speaks to our energy policies and transportation policies. It is interesting to look and see that the agreement reached by our negotiators restores more than \$268 million in renewable energy and alternative energy

sources. If we are going to be able to be competitive, we need an energy policy that makes sense. If we are going to keep jobs in America, we need an energy policy that makes sense. If we are going to be secure, we have to get ourselves off foreign oil. We need alternative energy sources.

The compromise restores a lot of the funds that were not in the House-passed budget document. I might talk about one issue that is very important to the people living in this region. We made a commitment years ago that the Federal Government would participate with the surrounding jurisdictions in the funding of the Nation's transit system, the Washington Metropolitan Area Transit System, which is critical to getting Federal workers to work and to our Nation's Capital. Our government committed \$150 billion a year to modernize that system. Taxpayers of Virginia, Maryland, and the District of Columbia are contributing also to the modernization of a system that is aged and critically important. We live in the second most congested area in the Nation, as far as commutes are concerned. The House of Representatives, in the Republican-passed budget, took out that \$150 million—took it out. I am proud the compromise reached restores that \$150 million.

Our budget speaks to our health and our environment. The Health Resources Services Administration was severely cut in the Republican-passed budget. It would have affected care in each one of our communities. Our negotiators restored \$900 million to that budget. What does that mean? It means the 11,000 community health centers, located in all our States, will be able to continue the services they are currently providing.

I took the floor before and talked about the Greater Baden Center, located just a few miles from here, and how they have expanded service this year to deal with prenatal care. In Maryland and in America, our infant mortality rate is too high. For a wealthy nation and State to have the type of infant mortality rate we have is inexcusable. It is because we have low-birth-weight babies. Some die and others survive and have complications and have a tough time in life and they are very expensive to the health care system. In our health centers, we are doing something about that. At the Greater Baden Center, they are now going to provide prenatal care so pregnant women can get the attention they need and can deliver healthier babies. Under the House-passed budget, they would not have done that.

The math is simple. We invest in the health of Americans. We understand that. That is our budget. The Republican-passed House budget would have cut off those funds. The affordable care act will be able to implement it. We are not going to be stopped by the ef-

fort made in the Republican-passed budget.

As far as the environmental protection riders we have talked about, these are the policy riders. I know this is confusing to people listening to this debate, and they understand that the House-passed budget by the Republicans had a lot of policy issues that had absolutely nothing to do with the budget. They blocked the Environmental Protection Agency from protecting the environment. Let me say that again. They blocked the Environmental Protection Agency from protecting the environment. They couldn't enforce the Clean Air Act, the Clean Water Act. For the people of Maryland and this region, that means blocking the enforcement of the Chesapeake Bay Program—a program that enjoys broad support from the people not only of our region but the Nation.

Well, I am pleased to say the budget we will be voting on later this week eliminates those restrictions. All of them are out. Thank goodness they are because they should never have been in the budget document to start with.

I will make it clear, Mr. President. I am very disappointed by many of the provisions included in this compromise. It is a true compromise. It is not what the Democrats would have written, I can assure you of that, and it is not what the Republicans would have written. It is a true compromise, and that is what we had to go through, I understand, but I feel compelled to at least let the people of Maryland know the cost of the compromises.

For example, the General Services Administration will have \$1 billion less to deal with government construction. What will that mean? Well, at White Oak, MD, we have the FDA's expansion. That will be put on hold. That will not only affect my community, but it will affect our country because we are talking about public health and food safety.

There is a rider that was attached that did survive that deals with the delisting of the great wolf under the Endangered Species Act. That is not how we should be acting. There is a remedy for dealing with the delisting. There is a process we go through. We shouldn't go down a dangerous precedent that starts congressional or political action on delisting species that are included under the Endangered Species Act.

The cuts for the community development block grant are much more than I would like to see. These are programs that are important for our urban centers. During these times, when their budgets are being hit the hardest, I think it is very unfortunate to tell them we are just going to add to their challenges. We should be helping them during these times. We shouldn't be taking resources away from them.

The Federal Transit Administration has a major cut in this budget. I find

that regrettable, particularly as it relates to their new start budget. I come from a State that has major new transit projects we want to get moving—the purple line to connect our suburban areas around Washington, the red line in Baltimore, Carter City's transit way to connect the 270 corridor for high-tech jobs. All those depend upon us continuing to move forward with sensible transit projects that, quite frankly, I think are in jeopardy as a result of the compromises that were needed to be made.

Teach for America is eliminated. The Federal participation in that is eliminated. On Monday I had a chance to teach for Teach for America. I was in a high school in Baltimore with some very dedicated young people willing to give up their lives so America can compete in the future. We certainly should have continued the Federal partnership in Teach for America.

I talked about the Environmental Protection Agency, but I didn't point out that the Republican budget in the House cut that agency by 30 percent—30 percent. We restored half of those funds, but the cut is still going to be pretty severe.

So I just wanted my colleagues to know that, whereas I am very pleased that many of the decisions made in this compromise for the 2011 budget will allow us to be able to move forward as a nation for America's vision—being able to out-educate, out-innovate, and out-build our competitors—there are challenges as a result of the compromise that have to be faced. Mr. President, these discussions will continue now to the 2012 budget.

We are already seeing that happen. In the House they are already starting to act on what is known as the Ryan budget, which we think is pretty much inspired by the tea party. It is pretty extreme. It is pretty radical. It is not a credible plan, in my view. It is not a credible plan to reduce the Federal deficit.

Now, why do I say that? Well, the Ryan budget concentrates on domestic spending. It doesn't touch military spending, and it doesn't touch our revenues. Let me correct that. It does deal with our revenues, but it deals with it in the wrong way. It not only extends every tax break that is currently available, providing tax relief for millionaires, but it provides additional tax relief. It lowers the highest rates.

Now, how is that going to be paid for? Well, they are expecting they are going to take more out of middle-income families. That is bad for middle-income families, but my guess is they will not even be able to reach those targets, and we will have huge deficits as far as the eye can see. It is not a credible plan.

The deficit commission taught us if we are to have a credible plan to deal with the deficit, we have to deal with domestic spending. We have to deal

with military spending. We have to deal with mandatory spending. And we have to deal with revenues. We have to deal with all of them. The Ryan budget does not.

It is going to be hard for middle-income families, it protects America's wealthiest, and it attacks our seniors—attacks our seniors. The Ryan budget would turn Medicare into a voucher program.

Now, I can tell you what that means in dollars and cents. It means our seniors, who currently have—currently have—the largest out-of-pocket costs for health care than any other age group of Americans, will see their health care costs go up dramatically—double. Some of us remember how it was for seniors to get health care before we had Medicare. We had to fight with private insurance companies. Private insurance companies are not interested in insuring people who make a lot of claims. Guess what. As you get older, you make a lot of claims.

What the Republican budget would do is tell our seniors: We are going to give you a voucher. It is a limited amount of money. Now you go find a private insurance plan out there. Whatever it costs, you are going to have to fill up the difference. We know it is going to cost a lot more than the voucher we are giving you.

That is what they are doing. They are making it more expensive for our seniors to afford health care where they are asking us to reduce their costs, not make it more expensive.

Then the Ryan budget goes further by block-granting the Medicaid Program. That means, quite frankly, Medicaid will not survive. We can talk about the hardships it will have on providing health care in our community, how it will have more and more people using the emergency rooms rather than using preventive care or seeing doctors, and that is all going to absolutely happen if we ever block-grant Medicaid.

Let me follow up on our seniors. Many of our seniors depend upon the Medicaid system, and their families depend upon it for long-term care—nursing care. That will not survive if we block-grant that to our States. So the Ryan budget not only is not credible as it relates to dealing with the deficit, it also is very punitive against our seniors.

What I find probably the most disappointing is where I started this discussion, saying our budget is our vision for our future, that it speaks to our priorities for our future. The Ryan budget leaves our children behind. If we are going to succeed, we have to take care of our children. They are our future. We have to deal with their education and with their health care. The Ryan budget puts them in severe jeopardy. It is a philosophical document that I don't think represents the values of America. I think our values are in

our children and in our future and in our ability to meet those economic challenges.

I think there is a better way. President Obama is calling for a comprehensive progrowth economic strategy that will invest in winning the future. I would hope all of us could embrace that. Don't we want a comprehensive progrowth economic strategy that invests in winning in the future, that invests in our children, that invests in education and in innovation?

As President Obama says, he wants to meet our values for the dignity of our retirees. Think about that for one moment. How we treat our retirees speaks to what we are as a nation—the dignity of our retirees. Think about a retiree trying to find an insurance company that will take care of their insurance needs because we dumped the Medicare system. We can't let that happen. We can't let that happen.

There is a better way. Sixty-four of us in the Senate have said there is a better way. We have said: Look, it is time for us to be serious about a credible plan for our deficit, and we are prepared—64 of us: 32 Democrats, 32 Republicans—to not only cut our domestic spending, but we will look at bringing down mandatory spending, and we will look at military, and we will look at revenues. There is a better way to do this. I think we can represent the best of America's future in our budget by providing education, innovation, job growth, health and environment policies that make sense, and we can do it with fiscal responsibility. That is our mission.

So I know a lot of my colleagues come down to say we have to take care of the deficit—do the deficit—and I agree with that. But, remember, our budget document is our statement about America's future. It is our policy document, and America needs to stand up for quality education, for the best health care in the world, and for encouraging innovation that will give us the jobs of the future so that America can continue to lead the world. I think America deserves nothing less, and I intend to continue to fight for that type of vision for America.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the Democratic women of the Senate are on the floor today to talk about the three votes that will occur tomorrow: one, the passing of the continuing resolution, which I reluctantly support be-

cause of the many cuts in it, but also the two riders, one defunding the health care bill and the other defunding Planned Parenthood.

My gosh, how outrageous that we have to vote on these two riders. These two riders absolutely do not affect our deficit and our debt. In fact, the health care reform that we passed, by the CBO's own estimates and by independent evaluators, says we will actually reduce health care costs because of what we have done.

What are the consequences of what they are talking about? The rightwing is trying to change the conversation away from, how do we create jobs in this country, how do we authentically reduce deficit and debt, into socially provocative riders that literally wage war against women. The extreme rightwing campaigned against the health care. They said they were going to repeal and replace. All they want to do is repeal. They have no idea for replacing. Let's talk about what they want to repeal. Let's talk about the war they are waging against women.

If you repeal or defund health care, it will have a Draconian impact on American women, make no mistake about it. In the health care bill, we ended gender discrimination in health insurance. No longer could insurance companies charge women 30 to 40 percent more than men of equal age and health status for the same coverage. The other thing we ended was denying women health care on the basis of a pre-existing condition. We were horrified to learn that in 8 States, women were denied health insurance access simply because they were victims of domestic violence. They were beaten up in their homes, they were beaten up by insurance companies, and now they want to beat them up on the Senate floor and beat them up in the Senate budget.

We are going to stand up. We are not going to tolerate women being pushed around and made targets of this war. No longer can women be denied coverage because they had a C-section or because they had a premature baby. We fought for preventive services. We fought for mammograms and for Pap smears. We fought not only for ourselves, we fought for men too, which included their screening.

If you defund health care, make no mistake—and every woman in America should know this—they are going to take the funding for mammograms away from you. They are going to take away the preventive health amendment that allowed you access to preventive screening at no additional copays or deductibles. Do we really want that? Oh, sure, you are going to be able to have your mammogram, but you are going to dig deep in your pocket.

We also wanted to end gender discrimination. We wanted to end the punitive practices of insurance companies toward women on the basis of pre-existing conditions. We also wanted to

have preventive care. One of the greatest preventive-care-giving agencies is Planned Parenthood. It is the single most important health care provider, particularly to young women, in America. If we lose Planned Parenthood, 8,000 Maryland women will lose Pap smears and 7,500 women will lose access to breast care exams. Many of them will lose access to health care generally.

Just because the Republicans live in the Dark Ages doesn't mean American women want to go back. That is why we, the Senate Democratic women, will be voting against these two riders. Women must be clear: Defeating this amendment is a way to end the war against women. There will be many fights ahead of us. We are under attack. We women are under attack, at all ages. The Paul Ryan budget particularly attacks senior women. We are going to fight this. We are suited up. We squared our shoulders. We put our lipstick on. This is not about gender, this is about an American agenda, and we will fight, and we will make our fight a victory.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank all of my Democratic women colleagues for coming today and speaking so passionately, as the Senator from Maryland has just done, on issues we feel so deeply about. You will be hearing from all of us because we are outraged that the price tag for a vote on the continuing resolution is to attack votes on women's health.

I yield to the Senator from California for 5 minutes.

Mrs. BOXER. Mr. President, I thank Senators MIKULSKI and MURRAY, Senators CANTWELL and SHAHEEN and STABENOW and LANDRIEU—I am going to really name every single Democratic woman. They have been unbelievable.

Since the beginning of this budget battle, our Republican friends in the House have insisted that this debate is about spending. I have to tell you, we went all the way to them—about 70-plus percent—on spending cuts. We understand we have to cut, but we are not going to cut foolishly, we are not going to cut into the heart and soul of our country. That includes women's health programs, title X, Planned Parenthood funding. For every dollar of taxpayer funds for title X, the yield is \$4. That is how great the prevention is.

Yet what do they want to do? We see these two riders, these two votes we have to have before they will allow us to have a vote on keeping the government open. They pounded the table and said: We have to have two riders. What was it? Was it some big budgetary item that maybe we overlooked? Was it some move that would say that taxpayers who are not paying their taxes due, like some of the big corporate gi-

ants that hire enough lawyers that they don't pay—no, it was not about that. Was it about some scandal they uncovered that they said could save us money? No. The two votes they want are about giving the shaft to women, women and their families. The two votes are about health care which primarily impacts women—by the way, also men, but primarily impacts women.

If that is the kind of budget war they are engaged in, they have met us on the battlefield. We have decided we will remain on that battlefield, which is this Senate floor, as long as we have to. We will go to the galleries, we will go to the press as long as we have to. We will fight it in our cities, we will fight it in our counties. We will fight it. We believe at the end of the day people will see who is fighting for them—who is fighting for them.

I am going to read a couple of letters from my State. My State is the largest State in the Union. Planned Parenthood provides care for more than 750,000 women.

Listen to this woman.

Planned Parenthood is the only health care I have ever used.

"Ever," she says.

I don't have health insurance. So when I get sick, I get over it as soon as possible so I can go back to work. Planned Parenthood has provided me with the only health care coverage I can afford, pelvic exams, STD testing, birth control. It isn't much, but can you imagine the millions of people who rely on Planned Parenthood suddenly living their lives without these basic services?

She answers her own question: "It is shameful."

It is shameful. That is a letter from Sonja Kodimer. I have other letters from women in my great State.

Three million Americans get care at Planned Parenthood. Three-quarters of them have income below 150 percent of the Federal poverty level. They rely on Planned Parenthood—many of them do—as their own only health care.

By the way, the other rider we have to vote on is to defund health care reform. My colleagues have said it. Senator MIKULSKI worked night and day with the late and great and extraordinary Ted Kennedy to get us to the point where finally we are telling the insurance companies: No, you cannot charge women thirty, forty, fifty percent more for the same coverage as a man. By the way, being a woman is not a preexisting condition. And you cannot deny a woman who had a Caesarian health care coverage.

If you are a victim of domestic violence, that is not a preexisting condition.

That is what we repaired in the bill in addition to many other things we did. They want to give the shaft to women and their families, and we are not going to stand for it.

Barbara Haya from Oakland wrote to me. She said that when she was a stu-

dent with limited funds, she was denied health insurance because of a preexisting condition. Planned Parenthood was Barbara's only source of basic health care services. When she needed cancer screening, Planned Parenthood was there. She says please don't cut any funding to Planned Parenthood because without them she would not have her health care.

Let's be clear. Nationwide, 97 percent of the services Planned Parenthood provides have nothing to do with abortion. They do not use a dime. It is illegal. It has never happened for that 3 percent, that is private funding. So don't stand up and say this is about abortion. It has nothing to do with it.

As a matter of fact, if they have their way—this is a fact—and women do not get birth control, we will see more unintended pregnancies. We will see more abortions. That is just the fact.

So anyone who votes to defund Planned Parenthood, A, is denying essential health care services to women and their families, and, B, their policy will lead to more unintended pregnancies and more abortions.

So, yes, we stand here strong. Maybe some of us are five feet or under even in a couple of cases, but that belies our determination and our strength. We stand here united. And we say to the people of this country, you can count on us because we will be here as long as it takes to protect women and their families, and we will not allow women and their families to be held hostage. It is over. It is over.

I thank Senator MURRAY and Senator MIKULSKI.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I want to thank my colleague from California for her great statement, and the Senator from Maryland. And you will hear more of us.

Frankly we are here today because we are outraged. We strongly oppose the resolution on the floor that slashes health care for women and girls and middle-class families. I have to say as a woman and as a mother, I am angry that women's health care is even up for debate right now. Middle-class families in this country are struggling. When I go home to my State of Washington, I hear about people who are worried about getting a pink slip or how they are going to put food on the table, whether their job is going to be there for them, and if we are making sure our economy is working for them and their children. That is what I hear about. I do not hear about, when are you going to slash health care for women. Not once.

We have seen a smokescreen. That is why we are here. Last week under the continuing resolution that was being negotiated between the House and the Senate and the White House, one remaining open item: eliminating title X

funding for women's health care. It was not about budget deficits; it was not about the debt; it was not about jobs or the economy. It was about an ideologically driven attack on women's health care.

We were able to keep that out of the continuing resolution that we will vote on tomorrow. But the pricetag the Republicans in the House gave us to get to a vote to keep government open and to move our country forward is two votes: one that defunds Planned Parenthood, and one that defunds health care. Both of those are extreme attacks on women's health care.

My colleagues have spoken eloquently about Planned Parenthood. This is not about abortion. Federal funds cannot go to abortion. We are frankly tired of having to correct the untruths that continually come out about this funding. But we are not going to give up and we are going to keep fighting and we going to keep correcting them.

Planned Parenthood is about providing Federal funds for care, such as mammograms, and cervical cancer screenings, and prenatal care, and family support and counseling. This is about preventive health care services for women, and we take it as a direct attack on every woman in this country and her ability to get the health care she needs.

The second vote is an attack to dismantle health care. Well, let's remind all of us why health care finally became an issue that we were strong enough to deal with in this country. I will tell you why. Because women finally said, we have had enough. Let's face it, women are the ones who take their kids to the doctor, they are the ones who see the bills coming in, and they are the ones who fight insurance companies on a daily basis.

They said, we have had enough. So we went through a long process here to make sure that we passed health care in a way that protected women. It was women who were denied health care coverage because of preexisting conditions time and time again. We said "no more." Now they want to vote tomorrow to put that back into effect. We heard from women who were denied coverage for health care because they were a victim of domestic violence. We said "no more." Now they attack that again.

There are so many reasons why this is the wrong approach. But I will let all of our colleagues know, we are going to defeat these amendments tomorrow. We are going to move on. But the Democratic women of the Senate are now vigilant, and we are here, and we are not going to allow the 2012 budget or further discussions as we go along to be a smoke screen to cover up a real agenda, which is to take away the access for health care and basic rights that women have worked long and hard and fought for in this country.

I want you to know you will be hearing more from us, but we are not going away. We are going to defeat these amendments tomorrow, and we are here to fight them until they stop being offered.

I yield the floor.
The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. It is my great pleasure and honor to be here with my friends and colleagues who have all fought so long and hard to make sure that women's voices and experiences are represented in the decisions we make here in the Senate and in Washington on behalf of all of the families we represent.

I have to say that people in Michigan, my family, friends, everybody across Michigan, are shaking their heads right now trying to figure out what the heck is going on. All of this is a diversion from what we want to be talking about and doing something about; that is, jobs, putting people back to work, making sure people have money in their pockets to be able to pay their bills, and that they can tackle their house that very well may be under water right now, and how they are going to pay for gas with prices going through the roof, and how they are going to be able to take care of their kids and make sure they can have the opportunities to go to college that they want for them. All of the things we all want for our families, that is what families want us to be talking about right now.

I also have to say the people in my State are finding that the dollars they earn right now are hard to come by. These dollars are precious, and we need to be holding every program accountable, we need to get results for every dollar is spent, and make decisions that if something does not work, we need to stop doing it. We need to focus on things that do.

We know the whole deficit discussion is very critical for us, and that we need to be smart about the way we do things. That is not what this debate is about at the moment, certainly not only women's health care. But we understand that we need to be serious about this. Certainly in my role as chairing the Agriculture, Nutrition and Forestry Committee, we take that very seriously, and we will be doing that in the context of our responsibilities moving forward.

But I also know, and the people of Michigan understand more than I think anybody else across the country, that we will never get out of debt with more than 15 million people out of work, which is why we want to focus on jobs. They also know that women of all ages, seniors, middle-class families, did not cause the deficit hole we are in, and they should not be responsible for the sacrifice and burdens on their backs only in order to move us out of deficit.

We certainly are not going to allow a thinly veiled threat to women in general to become part of a debate about how we balance the budget and eliminate the deficit, which is a very real issue. The fact is, in order to get the budget completed for this year, women—women's health care—was held hostage. We were able to separate that, because the women came together in the Senate and said, there is no way we are going to allow this whole debate to become some political debate about whether women should get breast cancer screenings or cervical cancer screenings or blood pressure checks. So we separated that now from the agreement for the rest of the year. I am proud to have stood with women from all over this country to say no, we are not going to let you play politics with the women of this country and our health care. But now we have in front of us two different votes. This was the price we had to pay. And we are willing to stand here and make the case for why people need to vote no. But it is also deeply concerning that we have to be in a situation to debate whether women should get breast cancer screenings and cervical cancer screenings, and whether we should have access to health care as a part of the price to be able to come together on a budget agreement. That is exactly where we are.

The majority of the funds from what is called title IX for preventive care goes to health departments. By the way, I helped be able to support, when I was a county commissioner years ago, the Ingham County Health Department, setting up their preventive care center for women, health care screenings for women.

All across Michigan, 70 percent of the funds under something called title X go to health departments. There is a small amount that goes to Planned Parenthood. That is being very politicized now, because of the other side's wish to politicize women's health care. But in 2009, those centers provided 55,000 cancer screenings. We had almost 4,000 women—3,800 women—who got back an abnormal result on a cancer screening. Because they had a chance to get that screening, they then had the opportunity to do something about it, and lives were saved. Moms are alive today to be able to care for their children, and watch them grow up because they found out they had breast cancer early. Grandmas are alive and well today to be able to play with their grandkids and their great-grandkids because they found out early they had breast cancer or cervical cancer or some other health care challenge. I think we ought to celebrate that as the best of who we are and our values in this country.

The other piece we have in front of us will be to defund health care in general. We know, first of all, that women are health care consumers. Usually in

families they are making the decisions about health insurance, if you are able to have health insurance, or how to purchase it or what will be covered and certainly caring about our families. We usually are the last ones to take care of ourselves. I certainly can speak to that myself as maybe other colleagues can, that we tend to make the decisions first for our children, our families, and not take care of ourselves as we should.

But we made a very strong statement, and I think a valued statement, in health care reform, to say that we want to make sure women have access to health care and that they can afford to get it, and that they are not penalized, we are not penalized as women, and that we are not going to have to pay more.

Right now, prior to health care reform, any woman purchasing health insurance on her own was paying more, sometimes up to 50 percent more, or more, for the same health insurance as a man, or even less health insurance, because she was a woman, because she may be of childbearing years, because of whatever the reason.

Women have traditionally paid more for the same insurance. That is no longer the case. Now, for the same coverage, the same medical circumstances, women cannot be discriminated against. That is a good thing. I think that is something we should be proud of that we have been able to do, to make sure insurance companies cannot charge women more just because they are women.

We have also made clear that preventive care is an essential part of basic health care. I will always remember the debate I had as a member of the Finance Committee with a colleague on the other side of the aisle over whether maternity care is a basic part of health insurance and health care.

Of course, I think it is hard for people in Michigan to understand why we would even have to have that debate, because prenatal care, maternity care, certainly is a basic, not just for the women involved but for the baby, for the family. But we stood together and we said, we are going to make sure that maternity care is part of the definition of basic health care.

So there were a number of things that we did together, the women of this Senate, to make sure that over half the population, the women of this country, have access to quality, affordable health care for themselves so they can continue to care for their families and be a very important part of who we are in contributing to America.

We are here because tomorrow the question will be, should women's preventive health care services be allowed to continue as part of our framework in terms of health care funding, both broadly in health care reform, and narrowly under title X and family planning for the country?

We will say no to efforts to defund women's health care.

I hope going forward, as we tackle huge issues for the country around bringing down the debt and balancing the budget and growing the economy and creating jobs and looking to the future, that we will not see, once again, something as important as women's health care put on the chopping block as part of the debate. That is the message all of us have and the message we will be sending tomorrow, that women across the country need to know they are valued, that we want them to be healthy, that we want them to be able to afford health insurance, that we want them to get cancer screenings, that we value their lives. We don't believe folks should continue to play politics with their health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senators MURRAY and MIKULSKI for gathering with us today and all of my colleagues who are here. I am proud to join them.

Tomorrow we expect to vote on House proposals to defund Planned Parenthood and the Affordable Care Act. These resolutions have been offered not because anyone argues they create jobs or improve health care but because House Republicans were willing to shut down the Federal Government if they did not receive a vote on Planned Parenthood and health care. That is right. Even though shutting down the government would have meant furloughing 800,000 people, including members of the military, they were willing to shut down the government.

This kind of a threat, especially in a recession, is irresponsible. Planned Parenthood is a critical provider of women's health care, especially to low-income individuals. Mr. President, 1.4 million Medicaid patients around the country—mostly women but not all—depend on Planned Parenthood as their main source of primary and preventive health care. They depend on Planned Parenthood for contraceptives, screenings for sexually transmitted diseases, and for screenings for breast and cervical cancer. In some parts of New Hampshire, Planned Parenthood is the only provider of preventative services for low-income women. It serves almost 16,000 patients annually. In a time of economic hardship, we should not be taking steps to reduce access to health care.

Let's be clear. This vote has nothing to do with abortion. By law, Planned Parenthood cannot use Federal funds for abortions. Moreover, Planned Parenthood provides family planning services that greatly reduce the occurrence of unplanned pregnancies. It is ironic that many of the most ardent opponents of abortion are the very people

who want to shut down the family planning services that prevent unplanned pregnancies.

This vote is also not about deficit reduction. Despite what some Members of the Senate have claimed, 97 percent of the reproductive health services provided by Planned Parenthood in New Hampshire—and throughout most of the country—are preventive care. Over 90 percent are for preventive care. As we all know, preventive health care lowers health care costs and saves lives. Detecting cancer early through regular screenings greatly increases a patient's quality of life and chances of survival. In the long run it is vastly cheaper for patients in the health care system, and the Federal Government, for diseases to be prevented or treated early.

One of my constituents from Rochester, a mother of two, told me about her oldest daughter who works for a small restaurant. Her daughter can't afford health insurance, and it is not provided where she works. For her regular checkups and preventive care, she relies on Planned Parenthood. Because of the history of cervical cancer in her family, her daughter was regularly screened, and it was Planned Parenthood that first diagnosed her daughter with cervical cancer. Because of that early diagnosis, her daughter was able to obtain successful lifesaving treatment. There are countless stories such as this. We heard some of them this afternoon.

I also wish to address the other House proposal we have been discussing this afternoon. It is a proposal that would also hurt women's health care. That is the pending resolution to deny funding for health care reform. Already the Affordable Care Act is working for women across the country. As of last year, it is illegal for insurance companies to require women to obtain preauthorizations or referrals to access OB/GYN care. But there is a lot of work that still has to be done.

Currently, women in the individual health care market pay up to 48 percent more in premiums than men. Beginning in 2014, this kind of discrimination, because of the new health care law, will be outlawed. Issuers will be banned from issuing discriminatory gender ratings to charge women and small businesses with predominantly female workforces more for the same coverage.

In the same year, 2014, health care reform also makes it illegal for insurers to deny health care coverage on the basis of preexisting conditions, designations which have often been used to discriminate against women. Many women across the country today are denied coverage for preexisting conditions such as breast or cervical cancer, having had a C-section, or even just being pregnant. Some women have even been denied coverage for having

sought out medical care for domestic or sexual violence. It is critical that we ensure low-income women have access to health care in these difficult times and that we ensure that all women have access to health care.

I urge my colleagues to vote against these two provisions tomorrow, these ideological attacks on women's health care. Let's get back to the business of creating jobs and dealing with this country's debt and deficit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I join my colleagues to talk about tomorrow's votes on two different amendments and to say that I am proud to join my female Senate Democratic colleagues in this effort and to speak out about this important issue.

To me the American people have sent us a clear message. They want us to focus on job creation, promoting innovation, and putting Americans back to work. But instead tomorrow we will be on the Senate floor trying to defend access to health care for women. We will vote tomorrow on whether to defund Planned Parenthood, an agency that serves hundreds of thousands of people in my State on important exams such as breast examinations and helping to prevent infections and various things.

Just a few weeks ago I talked about one of my constituents, a 22-year-old woman from Seattle who was diagnosed with an abnormal growth on her cervix at Planned Parenthood and received lifesaving treatment. She was uninsured, and without Planned Parenthood she would not have been able to get that kind of treatment. Certainly, her health would have been in major danger in the future.

I tell that story to emphasize the importance of Planned Parenthood on prevention and that they are centers of prevention for many women who have no other access to health care. We cannot jeopardize the access to that preventative health care at a time when it is so important for us to reduce long-term costs.

In fact, even in the investment area, every dollar invested in family planning and publicly funded family planning clinics saves about 4.2 in Medicaid-related costs alone. So preventive health care is good for us in saving dollars, and it is certainly good for our individual constituents who have a lack of access to health care. That is why I am so disappointed in the situation we have now, where colleagues are saying to us: You can get a budget deal, but you have to defund women's health care access to do so.

The avoidance of a government shutdown has also brought on a challenge on the backs of women in the District of Columbia because it included a provision denying DC leaders the option of using locally raised funds to provide

abortion services to low-income women. For those who argue against big government, this is a contradiction because this is a real imposition on the ability of elected officials in the District of Columbia to decide what to do with their locally raised funds. I know, because I am in the Hart Building, what the mayor and others on the council had to say about this. This is an imposition on the health services of low-income women in the District of Columbia and certainly has gone almost unnoticed in the eleventh hour and sets a precedent for a dangerous slippery slope with what we are telling local governments to do.

It is time for us to focus on our budget, living within our means, and getting back to work, but certainly not to try to do all of that on the backs of women. It is not time to shut down access to women's health care.

Republicans in the House have decided to wage war and to say women should be a bargaining chip. The American people have sent us a clear message. They want us to get back to work, and they support Planned Parenthood and efforts of Planned Parenthood on preventive health care and health care delivery services.

A recent CNN poll showed that 65 percent of Americans polled support continued funding of Planned Parenthood. I know my colleagues on the other side of the aisle would like to say that these funds are used in funding organizations that may be involved in doing full reproductive choice services. But I ask them to think about that issue and that logic. Where will they stop? It is Planned Parenthood today, but are they going to stop every institution in America from receiving Federal dollars? It is illegal for Planned Parenthood to use Federal dollars for full reproductive choices, including abortion. It is illegal. They cannot use those funds. Yet the other side would like to say that this is an issue where they would like to stop Planned Parenthood today, and then they will try to stop other organizations in the future. It is time to say no to this amendment tomorrow and to say no on trying to pull back from the full health care funding bill at a time when we need to implement the reforms to keep costs down and to increase access for those who currently don't have access to health care and return to the system with much more expensive health care needs in the future.

I am disappointed that at the eleventh hour of a budget debate that is about living within our means, about how we take the limited recovery we have had and move it forward economically, instead we are saying that we can't move forward on a budget and a recovery until we take everything that we can away from women's access to health care.

We will fight this tomorrow. I am proud to be here with my colleagues to

say we will be the last line of defense for women in America who are going about their busy lives right now, taking their kids to school, trying to juggle many things at home and work. They are every day, as the budget people within their own homes, trying to figure out how to live within their means. The national budget debate has broken on this point: We can only have a budget agreement if we defund women's full access to health care. That is wrong.

We will be here tomorrow to fight this battle and speak up for women.

I wish to point out to my colleague from New York that I remember in 1993, in the year of the woman, when so many women got elected to Congress, it was the first time in the House of Representatives we had a woman on every single committee. The end result of that is we had an increase in funding for women's health research. So much of the research had been up until that point focused on men. Why? Because there wasn't anybody on the committee to speak up about how women had uniquely different health care needs and deserved to have a bigger share of funding for health care needs than were currently being funded. That is what we get when we get representation.

Women Senators will be here tomorrow to fight to say that women deserve to have access to health care through Planned Parenthood and title X. Please, for those working moms who are out there juggling, dealing with children and childcare, dealing with their jobs, dealing with pay equity at work, dealing with all of these other issues that women are struggling with—that they don't have to be a pawn in the debate on the budget, that there are people who believe, just like the majority of Americans do, that we should move forward with this kind of preventive health care for women in America.

I see my colleague from New York who has been a staunch supporter of Planned Parenthood and women's health care choices, and I thank her for that leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I commend my colleague for her extraordinary remarks and her leadership in fighting for these issues.

It is a privilege to be in the Senate today to listen to the remarks of all of the Senate women colleagues who care so deeply about women in America and how they are literally being used as a pawn in a debate about the budget.

These women have drawn a line in the sand, a line in the sand that we will not let you cross. You may not balance the budget on the backs of women, period.

It is very simple. The election last November was not about a mandate for

these social issues. It was about the economy. It was about, How are we going to create jobs? How do we get a body of representatives to come together, work together across party lines, to come up with solutions? That is what the election was about.

The American people voted overwhelmingly for a vote and a discussion of issues relating to jobs. How do we create jobs? How do we create the atmosphere and the landscape so our small businesses can grow?

But that is not what the House of Representatives has focused on. No. They have created an entire agenda around an assault on women. Women's safety nets, women's health care, protections for women and children, early childhood education, prenatal care, Pap smears—you name it—this is what they are beginning to focus their attention on.

Millions of Americans depend on reproductive services. Millions of women depend on prenatal care, on early cancer screenings, breast exams—all of the types of preventive health care that families rely on. In fact, in New York, there are over 200,000 New Yorkers who rely on this preventive care.

For my friends and colleagues, this is a factual statement: Current law already prevents Federal money from paying for abortions. This has been the law of the land for over 30 years.

Shutting down the government to fight a political argument is not only outrageous, it is irresponsible. The price for keeping the government open is this assault on women's rights, equality, access to health care, access to preventive care.

Women shoulder the worst of health care costs, including outrageous discriminatory practices that we worked so hard during health care reform to fix.

The National Women's Law Center tells us that under the previous health care system, a 25-year-old woman would have to pay 45 percent more to get basic health care than a male her same age. Some of the most essential services required by women for their basic health were not covered by many insurance plans, such as prenatal care, Pap smears, or mammograms or preventive screenings, including postpartum depression, domestic violence, and family planning.

The institutionalized discrimination in our health care system is wrong and it is a tax on women and their families. What we did in health care reform was to begin to address these issues to make sure the inadequacies of our current system could be addressed, safeguarding women's health, and making sure this institutional discrimination no longer exists.

Yesterday was Equal Pay Day. Women all across America earn 78 cents for every \$1 their male colleagues earn for doing the exact same job. Yes-

terday was the day it would take a woman to work all of last year and this year to earn exactly what that male colleague earned in 1 year.

Well, who does that affect? It affects families. It affects every family in America who has a working mother who is bringing money home to pay for her children, for her family, for their well-being.

So when we should be talking about the economy and issues about how do we have equal pay in this country, the Republican House is talking about how to continue this rhetoric and assault and negative effects on women and their families and what they need to protect themselves.

The votes we are going to have tomorrow to defund Planned Parenthood, to repeal health care—American women, make no mistake about it, this is an attack on you. It is an attack on every preventive health service, every safety net, everything you care about, whether it is early childhood education, Pap smears, mammograms, or prenatal care when you are pregnant. That is what their efforts are all about, and you should just know you have women of the Senate who will stand by you. We have drawn this line in the sand, and we will not allow them to cross it. We are your voice in Washington, we are your voice in Congress, and we will protect you and the basic safety nets and equality you should expect out of the U.S. Government.

Since I am the last speaker, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. HATCH. Mr. President, you may not know it from the weather in Washington, but spring has finally arrived. Even though it is cold and rainy outside, there is no mistaking the change of seasons in Washington. Every spring, the congressional office buildings are busy with people who want to visit their representatives.

I look forward to many of these visits. I look forward to seeing families who have traveled all the way from Utah to see for themselves and to show their children the Capitol, the White House, the Declaration of Independence, and the monuments to many of our Nation's greatest heroes.

But we truly know it is spring in Washington because the Halls of Congress are filled with people here for one purpose; that is, to ask for more money. When budget season hits, interest groups descend on the Capitol with one-track minds. Like the swallows to Capistrano, they return to the same

spot each year to ask for more dough. The message is always the same: Their issue or their program is always critical, always essential.

Liberals like to beat up on businesses and demand their shared sacrifice. Translation: You better pony up. But the interest groups that thrive on taxpayer dollars always seem to be exempt from this required sacrifice. Somehow I don't think this is what the Founders had in mind when they guaranteed individuals the right to petition the government. Petitioning the government for more cash is somehow less inspiring than petitioning the government for redress of grievances.

I appreciate the sentiments of a new Member of the House of Representatives who hung a banner in his office that read: If you are here to ask for money, you are in the wrong place.

The fact is, Washington has an enormous spending problem. Washington is addicted to spending. The first step toward recovery is acknowledging that you have a problem. I suppose we can take some solace in the fact that few persons in a position of responsibility now deny that our deficits and debt are a problem.

Facts have gotten in the way. This morning, the Financial Times had an above-the-fold headline that read: "U.S. Lacks Credibility On Debt, IMF Says." No kidding.

Our total debt is now over \$14 trillion, with no end in sight. The administration is now asking the Finance Committee and Congress to raise the debt ceiling by \$2.2 trillion just to get this country through next year. The President's first two budgets were a tragedy. But when the United States was staring down the barrel of a third straight \$1 trillion-plus deficit, his fiscal year 2012 budget morphed into parody.

Recognizing the shellacking his party took over the issue of big spending, the White House had to talk a big game about deficit reduction, but their numbers never added up. This is how the Washington Post described the impact of the President's budget: After next year, the deficit will begin to fall "settling around \$600 billion a year through 2018, when it would once again begin to climb as the growing number of retirees tapped into Social Security and Medicare."

Americans quickly saw this budget for what it was—business as usual, spending as usual.

Today, the President tried a do-over. He was going to give a big speech. That seems to be his go-to move. This time, he was going to convince Americans that he is very serious about deficit reduction. Unfortunately, he bricked this shot as well.

We are approaching a debt crisis, but the President seems willing to run the clock until the next election. This is a very dangerous game.

I think we need to be clear about how precarious our Nation's fiscal situation is. The fact is, we could be closer to a debt crisis than even the most pessimistic accounts. Because of this administration's dramatic ramp-up in Federal spending, Americans are deep in Federal debt.

Currently, Federal debt held by the public equals a modern record of about 69 percent of the Nation's economy—known as the gross domestic product. The Congressional Budget Office reports that current tax-and-spending law takes that figure to 76 percent of GDP over the next 10 years.

To put that number in perspective, consider the following statistic: At the end of fiscal year 2008, as the George W. Bush administration was winding down, the debt held by the public reached about 41 percent. That is less than 2½ years ago, in contrast with 69 percent of the debt. As bad as the 76-percent figure is, it gets worse under the President's fiscal policies.

President Obama's third budget was released on Valentines Day this year. If Americans were expecting some love and concern from our President, they sure didn't get it. The administration's figures claimed that the President's budget would raise debt held by the public to 87 percent of GDP. That is the administration's figures.

I have a chart that shows the growth in the debt—the national debt as a percentage of GDP. The current policy happens to be the red, the Obama 2012 budget is the blue. As you can see, by 2021, the national debt will be 76 percent of our GDP.

On Friday, March 18, 2011, CBO released its estimates of the President's budget. These estimates showed that debt held by the public would grow to 87 percent of GDP in 10 years, just like it says on the far right of the chart. That alarming figure is there on the chart.

Let me put this another way. According to the Congressional Budget Office, if we continue current tax policy, don't raise rates, fix the AMT, provide estate tax relief, and provide for a fix to the physician payment system or the SGR as it is known—policies supported by a clear majority of Americans—by 2021, the debt held by the public will reach 97 percent of GDP.

For those watching C-SPAN, whose jaws just hit the floor, I hate to tell you, but the news might even be worse. As bad as these numbers are—and they are very bad—they could be dramatically understating the fiscal consequences of our current deficit spending policy. This is because we face a hidden potential for even greater levels of additional Federal debt. We may be in the middle of a debt bubble. The stated current level of debt may grow astronomically without any policy changes. Let me say that again. If we do nothing to our current policy and

continue to spend, the debt we currently hold may prove disastrous.

Here is what I mean by a bubble. I will use an example we are all too familiar with. An economic bubble can be described as significant trade volume in different products or assets with inflated values. Interest rates affect everything in our economy, from the monthly payments we make on a new car or home to the amount we are able to save at a local bank. Interest rates during both the dot-com bubble and the housing bubble were driven by policies at the Federal Reserve. During 2001, the Federal Reserve lowered the Federal funds rate from 6.25 percent to 1.75 percent. The Fed further reduced the rate in 2002 and 2003—there is the Federal funds rate—to around 1 percent.

These low rates had a substantial effect on the growth of mortgage lending between 2001 and 2004. The share of new mortgages with adjustable rates, which was around 20 percent in 2001, was more than 40 percent by 2004—adjustable rate mortgages.

Currently, just like at the beginning of the last decade, interest rates are very low. Ten-year Treasury rates are currently around 3.5 percent. During the past 2 years, this administration has spent recklessly, raising the total debt from \$10.6 trillion to over \$14.2 trillion. We are currently spending 40 cents of every \$1 on interest, paying China and others who hold our debt. But what will happen when interest rates rise? Under projections from the CBO, 10-year Treasury note rates are expected to rise from current levels to 5.3 percent in 2016.

What happens if interest rates rise to levels seen during the 1980s or the 1990s? During the 1980s, rates on 3-month Treasury bills and 10-year notes rose to over 8 percent and 10 percent, respectively. During the 1990s, rates on 3-month and 10-year notes rose to 5 percent and 6.6 percent, respectively.

Exactly like the housing bubble, as a nation, we are falling into a national debt bubble. We continue to spend on our national credit card while interest rates are low. Just as many purchased homes with adjustable rate mortgages, eventually the adjustment kicked in, the low-rate bubble popped, and many Americans found themselves facing higher mortgage payments that were unaffordable.

We are exposing ourselves to more debt than we should. The cost of that decision is severely understated. That cost, as laid out by CBO, could be astronomical. Under President Obama's 2012 current budget, the CBO projects deficits for each of the next 10 years, resulting in an estimated \$10 trillion being added to the public debt, a 100-percent increase.

Under the scenario where interest rates rise to the historical average of the 1990s, the public debt is projected

to grow an additional \$8 trillion or a 77-percent increase. Under the scenario where interest rates rise to the historical average of the 1980s, the public debt would grow to \$12.1 trillion, doubling in size.

It is right here on this chart. You can see it. This is a chart showing the public debt over the next 10 years, from 2011 to 2021. You can see the green on the far right of each column is the 1980s interest rate, the blue in the middle of each column is the 1990s interest rate, and the red happens to be the current baseline estimates, which almost everybody who looks at it seriously would say are too low.

If the interest rates return to the levels of the 1990s without any policy changes, the debt, as you can see, grows significantly, according to this chart. If we return to the 1980s interest rates, we will hit a 116-percent increase. If interest rates return to the 1980 levels, boy, are we in trouble.

Those who argue against spending restraints now are akin to the bubble inflators of the housing industry, encouraging more and more spending and consumption, never considering what will happen when the rates adjust.

This is why it is urgent, I would say imperative, that we cut spending now. Not after the next Presidential election. Not next year. Not next month. Immediately.

We cannot afford either the short or the long term effects of this dangerous spending addiction. American taxpayers understand what Washington has to do. It is time to cut the national credit card and stop this reckless spending.

Unfortunately, my colleagues on the other side of the aisle, and their liberal progressive base, keep urging for more taxes. I don't get this. I don't think Americans have been sitting at home thinking: You know what this debate over government spending has been missing? A proposal for a giant tax increase.

But to borrow from Bruce Dickinson, Democrats have a fever. And the only prescription is more taxation.

When it comes to dealing with our budget deficits and our exploding debt, Democrats have a one-track mind. They claim that they are serious about spending. The White House is touting reforms to Medicare and Medicaid to get spending under control. But ObamaCare is not Medicare reform. And real Medicare reform will entail repealing ObamaCare.

The health care bill took a half a trillion dollars out of Medicare to finance \$2.6 trillion in new government spending. And instead of taking responsibility to ensure the long-term viability of Medicare, the President did what he seems to do best. He punted decisionmaking to a board of unelected bureaucrats.

ObamaCare is not Medicaid reform either. States are already facing a

crushing collective deficit of \$175 billion. But instead of helping the States to lift this burden, the President's health care bill larded on a \$118 billion Medicaid expansion on the States. That is about \$300 billion.

The White House has circulated a factsheet on the President's attempt at deficit reduction. It claims \$340 billion in savings over 10 years—"an amount sufficient to fully pay to reform the Medicare Sustainable Growth Rate, SGR, physician payment formula while still reducing the deficit." However, the President's budget estimated the cost of a 10-year doc fix at \$380 billion. Assuming Congress utilizes the President's proposed savings to fund a doc fix, the net deficit increase from the White House's health proposals will be at least \$40 billion.

With due respect, when the Medicare hospital insurance trust fund, which our seniors depend on, is scheduled to be insolvent in 9 short years, that is totally inadequate.

So what are we really looking at in this vaunted deficit reduction plan? Yesterday, in anticipation of the President's remarks on deficit reduction, his spokesperson gave it away when he said, "[t]he president believes there has to be a balanced approach."

Translation: You better check your wallet.

The Wall Street Journal said that tax increases are on the table.

But Americans know that for Democrats tax increases are never off the table. Most Americans understand that they are the centerpiece of Democratic policy.

America was waiting for the President to propose something new today. Instead, he dusted off his proposal to end the 2001 and 2003 tax cuts for households and businesses earning over \$250,000 a year.

Citizens wanted something innovative—maybe a little hope and change for a change.

But instead they got the fiscal policy of Walter Mondale and Michael Dukakis.

Under the President's proposed failsafe for deficit reduction, taxpayers who use their own dollars to deduct mortgage interest, make contributions to charities, save for education, or save in a pension plan, will be treated the same as spending for Nevada's Cowboy Poetry Festival.

To me they are not the same. But to the President they are. David Plouffe, the President's senior adviser and former campaign manager, had this to say about the President's proposal:

People like him . . . who've been very fortunate in life, have the ability to pay a little bit more.

Well, that's big of him. We hear this quite a bit from rich Democrats: Please tax us more, they say.

Well, as the ranking member on the Senate Finance Committee, I feel obli-

gated to inform Mr. Plouffe that the President, and all of those rich liberal Democrats who are eager to pay higher taxes, can do just that. They can write a check to the IRS and make an extra payment on their tax returns to pay down the Federal debt. The option is right there at the bottom of their tax return.

America awaits these checks. This might be a good talking point. I am sure it has polled well. But I have yet to hear the economic or fiscal rationale for raising taxes on small business creators and American families. It is certainly not deficit reduction.

Raising taxes might be politically necessary for Democrats. But it will do little to reduce the deficits and debt that are at their root spending problems.

An article from the Tax Policy Center shows just how delusional it is to try and balance the budget through tax increases. In an article titled, "Desperately Seeking Revenue," the authors laid out what types of tax increases would be necessary, absent spending changes, to reduce Federal deficits to 2 percent of GDP for the 2015 to 2019 period.

This is a remarkable article. Its authors concluded that tax increases consistent with the President's campaign pledge not to raise taxes on individuals making less than \$200,000 or families making less than \$250,000 would require the top two rates to go from 33 percent to 85.7 percent and 35 percent to 90.9 percent.

This article makes clear, yet again, that we have a spending problem, not a revenue problem. We are not going to make meaningful deficit reduction—we are not going to get the debt under control—by taxing the so-called rich. Taxing citizens and businesses more is not going to fix what is essentially a spending problem.

Consider this chart. The top red line is the CBO baseline, the middle blue line is the President's budget plans. The bottom orange line is to extend the 2001 and 2003 tax cuts and index the AMT, the Alternative Minimum Tax.

You can see here that under the President's budget plans, under the CBO baseline, and under the Republican position, individual income tax revenues as a percentage of GDP are going up. Tax revenues are already going up, and they are not getting us where we need to be as a nation. Yet in his remarks today, the President's landmark proposal is little more than tax increases. I suppose we shouldn't be surprised.

When the Drudge report announced yesterday that the President was going to recommend tax increases, it did not even merit a flashing red light. Drudge just pushed it to the side, because it is really no longer news to anyone that Democrats want to raise taxes.

The real news would have been if the President stood up to his political base

and made meaningful recommendations for entitlement reform.

The people of Utah, and taxpayers around the country, would have stood up and listened if the President backed a serious rollback of domestic non-defense discretionary spending, which has exploded on his watch.

Instead, they got the economic philosophy of President Carter. Maybe that statement isn't fair to President Carter. I don't know. It seems like it has all the elements of fairness.

Ultimately, this spending crisis cannot be ignored, and both voters and markets will respond to the leaders who take this issue on in a serious way.

One of the problems with our colleagues on the other side and their wonderful desire to increase taxes on everybody is that those tax increases would not go toward paying down the deficit. They would go for more spending. That has been the case for all my 34 years in the Senate. Every time we have raised taxes, over the long run it has not gone toward bringing down the deficit. It has gone for more spending.

We Members of Congress have all kinds of ways of spending money, and our Father in Heaven knows we get a lot more credit for spending in this country up through the years than we do for conserving. On the other hand, I don't think there is much credit coming today. I think most everybody in America, including all those Democratic millionaires who supported the President last time—maybe not all of them but a good percentage of them—are saying: Enough is enough.

I am hoping the President will give a speech someday that will make a difference on spending because that is clearly the problem. It is not tax revenues, it is spending. I think we have had enough of that. I think the American people, whether they be Democrats or Republicans, have had enough of that. Even though we wish we could do more, we wish we could help more people, we wish we could provide a new car for everybody in America, I am sure, but that is not reality. It is time to face up to reality and get this government spending under control.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the period of morning business for debate only be extended until 6 p.m. this evening, with Senators during that period of time being allowed to speak for up to 10 minutes each, and at 6 p.m. I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS

Mr. REID. Mr. President, we are continuing to work on an agreement to move ahead on small business. We have three main amendments—I should not say “main,” but I think they are the ones on which we are focused. One is an amendment by Senator CORNYN, one by Senator HUTCHISON, and one by Senator SANDERS. There are others who now have come into the fray, and it is making it very difficult to get votes on these three amendments, but that is where we are.

It is unfortunate. I think each of these amendments were offered in good faith. We should be able to have a vote on them even though they have virtually nothing to do with the small business bill, but I am going to continue to work to see if I can get universal agreement to get these amendments disposed of either by passing or bringing them up and moving toward completion of this bill. We should have been able to do something in the last 2 days, but that is where we are.

Overhanging all this is the continuing resolution which we need to work on tomorrow. If people have any feelings about that, I wish they would come to the Senate floor to discuss it.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. VITTER. Mr. President, I watched with great interest President Obama's speech about our spending and debt crisis. That is what I would call it. He did not use as stark terms, unfortunately, but it is a spending and debt crisis.

First of all, I am at least a little encouraged that he is finally beginning to enter the debate about this crisis. It is headed to a crisis. It is the greatest domestic threat we face as a nation. At least this speech acknowledges it is a huge threat and that his own budget submitted a few months ago was a pass on all of those big issues and he needed a redo.

This is a great threat to all of our futures and prosperity. Let me try to put it in a little bit of perspective.

Borrowing right now is at least 40 cents out of every \$1 we spend. So for every \$1 the Federal Government spends, 40 cents of that—over 40 cents—is borrowed money. We are spending \$3.7 trillion a year, but we are only taking in \$2.2 trillion. Because of that, we have recently been racking up over

\$4 billion of new debt every day. So every day: new debt of \$4 billion a day. And a whole lot of that we owe to the Chinese, more than \$1 trillion. That eventually has very serious consequences in terms of our prosperity, our future, the sort of country and vision and future we can leave for our kids.

As interest rates go up—which they inevitably will if we stay on this path—that downright costs jobs. When interest rates go up 1 percent, Federal debt goes up \$140 billion because the debt is so much. When those interest rates eventually go up, it makes it harder for all of us and our families to buy cars and homes, to pay tuition, to create jobs if we are a small business.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, has said:

Our national debt is our biggest national security threat.

The highest ranking person in uniform in charge of our national security says our biggest security threat is not Iran or North Korea or anyone else; it is actually this domestic debt issue. Debt at current levels—which is 94 percent of GDP—economists say that is already costing us about a million jobs because our debt level is so great.

Again, at least the President, in his speech today—which is essentially a do-over of his budget from a few months ago—at least the President is beginning to acknowledge that fundamental threat, and that is good. But we need more than a speech, we need more than a vision. We need a real action plan, a detailed plan from the President, and we did not get that today.

So my first reaction to the speech was that it was just that: It was a speech. It was a nice sounding speech. It had a lot of nice themes. But it was a speech. If the President, who is so quick to criticize Congressman PAUL RYAN's budget—if he wants to enter the debate, he needs to enter it on a par with that level of detail, that level of specifics that Congressman RYAN and House Republicans gave. So the President needs to submit a new budget, a new detailed proposal, not just give a speech. Then we need to engage in a real debate and come up with a plan, an action plan, to tackle this spending and debt issue. And we need to do that before we vote on any debt limit increase.

Speaking for myself, I am not going to consider increasing the debt limit, which the President wants all of us to do, unless and until there is tied to it a real plan to deal with this spending and debt crisis. So this speech today, perhaps, was a start. But my general reaction is, we need more than a speech. We need specifics. We need a new budget submission. Then we need to engage in a bipartisan discussion and negotiation. But we shouldn't wait until May, as the President suggested. That should start immediately—tomor-

row—because we need to hammer out meaningful details before any proposal comes to the floor for votes to increase the debt limit.

In terms of the general themes the President struck, I have to say I was disappointed because, to my ears, it was the same-old same-old.

The first theme was increasing taxes. He has been at that theme over and over again, and that was absolutely the first theme he hit in his speech—increasing taxes. The problem is, if we look at the level of taxation we have, it is not extraordinarily low, it is not somehow way below normal historical averages. What is way above normal historical averages is spending. So if we just look at the data compared to history, we have a runaway spending problem; we don't have a taxation problem.

The second big theme the President hit was cutting defense spending. Again, coming from a liberal, this is just the same-old same-old—a traditional, predictable theme to cut defense. I don't think that is really a new approach or a new discussion from the President.

The third big theme was to cut tax expenditures. A lot of folks, at least in Louisiana, won't know what the heck that means, so let me translate. Cutting tax expenditures means increasing taxes. It means doing away with certain deductions and certain credits. It means your tax bill goes up. I am all for Tax Code simplification. I think we need an enormously simplified Tax Code. I do think we need to get rid of a lot of deductions and credits, but that should be used to lower the overall rate, particularly rates such as the corporate tax rate, which, in the United States, is the highest of any industrialized country in the world.

In terms of the theme of real cutting, that theme was very short on specifics but very long on general statements, including that entitlement spending—things such as Medicare—would not be covered in reform in any way.

So when we look at these broad themes—and that is all there was, broad themes, not specifics—it was, quite frankly, sorely disappointing. But perhaps at least it is a start. As I said at the beginning of my remarks, I hope it is a meaningful start, but to be a meaningful start and to produce fruit, we need to go from a very broad, very general speech to a detailed submission.

The President needs to resubmit his entire budget. This is a do-over, so he needs to resubmit a detailed budget which matches Congressman RYAN's proposal in the level of detail, in the level of specifics the Budget Committee chairman in the House has provided. Then we need to immediately get to a bipartisan discussion and negotiation. We shouldn't wait until May. That should start immediately for one

simple reason: I don't think there is any chance of passing any increase to the debt limit without having attached to it major reform, major structural reform that ensures we are on a new path of lowering spending and lowering debt. Of course, I can only control one vote, but speaking for myself, I will say that I won't even consider those proposals to increase the debt limit unless and until there is a proposal that passes the Congress to actually decrease the debt.

Ultimately, the problem isn't the debt limit; the problem is the debt. When an individual has a spending problem or a credit card problem, the solution isn't getting a higher limit on his credit card; the solution is to deal with the spending and the debt problem, which is the underlying, core problem. The same here.

So we need to do that as we move forward in this debt-limit discussion. I hope we will all do that. I hope we will come together in a meaningful, bipartisan way to do that—to actually attack the problem, which is spending, which leads to the second problem, which is debt, and actually propose and pass real structural reform before we even have any vote on increasing the debt limit. I urge all of my colleagues to work constructively in that regard. I hope the President's speech is a start toward that, but, of course, time will tell, and actions versus words are what ultimately matter.

Thank you, Mr. President. I yield the floor.

Mr. BAUCUS. Mr. President, today more than 47 million Americans rely on Medicare for their health care. For more than 45 years, seniors have had access to the affordable, dependable health care Medicare provides.

We all recognize the cost of health care. We know it is growing and growing too rapidly. The landmark health reform law we passed recently took bold steps to rein in costs, and I am eager to work with my colleagues from both sides of the aisle to further reduce health care costs, increase efficiency, and root out the fraud and waste.

Last week, the chairman of the House Budget Committee, Congressman PAUL RYAN, proposed a plan that would end Medicare as we know it. Rather than providing affordable health care paid for by Medicare, as is the case today, under the Ryan plan, seniors would receive a voucher to purchase private health insurance—again, not health care benefits provided for under Medicare but, rather, receive a voucher to purchase private health insurance from private health insurance companies.

Unfortunately, this voucher would fall far short of covering health care costs for seniors. According to the independent Congressional Budget Office, under the Ryan plan, "Most elderly people would pay more"—I might

add, much more—"for their health care than they would pay under the current Medicare system." How much more? CBO says that under the Ryan plan, the average 65-year-old would have to pay \$12,000 a year to receive the same level of benefits Medicare offers today—\$12,000 a year. That is more than double what a senior would have to pay under today's Medicare. So the Ryan plan would double the payments seniors have to make and the benefits would be reduced.

Under the Ryan plan, there would be no guaranteed benefits, which are provided under Medicare today. As a result, private insurance companies would dictate what care a senior received, ending the current doctor-patient relationship.

Our deficit, of course, is serious. It is very serious. It must be addressed. While we need to look for more ways to reduce our deficit, we need to do so in a balanced and fair way. For starters, we shouldn't balance the budget on the backs of seniors. We will not allow Medicare to be dismantled—not on our watch. Yesterday, Senator BILL NELSON and I introduced a sense-of-the-Senate resolution stating that "Medicare should not be dismantled and turned into a voucher or premium-support program."

Deficit reduction should not simply shift costs to seniors, and that is exactly what the vouchers in the Ryan budget would do. A voucher system does nothing to lower health care costs. It does not guarantee the benefits Medicare offers today. It does not provide access to affordable health care. Seniors deserve much better.

I listened closely to my colleague from Louisiana a few moments ago. Frankly, I am somewhat heartened. I heard from him that he wants to move forward and that he would, he said indirectly, vote to increase the debt limit if there is a credible plan to reduce deficits and our national debt. I think that is a proposal with which the vast majority of Members of this body agree. Of course, the proof is in the pudding. It is, what is that credible plan, what is that mechanism, what is that assurance that we are going to reduce the budget deficits prior to a vote to increase the debt limit?

It is very important that a vote to increase the debt limit occur without brinksmanship. We had far too much brinksmanship in the lead-up to the continuing resolution. It was just a matter of \$2 billion or \$3 billion in the last eleventh hour.

The vote to increase the debt limit is a far more important vote. The stakes are much, much higher. The dollar amount is much greater. The financial markets will be watching very closely. And we, as Members of Congress, working with the President, must find a way to get the debt limit increased but with assurance that we are going to get

deficits down and the debt down in a credible way, in a proper period of time so we don't have to push up to that final moment, the final minute before the vote on the debt limit occurs.

As I listened to my colleague from Louisiana, I sensed that he wants to find some way—and I think we all do; that is our challenge; that is our charge over the next couple of months—find that mechanism, find that process that is credible, that makes sense, and that both sides can buy into, not knowing exactly what the final result will be but knowing we are starting down a road to get the budget deficit under control in a balanced and fair way.

I do not mean to sound critical, but I don't think the Ryan budget proposal is balanced. I don't think it is fair. But I do think the vast majority of the Members of the Senate do want to find a fair and balanced solution, and it is up to us to find that before a vote on the debt limit occurs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. PORTMAN. Madam President, this afternoon, after a few days of great anticipation, the President laid out his version for long-term deficit reduction and dealing with our long-term debt. Now that we have heard from him, I am afraid we are left with more questions than answers.

Let me be clear. I welcome the President to the debate. I think it is a positive sign. There is no more pressing issue for us to address than our dire fiscal situation and our economic challenges; both are intertwined. We are not going to be able to move the economy until we deal with our impending debt crisis, and we cannot deal with fiscal problems without growing the economy.

There has been a lot of good discussion about the unique dangers we face if we don't address our massive deficits and our debt which has now accumulated to over \$14 trillion. That amount, by the way, is equal to the entire size of the U.S. economy, making this the first time since World War II that we have had a debt of that level. It is also a lot different now than it was then.

During World War II our debt was driven primarily by defense spending which would be quickly curtailed. We weren't looking at the incredible unfunded obligations, such as Medicare, Medicaid, and Social Security that we have today. That is an unfunded obligation of over \$100 trillion. So we are

in uncharted territory, unprecedented times. It is harming our economy today and, of course, it will devastate it in the future if we don't take action.

Economists tell us that with a debt of 90 percent of GDP we will typically lose 1 point of economic growth. Again, this year our gross debt is 100 percent of our GDP. By the way, a 1-percent reduction in our GDP in America means about 1 million jobs. So, already, with a gross debt of 100 percent of GDP, we have foregone jobs that we need in Ohio and around the country.

This high indebtedness also comes with significant interest payments. Of course, even with interest rates being near zero today, the magnitude of the U.S. debt still requires a debt service this year of over \$200 billion. By the way, under the President's budget that number increases to almost \$1 trillion 10 years from now based on the CBO analysis. That is \$1 trillion a year just in interest payments on the debt.

What concerns me is that interest rates could well go up given this climate. A 1-percent increase in interest involves another \$130 billion of interest payments. Think about that. Just a 1-percent increase in interest rates means another \$130 billion in interest payments. Obviously, inflation would be causing additional damage to an already precarious budget situation, and that is another great risk that we face.

Our current deficits are also increasingly financed by foreign holders of U.S. debt. At present, nearly half of U.S. publicly held debt is held by foreign investors. As U.S. deficits are increasingly foreign-financed, of course, our interest payments are leaving the country. It is estimated that in 2010 interest payments to foreign entities and foreign individuals amounted to over \$140 billion. That is based on the new data from the Department of Commerce. It is not just about these high debt payments, it is the fact that a lot of it is going overseas.

Our persistent deficits and pending debt crisis also introduces a lot of uncertainty into our economy. Some immediate evidence of this effect appears on the balance sheets of America's businesses, which shows \$1.9 trillion in liquid holdings. That means money is sitting on the sidelines rather than being invested in jobs, plants, and equipment. Resolving the uncertainty surrounding future deficits will induce greater investment as companies can plan more effectively.

We are already seeing these concerns manifest themselves in our economy today. Capital markets are responding as investors, such as PIMCO, the largest holder of U.S. Treasuries, is out together, telling us they no longer trust U.S. debt. What will happen if we don't address these challenges is even more daunting.

According to the CBO, assuming the continuation of many current policies,

debt held by the public as a share of our GDP is projected to reach an implausibly high 947 percent of GDP by 2084. Of course, that won't happen. The United States will face a debt crisis long before that, but that demonstrates the unsustainability of the current fiscal situation. No economic model could tell us what the economy would look like in the future because by then these models will essentially fall apart.

Over time the accumulation of debt increases the cost of debt service, consuming a greater share of revenues, limiting budgetary resources for other priorities or for meeting unforeseen emergencies, such as a natural disaster or a war.

As time progresses a fiscal crisis resulting from high indebtedness could occur rapidly as investors lose confidence in U.S. Treasuries. Absent immediate policy changes, the United States would have to pay higher yields on its own debt to roll over existing debt and avoid default. We are going to have to pay higher interest rates to attract investors to our country. In addition to the cost of an increase in interest expense, higher interest rates, of course, would be devastating for American families. Think about it. As interest rates go up, because Treasury rates go up, this means home mortgages go up. This means college loan payments go up. This means interest rates on car loans go up and on credit card activity and other loans. The economy is tough enough. We don't need higher interest rates, but that is upon us unless we act now.

The magnitude of the debt crisis would escalate as higher interest costs require additional borrowing at high rates to continue to make interest payments, which would ultimately grind the economy to a halt as investors lose confidence in the ability of the United States to repay. The global impact of a U.S. debt crisis would be far reaching and truly unprecedented. We just went through a tough recession. We don't need to relive that.

All things being equal, debt financing of current consumption necessarily imposes future obligations on subsequent generations either in the form of higher taxes or reduced consumption of government services. To avoid a debt crisis, any policy changes must begin sooner rather than later to minimize those effects that are, unfortunately, likely to happen even if we act.

Given the threats and the crisis described, there is no doubt that America needs real leadership to address this fiscal threat. While we can debate some of the specifics in Congressman RYAN's budget, there is no doubt that the House Republican plan demonstrates necessary leadership on the severe fiscal challenges our country faces. This is in contrast to the plan President Obama sent to the Congress just 2

months ago. It not only rejects the serious recommendations from his own fiscal commission, but, unfortunately, as Erskine Bowles, the Democratic co-chair of the President's Commission said: "It goes nowhere near where they will have to go to resolve our fiscal nightmare."

Unfortunately, the President's speech today provides no specifics as how to resolve that fiscal nightmare.

More spending, more borrowing, and more taxes are not a prescription for spending constraint and economic growth. Since President Obama took office, we have seen trillions in new spending and record deficits. The February budget I talked about just locks that new spending in place, doing nothing to pull back from this dangerous spiral of debt.

Let us be clear, this is not just a budget issue, it is an economic issue, and it is definitely a jobs issue. Not only will debt and deficit have a long-term impact on our children and grandchildren who will have to foot the bill for today's spending, but we are beginning to see this immediate impact on economic stability and job growth as the cost of our debt begins to crowd out private sector investment. We have to move quickly to substantially reduce the debt and deficit to strengthen our fiscal house and, in doing so, foster job creation in States such as mine—Ohio—and around the country.

The Commission's plan that the President rejected in December cuts deficits by about \$4.1 trillion compared to the baseline of current policy over a 10-year period. It brings our deficits to 1.2 percent of our economy by 2020. Compare that to today, where we are at almost 10 percent of our economy. So it sets a standard—over \$4 trillion in reductions in the deficit and an annual deficit that is 1.2 percent, which incidentally is where our budget deficit was about 4 years ago. Congressman RYAN's budget got there by bringing deficits down by about \$4.2 trillion by 2021, as compared to a comparable baseline, to the Commission's report—so \$4.1 trillion, \$4.2 trillion—and the deficit is about 1.5 percent of GDP.

The President's own budget, again submitted here to Congress about 2 months ago, is very different. His budget merely gets one-quarter of the way there—\$1.1 trillion—and that assumes all the administration's claimed savings occur and it assumes, frankly, there is a higher rate of economic growth than the Congressional Budget Office thinks there will be, which actually wipes out the deficit savings the President claims.

So we have very different visions, don't we? We have the fiscal commission on the one hand and the Ryan budget in the \$4 trillion range and then a plan by the President that does not get us moving forward in terms of deficit reduction—in effect, doubles the debt in the next 10 years.

Evidently, after seeing Republicans move forward last week and now this week in the House and after seeing how, on a bipartisan basis and around the country, people reacted to his budget, President Obama has realized he needs to move forward with a new proposal. In a sense, he is asking for a mulligan, and I think that is good. I think it is good he has acknowledged this problem is deeper and more serious than his budget proposal indicated, and we need to move forward together.

Unfortunately, again, the President did not offer specifics today, unlike the Ryan budget, which takes some bold and courageous and tough steps but does offer specifics. The President chose instead to squander his opportunity to offer a real way forward on tackling our structural fiscal problems. He did talk about \$4 trillion in deficit reduction—and I appreciate that—but again did not offer a way to get there. The national commission he formed, and which reported in December, told the President there was a way to get there, and I hope the President will relook at his own Commission and other proposals, such as the Ryan proposal.

As the President made clear, we have been debating just 12 percent of the budget. He is right about that. There is some defense spending that is involved, but for the most part it is a very small part of the budget. So what does his proposal do to address these additional challenges? I didn't hear anything today about serious proposals to address the entitlement programs, which are incredibly important programs but on an unsustainable footing.

On Medicare, the President proposed delegating future unspecified savings to a government board—unelected and unaccountable. On Medicaid, the President seems to be delegating responsibility to the National Governors Association. On Social Security, the President told us today it doesn't contribute to our deficit, despite the fact the program is in cash deficit this year by \$45 billion—\$45 billion less in payroll taxes than the payments going out.

The President proposed \$4 trillion in deficit reduction. Yet he has shrunk, at this point, from the responsibility of telling us how he would achieve it, except that he would leave the challenge largely to others, while pursuing tax increases that I fear would harm the little recovery we see coming out of this deep recession.

So I look forward to working with Members on both sides of the aisle and the President to address the serious challenges we have talked about today. I wish we had seen more specifics today, but I am encouraged to see that at least the President is engaging in the game. I welcome his involvement because it is too important for us not to have involvement from both sides of the aisle. Without White House leadership, we cannot move forward.

As the President so often says, let's get focused not on the next election but on the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the Senate will have before it today or tomorrow, depending upon the flow around here, two very misguided bills. This will come about when we have our budget come up for a vote. Under an agreement to get that budget up, we are going to have a vote on two separate bills. One bill would totally repeal and defund the affordable care act—the health care reform bill we passed—and the other one would prevent funding for Planned Parenthood. So I wish to take a few minutes on the floor of the Senate to speak about how misguided these two bills are.

First, let me talk about the bill that would defund the affordable care act. This bill we will be voting on will prohibit any funds appropriated this year and any funds appropriated in any prior year from being used to carry out the affordable care act. This would remove the engine from health care reform while the train is steaming down the track.

So, again, why are we voting on this? The reason is, Republicans have tried a frontal assault on the affordable care act—a debate on the merits—and they failed. This body voted down Senator McCONNELL's amendment to the FAA authorization bill that would have repealed health reform in its entirety. But I guess what we can't do directly, we try to do indirectly. So now the Republicans are trying to undermine health reform by other means, such as defunding it.

Well, this strategy only makes sense if you are absolutely obsessed—obsessed—with tearing down health care reform. Make no mistake about it, this bill is the equivalent of repeal. By depriving the bill of all funding, it would turn back the clock on all we have accomplished over the past year.

It would take us back to the bad old days, when insurance companies were in the driver's seat, telling us what kinds of health care we are entitled to and when we are entitled to it.

Instead of protecting all Americans against arbitrary limits on coverage, repeal would take us back to the days when insurance companies could turn off our coverage just when we are the sickest. That would hurt families such as the Grasshoffs from Texas, who testified before my committee earlier this year. They were unable to find coverage that would pay for their son's hemophilia treatment until the affordable care act banned lifetime limits.

Instead of allowing young people starting a new job or a new business or going off to school to stay on their parents' insurance until age 26, repeal would make them fend for themselves

in a chaotic market that offers too little coverage for too much money. That would hurt folks such as Emily Schlichting, who suffers from a rare autoimmune disorder that would make her uninsurable in the bad old days. But because of the affordable care act, she is able to stay on her parents' policy until she is 26. Yet at a HELP Committee hearing in January—this is Emily, a wonderful young woman—she said:

Young people are the future of this country and we are the most affected by the reform—we're the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.

It would also hurt folks such as Carol in Ankeny, IA, whose 19-year-old daughter was diagnosed with type 1 diabetes 9 years ago. Thanks to the affordable care act, Carol doesn't have to worry about her daughter's preexisting condition, disqualifying her for insurance coverage, and she can stay on her parents' health insurance coverage after college.

Carol also doesn't have to worry about the cost of her daughter's care running up against the lifetime cap that would be imposed by an insurance company. Health care reform banned those limits. Carol wrote me a very nice letter to say thank you for doing the right thing.

Instead of protecting nearly half of nonelderly Americans who have preexisting conditions—such as high blood pressure, diabetes or heart disease—from denial of coverage, repeal would put insurance companies back in the driver's seat, picking and choosing whom to cover.

Instead of helping small businesses, struggling in this recession with the cost of insurance premiums, repeal of the affordable care act would take away \$40 billion in tax credits that reduce premiums for small businesses.

Instead of helping all Americans prevent illness or disease by providing free preventive services such as mammograms and colonoscopies, repeal would allow insurers to charge expensive copays for these important services, thus discouraging people from getting their colonoscopies or mammogram screenings.

If we pass this bill—this bill to defund the affordable care act—Congress will turn its back on America's seniors, tossing our hard-won improvements in Medicare benefits and damaging the program's fiscal health. It would reopen the Medicare Part D doughnut hole, exposing millions of seniors to the full cost of drugs when they need the most assistance. Repealing the affordable care act would increase seniors' drug prices, on average, by more than \$800 this year and \$3,500 over the next 10 years.

Repeal would roll back the unprecedented investment the affordable care

act makes in Medicare fraud prevention. Turning back the affordable care act would hurt seniors' access to health care in rural areas by eliminating incentive payments that are in the affordable care act paid to rural primary care providers.

Repealing—or defunding, as this bill would do—the affordable care act would roll back improvements to Medicare payment policy, coordination, and efficiency that extends the life of the Medicare trust fund by a decade. In addition, Secretary Sebelius has informed us that payments to Medicare providers would be significantly disrupted by this bill, which again will defund the affordable care act.

Finally, we come to the part of this debate even Alice in Wonderland would have a tough time understanding. The House Republicans have played the Washington stage for all it is worth over the last few weeks, making great solemn speeches to the balconies and to the audiences about the deficit and the debt. But as a condition for agreeing to fund the government for the remainder of this year, what are they demanding? They want to defund and, thus, repeal the affordable care act—one of the best and biggest deficit-reducing measures in decades.

The Affordable Care Act reduces the deficit by \$210 billion in the next 10 years, more than \$1 trillion in the next 10 years. Again, here is a chart that shows that. In the next 10 years, according to the Congressional Budget Office, the Affordable Care Act will reduce the deficit by \$210 billion. Therefore, if you repeal it you would increase the deficit by \$210 billion.

Here is where the real savings come. In the next decade the Congressional Budget Office says the Affordable Care Act will reduce the deficit by \$1 trillion. So if you defund it, as this bill would do, you will increase the deficit by \$1 trillion. That is what the Republicans want, they want to absolutely increase the deficit. They must, because they want to do away with the Affordable Care Act.

Let me get this straight. The Republicans are proposing to reduce the deficit by—increasing the deficits? As I said, somehow I have a feeling when I hear that, we are not in Kansas any longer. This is “Alice in Wonderland” kind of thinking.

We have to stop the silly game. This debate is not about deficit reduction, it is about tearing down health reform, no matter what. No matter if it does increase the deficit, get rid of it, get rid of health reform. It is about giving control back to wealthy, powerful health insurance companies that can raise your rates, deny you benefits, and make increasingly more profit.

Nothing makes the nature of the agenda of my friends on the Republican side more clear than the 2012 proposed budget released by the Republican

House Budget Committee chairman last week. The Republican budget plan is very simple: a massive transfer of wealth from low- and middle-income Americans to the wealthiest in our country. Two-thirds of the budget savings in the Republican budget proposal come from drastically cutting programs that serve those with modest means, while permanently extending President Bush's tax cuts for the rich.

How is this massive wealth shift paid for? They would repeal the majority of the Affordable Care Act, taking coverage away from more than 32 million Americans who would be covered under current law. Starting in 2022, the Republican budget proposal eliminates Medicare as we know it, turning over the program to private health insurance companies. Instead of enrolling seniors in Medicare, the Republicans' plan would give them a voucher to go out and buy private insurance coverage on the open market. Since the voucher would not keep up with rising medical costs, seniors would fall farther and farther behind.

The Congressional Budget Office has said this would more than double out-of-pocket costs for seniors entering the program in 2022; it would triple the costs by 2030. Where would that money go? To the private health insurance industry. That sounds kind of familiar, doesn't it?

The Republicans' obsession with repealing the new health reform law is not based on budgetary considerations. It is based strictly on ideology. In 1965, President Johnson and this Congress passed Medicare, ensuring seniors access to decent health care. Republicans fought it bitterly then and 45 years later they are still trying to undo it. Here they go again. The choice before us is to go forward or to be dragged backward. Let us come together as a united American people, create a reformed health care system that works not just for the healthy and the wealthy but for all Americans.

There is a second bill we will be voting on in conjunction with the budget. The Republicans insisted on this in order to have a vote on the budget. It is equally as misguided and as dangerous, I think, as the other bill. This second bill would prohibit a law-abiding and extraordinarily successful organization from participating in fair competition for Federal funding. This entity would, of course, be Planned Parenthood.

Again, let's be clear what this bill is not about. It is not about the need to prevent Federal funds from being used to pay for abortions. Longstanding rules under the title X program already strictly prohibit the use of taxpayer dollars to fund abortions. What is more, every appropriations bill for the last two decades has stated that no funds can be used for any abortion.

This bill is not about abortion. It is about banning a specific organization

from even competing for Federal funds, simply because some people don't agree with that organization. This would create a very disturbing and dangerous precedent. When Congress creates a program, it typically specifies rules or criteria for participation in that program. Anyone who or any organization that agrees to play by these rules and criteria is eligible to compete. Planned Parenthood is playing by the rules. That is one reason it is one of the most widely respected health care providers in the United States.

Of 5.2 million women served every year by the title X program, 1 out of 3, 31 percent, receive care at Planned Parenthood health centers. If someone can show me a specific clinic that is not following the rules, by all means take away their funding. But that is not what this bill does. This bill says Planned Parenthood as an entity would be banned from even competing to provide services under title X, despite the fact that they conform to all of the rules of the program.

It doesn't only ban Planned Parenthood from offering family planning services. That is one aspect of what Planned Parenthood does. But this bill would turn away nearly 1 million women a year who receive cervical cancer screenings through Planned Parenthood clinical services, as well as 830,000 women every year who get breast exams at Planned Parenthood clinical services. They would turn away countless hundreds of thousands of women and men who receive physical exams and immunizations at Planned Parenthood clinical services.

My office has been deluged by e-mails and phone calls from Iowans and other Americans who oppose this misguided effort to ban Planned Parenthood from receiving funding under title X. I stand with them in support of the important services these clinics provide to women and men throughout the country.

A constituent of mine writes:

Dear Senator Harkin,

I want to let you know that cutting funds to Planned Parenthood will jeopardize the lives of many of the women and some of the men who go there for basic reproductive health screenings. I say this with confidence, as Planned Parenthood was the only clinic I could afford 10 years ago, to obtain yearly Pap smears. It was Planned Parenthood that found my cervical cancer and referred me to a specialist for treatment. Due to the existence and actions of Planned Parenthood, I am alive today as a healthy and contributing member of society. I work with undergraduate and graduate students, and several of them have mentioned that Planned Parenthood was their only option for affordable screenings. . . . Please ensure that government funding will be allocated to Planned Parenthood. Please do not have young or socioeconomically strapped women potentially lose their life over a cancer that is remedied when caught in its early stages.

That was the end of her letter. We need to listen to voices such as this. We need to listen to the women of

America who rely on Planned Parenthood.

Finally, I believe this bill goes to the heart of whether we can reach common ground on something on which we should all agree, the need to find ways to reduce the need for abortions in America. Let me say at the outset I strongly believe that we must preserve the right of every woman to her own reproductive choices that exist under the Supreme Court's decision in *Roe v. Wade*. But to reduce the number of abortions we must prevent unwanted pregnancies, just as we must also support women who want to carry their pregnancies to term. That is precisely what title X funding accomplishes. Family planning services at title X health centers, including Planned Parenthood, prevent an estimated 973,000 unintended pregnancies a year and this in turn obviates what a woman might turn to in desperation, for hundreds of thousands of abortions every year.

Unfortunately, during the debate on Planned Parenthood in recent days we have heard many wild and inaccurate claims about the work of this dedicated organization. On that score, I have always agreed with my former colleague, the late Senator Pat Moynihan, who said, "People are entitled to their own opinions but they are not entitled to their own facts." Last week our distinguished colleague, the junior Senator from Arizona, stood here on the floor of the Senate and stated that abortion "is well over 90 percent of what Planned Parenthood does." He stated it right here on the Senate floor, the junior Senator from Arizona.

Of course that is grossly inaccurate. Planned Parenthood spends the overwhelming majority of its resources keeping women healthy and preventing the need for abortion in the first place. The fact—the fact—is that just 3 percent of Planned Parenthood services are related to abortion.

When news organizations asked the office of the Senator from Arizona for evidence of his claim, a spokesperson bizarrely stated: "His remark was not intended to be a factual statement." What was it intended to be? The floor of the Senate is not the place for destructive and false assertions, especially when used to argue that an organization should be redlined and singled out for discrimination.

For the record, Planned Parenthood is one of the most respected women's health organizations in the United States. It courageously defends the right of women in America to make informed, independent decisions about their health and family planning. By providing women with counsel and contraception, Planned Parenthood prevents countless unwanted pregnancies and thereby reduces the number of abortions in this country. Lest there be any misunderstanding, I intend this as a factual statement.

Let me conclude by making clear that the one certain impact of this bill, if it were passed, would be to increase the number of abortions in America. This bill would dramatically erode the effectiveness of title X in preventing unintended pregnancies, preventing sexually transmitted infections, detecting cancers early, keeping people healthy through quality preventive care. It would have this impact because this misguided bill would ban an extraordinarily successful organization, Planned Parenthood, from providing these services.

On this bill we have to say no to unintended pregnancies and unnecessary abortions; say no to this misguided and counterproductive bill.

We will have this vote on the budget but then we have these two side votes, one that would defund the Affordable Care Act and send us back to the bad old days of health insurance companies deciding who gets what when at insanely big profits to them; second, it would ban Planned Parenthood from even applying to be a provider of health resources and services to 5.2 million women every year in this country.

I hope that Congress, the Senate, will rise above these misguided bills, will rise above unfactual assertions made on the floor of the Senate no matter how they were intended, and that we will make sure Planned Parenthood can continue to provide the vital services it does in this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

MR. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. McCAIN. Madam President, after much drama and anticipation late last Friday night, literally minutes before the government was scheduled to shut down, as we all know, a deal was struck to pass a weeklong continuing resolution and keep the government operating. That was the seventh continuing resolution we have passed since the start of the fiscal year last October.

Now we are appearing to consider the eighth and final continuing resolution to fund the government for the remaining 5 months of the fiscal year. Amazing. Eight continuing resolutions were necessary to fund the government for 1 year because my friends on the other side of the aisle neglected to bring a single one of the annual appropriations bills to the floor for consideration last year.

As my colleagues know, in addition to continued funding for all government operations, the measure we will consider tomorrow includes appropriations

for the Department of Defense for the remainder of the fiscal year. Unfortunately, on top of the typical run-of-the-mill Washington budget gimmickry, this agreement also contains a gross misallocation of imperative defense resources.

The Defense Department funding portion of this bill proposes \$513 billion for the routine operations of the Department of Defense and approximately \$17 billion in military construction, for a total of \$530 billion. This amount is \$19 billion less than the President's fiscal year 2011 budget request for the Defense Department and its related military construction projects and \$10 billion less than the \$540 billion the Secretary of Defense had testified was the minimum amount the Department needed to execute its national defense mission.

In addition, this bill also funds an additional \$157.8 billion for overseas contingency operations, or war funding, to support our troops in combat, consistent with the President's budget request.

I might add that the amounts Secretary Gates described as essential in January did not foresee that the United States would expend more than \$650 million enforcing the no-fly zone in Libya, an amount that will most likely increase over the remaining months of the fiscal year.

While this may seem like a defense funding level that we can live with in a tough fiscal climate bill, the bill is not what it appears to be on the surface.

As the Secretary of Defense pointed out last week, funding to support the warfighter is degraded in this bill because billions in the war-funding accounts—my staff has estimated close to \$8 billion—have been allocated by the Appropriations Committee for new spending not requested by the administration or transferred to pay items that were originally requested in the base budget for nonwar-related expenses. For instance, the bill shifts \$3.2 billion in nonwar funding to the war-funding account to artificially lower defense spending for day-to-day operations but by doing so reduces funds for the warfighter. Here is an example. The appropriators have added \$495 million for nine additional F-18s and funds them as part of the war-funding budget even though we have not lost any F-18s in the current conflicts.

Additionally, the appropriators added \$4.8 billion in unrequested funding to the war-funding part of the Defense bill for programs and activities that the President and Secretary Gates did not seek. For example, \$192 million was added for additional missile defense interceptors. There was no administration request for these funds. And missile defense expenses are in no way related to the wars in Iraq and Afghanistan.

So this bill uses gimmicks and shell games to artificially lower the defense

base budget rather than playing by the rules and actually demonstrating our commitment to fiscal responsibility. By doing so, it takes away billions of dollars that were originally requested for ongoing combat operations in Iraq and Afghanistan to support our troops where it is most needed.

Within the \$19 billion lower top line of the base defense budget, this bill continues business as usual with cuts exceeding \$5 billion to the amounts the President and Secretary Gates requested for critical defense programs in order to pay for over \$3.7 billion in unjustified and unexplained increases to other accounts.

In addition to these shifts away from the Department of Defense priorities, this bill also adds over \$1.4 billion for projects that were not requested by the Department and are not considered core activities of the Department of Defense.

Let me give you examples of those misallocated resources. It includes \$473 million in non-Department of Defense medical research not requested in the President's budget; \$227 million in other medical research related to Department of Defense fields but not requested by the Pentagon; \$550 million for local roads and schools not requested by the administration. It adds an additional \$3.7 billion in program increases not justified by an unfunded request by the service chiefs or by the administration; adds unrequested funds for the Red Cross, \$24 million; Special Olympics, \$1.2 million; youth mentoring programs, \$20 million. These are good programs, but they have no place in the Department of Defense. They should be in other areas. It cuts about \$1 billion in military construction requested in the President's budget, including \$258 million for projects in Bahrain, the headquarters of the Navy's Fifth Fleet. It adds a reporting provision designed to be the first step in forcing the National Guard to buy firefighting aircraft rather than lease commercially available aircraft. It authorizes a multiyear procurement of Navy MH-60 helicopters.

I want to be clear here. I know that cancer research is a popular cause on a bipartisan basis and that it has value in the larger scheme of things. I am not against funding for medical research to fight the scourge of cancer and other diseases. I support funding for these programs that are requested by the administration for the Department of Health and Human Services. But this sort of general medical research funding has no place in a defense bill. Placing it there, which the appropriators have done year after year, undercuts the fiscal responsibility and prioritization process we expect our Federal agencies to undertake when allocating scarce resources.

So the Department of Defense is not only getting a significantly lower

amount in its 2011 budget—\$19 billion below what it asked for to support its routine operations and carry out its day-to-day national security mission and \$10 billion below what Secretary Gates said in January was essential for the Department's ability to continue to function, but it is also being directed to spend about \$8 billion in funding for items that do not directly support the men and women in the military.

Let me point out one more disturbing aspect of the DOD portion of this bill. I understand from an exchange between my staff and the staff of the Senate Appropriations Committee that the committee is appropriating only "top-line dollar amounts" in this bill and not providing the customary tables, which is the description for each account, which outline the specifics of what is being funded. Instead, I have learned that the committee plans to communicate directly with the Office of the Secretary of Defense on funding levels in specific items.

I do not have a problem with the Appropriations Committee providing a top-line dollar amount to the Pentagon and allowing the Secretary of Defense to fund our national security priorities as he sees fit. I am deeply concerned about the lack of transparency associated with this plan. I hope it is not a way to get around the earmark moratorium currently in place in both Houses. If a Member of Congress is dictating, through the Appropriations Committee, the use of scarce defense funds, it is an earmark, even if it was done over the phone. I urge the Department of Defense to not view such communications as law or a mandate.

As I noted earlier, in addition to the misallocation of defense resources, this so-called deal uses typical Washington smoke-and-mirror tactics to achieve savings. According to expert analysis and numerous press reports, the agreement reached by negotiators last week used some of the same budget tricks and gimmickry that have helped us to accumulate our current deficit of \$1.4 trillion and a debt of over \$14.3 trillion.

Yesterday, in an article by Andrew Taylor of the Associated Press, it was reported that details of last week's hard-won agreement to avoid a government shutdown and cut Federal spending by \$38 billion were released Tuesday morning. They reveal that the budget cuts, while historic, were significantly eased by pruning money left over from previous years using accounting sleight of hand and going after programs President Obama had targeted anyway. The article also noted that details of the agreement "reveal a lot of one-time savings and cuts that officially score as cuts to pay for spending elsewhere, but often have little or no impact on the deficit."

Additionally, an editorial appeared in today's Wall Street Journal titled

"Spending Cut Hokum: GOP leaders hyped their budget savings." In part, the editorial states:

After separating out the accounting gimmicks and one-year savings, the actual cuts look to be closer to \$20 billion than to the \$38 billion that both sides advertized. But the continuing resolution also saves money on paper through phantom cuts. The whopper is declaring \$6.2 billion in savings by not spending money left from the 2010 Census. Congress also cuts \$4.9 billion from the Justice Department's Crime Victims Fund, but much of that money was tucked away in a reserve fund that would not have been spent this year in any event.

The budgeteers claim \$630 million in cuts from what are called "orphan earmarks," or construction that never started, and \$2 billion more for transportation projects, some of which were likely to be canceled. The Associated Press reports that \$350 million in savings comes from a 2009 program to pay dairy farmers to compensate for low milk prices. Milk prices are higher this year, so some of that money also would never have been spent.

An estimated \$17 billion comes from one-time savings in mandatory programs. The cuts are real, but the funding gets restored by law the next year, which means Republicans will have to refight the same battles. States lose some \$3.5 billion in bonus money to enroll more kids in the Children's Health Insurance Program, but many states failed to qualify for that extra funding. These cuts don't reduce the spending baseline, so there are no compound savings over time.

None of this is enough to defeat the budget at this point, but it is infuriating given the GOP leadership's flogging of that \$38 billion top-line figure.

Is that the best we can offer the American people right now? In these tough economic times, with record debt and deficits and 8.8 percent unemployment, we give them smoke and mirrors, budget gimmickry, and accounting sleight of hand. Our government is bloated and precious taxpayer dollars are squandered in nearly every agency. You can't pick up a newspaper or go online without seeing reports of waste and duplication throughout Federal bureaucracies. I am pleased some real cuts have been made, but we need to do much more. This deal does little to address the very serious fiscal issues we face as a nation.

I hope as we address the next crisis, which will be, obviously, as we reach the debt limit, that we will have more serious plans. I also believe it is vitally important, before we raise the debt limit, that we can put this Nation on a path to a balanced budget. We cannot afford to continue to borrow 40 cents out of every dollar we spend in Washington. We cannot afford, as the commercial that many of us have seen on television, to have the Chinese own America's money, and the United States be in such debt that China has an increasing and unhealthy influence on the United States.

I intend to vote for this agreement. I believe we could have done a lot better, but it is a step in the right direction. It is the first time we have made serious

efforts to reduce spending in quite a number of years around here. I hope it will serve as something that the American people can support and spur us on to greater efforts in the coming weeks and months.

I notice the presence of the majority leader, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I say to my good friend from Arizona, we came to the House of Representatives together, came to the Senate together. When we came here, we both had the same service except the State of Arizona had more people than the State of Nevada, so he is one step ahead of me in seniority. I appreciate my friend's statement.

Mr. McCAIN. That is in the eye of the beholder. I thank the Senator.

Mr. REID. I appreciate my friend's statement. He and I are both going to vote for this piece of legislation for different reasons, but as I have said publicly and privately, there have been very few people in the history of our country who have served our country so valiantly in battle and in the government than JOHN McCAIN. Even though we have disagreed on a number of issues over the years, my admiration for him will always be there.

(Mr. WHITEHOUSE assumed the chair.)

RENO AIRPORT INCIDENT

Mr. REID. Mr. President, as the country learned today, certainly we learned in Nevada, there was a terrifying close call at the Reno airport last night. It is a miracle that everyone is OK today, and we are grateful they are.

This is what happened. Only one air traffic controller was in the tower during last night's overnight shift. Medical aircraft carrying a critically ill passenger couldn't land because the controller fell asleep on the job. We now know that the pilot circled several times. We now know that he tried to call the tower not once, not twice, but seven times. The controller slept through every one of the calls. He slept through the circling of the aircraft.

More than 15 minutes later, with the passenger critically ill in the airplane, minutes during which no one could reach the air traffic controller while this critically ill passenger suffered in that aircraft, the pilot landed without any guidance from the airport.

The Reno airport is situated right below the great Sierra Nevada Mountains. It is an extremely difficult place to land. Those of us who have been landing there for all these years know how terribly rough it is many times coming out of there with the winds coming off the Sierras. To think this pilot was forced to land without any control on the land is very scary.

This should not happen in Nevada. It should not happen anywhere in the

country. It shouldn't happen in any airplane, and it certainly shouldn't happen to an air ambulance.

Just a short time ago, I spoke with Secretary of Transportation Ray LaHood. I am very happy he is acting, and acting quickly, to make sure this never happens again in Reno or anywhere else. We know we had an experience a few weeks ago right here in Washington, DC, the same type of situation.

Why did it happen? Reno was one of 27 airports across the country that sometimes had only one air traffic controller on the overnight shift. Because of Secretary LaHood's quick action, there will now be zero—effective immediately, every airport will have at least two air traffic controllers in the tower at any given time.

As I indicated, I have flown into and out of that airport many times. In October I was there for a celebration. We were opening a new control tower. It was very badly needed. From the old one, you couldn't see parts of the runway. When Reno's old control tower was built, Dwight Eisenhower was President and the Dodgers were in Brooklyn. In the half century since, the area's population has more than tripled. So it was fitting, we said at the time, that the airport open a control tower three times as tall as the old one.

Last night's near tragedy reminds us that state-of-the-art structures and the best technology work only as well as the people operating them. If these people fall asleep on the job, literally, they risk the lives of millions of Americans flying into and out of airports every day.

Secretary LaHood and Randy Babbitt, FAA Administrator, are doing their jobs. I appreciate their responsiveness and share their outrage that this ever happened, but Congress also has a key role to play. We have to do our jobs.

The Senate passed a bill in February to modernize America's air travel. With that legislation we created or saved 280,000 jobs. It would improve aviation safety and protect travelers, and that is an understatement. It would even help reduce delays, improve access to rural communities, and it would do all this while creating jobs.

The Republican House also passed a companion bill a few days ago, but the House bill is almost the opposite of ours. It is dangerous. It doesn't protect passengers, it imperils passengers. The Republican bill would cut the modern navigation systems at our Nation's airports. It is hard to comprehend—an FAA bill, to which we have had to give short-term extensions—I don't know exactly the number of times but like 14 different times—now we are going to try to pass a bill that doesn't modernize our navigation systems at our airports. That would be wrong.

The FAA said the House bill would force it to furlough safety-related employees—not just any employees but those whose primary job is keeping air travel safe. That doesn't make any sense. It would also keep airports from making the infrastructure improvements they need and would completely end the program that ensures rural communities—in small towns such as Ely, NV—have air service.

The Senate-passed bill and the House-passed bill are now in conference to work out the differences. Clearly, there are a lot of differences. The conferees have some choices to make, and they are important, but they need to make them quickly so that both Houses can pass this bill and send it to the President, and do it quickly.

This bill passed on a huge bipartisan vote. Again, we are grateful everyone in Reno is OK, but the next time we may not be so fortunate. Let's make our airports and our travel as safe as possible as soon as possible so the next time we don't have to rely on luck. That is what it was.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. GRASSLEY. Mr. President, I suppose I and a lot of my colleagues had an opportunity to hear the President's speech this afternoon. It is very nice that the President is being engaged for the first time in the budget debate and the long-term fiscal problems of this country, and the deficit problems of this country. It is good he is following on with some of the recommendations of his own deficit reduction commission. We have to remember a little less than a year ago he appointed a deficit reduction commission. They reported on December 5. It seems as though they had broad bipartisan support because the four Senators on the commission—two Democrats and two Republicans with probably very different political philosophies of the four—have endorsed it. Then, all of a sudden, since December 5 until today, there has been a lot of quiet on the part of the President of the United States about whether he likes what his deficit commission suggested.

I don't know the details of where he is coming from, whether he agrees with every detail that is in the deficit reduction commission recommendations, but at least he is getting on board along the lines of what 64 Senators—32 Republicans and 32 Democrats—said in a

letter about a month ago to the President: We are ready to start tackling some of these big problems, but we need leadership. Maybe this speech today is an answer to that leadership. Or, if I want to be cynical about it, I could say maybe the President gave his speech today because of the very positive comments that Congressman and Chairman PAUL RYAN got for his budget ideas that he released last week.

But the President also took advantage to renew the class warfare—the demagoguery of taxing the wealthy. It doesn't contribute much to the debate. In fact, I think it makes it very difficult to bring people together. Or, if I want to be cynical, I could say this is maybe the President's first speech about his reelection. But either way, I think there is analysis that we have to look at very carefully and see if it does the economic good that is intended in the speech, even though it is welcome that the President is being engaged at this time.

So I would give some reaction to some of the things the President said, but I want this as background: From World War II through 2009, every dollar of new Federal tax revenue coming into this Treasury resulted in \$1.17 of new spending. Think of that: Every new dollar coming in wasn't a dollar that reduced the deficit, it was a dollar that resulted in \$1.17 of additional spending. That is like a dog that chases its tail and never catches it. So we are sending a new dollar to Washington to do something about the budget deficit and nothing happens as a result of that, except more deficit.

The President made the point that tax reductions in 2001 and 2003 added tremendously to the deficit he inherited or the part of the deficit that now exists. But, in fact, the tax reductions of 2001 and 2003 resulted in more revenue to the Federal Treasury. The expanding economy, spurred by the Tax Relief Acts of 2001 and 2003, helped to reduce the annual budget deficit from \$412 billion in 2004 to \$160 billion in 2007, not because we taxed more but because we taxed less and we had more economic activity as a result. That brings me around to the principle of deficit reduction. Obviously, when I say a dollar of additional taxes doesn't go to the bottom line, that doesn't do anything about the deficit. But on the expenditure side, reducing that and the economic growth that comes from it is what reduces the deficit—more economic activity.

Even the most sincere arguments that raising taxes would reduce the deficit and the debt do not have history to back them up. Outside of Washington, it is obvious to people the problem is not that people are undertaxed but Washington overspends. The voters said this so loudly and clearly in the last election, and elections are supposed to have consequences. I think the

budget agreement of midnight Friday night is evidence of words from the grassroots of America getting through to Washington, DC. I think most people at the grassroots are cynical whatever happened, and I suppose we have to do a lot more to prove to them there might be a different day in Washington. But it was pretty loud and clear the results of the last election and the message sent to Washington.

Government spending increased by 22 percent during the last 2 years, a non-sustainable level of increased expenditures. If we follow the budget proposed this year by President Obama, we would add another \$13 trillion to our national debt over the next decade. This debt gets in the way of economic activity that creates jobs, and it is a terrible burden to leave to future generations. We talk dollars and cents when we talk about the deficit and the debt, but it is a moral issue of whether those of us of our generation ought to live high on the hog and leave the bill to young people such as these pages here who have to pay for it. It is a moral issue as much as it is an economic issue.

This trillions of dollars of debt gets in the way of economic activity that creates jobs, and it is a terrible burden on future generations. Washington needs to get behind policies that clamp down on spending and, as a result, we will grow the economy. Increased economic activity increases revenue to the Federal Treasury, enabling deficit and debt reduction. We know that to be a fact, because from 1997 to the year 2000, we actually, because of the growth of the economy, paid down \$568 billion on the national debt during that period of time. The answer is not ways to grow government. We need to grow the economy, but we don't grow the economy by growing government.

Getting back to the issue of the President making a big deal in his speech about the 2001 tax cuts being a major cause of the budget deficit, and probably the implication of the unfairness of it because there weren't higher taxes on higher income people, I would suggest that the President is wrong in both regards.

In 2001, the tax cut included an across-the-board income tax reduction and reduced the tax rates on the lowest income people from 15 percent to 10 percent. It resulted in removing millions of low-income people from the Federal income tax rolls entirely. It increased the child tax credit from \$500 to \$1,000. The legislation included marriage penalty relief and the first-ever tax deduction for tuition.

Two years later, after 9/11, the 2003 dividends and capital gains tax rate cuts spurred economic growth and created jobs.

The result was more revenue to the Federal Treasury, not less. The expanding economy helped reduce the annual

budget deficit—and I am repeating these numbers because they are significant—from \$412 billion in 2004 to \$160 billion in 2007.

I know it is counterintuitive to a lot of people to hear a Member of the Senate say if you reduce marginal tax rates, you are going to bring revenue into the Federal Treasury, because the obvious common sense tells people that if you increase taxes, you are going to bring in more revenue. As I said earlier in a speech today, it doesn't work out that way because some people in this country can decide I have paid enough taxes, I am not going to pay any more. So they disincentivize to be productive, probably do leisure or invest in non-productive activity. When you lower marginal tax rates, it encourages those people to be productive and, at the same time, creating jobs, growing the economy, and bringing more money into the Federal Treasury.

When you look at the sources of the deficit, contrary to the President's claim, tax relief has been a small part. Unprecedented spending contributed much more to the deficit than the tax relief did and particularly in the last 2 years—a 22-percent increase in expenditures on top of the \$814 billion stimulus.

Here is something that probably is counterintuitive as well and probably something the President misses from his analysis of the 2001 and 2003 tax relief bills, which he blames the big budget deficit on. Those reductions actually ended up with taxes being more progressive. The effective Federal tax rate on the top 1 percent of households is more than seven times the rate paid by the bottom 20 percent of households. That is up from less than five times as much in the year 1979.

If tax relief enacted since 2001 is allowed to expire in a little more than a year and a half—because last December we only extended the existing tax policy until December 31, 2012—if that happens at that time, a family of four with two kids who earns \$50,000 today would see a \$2,155 increase in their tax bill. More than 6 million low-income people who currently have no Federal income tax liability would be subject to the individual income tax, and that would be at a rate of 15 percent instead of the current 10 percent.

Washington needs to learn that leaving more money in the pockets of the taxpayers unleashes a positive chain reaction in our economy. On the other hand, government spending doesn't create wealth because government is not an institution that can create wealth. Government is an institution that can only provide an environment for people outside the government to create wealth. In fact, what the government does is it consumes wealth and, as a result, doesn't generate a stronger economy.

Instead of growing the government, Washington needs to focus on helping

create private sector jobs. The President's new plan will reduce the deficit by \$4 trillion over 12 years. He does that by reducing spending by \$2 trillion but raising taxes by \$1 trillion, and, thus, lowering interest payments by \$1 trillion. The President has again failed to realize that we don't have a revenue problem, we have a spending problem.

At least a couple times since I have been in the Senate, I have heard this argument: Let's increase taxes \$1, and we will reduce expenditures \$2 or \$3 or \$4—sometimes it is \$2, sometimes \$3, and sometimes \$4 behind those ideas. That sounds very good, doesn't it? But here is why it doesn't work and why bringing in \$1 in new taxes actually leads to spending of \$1.17. I often quote Professor Dave Vedder of Ohio University, who has studied tax increases and spending for a long period of time. In fact, you increase taxes until you decide to do something else with the taxes. But appropriations are reviewed annually and, for some reason or other, after that first year, appropriations tend to creep up and up and up. Consequently, the well-intentioned raising of taxes \$1 and reducing expenditures by \$3 or \$4—as well intended as it is, it gradually is eroded on the expenditure side—that half of that proposition—so you end up not reducing expenditures as you have originally indicated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, may I address the Senate?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, we have come through a crisis. It is not over yet because we don't have a law that has been passed by both Houses averting the shutdown of the government, and once it has passed both Houses—which we anticipate tomorrow—then it will be signed into law by the President, and we will avert the shutdown.

Had there been a shutdown or, in the alternative, had a law proposed in the House of Representatives, H.R. 1, been law, what we would have seen is a number of the hunger programs we have been savaged. There would have been a huge savaging of the feeding programs around the world—USAID, an arm of the State Department, which saves untold thousands, if not millions, of lives, particularly of children. They have a program right now in Africa, for example, of just providing mosquito netting, which cuts malaria by 30 percent. But

also, USAID uses a lot of American agriculture to help feed hungry populations. Those programs would have been cut significantly had H.R. 1, the House of Representatives' appropriations bill, been the final decision.

Fortunately, it wasn't and, fortunately, for the hunger programs, both abroad and at home, the least among us will not have to suffer those cutbacks to the budget for the duration of this fiscal year—for the next 6 months.

Even so, there were some significant cuts in what has been agreed to in the funding for hunger programs here in America. There was a \$500 million cut in the Women, Infants, and Children Program, otherwise known as WIC, the Federal health and nutrition program for women, infants, and children. We will have to deal with this, as we are now putting together the mathematics in building the next budget for 2012.

I decided to come over and talk because I wish to talk about one of my closest personal friends, former Congressman and former Ambassador, Tony Hall of Ohio, who started a fast 16 days ago. That fast he is going to continue, only having water. He is going all the way through Easter, which is another week and a half away. The duration of that fast will be somewhere around a month.

You can imagine what happens to your body when you don't take in any nourishment other than water for 30 days. That is what Tony Hall is doing. It is very interesting that people are joining him. Some 35,000 people nationwide have joined Tony in a fast. It may not be a complete fast such as he is doing, with only water, and it may be just that they are doing a fast 1 day a week. It is interesting that 30 Members of the House of Representatives have joined their former colleague, Congressman Tony Hall, in this fast, and that includes—as just announced—14 U.S. women lawmakers who plan to protest the deep cuts in the programs that help the poor and battle hunger in the United States and overseas.

In conclusion, you can tell a great nation by how it takes care of the least of those among us. It is certainly a part of our Judeo-Christian heritage, throughout the Hebrew Scriptures and the New Testament, that, over and over, the most referenced part of the Scriptures is the obligation of a society to take care of the least privileged among us.

Back in the old days, some 2,000 years ago—and even before—they had a social security system in that agricultural economy of the time called gleanings. Those who owned the wheat fields would go in and reap the wheat, but it was the standard practice of the day that they would leave enough wheat on the stalks so the poor could come in and glean the fields in order that they would have sustenance. That was their social security system of the day. Our

systems of aiding the poor are much more sophisticated and include the programs of USAID, and here at home a lot through the Department of Agriculture. But as we have to cut the budget, we must constantly remind ourselves, as Ambassador Tony Hall is reminding us right now with his fast for a month, that it is an obligation of all of us to take care of the least among us.

I will close by quoting that passage from Matthew 25: When you did it for the least of these, my brothers and sisters, you were doing it for me.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The majority leader is recognized.

Mr. REID. Before my friend leaves the floor, I had the good fortune to serve in the House, as my friend did, with Tony Hall, a very dedicated, thoughtful man. I wasn't aware of his doing this fast. That is a real fast. It shows how strongly he feels and has felt for many years about this. So it is nice my friend from Florida brought this to the attention of the American people.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period of morning business for debate only be extended until 7 p.m. tonight, with Senators permitted to speak for up to 10 minutes each, and that at 7 p.m. I be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, April 14, following any leader remarks, the Senate proceed to a period of morning business for debate only with Senators permitted to speak for up to 10 minutes each until the Senate receives the papers from the House with respect to the following items:

H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act for fiscal year 2011; H. Con. Res. 35, a correcting resolution relative to a prohibition of Federal funds for health care reform; and H. Con. Res. 36, a correcting resolution relative to a prohibition of Federal funds for Planned Parenthood; that when the Senate receives the papers from the House, the Senate proceed to votes on the two concurrent resolutions and passage of the bill in the following order: H. Con. Res. 35, H. Con. Res. 36, and H.R. 1473; that there be 2 minutes of debate equally divided prior to each vote; that there be no amendment in order to the bill or the concurrent resolutions prior to the votes; that the motions to reconsider be considered made

and laid upon the table; that the correcting resolutions and the bill be subject to a 60-vote threshold; that the only points of order and motions in order be budget points of order and the applicable motions to waive; further, that the Secretary of the Senate immediately notify the House of Representatives of the results of the Senate's action on the House measures.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

I withhold that. My friend from Rhode Island is here. I apologize.

The PRESIDING OFFICER. The Senator from Rhode Island.

CONTINUING RESOLUTION

Mr. WHITEHOUSE. Mr. President, later this week, we will consider a spending measure to fund the United States Government through the remaining 6 months of this fiscal year. While the majority leader is on the Senate floor, I want to thank him, as well as Appropriations Chairman INOUE and Senator PATTY MURRAY, for their hard work in negotiating an end to the budget stalemate and preventing the threatened government shutdown.

The battle over that spending measure brightly illuminated the contrast between the priorities of the two parties. The priorities of the House Republicans, I believe, are completely upside-down. In the debate over the spending bill, they fought to cut programs that helped the middle class and for extreme tea party policy riders that had nothing to do with the budget. These included a prohibition on funding for women's health and eliminating the Environmental Protection Agency's ability to protect us against carbon and other pollution.

At the same time, the House Republicans refused to even consider raising revenue by closing tax loopholes, for instance—not one. They refused to entertain ending even one corporate tax giveaway or one special treatment for wealthy taxpayers.

If that debate didn't make the contrast between the two parties crystal clear, the House Republican budget for 2012—the so-called Ryan budget—sure did. In his budget, Congressman RYAN proposes privatizing Medicare and requiring seniors to pay the majority of their health expenses with their own money. They would get a voucher, which actually would go to the insurance company, and the difference would be up to them. In the same document in which Congressman RYAN would decimate Medicare, he would cut taxes for millionaires and billionaires by trillions of dollars.

Now, one major factor that contributed to our budget deficit is the economic crisis that we recently weath-

ered. It is amazing the amnesia we can have in Washington. We are not even through the recession that has been so painful for so many families in Rhode Island, and yet we seem to have forgotten that economic crisis. Well, those of us who were here ought to remember the desperate urgency that was displayed by Treasury Secretary Hank Paulson and Federal Reserve Chairman Ben Bernanke as they, having looked into the economic abyss, came to this building—to the LBJ Room right here in the Senate—to plead with us for help to save the world economy. These are not two easy men to frighten, and they were very frightened.

We are now past the worst depths of the financial and economic crises, and as this chart shows, the economic recovery measured in jobs is proceeding, although all too tentatively and all too slowly in Rhode Island. We are still at 12 percent unemployment in the Providence metropolitan area and over 11 percent statewide. Now that we are finally creating jobs—but very few compared to the job losses of the crisis—now that we are finally at least on the good side of the equation, House Republicans have proposed yanking government support for the recovery and jeopardizing many of the jobs that are on this chart.

Their spending proposal, H.R. 1, would have cut spending so severely that former McCain Presidential campaign economic adviser Mark Zandi estimated it would cost as many as 700,000 jobs.

Just look at our job gains: For February, 222,000; for January, 68,000; for December, 167,000; and for November, 128,000. We would wipe out months and months of job gains with a 700,000 job loss.

Goldman Sachs, the Wall Street investment bank, said this bill—H.R. 1—could reduce the growth in our annual gross domestic product by two full percentage points over the rest of the year. We were only expecting about three percentage points of growth, so to knock off two of them is a big hit on jobs.

So I will begin by pointing out that as we deal with the debt and deficit, we cannot forget about jobs. It is growth, ultimately, and a recovering economy that will help reduce our national debt.

As you will recall, the Republicans also resisted any efforts to close any corporate tax loopholes. Corporations, our Republican friends contend, are overtaxed, and any closing of a loophole would amount to an unacceptable tax hike. So let's look for a minute at the actual state of things. Let's look at the facts for a minute.

This is the actual state of corporate tax payments in America. In 1935, for every \$1 an American individual contributed to our revenues, American corporations also contributed \$1. By 1948, American individuals were con-

tributing \$2 for every \$1 that corporate America contributed. By 1971, it broke through 3 to 1. In 1981, it broke through 4 to 1. And in 2009, we broke through 6 to 1, with American individual taxpayers contributing every year to our annual revenues six times as much as American corporations.

So we have gone, in a lot of people's lifetimes—you have to be pretty old, but there are plenty of people who remember 1935—from, basically, even-Steven between corporate America and individual Americans, with individual Americans carrying six times the tax burden of corporate America. So when people say how overtaxed corporate America is, it is worth looking at this history of ever-diminishing corporate contributions to our Nation's revenues.

Let's look now at one of the factors that is driving the erosion of corporate tax revenues. This is an interesting house—a building located down in the Cayman Islands. It is not particularly large, kind of nondescript. Our Budget Committee chairman, KENT CONRAD, uses this photograph quite often.

This building may not look like a beehive of economic activity, but over 18,000 corporations claim they are doing business in this building. That is correct; 18,000 corporations claim to be doing business in that little building. It gives a whole new meaning to the phrase "small business" when you think of trying to pack 18,000 corporations into that little structure.

Well, as Chairman CONRAD has pointed out, the only business being done in that building is funny business or monkey business with the Tax Code. Tax gimmickry. This nonsense is estimated to cost America as much as \$100 billion every year. For every one of those dollars lost to the tax cheaters, honest taxpaying Americans and honest taxpaying corporations have to pay an extra dollar or more to make up the difference.

Now, let's go to another building that has a tax story to tell. This is the Helmsley Building in New York City. It is a nice-looking place. The building is big enough to have its own Zip Code. That means the IRS reports of tax information by Zip Code can tell us a lot about this building. Here is what this building tells us from actual tax filings and actual tax payments.

The well-off and very successful, indeed, admirable occupants of that building paid a lower tax rate than the average New York City janitor. The average tax rate of a New York City janitor is 24.9 percent. The average tax rate of a New York City security guard—I am sure the Helmsley Building has security guards—is 23.8 percent. But the average tax rate actually paid by the occupants, the successful, capable, but well-compensated occupants of that building, is 14.7 percent, about three-fifths of the rate that their janitors and security guards are likely paying.

So that seems as though it must be extraordinary, but, believe it or not, that is no fluke. The IRS reports the tax rate that is actually paid by the highest earning 400 Americans. They have to go back a few years to do the calculations, but here is their most recent information, and the story is the same. The highest earning 400 Americans each earned on average more than \$344 million—more than \$1/3 billion in 1 year—and the average tax rate those 400 high-income earners actually paid was 16.7 percent.

I applaud their success. It is the American dream writ large when somebody can make \$1/3 billion in a single year. But when they only pay 16.7 percent, it makes you wonder. You might wonder, for instance, at what wage level does a regular single working person start paying 16.7 percent in total Federal taxes? If you are a single filer without deductions, you hit 16.7 percent of your salary going to the Federal Government in taxes at \$18,650 in salary.

So what does that equate to for jobs? The Bureau of Labor Statistics calculates that in my home State, in the Providence labor market, a hospital orderly is paid on average \$29,000 a year. That means that the 400 biggest income earners in America, each earning on average \$1/3 billion, are paying the same tax rate as the hospital orderly pushing that cart down the linoleum hallways of the Rhode Island Hospital at 2 o'clock in the morning. That is the way the code actually works. There are a lot of people in between that and making what a hospital orderly makes, and they pay a lot more in taxes than 16.7 percent. But when you get to the very high end, when you get to the occupants of the Helmsley Building, when you get to the people making \$1/3 billion a year, those tax rates actually paid go down to the point where they are paying the same rate as the janitor—less than the janitor—and the same rate as the hospital orderly.

I have heard my colleagues say that rates go up the higher income you pay, and nominally they do. But when you look at what is actually paid, when you look at what goes through our contorted Tax Code system, out the back end come these extraordinarily low actual tax payment rates for the most well-off and well-compensated Americans.

If you go to the corporate Tax Code, that makes little more sense. Decades of lobbyists have carved our corporate Tax Code into a Swiss cheese of tax loopholes, of tax earmarks for the rich and powerful. The result? We have a nominal corporate tax rate of 35 percent. But here is what the New York Times reported recently. General Electric, one of the Nation's largest corporations, made profits of over \$14 billion last year and paid no U.S. taxes—none. Indeed, it actually received a \$3.2

billion refund from the American taxpayer.

I read recently that Goldman Sachs in 2008 reportedly paid income tax, Federal tax, of 1 percent. Maybe those were 1-year anomalies, but if you look at a previous analysis by the New York Times, of 5 years of corporate tax returns, consolidated, that analysis found that Prudential Financial only paid 7.6 percent—less than our hospital orderly; Yahoo, 7 percent; Southwest Airlines, 6.3 percent; Boeing, 4.5 percent; and what looks to be our tax avoidance champion, on \$11.3 billion of income, the Carnival Cruise Corporation paid less than 1.1 percent in Federal taxes averaged over those 5 years. One recent paper actually calculated Carnival Cruise Lines' effective tax rate at 0.7 percent on \$11.3 billion in income. Carnival Lines doesn't just take you for a cruise, they are taking all of us for a ride. Good, honest CVS, a corporation in my home State, pays full freight. Why should they pay 30 times the tax rate of Carnival Cruise Lines? It makes no sense.

But wait, there is more. Don't forget that we make the American taxpayer subsidize big oil to the tune of at least \$3 trillion a year, and big oil has made \$1 trillion in profits this decade. They hardly need to raid the pockets of the American taxpayer, but on an effective tax rate basis, the petroleum-gas industry pays the lowest rate of any industry.

I think these are all noteworthy landmarks of where we are in our budget and debt and deficit discussion. But the big landmark, what I call the Mount Everest of landmarks that casts its shadow over the entire budget discussion, is health care. Representative RYAN's health care budget proposal is radical and would create terrible harm for seniors. But I do agree with Representative RYAN on his statement that says the following:

If you want to be honest with the fiscal problem and the debt, it really is a health care problem.

He is right, and the landmark feature of this landmark problem is this: The health care cost problem is a health care system problem. Our national health care costs are exploding. The health care system is driving up the costs of Medicare. The health care system is driving up the costs of Medicaid. The health care system is driving up the costs of private insurance—of BlueCross, of United. The health care system is driving up the cost of the military's TRICARE system and the VA system. No one is exempt. It doesn't matter who your insurer is, the health care system is what is driving the costs in public and in private programs alike.

We have to address the health care system problem if we are going to get our health care costs under control. Simply going after one manner of pay-

ment, such as the Medicare system, misses the real target and will cause us to fail at our endeavor.

Instead of tackling this vital problem of the underlying growth in health care costs, the Ryan budget would end Medicare as we know it. Just look at these numbers. I was born in 1955. It was at \$12 billion, the entire national health care system. By 1979, it was up to \$219 billion; by 1987, \$512 billion; by 1992, \$849 billion; and from 1992 to 2009, it has soared to \$2.5 trillion. This is a rocket every insurer is on, and you can't just throw the Medicare people off of their health care and pretend you are going to do anything about bringing down that accelerating curve. But instead of tackling the underlying growth, the Ryan budget would end Medicare as we know it. That would be a tragedy and a mistake.

Medicare, along with Social Security, is one of the most successful programs for human well-being in the history of the world. It allows tens of millions of older Americans to enjoy their golden years with minimal concern about paying for health care. Paired with Social Security, Medicare guarantees American seniors the freedom to retire without fear of privation or destitution. As with Social Security, American workers pay for this privilege through payroll taxes, and they have a right to the retirement benefits that they have been promised and that they have earned.

The House Republican budget drafted by Mr. RYAN would break our pledge with Americans who have been paying Medicare payroll taxes by ending Medicare as we know it and replacing the single-payer system with vouchers for private care that will not come close to paying the full cost of insurance. Indeed, that may be an understatement. According to the nonpartisan Congressional Budget Office, the Ryan plan would leave the average senior with over \$12,500 in out-of-pocket expenditures that they would have to pay by 2022. That is nearly as much as the average Rhode Islander gets from Social Security now.

The current Medicare system is projected to cover 68 percent of a senior's health care costs in 2012, and the Ryan plan would only cover 25 percent. Three-quarters of a senior's health care responsibility would be on them, and Medicare would only pick up 25 percent. That is an unaffordable and a indefensible burden that destroys the freedom and the security Medicare provides to seniors and provides to their children as well.

Don't forget that we all enjoy the freedom of knowing our parents will be taken care of no matter how dread the disease they suffer, and we do not have to compromise our choices in life in order to hedge against the fear that our parents will suffer such an indignity, such a terrible result. It helps all

Americans to have that freedom in our seniors' hands, to have that fear lifted from their and our hearts.

The Ryan plan is 180 degrees from where we should be on health care reform. It would greatly increase costs. Costs go up because of how inefficient private insurance is—for the average senior, from a projected \$14,770 under current policy to \$20,510, a 39-percent increase in the underlying cost—in other words, a huge giveaway to the private health insurance industry that would get these vouchers. It would ignore the potential for tremendous savings in delivery system reform and saddle seniors with enormous out-of-pocket expenses.

As I said, rising Medicare costs are not driven by Medicare. Every insurer has their costs going up like a rocket on that chart I showed. We have to get at the problem of the underlying cause.

How do we do this? We actually have a pretty good health care toolbox that has five major tools in it. One is quality improvement. Quality improvement saves the cost of errors, of missed diagnosis, of disjointed care, and so forth. For example, hospital-acquired infections alone cost about \$2.5 billion every year, and they are virtually entirely avoidable. They should be and could be "never" events. That alone would save \$2.5 billion, and quality improvement can extend far beyond just the realm of hospital-acquired infections.

Two is prevention programs. Prevention programs avoid the cost of getting sick in the first place. More than 90 percent of cervical cancer is curable if the disease is detected early through Pap smears. Three, you pay doctors for better outcomes rather than for ordering more and more tests and procedures. That will save money while improving outcomes for Americans.

Four is a robust health information infrastructure which will save billions of dollars a year and open exciting new industries once it takes life. We are approaching that tipping point now, I am glad to say.

Finally, five, the administrative costs of our health care system are grotesque. The insurance industry has developed a massive bureaucracy to delay and deny payments to doctors and hospitals. So the doctors and the hospitals have had to fight back and hire their own billing departments and their own consultants.

I visited, a little while ago, our little Cranston, RI, community health center. They told me there that half their staff is dedicated not to providing health care but to fighting to get paid. On top of dedicating 50 percent of their staff to trying to get paid, they have to spend another \$200,000 a year on fancy consultants. All of that, the entire war over payments between insurers and hospitals, adds zero health care value.

We have heard that on the private insurance side, anywhere from 15 to 30

percent of the health insurance dollar gets burned up in administrative costs. We know we can do better because the cost of administering Medicare is closer to 2 percent of program expenditures.

So you add up all of this, all those five strategies, the numbers are enormous. The President's Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system costs without hurting the health care we receive. That is about \$700 billion a year.

The New England Health Care Institute says it is \$850 billion a year. The well-regarded Lewin Group has estimated the probable savings at \$1 trillion a year, a figure that is echoed by former Bush Treasury Secretary O'Neill.

Those are very big numbers, but not only are they big numbers, they represent results that are a win-win. Remember the five strategies: higher quality care with less errors and infections; prevented illnesses so you do not get sick in the first place; secure, complete health records that are there when you need them electronically, so your doctors, your lab, your pharmacy, your hospital, your specialists all know what everybody else is doing; payments to doctors and hospitals based on keeping you well and getting you well, rather than on giving you more procedures and more tests; and, finally, not so much of that infuriating insurance company bureaucracy hassling both patients and doctors.

Those are not bad outcomes even without the savings. So what do we draw from this if we keep all these landmarks in mind, landmarks of where we are as we approach this budget debate? Well, our colleagues on the other side, particularly our House Republican colleagues, say they are determined to reduce our annual deficit on our national debt. That is their top priority.

But they only want to seem to address 12 percent of the budget, the non-security discretionary spending, and examine no savings at all on the revenue side. If we are serious about deficit and debt reduction, why risk destroying 700,000 jobs, when job destruction only adds to the deficit and to our debt through lost economic activity and lost revenue?

If we are serious about deficit and debt reduction, why is there not one corporate tax loophole—not one—on the chopping block? Why is the entire Tax Code off limits in this discussion as it burns up 6 billion hours that Americans spend every year—6 billion hours that Americans spend every year—complying with its contorted requirements.

Why must that hospital orderly, pushing his or her cart down the linoleum hallway at midnight, pay a higher tax rate than some of the most for-

tunate and able Americans making hundreds of millions of dollars each in a single year? If we are serious about this, if deficits and debt are the most important thing we face, why no discussion of corporate America's ever-diminishing contribution as a share of our Nation's revenue? Should that not be something we at least consider?

If we are serious, why is there no plan for even one of the 18,000 corporations in that phony-baloney headquarters in the Cayman Islands to pay its proper taxes? If we are serious, why is there so much pure political nonsense about ObamaCare and socialized medicine, instead of a mature discussion about using and improving the tools in the health care bill to address our grave national health care system problem.

Why has Representative RYAN proposed taking a sledgehammer to Medicare, instead of making thoughtful and efficient investments to improve the way we deliver health care?

It seems to me that until one corporate tax loophole is on the table, until one subsidy to big oil is on the table, until one subsidy to big agribusiness is on the table, until we are even beginning to talk about billionaires contributing Federal revenue beyond the share of their income that hospital orderlies contribute, until we are not so casual about threatening 700,000 jobs and perhaps \$20 billion in related tax revenue that job loss would cause, until then, it is still politics as usual and it is not a sincere desire to tackle our debt.

I have always found that you get a better read looking what people actually do, rather than just believing whatever they say. If you look at what Republicans made their priorities on the CR debate and in the Ryan budget, look at what they do. It is the same old Republican agenda: attacking programs that help the poor, attacking women's right to choose, attacking national voluntary service, helping polluters get around public health measures, reducing the share of revenues paid by corporations, and very high-income individuals. It is the same old song.

Most important, the problem is that if you go that road, it is not adequate to meet the serious problems at hand. We need to look throughout the budget and across all our opportunities to bring down our Nation's deficits and to bring down our Nation's debt. Everyone needs to participate, including our corporate community, including our wealthiest, most talented and most fortunate, everyone. We cannot—we simply will not—get out of the debt and deficit problem we have if we put the whole load of that on the backs of the American middle class.

I look forward in the months ahead to a serious, fair, and sensible discussion, a mature discussion of how to reduce our deficits and our debt.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I wish to speak to the war on women's health and Planned Parenthood.

To be clear, to end Federal funding for Planned Parenthood is to stop providing critical health care to millions of Americans, the majority of them who are poor and simply cannot afford services anywhere else.

This effort will strip the poor and middle classes of their right to preventive healthcare.

Through 800 nationwide locations, Planned Parenthood provides cancer screening, HIV and STD tests, contraceptives, education and empowerment.

Planned Parenthood estimates it prevents over 620,000 unintended pregnancies and 220,000 abortions each year.

Seventy-five percent of its clients are at or below the poverty line. Abortions account for just 3 percent of its overall activities.

What House Republicans seem to have forgotten is that by existing law, taxpayer funding cannot be used for abortions except in cases of rape, incest, or if the woman's life is in danger.

A ban on Federal spending for abortions has been in place since 1976. That is 35 years this ban has been in place.

Yet today House Republicans continue to try to strip Planned Parenthood of its Federal funding and continue to use this issue as a bargaining chip in a debate over the budget.

But the vote the Senate will have to take is clearly not about the budget, it is a war on women's health. This effort would essentially turn back the clock on women's health.

I said this last week, and I will say it again. This is simply an opportunity for the right wing in the House to really sock it to American women.

Let's talk about the facts.

Over 90 percent of care provided by Planned Parenthood is preventive. Planned Parenthood provides care to almost 3 million patients nationwide every year, many of whom have no other place to go.

Only 3 percent of Planned Parenthood's total services are abortion services. And that 3 percent is not made up of Federal funds.

Every year, Planned Parenthood provides affordable contraception for nearly 2.5 million patients, nearly 1 million cervical cancer screens, 830,000 breast exams, and 4 million tests and treatments for sexually transmitted infections, including half a million HIV tests.

These critical preventive services include annual exams, flu vaccines, smoking cessation, and well baby care.

Planned Parenthood helped to prevent 612,000 unintended pregnancies in 2009 alone. Every dollar invested in helping women avoid unintended pregnancies saves \$4 in public funds.

And House Republicans want to eliminate Federal funding for this program?

These cuts are biased, politically motivated, and hurts women—particularly low-income women.

Seventy-five percent of Planned Parenthood's clients have incomes at or below 150 percent of the Federal poverty level.

In California alone, Planned Parenthood serves over 750,000 patients, over 680,000 of them through federal funds.

This program is necessary, effective, and oftentimes a last resort.

Let me share a story from one woman from my home State of California.

Mary couldn't afford annual visits to her regular OB/GYN office during college. So a friend suggested she visit Planned Parenthood for a free exam.

Mary said, "After some hesitation I went. Thank god that I did. During my visit they found that I had the first signs of cervical cancer. I was 19 and terrified.

"The staff at Planned Parenthood was so supportive and understanding. One doctor in particular was amazing, I wish I could find her and thank her personally. She went out of her way to call and check up on me once a week until I had recovered completely from the procedure that got rid of the cancerous cells."

Six years later, Mary is still healthy and still so grateful for the excellent and compassionate care she received at Planned Parenthood.

There are thousands of other stories like Mary's. I have heard from these young women who went to Planned Parenthood for STD screening and birth control, when they had no other place to go.

I have heard from women pleading with me to preserve Federal funding to Planned Parenthood; telling me that the cancer screenings they received saved their lives.

The House Republicans also want to defund the Affordable Care Act, and block critical consumer protections in the law.

This too targets women. House Republicans want to go back to the days where women could be denied insurance coverage for the "preexisting condition" of being pregnant.

They want to reinstate gender rating, where insurance companies charge women higher premiums simply because of gender.

House Republicans want to remove maternity care as an essential health benefit. Currently only 12 percent of health plans in the individual market offer any maternity coverage.

So you see, defunding Planned Parenthood and the Affordable Care Act is not about reducing the deficit or balancing the budget. It is about harming women.

We need to look carefully at our spending and we need to make cuts, but not at the expense of the women in our country.

It is a shame that the budget debate has turned into an ideological war.

It is a shame that funding for health care and family planning is considered "government waste" by some Republicans.

When in reality, it is an ideological assault on women's health. I do not support any cuts that harm women and children.

I urge my colleagues return to the issue at hand so we can seriously discuss the Federal deficit, absent an ideological agenda.

REMEMBERING SIDNEY HARMAN

Mr. LEAHY. Mr. President, it was with great sadness that I first received word of the passing of a remarkable man and friend, Sidney Harman. Sidney Harman led a life of passion and commitment, the kind of existence that most of us aspire to. His interests were vast and varied and his sense of possibility unparalleled. With business acumen equal to his mastery of the sciences and his love of the arts, Sidney embraced challenges and faced life head on.

I had the pleasure of knowing Sidney throughout his career as a businessman, entrepreneur, public servant, and philanthropist. He left his distinctive mark on every project he involved himself with and brought his progressive ideas to bear at a critical time in our nation's history. His ability to innovate never waned, creative solutions were a forte of his and he applied them with confidence. His most recent endeavor, to purchase Newsweek and merge it with the online publication the Daily Beast less than a year ago, was initially met with trepidation by print news professionals but has since led to growth for both publications, a typical outcome for a venture championed by Sidney.

Sidney's commitment to the betterment of young lives and society as a whole was evident in his philanthropic pursuits and his involvement with institutions of higher education. In recent years he taught classes in medicine, law, economics, and various other disciplines at the college level. Over the course of his life he supported educational organizations with generous donations. He understood that education is the foundation of a prosperous society and that the enlightenment of young minds is crucial to the success of a nation such as ours.

Along with his wife Jane, Sidney made a home and life here in Washington, DC, and devoted himself to the city and its legacy. A generous supporter of the National Symphony Orchestra, the Folger Shakespeare Library and the Shakespeare Theatre Company, Sidney had a significant impact on the vibrant cultural and artistic scene in the Nation's Capital.

My greatest sympathies are with Jane, his children Barbara, Daniel, and

Justine, and all of Sidney's extended family. Sidney touched the lives of many and there is no doubt he will be long-remembered for his innovative mind, his good humor, his energetic outlook, and his years of service.

ADDITIONAL STATEMENTS

RECOGNIZING THE EAT'N PARK HOSPITALITY GROUP

• Mr. CASEY. Mr. President, it is with great pleasure that I extend my congratulations to the Eat'n Park Hospitality Group upon receiving the prestigious 2011 Restaurant Neighbor Award from the National Restaurant Association. Every year, the National Restaurant Association honors restaurant companies that have gone above and beyond in giving back to their communities through philanthropy and service. This year, Eat'n Park has been deservedly recognized for their charitable efforts on behalf of local children's hospitals.

Eat'n Park restaurants have been a staple in my home State of Pennsylvania for over 50 years. From their humble beginnings as a single carhop restaurant in Pittsburgh, the Eat'n Park chain has grown to include 76 restaurants throughout Pennsylvania, Ohio, and West Virginia, employing over 8,000 hardworking people, many of whom are my constituents. Over the past six decades, their delicious food and friendly service have soothed many a weary traveler along the Pennsylvania turnpike; and today, their iconic Smiley Cookies can be found in my front office every Wednesday, a welcome offering from home for visiting Pennsylvanians.

Eat'n Park does more than provide an endless supply of delicious Smiley Cookies for my constituents, however. More importantly, they have made taking care of their community the centerpiece of their corporate culture through philanthropy and service. Since 1979, Eat'n Park has raised more than \$7.5 million through their annual Caring for Kids Campaign, which benefits local children's hospitals in the tri-state area. In 2010, the 32nd Annual Caring for Kids Campaign raised \$341,365 for 13 area children's hospitals. This money is used for everything from pre- and neo-natal care, toys and events for the sick children and, in some cases, even a fund for families who would otherwise be unable to afford to stay in the area during their child's treatment. These charitable efforts have allowed Eat'n Park to touch thousands of lives, and make a positive impact on children and families, throughout Pennsylvania through more than just their food.

It is hard to imagine an organization enjoying such remarkable and sustained philanthropic success without

the hard work and dedication of the individuals it employs. Eat'n Park is a case in point. While it would be impossible to detail the individual contributions of the more than 8,000 members of the Eat'n Park family, today I would like to specifically recognize two important contributors to this year's Caring for Kids Campaign: Linda Mayou and Gloria Rack.

Linda Mayou has been a team member of the Monogahela Eat'n Park for 24 years, and has been Chairwoman of the Monogahela Caring for Kids Campaign for the past nineteen. Under Linda's leadership the Monogahela Eat'n Park has reigned as the top fundraising restaurant in the chain for the past 13 years, alone raising more than \$400,000 for the Children's Hospital of Pittsburgh.

Gloria Rack has been part of the Eat'n Park team for an impressive 41 years and has been an important part of the Caring for Kids Campaign since its inception. Currently a server at the Library Road restaurant, she is Eat'n Park's all-time Top Car Raffle Ticket Seller, having individually sold an estimated 30,000 car raffle tickets, raising \$60,000 for the Children's Hospital of Pittsburgh. Linda and Gloria's accomplishments are a testament to the hard work and dedication they have shown throughout their careers to Eat'n Park's philanthropic efforts.

Again, I congratulate Eat'n Park Hospitality Group on receiving this award. Their commitment to local communities truly serves as an exemplary model for all Pennsylvanians. I applaud their efforts and wish them another six decades of continued success in all their endeavors.●

TRIBUTE TO CAPTAIN DAVID LANG

• Mrs. SHAHEEN. Mr. President, today I wish to honor Captain David Lang for his outstanding service to the people of Hampton, NH.

For the past 30 years, Dave has worked to protect his community through his faithful service with the Hampton Fire Department. As he retires from the department, I applaud him for his longstanding service and dedication to the people of Hampton.

Captain Lang first joined the Hampton Fire Department in December 1979 as an on-call firefighter. Due to his eagerness, hard work, and reliability, Dave rose through the ranks from permanent firefighter, to EMT, to lieutenant, and for the last 4 years has served as captain.

During his tenure, Captain Lang consistently prioritized the needs of the community over his own, in particular during the Old Salt fire in 1999 and the A Street block fire in 2009. He has been credited with the successful resuscitation of a patient in cardiac arrest and the rescue of several trapped civilians.

For this outstanding service, Captain Lang has been recognized by the New Hampshire Association of Chiefs of Police as Law Officer of the Year for Fire Service and has received the New Hampshire Fire Academy's prestigious Academy Award.

Dave's commitment to fire safety in Hampton did not stop with his service in the field but carried over into professional leadership roles. Throughout his career, he participated in the Professional Fire Fighters Association of New Hampshire and for the past 16 years has served as its president. I am pleased that even as Dave retires from the Hampton Fire Department, he continues to serve as President of the Professional Fire Fighters.

Dave is a native of New Hampshire and has lived in Hampton for over 30 years. I have known him personally and professionally for over 20 years and can attest to his commitment to public service, to his community, and to his family. Dave has been married to his wife Karen for 35 years and they have two beautiful daughters, Emily and Molly. His strong character and generous spirit touch upon all aspects of his work and family life, and his dedication and leadership in the community distinguishes him as an extraordinary public servant. New Hampshire is truly lucky to have him as a native son.

On a personal note, I am grateful to Dave for his support and counsel during my years in public office. I could always count on Dave's advice about issues ranging from firefighting and emergency response to collective bargaining. Whenever I needed Dave's assistance in any capacity, he was always there, willing to help.

As Captain Lang prepares for a well-deserved retirement, I wish to thank and honor him for his service to the people of Hampton.●

REMEMBERING RUTH HUMPHREYS BROWN

• Mr. UDALL of Colorado. Mr. President, today we recognize the life of Ruth Humphreys Brown, a remarkable Coloradan who dedicated herself to a life of service and good will and a woman who was deeply tied to the American West. Ruth passed away on December 30, 2010, at the age of 90.

Ruth led a life full of courage and giving, and our country is indebted to her for her service. In 1943, at the age of 22, she answered our nation's call and was among the first women accepted to fly American military aircraft in the Women Airforce Service Pilots. As a young pilot stationed in Texas, her efforts prepared our bombardiers and ground artillery units to fight and win in World War II, and Congress rightfully acknowledged her heroic contributions by awarding her a Congressional Gold Medal in 2010.

I knew Ruth to often work behind the scenes, but she never lacked in ambition. Ruth's service extended to countless projects that continue to improve the health and activity of Colorado's communities. She took part in starting the first Outward Bound Program in the country. I am personally grateful to Ruth for her efforts to start this program, having made it my career for 20 years. Coloradans and adventurers across the continent benefit from Outward Bound's strength in training leaders and building community—two ideals to which Ruth contributed tremendously. Her love for the outdoors, from whitewater rafting and picnicking to swimming and skiing, carries on through the mission of Outward Bound.

Ruth gave to improve her community and never asked for the credit. But many agree she deserved it. One of her well-known and early contributions was committing the money to clear a new run on Aspen Mountain in 1949. Skiers have since come to love Ruthie's Run, aptly named after its originator, in much the same way that so many of us admire Ruth.

She grew up in Denver, worked and played on her family's Wagon Wheel Ranch in Southern Colorado, and was fundamental in making Aspen a thriving mountain town and wonderful place to live. Ruth's touch spanned the State and never failed to reach a person or community in need.

A veteran, entrepreneur, philanthropist, and mother, Ruth was a truly accomplished and inspirational Coloradan. Today we pause to honor her legacy and her welcomed contribution to Colorado's rich heritage.●

REMEMBERING DAVE GENOVA

● Mr. UDALL of Colorado. Mr. President, last year we lost a great man and leader whom I knew well, Dave Genova. On March 28, 2010, Dave passed away at the age of 67.

From my days as an educator and guide in the Outward Bound Program, I knew Dave to be a remarkably talented and committed individual with a gift for leadership.

Dave spent 32 years with Outward Bound, a program that uses the outdoors as a classroom to inspire service to others and to coach leadership skills, oftentimes to underprivileged youth. Having taught some 2,000 students, he had an incredible enthusiasm for bringing people together to overcome challenges in ways they never thought possible.

Throughout his tenure in the North Carolina Outward Bound, Dave played an invaluable role as an educator, but he was also an innovator. In 1999, he started the Unity Project, which is designed to break down barriers of social and economic inequality. His efforts have enabled nearly 1,000 young leaders to become agents of social change in

their local schools and communities, and the program continues to educate and train future leaders today.

Dave once said of the Outward Bound School, "Compassion is the well-spring from which we derive our relevance." These words should serve as a guiding compass for us all. Dave taught from a place of understanding, and he sought to ensure every one of his students came away with a greater appreciation for others and the knowledge that, in his words, "We're all in this together." He used the great outdoors to build a sense of community among adventurers, but more important, he taught them how to carry on his work to build bridges between people. Neighborhoods, cities, and States have been touched by Dave's work, and we can all be grateful for his contribution.

A longtime outdoorsman myself, I appreciate and admire Dave's passion for our wild lands and the lessons they can teach us. Always a bold leader, scaling the toughest of life's mountains, Dave's extraordinary character exemplifies an ideal to which we all should strive. He is missed by many, but his memory continues to guide me and all his students.●

MESSAGES FROM THE HOUSE

At 9:57 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse".

S.J. Res. 8. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1308. An act to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 33. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the House has agreed to H. Res. 197 resolving that the following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration: Mr. HARPER, Mr. SCHOCK, Mr. BRADY of Pennsylvania, and Mr. GONZALEZ. The following Members are

hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations: Mr. HARPER, Mr. BRADY of Pennsylvania, and Ms. ZOE LOFGREN of California.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:48 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse".

S.J. Res. 8. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

H.J. Res. 37. Joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1322. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan; Sacramento Metropolitan Air Quality Management District" (FRL No. 9279-1) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1323. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revision" (FRL No. 9294-9) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1324. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Prevention of Significant Deterioration"

(FRL No. 9293-4) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1325. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 9295-3) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1326. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Stage I Vapor Recovery Rule" (FRL No. 9295-1) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1327. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List: Deletion of the Spiegelberg Landfill Superfund Site" (FRL No. 9291-6) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

EC-1328. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom for the Heads-up Display (HUD) for the C-17 Globemaster III transport aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1329. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Saudi Arabia related to the sale of S-434, S-70i, and S-76D helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1330. A communication from the Director, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Updating Regulations Issued Under the Fair Labor Standards Act" (RIN1215-AB13 and RIN1235-AA00) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1331. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food; Confirmation of Effective Date" ((21 CFR Part 179) (Docket No. FDA-1999-F-0056)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1332. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, a report relative to the Department of Housing and Urban Development and the Department of the Treasury's drug-free workplace plans; to the Committee on Health, Education, Labor, and Pensions.

EC-1333. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report to Congress relative to efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections; to the Committee on Health, Education, Labor, and Pensions.

EC-1334. A communication from the Chairman of the National Healthcare Workforce Commission, transmitting a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-1335. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1336. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2010 (March 2011)"; to the Committee on Homeland Security and Governmental Affairs.

EC-1337. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1338. A communication from the Director of Civil Rights, Broadcasting Board of Governors, International Broadcasting Bureau, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1339. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the National Credit Union Administration's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1340. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1341. A communication from the Associate Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Office of Special Counsel's Fiscal Year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1342. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S.

exports to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1343. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Cerrillos Dam; to the Committee on Environment and Public Works.

EC-1344. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to four projects; to the Committee on Environment and Public Works.

EC-1345. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treasury Inflation-Protected Securities Issued at a Premium" (Notice 2011-21) received in the Office of the President of the Senate on April 12, 2011; to the Committee on Finance.

EC-1346. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Relief and Procedures Under Notice 2010-30 for Spouses of U.S. Servicemembers who are Working in or Claiming Residence or Domicile in a U.S. Territory Under the Military Spouses Residency Relief Act" (Notice 2011-16) received in the Office of the President of the Senate on April 12, 2011; to the Committee on Finance.

EC-1347. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Notice to Notice 2010-60 Providing Further Guidance and Requesting Comments on Certain Priority Issues Under Chapter 4 of Subtitle A of the Code" (Notice 2011-34) received in the Office of the President of the Senate on April 12, 2011; to the Committee on Finance.

EC-1348. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Clarification of Controlled Group Qualification Rules" (RIN1545-BG94) received in the Office of the President of the Senate on April 12, 2011; to the Committee on Finance.

EC-1349. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-1350. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the Proton launch of the SATMEX 8 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1351. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0041—2011-0052); to the Committee on Foreign Relations.

EC-1352. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to an order that

would cancel construction debt assessed against Indian-owned lands within the Flat-head Indian Irrigation Project; to the Committee on Indian Affairs.

EC-1353. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Regulations on Control of Employment of Aliens" (RIN1125-AA64) received in the Office of the President of the Senate on April 8, 2011; to the Committee on the Judiciary.

EC-1354. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2010 relative to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-9. A concurrent resolution adopted by the General Assembly of the State of Ohio requesting the National Museum of the United States Air Force at Wright-Patterson Air Force Base be selected to display one of the space shuttle orbiters at the conclusion of the space shuttle program; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 2

Whereas, the National Aeronautics and Space Administration (NASA) intends to select a limited number of museums for the display of the space shuttle orbiters that will be retired at the conclusion of the space shuttle program. The National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio, would be an excellent choice for the display of a space shuttle orbiter; and

Whereas, the Museum, the world's oldest and largest museum of aviation, is the depository for the Air Force's National Historical Collection and features more than 400 aerospace vehicles, including Mercury, Gemini, and Apollo space capsules. With 1.3 million visitors each year, the Museum is the most visited free tourist destination in Ohio and is one of the most visited in the country; and

Whereas, the Museum is ready to accommodate a space shuttle orbiter with one million square feet of climate-controlled exhibit space and an adjacent runway that is approved for a landing of the shuttle carrier aircraft with a shuttle. In addition, the Museum employs professional aerospace vehicle restoration staff who are experienced in working with hazardous aerospace materials such as those found on the shuttle and who will ensure the preservation of the shuttle to the highest museum standards; and

Whereas, the Museum is located near Dayton, Ohio, the birthplace of aviation and the home of the Wright Brothers, and in the National Aviation Heritage Area, an area designated by Congress that includes the Armstrong Air and Space Museum, Dayton Aviation Heritage National Historical Park, and National Aviation Hall of Fame. Finally, the Museum is easily accessible from major population centers and is within a 600-mile radius of 61% of the United States population; and

Whereas, the Department of Defense, especially the Department of the Air Force, collaborated extensively with NASA's space shuttle program, including influencing the

basic shuttle design, providing many highly skilled shuttle astronauts, and saving the program in lean budget years during its development; and

Whereas, The Secretary of the Air Force has requested that the NASA Administrator transfer a space shuttle orbiter to the Air Force for placement in the Air Force's National Historical Collection through inter-agency transfer using existing statutes and regulations. This transfer will ensure that a taxpayer-funded space shuttle orbiter will be kept under the ownership and stewardship of the United States government and the American people; Now therefore be it

Resolved, That we, the members of the 129th General Assembly of State of Ohio, conclude that it is in the interest of the American people for a retired space shuttle orbiter to be preserved and exhibited at the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio; and be it further

Resolved, That we, the members of the 129th General Assembly of the State of Ohio, urge the President of the United States and the Administrator of the National Aeronautics and Space Administration (NASA) to honor the request of the Department of the Air Force, for an interagency transfer of an operational space shuttle orbiter so that it can be displayed at the National Museum of the United States Air Force as a national tribute to the American spirit of space exploration and to the indelible partnership between NASA and the Department of the Air Force which helped make the space shuttle program possible; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Administrator of the National Aeronautics and Space Administration, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Rafael Borrás, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 803. A bill to implement a comprehensive border security plan to combat illegal immigration, drug and alien smuggling, and violent activity in the southwest border of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. PAUL, and Mr. LEE):

S. 804. A bill to adjust the normal and early retirement ages for receipts of benefits under the Social Security program, increase the maximum age for delayed retirement credit, and provide for progressive price indexing of benefits; to the Committee on Finance.

By Mr. BAUCUS:

S. 805. A bill to amend the Consolidated Farm and Rural Development Act to improve the business and industry direct and guaranteed loan program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 806. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. COBURN):

S. 807. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEE):

S. 808. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. KIRK, and Ms. LANDRIEU):

S. 809. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Ms. COLLINS, Mr. SANDERS, and Mr. LIEBERMAN):

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY (for himself, Mr. KIRK, Mr. HARKIN, and Ms. COLLINS):

S. 811. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself, Ms. LANDRIEU, and Mr. BROWN of Ohio):

S. 812. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mr. KYL):

S. 813. A bill to promote public awareness of cyber security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MANCHIN:

S. 814. A bill to require the public disclosure of audits conducted with respect to entities receiving funds under title X of the

Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. CONRAD, Mr. KIRK, Mr. PRYOR, Mrs. GILLIBRAND, Mr. COATS, Mr. RUBIO, Mrs. HUTCHISON, Mr. JOHANNIS, Mr. HOEVEN, Mr. CARDIN, Mrs. SHAHEEN, Mr. REID, and Mr. ROCKEFELLER):

S. 815. A bill to guarantee that military funerals are conducted with dignity and respect; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 144. A resolution supporting early detection for breast cancer; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of the United States as the world leader in medical device innovation.

S. 22

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 22, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 137

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 137, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the

Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 344

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 393

At the request of Mr. REED, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 484

At the request of Mr. BENNET, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges

for Indian students who are not residents of the State of Colorado.

S. 506

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 696

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 705

At the request of Mr. CARPER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 710

At the request of Mr. THUNE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 710, a bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

S. 718

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 746

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 746, a bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 788

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 788, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 797

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 799

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 799, a bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 27

At the request of Mr. WEBB, the name of the Senator from California (Mrs.

FEINSTEIN) was added as a cosponsor of S. Res. 27, a resolution designating January 26, 2011, as "National Kawasaki Disease Awareness Day".

S. RES. 135

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 135, a resolution remembering the 1 year anniversary of the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Kansas (Mr. MORAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Florida (Mr. NELSON), the Senator from Pennsylvania (Mr. CASEY), the Senator from Florida (Mr. RUBIO), the Senator from Massachusetts (Mr. BROWN), the Senator from Illinois (Mr. KIRK), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

AMENDMENT NO. 289

At the request of Mr. CARPER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 289 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I would like to bring to the Senate's attention The Lake Thunderbird Efficient Use Act of 2011.

This bill allows the Central Oklahoma Master Conservancy District to import and store non-project water into Lake Thunderbird, if the Secretary of the Interior determines there is enough capacity to do so. Allowing additional water to be stored at Lake Thunderbird would help increase municipal and industrial supplies for the cities served by the District, which in-

clude Norman, Midwest City, and Del City.

There is no cost associated with this bill. Any additional infrastructure needs will be the responsibility of the non-Federal establishment contracting with the Secretary.

This legislation does not change the capacity of Lake Thunderbird and will help increase water supplies in a growing metropolitan area. Over the last decade, the Norman area grew by 15 percent making it one of the fastest growing areas in the State. As the area continues to grow, and as Tinker Air Force Base requires a growing water supply, there will be a greater need for access to the water supplies of the Lake Thunderbird reservoir.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 806. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Community Flood Protection Act of 2011".

SEC. 2. RURAL COMMUNITY FLOOD PROTECTION.

(a) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary of the Army (referred to in this section as the "Secretary") shall conduct a levee system evaluation and certification of a federally authorized levee or a non-federally authorized levee for purposes of the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) REQUIREMENTS.—A levee system evaluation and certification under subsection (a) shall—

(1) at a minimum, comply with the requirements of section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(2) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(c) COST SHARING.—

(1) NON-FEDERAL SHARE.—Subject to paragraph (2), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this section shall be 35 percent.

(2) ADJUSTMENT.—The Secretary shall adjust the non-Federal share under paragraph (1) to zero if—

(A) the non-Federal interest is located in an area with a population of 10,000 or fewer individuals; or

(B) the division of the non-Federal interest with responsibility for the applicable levee is staffed by individuals operating on a volunteer basis.

By Mr. ENZI (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. COBURN):

S. 807. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation with Senator LANDRIEU known as the Voluntary Protection Program Act. This bill will codify the Voluntary Protection Programs, or VPP, expand it to include more small businesses, and incorporate recent GAO recommendations for program improvements.

No program has been more successful in creating such a culture of safety in the workplace than VPP. Since it was created in 1982, Republican and Democrat administrations alike have fostered its growth to more than 2,500 worksites, a quarter of which are unionized, and it covers approximately one million employees. The bipartisan support for VPP continues into this Congress. Last year, the Senate Budget Committee unanimously approved an amendment to preserve VPP budget authority and I have been pleased to work with the Chair of the Senate Small Business Committee, Senator LANDRIEU, on this bill again this Congress. Our bill is also drawing bipartisan support in the House of Representatives. Congressmen TOM PETRI and GENE GREEN are introducing companion legislation today and I thank them for their strong support on this important issue.

Worksites that pass the rigorous evaluation process and become VPP sites have an average Days Away Restricted or Transferred, DART, case rate of 52 percent below the average for its industry. In recent years, smaller worksites have made significant strides in VPP, increasing from 28 percent of VPP sites in 2003 to 44 percent in 2010.

The innovative program doesn't just keep employees safer; as I have noted, it also saves both the VPP companies and the taxpayer's money. In 2007, Federal Agency VPP participants saved the government more than \$59 million by avoiding injuries and private sector VPP participants saved more than \$300 million. The Department of Defense has estimated that it saves between \$73,000 and \$8.8 million per site because of VPP. Additionally, when workplaces make the significant commitment to safety required by VPP, it allows OSHA to focus its resources where they are most needed. VPP Participant employers contribute a great deal to the VPP program expenditures. VPP participants have assigned approximately 1,200 of their own employees to act as OSHA Special Government Employees, SGEs, who conduct onsite evaluations for OSHA.

Despite the strong bipartisan support for VPP and its very positive results,

the need for this legislation has become painfully clear. Last year, the administration's fiscal year 2011 Budget Request proposed eliminating the small amount it takes to administer VPP—\$3.125 million—and sought to transfer the 35 FTE it takes to run the program to other functions. The failure to complete the appropriations process last year thwarted that plan, and the administration did not renew the request in their fiscal year 2012 budget proposal. I hope that Department of Labor officials will note the bipartisan support VPP has and maintain support for the program. Surely, this proven life and cost-saving program is something we can all get behind.

I would like to thank Senator LANDRIEU for working with me on this important legislation and add the following Senators as original cosponsors: Sen. LANDRIEU, Sen. ISAKSON and Sen. COBURN.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary Protection Program Act".

SEC. 2. VOLUNTARY PROTECTION PROGRAM.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish a program of entering into cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

- (1) requirements for systematic assessment of hazards;
- (2) comprehensive hazard prevention, mitigation, and control programs;
- (3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and
- (4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for partici-

pation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A site with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative agreements and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative agreements and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative agreement under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

SEC. 3. EXPANDED ACCESS TO VOLUNTARY PROTECTION PROGRAM FOR SMALL BUSINESSES.

The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program established under section 2 through outreach and assistance initiatives and the development of program requirements that address the needs of small businesses.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

By Mr. DURBIN (for himself, Mr. KIRK, and Ms. LANDRIEU):

S. 809. A bill to provide high-quality charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I am introducing legislation designed to improve educational opportunities for struggling students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate.

Across the nation, public charter schools are achieving extraordinary results in low-income communities. I have been particularly impressed by the Noble Street schools in Chicago. Since opening its first campus in 1999, Noble Street has expanded to 10 charter high schools educating over 13,000 students in some of Chicago's most difficult neighborhoods. Noble Street has achieved phenomenal results. Even though more than 75 percent of students enter the schools below grade level, Noble students have the highest ACT scores among Chicago open-enrollment schools. Every year, more than 99 percent of Noble Street's seniors graduate and more than 85 percent go on to college. I see this success in action when I visit Noble Street schools. As soon as you walk in the door, you can tell that everyone in the building is focused on academic success. The students are actively engaged in their learning. Their teachers and principals are demanding and inspiring. Noble Street would like to continue to grow and educate more students in Chicago.

Not all charter schools are excellent. Poor-performing charter schools should be closed. But we also need to replicate and expand the ones that are beating the odds, and we need to learn from their lessons. We need more excellent charters, like the Noble Street schools, in Illinois and around the country.

The bill I am introducing today would help make that possible. Currently, Federal funding for charter schools can only be used to create new schools, not expand or replicate exist-

ing schools. My bill would create new grants within the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools that have achieved results with their students will be able to apply for Federal grants to expand their schools to include additional grades or to replicate the model to a new school. Successful charters across the country will be able to grow, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to states that provide that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I thank Senator KIRK, Senator LANDRIEU, and Representative POLIS in the House for joining me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Students Achieving through Reform Act of 2011" or "All-STAR Act of 2011".

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

- (1) by striking section 5211;
- (2) by redesignating section 5210 as section 5211; and
- (3) by inserting after section 5209 the following:

"SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

"(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve

those students who attend identified schools or schools with a low graduation rate.

"(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

"(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

"(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

"(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

"(B) the number of openings for new students that could be created in such schools with such grant;

"(C) the number of students eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) who are on waiting lists for charter schools under the jurisdiction or in the service area of the eligible entity, and other information with respect to charter schools in such jurisdiction or service area that suggest the interest of parents in charter school enrollment for their children;

"(D) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

"(E) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

"(3) DURATION OF GRANTS.—A grant under this section shall be for a period of not more than 3 years, except that an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period. An eligible entity that has received a grant under this section may receive subsequent grants under this section.

"(c) APPLICATION REQUIREMENTS.—

"(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

"(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

"(i) the performance of the students of such public charter schools on the student academic assessments described in section 1111(b)(3) of the State where such school is located (including a measurement of the students' average academic longitudinal growth at each such school, if such measurement is required by a Federal or State law applicable to the entity), disaggregated by—

- "(I) economic disadvantage;
- "(II) race and ethnicity;
- "(III) disability status; and
- "(IV) status as a student with limited English proficiency;

“(ii) the status of such schools under section 1116 in making adequate yearly progress or as identified schools;

“(iii) documentation of demonstrated success by such public charter schools in closing historic achievement gaps between groups of students; and

“(iv) in the case of such public charter schools that are secondary schools, the graduation rates and rates of student acceptance, enrollment, and persistence in institutions of higher education, where possible.

“(B) PLAN.—A plan for—

“(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

“(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

“(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

“(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

“(I) each student enrolled in the grade preceding each such additional grade;

“(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

“(III) children of the charter school's founders, staff, or employees;

“(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools, to—

“(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’); and

“(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

“(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I);

“(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’), the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

“(I) focusing on closing the achievement gap; or

“(II) successfully addressing the education needs of low-income students; and

“(vii) in the case of an eligible entity described in subsection (k)(4)(D)—

“(I) supporting the short-term and long-term success of the proposed project, by—

“(aa) developing a multi-year financial and operating model for the eligible entity; and

“(bb) including, with the plan, evidence of the demonstrated commitment of current partners, as of the time of the application, for the proposed project and of broad support from stakeholders critical to the project's long-term success;

“(II) closing public charter schools that do not meet acceptable standards of performance; and

“(III) achieving the objectives of the proposed project on time and within budget, which shall include the use of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

“(C) CHARTER SCHOOL INFORMATION.—The number of—

“(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

“(ii) public charter schools approved to open or likely to open during the grant period in such State;

“(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

“(iv) students on public charter school waiting lists (if such lists are available) in—

“(I) the State in which the eligible entity intends to award subgrants under this section; and

“(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

“(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

“(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

“(i) Identified schools.

“(ii) Schools with a low graduation rate.

“(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c), information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section.

“(3) MODIFICATIONS.—The Secretary may modify or waive any information requirement under paragraph (2)(C) for an eligible entity that demonstrates that the eligible entity cannot reasonably obtain the information.

“(d) PRIORITIES FOR AWARDED GRANTS.—

“(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

“(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

“(B) oversees or plans to oversee one or more eligible public charter schools;

“(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

“(D) has established goals, objectives, and outcomes for the proposed project that are clearly specified, measurable, and attainable;

“(E) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

“(F) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

“(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

“(ii) does not have a cap that restricts the growth of public charter schools in the State;

“(iii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

“(iv) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

“(v) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

“(vi) authorizes or allows public charter schools to serve as school food authorities;

“(vii) ensures that each public charter school in the State—

“(I) has a high degree of autonomy over the public charter school's budget and expenditures;

“(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

“(III) in the case of an eligible public charter school receiving a subgrant under this section, amends its charter to reflect the growth activities described in subsection (e);

“(viii) has an appeals process for the denial of an application for a public charter school;

“(ix) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a public charter school pursuant to such State law;

“(x) allows any public charter school to be a local educational agency in accordance with State law;

“(xi) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

“(I) the authorized public chartering agency’s strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

“(II) the authorized public chartering agency’s policies for authorizing or approving public charter schools, including how such policies examine a school’s—

“(aa) financial plan and policies, including financial controls and audit requirements;

“(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

“(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

“(III) the authorized public chartering agency’s policies for renewing, not renewing, and revoking a public charter school’s charter, including the role of student academic achievement in such decisions;

“(IV) the authorized public chartering agency’s transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

“(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school;

“(VI) the status of the authorized public chartering agency’s charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

“(VII) the authorizing functions provided by the authorized public chartering agency to the public charter schools under its purview, including such agency’s operating costs and expenses as detailed through annual auditing of financial statements that conform with general accepted accounting principles; and

“(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

“(xi) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the State’s authorized public chartering agencies, including—

“(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving public charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

“(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

“(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

“(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

“(1) SUBGRANTS.—

“(A) IN GENERAL.—To award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

“(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

“(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school’s enrollment of students through the replication or expansion of the school, which may include use of funds to—

“(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

“(ii) pay costs associated with hiring additional teachers to serve additional students;

“(iii) provide transportation to additional students to and from the school, including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11);

“(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

“(v) support any necessary activities associated with the school carrying out the purposes of this section.

“(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school—

“(i) that has significantly closed any achievement gap on the State academic assessments described in section 1111(b)(3) among the groups of students described in section 1111(b)(2)(C)(v) by improving scores;

“(ii) that—

“(I) ranks in at least the top 25th percentile of the schools in the State, as ranked by the percentage of students in the proficient or advanced level of achievement on the State academic assessments in mathematics and reading or language arts described in section 1111(b)(3); or

“(bb) has an average student score on an examination (chosen by the Secretary) that is at least in the 60th percentile in reading and at least in the 75th percentile in mathematics; and

“(II) serves a high-need student population and is eligible to participate in a schoolwide program under section 1114, with additional priority given to schools that serve, as compared to other schools that have submitted an application under this subsection—

“(aa) a greater percentage of low-income students; and

“(bb) a greater percentage of not less than 2 groups of students described in section 1111(b)(2)(C)(v)(II); and

“(iii) that meets the criteria described in clause (i) and serves low-income students who have transferred to such school under a cooperative agreement described in section 1116(b)(11).

“(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 3 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the

discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

“(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

“(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

“(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

“(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

“(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

“(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—

“(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach.

“(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

“(f) RESERVE ACCOUNT.—

“(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

“(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this section and used in accordance with the purpose described in subsection (a).

“(4) RECOVERY OF FUNDS.—

“(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

“(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

“(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

“(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

“(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

“(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

“(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(h) NATIONAL EVALUATION.—

“(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

“(A) student achievement, including State standardized assessment scores and, if available, student academic longitudinal growth (as described in subsection (c)(2)(A)(i)) based on such assessments; and

“(B) other areas, as determined by the Secretary.

“(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2011, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

“(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

“(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible public charter schools as a result of the grant. Such report shall be submitted before the end of the 3-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2011 and every 2 years thereafter.

“(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

“(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

“(k) DEFINITIONS.—In this section:

“(1) ADEQUATE YEARLY PROGRESS.—The term ‘adequate yearly progress’ has the meaning given such term in a State’s plan in accordance with section 1111(b)(2)(C).

“(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term ‘administrative tasks, dissemination activities, and outreach’ includes costs and activities associated with—

“(A) recruiting and selecting students to attend eligible public charter schools;

“(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

“(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under this section;

“(D) necessary oversight of the grant program under this section; and

“(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

“(3) CHARTER SCHOOL.—The term ‘charter school’ means—

“(A) a charter school, as defined in section 5211(1); or

“(B) a school that meets the requirements of such section, except for subparagraph (D) of the section, and provides prekindergarten or adult education services.

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State educational agency;

“(B) an authorized public chartering agency;

“(C) a local educational agency that has authorized or is planning to authorize a public charter school; or

“(D) an organization, including a nonprofit charter management organization, that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

“(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

“(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

“(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term ‘eligible public charter school’ means a charter school, including a public charter school that is being developed by a developer, that—

“(A) has made adequate yearly progress for 2 of the last 3 consecutive school years; and

“(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

“(6) GRADUATION RATE.—The term ‘graduation rate’ has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

“(7) IDENTIFIED SCHOOL.—The term ‘identified school’ means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

“(8) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes any charter school that is a local educational agency, as determined by State law.

“(9) LOW-INCOME STUDENT.—The term ‘low-income student’ means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(10) SCHOOL FOOD AUTHORITY.—The term ‘school food authority’ has the meaning given the term in section 250.3 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling).

“(11) SCHOOL YEAR.—The term ‘school year’ has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(12) TRADITIONAL PUBLIC SCHOOL.—The term ‘traditional public school’ does not include any charter school, as defined in section 5211.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

“SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, \$700,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

“(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

“(2) the quality of the applications submitted for such programs.”

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking “5210” and inserting “5211”;

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking “5210(1)” and inserting “5211(1)”;

(3) in section 5211(1) (as redesignated by subsection (a)(2)) (20 U.S.C. 7221i(1)), by striking “The term” and inserting “Except as otherwise provided, the term”;

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking “5210” and inserting “5211”;

(5) in section 5247(1) (20 U.S.C. 7225f(1)), by striking “5210” and inserting “5211”.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

“Sec. 5200. Authorization of appropriations for subparts 1 and 2.”;

(2) by striking the items relating to sections 5210 and 5211;

(3) by inserting after the item relating to section 5209 the following:

“Sec. 5210. Charter school expansion and replication.”

“Sec. 5211. Definitions.”;

and

(4) by striking the item relating to section 5231.

By Ms. CANTWELL for herself,
Ms. COLLINS, Mr. SANDERS, and
Mr. LIEBERMAN:

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation to end the use of Great Apes in invasive research and urge my Senate colleagues to support the Great Ape Protection and Cost Savings Act.

The Great Ape Protection and Cost Savings Act would prohibit invasive research on all Great Apes, including gorillas, orangutans, and chimpanzees—who are the primary Great Apes used in research today. The bill would also require the immediate retirement of 500 federally-owned chimpanzees to great ape sanctuaries.

Today about 1,000 chimpanzees—half of them federally owned—languish at great taxpayer expense in eight research laboratories across the Nation.

These chimpanzees are being held or used for invasive biomedical research, research that may cause death, bodily injury, pain, distress, fear, and trauma. Invasive research practices include techniques such as injecting a chimpanzee with a drug that would be detrimental to its health, infecting a chimp with a disease, cutting a chimp or removing body parts, and isolation or social deprivation.

The vast majority of these animals—between 80 and 90 percent—aren't actually being used in research, but instead are warehoused, simply wasting away in these facilities. For example, approximately half of the government-owned chimpanzees are being held in a facility in New Mexico where no research is being conducted.

Some chimpanzees have been in labs for more than 50 years, confined in steel cages for most of their lives and enduring sometimes painful and distressing experimental procedures.

The fact that the vast majority of federally-owned chimpanzees are not being used in active research, but instead are warehoused in labs at the taxpayer expense, underlines the futility of their continued confinement.

For a single chimpanzee, lifetime care in a research facility can cost over \$1 million, compared with \$340,000 for superior care in a sanctuary. Ending invasive research will mean a savings of more than \$25 million per year for the American people.

Chimpanzees are poor research models for human illness, and they have been of limited use in the study of human disease. Despite how similar they are to us, significant differences in their immunology and disease progression make them ineffective models for human diseases like HIV, cancer, and heart disease research.

For example, research published in the *Journal of Medical Primatology* in 2009, on hepatitis C indicates that use of chimpanzees has produced poor results. And the National Center for Research Resources under the National Institutes of Health has prohibited breeding of government-owned chimpanzees for research. In effect, NIH has already decided that the chimpanzee is not an essential animal model for human medical research.

Significant genetic and physiological differences between great apes and humans also make chimpanzees a poor re-

search model for human diseases. We have spent millions of dollars over several decades on chimpanzee-based HIV and Hepatitis C research with no resulting vaccines for those diseases. Chimpanzees largely failed as a model for HIV because the virus does not cause illness in chimpanzees as it does to humans.

These are very social, highly intelligent animals—with the ability, for example, to learn American Sign Language. Their intelligence and ability to experience emotions so similar to humans underscores how chimpanzees suffer intensely under laboratory conditions.

Their psychological suffering in laboratories produces human-like symptoms of stress, depression, and post-traumatic stress disorder after decades of living in isolation in small cages.

Given their social nature and capacity for suffering and boredom due to lack of stimulation, the 500 privately-owned chimpanzees and 500 federally-owned chimpanzees being held in research laboratories would be better off in sanctuaries. And by doing so we would save more than \$25 million taxpayer dollars each year. This is because the cost of caring for a chimpanzee in a sanctuary is a fraction of the cost of their housing and maintenance in a laboratory. And many in the scientific community believe this money could be allocated to more effective research.

In my home State of Washington, I am proud that we have Chimpanzee Sanctuary Northwest. Chimpanzee Sanctuary Northwest provides sustainable sanctuary for seven chimpanzees retired in 2008 from decades in research facilities.

The United States is currently behind the rest of the world in outlawing this sad practice.

Australia, Austria, Belgium, Japan, the Netherlands, New Zealand, Sweden, and the United Kingdom have all banned or severely limited experiments on great apes. And several other countries and the European Union are considering similar bans as well.

We are the only country—besides Gabon in West Africa—that is still holding or using chimpanzees for invasive research. It's past time for the United States to catch up with the rest of the world by ending this antiquated use of this endangered species.

We are lagging behind in action, but the desire to end invasive research on Great Apes has been present for more than a decade. In 1997, the National Research Council concluded that there should be a moratorium on further chimpanzee breeding. And the National Institutes of Health (NIH) has already announced an end to funding for the breeding of federally-owned chimpanzees for research, but this should be codified.

Government needs to take action to make invasive research on chimpanzees illegal.

That is why today I am introducing the bipartisan Great Ape Protection and Cost Savings Act, along with my colleagues Senators SUSAN COLLINS, BERNIE SANDERS and JOE LIEBERMAN.

The Great Ape Protection and Cost Savings Act is a commonsense policy reform to protect our closest living relatives in the animal kingdom from physical and psychological harm, and help reduce government spending and our federal deficit.

Specifically, this bill will phase out the use of chimpanzees in invasive research over a three-year period, require permanent retirement to suitable sanctuaries for the 500 federally-owned chimpanzees currently being warehoused in research laboratories, and codifies the current administrative moratorium on government-funded breeding of chimpanzees.

We have been delaying this action for too long. It is time to get this done and end this type of harmful research and end this wasteful government spending.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 144—SUPPORTING EARLY DETECTION FOR BREAST CANCER

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 144

Whereas the 5-year relative survival rate for breast cancer has increased from 74 percent in 1979 to 90 percent in 2011;

Whereas when breast cancer is detected early and confined to the breast, the 5-year relative survival rate is 98 percent;

Whereas the National Breast and Cervical Cancer Early Detection Program (referred to in this preamble as the "NBCCEDP") was established by the Breast and Cervical Cancer Mortality Prevention Act of 1990 (42 U.S.C. 300k et seq.) to provide early detection services for low-income women who are uninsured or underinsured and do not qualify for Medicaid;

Whereas the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) allows for breast cancer treatment assistance to be provided through Medicaid to eligible women who were screened through the NBCCEDP;

Whereas NBCCEDP and the provisions of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) have effectively reduced mortality among low-income uninsured and medically underserved women with breast cancer;

Whereas early detection of breast cancer increases survival rates for the disease, as evidenced by a 5-year relative survival rate of 98 percent for breast cancers that are discovered before the cancer spreads beyond the breast, compared to 23 percent for stage IV breast cancers;

Whereas the cost of treating stage IV breast cancers is more than 5 times more expensive than the cost of treating stage I breast cancers;

Whereas as of the date of agreement to this resolution, the economy has placed a strain

on State budgets while increasing the demand for safety-net services;

Whereas significant disparities in breast cancer outcomes persist across racial and ethnic groups;

Whereas breast cancer is the most frequently diagnosed cancer and is the leading cause of cancer death among women worldwide;

Whereas in 2011, more than 200,000 women and men will be diagnosed with breast cancer and more than 40,000 will die of breast cancer in the United States;

Whereas every woman should have access to life-saving screening and treatment that is not dependent on where she lives;

Whereas investments in cancer research have improved the understanding of the different types of breast cancer and led to more effective, personalized treatments; and

Whereas organizations such as Susan G. Komen for the Cure® empower women with knowledge and awareness, ensure access to quality care, and energize science to discover and deliver cures for breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) remains committed to ensuring access to life-saving breast cancer screening, diagnostic, and treatment services, particularly for medically underserved women;

(2) supports increasing awareness and improving education about breast cancer, the importance of early detection, and the availability of screening services for women in need; and

(3) remains committed to discovering and delivering cures for breast cancer and encouraging the development of screening tools that are more accurate and less costly.

AMENDMENTS SUBMITTED AND PROPOSED

SA 294. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 294. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—REGULATORY FLEXIBILITY IMPROVEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the “Regulatory Flexibility Improvement Act of 2011”.

SEC. 02. DEFINITIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) the term ‘rule’—

“(A) has the meaning given that term in section 551(4);

“(B) includes any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment; and

“(C) does not include—

“(i) a rule of particular applicability relating to rates, wages, corporate or financial

structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances; or

“(ii) an interpretative rule involving the internal revenue laws of the United States, published in the Federal Register, that does not impose a collection of information requirement;”;

(2) in paragraph (5), by inserting after “special districts,” the following: “or tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)),”;

(3) in paragraph (6), by striking “and” at the end; and

(4) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44;

“(9) the term ‘interim final rule’ means a rule which will become effective without prior notice and comment, including a rule for which the agency makes a finding under section 553(b)(3)(B) of this title; and

“(10) the term ‘impact’, when used to describe the effect of a rule, means—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 03. REGULATORY AGENDA.

Section 602(a) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking “, and” and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(4) the list of rules required to be published under section 610(c).”.

SEC. 04. INITIAL REGULATORY FLEXIBILITY ANALYSIS.

Section 603 of title 5, United States Code, as amended by section 1100G of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2112), is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States” and inserting “publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, or publishes an interim final rule”;

(B) by striking “The initial regulatory” and all that follows through the period at the end;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b)(1) An agency shall notify the Chief Counsel for Advocacy of the Small Business

Administration electronically of any draft rule (including a proposed rule, an interpretative rule involving the internal revenue laws of the United States, and an interim final rule) that may have a significant economic impact on a substantial number of small entities—

“(A) on the date on which the agency submits the draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(B) if no submission to the Office of Information and Regulatory Affairs is required, at a reasonable time before publication of the draft rule by the agency.

“(2) Each notice under paragraph (1) shall include the draft rule and a draft of the initial regulatory flexibility analysis.”;

(4) in subsection (c), as so redesignated—

(A) by striking “proposed” each place that term appears;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(6) a description of the economic impact of the rule on small entities; and

“(7) a description of the cumulative economic impact on small entities of the rules—

“(A) promulgated by the agency during the 10-year period ending on the date of the initial regulatory flexibility analysis; and

“(B) proposed, but not promulgated, by the agency before the date of the initial regulatory flexibility analysis.”;

(5) in subsection (d), as so redesignated—

(A) by striking “proposed” each place that term appears;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(6) the establishment of less stringent requirements for all entities covered by the rule, including small entities.”;

(6) in subsection (e), as so redesignated—

(A) by striking “proposed” each place that term appears;

(B) in paragraph (1)(C), by striking “subsection (b)” and inserting “subsection (c)”;

(C) in paragraph (2)(B), by striking “subsection (b)” and inserting “subsection (c)”;

(7) by adding at the end the following:

“(f) Except as provided in section 608, not later than the date of publication of a notice of proposed rulemaking or an interim final rule, an agency shall—

“(1) make the initial regulatory flexibility analysis required under subsection (a) available electronically to the public; and

“(2) publish the initial regulatory flexibility analysis, or a summary of the initial regulatory flexibility analysis, in the Federal Register.”.

SEC. 05. FINAL REGULATORY FLEXIBILITY ANALYSIS.

Section 604 of title 5, United States Code, is amended—

(1) by striking “proposed” each place that term appears;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “as described in section 603(a)”;

(B) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2113), as paragraph (8);

(C) in paragraph (6) (relating to a description of steps taken to minimize significant

economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by striking “and” at the end;

(D) by inserting after paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), the following:

“(7) a description of the cumulative impact on small entities of the rules—

“(A) promulgated by the agency during the 10-year period ending on the date of the final regulatory flexibility analysis; and

“(B) proposed, but not promulgated, by the agency before the date of the final regulatory flexibility analysis; and”;

(3) in subsection (b)—

(A) by striking “The agency shall make copies of” and inserting “Not later than the date of publication of a final rule, the agency shall make”;

(B) by striking “available to members of the public” and inserting “for the final rule available electronically to the public”; and

(4) by adding at the end the following:

“(c)(1) If an agency publishes an interim final rule, the agency shall prepare a final regulatory flexibility analysis that contains the information required to be included in a final regulatory flexibility analysis under subsection (a).

“(2) The agency shall prepare and make available to members of the public the final regulatory flexibility analysis not later than the earlier of—

“(A) 180 days after the end of the period for comment on the initial regulatory flexibility analysis prepared under section 603 of this title; and

“(B) the date of publication of a final rule following the interim final rule.

“(d) An agency may not fulfill the requirements of this section until the agency has complied with the requirements of section 603.”.

SEC. 06. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

Section 605(b) of title 5, United States Code is amended—

(1) in the first sentence, by inserting “, interim final,” before “or final”;

(2) in the second sentence by inserting “interim final or” before “final rule”; and

(3) in the third sentence, by inserting before the period at the end the following: “electronically, at a reasonable time before the publication of the notice, interim final rule, or final rule”.

SEC. 07. PROCEDURE FOR DELAY OF COMPLETION.

Section 608 of title 5, United States Code, is amended—

(1) in the section heading, by striking “WAIVER OR”;

(2) by striking subsection (a) and inserting the following:

“(a) An agency head may delay the completion of some or all of the requirements of section 603 for a period of not more than 180 days after the date of publication in the Federal Register of a notice of proposed rulemaking or interim final rule by publishing in the Federal Register, not later than the date of publication of the notice of proposed rulemaking or interim final rule, a written finding, with reasons therefor, that the notice of proposed rulemaking, interim final rule, or final rule is being promulgated in response to an emergency that makes timely compliance with section 603 impracticable.”;

(3) in subsection (b)—

(A) by striking the first sentence; and

(B) by striking “If the agency has not prepared a final regulatory analysis pursuant to section 604 of this title within one hundred and eighty days from the date of publication of the final rule” and inserting the following:

“(c) If the agency has not prepared an initial regulatory flexibility analysis under section 603 or a final regulatory flexibility analysis under section 604 before the date that is 180 days after the date of publication of the interim final rule”;

(4) by adding at the end the following:

“(d) Except as provided in subsections (b) and (c) of section 605, an agency head may not waive the requirements of section 603 or 604.”.

SEC. 08. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (3) the following:

“(4) not later than 60 days before the date on which a covered agency convenes a review panel under paragraph (3), the covered agency shall submit written notification and a statement to the Chief Counsel for Advocacy of the Small Business Administration and the Office of Information and Regulatory Affairs within the Office of Management and Budget that includes—

“(A) the earliest date the review panel may convene;

“(B) the most recent draft regulatory text (if available) and economic analysis;

“(C) a description of the most significant regulatory components of the rule, with significant regulatory alternatives, accompanied by a discussion of the costs, cost-effectiveness, benefits, advantages, and disadvantages of the alternatives;

“(D) a description of the number and type of small entities affected, related State and Federal regulatory requirements, and the technical and legal bases for the rule;

“(E) a full description of the methodology that underlies the analysis in subparagraphs (B), (C), and (D), including any key assumptions; and

“(F) any other materials necessary for the individuals identified under paragraph (2) and the members of the review panel to make informed recommendations to the review panel and the covered agency”;

(C) in paragraph (5), as so redesignated, by striking “subsections 603(b), paragraphs (3), (4) and (5) and 603(c)” and inserting “paragraphs (3) through (7) of subsection (c) and subsection (d) of section 603”;

(D) in paragraph (6), as so redesignated, by striking “subsections 603(b), paragraphs (3), (4) and (5) and 603(c)” and inserting “paragraphs (3) through (7) of subsection (c) and subsection (d) of section 603”;

(2) in subsection (e), by striking “subsections (b)(3), (b)(4), and (b)(5)” and inserting “paragraphs (3), (4), (5), (6) of subsection (b)”.

SEC. 09. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “Within”; and

(B) by adding at the end the following:

“(2) Each agency shall allow an interested person to petition the agency for the review of a rule of the agency then in effect, if—

“(A) the head of the agency made a certification under section 605(b) with respect to the rule;

“(B) evidence that is not in the rulemaking record exists showing that the rule has a significant economic impact on a substantial number of small entities; and

“(C) there are reasonable alternatives to the requirements under the rule that would reduce the economic impact on small entities.”; and

(2) by striking subsection (c) and inserting the following:

“(c)(1) Each agency shall publish in the regulatory flexibility agenda required under section 602 a list of the rules of the agency that have a significant economic impact on a substantial number of small entities, that the agency will review under this section during the 6-month period following the date of publication of the regulatory flexibility agenda.

“(2) The list required under paragraph (1) shall include—

“(A) for a rule that is the subject of a petition under subsection (a)(2) that the agency receives not later than 60 days before the date of publication of the list—

“(i) a statement that the agency will review the rule under this section; or

“(ii) a detailed explanation of how the petition failed to meet the requirements under subsection (a)(2), if the agency determines it will not review the rule under this section;

“(B) for each rule, a brief description of the rule, the need for the rule, and the legal basis of the rule; and

“(C) an invitation for public comment on the rules to be reviewed.

“(d) Upon review of any rule under this section, an agency shall publish notice of and accept comment on an initial regulatory review with respect to the rule that contains—

“(1) an evaluation of the factors described in subsection (b);

“(2) a statement of the objectives of and legal basis for the rule;

“(3) a description of, and, if feasible, an estimate of the number of, small entities to which the rule applies;

“(4) a description of the reporting, record-keeping, and other compliance requirements of the rule, including the classes of small entities that are subject to the requirements and the type of professional skills necessary for preparation of any report or record required under the rule;

“(5) a description of any significant alternatives to the rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the rule on small entities, including, as applicable—

“(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to the small entities;

“(B) the clarification, consolidation, or simplification of compliance and reporting requirement under the rule for the small entities;

“(C) the use of performance standards rather than design standards;

“(D) an exemption from application of the rule, or any part thereof, for the small entities; and

“(E) any significant alternative proposed by a person that submits a petition for review under subsection (a)(2) of this section.

“(e)(1) Except as provided in paragraph (2), not later than 180 days after the end of the comment period specified by an agency under subsection (d), the agency shall publish in the Federal Register and make available to the public a final regulatory review that contains—

“(A) a statement of the need for, and objectives of, the rule;

“(B) a description of any significant issues raised by public comment in response to the initial regulatory review, and a statement of the assessment of the agency of the issues;

“(C) the response of the agency to any comment filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the initial regulatory review;

“(D) a description, and an estimate of the number, of small entities to which the rule applies, or an explanation of why no such estimate is available;

“(E) a description of the reporting, record-keeping, and other compliance requirements of the rule, including the classes of small entities that are subject to the requirement and the type of professional skills necessary for preparation of any report or record required under the rule; and

“(F) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for not selecting any significant alternative to the rule considered by the agency that would affect the impact on small entities.

“(2) An agency is not required to publish a final regulatory review under paragraph (1) if, not later than 180 days after the end of the comment period specified by the agency under subsection (d), the agency initiates a rulemaking for the purpose of proposing the adoption of a significant alternative to the rule under review.”

SEC. 10. JUDICIAL REVIEW.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “608(b)” and inserting “608”;

(2) in paragraph (2), by striking “608(b)” and inserting “608”;

(3) in paragraph (3)(B), by inserting after “the issuance of” the following: “an initial regulatory flexibility analysis on an interim final rule pursuant to section 608(a) or”.

SEC. 11. SMALL ENTITY COMPLIANCE GUIDES.

(a) SMALL ENTITY COMPLIANCE GUIDES.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

“§ 613. Small entity compliance guides

“(a)(1) For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications ‘small entity compliance guides’ (referred to in this section as a ‘guide’).

“(2) The publication of each guide under this subsection shall include—

“(A) the posting of the guide in an easily identified location on the website of the agency; and

“(B) distribution of the guide to known contacts representing regulated small entities, including trade associations and business organizations.

“(3) An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

“(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

“(B) not later than the date on which the requirements of that rule become effective.

“(4)(A) Each guide shall explain the actions a small entity is required to take to comply with a rule.

“(B) The explanation under subparagraph (A)—

“(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

“(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

“(C) Procedures described under subparagraph (B)(ii)—

“(i) shall be suggestions to assist small entities; and

“(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

“(5) An agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with trade associations and business representatives of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

“(6) The head of each agency shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency’s compliance with paragraphs (1) through (5).

“(b) Agencies shall cooperate to make available to small entities through comprehensive sources of information, the small entity compliance guides and all other available information on statutory and regulatory requirements affecting small entities.

“(c) An agency’s small entity compliance guide shall not be subject to judicial review, except that in any civil or administrative action occurring after the effective date of section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note), the content of the small entity compliance guide may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking section 212.

(c) SAVINGS CLAUSE.—On and after the date of enactment of this Act, an agency may use a small entity compliance guide published under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) before the date of enactment of this Act.

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS.

The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 608 and inserting the following:

“608. Procedure for delay of completion.”;

and

(2) by adding at the end the following:

“613. Small entity compliance guides.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 13, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 13, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “Perspectives on Deficit Reduction.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 13, 2011, at 2 p.m., to hold a hearing entitled “International Development Policy Priorities in the FY 2012 International Affairs Budget.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 13, 2011, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 13, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Fulfilling Our Commitment to Support Victims of Crime.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 13, 2011, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial and Executive Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 13, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 13, 2011, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 13, 2011, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on April 13, 2011, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 13, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on April 13, 2011, from 2-4 p.m. in Dirksen 562.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that privileges of the floor be granted to Ian Koski of my staff for the duration of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Adam Rohloff of my staff be granted floor privileges during this period of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed on the Senate floor for the duration of the debate on S. 493: Lucy Emerson and Shannon Olberding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Megan Cheney, Nicole Miya Ogawa, and Jan Spreitzenbarth of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING THE 1-YEAR ANNIVERSARY OF THE 2010 POLAND PRESIDENTIAL PLANE CRASH

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 135.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 135) remembering the 1-year anniversary of the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 135

Whereas, on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, military officers, family members, and others departed Warsaw by plane to travel to the Russian region of Smolensk;

Whereas the purpose of the delegation's visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the "NKVD", between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims of such executions have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 such Polish victims have yet to be precisely located;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board;

Whereas Poland has been a leading member of the transatlantic community and the North Atlantic Treaty Organization (NATO), an Alliance vital to the interests of the

United States, and Poland's membership in the Alliance has strengthened NATO;

Whereas the Polish armed forces have stood shoulder-to-shoulder and sacrificed with airmen, marines, sailors, and soldiers of the United States in Iraq, Afghanistan, the Balkans, and around the world;

Whereas Poland has been a leader in the promotion of human rights, not just in Central Europe, but elsewhere around the world; and

Whereas the deep friendship between the governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw and Smolensk to memorialize the 1940 Katyn massacres, killing all 96 passengers;

(2) honors the memories of all Poles executed by the NKVD at Katyn, Miednoye, Kharkiv, and elsewhere and those who perished in the April 10, 2010, plane crash;

(3) expresses continuing sympathy for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(4) recognizes and respects the resilience of Poland's constitution, as demonstrated by the smooth and stable transfer of constitutional authority that occurred in the immediate aftermath of the April 10, 2010, tragedy; and

(5) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

NOMINATION OF DAVID COHEN

Mr. BAUCUS. Mr. President, shortly a UC request will be made to ask that the nomination of David Cohen to be Under Secretary for Terrorism, and Financial Crimes, U.S. Department of Treasury, be referred to the Committee on Banking, Housing and Urban Affairs after that nomination is reported by the Committee on Finance. I want to make it clear this action in no way should be taken to negate or diminish the jurisdiction of the Committee on Finance over this nomination. The Office of Terrorism and Financial Intelligence is a very important part of the Treasury Department, and the Committee on Finance has a fundamental interest to conduct oversight over that office, along with the entire department. I respect the interest my colleagues have in this important position, and in the interest of thorough oversight do not plan to object to the UC request. However, I want to stress that this UC request will only cover the specific nomination of David Cohen currently before the Committee on Finance, and does not apply to any other nomination of Mr. Cohen or of any person, including Mr. Cohen, to the Office of Under Secretary for Terrorism and Financial Crimes.

Mr. HATCH. I second my chairman.

Mr. JOHNSON of South Dakota. We thank the chairman and ranking member of the Committee on Finance, and agree that this unanimous consent agreement is designed only to apply to this nomination, and not to future nominees for this position.

Mr. SHELBY. I agree with Chairman JOHNSON.

SEQUENTIAL REFERRAL—
EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Committee on Finance reports the nomination of David Cohen to serve as Under Secretary for Terrorism and Financial Crimes, U.S. Department of the Treasury, the nomination be referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, APRIL
14, 2011

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, April 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with the time until 2 p.m. equally divided and controlled between the two leaders or their designees, with all other provisions under the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am informed that we will debate the

long-term CR tomorrow morning and vote as soon as we receive the papers from the House. There will be three votes which will be in relation to the two correcting resolutions regarding health care reform and Planned Parenthood and passage of the long-term CR. We hope the votes will be sometime in the afternoon.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Thursday, April 14, 2011, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, April 13, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WOODALL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 13, 2011.

I hereby appoint the Honorable ROB WOODALL to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

RECOGNIZING ALCOHOL AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, this week, during Alcohol Awareness Month, I will introduce what I believe is the next logical step in Federal efforts to prevent underage drinking. My bill, the Reauthorization of the Sober Truth on Preventing Underage Drinking Act, builds on the successful public health efforts of the original bill, better known as the STOP Act.

Since the STOP Act became law in 2006, there have been increased community efforts to address underage drinking as a public health crisis, and we have seen localized improvement in teen drinking statistics.

While these positive results are encouraging, the fact remains alcohol still is the primary drug of choice of our youth. In 2009, about 10.4 million teens aged 12 to 20 reported drinking alcohol in the past month. Of these, approximately 6.9 million were binge drinkers, and 2.1 million were heavy drinkers. Alarming, according to the

latest publication of the Monitoring the Future survey, 53.7 percent of 12th graders believe drinking five or more alcoholic beverages once or twice each weekend is not a significant risk. These facts leave little doubt about the need to continue Federal underage drinking prevention efforts to educate our society about the dangers of alcohol abuse among our youth.

The STOP Act reauthorization bill will continue the successful programs of the original STOP Act, including the anti-underage drinking national media campaign directed at parents, the coordination of Federal efforts through the interagency council, and the grant program to help communities address underage drinking.

As a result of the recent research, the bill also directs the Institute of Medicine to report on the impact of drinking alcohol on the development of the adolescent brain, and it establishes grants to train pediatric health care providers on how best to screen and treat children and teens who have had alcohol exposures.

Mr. Speaker, continuing the investment of the STOP Act is a cost-effective strategy to reduce the \$53 billion annual cost of underage drinking to our Nation. Most importantly, it will reduce the suffering, violence, and death that far too often are caused by underage drinking.

I urge my colleagues to cosponsor the STOP Act reauthorization bill and keep our country moving forward in addressing this public health crisis facing our youth.

HONORING THE 50TH ANNIVERSARY OF THE BAY OF PIGS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise this morning to commemorate the 50th anniversary of the Bay of Pigs operation.

On April 17, 1961, the anticommunist patriots of Brigade 2506 were determined to help their homeland and their loved ones who were living under a repressive regime. Even though the operation was not successful, the dedication and the commitment that these brave individuals illustrated during the conflict was exceptional. During the operation, one hero was asked if he wished to be evacuated, and he said, "I will never leave this country." These individuals showed a strong sense of

heroism as they were up against the repressive regime's armed forces.

President Ronald Reagan was a long-standing supporter of individuals taking action to free themselves from oppressive socialist and communist regimes. When referring to the Bay of Pigs, President Reagan stated, "By supporting courageous freedom fighters around the world, we're shining a light on the path out from communism."

These heroes reached the beaches of Playa Giron to fight against communism in Cuba that was being supported by the Soviet Union during the Cold War. The evil empire made a strong push into Cuba that became a national security threat to the United States.

A strong Soviet Union presence in Cuba led to the Cuban Missile Crisis. The intrusion cemented the dangers of the Soviet Union having very close ties to the Cuban regime. Democracy and liberty of the people in the Western Hemisphere were in severe jeopardy as the communist forces were looking to expand their control. But the will of freedom-loving people who seek a better future will not be deterred by the evils and the power of communism. The protection of human rights and freedom of expression are fundamental necessities under a free society.

As the spread of communism crumbled during the Cold War, democracies throughout the Western Hemisphere flourished in open societies. However, the United States must remain vigilant that history does not repeat itself.

At this moment, Russia is currently infiltrating the Western Hemisphere by joining forces with antidemocratic tyrants such as Chavez, Ortega, and Morales. Recently, reports have indicated that Russia has sold \$15 billion worth of weapons and military equipment to Chavez. In addition, senior Russian military officials have mentioned the possibility of establishing refueling bases for Russian bombers in Cuba. Russian activities in the Western Hemisphere raise serious concerns as they are arming rogue regimes that are counter to the interests and the security of our beloved Nation.

The veterans of the Bay of Pigs symbolized this struggle between communism and freedom. The brave Brigade 2506 patriots decided to risk their very lives in order to liberate an oppressed society. These men fought courageously on that historic day. They came from many backgrounds, but all of them cared about freedom and liberty for the people of Cuba.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Even though the Bay of Pigs operation was not successful, their call to serve rose again to protect our Nation from enemies abroad. Many of these veterans continued to serve the United States by joining our Armed Forces and fighting with honor during the Vietnam War.

I would like to acknowledge all individuals who consistently are working toward fulfilling the dreams of a free Cuba, which is the dream of the veterans of Brigade 2506 who aspired and fought for a free and democratic Cuba.

I would also like to recognize the veterans of the Bay of Pigs who are with us today in the gallery. Gentlemen, thank you very much for your sacrifice and your commitment for a free Cuba and a strong United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to bring attention to occupants of the gallery.

HONORING THE MEMORY OF LANCE CORPORAL HARRY LEW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. Mr. Speaker, I rise today to honor the memory of Harry Lew.

Harry Lew was a marine serving the mission of Operation Enduring Freedom in Afghanistan. Freedom, however, does not come without a price. Harry Lew died in Afghanistan on Sunday, April 3, 2011. He was 21 years old. He was the son of Sandy and Allen Lew, the brother of Carmen Lew, and he was my nephew.

Lance Corporal Harry Lew died while serving on watch duty in Helmand province. He had joined the Marines in August 2009 and reported to his unit in February 2010.

□ 1010

He was based in Kaneohe Bay, Hawaii, with the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force. His unit was deployed to the Middle East in November, where they joined a Marine combat team for counterinsurgency work with the Afghan National Security Forces. Their goal was to provide security to locals and to promote development in the regime.

He was set to return home in July 2011, 3 months before his death.

Harry was a popular and outgoing student, both at Santa Clara High School, where he graduated in June 2008, and at Mission College, where he took classes for a year. He was known for joking, smiling, and for wanting to keep the mood light. One of his teachers said he brought "life and laughter to his classroom."

He loved physical sports, especially "tricking," a form of breakdancing involving kicks, flips and twists. It combines wushu, Chinese martial arts and gymnastics. He was so accomplished in this sport that as a member of the club called the Sidestep Breakdance Club, he performed several times in front of the high school. His friends said his best trick was the butterfly twist, where one spins 360 degrees in a horizontal flip. Upon his death, his friends honored him with a tricking session at his high school.

Harry's best friend, Travis Trotter said, "Everyone here has been influenced by him in some way or another, whether it be through his dancing, his artistic talents, his tricking or just being the person he was, friendly with everyone."

Of his service, his superior in the Marines said: "Only a small portion of our society volunteers to serve their country. Lance Corporal Lew was one of those volunteers. Within the 2nd Battalion, 3rd Marines, he was well liked by his fellow marines and was known for getting along with everyone because of his easy-going nature.

"He took his job seriously and performed his duties with enthusiasm. In Afghanistan, he volunteered for the difficult missions and demonstrated uncommon endurance on 4- to 8-hour foot patrols. Lance Corporal Lew also demonstrated his commitment and courage on two separate occasions when his unit came under enemy fire. One of those events is captured in the following:

"At approximately 7:30 p.m. on March 21, 2011, 3rd Squad of 3rd Platoon, Golf Company, 2nd Battalion, 3rd Marines, was engaged by enemy small arms fire while defending a position in Gawraggi village, Nawa-e-Barazkai district, Helmand province, Afghanistan. The enemy engaged with several bursts of automatic weapons fire. At that time of contact, the majority of the squad was in a small hole in the ground, taking cover to eat evening chow. Lance Corporal Lew immediately identified the enemy position approximately 200 meters to the southeast and engaged the enemy position initially with an M203 grenade launcher located at his post. He then picked up his M240 squad automatic weapon and engaged the enemy with an estimated 200 rounds until they had had enough and broke contact. His squad then continued with their mission.

"This is an example of Lance Corporal Lew's service. It serves as a reminder of all those who today serve in harm's way. Like Lance Corporal Lew, they serve to protect our country, our freedom, and our way of life. I am grateful for the courage and sacrifice of Lance Corporal Lew."

Harry Lew was a good son and brother, a friend to many, a great performer and a dedicated soldier. His ready

smile and warm attitude will be remembered by all who knew him. His sacrifice for his country will never be forgotten.

For his service, Harry Lew will be honored with the National Defense Service Medal, the Global War on Terrorism Service Medal, and the Afghanistan Campaign Medal.

TRIBUTE TO LANCE CORPORAL ANDREW PAUL CARPENTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DESJARLAIS) for 5 minutes.

Mr. DESJARLAIS. Mr. Speaker, I rise today to pay tribute to Lance Corporal Andrew Paul Carpenter who tragically lost his life while bravely serving our country.

Andrew enlisted in the United States Marine Corps on September 7, 2007, where he was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, Camp Lejeune, North Carolina. In August of 2010, Andrew was deployed to Afghanistan for the second time, where he bravely served on the front lines during combat operations.

While patrolling the Helmand province in Afghanistan, Lance Corporal Carpenter sustained fatal combat-related injuries and died on February 19, 2011.

Andrew graduated in 2002 from Columbia Central High School in Columbia, Tennessee. He was active in the school's marching band where he played trombone and helped the band win a State championship during his senior year. Andrew went on to further his education at Middle Tennessee State University.

He enjoyed numerous activities such as playing golf, soccer and paintball, and made friends easily through his dependable and loyal nature. He is remembered by those who knew him as someone who was constantly looking for ways to help those in need. It is no wonder that serving the United States Marine Corps was a natural choice for him.

Before joining the Marines, Andrew worked at the YMCA Fun Company, where he pursued one of the things that he enjoyed most in life—working with children. Andrew would often dress up in Batman costumes to entertain kids at the YMCA after-school program. He was known for his tender heart and his ability to positively impact the children he encountered.

On January 1, 2010, Andrew married the love of his life, Crissie. She was truly his best friend and soul mate, and he would often say that their wedding day was by far the best day of his life. Shortly before Andrew was deployed to Afghanistan, he and Crissie learned that they would be blessed with a baby

boy. Landon Paul Carpenter was born March 18, 2011.

Landon, no words can sufficiently express the gratitude or repay the debt that we owe your father for his selfless service in protecting our great Nation. He laid down his life so that we may all be blessed with our Nation's most fundamental tenets—life, liberty and the pursuit of happiness. Your father, simply put, is a true American hero. As you grow up in this great Nation, know that you are given that privilege because of men like your father who make great sacrifices to protect our freedoms.

Crissie, during this difficult time, I hope that you can find some solace in the fact that your husband nobly gave his life so that you and your son can continue to live in the land of the free.

And, finally, thank you to Andrew's family for raising such an extraordinary young man.

Today we honor and remember Andrew Paul Carpenter. We will never forget the sacrifices he made in order to ensure that we continue to be blessed with the precious gift of freedom.

God bless America.

DISASTROUS PRIORITIES OF 2012 BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, we have heard from two Members on each side of the aisle who, without respect of course to any partisan differences, raised their voices in sadness about the loss of two of our brave Americans in the defense of freedom. I join their sentiments.

Let me say this, Mr. Speaker. Those two Americans whose lives we have now lost showed extraordinary courage, extraordinary honesty in their willingness to serve. We in this body will now be called upon to show such courage and honesty as we address the extraordinary fiscal crisis that confronts us.

Today, President Obama is speaking on a plan to confront our Nation's unsustainable deficits. I believe it will stand in stark contrast to the budget that is going to be offered by Mr. RYAN, a budget of disastrous priorities, in my opinion, that concentrates its plan on middle and working class Americans in terms of its cuts, while creating yet another windfall for the wealthiest in our country, at a time when income inequality is at a height we haven't seen since the 1920s.

□ 1020

The Republican budget ends Medicare as we know it, transforming a system of guaranteed health care into a system that provides seniors with less coverage and greater expenses year after year after year. It dismantles

Medicaid, putting seniors' nursing home care at very substantial risk, and, in fact, with an inability to pay, and cutting off care for disabled and poor Americans.

These entitlements must be addressed, but we must address them in a way that both keeps them sustainable and makes them available for generations to come. Somehow, however—after undermining the social compact of Medicare, after cutting care for the most vulnerable, after sending more than 30 million Americans back to the ranks of the uninsured—the Republican budget finds trillions of dollars to give as tax cuts to the wealthiest among us.

Republicans say we are too broke to afford the promise of Medicare, but we are flush enough to spend trillions in tax cuts for those of us who are the best off. In fact, the Republican budget spends so much on corporate subsidies and tax breaks for the wealthy and loses so many savings by repealing the cost controls in the Affordable Care Act that it fails to balance the budget for 10 years or even 20 years.

We have been down this so-called "Path to Prosperity" before. It leads to skyrocketing deficits because the supply-side dogma that lower taxes mean higher revenues has proven false over the last three decades. Read the facts. If Republican tax dogma made sense, then our debt would not have increased 200 percent under Ronald Reagan or 115 percent under the second President Bush, but it did. In fact, we've seen Republican promises of prosperity proven wrong time and time again over the 30 years that I have served here in Congress.

In 2007, now-Majority Leader CANTOR said that the Bush tax cuts "have spurred spectacular economic growth." That was in 2007. Let me remind all the Members of this body, it was in December of 2007 that we fell into the Great Recession, the deepest recession we've had since Herbert Hoover. The growth was spectacular only for the top 1 percent, but for the rest of America, the Bush economy produced what The Wall Street Journal called "the worst track record for job creation since the government began keeping records." That's what The Wall Street Journal said of the Bush economic program, which CANTOR said would be a job creator.

Throughout the Bush years, middle class incomes stayed stagnant and deficits soared. What did Republicans say about a budget that actually helped create unprecedented prosperity, the 1993 Clinton budget? Here's what now-Speaker BOEHNER said: "How does this create any real new jobs? Who does this spending stimulate except maybe the liberal faculty at Harvard or Berkeley?" Of course, contrary to the Speaker's assertion, the Clinton years saw the biggest production of jobs since I have been serving in Congress of 22.7

million new jobs—in the private sector, almost 21 million jobs as opposed to the private sector loss of jobs under President Bush, about 7,000 loss of jobs per month, versus 216,000 new jobs every month on average under Bill Clinton.

Those words represent the same flawed priorities we see in this new Republican budget: tax breaks for the wealthy, a failure to invest in the future, and a heavier burden on working families.

Our country deserves better, Mr. Speaker. Let's reform our entitlement programs with a scalpel, not an axe. Let's look for savings in every part of the budget, defense included. Let's close tax loopholes, but let's also use the Tax Code to reduce the deficit and ensure that all of us, even the most privileged, pay their fair share.

Republicans have taken us down this primrose path before, Mr. Speaker. It has demonstrably led to higher debt, stagnation for working Americans, and, most recently, an economic implosion. We must not choose that dead end again.

UMD NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. CRAVAACK) for 5 minutes.

Mr. CRAVAACK. Mr. Speaker, I rise today to offer my congratulations to the players, coaches, and supporters of the Minnesota-Duluth Bulldogs men's ice hockey team for their historic victory this past Saturday on April 9, 2011.

In dramatic fashion, Kyle Schmidt, who grew up just minutes from Duluth in Hermantown, Minnesota, scored the game-winning goal 3 minutes and 22 seconds into overtime to help the Bulldogs win their first championship in school history by a score of 3-2 over the University of Michigan. The thrilling win culminated in a fantastic season for UMD's men's ice hockey team, with the Bulldogs amassing an impressive record of 26-10-6.

The NCAA hockey title win comes in the same academic year as the NCAA Division II football title for the Bulldogs, making the University of Minnesota-Duluth just the second college ever to win both a hockey title and a football title in the same academic year. Mr. Speaker, that's quite a feat.

I know I speak for the Eighth District and for all Minnesotans to say how proud we are of our Bulldogs. And it is great to have the NCAA championship trophy back in the State of Hockey, Minnesota.

KOREA FTA AND ITS EFFECTS ON WORKING PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased to rise this morning to address the House and the American people regarding the Korea Free Trade Agreement and its effect on working families.

Let me start by saying that I am committed to trade. Trade can benefit our Nation, our businesses, and our working families. In fact, I am a member of President Obama's Export Council. Our goal is to double American exports in 5 years, not to export American jobs.

But the problem with our current trade policy, the one that started with NAFTA and has gone downhill from there, is that its benefits are skewed. The benefits are concentrated in a few powerful multinational corporations, and it is hardworking middle class families who pay the price.

The Korea FTA doesn't fall far from the NAFTA tree. A few stock prices and CEO bonuses may go up, but the Korea FTA will kill jobs, push down American wages, and drive small American companies who face unfair competition out of business.

Perhaps the biggest problem with the Korea FTA is that it opens the door for more illegal trade from China. Members on both sides of the aisle and both sides of the FTA debate have concerns about trading with China. We all know that China manipulates its currency, doesn't protect intellectual property, and engages in illegal transshipment to escape U.S. tariffs. You can go on the Internet right now and find Web sites bragging that they can hide the source of Chinese goods and thereby avoid paying duties owed to the U.S.

The illegal transshipment, mislabeling, and duty evasion rob the American people of money that we are owed. They also drive U.S. businesses out of business. U.S. businesses often go to great length and expense to prove that Chinese goods are being dumped and are receiving illegal subsidies. When the duties the U.S. imposes aren't paid, hardworking Americans lose their jobs when their workplaces shut their doors forever. From New York to South Carolina to Lynwood, California, in my own district, American businesses have turned off the lights and sent workers home due to unfair Chinese competition.

And China doesn't even have to break the rules to reap the benefits of the Korea FTA. This agreement, which was negotiated by President Bush, only requires that 35 percent of a Korean car be made in Korea to be eligible for tariff benefits. That means that 65 percent of the car can be made in China by child labor, prison labor, and workers who lack the right to form free and independent unions.

America has lost about 7.5 million jobs since the recession began. We cannot afford another job-killing trade agreement that ignores America's middle class families.

□ 1030

We have learned some very hard lessons after more than 15 years of NAFTA-style free trade agreements. We've heard many promises, just like the promises we're hearing about the Korea FTA. But the fact is that there are failures.

NAFTA was supposed to solve illegal immigration by developing a robust economy in Mexico that would allow hardworking people to provide for their families by staying home. That didn't work. CAFTA was supposed to include bold new safety and wage protections for workers, but these protections are disappointingly weak, allowing countries to downgrade their own labor laws. And in the Oman FTA, the administration actually negotiated a deal with a country that, as our own State Department reported, was experiencing a forced labor problem. Forced labor. How are our American families supposed to care for their families and send their kids to college when they are competing with forced labor?

Free trade was supposed to increase economic opportunity for everybody, for big businesses as well as small, and for hardworking families at home and abroad. This has not happened. Too many communities have been left to rot because corporations shut down U.S. plants to chase increasingly cheap labor and weak environmental standards abroad.

After 15 years of living with NAFTA and its clones, real wages for American families are down. Our trade deficit is in the tens of billions of dollars. Our manufacturing base is falling apart. The American worker is now more productive than before, but that increased productivity has not led to higher wages. The truth is the NAFTA free trade models favor the wealthiest few and the corporate fat cats at the expense of small businesses, workers, families, and our communities.

In the coming weeks and months we'll be asked to consider at least two of the Bush administration's trade deals with Korea and Colombia. Despite the long record of failed FTAs, we are going to hear that there is a consensus of support for these FTAs. We'll hear that anyone who knows anything about trade supports these agreements. Don't believe it, because it's not true. Advocates for America's families, both inside and outside of Congress, have grave concerns. We want a new path that creates real opportunities for workers and the businesses that employ them. We want trade agreements that don't sell our environment short, close doors for our children, or substitute the judgment of international trade lawyers for our courts.

Some of my colleagues say that the Korea FTA isn't that bad. That we can live with it.

That argument misses the point. Why are we settling for "not that bad"? We should be fighting for the best trade agreements possible.

NAFTA-style FTAs simply aren't good enough. We should focus on creating a trade policy that creates and saves well-paying jobs here in America.

Our trade policy should help small businesses hire more employees, not shut their doors.

It should help our trading partners to grow and flourish, not race to the bottom in labor and environmental standards.

Our trade policy should not reward bad actors like China, but reward playing by the rules.

If we stand united for working Americans, we can deliver a trade policy that accomplishes these goals.

Minor adjustments to NAFTA-style deals aren't good enough.

I urge my colleagues, on both sides of the aisle, to stop settling for "not that bad" and embark on a trade path that promotes development and prosperity for all.

TIME FOR AN AFGHANISTAN-PAKISTAN STUDY GROUP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to bring to the attention of the House legislation I am introducing to create an Afghanistan-Pakistan Study Group, modeled after the Iraq Study Group, to bring fresh eyes to the war effort in Afghanistan, which is now in its 10th year.

Last August, I began pressing the administration to convene an Afghanistan-Pakistan Study Group. While reticent at first, to their credit President Bush, Secretary of State Rice, and Defense Secretary Rumsfeld came to support the Iraq Study Group, ably led by bipartisan chairs, former Secretary of State James Baker and former Congressman Lee Hamilton.

It has been my hope that the Obama administration would come to view this bipartisan fresh eyes approach as something which is ultimately good for our men and women in uniform and good for the country as a whole. Aside from the specific policy recommendations, the Iraq Study Group helped force a moment of truth in our national conversation about the war effort. It was apparent last summer and is still truer today that with roughly 100,000 U.S. troops presently in Afghanistan, no clear end is in sight to our Nation's longest running war, at 10 years and counting. Public support for the war is at an all-time low. A national conversation about Afghanistan is what is urgently needed.

Before proposing this idea to the Obama administration, I spoke with a number of knowledgeable individuals, including former senior diplomats, public policy experts, and retired and active duty military. Many believed, all believed our Afghanistan policy was adrift. And there was a near unanimous position that an Afghanistan-Pakistan

Study Group was needed. Among the distinguished individuals who embraced the idea was former ambassador to Iraq Ryan Crocker.

Sadly, the war has remained distant for many Americans. It is rarely spoken of from the Presidential bully pulpit. In fact, a recent Fox News piece reported, "The last time Obama specifically devoted a full public speech to Afghanistan was December 9, 2009, 16 months ago, when he announced at West Point that he was sending an additional 30,000 U.S. troops to that war-torn country." And this Congress ought to be looking at this also.

Further, the war is seldom covered in great depth in the news. And yet, for the husbands and wives, and mothers and fathers, sons and daughters who have sent off a loved one in uniform, the war in Afghanistan is anything but distant. It is uncertainty and sacrifice, it is separation and worry, and many times it is life and death.

Despite my several letters to the President and other senior administration officials calling for a, quote, "vigorous, thoughtful, and principled debate and discussion among some of our Nation's greatest minds," the idea for the study group has languished.

So today, after the Obama administration has neglected this, I am introducing legislation to create an Afghan-Pakistan Study Group comprised of nationally known and respected individuals who love their country more than they love their political party, and who would, I believe, serve to provide much needed clarity to a policy that appears adrift at best, and highly politicized at worst.

In reading "Obama's Wars," I was deeply troubled by Bob Woodward's reporting, which indicated that discussions of the war strategy were infused with political calculations. Woodward also wrote of an administration that wrestled with the most basic questions about the war: What is the mission? What are we trying to do? What will work? These are questions that demand answers. I believe that Americans of all political viewpoints can embrace this fresh eyes approach, for it is always to our national interest to openly assess the challenges before us and to chart a clear course to success.

I urge my colleagues to join me in support of this legislation. This Congress, both political parties, cannot do what this administration is doing. We cannot ignore this issue.

HOW GOP BUDGET IMPACTS SENIORS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Pennsylvania (Ms. SCHWARTZ) for 5 minutes.

Ms. SCHWARTZ. For decades, Medicare has been a lifeline for older Americans, providing quality and affordable

health care for all seniors. But this week House Republicans are proposing to strip seniors of this guaranteed benefit. The Republican budget proposal dismantles Medicare as we know it, telling seniors they are going to be on their own to find insurance no matter what the cost or how sick they are. And it slashes Medicaid coverage for seniors who need long-term care, threatening our sickest, most frail elderly in nursing homes with no care at all. This is absolutely the wrong approach to solving our Nation's budget problems.

Every day, 48 million elderly and disabled Americans across this country count on Medicare for their life-saving medications, doctor visits, and hospital care. Sixty-nine percent of people over the age of 65, and they are both Democrats and Republicans, oppose Medicare becoming a voucher program. Seniors know that changing Medicare to a voucher program means that they will no longer have access to a guaranteed set of health benefits, that the value of a limited voucher won't keep up with rising health care costs, that the voucher would become insufficient over time, and the care they need could become unaffordable, that too many taxpayer dollars will be spent on advertising campaigns and administrative costs instead of actual medical expenses.

And seniors know that privatizing Medicare means limits on benefits, obstacles to care, uncertain reimbursements, copayments for primary care or specialty care, exclusions for certain services, discrimination based on income, illness, or age, and more uncertainty if a serious illness or need for long-term care occurs. Seniors know that privatizing or voucherizing Medicare will mean that they pay more in premiums or do without. And it doesn't end there.

In addition to Medicare cuts, Republicans also want to take away Medicaid for the nearly 6 million seniors who depend on it for nursing home or long-term care. They say proudly that they will cut funding to States by \$1 trillion. This means that disabled and frail elderly Americans will be placed on waiting lists for services or have no access to care at all.

□ 1040

In Pennsylvania, my home State, nearly 40 percent of funds spent on long-term care would be at risk. This includes 62 percent of nursing home residents and 25,000 Pennsylvanian seniors who receive home health services.

And yet when Republicans had the opportunity to reduce costs while maintaining and strengthening care for our seniors, they demonized the plan, voting time and again to stop important improvements in Medicare. And they still want to repeal the law that eliminates copayments for preventive

care services, that makes prescription drug benefits more affordable and improves coordination of care and health outcomes, reduces errors and reduces costs for seniors.

They want to repeal the law that curbs the growth in Medicare spending, saves taxpayers almost \$500 billion by ending overpayments to insurance companies, and extends the life of the Medicare Trust Fund for 12 years. Instead, the Republicans here in Washington want to end Medicare as we know it and put health care for American seniors at great risk.

As a senior member of the Budget Committee, I know how important it is to find solutions to reducing the deficit. To do this right, the solution must include spending cuts, tax policy reform, and economic growth.

We should not fix our budget problems by failing to meet our obligations to our seniors. Every day we hear how determined Republicans are to slash billions of dollars from the central programs because we simply can't afford it. They say we can't afford to make investments in the future. We can't afford to educate our children or fix our roads or fuel innovation or cover health care costs for seniors.

Yet in the same proposal to slash Medicare and Medicaid for millions of seniors, Republicans make permanent tax cuts for the wealthiest 2 percent of Americans. In the very same budget proposal where Republicans take away guaranteed benefits for seniors, they protect billions of tax subsidies to the oil and gas industry.

In the very same budget proposal where Republicans give seniors a limited voucher to pay for higher insurance premiums, they protect the Pentagon from spending cuts on unnecessary weapon systems.

One trillion dollars in tax expenditures, \$700 billion in tax cuts for the wealthy few, \$40 billion in tax breaks for oil companies, and billions of dollars to continue inefficiencies at the Pentagon—all of this spending is protected by the Republican budget. And instead, they choose to slash benefits to our seniors and our disabled Americans.

Budgets are about priorities and they're about our values. Yes, we should get serious about our Nation's deficit, but let's be sure that our priorities are right and we do not threaten our obligations to our seniors, to our children, or to America's future.

SUPPORT NATIONAL AUCTIONEERING DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. LONG) for 5 minutes.

Mr. LONG. Mr. Speaker, I rise today to honor one of the cornerstones of American capitalism and my profession for over 30 years, that being

auctioneering. Auctioneers sell approximately \$250 billion in assets each year in the United States, and this figure does not include the millions of transactions that occur online with online auctions.

It's estimated that there are 20,000 auctioneers in the Nation, the vast majority of which are small business owners. Auto auctions make up the largest volume of auctions, with over \$80 billion in vehicles being sold by auctioneers annually in the United States. If you drive a used car, chances are very good it's been across the auction block.

Auctions and auctioneers have existed for over 2,000 years. Auctioneering was fundamental in the creation of commerce here in the United States. Auctioneers first arrived in the United States when the Pilgrims arrived.

You go to an auction in Kalamazoo, Michigan; Branson, Missouri; Tucson, Arizona; Portland, Oregon; Miami, Florida—anywhere you go to an auction in this country, we all go by one handle, and that handle is "colonel." You can walk up to an auctioneer in any auction in the United States, you don't know that auctioneer's name, you say, "Hey, Colonel," they'll turn around and answer you.

Why "colonel"? That dates back to the Civil War in this country. After the Civil War, they needed a way to get rid of the mules and tack and things they had left over, supplies; so they did that by a matter of public auction. They nominated the Army colonels to serve as the auctioneers. Now, they didn't have any professional training as auctioneers; however, they would just say, "I'm at a dollar for this saddle, a dollar-fifty. Anyone give two dollars? Sold at a dollar-fifty." So when you hear the term "colonel," that's where it originated, back in the Civil War.

Auctioneers were instrumental in the formation of early commerce by selling crops, imports, livestock, tools, tobacco, fur, and farms. Even President George Washington was a big auction fan and an avid buyer at public auction.

For over 30 years, I had the honor of selling real estate at public auction. Did I sell depressed, distressed real estate? Once in a very great while. But I sold real estate as people's first option, not their last resort. So keep in mind, auctions could be a way to achieve the highest value in the shortest amount of time. If you've got a hot property, instead of having it listed and sold in 1 day or 2 days, put it up at public auction and see what happens.

Every day auctioneers work with banks, attorneys, accountants, businesses, individuals, and government agencies to liquidate property seized and surplus property. Auctioneers create a competitive marketplace and connect buyers with sellers every day.

The National Auctioneers Association and its members strive to advance the auction methods of marketing and upholding the highest standards of professionalism to the national public. For over 20 years, National Auctioneers Day has been observed by State and local governments.

For those reasons and more, JEFF DUNCAN, another freshman auctioneer Member of Congress here, and I want to make this, the third Saturday in April, National Auctioneers Day. We will be dropping a bill to that effect. This would heighten the awareness of people in the United States of the contributions made by auctions and auctioneers to the history of the Nation and its economy.

Auctions are the last stronghold of the competitive free market enterprise system and continue to be the most effective means of establishing a fair market value.

Also, one other thing. Being an auctioneer in Congress, the way our debt is running out of control, they find it very handy to have JEFF DUNCAN and me here in Washington. We are two of the few people that can actually keep up with the national debt:

I'm at a trillion now 2, 2 trillion dollars now 3 woodygive 3 trillion, 3 trillion bid and now 4, 4 trillion, now 5, 5 trillion dollars now six are ye able to buy 'em at 6, 6 trillion now 7, woodygive 7 trillion, 7 trillion dollars bid now 8, 8 trillion dollars now 9, 9 trillion now 10 woodygive 10 trillion dollars, 10 trillion dollars now 11, 11 trillion now 12, do I hear 12 trillion dollars, 11 trillion bid now 12, 11 trillion bid now 12 now 12 woodygive 12 trillion dollars, 12 now 13, 12 trillion bid now 13, 13 trillion now 14 woodygive 14, 14 trillion dollars now 15 woodygive 15 trillion. Sold, 14 trillion dollars.

Thankfully, Mr. Speaker, we also can say those numbers backwards; so when we get the spending under control here, I'll be back.

ELIMINATING HIV/AIDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. I thank you for the opportunity to greet a group of ministers that have come to the Nation's capital in order to support the resources to eliminate HIV and AIDS virus infections.

It is strange how God has made us forget the blessings that we have with good health until, of course, that health is endangered, and then we recognize that what we have depended on may be threatened or may be gone or may not even exist for the 40,000 people that don't enjoy health insurance.

But because this disease has such a stigma and because a million Americans suffer from it, and 500,000 Americans have died from it, it has been a

very costly situation in terms of providing the medication to stop the disease and to prevent death. And death is certain without treatment.

These ministers have formed, some 20 years ago, in a group that was headed by Deborah House—and today it is directed by C. Virginia Fields, and Pastor Calvin Butts from the Abyssinian Baptist Church, a landmark in Harlem, New York City, and the country—have brought together ministers from all over the country as well as the National Medical Association and other outstanding people to make people aware of the fact that this disease is not only caused by the infection of the virus, but it's caused by reckless sex, unprotected sex, actions of men that are in prison, actions that when they come home they transmit through sexual activities to their wives.

□ 1050

So to a large extent, it is the ignorance of people that has caused this disease to explode and to spread beyond the communities where it was initiated.

It has cost a lot of money in order to make certain that we control the spread of this disease, but it doesn't really take that much money to be active in making certain that people are educated about the threat of those diseases.

And that is why they come to Washington today, when there is a belief that Medicaid that provides health care for the very, very poor—that it is not in jeopardy by people who want to transfer a Federal, a national, responsibility to the States, as we find proposals coming up this week.

That is why Medicare, which is a national program, is being threatened by the idea that people can get a voucher and go out and get insurance from an insurance company. Imagine going to an insurance company, being infected with AIDS, a terminal disease, and seeing what costs the private insurance company would ask you for without Federal assistance.

So it seems to me that all people—black, white, Catholic, and Protestant—could come together in terms of answering the question, How do you treat the lesser among us? How do you treat the poor in our community? And isn't it a fact that if we reach out a hand and provide the medicine and the support for those people who are infected with HIV and with AIDS, in the longer sense what we are doing is allowing Americans to be more productive, healthy, having healthy families and healthy children so that they will be able to get an education, a decent job, and provide America with the type of talent that is so important if we are going to meet the obligations of this new age where technology is going to be so important if we're going to be competitive.

So now is the time, where these ministers have come to our Nation's Capitol, perhaps to reach out to people of all faiths—whether they come from the mosques, whether they come from the synagogues, whether they come from our churches—to go back to the Biblical writings as we look at what we are faced with today. And that is, how does a great nation, as the United States of America—how do we treat our powerless? How do we treat our poor? What opportunities do we have for people who are poor to leave poverty and move to the middle class?

The answer to those questions, Mr. Speaker, is in our hands, and I do hope that we vote and do the right thing.

RAPE AND SEXUAL ASSAULT IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise today, once again, to highlight the epidemic of rape and sexual assault in the military.

As I said last week, the Department of Defense, by its own calculations, estimates that over 19,000 servicemembers, mostly women but some men, are raped or sexually assaulted every single year; and, furthermore, only 13 percent report these rapes or sexual assaults. Why is that? Because the system of justice designed to adjudicate cases of rape in the military is in complete shambles. Victims are blamed. Assailants are promoted. Unit commanders, whose promotions are dependent on the conduct and performance of the soldiers they supervise, have an incentive to see that allegations are few and convictions are fewer.

Meanwhile, what are we doing here in Congress? Over the last 16 years, there have been reports and there have been hearings, 18 of them, and we make lots of noise; but then nothing is done about it. As a result of this code of silence, the overwhelming majority of cases get swept under the proverbial rug.

Last week I told the story of Technical Sergeant Mary Gallagher. The feedback I've gotten is considerable. A woman named Katie wrote on my Facebook page: "I am one of those victim soldiers. Jackie, thank you for fighting for a basic right. I have no idea why this is still not being handled properly. I dream that soon women and men will be able to serve our country without the threat of rape that will go unpunished."

But stopping military rape should be more than just a dream; it must be a reality. We owe our servicemembers the same protection that they provide to all Americans.

Today I want to share the story of Seaman Panayiota Bertzikis. Seaman Bertzikis served in the Coast Guard

from November 2005 to May of 2007. Her allegation is as follows:

On May 30, 2006, Seaman Bertzikis was raped by a shipmate when she stationed in Burlington, Vermont. During a hike, her rapist threw her onto the ground, punched her in the face, and raped her.

She reported the rape to command, who told her to cease speaking about it or she would be charged with the military equivalent of slander. She later obtained photographs and admissions made by her rapist through the Freedom of Information Act, but command failed to bring him to justice in any way. Instead, they forced Seaman Bertzikis to live on the same floor with her rapist, where he would remain a constant threat. Command also told the seaman to work with her rapist and use the time together to "work out their differences."

Command was well aware, but did not stop, further assaults and harassment of Seaman Bertzikis. Instead, she was transferred to Boston where Coast Guard personnel called her a "liar" and a "whore."

When she was on base performing her duties, a group of Coast Guard personnel cornered Seaman Bertzikis and tried to rip off her uniform. They called her a "crazy lying whore" and said she would "pay for snitching" on their friend. They threatened to rape her again.

When she reported this harassment, the Coast Guard's "victim advocate" told her not to pursue disciplinary action because she would be seen as "difficult." In addition, her appointed attorney said if her rapist did not have a history of sexual assault, "why would he assault anyone now?" Seaman Bertzikis was denied rank because of the pending investigation, despite the fact that she had met all the necessary requirements.

She described her horrific ordeal this way: "If I told them that my house was broken into, not one person would question me, blame me, or say that I was lying. But when I say that my body was broken into, people automatically feel that they have the right to judge me, to doubt me, and to blame me."

What a profound statement by Seaman Bertzikis. She has now started the Military Rape Crisis Center to help her fellow colleagues and victims. Turning pain into purpose, she is truly an American shero.

Seaman Bertzikis's story shows the urgent need to protect servicemembers from abuse.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at noon.

PRAYER

Reverend Dr. Jack Graham, Prestonwood Baptist Church, Plano, Texas, offered the following prayer:

Heavenly Father, we are blessed by Your presence, amazed by Your grace, and dependent upon Your strength for every day. We praise You for Your abundant provision, and we are forever grateful for Your sustaining love. We do not take these blessings for granted. We make it our holy ambition to glorify You as we offer our lives in devoted service to Your Kingdom first, and to our beloved country.

We pray for one another with the confidence that You hear repentant hearts and respond to those who humbly seek to obey You and live by Your wisdom.

We pray for personal renewal, for robust faith, and a vibrant vision for the future. Remembering that righteousness exalts a nation, we turn to You and trust You to not only make us great, but to make us good.

We pray in the name of God, who is able to raise His dear Son, the Lord Jesus Christ, to life and give us eternal hope in Him.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island (Mr. CICILLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. JACK GRAHAM

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. SAM JOHNSON) is recognized for 1 minute.

There was no objection.

Mr. SAM JOHNSON of Texas. Madam Speaker, it is with great privilege that I welcome my dear friend Dr. Jack Graham, pastor of Prestonwood Baptist Church in Plano, Texas, one of the Nation's largest, most dynamic congregations, as our guest chaplain for today's opening prayer.

The mission at Prestonwood Baptist is to glorify God by introducing Jesus Christ as Lord to as many people as possible and to develop them in Christian living using the most effective means to impact the world, making a positive difference in this generation.

Pastor Graham is an anointed and amazing speaker, accomplished author, community servant and bold leader who truly walks by faith. It is an honor to have him here in the people's House blessing our Nation's business and government leaders in Jesus' precious name.

Thank you, Pastor Graham, for all you do as a true servant of the Lord. God bless you and I salute you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ILLEGALS REJOICE OVER COURT RULING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Arizona border ranchers tell me that when illegals enter Arizona with their maps and their lists of churches that give sanctuary, they also know about U.S. courts. When some illegals are actually captured, they oftentimes ask the Border Patrol if their case will be in the ninth court or the 10th court. Illegals want their cases in the ninth circuit court because they believe, based on history, the ninth court is liberal, tolerant and more lenient regarding illegal immigration and border security than the nearby 10th court.

The ninth circuit court proved the illegals correct when the liberal court wrongly threw out the Arizona law that allows State law enforcement offi-

cers to enforce laws against illegal entry. Arizona had to enact this law because the Federal Government doesn't adequately secure the border. And how can a court possibly say it's unconstitutional for a State to protect its citizens?

But there is hope. The ninth court has been reversed more than any other court by the Supreme Court, and hopefully the Supreme Court will rule that Arizona and the Federal Government have constitutional authority to protect the border from illegal entry.

And that's just the way it is.

BUDGET REALITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, the realities of the Republican budget are starting to come into focus, especially health care. Vouchers to insurance companies will cost seniors and society more.

Today, Members of Congress are being inundated by visits from hospitals and health care providers who are in a panic about the Medicaid block grant that will allow the Federal Government to shift its burden for the poor and the disabled to States who often cannot or will not make up the difference in the fund loss.

Most disappointing, Republicans have abandoned the work on Medicare reform. The reform provisions in the Affordable Care Act used to be bipartisan. Instead of increasing the total cost of health care and shifting the burdens to the elderly, poor and disabled, we should be taking our medical spending—already the highest in the world—and showing how we can get more out of it.

CONTINUING RESOLUTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this week the House and Senate will consider a bill to fund the government for the rest of the fiscal year that reduces spending by \$38.5 billion.

Considering that the position of HARRY REID at the beginning of the year was that we shouldn't cut a single dime, we have moved the conversation in the right direction.

Senator SCHUMER called Republican cuts "extreme," but even the full \$61 billion that the House pushed for would have only made a small dent in our huge deficit.

The real extreme position is to do nothing. If we do nothing, interest payments and entitlement spending will consume the entire budget. If we do nothing, we will lose the capability to defend our Nation. If we do nothing, our roads and rails will crumble.

This week Republicans will present an alternative to the do-nothing strategy. For that, we will certainly be labeled "extreme." We have a great Nation; but as long as we are beholden to our creditors, foreign and domestic, we risk losing prosperity and freedom.

We shouldn't wait any longer to get our budget in order. We can begin this week, but we shouldn't stop until we have passed long-term solutions.

PREVENTION AND PUBLIC HEALTH

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Madam Speaker, later today we are taking up a bill to repeal funding for prevention and public health. Members will have a simple choice; the choice is to pay now or pay later.

Staying healthy and treating disease will always have a price. In my State of Maine, treating preventable chronic diseases held a price tag of \$1.4 billion last year alone. But there is a better way. We can invest in preventing these life-threatening expensive illnesses, we can invest in slowing the spread of HIV/AIDS, and we can promote better nutrition to reduce obesity. That is exactly what the Prevention and Public Health fund does in my State and throughout the country. It invests in prevention and good health, and it reduces chronic disease. Spending just \$10 per person in preventative programs will save this country \$16 billion a year in health care costs.

Madam Speaker, our choice is not just pay now or pay later; it's pay less now or pay a lot more later. And that's a choice we can't afford to make.

□ 1210

CELEBRATING NATIONAL AUCTION WEEK

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN of South Carolina. On this day in 1743, our Founding Father, Thomas Jefferson, was born.

But I rise today to talk about the National Auctioneers Association celebrating National Auction Week. I'm proud, as an auctioneer for over 16 years, to serve with fellow auctioneer in our Auction Caucus here in Congress, Representative BILLY LONG from Missouri.

Auction and auctioneers help families and businesses all over this great land sell trillions of dollars worth of assets every year.

And so I will leave you with this thought: Hey, now, wouldya give 25 now, 35—sold.

And we sell it every day.

DISABLED AMERICAN VETERANS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to recognize and honor the Disabled American Veterans, an organization representing our Nation's war-time disabled vets.

Disabled American Veterans works to ensure our government fulfills its promise to those who so bravely served our Nation. And I am pleased to honor their service at their 67th annual convention this week in Rhode Island.

The greatest tribute that we can pay to our disabled veterans is providing them access to quality health care and education and mental health services, housing, and employment assistance. For their courage and commitment, and for the burdens borne by their families, our disabled veterans and their loved ones must receive the support and the services they rightly deserve.

These men and women of valor have made tremendous sacrifices in the name of freedom and in advancement of our Nation's security. We live in a free society today because of the service these men and women and their families have given our Nation.

I applaud the work of the Disabled American Veterans for their dedicated service to our Nation's heroes and their families.

RECOGNIZING HOLLOWAY TERRACE FIRE COMPANY OF DELAWARE

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Madam Speaker, I rise today to recognize the many volunteer fire companies that play such an important role in protecting public safety in my home State of Delaware.

Like many Delawareans who have seen or been helped directly by one of our volunteer firefighters, I continue to be amazed and humbled by their professionalism and willingness to sacrifice to put the safety of others ahead of their own.

Today, I'd like to recognize the Holloway Terrace Fire Company, which is celebrating 90 years of service to our community. For generations, members of the Holloway Terrace Fire Company have given their all to protect those who live and work in New Castle, Delaware.

In that time, no one has given more to the fire company than Mr. William "Bill" Maxwell, Sr. This year Bill is celebrating 50 years of service in the Holloway Terrace Fire Company. He joined as a junior member and has risen through the ranks to become deputy chief, fire chief, and now a member of the board of directors.

I would like to thank every volunteer firefighter who works to protect Dela-

ware communities and encourage them to continue their service for many years to come.

HIV/AIDS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Madam Speaker, I ask this Congress to address a grave public health crisis facing not only my district but my country.

Too many of our young people are dying. Many high school students in metro Detroit, the area that I represent, many of whom are African American, are being hit by an epidemic of HIV/AIDS.

I urge this Congress to support a piece of legislation sponsored by the National Black Clergy for the Elimination of HIV/AIDS to address this issue, save the lives of our young people, and provide them with hope for a promising future.

HONORING BILL SAMUELS, JR., PRESIDENT OF MAKER'S MARK DISTILLERY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, I rise to honor a giant of Kentucky's legendary bourbon industry, Bill Samuels, Jr., president of Maker's Mark Distillery, on the occasion of his retirement.

His father's recipe first got bourbon invited to the top shelf. His mother had the radical idea of dipping bottles in red wax. His godfather was Jim Beam.

Bill's career path seemed obvious, but "obvious" was never Bill's path.

Everyone agrees distilling bourbon isn't rocket science, but only Bill makes the claim with authority—he's excelled at both. He designed fuel injectors for Polaris missiles and graduated from Vanderbilt Law School. Finally, four decades ago, he decided to give the family business 1 year—but he never left. When his time came, he didn't merely take over. He took Maker's Mark to unimaginable heights.

Then a little-known brand, Makers is now among the world's most sought-after spirits, its red wax a renowned icon. And every barrel maintains the same recipe and craftsmanship as Bill, Sr.'s first batch in 1954.

As cochair of the Congressional Bourbon Caucus, I urge my colleagues to join me in toasting Bill as he passes the wax-tipped baton into the capable hands of his son, Rob.

Bill's service to Maker's Mark and Kentucky—like his bourbon—continues a family's tradition, makes our Commonwealth proud, and is simply the stuff of legend.

BUDGET CUTS MUST FOCUS ON WHAT MATTERS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, this week, the Republicans are rolling out their budget. And some people say it's a new, bold budget. I'd say to my friends on the Republican side of the aisle, it's the same old budget: misplaced priorities, focus on making sure we continue to have the Bush tax cuts for the wealthiest people in America, tax cuts for oil and gas companies when we're at \$110 a barrel—and not focus the cuts on NPR or Planned Parenthood or energy efficiency. Those aren't what created the debt that this country faces.

We obviously have a problem, but those things came from big tax cuts, prosecuting two wars, and not policing Wall Street. That's where this budget should be focused. Let's get to the real issues that this country faces.

So I would say to my friends on the Republican side of the aisle, go back, start over with your budget, and let's really hit the things that are important. We need to be making things in America, not giving tax breaks to send things offshore.

So let's focus our real efforts, come together as a country, and deal with this budget.

RECOGNIZING ACE MENTORS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, I rise today to recognize the mentors and high school students participating in the ACE Mentor Program, headquartered in Stamford, Connecticut.

ACE brings together nearly 6,000 volunteers in the integrated construction industry to mentor more than 10,000 students in 32 States each year. Most of the high school students in this program come from disadvantaged backgrounds. ACE matches teams of these young men and women with volunteers in the construction industry, creating career and education pathways for disadvantaged youth.

Each year, leading companies in the construction industry contribute an estimated \$22 million in volunteer time to this program. Connecticut-based companies providing volunteers to ACE include the EMCOR Group, United Technologies, and Lane Construction.

I applaud the volunteers, students, and companies involved in the ACE Mentor Program, and I'm encouraged by their commitment to create jobs and improve young lives.

"ROAD TO RUIN" REPUBLICAN
BUDGET

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, tomorrow marks the 100-day celebration for congressional Republicans taking control of the House. How will we celebrate? Well, not by focusing on jobs or the economy or growing the middle class, but, rather, with the road to ruin budget that will end Medicare while extending tax breaks for Big Oil.

The road to ruin Republican budget proposal will end Medicare. It will end a program that 46 million seniors and disabled individuals depend on for their health care. Rather than the Path to Prosperity, as its been designated, this budget is more like the road to riches, a road paved in gold with lavish handouts for special interests paid for and built with dollars from senior citizens who will see their hard-earned benefits rationed.

We must stop this road to ruin budget lest it lead to a cliff of catastrophe for our Nation's seniors.

IN MEMORY OF SIDNEY HARMAN

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Madam Speaker, I was very saddened this morning to hear the news of the passing of the husband of our former colleague Jane Harman.

Sidney Harman lived to, as the report came out, the ripe young age of almost 93. He was an amazing individual. I knew of him because of his great work in an organization called BENS, Business Executives for National Security. He also very famously took on the responsibility of what he described as an American icon, Newsweek magazine, when he made the decision to ensure that it would continue to thrive. And he has done a phenomenal job.

And I'd like to say that our thoughts and prayers are with our former colleague Jane and the entire Harman family. The world is a greater place for Sidney Harman having lived and a lesser place for his passing.

□ 1220

SAVE MEDICARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Before Medicare, 25 percent of the seniors in America lived in poverty, many driven there by the lack of affordable, decent health insurance. Medicare passed with virtually no Republican support. It solved that problem. Seniors today are guaranteed quality, affordable health care. They pay about 27 percent of the cost.

While under the guise of fiscal responsibility, the Republican budget wants to turn back the clock to the good old days. Throw the seniors into the private health care market again. And the estimates are seniors would have to pay 68 percent of their health care costs under the Republican plan. That would drive many into poverty.

It's opening day of the 2012 fiscal budget year, and President Obama has a chance to hit the first pitch out of the park by declaring Medicare will not end during his Presidency, on his watch. He won't stick it to seniors. He's going to stand up for seniors.

THE RYAN BUDGET

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. You know, budgets aren't just about a series of numbers. Budgets fundamentally are moral documents. And I fear that Republicans have made clear that their moral compass puts the wealthy and big business ahead of the American middle class, our seniors, disabled, and poor.

In order to pay for an enormous tax cut for millionaires and billionaires, they are ready to abolish the guarantee of Medicare. In order to protect tax cuts for the oil industry, they would cut Medicaid, resulting in seniors and the disabled being forced out of nursing homes and causing poor children to lose health care coverage or pay more. In order to pay for tax cuts for businesses that ship American jobs overseas, they would cut investments in education and job training programs.

The Republican budget does not represent Americans' core values and should be rejected.

LEMOORE PILOTS

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to two heroic officers from the Naval Air Station in Lemoore, California, that I represent, who tragically lost their lives on April 6, 2011, Lieutenant Matthew Ira Lowe and Lieutenant Nathan Hollingsworth Williams. These pilots were among our best, doing extraordinary things.

Lieutenant Lowe, of Plantation, Florida, received his commission in 2002, and later was assigned to Strike Fighter Squadron 94 based at Lemoore Naval Air Station. Throughout his service, Lieutenant Lowe earned the Navy and Marine Corps Achievement Medal, the National Defense Service Medal, and was training to become a pilot for the Blue Angels exhibition team.

Lieutenant Williams, of Oswego, New York, received his commission in 2004, and following his training served in Afghanistan aboard the USS *Theodore Roosevelt*. Returning home, Lieutenant Williams became a flight instructor at Lemoore Naval Air Station, training other officers on the aircraft the Super Hornet.

Madam Speaker, the deaths of these two individuals, Lieutenant Williams and Lieutenant Lowe, are a tragic reminder that the men and women who serve our Nation every day in harm's way throughout the world put their lives at risk.

Please join me for a moment of silence as we honor the service of these two individuals for our country.

SAVE MEDICARE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Madam Speaker, Medicare is a guarantee that senior citizens, regardless of their economic circumstances, will have the medical care that they need in their twilight years. Medicare plays a critical role in removing doubt from people's minds that if they have an ailment and are otherwise uninsurable in the marketplace, as many are, that their needs will be met. Not to say that the program doesn't have its problems. We periodically need to do a "doc fix," and we have to find a way to pay that in the long term. There are real issues with regards to the reimbursement rates and making sure they are adequate so seniors can get their care.

But the answer, Madam Speaker, is not phasing out Medicare. There is a need to mend it, not end it. I think by improving the quality of care for seniors and ensuring that seniors have access to preventative care, we can help decrease overall health care costs without abolishing and phasing out Medicare, as is contained in the Republican budget proposal.

PROVIDING FOR CONSIDERATION
OF H.R. 1473, DEPARTMENT OF
DEFENSE AND FULL-YEAR CON-
TINUING APPROPRIATIONS ACT,
2011; PROVIDING FOR CONSIDER-
ATION OF H. CON. RES. 35, COR-
RECTING THE ENROLLMENT OF
H.R. 1473; AND PROVIDING FOR
CONSIDERATION OF H. CON. RES.
36, CORRECTING THE ENROLL-
MENT OF H.R. 1473

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-60 part 2) on the resolution (H. Res. 218) providing for consideration of the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and

for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and providing for consideration of the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 218 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 218

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommend.

SEC. 2. (a) If H.R. 1473 is passed by the House, it shall be in order to consider separately in the House the concurrent resolutions specified in subsection (b). All points of order against consideration of each concurrent resolution are waived. Each concurrent resolution shall be considered read. The previous question shall be considered as ordered on each concurrent resolution to final adoption without intervening motion except 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

(b) The concurrent resolutions specified in subsection (a) are as follows:

(1) the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and

(2) the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.

SEC. 3. If the House receives a message from the Senate transmitting its passage of H.R. 1473 without amendment, then the Clerk shall not certify an enrollment of the bill until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of each concurrent resolution specified in section 2 that was adopted by the House.

POINT OF ORDER

Mr. WEINER. Madam Speaker, I rise to a point of order against consideration of H. Res. 218.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEINER. Madam Speaker, I object to consideration of this rule because the rule in its final language says that the Clerk shall hold the en-

rollment of this bill until the Senate considers bills to defund health care reform and considers a bill to defund Planned Parenthood.

As such, it violates the rules of the House which require that anything passed by this House be filed forthwith. And with your permission, I will read that section:

“The Clerk shall examine all bills, amendments, and joint resolutions after passage by the House and, in cooperation with the Senate, examine all bills and joint resolutions that have passed both Houses to see that they are correctly enrolled and forthwith present those bills and joint resolutions that originated in the House to the President in person after their signature by the Speaker and the President of the Senate, and report to the House the fact and date of their presentation.”

In fact, what this rule does is it says that after this is passed, it shall not be sent to the Senate, shall not be sent to the President until the other body, the Senate, takes an action, considers these two things which already have been considered here.

□ 1230

This is clearly a violation of the rules and a very dangerous violation of the Constitution as well, because we believe in this House that our actions, once taken, trigger an action in the other body or by the President.

If we are to say that bills, when passed by this body, are held in spaces at the desk by an officer of this institution, a non-elected officer of this institution, we are, in fact, violating this rule.

It is very important, Madam Speaker, that you rule that this rule needs to be sent back and cleansed of that language, or else we are, in effect, saying the passage of an act here shall be contingent upon the consideration of something in the Senate. That is a dangerous precedent, violates the laws, and violates the Constitution of the United States.

I ask for your ruling.

The SPEAKER pro tempore. Does any other Member wish to address the point of order?

The Chair is prepared to rule.

Enrollment is the process by which a proposed act of Congress is printed on parchment for presentation to the President. A House-originated measure is enrolled by the Clerk of the House. A Senate-originated measure is enrolled by the Secretary of the Senate.

After the two Houses have agreed to a unitary text for a measure, they still may agree to alter that text before presentation. The usual vehicle for this is a concurrent resolution. Such a concurrent resolution typically directs the Clerk of the House or the Secretary of the Senate to make specified changes in the text previously cleared for en-

rollment. Such a concurrent resolution might even be proposed in anticipation of the actions of the two Houses to clear the presumptive text for enrollment.

It is not unusual for the Clerk to take notice of the pendency of such a concurrent resolution and to seek guidance from the Speaker on the prospect that the concurrent resolution might be adopted by the two Houses. The Speaker, likewise, might assess the likelihood of adoption of such a concurrent resolution before seeing that the enrollment is signed by the presiding officer of each House or presented to the President. The two Houses might even adopt a concurrent resolution asking the President to return an enrollment so that they might change it.

Just as section 301 of the Congressional Budget Act of 1974—as a matter of rulemaking—contemplates the possibility of holding an enrollment for a time, so also might a proposed special order of business enable such an interim hold of an enrollment.

The point of order is overruled.

PARLIAMENTARY INQUIRY

Mr. WEINER. Madam Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman shall state it.

Mr. WEINER. Am I to understand this rule correctly that under the rule we are about to consider, if the House of Representatives approves the continuing resolution, that bill, despite the fact that the government is going to cease operating unless it passes, could theoretically sit at the desk, never to be sent to the President, never to be sent to the Senate ad infinitum if the Senate fails to take a specific action?

The SPEAKER pro tempore. The gentleman has inquired about a matter that may be debated by the Members during consideration of the pending resolution, rather than being addressed from the Chair.

The gentleman from California is recognized for 1 hour.

Mr. DREIER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Boulder, Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this measure, all time yielded will be for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks on the matter before us. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, this rule provides for the consideration of three measures: H.R. 1473, H. Con. Res. 35 and H. Con. Res. 36. H.R. 1473 funds

the government for the remainder of fiscal year 2011. H. Con. Res. 35 and 36 are enrollment correction measures that end Federal funding for the President's health care plan and Planned Parenthood. As these measures represent a final agreement on this fiscal year's funding, on par with a conference report, this rule provides simple up-or-down votes on all three of these items.

Furthermore, this rule directs the Clerk of the House to refrain from finalizing the enrollment of H.R. 1473 until the Senate has acted on all three measures to ensure that the enrollment corrections resolutions get full consideration. H.R. 1473 will be debatable for 1 hour. H. Con. Res. 35 and 36 will be debatable for 20 minutes each.

Madam Speaker, it has been a long, difficult, ugly, messy process; but we have finally achieved an important victory for the American people.

Today's underlying continuing resolution is a step toward, a step toward the fulfillment of a fundamental promise that was made to the taxpayers. We will halt the practice of reckless and unchecked growth in Federal spending; and critically important, Madam Speaker, we will reverse the course that we have been on. This final continuing resolution for fiscal year 2011 imposes the single largest cut in non-defense spending in our Nation's history. It also implements a number of reforms that will ensure greater accountability in how tax dollars are spent.

Madam Speaker, this is not the end of our work to restore discipline and accountability of the Federal budget, far from it. After fighting so hard to get to this point, it's important to point out that the truly difficult work still lies ahead for us.

This resolution is also not the perfect measure we were all working for. Many of us fought hard to have even greater cuts and more significant reforms.

But today's action is so critical because it is the turning point; it is the turning point, Madam Speaker. It is that profoundly important first step. The American people have said enough is enough, and this Congress is finally responding.

We are ending an era that has seen growth in non-defense discretionary spending over the past few years of 82 percent. Under Speaker PELOSI, Madam Speaker, we have had an increase in non-defense discretionary spending of 82 percent. We are making serious, meaningful cuts in the size and the scope of government.

But as I said, these are only just the beginning. When we conclude this debate, we will turn directly to the fiscal 2012 budget. Our very thoughtful Budget Committee chairman, Mr. RYAN, has put forth a bold budget plan that seeks to tackle the fundamental reforms that are absolutely essential to the future viability of our economy.

If the process we have just come through has been difficult, the task that lies ahead is Herculean. A \$1.6 trillion deficit poses an almost unfathomable challenge. It demands a tremendous level of seriousness and resolve that each and every one of us must rise to.

The consequences of failing to do so would be both disastrous and predictable. We have already gotten a strong dose of the economic challenges that would ensue. For months and months on end, we have dealt with a moribund economy and a very painful lack of job opportunities. The stifling nature of the national debt, the tax and regulatory uncertainty, the policies that favor government intervention over entrepreneurial empowerment, all of these have contributed to our economic challenges.

It is increasingly apparent that the recent positive movement on job creation has been fueled by our effort to rein in wasteful government spending and restore the certainty that businesses need to make new investments.

As we continue our efforts to impose fiscal discipline, I hope and believe we will continue to see positive news on the jobs front. But these economic challenges are far from over for most hardworking Americans.

We know what difficult times we and the American people are facing. We know very well how painful these challenges have been, but they pale in comparison to the crisis that will come if we do not have the courage to fundamentally transform the way this government spends money.

We need look no further than the euro zone to see what's in store without a dramatic change in course. We have seen Western European economies come to the brink of collapse, crippled under the weight of their sovereign debt and nearly dragged some of the world's largest, most stable economies along with them.

The coming budget debate will be a seminal moment in which we must reject this failed, economic model. Today, with this historic spending cut, we are paving the way to do just that. Madam Speaker, this is not the end of our work; but it is, as I said, just the beginning.

I urge my colleagues to support this rule and the underlying resolutions.

I reserve the balance of my time.

□ 1240

Mr. POLIS. I thank the gentleman from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, for all the talk of Republicans' commitment to cutting spending, there are several odd things about this bill before us that would lead one to believe that it's more of a partisan political exercise than a serious attempt to get the Nation's fiscal

house in order, which we need and deserve as Americans.

Under this bill, critical services that many Americans rely on to educate our children, to keep our streets safe, to improve public health, to keep our water and air clean would face tens of billions of dollars worth of real and difficult cuts. Times are tough. We know we have to cut spending. Okay. So why does this bill then provide the Pentagon with an additional \$5 billion above the previous request at a time when the civilian and uniformed military, including thoughtful policymakers from both parties, believe that we need to reduce spending across the board?

Joint Chiefs of Staff Admiral Mullen stated that our national debt is our biggest national security threat. He also noted that the past decade's doubling of the budget of the Department of Defense has led to undisciplined spending and waste within the department. Secretary Gates concurs, stating that we can't hold ourselves exempt from the belt-tightening. Yet, despite members of the military and civilians involved with defense saying that they, too, can't be spared, not only have they been spared by the Republican majority, but their budget has been increased by \$5 billion.

The recent bipartisan Commission on Fiscal Responsibility, often called the "Simpson-Bowles commission," called for substantial defense reductions over the next 10 years. They recommended cuts that would have led to \$60 billion in savings and security spending in the first year and would have kept our Nation safe. In fact, if we were to implement the commission's recommendations around security spending, we would save \$100 billion in 2015 alone.

But Republicans didn't go after their favorite areas of Big Government spending. Instead, they went after our efforts to strengthen our schools, to keep our air and water clean and to keep our streets safe; and the rest of their so-called "spending cuts" don't seem to be saving much at all. In fact, yesterday, we had an interesting discussion in the Rules Committee about whether this bill really even saves close to the \$38 billion claimed. Apparently, most of the savings are from allocations of money that wouldn't be spent anyway.

An Associated Press story yesterday called this bill "budget tricks," saying that \$23 billion of the \$38 billion aren't even real savings, that they're counting savings from unspent census money. This is from the AP: leftover Federal construction funding; \$2.5 billion from the most recent renewal of highway programs that can't even be spent because of restrictions that have already been set by other legislation. Today's Wall Street Journal calls the Republican spending bill "spending cut hokum." Now, the "spending cut

hokum” bill identifies that there was \$18 billion in real cuts and \$20 billion in fake accounting tricks that are not real cuts.

Yesterday in Rules, I actually had the opportunity to ask the chairman of the Appropriations Committee if he could explain that discrepancy between the claimed cuts and the real cuts which those who have dived in have identified, and he demurred on that account. So, in the end, what have the Republicans accomplished?

I'd like to talk about this graphically and sort of show the American people what we're talking about here:

Now, with these charts, I use the Wall Street Journal's figures, which credit the Republicans for more cuts than does the Associated Press, but out of caution, I want to trust the Journal in this case as a well-researched source and use their figures even though they have less than the AP. The Wall Street Journal still says that the majority of the Republican cuts are, in fact, hokum cuts. So here is what we're talking about, Madam Speaker:

This is the deficit. This is the CBO's, the Congressional Budget Office, estimate of the deficit. It is \$1.399 trillion. This is what we're talking about here. This is the continuing resolution savings. That's it; not one penny more. Let me sort of take an example of an American family. We'll have to take a few zeros off of this for most Americans to even understand these figures.

Let's say the deficit is \$139,000 and not \$1.399 trillion. I was a small business man before I came to Congress; so I understand how to balance a budget. I know most American families are trying to balance their family paychecks, to stay in their homes, to make their mortgage payments. It's \$139,000 you lose in a year. That's tough. You have to take out a second mortgage and max out your credit cards, and you try to cover that \$139,000, okay? Then you know you've got to make some serious changes. What are you going to do? You hem and you haw for a couple of months; you argue with your creditors; you threaten to shut down your business. On the eve of shutting down your business, because you can't afford another loss of \$139,000, what do you do? You figure out how to lose \$137,000 the next year. Do you know what? That \$137,000 is going to put that American family out of business just as surely as that \$139,000, but that is the Republican approach to this bill.

Now let me talk about some of the alternatives we have before us.

Mr. DREIER. Will the gentleman yield?

Mr. POLIS. I would be happy to discuss this on the gentleman's own time. I want to go through this excellent chart. If the gentleman wants to come over, he can look at what we have here and what the Democrats have presented.

If we were serious about deficit reduction, Republicans could have supported several amendments offered by Democrats and voted on in the House when we debated H.R. 1. The Democratic amendments alone would have cut spending by nearly \$129 billion, more than three times the amount that's even claimed in this bill.

Here are some examples: Congressman STARK and Congresswoman LEE offered one amendment that would have reduced defense spending to its level 3 years ago—we were already in two wars at that time as well—saving \$36 billion in the first year alone, and that would have left intact the defense budget of \$688 billion, more than enough to meet the security needs of our Nation. Congressman NADLER offered an amendment that would have finally ended our support for the war in Afghanistan, saving \$90 billion. Congresswoman WOOLSEY offered an amendment that would have saved \$415 million by ending the V-22 Osprey program.

In fact, just yesterday in Rules, I also proposed an amendment that would have reduced our troop presence in Europe, which would have saved \$415 million. Our European allies, Madam Speaker, are some of the richest countries in the world. It's time they paid their fair way. What is the strategic rationale for an ongoing presence in Germany? The Nazis are gone. The Soviets are gone. Even former Secretary of Defense Rumsfeld has questioned the ongoing presence of our troops in Europe. I also proposed an amendment eliminating the drug czar. The drug czar's office spends \$21 million a year; yet drug use has gone up since its inception.

Madam Speaker, we are never going to balance the entire budget just by reducing the funds Congress spends each year as part of the appropriations process—clearly, we all can agree we need to look at revenues and entitlements—and you're not going to make even the slightest dent in the deficit if you exempt defense spending from any cuts.

In this continuing resolution before us, Republicans have exempted more than half of the domestic discretionary spending from any cuts, and it becomes very clear that the Republican plan isn't so much about serious deficit reduction than it is about protecting their favorite Big Government spending while simultaneously slashing away at their favorite targets, like education, the environment and the safety net.

Here is what we could potentially accomplish if we work together: This shows the Republican cuts in this CR. We even add in, for the sake of argument, the hokum cuts. We put them in here too—it's the Wall Street Journal's term, not mine—and we include the proposed Democratic amendments. I think this is something that we could

be proud of. Do you know what, Madam Speaker? I think more Democrats would support a program that didn't only cut the program which so many on my side of the aisle feel strongly about but that also makes some of the difficult decisions with where the real money is with regard to defense and security spending.

Yes. Just like that American family that we raised, digging its way out of a \$127,000-a-year loss, we need to make a real impact on reducing the Federal budget deficit. This will take action across the aisle to make sure that we can leave our country in a better situation and that we can help the next generation fight its way out from the burden of debt that we risk placing upon them if we continue the big spending policies of the Republican Party.

[From the Wall Street Journal, April 13, 2011]

SPENDING CUT HOKUM

A mini-revolt is brewing among Republican backbenchers on Capitol Hill now that the specific spending cuts in Friday's budget deal are being revealed. After separating out the accounting gimmicks and one-year savings, the actual cuts look to be closer to \$20 billion than to the \$38 billion that both sides advertised. This is not going to help Speaker John Boehner's credibility with the tea party.

Even \$20 billion is worthwhile, and the genuine reductions include cuts in high-speed rail, Pell grants, highway projects, renewable energy programs, housing subsidies, low-income home energy assistance, agriculture programs, contributions to the United Nations, and many more. There is also an immediate across the board 0.2% reduction in all nondefense accounts.

But the continuing resolution also saves money on paper through phantom cuts. The whopper is declaring \$6.2 billion in savings by not spending money left from the 2010 Census. Congress also cuts \$4.9 billion from the Justice Department's Crime Victims Fund, but much of that money was tucked away in a reserve fund that wouldn't have been spent this year in any event.

The budgeteers claim \$630 million in cuts from what are called "orphan earmarks," or construction that never started, and \$2 billion more for transportation projects, some of which were likely to be canceled. The Associated Press reports that \$350 million in savings comes from a 2009 program to pay dairy farmers to compensate for low milk prices. Milk prices are high this year, so some of that money also would never have been spent.

An estimated \$17 billion comes from one-time savings in mandatory programs. The cuts are real, but the funding gets restored by law the next year, which means Republicans will have to refight the same battles. States lose some \$3.5 billion in bonus money to enroll more kids in the Children's Health Insurance Program, but many states failed to qualify for that extra funding. These cuts don't reduce the spending baseline, so there are no compound savings over time.

None of this is enough to defeat the budget at this point, but it is infuriating given the GOP leadership's flogging of that \$38 billion top-line figure. On Sunday we heard the leadership might lose 30 backbenchers on the budget vote, but yesterday we were hearing it may be closer to 50 or 60. This will only

heighten skepticism over the next budget showdown, and Mr. Boehner will have to drive a harder bargain. Above all, the hokum belies the House GOP's promise to usher in a new era of lawmaking candor and transparency.

I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I may consume.

Madam Speaker, let me begin by congratulating my friend from Boulder, my Rules Committee colleague, for his very thoughtful remarks, and I would like to respond with a few important points.

First, I was struck by the fact that he went through the litany of amendments that were debated on H.R. 1, underscoring again that we have, for the first time in decades, seen a free and flowing debate and an opportunity for votes to take place here in this institution. It hadn't happened before on a continuing resolution as we saw it in our consideration of H.R. 1.

□ 1250

I also want to say that while my friend continued to point the finger of blame somehow characterizing this as a Republican plan, I'd like to remind him, Madam Speaker, that this happens to be the result of a negotiation that has taken place with three Democrats—the President of the United States, the Vice President of the United States, the majority leader of the United States Senate—and one Republican, the Speaker of the House of Representatives. By a 3-1 margin in the negotiation process, the Republicans were outnumbered. And so I think that it's a mischaracterization to describe this as somehow a Republican plan that is before us.

Now to the issue that was raised about a cut being a cut, Douglas Holtz-Eakin, the former Director of the Congressional Budget Office, made it clear, and he called it that—a cut is a cut. I know this attempt is being made to somehow characterize the fact that dollars have not been spent so that means you're not actually cutting them. Well, last night in the Rules Committee, the very distinguished ranking minority member of the Committee on Appropriations, my good friend Mr. DICKS, pointed out something that everyone in this institution should know, and that is the process of reprogramming takes place within government agencies. We know full well that the movement of money, since money is fungible, that takes place within these different agencies, is standard operating procedure. So, Madam Speaker, to claim somehow that if dollars haven't actually been spent that they're not being cut is just plain wrong.

Now, Madam Speaker, while I talked about the negotiating process that ended up with the President of the United States, the Vice President of the United States, the majority leader

of the United States Senate and the Speaker of the House, leading up to that, we had our very, very diligent and hardworking new chairman of the Committee on Appropriations, my friend, Mr. ROGERS, who has stepped up to the plate and taken on the responsibility, in fact, some call it tongue in cheek, but he has been very serious about being the "enforcer" of ensuring that we cut spending, and he has actually renamed his Appropriations Committee the "Disappropriations Committee" by virtue of the fact, Madam Speaker, of the recognition that if we don't get our fiscal house in order, we are going to be in deep, deep trouble.

So, Madam Speaker, I want to say that, again, he was one of the negotiators leading up to the final process here.

I would like to now yield such time as he may consume to my very good friend, the chair of the Committee on Appropriations, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the distinguished chairman of the Rules Committee for the time here. And I thank him for the diligent work that he continues to do as chair of the Rules Committee, the sort of traffic cop for the bills that reach this floor.

I want to expand a bit, Madam Speaker, on a point that Chairman DREIER alluded to earlier, and that is the historic nature of the bill that we will be considering on the floor. As the chairman pointed out, under Speaker PELOSI, discretionary spending in those 2 years increased by 82 percent—a record. With this bill, we not only are arresting that growth, but we are receding actual discretionary spending by a record amount, nearly \$40 billion in actual cuts in spending. That has not ever been accomplished by this body in its history, in the history of the country. The cuts in this bill exceed anything ever passed by the House. It's the largest cut ever—by four times. The largest previous single cut was in 1995, when we cut around \$9 billion. With this bill, you cut almost \$40 billion.

Now I don't understand sometimes my friends on the other side of the aisle when they criticize this bill. It's being supported by your President. He says, pass the bill. It's what we agreed upon. It's being supported by Senator REID, the leader on the Senate side. It's being supported by the Speaker of the House. And it's being supported by an overwhelming number of Members on this side of the aisle, and I predict a great number of Democrats likewise support the bill.

Now on the Defense portion of this bill, let me briefly refer to it. The provisions in this bill about the Defense budget are much like they were when all parties last December on both sides of the aisle in this body and on both sides of the aisle in the Senate body

agreed to the expenditures for the Department of Defense. We simply lifted those agreed-upon provisions for the Defense Department and dropped them into this bill.

There are two people in this body that know more about Defense spending than any of the rest of us, and that's the chairman of the Defense Appropriations Subcommittee on Appropriations, BILL YOUNG of Florida, and my good friend, NORMAN DICKS, the ranking member of that subcommittee and the ranking member on the full Appropriations Committee. He worked long and hard with BILL YOUNG for these provisions. And I salute him for it. It's good work. It does the right things. It cuts back on the President's request for Defense. It does increase in real dollars, about \$5 billion, over the current spending rate. But we're in three wars. And there's no reason at all for us to shirk from the responsibility to provide adequate funding for our troops in combat. And that's the reason why, one of the big reasons why we support this bill, why the President supports the bill, and why Senator REID and the Senate supports the bill.

And so let's focus on actual cuts in spending. We all profess that we want to cut back on the deficit for the year and for the ensuing years. The deficit this year, \$1.4 trillion in just 1 year, the largest in history, adding to a debt that exceeds all of our fears of some \$14.2 or \$14.3 trillion. We all say, let's cut back on spending. Here is your chance. Here is your opportunity.

If you profess to be a fiscally responsible Member of this House, you have a chance, yea, an obligation, to vote for this bill and support it. It's historic. We've never been here before. We've reached a pinnacle and a great opportunity for us to show to the rest of the country that we're serious about controlling the free-spending nature of this body. This is your chance. Don't miss it.

Mr. POLIS. I yield myself 1 minute to respond.

The gentleman from Kentucky called this an historic bill. I think much more of this kind of history, and we risk making our country's solvency history by drowning ourselves in a burden of debt. Again, effectively, for a family business that lost \$139,000, losing \$137,000 might be nice, but it puts you out of business just the same. I continue to express our wish that we included some of the Democratic cuts in this that added up to four times the amount of the proposed Republican cuts in this bill.

As the Bard put it, the cutting in this bill is a lot of sound and fury, signifying nothing.

With that, it is my honor to yield 3 minutes to the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding.

Madam Speaker, I want to talk about a different historic perspective. This bill is different, all right, and I want to try to explain that to you. But first, I want to say we weren't elected, any of us, to Congress to prove that we can barely keep the government open and alive. That was never why we were sent here. We're here to make America stronger. And looking at this bill, we are utterly failing in achieving that goal.

In addition to the unnecessary and politically driven cuts in the legislation, the process that brought the bill to the floor is a mockery of regular order. Never before, again, let me say it, in the history of our Nation has this rule—what we're doing here today are three bills under one rule. You think we're going to vote for one, that would be the budget for the remainder of the year, but there are two other bills here to be voted on that I think you might be surprised at. It certainly took us by surprise. One of them completely defunds Planned Parenthood, having nothing in the world to do about cutting the deficit.

□ 1300

The second one takes away the health care bill. A matter of that importance is added as a correction onto this bill. What they said they would like us to do is to correct legislation that has not even been passed. That takes a lot of imagination.

But what is more serious, and I believe that is what they have done here, they have added an unprecedented provision that raises serious constitutional questions. Under this rule, and pay attention here, except I don't want children to believe it. This is not the way we do things. After the House and Senate have passed this bill and it comes back over, the House will hold it and will not send it to the President. They will hold it themselves, letting the government shut down again until the Senate votes to defund Planned Parenthood and to kill America's health care.

Now, that is very similar to what we did here a few weeks ago, a couple of weeks ago. It may have been last week for all I can remember, we have been working so hard. But what we did was probably one of the silliest things done in any legislative process in the world. They really passed a bill on this floor that said: we have already passed a bill and sent it to you, Senate. The Senate took the bill up, and it failed. So then the House response to that failure was: if we don't hear from you by date certain, then we're going to just say that the House bill is the law of the land.

Now, all of you who have been to school know that what we do to pass a bill is the House passes a bill, the Senate passes a bill. If necessary, a conference committee reconciles the two bills, makes them the same, and it re-

quires the President of the United States' signature to make it a bill. But not in this House. You can believe 10 impossible things before breakfast here easily because we're called upon to do that every day.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I would like to engage in a discussion with my distinguished ranking member, if she would like, on the issue that she just discussed.

Mr. POLIS. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Colorado.

Mr. POLIS. Just one point. I think what the gentlelady said is that the Senate will have to vote on it, not that they have to pass it, just to be clear.

Mr. DREIER. Reclaiming my time, there were several things that were said that I would like to address.

First, I would like to say that the gentlewoman began by saying that never before in our Nation's history have we had measures brought forward in this manner. Madam Speaker, that is just plain wrong. Time and time again under both political parties, we have seen the Rules Committee report out measures that do in fact cover multiple issues. So this is not unprecedented, as the gentlewoman has just said.

Second, I think it is very important for us to clarify the fact that what we are voting on is an agreement that is supported by the President of the United States and the majority leader of the United States Senate. Part of that agreement is that the Senate will not vote to defund Planned Parenthood or vote to actually bring an end to funding for the health care bill, but it will consider these measures. And I think it is important, Madam Speaker, to make it clear, the only thing we are doing in this rule is ensuring that that agreement is enforced.

So, Madam Speaker, I think that it is clear that many of our friends on the other side of the aisle are not happy with the fact that their President and the Senate majority leader have negotiated this agreement. Again, I don't like the agreement just like they don't like the agreement. I don't like it because I don't believe that it goes far enough, but it is very important for us to realize that this is simply a first step. It is a bold first step.

As the chairman of the Appropriations Committee has just said, Madam Speaker, it is a step which in fact is the largest, four times the largest, cut we have ever had in the past. It is a cut of \$40 billion. By virtue of that agreement, we are making that first step. But if you extend this out, it will have cuts that total \$315 billion. And as I said, we are just beginning the debate this week with this very, very important budget that will be considered in the Rules Committee today and tomorrow and Friday on the House floor.

I also have to say that one of the reasons we are having this debate on the rule today and voting on Thursday on the actual continuing resolution is because we put into place a very important change in the rules at the beginning of this Congress which states that unreported measures must in fact comply with the 3-day layover requirement that exists for reported measures. We are subscribing to that and enforcing that.

As we know, this measure was filed at 2 a.m. yesterday morning here in the House; and because of that filing, to ensure that it was put online, as the chairman of Appropriations Committee said, so that the full membership, the American people, the media have an opportunity to see this measure, we have done that. That is the reason we are going to be holding this vote on Thursday, and that is the reason we are able to have the kind of free-flowing debate that we will have.

Madam Speaker, this is an agreement that no one, no one is happy with; but it is an agreement that we have come to in dealing with the two political parties, and I am going to urge my colleagues to support it.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, this continuing resolution is a first step, all right. It is a first step towards bankruptcy with its hokum cuts.

Madam Speaker, I am proud to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this closed rule and to the underlying bill.

I want to reinforce the comments of the gentlelady from New York when she said that the issue of defunding Planned Parenthood or what your opinion is about the Affordable Care Act really has no place in this debate. It shouldn't be tied to anything. The fact of the matter is the Republicans are intentionally injecting these very kinds of polarizing issues, and let me say to all of my friends on the Democratic side, that's the reason you should vote against this rule.

I'm pleased that the Republican leadership of the House decided it was not in anyone's interest to shut down the government. I am also pleased that the leadership ignored the chants of "shut it down" coming from the most extreme elements of their party. But I am not pleased, Madam Speaker, with this so-called compromise.

This bill cuts the wrong things too deeply and ignores some of the things that could stand to be cut. The cuts target the poor and the middle class, the very people who can least afford it as we struggle to recover from the Great Recession. Meanwhile, the very wealthy and the special interests get

away scot-free. Student aid programs get cut. Children's health care would be cut. Transportation funding to repair our roads and our bridges would be cut. Environmental protection would be cut. The COPS program, which helps local communities stay safe, would be cut. Investments in science and technology research would be cut.

But the Department of Defense, well, they got a \$5 billion increase. Oil companies keep their sweet tax loopholes. And big agriculture keeps their subsidies. That's not fair, Madam Speaker, and that's not right.

I am all for a leaner government; but I'm not for a meaner government. I'm for balancing the budget; but I'm not for balancing the budget solely on the backs of the poor and the middle class. If you want to get to a balanced budget, there needs to be some fairness in this process. And if you think that this bill is troublesome, just wait because later this week we will be debating the Republican budget proposal for 2012, a budget that would represent the largest redistribution of wealth from the middle class to the rich in American history. It is a budget plan that ends Medicare as we know it. It is a budget plan that tells our seniors we want you to pay more, and you will get less.

Well, there are some things worth fighting for, Madam Speaker, and the protection of Medicare is one of them. So I look forward to that fight.

But in the meantime, I urge my colleagues to reject this yet again another closed rule, and I urge them to reject the underlying bill. We can do better than this.

Mr. DREIER. Madam Speaker, I yield myself 1 minute to say first to my friend from Boulder that the notion of arguing that a \$40 billion cut is going to take us down the road to bankruptcy is absolutely preposterous.

Mr. POLIS. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Boulder.

Mr. POLIS. Again, the cut is actually somewhere in the \$15 billion to \$20 billion range, according to both *The Wall Street Journal* and the AP.

□ 1310

Mr. DREIER. Madam Speaker, if I could reclaim my time, I will repeat this again so that he might be able to understand it. A \$40 billion cut, or a \$15 billion cut, cannot be characterized as taking us down the road toward bankruptcy. We all want to cut more in spending. I mean, it's very clear.

Now my friend from Worcester has just made this argument about the priorities that we have.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional minute, and I do so to say that I think it's important for us to look at the preamble of the United States Con-

stitution whenever we're debating defense appropriations bills or the defense authorization bill. I'm so happy that my friend from Washington (Mr. DICKS), the distinguished ranking member of the full committee and the defense appropriations subcommittee, is here. I always argue that the five most important words in the middle of the preamble of the United States Constitution are "provide for the common defense."

Now, with all due respect to the priorities that we have, ensuring that we do care for those who are truly in need, all of these things can be done at other levels of government. Only the Federal Government can deal with our Nation's security. As Chairman ROGERS pointed out, we are now, by virtue of a decision that the President of the United States has made, in the midst of three wars. I want to bring about spending cuts, and I believe that Governor Haley Barbour was absolutely right when he said: Anyone who says that you can't cut defense spending has never been to the Pentagon. We want to encourage defense sharing, and, in fact, we are focused on ensuring that we do get the best bang for our buck.

So, Madam Speaker, recognizing the priority that the Federal Government has for national security and recognizing that we're trying to bring about responsible cuts, I think this agreement is the right thing for us.

With that, I reserve the balance of my time.

Mr. POLIS. I appreciate the gentleman from California's willingness to look at defense spending. I know the gentleman from Kentucky mentioned we're in three wars. Perhaps part of the answer is to be in two wars or one war or, God forbid, perhaps we can be at peace again in our lifetime.

Madam Speaker, I would now like to yield 2 minutes to the gentlewoman from the District of Columbia, Ms. ELLEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman from Colorado for yielding to me and for his work on this bill.

Madam Speaker, the District of Columbia has no vote on the rule or the bill under consideration. Yet the only controversial attachments in this bill involve only the District of Columbia.

The bill is remarkably clean. Only four out of 50 or so attachments survived: one on gray wolves, one on Guantanamo prisoners, and, yes, there is the District of Columbia. These two, the only controversial amendments, violate the District's most basic right to self-government. One has to do with private school vouchers—only for the District of Columbia. A bill we didn't ask for, a bill we weren't consulted about, and a bill we don't want.

The Rules Committee refused to recognize my amendment, which would redirect the private school voucher money to the D.C. public schools and

to our own public charter schools—40 percent of our children go to this alternative and our charter schools have long waiting lists—to our choice, not the Republicans' choice. My second amendment would strike a second rider that keeps the District from spending our own local taxpayer-raised funds on reproductive choice for our low-income women. Local money, local choice.

The majority proposed to close down the District government last week rather than pass my amendment to allow D.C. to spend its own local funds. Now the majority wants a closed rule for a bill with attachments that profoundly affect only the District of Columbia.

I will have no vote on this floor on the Rule or on any part of this bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. NORTON. I appreciate the gentleman yielding.

The majority will allow a vote of every other Member on what affects only my district. No wonder the D.C. mayor, the council and residents have taken to civil disobedience.

Mr. DREIER. Madam Speaker, may I inquire of my friend how many speakers he has remaining and also how much time remains on each side.

The SPEAKER pro tempore. The gentleman from California has 8½ minutes remaining. The gentleman from Colorado has 12½ minutes remaining.

Mr. POLIS. We have three speakers. We are possibly expecting a fourth.

Mr. DREIER. Then I will reserve the balance of my time, Madam Speaker.

Mr. POLIS. It is my honor to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I rise in favor of the commonsense compromise that says to the operating departments of our government, "See if you can get by on 95 percent of the money you had last year." I think that makes good sense, and I commend Chairman ROGERS and Mr. DICKS for making sure that Pell Grants, title I, special education are fully funded and protected and, frankly, salute both sides for leaving aside extraneous matters like not funding Planned Parenthood and not funding the health care bill. I think this is a worthy compromise. I'm glad to support it.

I do want to note my grave concern with the rule and the rather ambiguous position we find ourselves in with respect to the actions of the Senate. About 10 days ago, the majority attempted to pass a bill where the Senate would never have to act. Now they want to say, even if the House and the Senate have both acted, apparently the bill doesn't become law. Maybe we should have put a few more education funds in for constitutional studies here because I think this is very unwise and,

frankly, ambiguous. So I'm going to oppose the rule on the grounds that this very novel idea of giving the Clerk of the House the instructions not to enroll a bill that's been passed by both House and Senate I think is very troubling.

Having said that, I think that the underlying bill merits the support of both Republicans and Democrats and I will be voting "yes."

Mr. DREIER. I continue to reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. As one who voted for cutting some of President Obama's spending requests last year and who has already voted three times this year to cut spending from the budget, I believe we do need to ferret out every bit of unnecessary spending, to demand greater efficiency and to seek common ground on securing our long-term financial future by addressing our national debt. But this resolution is only a belated companion to the deal that tied a Christmas bow around another tax cut for the wealthiest few in December. It represents another unbalanced approach to achieving balance in our budget. There is no shared sacrifice here.

And like that December deal, this concession literally sets up tomorrow's demand for adoption of the House Republican budget—a pathway to less economic, educational, and health care security.

Instead of asking for a dime from ExxonMobil or other polluters, this deal makes severe cuts in the budget to assure us clean air and clean water. Instead of asking for a dollar from General Electric or another of these giant corporations that won't pay their fair share of taxes, this places the burden on hundreds of thousands of young Americans who are trying to seek a future job in the United States.

Almost one-fourth of the budget is eliminated for YouthBuild, a program that provides vital education and employment skills to young people. In Austin, I have seen up close the difference that our local YouthWorks makes in trails constructed, in homes weatherized, in the vital employment and training skills provided. With every energy efficient home for which a foundation is laid, a foundation is also laid for the future of some enterprising young Texans. Additionally, about another 100,000 young people at universities like Texas State will lose the counseling, academic instruction, tutoring and encouragement from TRIO that helps them achieve academic success.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 15 seconds.

Mr. DOGGETT. That's not balanced. Fair and balanced? Yes, I know it's a

distorted slogan, but I think it could have real meaning for our budget. But this budget is balanced on our young people and our future. We need a budget that's fair. This is not it.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

□ 1320

Mr. POLIS. Madam Speaker, I am proud to yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a former member of the Rules Committee.

Mr. WELCH. I thank the gentleman for yielding.

America is in a very dangerous place on this budget, and it's not an unsolvable problem. We can get from where we are to where we need to be—and that is fiscal balance—if we put everything on the table and have a balanced approach. If, instead, we limit our consideration to essentially 12 percent of the budget, the so-called "domestic discretionary"—things like low-income heating assistance, the Small Business Administration, scholarships for our kids wanting to go to college, scientific research—if we limit our attention to that 12 percent of the budget, even if we cut that entire 12 percent we would have trillion dollar deficits for as far as the eye can see. It won't work. There is a design defect here.

We have aggravated it with the deal that was made to extend the tax cuts at the high end when we were here in our special session after the last election, that \$750 billion that we have to borrow in order to pay for those tax cuts for the top 2 percent.

We have to put everything on the table. It has to include the Pentagon, it has to include revenues, it has to include eliminating wasteful and unproductive, non-job-generating tax expenditures to mature and profitable industries like the oil industry. It has to include eliminating the ethanol subsidy, something that was promoted by the Member from Oklahoma (Mr. SULLIVAN). We put everything on the table. We can get from where we are to where we need to be.

One thing we also cannot do is start playing budgetary hostage taking. There is looming ahead of us the question of whether we will raise the debt ceiling or use that as a leverage point, as some are suggesting. This is not a leverage point; it's a moral obligation.

America was in fiscal balance in the 8 years of the Clinton administration. When he handed the keys over to the new President, Mr. Bush, there was a projected \$5.7 trillion deficit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Madam Speaker, I again want to bring it back to the hypothetical American family, small business we're talking about, because the \$1.399 trillion figure is bogging to most

people. So lop off the zeros there and say, hey, I have a small business, I'm an American family, I will lose \$139,000 next year. Let me tell you, is losing \$137,000 the next year a step towards solvency or a step towards bankruptcy? I would submit, Madam Chair, ask any small business man in America or small business woman, losing \$137,000 instead of \$139,000 is a step towards bankruptcy.

Just like that family, we in the United States Congress, we in this country need to come together and make hard choices about where to find additional income, where to cut expenditures, how to get this budget out of red and into the black. That's the difference between where the Democrats stand and the proposal of our friends on the other side. And another difference: A Democratic President has actually balanced the budget. That's a claim that the other side can't make for more than a generation.

It is clear that the Republicans are not serious about the deficit. If they were, this would be a different bill. Again, this is what we're talking about: Taking our Nation another step down the road towards fiscal insolvency and leaving a legacy of debt for the next generation.

Rather than holding the line on spending, the majority is feeding the beast. And yet, what do the Republicans cut rather than rooting out waste at the Pentagon? They cut \$1.6 billion from the EPA's effort to protect public health and keep our air and water safe; \$950 million from Community Development Block Grants to strengthen neighborhoods and create jobs; \$815 million from FEMA grants that help communities prepare for disasters; \$10 million to keep our food safe.

When you look at the winners and losers in this budget, it becomes clear what the majority party does and does not value. And they clearly do not mind leaving the next generation a legacy of deficits and debt.

What we're doing in this continuing resolution is increasing the favorite government spending of the majority party, running up the deficit, continuing big tax cuts for special interests while slashing the effort to educate our children, ensure access to health care, keep our air and water clean—oh, and while they're at it, taking away a woman's right to choose.

This is where we could be by working together, Democrats and Republicans. This process, this rule and this bill, are not examples of working together to solve our budget crisis.

We can do better, we must do better. To save America from bankruptcy, we must do better than sound and fury signifying nothing. We need to work together to make the cuts we need to make, to increase the revenues we need to increase, and to examine our entitlement programs to put our Nation on

proper fiscal footing for the next generation and remove the mounting burden of debt that faces the next generation of Americans.

I don't see how anyone can argue that somehow reducing—again, at the family level, a \$139,000 loss to a \$137,000 loss, while it might be a fine thing to do, leaves that family in every bit as dangerous and precarious a fiscal situation as they were before—ask any small business man or small business woman in this country. And after passing this continuing resolution and keeping our government in business another year, we're just punting further down the field about making the cuts we all know we need to make to balance the budget, return to a surplus, and help remove the next generation of Americans from the legacy of debt that is threatening to crush them.

I urge a "no" vote on the rule.

Madam Speaker, I yield back the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, according to the schedule, in about 9 minutes, the President of the United States, at George Washington University, is scheduled to give a very important address in which he is going to talk about fiscal responsibility—the need to bring about spending cuts and all—and how to get our economy growing.

I want to congratulate the President. I want to congratulate the President for coming to this position. It obviously is much different than what we've gone through so far. As I said earlier, we've had an 82 percent increase in non-defense discretionary spending. The President proposed a budget that has deficits in excess of \$1.5 trillion and would exacerbate the debt. He came out a few weeks ago and proposed a freeze in spending. We know that if we had not done what we are about to vote on here with this rule making in order a vote that will take place tomorrow, we would see an increase of \$78.5 billion more in spending if we had not taken the action that this House, in a bipartisan way, is about to take.

But the reason I want to congratulate the President is that I have just taken a look at the early reports of what he is about to say in this speech, and he does call for us to look at the issue of entitlements—he specifically says Social Security, not Medicare or Medicaid, but he talks about Social Security. But I believe that is, again, a first step towards what I believe is absolutely essential, and that is, for us, in a bipartisan way, to tackle the issue of entitlement spending. As Mr. DICKS said in the Rules Committee yesterday, that's two-thirds of the spending. We know that entitlement spending is something that needs to be addressed, and there is bipartisan recognition that we need to get our fiscal house in order.

Madam Speaker, what we have before us is a measure that I don't like. I don't like it. I don't believe that it does enough to reduce the size and scope and reach of government. I believe that we need to do more. But we have to remember that we've got to take that first step.

Last November 2, the American people sent a very loud and powerful message to Washington, D.C. There are 96 newly elected Members of this House, nine of them happen to be Democrats, 87 of them are Republican. Now Madam Speaker, I think it's important for us to recognize that that's a pretty powerful message. They were saying, End the nonsense, bring an end to this dramatic expansion of government, and that's exactly what we're doing with this first step.

Margaret Thatcher, the great former Prime Minister of Great Britain, famously said, First you have to win the argument, then you win the vote. I believe that we've won the argument, Madam Speaker, because the message has come through.

□ 1330

The message has come through that we are, in fact, going to have to get our fiscal house in order if we're going to ensure the strength and the pre-eminence of the greatest Nation the world has ever known.

So, Madam Speaker, I'm going to urge my colleagues to support this rule, and tomorrow we will have a vote on the continuing resolution itself. Then we will begin tomorrow, after we've had that vote, to debate the budget, which is going to be far reaching, it's going to be difficult, but it is clearly the right thing for us to do.

And I will say again, Madam Speaker, that I do hope that on these issues we will be able to continue to work together in a bipartisan way to solve our Nation's problems.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1217, REPEALING PREVENTION AND PUBLIC HEALTH FUND

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1217) to repeal the Prevention and Public Health Fund. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mrs. FOXX. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, House Resolution 219 provides for a structured rule providing for consideration of H.R. 1217, which repeals the Prevention and Public Health Fund and rescinds any unobligated funds.

Republicans are on the floor today to fulfill part of our Pledge to America that we would cut spending and we would repeal the Democrats' health care bill passed a year ago. On January 19, this House passed H.R. 2 to repeal ObamaCare completely. The ruling liberal Democrats in the Senate, however, have so far refused to consider H.R. 2,

but House Republicans remain undeterred. We will repeal ObamaCare piece by piece if that is what it takes.

Because the liberal elites knew their government takeover of health care was unpopular and would likely have consequences at the ballot box, they included \$105 billion in mandatory taxpayer spending in the law itself to protect their favorite programs.

Let me take a moment to explain the difference between “discretionary” and “mandatory” government spending.

First, it’s important to remember that the Federal Government does not have any money of its own, as it has only what it takes in taxes from hard-working Americans or money that it borrows from foreign creditors and our future generations. We are currently borrowing 43 cents of every dollar that the Federal Government spends.

Discretionary spending is appropriated by Congress annually and therefore subject to congressional oversight and review. Discretionary spending allows Congress to be wise stewards of the taxpayers’ money by not funding ineffective or duplicative programs. However, what is called mandatory spending funds programs for people who meet certain criteria and occurs irrespective of congressional appropriations and must be spent whether we have the money or not.

The most recognized mandatory spending programs are Medicare, Medicaid, and Social Security, which operate on autopilot and have not been subject to congressional oversight from year-to-year as funds automatically stream from the Treasury to anyone who qualifies, that is, meets the criteria for a particular benefit.

The bill before us today, H.R. 1217, would repeal a portion of mandatory ObamaCare spending and eliminate a slush fund established for Health and Human Services Secretary Kathleen Sebelius. This slush fund, known as the Prevention and Public Health Fund, will automatically receive \$1 billion when fiscal year 2012 begins in October of this year with automatic increases every year until it reaches \$2 billion annually in fiscal year 2015.

However, there’s a very important distinction between this funding and that for Medicare and Social Security in that this funding does not state eligibility criteria.

The liberal elites in Washington think they know how to spend the taxpayers’ money better than individual taxpayers and gives Secretary Sebelius \$2 billion a year until Congress acts to repeal her authority to spend without accountability.

Republicans are rejecting this slush fund by considering this bill which would repeal the fund and take back any money that has not already been spent this year. The slush fund is not subject to the annual appropriations process and therefore would not be subject to yearly congressional oversight.

The money will be made available to the Secretary regardless of how she chooses to spend it and whether or not the programs being funded are actually effective.

Again, this is not like Medicare and Social Security. There are no criteria for the spending of this money.

It’s important to point out that this bill does not cut any specific program, because the slush fund is used by the Secretary to increase spending above congressionally appropriated levels for whatever program the Secretary chooses.

My colleagues across the aisle will argue that this money is being used to train primary care physicians, to prevent obesity, and to encourage healthy lifestyles. What they won’t tell you is that they have absolutely no idea how the money is being used, because they abdicated the authority of Congress to an unelected bureaucrat.

The simple truth is that the money is just as likely to be spent on elective abortion as it is for any other purpose.

In the Democrats’ dissenting views from the House Energy and Commerce Committee report, they say without mandatory spending for this slush fund, the programs will not be adequately funded. Well, Madam Speaker, that’s what the whole process for appropriations is all about. If the programs need more money, it’s up to them to come and justify that.

However, they sang a different tune when liberal House Democrats rammed through a government takeover of health care in November of 2009. They created this slush fund but made it subject to the regular appropriations process. That meant it was subject to yearly congressional oversight and direction for how the money would be spent.

□ 1340

But when the ruling liberal Democrats in the Senate sent over their version of the health care bill, which became law, the slush fund had been made mandatory. The liberal elites claim they put in a safeguard because part of the section creating this slush fund states that Congress has the authority to direct how this funding is spent. Well, as any high school junior civics student could tell you, Congress always has the authority to direct, re-direct, repeal, or increase funding. Congress can always pass a new law to change the direction of any funding stream. That’s our job as legislators. The need to state explicitly that we have the authority to direct spending in a slush fund is pointless.

The simple truth is that we have a spending crisis in this town in large part due to mandatory spending that operates on autopilot. Instead of working to address our unsustainable spending habits, the ruling Democrats refused even to offer a budget resolution

last year or pass a single appropriations bill. The liberal elites failed to lead despite having unchecked control of all levers of power in Washington.

I brought a chart with me today to help illustrate the fact that mandatory spending is out of control in Washington. Madam Speaker, let me show you that because of mandatory spending being on autopilot, by the year 2050 the mandatory spending will absorb all revenue coming into the Federal Government, all tax revenue coming into the Federal Government. That simply is unsustainable. We cannot operate our country when we let three programs take up all of the money that comes into the Federal Government. Something has to be done. And yet the Democrats want to add another program to this, which would speed up this process. We don’t need that.

As Washington liberals ignored the growing autopilot spending crisis, adding more unaccountable mandatory spending in the hands of unelected bureaucrats, House Republicans are now working hard to protect the future for our children and grandchildren by restoring congressional oversight of spending.

Now, I am sure many Americans are wondering how a slush fund with a clever title would be spent and why it must be put on autopilot. Let me give you an example. Pitt County, in my home State of North Carolina, received funding from this fund to fix prices at convenience stores so that healthy foods would be less expensive and, therefore, supposedly more attractive to the consumer. In addition, the Pitt County Health Department now plans to use some of this money to put up signs indicating the location of public parks, bike lanes, and alternate transportation.

Although I am certainly not opposed to parks or healthy eating habits, it seems quite clear that the Founders of this country did not intend the Federal Department of Health and Human Services in Washington, DC, to use taxpayer money to subsidize granola bars or purchase signs for bike lanes or parks.

The Federal Government has no business paying for local and community initiatives such as these, especially when we are borrowing 43 cents of every dollar the Federal Government spends to pay for it. The new House Republican majority is ready to lead this country out of our debt crisis. And it starts with voting for this rule and the underlying bill, which will save taxpayers \$16 billion.

With that, Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentlelady for yielding me the time, and I yield myself such time as I may consume.

Obviously, this measure amends the Patient Protection and Affordable Care

Act and seeks to repeal those provisions that establish and appropriate funds to the Prevention and Public Health Fund. It also rescinds any unobligated balance appropriated to the fund.

As I listened to my friend from North Carolina, two things jumped out at me immediately. One is her usage and the ruling Republican majority House Members' usage of the term for the Affordable Health Care Act as ObamaCare. I said earlier in the Rules Committee I guess I could call it HastingsCare, because I supported—as did many Members of this Congress who are still here and some who are not, on both sides of the aisle—health care provisions for America long before any of us knew Barack Obama's name.

When it's used the way that it is, it's in some manner attempting to be demeaning of the President. He does not bear the sole responsibility for the Affordable Health Care Act. I would assume some of that responsibility. And what I would say is he and many others in this body did not go far enough in that we did not establish universal health care for all Americans in this country.

The other thing that jumps out on this particular matter, calling it a slush fund and then allowing that it is going to be in the hands of an unelected bureaucrat. It puts us in a strange position in the House of Representatives when my colleagues with the ruling majority of the House of Representatives have sought and been successful in eliminating the opportunities for Members of Congress on both sides of the aisle to seek to have appropriations earmarked for respective undertakings in their congressional districts. Rather, they would eliminate those earmarks and—guess what?—put it in the hands of unelected bureaucrats.

So I find it inconsistent to make the argument on one hand, and then on the other hand say, Oh, it's okay for the unelected bureaucrats to have some opportunities to spend our money. Quite frankly, I take umbrage with that. I think I can do a better job defining a need for a treatment plant in Belle Glade than can an unelected bureaucrat.

The burden of chronic diseases, such as cancer, diabetes, heart disease, hypertension, and stroke, present a significant public health challenge to all of our communities and our Nation as a whole. In my home State of Florida, over 10 million cases of seven chronic diseases—cancer, diabetes, heart disease, hypertension, stroke, mental disorders, and pulmonary conditions—were reported early on in this decade at the cost of about \$17.6 billion in treatment, and resulting in \$68.7 billion in lost productivity and economic cost.

Simply put, we have a sick care system, not a health care system. Tens of

millions of Americans are suffering from health conditions that could possibly be preventable. This is further exacerbated by the continuing rise of health care costs. Despite the fact that chronic diseases are responsible for seven out of 10 deaths among Americans each year and that they account for 75 percent of our Nation's health care spending, less than 3 percent of our health care spending goes to preventive health care services and health promotion.

As you know, the Affordable Care Act, or the HastingsCare Act, or the Hastings and ObamaCare Act, or the Hastings and Obama and DemocratCare Act created the Prevention and Public Health Fund in order to assist State and community efforts in preventing illness and promoting health. The Prevention and Public Health Fund represents an unprecedented investment of \$15 billion over 10 years to help prevent disease, detect it early, and manage conditions before they become severe. It aims to transform the focus of our system of care from primarily treating illness to maintaining long-term wellness by leveraging the power of preventive medicine.

Through the Community Transformation Grants program, for example, the fund empowers State and local governments and partners to implement community prevention interventions that help reduce chronic disease and health care disparities.

□ 1350

In fact, the fund is already being used in all 50 of our States and the District of Columbia to prevent smoking, increase physical activity, reduce alcohol and drug abuse, increase immunizations, train the Nation's public health workforce, prevent the spread of HIV/AIDS, and help control the obesity epidemic in our country.

In addition, the Prevention and Public Health Fund provides funding for States to help develop a health insurance exchange by 2014. Footnote there: We should have had a public option, where consumers will have access to a new market of more affordable, quality health coverage, as well as funding for up to 400 school-based centers in order to provide a safety net and improved access to care for children.

Since the enactment of the HastingsCare, ObamaCare, DemocraticCare, RepublicansDon'tCare measure last year, the Department of Health and Human Services has awarded approximately \$21.98 million in grants to organizations in Florida alone through the Prevention and Public Health Fund to help improve wellness and prevention efforts, including more than \$9.3 million for community and clinical prevention, more than \$3.1 million for public health infrastructure, and more than \$9.4 million for primary care training.

If we are to reduce health care costs, we must improve the health of all Americans. Investing in proven preventive measures can significantly reduce the risk of developing these diseases, improving people's lives and saving money.

According to a report from Trust For America's Health entitled "Prevention for a Healthier America," investing just \$10 per person per year in proven community-based programs that increase physical activity, improve nutrition, and prevent smoking and other tobacco use could save our Nation more than \$16 billion annually within 5 years.

This is equivalent to and potentially greater than the amount as estimated by the nonpartisan Congressional Budget Office by which H.R. 1217 reduces direct spending over a 10-year period. Furthermore, a public opinion survey by Trust for America and the Robert Wood Johnson Foundation found that 71 percent of Americans favor an increased investment in disease prevention.

The Prevention and Public Health Fund is supported also by nearly 600 national organizations, including the American Diabetes Association, the American Heart Association, the American Lung Association, Families USA, and the AIDS Institute.

H.R. 1217, on the other hand, is nothing more than an attack on affordable health insurance, primary care and safety net care for children. This bill is yet another feeble attempt by the ruling majority Republicans to disrupt, dismantle, and ultimately destroy the HastingsCare, ObamaCare, DemocraticCare, RepublicansDon'tCare bill one piece at a time, including those programs that have already been funded and are helping millions of middle class, elderly, and working poor Americans and their families as we speak.

The misinformation that pervades the health care debate in this country never ceases to amaze me at all.

My friends on the other side of the aisle, the ruling Republican majority, would have the American people believe that the Prevention and Public Health Fund is a slush fund for the Secretary of Health and Human Services to spend money freely without congressional oversight. This is simply not true. A specific funding amount is allocated for prevention efforts through the fund each year during the fiscal year period: \$500 million in 2010; \$750 million in 2011; \$1 billion in fiscal year 2012 and so on up to \$2 billion beginning in 2015.

This gives the Secretary, whomever she or he may be, under Republicans or Democrats, the flexibility and health care providers the funding certainty that they need to implement prevention and public health interventions that help Americans make healthier decisions for themselves and their families. The Prevention and Public Health

Fund is the first and only Federal program with dedicated ongoing resources specifically designed to improve the public. It represents our commitment to preventing illness and investing in our Nation's long-term physical and fiscal health.

Let me say this, Madam Speaker: Every day that I awaken, I start my day by trying to figure what can I do to follow the scriptural mandate to help the least of us. I am curious whether my friends in the ruling majority have the same feeling.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I would just like to point out one small thing to my colleague from Florida. Yes, I do begin wondering every day wondering how I can make life better for other people. But I want to say that there is no accountability whatsoever in this provision of the bill, and we want accountability for every penny of money that we are spending on behalf of the American taxpayers.

Madam Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Thank you, my learned colleague from North Carolina.

Madam Speaker, I rise today in support of the rule and the 2011 budget agreement that we have passed. We have already heard some of the aspects that this budget agreement addresses, and I am going to address some additional aspects.

I am very pleased to see this House once again value the culture of life. The FY 2011 budget now reinstates the D.C. Hyde amendment to ensure that no congressionally appropriated funds, Federal or local, are used to pay for elective abortions.

According to the Susan B. Anthony List president, Marjorie Dannenfelser, Congress will save the lives of an estimated 1,000 unborn children when it votes to restore this amendment banning the use of taxpayer dollars to pay for elective abortions in the District of Columbia.

It adjusts the U.N. Family Planning Agency funding from \$55 million to \$40 million. It adjusts international population control/family planning funding from \$648 million to \$575 million.

It adjusts title 10 domestic family planning funding to \$300 million, which is a cut of \$17 million.

This budget also calls for an up-or-down vote in both the House and the Senate, Madam Speaker, on the defending of Planned Parenthood.

While the fight is certainly not over, we are making great strides in the ongoing effort to not only get our country on a strong fiscal footing but to honor the value of lives born and unborn.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2 minutes to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Florida for yielding.

Madam Speaker, you know, I was thinking we are approaching Mother's Day, and I thought of my mother. When it came to budgeting and appropriating money, she did not always have a great deal to work with, but she was a great budget analyst. She was an absolute wizard at crunching numbers, and she was an expert on knowing what worked and what did not.

As a matter of fact, she often told us that an ounce of prevention was worth much more than a pound of cure. And so she knew that when it came to health care, prevention measures are worth much more than their weight in gold. She knew that it would be penny-wise and pound foolish to cut or reduce the meager resources which we expend towards health education, health awareness, health promotion, and health screening.

□ 1400

If we don't think public health activities work, look for some cigarette smoke or cigar smoke in these Chambers. Look at the difference in the cost of treating lung cancer and cirrhosis of the liver versus preventing these diseases from occurring. In Illinois, we have a very proactive public health program, and we don't want to see it reduced, diminished or eliminated.

Yes, we do need to cut spending, and we are cutting spending, but let's not throw out the baby with the bath water. Let's not be penny wise and pound foolish. Let's vote down this rule, and let's vote down H.R. 1217.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, we are here today to save taxpayers money by cutting wasteful government spending. The program that we are cutting out we cannot be sure does anything for preventative health care. It has designated that, but there is no idea as to where the money is going to be spent. Republicans certainly want to see Americans do a better job of preventing disease and of making their health care better, but what we fear is that this money may be used for elective abortions, so we are also here today to speak for those who cannot speak for themselves.

This slush fund directs the Secretary of Health and Human Services to invest in prevention and primary care by funding programs and initiatives under the Public Health Services Act. Title X of the Public Health Services Act provides funding for the abortion industry, including organizations like Planned Parenthood, which is the largest abortion provider in the country.

Mr. Speaker, my colleagues across the aisle and the liberals in Washington have really outdone themselves to ensure their favorite constituencies are provided for in their new health care law. This slush fund is yet another Democrat trick to use taxpayer money

to subsidize elective abortion. Despite what they may have you believe, supporters of taxpayer-funded elective abortion cannot honestly claim this money cannot be used for elective abortion under Title X. The liberal Democrat elites relinquished all authority over this slush fund to Secretary Sebelius. For far too long, abortion providers have used Title X money to subsidize their operating costs, thereby subsidizing elective abortion.

We've heard a lot of misinformation being circulated in Washington this week about Planned Parenthood, the largest elective abortion provider in the country. As I pointed out in the Rules Committee last night, one of my colleagues across the aisle said that Republicans were "here to kill women" and compared us to Nazis.

Liberal Democrats maintain that women will lose access to preventative care if the government stops funding for the abortion industry. What they are not telling you is that Planned Parenthood has almost \$1 billion in net assets and reported \$737 million in revenues for its most recent filing year. Any big abortion organization making \$737 million a year should be able to function without taxpayer subsidies, Mr. Speaker. This is not about women's health or access to preventative care. Through Federal and State Medicaid programs, low-income women have access to family planning and preventative health services at hospitals, doctors' offices and community health centers nationwide.

Another claim Planned Parenthood makes is that 97 percent of the 3 million patients they served in fiscal 2008 received preventative care services and that only 3 percent received abortions. These supporters of taxpayer-funded abortion ought to check their math. According to their own facts sheet for March 2011, Planned Parenthood clinics performed 332,278 abortions in fiscal year 2008. If they saw 3 million patients and performed 332,278 abortions, that means at least 11 percent of the services provided were abortions.

If they cannot be trusted regarding this simple math, what else are they hiding from the American people, Mr. Speaker?

Another astounding statistic I would like to share is that 97.6 percent of pregnant women who received services at Planned Parenthood clinics received abortions. Only 2.4 percent of pregnant women received only prenatal or adoption referral services at Planned Parenthood.

Elective abortion is not health care, Mr. Speaker. This is not about preventative health care or about improving access to primary care. This is about subsidizing the big abortion industry. If this slush fund remains unchecked, the Secretary could fund whatever program she chooses to the tune of up to \$2 billion a year. That kind of money

can purchase a lot of elective abortions, which strikes at the consciences of so many tax-paying Americans.

Again, I urge my colleagues to vote in favor of this rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, that's just about the most convoluted, backward argument that I can imagine that I've heard in the 19 years that I've been here in the United States Congress.

There is not one dime in the Prevention and Public Health Fund that can or will be used for abortions. The law in this land, enunciated by a legend and an icon, among the other things that Henry Hyde was, is that Federal funds cannot be used for that purpose, and to carry us into that neverland that the previous speaker just spoke of is astoundingly wrong.

With that, Mr. Speaker, I yield 2½ minutes to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from Florida, and I carefully and enthusiastically associate myself with his response.

We are all colleagues here. We call each other "distinguished colleagues," and I call my good friend from North Carolina "distinguished colleague," with whom I disagree with wide and well-versed opposition.

First of all, as we approach a sacred holiday for many of us in this country, it is one of sacrifice, and as we move into the month of May, we begin to look at how mothers sacrifice to take care of their children and not themselves. Many of us during this time frame will be fasting because we find that this draconian road that our Republican friends are on, with the minutest and the smallest of a majority that voted in this low voting election in 2010, is frightening. We need prayer, and we need to fast because this is truly the road to ruin. I just hope that my colleagues who communicate to the American people will tell the truth. The budget, the repeal of the Prevention and Public Health, the CR, all of them are the road to ruin.

Whether you agree with our President or not, he has it right: the country we can believe in.

With regard to the CR, when you have The Washington Post or any newspaper saying that more than half of the \$38 billion in cuts that are used in this CR for tomorrow are taken out of education, labor and health programs while those at the top 2 percent or 1 percent of the tax bracket keep going on and on—many of whom said we are willing to sacrifice, that we are willing to offer to be able to help this country—and then when they want to repeal the Prevention and Public

Health bill so that the brunt of the people going in for medical care will be in the emergency rooms because they will not have had cholesterol checks or high blood pressure checks or checks for sickle cell or diabetes—they won't have any of that. They'll go into the emergency rooms, laying out in comas—that's what the repeal of this legislation is all about.

The question you ask the Republicans is: What is the dream or the vision of America for them? It is a road to ruin, and the budget is an absurd ridiculousness that wants to cut Medicare and wants to cut Medicaid.

In going back to the CR, how can you tell the District of Columbia citizens, who pay taxes, that they cannot take their own money and use it for the dictates of their elected body?

□ 1410

How can you tell them that?

The SPEAKER pro tempore (Mr. CONAWAY). The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. The gentleman is enormously kind.

I sat and listened to Congresswoman ELEANOR HOLMES NORTON who has lost a vote on this floor that she had, and the citizens of that community, the Mayor and the city council could do nothing but take to the streets to protest. How can you dictate what we do with our own dollars? And so over the next 48 hours, you will see the reason why many Americans are fasting, because they see that this country is going down the road of no return.

And it hurts my heart to think that we're going to rescind \$16 billion that can be used to make a healthier country, to make a country where children can have access to health care, where a little 10-year-old doesn't die because he has an abscess.

I ask my colleagues to vote against all these rules and stop this from going down the road to ruin.

Ms. FOXX. Mr. Speaker, I feel I have to respond somewhat to my colleague from Florida on some of the points that he made.

He said that it is the law of the land that no Federal Government money can be used to fund abortions. I know my colleague from Florida has been here a lot longer than I have been, and I know that he understands the difference between discretionary spending and mandatory spending, and I know that he knows that the Hyde amendment is only on appropriations bills. And as I explained earlier, Mr. Speaker, the appropriations bills are what we call discretionary spending, and that what the Democrats did in the health care bill was to put this \$2 billion in that bill and call it mandatory spending, which is not subject to the annual appropriations process and therefore

does not have the restriction of the Hyde amendment to apply to it.

So I would like to ask my colleague from Florida if he can guarantee on his own word to the American people today that nothing from this \$2 billion that is put in for mandatory spending—it's on automatic pilot—would ever be spent for abortions.

Would the gentleman answer that question?

Mr. HASTINGS of Florida. Of course I will. Will the gentlewoman yield?

Ms. FOXX. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I thank the gentlelady for yielding.

Please, let's have a clear understanding that no dollars from this fund are going to be used for abortions.

Ms. FOXX. Can the gentleman guarantee that?

Mr. HASTINGS of Florida. I don't have any opportunity to guarantee whether or not I'm going to be alive in the next 30 seconds, let alone tell you what may happen. But if you ask my belief, and yours was your belief that it may be used is what you said, my dear friend, all I'm saying is it is not going to be. And the law enunciated through Henry Hyde, and almost verbatim has been included in the Affordable Care Act, precludes the use of money for abortions.

Ms. FOXX. I would like to reclaim my time, Mr. Speaker.

The gentleman has just made my point. He cannot guarantee that this money will not be used for abortions, and neither can anyone else. And that is the point that we are making, Mr. Speaker. There is no accountability for this \$2 billion. It is a slush fund for the Secretary of Health and Human Services. And it is wrong, Mr. Speaker, for us to take the hard-earned money of American taxpayers and give it to the Secretary with no accountability and with the distinct possibility that the money could be used to fund abortions.

The liberals ruling Washington the past 4 years have failed to address out-of-control mandatory or discretionary spending. In fact, under their control, discretionary spending has increased 84 percent in just 2 years.

As I mentioned earlier, discretionary spending is the money Congress decides annually to spend on programs with inherent congressional oversight. Mandatory, or autopilot, spending is the money that is automatically pulled from the Treasury without regular congressional oversight. I'm not sure, Mr. Speaker, when that decision was made for Congress to abrogate its responsibility, but it's a weasel way out. We should be looking at every dollar every year, because that's our responsibility.

Our debt and the liberals' insatiable appetite for perpetual government spending increases are sending America into a tailspin. In response to the complete lack of leadership and fiscal

responsibility, House Republicans have been very aggressive in reducing wasteful government overspending, which is the real source of breathtaking budget deficits and private sector unemployment.

Now, Mr. Speaker, I would like to point out a chart that comes, I believe, from the Joint Committee on Economics, and it shows what happens when you increase government spending and when you decrease government spending when you're talking about private sector job creation. Every dollar the government takes from the private sector is one less dollar to be spent for private sector innovation and job growth. The government can create only government jobs.

In addition, Mr. Speaker, to the 13.5 million Americans counted in the official unemployment rate, more than 900,000 Americans have stopped looking for a job because they think no jobs exist for them. I want to point out here that, again, when we saw increased government spending, you see a decrease in private sector jobs. When you see decreased government spending, you see an increase in private sector jobs. That's what the Republicans want to do. Americans want jobs. They want to work. We need to cut government spending and allow the private sector to grow.

More than 45 percent of Americans seeking work have been unemployed for more than 27 weeks. Real problems demand real solutions, Mr. Speaker. The track record in the House in 3 short months demonstrates that the new House Republican majority has heard the American people and is acting to provide the relief and solutions they deserve. Less government spending is crucial to encouraging private sector job creation and reducing unemployment. And where better to cut possible government spending than where money could be used for abortions?

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased to yield 3 minutes to my good friend from California (Ms. MATSUI), a former member of the Rules Committee that we miss.

Ms. MATSUI. I thank the gentleman from Florida for yielding.

Mr. Speaker, I am in strong opposition to the rule and the bill before us today.

In 2008, I introduced legislation to create a Prevention and Wellness Trust Fund. Much of what I see in the Prevention and Public Health Fund resembles the goals in my legislation. I introduced the legislation and fought for these preventive care provisions during the Energy and Commerce Committee debate on the health care law. I believe investing in preventive health care is vital to helping Americans access the care they need to stay healthy, reduce their health care costs, and ease the

burden on our overcrowded emergency rooms.

Mr. Speaker, we spend more than \$2 trillion annually on health care, more than any other nation on Earth. Yet tens of millions of Americans still suffer from preventable and chronic diseases. In fact, approximately 75 percent of the Nation's health care expenditure is spent on treating chronic conditions. These conditions account for seven of 10 deaths in America.

For too long, the health delivery system in our country has been focused on only treating people after they get sick, not before. Prevention has been a luxury, if not an afterthought. Studies have shown that regular access to primary and preventive care can help keep people healthier, help avoid chronic conditions, catch diseases earlier, and therefore help lower costs.

Sacramento resident Tyler, an active teenager, was a picture of model health. One day he noticed that he was having heart problems during football practice. Taking precautions, his parents took him to a doctor to run tests and found that he had a cardiac abnormality. Today, after taking the necessary preventive steps, Tyler is healthy. Thankfully, he sought preventive measures early, which kept his condition from worsening and likely saved his life.

□ 1420

Not every story ends as happily as Tyler's, though. Millions of Americans every year are diagnosed with chronic diseases because they did not have such access to preventive care. That is the focus of this fund, to improve prevention. This funding will reduce individual and taxpayer cost while saving lives. However, that fact is being overlooked by my colleagues on the other side of the aisle. This bill before us will have a devastating effect on the future health of America, both in terms of our physical health and for our fiscal responsibility.

In order to truly improve both our health and our health care in this country, we must focus on prevention. I urge my colleagues to oppose this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I just want to point out again that Republicans would like to see more preventive care. However, the example that my colleague from California used says nothing about this bill because there is nothing in here to guarantee that this money will go to preventive care, absolutely nothing. There is no accountability in this legislation.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN), my classmate and my good friend.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to both

this rule and H.R. 1217, the legislation to repeal the Prevention and Public Health Fund of the Affordable Care Act. The Affordable Care Act uses Hyde-like language. I was on the Energy and Commerce Committee; I still am. We put it into the Affordable Care Act that there will not be one penny of Federal funds that will go for elective abortions.

The Hyde Act may be on appropriations bills, but the Affordable Care Act has that language in there. I know there is going to be a lot of talk during debate about the legislation and how we need to reduce our deficits, and tough funding cuts will need to be made by Congress in order to bring down our national debt, H.R. 1217 is not meaningful legislation to reduce our debt, nor is it a plan to create jobs or spur the growth in our economy. This legislation is yet another attempt by the majority to dismantle and repeal the Affordable Care Act because they do not have the support to do the straight repeal of health reform.

As a member of the Energy and Commerce Committee, I know that this bill would be the first of several pieces that will mark a reversal of position by the majority on what has been previously bipartisan-supported health care concepts.

I have worked across the aisle for years with my colleagues on many prevention provisions, including Prevention and Public Health Fund that would fund the integration of primary care services into publicly funded mental and behavioral health settings. To date, Texas alone has received \$495,000 for this program. I introduced this legislation for several years with bipartisan support from Representative TIM MURPHY. At the time it was called the Community Mental Health Services Improvement Act. And yet here we are today rolling back funding on these important bipartisan provisions to fulfill campaign promises.

We know that prevention programs will ultimately save our health care system in the future. What we did with the Prevention and Public Health Fund in the Affordable Care Act was to make a down payment on reducing preventable health conditions such as diabetes, obesity, strokes, and heart disease. The fund represents an unprecedented investment—\$15 billion over 10 years—that will help prevent disease, detect it early, and manage conditions before they become severe. By concentrating on the causes of chronic disease, the Affordable Care Act helps move the Nation from a focus on sickness and disease to one based on wellness and prevention.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield an additional 30 seconds.

Mr. GENE GREEN of Texas. Don't let the majority fool you today by saying

this legislation is a cost-saving measure. Several things that they won't be highlighting in relation to this legislation are the cost of treating these chronic diseases in Texas alone totaled over \$17.2 billion, and chronic diseases resulted in \$75.3 billion in lost productivity and economic costs to Texas.

If we want to have a debate on saving money and creating jobs, I would like the majority to show us their job-creating and deficit-reduction plan. They have been in power for 100 days, and we have spent most of the time by creating more debt by repealing provisions in health reform that would actually save my State billions of dollars. Today is yet another example of the majority's misguided priorities.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, please inform both sides the remaining amount of time.

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining. The gentlewoman from North Carolina has 6 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 1354, the American Jobs Matter Act of 2011.

To address that, I am pleased to yield 5 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the gentleman from Florida.

Mr. Speaker, in Washington over the last few months, we have seen a lot of what we are seeing today, a lot of talk from my Republican colleagues about ideological budget cuts and about divisive social issues. And today, once more, we are here debating repeal of part or all of the health care bill.

But back home, we are hearing about one thing and largely one thing only, and that is job creation. Now, I appreciate my friend from North Carolina dressing up her remarks with some talk about jobs, but this debate today isn't about creating jobs. It is about a political agenda to take on the Democratically passed health care bill.

But we need to start plugging into where Main Street is and having a real conversation about job creation in this country, and so I am here today to talk about one idea in particular that can reach out to the 5,000 manufacturers in my State, and the tens of thousands more of manufacturing employees who are looking for good middle class work and help from Congress that hasn't been forthcoming in the last 3 months.

Since 2001, this country has shut down over 42,000 manufacturing plants. We have lost about 5 million manufacturing jobs; but during that same period of time, we have increased spending on defense manufacturing in this country by 81 percent. The problem is

that 81 percent increase hasn't gone to factories in Connecticut or North Carolina or Florida or anywhere else. It has gone overseas because after building loophole after loophole into our domestic sourcing laws, like the Buy America Act, we are hemorrhaging manufacturing jobs in part because we are spending more and more taxpayer dollars overseas.

So we need to defeat this previous question so we can bring a common-sense jobs bill to the floor of the House of Representatives, the American Jobs Matter Act.

Now, let me explain what this bill does. It is pretty simple. It says that anytime a Federal agency is awarding a contract, in particular the Department of Defense, that they can give a leg up, that they can give preference to the bidder who promises and guarantees to create more U.S. jobs. Most of my constituents think that already happens. They already think we have some system in place to make sure that our taxpayer dollars are being used to give preference to American companies rather than foreign companies. It is not happening. The law doesn't allow it.

So let's pass today the American Jobs Matter Act. It will make sure that our money gets spent on our jobs here at home.

A quick story from Connecticut: I have a company that makes copper nickel tubing in Waterbury, Connecticut. They are the only American company that supplies that product to the Virginia submarine class. There is one company in Europe that makes it. But because we can't give them preference by law today, they have lost one of their two most important contracts to that European supplier, and along with it dozens of American jobs. That is our money going overseas, and we need to do something about it rather than debating the health care bill all over again.

When people really care about building back those manufacturing jobs, we should in fact be spending every day in this Congress talking about bills like the American Jobs Matter Act. Instead, we are talking about defunding Sesame Street, about destroying Planned Parenthood, and once again today talking about repealing the health care bill; and, in fact, a part of the health care bill that is going to create jobs through preventive health care services.

It is no wonder that Americans think so little of this Republican Congress, because they are not focused on what people out there are focused on, J-O-B-S, jobs. The American Jobs Matter Act, if we bring it to the floor today, is a commonsense measure to simply target taxpayer money to the creation of American jobs. We don't have to spend any more money to create American jobs. We just have to spend the money

we are already spending better. We spend half the military dollars in the world coming out of the U.S. budget, and this engine of expenditure should be used not only to make this country stronger militarily, but also to make it stronger economically.

□ 1430

The American Jobs Matter Act is one way to get there. I urge my colleagues to defeat the previous question so we can get to the real business of this country—creating good-paying middle class jobs.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to insert the text of the amendment that the gentleman from Connecticut spoke to in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. I yield myself the balance of my time.

Mr. Speaker, no prevention and public health funds are or can be used to pay for abortions, and this bill has absolutely nothing to do with that. What it will stop, this bill as offered by the ruling Republican House, is immunization for kids and seniors, programs to stop childhood obesity and to prevent heart disease and diabetes. That's what they are stopping. Please don't be misled. No dollars from this fund will be used for abortion.

If we as legislators are to be about the business of helping Americans live healthy, productive lives, we must change our fundamental approach to health care by investing in illness prevention, not just treatment.

The Prevention and Public Health Fund is the key to a coordinated, comprehensive, sustainable and accountable approach to improving our Nation's health outcomes. I would also add that at a time when Americans are looking to Congress for leadership, the Republican ruling majority in the House are continuing their assault on comprehensive health care reform that expands coverage to 32 million people instead of focusing on job creation.

It's time to stop playing games with the health of the American people and get down to business. I urge my colleagues to vote "no" and defeat the previous question so that we can debate and pass a jobs bill without any further delay. I also urge a "no" vote on the rule.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

I would just like to say in response to my colleague from Florida that I think this rule and the underlying bill have a

lot more to do with elective abortions than they do with government contracting.

Mr. Speaker, we have discussed at great length today why Secretary Sebelius does not need a slush fund set on autopilot. The American people expect their elected representatives to be wise guardians of their hard-earned dollars. They vehemently objected to the ruling Democrat agenda of Federal overreach into their daily lives and sent a clear message to Washington last November: Government must be responsible and accountable.

All across America, American families are tightening their belts, cutting their budgets and living within their means. It's time Washington did the same.

For these reasons and many more, I urge my colleagues, I urge my colleagues to vote for this rule and the underlying bill so we can restore congressional spending oversight and save the taxpayers \$16 billion over the next 10 years.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 219 OFFERED BY MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1354) to amend titles 10 and 41, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 219, if ordered; ordering the previous question on House Resolution 218; and adoption of House Resolution 218, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 12, as follows:

[Roll No. 257]

YEAS—238

Adams	Farenthold	Labrador
Aderholt	Fincher	Lamborn
Akin	Fitzpatrick	Lance
Alexander	Flake	Landy
Amash	Fleischmann	Lankford
Austria	Fleming	Latham
Bachmann	Flores	LaTourette
Bachus	Forbes	Latta
Barletta	Fortenberry	Lewis (CA)
Bartlett	Foxx	LoBiondo
Barton (TX)	Franks (AZ)	Long
Bass (NH)	Frelinghuysen	Lucas
Benishek	Gallely	Luetkemeyer
Berg	Gardner	Lummis
Biggart	Garrett	Lungren, Daniel
Bilbray	Gerlach	E.
Bilirakis	Gibbs	Mack
Bishop (UT)	Gibson	Manzullo
Black	Gingrey (GA)	Marchant
Blackburn	Gohmert	Marino
Bonner	Goodlatte	McCarthy (CA)
Bono Mack	Gosar	McCaul
Boren	Gowdy	McClintock
Boustany	Granger	McCotter
Brady (TX)	Graves (GA)	McHenry
Brooks	Graves (MO)	McKeon
Broun (GA)	Griffin (AR)	McKinley
Buchanan	Griffith (VA)	McMorris
Bucshon	Grimm	Rodgers
Buerkle	Guinta	Meehan
Burgess	Guthrie	Mica
Burton (IN)	Hall	Miller (FL)
Calvert	Hanna	Miller (MI)
Camp	Harper	Miller, Gary
Campbell	Harris	Mulvaney
Canseco	Hartzler	Murphy (PA)
Cantor	Hastings (WA)	Myrick
Capito	Hayworth	Neugebauer
Carter	Heck	Noem
Cassidy	Heller	Nugent
Chabot	Hensarling	Nunes
Chaffetz	Herger	Nunnelee
Coble	Herrera Beutler	Olson
Coffman (CO)	Huelskamp	Palazzo
Cole	Huizenga (MI)	Paul
Conaway	Hultgren	Paulsen
Cravaack	Hunter	Pearce
Crawford	Hurt	Pence
Crenshaw	Issa	Petri
Davis (KY)	Jenkins	Pitts
Denham	Johnson (IL)	Platts
Dent	Johnson (OH)	Poe (TX)
DesJarlais	Johnson, Sam	Pompeo
Diaz-Balart	Jones	Posey
Dold	Jordan	Price (GA)
Dreier	Kelly	Quayle
Duffy	King (IA)	Reed
Duncan (SC)	King (NY)	Rehberg
Duncan (TN)	Kingston	Renacci
Ellmers	Kinzinger (IL)	Ribble
Emerson	Kline	Rigell

Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock

Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)

Thornberry
 Tiberi
 Tipton
 Turner
 Upton
 Walberg
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (FL)

Ms. EDWARDS changed their vote from “yea” to “nay.”

Mr. TERRY changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 15, as follows:

[Roll No. 258]
 YEAS—237

Ackerman
 Altmire
 Andrews
 Baca
 Baldwin
 Barrow
 Bass (CA)
 Becerra
 Berkley
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cuellar
 Cummings
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Deutch
 Dicks
 Dingell
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Eshoo
 Farr
 Fattah
 Filner
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez

NOT VOTING—12

Berman
 Clay
 Culberson
 Doggett

Engel
 Giffords
 Meeks
 Reichert

Schakowsky
 Walz (MN)
 Young (AK)
 Young (IN)

Adams
 Aderholt
 Akin
 Alexander
 Amash
 Austria
 Bachmann
 Bachus
 Richardson
 Richmond
 Gibbs
 Ross (AR)
 Rothman (NJ)
 Roybal-Allard
 Ruppberger
 Rush
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Busch
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Flores

Forbes
 Fortenberry
 Fox
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 McCintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnellee
 Paul
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Reed
 Rehberg
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert

Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns

NAYS—180

Ackerman
 Altmire
 Andrews
 Baca
 Baldwin
 Barrow
 Bass (CA)
 Becerra
 Berkley
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Keating
 Kildee
 Kind
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maloney
 Markey
 Davis (IL)
 DeFazio
 DeGette
 DeLauro
 Deutch
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Eshoo
 Farr
 Fattah
 Filner
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez

NOT VOTING—15

Giffords
 Hinojosa
 McCarthy (CA)
 Meeks
 Olson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1505

So the resolution was agreed to. The result of the vote was announced as above recorded.

□ 1459

Ms. ZOE LOFGREN of California, Messrs. COURTNEY and INSLEE, and

A motion to reconsider was laid on the table.

Stated for:

Mr. OLSON. Mr. Speaker, on rollcall No. 258, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. PALAZZO. Mr. Speaker, on rollcall No. 258, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 258, had I been present, I would have voted “nay.”

PROVIDING FOR CONSIDERATION OF H.R. 1473, DEPARTMENT OF DEFENSE AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011; PROVIDING FOR CONSIDERATION OF H. CON. RES. 35, CORRECTING THE ENROLLMENT OF H.R. 1473; AND PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, CORRECTING THE ENROLLMENT OF H.R. 1473

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 218) providing for consideration of the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and providing for consideration of the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 183, not voting 7, as follows:

[Roll No. 259]

YEAS—242

Adams	Bonner	Chabot
Aderholt	Bono Mack	Chaffetz
Akin	Boren	Chandler
Alexander	Boustany	Coble
Amash	Brady (TX)	Coffman (CO)
Austria	Brooks	Cole
Bachmann	Broun (GA)	Conaway
Bachus	Buchanan	Costa
Barletta	Bucshon	Cravaack
Bartlett	Buerkle	Crawford
Barton (TX)	Burgess	Crenshaw
Bass (NH)	Burton (IN)	Culberson
Benishek	Calvert	Davis (KY)
Berg	Camp	Denham
Biggert	Campbell	Dent
Bilbray	Canseco	DesJarlais
Bilirakis	Cantor	Diaz-Balart
Bishop (UT)	Capito	Dold
Black	Carter	Donnelly (IN)
Blackburn	Cassidy	Dreier

Duffy	Kingston
Duncan (SC)	Kinzinger (IL)
Duncan (TN)	Kline
Ellmers	Labrador
Emerson	Lamborn
Farenthold	Lance
Fincher	Landry
Fitzpatrick	Lankford
Flake	Latham
Fleischmann	LaTourette
Fleming	Latta
Flores	Lewis (CA)
Forbes	LoBiondo
Fortenberry	Long
Fox	Lucas
Franks (AZ)	Luetkemeyer
Frelinghuysen	Lummis
Gallegly	Lungren, Daniel E.
Gardner	Mack
Garrett	Manzullo
Gerlach	Marchant
Gibbs	Marino
Gibson	Marino
Gingrey (GA)	McCarthy (CA)
Gohmert	McCaul
Goodlatte	McClintock
Gosar	McCotter
Gowdy	McHenry
Graves (GA)	McKeon
Graves (MO)	McKinley
Griffin (AR)	McMorris
Griffith (VA)	Rodgers
Grimm	Meehan
Guinta	Mica
Guthrie	Miller (FL)
Hall	Miller (MI)
Hanna	Miller, Gary
Harper	Mulvaney
Harris	Murphy (PA)
Hartzler	Myrick
Hastings (WA)	Neugebauer
Hayworth	Noem
Heck	Nugent
Heller	Nunes
Hensarling	Nunnelee
Herger	Olson
Herrera Beutler	Palazzo
Huelskamp	Paul
Huizenga (MI)	Paulsen
Hultgren	Pearce
Hunter	Pence
Hurt	Petri
Issa	Pitts
Jenkins	Platts
Johnson (IL)	Poe (TX)
Johnson (OH)	Pompeo
Johnson, Sam	Posey
Jones	Price (GA)
Jordan	Quayle
Kelly	Reed
King (IA)	Rehberg
King (NY)	Renacci

NAYS—183

Ackerman	Cohen
Altmire	Connolly (VA)
Andrews	Conyers
Baca	Cooper
Baldwin	Costello
Barrow	Courtney
Bass (CA)	Critz
Becerra	Crowley
Berkley	Cuellar
Bishop (GA)	Cummings
Bishop (NY)	Davis (CA)
Blumenauer	Davis (IL)
Boswell	DeFazio
Brady (PA)	DeGette
Bralely (IA)	DeLauro
Brown (FL)	Deutch
Butterfield	Dicks
Capps	Dingell
Capuano	Doggett
Cardoza	Doyle
Carnahan	Edwards
Carney	Ellison
Carson (IN)	Eshoo
Castor (FL)	Farr
Chu	Fattah
Cicilline	Finer
Clarke (MI)	Frank (MA)
Clarke (NY)	Fudge
Clay	Garamendi
Cleaver	Gonzalez
Clyburn	Green, Al

Ribble	Lee (CA)
Rigell	Levin
Rivera	Lewis (GA)
Roby	Lipinski
Roe (TN)	Loebsock
Rogers (AL)	Lofgren, Zoe
Rogers (KY)	Lowey
Rogers (MI)	Lujan
Rohrabacher	Lynch
Rokita	Maloney
Rooney	Markey
Ros-Lehtinen	Matheson
Roskam	Matsui
Ross (FL)	McCarthy (NY)
Royce	McCollum
Runyan	McDermott
Ryan (WI)	McGovern
Scalise	McIntyre
Schilling	McNerney
Schmidt	Michaud
Schock	Miller (NC)
Schweikert	Miller, George
Shuler	Moore
Shuster	Moran
Simpson	Murphy (CT)
Smith (NE)	Nadler
Smith (NJ)	Napolitano
Smith (TX)	Neal
Southerland	Olver
Stearns	Owens
Stivers	Pallone
Stutzman	
Sullivan	
Terry	
Thompson (PA)	
Thornberry	
Tiberi	
Tipton	
Turner	
Upton	
Walberg	
Walden	
Walsh (IL)	
Webster	
West	
Westmoreland	
Whitfield	
Wilson (SC)	
Wittman	
Wolf	
Womack	
Woodall	
Yoder	
Young (FL)	
Young (IN)	

Pascrell	Scott, David
Pastor (AZ)	Serrano
Payne	Sewell
Pelosi	Sherman
Perlmutter	Sires
Peters	Slaughter
Peterson	Smith (WA)
Pingree (ME)	Speier
Polis	Stark
Price (NC)	Sutton
Quigley	Thompson (CA)
Rahall	Thompson (MS)
Rangel	Tierney
Reyes	Tonko
Richardson	Towns
Richmond	Tsongas
Ross (AR)	Van Hollen
Rothman (NJ)	Velázquez
Roybal-Allard	Vislosky
Ruppersberger	Walz (MN)
Rush	Wasserman
Ryan (OH)	Schultz
Sánchez, Linda T.	Waters
Sanchez, Loretta	Watt
Sarbanes	Waxman
Schakowsky	Weiner
Schiff	Welch
Schrader	Wilson (FL)
Schwartz	Woolsey
Scott (VA)	Wu
	Yarmuth

NOT VOTING—7

Berman	Granger	Young (AK)
Engel	Meeks	
Giffords	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1512

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 179, not voting 12, as follows:

[Roll No. 260]

YEAS—241

Adams	Buchanan	DesJarlais
Aderholt	Bucshon	Diaz-Balart
Akin	Buerkle	Dold
Alexander	Burgess	Donnelly (IN)
Amash	Burton (IN)	Dreier
Austria	Calvert	Duffy
Bachmann	Camp	Duncan (SC)
Bachus	Campbell	Duncan (TN)
Barletta	Canseco	Ellmers
Bartlett	Cantor	Emerson
Barton (TX)	Capito	Farenthold
Bass (NH)	Carter	Fincher
Benishek	Cassidy	Fitzpatrick
Berg	Chabot	Flake
Biggert	Chaffetz	Fleischmann
Bilbray	Coble	Fleming
Bilirakis	Coffman (CO)	Flores
Bishop (UT)	Cole	Forbes
Black	Conaway	Fortenberry
Blackburn	Costa	Fox
Bonner	Cravaack	Franks (AZ)
Bono Mack	Crawford	Frelinghuysen
Boren	Crenshaw	Gallegly
Boustany	Culberson	Gardner
Brady (TX)	Davis (KY)	Garrett
Brooks	Denham	Gerlach
Broun (GA)	Dent	Gibbs

Gibson	Long	Rogers (AL)	Nadler	Ross (AR)	Stark
Gingrey (GA)	Lucas	Rogers (KY)	Napolitano	Rothman (NJ)	Sutton
Gohmert	Luetkemeyer	Rogers (MI)	Neal	Roybal-Allard	Thompson (CA)
Goodlatte	Lummis	Rohrabacher	Oliver	Rush	Thompson (MS)
Gosar	Lungren, Daniel	Rokita	Owens	Ryan (OH)	Tonko
Govdy	E.	Rooney	Pallone	Sánchez, Linda	Towns
Granger	Mack	Ros-Lehtinen	Pascarell	T.	Tsongas
Graves (GA)	Manzullo	Roskam	Pastor (AZ)	Sanchez, Loretta	Van Hollen
Graves (MO)	Marchant	Ross (FL)	Payne	Sarbanes	Velázquez
Griffin (AR)	Marino	Royce	Pelosi	Schakowsky	Visclosky
Griffith (VA)	McCarthy (CA)	Runyan	Perlmutter	Schiff	Walz (MN)
Grimm	McCaul	Ruppersberger	Peters	Schrader	Wasserman
Guinta	McClintock	Ryan (WI)	Peterson	Schwartz	Schultz
Guthrie	McCotter	Scalise	Pingree (ME)	Scott (VA)	Watt
Hall	McHenry	Schilling	Polis	Scott, David	Waxman
Hanna	McKeon	Schmidt	Price (NC)	Serrano	Weiner
Harper	McKinley	Schock	Quigley	Sewell	Welch
Harris	McMorris	Schweikert	Rahall	Sherman	Wilson (FL)
Hartzler	Rodgers	Scott (SC)	Rangel	Sires	Woolsey
Hastings (WA)	Meehan	Scott, Austin	Reyes	Slaughter	Wu
Hayworth	Mica	Sensenbrenner	Richardson	Smith (WA)	Yarmuth
Heck	Miller (FL)	Sessions	Richmond	Speier	
Heller	Miller (MI)	Shimkus			
Hensarling	Miller, Gary	Shuler			
Henger	Mulvaney	Shuster	Berman	Hirono	Sullivan
Herrera Beutler	Murphy (PA)	Simpson	Engel	Meeks	Tierney
Huelskamp	Myrick	Smith (NE)	Fattah	Reichert	Waters
Huizenga (MI)	Neugebauer	Smith (NJ)	Giffords	Stutzman	Young (AK)
Hultgren	Noem	Smith (TX)			
Hunter	Nugent	Southerland			
Hurt	Nunes	Stearns			
Issa	Nunnelee	Stivers			
Jenkins	Olson	Terry			
Johnson (IL)	Palazzo	Thompson (PA)			
Johnson (OH)	Paul	Thornberry			
Johnson, Sam	Paulsen	Tiberi			
Jones	Pearce	Tipton			
Jordan	Pence	Turner			
Kelly	Petri	Upton			
King (IA)	Pitts	Walberg			
King (NY)	Platts	Walden			
Kingston	Poe (TX)	Walsh (IL)			
Kinzinger (IL)	Pompeo	Webster			
Kline	Posey	West			
Labrador	Price (GA)	Westmoreland			
Lamborn	Quayle	Whitfield			
Lance	Reed	Wilson (SC)			
Landry	Rehberg	Wittman			
Lankford	Renacci	Wolf			
Latham	Ribble	Womack			
LaTourette	Rigell	Woodall			
Latta	Rivera	Yoder			
Lewis (CA)	Roby	Young (FL)			
LoBiondo	Roe (TN)	Young (IN)			

NAYS—179

Ackerman	Crowley	Jackson (IL)
Altmire	Cuellar	Jackson Lee
Andrews	Cummings	(TX)
Baca	Davis (CA)	Johnson (GA)
Baldwin	Davis (IL)	Johnson, E. B.
Barrow	DeFazio	Kaptur
Bass (CA)	DeGette	Keating
Becerra	DeLauro	Kildee
Berkley	Deutch	Kind
Bishop (GA)	Dicks	Kissell
Bishop (NY)	Dingell	Kucinich
Blumenauer	Doggett	Langevin
Boswell	Doyle	Larsen (WA)
Brady (PA)	Edwards	Larson (CT)
Braley (IA)	Ellison	Lee (CA)
Brown (FL)	Eshoo	Levin
Butterfield	Farr	Lewis (GA)
Capps	Filner	Lipinski
Capuano	Frank (MA)	Loebsack
Cardoza	Fudge	Lofgren, Zoe
Carnahan	Garamendi	Lowey
Carney	Gonzalez	Lujan
Carson (IN)	Green, Al	Lynch
Castor (FL)	Green, Gene	Maloney
Chandler	Grijalva	Markey
Chu	Gutierrez	Matheson
Cicilline	Hanabusa	Matsui
Clarke (MI)	Hastings (FL)	McCarthy (NY)
Clarke (NY)	Heinrich	McCollum
Clay	Higgins	McDermott
Cleaver	Himes	McGovern
Clyburn	Hinchee	McIntyre
Cohen	Hinojosa	McNerney
Connolly (VA)	Holden	Michaud
Conyers	Holt	Miller (NC)
Cooper	Honda	Miller, George
Costello	Hoyer	Moore
Courtney	Inslee	Moran
Critz	Israel	Murphy (CT)

Rogers (AL)	Nadler	Ross (AR)	Stark
Rogers (KY)	Napolitano	Rothman (NJ)	Sutton
Rogers (MI)	Neal	Roybal-Allard	Thompson (CA)
Rohrabacher	Oliver	Rush	Thompson (MS)
Rokita	Owens	Ryan (OH)	Tonko
Rooney	Pallone	Sánchez, Linda	Towns
Ros-Lehtinen	Pascarell	T.	Tsongas
Roskam	Pastor (AZ)	Sanchez, Loretta	Van Hollen
Ross (FL)	Payne	Sarbanes	Velázquez
Royce	Pelosi	Schakowsky	Visclosky
Runyan	Perlmutter	Schiff	Walz (MN)
Ruppersberger	Peters	Schrader	Wasserman
Ryan (WI)	Peterson	Schwartz	Schultz
Scalise	Pingree (ME)	Scott (VA)	Watt
Schilling	Polis	Scott, David	Waxman
Schmidt	Price (NC)	Serrano	Weiner
Schock	Quigley	Sewell	Welch
Schweikert	Rahall	Sherman	Wilson (FL)
Scott (SC)	Rangel	Sires	Woolsey
Scott, Austin	Reyes	Slaughter	Wu
Sensenbrenner	Richardson	Smith (WA)	Yarmuth
Sessions	Richmond	Speier	

NOT VOTING—12

Berman	Hirono	Sullivan
Engel	Meeks	Tierney
Fattah	Reichert	Waters
Giffords	Stutzman	Young (AK)

□ 1519

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1217 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPEALING PREVENTION AND PUBLIC HEALTH FUND

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1217.

□ 1520

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1217) to repeal the Prevention and Public Health Fund, with Mr. CONAWAY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Section 4002 of PPACA establishes a Prevention and Public Health Fund, which my bill, H.R. 1217, would repeal. The section authorizes the appropriation of and appropriates to the fund from the Treasury the following amounts: \$500 million for FY 2010; \$750 million for FY 2011; \$1 billion for FY 2012; \$1.25 billion for FY 2013; \$1.5 billion for FY 2014; and for FY 2015 and every fiscal year thereafter, \$2 billion.

The Secretary of Health and Human Services has the full authority to use this account to fund any programs or activities that she chooses under the Public Health Service Act without having congressional input, approval or oversight. HHS has already made disbursements from the fund, spending \$500 million last year, and she has \$750 million available for her to spend this year to fund prevention activities, the Nation's public health infrastructure, workforce expansion, increasing immunizations, and preventing a variety of diseases.

The goals of some of these disbursements are laudable, but we must remember that this funding is over and above the amount that Congress has already authorized and appropriated for these activities. There have also been questionable projects that have been financed with these funds, including "placing signs directing people to bike paths."

When Secretary Sebelius testified before my subcommittee, I asked her whether she needed further congressional approval to spend the money from the section 4002 fund, and she answered no.

I then asked her if she could fund activities above and beyond the level Congress appropriated, and she stated yes.

This should concern every Member that we have created a slush fund from which the Secretary can spend without any congressional oversight or approval. No one here can tell us how this funding will be used next year or 5 or 10 or 20 or 50 years from now. We can't predict how the money will be spent—and worse, we can't even influence it.

I would suggest to my colleagues that, if you wanted more funding to go towards smoking cessation or to any other program, the health care law should have contained an explicit authorization, because you are not guaranteed that a dime of the money in this fund will go to your particular activity.

By eliminating this fund, we are not cutting any specific program or activity. I am not against prevention and

wellness. This is not what this is about. This is about reclaiming our oversight role of how Federal tax dollars should be used.

I urge support for my bill, H.R. 1217. I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, this bill represents the Republicans' newest line of attack to disrupt, dismantle, and to ultimately destroy the Affordable Care Act. Today, they are doing so by sacrificing longstanding bipartisan policies to push a narrow partisan ideology.

For many years, Republicans have joined with Democrats in supporting programs to prevent disease, to promote health and, in turn, to cut health care costs. But today, the House will vote to end funding for the first and only Federal program with dedicated, ongoing resources designed to make us a healthier Nation.

Every State in the Union is already benefiting from the resources made available from the fund to fight chronic and costly conditions, such as obesity, heart disease and diabetes. Repealing the prevention fund is a blow against seniors. In States like California, Michigan, Iowa, Maine, North Carolina, and Massachusetts, they are using these funds to train personal home care aides who assist the elderly with Alzheimer's disease and other disabling conditions.

Terminating the prevention fund is not only extremely shortsighted; it will also prove to be fiscally irresponsible. The return on this kind of upfront investment—targeted resources to help keep people healthy for as long as possible—will over time save precious health care dollars.

We need to preserve the prevention fund because it can serve as a cornerstone for a health care system that finally recognizes that preventing illnesses is as important as treating them. Until now, prevention has too often been just a mere afterthought.

American families support prevention. They want programs to educate seniors to use preventive health services, such as mammograms and colonoscopies, which can help extend their lives; and they want programs that focus on preventing childhood obesity and diabetes, which will help their children to grow up healthy and strong. The American people want us to start working together to solve the real problems facing our Nation.

I urge my colleagues to oppose this partisan and divisive legislation.

Mr. PITTS. Mr. Chairman, I yield 3 minutes to the distinguished vice chairman of the subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman for yielding.

Mr. Chairman, I do rise in support of H.R. 1217. The bill, as we have already heard, repeals the public health slush fund that was included in the Patient Protection and Affordable Care Act, which was passed just a little over a year ago.

This fund, called the Prevention and Public Health Fund, is almost \$18 billion, which accounts for the next 8 fiscal years, and the Secretary of Health and Human Services gets to spend this money on any program that he or she deems worthy. What the money will be used for and how it will be used are, essentially, unknowns. Neither this Congress nor subsequent Congresses have any earthly idea.

It is yet, once again, an abdication of our authority here in the United States Congress. It is an abdication of power in deference to the executive branch. If that's what people think we were sent here to do, to simply carve off greater and greater pieces of our authority and hand it over to the White House, then I hope I'm wrong in that; but over and over again, with the health care bill, with the financial reg bill, it seems like that is the mantra here. It does put way too much discretion in the hands of the Secretary of the Department of Health and Human Services.

□ 1530

We've got a predicted shortfall in the Nation's health care provider workforce. Some of this money is going to go for scholarships, but it sets up a big problem. Under the Public Health Fund, some of those same students could receive a scholarship for 1 year, only to find that the Secretary has bigger and better things to spend it on next year. Maybe there's a new bike path that needs a sign, and that student would find their education unfunded because all of the discretion rests with the Secretary.

Now, just a moment ago, the ranking member of the full committee stood up and said that it seems like all the Republicans want to do is defund and remove the Affordable Care Act. Well, I appreciate his noticing, because, Mr. Chairman, that is what the election of November 2, 2010, was all about. We were elected to come here and do that work for the American people.

And the duplication contained within the slush fund, the ranking member talked about smoking cessation. That's a good idea. I believe in that. I lost two parents due to tobacco-related illness. But wait a minute. What about the duplication? When the ranking member was chairman last year, last Congress, he created the Center for Tobacco Products at the Food and Drug Administration. We funded that lavishly with a brand-new tax, and now we're going to come back and fund it yet again with this public health slush fund?

The ranking member asked about what programs we wanted to cut. Real-

ly, it's a question of do we want to be accountable to the American people who elected us here to do this job. They sent us here to ensure their money was spent responsibly and that every penny would be accounted for and justified before being spent. With the current state of the economy, Mr. Chairman, I'm not sure how the American people feel about the Secretary choosing to spend money on signs to direct people to bike paths. I know how they would feel about it in my district.

The CHAIR. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman 30 additional seconds.

Mr. BURGESS. In this law that was signed in the East Room of the White House just a little over a year ago, section 4002 takes from Congress the oversight of spending, and it becomes a blank check for the Secretary to do with as she wishes without any other input from Congress. By doing that, it takes that authority away from the American people, because we are the closest contact the American people have with their Federal Government. And by taking us out of the equation, guess what, Madam Secretary? You've got a blank check. It's all yours.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank the ranking member of my subcommittee for yielding me time.

Mr. Chairman, I rise in strong opposition to H.R. 1217, a bill that would defund a key strategic investment in our Nation's long-term fiscal and physical health, the Prevention and Public Health Fund. Simply put, this fund is a critical effort to make our Nation healthier and, in turn, to bring down health care costs.

This misguided bill would return our Nation to a system of "sick care," a system that hasn't worked, rather than one focused on health and wellness. That's something we can't afford to do. We all know that health care costs are rising at an unsustainable rate. In fact, the Republican majority has cited these costs as a reason to propose ending Medicare as we know it, by turning it into a voucher program and by whacking away at poor people's health care by block-granting Medicaid.

But one of the key drivers in entitlement spending growth is chronic disease, the exact problem addressed by this prevention fund. Yet this bill shortsightedly cuts back our efforts to reduce chronic illness and promote wellness programs.

In California, we are putting these funds to work to slow the alarming rise in obesity rates, to train our next generation of public health professionals, to curb our tobacco use and improve our capacity to respond to disease outbreaks.

At a time when counties have laid off thousands and struggled to maintain

essential public health services, the need for this fund becomes even more critical. That's why numerous local governments and national organizations, including the National Association of Counties and the American Public Health Association oppose this shortsighted bill.

Furthermore, the fund is a sound investment. Trust for America's Health Research has shown that investments in proven, community-based programs to increase physical activity, to improve nutrition, and to prevent tobacco use could save the country more than \$16 billion annually within 5 years. This is a return of over \$5 for every dollar invested.

Not only do these programs add to our constituents' quality of life, but it can also increase their economic output by keeping them healthy and in the workforce.

These are some of the reasons I stand with these folks and urge a "no" vote.

Mr. PITTS. Mr. Chairman, at this time I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), who is on the Health Subcommittee.

Mrs. BLACKBURN. Mr. Chairman, I do rise in support of H.R. 1217. I think this is an important bill for us to bring forward. And I want to thank the chairman for bringing it forward and for helping to lead this Congress in the repeal of ObamaCare. It is a message that the American people sent loud and clear last November. They do not want to see government coming in and controlling their health care choices. That is something that should be made by individuals, their family members, and their physicians and not by the Federal Government.

I have found it so interesting, as we have been through the hearings on this and through the markups, that we continue to hear, well, this \$17³/₄ billion, well, it's just not that much money. Isn't that amazing that in the middle of a CR crisis and a debt crisis that we are hearing such rhetoric?

I think it is amazing that we are being told, and through what we know—yes, and some of us did read the bill and so we do know what was in that bill—that the Secretary can spend this however she wants to. She does not have to come back to Congress another time to get permission for spending this slush fund. And isn't it amazing that some of our colleagues think that a fund will make people healthier? Money doesn't make people healthier. We all know that.

And isn't it amazing that in the middle of all of this, we are out of money at the Federal level? We all know that the cost of health care is rising, and we know that one of the reasons that the cost of health care has risen so much in the last few years is government intervention. Those are some of the known components that we have.

I think it's important to realize too, Mr. Chairman, eliminating the slush fund does not cut any specific program. And proponents of this fund want to claim that we're cutting, we're cutting, we're cutting. What we're doing is saying, no, you can't allow the Secretary to have control and just give it out. This needs to go through the normal, regular funding processes. That is very important. And it's time that we realize we have to do that.

Yes, let's move forward. Yes, let's repeal ObamaCare. Yes, let's get it off the books. Let's do everything we can to get the Federal Government out of your pocket, out of the middle of your health care decisions. Let's make certain that those choices go to individuals and to their physicians and that they are not going to be dictated by the Secretary of Health and Human Services, who has a slush fund of \$17.75 billion to spend as she or he sees fit over the next 10 years.

We need to be changing the way health care is going to work, and we need to do it with putting individuals in charge.

Mr. PALLONE. Mr. Chairman, I now yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Here they go again. The Republicans failed in their efforts to repeal the Affordable Care Act, and now they are reversing course and trying to cripple implementation by attacking individual provisions of the law.

The United States has a health care system designed to treat the sick, not to prevent disease from occurring in the first place. The Prevention and Public Health Fund is a crucial component of the health reform law's effort to remedy that weakness and transform today's sick care system into a prevention-focused health system.

The Prevention and Public Health Fund will avert future illness, save lives and restrain the rate of growth of health care costs. It's a dedicated investment in community prevention and is a much-needed down payment on the health and economic well-being of all Americans.

Federal investments from the Prevention and Public Health Fund have already begun to address improvements in the Nation's health status by supporting essential and proven prevention activities, such as immunization—immunization and tobacco cessation.

The Prevention and Public Health Fund holds great promise to improve the capacities of State and local health departments to protect communities from health threats through the use of technology. It will increase numbers of highly skilled scientists and other public health professionals.

I want to be very clear, and you've heard it yourselves. This is simply another attempt by Republicans to defund the Affordable Care Act and

stop its implementation. I urge my colleagues to vote against this bill to repeal the Prevention and Public Health Fund.

□ 1540

Mr. PITTS. Mr. Chairman, the gentlelady kept saying it will, it will, it will. The simple fact is we don't know where the money is going to go.

I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY), who is a member of the subcommittee.

Mr. GINGREY of Georgia. I thank my chairman for yielding.

Mr. Chairman, at least some Members of this body can remember ads back years ago touting the miraculous benefits of Sal Hepatica and Carter's Little Liver Pills. Probably all of the Members can remember, because it was just a year ago, Andy Griffith touting the new health care reform bill. And those of us who are on Medicare remember getting those glossy mail outs, very expensive, slick-looking ads touting the benefits that ObamaCare has brought to Medicare, even though the new bill, the new entitlement creation took something like \$550 billion out of Medicare, and yet they had the audacity to send these ads out, these fliers saying that it improved Medicare. ObamaCare improves Medicare; go figure. Well, that is a concern here. That is why I am standing in strong support of Chairman PITTS' bill, H.R. 1217.

The Prevention and Public Health Fund is established under the Patient Protection and Affordable Care Act, ObamaCare, for prevention, wellness, and public health activities authorized in the Public Health Service Act and administered by Secretary Sebelius, the Secretary of Health and Human Services. But she can use those funds in any way she deems appropriate as long as she says it is for public health.

Can it pay for political TV advertising for President Obama ahead of the 2012 elections? Absolutely she could. Nothing could stop her; the Congress couldn't as long as she deems it is necessary for public health. Pay for thousands of signs in communities all across the country declaring that PPACA is a success, nothing could stop this Secretary, or any Secretary from doing so, as long as they call it for public health. No, not even Congress.

And as the chairman said, Mr. Chairman, the amount of \$17 billion, almost \$18 billion, is just a down payment, if you will, because in perpetuity \$2 billion a year continues to be appropriated. And you do that with a bill that quite honestly this Member thinks will be declared within a year and a half, hopefully sooner, unconstitutional. So we are spending money that is absolutely unnecessary at a time when we are sitting here with \$14 trillion worth of debt and listening to the Secretary of the Treasury say

within 6 weeks we are going to have to raise the debt ceiling so we can borrow more money. And here we are spending \$17 billion, with a "B," and that is not just chump change by any stretch of the imagination.

Last year in 2010, the CDC actually spent some of \$500 million to promote an increase in the excise tax on tobacco to the States; basically saying to the States, you need to make sure you raise taxes on tobacco.

The CHAIR. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. I thank the chairman for yielding me this additional time.

Let me just conclude that clearly this is a necessary bill to let Congress once again have the opportunity to control spending. That is our responsibility. That is our constitutional right. That's what the American people want. I think the chairman is absolutely right with this bill, and I fully support it. I urge all of my colleagues to do so as well.

Mr. PALLONE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking Democrat on the Labor, Health Appropriations Subcommittee.

Ms. DELAURO. I urge my colleagues to vote against this bill. It will cost money and endanger the health of the American people.

We included the Prevention and Public Health Fund in the Affordable Care Act because we know preventive health care reduces health care costs. It dramatically increases Americans' quality of life. Preventable causes of death such as tobacco smoking, poor diet, physical inactivity, and the misuse of alcohol have been estimated to be responsible for 900,000 deaths annually, nearly 40 percent of total yearly mortality in the United States. Further, 7 in 10 deaths in America are from chronic diseases. And by 2020, the U.S. may spend \$685 billion a year on these chronic diseases. This fund works to bring down these numbers and to help Americans live longer, healthier lives.

Preventive care is fiscally responsible. One example that would be impacted by this misguided legislation is vaccines. Estimates indicate that we save up to \$400 for every illness averted by vaccination. And that does not even take into account the costs of further transmission in the case of a serious public health epidemic.

By supporting our public health workforce and building health infrastructure, by promoting exercise, reducing tobacco use, the Prevention and Public Health Fund will go a long way towards reducing the surging costs of health care for Americans families and for our Nation. It is shortsighted folly to repeal this fund now, especially when you consider all the oil subsidies

and breaks for corporate lobbyists that the majority has included in their budget. We should not be putting political ideology before public health. I urge my colleagues to oppose this bill.

Mr. PITTS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a member of the subcommittee.

Mr. LANCE. Mr. Chairman, I rise today in support of H.R. 1217. As members of the Energy and Commerce Health Subcommittee, my colleagues and I have participated in a number of hearings that have explored the fiscal impact of the new health care law.

These hearings have revealed the existence of several programs and mandatory spending provisions contained in the law. Health and Human Services Secretary Sebelius said during testimony that she had the sole discretion over billions of dollars in direct, unlimited mandatory spending under the law. This means without any congressional hearings, without any language in appropriations bills, and without any oversight, the executive branch has been granted unprecedented spending authority.

Today's legislation, H.R. 1217, will repeal one of those little-known programs called the Prevention and Public Health Fund and subject it to the annual appropriations process. The aim may be worthy, Mr. Chairman, but this should be subjected to the annual appropriations process. This action, according to the Congressional Budget Office, will save American taxpayers \$16 billion over the next 10 years.

Mr. Chairman, as we all know, the Federal Government is \$14 trillion in debt. Our deficit for this year will be at least \$1.5 trillion. We must get Federal spending under control. We can start by repealing programs that run afoul of congressional oversight. I urge Members to support H.R. 1217.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I am frankly stunned to have to come to the House floor today to talk about a bill that defunds the largest investment we have ever made in our population's health: the prevention and public health trust fund. The trust fund specifically says what it is going to be used for: reducing tobacco use, expanding opportunities for recreation and exercise, bringing healthier foods like fruit and vegetables to communities in need; and helping kids to eat healthier meals at school.

All of us who have been involved in health issues for many years know that the biggest public health epidemic that we have right now is obesity. If we don't do anything to reverse these trends, then for our children and our children's children, we are not going to have good outcomes. Seventy-five percent of all health care costs are spent

on the treatment of chronic diseases, many of them preventable. Our Nation's youth are confronting unprecedented levels of obesity, placing them at ever-increasing risk for those very same chronic health conditions. I think it is pathetic that we have children in this country who only have access to playgrounds at McDonald's with their 8,000 playgrounds in this country. And so what this trust fund does is it supports research that examines evidence-based practices relating to prevention, including the translation of interventions from academic settings to real-world settings.

□ 1550

This is not, as the opponents of this trust fund say, a slush fund or something that is simply willy-nilly spending. Instead what it is, it's evidence-based and it's looking at ways that we can prevent childhood obesity and nutrition, reduce tobacco use, and expand opportunities for recreation and exercise.

This is something all of us can get behind. This is something we should all support. I am sorry that it has become caught up in this partisan web, because frankly we should all support this for our kids.

Mr. PITTS. Mr. Chairman, I have the copy of the law the gentlewoman referred to. She says the trust fund refers to spending for fresh food and vegetables and other things. There's none of that in the language. I would welcome her to point it out.

I reserve the balance of my time.

Mr. PALLONE. I yield 1½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, H.R. 1217 is an attack on public health and disease prevention in this country. The prevention fund is our first national proactive, strategic commitment to changing the focus of our health care system from one of treatment to one of keeping Americans healthy.

This change in focus is essential, because keeping people healthy improves the quality of their lives and that of their family, and it is our best means of controlling preventable chronic diseases, which account for seven out of 10 deaths and 75 percent of our Nation's annual health care costs, totaling \$1.7 trillion.

If H.R. 1217 passes, we lose a critical opportunity to control health care costs and we lose the opportunity to reduce unnecessary suffering and death from preventable chronic diseases. Adding to the assault of H.R. 1217 on public health and prevention is the FY 2011 continuing resolution which cuts CDC's budget by over \$700 million.

The result of these proposals is that millions of Americans will needlessly continue to suffer from preventable chronic diseases, costly treatments and

costly hospitalizations. Prevention saves lives and prevention saves money. Defeat H.R. 1217 and continue to build a healthier America.

Mr. PITTS. I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman and colleagues, I cannot believe that we are here debating a bill that would repeal the Prevention and Public Health Fund. At a time when we should be championing legislation to strengthen the health and well-being of Americans and this Nation, my colleagues on the other side of the aisle are doing the exact opposite with H.R. 1217.

Currently, we have tens of millions of hardworking Americans who suffer and some die from preventable diseases, and without prevention and public health efforts, the very services this fund was created to support, tens of millions more will be affected in the future.

With so much at stake—and we are talking about human lives—we should not be here fighting about the merit and value of keeping the Prevention and Public Health Fund in place. We would do better for our country in terms of health and savings if we were instead discussing increasing it.

If my colleagues on the other side of the aisle are not moved by the disastrous human impact, then perhaps they will be moved by the equally disastrous economic impact that it will have, because not having prevention and effective public health measures in place costs money, and a lot of it.

On the other hand, the Journal of Health Affairs reported that increasing the use of proven preventive services from their current levels to 90 percent would result in \$3.7 billion in savings in just 1 year. And we know from a Joint Center study that reducing health disparities, which this fund would help to do, could save as much as \$1.24 trillion in direct and indirect medical costs in just a 3-year period.

This bill to repeal the Prevention and Public Health Fund is not just misguided legislation, it is harmful and unjust. It is contrary to our values and a disrespect of the value of human life. It will not save money. In fact, it will cost this Nation more, both in human health and wellness as well as in actual health care spending.

I strongly urge my colleagues to vote to protect all Americans and the moral standing of this country by voting “no” on H.R. 1217.

Mr. PITTS. Mr. Chairman, may I ask how much time is remaining.

The CHAIR. The gentleman from Pennsylvania controls 15¼ minutes, and the gentleman from New Jersey controls 17½ minutes.

Mr. PITTS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Chairman, it's been 100 days of the Republicans' no jobs agenda and they've chosen to devote time and energy to bills and resolutions that would defund the Affordable Care Act, eliminate mandatory support for preventive care, and abolish any and all Federal support for Planned Parenthood. House Republicans know that these measures won't be approved by the Senate and would never be signed by the President. It's just another political gesture at a time when we should be working to create jobs and promote economic recovery.

The bill on the floor this week, H.R. 1217, would abolish the affordable care law's Prevention and Public Health Fund. This is a fund that prevents disease, that detects it early, and that helps manage conditions before they become severe. All empirical data, all experience and plain old common sense informs us that prevention and early treatment not only save lives, they also save money. In fact, the Prevention and Public Health Fund addresses one of the major deficiencies in our approach to health in America, and that's preventing illness before people get sick.

The Republican assertion that mandatory funding, which I've heard over and over again today and also in the Health Subcommittee, that this is somehow mandatory funding and it's unprecedented, that's completely not true. Medicaid and Medicare are funded with mandatory support, and there are a lot of other programs within our committee's jurisdiction and in Congress in general that are funded through mandatory funding.

I don't know how many times I'm going to come to the floor and hear about repealing the health care reform. I understand tomorrow there's going to be an enrolled bill that goes along with the CR that's going to defund the whole Affordable Care Act. Here today we're going to defund one piece, the prevention fund. Tomorrow we've got another enrollment resolution that defunds the whole bill. Again, another resolution tomorrow to defund Planned Parenthood.

How many times are we going to keep voting on the same thing over and over and over again? Meanwhile, I don't see a single piece of legislation coming to this floor that addresses jobs or the economy. When I go home, people want to know what we're doing about the economy. They know that their health care reform has passed, that they're benefiting from it, that it's gradually unfolding before them. They don't want us to continue to debate the same thing over and over again. Repeal, defund, and no suggestion about what you would do to replace it either, by the way.

I reserve the balance of my time.

Mr. PITTS. Madam Chair, I continue to reserve the balance of my time.

Mr. PALLONE. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the distinguished gentleman from New Jersey and let me thank the chairman of the committee as well.

Madam Chairwoman, we just have a disagreement. I would venture to say that the bulk of sick people in America and others who every day struggle to maintain their health so they can provide for their families would vigorously disagree as well.

I think there are two points that I would like to make, and that is that what we lose when we repeal this Affordable Care Act and the funding of it is more than the glory that we get from going home and bragging that we have undermined America's health care system, or some would say that we have taken away ObamaCare. Preventative care is an unbelievable plus that this bill has generated.

I went to one of my emergency centers, a new one, that is crafted under the public health system. It is to take the load off the emergency centers, the emergency centers that ambulances go to. What an amazing sight, of people coming with broken toes and fingers and feet and bruises, maybe the beginning of heart disease and other problems. But it was a lower level emergency room, not particularly preventative care but the kind of intervention that can save millions of dollars.

□ 1600

I want to go even lower than that—and I don't use that terminology—but I want people to be able to go and check on their cholesterol, check on their high blood pressure, understand whether they have sickle cell, understand what stage of diabetes they are in or understand what stage of heart disease they are in in a preventative care cycle. And everyone knows that economists document how many billions of dollar that will save. How can we vote against that?

And then secondarily, there are two elements that the Affordable Care Act provides that is being repealed; research and training for health professionals that we absolutely need—whether you're in the private care system or not—and then of course protecting our most precious resource, and that is our children. If you can raise a child in a healthy manner in terms of nutrition, in terms of immunization, in terms of regular doctor visits, then you are able to save billions of dollars.

This is wrong, headed in a wrong direction. Many of us are fasting. I said on this floor, we must pray because this is the wrong direction to go.

Madam Chair, I rise today in opposition to H.R. 1217, which would repeal the provision of the Patient Protection and Affordable Care Act

("Affordable Care Act") that established the Prevention and Public Health Fund, a fund which serves as a great stride toward turning our "sick-care" system, where we focus on treating the injured and ill, into a true "healthcare" system that puts focus on keeping the population well.

It is because of all that the Prevention and Public Health Fund accomplished in its first year, the overwhelming support the Fund has received from hundreds of organizations, and how essential prevention is to reducing the overall cost of healthcare for the American people, that I oppose the repeal of this Fund.

Despite my general opposition to this bill, yesterday in the Rules Committee meeting, I offered amendments to H.R. 1217, in order to remind this chamber and emphasize to the American people the importance and benefits of preventative care for the American public.

My amendments reaffirm to the American people that we as lawmakers understand the importance of preventative care by stating that it is the sense of Congress that prevention of disease and injury is overwhelmingly effective in improving our healthcare system and keeping that system affordable. Furthermore, preventative health care is an effective means for detecting and treating illnesses before they become serious and life threatening.

My amendments also make us as lawmakers accountable to the American people who have been and would be benefitting from the services and support provided through this fund. It gives notice to the public, through the Department of Health and Human Services' website, of the rescission of funds and the amount rescinded, increasing government's accountability.

I think most of my colleagues on both sides of the aisle would agree with me, as evidenced by the intense debate at the end of last week, when I say that we must address our nation's spending and growing deficit. However, it is of great concern to me that my friends on the other side of the aisle are attempting to do so by cutting cost-saving programs that are also essential to the health and wellbeing of Americans. This attempt, through H.R. 1217, to defund this essential program which was created under the Patient Protection and Affordable Care Act is of particular concern.

Today's youth may be the first generation to live shorter and less healthy lives than that of their parents, and this is largely due to increased rates of diseases and conditions which are preventable with proper and consistent healthcare. 75% of our country's healthcare costs are attributed to treatment of chronic diseases, most of which are preventable. However, less than 5% of our healthcare spending goes towards preventing these diseases. Loss of productivity in the workforce attributed to chronic disease is estimated to cost the United States over \$1 trillion each year.

With that being said, the 111th Congress, with the intent of seeing these grim statistics changes, appropriated \$16.5 billion to be used, over the next ten years to support preventative care and research. Since its establishment the Fund has already begun to strengthen the infrastructure of our healthcare system on the state and national level.

The Prevention and Public Health fund, though it has only been in existence for one year, has already been used for:

Programs to promote tobacco control and implement tobacco cessation services and campaigns;

Obesity prevention which directly decreases risk for Diabetes;

Improving nutrition and access to fresh fruits and vegetables;

Increasing opportunities for recreational and physical activity;

HIV prevention;

Support of clinical and community-based disease prevention; and

Bolstering the health workforce by increasing health care personnel.

Money towards finding health solutions, rather than treating health problems, comes back to society in terms of increasing productivity, creating jobs, and reducing Medicare, Medicaid, and overall healthcare costs. With just a \$10 per person investment towards improving community based activity, nutrition, and other preventative measures would create a return of \$56 per person within only 5 years. That translates to a savings of \$5.60 for every \$1 invested in preventative health care. Most importantly, cost benefits extend beyond government to both American businesses and families; providing savings and an improved quality of life.

As a result of the Prevention and Public Health Fund, Texas received \$6 million last year that went towards creating committees, testing facilities, laboratories, and training centers which brought over \$2 million to the health prevention capacity of Houston alone.

Congress must maintain that the prevention of illness, the saving of lives, and the securing of a healthy public are top priorities, and that prevention is an undeniably effective means to achieve these ends. My amendments will do just that.

The total loss of \$16 billion of funding for prevention efforts, an effective total eradication of our country's prevention program, will be unfortunate, and thus I urge my colleagues not to lose sight of importance of the Prevention and Public Health Fund's accomplishments and goals. Including:

The improvement of state and local health departments, giving them the capacity to respond to infections, natural disasters, and terrorist threats;

Creating a strong and healthy workforce that will be competitive in the global market; and

Saving families, businesses, and the government money, opposed to simply cutting costs.

While I do not support what H.R. 1217 purports to do, I urge my colleagues to join me in support of these essential changes to H.R. 1217 to acknowledge the need for preventative care and hold ourselves accountable for what would most certainly be a great loss to the public.

Mr. PALLONE. Madam Chairwoman, I yield myself the balance of my time.

Madam Chair, we are simply never going to bend the cost curve on health care or improve America's quality of life until we focus much more on disease prevention, and that's what this prevention fund is for.

I always thought that both Democrats and Republicans wanted to keep people out of the hospital, off of disability, leading productive lives, and trying to prevent diseases before they occur. I never thought this was a partisan issue. Because we need to have a system of well care, not sick care, if we're really going to have success in saving money and bending the cost curve.

So I don't understand why my Republican colleagues so many times in the committee would talk about prevention, but all of a sudden now they want to abolish the prevention fund. It just doesn't make any sense.

Before the Affordable Care Act, prevention activities were chronically underfunded, accounting for only 2 to 4 percent of the national health care expenditure by some estimates. Considering that chronic diseases eat up an estimated 75 percent of our \$2 trillion in annual health care spending, to spend an additional \$2 billion for wellness and prevention is a wise investment.

Since the Affordable Care Act was enacted, every State has benefited from the prevention and wellness fund. This year, over \$750 million in grants were dispersed—building on a \$500 million investment last year—and repealing this program would mean putting the brakes on investments that are already beginning to make a difference.

In my home State of New Jersey, many of my constituents have benefited from over \$15 million in prevention and public health grants, funding for such things as HIV prevention, tobacco cessation, mental health care, critical public health infrastructure improvements, as well as support for primary care training and workforce development.

I could do the same, I have a sheet here—I'm not going to read it, but I have a similar sheet for Mr. PITTS and Dr. BURGESS and others on the Republican side who specified these are the types of grants that are being made available in their States.

I simply don't understand. There are 600 national, State, and local organizations supporting the fund as a primary vehicle for making public health investments that would create jobs and help lower long-term health care costs. The Energy and Commerce Committee and the Health Subcommittee have heard me many times say that we can never calculate the huge savings that come from prevention.

We had the CBO in the other day and I said to the CBO, why don't you calculate prevention, because we would save trillions of dollars? Well, they don't do it. But the bottom line is we all know that prevention saves money. If you concentrate just on chronic diseases, this law helps move the Nation from a focus on sickness and disease to one based on wellness and prevention.

And if you take away this critical new investment in prevention, it's going to be harmful to the health of Americans now and also in the future.

Madam Chairwoman—and I will address this directly to my Republican colleagues—in the last few weeks, when we had hearings in the Health Subcommittee on the various measures that the Republicans wanted to defund—and I know they want to repeal the whole bill and I know they want to defund everything, and that's what they're going to try to do again tomorrow. I understand all that. I totally disagree with it, but I understand that they're against the Affordable Care Act. They want to defund it, they want to do whatever they can to get rid of it.

But it just seems to me that to pick the one fund that deals with prevention is really the worst thing you could have done today because what we're trying to do with the Affordable Care Act—and what I've sought to do in everything that we've done in the subcommittee since I've been on it—is to really stress prevention because we can avoid people going to hospitals, we can avoid people going to nursing homes. They can lead a better quality of life and we save money.

So I just think it is really unfortunate today that after so many years of a bipartisan effort to deal with prevention, to fund prevention issues, that this is the one fund that's actually picked on today to come to the floor. I think it's really a horrible thing that that is the case.

So I would urge my colleagues to vote against this resolution because if you really believe in prevention, if you really believe that we can make a difference in making people well and preventing them from getting sick, then you should vote against this bill.

Madam Chairwoman, I yield back the balance of my time.

Mr. PITTS. Madam Chair, it's time for a fiscal reality check. The Federal Government is now borrowing 42 cents of every dollar it spends. Washington is spending more than \$1 of every \$4 this country produces and we are facing a third straight year with a \$1 trillion deficit. Yet, when the subcommittee voted on this straightforward bill to strip billions in unaccountable spending from the health care law based on the simple premise that Congress should fund prevention and wellness activities by prioritizing them in the regular annual spending process, the response from the other side of the aisle was to say, we're not broke. Madam Chair, I beg to differ.

Our debate today is not about the virtue of preventive health care and wellness programs. I support prevention. The real question is whether our Nation can afford to authorize the Secretary of Health and Human Services to spend nearly \$18 billion over and

above what Congress appropriates over the next decade on programs of the administration's choosing.

H.R. 1217 does not cut a single program because this fund does not guarantee funding for any particular program. Every Member who supports this fund on the assumption that it provides additional money for a project they deem worthy should understand that no one knows where this money will be spent. Perhaps it could be used to combat obesity, or for cancer screenings, or perhaps it will be used to post signs about the location of bike paths. The point is, Congress abdicates our authority and responsibility for investing in prevention by handing a perpetual blank check to the Secretary.

Governing and solving our fiscal problems is difficult; it requires hard choices. It is easy to spend. The easy choice was to assign mandatory advanced appropriations to these initiatives rather than making them a budget priority. But it's only easy until the bill is due and the credit card is maxed out. Well, the bill is due and the credit card limit is approaching fast. Congress needs to reassert its role and set spending priorities rather than give the executive branch unfettered power to spend as it wishes.

I urge my colleagues to support the bill.

Mr. LANGEVIN. Madam Chair, I rise to express my strong support for the Prevention and Public Health Fund and to ask my colleagues to reconsider the elimination of a program whose sole purpose is not only to improve the overall health of Americans, but to help "restrain the rate of growth in private and public sector health care costs."

If my colleagues across the aisle want to effectively cut spending and fix our long-term deficit, then I would remind them that health care costs are one of the biggest drivers of federal spending; and chronic diseases, such as heart disease, cancer, stroke and diabetes, account for 75 percent of the cost of care. If we invest in preventing these chronic diseases now, we could save our health care system hundreds of billions of dollars, reducing the costs to Medicare and Medicaid and saving countless lives.

Instead, we are taking a penny-wise and pound-foolish approach by considering H.R. 1217, which repeals investments in prevention and primary care services to combat mental illness, obesity, cancer, as well as HIV and other acquired infections. Rhode Island has already received over \$800,000 to support primary care, mental health services and health information technology that will improve the health of Rhode Island families before they are forced to seek treatment in the Emergency Department.

Our nation cannot afford to cut now and worry about the consequences later. That approach has only earned our country the unfortunate distinction of being the nation with the highest adult obesity rate in the developed world with the highest mortality rates for various preventable chronic diseases. It has also done nothing to reign in our long-term deficits.

Further, we are almost 100 days into the 112th Congress and Speaker BOEHNER has not put forward a single bill to create jobs. If my colleagues in Congress are serious about balancing the budget and creating a better health care system, then I hope we will move on from trying to dismantle the health reform law and focus on job creation. I ask my colleagues to oppose this measure and bring up a bill that will put Americans back to work.

Mr. DINGELL. Madam Chair, today we rise to debate irresponsible legislation cloaked in fiscal responsibility, legislation that will assuredly put the nation's public health at risk.

Today's debate is not one over concerns of mandatory funding for our nation's public health investments, it is another shot at the Affordable Care Act.

Our health system is inherently designed to provide treatment for the sick and ill, but does not currently contain the incentives necessary to keep consumers from becoming sick in the first place.

Just two years ago total health expenditures in the U.S. was \$2.5 trillion, and only 3 percent of that funding was spent on preventive health care services and health promotion.

If we want to cut down on the costs of hospitalizations and inappropriate emergency room visits, we have to help American families better manage their chronic diseases like diabetes or asthma and help them stay well through vaccines and screenings.

This was the purpose behind the Prevention and Public Health Fund—to make a strong investment into prevention and wellness programs and promote innovative prevention that will help to save our health system costs in the long run.

And now we are seeing the good work that the Prevention and Public Health Fund is doing in our states.

Michigan has received over \$2 million for public health activities—building capacity in our health departments, hiring and training epidemiologists and scientists to study infectious diseases, improving access and quality of health services in medically underserved communities, and helping to promote better primary care for those in need.

Thus, the Prevention and Public Health Fund is not only creating much-needed jobs in my home state, but also undertaking meaningful projects that will help to improve the health of our country.

Let us be clear that this legislation will not become law, and rather than use the time of this body for valuable legislation such as creating jobs and improving our economy and the health of our nation, my colleagues choose to focus their efforts on another vehicle to defend the Affordable Care Act.

I urge my colleagues to vote against this legislation.

Mr. ENGEL. Madam Chair, I rise in strong opposition to H.R. 1217. This irresponsible and short-sighted legislation would repeal the Prevention and Public Health Fund which is a fundamental component to the Affordable Care Act.

The Prevention and Public Health Fund is a critical investment in public health and demonstrates a historic commitment to changing our health system from one that focuses on treating the sick to one that focuses on keeping people healthy in the first place. We all

agree that prevention is one of the most effective ways we can reduce health costs in the long run, rather than by simply cutting spending.

My friends on the other side of the aisle claim that eliminating the fund does not cut any specific prevention programs and that the reason they want to repeal the Prevention and Public Health Fund is to recoup the funding appropriated for it.

I would like to know from the Majority, are the short term cost savings from this bill worth the long term costs to our financial future and health? How do they plan to solve the public health problems of the future if they intend to gut programs like this one?

The Prevention and Public Health Fund is one of a number of Affordable Care Act initiatives that is already in place and producing positive results. Currently, all 50 states and the District of Columbia are receiving Fund support. These valuable dollars are being used to support community-based initiatives to reduce tobacco use and obesity, prevent HIV infection, build epidemiology and laboratory capacity to track and respond to disease outbreaks, and train the public health workforce.

Madam Chair, I know that we face difficult economic decisions, and I would be happy to have a discussion with my friends on the other side of the aisle on how we can reduce the deficit, but I feel that H.R. 1217 is the wrong approach.

Seventy-five percent of the two trillion dollars we spend in health care costs are spent on treatment of chronic diseases. Many of which can be prevented. Obesity alone costs us 147 billion dollars a year and chronic illness can cost us an additional 1 trillion dollars each year in lost productivity. In addition, studies have shown that proven community-based diabetes prevention programs can save as much as 191 billion dollars over 10 years. So the fact is prevention saves money.

Now, those are just the dollars and cents of the value that the Prevention and Public Health Fund bring. We know that prevention saves money, but what about the improvements to the health of our nation's citizens. Prevention saves lives, improves quality of life and is the most cost-effective way to spend our health care dollars. No matter what arguments the Majority may make, we cannot put price-tag on that.

I urge my colleagues to vote "no" on H.R. 1217.

Mr. VAN HOLLEN. Madam Chair, today we are considering a piece of legislation that will roll back important gains for public health and prevention. Specifically, today's bill proposes to repeal the Prevention and Public Health Fund under the Affordable Care Act.

According to the Centers for Disease Control and Prevention, more than 75 percent of health care spending in the United States is due to chronic conditions, such as stroke, diabetes, and cancer. One of the ways to control health care spending is to invest ways to prevent disease and improving the public health of our nation. By investing in preventive health care services, we can reduce the number of people with chronic diseases while saving lives and money.

Currently, funding from this program is being used by states and communities to pre-

vent smoking, obesity, heart disease, and to increase physical activity and train the public health workforce. The Prevention and Public Health Fund presents a significant opportunity to rein in our health care spending and to promote healthy lifestyles and communities. In my judgment, repealing it will only increase preventable health care costs over time.

Madam Chair, I urge my colleagues to oppose this misguided bill so that we can continue to protect the health of all Americans.

Ms. ESHOO. Madam Chair, I rise in opposition to H.R. 1217, a bill to repeal the Prevention and Public Health Fund.

Prevention works. It's the best way to keep costs down and keep people healthy.

For decades our healthcare system has been designed to treat patients once they're sick. This is inefficient and costly. The Prevention and Public Health Fund included in healthcare reform is finally starting to change this backward system and invest efforts to keep people healthy.

The Fund is important because it offers flexibility—grants are awarded to states, communities, and local public health groups to implement local prevention programs that work for the local community.

Any person in this chamber who is concerned about the rising cost of healthcare in our country should be embracing the Prevention and Public Health Fund. Study after study has proven that prevention saves money. This legislation willfully ignores this fact and instead, favors an "every man for himself" approach.

Is it any wonder why we spend more on healthcare than any country in the world with lackluster results? Other nations are out-investing us in prevention, public health infrastructure, and primary care. Smart healthcare saves money.

Unfortunately, we're also considering several bills this week to eliminate healthcare and none of them are wise. Efforts to chip away at the first meaningful health reform our country has ever seen are shortsighted and foolish . . . even worse is to take away basic preventive health services that women already have. Ninety seven percent of the services Planned Parenthood provides have nothing to do with abortion and everything to do with family planning, diabetes care, vaccines, physicals, and, for men, testicular cancer screenings. Eliminating funding for the preventive services of Planned Parenthood will increase the number of abortions in our country and reverse the positive results of mammograms and cervical care.

I urge my colleagues to vote against these efforts.

Ms. RICHARDSON. Madam Chair, I rise today in strong opposition to H.R. 1217, a bill that would repeal the Prevention and Public Health Fund established by the Affordable Care Act. The Prevention and Public Health Fund makes smart investments in state and community efforts to help the American people live longer, healthier lives.

The Prevention and Public Health Fund represents a paradigm shift in the way we conceptualize health care in this country. Instead of focusing exclusively on treatment, the fund established by the Affordable Care Act recognizes the importance of prevention and en-

courages Americans to lead healthier lifestyles. All 50 states are already using these funds to target the obesity epidemic, HIV prevention, tobacco usage, and nutrition and physical activity.

Not only does the Prevention and Public Health Fund promote healthier lifestyles, it also contributes to long-term savings in health care expenditures. As health care costs continue to rise, preventative care can help to rein in the out of control costs. Preventing chronic diseases like heart disease, cancer, diabetes, and stroke does not only make sense from a public health perspective, it makes sense from an economic perspective as well.

The United States spends \$270 billion annually due to chronic illness. Chronic diseases are also responsible for 70 percent of deaths in America and 75 percent of health care expenditures. Working to curb unhealthy behaviors that lead to chronic disease such as tobacco and alcohol consumption, physical inactivity, and poor diet will save lives and money.

At a time when we are being forced to make tough decisions on government spending, targeting a program like the Prevention and Public Health Fund is misguided. Investing money into community-based preventative care initiatives that encourage people to engage in healthier behavior has the potential to save the country billions of dollars in costs associated with treatment of chronic disease.

In California alone, the Department of Health and Human Services has already used the Prevention and Public Health Fund to grant \$42.7 million to organizations throughout the state that are engaged in prevention and wellness initiatives. Of this \$42.7 million, \$8.9 million has been awarded to community and clinical prevention, \$7.2 million to public health infrastructure, and \$26.4 million to primary care training.

The cost of treating those with chronic illness totals billions of dollars annually and leads to billions of dollars in lost productivity. Preserving the overall health of the American people should be a priority of this body. The move by my colleagues on the other side of the aisle to repeal this important aspect of the Affordable Care Act is not only fiscally irresponsible, but it is also morally reprehensible.

Developing programs that will encourage Americans of all ages to lead more active and healthy lifestyles will require significant investment at the community level. The Prevention and Public Health Fund does that by strengthening the capacity of state and local communities.

Repealing the Prevention and Public Health Fund will threaten the well being of millions of Americans and I urge my colleagues to vote against this measure to repeal it.

Mr. PITTS. Madam Chairman, I yield back the balance of my time.

The Acting CHAIR (Mrs. EMERSON). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEALING PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 112-61. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-61.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, add at the end the following:

(c) NOTICE OF RESCISSION OF UNOBLIGATED FUNDS.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall post on the public website of the Department of Health and Human Services a notice of—

(1) the rescission, pursuant to subsection (b), of the unobligated balance of funds made available by such section 4002; and

(2) the amount of such funds so rescinded.

The Acting CHAIR. Pursuant to House Resolution 219, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Madam Chair, I know sometimes in the rush of legislating, many Members are faced with any number of challenges in understanding legislation, but I do know that the majority has come with their own roadmap. And I do want to respect the different viewpoints, and I don't say this in any way to malign.

First of all, I'm grateful that this amendment was made in order, but I wish it wasn't because I understand that all legislation that passes needs to have in fact—or often has those who agree with it and those who do not. And that's fair enough.

And the process that we usually use to handle that is to amend, not repeal. There are some sections here that I have looked at and have concern with. And many have heard me on the floor of the House discussing a number of issues regarding my local hospitals. But I will say to you that the repeal of this bill is putting us on the road to ruin.

And my amendment is simple. It asks the HHS to place on its Web site the moneys rescinded so that the American people can see. For some it may be to see the great success of taking away money. For others, it may be to see what has happened to the resources that they need to take care of themselves.

Very quickly, this amendment requires for fiscal years 2010, 2011, 2012, 2013, 2014 to list the amount of money that is being taken away from good health care. But, Madam Chair, it will also hopefully point people to what they're losing.

For example, look at this beautiful baby here. We will not have, under the repeal of this Affordable Care Act, the bounty of preventative care. For those with chronic diseases, Americans who are subject to chronic disease such as heart disease, cancer, stroke and diabetes, their only care will be the emergency room, high-priced emergency room when they're in a diabetic coma or they're in a stroke or they have a heart attack, rather than be able to go to their doctors.

But we start early on with this little baby being able to go to wellness clinics or to their community health clinics. That's what the money that is being rescinded is going to do to you.

In addition, you will find that chronic diseases resulted in \$75.3 billion loss in productivity in the State of Texas alone. This is going to be across America.

The rescissions will also impact all of the States. I have a list of almost 50 States that have begun to receive dollars from the Affordable Care Act—from Alabama, to Alaska, to Pennsylvania, to Massachusetts, to Michigan, to Rhode Island, and South Carolina, and Tennessee, and Texas. All of the States that my good friends come from, they are receiving money right now.

In addition to this issue of taking away money, Prevention for Healthy America concluded that investing \$10 per person per year in proven community-based programs that increased physical activity, for example, improved nutrition, and prevents smoking and other tobacco could save the country more than \$16 billion annually within 5 years.

When you see how much money was taken away, just realize that you multiply that. If it's a total of \$16 billion, you're going to lose \$16 billion a year because there will not be any wellness program. Community and clinical prevention, which is about \$2 million. And so you will take away money from HIV prevention, and that is a very costly proposal.

You'll take away from public health infrastructure; you'll take away from primary care residential expansion programs training residents and doctors. You'll take away from other medical

assistance programs, expansion of physician assistant training. You'll take away from public health departments where they link people to needed health care. You'll take away childhood and adult immunizations and protecting the water we drink and the food we eat.

Let me just say to you that my amendment is to shine the light on what will be happening to the health care of Americans. I want my colleagues to tell their constituents, not those that are already focused on negative aspects of what we're trying to do here, but those who are just simply hardworking mothers and fathers who are trying to make a living and who need this health care.

Madam Chair, I would first like to state my clear position that I am adamantly opposed to H.R. 1217 and its repeal of the important Prevention and Public Health Fund created under the Affordable Care Act. The Fund saves lives and saves money.

If H.R. 1217 to repeal the Prevention and Public Health Fund provided under section 4002 of the Patient Protection and Affordable Care Act is enacted into law:

What my amendment does is: Requires the Department of Health and Human Services to post public notice on its official website of the Unobligated Funds from section 4002 of the Patient Protection and Affordable Care Act including the amount of the funds that will be rescinded.

This amendment will provide the public with important information about Preventive Health Care funding that will no longer be available for them to receive necessary preventive health care services.

This amendment also assists my Republican colleagues by permitting them to easily show the American public that they are cutting government spending, by how much they are cutting spending, and where they are cutting government spending. So I expect that my Republican colleagues will fully support this amendment.

PURPOSE OF THE PREVENTION AND PUBLIC HEALTH FUND (SECTION 4002 OF THE AFFORDABLE CARE ACT)

When Congress passed the Affordable Care Act in 2010 and the President signed it into law, the Department of Health of Human Services was given the power to administer the program to provide for expanded and sustained national health investment in prevention and public health programs to improve public health programs and help restrain the growth in private and public health costs. This was already a cost cutting measure.

Nearly 11.7 million cases of seven common chronic diseases—cancers, diabetes, heart disease, hypertension, stroke, mental disorders, and pulmonary conditions—were reported in Texas in 2003.

The cost of treating those with chronic disease in Texas totaled about \$17.2 billion.

Chronic diseases resulted in \$75.3 billion in lost productivity and economic costs to Texas.

A new focus on prevention will offer Texas and the rest of our nation the opportunity to not only improve the health of Americans, but also control health care spending. A report from Trust for America's Health entitled Prevention for a Healthier America concluded that

investing \$10 per person per year in proven community-based programs that increase physical activity, improve nutrition, and prevent smoking and other tobacco use could save the country more than \$16 billion annually within 5 years. This is a return of \$5.60 for every \$1 spent on preventive health care.

HOW THE FUND IMPROVES WELLNESS AND PREVENTION FOR TEXANS

Since enactment of the Affordable Care Act on March 23, 2010, the Department of Health and Human Services has awarded approximately \$17.63 million in grants to organizations in Texas through the Prevention and Public Health Fund to help improve wellness and prevention efforts, including:

Community and Clinical Prevention (\$2,956,000): This funding supports prevention activities that have been shown to be effective in reducing health care costs and promoting health and wellness.

Primary and Behavioral Health Integration (\$495,000): Assists communities with the integration of primary care services into community-based mental & behavioral health settings.

HIV Prevention (\$2,359,000): Focuses on HIV prevention in high risk populations and communities by increasing HIV testing opportunities, linking HIV-infected persons with appropriate services, and filling critical gaps in data and understanding of the HIV epidemic.

Tobacco Cessation (\$102,000): Strengthens Texas's ability to move towards implementing a plan to reduce tobacco use. It also enhances and expands the national network of tobacco cessation quitlines to significantly increase the number of tobacco users who quit each year.

Public Health Infrastructure (\$2,084,000): These grants strengthen state and local capacity to prepare health departments to meet 21st century public health challenges and support the training of existing and next generation public health professionals.

Public Health Infrastructure (\$800,000): Supports state, local, and tribal public health infrastructure to improve information technology, workforce training, and policy development.

Epidemiology and Laboratory Capacity (\$634,000): Builds state and local capacity to prevent, detect, and respond to infectious disease outbreaks.

Public Health Training Centers (\$650,000): Improve the public health system by enhancing skills of the current and future public health workforce.

Primary Care Training (\$12,586,000): These funds support the expansion of the primary care workforce.

Primary Care Residency Expansion Program (\$7,680,000): Increases the number of residents trained in family medicine, general internal medicine, and general pediatrics.

Advanced Nursing Education Expansion Program (\$1,426,000): Increases the number of primary care nurse practitioners and nurse midwives who graduate by expanding class sizes and accelerating graduation rates for part-time students.

Expansion of Physician Assistant Training (\$1,980,000): Improves access to primary care by funding the training of primary care physician assistants and expanding the primary care workforce.

Nurse-Managed Health Clinics (\$1,500,000): Provide primary care and wellness services to underserved and vulnerable populations through clinics that are managed by advanced practice nurses and provide valuable clinical training sites for primary care nurse practitioners.

If the Prevention and Public Health Fund is cut and its Unobligated Funds Rescinded our health care costs will soar and the results will be catastrophic. The Fund saves lives and saves money.

IF THE FUNDS ARE RESCINDED

America's local health departments need the Prevention and Public Health Fund to help prevent diseases and protect health in ways that health insurance companies or medical care providers cannot.

Local health departments:

Link people who need healthcare with ways to get it.

Detect and stop outbreaks of disease.

Help people make healthier choices in diet, exercise, and tobacco use to prevent and reduce chronic disease.

Provide childhood and adult immunizations.

Protect the water we drink and the food we eat.

Help new parents give babies a healthy start at home.

Inspect schools and day care centers for health and safety.

Conduct screenings for cancer, heart disease, diabetes, childhood lead poisoning, tuberculosis, and other infectious diseases.

The Prevention and Public Health Fund is critically needed to stabilize the ability of local health departments to protect their communities from health threats and help individuals and families lead productive and healthy lives. Please oppose this attempt by H.R. 1217 to eliminate funding for the Prevention and Public Health Fund. A healthy future depends on it.

If H.R. 1217 passes this Chamber and is enacted into law, it is important for the American People to have notice of the rescission of funds for the Prevention and Public Health Fund program. Since the Department of Health and Human Services administers the Fund, it is only appropriate that public notice be given on the official HHS website and include the amount of funds rescinded. In this way, the American public will know that the public funding they rely upon has been cancelled for preventive health care and the Transparency of Spending Cuts will be further promoted in a manner that my Republican Colleagues will also appreciate.

I would urge all Members of Congress to support my amendment.

I yield back the balance of my time.

Mr. PITTS. Madam Chair, at this point I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. I will just mention to the gentlelady all of the wonderful programs that she mentioned are not mentioned in this section of the law. There is no guarantee that this money will be spent for any of that.

H.R. 1217 repeals the Prevention and Public Health Fund and rescinds unob-

ligated balances. The Jackson Lee amendment would require the Secretary of Health and Human Services to post on the HHS public Web site a notice of the rescission of unobligated balances of the Prevention and Public Health Fund and the amount of the rescission.

I support transparency in government. I actually wish there was more transparency in how HHS has already spent the money from this fund. The lack of transparency and accountability regarding this fund is a primary reason I support H.R. 1217. And if the author feels this would increase transparency, then I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-61.

Ms. CASTOR of Florida. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 2. GAO STUDY ON THE IMPACTS THAT FUNDING THROUGH THE PREVENTION AND PUBLIC HEALTH FUND WOULD HAVE ON PREVENTING CHRONIC DISEASES AND PROMOTING HEALTH.

The Comptroller General of the United States shall conduct a study to determine the impacts that providing prevention, wellness, and public health activities under the Prevention and Public Health Fund, using the funding made available under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11), would have on preventing chronic diseases and promoting health in the United States, if such funding were not repealed and rescinded under section 1. Not later than the expiration of the 90-day period beginning on the day of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the results and conclusions of the study under this section.

The Acting CHAIR. Pursuant to House Resolution 219, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Madam Chair, my amendment requires a government accountability study within 90 days of enactment of the law to study the impact the Prevention and Public Health initiative has on preventing chronic diseases and promoting public health.

Madam Chair, prevention works. It's smart. It saves the taxpayers money. It saves families money. And it saves lives. The Prevention and Public

Health initiative empowers communities all across this great Nation to focus on prevention and wellness and what works for them when it comes to reducing cancer cases, reducing heart disease, reducing strokes back in our own hometowns.

In Florida alone, there are over 10 million cases of the seven most common chronic diseases—cancer, diabetes, heart disease, hypertension, stroke, mental disorders and pulmonary conditions. We all know our neighbors, friends, families, folks we go to church with, folks we see in the grocery store that suffer from these diseases. In a lot of these cases, if they had gotten early detection or if we had worked harder on prevention, they wouldn't have fallen into that trap of the disease and all that it brings for families and communities.

See, we have a better approach now. We are smarter in America. No longer should our health care system be focused only on taking care of folks in the hospital when they're sick or at the end stages. We're smarter. We can prevent a lot of this through education and being proactive and encouraging a healthier lifestyle.

And that's what the Prevention and Public Health Initiative does. State and local communities are able to decide what works best for them. This isn't Washington dictating what you should do. This is saying to our local hometowns and communities, What do you think works best for you?

□ 1620

So I would encourage all of my colleagues to take a look at the grants that are being made. How are your local communities making these investments work in your own districts to invest in the long term health of our neighbors and the economic prosperity of our communities?

For example, in my hometown in my district, the Pinellas County Health Department has brought together neighborhoods and all the nonprofits to determine—you know what's going to work best in Pinellas County is encouraging healthier lifestyles, because we have an obesity epidemic. So they want to build sidewalks, trails, bike lanes, better lighting to encourage people to exercise. They are going to make improvements to parks so children have the opportunity to get out and play after school instead of sitting in front of the television.

I also have a great public university, the University of South Florida, in my district. They are training the modern health care workforce in Florida. These are professionals fighting on the front lines of our communities, and yes, creating jobs. This is creating jobs to encourage the healthier lifestyles that work. USF is able to identify where the gaps in training might be, develop updated curricula to ensure the public

health care workforce receives the most up-to-date research, and then they can spread the word throughout the churches, the grocery stores, and our neighborhoods.

The Florida Department of Health is also using these grants in checking on all of our strategies Statewide to determine what works. See, this is one of the important goals of the Affordable Care Act, to promote wellness and prevention, to ensure healthier outcomes for our families and neighbors. And the examples I have just shared with you are only a few of what's happening all across the country.

We are smarter, Madam Chair. Prevention works. It saves taxpayers money. It saves families money. It saves lives.

I reserve the balance of my time.

Mr. PITTS. Madam Chair, I rise in opposition to the Castor amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Chair, the amendment before us directs the GAO to pontificate on the effectiveness of unspecified prevention, wellness, and public health activities financed by funds under section 4002 of PPACA.

As we have pointed out, section 4002 gives the Secretary of HHS complete discretion to spend the slush fund with little limitation. Any program within the Public Health Service Act, regardless of its merit or effectiveness, is eligible for funding under section 4002. How can we ask the GAO to determine the effectiveness of spending dollars when we simply don't know how those dollars will be spent? Is GAO supposed to assume that funds will be used to train doctors or build jungle gyms? Will their report make the assumption that the money will be used to advocate for soda tax increases in States or build signs that direct people to bike paths? All of these activities can be funded through this slush fund.

According to the Energy and Commerce minority views, Pitt County, North Carolina, received a grant from the fund that will be in part used to "place signage within communities to point out public parks, other recreational opportunities, and the availability of bike lanes."

This amendment underscores the major problem with section 4002. Rather than letting Congress weigh the relative value of programs through the annual appropriations process, my friends on the other side of the aisle decided to throw dollars to a political appointee at HHS to spend billions of dollars on any program with no oversight. The amendment also places an unrealistic timetable on the GAO to issue a report within 90 days of enactment. It is simply a waste of money to ask GAO to conduct a study with little time to complete what is clearly an impossible task.

I urge my colleagues to vote "no."

I reserve the balance of my time.

Ms. CASTOR of Florida. Madam Chair, how much more time do I have?

The Acting CHAIR. The gentlewoman from Florida has 1 minute remaining and the gentleman from Pennsylvania has 2½ minutes remaining.

Ms. CASTOR of Florida. Who has the right to close?

The Acting CHAIR. The gentleman from Pennsylvania has the right to close.

Ms. CASTOR of Florida. Madam Chair, what a waste of money it would be if we do not act on education and knowledge, because we know that prevention works in America. When you educate someone on healthier lifestyles, the likelihood is that they are going to live a healthier life. They can prevent disease. Maybe they get early detection of their cancer. And that would save them a lot of money. You know, it also would save the government a lot of money. So let's be smart about this. Prevention works.

It reminds me now of my friends across the aisle, their proposal to end Medicare as we know it, because that is not smart. Again, like prevention, Medicare works. It saves families money. And the plan to privatize Medicare and turn it into a voucher program is not going to save any money. Indeed, it will shift the costs to families. They will have to pay more. So let's do what's smart. Prevention works.

I urge adoption of my amendment.

Mr. PITTS. Madam Chair, the simple fact is everything the gentelady just mentioned she doesn't know will be funded. There is no guarantee to fund any of those things.

I urge a "no" vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-61.

Ms. CASTOR of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 2. GAO STUDY ON THE ECONOMIC IMPACTS THAT FUNDING THROUGH THE PREVENTION AND PUBLIC HEALTH FUND WOULD HAVE ON STATES AND COMMUNITIES.

The Comptroller General of the United States shall conduct a study to determine the economic impacts that providing prevention, wellness, and public health activities under the Prevention and Public Health Fund, using the funding made available under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11), would have on States and communities in the United States, if such funding were not repealed and rescinded under section 1. Not later than the expiration of the 90-day period beginning on the day of the enactment of this Act, the Comptroller General shall submit to the Congress a report setting forth the results and conclusions of the study under this section.

The Acting CHAIR. Pursuant to House Resolution 219, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Madam Chair, my amendment requires a Government Accountability Office study within 90 days of enactment of this bill to examine the economic impact Prevention and Public Health grants have on States and local communities.

Now, I can tell you we don't really need a study to understand how important prevention is and how important it is to empower our hometowns, local governments, nonprofits, whoever can come together on a local level and make these decisions about encouraging healthier lifestyles.

The beauty of the Public Health and Prevention initiative is it's not Washington dictating all across the country a cookie-cutter approach, one size fits all. Instead, we empower our neighbors to make these decisions on what works best for them. I would say that what works best in my hometown back in Tampa probably would not work quite as well in Fargo or in Missouri.

Prevention of disease is smart. It saves families money, and it saves taxpayers money as well. Now, over time we have all gotten smarter about preventing chronic diseases. Much of this cost-saving and life-saving focus was brought to bear in the landmark Affordable Care Act and this Prevention and Public Health initiative, which is the most historic investment in public health of our communities in the history of our country.

Now, far from the extreme arguments against prevention from my colleagues across the aisle, the Prevention and Public Health initiative empowers States, hometowns, and local communities to determine what works best for them. The annual treatment cost of chronic diseases costs the United States over \$270 billion. And our economy has lost over \$1 trillion in lost productivity. In Florida alone, we have lost over \$68 billion in lost productivity

and economic costs due to chronic diseases like heart disease, diabetes, and cancer.

So not only does prevention help us reduce costs, it can be an economic boost to our communities. I can tell you back in Florida we need as many economic boosts as we can get. We still have a high unemployment rate. We have a large number of uninsured. So what could be smarter than targeting some of our communities and encouraging them on healthier lifestyles so they can get back to work?

We are creating jobs through doing this. For example, at the University of South Florida College of Public Health, they've received one of the Prevention and Public Health grants where they're hiring and training the modern public health workforce. These are the folks with the most updated knowledge that are able to go out through communities and encourage them and educate them on what it would mean if they didn't smoke, if they didn't drink. Oftentimes, these initiatives have a great impact. They can save us money, and they can save us lives.

□ 1630

In Pinellas County they are combating childhood obesity, and they are already making a big economic impact in the community. Richard Curtin is the program manager for the Communities Putting Prevention to Work—Pinellas. He informed me they have created already 18 jobs as a direct result of this lifesaving work.

So I would encourage all of you to ask your folks back home what works best for them. Apply for these grants. We can make a difference all across America, save taxpayers money, save our families money, and save lives while we are at it.

I reserve the balance of my time.

Mr. PITTS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Chair, the Castor amendment directs the Government Accountability Office to make assumptions on the economic impacts of providing prevention, wellness, and public health activities under section 4002 of the PPACA. However, section 4002 gives the Secretary of HHS complete discretion to spend this slush fund with little limitation. The amendment asks the GAO to determine the economic impact of spending when no one except the Secretary knows how those dollars will be spent.

What will GAO base their assumptions on? Does placing signage for bike paths produce economic activity or does advocating higher soda taxes benefit the economy? These activities have been financed by programs eligible for funding under section 4002.

Members and the GAO cannot determine the economic impact of the fund

because the Secretary controls how it is to be spent. Will GAO be charged with determining whether borrowing 42 cents of every dollar this fund spends has a positive economic impact?

This amendment underscores the major problems with section 4002. Rather than letting Congress weigh the relative value of programs through the annual appropriations process, my friends on the other side of the aisle have decided to throw dollars to a political appointee at HHS to spend billions on any program with no oversight.

The amendment also places an unrealistic timetable on the GAO to issue a report within 90 days of enactment. Like the previous amendment, we are not spending our resources wisely when we ask the GAO to conduct a study with little time to complete what is clearly an impossible task.

I urge Members to oppose the amendment.

I reserve the balance of my time.

Ms. CASTOR of Florida. Madam Chair, we are spending our dollars wisely when we are investing in prevention and wellness because prevention works. Prevention saves money, it saves the taxpayers money, it saves families money and it saves lives.

Now, there has been a great debate all across America about health care over the past few years. I think we can all agree on that. Part of the importance of the health care debate was that our health care system for too long has focused and spent money at the end game on sickness, when people have cancer, and that's fine, but we can be smarter about it. We have a lot more knowledge and a lot of experts that have advised us all that if you invest in prevention to encourage folks not to smoke, not to drink, those easy things, very easy in lifestyle, but oftentimes they need a little extra help. Parents should turn off the TV and the kids should go out and play. They should exercise.

But sometimes it's that little extra push. And if we can make a dent in childhood obesity, diabetes, cancer, a stroke, because we have encouraged healthier lifestyles with this very modest investment, that will be a great accomplishment. And that's part of what the health care debate was about, taking this modest investment in public health and empowering our communities to make those decisions on what works for them. Prevention works. It's smart.

I urge the adoption of my amendment.

I yield back the balance of my time.

Mr. PITTS. Madam Chair, once again the gentlewoman made my point. She has no guarantee that in the year 2015 the Secretary will fund programs like cessation of smoking or obesity. She has not a clue. What if the Secretary decided to use the whole \$2 billion for

abstinence education in 2015? She has no clue what it will be used for.

I urge the Members to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-61 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. CASTOR of Florida.

Amendment No. 3 by Ms. CASTOR of Florida.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 8, as follows:

[Roll No. 261]
AYES—187

Ackerman Chu Dingell
 Andrews Cicilline Doggett
 Baca Clarke (MI) Donnelly (IN)
 Baldwin Clarke (NY) Doyle
 Barrow Clay Edwards
 Becerra Cleaver Ellison
 Berkley Clyburn Engel
 Berman Cohen Eshoo
 Bishop (GA) Connolly (VA) Farr
 Bishop (NY) Conyers Fattah
 Blumenauer Cooper Filner
 Boren Costa Frank (MA)
 Boswell Costello Fudge
 Brady (PA) Courtney Garamendi
 Braley (IA) Critz Gonzalez
 Brown (FL) Crowley Green, Al
 Butterfield Cuellar Green, Gene
 Capps Cummings Grijalva
 Capuano Davis (CA) Gutierrez
 Cardoza Davis (IL) Hanabusa
 Carnahan DeFazio Harris
 Carney DeGette Hastings (FL)
 Carson (IN) DeLauro Heinrich
 Castor (FL) Deutch Higgins
 Chandler Dicks Himes

Hinchey McIntyre Schakowsky Nunnelee Rokita Stutzman
 Hinojosa McNerney Schiff Olson Rooney Sullivan
 Hirono Michaud Schrader Palazzo Rosney Terry Sullivan
 Holden Miller (NC) Schwartzer Paul Roskam Thompson (PA)
 Holt Miller, George Scott (VA) Paulsen Ross (FL) Thornberry
 Honda Moore Scott, David Pearce Royce Tiberi
 Hoyer Moran Serrano Pence Runyan Ryan (WI) Tipton
 Inslee Murphy (CT) Sewell Petri Ryan (WI) Turner
 Israel Nadler Sherman Pitts Scalise Schilling Upton
 Jackson (IL) Napolitano Shuler Platts Schilling Walberg
 Jackson Lee Neal Sires Poe (TX) Schmidt Walden
 (TX) Olver Pompeo Schock Schweikert Walsh (IL)
 Johnson (GA) Owens Smith (WA) Posey Scott (SC) Webster
 Johnson, E. B. Pallone Smith (WA) Price (GA) Scott (SC) West
 Kaptur Pascrell Quayle Scott, Austin Westmoreland
 Keating Pastor (AZ) Reed Sensenbrenner Whitfield
 Kildee Payne Suttton Rehberg Sessions Wilson (SC)
 Kind Pelosi Thompson (CA) Renacci Shimkus Wittman
 Kissell Perlmutter Thomspon (MS) Ribble Shuster Wolf
 Kucinich Peters Tierney Peters Tonko Rivera Smith (NE) Womack
 Langevin Peterson Towns Roby Smith (NJ) Woodall
 Larsen (WA) Pingree (ME) Roe (TN) Smith (TX) Yoder
 Larson (CT) Polis Tsongas Rogers (AL) Southerland Young (AK)
 Lee (CA) Price (NC) Van Hollen Velázquez Stearns Young (FL)
 Levin Quigley Velázquez Stivers Young (IN)
 Lewis (GA) Rahall Visclosky Rohrabacher
 Lipinski Rangel Walz (MN)
 Loeb sack Reyes Wasserman
 Lofgren, Zoe Richmond Schultz
 Lowey Ross (AR) Waters
 Lujan Rothman (NJ) Watt
 Lynch Roybal-Allard Waxman
 Markey Ruppberger Rush Weiner
 Matheson Matsui Ryan (OH) Welch
 Matsui McCarthy (NY) Sanchez, Linda Wilson (FL)
 McCollum T. Woolsey
 McDermott Sanchez, Loretta Wu
 McGovern Sarbanes Yarmuth

NOES—237

Adams Dold Issa
 Aderholt Dreier Jenkins
 Akin Duffy Johnson (IL)
 Alexander Duncan (SC) Johnson (OH)
 Altmire Duncan (TN) Johnson, Sam
 Amash Ellmers Jones
 Austria Emerson Jordan
 Bachmann Farenthold Kelly
 Bachus Fincher King (IA)
 Barletta Fitzpatrick King (NY)
 Bartlett Flake Kingston
 Barton (TX) Fleischmann Kinzinger (IL)
 Bass (NH) Fleming Kline
 Benishek Flores Labrador
 Berg Forbes Lamborn
 Biggart Portenberry Lance
 Bilbray Foxx Landry
 Bilirakis Franks (AZ) Lankford
 Bishop (UT) Frelinghuysen Latham
 Black Gallegly LaTourette
 Blackburn Gardner Latta
 Bonner Garrett Lewis (CA)
 Bono Mack Gerlach LoBiondo
 Boustany Gibbs Long
 Brady (TX) Gibson Lucas
 Brooks Gingrey (GA) Luetkemeyer
 Broun (GA) Gohmert Lummis
 Buchanan Goodlatte Lungren, Daniel
 Bucshon Gosar E.
 Buerkle Gowdy Mack
 Burgess Granger Manzullo
 Burton (IN) Graves (GA) Marchant
 Calvert Graves (MO) Marino
 Camp Griffin (AR) McCarthy (CA)
 Campbell Ellison Griffith (VA) McCaul
 Canseco Grimm McClintock
 Cantor Guinta McCotter
 Capito Guthrie McHenry
 Carter Hall McKeon
 Cassidy Hanna McKinley
 Chabot Harper McMorris
 Chaffetz Hartzler Rodgers
 Coble Hastings (WA) Meehan
 Coffman (CO) Hayworth Mica
 Cole Heck Miller (FL)
 Conaway Heller Miller (MI)
 Crawfack Hensarling Miller, Gary
 Crawford Herger Mulvaney
 Crenshaw Herrera Beutler Murphy (PA)
 Davis (KY) Huelskamp Myrick
 Denham Huizenga (MI) Neugebauer
 Dent Hultgren Noem
 DesJarlais Hunter Nugent
 Diaz-Balart Hurt Nunes

NOT VOTING—8

Bass (CA) Maloney Richardson
 Culberson Meeks Rogers (MI)
 Giffords Reichert

□ 1701

Mr. WHITFIELD and Mr. HANNA changed their vote from “aye” to “no.”

Messrs. CARSON of Indiana, MCINTYRE, DINGELL, SMITH of Washington, ISRAEL, HINOJOSA, Ms. LORETTA SANCHEZ of California, Ms. PINGREE of Maine, and Ms. LINDA T. SANCHEZ of California changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. RICHARDSON. Madam Speaker, I was unavoidably detained earlier today and therefore was not present to be recorded on rollcall vote No. 261. Had I been present I would have voted as follows:

On rollcall No. 261, I would have voted “aye” (April 13) (Castor (FL) Amendment, Requiring the U.S. Government Accountability Office to conduct a study of the impact funds awarded through the Prevention and Public Health Fund would have on preventing chronic diseases and promoting health).

AMENDMENT NO. 3 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 238, not voting 6, as follows:

[Roll No. 262]

AYES—188

Ackerman	Gonzalez	Pallone
Andrews	Green, Al	Pastorelli
Baca	Green, Gene	Pastor (AZ)
Baldwin	Grijalva	Payne
Barrow	Gutierrez	Pelosi
Bass (CA)	Hanabusa	Perlmutter
Becerra	Harris	Peterson
Berkley	Hastings (FL)	Pingree (ME)
Berman	Heinrich	Polis
Bishop (GA)	Higgins	Price (NC)
Bishop (NY)	Himes	Quigley
Blumenauer	Hinchev	Rahall
Boren	Hinojosa	Rangel
Boswell	Hirono	Reyes
Brady (PA)	Holden	Richardson
Braley (IA)	Holt	Richmond
Brown (FL)	Honda	Ross (AR)
Butterfield	Hoyer	Rothman (NJ)
Capps	Inslee	Roybal-Allard
Capuano	Israel	Ruppersberger
Cardoza	Jackson (IL)	Rush
Carnahan	Jackson Lee	Ryan (OH)
Carney	(TX)	Sánchez, Linda
Carson (IN)	Johnson (GA)	T.
Castor (FL)	Johnson, E. B.	Sanchez, Loretta
Chandler	Kaptur	Sarbanes
Chu	Keating	Schakowsky
Cicilline	Kildee	Schiff
Clarke (MI)	Kind	Schrader
Clarke (NY)	Kissell	Schwartz
Clay	Kucinich	Scott (VA)
Cleaver	Langevin	Scott, David
Clyburn	Larsen (WA)	Serrano
Cohen	Larson (CT)	Sewell
Connolly (VA)	Lee (CA)	Sherman
Conyers	Levin	Shuler
Cooper	Lewis (GA)	Sires
Costa	Lipinski	Slaughter
Costello	Loeb sack	Smith (WA)
Courtney	Lofgren, Zoe	Speier
Critz	Lowe y	Stark
Crowley	Luján	Sutton
Cuellar	Lynch	Thompson (CA)
Cummings	Maloney	Thompson (MS)
Davis (CA)	Markey	Tierney
Davis (IL)	Matheson	Tonko
DeGette	Matsui	Towns
DeLauro	McCarthy (NY)	Tsongas
Deutch	McCollum	Van Hollen
Dicks	McDermott	Velázquez
Dingell	McGovern	Visclosky
Doggett	McIntyre	Walz (MN)
Donnelly (IN)	McNerney	Wasserman
Doyle	Michaud	Schultz
Edwards	Miller (NC)	Waters
Ellison	Miller, George	Watt
Engel	Moore	Waxman
Eshoo	Moran	Weiner
Farr	Murphy (CT)	Welch
Fattah	Nadler	Wilson (FL)
Filner	Napolitano	Woolsey
Frank (MA)	Neal	Wu
Fudge	Olver	Yarmuth
Garamendi	Owens	

NOES—238

Adams	Buchanan	DesJarlais
Aderholt	Bucshon	Diaz-Balart
Akin	Buerkle	Dold
Alexander	Burgess	Dreier
Altmire	Burton (IN)	Duffy
Amash	Calvert	Duncan (SC)
Austria	Camp	Duncan (TN)
Bachmann	Campbell	Ellmers
Bachus	Canseco	Emerson
Barletta	Cantor	Farenthold
Bartlett	Capito	Fincher
Barton (TX)	Carter	Fitzpatrick
Bass (NH)	Cassidy	Flake
Benishkek	Chabot	Fleischmann
Berg	Chaffetz	Fleming
Biggert	Coble	Flores
Billbray	Coffman (CO)	Forbes
Bilirakis	Cole	Fortenberry
Bishop (UT)	Conaway	Foxx
Black	Cravaack	Franks (AZ)
Bonner	Crawford	Frelinghuysen
Bono Mack	Crenshaw	Gallegly
Boustany	Davis (KY)	Gardner
Brady (TX)	DeFazio	Garrett
Brooks	Denham	Gerlach
Broun (GA)	Dent	Gibbs

Gibson	Lucas	Rogers (AL)
Gingrey (GA)	Luetkemeyer	Rogers (KY)
Gohmert	Lummis	Rogers (MI)
Goodlatte	Lungren, Daniel	Rohrabacher
Gosar	E.	Rokita
Gowdy	Mack	Rooney
Granger	Manzullo	Ros-Lehtinen
Graves (GA)	Marchant	Roskam
Graves (MO)	Marino	Ross (FL)
Griffin (AR)	McCarthy (CA)	Royce
Griffith (VA)	McCaul	Runyan
Grimm	McClintock	Ryan (WI)
Guinta	McCotter	Scalise
Guthrie	McHenry	Schilling
Hall	McKeon	Schmidt
Hanna	McKinley	Schock
Harper	McMorris	Schweikert
Hartzler	Rodgers	Scott (SC)
Hastings (WA)	Meehan	Scott, Austin
Hayworth	Mica	Sensenbrenner
Heck	Miller (FL)	Sessions
Heller	Miller (MI)	Shimkus
Hensarling	Miller, Gary	Shuster
Herger	Mulvaney	Simpson
Herrera Beutler	Murphy (PA)	Smith (NE)
Huelskamp	Myrick	Smith (NJ)
Huizenga (MI)	Neugebauer	Smith (TX)
Hultgren	Noem	Southerland
Hunter	Nugent	Stearns
Hurt	Nunes	Stivers
Issa	Nunnelee	Stutzman
Jenkins	Olson	Sullivan
Johnson (IL)	Palazzo	Terry
Johnson (OH)	Paul	Thompson (PA)
Johnson, Sam	Paulsen	Thornberry
Jones	Pearce	Tiberi
Jordan	Pence	Tipton
Kelly	Peters	Turner
King (IA)	Petri	Upton
King (NY)	Pitts	Walberg
Kingston	Platts	Walden
Kinzinger (IL)	Poe (TX)	Walsh (IL)
Kline	Pompeo	Webster
Labrador	Posey	West
Lamborn	Price (GA)	Westmoreland
Lance	Quayle	Whitfield
Landry	Reed	Wilson (SC)
Lankford	Rehberg	Wittman
Latham	Renacci	Wolf
LaTourette	Ribble	Womack
Latta	Rigell	Yoder
Lewis (CA)	Rivera	Young (AK)
LoBiondo	Roby	Young (FL)
Long	Roe (TN)	Young (IN)

NOT VOTING—6

Blackburn	Giffords	Reichert
Culberson	Meeks	Woodall

□ 1709

So the amendment was rejected. The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. BISHOP of Utah). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mr. BISHOP of Utah, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1217) to repeal the Prevention and Public Health Fund, and pursuant to House Resolution 219, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LOEBSACK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LOEBSACK. I am opposed to the bill in its current form.

Mr. PITTS. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Loeb sack moves to recommit the bill H.R. 1217 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PRESERVING PREVENTION AND PUBLIC HEALTH FUND FOR ACTIVITIES FOR SENIORS, SUBJECT TO AVAILABILITY OF APPROPRIATIONS.

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a), by striking “It is the purpose” and inserting “Subject to subsection (c), it is the purpose”;

(2) in subsection (b), by striking “, and appropriated”; and

(3) in subsection (c)—

(A) by striking “shall” and inserting “may, to the extent and in the amounts made available for use by an appropriations Act.”; and

(B) by striking “for prevention, wellness, and public health activities including” and all that follows through the period at the end and inserting “for prevention, wellness, and public health activities for individuals 65 years of age or older.”.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds appropriated by such section 4002 before the date of the enactment of this Act, the unobligated balance is rescinded.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes in support of his motion.

Mr. LOEBSACK. Mr. Speaker, while I oppose the underlying bill, I am offering this final amendment on a topic that I know is important to all of us—our Nation’s seniors. Our seniors have worked hard all their lives. Many of them have lived through some of the most trying times in American history, including the Great Depression and two world wars. They have also been a part of some of our country’s proudest achievements and moments, like putting the first man on the Moon.

Along the way, our seniors have made incredible sacrifices for their families and for their country. My own grandmother helped take care of me while I was young, making sure that my siblings and I had a safe place to live and food on the table. That is why our seniors deserve the best care and treatment available as they age.

I have visited seniors all across my district in Iowa, delivering Meals on

Wheels in Cedar Rapids and Muscatine, serving lunch at senior dining in Marion, and hosting events at senior centers and retirement communities like Westgate Towers in Ottumwa and Cedar County Senior Center in Tipton where this photo was taken.

One of my proudest moments in Congress in fact was when I met with a group of World War II veterans who were here from Iowa on an honor flight tour. I was privileged to thank them for their service.

When I talk to seniors in my district, I hear far too often that many of them are struggling. This is unacceptable. No senior should retire into poverty or have difficulty paying their medical bills. While we may disagree on the Republican budget, which would end Medicare as we know it, I think we can all agree that we owe seniors access to the preventive health care and public health efforts that the underlying bill would repeal. I am determined to fight for our seniors and to make sure that we keep our promises to them. That is why this final amendment will ensure that the repeal of the Prevention and Public Health Fund will not apply to prevention, wellness, and public health activities for individuals 65 years of age or older.

This funding can be used for programs that promote wellness, that empower seniors to take personal responsibility for staying healthy as they age. It can also be used for prevention, including screenings for cancer, heart disease, and Alzheimer's disease. The fund can also be used for public health activities to ensure that seniors have the information they need to make the best possible decisions about their health. These funds can also be used for research, so we can find ways to prevent health problems associated with aging. What's more, by focusing on public health and prevention, this fund can reduce costs in the long run.

We all know that early detection improves patient outcomes and saves money, and successful public health campaigns have demonstrated that we can decrease unhealthy behaviors by equipping people with good information. That is why I believe the underlying bill, itself, is penny wise but pound foolish. In the long run, the underlying bill only serves to hurt the Nation's seniors. It is unfortunate that some are choosing to make this shortsighted decision when the health of our seniors is at stake.

Madam Speaker, the American people, we should keep in mind, sent us here not to fight with each other over critical issues such as the one before us today but to fight together for them. I urge all Members to join me in ensuring that our Nation's seniors have access to the preventive health care that will keep them healthy, allowing them to enjoy their friends and families and remain active in their communities.

We owe the seniors in our districts at least that much.

The passage of this amendment will not prevent the passage of the underlying bill. If the amendment is adopted, it will be incorporated into the bill and the bill will be immediately voted upon. I believe, Madam Speaker, that now is the time to show the American people that we as a body can indeed work effectively for them, and I urge all of my colleagues to vote for this commonsense final amendment.

I yield back the balance of my time. Mr. PITTS. Madam Speaker, I withdraw my reservation and rise in opposition to the motion.

The SPEAKER pro tempore (Mrs. EMERSON). The reservation is withdrawn, and the gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Thank you, Madam Speaker.

Yesterday, we heard the House minority leader say that "elections shouldn't matter as much as they do."

I strongly disagree. Members were brought here to get runaway spending under control; but rather than help us avoid a fiscal crisis, House Democrats have brought forward an MTR that guts the underlying bill and continues the runaway spending that the American people have rejected.

As we have pointed out, section 4002 gives the Secretary of HHS complete discretion to spend the slush fund with little limitation. Any program within the Public Health Service Act, regardless of its merit or effectiveness, is eligible for funding under section 4002.

Will section 4002 help train doctors, or will the money be used to build jungle gyms? Will the Prevention and Public Health Fund be used to advocate for soda tax increases in States or build signs that direct people to bike paths? All of these activities can be funded through this slush fund.

This MTR underscores the major problem with section 4002. Rampant spending on the Federal credit card cannot continue. The Federal Government will be borrowing 42 cents of every Federal dollar spent from this fund. We are facing a \$1.6 trillion deficit. The President's irresponsible budget will double the national debt from \$14 trillion to \$26 trillion. This endless spending is fiscally irresponsible and morally bankrupt. Spending today is debt that our children and grandchildren will pay tomorrow.

I urge my colleagues to vote "no" on the MTR and "yes" on the underlying bill so we can help get our fiscal house back in order.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOEBSACK. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 9, as follows:

[Roll No. 263]

AYES—189

Ackerman	Fudge	Owens
Altmire	Garamendi	Pallone
Andrews	Gonzalez	Pascarell
Baca	Green, Al	Pastor (AZ)
Baldwin	Green, Gene	Payne
Barrow	Grijalva	Pelosi
Bass (CA)	Gutierrez	Perlmutter
Becerra	Hanabusa	Peters
Berkley	Hastings (FL)	Peterson
Berman	Heinrich	Pingree (ME)
Bishop (GA)	Higgins	Polis
Bishop (NY)	Himes	Price (NC)
Blumenauer	Hinchev	Quigley
Boren	Hinojosa	Rahall
Boswell	Hirono	Rangel
Brady (PA)	Holden	Reyes
Braley (IA)	Holt	Richardson
Brown (FL)	Honda	Richmond
Butterfield	Hoyer	Ross (AR)
Capps	Inslee	Rothman (NJ)
Capuano	Israel	Roybal-Allard
Cardoza	Jackson (IL)	Ruppersberger
Carnahan	Jackson Lee	Rush
Carney	(TX)	Ryan (OH)
Carson (IN)	Johnson (GA)	Sánchez, Linda
Castor (FL)	Johnson, E. B.	T.
Chandler	Kaptur	Sanchez, Loretta
Chu	Keating	Sarbanes
Cicilline	Kildee	Schakowsky
Clarke (MI)	Kind	Schiff
Clarke (NY)	Kissell	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Cohen	Larson (CT)	Serrano
Connolly (VA)	Lee (CA)	Sewell
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Shuler
Costa	Lipinski	Sires
Costello	Loeb sack	Smith (WA)
Courtney	Lofgren, Zoe	Speier
Critz	Lowey	Stark
Crowley	Luján	Sutton
Cuellar	Lynch	Thompson (CA)
Cummings	Maloney	Thompson (MS)
Davis (CA)	Markey	Tierney
Davis (IL)	Matheson	Tonko
DeFazio	Matsui	Towns
DeGette	McCarthy (NY)	Tsongas
DeLauro	McCollum	Van Hollen
Deutch	McDermott	Velázquez
Dicks	McGovern	Visclosky
Dingell	McIntyre	Walz (MN)
Doggett	McNerney	Wasserman
Donnelly (IN)	Michaud	Schultz
Doyle	Miller (NC)	Waters
Edwards	Miller, George	Watt
Ellison	Moore	Waxman
Engel	Moran	Weiner
Eshoo	Murphy (CT)	Welch
Farr	Nadler	Wilson (FL)
Fattah	Napolitano	Woolsey
Filner	Neal	Wu
Frank (MA)	Olver	Yarmuth

NOES—234

Adams	Bass (NH)	Boustany
Aderholt	Benishek	Brady (TX)
Akin	Berg	Brooks
Alexander	Biggert	Brown (GA)
Amash	Bilbray	Buchanan
Austria	Bilirakis	Bucshon
Bachmann	Bishop (UT)	Buerkle
Bachus	Black	Burgess
Barletta	Blackburn	Burton (IN)
Bartlett	Bonner	Calvert
Barton (TX)	Bono Mack	Camp

Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling

NOT VOTING—9

Culberson
Giffords
Herrera Beutler

□ 1736

So the motion to recommit was rejected.
The result of the vote was announced as above recorded.
The SPEAKER pro tempore. The question is on the passage of the bill.
The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PITTS. Madam Speaker, I demand a recorded vote.
A recorded vote was ordered.
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 183, not voting 13, as follows:

[Roll No. 264]

AYES—236

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Bigert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)

NOES—183

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)

Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hinojosa

NOT VOTING—13

Barton (TX)
Culberson
Fleming
Giffords
Honda

□ 1743

So the bill was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

NATIONAL GOLF DAY

(Mr. LONG asked and was given permission to address the House for 1 minute.)
Mr. LONG. Mr. Speaker, I rise today to talk about National Golf Day. Earlier today, I attended an event and heard the story of one of our Wounded Warriors and how the sport of golf has helped him to overcome his traumatic brain injury, and learn the sport of golf even with prostheses, and how much that's helped him.
The first small business I owned happened to be a miniature golf course. I also went to high school with the late great Payne Stewart. And no, none of

his golf abilities rubbed off on me, unfortunately.

Golf is a \$76 billion industry, which provides 2 million jobs in the United States. Golf courses are generally small business owner-owned golf courses. And I know the challenges small businesses face today. The estimated economic impact of the golf industry is over \$200 billion. Golf course superintendents are excellent environmental stewards of the land, and among the best in the world at knowing how to care for the Earth.

Being outdoors always improves one's quality of life. Walking just a nine-hole course can give you a 2.5-mile workout, or in my case 7 miles. It is a sport that can be played by all ages, and we should take time today to recognize National Golf Day.

ROE & ROEPER 1-YEAR ANNIVERSARY

(Mr. KINZINGER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINZINGER of Illinois. Mr. Speaker, what started out as a small pirated radio show of two men running from the law under a bridge and turned into a successful empire today, the Roe & Roper Show has entertained many people for a long time. Today it's reached its whole 1-year anniversary.

While many radio shows struggle to increase listenership, the majority of drive time listening Illinoisans tune in to Roe & Roper from 2 to 6 every weekday. In addition to providing cutting-edge news, listeners tune in to hear entertaining and informative exchanges between Roe & Roper and their callers.

But both come with a very unique and admirable trait that makes the show a success. Roe Conn has a strong level of dedication to his community, and was recently honored as the 2010 Chicago-area recipient of the FBI Director's Community Leadership Award for unwavering support of law enforcement in general. Richard Roper is a fellow Redbird alumni of Illinois State University, and has led an outstanding career as a columnist, critic, and show host, covering topics ranging from politics to media and to entertainment.

On WLS's Roe & Roper's 1-year anniversary, I'm honored to take this time to recognize two successful individuals who provide an outstanding show on a daily basis, but also two men whom I'm proud to call friends. Congrats, gentlemen. Here's to another year.

RECOGNIZING DR. DONALD JEANES

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today to celebrate a great leader, minister, and educator, Dr. Donald Jeanes, who is retiring this year as president of Milligan College in my hometown of Johnson City, Tennessee.

President Jeanes is a 1968 magna cum laude graduate of Milligan College and has lived in Johnson City most of his life, first as a minister, and then as part of Milligan College. President Jeanes was inaugurated as the 14th president of Milligan College in October of 1997. Under Dr. Jeanes' leadership, Milligan College has consistently been named one of America's Best Colleges, and has experienced phenomenal growth both in terms of the physical campus as well as the courses offered.

I would like to personally thank and acknowledge Dr. Jeanes for his commitment to faith, education, and community development. I wish he and his wife, Clarinda, the very best as he prepares for his retirement from the presidency of Milligan College. I would like to say to my friend, a job well done.

LIBYA AND THE WAR POWERS RESOLUTION

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, it's been 25 days since the President began kinetic military action in Libya without congressional authorization. He made this decision despite the fact that the conflict in Libya did not represent an imminent threat to the United States. Instead, the President sought the approval of the United Nations and the Arab League before taking military action, and not Congress. This sets a terrible precedent.

By seeking only U.N. approval, the President is transferring authority that should rest with the American people through their Congress, not with an international community. The U.N. resolution is nice, but it is not a substitute for congressional authorization.

Under the War Powers Resolution, the President needs to seek congressional approval within 60 days. I have introduced a resolution expressing the sense of Congress that President Obama must adhere to the War Powers Resolution. Whether you call it a kinetic military action or war, this Congress must authorize it. If we don't, we will be setting the precedent that we are irrelevant, and the President need only seek approval from international bodies outside of the jurisdiction of the American people.

□ 1750

HONORING KGC

(Mr. DOLD asked and was given permission to address the House for 1 minute.)

Mr. DOLD. Mr. Speaker, today I rise because I had the opportunity to attend the KGC this last weekend, an event raising resources to battle depression. Depression affects over 20 million adults in our Nation. This is something that we all need to be paying more attention to.

I want to thank Chairman Bennett for his leadership. I also want to thank Kevin Haggard, Andrew Boyle, Phil Furse and Tom Joyce for their generous contributions to the event. I also want to extend my heartfelt thanks to Andrew Boyle for his leadership for next year's event.

THE BUDGET AND THE AFFORDABLE CARE ACT

The SPEAKER pro tempore (Mr. SCHWEIKERT). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, today we have seen a remarkable event here on floor of the House. During this discussion that's so critically important to this Nation about the deficit and how we are going to deal with our budget, this House passed a bill that will actually increase the deficit, a bill passed today with the support of the Republicans to repeal a provision in the Affordable Health Care Act that will keep Americans healthy.

Healthy Americans don't need medical care, and I suppose the idea of the Republicans here is that they ought to get sick. You take a look at the wellness issue, part of the Affordable Care Act, it provided for numerous activities specifically designed to keep Americans healthy: blood pressure screening for adults, programs for children to avoid obesity, public health programs for vaccination so that our children and, indeed, our adults don't get sick. All of these programs in the wellness portion of the Affordable Care Act would be repealed by the action that the Republicans just voted on not more than a half-hour ago.

What in the world is going on here? What's this all about? Is it some sort of ideological spiritual thing to do what is not very smart?

The Affordable Health Care Act, which they like to call ObamaCare, has many, many provisions in it specifically designed to reduce the cost of medical care in America. If you are going to deal with the deficit, and we all talk about it here, you have got to deal with the cost of Medicare.

How do you deal with the cost of Medicare? Well, you deal with it by reducing the likelihood that seniors will get sick. You deal with it by reducing high blood pressure in seniors so they don't have strokes. One of the most expensive things that the senior population will endure is a stroke. It's not

just the immediate medical care; it's the long-term effect of a stroke. So when we go out and we try to have seniors and those soon to be seniors have blood pressure checks, we reduce the cost of medical care in America. But I guess the Republicans don't see it that way.

They also see it in another way, and that is somehow they believe that we can reduce the cost of medical care in the Federal budget by terminating Medicare. It is unbelievable that the Republican budget would terminate medical care for seniors by terminating Medicare, a program that was started in 1964 to deal with the specific problem that seniors had at that period, and that was the inability to afford medical services. They would literally be into bankruptcy and poverty because they couldn't pay for their medical care.

So, in 1964, Lyndon Baines Johnson and the Democrats in this House and the Senate passed Medicare, one of the foundations of support for the senior population in this Nation. And yet in the Republican budget that will be on this floor later this week is the repeal of Medicare, the termination of it.

So I suppose this is the new way we ought to look at this issue. It's a tombstone. And what it is, it said, Medicare, 1965 to 2011, created by LBJ, destroyed by the GOP. Unbelievable.

Fortunately, today, when President Obama spoke to the Nation, he addressed this issue, and I will paraphrase what he said. He says it more as a professor. I guess I will just say it as a street fighter from California: No way, no how will, in his Presidency, Medicare be terminated.

Are you listening my friends on the Republican side? The President said "no." We are not going down the path of terminating Medicare.

And I know that my caucus, the Democratic Caucus, will stand there with the President. We will fight any attempt any time, anyplace, anywhere that you or anybody else will put before this House a proposal to terminate Medicare. We will not allow it, and thankfully the President has the veto pen. He ought to go back and pull out the pen that LBJ used to sign the Medicare law in 1965 and put it to paper should, somehow, the Republican budget arrive on his desk with the termination of Medicare in it. It should not happen. It cannot happen. We cannot subject our seniors to the kind of poverty that existed prior to the implementation of Medicare in the 1960s. This is something that we will stand and fight on.

The President had also said today, as he laid out his solution for a \$4 trillion reduction in the deficit, do not terminate Medicare and don't privatize Social Security. Laying it down. Not a line in the sand, but clearly a mark on the concrete. Social Security will not be privatized during his watch.

Thank you, Mr. President. And you know this, that the Democratic Caucus in this House will stand firmly with you, and we will fight every, every bill, every proposal to privatize Social Security.

Now, we know there is a budget problem. We know that there is a deficit problem here in the United States, and we know that it has to be addressed. The President has laid out two chapters in the Democratic proposal to deal with the deficit.

In his State of the Union speech, he made it clear that Federal expenditures needed to be frozen over the next 5 years, and today he took another step recommending specific reductions in various Federal programs, all to the good, and we will stand there with him and we will work on reducing those Federal expenditures.

For me, I have got one in mind, about \$120 billion a year that we could save, \$120 billion a year. Now, that's four times, three and a half times what is in the Republican continuing resolution that will be on floor this week.

How do you find \$120 billion a year? End the war in Afghanistan. End the war in Afghanistan. Bring the troops home. Bring the money home. Balance our budget. Use that to solve the deficit, or spend that money on building those roads, those facilities here in the United States.

□ 1800

Let's talk about the deficit for a moment. Oh, yes. If you're going to talk about the deficit, you really ought to understand where the deficit came from. It didn't just come out of the blue this year. It didn't just appear during the Obama administration. The deficit is something that has built up over a long period of time here in the United States. When they say the deficit is \$14 trillion and is going to increase, well, it's not if the President and the Democrats get their way. It will actually be reduced by \$4 trillion.

However, as to the current deficit, where did it come from? From where did it magically appear? Who left us with huge deficits?

Let's take a look. Here are the facts.

This fellow over here, you may recognize him. He is Ronald Reagan. At the end of every year, the Congressional Budget Office makes an estimate of what is going to happen over the next 10 years. At the end of the Ronald Reagan period, his last year in office, the Congressional Budget Office, the nonpartisan Congressional Budget Office, made an estimate of the Federal budget situation. Where's the deficit? They estimated that, in the next 10 years, Ronald Reagan's budget and the programs that were put into effect during his period would create a \$1.4 trillion deficit.

Now, those of you who are familiar with the history of the United States

would know that George H. W. Bush—the senior—followed Ronald Reagan. At the end of his 4 years in office, again, the Congressional Budget Office made an estimate. It estimated, should the Bush-Reagan policies go forward, the deficit would be \$3.3 trillion in the out years.

Then along came Bill Clinton. In the first 4 years of his administration, Bill Clinton put in place, if extended forward, policies that would deal with the deficit, such things as PAYGO—a word that's common in Washington, but I'm sure, out there in the great American public, people have no idea what "PAYGO" is. "PAYGO" was the law during the Clinton administration. It required that any bill passed by Congress had to be paid for with either higher taxes or cuts in some other program. In other words, it could not create a deficit. It could not add to the deficit.

There were other programs put in place, part of which I was responsible for implementing, and that was the re-inventing of government. I was the Deputy Secretary at the Department of the Interior during those years, and we were told by the Clinton administration's Office of Management and Budget that you will reduce the expenditures of the Department of the Interior, and you will continue to do the same things. Only, you will do them better. Effective and efficient government. We reduced the number of employees in the Department of the Interior during those first 4½ to 5 years by some 15,000 people—from 90,000 to 75,000 people. We performed all of the previous services as well and, in many cases, better. So it is possible to be efficient and effective in this process.

Anyway, Bill Clinton is now President, and he puts all of these policies in place. At the end of his Presidency, the Congressional Budget Office did what it always does, which is to produce an estimate of what would happen in the next 10 years if the same policies were to continue. Guess what would happen. What would happen is a \$5.6 trillion surplus, enough to wipe out all of the American debt—no debt, no interest payments, everything paid off.

However, Bill Clinton was followed by George W. Bush, and immediately, in the very first year of the Bush administration, the Clinton-period policies, some of which were voted on by Republicans as well as Democrats, were terminated. Massive tax cuts were put in place not only in year one but in year two. Two wars were started—the Afghanistan war and the Iraq war—neither of which were paid for. It was the first time in American history that wars were not paid for but were, rather, borrowed. Who did we borrow the money from? China. From other foreign countries? Yes.

Anyway, you now had two massive tax cuts, two wars, and then the Medicare drug program, which was about

\$700 billion a year—not paid for but, rather, borrowed, not for 1 year but for every year on into the future.

Thirdly, there was a whole set of policies where the government simply stepped back and let Wall Street do whatever it wanted to do. What it wanted to do was to engage in reckless profiteering, resulting in 2007 and 2008 with the crash of the American economy, with the Wall Street crash of 2008, bringing the American economy to its knees, to the greatest recession since the Great Depression. Those policies added up to this rather massive red zone here of \$11.5 trillion of deficit, estimated by the Congressional Budget Office, the nonpartisan Congressional Budget Office, which projected in the next 10 years, if the same policies continued, an \$11.5 trillion deficit.

President Obama came into office in January of 2009. The day he arrived in office, the budget had a \$1.3 trillion hole in it. He didn't create it, but he had to deal with it—a \$1.3 trillion deficit handed to him by George W. Bush and his policies.

That's the history. Now we're trying to dig ourselves out of that hole. Properly said, when you're in a hole, stop digging. A wise policy. The President couldn't do that, and this Congress couldn't do that in the face of the most serious financial and economic crisis this Nation had faced since the Great Depression. So the stimulus bill was enacted, some \$750 billion, and it worked. Despite all the rhetoric, the economists looking at that today, in the cool memory of the stimulus bill, said it worked; it saved this economy; it saved this Nation.

Every other industrialized country in the world did the exact same thing—stimulated their economies. Together, the American and the international economies were stabilized, and we began to slowly grow out of that great recession. We're not out of it yet. We've got to put in place policies that end the deficit, and that's precisely what the President talked about today.

The Republicans have put a proposal before us, and we'll vote on it this week, but it is not a proposal that will help America retain its eminence as the most dynamic, the most creative, the most innovative, and the most successful economy in the world, because of the policies that are in it. It will terminate Medicare, and it will significantly reduce those programs that create future economic growth.

I would like to just take a deep breath now and turn it over to my colleague from the great northeastern part of the United States.

PETER, would you join us and carry on this discussion.

Mr. WELCH. Yes, thank you. I appreciate your historical perspective on it.

There are really two things that I want to address. Number one: What are the policies that were part of getting

us to that \$11.5 trillion deficit? Number two: What do we need to do now in order to get to fiscal balance?

The two policies were, one, a war of choice where the Pentagon in its activities was not subject to the same scrutiny of actually having to pay as you go, so the cost of the war in Iraq was \$1 trillion. The war in Afghanistan, as you mentioned, started out as a mission to dislodge Osama bin Laden. It was transformed into nation-building.

□ 1810

And no matter how necessary or debatable either of those events were, those wars were, you do have to pay for it. It's not as though because it's in the name of national security it can be exempt from fiscal responsibility. In fact, what's unusual is that this is the first time in the history of our country where we have been at war where we actually haven't asked for shared sacrifice by the taxpayers, but we've made the entire burden be borne by our military. So we've got to pay; and we didn't do it, as you pointed out.

The second is the theory that's being advanced by many that if you cut taxes, it will create wealth and create jobs. In some places and some times and in some circumstances that will work. In fact, many standard economists say that in a recession, it's the time to cut taxes, not raise them. But the more that is focused on the middle class who are struggling—especially in a down economic time—to pay their bills, if they get a tax cut, they have discretionary income or they have income liberated, that money is going to go right back into the economy. But every tax cut does not generate jobs, and many tax cuts end up adding significantly to the deficit.

The President Bush tax cut in 2001 and the President Bush tax cut in 2003 added \$2.3 billion to the deficit. So you have a Pentagon that is not subject to pay-as-you-go and you have tax cuts that don't pay for themselves. Those are two major contributing factors to that \$11.5 trillion deficit on the heels of a \$5.6 trillion surplus. The debate we are having now in this House is enormously consequential to the future. Republicans won this last election, and a major argument they made is that we've got to get spending under control. They're right. I agree with that. We have to get to fiscal balance.

The challenge is if we're going to get there, do we need a plan that repeats those two policies of the Bush administration, namely, keeping the Pentagon off the table and increasing tax cuts, particularly to the high end, but keeping off the table Pentagon savings, keeping off the table eliminating tax loopholes and keeping off the table the question of revenues?

Democrats, in my view, have to be willing to come forward and say, look, the programs that we have been strong

supporters of have to be re-examined, we have to reform them, we have to make them more efficient; and if they are not working, we have to acknowledge that and move on. We have to do our share. The President's proposal that would freeze domestic spending for 5 years is pretty dramatic, but many Democrats would be willing to support tough medicine as long as the plan had on the table other things that are major contributors to the fiscal situation we're in. That's, of course, revenues; that's, of course, the Pentagon; and that's, of course, tax loopholes in the tax system.

We can get from where we are to where we need to be. We saw that in recent years when it happened under President Clinton. Again, as you pointed out, in those years, Tax Codes matter; but in the Clinton years when we had higher tax rates, we created 20 million jobs. In the Bush years when we had lower tax rates, we created 600,000 jobs. And also incomes were increasing.

So this has to be reviewed by this body, in my view, as a practical problem for us to solve, not an ideological argument that every tax cut is going to be beneficial anymore than every spending program is going to be beneficial. You have to apply judgment to the situation at hand. The big challenge for us is restoring the fiscal balance.

Mr. GARAMENDI. Let me thank my colleague from Vermont, PETER WELCH, for this presentation on the tax policy. I think we probably would want to stay with that a few moments. I know my colleague from New York (Mr. TONKO) is here, and perhaps you would like to opine and to share with us your thoughts on these issues of the budget and how we can deal with the deficit.

Mr. TONKO. Thank you, Representative GARAMENDI. And I compliment Representative WELCH for what I believe is a balanced approach to how to solve the deficit situation, the debt situation, and certainly how do we move forward with a sound budget that can invest in America at a time when other nations are investing in a clean-energy, innovation economy. We don't have the luxury to just hone in on deficit, or budget carving here that solely relies on impacts through domestic program cuts on our middle class families, our working families and the poor.

What we have seen here is trillions' worth of cuts to domestic programs, impacting the ability to pay utility bills, impacting the ability to perhaps send your adult child off to college, to dream the American Dream, to own a home and to have an affordable home budget. All of these items are at risk here. We're putting people most vulnerable at risk. We have seen almost a flat curve for the growth in household income across America, just a slight bump upward, while we've seen an exponential rise in corporate executive

salaries, in millionaire and billionaire wealth. That's where the growth has been.

The recovery here has seen that happening with a downward spiral, a downward mobile quality to the comeback of our efforts here in this country. So it is important for us to make certain that there is a balance here, that we're calling upon all tools in the toolkit to make it all happen.

And this chart absolutely tells a story. Over the last 40 years, middle class wages have stagnated while millionaires and billionaires have trumped all by 256 percent.

Now, this tells a story. When people are talking about not wanting to visit a fairness in tax policy here, when we have seen the anger in America expressed via the many, many households that the great multitudes of people in this country are portrayed in the middle class, they are the population that have expressed anger, and rightfully so, that anger has got to be addressed through fairness in tax policy, through an across-the-board impact of solution here that will enable us to do what's fair and do what's correct.

I watch the savings that they talk about here with the Republican plan. The Republicans will talk about the huge amounts of savings that they produce all through cuts on the domestic programs, again impacting working families, the poor and the middle class. Well, those aren't savings because in order to be savings, they might be in a locked box or assumed to go after relieving the deficit. But instead, they take these trillions in like amounts and provide tax cuts for millionaires, billionaires and corporations and still continue to hand out mindlessly the subsidies to big oil companies. This is what is so most egregious about this budget.

Instead of working towards a balance that looks at revenues, that looks at the domestic programs that require investment, no, they are going pell-mell into an all-out attack on the middle class. That's wrong. And also in the outcome as they slide programs, assistance and investments to middle class America, as they slide it over to the millionaire, billionaire, corporate and big oil companies crowd, that community, what happens in the interim? With this Republican plan for a budget, we grow debt by \$8 trillion.

So where have we gained here? This sounds like a repeat of the pre-recession years where we were not acknowledging fairness in revenues, where we were allowing for a falling apart of the system. At the same time we took the watchdog out of the equation on the financial sector on Wall Street. We allowed for working families' portfolios of investments to go to ruination where we lost \$2.8 trillion in accumulated wealth on 401(k)s and various other investment materials. And this is

what happened: we destroyed the economy, and now we're going to repeat history, history of the worst kind.

Let's pick up on the history of the best kind. Let's pick up on investing in jobs as we did in the FDR years where we came out of tough economic times and people knew the dignity of work and we saw projects built across America, not the trickle-down theory that didn't work during the Reagan administration and the trickle-down theory that didn't work during the second Bush Presidency. It just didn't happen.

And my question is, I can't help but rhetorically ask, why would we revisit that kind of scenario again knowing that we're just crawling out of the recession and we're growing private sector jobs to the tune of \$2 million in just over a year? Why would we disrupt that progress? I ask, why would we disrupt that?

Representative GARAMENDI, I think it is great that we're bringing this information to the forefront here and allowing it to be exchanged with the people that we serve day in and day out who have expressed, rightfully, the anger about the onus, the burden and the unnecessary pain that has been placed upon households of modest annual income means.

Mr. GARAMENDI. The chart that you and I shared a moment ago is up here next to me; and it clearly shows that we have seen a middle class in America that has seen very, very little progress over the last two decades and, instead, an enormous shift of wealth and income to the top 1 or 2 percent of the Nation.

□ 1820

There has been a 256 percent increase in income to the very wealthy, and as I said, it trumps all of the income gains by the rest of the economy. Those at the bottom saw maybe a 10 to 11 percent increase. The rest, very, very little.

I look up and I see my colleague, the gentleman from the great State of Oregon (Mr. BLUMENAUER). Thank you for joining us. We talked earlier today about the upcoming debt limit. Please join with us and share with us your thoughts on what we are doing here, what we shouldn't be doing, or should be doing.

Mr. BLUMENAUER. I appreciate your leadership and your focusing on the issues that face us.

Having spent hours in the Budget Committee so far this Congress, I must admit that I was shocked and surprised with the profoundly negative approach that is being taken by my good friend, PAUL RYAN, the chair of the Budget Committee and my Republican friends.

First of all, there is in essence a refusal to zero in on the three areas of greatest increase in the budget. We see repeated charts that talk about Medicare going through the roof over the

next 50 years. And it is true. We need to get Medicare spending under control because the past path is not sustainable. But ironically what is ignored is that the approach that is being offered by the Republicans in their budget actually ignores the major provisions that have been placed in statute now that would actually reduce the rate of Medicare spending in the future.

We have taken every significant, independently verified promising initiative to bend that cost curve, and they have been stripped away. We watched Republicans attack Democrats because there were provisions to be able to make a difference with Medicare spending, claiming it would somehow slash Medicare for senior citizens by a half-trillion dollars. Well, Congressman GARAMENDI, you and I come from areas of the country that actually have been able to reduce health care costs, they are below the national average, and in both areas we actually have higher performance; better health care, less cost. If the rest of America practiced medicine the way it is practiced in our two communities, there would not be a Medicare crisis.

What we have done with the reform act was embed those notions to be able to provide incentives to reward value over volume, not just pay for procedures. To be able to have accountable care organizations, bundling of services, to actually have some financial disincentives for unnecessary hospital readmissions. All of these, the experts tell us, could save over \$1.2 trillion over the next 20 years. And, in fact, if we had the courage to actually improve and accelerate and enhance, there are greater savings because the doctors, the nurses, the hospitals in our two communities have proven that it is possible. But our Republican friends have simply decided to turn their back on that. They are going to take the Medicare savings and spend it for tax cuts for people who need it the least.

I can't help but turn back to you because you have an interesting chart there on the floor that may say it all.

Mr. GARAMENDI. I thank you, and let's just do a colloquy here back and forth. You've talked about ways in which we can bend the cost curve for health care for all Americans, not only those on Medicare. It was in the Affordable Care Act, the health care reform. Our Republican friends like to call it ObamaCare because it actually would reduce the cost of medical services for everybody, whether you are in Medicare or Kaiser or anywhere else. And you mentioned four very, very important ways it does it. One is hospital readmissions, otherwise known as hospital infections. Our former colleague a week ago likely died of a hospital infection. The Affordable Care Act places a heavy burden on hospitals that have a high infection rate, or readmissions. It is a very, very expensive, deadly situation. It is just one of several ways in

which the Affordable Care Act reduced over time the cost of medical services.

You were here on the floor. I voted “no,” you voted “no” on a bill that Republicans forced through this House that eliminates wellness. What in the world was that all about? Why would you ever eliminate wellness: obesity, blood pressure, proper eating, nutrition, public health, vaccinations—all of these things to keep people healthy. Healthy people don’t cost money. They don’t run up the price of medical services. So they want to repeal that, and I’m going, that makes no sense at all. You are actually increasing the deficit by doing that. And then they take it to the ultimate step of terminating Medicare.

This has become my favorite. It’s the tombstone for Medicare. In the Republican budget is a proposal that would terminate Medicare for all Americans who are less than 55 years of age today. If you are 65, maybe it would continue on. But if you look at the totality of their proposal, it is the termination of Medicare and this is what we have. “Medicare, 1965 to 2011, created by LBJ, destroyed by the GOP.” Unbelievable. And along with it, a significant reduction in Medicaid, which in California we call Medi-Cal.

Your expertise, Mr. BLUMENAUER, on the health care issue and the experience in Oregon on how we can reduce the cost of medical care needs to be heard by every Member of this House. So if you would continue on and share with us this issue of medical services and how we can reduce the cost, save Medicare, and simultaneously addressing the deficit.

Mr. BLUMENAUER. Your point is well taken in terms of what they would do terminating Medicare as we know it for everybody under 55 years of age. We are talking about over 230 million Americans. And as a result of this, it is clear, you can look at the Congressional Budget Office, other independent experts, it is not going to reduce the cost of health care. In fact, it is going to increase the cost of health care in America. But what it does is it is going to put an ever-increasing burden on elderly Americans. It is going to have a gap because ultimately they are not going to enable people to have Medicare until they are 67. They are going to have a small voucher that is given to the insurance company. Bear in mind the reason that LBJ and the Democratic Congress in 1965 enacted Medicare was because America’s elderly could not get good insurance coverage that was comprehensive and affordable. Senior citizens, like it or not, are older. They are frailer. They are less healthy than younger Americans, and they are not working as much. They don’t have the income. They need help. Now, our Republican friends would lead us to believe that all of a sudden there will be a private insur-

ance market, which by the way sounds suspiciously like the exchanges that they said were bad in the health reform act, and they would force people into them, but they would have decreasing premium support.

□ 1830

I think it is also appropriate to just reflect for a moment about what happens to the 78 million geezer baby boomers who are 55 or older who will be under Medicare. That’s going to continue for years. It’s going to be increasingly inefficient. It appears as though there are some extra costs that are embedded for existing and soon-to-be future Medicare recipients that are going to continue to distort, drive up costs, and, of course, nationally we’re all going to pay more for the privilege.

I would suggest this tombstone is something that people should consider carefully, because it’s going to mean, I sincerely believe, not just the death of Medicare but it is going to provide profound shifts and dislocations within our health care system, hurt the providers, and provide less effective health care for our elderly citizens.

Mr. GARAMENDI. Let me add to that and carry on a little piece of it.

The Republican budget, which we will be voting on here on the floor of Congress in the next 2 days, has provisions that are equally harmful to seniors and to wannabe seniors, people who want to get to be 65 or 67 years of age, and these are the Medicaid reductions.

In the proposal that the Republicans will bring to this floor, the Road to Ruin proposal, is a block grant to the States for Medicaid services. In California, we call it Medi-Cal. This is a program that provides benefits to the poor and those who cannot afford medical services because they are severely disabled, mentally disabled, or seniors that cannot afford services in nursing homes. The block grant is less than what is now available to nearly every State, and it is scheduled to be reduced in the years ahead, the purpose of which is presumably to deal with the deficit, but what it does is it takes that whole population of seniors, current seniors, and others who are currently served by the Medicaid program and puts them at risk. The effect will be to throw seniors out of nursing homes, seniors that are on Medicaid or Medi-Cal in California. It is the most onerous and hardhearted proposal I have yet seen. These are people that are in desperate need of services, services for the mentally ill, services for the severely disabled, services for seniors who are in nursing homes and who cannot afford the cost of nursing homes. That’s another part of this provision in the budget.

What is happening here is a shift, a shift of costs from the overall American economy in the Federal budget to

the individuals, not to the wealthy, not to those who have income, but rather to those who have so little. And it’s not the only shift that’s occurring.

Mr. BLUMENAUER. If we could just follow up on this for a moment, because you are talking about something that ought to concern each and every citizen. Medicaid. In your State Medi-Cal. We’ve had the Oregon health plan. There are other States that have variations on that. It provides health care, as you say, for our most vulnerable populations: the elderly, disabled, extremely poor people.

Mr. GARAMENDI. And the young.

Mr. BLUMENAUER. It is very cost effective. There are complaints that the benefits under Medicaid are actually very low, and it’s hard for physicians and hospitals, medical providers, to deal with this. But by moving to a block grant that, as you say, it is designed to go down over time. And unlike the current system, which is sort of countercyclical, where the Federal Government has given more money in times of distress, which it’s done to your State and my State in the last 2 years. If we hadn’t got the extra payments from the Federal Government to help with Medicaid, I can’t imagine what shape people would have been in in Sacramento and Salem, Oregon. The legislature would have just melted down. What this proposal is, is to continue this ratcheting down, no benefits when times are tough, and put States in a situation where too often they are either unable, or in the case of some States, unwilling to react. It’s going to have a cascading effect.

You mentioned the problem that’s very likely to emerge with people being literally tossed out of nursing homes. This is something that Americans need to step back and look at what is being designed as part of this very pessimistic road map that is going to have very serious negative consequences.

Mr. GARAMENDI. I thank you for that.

I am going to shift to another very, very important part of the Republican budget proposal, and that is their total unwillingness to deal with the reality of the revenues that the Federal Government needs in order to continue to provide all of the multitude of services that are part of a modern society: everything from defense to homeland security as well as the medical and social services that we have been talking about.

I’m going to put this up, it’s a little cute, but I think it pretty much illustrates one of the profound problems in the Republican budget.

“What Do They All Have in Common?” We’ve got the unicorn over there, we have Bugs Bunny, and then we have this thing that says the corporate tax rate, 35 percent, large corporations like Exxon. It’s a fallacy.

Large corporations and small corporations in America don't pay 35 percent corporate income tax. In fact, if one were to take a look at Exxon, in 2008 they had the largest profit of any company in the world. In 2009, they had a profit of about \$19 billion and their effective tax rate, how much they actually paid in taxes, was zero. Not 35 percent. Not 30 percent. Not 25, not 20, not 15, not 10, but zero.

Now it happens that they're not the only corporation. The Republican proposal actually would make this situation worse. It would take this 35 percent and reduce it to 25 percent.

What are we talking about here? Why would we want to do that? Apparently they want to do that because they want to take their savings, Medicare, by terminating Medicare, Medicaid, by reducing Medicaid and all of the other savings, the savings that they presume they're going to get from abolishing the wellness programs, high blood pressure screenings and so forth, and on and on and on, and give it to the corporations.

Let's understand that American corporations currently get a tax break for sending American jobs overseas. American corporations currently get a tax break for oil drilling. The oil industry in the United States is the most profitable industry in the world. We just talked about ExxonMobil. All of the other oil companies in the last 10 years have had a profit of \$947 billion, just under \$1 trillion. Yet they continue to receive tax breaks in the order of \$12 billion to \$15 billion a year, of our tax money, handed over to the oil companies at a time when they are now charging us over \$4 a gallon for gasoline.

And what is that all about? Well, it's all about the ability of the oil industry to maintain a subsidy, a tax break out of the American taxpayer's pocket, handed over to the oil company, and they've had that subsidy for nearly a century. I'm saying, enough of that. Bring that money back into the Treasury, use it for green energy, solar, wind, renewable energy, for research, use it for the things that we need to do, including reducing the deficit. But oh, no. Oh, no. They don't want to do that. Our Republican colleagues want to continue to give to the oil industry the kind of tax breaks that they have.

If that's not enough, our Republican colleagues want to make sure that this fellow, Donald Trump, he wants to be President, probably to maintain the extraordinary tax break that he presently has. The Republicans want to reduce the taxes for Donald Trump and for other billionaires, millionaires, from 35 percent to 25 percent.

□ 1840

You go, why should we do that at a time when we're taking money away from seniors, at a time when we're

forcing the middle class to pay more, at a time when you're shifting the cost of all of these services to the middle class, at a time when you're going after the unions and trying to destroy the union movement in America? Why in the world would you give Donald Trump, why would you give billionaires, why would you give those people at the very tiptop of the American economy, those people that now control over 25 percent of all of the wealth in America, the top 1 percent of wage earners in America, why would you give them, not a 10 percent, it's about a 17 percent reduction in their taxes? It makes no sense at all.

We talk about shared sacrifice. The Republican budget proposal that will be on this floor later this week will not be shared sacrifice. It is, in fact, giving to the top of the American heap of all taxpayers, of all wealth, even more. I suppose it must be the trickle-down theory, that if these folks, if Donald Trump and the other billionaires and millionaires have more money, somehow jobs will be created. The fact is it doesn't work. Don't believe me. Take a look at the American economy from 2001 to 2009, the George W. Bush period.

George W. Bush started the first year of his Presidency with massive tax cuts that created a 2-plus trillion dollar deficit and very few jobs. During the Clinton period, we ended with a \$5.3 trillion surplus and the creation of over 22 million jobs, and the tax rate for Mr. Trump and for other millionaires and billionaires was 39 percent. It is, in fact, the history of America's economy that proves that you're not going to create more jobs by reducing the taxes for Mr. Trump and the like.

So what do these things have in common: a unicorn, Bugs Bunny, and the corporate tax rate of 35 percent? They are all fictional, every one of them.

I want to move now to another subject. I'll make this my last, and I'll make it kind of quick. If we're going to grow the American economy, we have to make the critical investments that are the foundation of economic growth in any and every country. Whether you are Singapore, whether you are China or any of the European countries, France or Britain, the United Kingdom or the United States, there are fundamental investments that the society has to make, and many of these investments are made through the general public's government. Let me just turn to those investments.

This is part of our Make It in America agenda, the Democratic agenda of rebuilding the great American manufacturing base. If America is going to make it, we must make it in America. We have to rebuild the manufacturing base of America. We can do it, but it's going to take critical investments. I want to just point them out here as we go through this and then compare these to the Republican proposal, the

budget proposal that we're going to be voting on.

The first one is trade. Now, the Republican proposal doesn't deal with trade and goods because they're not going to do any more harm to it, but this is a fair trade policy. This is a policy of trade where we do not give away our manufacturing industry to places like China. I am sick and tired of going into Target or any other store in America and finding "Made in China," "Made in Europe," made everywhere but in America. Enough of that. We need to see "Made in America" once again on the store shelves in America.

In California, the California government—not my responsibility, I wasn't responsible for it at the time—when they go out and they build a new bridge from Oakland to San Francisco, a multibillion-dollar bridge, and they buy steel from China because it's 10 percent cheaper, I'm going, Stop it. Stop it. And so today, in the Resources Committee, I introduced an amendment.

Now it's "Drill, baby, drill." It's our Republican colleagues who want to drill anywhere and everywhere and all the time. I think it's the wrong thing to do. We need to move to renewables. But if we're going to drill, then why don't we drill with American-made equipment? Why don't we require that those drilling rigs, those pipes, those technologies, the drill bits, the blowout preventers be made in America? I introduced that amendment. The Republicans brushed it aside saying they didn't want to go that way. Okay, fine. But we need, on trade policy, to make sure that our trade policy does not disadvantage American manufacturers.

Taxes. I just talked about taxes. Why in the world would the Republicans vote against a tax policy that actually is now law? We passed this last December. Why would they vote against a tax policy that would reduce—nearly eliminate—the tax breaks that American corporations get when they send jobs offshore? Why would you vote against that tax break that American corporations have? I don't understand it. It's over, at least partially over, there's more that needs to be done, and my Democratic colleagues and I are asking our Republican colleagues to work with us to eliminate the rest of those tax breaks that American corporations get when they send jobs overseas.

We talked about some other issues here. For example, last December, the Democrats pushed through, Obama signed a bill that allowed American corporations and businesses to write off 100 percent year one—this year—100 percent of capital investment so that we encourage American manufacturers to invest in America so that they can be more productive.

Energy policy, extremely important. We cannot any longer put our economy

and our national security at risk to foreign oil producers. So I guess part of the “Drill, baby, drill” is to try to deal with that, but that’s not going to solve the problem. We need additional and new energy sources, and that’s where the green energy, the future energy comes in.

Don’t take it from me. Talk to our American military. Talk to the Navy, the Air Force, the Army. They think way ahead, and they know that they cannot depend upon oil. They need to move to other sources of energy. They did it years ago. They had wind on their ships. Then they went to coal. Then they went to oil. They are now using nuclear power. But they also know that many of their pieces of equipment—a jet airplane isn’t going to have a nuclear reactor. So they want to free themselves from the grip of the petro dictators around the world and they want to be able to have energy made here in America. This is biofuels, advanced biofuels of all kinds.

We ought to follow the lead of our military here, and we must create energy projects that provide us with clean renewable energy, whether it’s nuclear or the green energy: solar, wind, biofuels and geothermal, all the rest. So energy policy becomes extremely important.

Labor. It turns out, if one were to look at American economic history, you would be able to track the rise of labor in the thirties, forties, fifties and sixties tracking perfectly with the rise of the middle class in America. So as labor became more predominant in America, we saw the American middle class grow right along with the labor movement.

Beginning in the 1970s, we saw the decline of the labor movement. If you track the decline of the labor movement, you will find the decline of the American middle class tracking perfectly with the decline of the labor movement. Now we find all across the Midwest—in Wisconsin and Ohio—a major movement to take yet another shot at labor, to weaken labor or to destroy labor. In the process, you will find the further decline of the middle class of America should they succeed at that.

But this is more than just the labor movement. This is preparing the American worker to be competitive in a modern economy. This is education. This is job training. These are programs to retrain and to bring into the workplace workers who are prepared to deal with the modern machinery and the modern equipment that a well-placed and well-executed economy must have.

I want to move to the next one, which is, in fact, education. Earlier today, I met with the President of California State University, East Bay, part of my district in California.

□ 1850

And the president, Mohamoyad Qayoumi, who happens to be an Afghan, was talking about programs that they’re putting in place in the East Bay of California, San Francisco Bay, to encourage the education of children—modern technology, using iPhones, using techniques in computer technology—so that the kids who are into these things in a big way will be able to learn, not going out and buying expensive textbooks every year that are out of date the next year, but rather to use online publications and be able to bring to the students all of the world.

I was going home last weekend, and I got a call from my wife. She said, Can you find a light bulb for the projector? It’s out. We need a light bulb for the projector. I said, I just got off the airplane. I don’t know what I’m going to do.

I got online, I punched up my Safari, and I looked for light bulbs. In a matter of moments, I found, not too far from the airport, a photo shop that had the light bulb.

The whole world is here. The whole world is available for a student who’s just curious. You cannot help but be curious. All you need to do is get online, and you can find out everything about the world around us, anything you’re into with science, and it turns out that this little piece of equipment, according to President Qayoumi, is also a tool for the teacher. The test can be taken on this. And in taking that test, the teacher immediately knows what the student does not know. And so the next day in class that could be dealt with.

I think I’m running out of time here, and I’m going to finish very, very quickly with intellectual property. This is the transition of all of the research into the manufacturing sector. Make It in America. We have to do this. We can do this if we have the right policies in place.

With that, I yield back the balance of my time.

FEDERALISM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Indiana (Mr. STUTZMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. STUTZMAN. Mr. Speaker, I rise today to address the topic of enduring consequence. Last month, the members of the Constitution Caucus came to the floor to commend limited government as the guardian of human dignity. Tonight, we would like to continue that conversation by discussing one of the indispensable pillars of limited government. America’s guarantee of limited government and her bulwark of liberty can be attributed to Federalism.

Federalism is the subject which we often forget here in Washington, D.C. I believe this is a tragic irony because our great Nation is the birthplace of this truly revolutionary political concept. Federalism is not an abstract philosophy. Simply, it is the separation of power between the Federal Government and State governments. It is one of the cornerstones of our American experiment in self-government.

It was unheard of before the American founding and unfortunately is all but forgotten today.

Until our Founding Fathers devised our unique system of government, nations around the globe were dedicated to the faulty idea that power or sovereignty was indivisible. The great wisdom of the American founding was to reject this notion and build a robust government with a system that carefully divided power on two different levels.

Yes, we are most familiar with the separation of three branches of government—legislative, executive, and judicial; but too many in Washington have forgotten that there is another division in government—the division between States and Federal Government.

Mr. Speaker, we have one of the greatest documents to govern our country that has existed for over 200 years and has been one of the documents that has guided so many Americans and people across this country into personal responsibility, to the ability to take opportunities that we have been granted in this country.

The 10th Amendment sums up this structural integrity of the Constitution and the dual sovereignty of the Federal and State governments. The 10th Amendment says this: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

As a former State legislator, I’ve seen this and been very frustrated at times as a State legislator in the powers that the Federal Government continues to assume and is basically overreaching the responsibilities and the powers of the State government. Federalism, as you know, was a huge debate and discussion as part of the founding of our great Nation back when our Founding Fathers were discussing what should be in the Constitution.

During the debate over States’ rights and Federalism, there needs to be a balance between what the States are responsible for and what the Federal Government is responsible for. And our Constitution lays those responsibilities out and defines those responsibilities very clearly.

I believe it’s very important for us, as Congress and Congressmen and Congresswomen, to refamiliarize ourselves with our Constitution and realize that the boundaries that have been laid out

by our Founding Fathers are well defined. And the intent and the vision that was laid out is one that is still applicable today.

I believe that the Federal Government continues to overreach as to those boundaries—whether it's massive spending, whether it's an overreach in our health care bill that just passed last year, whether it's the stimulus package which the Federal Government is now assuming the responsibility to stimulate our economy rather than trusting in the American people.

It does not add anything to the Constitution that was not already there in its structure, but in making the principle of Federalism more explicit, the 10th Amendment underscores the importance of Federalism.

To see Federalism succeed, we must hold faith in the integrity of the Constitution. A living document is just an empty vessel. Federalism is neglected when politicians make the Constitution a blank slate for the dominant political trends.

As James Madison wrote in *Federalist* Number 45: "The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

So, Mr. Speaker, I would like to read again the 10th Amendment of our Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

So, Mr. Speaker, I'd submit to you that many of the programs that the Federal Government currently not only operates but also is proposing under several different bills over the past several years really are overreaching into the State governments' responsibilities and also into what they are fully capable of doing.

Many times the frustration that we had of dealing with Medicaid and the mandates that were handed down to the States were tying the hands of our State governments.

Coming from the State of Indiana, I'm very proud of what has been accomplished because of those who respect not only the simple economics of balancing budgets and realizing that you can't spend more money than what you have, but as a member of the Indiana House of Representatives of 2005, I worked with our Governor and our Senate to see that Indiana passed its first balanced budget in 8 years.

As we've discussed repeatedly here in Congress already, what about balanced budgets, what about the responsibility of making sure that we do not spend more money than what we have? Our Federal Government just closed its budget with a \$1.5 trillion deficit, and that's hard to imagine that we could actually spend that much more money

than what we take in. Any Hoosier family knows that once that line at the bottom of the checkbook hits red, there's a problem, and we need to re-evaluate what we are currently doing in our spending and our income.

□ 1900

Either you start cutting spending or you start increasing your income. As we all know with the difficult economic times that we're in, increasing income is not always as easy as we would like it to be. So what we need to do is control what we can control, and that is the spending.

Today, Indiana is squarely in the black because of very difficult decisions. It has a AAA credit rating, and is home to the fewest State employees per capita in the United States. The initiative was taken when times were difficult and in realizing that we were falling on tough economic times.

As we move forward in this Congress, I believe that we need to take the same principles and the same values that States have and local governments have and families have across the country, and businesses, who all realized that you cannot continue to spend more money than what you are taking in.

Progressivism has been the greatest foe of federalism. Progressivism believes in a government of, by, and for the experts, statisticians, and bureaucrats. Federalism believes in government of, by, and for the people and their unique communities. So, again, here I would argue that communities and people are much more capable, because they know their particular circumstances and how they are to manage not only their own dollars but their own lives, whether it's education or whether it's being involved in their church, in giving to their church or charity groups.

But instead, we're seeing a government that continues to intrude in taking more and more of those responsibilities, but also the rights that we all have as citizens, in taking those away from Americans and giving them to the Federal Government. We all know the Federal Government is never capable of fully meeting the needs that every individual has in our country.

Progressivism ends up elevating unelected experts to rule over the entire Nation. Rules promulgated by an alphabet soup of agencies choke out representative government, and Congress calls hearings to slow them down. We are seeing that repeatedly right now, Mr. Speaker, with hearings that we are having currently in our committees and in asking questions of the bureaucracies on the rule-making decisions that they are making every day. It continues to choke out not only our freedoms and opportunities that we enjoy as Americans, whether it's in business or whether it's as individuals,

but also the bureaucracies are becoming much more powerful.

Now that the Congress is not passing overreaching legislation, we're seeing the bureaucracies taking on that role. And I believe that it is crucial for us as Americans to step forward and to remind ourselves what our Federal Government's responsibilities are. The Constitution clearly defines those responsibilities. And I believe it's important that we all become more familiar again with our Constitution and with the responsibilities that the Federal Government is responsible for.

Likewise, federalism today should not be confused with nullification, nor with the idea of secession. Federalism must be revived so that the rights of citizens might be upheld and their duties fulfilled. Federalism is the protector of life, liberty, and the pursuit of happiness.

I can only imagine at the time, as our Founding Fathers were debating federalism and creating a Federal Government with the State governments that they had at the time, that they never imagined that the Federal Government would become as large and bureaucratic and bloated and irresponsible as it is today.

When the Federal Government exercises control over health care, welfare, housing, unemployment, and even the so-called stimulus of our economy, there is less incentive for citizens to act within their communities and States to fulfill the duties they once assumed. Civic virtue suffers as power flows to Washington, D.C. Ordinary Americans are neglected in this top-down solution.

Many argue that Washington knows better, that bureaucrats know better, that the experts know better. But I know, growing up as a son of a farmer in northern Indiana, that my parents, my grandparents, they all knew what was important for our family. They knew what was important to our community. Whether it was being involved in our school, whether it was being involved in our church community, whether it was being involved in our local economy or our government process. Families and individuals can make those decisions, what's important, and make those priorities, pass those priorities on to their families.

I believe that what's happening today in our country is that we're seeing less and less not only interest, but also responsibility is now being assumed by our Federal Government, because it continues to overreach and to continue to take away the responsibilities of local governments, whether it's a school board which would make much better decisions for their local community and their school, whether it's a county council that knows the challenges that they have with their counties.

I know for us we have a lot of lakes and rivers, a lot of sandy soil, sewer

systems that need to be built to keep our environment clean and better for our children and grandchildren as we pass on the resources that we have. We are starting to have our hands tied more and more because of regulations coming from Washington, D.C.

I believe that that is what our Founding Fathers intended. They believed in ordinary citizens making extraordinary decisions for their communities and that the structure of our Constitution protected that.

In short closing here, as I want to turn it over to my colleagues, I would warn those who are in Congress that we think ourselves too wise if we believe that federalism espoused in our founding documents is an antiquated relic of the past. Governments are the products of fallen men. Human nature is the same today as it was in 1787. When the Federal Government grows beyond its original purpose, when it greedily claims powers belonging to the States and local communities, it arrogantly assumes that 535 Federal legislators and hordes of bureaucrats can direct with perfect clarity the lives of over 300 million Americans.

I would be amiss to claim that I know the daily concerns of Buckeyes, or those who are in New Jersey, or from Texas, or from Oklahoma, or from California. But I know Hoosiers because I am one. I know and believe these simple truths. The rich diversity of our Nation's 50 States impels us to greatness. There are legitimate concerns which must be addressed by a well-balanced Federal Government. Yet the Federal Government ought to defer to the States in those matters that the States are best prepared for.

Mr. Speaker, at this time I yield to my colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman from Indiana. Thank you, first of all, first and foremost, for leading this caucus tonight and leading this Special Order tonight as we speak about federalism as a safeguard of a limited government. So we come here tonight to discuss that and think about it in the larger sense, to discuss basically the revolutionary principles that federalism is and its critical role in our system of government that makes individual liberties possible in this country.

As the founder of the Constitutional Caucus, I welcome a public discussion on federalism tonight. It is such a crucial discussion, a discussion of federalism, a discussion of the role of government in our lives. And it lies at the heart of the American social contract between the government and the people. You see, it's federalism that keeps the Federal Government basically within its proper boundaries. So it is crucial to an understanding of the American commitment to liberty and to freedom and how well it will safe-

guard this generation and future generations as well.

When we think about these topics, it's often easy to take for granted our Federal system of government and the freedoms that it affords all of us. But such a system was, by no means, pre-ordained.

□ 1910

And if you go back some 200-plus years, ordinary colonists, armed with a desire to be free, rebelled against the world's mightiest empire to achieve our independence from an obtrusive, overcentralized and a faraway government.

And what was in its place? Well, in its place our Founders established for the first time in history a national government of defined and enumerated powers that is basically prohibited from overstepping its confined jurisdictions.

So the Federal Government's powers were to be truly national in scope, and the Founders believed that because States and local governments operated closest to the citizens, elected officials who were at that lower level, or the local level, would be the ones who were most competent to make the laws that would govern daily lives.

Now, this was a message espoused by James Madison in Federalist No. 45. You know, Madison wrote back then: "The powers delegated by the proposed Constitution to the Federal Government are few and they are defined. Those which are to remain in the State governments are numerous and indefinite."

So, you see, you have established this dual sovereignty, the sovereignty of Federal and State governments. And it's underscored then how basically in our Bill of Rights, as the 10th Amendment reads, as the gentleman from Indiana already said: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The beauty of the 10th Amendment is not at first easily recognizable, as some would say, on first blush that the 10th Amendment is almost redundant. Some would say it offers nothing new from what has already been written into the confines, or four corners, if you will, of the Constitution. And so it is the limited powers of the Federal Government that are articulated throughout the three sections of the Constitution.

In fact, however, the Founders, looking at the Bill of Rights, initially believed that they were really not necessary and, actually, that they could be seen as potentially dangerous. Why was this? Well, both the Federalists and the anti-Federalists understood that the Bill of Rights limited the powers of government.

But the perceived danger here of the Bill of Rights lay where? At the poten-

tial for misunderstanding by future generations. This misunderstanding basically comes about by this, by forbidding the Federal Government from acting in certain areas, which is what the Bill of Rights would do. It was argued then, what, that the Constitution implied that the Federal Government could do what? It could act in all other areas that were not expressly prohibited from engaging in.

But let's be clear, the 10th Amendment makes clear that the Constitution provides no implied powers to the Federal Government. And so it is here that we see Federalism for what it basically is. It is the cornerstone, if you will, of the Constitution and the most effective tool for the preservation of this, our liberty.

So the 10th Amendment inclusion as the final amendment in the Bill of Rights is, therefore, no accident. It is, rather, as one might say, the culmination of the Founders' vision of American democracy. It reaffirms a commitment to a government strictly defined and with those limited powers.

It is this institutionalization of armor, if you will, of liberty and the perpetual struggle against this tyrannical government. This amendment is, in short, the realization of the principles of the American revolution.

And as we come to the floor tonight and every day here in this Congress, we are heirs to that revolution. Unfortunately, today America seems to have surrendered some of its birthright. The scope and reach of the Federal Government is growing at a disturbing pace. The incessant expansion of government has led to the bailout of the banking industry and the auto industry, sweeping financial regulation, and the proposal of cap-and-trade systems that would demand that rationing of American economic prosperity and productivity.

The tentacles, if you will, of the Federal Government are tightly wrapped around housing, education, transportation, unemployment policy—you name it—in almost every aspect of our lives. The American people, when you think about it, are controlled by the Federal Government in almost every single aspect of their lives, from morning to evening, from what light bulbs we are allowed to buy to the health insurance we have to buy. It is all required under regulations by the Federal Government.

Now, as I come to the floor, today is the 268th birthday of Thomas Jefferson. If he were alive today, I doubt that he would recognize the Federal Government as one that has remained true to the revolutionary Founders of this country. Rather, I would imagine that he would see a centralized and bureaucratic form of government that resembles the one that he and the rest of the Founding Fathers rebelled against. That is exactly what the Constitution

and the amendments to it and the principles of Federalism were meant to prevent.

Out-of-control spending may be the clearest sign now of where we are today in having neglected these principles of Federalism. It is the Federal meddling into the lives of the American people. What it has done is resulted in the unprecedented and also, I would add, the unsustainable level of funding that jeopardizes the very economic well-being of the United States.

Our current path, therefore, threatens the American standard of living and our prosperity, the American Dream and the American status as a superpower.

You see, by nationalizing every issue, what we do there is we deprive the American people of the benefits that Federalism would normally bring. The Founders intended the States to serve as, as has often been called, the laboratories of democracy, which would compel the States to compete against each other to attract individuals and businesses, if you will.

This competition would result in innovations and innovative solutions, the greater accountability and transparency of public servants and the diffusion of power that limits the reach of the national government. Federalism, it's the constitutional guarantee of that good government.

So we come here tonight, and we must renew our commitment to Federalism, to the Constitution. By allowing this, our Constitution to be interpreted, though, by the whims of the judicial and executive branches, we have undermined the structural integrity of this document as well as the safeguards that a limited government describes.

To conclude, at the beginning of this year, Members of this body take an oath—to do what?—basically, to support and defend this Constitution of the United States. We owe it to the people we represent to remain true to that oath. Restoring adherence to Federalism must begin where? Well, right here in this Chamber.

I hope that my colleagues will join me, as the Members are here with me tonight, in re-embracing this idea and this notion and this practice of Federalism, one of the great pillars of the American founding principles.

Mr. STUTZMAN. Thank you, Mr. GARRETT.

At this time I would like to yield to the gentleman from the Fourth District of Colorado (Mr. GARDNER).

Mr. GARDNER. Thank you to the gentleman from Indiana for yielding.

I am here tonight to talk about the proper relationship between the Federal Government and State and local governments, this issue of Federalism, our Nation's founding documents.

When I was first elected, I embarked on a listening tour right after November 2, during which I met with local of-

ficials from across my district to talk about issues that they were concerned about, what was on their minds, what challenges they were facing in their offices. At each stop, local leaders talked about the problems facing their communities; and even though every county is different, every community is different, the Federal Government seemed to cause the same problems in each one of them.

In one county in my district, I was told a story by a county commissioner of the time that the commissioner asked his staff to count all of the Federal and State mandates that they placed upon their health and human services department at the county. They counted up the mandates that they were under from national, State regulators, Congress, State legislation, State legislatures. The county commissioner actually asked his staffer to quit counting when he reached 9,000 individual mandates that that one department, at the county level, was under.

On this listening tour and since then, since being sworn in on January 5, at the town meetings that we have held, it never ceases to amaze me that one of the strongest moments of bringing applause to the town meetings is when we talk about what happened on this floor when we first started the 112th Congress, the time when we read, both Democrats and Republicans, the Constitution of the United States before the American people right here on the U.S. House floor.

When I talk about how we joined together in reading the Constitution, people always applaud because it matters to them, because they believe this country continues to be guided by that most fundamental document of our country.

Those 9,000 rules, though, that that county commissioner was talking about were created by Federal and State regulators who don't understand the problems that each of our unique districts faces because they have never been there. They don't know what it's like. They don't understand that each county, each city, each school board knows how to govern their jurisdiction better than anyone in Washington ever could, and they do not understand that an unfunded mandate imposed on the entire country does not work.

□ 1920

Each State and county in this country is unique and often has far better solutions than those of the people here in Washington, D.C., can devise. The Founding Fathers understood this very well and designed a system focused on limiting the authority of the Federal Government and on putting power closer to the people. Our Federalist system has long served as the safeguard of limited government.

As a State legislator from the Eastern Plains of Colorado, I will never for-

get the time that I received a call from a cabinet member from the previous administration who was urging me to vote for a particular piece of legislation because there was Federal money involved and that the only way that Colorado would receive this Federal funding was if we passed a bill that the Federal Government wanted. They were dangling money out in front of us to pass a bill. That instance proved to me what we continue to see today, which is the power shifting "away" from the States and "to" the Federal Government—but to what end?

Last year, Congress passed a health care bill that places increased Medicaid obligations on already cash-strapped States, which have no way to pay for them. Regulations from agencies like the Environmental Protection Agency continue to drive up the cost of energy and force American jobs overseas. Just today, we heard Senator MURKOWSKI, Senator BEGICH, and Representative YOUNG testify before the Energy and Commerce Committee on a bill about the need to pursue energy policies in Alaska, policies that will allow them to access the resources of that great State and to release, unleash, as much as 1 million barrels of oil a day. The State is supportive. Witnesses for the Department of Natural Resources testified. Unfortunately, the Federal Government continues to block their progress. The Founding Fathers wouldn't even recognize our country today as the one that they formed over 200 years ago.

Education is another area in which there is the employing of Federalist principles. There is no better example of which we can talk about the differences between the Federal Government and the State government and how the Federal Government continues to overstep its bounds. The Board of Education in Douglas County, Colorado, has taken it upon itself to truly innovate in the area of education financing; but the problem with the system in the Federal Government is that it's a top-down approach. Since when is the Federal Government able to better communicate the needs of children in a community than that community, itself? There are some good initiatives in Congress out there, like the A-PLUS Act, by Mr. GARRETT from New Jersey, which would allow the States to opt out of No Child Left Behind funding and use that money toward programs they think deserve attention.

Along with Federal funding comes very prescriptive mandates. The more Federal funding a school receives, the less it's able to listen to its own community—to its teachers, to its parents and, yes, to its students. The more it is forced to listen to the Federal Government say "you can use this money, but you have to use it here, and you have to use it this way," it's tough for a lot of States to say "no" to that in these cash-strapped times. I look forward to

addressing some of these issues during the debates of the reauthorization of No Child Left Behind; but we must put power back in the hands of teachers and parents, who know best how to teach their children.

Health care is another challenge this country faces as Congress is imposing an individual mandate on citizens to purchase federally approved health insurance. This mandate is contrary to the Federalist principles that we are talking about this evening. The bill forces States to expand their Medicaid eligibility standards. According to the Kaiser Family Foundation, by 2019, Colorado will see a 47.7 percent increase in Medicaid enrollees as compared to the estimated national average of 24.7 percent.

The health care bill was created by the Federal Government, and the cost of its expansion has shifted directly back to State budgets. Further, under the takeover of the health care bill, the Secretary of Health and Human Services has the authority to enact and to execute rules and regulations that local administrators are required to follow. This takes the power away from States and local governments and wrests it in the hands of the Federal Government.

What is more important, though, is the ingenuity and progress in health care that has been established and accomplished by the States on a State-by-State level. Through this process, they've made significant improvements to our health care industry. Unfortunately, I believe the health care bill that was passed in the last Congress is a step away from that direction.

Last week, I had the opportunity to take my 7-year-old daughter to Philadelphia to see the Liberty Bell, to visit Independence Hall, and the National Constitution Center, to talk to the people who work at Independence Hall about the great symbols of freedom in our country, about the writing of those founding documents, about what it meant to talk about freedom, about liberty, about our great Republic. I am reminded of the time when, during recent events in Libya and Egypt, my wife and daughter were watching television, watching the news, when the President spoke on TV. They were talking about the fight for freedom that continues in the Middle East, and the President mentioned how we have to continue working for freedom around the globe.

My daughter looked at my wife and said, "But we are free."

To that, my wife looked at her and said, "Yes, but we must always continue to work for it, to fight for it."

That's why we are here tonight, talking about how we can ensure those fundamental liberties, those fundamental notions of freedom, that are enshrined in our basic form of federalism.

With that, I yield back to the gentleman from Indiana.

Mr. STUTZMAN. Thank you.

Next, I would like to yield to the co-chair of the Constitution Caucus, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Thank you.

Tom Nevins, who is actually a social archaeologist, gave an interesting discussion about Ancient Central America in which he said, in 1521, Cortez led a group of Spanish soldiers to what is today Mexico City. There he found an Aztec society and an Aztec capital with 15 million inhabitants. Cortez gave simple instructions to Montezuma, II, who was in charge at that time, which was, either give us your gold or I'll kill you. For whatever reason, Montezuma gave him the gold, and then he proceeded to kill him. In fact, in the siege of what is today Mexico City, approximately a quarter of a million Aztecs died from starvation in that siege, and within 2 years the Aztec empire was totally controlled by the Spanish.

A decade later, the Inca civilization had the same thing happen to them, led by Pizarro, who, once again, said, Give us your gold or we'll kill you. They got the gold, and they proceeded to kill him. Also, within 2 years, the Inca civilization was totally dominated by the Spanish, which meant that both the Aztecs and the Incas were a highly centralized government, a highly centralized society, a highly centralized economic system, and because of that they were easy prey for a smaller but a very well-trained and well-organized Spanish Army.

By the 1680s, the Spanish moved into the deserts of New Mexico where they moved against the Apaches. There are two things that are different about the Spanish efforts with the Apaches in New Mexico. Number one, there was no gold to be taken. Number two, the Spanish lost. In fact, for almost two centuries, the Apaches were able to hold at bay the Spanish. One of the reasons they were is that the Apache civilization was very decentralized. They had tribal leaders. Yet, as the tribal leaders were either captured or killed, they just simply got another tribal leader. The greatest of all is the one whose name we probably mispronounce and call Geronimo.

As Nevin said, this Apache civilization was not loosey-goosey. They had customs; they had traditions; they had a very sophisticated society, but they also were decentralized. I am told that, in the Apache language, the phrase "you should" simply does not exist. Whereas, if we look at the thousands and thousands of pages that produced ObamaCare and cap-and-trade, you will find the concept of "you should" being repeatedly inserted over and over and over again, which means a centralized society has certain strengths and certain weaknesses. Its greatest strength is the concept of uniformity. Everyone can be coerced into doing the exact same thing at the exact same time. A

decentralized society has certain strengths and certain weaknesses.

□ 1930

Its greatest strength is creativity, flexibility and the opportunity of its people to have options in the way they live. Now, I know, Mr. Speaker, you and probably Mr. STUTZMAN are wondering what I am actually doing here: I came into the wrong Special Order; like, what does this have to do with the topic at hand? I think it does have to do with the topic at hand because the idea at the Constitutional Convention was: Do we have a centralized or a decentralized society and government here in this country?

Indeed, they tried to separate powers horizontally between the three branches of government, but more significantly, and more importantly, vertically between national and State governments as a specific way of trying to make sure that we had a decentralized system of government, one that puts a greater emphasis on creativity, on flexibility and the ability to ensure that our citizens had what they call personal liberty, what I simply say are the options to make choices for themselves in the way they wish to do that.

The Founding Fathers had a great fear of control. That is why they rebelled against the British in the first place. They had a great fear of bureaucracy. It is why in the Declaration of Independence they talk about the swarms of officials who were sent here by the British Government to devour from us our substance.

Today, we have in our government a Federal Government that apparently tries to vacuum up as much power, as much money, and as much influence as possible. Our government bureaucracy today in Washington is one that is based on command-and-control style of leadership which builds a heavy emphasis on rules. And obeying the rules of procedure is far more important than just coming up with a commonsense solution to the problem which happens to be at hand. In fact, one of the questions that we have is, have we become, in essence, too big today? Have we become more centralized than decentralized? And does that give some inherent weaknesses to our society and our country that we have today? One of the things that we have to do is try and rethink this entire situation.

Tomorrow, Members of this House will be inviting legislators from around the country who are back here, and we will have a conference in which State legislators will meet with Members of Congress to discuss this very issue of what direction this country will be going in the future and to recognize very clearly that this is not an issue between the left and the right.

The idea of Federalism, of balancing powers of creativity and a less centralized government, is not a Republican

or Democrat issue. It's an issue of the direction of this country, because it's about people. It's about whether people actually have options in their lives or whether they don't. And when we recognize this, it becomes apparent that the only way to make sense of the situation is to make sure that fewer decisions in Washington are allowed to be directed towards the States and local governments and that the people make more decisions in their lives.

As Justice Rehnquist said, surely, there can be no more important fundamental Constitution question than the intention of the Framers of the Constitution as to how authority should be allocated between the national and State governments. That's the battle which we still fight for and struggle with here. And it's the one in which we cannot afford, for the future of this country, to lose or to fail.

If sometimes when I was teaching school my students didn't quite understand the significance of the fall of the Aztecs or the Incas, then that was an annoyance. But if we, as Members of Congress, fail to recognize the distinction between the centralization of power and the decentralization of power, which was the very foundation of this country, that is not an annoyance. That becomes a tragedy.

I am very grateful to the Constitutional Caucus, especially Chairman GARRETT of New Jersey and Representative STUTZMAN from Indiana, for your leadership in organizing this. I am proud to join my good friend from Colorado and, hopefully, my good friend from New Mexico as long as he does not try and change any of my story about the Apache. That's my story, and I'm sticking to it.

But this is important. This is one of those key issues. This is one of the quintessential issues that will define where we go, either forward to a brighter future or forward into a less secure and more dangerous future. And I appreciate being able to be a part of it. I thank you for allowing me to be here for a few minutes.

Mr. STUTZMAN. Thank you, Mr. BISHOP, for your comments.

Mr. Speaker, as I think about some of the comments that were made tonight from Mr. GARRETT and from Mr. GARDNER, as well as from Mr. BISHOP, it brings back a lot of thoughts from experiences of serving not only as a legislator but also as a farmer and as a businessowner of a small trucking operation that we have, a family business, back in Indiana. I think about how the freedom that we have comes from not the Constitution; it comes from God. The rights that we have are God-given, and the Constitution protects those rights.

I know that many times over the years we look at the Constitution as a dry document. It doesn't seem to be exciting. It doesn't seem to be one of

great interest. But I can tell you today, Mr. Speaker, as we watch our Federal Government—as we've started to do the debate of budgets, of health care, and of our military actions around the world, and of the size and the scope of our Federal Government—it is crucial for us, for all of us, to remind ourselves and to reeducate ourselves on what our constitutional role is.

As Mr. BISHOP said, many times we talk about the horizontal separations of our government with the executive, the legislative and the judicial; but also we need to remember the vertical branches of government, and we need to remind ourselves that the States actually established the Federal Government.

I can only imagine as our Founding Fathers were debating this and looking at the States that were in existence and thinking of the challenges they faced, the challenges of military action against them and how do they defend themselves, the discussion of taxation, and to come together and to establish a Federal Government that was designed to not only protect but to protect the rights, protect us physically, but to also protect the rights of us as individuals. Now looking back, Federalism is that balance of a Federal Government that complies with the constitutional guidelines, whether it's our national defense, whether it's our borders, or whether it's commerce and currency, the responsibilities are limited.

But as time has gone by, the Federal Government has continued to grow and to pursue and to take away those responsibilities from States and from our local communities. As Mr. GARDNER mentioned, the different local community visits that he has made, it reminds me of ones that I made as well in Indiana, whether it's talking with the mayor in Kendallville about the challenges with fire and police, whether it's the Topeka Town Council and the challenges they have with economic development, or whether it's Nappanee with their sewer challenges, Fort Wayne or Angola with streets and sewers and things that they know what they want to do and what they would like to accomplish that are all affected by Federal Government one way or another.

And it drives costs up for not only them but ultimately for the citizens. As spending continues to accumulate and increase, we have to remember that the American taxpayer, the American citizen, we as citizens are the ones who ultimately are going to be responsible paying that bill.

And as we come into our budget process over the next couple of days, I think that we should be reminded and would be remiss if we did not take the opportunity to look through the scope and look through the eyes of what our Founding Fathers imagined and in-

tended for our country through the Constitution as we face \$14 trillion of debt. States, local governments, and families don't have the ability to continue to borrow dollars; specifically, States and local governments don't have the same ability that the Federal Government has. And so they are disciplined. And so they realize that the decisions they make affect local communities.

The Federal Government and we in Congress need to take on that same discipline and realize that the spending that we authorize today is going to affect our children and our grandchildren. I have two children, two sons, a 9-year-old and a 5-year-old; and I know that they are going to have to assume the responsibilities and the consequences of what happens today in Congress.

And I refuse to stand by and allow for more spending and for the Federal Government to continue to grow. I want to see a country that respects the individual's life and liberty and our local communities' decision-making at the local levels and at the State level rather than a government, a Federal Government that continues to believe that they can authorize and tell the American people what to do and what they cannot do.

□ 1940

So with those thoughts in mind going into the budget process, I believe we have a responsibility, Mr. Speaker, to challenge the status quo. We hear a lot of comments on this floor about what the changes are that are being proposed in the budget that just passed out of the Budget Committee last week and is going to be debated here on the floor tomorrow. I believe we cannot demonize the situation that we are in and use scare tactics with the American people. We need to be factual. We need to be honest. We need to realize the realities that we are in as Americans, because we are all in this together. This is not a Republican problem; this is not a Democrat problem. We see finger-pointing on this floor all the time. And frankly, I know as a freshman Congressman, that is not why I came here. I came here to fix the problems we have because of a bloated government and because we have overstepped the boundaries of our constitutional role.

If we do not face the fact that we have trillions of dollars of debt, that we are overspending—and we have to also realize that we cannot raise taxes on the American people at a time when the economy is struggling, when American families are struggling and paying bills. By raising taxes, we only drive the cost of doing business higher and we drive the cost of living higher. Money cannot be circulated through the economy dictated by the Federal Government to stimulate or drive our economy. The American people do that much better.

I believe as we again debate the budget, we need to realize that if we want to pass on a better future for our kids and our grandkids, for our country, for ourselves, if that's the way people need to look at it, I believe we lay out the situation, whether it is with Medicare and realizing that we cannot continue down the road with the program as it currently stands. If we want to hand that off to our children and our grandchildren, some modifications have to happen.

I believe if we as Republicans and we as Congress, specifically Republicans in the majority here in Congress, lay out the plan and we make the case that something needs to be done, the American people are with us. They realize the debt that is hanging over us, and they realize the deficits that are over us cannot be sustained and we are going to have to make changes. But we cannot make progress in a bipartisan fashion if we continue to use scare tactics, and I believe that going back and looking at the constitutional role of our Federal Government, that all of us as Americans realize, as the many generations before us did in the challenges that they faced, that we are up to the challenge. So, Mr. Speaker, as we move into tomorrow, I believe that our constitutional responsibilities will be defined by what we do and what we say and what we vote on in the upcoming years.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman for yielding.

One of your comments reminded me of a story shared with me by a constituent several years ago. They talked about their time attending law school. They were talking about in their constitutional law course, they were starting with the Bill of Rights, going through the amendments reading cases. And when they approached the 9th and 10th Amendments of our Constitution, the law professor of this particular class said we are just going to skip the 9th and 10th Amendments because nobody really knows what these do anymore. And they went right on and beyond the 9th and 10th Amendments.

Our discussion tonight has been on the issue of federalism, has been on the issue of the powers that rightly rested with the Federal Government versus the States. And here we are dealing with a law school, a public law school where this individual was told we're going to skip the 9th and 10th Amendments because nobody knows what it means.

I believe the American people have a great interest in what the 9th and 10th Amendments mean. I know that many of our public law schools have audit opportunities, and I believe the people who are interested around this country in what students are being taught,

what public law schools are teaching regarding the Constitution, regarding the 9th and 10th Amendments of this country, they have a right to audit that class and maybe they should start attending some of these law school courses to learn just exactly what our schools are teaching when it comes to federalism, the 9th and 10th Amendments, the liberty amendments of this great Nation.

I just thank you for the opportunity to share that story with the gentleman from Indiana.

Mr. STUTZMAN. Thank you.

It is probably all too common, unfortunately, because this document, I believe, as I said earlier, is one that doesn't appear to be exciting. But when you read it and when you realize what it does for our freedom and that it protects our rights as individuals of this great Nation, it is so important for us to understand, and if we don't know, to find out, to listen to others who have gone before us, whether it is our Founding Fathers or whether it is those who have served in different capacities, whether it is in schools or whether it is in government, there is a reason for it. It is the 9th and 10th Amendments, and it is the 9th and 10th points of our Bill of Rights. I think that is what our Founding Fathers meant. They meant it to be at the end to give those responsibilities back to the State governments because they knew that the Federal Government wasn't going to be responsible. They couldn't absolutely take care of everybody with the role and the size that the Federal Government was at that time.

We are in a situation today where I believe many Americans believe and they know in their heart what is right, and that our Constitution protects those rights and that we believe in freedom. We believe in that entrepreneurial spirit and that we can go out and make something of ourselves.

As I said, I am the son of a farmer and have the opportunity to serve in Congress, which is a humbling experience, but at the same time knowing that we have a responsibility for our kids and for our grandkids, for our country, for the freedom that we have, for the opportunity we have. I believe that this is a perfect time for us to know what the Constitution says, to understand it and to apply it. Whether you are on the school board, which is one of the most important positions I believe any individual can run for, to be involved in our children's education, whether it is on the city council, town council, county council, State government, those are all such important, township government, are all so important because an engaged person involved in the community, involved in the government, can make a difference. That is what I believe to be so fascinating is that this document empowers us as Americans. It doesn't take

power away. It doesn't give power strictly to the Federal Government. It is one that believes in the American people.

As I mentioned before, with the budget debates coming forward, if we continue to go down the path of higher spending, higher taxes, of more regulation, that we only take away opportunity. We take away the empowerment that was given to the American people, and that we all should be grateful that we can go back to the Constitution and have this discussion and have this dialogue about the responsibilities of the Federal Government and making that case to those of us in Congress and to our colleagues on both sides of the aisle, the responsibilities and the opportunities that State governments, local governments, not only can they do, but they can do it better because they can meet the needs of their local communities because they hear from local citizens. I believe that government that is closest to the people serves the people better.

With that, I appreciate each of my colleagues this evening being part of the Constitutional Caucus discussion here on the House floor. I am looking forward to many more. I know that each of us have great responsibilities in front of us in realizing what the Federal Government's role is, according to this document, and that we take these very seriously in the upcoming days and that we don't continue to grow the size and the scope of government.

I thank the Speaker for the time.

□ 1950

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 34, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-62) on the resolution (H. Res. 223) providing for consideration of the concurrent resolution (H. Con. Res. 34) establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021, which was referred to the House Calendar and ordered to be printed.

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 HOUR OF MEETING ON TOMORROW

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow for morning-hour debate and 11 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

POLICY OF TAXATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Thank you, Mr. Speaker. I appreciate the opportunity to address the body tonight.

I was not able to hear the President's speech today, but I was able to then get a transcript and read it. I note in the opening of that speech that he says, on page 1, that the debate that we're having here in Washington is about the kind of future that we want. It's about the kind of country we believe in, and then he describes that's what his speech will be about today.

As I read the context of the speech, I realize that the President and many Americans believe in very dramatically different models of country, and the kind of future that we believe in is dramatically different. I find in the President's speech that he centers many of his comments around taxing. Maybe it's taxing the millionaires and the billionaires. So I think that if we're going to talk about the kind of country that we live in, the kind of future that we want for the country, for our children and grandchildren, it is imperative that we begin to discuss this policy of taxation, this idea that we should and can tax the rich greater proportionate shares. It is that which I would like to address tonight.

Now as we talk about the future we believe in, understand that economic growth and vitality are critical concepts. And so one must then ask, How does the country achieve economic growth? How does it fail to achieve economic growth? That would be a key question. One of the core economic truths of economic growth is that when we tax the citizens more than approximately 23 percent, that we find an economy that will be stuck in stagnation. When we lower the taxation rate, then we find an economic vitality, creation of jobs. And so somewhere in that threshold of about 23 percent, we understand that every time we raise taxes, we kill jobs; and every time that we lower taxes, we create jobs. That was the essence of the argument that President Kennedy levied when he said we need to lower the tax rate in order to create more government revenues.

I often talk about the economic chaos that we're facing in our world right now, in our country; and it begins at this point. We begin with looking at the chart; we have basically an imbalance. We are spending \$3.5 trillion every year, and we're bringing in \$2.2 trillion every year. Our economy is stuck in stagnation. We don't have the ability to create jobs. And the President is talking about raising taxes in order to create revenue. President Kennedy would understand that when we raise taxes, we actually diminish the

2.2 figure, we actually lower the 2.2, because jobs are lost, productivity is lost; and, therefore, those jobs don't pay taxes to the government and the government's revenues begin to decrease.

I hear my friends on the other side of the aisle often describe the necessity to tax away Exxon's profits, that we should take every single dollar they make. In fact, we had one Presidential contender in the last race on the Democrat side saying we should tax Exxon's profits and spend them. We heard the Speaker of the House at that point using that same language, that we should tax the profits of Exxon and spend them.

Now let's take a closer look at that. Exxon makes good profits. They have a good business. They have good investments. But almost every year, Exxon spends the majority of its profits reinvesting them in new drilling. As they drill wells, people are hired to work on the drilling rigs. They're hired to work on the logging rigs, on the cementing rigs. They're hired to do the tasks of finishing the well, putting it into productivity before Exxon can ever make a profit. So as we take away that profit from them, we take away the future drilling. We take away, then, the jobs from the economy, and that is the reason that higher taxes penalize and kill jobs.

Another example that I have about job creation was from Bill Sweat in Artesia. I asked at one of my town halls, What does it take to create jobs? He held up his hand and said, It takes me \$340,000 to create one job. That's because we drive bulldozers in our work. And actually they won't let me drive the bulldozer down through the main streets of Artesia, so I have to buy a pickup truck, too. So he said basically for \$400,000 that he can create one job.

When the government, when Washington taxes away those obscene profits—those obscene profits in the eyes of some—then what happens is Mr. Sweat takes longer and maybe even never gets to the point of having the \$340,000 in the bank in order to pay for that new bulldozer and hire one more person.

So as the President begins to tell us that his view of this country is one where we're going to tax the people who are producing, then we have to wonder what we're going to get. Often a truism is that what you tax, you get less of; so if he's going to tax the producers, the millionaires and the billionaires, you're going to get less of them. I think that's a question we should ask: Is that a course that we want to chart for our future?

My friend from Michigan (Mr. McCOTTER) is here tonight, and maybe he has some insights; but I would like to suspend my conversation on the idea that we can tax the rich and find prosperity for our Nation. I think the rich should pay taxes the same as everyone

else, but when we raise the tax level beyond that 22, 23, 24 percent threshold, then we need to understand the result is going to be economic stagnation. That's what we're finding right now.

So when Mr. Obama concentrates his speech today on taxing, taxing the wealthy, that they would pay their fair share in the society, understand he is talking about a future that looks somewhat like Cuba's. Cuba taxes wealthy people, and they haven't had job creation for decades. The Soviet Union taxed wealthy people. They didn't have jobs. Europeans even tax at a greater rate than we do, and they've had economic stagnation up until recent times when they began to cut the cost of government, cut the size of government and lower taxes and found themselves creating jobs.

I would like to yield to the gentleman from Michigan at this point for comments that he might have.

Mr. McCOTTER. I thank the gentleman for yielding.

We've seen throughout our lifetimes the argument put forward that the way out of a fiscal mess is to raise taxes. And we've learned one thing: if they tax it and take it, they spend it. Over and over and over again the same siren song: government must increase revenues, that revenues are the problem. In short, the hardworking American people are the problem because they don't pay through the nose for the Federal Government's overspending.

I think the American people understand that we have not a revenue problem but a spending problem. So as we go forward, I think it is wise to remind many of our colleagues that if taxation is the road to prosperity, why do they not have 100 percent taxation? Because they know that it does not work. They know that it is a short-term expedient that has long-term damaging consequences to the economy. And as you go forward and you try to punish productivity, you produce unemployment, you produce poverty. In short, the cycle continues anew. As productivity drops, revenues drop. Then the calls for more revenue come in because the spending never stops, because the spending as we saw with the stimulus and other legislation of the past Democratic majority is that they will then spend even more money to try to get their way out of a crisis.

□ 2000

It was disappointing to see the President buy into the logic that your prosperity comes from the government rather than from the fruits of your own hard work, and that somehow the government is entitled to whatever of your money it deems necessary to continue its wasteful spending habits. Again, this is rejected.

As the gentleman from New Mexico understands, we live in a very difficult period of time. We are making the

transition from an industrialized society to a globalized, consumer-driven economy. We have seen families across America and businesses across America make the difficult decision to survive, to compete. They have not only had to discard things that they wanted, but things that at times they felt they needed. And yet one entity, one entity above all has failed to emulate the difficult decisions made by men and women across America, and that entity is Big Government. And the reason is very simple: You can only spend what you make, but Big Government can spend what it takes from you.

And so today, we saw the President again make the argument that if we just took more from the American people or a certain segment of the American people—disregarding his rhetoric that we were all in this together. Evidently that is now as pass as some of his other pronouncements. The reality remains that we have to grow our way out of this. We have to adapt to a consumer-driven economy. We have to have a citizen-driven government, one that understands that the founding principles of this country are there for a reason; that now that we have reached the height of the zenith of the industrial welfare state that fosters dependence of individuals upon it rather than fostering and facilitating self-government and liberty and prosperity, that the day will come when this government and its fiscal recklessness proves unsustainable.

The question before us now is a very simple one: Will we responsibly and constructively address this crisis by performing our constitutional responsibilities and fulfilling the promises we made to our constituents, or will we go on with the same tired tax-and-spend policies that didn't work in the seventies, which in many cases were known quite simply as "soak the rich; spend the bread"? Bad idea.

So the gentleman from New Mexico, I thank him for his time and point out that the fiscal debate which will continue here tomorrow is a very simple one: You can protect the Big Government policies of the past or you can look forward to a self-government, a citizen-driven government, a consumer-driven economy that unleashes the entrepreneurial genius of America and the diligence of workers and allows families to move into a future of liberty and prosperity. Or, in short, you can support the President and the politics of the past, or bankruptcy; or we can look forward and let the American people lead us into a new era of liberty and prosperity.

Mr. PEARCE. I thank the gentleman for his comments. And he pointed out that we cannot sustain this course, that actually this course is doomed to fail. I draw attention to my chart again, the far right-hand corner of the chart in which we show here exactly

what the Office of Management and Budget says.

This is the President's own economic arm of the White House that says that our prosperity through time has been increasing—that's the upward sloping line—but now it's flattening out to the red zone in the chart. But then we see the chart absolutely stops at some point in time, that's about 2038. That is the point that Mr. McCOTTER refers to that we are on the path to stopping our economy. Our economy will actually fail because of the policies that we have now. And this is the future that is being demonstrated by our President today in his speech.

Now, as he talks about taxing, understand that we have lost jobs because of our tax policy and we've lost jobs because of our regulatory policy. Now, in the speech today, he talks about tax policy, but it's going in the wrong direction. In previous speeches, he has talked about the need to reform corporate taxes. In his State of the Union speech, he acknowledged that we are taxed too high, that we can't create the economic growth that we need because we are taxing corporations in a fashion that exceeds other nations in the world. So he acknowledges it there.

I was hoping today in his speech that he would clarify, that he would begin to set a target, that he would set a timetable where we can start pulling back those manufacturing jobs because of a reform in tax policy. But curiously, in defining our future and in defining the way that we are looking at the values of the country—that's his declaration for what he wants to do in his speech today—he omits the job creation piece of taxation policy toward our corporations. He acknowledges that in his State of the Union speech. In his State of the Union speech he said that we are taxed at too high a rate, that he wants to cure that. He said that we must have reform. He said we need to use our savings to lower the corporate tax rate for the first time in 25 years, and that was what I think Americans were looking for.

Americans maybe can't express the companies that have left this Nation to find lower tax rates and better economic regulations in other countries, they might not be able to name them, but they implicitly know that they exist. I will look at, again, my chart.

The revenues in this Nation are \$2.2 trillion. That's the accumulated taxes that we've paid to our government. The expenses are 3.5. Yes, we can cut our expenses, but we should be concentrating and growing the jobs and having people go back to work. As they go back to work, they begin to pay taxes, and our \$2.2 trillion begins to increase. But as every single individual is hired, they come off welfare, unemployment and food stamps, and then they go down into the productive part of society, so we find our economic imbalance

collapsing toward itself. The costs collapse as we are hiring people and putting them back to work. And that should have been the concentration of President Obama's speech today.

In the past, because of our policies, we have lost the producers in this country, a list of them: Fender Guitars, Converse, Etch A Sketch, Radio Flyer, Levi's, Craftsman tools, Stanley tools, USA flags, Rawlings baseballs, Brach's candy, IBM computer, NBA uniforms. These are just a partial list of companies that have decided that it is cheaper to manufacture somewhere else because our policies make it too difficult. If we're going to rebuild our economy, we need to rebuild that manufacturing base, and we do that through tax policy. That should be the concentration of both parties at this time in our Nation's history.

The President also mentions, on page 2, that we're amassing alarming debt levels back in the 1980s. If I look at my chart—again, I show our deficits. This year our deficit is \$1.3 trillion; that is, our spending exceeds the revenues by \$1.3 trillion. That deficit runs over and I show it going into our debt barrel, that accumulated debt for generations past. And Mr. Obama mentions adequately that that debt in the eighties started reaching alarming levels. But from the time of George Washington until the first President Bush—that's after 1980—we had an accumulation of about \$5 trillion worth of debt. If you look at the chart, you can see that we have an accumulation today of almost \$15 trillion. So we had \$5 trillion back in the mid-eighties, and now we're at \$15 trillion.

I would point out to the President, when he says we were amassing debt at alarming levels in the 1980s, that the debt he has accumulated in his Presidency is almost equivalent to what we accumulated from the time of George Washington to the first President Bush. That is alarming.

It's an alarming statistic that we have a deficit today in this budget of \$1.3 trillion, but in 2007—the last budget written under a Republican Congress and with President Bush as President—the last deficit was under \$200 billion. That would be the equivalent to 0.2. Today we are over \$1.1 trillion, and even up into when the President came into office, our annual deficit was less than half a trillion. We now have over \$1.5 trillion that the President is suggesting our debt levels should be next year. So in his time alone we have increased deficits from the billion dollar category, increased them to the trillion dollar category, and that is alarming debt.

□ 2010

That is what has got other nations pointing to us and saying that is not sustainable. They're afraid when they loan us money, that it is not going to

be paid back. So nations are increasingly reticent to lend us money.

That then results in the Federal Reserve buying most of our debt. This year, our Federal Reserve is on track—now keep in mind they get much of their money from the government and then they're loaning us money from the other hand—our Federal Reserve this year is on track to lend us about 60 to 70 percent of the money that we borrow.

Now, Mr. Bernanke expresses deep belief that there are buyers for those Treasury bills out there. There are people who are going to lend our Nation money. But as they look at the economic instability that we're facing, they understand the need that we have to, number one, correct spending but, number two, to grow the economy and create jobs.

Now, there are those skeptics who do not believe that tax cuts will create jobs. Again, I follow the example of Exxon. When you take their profits away, you tax them more, then you actually decrease the amount that they're spending with drilling companies, offshore platforms that they're spending in different communities to get services done to their wells as they drill them.

Also, I would remind the listeners today of Mr. Sweat and that \$340,000 for the bulldozer. Those are the evidences that we get that tax cuts will create jobs.

But if we want to look at the other model, tax increases killing jobs, we can look no further than our own country at a time of the tax cuts of 2003. Over the next 4 to 5 years, our economy created over 5 million jobs. As the threat of taxes loomed, as the economic slowdown came in, as the uncertainty of the current administration began to take hold, then we have lost almost 3 million jobs.

So just the talk of taxes, the talk of the cap-and-trade tax permeated the discussions in 2009, it began to cause people to shy away and say we better not invest because we're afraid we're going to be taxed.

The discussions of the health care bill also related the belief that the people had that Washington was going to raise taxes in the health care field. And so again, consumers began not to purchase as much, investors began not to buy new equipment, people everywhere were becoming more cautious, and we slipped into stagnation. Our economy began to stagnate and lose jobs and has not yet been creating those jobs at any significant rate. We're still above 8 percent unemployment, and that was to be the floor we would find if we spent the money on the stimulus in a previous vision that the Obama administration gave to us.

As we think about other examples, I always like to use the example of Ireland. Fifteen or 20 years ago, Ireland

began to lower its corporate tax rates. They believed, as I'm saying tonight, that if they would lower tax rates to corporations, that the companies would actually come flooding into the country. They would come there to produce. And it created the Irish miracle, the economic miracle of growth that was caused by Ireland cutting its corporate tax rate from about 36 percent down to around 12 percent. A significant decrease.

Companies began to flood into Ireland. The contrast is also given by Ireland. As they began to find prosperity, they began to spend more than they bring in, this same model that we're looking at here. They began to raise taxes. And now corporations are flooding away.

Just today I was visiting with the managers of a cheese plant that is on the east side of New Mexico. They're an Irish company. They've come here to produce because it is just too difficult, too high, the taxes are too great in Ireland. My brother-in-law works for Hughes Tool. He was at Hughes Tool back when they moved factories, production facilities back into Ireland. This year, my brother-in-law went to disassemble the last plant in Ireland because they've gone up on their tax rates and no longer was it a good place to operate.

If we're interested in solving the economic chaos that we're facing, we can't get there simply by spending cuts; we can't get there by taxing the rich. In other words, taxing the rich is going to drive us further away from the goal, further into stagnation, further into job losses. If we're going to rebuild our economy, we must concentrate on economic growth.

And the nice thing is that the actuarial tables tell us that if we will grow jobs at about 3½ percent, that this imbalance begins to disappear, that the worry of the future begins to dissipate simply because we grow the economy, we create jobs, we take people off of unemployment, we take people off of welfare, off of food stamps. Our 3.5 cost to the government begins to diminish, the 2.2 begins to grow, we find ourselves reaching balance, and over the long term, we find ourselves beginning to reduce this \$15 trillion debt. We find ourselves able to sustain the \$202 trillion worth of unplanned expenses—excuse me, they're not unplanned, they're simply unpaid for—the expenses of Medicare, Medicaid, and Social Security. That's where the real threat lies.

And nowhere in Mr. Obama's plan did I see a dealing with those significant drains on our economy. His only plan is to tax the rich, the millionaires and the billionaires, by making them pay their fair share. And that, he says, is going to fix the economy.

That, my friends, is going to wreck the economy.

When we choose that course of making the rich pay more than their fair share, they owe it to us. It's only fair, he says in his speech, that they would pay a little more. When we do that, we're going to choke jobs off even more. Other nations, our 2.2 is going to be less. We're going to put those people out of work, just like we did offshore in Louisiana. We put about 100,000 people out of work there. We're on the way to putting them out of work.

Those people, instead of paying taxes, are going to pay no taxes, but they're now going to cost us unemployment benefits; they're going to cost us in Medicare, Medicaid. They're going to cost us in food stamps, welfare. And they're not going to be producing.

So with this vision of taxing the rich, we're going to move more to an unproductive society because you cannot create more productivity by taxing it. If that were the case, every nation would be productive. Every nation can always go up on taxes. But not every nation can create the environment to where innovators are allowed to produce.

The innovations in the oil and gas industry have been dramatic, and yet that's the single area it appears that President Obama is going to kill first, that whole specter he refers to as "yesterday's fuel," "yesterday's energy."

If it is yesterday's energy, let the President take the lead and cease using it. Use the energies of tomorrow. Stop using that energy of the past. Let him fly an airplane on something besides jet fuel. Please. Give us that bold vision and courage and leadership. Let him show us the way if fossil fuels are a thing of the past.

But I suspect, like you and me, that the President is going to continue to drive his limousine on petroleum-based products. He's going to continue to fly Air Force 1 not on solar power, but on jet fuel. I suspect that all of Americans are going to do it. The only thing that we're going to have as an outcome is less plentiful energy, fewer jobs, a greater imbalance in our government and our government spending, greater uncertainty for the future.

□ 2020

That's a shame that that's the leadership that we're getting. Because at this point in our world's history, it would be possible, if we are literally looking to recreate our economy, to draw back the manufacturing jobs of the past, to put them back to work here, to rekindle the industries that are gone so that we do have a bright future, so that people have not just jobs, but careers to face; that they are able to plan for their future; that they are able to save for a house, save for the kids' education; that they are able, truly, to live the American Dream.

That's what has made this country great in the past, and I think that

Americans at this point in time will find that leadership for the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today after 4 p.m. on account of family medical reasons.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 307. An Act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse".

S.J. Res. 8. Joint Resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 14, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1248. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1249. A letter from the General Counsel, Federal Energy Commission, transmitting the Commission's final rule — Demand Response Compensation in Organized Wholesale Energy Markets [Docket No.: RM10-17-000; Order No. 745] received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1250. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 5-11 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

1251. A letter from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

1252. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's annual report for Fiscal Year 2010 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1253. A letter from the General Counsel, General Accountability Office, transmitting the annual report on the implementation of Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (No Fear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1254. A letter from the EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2010 to ensure accountability for antidiscrimination and whistleblower laws related to employment; to the Committee on Oversight and Government Reform.

1255. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Supplemental Regulatory Flexibility Determination [Docket No.: FAA-2002-11301; Amendment No. 121-315A] (RIN: 2120-AH14) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1256. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Henderson, KY [Docket No.: FAA-2010-0937; Airspace Docket No. 10-ASO-35] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1257. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Charleston, WV [Docket No.: FAA-2010-1010; Airspace Docket No. 10-AEA-24] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1258. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Moratorium on New Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1259. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bryce Canyon, UT [Docket No.: FAA-2010-0961; Airspace Docket No. 10-ANM-12] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1260. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Newport, VT [Docket No.: FAA-2010-0938; Airspace Docket No. 10-ANE-108] received April 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment

of Class E Airspace; Lancaster, NH [Docket No.: FAA-2010-1009; Airspace Docket No. 10-ANE-111] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wolfeboro, NH [Docket No.: FAA-2010-1007; Airspace Docket No. 10-ANE-109] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Colebrook NH [Docket No.: FAA-2010-1008; Airspace Docket No. 10-ANE-110] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace and Revocation of Class E Airspace; Easton, MD [Docket No.: FAA-2010-0936; Airspace Docket No. 10-AEA-23] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. Supplemental report on House Resolution 218. Resolution providing for consideration of the bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473; and providing for consideration of the concurrent resolution (H. Con. Res. 36) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473 (Rept. 112-60, Pt. 2).

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 223. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 34) establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021 (Rept. 112-62). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McNERNEY (for himself, Mr. CARDOZA, and Mr. GARAMENDI):

H.R. 1504. A bill to authorize the Secretary of Transportation to make grants for engineering, final design, and construction of the Altamont Corridor Rail Project, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah (for himself, Mr. KING of New York, Mr. HASTINGS of Washington, Mr. SMITH of Texas, and Mr. CARTER):

H.R. 1505. A bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. ACKERMAN, Mr. RUSH, Mr. WAXMAN, Mr. DEUTCH, Mr. HOLT, Ms. NORTON, Mr. ENGEL, Mr. DOYLE, Ms. CHU, and Mr. LANCE):

H.R. 1506. A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist; to the Committee on the Judiciary.

By Mr. FLAKE:

H.R. 1507. A bill to implement a comprehensive border security plan to combat illegal immigration, drug and alien smuggling, and violent activity in the southwest border of the United States; to the Committee on Homeland Security, and in addition to the Committees on Agriculture, Natural Resources, Armed Services, the Judiciary, Ways and Means, Energy and Commerce, Appropriations, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY:

H.R. 1508. A bill making appropriations to ensure that members of the Armed Forces and civilian employees of the Department of Defense and the Coast Guard are paid during any period of lapsed appropriations; to the Committee on Appropriations.

By Mr. SAM JOHNSON of Texas (for himself and Mr. DOGGETT):

H.R. 1509. A bill to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. CHAFFETZ:

H.R. 1510. A bill to amend title 49, United States Code, to prohibit a pat down search of minor for purposes of air transportation security without the consent and presence of a parent of the minor, and for other purposes; to the Committee on Homeland Security.

By Mr. PETRI (for himself and Mr. GENE GREEN of Texas):

H.R. 1511. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts:

H.R. 1512. A bill to amend the Federal Reserve Act to remove the representatives of the Federal Reserve banks from membership on the Federal Open Market Committee; to the Committee on Financial Services.

By Mr. BARTLETT (for himself, Mr. ISRAEL, Mr. LANGEVIN, Mr. REICHERT, Mr. TOWNS, Mr. ROTHMAN of New Jersey, Mrs. BONO MACK, Mr. SMITH of New Jersey, Mr. QUIGLEY, Mr. SHERMAN, Mr. CAMPBELL, Mr. HEINRICH, Mr. RANGEL, Mr. COURTNEY, Mr. SARBANES, Mr. KISSELL, Mr. LUJÁN, Ms. NORTON, Mr. STARK, Ms. BORDALLO, Mr. YOUNG of Florida, Mr. BRADY of Pennsylvania, Mr. ELLISON, Ms. KAPTUR, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. ACK-

ERMAN, Mr. PETERS, Mr. FILNER, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Ms. MCCOLLUM, Mr. CARSON of Indiana, Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. RICHARDSON, Mr. DEFAZIO, Mr. NADLER, Mr. MORAN, Mr. GERLACH, and Mr. HINCHEY):

H.R. 1513. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself and Mr. ENGEL):

H.R. 1514. A bill to limit United States assistance to Egypt unless Egypt is honoring its commitments under the 1979 peace treaty between Egypt and Israel; to the Committee on Foreign Affairs.

By Mr. BISHOP of New York (for himself, Mr. HULTGREN, Mr. VAN HOLLEN, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Ms. SPEIER, Mrs. CAPPs, and Mr. DAVIS of Illinois):

H.R. 1515. A bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements; to the Committee on Transportation and Infrastructure.

By Mr. BOSWELL (for himself and Mr. TERRY):

H.R. 1516. A bill to authorize loan guarantees for projects to construct renewable fuel pipelines; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. POE of Texas, Ms. SLAUGHTER, Mr. FILNER, Ms. PINGREE of Maine, and Ms. SPEIER):

H.R. 1517. A bill to amend titles 10 and 28, United States Code, to provide for military sexual assault and domestic violence accountability, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRITZ (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 1518. A bill to amend section 310 of the Trade Act of 1974 to strengthen provisions relating to the identification of United States trade expansion priorities; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. CASTOR of Florida, Mr. OLVER, Ms. NORTON, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. MOORE, Mrs. LOWEY, Ms. DEGETTE, Mr. RYAN of Ohio, Ms. BROWN of Florida, Mr. MURPHY of Connecticut, Mr. ACKERMAN, Mr. WU, Mr. JACKSON of Illinois, Mr. LANGEVIN, Mr. HEINRICH, Ms. BERKLEY, Ms. HANABUSA, Mr. RANGEL, Mrs. CAPPs, Ms. RICHARDSON, Mr. VAN HOLLEN, Ms. TSONGAS, Mr. RUSH, Mr. GRIJALVA, Mr. LEVIN, Mr. MORAN, Mr. VISCLOSKEY, Ms. SUTTON, Mr. YARMUTH, Ms. BALDWIN, Mr. HIGGINS, Mr. HASTINGS of Florida, Mr. LUJÁN, Ms. SPEIER, Ms. WATERS, Ms. WOOLSEY, Mr. SERRANO, Mr. HOLT, Mr. SARBANES, Mr. CONYERS, Mr. ISRAEL, Mr. NADLER, Mr. SCHIFF, Mr. McDERMOTT, Mr. SIREs, Mr. LOEBsACK, Mr. LEWIS of Georgia, Mrs.

DAVIS of California, Mr. COOPER, Mr. SCOTT of Virginia, Ms. CHU, Mr. DINGELL, Mr. GONZALEZ, Mr. BRALEY of Iowa, Mr. MCGOVERN, Mr. PETERS, Mr. LYNCH, Mr. CONNOLLY of Virginia, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. ROTHMAN of New Jersey, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. DOGGETT, Mr. CARDOZA, Mr. GENE GREEN of Texas, Mr. CICILLINE, Mr. SHERMAN, Mr. FILNER, Ms. MATSUI, Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Ms. BASS of California, Ms. SCHAKOWSKY, Mr. DOYLE, Ms. HIRONO, Mr. DEFAZIO, Mr. BOSWELL, Mr. CARSON of Indiana, Mr. POLIS, Mr. FARR, Mr. REYES, Ms. KAPTUR, Mrs. NAPOLITANO, Mr. TIERNEY, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. BACA, Mr. CLARKE of Michigan, Ms. SEWELL, Mr. MICHAUD, Ms. SCHWARTZ, Mr. STARK, Mr. KIND, Mr. KILDEE, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Mr. BERMAN, Mr. FRANK of Massachusetts, Ms. BORDALLO, Mr. COURTNEY, Mr. HIMES, Mr. HOYER, Mrs. MALONEY, Mr. FATTAH, Ms. LORETTA SANCHEZ of California, Mr. WALZ of Minnesota, Mr. FALCOMAVAEGA, Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. WAXMAN, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, Mr. BLUMENAUER, Mr. PASCRELL, Mr. MCNERNEY, Mr. HINCHEY, Mr. BECERRA, Mrs. MCCARTHY of New York, Mr. RICHMOND, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, Mr. ENGEL, Mr. WELCH, Mr. MARKEY, Ms. ESHOO, Mr. CLYBURN, Mr. TONKO, Mr. PERLMUTTER, Ms. FUDGE, Mr. COHEN, Mr. NEAL, Mr. DAVID SCOTT of Georgia, Ms. SLAUGHTER, Mr. CAPUANO, Mr. BOREN, Ms. WILSON of Florida, Mr. LIPINSKI, Mr. WATT, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. PASTOR of Arizona, Mr. PAYNE, Mr. ANDREWS, Mr. WEINER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. CLAEVER, Mr. ALTMIRE, Mr. KEATING, Ms. PINGREE of Maine, Mr. GARAMENDI, and Ms. EDWARDS):

H.R. 1519. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself, Mr. REICHERT, and Mr. YOUNG of Florida):

H.R. 1520. A bill to amend the Outer Continental Shelf Lands Act to require that oil and gas drilling and production operations on the outer Continental Shelf must have in place the best available technology for blow-out preventers and emergency shutoff equipment, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1521. A bill to direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist

Church in Atlanta, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. MACK:

H.R. 1522. A bill to repeal the Energy Independence and Security Act of 2007; to the Committee on Energy and Commerce, and in addition to the Committees on Small Business, Oversight and Government Reform, Science, Space, and Technology, Transportation and Infrastructure, Financial Services, House Administration, Natural Resources, Foreign Affairs, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. POE of Texas, Mr. MORAN, Mr. COSTA, Mr. GRIJALVA, Ms. RICHARDSON, Ms. MOORE, Mr. BARTLETT, Mr. DEUTCH, Mr. ADERHOLT, Mr. ROONEY, Ms. WASSERMAN SCHULTZ, Mr. FITZPATRICK, Mrs. CAPPS, Mr. LATHAM, and Mrs. EMERSON):

H.R. 1523. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Mr. PAYNE:

H.R. 1524. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Education and the Workforce.

By Mr. POLIS (for himself, Mr. HOLT, Ms. DEGETTE, Ms. BERKLEY, Mr. PAULSEN, Mr. HIMES, and Mr. COFFMAN of Colorado):

H.R. 1525. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Education and the Workforce.

By Mr. POSEY:

H.R. 1526. A bill to amend the Internal Revenue Code of 1986 to except from the early distribution penalty certain qualified retirement plan distributions used to purchase a residence that has been in foreclosure for a year or more; to the Committee on Ways and Means.

By Mr. QUIGLEY (for himself, Mr. COOPER, Mr. PLATTS, Mr. SCHOCK, and Mr. REICHERT):

H.R. 1527. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. MATHESON, Mr. BILBRAY, and Mr. MANZULLO):

H.R. 1528. A bill to protect and enhance consumer privacy, and for other purposes; to the Committee on Energy and Commerce.

By Ms. TSONGAS (for herself, Mr. TURNER, Mr. HOLT, Mr. CLEAVER, Ms. DELAURO, Mr. TOWNS, Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. DONNELLY of Indiana, Mr. RANGEL, Mr. BARTLETT, Mr. MILLER of Florida, Ms. SPEIER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. FRANKS of Arizona, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, and Ms. PINGREE of Maine):

H.R. 1529. A bill to amend title 10, United States Code, and the Ike Skelton National

Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services; to the Committee on Armed Services.

By Mr. WOLF (for himself and Mr. HUNTER):

H.R. 1530. A bill to establish the Afghanistan-Pakistan Study Group; to the Committee on Foreign Affairs.

By Ms. WOOLSEY:

H.R. 1531. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself and Mr. GARRETT):

H. Con. Res. 39. Concurrent resolution expressing the sense of Congress regarding the freedom, security, and stability of Taiwan; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CICILLINE, Mrs. DAVIS of California, Mr. DOYLE, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. KUCINICH, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Ms. MCCOLLUM, Mr. MORAN, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. POLIS, Ms. RICHARDSON, Ms. LINDA T. SANCHEZ of California, Ms. WASSERMAN SCHULTZ, Mr. SERRANO, Mr. SHERMAN, Ms. WOOLSEY, and Mr. WU):

H. Con. Res. 40. Concurrent resolution supporting the goals and ideals of the National Day of Silence in bringing attention to anti-lesbian, gay, bisexual, and transgender name-calling, bullying, and harassment faced by individuals in schools; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LONG (for himself and Mr. DUNCAN of South Carolina):

H. Con. Res. 41. Concurrent resolution expressing support for designation of the third Saturday in April as "National Auctioneers Day"; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

9. The SPEAKER presented a memorial of the Senate of the State of West Virginia, relative to Senate Concurrent Resolution No. 37 urging the members of the West Virginia Delegation to oppose any actions by the Congress to reduce funding for Community Service Block Grants; to the Committee on Education and the Workforce.

10. Also, a memorial of the Senate of the State of New Mexico, relative to Senate Joint Memorial 21 supporting the Federal Government's efforts to provide electricity to residents of the Navajo Nation; to the Committee on Natural Resources.

11. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6009 urging the U.S.

Army Corps of Engineers to accept "Life of the Project" conservation easements; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCNERNEY:

H.R. 1504.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article 1, Section 8 of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 1505.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States), and Clause 1 of Article 1, Section 8, which grants Congress the authority to provide for the common defense and general welfare of the United States, and Clause 18 of Article 1 Section 8, which allows the authority to make laws deemed necessary and proper.

By Mr. KING of New York:

H.R. 1506.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. FLAKE:

H.R. 1507.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, section 8, clause 1.

By Mr. POSEY:

H.R. 1508.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. SAM JOHNSON of Texas:

H.R. 1509.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. CHAFFETZ:

H.R. 1510.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article I, Section 8, Clause 1, and the 4th and 14th Amendments to the U.S. Constitution.

By Mr. PETRI:

H.R. 1511.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

By Mr. FRANK of Massachusetts:
 H.R. 1512.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 3 (the Commerce Clause).
 By Mr. BARTLETT:
 H.R. 1513.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 3
 By Ms. BERKLEY:
 H.R. 1514.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 1 of the U.S. Constitution states that all legislative powers are vested in the Congress of the United States.
 By Mr. BISHOP of New York:
 H.R. 1515.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, §8, clause 1, commonly referred to as the Spending Clause.
 By Mr. BOSWELL:
 H.R. 1516.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 3 of the Constitution of the United States of America.
 By Mr. BRALEY of Iowa:
 H.R. 1517.
 Congress has the power to enact this legislation pursuant to the following:
 This bill is enacted pursuant to the power granted to Congress under Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.
 By Mr. CRITZ:
 H.R. 1518.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8
 By Ms. DELAURO:
 H.R. 1519.
 Congress has the power to enact this legislation pursuant to the following:
 Article I, Section 8, Clause 3 of the United States Constitution.
 By Mr. INSLÉE:
 H.R. 1520.
 Congress has the power to enact this legislation pursuant to the following:
 The Constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, which provides that Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.
 By Mr. LEWIS of Georgia:
 H.R. 1521.
 Congress has the power to enact this legislation pursuant to the following:
 This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
 By Mr. MACK:
 H.R. 1522.
 Congress has the power to enact this legislation pursuant to the following:
 This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mrs. MALONEY:
 H.R. 1523.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 18, which reads: The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.
 By Mr. PAYNE:
 H.R. 1524.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 3 of the Constitution
 The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.
 By Mr. POLIS:
 H.R. 1525.
 Congress has the power to enact this legislation pursuant to the following:
 Article I, Section 1,
 All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
 By Mr. POSEY:
 H.R. 1526.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8, Clause 1 of the United States Constitution; The 16th Amendment to the United States Constitution
 By Mr. QUIGLEY:
 H.R. 1527.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1, Section 8 of the United States Constitution.
 By Mr. STEARNS:
 H.R. 1528.
 Congress has the power to enact this legislation pursuant to the following:
 Article 1 Section 8, Clause 3
 By Ms. TSONGAS:
 H.R. 1529.
 Congress has the power to enact this legislation pursuant to the following:
 The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.
 By Mr. WOLF:
 H.R. 1530.
 Congress has the power to enact this legislation pursuant to the following:
 The constitutional authority on which this bill rests is the power of Congress "provide for the common Defence," as enumerated in Article 1, Section 8 of the United States Constitution.
 By Ms. WOOLSEY:
 H.R. 1531.
 Congress has the power to enact this legislation pursuant to the following:
 This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

H.R. 35: Mr. POE of Texas.
 H.R. 58: Mr. CALVERT, Mr. WALZ of Minnesota, Mr. LONG, Mr. KIND, Mr. HEINRICH, Mr. CULBERSON, Mr. AKIN, Mr. MCCOTTER, Mr. JORDAN, and Mr. HUIZENGA of Michigan.
 H.R. 100: Mr. KLINE.
 H.R. 104: Mr. FLEMING and Mr. LUETKE-MEYER.
 H.R. 177: Mr. GERLACH.
 H.R. 178: Mr. DAVIS of Illinois and Ms. LINDA T. SÁNCHEZ of California.
 H.R. 181: Mr. COSTELLO and Mr. REYES.
 H.R. 186: Mr. DAVIS of Illinois.
 H.R. 190: Mr. RANGEL, Mr. PAYNE, Mr. CONNOLLY of Virginia, Mr. HOLT, Ms. CHU, Mr. FILNER, Mrs. NAPOLITANO, Ms. LEE of California, Mr. GRIJALVA, Mr. COURTNEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINCHEY.
 H.R. 198: Mr. BACHUS and Mr. WOODALL.
 H.R. 206: Mr. DUNCAN of South Carolina.
 H.R. 237: Mr. WITTMAN.
 H.R. 303: Ms. PINGREE of Maine.
 H.R. 333: Mr. RYAN of Ohio, Mr. HELLER, Mr. SMITH of New Jersey, Mr. MILLER of North Carolina, Mr. MICA, Mr. AUSTIN SCOTT of Georgia, and Mr. PAUL.
 H.R. 399: Ms. MOORE and Mr. GRIMM.
 H.R. 412: Mr. MURPHY of Pennsylvania.
 H.R. 420: Mr. MCCOTTER, Mr. AKIN, Mr. CULBERSON, Mr. HEINRICH, Mr. LONG, Mr. WALZ of Minnesota, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, Mr. HERGER, Mr. LANDRY, Mr. BARROW, Mr. FORBES, Mr. MICA, and Mr. CANSECO.
 H.R. 428: Mrs. MILLER of Michigan.
 H.R. 431: Mr. DUNCAN of South Carolina and Mr. YOUNG of Indiana.
 H.R. 432: Ms. DELAURO.
 H.R. 498: Mr. WITTMAN.
 H.R. 531: Ms. BROWN of Florida.
 H.R. 546: Mr. MCCOTTER, Mr. BOREN, Mr. BRALEY of Iowa, Mr. KILDEE, Mr. CHABOT, Mr. FRANKS of Arizona, Mr. ROSKAM, and Mr. WELCH.
 H.R. 577: Mr. KILDEE.
 H.R. 589: Mr. BERMAN.
 H.R. 615: Mr. DUNCAN of Tennessee, Mr. HERGER, Mr. LANDRY, Mr. BARROW, Mr. WALZ of Minnesota, Mr. AKIN, Mr. LONG, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, and Mr. HUIZENGA of Michigan.
 H.R. 631: Mr. DAVIS of Illinois.
 H.R. 645: Mr. KELLY, Ms. ROS-LEHTINEN, Mr. REHBERG, Mr. MCCAUL, Mr. SULLIVAN, Mr. FORBES, Mr. LANDRY, Mr. CRENSHAW, Mr. HERGER, Mr. DUNCAN of Tennessee, Mr. DONNELLY of Indiana, and Mr. KIND.
 H.R. 652: Mr. MURPHY of Pennsylvania.
 H.R. 674: Mr. SCHRADER, Mr. THORNBERRY, Mrs. BACHMANN, and Mr. YODER.
 H.R. 721: Mr. KINZINGER of Illinois, Mr. ROGERS of Alabama, and Mr. FLEMING.
 H.R. 740: Mr. CICILLINE, Ms. SLAUGHTER, and Mr. YOUNG of Indiana.
 H.R. 743: Ms. BORDALLO and Mr. GRIFFIN of Arkansas.
 H.R. 750: Mr. CARTER.
 H.R. 763: Mr. SIMPSON, Mrs. LOWEY, and Mr. HASTINGS of Washington.
 H.R. 776: Mr. COHEN.
 H.R. 798: Ms. WOOLSEY.
 H.R. 822: Mr. CHANDLER, Mr. BARROW, Mr. OLSON, Mr. LANDRY, Mr. BARLETTA, Mr. BARTLETT, Mr. LATOURETTE, Mr. GUTHRIE, Mr. JOHNSON of Ohio, Mr. AKIN, Mr. BUCSHON, Mr. DONNELLY of Indiana, Mr. STIVERS, Mr. FITZPATRICK, Mr. CHABOT, and Mr. KIND.
 H.R. 838: Mr. RIBBLE.
 H.R. 865: Mr. WITTMAN, Ms. SLAUGHTER, Mr. CRITZ, and Mr. REYES.
 H.R. 876: Mr. ANDREWS.
 H.R. 885: Mr. TONKO.
 H.R. 894: Mr. JACKSON of Illinois, Ms. HANABUSA, Mr. SCOTT of Virginia, and Mr. MURPHY of Connecticut.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 904: Mr. McCOTTER, Mr. FILNER, and Mr. FRANK of Massachusetts.
 H.R. 905: Mr. MACK and Mr. COHEN.
 H.R. 995: Ms. HIRONO.
 H.R. 998: Ms. WILSON of Florida.
 H.R. 1000: Mr. WILSON of South Carolina, Mr. ENGEL, and Ms. CHU.
 H.R. 1002: Mr. HASTINGS of Washington, Mr. CAMP, Mr. KILDEE, Mr. JOHNSON of Ohio, Mrs. MILLER of Michigan, Mr. PEARCE, Mr. HEINRICH, and Mr. STIVERS.
 H.R. 1006: Mrs. MILLER of Michigan.
 H.R. 1016: Mr. PAYNE, Mr. FATTAH, and Mr. AL GREEN of Texas.
 H.R. 1025: Mr. PALAZZO, Mr. GRIFFIN of Arkansas, Mrs. NOEM, Mr. JONES, Mr. FORBES, Mr. REYES, and Mr. FRANK of Massachusetts.
 H.R. 1057: Ms. BORDALLO, Mr. MORAN, Mr. ALTMIRE, Mr. NEAL, and Mr. JONES.
 H.R. 1058: Mr. GOSAR.
 H.R. 1074: Ms. BUERKLE.
 H.R. 1082: Mr. COFFMAN of Colorado and Mr. LATOURETTE.
 H.R. 1110: Ms. SUTTON.
 H.R. 1111: Mr. GRIFFITH of Virginia and Mr. LATTA.
 H.R. 1140: Mr. MCKINLEY.
 H.R. 1166: Mr. ROONEY, Ms. BERKLEY, Mr. WITTMAN, Mr. BRALEY of Iowa, and Mr. SIRE.
 H.R. 1181: Mr. DUNCAN of South Carolina, Mr. CARTER, Mr. KLINE, Mr. FRANKS of Arizona, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. WALSH of Illinois, Mr. NUGENT, Mr. STUTZMAN, Mr. KING of Iowa, Mr. CONAWAY, Mrs. BACHMANN, Mr. COLE, and Mr. CRAWFORD.
 H.R. 1182: Mr. LONG, Mr. CRAWFORD, Mr. PITTS, Mr. FRANKS of Arizona, Mr. KLINE, Mr. GRIFFIN of Arkansas, Mr. GIBBS, Mr. HULTGREN, Mr. COLE, Mrs. BACHMANN, Mr. CONAWAY, and Mr. DANIEL E. LUNGREN of California.
 H.R. 1186: Mr. FLORES and Mr. POMPEO.
 H.R. 1195: Mr. BOUSTANY and Mr. YOUNG of Alaska.
 H.R. 1206: Ms. MCCOLLUM, Mr. WOODALL, and Mr. ANDREWS.
 H.R. 1212: Mr. FRANK of Massachusetts.
 H.R. 1219: Mr. JACKSON of Illinois and Mr. ELLISON.
 H.R. 1229: Mr. SESSIONS, Mr. FLEISCHMANN, Mr. THOMPSON of Pennsylvania, and Mr. FINCHER.
 H.R. 1230: Mr. SESSIONS, Mr. FLEISCHMANN, Mr. THOMPSON of Pennsylvania, and Mr. FINCHER.
 H.R. 1231: Mr. SESSIONS, Mr. THOMPSON of Pennsylvania, and Mr. FINCHER.
 H.R. 1236: Mr. THOMPSON of California.
 H.R. 1240: Mr. RYAN of Ohio, Ms. SUTTON, and Ms. RICHARDSON.
 H.R. 1242: Mr. FRANK of Massachusetts and Mr. OLVER.
 H.R. 1249: Mr. CHABOT.
 H.R. 1270: Mr. HUNTER, Mr. LONG, and Mr. WALSH of Illinois.
 H.R. 1286: Mr. LABRADOR, Mr. ALEXANDER, Ms. HERRERA BEUTLER, Mr. BRADY of Texas, Mr. POMPEO, and Mr. BUCSHON.
 H.R. 1287: Mr. WILSON of South Carolina, Mrs. ELLMERS, and Mr. NEUGEBAUER.
 H.R. 1288: Ms. MCCOLLUM and Mr. COURTNEY.
 H.R. 1297: Mr. BASS of New Hampshire, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROOKS, Mr. COLE, Mr. GARDNER, Mr. GARRETT, Mr. GENE GREEN of Texas, Mr. LATHAM, Mr. LATOURETTE, Mr. MANZULLO, Mr. PITTS, and Mr. WALSH of Illinois.
 H.R. 1303: Mr. BISHOP of Georgia.
 H.R. 1317: Ms. LEE of California.
 H.R. 1323: Mr. BURGESS, Mrs. HARTZLER, Mr. GALLEGLY, Mr. LATOURETTE, Mr. COBLE, Mr. YOUNG of Alaska, Mr. HALL, Mr. COLE, Mr. WILSON of South Carolina, Mr. FORBES, Mr. COFFMAN of Colorado, Mr. WESTMORELAND, Mr. HECK, Mr. CARTER, Mrs. LUMMIS, Mr. BARTON of Texas, and Mr. GOHMERT.
 H.R. 1326: Mr. MARKEY.
 H.R. 1327: Mr. FLORES, Mr. AKIN, Mr. GINGREY of Georgia, Mr. BONNER, Mr. GRAVES of Missouri, Mr. THOMPSON of Pennsylvania, Mr. JACKSON of Illinois, Mr. CAPUANO, Mrs. LUMMIS, Mr. SIRE, Mr. YARMUTH, Mrs. BLACKBURN, Mr. BRALEY of Iowa, Mr. FILNER, Mr. STIVERS, Mr. LONG, Mr. CLAY, and Mr. PETERSON.
 H.R. 1338: Mrs. NAPOLITANO.
 H.R. 1340: Mr. WEST.
 H.R. 1341: Mr. BRADY of Texas, Mr. WALBERG, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. FRANKS of Arizona, Mr. ROKITA, Mr. GRIFFIN of Arkansas, Mrs. LUMMIS, Mrs. HARTZLER, Mr. DANIEL E. LUNGREN of California, and Mr. CANSECO.
 H.R. 1370: Mrs. HARTZLER.
 H.R. 1380: Mr. BUCSHON and Mr. REED.
 H.R. 1386: Mrs. MALONEY.
 H.R. 1391: Mrs. BLACKBURN, Mr. THOMPSON of Pennsylvania, Mr. SULLIVAN, Mr. KELLY, Mr. HARPER, Mr. BUCSHON, Mrs. LUMMIS, and Mr. LATOURETTE.
 H.R. 1418: Mr. JONES and Ms. SCHAKOWSKY.
 H.R. 1425: Mrs. BIGGERT.
 H.R. 1426: Mr. BUTTERFIELD, Mr. BARTLETT, Mr. WESTMORELAND, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. LATHAM, Mr. WU, and Mr. GRAVES of Missouri.
 H.R. 1433: Mr. FORBES, Mrs. MYRICK, and Mr. ROE of Tennessee.
 H.R. 1440: Mr. SERRANO.
 H.R. 1448: Ms. SCHWARTZ and Mr. POLIS.
 H.R. 1469: Mr. MURPHY of Connecticut.
 H.R. 1474: Mr. COFFMAN of Colorado.
 H.R. 1475: Mr. SCHIFF.
 H.R. 1477: Mr. JACKSON of Illinois and Mr. QIGLEY.
 H.R. 1488: Mr. WEINER, Mr. SABLAN, Mr. BERMAN, and Mr. TONKO.
 H.R. 1501: Mr. FLEISCHMANN, Mr. PENCE, Mrs. HARTZLER, Mr. GRIFFIN of Arkansas, and Mr. FRANKS of Arizona.
 H.J. Res. 47: Mr. CONNOLLY of Virginia.
 H.J. Res. 56: Mr. LONG, Mr. ISSA, Mr. BUCSHON, Mr. GRIFFIN of Arkansas, Mr. POMPEO, Mr. FLAKE, Mr. COLE, Mr. PENCE, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. WALBERG, Mr. GINGREY of Georgia, and Mr. GRAVES of Georgia.
 H. Con. Res. 21: Mr. REED, Mr. BUCHANAN, Mr. HEINRICH, Mrs. MYRICK, and Mr. LUCAS.
 H. Con. Res. 25: Mr. GARY G. MILLER of California.
 H. Con. Res. 32: Mr. CAMP.
 H. Con. Res. 37: Mr. HUELSKAMP, Mr. RIBBLE, Mr. POMPEO, Mr. HUIZENGA of Michigan, and Mr. STUTZMAN.
 H. Res. 19: Mr. PAYNE.
 H. Res. 137: Ms. SLAUGHTER and Mr. ACKERMAN.
 H. Res. 179: Mr. LEVIN.
 H. Res. 180: Mr. SHERMAN and Mr. ROTHMAN of New Jersey.
 H. Res. 208: Mr. POSEY, Mr. CHAFFETZ, Mr. CRAWFORD, and Mr. GRIFFIN of Arkansas.
 H. Res. 209: Mr. POSEY, Mr. CHAFFETZ, Mr. CRAWFORD, Mr. GRIFFIN of Arkansas, Mr. ROE of Tennessee, Mrs. SCHMIDT, and Mrs. BLACKBURN.
 H. Res. 210: Mr. SIRE, Mr. CLAY, and Mr. GRIJALVA.

EXTENSIONS OF REMARKS

NATIONAL MEDICAL LABORATORY PROFESSIONALS WEEK, APRIL 24-30, 2011

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I offer this on behalf of my colleague, Congresswoman GABRIELLE GIFFORDS, and her constituents in Arizona's 8th congressional district. This year, more than 10 billion laboratory tests are being performed—tests that are important to the health and, often, the very lives of our family members, our friends, and ourselves.

Thirteen percent of the U.S. population is already over the age of 65 and every seven seconds one of us turns 50. Combine these facts with the steadily lengthening life expectancy of the average American, and today's emphasis on preventive medicine and early detection of disease conditions. The result is an exponentially growing, almost overwhelming demand for medical laboratory services across the nation.

The American Society for Clinical Pathology advises that among the highly trained and dedicated professionals who work in medical laboratories are histotechnologists, histologic technicians, pathologists, medical technologists, cytotechnologists, medical laboratory technicians, and phlebotomists who engage in life-saving work every day.

Given the critical nature of their work, laboratory professionals require state-of-the-art technological support. Take, for example, the preparation of microscope slides for biopsies. Three hundred million tissue slides—most of them key to detecting cancer—are processed in U.S. histology labs each year. Actively working to eliminate patient identification errors and cross-contamination, the nation's top lab professionals have replaced outdated labeling and slide preparation processes with smart solutions—fully automated, integrated individual slide staining systems and workflow management platforms that offer confidence in their ability to deliver the right patient results.

I am proud to note that the leading global provider of such patient-focused, tissue-based cancer diagnostics is Ventana Medical Systems, Inc., headquartered in southern Arizona's eighth congressional district. Their mantra underscores the mission of every medical laboratory: deliver the right patient results in a timely manner.

With the approach of National Medical Laboratory Professionals Week (April 24-30), I join Ventana's 1,300 employees in saluting our nation's medical laboratorians. Their dedication, professionalism and hard work, combined with state-of-the-art technology, are essential to prolonging the healthy lives of millions.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Ms. MOORE. Mr. Speaker, on rollcall No. 253 Senate amendment to H.R. 1363, had I been present, I would have voted "no."

HONORING OUR NATION'S NURSES

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to recognize the vital contributions made by our nation's nurses and call attention to the quality healthcare services that nurses provide to patients within my district and across the nation. As the largest group of health professionals, nurses serve among healthcare providers on the front lines of our delivery system.

Whether in a school, a physician's office, or a hospital setting, nurses provide the personal attention that is necessary for their patients.

I commend the great commitment that these educated and qualified nurses consistently give to their profession and to their patients, despite the challenges they face. Recently, I had the opportunity to meet with a registered school nurse, Susan Voss, from Elk Grove Village, Illinois. She came to our nation's Capitol as part of the Nurse in Washington Internship Program to share her own experiences in the healthcare field.

In our meeting, Ms. Voss spoke passionately about her work and the students she serves. The devotion she has towards her profession is extraordinary. Every day, Susan drives over one hundred miles to help students and faculty with their routine treatments. In addition to her daily duties, she assists and monitors students with special needs. Her love for nursing and her dedication make her a powerful advocate for the nursing profession.

I ask my colleagues to join me in applauding Ms. Voss and nurses throughout the U.S. that help deliver quality healthcare services to American families.

IN HONOR OF PATROLMAN JAMES SIMONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of James Simone, a police officer with the City of Cleveland, who has announced his

retirement from the Cleveland Police Department after 38 years of service.

Mr. James "Supercop" Simone has served with the Cleveland Police Department for 38 years. He is well known for some of the more dramatic duties he has performed as an officer of the law, such as chasing down and stopping a bank robber, or jumping into the frozen Cuyahoga River to save a woman's life.

His commander, Keith Sulzer, stated that "In his 38 years of police service he has been a shining example of a crime fighter, a man unwavering by public opinion and politics, a man whose honor and integrity has always been above reproach. Officer Jim Simone's name will forever be spoken with reverence and the utmost respect by his fellow police officers and good citizens of the City of Cleveland."

Mr. Simone graduated from Lakewood High School in 1966 and went on to join the United States Army's 101st Airborne Division. He served as a sergeant and received the Bronze Star for Valor, the Bronze Star for Meritorious Services, two Purple Hearts for wounds received in combat, and various other medals and ribbons commemorating his service in the military.

In 1973, Mr. Simone joined the Cleveland Police Department where he has served in various districts under various roles, including basic patrol, detective, SWAT, and Senior Traffic Enforcement Officer. He has been awarded countless accommodations and honors which include 2010's Police Officer of the Year, and a Medal of Valor for his service. In addition, he was honored by Mothers Against Drunk Driving for issuing dozens of citations and working to keep the streets clear of reckless and intoxicated drivers.

Mr. Simone has also been an avid lecturer and instructor at various Cleveland schools and universities, including John Marshall Law School, Cuyahoga Community College, Case Western Reserve University, Lorain Community College Police Academy and SEALE Police Shooting Warrior Mind Set.

Mr. Speaker and colleagues, please join me in honoring Mr. James "Supercop" Simone, as he retires after 38 years from a long and distinguished career as a protector and hero of Cleveland.

RECOGNIZING THE 150TH ANNIVERSARY OF THE AMERICAN CIVIL WAR

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the 150th anniversary of the start of the American Civil War and an important piece of journalism by Ken Burns entitled "A Conflict's Acoustic Shadows." Mr. Burns' article in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the New York Times reminds us all of the importance of reflecting upon this pivotal moment in our nation's history.

[April 11, 2011]

A CONFLICT'S ACOUSTIC SHADOWS

(By Ken Burns)

More than once during the Civil War, newspapers reported a strange phenomenon. From only a few miles away, a battle sometimes made no sound—despite the flash and smoke of cannon and the fact that more distant observers could hear it clearly.

These eerie silences were called "acoustic shadows."

Tuesday, the 150th anniversary of the first engagement of the Civil War, the Confederacy's attack on Fort Sumter, we ask again whether in our supposedly post-racial, globalized, 21st-century world those now seemingly distant battles of the mid-19th century still have any relevance. But it is clear that the further we get from those four horrible years in our national existence—when, paradoxically, in order to become one we tore ourselves in two—the more central and defining that war becomes.

In our less civil society of this moment we are reminded of the full consequences of our failure to compromise in that moment.

In our smug insistence that race is no longer a factor in our society, we are continually brought up short by the old code words and disguised prejudice of a tribalism beneath the thin surface of our "civilized" selves.

And in our dialectically preoccupied media culture, where everything is pigeonholed into categories—red state/blue state, black/white, North/South, young/old, gay/straight—we are confronted again with more nuanced realities and the complicated leadership of that hero of all American heroes, Abraham Lincoln. He was at once an infuriatingly pragmatic politician, tardy on the issue of slavery, and at the same time a transcendent figure—poetic, resonant, appealing to better angels we 21st-century Americans still find painfully hard to invoke.

The acoustic shadows of the Civil War remind us that the more it recedes, the more important it becomes. Its lessons are as fresh today as they were for those young men who were simply trying to survive its daily horrors.

And horrors there were: 620,000 Americans, more than 2 percent of our population, died of gunshot and disease, starvation and massacre in places like Shiloh and Antietam and Cold Harbor, Fort Pillow and Fort Wagner and Palmito Ranch, Andersonville and Chickamauga and Ford's Theater.

Yet in the years immediately after the South's surrender at Appomattox we conspired to cloak the Civil War in bloodless, gallant myth, obscuring its causes and its great ennobling outcome—the survival of the union and the freeing of four million Americans and their descendants from bondage. We struggled, in our addiction to the idea of American exceptionalism, to rewrite our history to emphasize the gallantry of the war's top-down heroes, while ignoring the equally important bottom-up stories of privates and slaves. We changed the irredeemable, as the historian David Blight argues, into positive, inspiring stories.

The result has been to blur the reality that slavery was at the heart of the matter, ignore the baser realities of the brutal fighting, romanticize our own home-grown terrorist organization, the Ku Klux Klan, and distort the consequences of the Civil War that still intrude on our national life.

The centennial of the Civil War in 1961 was for many of us a wholly unsatisfying experience. It preferred, as the nation reluctantly embraced a new, long-deferred civil rights movement, to excavate only the dry dates and facts and events of that past; we were drawn back then, it seemed, more to regiments and battle flags, Minié balls and Gatling guns, sentimentality and nostalgia and mythology, than to anything that suggested the harsh realities of the real war.

Subsequently, our hunger for something more substantial materialized in James McPherson's remarkable "Battle Cry of Freedom" and many other superb histories, in the popular Hollywood movie "Glory," and in my brother Ric's and my 1990 documentary series "The Civil War."

It was an emotional archaeology we were all after, less concerned with troop movements than with trying to represent the full fury of that war; we were attracted to its psychological disturbances and conflicted personalities, its persistent dissonance as well as its inspirational moments. We wanted to tell a more accurate story of African-Americans, not as the passive bystanders of conventional wisdom, but as active soldiers in an intensely personal drama of self-liberation.

We wished to tell bottom-up stories of so-called ordinary soldiers, North as well as South, to note women's changing roles, to understand the Radical Republicans in Congress, to revel in the inconvenient truths of nearly every aspect of the Civil War.

Today, the war's centrality in American history seems both assured and tenuous. Each generation, the social critic Lewis Mumford once said, re-examines and re-interprets that part of the past that gives the present new meanings and new possibilities. That also means that for a time an event, any event, even one as perpetually important as the Civil War, can face the specter of being out of historical fashion.

Explore multimedia from the series and navigate through past posts, as well as photos and articles from the Times archive.

But in the end, it seems that the War of the Rebellion, the formal name our government once gave to the struggle, always invades our consciousness like the childhood traumatic event it was—and still is.

Maybe Walt Whitman, the poet and sometime journalist who had worked as a nurse in the appalling Union hospitals, understood and saw it best. "Future years," he said, "will never know the seething hell, the black infernal background of the countless minor scenes and interiors . . . of the Secession War, and it is best they should not."

"The real war," Whitman admonished us, "will never get in the books." We are, nonetheless, obligated to try.

RECOGNIZING THE CONCERNS OF
THE SOUTHEAST MICHIGAN COPTIC
CHRISTIAN COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. PETERS. Mr. Speaker, last month, 13 Coptic Christians in Egypt were murdered by Muslim extremists. More recently, a Coptic church—rich in culture and architecture—was destroyed, forcing many innocent Christians to flee their home communities in order to protect

their lives. This comes only months after 24 Christians were killed in yet another church bombing.

I am proud to represent a vibrant Coptic community in southeast Michigan and privileged to consider the clergy of St. Mark's Church in Troy, Michigan as my friends. I rise today to share their concerns about the future of their community and the desire to preserve their ancestral homeland. For millennia, Coptic Christians have lived and worshipped in Egypt but some extremists are attempting to capitalize on the political vacuum created by the uncertainty in the country to drive them out of their homes and places of worship.

While we are hopeful for democratic change in Egypt, it is imperative that we maintain support for religious minority communities such as the Copts and seek to preserve and allow for the continuity of their community. As a member of the Religious Minorities in the Middle East Caucus, I ask my colleagues to join me in being mindful of these Christian minorities that need a voice.

40TH ANNIVERSARY OF THE ASSASSINATION OF THE REV. DR. MARTIN LUTHER KING, JR.

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Ms. RICHARDSON. Mr. Speaker, 40 years ago today the Rev. Dr. Martin Luther King, Jr. was struck down by an assassin's bullet as he stood on the balcony outside his room at the Lorraine Hotel in Memphis, Tennessee.

He was in Memphis to march in solidarity with African American sanitation workers during their 1968 strike for better working conditions.

Despite the shock and sorrow of losing the country's most celebrated civil rights leader, the march went on and the strike proved ultimately successful.

We are here today to remember Dr. King, the workers in Memphis that he stood with, and the victory they achieved for themselves and working people everywhere.

Over the last 40 years, this country has seen more than its share of tragedies: assassinations, bombings, terrorist attacks, and all manner of natural disasters.

It is easy to become desensitized to evil and some of us may drift away from the lessons of the past. We should remember that in 1968 Dr. King's murder threw the country into chaos and threatened the civil rights movement he had labored to build through peaceful protest. But it was not to be, as Dr. King's message was too powerful for hate, and today we remember that nothing eclipses his message that all humanity has dignity and worth.

Dr. King, Jr., recognized that the struggle for civil rights and workers' rights were inextricably linked. Both required that the basic rights of all people are equal and ought to be honored equally, whether by an employer or by the United States government. Organized labor is a cornerstone of our democracy and a guiding force in our nation's history. It is the natural right of a free people, as workers rightly expect a degree of safety, security, and just

compensation for the work that they do. We should not sacrifice their quality of life to fuel the myth that doing so will somehow balance the budget.

In closing, I urge my colleagues and my fellow Americans to always remember the significance of this day. Dr. King received criticism from all sides, some saying he was too soft; others saying he was too radical, and many fearing widespread violence and social upheaval in the wake of his death.

It was human nature, some argued, that violence is a more effective means to effect change than passive resistance. They were wrong. Dr. King understood that the moral force of non-violent direct action was so powerful that it could bring down the modern-day walls of Jericho.

And he was right; it brought change to America. And to Poland and the nations of eastern and central Europe. And we saw it at work in Tunisia and Egypt. As Dr. King said: "The moral arc of the universe is long, but it bends toward justice."

Mr. Speaker, 40 years ago today, our nation mourned the loss of one of the greats of the age. But while an assassin may have felled the Dreamer; the Dream of Dr. King still lives in the hearts and minds of people of goodwill everywhere in the world.

IN HONOR AND REMEMBRANCE OF
JERZY J. MACIUSZKO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Jerzy J. Maciuszko, a loving father, husband, friend and scholar. His passion for literature and Polish history will benefit the world and those that knew him.

A librarian and historian, Mr. Maciuszko served as the head librarian of the Baldwin-Wallace College's Ritter Library and the Cleveland Public Library's special collections department. He was a devoted educator and chaired the Slavic and Modern Languages department at the Alliance College in Cambridge Springs, Pennsylvania.

In 1913, Mr. Maciuszko was born in Warsaw, Poland, where he graduated from the University of Warsaw with a bachelor's degree in English. He taught English at a high school in Warsaw until 1939. Upon Germany's occupation of Poland, Jerzy was captured and spent six years in a prisoner's camp. He made the best of his situation by playing violin in the camp orchestra and writing a short story, which took top honors in a contest held by the International YMCA.

Mr. Maciuszko escaped the camp and became a liaison officer for the U.S. Army, where he helped Poles find homes outside their occupied country. When the war ended, he moved to England, where he inspected Polish schools for the British government.

In 1951, he moved to Pennsylvania and began teaching at Alliance College. Although he moved to Cleveland soon after, he returned to Pennsylvania in 1969 and became the chair of the Slavic and Modern Languages depart-

ment and created an exchange program between Alliance College and Jagiellonian University in Krakow.

When he moved to Cleveland, he joined the Public Library's Foreign Language department, rising in the ranks to direct all of the library's special collections. While he was in Cleveland, he also earned a doctoral degree in library sciences at Case Western Reserve University and taught there as a professor. With his collaborative efforts, Case Western Reserve started their ethnic collection. In 1974, he moved to Berea, where he led Baldwin Wallace College's Ritter Library.

In addition to all of his achievements throughout his long career, Mr. Maciuszko was awarded many honors, including an Officers' Cross of the Order of Merit from the Polish President Lech Walesa; a Polish Heritage Award from the Cleveland Society of Poles; an Eagle Trophy from the American Nationalities Movement; and a "Man of the Year" award from the American Biographical Institute.

Mr. Maciuszko was also a prolific writer, and wrote many pieces on Polish history, including "The Polish Short Story in English: A Guide and Critical Bibliography," a monograph on the Polish Institute of America as well as chapters for various encyclopedias. He recently finished a manuscript entitled "Poles Apart: The Tragic Fate of Poles During World War II."

Mr. Speaker and colleagues, please join me in remembering Mr. Jerzy J. Maciuszko, whose passion for history and sharing knowledge will live on for generations to come.

RECOGNIZING MR. REYNAULD WILLIAMS ON THE OCCASION OF TESTIFYING BEFORE THE NATIONAL PRESS CLUB

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise in appreciation of Mr. Reynauld Merrimon Williams, Jr.'s testimony given to the National Press Club on April 4th, 2011, in support of Historically Black Colleges and Universities, HBCU, and Predominately Black Institutions, PBI.

Mr. Williams is a native of Ahoskie, North Carolina, and a 2007 graduate of Hertford County High School. While at Hertford County High School Mr. Williams was deeply involved in school activities and took great pride in high academic achievement. Mr. Williams was a Beta Club National Honor Society member, captain of the varsity soccer team, member of Earth Club, participant of teen court, and third place finisher in the Regional North Carolina Math Fair. Mr. Williams, an AP Honor Student, completed his high school career at Hertford County High School in the top eight percent of his graduating class.

Mr. Williams currently attends Fayetteville State University, a historically black university, where he is a member of the National Honor Society and maintains a perfect 4.0 grade point average. Mr. Williams is pursuing a degree in business and finance and has contin-

ued to excel as a student and an active member of the university community. In Mr. Williams' testimony to the National Press Club, he supported his assertion that his success as a student is directly linked to the unique and nurturing environment that HBCUs provide African American students. Mr. Williams contended that these types of environments provided by HBCUs facilitate the educational and professional development of African American students across the country. Mr. Williams is the consummate example of the positive effects that HBCUs have on the African American community, and reinforces the critical importance of maintaining support for these institutions of higher education.

The courage displayed by Mr. Williams' support for Historically Black Colleges and Universities deserves commendation. I ask that my colleagues join me in congratulating Mr. Reynauld Merrimon Williams for giving his testimony, and in wishing him the best in his remaining academic career and future.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately I was unable to cast my votes on Tuesday, April 12, 2011, due to a scheduled meeting in my District to discuss immigration policies with constituents in Champaign County, Illinois. Had I been present to vote on H.R. 1308, S. 307, and Approving the Journal, I would have voted as follows:

On rollcall No. 254 on H.R. 1308, to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, I would have voted "aye."

On rollcall No. 255 on S. 307, to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse", I would have voted "aye."

On rollcall No. 256 on Approving the Journal, I would have voted "aye."

INTRODUCTION OF THE VOLUNTARY PROTECTION PROGRAM ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. PETRI. Mr. Speaker, today, Rep. GENE GREEN and I are introducing the bipartisan Voluntary Protection Program, VPP, Act to make permanent one of the Federal Government's most successful workplace health and safety programs. The same legislation is being introduced in the Senate by Sen. MICHAEL B. ENZI, the ranking member of the Senate Health, Education, Labor, and Pensions (HELP) Committee, and Senator MARY LAN-DRIEU.

This legislation would codify a successful program, the Voluntary Protection Program,

operated by the Occupational Safety and Health Administration, OSHA, that recognizes and rewards employers who voluntarily work to improve the health and safety of their worksites. The program is currently operating but has never been authorized in law and was proposed to be cut by the Obama administration's fiscal year 2011 budget. While the administration backed away from those cuts in its fiscal year 2012 budget proposal, this legislation would put the program on a more solid foundation by specifically authorizing it in law.

Since the VPP was created in 1982, it has grown to include more than 2,200 worksites and more than 921,000 employees. A 2007 report noted that Federal VPP worksites saved the government more than \$59 million by avoiding injuries and that private sector VPP participants saved more than \$300 million. Participating workplaces have an illness and injury rate that, on average, is 50 percent below that of their industry.

Business owners in my district have reported to me that the relationship between OSHA and businesses has become more adversarial over the past couple years. While OSHA does have a responsibility to enforce workplace safety laws, it has been my experience that most employers want to run safe workplaces. The VPP program provides a mechanism for OSHA to build a more constructive relationship with employers who have demonstrated a willingness to invest in workplace safety. This creates an incentive for other employers to follow suit, improving safety and saving money on enforcement costs at the same time.

I hope that our colleagues will join us in authorizing this bipartisan and successful workplace safety program.

IN HONOR OF SERGEANT TIMOTHY
LEAHY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Sergeant Timothy Leahy of the Cleveland Police Department, and to celebrate his long career and well-deserved retirement.

Sgt. Leahy served with the Cleveland Police Department for 38 years, rising from the rank of Patrolman to Sergeant. He was appointed to the force on January 16th, 1973, and has since received many awards and honors for his service. He was voted Legionnaire of the Year by the American Legion 13th District Council and he received the Distinguished Service Award from the Greater Cleveland Police Emerald Society.

The oldest of seven, Sgt. Leahy was born into a line of Cleveland Police Officers including his father, a Lieutenant who served on the force for 43 years, and his Uncle Robert, who retired as a Captain after 37 years of service.

He has been married for 36 years to his wife, Veronica, and has had three children and seven grandchildren, to whom he is known as "Papa." To his friends and family, he is known as an avid golfer and fisherman, and a devoted member of the community.

Sgt. Leahy served as a member of the Cleveland Police Funeral Detail and Ceremonial Unit for 18 years, and has received several Letters of Appreciation for his role in honoring those that have fallen in the line of duty.

He received the James P. Sweeney Founders Award as Retired/Retireable Irish Police Society Man of the Year, the Citizen Award from the Greater Cleveland Safety Forces Holy Name Society, and was awarded the Raymond "RIP" and Mary Reilly Memorial Directors Emeritus Award by the United Irish Societies for work with the St. Patrick's Day Parade Committee.

Mr. Speaker and colleagues, please join me in honoring Sgt. Timothy Leahy as he retires from a long and honorable career of serving the citizens of Cleveland as an enforcer of the laws and protector of the people.

HONORING MARTIN CHASE

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. DEUTCH. Mr. Speaker, I rise today to recognize a hero from my district whose story I recently became aware of—Martin Chase.

During the war in Vietnam, Martin was a civilian engineer that responded to his country's call to develop more conventional weapons. Our soldiers frequently were pinned down with no way out. To counter this situation, Martin developed a grenade that detonated on impact, giving U.S. troops a more effective means of protecting themselves and fighting the Viet Cong.

When Martin's grenades were shipped to our troops overseas, Martin traveled with them to oversee the training and distribution of these new weapons. Upon arrival, Martin found himself in the middle of the Tet Offensive, and for the next 3 weeks followed our troops through some of the deadliest battles of the war in Vietnam.

However, upon learning that his grenades were distributed to thousands of soldiers to use without training, Martin approached the American commanders, alerting them the grenades could result in countless deaths to American troops. In fact, Martin pointed out that if these new grenades were used without training, there could be more deaths to U.S. troops than enemy Viet Cong deaths. This heroic act of bravery prevented countless, unnecessary deaths of our soldiers.

I am proud to have Marty as a constituent and have enjoyed getting to know him and his story. Martin believed in the power of truth. By confronting the war's needs for results, he saved countless lives. I wish him all the best and thank him for his service and courage during the war in Vietnam.

REINTRODUCTION OF THE SEXUAL
ASSAULT FORENSIC EVIDENCE
REGISTRY (SAFER) ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mrs. MALONEY. Mr. Speaker, today, I am proud to reintroduce important bipartisan legislation, the Sexual Assault Forensic Evidence Registry, SAFER, Act, with my colleagues, Representatives POE, MORAN, COSTA, GRIJALVA, RICHARDSON, GWEN MOORE, BARTLETT, DEUTCH, ADERHOLT, ROONEY, and WASSERMAN SCHULTZ.

I have been working on the issue of DNA technology since 2001 when I, along with former Representative Steve Horn, held a hearing in the Government Reform Committee where we heard from a courageous rape survivor, Debbie Smith. It was for Debbie, and the thousands of rape survivors like her, that I authored "The Debbie Smith Act" to provide federal funding to process the unconscionable backlog of DNA evidence. This legislation passed as part of the Justice for All Act of 2004, authorizing the necessary funding to start processing the backlog through the creation of the Debbie Smith DNA Backlog Grant Program.

Since 2004, millions of dollars in funding have been appropriated under the Debbie Smith DNA Backlog Grant Program. Efforts to eliminate the national backlog of rape evidence samples that have not been tested for DNA have been slowed or stymied by the lack of solid data on the extent and nature of the remaining backlog. While there is extensive evidence that we are making progress towards eliminating the backlog, policy makers lack a reliable estimate of the number of kits awaiting testing, or even how many kits remain at each stage of the process (in police custody, at labs awaiting processing, etc.).

This legislation addresses these issues to reduce rape kit DNA backlogs nationwide by allocating existing program funds for incentives to local jurisdictions to audit rape kits awaiting processing, the hiring and/or training of staff to handle the backlog, and establishing a national database of every individual rape kit result. It also requires the Attorney General to report on best practices for testing and using DNA evidence in criminal investigations of sexual assault.

As Congress considers legislation to amend the Debbie Smith Act or make other changes to DNA testing policy, it is crucial that we first gather reliable, comprehensive backlog data. DNA evidence does not forget and it cannot be intimidated. By processing this evidence, we can prevent rapists from attacking more innocent victims and ensure that the survivors and their families receive justice.

RECOGNIZING WILLIAM WILSON, RECIPIENT OF THE FRONTIERS IN PHYSIOLOGY'S ONLINE TEACHER PROFESSIONAL DEVELOPMENT PROGRAM FELLOWSHIP

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor William Wilson, recipient of the Frontiers in Physiology's Online Teacher Professional Development Program Fellowship.

When Mr. Wilson is not coaching high school wrestling, he is inspiring his students in the field of science as a teacher at Clover Park High School in Lakewood, Washington. His outstanding research proposal in the biomedical field earned him the Frontiers in Physiology's Online Teacher Professional Development Program Fellowship. Mr. Wilson will be awarded educational grants to help him advance his research and make improvements to Clover Park's science department.

The Frontiers in Physiology program was initiated in 1990 by 10 impassioned high school science teachers embarking on a summer research grant in physiology. The 10-month fellowship aims to integrate best practices in scientific research into middle schools and high schools, incorporate technology and internet-based resources to enhance learning, and improve classroom labs with a better understanding of the scientific research process. The program has been proven to enable teachers to advance teaching techniques and promote excellence in science education.

As a dedicated and inspiring teacher, Mr. Wilson has proven to be an invaluable asset to the Pierce County community. The resources that Mr. Wilson will bring from the Online Teacher Professional Development Program fellowship will undoubtedly allow him to contribute more to Clover Park High School and the greater science community.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in congratulating Mr. William Wilson for receiving the Frontiers in Physiology Online Teacher Professional Development Fellowship and honoring him as a model teacher.

IN HONOR OF ELAINE AND LARRY MYERS UPON RECEIVING THE 2011 GRINDSTONE AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Elaine and Larry Myers for winning the 2011 Grindstone Award which recognizes their devotion to the Berea community. Both Elaine and Larry will be honored at the 44th annual Grindstone Award Dinner.

The list of benefits the Myers have bestowed upon the Berea community is long. Larry established the Berea Athletic Hall of

Fame in 1981. Both Larry and his wife have served on the Athletic Booster committee year after year. Elaine has held numerous positions on organizations such as the Committee for Good Schools, the Coe Lake Nature Trail Committee, the Education Foundation Auction Committee and she worked for the Suicide Prevention Education Alliance, an extremely noble cause.

Within the community, Larry and Elaine are known as Mr. & Mrs. Pancake, since both co-chair the Annual Kiwanis Pancake Festival and the Committee for Good Schools Pancake Breakfast.

As one member of the Berea community has said, "Larry and Elaine Myers truly make Berea a better city in which to live and give truth to the line, a small city is like a big family."

Mr. Speaker and Colleagues, please join me in honor and recognition on these two truly remarkable individuals. Through their devotion and love for their community both Elaine and Larry have truly made their mark and improved the Berea community.

RECOGNIZING JULIE MEIER WRIGHT, PRESIDENT AND CEO OF THE SAN DIEGO REGIONAL ECONOMIC DEVELOPMENT CORPORATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the distinguished tenure of Ms. Julie Meier Wright on the occasion of her retirement as President and CEO of the San Diego Regional Economic Development Corporation (EDC).

Prior to her work with the EDC, Ms. Wright served as California's first Secretary of Trade and Commerce. Under her management, Ms. Wright built a new Agency to expand the state's international role and presence, including opening five new overseas offices.

Ms. Wright's service as President of the EDC has been the capstone of a notable career. For 13 years, she has served as an economic booster, marketing the San Diego region as the world's foremost job creation location celebrating a highly-skilled workforce, innovation climate, and quality of life.

In her work, Ms. Wright championed the Partnership for a New Economy, an initiative which spurred the creation of High Tech High, a school designed to prepare students for technology and life sciences careers along with the Rady School of Management at UCSD, which educates global leaders for innovation.

As a strong advocate for the economy of California, Ms. Wright has been a visionary that has undoubtedly helped shape San Diego to become a leader in so many industries.

Among her many commendations, Ms. Wright has been named the nation's Outstanding Secretary of Commerce by the Biotechnology Industry Organization and the California Leader of the Year by Leadership California. Her manifest of remarkable achieve-

ments includes receiving the Junior Achievement's San Diego Hall of Fame Lifetime Laureate Award, the San Diego Business Journal's Women Who Mean Business Award, the "Women of Distinction" award from Soroptimist International and she was named in "Women Who Move the City" by San Diego Magazine.

Mr. Speaker, I ask that my colleagues please join me in recognizing the tenure of Ms. Julie Meier Wright as she retires as President of the San Diego Regional EDC.

TIME FOR AN AFGHANISTAN-PAKISTAN STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. WOLF. Mr. Speaker, I rise today to bring to the attention of my colleagues legislation I am introducing to create an Afghanistan-Pakistan Study Group, APSG, modeled after the Iraq Study Group, ISG, to bring "fresh eyes" to the war effort in Afghanistan which is now in its 10 year.

Last August, I began pressing the administration to convene an Afghanistan-Pakistan Study Group. I submit a copy of my initial letter to the President.

In the letter, I outlined the genesis of the Iraq Study Group, ISG—an idea which was born in 2005 after my third visit to Iraq, during which I witnessed firsthand the deteriorating security situation. While reticent at first, to their credit President Bush, Secretary of State Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton.

It has been my hope that the Obama administration would come to view this bipartisan "fresh eyes" approach as something which is ultimately good for our men and women in uniform and good for the country as a whole.

Aside from the specific policy recommendations of the ISG, the formation of the group and the issuance of the report helped force a moment of truth in our national conversation about the war effort.

It was apparent last summer, and it is truer still today, that with roughly 100,000 U.S. troops presently in Afghanistan, no clear end in sight to our nation's longest running war at 10 years and counting, and public support for the war at an all-time low, a national conversation about Afghanistan is what is in fact urgently needed.

Before proposing this idea to the Obama administration I spoke with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believed our Afghanistan policy was adrift, and there was near unanimity that an Afghanistan-Pakistan Study Group was needed. Among those distinguished individuals who embraced the idea was former Ambassador to Iraq Ryan Crocker. I also sought input from senior foreign policy experts, among them former U.S. Ambassador to Afghanistan Ronald Neumann, who now serves as president of the American Academy

of Diplomacy, regarding the implications of failure in Afghanistan. I submit for the RECORD Ambassador Neumann's letter which lays out in sobering detail all that is at stake in that country.

I also submit for the RECORD a letter I received last year from a constituent who is the mother of six children, all of whom are currently serving or have served in the U.S. military. She wrote of being troubled by "how distant this war is for so many Americans" and she offered her wholehearted support for "the formation of an Afghanistan-Pakistan Study Group in the hope that it will turn the tide of this war . . ." I shared this constituent correspondence, too, with the administration last September and again urged them to take action.

The war has remained distant for many Americans. It is rarely spoken of from the presidential bully pulpit. In fact a recent Fox News piece reported that "The last time Obama specifically devoted a full public speech to Afghanistan was December 9, 2009, 16 months ago, when he announced at West Point that he was sending an additional 30,000 U.S. troops to that war-torn country."

Further, the war is seldom covered in great depth in the news. And yet for the husbands, wives, mothers, fathers, sons, and daughters who have sent off a loved one in uniform, the war in Afghanistan is anything but distant. It is uncertainty and sacrifice, it is separation and worry, it is life and death.

Despite my several letters to the President and other senior administration officials calling for a "vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds," the idea for a study group has languished.

And so today I am introducing legislation to create an Afghanistan-Pakistan Study Group, comprised of nationally known and respected individuals who love their country more than their political party, and who would, I believe, serve to provide much-needed clarity to a policy that appears adrift at best and highly politicized at worst.

In reading Obama's Wars, I was deeply troubled by Bob Woodward's reporting which indicated that discussions of the war strategy were infused with political calculations. Woodward also wrote of an administration that "wrestled with the most basic questions about the war . . . What is the mission? What are we trying to do? What will work?"

These are questions that demand answers. I believe that Americans of all political viewpoints can embrace this "fresh eyes" approach—for it is always in our national interest to openly assess the challenges before us and to chart a clear course to success. I urge my colleagues to join me in support of this legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 4, 2010.

Hon. BARACK H. OBAMA,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by that decision and have the utmost confidence in General Petraeus's proven leader-

ship. I also remain unequivocally committed to the success of our mission there and to the more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as "fresh eyes on the target"—the target being success in Iraq.

While reticent at first, to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of "the surge," and the ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a moment of truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APSG). We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year, and they were joined by 12 members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's "State of the Union," candidly expressed concern about an "unholy alliance" emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, "Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people." Indeed it is fundamental. We must soberly consider the implications of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al-Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISG co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter; former U.S. ambassador Ryan Crocker; former Secretary of Defense James Schlesinger, and General Keane. These names are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be successful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past weekend, it was unsettling to hear conflicting statements from within the leadership of the administration that revealed a lack of clarity about the end game in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation's longest running war and the American people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from attaining that goal. Further, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit.

Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war will embrace this "fresh eyes" approach. Like the previous administration's support of the Iraq Study Group, which involved taking the group's members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after Americans around the country will once

again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities was forever changed, when a symbol of America's military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group's creation at the earliest possible opportunity.

The ISG's report opened with a letter from the co-chairs that read, "There is no magic formula to solve the problems of Iraq. However, there are actions that can be taken to improve the situation and protect American interests." The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often times opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm's way and to the American people.

THE AMERICAN ACADEMY
OF DIPLOMACY,

Washington, DC, September 27, 2010.

Hon. FRANK WOLF,
*Cannon House Office Building,
Washington, DC.*

DEAR REPRESENTATIVE WOLF, I am responding to your letter of September 16 requesting my personal views on the consequences should our mission in Afghanistan fail. I believe the answer must examine both the likely results in Afghanistan and Central Asia on the one hand, as well as the risks to direct American security through terrorism on the other.

Should we withdraw our forces before the Afghan army is ready to assume the internal defense of Afghanistan—an issue of force quality and support services, not just numbers—I believe there is every reason to assume a civil war will occur in Afghanistan. The Tajiks, Uzbeks, Hazaras, and even some of the Pushtun population, having experienced Taliban rule once will not submit again. However, lacking an adequate army with which to resist they will fall back on armed militias as they have in the past. This will have several consequences.

Such militia bodies inevitably empower warlords who seek power on their own. They will, at times, collude against each other. Similar infighting led to the initial acceptance of the Taliban by many Afghans in their desperate search for peace at any price.

The civil war will draw in outside powers to further or defend their own interests. At a minimum, the Russians will support forces in order to build a buffer between Afghanistan and the Central Asian states that Russia sees as its zone of influence. Iran will re-enter the fray, as it did before, to protect Shia co-religionists and to extend its power. Pakistan will be a major player, quite possibly reverting to the effort to back a Taliban victory as Pakistan did in the past. The Indians will be drawn in to counter the Pakistanis since India fears the growth of terrorist movements that have found sanctuary in Afghanistan in the past. The involvement of both India and Pakistan in a contest that each views as a zero sum game presents additional dangers of conflict between the two nuclear armed states (although I would put this risk as low).

It has been argued that the Taliban and al-Qaida have different goals and, therefore, that a return of the Taliban to Afghanistan would not bring back al-Qaida. The first is true but immaterial. The second conclusion is false. The tactical alliance between the two movements is strong and has been intensified during the insurgency. This is particularly true of the areas of Haqqani's influence where we see a steady growth in the presence of foreign fighters as I learned in my visit to Afghanistan in May of this year. In the context of the likely civil war the Taliban will have every incentive to maintain their alliance with al-Qaida since the latter bring with them resources, recruits and fanaticism. Indeed, before our entry into Afghanistan, al-Qaida often constituted the shock troops of the Taliban. There is every reason to believe they will return to this role in their alliance.

It is important to consider the likely consequences within Pakistan of a US defeat and a civil war involving the Taliban. It is not simply that Pakistan has a previous stake in a Taliban victory. The Pakistani army has shown itself deeply fearful of Indian influence with the largely Tajik Northern Alliance. The combination of fear and history is very likely to lead the Pakistanis to support the Taliban, notwithstanding whatever pressures we might bring to bear against this. Under these circumstances it is entirely possible that Pakistan will slow down or back off from its active military campaign against extremists within Pakistan. This was the pattern of the past. Pakistan tried repeatedly to put together short term alliances with domestic extremists to keep peace inside Pakistan while concurrently supporting or tolerating their activities in Afghanistan. The history of these alliances is that each one failed, extremism spread out of the tribal areas and into the Punjab and the major Pakistani cities where it now threatens the Pakistani state. This scenario is not guaranteed but it is certainly possible and, indeed, it is difficult to see how Pakistan could refuse to support the Taliban in Afghanistan or do so without compromising with the Taliban's backers in Pakistan. Of course, such actions would render the current US-Pakistani relationship difficult to sustain.

Renewed insurgencies in Central Asia are also possible. In the period of Taliban rule extreme Islamist movements gained support in Afghanistan for insurgencies in Uzbekistan and Tajikistan. The Islamic Movement of Uzbekistan still exists. Within the last week, Tajik insurgents have mounted an attack that appears to have come from an unsecured area in Afghanistan. Instability in Central Asia will have unpredictable con-

sequences for everything from political reform to gas pipelines.

In short, the future of civil war in Afghanistan, involvement of outside powers, increased extremism in Pakistan, and unrest in Central Asia could continue for years. The civil war in Lebanon involved fewer outside players, a smaller country and population, and less difficult terrain—and it lasted 15 years. The consequences in Afghanistan could easily challenge that record.

A second set of challenges involves our direct struggle with Islamist extremist terrorism directed against US and American interests. The goal of these self proclaimed jihadist movements is the reshaping of the Islamic world. Everywhere they look they think they see us in their way; our military presence in the region, support of Israel, ties with moderate Arab and Muslim governments, and even our very culture are seen by them as a threat. So their war with us will go on even if we retreat from Afghanistan.

The difference will be that the extremists will have gained their largest propaganda victory since the fall of the Soviet Union. They will trumpet the defeat of the second superpower to fall to their arms. They will use this to rally support and adherents and to discredit those Muslims who oppose them in the name of religion, moderation and modernity.

One cannot predict the results with specificity. Nevertheless, I think it would be extremely naive to believe that we can unilaterally cease fighting, those who are waging a continuing, violent war of terrorism against us and not pay a heightened price in attacks against us in the future. It is important to remember that on jihadist web sites the incident we refer to as the terrorist attack of 9/11 is referred to as "the raid on New York," a chilling reminder of how they see that incident as part of a continuing war.

In sum, sir, should we be defeated in Afghanistan I foresee a substantial period of civil war, regional instability and enhanced risk to American lives and interests. All the dominoes did not fall in Vietnam, a war I fought as a soldier. It is possible that not all the disasters I foresee in Afghanistan will come to pass. Yet even a portion of them would be a considerable calamity for the region and our interests. That is why I believe we must persevere in Afghanistan. Thank you for giving me this opportunity to express my views.

Sincerely,

RONALD E. NEUMANN,
Former US Ambassador to Afghanistan.

DEAR CONGRESSMAN WOLF: I have read your proposal for the formation of an Afghanistan/Pakistan Study Group with deep personal interest and approbation. I applaud its respectful, well-reasoned, bipartisan approach to rethinking the war in Afghanistan. The following are my personal thoughts regarding this war. Please accept them as the insights of an average American mother.

It has been troubling to me how distant this war is for so many Americans. Many are only vaguely aware of the events taking place, other than perhaps the recent increase in the number of casualties. Even gathering information of what is daily happening in Afghanistan hasn't been easy. I comb the internet daily searching many different online news sources in an attempt to be informed. Our country is at war and yet so often the top news items contain nothing regarding it. Often it is the local papers in towns with soldiers, sailors and marines serving in Afghanistan that contain the most news. Other

times it is the news stations with an embedded reporter who will have a flurry of articles while the reporter is there but then nothing once they return.

The War on Terror is not just impersonal news but it is a war that strikes very close to home. My father has a dear friend whose son-in-law died in the Twin Towers. I have a friend who lost a son in Iraq during the battle for Fallujah. A student of mine lost her fiancée in the war. My children and son-in-law have served in both Iraq and Afghanistan and have buddies injured or killed in action.

One of my daughters is currently serving in Afghanistan in a Combat Support Hospital. She arrived in time to experience first hand the peak number of casualties in June and July. In a recent news interview her Commanding Officer said they are seeing an almost constant stream of casualties; something that none of them were prepared for, but will remember the horrors of the rest of their lives.

It has sometimes appeared that the efforts in Afghanistan have trudged along, with success measured in part by the areas in which we have gained some measure of control versus the price paid in human lives both civilian and military. The casualties suffered aren't just numbers to me; each name, each face, represents a family who is paying the ultimate price, the loss of a son or daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan/Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.

I, too, have a deep respect and confidence in Gen. Petraeus and would not want my comments to be construed as being critical of the leadership of our military. I have no formal training in political science or history so please accept these comments as simply the perspective of an American mother with children glad to serve our country.

God bless you and give you wisdom as you serve in the leadership of our country.

Sincerely,

* * *

PS It meant so much to see my sons receive a standing ovation when introduced during last weeks luncheon. It is these very Lance Corporals, Corporals and Sergeants who are almost daily listed among the casualties. My son, * * *, remarked that listening to your speech "restored his faith in the republic". Thank you again for recognizing their service.

HONORING THE LAJKONIK SONG
AND DANCE ENSEMBLE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. QUIGLEY. Mr. Speaker, on behalf of the thousands of Polish-American constituents residing in the 5th District of Illinois, I rise today in recognition of the 20th Anniversary of the Lajkonik Song and Dance Ensemble. For 20 successful years, the Lajkonik Song and Dance Ensemble has promoted Polish folk culture and history to constituents of Polish and non-Polish decent alike.

Founded in 1991—under patronage of the Polish National Alliance Group 3241, and belonging to the Holy Trinity Polish Mission—

Lajkonik has had the opportunity to flourish to an influential organization and cultural asset to the City of Chicago.

The Lajkonik Ensemble has performed in various locations in Chicago; some include the Chicago Cultural Center, Taste of Chicago, Daley Plaza, Chicago Public Libraries and Millennium Park, among others. Additionally, Lajkonik has traveled the Midwest and also represented the Chicago Polish Community at the International Folk Dance Festival in Rzeszów, Poland on four occasions.

Though the event focuses on Polish traditions, Lajkonik also reaches out to the American population to promote and encourage all people to learn about Polish culture, to support and appreciate it. The performances consist of different Polish regional folk songs, dances and colorful authentic Polish costumes.

Sunday, May 29th, 2011 marks the 20th Anniversary of the Lajkonik Song and Dance Ensemble. All the community support and time volunteered by numerous individuals have made two decades possible and hopefully many more anniversaries to come. The 20th Anniversary celebration will be held at the Copernicus Cultural and Civic Center consisting of hundreds of children performing in a Gala Concert displaying regional costumes, folk dances, songs, and other performances.

Mr. Speaker, I am honored to recognize this exciting day on behalf of my 110,000 Polish American constituents. I congratulate all those who contributed their time and passion of preserving the Polish culture toward another successful celebration.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber yesterday. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 254 and 255 and "no" on rollcall vote 256.

RECOGNIZING KEITH LEWINGER
ON THE OCCASION OF HIS RETIREMENT
FROM THE FALLBROOK PUBLIC UTILITIES
DISTRICT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Keith Lewinger as he retires as General Manager of the Fallbrook Public Utilities District (PUD) of California.

After graduating from the University of Cornell in the early 70's, Mr. Lewinger worked for the Los Angeles County Sanitation Districts, the Irvine Ranch Water District, and the Otay Water District. Mr. Lewinger proceeded as

General Manager for ten years at Otay which is one of the largest water districts in San Diego County.

In 1999 Mr. Lewinger joined the team at the Fallbrook PUD which contains approximately 8,000 water and 4,000 sewer connections. After 12 years of committed leadership, Mr. Lewinger has established a solid foundation for the Fallbrook PUD and has been instrumental in the area's resource management efforts.

Previously a member of the Governor's Recycled Water Task Force, Mr. Lewinger also represents the San Diego County Water Authority on the Metropolitan Water District Board of Southern California. Additionally, he serves on the Association of California Water Agencies (ACWA's) Board of Directors as Vice-Chair of Region 10, has been Chairman of ACWA's Water Reclamation and Reuse Committee, a member of the California and National Boards of Directors of the WaterReuse Association including President of the California Section of the WaterReuse Association, and a member of the American Water Works Association's (AWWA's) Water Reuse Committee.

It is an honor to recognize Mr. Lewinger on the occasion of his retirement after nearly three decades of contributions to the resources community. Mr. Speaker, I ask you to please join me in recognizing Mr. Keith Lewinger's dedicated service to the Fallbrook Public Utilities District and the state of California.

EXPRESSING SUPPORT FOR
STRENGTHENING SAFETY
STANDARDS FOR OFFSHORE
BLOWOUT PREVENTERS AND
EMERGENCY SHUTOFF EQUIP-
MENT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. INSLEE. Mr. Speaker. I rise today to once again to introduce the Offshore Drilling Safety Improvement Act.

As we rapidly approach the one-year anniversary of the catastrophic Deepwater Horizon oil spill, which killed 11 workers and dumped hundreds of millions of gallons of oil into the Gulf of Mexico, we must confront the fact that Congress still has yet to pass comprehensive safety reform for offshore oil drilling. A year after toxic sludge drenched the Gulf beaches, communities are still suffering from economic ramifications of the loss of tourism and fishing.

Last year, after numerous congressional hearings and months of hard work, the House passed the Consolidated Land, Energy, and Aquatic, CLEAR, Act, a comprehensive approach to make sure American jobs and coastlines are protected. Among other beneficial improvements, the CLEAR Act included important provisions requiring better technology on blowout preventers and other commonsense safety reforms. Unfortunately, the bill did not make it through the Senate, and over the last few months the House has yet to pass similar legislation.

That is why I am once again, with bipartisan support, introducing the Offshore Drilling Safety Improvement Act. This act strengthens the standards for safety equipment on offshore oil rigs by requiring the use of the best available technology for blowout preventers and emergency shutoff equipment. It will also require the Administration to consider independent and reputable science and expertise when determining appropriate equipment. It is one vital piece of the larger, comprehensive effort to create a regulatory system that protects American jobs, coasts, and communities.

We may never know for sure what exactly caused the disastrous leak but we do know that we must work together to protect our shores and local economies from future spills. Other countries around the world require more comprehensive emergency safety equipment. It is time that, in the places we decide to drill, we are using the best safety equipment available.

A MODEL OF FEDERAL/STATE CO-OPERATION ON BEHALF OF THE PEOPLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most troubling inconsistencies in our political dialogue is the one in which many conservatives argue on some issues that the Federal Government must be respectful of states' rights and not intrude on the prerogatives of the States, but, on the other hand, when any significant group of businesses is offended by regulatory actions at the State level, that one national federal standard is necessary.

This has been particularly the case in the area of financial regulation. In 2004, under President Bush, the Comptroller of the Currency—a holdover from the Clinton administration to make this somewhat bipartisan—preempted all state laws regulating the activities of national banks. This cancellation of a variety of State consumer protection laws contributed to our national crisis, because many of the States would have prohibited the kind of irresponsible loans to people who could not afford them, which contributed to our financial crisis. In the Financial Reform bill last year, we restored the status quo that existed before 2004, in which the Federal Government had the power to prevent inconsistent and excessively intrusive regulation, but did not seek to prevent the States from taking steps to protect their citizens from abuses.

In fact, sensible public policy recognizes a role for both the Federal Government and the States in this area, and I am very pleased—but not surprised—that Elizabeth Warren, on behalf of the Consumer Financial Protection Bureau, created a financial format, and the Presidential Initiative Working Group of that National Association of Attorneys General recently announced an agreement on principles to govern their joint activities in this area.

Mr. Speaker, as this agreement shows, consumer protection is an area where Federal

and State policies can and should be coordinated to the benefit of our citizens, and the conflict that some have tried to foment between Federal and State activities in this area is based not on any commitment to federalism, but rather on a desire to hinder effective financial regulation in the service of those businesses that would prefer to work unhindered by any such rules.

Elizabeth Warren, Assistant to the President and Special Advisor to the Secretary of the Treasury on the CFPB, and North Carolina Attorney General Roy Cooper, who is President of the NAAG, in announcing this important agreement, make this point clear.

Mr. Speaker, the need for there to be Federal/State cooperation in consumer protection—and the fact that this can be done in the context of a healthy and vigorous financial system, and in the true spirit of American federalism—is not only important in itself; it provides a model for how we can work together in appropriate regulation in other areas and I ask that the statement announcing this agreement from the U.S. Treasury Department Office of Public Affairs be printed here.

U.S. TREASURY DEPARTMENT, OFFICE OF PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE: April 11, 2011
CONTACT: CFPB Public Affairs, (202) 435-7454

CONSUMER FINANCIAL PROTECTION BUREAU AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PRESIDENTIAL INITIATIVE WORKING GROUP RELEASE JOINT STATEMENT OF PRINCIPLES

Consumer Bureau, State Attorneys General Partnership Will Help Better Protect American Consumers of Financial Products and Services from Unlawful Acts and Practices

WASHINGTON—The Consumer Financial Protection Bureau (CFPB) and the Presidential Initiative Working Group of the National Association of Attorneys General (NAAG) today announced agreement on a Joint Statement of Principles, the first step in forging a new partnership between federal and state officials to protect consumers of financial products and services.

Elizabeth Warren, Assistant to the President and Special Advisor to the Secretary of the Treasury on the CFPB, highlighted the agreement in her remarks at the NAAG Presidential Initiative Summit today in Charlotte, NC.

"I anticipate that our cooperation will have a profound effect on the consumer financial markets," Warren told state attorneys general and others gathered at the summit, according to her prepared remarks. "Together, we can pose a greater deterrent to unscrupulous financial services providers. We can protect more consumers, and we can ensure that more institutions follow the rules."

"People are hurt every day by unfair financial products," said North Carolina Attorney General Roy Cooper, who serves as President of the NAAG. "This agreement will put more cops on the beat to protect consumers and businesses that are doing the right thing."

The Joint Statement of Principles was developed to advance three goals shared by the CFPB and state attorneys general to ensure protections for consumers of financial products and services: protect consumers of financial products or services from unlawful acts or practices; provide clear rules that improve the marketplace for consumers and remove unfair competition for the benefit of

law-abiding businesses; and find ways to promote understanding and address concerns raised by consumers about financial products or services as efficiently and effectively as possible.

In the Joint Statement, the parties agree to:

Develop joint training programs and share information about developments in federal consumer financial law and state consumer protection laws that apply to consumer financial products or services;

Share information, data, and analysis about conduct and practices in the markets for consumer financial products or services to inform enforcement policies and priorities;

Engage in regular consultation to identify mutual enforcement priorities that will ensure effective and consistent enforcement of the laws that protect consumers of financial products or services;

Support each other, to the fullest extent permitted by law as warranted by the circumstances, in the enforcement of the laws that protect consumers of financial products or services, including by joint or coordinated investigations of wrongdoing and coordinated enforcement actions;

Pursue legal remedies to foster transparency, competition, and fairness in the markets for consumer financial products or services across state lines and without regard to corporate forms or charter choice for those providers who compete directly with one another in the same markets;

Develop a consistent and enduring framework to share information and to coordinate enforcement activities to the extent practicable and consistent with governing law;

Share, refer, and route complaints and consumer complaint information between the CFPB and the state attorneys general;

Analyze and leverage the input they receive from consumers and the public in order to advance their mutual goal of protecting consumers of financial products or services; and

Create and support technologies to enable data sharing and procedures that will support complaint cooperation.

HONORING THE LIFE OF SERGEANT PETER HART

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to pay special tribute to the life and legacy of Sergeant Peter Hart, a soldier and New York City Police Officer, who served in the American Civil War.

Sergeant Hart will be remembered for valiantly leaving New York to join in the defense of Fort Sumter in January 1861. Major Robert Anderson, Commander of Fort Sumter, had served with him in the Mexican American War. As tensions between the North and South increased, Major Anderson's wife requested Sergeant Hart join the defense of Fort Sumter. Early in the morning of April 12, 1861 the first shots of the American Civil War rang out. By afternoon the shelling had knocked the American flag from the flagstaff flying over the fort. Sergeant Hart proudly retrieved the fallen flag, climbed up the flagstaff and successfully reattached it. His refusal to allow the flag to lie

torn and tattered serves as a symbol of the unwavering spirit of all Americans who defend our Nation in the Civil War.

I offer my recognition of Sergeant Peter Hart on the 150th anniversary of the start of the American Civil War. Sergeant Hart's courage not only inspired the brave men at Fort Sumter. His patriotic spirit and devotion to our Nation continues to inspire Americans today.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Mr. BURTON of Indiana. Mr. Speaker, because of business in my District yesterday my return to Washington, D.C. was delayed and therefore I was unable to be on the House Floor for rollcall votes 254, 255 and 256.

Had I been present I would have voted: "yea" on rollcall vote No. 254; "yea" on rollcall vote No. 255; and "yea" on rollcall vote No. 256.

CONGRATULATIONS, CONGRESSWOMAN DEBBIE WASSERMAN SCHULTZ, ON YOUR NOMINATION AS CHAIRWOMAN OF THE DEMOCRATIC NATIONAL COMMITTEE

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

Ms. WILSON of Florida. Mr. Speaker, I am honored to rise today to congratulate my friend, colleague, housemate and homegirl—Congresswoman DEBBIE WASSERMAN SCHULTZ.

Last week, she was nominated by President Barack Obama as the first female Floridian to serve as the Chair of the Democratic National Committee, a highly coveted honor. For almost two decades she has done nothing short of inspire, lead, and succeed.

When I served in the Florida state legislature with her, I recognized Congresswoman WASSERMAN SCHULTZ's leadership abilities early—you couldn't help but notice. Through the years, she has proven time and again that she has the ability to bridge gender, racial, religious, and party boundaries; and she has proven that she will do whatever it takes to get the job done.

We are all aware of her work on behalf of cancer survivors, her commitment to our men and women in uniform, and her passion for the poor. Her time on the House Appropriations Committee has demonstrated her zeal in advocating for these constituencies while at the same time promoting fiscal responsibility.

My praise for the Congresswoman is not just because she is a Democrat; however, nor is it just because of the honor which was recently bestowed upon her. I praise her equally for the obstacles she has overcome and the passion she displays every day here, in the halls of Congress. She represents what is best in America, and why the American political system is not broken.

She is a dedicated public servant who has represented the 20th Congressional District of Florida for more than six years, and I know that she will continue to represent all Americans in the manner they deserve well into the future.

I am honored to serve beside the new Chair of the Democratic National Committee as a fellow colleague. Florida is fortunate to have a native daughter to serve this Nation in such an admirable and elevated position. She stands as a textbook example for all elected officials and is a role model for the United States Congress. Thanks to the support of her wonderful husband, Steve and their three children, Congresswoman WASSERMAN SCHULTZ moves onward and upward for us all.

I wish her the best as we continue to fight for the people of Florida, for our country, and for the Democratic party.

Congratulations!

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 14, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 4

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on Intel.
SVC-217

MAY 11

10 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.
SD-192

10:15 a.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the AT&T/T-Mobile merger.
SD-226

MAY 12

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).
SVC-217

MAY 17

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM).
SVC-217

MAY 25

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.
SD-192

MAY 26

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM).
SVC-217

JUNE 15

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.
SD-192